ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lxix.

An Act to provide for the Improvement of the Town and Harbour of *Borrowstounness* in the County of *Linlithgow;* for paving, lighting, and cleansing the Streets of the said Town; and for regulating the Police thereof. [4th *July* 1843.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for laying a Duty of Two Pennies* Scots, *or a Sixth* 17 G.2. c.21.
Part of a Penny Sterling, upon every Scots *Pint of Ale and Beer which should be brewed for Sale, brought into, tapped, or sold within the Town of* Burrowstounness *and Liberties thereof in the County of* Linlithgow, *for repairing the Harbour of the said Town:* And whereas another Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for continuing* 7 G.3. c.90.
the Duty of Two Pennies Scots, *or the Sixth Part of a Penny Sterling, upon every* Scots *Pint of Ale or Beer which shall be brewed for Sale, brought into, tapped, or sold within the Town of* Burrowstounness *and Liberties thereof in the County of* Linlithgow, *and for extending the same over the Parish of* Burrowstounness, *for repairing the Harbour of the said Town, and for other Purposes therein mentioned:* And

whereas another Act was passed in the Thirty-fourth Year of the
34 G. 3. c. 91. Reign of His Majesty King *George* the Third, intituled *An Act to continue the Term and enlarge the Powers of Two Acts made in the Seventeenth Year of the Reign of His late Majesty King* George *the Second, and the Seventh Year of the Reign of His present Majesty, for continuing the Duty of Two Pennies* Scots, *or a Sixth Part of a Penny Sterling, upon every* Scots *Pint of Ale and Beer which shall be brewed for Sale, brought into, tapped, or sold within the Town of* Burrowstounness *and Liberties thereof in the County of* Linlithgow, *and for extending the same over the Parish of* Burrowstounness, *for repairing the Harbour of the said Town, and for other Purposes therein mentioned:* And whereas another Act was passed in the Fifty-sixth Year of the Reign of His said Majesty King *George* the
56 G. 3. c. 36. Third, intituled *An Act to continue the Term and enlarge the Powers of several Acts for imposing and continuing a Duty of Two Pennies* Scots, *or a Sixth Part of a Penny Sterling, upon every* Scots *Pint of Ale and Beer which shall be brewed for Sale, brought into, tapped, or sold within the Town of* Burrowstounness *and Liberties thereof in the County of* Linlithgow, *and for extending the same over the Parish of* Burrowstounness, *for repairing the Harbour of the said Town, and for other Purposes therein mentioned:* And whereas by virtue of the said several recited Acts the said Harbour, Quays, and Works therewith connected have been repaired and maintained, the Streets of the said Town have to a certain Extent been paved and improved, and Water has been brought into the said Town, and the Public have derived great Benefit therefrom: And whereas considerable Sums of Money have been expended in effecting these Objects, and a Part thereof which has been borrowed still remains unpaid: And whereas the said recited Acts are about to expire, and the Tolls, Rates, and Duties thereby granted will consequently shortly cease and determine: And whereas by the last-recited Act Power was given for further improving the said Harbour, for lighting the Streets and Lanes of the said Town, and for erecting a public Clock therein; but, by reason of a Deficiency of the Rates and Duties thereby authorized to be levied, these and the other Purposes contemplated by the said Acts have been only partially, and to a limited Extent, carried into effect; and it is expedient that further and more effectual Powers and Provisions be granted for completing the same: And whereas it is also expedient that further Provision be made for establishing and regulating a more efficient System of Police in the said Town and Harbour, for better supplying the same with Water, and for effecting other Objects in relation to the said Town and Harbour: But as these Purposes 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, That the said recited Acts of the Seventeenth Year of the Reign of His Majesty King *George* the Second, and of the Seventh, Thirty-fourth, and Fifty-sixth Years of the Reign of His Majesty King *George* the Third, shall be and the same are hereby repealed.

Recited Acts repealed.

II. And

All Arrears of Rates and Property vested in the Trustees under this Act.

II. And be it enacted, That all Arrears of Rates and other Monies due to, and all Heritable and Moveable Property vested in, the Trustees appointed under the Authority of the Acts hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the said recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Acts were liable at the Repeal thereof.

Securities under former Acts made valid.

III. Provided also, and be it enacted, That all Bonds, Mortgages, Assignments, Grants, and other Securities, and all Conveyances and Leases, entered into, made, or granted to or by any Person by virtue or under the Authority of the said recited Acts, shall be as valid and effectual as if such Acts had not been repealed, and the same had been effected under the Authority of this Act.

Books under former Acts to be Evidence.

IV. Provided also, and be it enacted, That all Books kept containing the Accounts and Proceedings of the Trustees acting in the Execution of the said recited Acts, and all Entries therein, shall be admitted in Evidence in all Courts of Law, and by all Justices and others.

This Act made liable to Debts created under former Acts.

V. Provided always, and be it enacted, That the Duties, Rates, and other Monies by this Act granted to the Trustees acting in the Execution thereof, and all Duties, Rates, and other Monies to be recovered under the said recited Acts, and all Lands, Tenements, and Heritages, Goods, Chattels, and Effects, and all Monies which at the Time of the Commencement of this Act shall be in hand under the same Acts, shall be liable to the Payment of all Monies which at the Time of the Commencement of this Act are due and owing on the Credit or under the Authority of the said recited Acts, and of all Interest due and to grow due thereon, and to all proper Proceedings thereon for the Recovery thereof, as fully and effectually to all Intents and Purposes as if such Monies had become due on the Credit or under the Authority of this Act.

Officers appointed under former Acts to be continued in Office unless removed by Trustees.

VI. Provided also, and be it enacted, That the Clerk and all other Officers appointed under the said recited Acts, except the Treasurer, or in the Employment of the Trustees acting in the Execution of such Acts at the Time of the Commencement of this Act, shall hold and enjoy their respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages in the Execution of this Act, and shall be liable to the same Penalties, Obligations, Restrictions, and Regulations in every respect, as if they had been respectively appointed under or by virtue of this Act.

Officers under former Acts to account under this Act.

VII. And be it enacted, That all Persons who are or have been employed, or who shall have received any Duties or other Money, or who may owe or be subject to the Payment of any Money, by virtue of

of the said recited Acts, or who shall have in their Custody or Possession any Boats, Crafts, Machinery, Tools, Money, Books, Accounts, Receipts, Papers, Writings, or other Matters or Things relating to the said Harbour or connected therewith, shall be liable to account for, pay, and deliver over the same and every Part thereof to the Trustees nominated by this Act, or to any Person whom they may appoint, in the same Manner as if they had been employed or had received such Money, or were subject to the Payment of such Money, or had such Things in their Custody or Possession, by virtue of this Act.

Number of Trustees, and Appointment of first Trustees.

VIII. And be it enacted, That the Number of Trustees shall be not fewer than Nine and not more than Twelve, and that *Robert Bauchop*, *William Henderson*, *John Taylor*, *William Roy*, *John Hardie*, *John Anderson*, *Henry Rymer*, *James Henry*, *Henry Hardie*, *John Henderson*, *George Paterson*, and *James Meikle*, all residing in the said Town of *Borrowstounness*, shall be and are hereby appointed the first Trustees for carrying this Act into execution, and shall continue in Office until the First *Monday* in *July* in the Year One thousand eight hundred and forty-four, or until other Trustees shall be elected in their Place in manner herein-after mentioned.

Qualification of Trustees.

IX. And be it enacted, That every Trustee under this Act shall be a Resident within the said Town or Parish of *Borrowstounness*, and be seised and possessed or in the Enjoyment of the Rents and Profits of Lands or Heritages within the said Town, or within the Parish of *Borrowstounness*, in his own Right or in right of his Wife, of the annual Value of Twelve Pounds at least, or be possessed of a Personal Estate of not less than Seven hundred Pounds beyond what will satisfy all his Debts.

No Bankrupt or Insolvent to be a Trustee.

X. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Trustee.

No Person holding Office, or concerned in a Contract, to be a Trustee.

XI. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Trustee he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall cease to be a Trustee, and his Office shall thereupon become vacant.

Shareholders in Companies established under Act of Parliament not disqualified by reason of Contracts.

XII. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company established by Act of Parliament shall be prevented from acting as a Trustee by reason of any Contract entered into between such Company and the Trustees, but no such Trustee being a Member of such Company shall vote on any Question relating to the Execution of this Act in which such Company may be interested.

Trustee not incapable of acting as Justice.

XIII. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Trustee,

XIV. And

Declaration by Trustee.

XIV. And be it enacted, That no Person shall be capable of acting as a Trustee, except in administering the Declaration herein-after mentioned, until he shall have made and signed before One of the Trustees a Declaration to the Effect following:

'I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Trustee by virtue of an Act of Parliament, intituled [*here insert the Title of this Act*], and also that I am a resident Inhabitant within the Town or Parish of *Borrowstounness*, and am seised and possessed or in the Enjoyment of the Rents and Profits of Lands or Heritages within the said Town or Parish of the annual Value of Twelve Pounds in my own Right *or* in right of my Wife, *or* am a resident Inhabitant of the said Town or Parish, and am in Possession of a Personal Estate of not less than Seven hundred Pounds Value beyond what will satisfy all my Debts.'

False Declaration Perjury.

XV. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of Perjury.

Declaration to be taken at the First Meeting.

XVI. And be it enacted, That at the Meeting of Trustees at which any Person shall first attend as One of such Trustees such Person shall make and subscribe the Declaration herein required, and it shall be lawful for any Person attending as One of such Trustees, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty on Trustees not being qualified.

XVII. And be it enacted, That if any Person shall act as a Trustee, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds, and such Penalty may be recovered, with full Costs of Suit, in any Court of Law or Equity; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was so qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any further Proof or Evidence on the Part of the Pursuer than that such Person had acted as a Trustee in the Execution of this Act; nevertheless, all Acts and Proceedings of any Person acting as a Trustee, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Trustees neglecting to act.

XVIII. And be it enacted, That if any Trustee fail to act in the Execution of this Act for One Year, such Trustee shall be deemed to have refused to act, and therefore shall cease to be a Trustee, until he shall be re-elected as herein-after mentioned.

Period of Service and Time of

XIX. And be it enacted, That the Trustees appointed by this Act shall go out of Office by Rotation as follows; (that is to say,) on the First

going out of Trustees.

First *Monday* of *July* in the Year One thousand eight hundred and forty-four One Third of such Trustees shall go out of Office, and at the same Time in the following Year One Third of the remaining Trustees shall go out of Office, and at the same Time in the following Year the Remainder of the Trustees shall go out of Office, and at the same Time in every subsequent Year One Third of the Trustees, being those who have been longest in Office, shall go out of Office; and in every Instance the Places of the retiring Trustees shall be supplied by the Election of a similar Number of Trustees as herein-after provided.

Trustees re-eligible.

XX. And be it enacted, That every Trustee going out of Office may be re-elected, and after such Re-election he shall, with reference to going out by Rotation, be considered as a new Trustee.

Rotation of Trustees named by the Act.

XXI. And in order to determine the Rotation by which the Trustees are required to go out of Office, be it enacted, That within Two Months after the passing of this Act the Trustees shall meet within the *Hamilton Arms* Inn, or some other convenient Place within the said Town of *Borrowstounness*, for the Purpose of forming a Rotation List of the Trustees; and at such Meeting the Clerk to the Trustees, or some other Person to be previously appointed by the Trustees for that Purpose, shall write the Names of all the then Trustees on separate Slips of Paper, all as nearly as may be of equal Size, and having folded them up in the same Manner he shall put them in a Box, and shall draw out such Slips in succession; and the Names upon the Slips so drawn shall be inserted by such Clerk in a List in the Order in which they shall be so drawn, and such List shall be kept by such Clerk for the Purposes of this Act; and the Names in such List shall be numbered consecutively, and the Trustees shall retire from the Office in the Order in which their Names appear on such List, according to the Proportions herein-before mentioned.

Qualification of Electors.

XXII. And be it enacted, That every Person who shall be seised in and possessed or be in the Enjoyment of the Rents and Profits of Lands and Heritages within the said Town and Parish of *Borrowstounness*, in his own Right or in right of his Wife, of the annual Value of Five Pounds at least, or shall be the Tenant or Occupier of the same, shall be entitled to vote in the Election of Trustees to supply the Places of those retiring by Rotation.

Manner of Election for supplying periodical Vacancies.

XXIII. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat shall be held, at some convenient Place within the Town of *Borrowstounness*, on the First *Monday* of *July* in each Year, between the Hours of Ten of the Clock in the Morning and Four of the Clock in the Afternoon; and between the Hours aforesaid the Persons by whom such Election is to be made shall respectively deliver to the Clerk of the said Trustees, or in his unavoidable Absence to some Person authorized for that Purpose by the Trustees, a Paper containing the Names of the Persons for whom they respectively vote to fill the Office of Trustees; and the Persons, not exceeding the Number of Trustees proper to

be elected at such Meeting, having the Majority of Votes at such Election, shall be Trustees for the Purpose of carrying this Act into execution; and if at any such Election there be an Equality for Two or more Persons, the Clerk to the said Trustees, or such Person as aforesaid, shall, if necessary to prevent an Excess in the Number of Trustees, decide by Lot upon the Person to be elected.

Mode of supplying occasional Vacancies.

XXIV. And be it enacted, That if any of the Trustees die or resign, or be disqualified or cease to be a Trustee from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Trustees, if they think fit, to elect another Trustee in his Place; and every Trustee so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

First and other Meetings.

XXV. And be it enacted, That the Trustees for executing this Act shall hold their First General Meeting at the *Hamilton Arms* Inn, or some convenient Place within the said Town, on the Fourth *Wednesday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the Trustees shall be held on the last *Monday* of *June* annually, at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the Trustees; and it shall be lawful for the Trustees present at such first or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Town; and if at any such Meeting there shall not be Four Trustees present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Trustees present, or the major Part of them, or any One Trustee if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Trustees, or the Clerk, to appoint a Meeting to be held at any convenient Place within the said Town, and not less than Seven Days Notice shall be given of such intended Meeting.

Special Meetings.

XXVI. And be it enacted, That it shall be lawful for the said Trustees to hold Special Meetings, and any Three or more of the Trustees may require a Special Meeting to be held, but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Quorum of Trustees.

XXVII. And be it enacted, That all the Powers of this Act may be exercised by any Five or more of the Trustees present at any Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting of the Trustees unless Five or more Trustees shall be present at such Meeting.

How Notices of Meetings are to be given.

XXVIII. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the Trustees Three Days at least previous to such Meeting; and every Notice shall specify the Time and Place of meeting, and in

in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences at Meetings.

XXIX. And be it enacted, That at all Meetings of the Trustees they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

General Meetings may appoint Committees.

XXX. And be it enacted, That it shall be lawful for the said Trustees at any General Meeting to appoint a Committee, consisting of not more than Four of the Trustees, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the annual General Meeting of the Trustees next following its Appointment.

Quorum of Committees.

XXXI. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of Business at Meetings of Trustees.

XXXII. And be it enacted, That at any Meeting of the Trustees or Committee One of the Trustees present shall be elected Chairman by the Majority of the Votes of the Trustees present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes the Chairman, in addition to his own Vote as a Trustee or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, One of the Trustees, having an equal Number of Votes, whose Name would stand first if the Names of the Trustees present were alphabetically arranged, shall be the Chairman of such Meeting.

No Resolution of Trustees to be revoked at a subsequent Meeting unless under certain Circumstances.

XXXIII. And be it enacted, That no Resolution or other Act of any Meeting of the Trustees shall be revoked or altered at any subsequent Meeting unless such subsequent Meeting be called expressly for such Aleration or Revocation, by Notice given Seven Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Trustees present at such subsequent Meeting, if the Number of the Trustees present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of Trustees present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

For what Contracts may be made.

XXXIV. And be it enacted, That it shall be lawful for the Trustees to enter into Contracts with any Person for the Execution of any Works directed or authorized to be done by this Act by the said Trustees, and for furnishing any Materials for the same, or which may be required by the Trustees; and every such Contract shall be in Writing, and shall specify the Works to be done, and the Materials to be

be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk to the Trustees for that Purpose.

How Contracts to be signed.

XXXV. And be it enacted, That every Contract shall be signed by any Three of the Trustees, and the other Parties thereto, and such Contracts shall be binding on the Trustees, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Trustees or the other Parties failing in the Execution thereof.

Materials for Works contracted for to be considered the Property of the Trustees.

XXXVI. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury by Action or otherwise as herein-after mentioned, be held to be the Property of such Trustees.

Actions, how to be pursued.

XXXVII. And be it enacted, That it shall be lawful for the Trustees by their Clerk to pursue any Action against any Person who shall steal, take or carry away, deface or injure, any Property, Article, or Thing belonging to the said Trustees; and in any such Action it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Action shall be raised to be the Property of the Trustees for executing this Act, without naming the Members thereof.

Trustees not to be personally liable.

XXXVIII. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made, by or on behalf of the Trustees for any of the Purposes of this Act, shall extend to charge or affect the Persons, if any, of the Trustees, or their Heirs, Executors, or Representatives, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit, in consequence of any such Instrument, or which any such Trustee shall otherwise be put to by virtue of this Act, shall be respectively discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Trustees by virtue of their Office, unless such Action or Suit, or any such Damages or Charges have arisen in consequence of wilful Neglect or Default on the Part of the Trustees incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Trustees.

Actions or Suits to be brought in the Name of any Two Trustees or their Clerk.

XXXIX. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Trustees, it shall be sufficient to state the Names of any Two of the Trustees, or the Name of their Clerk, as the Party, Pursuer, or Defender representing the Trustees in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Trustee, or by the Death, Suspension, or Removal of any such Clerk.

Executions against Goods of Trustees.

XL. And be it enacted, That all Diligence and Executions upon every Judgment or Decree against the Trustees in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Trustees in virtue of their Office.

Indemnity to Trustees and Clerk.

XLI. And be it enacted, That every such Trustee or Clerk in whose Name any such legal Proceedings shall be carried on, either as Pursuer or Defender, on behalf of the Trustees, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Trustees by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Trustee or Clerk may be put, or with which he may become chargeable, by reason of his being so made Pursuer or Defender; and no such Trustee or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Trustees or more as aforesaid, it have been so brought without the Order or Direction of the Trustees.

Proceedings to be entered in Books, and be open for Inspection.

XLII. And be it enacted, That the Trustees shall cause Two separate and distinct Sets of Books to be kept, one Set in relation to the said Harbour exclusively, and the other Set in relation to the other Purposes of this Act, in which they shall cause to be duly inserted Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Trustees and of the Committees, which Books shall be kept under the Superintendence of the Trustees; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Trustees or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Trustees, and any of the Creditors or Rate-payers, or other Parties interested.

Trustees to appoint Treasurer and other Officers.

XLIII. And be it enacted, That the said Trustees shall from Time to Time appoint a Treasurer or Clerk, Harbour Master, Collector, Assessor, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Treasurer or Clerk, Harbour Master, Collector, Assessor, and Officers, and appoint others in their Stead.

Offices of Clerk and Treasurer to be separate.

XLIV. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of

such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,) if any Person accept both the Office of Clerk and Treasurer; if any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer; if any Person being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk; if any such Clerk or Treasurer appointed under this Act hold any Place of Profit or Trust under the said Trustees other than that of Clerk or Treasurer, as the Case may be; and any Person may sue for such Penalty by Action in any competent Court of Law or Equity in *Scotland*, and shall, on Recovery thereof, be entitled to full Costs of Suit. Penalty.

Officer improperly taking Fees to lose his Office.

XLV. And be it enacted, That if any such Treasurer, Clerk, Harbour Master, Collector, Assessor, or other Officer employed by the Trustees exact, take, or accept on account of any thing done by virtue of his Office, or in relation to the Functions of the Trustees, any Fee or Reward whatsoever, other than the Salaries, Awards, or Allowances allowed by the Trustees, or be in anywise concerned or interested in any Bargain or Contract made by the Trustees, he shall be incapable of being afterwards employed by the Trustees, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid. Penalty.

Trustees to take Security from all Officers intrusted with Money.

XLVI. And be it enacted, That the Trustees shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Trustees shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Trustees so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account

XLVII. And be it enacted, That every Officer appointed or employed by the Trustees by virtue of this Act shall from Time to Time, when required by the Trustees, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account, in Writing under his Hand, of all Monies received by him on behalf of the Trustees; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Trustees, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

XLVIII. And

Remedy against Officers failing to account.

XLVIII. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and the Receipts relating to the same, in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Trustees, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power relating to the Execution of this Act, or belonging to the Trustees, then, on Complaint thereof being made to any Sheriff in *Scotland* or Justice, such Sheriff or Justice shall summon such Officer to appear before any such Sheriff, or any Two or more Justices, at a Time and Place to be set forth in such Summons, to answer to such Charge; and upon the Appearance of such Officer, or in his Absence, upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Sheriff or Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Trustees are in the Hands of such Officer, or owing by him to the Trustees, such Sheriff or Justices may order such Officer to pay the same; and if he fail to pay the Amount, it shall be lawful for such Sheriff or Justices to grant a Warrant to levy the same by Poinding or Sale and Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Sheriff or Justice at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Sheriff or Justice the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things in his Possession or Power belonging to the Trustees;

Such Sheriff or Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power: Provided always, that if any Trustee, or other Person acting on behalf of the Trustees, shall make Oath that he has good Reason to believe and does believe that it is the Intention of such Officer to abscond, it shall be lawful to the Sheriff or Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for the bringing such Officer before any such Sheriff or Two or more Justices as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours without bringing him before such Sheriff or Two or more Justices to answer the Charge as herein-before directed,

XLIX. And

XLIX. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Trustees of any Remedy which they might otherwise have against any Surety of such Officer. Commitment not to discharge Sureties.

L. And be it enacted, That the Trustees shall cause Two separate and distinct Sets of Books to be kept by their Clerk, one Set in relation to the said Harbour exclusively, and the other Set in relation to the other Purposes of this Act, in which Books respectively such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the several and respective Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Books shall at all seasonable Times be open to the Inspection of the Trustees, and of every Creditor on the respective Rates and Assessments by this Act authorized to be made, and of every Person paying such Rates or Assessments, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Trustees, Creditors, and other Persons aforesaid, at all seasonable Times, to take Copies of or Extracts from such Books, without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Trustees, Creditors, or Persons aforesaid to inspect such Books, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds. Books of Account to be kept, and be open to Inspection.

LI. And be it enacted, That the Accounts of the Monies received and expended by the Trustees shall be produced at the first Ordinary Meeting of the Trustees which shall take place on the last *Monday* of *June* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present, and such Accounts shall be examined and settled by the Trustees; and if the same shall be found just and true they shall be allowed by the Trustees, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be presented against such Accounts to the Sheriff of the County of *Linlithgow* within Three Months after such Meeting, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Trustees Fourteen Days at least before the hearing of any such Appeal. Accounts to be settled and examined at the Annual Meeting. To be final unless appealed from.

LII. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Trustees shall cause full and true Statements and Accounts to be drawn out of all Dues, Rates, or Assessments made, and of all Contracts entered into, and of all Monies received and expended by virtue of this Act, during the preceding Year, and also of all Debts then owing by the Trustees in relation to the said Harbour and the other Purposes of this Act respectively; and they shall allow such Statements and Accounts to remain for Inspection at the Office of the Trustees; and every Creditor on the Dues, Rates, and Assessments Statements of Accounts to be prepared, and to be open for Inspection.

ments by this Act authorized, and every Person paying any such Dues, Rates, or Assessments, or any Person acting on behalf of any such Creditor or Rate-payer, may at all reasonable Times inspect such Statements and Accounts respectively; and the Clerk shall, on Demand, furnish a Copy of such Statements and Accounts respectively, or any Part thereof, to any such Creditor or Rate-payer, upon being paid at the Rate of Sixpence for every Hundred Words, and so in proportion for a less Number of Words; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Trustees shall give public Notice of such intended Meeting, stating in such Notice that the said Statements and Accounts are at the Office of the Trustees ready for the Inspection of the Creditors or Rate-payers, or other Parties interested.

Auditors may be appointed.

LIII. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Trustees it shall be lawful for the Rate-payers, or other Persons by this Act authorized to appoint the Trustees, to nominate, if they think fit so to do, Two or more Persons, not being Trustees, to be Auditors of the Accounts of the Trustees; and the Persons so to be nominated Auditors shall have the like Qualification and shall be subject to the like Disqualification or Disability as the Trustees; and before entering on their Office they shall make and sign before One of Her Majesty's Justices of the Peace a solemn Declaration, of the like Purport and Effect to that hereby required to be signed by the Trustees.

Auditors to inspect the Accounts.

LIV. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Trustees, or at some other convenient Place to be appointed by the Trustees, and from Time to Time shall in the Presence of the Clerk to the Trustees, in case he should desire to be present, proceed to audit the Accounts of the Trustees for the Year preceding the Appointment of such Auditors, and the Trustees shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statements and Accounts herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to the Sheriff of the County of *Linlithgow*, within Three Months after the Date of their Appointment as Auditors, Notice in Writing of such Appeal being given to the Clerk of the Trustees Fourteen Days at the least prior to the hearing of such Appeal.

Separate Application of Harbour and Improvement Rates.

LV. Provided always, and be it enacted, That the Rates, Dues, and other Monies to be levied and received in respect of the Use of the said Harbour, and Monies to be borrowed on the Security thereof, shall be applied exclusively to the Purposes of the said Harbour, and that the Rates and Assessments to be levied and received in respect of the other Purposes of the said Act, and Monies to be borrowed

borrowed on the Security thereof, shall be applied exclusively to such other Purposes.

An Annual Account to be prepared, and a Copy transmitted to the Sheriff Clerk.

LVI. And be it enacted, That the Trustees shall every Year cause annual Accounts or Abstracts in relation to the said Harbour and other Purposes of this Act respectively to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *May* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balances of such Accounts duly audited and certified by the Clerk for the Time being of the said Trustees, and shall transmit a Copy of the said Accounts, free of all Charge, to the Sheriff Clerk of the County of *Linlithgow* on or before the Thirty-first Day of *December* then next, which Accounts shall be opened to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Trustees shall omit to prepare and submit such Accounts as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Power to borrow on Mortgage.

LVII. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to borrow at Interest, on the Credit of the several Dues, Rates, or Assessments by this Act granted, and other Property vested in such Trustees, any Sum of Money which, together with any Sum previously borrowed, shall not exceed the Sum of Five thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Trustees to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Five thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Trustees, or any Five of them, may assign over the said Tolls, Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

LVIII. And be it enacted, That every such Mortgage or Assignment shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands of Three of the Trustees, and may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

LIX. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Tolls, Rates, or Assessments, equally one with another, without Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Mortgages or Assignments respectively: Provided always, that nothing herein contained shall extend to defeat or prejudice any Right or Security possessed by any Mortgagees under the herein-

before

before recited Acts, but all such Mortgages shall have Priority over those created under this Act.

Expence of Mortgages.

LX. And be it enacted, That the Expences of every Mortgage or Assignment shall from Time to Time be defrayed by the Trustees out of the Money raised by the same.

Register of Mortgages to be kept, and to be open to Inspection.

LXI. And be it enacted, That a Register or Registers of such Mortgages or Assignments shall be kept by the Clerk to the Trustees; and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions or Designations, shall be made in such Register or Registers; and such Registers may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages.

LXII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

LXIII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Trustees, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made, in the same Manner as in the Case of the original Mortgage or Assignment, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Representatives, or Assignees, to the full Benefit of the original Mortgage or Assignment in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

LXIV. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Power to take up Money at a less Rate of Interest.

LXV. And be it enacted, That if the Trustees can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper, at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates, Tolls, and Duties, Assessments, and other Funds or Property payable under this Act, or any Part thereof, according to the Purpose for which the same is to be raised, with Payment of such Sum, and such lower Rate of Interest, in such Manner

Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed as aforesaid.

Mode of paying off Mortgages.

LXVI. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and as often as the Trustees shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages, upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size; and all such Slips shall be rolled or folded up in similar Form and put into a Box, and the Clerk to the Trustees shall, in the Presence of Five or more of the Trustees, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Trustees; and after every such Ballot, the Trustees shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

Trustees may make Bye Laws to govern themselves and their Servants.

LXVII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to make such Bye Laws for regulating the carrying on of their Duties, and the Duties of their Committee, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Law of *Scotland*, or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Trustees.

Fines for Breach of such Bye Laws.

LXVIII. And be it enacted, That it shall be lawful for the Trustees by such Bye Laws to impose such reasonable Forfeitures and Fines upon themselves, their Officers or Servants, or other Persons in their Employ offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Sheriff or Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notice on Trustees.

LXIX. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Trustees, may lawfully be served by delivering the same personally to the Clerk of the Trustees, or to some Inmate at his usual Place of

Abode, or by leaving the same at the Office of the Trustees, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Trustee, or to some Inmate of the Place of Abode of any such Trustee.

Authentication of Notices.

LXX. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Trustees, the Signature thereof by One Trustee, or by the Clerk of the Trustees, shall be a sufficient Authentication.

Releases to Witnesses.

LXXI. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Trustees, by Order of the Trustees, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Trustees to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands of the Parties giving the same.

Tender of Satisfaction.

LXXII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Pursuer shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court.

Power to purchase Lands.

LXXIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Trustees to agree with the Owners of all Lands, Houses, Tenements, and other Heritages which the said Trustees may deem necessary for the Purposes of this Act, and which such Owners are willing to sell and dispose of, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Life-rent Charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights of Servitude or other Rights to which such Lands may be subject, and all other Right, Title, or Interest in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

LXXIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, Tenements, or Heritages, or any such Right, Title, or Interest therein as aforesaid, to sell, dispone, and convey or assign the same to the Trustees, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Life-renters, or Heirs of Entail, Husbands seised by Courtesy or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Terce or other Interest therein, Tutor or Curator for a

Minor or for any fatuous or furious Person, Trustee, Executor, or Administrator, or Person under any Disability; and the Power so to sell or convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, or by Destination or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were Sole, and as to such Tutor and Curator on behalf of their Pupils and Minors and fatuous or furious Persons of whom they are the Tutors and Curators respectively, and that to the same Extent as such Wives, Pupils, and Minors, fatuous and furious Persons respectively, could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators on behalf of those for whom they are Trustees, whether Infants, Issue unborn, Lunatics, Married Women, or other Persons, and that to the same Extent as such Persons so represented respectively could have exercised the same Powers under the Authority of this Act if they had been respectively under no Disability.

Acceptance of Compensation for Price of or Damage to Lands.

LXXV. And be it enacted, That the Owners of any such Lands, or of any such Right, Title, or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein, to which such Party shall be entitled; and, in addition to Compensation for the Value of such Lands, or of the Interest therein so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXXVI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Trustees, the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyances.

LXXVII. And be it enacted, That the Rights or Conveyances of all Property to be acquired in the Execution of this Act shall be conceived and taken in favour of the Trustees, without naming the individual Members of the Trust; and such Rights or Conveyances may be made and expressed in the ordinary Forms of the Law of *Scotland*,

or

or may be according to the Form in the Schedules (C. and D.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall, within Sixty Days after the Date thereof, be registered in the particular Register of Sasines kept at *Edinburgh* for the County of *Linlithgow*, and which the respective Keepers of the said Registers are hereby authorized and required to register on Payment of the usual Fees; and such Conveyances shall thereafter be effectual to vest the Lands thereby conveyed in the said Trustees, and shall operate to all Intents and Purposes as if a formal Disposition thereof had been executed, followed by Sasine, and recorded according to the Law of *Scotland*, any Law, Statute, or Practice to the contrary notwithstanding.

Costs of Conveyance.

LXXVIII. And with respect to the Costs of the Conveyance of any such Lands, be it enacted, That all such Costs shall be borne by the Trustees, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances of any such Lands, and of deducing and verifying the Title to such Lands, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Trustees enter into Possession of the Lands so purchased they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as hereinafter mentioned; nevertheless, if, within Seven Days after Notice in Writing from the Trustees, the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Trustees, then the Trustees shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

LXXIX. And be it enacted, That if the Trustees and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Sheriff of the said County of *Linlithgow*, and for that Purpose either Party may apply to the Sheriff by Petition, and thereupon the Sheriff shall order such Costs to be referred to the Sheriff Clerk of the said County to be taxed in the usual Manner; and such Sheriff Clerk shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Sheriff to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Trustees, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Trustees, unless on the Taxation One Sixth Part of Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under

LXXX. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability,

ability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Life-renter, Heir of Entail, Husband seised by the Courtesy or for any other partial or qualified Estate or Interest, Married Woman seised in her own Right or entitled to Terce or other Interest therein, Tutor or Curator for a Minor or for any fatuous or furious Person, Trustee, Executor, or Administrator, or Person under any Disability shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid, under the Direction and by the Authority of the Court of Session, into any of the Banks of *Scotland* established by Charter or Act of Parliament, and without Fee or Reward, to an Account to be opened in such Bank in the Name of "The Trustees for the Improvement of the Harbour and Town of *Borrowstounness*;" and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Disability, amounting to 200*l.*, to be deposited in Bank.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or in the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or if such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the said Court of Session shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

LXXXI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Session made on a Petition to be preferred in a summary Way by the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied the Interest and annual Proceeds thereof may, upon a like Order from Time to Time, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the said Lands; and the Order for such Investment and Application of the Interest and annual Proceeds thereof may be made on the like Petition.

Order for Application.

LXXXII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into any of the said Banks, and applied in manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing

Sums from 20*l.* to 200*l.* to be deposited or invested in Trustees.

under the Hands of the Parties so entitled; and in case of the Disability or Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Tutors, or Curators, or other Persons authorized to act for such incapacitated Parties; but such last-mentioned Application of the Monies shall not be made unless the Trustees approve thereof, and also approve of the Trustees named for the Purpose, such Approval to be signified in Writing under their Hands; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into such Bank, but it shall not be necessary to obtain any Order of the Court of Session for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXXXIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Disability or Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Tutors, or Curators, or other Persons authorized to act for such incapacitated Parties.

Land Tax to be made good.

LXXXIV. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax occasioned by making the Improvements hereby authorized, be it enacted, That if the Trustees become possessed by virtue of this Act of any Lands charged with the Land Tax, the Trustees shall from Time to Time be liable to make good the Deficiency in the Assessment for Land Tax by reason of such Lands having been taken or used for the Purposes of this Act, and such Deficiency shall be computed according to the Valuation of such Lands at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the Trustees shall pay such Deficiency to the Collector of such Assessments; nevertheless, if at any Time the Trustees think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Harbour to be improved and maintained.

LXXXV. And be it enacted, That it shall be lawful for the Trustees from Time to Time to cause the said Harbour of *Borrowstounness*, and the Works connected therewith, and the Entrance and Accesses to the same, to be improved, deepened, cleansed, repaired, and kept in repair in such Manner and to such Extent as they shall deem necessary and expedient.

Tonnage Duties for the Use of the Harbour.

LXXXVI. And be it enacted, That it shall be lawful for the said Trustees, or such Officer or Person as they shall appoint, to demand, collect, levy, and recover from every Owner, or Consignee, or Commander, or Master of any Ship or Vessel which shall anchor, enter, load, or unload within the Harbour of *Borrowstounness*, or which shall make fast to any Pier, Post, Chain, or other Works belonging to the said Harbour, the Rates or Duties following; for every Lighter, Boat, or other coasting Vessel of Five and not exceeding

Fifteen Tons Burthen, a Sum not exceeding One Shilling and Eightpence; for every other coasting Ship or Vessel, a Sum not exceeding Two-pence Halfpenny Sterling *per* Ton of the registered Tonnage of such Ship or Vessel; and for every Ship or Vessel to or from a Foreign Port, a Sum not exceeding Three-pence Halfpenny *per* Ton of the registered Tonnage of such Ship or Vessel.

Tonnage Duty for Eight Voyages to free Vessels for a Year.

LXXXVII. And be it enacted, That it shall be in the Power of any Master or Owner of any Ship or Vessel frequenting the said Harbour to compound for the said Tonnage Duties, by paying down in advance at any one Time to the Harbour Master the Tonnage Duty for Eight Voyages in respect of such Ship or Vessel, which shall give the Privilege of the Harbour free of Tonnage Duty to such Ship or Vessel for any Number of Voyages performed within Twelve Months next ensuing the Date of such Advance, and no longer.

Exemption for Vessels returning from Stress of Weather, &c.

LXXXVIII. Provided always, and be it enacted, That if any Vessel for which the Rates herein-before mentioned shall have been paid, after leaving the said Harbour, be obliged from Stress of Weather or other Cause to return with the same Cargo, the Rates so paid shall not again be payable in respect of such Vessel.

Tonnage of British registered Vessels to be ascertained by the Register; that of other Vessels by Measurement according to 5 & 6 W. 4. c. 56.

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

Foreign Vessels to be measured.

XC. And be it enacted, That it shall be lawful for the said Trustees to appoint a proper Person for the Purpose of ascertaining the Tonnage of any Foreign Vessel, and of all other Vessels having no Certificate of Registry, and such Person may admeasure the same accordingly, pursuant to the Directions of such Act or Acts as may at the Time be in force for the registering of *British* Vessels.

Vessels of less than Five Tons Burden not liable to Tonnage Dues.

XCI. Provided always, and be it enacted, That nothing herein contained shall be construed to extend to make any Lighter, Boat, or other coasting Vessel of less than Five Tons Burden subject or liable to the Payment of the said Tonnage Dues by this Act imposed.

Slip Rates.

XCII. And be it enacted, That it shall be lawful for the Trustees to demand and receive for any Vessel using any Slip already made or to be made by the Trustees any Sum not exceeding the several Rates in the Schedule (E.) to this Act annexed.

XCIII. And

Rates on Goods shipped or unshipped.

XCIII. And be it enacted, That it shall be lawful for the Trustees to demand and receive for all Goods, Articles, or Things in the Schedule (F.) to this Act annexed, which shall be shipped or unshipped, received or delivered, within the Limits of the said Harbour, any Sums not exceeding the several Rates in the said Schedule specified.

Power to reduce the Rates, and to raise them again.

XCIV. And be it enacted, That it shall be lawful for the Trustees from Time to Time, when and so often as they shall deem necessary or expedient, to lower the Rates and Duties authorized by this Act to be levied on Vessels and Goods, Wares, and Merchandize, or any of them, or any Part thereof respectively, in such Manner as to them shall seem expedient, and the same or any of them again from Time to Time to advance and raise in such Manner as they may judge proper, so that the said Rates and Duties, when so advanced and raised again, shall not exceed the Rates and Duties authorized by this Act to be levied.

Power to compound for Rates in respect of Steam Vessels.

XCV. And be it enacted, That it shall be lawful for the Trustees from Time to Time to compromise, compound, and agree by the Year or otherwise with any Proprietors or Masters of Steam Vessels resorting to the said Harbour for the Rates and Duties payable by such Steam Vessels respectively, and to accept and take such Sum or Sums of Money in lieu of such Rates and Duties so compounded for as aforesaid as the said Trustees shall from Time to Time think proper, every such Sum of Money nevertheless to be paid in advance: Provided always, that in case the said Trustees shall at any Time compound and agree in manner aforesaid with any Proprietor or Master of any Steam Vessel for such Rates and Duties as aforesaid, it shall be lawful for all Proprietors and Masters of other Steam Vessels to compound for the Rates and Duties payable by or in respect of such Steam Vessels upon the like Terms as any other Proprietor or Master of any Steam Vessel shall for the Time being have compounded and agreed under the Power and Authority herein contained; and the Trustees are hereby required to accept such Composition as last aforesaid, to the Intent that such Rates and Duties may not be compounded for partially, or in favour of any particular Person or Party whatsoever.

Application of the Rates and Duties collected at the Harbour.

XCVI. And be it enacted, That all Sums of Money which shall be levied and received from or on account of the Rates and Duties granted by this Act, in respect of the Use of the said Harbour and Slip, shall, after paying a Proportion of the Expences of preparing, applying for, and obtaining and passing this Act, be applied by the Trustees for and towards the Expence of deepening, cleansing, maintaining, repairing, and improving the said Harbour, and the Quays, Breasts, Piers, and other Works thereof, for making and repairing the Roads and Approaches to the said Harbour, for lighting the Quays and Piers, for supplying the Shipping with Water, and for paying the Officers and Servants to be employed in and about or concerning the same, and for paying the Interest and repaying the Principal of such Sum and Sums of Money as are now due and owing in respect of the said Harbour, or which shall hereafter be borrowed

borrowed by the said Trustees under this Act, under such Regulations and Conditions as the Trustees may from Time to Time think reasonable.

Rates on Foreign Vessels to be reduced to the Rates on British Ships, where Reciprocity Treaties shall be entered into with Foreign Countries.

XCVII. Provided always, and be it enacted, That any Duties, Rates, or Charges chargeable by this Act upon Vessels not entitled to the Privileges of a *British* Ship, or upon Goods imported or exported in such Vessels, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity have been concluded or may hereafter be concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein; but the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Period as aforesaid, and upon the Goods imported or exported therein, as may be from Time to Time payable by this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels.

Rates to be charged equally.

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

Masters to report Arrival of Vessels within the Harbour.

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

Master of Vessel to produce Certificate of Registry.

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

Recovery of Rates by Distress of Ship and Tackle.

CI. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Rates shall be payable to the Trustees shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the Trustees to collect such Rates to go on board of such Vessel and demand such Rates, and on Nonpayment thereof, or any Part thereof, to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Rates shall be paid; and in case any of the said Rates shall remain unpaid for the Space of Four Days next after any Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Rates so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress,

rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel, upon Demand.

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

CII. And be it enacted, That when the Cargo of any Vessel arriving within the said Harbour, or any Part of such Cargo, shall be intended to be unshipped within the said Harbour, the Master or Commander of such Vessel shall, within Twelve Hours after the Arrival of such Vessel within the said Harbour, deliver to the Person for the Time being appointed to collect the Rates and Duties aforesaid the following Particulars; (that is to say,)

The Name of the Consignee or Agent of the Cargo or Part of the Cargo of such Vessel intended to be unshipped within the said Harbour:

And if the whole Cargo of such Vessel shall be intended to be unshipped within the said Harbour, a Copy of the Bill of Lading or Manifest of the Cargo of such Vessel:

Or if Part only of the Cargo of such Vessel is intended to be so unshipped, a true Account in Writing of the Kinds, Weights, and Quantities of the several Goods, Articles, and Things intended to be so unshipped:

And every such Master or Commander shall, if required by the Person appointed to collect the Rates aforesaid, give to such Person Twelve Hours Notice of the Time at which the Cargo of such Vessel, or any Part of the same, is intended to be unshipped.

Collector of Customs may refuse to clear out a Vessel till Rates are paid.

CIII. And be it enacted, That it shall be lawful for the Collector of Her Majesty's Customs or other Officer of Revenue, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to permit any Ship, Boat, or Barge, or other Vessel chargeable with Rates or Duties under this Act to be entered Inwards, Outwards, or Coastwise, or any Commodities to be landed from or put on board of such Ship, Boat, Barge, or other Vessel, until he shall have received from the Collector or Collectors of the Rates and Duties aforesaid a Certificate of all such Rates and Duties having been paid in full, which Certificate such Collector or Collectors is and are hereby required to give, without Fee or Reward, upon Payment of such Rates and Duties.

Penalty on Masters not giving an Account or a false Account.

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

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

CV. And be it enacted, That the Master or Commander of any Vessel within the Limits of the said Harbour, on board of which any Goods, Articles, or Things shall be shipped, shall give to the Person for the Time being appointed by the Trustees to collect the Rates aforesaid a true Account, signed by the Consignor or Agent, of the Kinds, Quantities, and Weights of the Goods, Articles, or Things before

before the same shall be shipped in such Vessel; and any Master or Commander who shall fail to give such Account, or shall give a false Account, and any Consignor or Agent who shall sign a false Account, of any such Goods, Articles, or Things, shall respectively for every such Offence be liable to a Penalty not exceeding Five Pounds. Penalty.

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

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

CVIII. And be it enacted, That the Rates and Duties payable to the Trustees in respect of any Goods, Articles, or Things shipped or unshipped within the said Harbour shall be paid as follows; (that is to say,) if such Goods, Articles, and Things shall be shipped, such Rates and Duties shall be paid by the Owner or Consignor or Agent of such Goods, Articles, or Things previous to the Shipment of the same, or if such Goods, Articles, or Things shall be unshipped, such Rates shall be paid by the Owner, Agent, or Consignee of such Goods within Twelve Hours after the same shall have been unshipped, or previous to the Removal of the same from the Premises of the Trustees, which shall first happen. Rates on Goods by whom and when payable.

CIX. And be it enacted, That if Default be made in the Payment of any Rates and Duties payable under this Act in respect of any Goods, Articles, or Things, it shall be lawful for the Person for the Time being appointed by the Trustees to collect such Rates and Duties to distrain any such Goods, Articles, or Things, or if the same shall Recovery of Rates on Goods.

shall be removed without the Limits of the Harbour or other Premises of the Trustees, to distrain any other Goods, Articles, or Things, within the Limits of the Harbour or other Premises of the Trustees belonging to the Person liable to pay such Rates and Duties, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Rates and Duties due to the Trustees, or it shall be lawful for the Trustees to recover such Rates and Duties by Action in any competent Court, provided that the Person collecting any such Rates and Duties shall, before making any such Distress as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods, Articles, or Things so distrained, and may retain the Amount of Duties so paid out of the Proceeds arising from the Sale of such Distress.

Collector of Rates may enter Vessels.

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

Penalty on evading Payment of Rates.

CXI. And be it enacted, That if any Master or Commander of any Vessel, or any other Person whatsoever, shall evade the Payment of any Rates and Duties payable to the Trustees, he shall pay to them Three Times the Amount of such Rates; and the same shall be recovered from such Master or Commander or other Person in the same Manner as Penalties imposed by this Act are directed to be recovered, or by Action in any competent Court.

For settling Disputes concerning Rates and Charges of Distress.

CXII. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the Rates due, or the Charges of such Distress, (as the Case may be,) shall be ascertained by a Magistrate, who, upon Application made to him for that Purpose, shall in a summary Manner determine the Amount of the Rates due, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and such Costs, if not paid on Demand, shall be levied by Distress, and such Magistrate shall issue his Warrant accordingly.

Lists of Rates to be set up.

CXIII. And be it enacted, That the Trustees shall from Time to Time cause to be painted or printed on Boards, in large and legible Characters, and affixed in Front of the principal Office of Business of the Trustees, and on some conspicuous Parts of the Quays of the said Harbour, a List of the several Rates and Duties which shall be from Time to Time payable in respect of the said Harbour, and which List shall be kept constantly legible, and no Rate shall be payable in respect of the Use of the said Harbour during such Time as such List shall not continue so affixed, or for any Matter or Thing not specified or referred to in such List: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Rates and Duties shall continue to be payable during such Time as may be reasonably

reasonably required for the Restoration or Reparation of such List, in the same Manner as if such Lists had continued affixed, and in the State required by this Act.

Power to appoint Harbour Master.

CXIV. And be it enacted, That it shall be lawful for the Trustees from Time to Time to appoint such Harbour Masters as they shall think necessary, and at Pleasure to remove such Harbour Masters.

Powers of Harbour Master.

CXV. And be it enacted, That it shall be lawful for the Harbour Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

For regulating the Time and Manner in which any Vessel shall enter into, go out of, or lie in the said Harbour and the Slip thereunto belonging, and the Position, mooring or unmooring, placing or removing, of any Vessel within the same:

For regulating the Manner in which any Vessel shall take in or discharge its Cargo, or any Part thereof, or shall take in or deliver Ballast within the said Harbour:

For regulating the Government of any Vessel within the said Harbour:

For regulating the Manner in which any Vessel entering the said Harbour or Slip shall be dismantled for Safety of such Vessel, and for preventing Injury to other Vessels, and to the said Harbour, Slip, and Moorings:

For regulating the Quantity of Ballast or dead Weight in the Hold which each Vessel shall have, the Delivery of her Cargo in the said Harbour or Slip, or when discharged therein.

Penalty on Harbour Master exercising Powers unreasonably.

CXVI. And be it enacted, That in case any Harbour Master appointed under this Act shall without reasonable Cause exercise any of the Powers or Authorities vested in him by this Act he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on not complying with Directions of Harbour Master.

CXVII. And be it enacted, That the Master or Commander of every Vessel within any Part of the said Harbour shall regulate such Vessel according to the Directions of the Harbour Master for the Time being, made in conformity with this Act; and any Master or Commander of any Vessel who, after Notice by the said Harbour Master of any such Direction, shall not forthwith regulate such Vessel according to such Direction shall be liable to a Penalty not exceeding Five Pounds.

Power of Harbour Master to remove Vessels.

CXVIII. And be it enacted, That if the Master, Commander, or other Person having the Charge of any Vessel within any Part of the said Harbour shall not moor, unmoor, place, or remove such Vessel according to the Directions of the said Harbour Master for the Time being given to the said Master, Commander, or other Person, it shall be lawful for the Harbour Master to cause such Vessel to be moored, unmoored, placed, or removed according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose; and the Expences attending such mooring, unmooring, placing, or removing shall be paid by such Master, Commander, or other Person, and shall, together with the Costs of ascertaining and recovering the

same, be ascertained and recovered from any such Master, Commander, or other Person in the same Manner as any Damages for the ascertaining and recovering of which no special Provision is contained in this Act are hereby directed to be ascertained and recovered; and any Master, Commander, or other Person having the Charge of any Vessel removing such Vessel from one Berth to another within the said Harbour without the Permission of the Harbour Master first had and obtained shall be liable to a Penalty not exceeding Five Pounds.

Penalty on Master or Commander for obstructing Harbour Master.

CXIX. And be it enacted, That if any Master or Commander of any Vessel within the said Harbour, or any Person on board such Vessel, shall hinder the said Harbour Master, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel in manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Harbour Master may cut Ropes, &c.

CXX. And be it enacted, That if any Master or Commander or other Person on board of any Vessel which shall be moored or fastened within the said Harbour, except as aforesaid, shall not, upon Demand of the said Harbour Master, unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or if there shall be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the said Harbour Master to cut the Rope or slacken the Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Harbour Master shall cut any Rope or slacken any Chain by which any Vessel without any Person on Board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel; and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

Harbour Master may remove Wrecks, &c.

CXXI. And be it enacted, That it shall be lawful for the Harbour Master for the Time being to remove any Wreck and other Obstruction to the said Harbour, and the Approaches thereof, and also any floating Timber which may impede the Navigation thereof; and the Expence of removing any such Wreck, Obstruction, or floating Timber shall be immediately repaid by the Owner of the same.

Vessels entering Harbour to be dismantled as Harbour Master shall direct.

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

CXXIII. And

Vessels to have Hawsers, &c. fixed to Moorings.

CXXIII. And be it enacted, That every Vessel in the said Harbour shall have substantial Hawsers, Tow Lines, and Fasts fixed to the Dolphins, Moorings, Booms, Buoys, or Mooring Posts when required by the said Harbour Master; and if any Vessel shall be in the said Harbour without such substantial Hawser, Tow Lines, or Fasts fixed as aforesaid, the Master or Commander of such Vessel shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Harbour Master to regulate Equipments, &c. of Vessels in Harbour.

Penalty.

CXXIV. And be it enacted, That it shall be lawful for the Harbour Master for the Time being to regulate the Equipment, Rigging, and Lading of all Vessels in the said Harbour as he shall think proper; and if he shall judge any Act or Proceeding in the Equipment, Rigging, or Lading of any Vessel entering in or departing from the said Harbour unsafe for such Vessel, or likely to produce Injury to other Vessels, or to the said Harbour or other Works, it shall be lawful for him to give Notice in Writing signed by him to the Master or the Commander of such Ship, to discontinue or alter the same; and if such Master or Commander shall not, according to such Notice, discontinue or alter such Act or Proceeding immediately after such Notice shall have been served on him or some Person on board the said Vessel, every such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

No Vessel to lie within Ten Yards of Entrance of Harbour.

CXXV. And be it enacted, That no Vessel shall lie within Ten Yards from the Centre of the Entrance of the said Harbour, unless for the Purpose of coming in or going out of the said Harbour, so that at all Times the Entrances may be kept clear and without Obstruction.

Penalty on suffering Vessels to remain within Ten Yards of Entrance of Harbour.

CXXVI. And be it enacted, That if the Master, Commander, Pilot, or other Person in charge of any Vessel shall place any Vessel, or suffer the same to remain, within Ten Yards from the Centre of the Entrance of the said Harbour, and shall not, immediately on being required by the Harbour Master, remove such Vessel, every such Master, Commander, Pilot, or other Person so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings for every Hour that such Vessel shall remain within the Distance aforesaid, after a reasonable Time for removing the same shall have expired, after being required to remove such Vessel.

Delivery of Cargoes in Harbour and placing of discharged Vessels.

CXXVII. And be it enacted, That every Vessel having a Cargo on board thereof which shall go into the said Harbour shall be discharged of her Cargo as soon as conveniently may be after entering therein; and after the Delivery of such Cargo such Vessel shall, without Loss of Time, be removed into such Part of the said Harbour as the Harbour Master shall direct, and the said Harbour Master for the Time being shall cause to be removed all light Vessels accordingly; and if the Master or Commander or other Person having charge of any such Vessel shall not remove the same into such Part of the said Harbour as the said Harbour Master shall direct, within Twelve Hours after Notice in Writing signed by the said Harbour Master shall have been served on him, then he shall forfeit a Sum not

not exceeding Five Pounds; and it shall be lawful for the said Harbour Master immediately to cause such Vessel to be removed into such Part of the said Harbour as the Harbour Master shall appoint, and the Expences of removing the same shall be paid to such Harbour Master by the Master or Commander or Owner of such Vessel.

The Master or other authorized Person to be on board when loading or unloading.

CXXVIII. And be it enacted, That the Master or Mate, or some authorized competent Officer, of every Vessel which shall load or unload in the said Harbour, or some Person appointed by him or by the Owner of such Vessel for that Purpose, shall, during all the Time such Vessel is employed in loading, unloading, or discharging, actually remain on board, and superintend, aid, and assist in such loading, unloading, or discharging; and every such Master or Mate, or other Officer as aforesaid, who shall neglect or refuse to superintend, aid, and assist in the loading, unloading, or discharging of such Vessel shall for every such Neglect or Refusal forfeit a Sum not exceeding Five Pounds.

Goods of a dangerous Quality to be marked.

CXXIX. And for the better preventing Accidents or Injury which might arise in the said Harbour from the unsafe and improper depositing of certain Goods and Merchandize within the same, be it enacted, That every Person who shall send or cause to be sent to the said Harbour for Shipment or Deposit any Aquafortis, Oil of Vitriol, or other Goods of a dangerous Quality shall distinctly mark or state the Quality of such Goods on the Outside of the Packages containing the same, or shall otherwise give Notice in Writing to the Harbour Master at the Time of so sending or causing the said Goods to be sent for Shipment as aforesaid; and if any Person shall wilfully neglect or refuse so to mark his Goods, or give such Notice, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Goods, Timber, and other Articles to be removed from Piers, Basins, &c. within Forty-eight Hours after landing.

CXXX. And be it enacted, That it shall not be lawful for any Person who shall have landed or discharged or caused to be discharged from any Vessel any Article or Thing whatever (other than the Materials necessary for the Improvement and Repairs of the Harbour) upon or within any of the Piers, Breasts, Quays, Basins, Sheds, or any other Places within the said Harbour, or in any of the adjacent Roads or Avenues leading thereto, or any of them, to continue or permit the same or any Part thereof to remain thereon for any longer Time than Forty-eight Hours; and in all Cases where such Articles or Things shall have continued beyond the Space of Forty-eight Hours it shall be lawful to and for the said Harbour Master, or any other Person whom the said Trustees or the Harbour Master may appoint, to cause to be removed all such Articles and Things to such Place as shall be appointed by the Trustees, and therein to detain and keep the same till Payment of the Charges of such Removal and Detention, and of such Consideration to the Officers or other Persons employed, for their Trouble in and about the same, as the Trustees shall think reasonable; and if such Charges, Expences, and Consideration shall not be paid within the Space of Five Days after Demand made thereof by the Harbour Master or other Person as

aforesaid, the Harbour Master is hereby authorized and required, under Authority of a Warrant to be granted by any Magistrate to that Effect, to levy the same by Distress and Sale of such Articles and Things so secured, rendering the Overplus, if any be, after Deduction of all Expences, to the Owner thereof or the Agent for such Owner.

Regulations as to loading or discharging Ballast, &c.

CXXXI. And be it enacted, That the Master of every Vessel loading or discharging any Ballast, Coals, Cinders, Stones, Bricks, Tiles, or any other loose Matter or Thing, during the whole Time of such loading or discharging, shall have, to the Satisfaction of the Harbour Master, a sufficient Piece of Canvas or Cloth, or a sufficient Shoot, to be nailed, fixed, or otherwise fastened to such Vessel, which Canvas, Cloth, or Shoot shall extend from such Vessel into or upon the Vessel, Wharf, or Quay to or from which such Ballast or other Things as aforesaid shall be conveyed, and so and in such Manner as effectually to prevent any Part of such Ballast or other Things as aforesaid from falling into the said Harbour or any Part thereof; and when and so soon as any such loose Matter or Thing shall be landed or discharged from such Vessel upon any Wharf or Quay the same shall be by such Master placed at the Distance of Six Feet at least from the Edge of such Wharf or Quay; and in case any Master of any such Vessel shall take in or discharge any loose Matter or Thing as aforesaid without such Canvas, Cloth, or Shoot being so nailed, fixed, or otherwise fastened as aforesaid, or shall place such loose Matter or Thing as aforesaid in or upon any Wharf or Quay at a less Distance than Six Feet from the Edge thereof, such Master for every such Offence shall forfeit a Sum not exceeding Five Pounds.

Regulating the landing or shipping of Manure.

CXXXII. And be it enacted, That it shall not be lawful for any Person to land, discharge, or ship at or upon any of the Quays, Piers, Breasts, or other Places within the said Harbour any Dung, Manure, or Rubbish of any Kind, excepting at such Place and under such Regulations as shall be appointed by the said Trustees, under a Penalty not exceeding Five Pounds.

Ballast, &c. to be removed to Places appointed for the Purpose.

CXXXIII. And be it enacted, That no Person who shall have Occasion to throw or cast out any Ballast, Dirt, Ashes, Shingle, Stones, or Rubbish of any Kind from any Vessel upon any Quay, Pier, Breast, or other Place within the said Harbour, shall suffer the same to be and remain on the said Quays, Piers, Breasts, or other Places, but shall immediately thereafter cart and carry away, or cause the same to be carted or carried away, to such Place or Places as the said Trustees shall appoint, on pain of forfeiting for every such Offence or Neglect any Sum not exceeding Five Pounds Sterling, besides defraying the Expence which the said Trustees may incur in removing the said Ballast, Ashes, or Rubbish aforesaid, which they are hereby authorized to do.

Penalty for undue Preference of Harbour Master.

CXXXIV. And be it enacted, That if any Harbour Master or Servant of the Trustees shall give any undue Preference or show any Partiality in loading or unloading any Goods or other Things at any Wharf, Quay, Warehouse, Landing Place, Crane, or Machine belonging

belonging to the Trustees, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Combustible Matter on Quays, &c. to be removed.

CXXXV. And be it enacted, That if any Tar, Pitch, Rosin, Spirituous Liquors, Turpentine, Oil, or combustible Thing being on any Quay or Wharf belonging to the Trustees, or on the Deck of any Vessel within the said Harbour, shall not be removed from the Place where the same may be to a Place of Safety within Two Hours after Notice in Writing for that Purpose, signed by the Harbour Master for the Time being, shall have been served on the Owner or Person having the Charge of the same, or on the Master or other Person in charge of the Vessel, every such Owner, Master, or other Person shall for every such Offence forfeit a Sum not exceeding Twenty Shillings for every Hour such combustible Thing shall remain in any such Place as aforesaid, after the Expiration of Two Hours from the Service of the said Notice.

Penalty.

Combustibles to be guarded during the Night.

CXXXVI. And be it enacted, That if any such combustible Thing as aforesaid shall remain on any of the said Quays or other Works, or on the Deck of any Vessel within the said Harbour after Daylight, the Owner or Person having charge of the same, or in his Default the Trustees, at the Expence of such Owner or Person, shall provide a sufficient Number of Persons to guard the same from One Hour before Sunset to One Hour after Sunrise; and such Expence, if not paid to the Trustees on Demand, shall be ascertained and recovered in the same Manner as Damages for the Recovery of which no special Provision is herein contained are by this Act directed to be ascertained and recovered.

Penalties against Fire.

CXXXVII. And be it enacted, That every Person who shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds; (that is to say,)

Every Person who shall boil or heat any Pitch, Tar, Rosin, Turpentine, Oil, or other combustible Matter in any Vessel lying in any Place within the said Harbour or Works, except in such Place and in such Manner as shall be specially appointed by the Trustees for that Purpose:

Every Person who shall have or cause to be had any Fire or lighted Candle or Lamp in any Vessel within the said Harbour or other Works, except with the Permission of the Trustees:

Every Person who shall have or cause to be had any Fire, Candle, or Lamp lighted within the said Harbour, except at such Times as shall be permitted by the Bye Laws of the Trustees:

Every Person who shall bring any loaded Gun on the Piers, Quays, or Works of the said Harbour, or shall have or suffer to remain any loaded Gun in any Vessel in the said Harbour, or within Fifty Yards of the Piers, Quays, or Works of the said Harbour:

Every Person who shall, without the Permission of the Trustees, bring or suffer to remain any Gunpowder on the Quays, Piers, or Works of the said Harbour, or within the said Harbour, or in any Vessel within the said Harbour.

CXXXVIII. And

Penalty for throwing Ballast, &c. into Harbour.

CXXXVIII. And be it enacted, That if any Person shall throw or put any Ballast, Earth, Dust, Ashes, Stones, or other Thing into the said Harbour or Approaches, or into or upon any of the said Works, to the Injury or Prejudice thereof, or do any other Injury to the same, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for cutting Ropes.

CXXXIX. And be it enacted, That if any Person, other than the Harbour Master in execution of the Powers of this Act, shall wilfully cut, break, or destroy any Rope or other Thing by which any Vessel lying in the said Harbour or other Works shall be moored or fastened, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Remedies for Damage to Quays, &c.

CXL. And be it enacted, That every Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber, through whose wilful Act or Negligence any Damage shall be done to the said Harbour, or to the Quays, Piers, Wharfs, Machinery, or other Works or Property of the Trustees, by means of such Vessel or Float of Timber, shall pay for and repair all such Damage; and all such Damage, if the Amount claimed does not exceed Fifty Pounds, shall be ascertained and recovered in the same Manner as any Damages for the Recovery of which no special Provision is contained in this Act are hereby directed to be recovered; and, in addition to the Remedies hereby provided for the Recovery of the same, it shall be lawful for the said Sheriff before whom the same is recovered to cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be distrained and detained until the Amount of Damage and Costs awarded by him shall be paid, and if the same shall not be paid within Seven Days after the taking of such Distress, to cause the Property so distrained, or any Part thereof, to be sold, and out of the Proceeds of such Sale to pay the Amount of Damage and Costs awarded by such Sheriff, and all the Charges incurred by the Distress, Detention, and Sale of such Property.

Owner or Master of Vessel answerable for Servants.

CXLI. And be it enacted, That the Owner, or Master or Commander, or other Person in charge of every Vessel or Float of Timber shall be answerable to the Trustees for any Damage done by such Vessel or Float of Timber to the said Harbour, or any Quays, Piers, Wharfs, Machinery, or other Works or Property of the Trustees; and all such Damage, in case the Amount claimed in respect thereof shall not exceed Fifty Pounds, shall be ascertained by and be recovered before the said Sheriff in a summary Manner; and it shall be lawful for the Harbour Master for the Time being appointed under this Act to detain any such Vessel until sufficient Security shall have been given for the Amount of the Damage done by the same or by any Person employed therein.

Masters may recover from Servants.

CXLII. And be it enacted, That if the Owner, Master, Commander, or any other Person in charge of any Vessel shall make Satisfaction for any such Damage as aforesaid done by any Person employed in such Vessel, the Person doing such Damage shall repay to the said Owner, Master, Commander, or other Person in charge

charge of such Vessel the Amount of the Damage so paid, together with the Costs (if any) incurred by him in respect of such Damage; and the Amount of such Damage, together with the Costs, shall be ascertained by and recovered in a summary Manner before the Sheriff.

Lights, Beacons, or Seamarks not to be exhibited or altered without the Sanction of the Commissioners of Northern Lighthouses.

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

Appointment of Constables.

CXLIV. And be it enacted, That the Trustees shall from Time to Time appoint and employ such Number of Constables, Watchmen, and other Officers as they shall judge necessary for the proper Protection of the Inhabitants and Property within the Limits of this Act, and shall allow them such Salaries or Wages as they think proper; and it shall be lawful for the Trustees from Time to Time to remove any such Constables and Officers as they shall think fit.

Constables to be sworn in.

CXLV. And be it enacted, That it shall be lawful for any Sheriff or Justice, if he shall think fit, to swear in as Constables any Person to be so appointed and employed; and the Constables or Officers so sworn in shall have the like Powers, and shall be subject to the like Penalties and Forfeitures, as any Constables have or are subject to by the Law of *Scotland*.

Bye Laws.

CXLVI. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to make such Bye Laws as they shall think fit for the proper Government and Regulation of the said Harbour and Police of the said Town, and for all or any of the following Purposes; (that is to say,)

For regulating the Use of the Harbour, Piers, Quays, Slip, and other Works:

For regulating the placing and removing of Vessels entering in, lying in, or going out of the said Harbour or Slip, and for the good Order and Government of all such Vessels:

For regulating the Exercise of the several Powers hereby vested in the Harbour Master to be appointed by the Trustees respectively:

For regulating the shipping, unshipping, landing, warehousing, housing, stowing, depositing, and removing of all Goods, Articles, or Things from, in, or on the Piers, Quays, Wharfs, Sheds, or Warehouses of the Trustees:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Trustees as others, who shall be employed at or about the Quays and Premises of the Trustees:

For regulating the Use of Fires, Candles, and Lamps within the said Harbour and the other Premises belonging thereto, and

within any Vessel being within the said Harbour, or within Two hundred Yards of the Piers, Quays, or Works of the Trustees:

For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the Premises belonging to the Trustees:

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Trustees, and the Duties and Conduct of all Weighers and Meters appointed by them, or acting within the Limits of the said Harbour:

For regulating the Police of the said Harbour, and the Times and Manner in which the Watchmen and Officers shall perform their Duties:

For regulating the Duties and Conduct of the Porters and Carriers employed on the Premises of the Trustees, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

For regulating the Conduct of Pilots, Riggers, and Jobbers, and fixing the Rates to be paid them:

For regulating the Conduct of Carters, Carmen, and others, and fixing the Rates to be paid them for their Services:

And it shall be lawful for the Trustees, from Time to Time as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Alteration be not repugnant to the Law of *Scotland*, or the Provisions of this Act, and be reduced into Writing, and be signed by any Three or more of the said Trustees and their Clerk, and, if affecting other Persons than the Officers or Servants of the Trustees, be printed and published as herein provided.

Bye Laws may be enforced by Penalties.

CXLVII. And be it enacted, That it shall be lawful for the Trustees, by the Bye Laws to be made by virtue of this Act, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Judge before whom any Penalty imposed thereby is sought to be recovered to modify the said Fine or Penalty as he may see fit.

Bye Laws to be confirmed.

CXLVIII. And be it enacted, That no Bye Law which shall be made by the Trustees under the Authority of this Act, except such as may relate solely to the Trustees, or their Officers or Servants, shall be valid or binding unless the same shall be allowed, approved of, and confirmed by the Sheriff of the County of *Linlithgow*; and it shall be incumbent on such Sheriff, on the Request of the Trustees, to inquire into any Bye Laws which may be tendered to him for that Purpose, and to allow or disallow of the same as he shall think meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers published or circulated in the County of *Linlithgow* One Month at least before the hearing of such Application and Confirmation of the said Bye Laws; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Trustees Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

A Copy of proposed Bye Laws to be open to Inspection.

CXLIX. Provided always, and be it enacted, That, for One Month at least previous to any such Application for Confirmation of the said Bye Laws, a Copy of such Bye Laws shall be kept at the principal Office of the Trustees; and it shall be lawful for all Persons at all reasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Trustees with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication of Bye Laws.

CL. And be it enacted, That such Bye Laws, when confirmed, shall be painted or printed on Boards, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Trustees, and also on some conspicuous Part of the said Town and Harbour, according as such Bye Laws may relate to the Harbour or Police of the said Town; and such Boards shall be from Time to Time removed as often as the same or any Part thereof may be obliterated or destroyed.

Bye Laws to be binding on all Parties.

CLI. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye Laws.

CLII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Trustees, authenticated by the Signatures of Three of the Trustees and their Clerk, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof it shall be sufficient that Boards containing a Copy thereof painted or printed thereon were affixed or continued in the Manner by this Act directed; and in case of any of such Boards being afterwards destroyed or obliterated it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Boards did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed or continued to be affixed as required by this Act.

Penalty on pulling down Boards used for Publication of Bye Laws.

CLIII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board on the Premises of the Trustees on which any Bye Law of the Trustees or any Rate to be taken under this Act shall be painted or printed, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Not to extend to Ships of War, &c.

CLIV. And be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War or any Vessel employed in the Service of Her Majesty, or of the Ordnance, Customs, Excise, or of Her Majesty's Postmaster General, or of the Commissioners of the Northern Lighthouses, or of the Corporation of *Trinity House* of *Deptford Strond*.

Limits of this Act.

CLV. And be it enacted, That this Act shall be put in force for executing the Improvements hereby authorized within the following Limits; that is to say, from *Thirlstane* on the East to the Western Boundary of the Grass Glebe of the Minister of *Borrowstonness* on the

the West, and from *Graham's Dyke* on the South to the Sea at Low Water of Spring Tides on the North.

Streets, &c. vested in Trustees.

CLVI. And be it enacted, That the Management of all the present and future Streets within the Limits of the Act, being public Highways, and the Pavement and other Materials of such Streets, and all Lamps, Lamp Irons, Lamp Posts, Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Erections or Buildings, Materials, Implements, and other Things, provided by the Trustees for the Purposes of this Act, and also the Dung, Fulzie, Dust, Ashes, and Filth to be collected from the said Streets, shall be the Property of and are hereby vested in the Trustees, and the Trustees shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things as they shall think proper: Provided always, that the said Trustees shall have no Right to the Dung of any Stable, Byre, or Pigstye within the Limits aforesaid.

Future Streets may be declared Highways.

CLVII. And be it enacted, That if any Street already made or hereafter to be made, not being a public Highway, shall at any Time hereafter be paved or put into good Order to the Satisfaction of the Trustees, then, on the Application of the Owner or Owners of the Soil of such Street, or of the greater Part in Value of such Owners, it shall be lawful for the Trustees, by Writing under their Hands, to declare the same to be a public Highway, and after such a Declaration the same shall be a public Highway, and shall be for ever repaired by the Trustees.

Trustees to cause Streets to be paved.

CLVIII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to cause all or any of the Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered, in such Manner and with such Materials as they shall think proper.

Penalty on Persons altering Pavements.

CLIX. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement or Carriageway or Footway in any Street within the Limits of this Act, without the Consent in Writing of the Trustees, except when it may be necessary for repairing any Vault or Drain under such Street, or other such Purpose, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so taking up or altering such Pavement or Carriageway or Footway shall not, within Ten Days after Notice in Writing by the Surveyor to the Trustees, cause the same to be reinstated as nearly as may be, the Trustees shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement or Carriageway or Footway.

Owner or Occupier to pave Footways, if required.

CLX. And be it enacted, That the Owner or Occupier of any House or Building abutting upon any Street within the Limits of this Act shall, if required by the Trustees, have or form, with Stones or such Materials as the Trustees shall prescribe, upon the Sides of such Street, for the whole Length of such House or Building, and the Premises

Premises occupied therewith, a Causeway or Footway for the Use of Foot Passengers, to the Depth not exceeding Six Feet.

Trustees may pave Footways.

CLXI. And be it enacted, That it shall be lawful for the Trustees to pave or make, with such Materials as they shall think fit, any Causeways or Footways, for the Use of Foot Passengers, in or on the Sides of any Street within the Limits of this Act.

Footways to be kept in repair by the Trustees.

CLXII. And be it enacted, That all Causeways or Footways within the Limits of this Act, whether made by the Trustees or otherwise, which the Trustees shall deem necessary to be kept up, shall be kept in repair by the Trustees.

Trustees may place Fences to Footways.

CLXIII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to place such Fences and Posts on the Side of any Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going on the same, and also to place any Posts in any Carriageways, so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same, or any other Obstructions to any Carriageway or Footway within the Limits of this Act, as they shall think fit,

Power to construct Common Sewers.

CLXIV. And be it enacted, That it shall be lawful for the Trustees from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps, as they may think necessary, to be constructed in or under any Street within the Limits of this Act, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, repaired, cleansed, and completed, as to them shall seem necessary, and to carry and continue the same in, to, and through any Lands within the Limits of this Act,

Compensation to be made.

CLXV. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Vault, Culvert, Watercourse, Well, or Pump being carried into or through his Lands, the Trustees shall pay to such Person a reasonable Compensation for the Damage or Injury sustained by him,

Communication of private Drains with Common Sewers.

CLXVI. And be it enacted, That it shall be lawful for the Trustees from Time to Time to empower any Person to carry any private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made, or which shall be made by virtue of this Act, according to such Plan as the Trustees shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse, without the previous Consent of, or in any other Manner than shall be directed by the Trustees, he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and it shall be lawful for the Trustees to cut off the Communication between such private Drain and such Common Sewer, Drain, Vault, Culvert, or Watercourse,

CLXVII. And

Occupiers to repair private Drains.

CLXVII. And be it enacted, That the Occupier of any House or Land to which any private Drain which now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses, shall repair and cleanse the same when required by and according to the Direction of the Trustees.

Future Projections to be removed on Notice.

CLXVIII. And be it enacted, That if the Trustees shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door, or Window, Sign, Sign Post, Sign Iron, Show Board, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be placed against or in Front of any House or Building, to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same in such Manner as the Trustees shall think fit; and such Owner or Occupier shall, within Seven Days after the Service of such Notice upon him, remove such Obstruction or Projection, or alter the same in such Manner as shall have been directed by the Trustees.

Existing Projections to be removed, and Compensation made.

CLXIX. And with regard to all Obstructions or Projections of a like Kind as those before mentioned, which have been erected or placed against or in Front of any House in any Street or public Place before the passing of this Act, be it enacted, That it shall be lawful for the Trustees, if they shall consider any such Obstruction or Projection to be an Annoyance, in consequence of the same projecting into, endangering, or rendering less commodious the passing along any Street within the Limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Trustees shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in Front of whose House or Building such Obstruction or Projection shall be Seven Days at least before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CLXX. And be it enacted, That all Doors, Gates, and Bars, not being underground Doors, hereafter to be erected within the Limits of this Act, leading to any House, Building, Yard, or Land, and which shall open upon or towards any public Street, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner, it shall be lawful for the Trustees or their Surveyor to alter the same; and the Expences of such Alteration shall be paid to the Trustees by the Person who shall have caused such Door, Gate, or Bar to be so constructed, and such Person shall, in addition, be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards to be altered by Trustees.

CLXXI. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards towards

towards or upon any public Street, it shall be lawful for the Trustees to alter the same, so that no Part thereof opening or when open shall project over any public Way.

Ruinous or dangerous Houses to be taken down or secured.

CLXXII. And whereas it may happen that some of the Houses or Buildings within the Limits of this Act are sometimes in so ruinous a Condition that Passengers passing by may be in Danger of their Lives, or some bodily Harm, from the falling thereof, or of Bricks, Stones, or Timber therefrom; be it therefore enacted, That on any Information, signed by Four or more Householders living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition, it shall be lawful for the Sheriff of the County, or any Two Justices, to cause the same to be surveyed by Two Surveyors; and if such Surveyors shall present that such House or Building is in a ruinous or dangerous Condition, the Trustees shall, on Notice of any such Presentment being given, and a Copy thereof being laid before them, cause, with all convenient Speed, a sufficient Fence to be put up to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof, if he can be found within the said Limits, and if not, shall cause such Notice in Writing to be left at or fixed upon the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not repair or take down the same within the Time so limited, the Trustees shall with all convenient Speed, cause all or so much of such House or Building as shall be in a ruinous Condition, or dangerous to Passengers, to be taken down and secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building.

The Expences to be levied by Distress on the Owner.

CLXXIII. And be it enacted, That if such Owner can be found within the Limits of this Act, and he shall, on Demand of the Charges aforesaid, neglect or refuse to pay the same, then such Charges may be levied by Distress, and the Sheriff or any Justice may issue his Warrant accordingly.

In default of the Owner any subsequent Occupier to be liable.

CLXXIV. And be it enacted, That if such Owner cannot be found within the Limits of this Act, or sufficient Distress of his Goods and Chattels cannot be met with wherefrom such Charges may be levied, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground whereon the same stood, as Tenant to such Owner, is hereby required to pay the same, and in default of Payment on Demand by the Trustees the same may be levied by Distress, and the Sheriff or any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Charges which he shall so pay, or which shall be levied by Distress from him, out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent: Provided always, that no Occupier shall be liable to pay more Money in respect of such Charges aforesaid than what he

Occupier not to pay more than he can

could lawfully deduct from the Rent due to such Owner at the Time of Demand made upon him for such Charges, in case he shall pay the same or any Part thereof on Demand, or at the Time of the issuing the Warrant of Distress, in case such Charges or any Part thereof shall be levied by Distress. deduct from his Rent.

CLXXV. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Trustees to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Building, and the Trustees shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless, the Trustees, although they shall sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Charges as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Charges. Trustees may sell the Materials.

CLXXVI. And be it enacted, That when any House or Building, any Part of which now projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, in any Street within the Limits of this Act, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street, or the Line of the adjoining House or Building, in such Manner as the Trustees shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Trustees shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence of his House being set back according to the Provisions herein contained. Projecting Houses when taken down to be set back.

CLXXVII. And be it enacted, That it shall be lawful for the Trustees to cause any House or Building which shall be rebuilt or erected contrary to the Provisions of this Act to be taken down or regulated according to the Provisions of this Act, and the Expences of such Alterations shall be repaid to the Trustees by the Owner of the House or Building so altered or rebuilt. Houses built contrary to the Act to be taken down.

CLXXVIII. And be it enacted, That it shall be lawful for the Trustees to allow any Building to be advanced for the Purpose of improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto. Houses may be set forward.

CLXXIX. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Seven Days next after the Service of any Order of the Trustees for that Purpose, put up, and for ever afterwards keep in good Condition, a Shute or Trough of the whole Length Waterspouts to be affixed.

Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground to carry off the Water from the Roof thereof in such Manner that the Water from such House shall not fall upon the Persons passing near the same.

Underground Drains to be formed.

CLXXX. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the Limits of this Act shall cause the Water to be conveyed from such House or Building either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement; and for that Purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Trustees or their Surveyor; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Owner or Occupier.

Vaults and Drains to be substantially made.

CLXXXI. And be it enacted, That all Vaults and Drains hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Trustees, without their Consent; and if any Arch, Vault, or Drain shall be made contrary to the Provisions of this Act, it shall be lawful for the Trustees to fill up the same, and to recover the Expences incurred thereby from the Person making such Vault or Drain.

Vaults and Drains to be kept in repair.

CLXXXII. And be it enacted, That all Vaults or Drains under any Street within the Limits of this Act shall be kept in substantial Repair to the Satisfaction of the Trustees; and in case any such Vault or Drain shall at any Time not be in such substantial Repair, it shall be lawful for the Trustees to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof, and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault or Drain shall continue out of substantial Repair, after Notice shall have been given him by the Trustees to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Dangerous Places to be repaired or inclosed.

CLXXXIII. And be it enacted, That if any Building or Excavation, or any Land or Place contiguous to any Street within the Limits of this Act, shall, for Want of sufficient Repair, Protection, or Inclosure, be dangerous to the Passengers along such Street, it shall be lawful for the Trustees to cause the same to be repaired, protected, or inclosed so as to prevent any Danger therefrom, and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Trustees by the Owner of the Premises so repaired, protected, or inclosed.

CLXXXIV. And

Trustees may close Streets during Repair.

CLXXXIV. And be it enacted, That it shall be lawful for the Trustees, during such Time as any Street within the Limits of this Act is making or repairing, or during the making of any Sewer or Drain by the Trustees or under their Authority, to close such Street or any Part of the same by such Ways or Means as they shall think fit.

In default of the Party liable, the Trustees to execute the Works.

CLXXXV. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the Streets, Sewers, and Drains within the Limits of this Act, and for other Purposes herein-before mentioned; and it is necessary to provide for the Execution of all such Works, Acts, or Things, in case the same shall not be done by the Persons required to do the same; be it enacted, That whenever any such Work, Act, or Thing shall not be done by the Owner or Occupier or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Trustees for that Purpose in pursuance of this Act, or, if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Trustees to cause such Work, Act, or Thing to be done; and the Expences which shall be incurred by the Trustees in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

Occupiers to recover against Owners in certain Cases.

CLXXXVI. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating by which of the said Parties the same ought to be done,) and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him as if the same had been actually paid to him as Part of such Rent.

Adjustment between Owners and Occupiers.

CLXXXVII. And be it enacted, That in all Cases, except as herein-before mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating as aforesaid,) the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act, or Thing shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple, subject only to the Term of Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences estimated as aforesaid of any such Work, Act, or Thing, the Excess shall be repaid to him by the

Occupier or Owner, as the Case may be; and if the same be not so paid on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner, he shall allow the same, or so much thereof as shall not be repaid by him to the Occupier, out of the Rent from Time to Time due or becoming due to him as if the same had been actually paid to him as Part of such Rent.

Streets to be cleansed and watered.

CLXXXVIII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to cause all or any of the Streets within the Limits of this Act to be cleansed and watered, and the Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own Use, to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

Trustees to appoint Scavengers, &c.

CLXXXIX. And be it enacted, That it shall be lawful for the Trustees to appoint Scavengers and others for sweeping and cleansing the Streets, Roads, Lanes, and other Places within the Limits of this Act, or contract with any Person for these Purposes, and to remove the Dung or Fulzie thereof to such Places as the said Trustees shall deem least offensive to the Inhabitants, with Power to the said Trustees to rent or purchase Depôts for that Purpose from such Persons as may be willing to contract and agree with them therefor; and all Dust, Ashes, Dung, or other Fulzie collected upon the Streets, Lanes, Commons, Stairs, or Passages within the said Burgh shall belong to the Trustees.

Fulzie, &c. of Slaughter-houses, &c. to be kept off the Street, and not to be mixed with that belonging to the Trustees.

CXC. And be it enacted, That Dung, Fulzie, and Refuse of Slaughter-houses, Stables, and Cow-houses shall be kept off the public Streets, Squares, and other public Places, (Mews or Stable Lanes excepted,) and if the Owner of any such Dung, Fulzie, or Refuse shall mix or allow to be mixed therewith any Dung, Soil, Dirt, Ashes, or Filth, vested by this Act in the Trustees, or if any Dung, Soil, Dirt, Ashes, or Filth vested in the Trustees shall be mixed with the Dung, Fulzie, or Refuse of any Slaughter-houses, Stables, or Cow-houses, without the Knowledge of the Owner thereof, and the said Owner shall not, within Twenty-four Hours after he shall come to the Knowledge of such Mixture having taken place, give Notice thereof to the Clerk of the Trustees, and in all or any of these Cases, it shall be lawful for any Justice, or any other Judge competent, and he is hereby authorized and required, to declare such Dung, Fulzie, and Refuse to be vested in the Trustees, and it shall then be lawful for the Trustees to take possession of, sell, and dispose of the same as their Property, and the Money thence arising shall make Part of the Funds for the Purposes of this Act.

Clerk to secure Fulzie, &c. until Questions

CXCI. And be it enacted, That it shall be lawful for the said Clerk, or those acting under him, to seize, detain, and secure all Dung, Fulzie, or Refuse, mixed as aforesaid, until any Question that

shall arise regarding it shall be determined by such Justice or other Judge. regarding it are decided.

CXCII. And be it enacted, That if any Person shall be convicted on a Complaint at the Instance of the Trustees or their Clerk, before any such Judge or Justice, of having laid down Dung, Fulzie, or Refuse on any of the public Streets, Squares, or other public Places, or of having mixed or allowed to have been mixed with the Dung, Fulzie, and Refuse of Slaughter-houses, Stables, or Cow-houses belonging to private Parties, any Dung, Soil, Dirt, Ashes, or Filth vested by this Act in the Trustees, such Person shall be liable for every such Offence in a Penalty not exceeding Five Pounds, and not less than One Shilling, which the said Judge or Justice is hereby authorized and required to impose. Penalty for Offences contrary hereto.

CXCIII. And be it enacted, That if any Foundry, Candle House, Melting House, Melting Place, or Soap House hereafter to be erected or made, or any Slaughter-house, Boiling House for Offal, Hog Sty, unclosed or uncovered Yard or Place for the Deposit or sifting of Lime, Necessary House, Dunghill, Manure Heap, or other offensive Building, Place, or Matter in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Trustees, upon Complaint made by any Inhabitant, to inquire into the Matter of such Complaint; and if the Trustees shall consider such Building, Place, or Matter of which such Complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made to discontinue, remove, or remedy the same. Trustees may order Nuisances to be abated.

CXCIV. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Seven Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Two Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Seven Days from the Service of the said Notice: Provided always, that when any Person who shall think himself aggrieved by any Order of the Trustees shall, according to the Provisions contained in this Act, appeal against such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Ten Days after the Determination of such Appeal, and the Confirmation of the Order of the Trustees, unless such Appeal shall cease to be prosecuted. Penalty for Disobedience to Trustees Order.

CXCV. And be it enacted, That it shall be lawful for the said Trustees to contract and agree with the Owners and Occupiers of any Springs within Two Miles of the said Town, and of the Lands in which the same are situated, and in or through which the same may require to pass, for the collecting, receiving, and conveying such Springs for the Use of the said Town and Harbour, and building Cisterns and Reservoirs for that Purpose, and to pay such Rate and Consideration for the same as shall be agreed upon between the said Trustees Supply of Water.

Trustees and the Owners of such Springs, either by absolute Purchase or by Payment of a certain annual Sum for the Use thereof; and the said Trustees are hereby authorized and empowered to convey such Water to the said Town by Pipes, to be laid through the Grounds lying between such Springs and the said Town and Harbour, for distributing such Water into the several Parts of the said Town and Harbour.

Power to Trustees to light the Streets.

CXCVI. And be it enacted, That it shall be lawful for the Trustees from Time to Time to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, and Precincts of the said Harbour, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose, or to contract with any Company or Person for the lighting of the same for any Period not exceeding Three Years at any one Time.

Penalty on Gas Makers for corrupting Water within the Limits of the Act.

CXCVII. And be it enacted, That if any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for within Twelve Months.

CXCVIII. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any competent Court of Law or Equity, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during the Continuance of the Offence.

CXCIX. And be it enacted, That, in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, and such Penalty shall be paid to such last-mentioned Person.

CC. And

Daily Penalty during the Escape of Gas after Notice.

CC. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not, within Twenty-four Hours next after Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Penalty on Gas Makers if Water contaminated.

CCI. And be it enacted, That whenever the Water within the Limits of this Act shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be contaminated or affected.

Daily Penalty during the Continuance of the Contamination after Notice.

CCII. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence to the Person whose Water shall be contaminated or affected a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CCIII. And whereas it may become a Question, upon any such Complaint as aforesaid, whether such Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether such Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be given to the Person making or supplying such Gas of the Time at which such digging and Examination are intended to take place.

The Expences to abide the Result of the Examination.

CCIV. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by the Gas belonging to such Person, the Expences of the digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the

said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Amount of the Expences to be ascertained as other Damages.

CCV. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Persons supplying Gas to be liable to Indictment for Nuisance.

CCVI. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas within the Limits of this Act from an Indictment for any Nuisance, or any other legal Proceeding, to which he may be liable in consequence of the making or supplying such Gas.

Penalty on wilfully breaking Lamps.

CCVII. And be it enacted, That if any Person shall wilfully break or throw down any Lamp or Lamp Post which shall be set up within the Limits of this Act, or shall wilfully extinguish the Light within such Lamp, or damage the Irons or Appurtenances thereof, it shall and may be lawful for any Person who shall see any such Offence committed to seize, and also for any other Person to assist in seizing, the Offender, and by the Authority of this Act, and without any other Warrant, to convey and deliver such Offender into the Custody of a Peace Officer in order to be secured and conveyed before the said Trustees, or any Five or more of them; and if the Party accused of such Offence, whether so apprehended, or afterwards judicially cited for the same, shall be convicted thereof, either by his or their own Confession, or by legal Evidence according to the Law of *Scotland*, such Offender shall forfeit and pay any Sum not exceeding Two Pounds Sterling for the First Offence, Three Pounds Sterling for the Second Offence, and Five Pounds Sterling for the Third and every subsequent Offence, and moreover shall make Satisfaction for the Damages done.

Accidentally breaking Lamps.

CCVIII. And be it enacted, That in case any Person shall accidentally break, throw down, or damage any of the said Lamps, or the Posts, Irons, or Appurtenances thereof, it shall and may be lawful for the said Trustees, or any Five or more of them, to award such Sum or Sums of Money in satisfaction for such Damages as they shall think reasonable, provided any such Sum or Sums of Money shall not exceed the real Damage sustained by such Accident, besides the Expence incurred in recovering the same; and in case of Neglect or Refusal of such Person to pay such Sum or Sums of Money so awarded within One Day after the same shall be demanded, the said Trustees shall levy the same in the same Manner as Penalties and Forfeitures not otherwise provided for are by this Act authorized to be levied.

Power to break up

CCIX. And for the Purpose of enabling the said Trustees, or any Person or Company with whom the Trustees may contract, to light the

the said Harbour and Streets, or any of them, or to supply the said Town and Harbour with Water, be it enacted, That it shall be lawful for the Trustees, and any Company or Persons with whom the Trustees may contract for lighting the said Streets, or any of them, or supplying the same with Water, under the Control and Direction of the Trustees, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they may deem necessary for lighting the same, or supplying the same with Water; and also to lay and place against any Houses, Buildings, or Inclosures such Pipes, Lamp Posts, Lamp Irons, and Lamps and other Works as they may deem necessary for the Purposes aforesaid: Provided always, that the Trustees or other Persons as aforesaid shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof.

Streets and lay down Pipes, &c.

CCX. And be it enacted, That it shall be lawful for the said Trustees to erect and construct a public Clock in some conspicuous and appropriate Part of the Town, and to build and construct a Spire or Tower for receiving the same, and to take the necessary and proper Means for maintaining and preserving such Clock and Spire or Tower in all Time thereafter.

A Public Clock may be erected.

CCXI. And be it enacted, That all and every Person accidentally or wilfully injuring such Clock or Spire or Tower, or any of the Parts or Appurtenances thereof, shall be liable to be apprehended in like Manner as Persons accidentally or wilfully injuring the Lamps in the said Town may be apprehended, and shall be subject to the same Fines and Penalties to which such Persons are by this Act respectively subjected and made liable, and shall moreover in like Manner defray all the Damages incurred.

Injuring the Clock.

CCXII. And in order to raise Money for defraying the Expences of lighting the Streets of the said Town, of cleansing, paving, and improving, lighting, and bringing Water into the same, in manner by this Act authorized, and of erecting and maintaining a Town Clock as aforesaid, and for carrying the other Purposes of this Act into execution in relation to the Improvement and Police of the said Town, be it enacted, That it shall be lawful for the Trustees once in every Year after the passing of this Act to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by the Trustees, upon the Occupiers of all Houses, Shops, Workshops, Warehouses, Foundries, Furnaces, Mills, Factories, Breweries, Coach Houses, Stables, Offices, Cellars, Vaults, Buildings, Ship Yards, Timber Yards, Coal Yards, Coal Wharfs, and other Yards and Wharfs, Railways, Land covered with Water, Canals, and Towing Paths, Brick Fields, Tan Yards, Orchards, Gardens, Building Ground, Lands, Tenements, and Heritages within the Limits of this Act, (save and except any Building used exclusively for Public Worship, or dedicated to the Use of charitable Tuition, already or hereafter to be erected within the Limits of this Act,) according to the annual Value of the same, so as such Rates or Assessments do not exceed in

Power to levy Rates.

in any One Year the Sum of One Shilling in the Pound on such annual Value, except as is herein-after provided: Provided always, that all Lands used as Arable, Meadow, or Pasture Grounds only, or as Woodlands or Plantations, shall be rated or assessed in the Proportion of One Third only of the Sums to be rated or assessed on the other Properties to be charged in each such Rate or Assessment.

Notice of Rate to be given.

CCXIII. And be it enacted, That no Rate to be made under the Authority of this Act shall be valid unless Notice of the Intention of making such Rate, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Trustees by Hand Bills posted in some conspicuous Places in the said Town Ten Days at least previous to such Rate being made, or as nearly so as may be.

Rates to be open to Inspection of Rate-payers.

CCXIV. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all seasonable Times, and any such Persons may take Copies or Extracts from such Rate without paying any thing for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Annual Rate may be increased by Consent of a General Meeting of Rate-payers.

CCXV. And be it enacted, That if it shall at any Time appear that the Sum of One Shilling in the Pound is not sufficient for the Purposes aforesaid, it shall be lawful for the Trustees, with the Consent of the Majority of Rate-payers assembled at the annual Meeting for the Settlement of Accounts, to increase the Rates, so as the same do not in any One Year exceed the Sum of One Shilling and Sixpence in the Pound on such annual Value as aforesaid: Provided always, that Notice of the Intention of the Trustees to make any such Increase shall be given by them One Month previous to such annual Meeting by Hand Bills posted in some conspicuous Places in the said Town.

Rates to be vested in the Trustees.

CCXVI. And be it enacted, That the several Rates made under this Act shall be vested in the Trustees, and shall be payable at such Times as they shall direct to the Collectors to be appointed by them.

Value of Property to be taken at Rack Rent.

CCXVII. And be it enacted, That the annual Value of all Property rateable under this Act shall be estimated and taken at the Rack Rent for which such Property, if occupied by a Tenant, is let for the Time, and if in the Possession of the Owner, at such yearly Rent or Value as shall be fixed by Two or more Assessors to be appointed by the said Trustees, except in such Cases as are hereinafter mentioned.

If an unfair Criterion, a Valuation to be made.

CCXVIII. Provided always, and be it enacted, That if at any Time the Rack Rent shall in the Judgment of the Trustees be an unfair Criterion by which the Rates or Assessments under this Act should

should be made, it shall be lawful for them to cause a Valuation to be made of all the rateable Property within the Limits of this Act by some competent Person to be appointed by them for that Purpose, and the Rates or Assessments to be made by the Trustees for the Purposes of this Act shall be made upon such Valuation.

Valuer to make a Declaration.

CCXIX. And be it enacted, That before any such Valuation shall be made the Person appointed to make such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment, and an Entry or Minute shall be made in the Book of Proceedings of the Trustees of the making and subscribing of such Declaration, and of the Date of making the same; and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Valuation to be the net annual Value.

CCXX. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value.

Rate Books to be Evidence.

CCXXI. And be it enacted, That the Books of Rates of the Trustees, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rates may be amended.

CCXXII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Fourteen Days Notice of such Alteration before the Rate shall be payable by him.

Appeal to the Sheriff on the ground of Inequality of Rates, &c.

CCXXIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Sheriff of the said County of *Linlithgow*, but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Trustees Seven Days at least before the Day appointed for the Compearance in such Court.

Sheriff to make such Order as he

CCXXIV. And be it enacted, That at the Sheriff Court Meeting for which any such Notice of Appeal shall be given the Court shall proceed

thinks reasonable.

proceed to hear and determine the Appeal in a summary Way, except when the Court is hereby directed to adjourn the same, and except when the Court shall think fit to adjourn the Appeal to some future Day, which it is hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Session.

Determination of Sheriff to be final unless appealed from.

CCXXV. And be it enacted, That the Sheriff shall hear and determine all such Appeals for which any such Notice of Appeal shall have been given, and his Determination shall be final and conclusive, and shall not be removed or stayed by Advocation, Suspension, or other Process whatsoever: Provided always, that it shall not be lawful for the Sheriff to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated.

Sheriff may award Costs.

CCXXVI. And be it enacted, That the Sheriff shall in any Appeal against any Rate made under the Authority of this Act have the Power of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs.

Liability to Rates not to disqualify Witnesses or Justices.

CCXXVII. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before a Court of Justice under this Act.

Rates to be recovered by Action or by Distress.

CCXXVIII. And be it enacted, That if any Person rated under the Authority of this Act shall not pay the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Trustees or their Collector, it shall be lawful for the Trustees to recover the same by Action of Debt in any of Her Majesty's Courts of Law or Equity, in case the same shall exceed Fifty Pounds, or any Justice shall, on the Application of the Trustees or their Collector, summon any such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

CCXXIX. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include One Person or several Persons, and be to the Effect mentioned in Schedule (G.) to this Act annexed.

Constables to assist in making Distress.

CCXXX. And be it enacted, That in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant, and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

CCXXXI. Pro-

Power to remit Rate.

CCXXXI. Provided always, and be it enacted, That it shall be lawful for the Trustees to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Owners of Property not exceeding 3*l.* per Annum to pay the Rate in certain Cases.

CCXXXII. And be it enacted, That the Owners of all rateable Property within the Limits of this Act, the yearly Rent or Value whereof respectively shall not exceed Three Pounds, or which shall be let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Not necessary to name the Owner where unknown.

CCXXXIII. And be it enacted, That whenever the Name of any such Owner shall not be known to the Trustees, or to the Person making the Rates, it shall be sufficient to rate such Owner in the Rate Book of the Trustees as the Owner of the Property to be rated by the Designation of the "Owner," without stating his Name.

Receiver of Rents to be deemed the Owner.

CCXXXIV. And in order to prevent any Dispute touching the Word "Owner" for the Purposes of rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act from the Occupier thereof, on his own Account, or as Agent of any other Person, shall be deemed the "Owner" of the same for the Purposes of such rating.

Tenants under existing Leases to repay the Owner.

CCXXXV. Provided always, and be it enacted, That when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

In default of Occupier for Six Months, Owner to pay.

CCXXXVI. And be it enacted, That when the Occupier, or any other Person than the Owner, of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Trustees or their Collector to recover the Amount of such Rate from the Owner of such rateable Property by the same Means as the same might have been recovered if such Owner had been rated thereto.

Occupier to repay the Owner.

CCXXXVII. And be it enacted, That if the Amount of any Rate which, under the Provisions herein-before contained, ought to be borne by the Occupier of any rateable Property, or by any other Person than the Owner thereof, shall be paid by the Owner of such Property or levied on his Goods and Chattels, the Occupier or other Person who ought to have paid the same shall reimburse the Owner for such Rate and Costs.

Persons entering on unoccupied Property to

CCXXXVIII. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate,

pay a Portion of the Rate.

Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Trustees to rate such Property, and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

Application of the Assessment Rate, &c.

CCXXXIX. And be it enacted, That the Money which shall arise from the Sale of the Dung and Fulzie, and from the said Rates or Assessments, shall be applied in the first place in the Payment thereout of a Proportion of the Costs, Charges, and Expences of applying for or incident to the obtaining and passing of this Act; and in the next place in Payment of the Interest of the Money now due or to be borrowed on Mortgage of the said Rates; and in the next place in repairing and keeping in repair the several Streets, Highways, and Roads within the Limits of this Act; and afterwards in defraying the Expences of paving, cleansing, watering, draining, bringing in Water to, and lighting and watching the said Streets and Highways, and of improving the same, and carrying the several Purposes in relation thereto into execution, and in paying off the Principal Sums borrowed on the Credit of or charged on the Rates, in such Order as the Trustees shall direct.

Damages to be ascertained.

CCXL. And be it enacted, That where any Damages or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Sheriff or Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Sheriff or Justices shall issue their Warrant accordingly.

Provision for Damages not otherwise provided for.

CCXLI. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by the Sheriff, or by One or more Justices, and the same shall be levied by Distress.

For ascertaining Compensation.

CCXLII. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That the Sheriff or Justice may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Recovery of Money from Trustees, or

CCXLIII. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Trustees, for which no other Mode

Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Trustees to the Party entitled to receive the same, within Twenty-one Days after Demand thereof in Writing, stating the Order of the Sheriff or Justice for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Trustees, and, if no sufficient Goods of the Trustees can be found, by Distress of the Goods of the Treasurer of the Trustees; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer or left at his usual Place of Abode. from the Treasurer.

CCXLIV. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Trustees coming into his Custody or Control, or to sue the Trustees for the same, in the same Manner as other Parties are by this Act enabled to sue the said Trustees. Reimbursement of the Treasurer.

CCXLV. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Trustees affecting other Persons than themselves, their Officers or Servants, be it enacted, That from Time to Time the Trustees shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed in the Office of the Clerk of the Trustees, and, where any such Penalties are of local Application, shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference, and such Particulars shall be renewed as often as the same, or any Part thereof, is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required. Publication of Penalties.

CCXLVI. And be it enacted, That if any Person shall pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered. Defacing Boards used for Publication of Penalties.

CCXLVII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before Penalties to be summarily recovered before the Sheriff or Justices.

before the Sheriff or Two or more Justices; and on the Complaint being made to the Sheriff or any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for the Sheriff, or any Two or more Justices, to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence it shall be lawful for the Sheriff, or any Two or more Justices, to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Sheriff or Justices shall think fit.

Penalties to be levied by Distress.

CCXLVIII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and the Sheriff, or any One or more Justices, shall issue his or their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCXLIX. And be it enacted, That it shall be lawful for the Sheriff or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Bail, Recognizance, or otherwise, to the Satisfaction of the Sheriff or Justices, for his Appearance before him or them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Sheriff or Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he or they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CCL. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Trustees, to be applied in aid of the Rates to be levied under this Act.

CCLI. And

Penalties to be sued for within Six Months.

CCLI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before the Sheriff or a Justice, unless the Complaint respecting such Offence shall have been made before such Sheriff or Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CCLII. And be it enacted, That it shall be lawful for the Sheriff or Justice to summon any Person to appear before him as a Witness in any Matter in which such Sheriff or Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before the Sheriff or any Justice touching any Offence committed against this Act, or any Matter in which such Sheriff or Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff or Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCLIII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Trustees, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before the Sheriff or some Justice, without any Warrant or other Authority than this Act; and such Sheriff or Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCLIV. And be it enacted, That the Sheriff or Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (H.) to this Act annexed.

Distress not unlawful for Want of Form.

CCLV. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed into any of the Superior Courts.

Distress, how to be levied.

CCLVI. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

CCLVII. And

Distress not unlawful for Want of Form.

CCLVII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an ordinary Action.

Parties may appeal on giving Security.

CCLVIII. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice under the Provisions of this Act he may appeal to the General Quarter Sessions, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCLIX. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

Saving Rights of the Duke of Hamilton.

CCLX. And be it enacted, That nothing in this Act contained shall affect, hurt, or prejudice the Right of his Grace *Alexander Hamilton Douglas*, Duke of *Hamilton* and *Brandon*, or of his Heirs and Successors, of any Harbour or Port within the Limits aforesaid, or derogate from the Rights of the said Duke, or of his Heirs and Successors, to levy any Shore Dues, Tolls, or Duties, or to affect, hurt, or prejudice the Rights of Superiority in relation to the said Town and Harbour to which the said Duke may at present have Right, except as herein otherwise provided.

Saving Rights of Commissioners of Northern Lights and Corporation of Trinity House.

CCLXI. And be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges of the Commissioners of the Northern Lighthouses, or of the Corporation of *Trinity House* of *Deptford Strond*.

CCLXII. And

Interpretation of Act.

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

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

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

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

The Word "Sheriff" shall include "Sheriff Substitute," and shall mean the Sheriff or Sheriff Substitute of the County of *Linlithgow:*

The Expression "the Trustees" shall mean the Trustees appointed by virtue of this Act:

The Word "Vessel" shall include Ship, Steam Boat, Barque, Lighter, Vessel, Barge, and Boat:

The Word "Bank" shall mean any Bank in *Scotland* established by Act of Parliament or Royal Charter:

The Word "Justice" shall mean any Justice of the Peace qualified to act within the Limits of this Act:

The Word "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the County of *Linlithgow:*

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act:

The Word "Lands" shall extend to Lands, Tenements, and Heritages of any Tenure.

Commencement of Act.

CCLXIII. And be it enacted, That this Act shall commence from and after the passing thereof, and shall thereafter continue in force until the same shall be repealed or altered by the Authority of Parliament.

Expences of Act.

CCLXIV. And be it enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, shall be paid by the said Trustees out of the Monies applicable to the Purposes of this Act in the Proportions following; *viz.*, Three Fourths out of the Funds applicable to the said Harbour, and the Remainder out of the Rates of Assessment hereby authorized to be levied.

Public Act.

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

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage or Assignment.

By virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], we, Three of the Trustees appointed by virtue of the said Act, in consideration of the Sum of advanced and paid to us by do hereby sell, assign, and make over to the said his Heirs, Executors, Representatives, and Assignees, all and sundry the Rates, and Duties to be levied and received at the Harbour of Borrowstounness [*or* "Rates and Assessments to be imposed and levied on the Inhabitants of the Town of Borrowstounness," *as the Case may be*], payable to us by virtue of the said Act, and all our Right, Title, and Interest of, in, and to the same, to be held by the said and his foresaids until the said Sum of with the legal Interest thereof [*or* "such Interest as may be agreed on, if less than Five Pounds per Centum"], shall be fully satisfied and paid. In witness whereof we the undersigned Trustees have subscribed these Presents written by at the Day of before these Witnesses, and

SCHEDULE (B.)

Form of Transfer of Assignment.

I of in consideration of the Sum of paid to me by of do hereby transfer a certain Assignment made by the Trustees for [*here insert the Purpose for which the Money was raised*] to me, bearing Date the Day of for securing the Sum of and Interest, and all Interest now due and to become due thereon, and all my Right and Property therein, to the said his Heirs, Executors, Representatives, and Assignees. In witness whereof I have subscribed these Presents written by at the Day of before these Witnesses, and

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SCHEDULE (C.)

Form of Conveyance.

I of in consideration of the Sum of paid to me by the Trustees appointed by virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], do hereby sell, alienate, and convey to the said Trustees, their Successors and Assignees, all [*describing the Premises to be conveyed*], together with all my Right, Title, and Interest in and to the same, and every Part thereof, to hold the said Premises to the said Trustees and their Successors and Assignees for ever, according to the true Intent and Meaning of the said Act; and I consent to the Registration hereof in the Books of Council and Session, or others competent for Preservation and Execution, and in the Register of Sasines, Reversions, and other Writings for Publication, and thereto constitute my Procurators, *&c.* In witness whereof I have subscribed these Presents, written by at the Day of in the Year before these Witnesses, and .

SCHEDULE (D.)

Form of Conveyance on an annual Feu Duty.

I of in consideration of the yearly Rent or Feu Duty to be paid to me, my Heirs and Assignees, as herein-after mentioned, by the Trustees appointed by virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], do hereby sell, alienate, and convey to the said Trustees, their Successors and Assignees, all [*describing the Premises to be conveyed*], together with all my Right, Title, and Interest in and to the same, and every Part thereof, to hold the said Premises to the said Trustees and their Successors and Assignees for ever, according to the true Intent and Meaning of the said Act, they the said Trustees, their Successors and Assignees, yielding and paying unto me, my Heirs and Assignees, One clear yearly Rent or Feu Duty of by equal half-yearly Payments on [*stating the Days of Payment*], clear of all Taxes and Deductions; and I consent to the Registration hereof in the Books of Council and Session, or others competent for Preservation and Execution, and in the Register of Sasines, Reversions, and other Writings for Publication, and thereto constitute my Procurators, *&c.* In witness whereof I have subscribed these Presents written by at the Day of in the Year before these Witnesses, and .

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SCHEDULE (E.)

Slip Rates.

	Two Tides, to Grave the Tide on and next off.	Three Tides, including going on and coming off.	Four Tides, including going on and coming off.	Five Tides, including going on and coming off.	Six Tides, including going on and coming off.	Seven Tides, including going on and coming off.	Eight Tides, including going on and coming off.	Above Eight Tides, and not exceeding 24 A. Spring.	Two Springs.	Three Springs.	Four Springs.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
A Ship or Vessel not exceeding 30 Tons - - -	0 10 0	0 14 0	0 18 0	1 2 0	1 5 0	1 8 0	1 12 0	3 0 0	5 10 0	8 0 0	10 10 0
Exceeding 30 Tons and not exceeding 50 Ditto -	0 15 0	0 19 0	1 4 0	1 7 0	1 12 0	1 16 0	1 19 0	3 10 0	6 6 0	10 0 0	12 8 0
Exceeding 50 Tons and not exceeding 75 Ditto -	1 0 0	1 6 0	1 12 0	1 17 0	2 2 0	2 7 0	2 12 0	4 14 0	8 10 0	13 0 0	16 10 0
Exceeding 75 Tons and not exceeding 100 Ditto -	1 2 0	1 9 0	1 16 0	2 1 0	2 7 0	2 12 0	2 18 0	5 5 0	9 10 0	14 12 0	18 10 0
Exceeding 100 Tons and not exceeding 125 Ditto -	1 4 0	1 13 0	2 0 0	2 6 0	2 12 0	2 18 0	3 5 0	5 18 0	10 12 0	16 8 0	20 16 0
Exceeding 125 Tons and not exceeding 150 Ditto -	1 6 0	1 17 0	2 5 0	2 11 0	2 18 0	3 5 0	3 10 0	6 10 0	11 10 0	17 10 0	21 15 0
Exceeding 150 Tons and not exceeding 175 Ditto -	1 8 0	2 0 0	2 10 0	2 16 0	3 4 0	3 10 0	3 16 0	6 15 0	11 15 0	18 0 0	22 15 0
Exceeding 175 Tons and not exceeding 200 Ditto -	1 10 0	2 2 0	2 12 0	2 18 0	3 10 0	3 15 0	4 0 0	7 0 0	12 5 0	18 5 0	23 5 0
Exceeding 200 Tons and not exceeding 225 Ditto -	1 12 0	2 5 0	2 15 0	3 0 0	3 15 0	4 0 0	4 5 0	7 5 0	12 15 0	18 15 0	24 0 0
Exceeding 225 Tons and not exceeding 250 Ditto -	1 14 0	2 8 0	2 18 0	3 3 0	4 0 0	4 5 0	4 10 0	7 10 0	13 0 0	19 5 0	25 0 0
Exceeding 250 Tons and not exceeding 275 Ditto -	1 16 0	2 10 0	3 0 0	3 7 0	4 2 0	4 8 0	4 15 0	8 0 0	13 15 0	20 15 0	26 5 0
Exceeding 275 Tons and not exceeding 300 Ditto -	1 18 0	2 12 0	3 2 0	3 9 0	4 4 0	4 10 0	4 17 0	8 5 0	14 0 0	21 15 0	27 0 0
Exceeding 300 Tons and not exceeding 325 Ditto -	2 0 0	2 14 0	3 4 0	3 12 0	4 6 0	4 12 0	5 0 0	9 15 0	17 0 0	27 0 0	33 16 0
Exceeding 325 Tons and not exceeding 350 Ditto -	2 0 0	2 14 0	3 4 0	3 12 0	4 6 0	4 12 0	5 0 0	10 5 0	18 0 0	28 5 0	35 16 0
Exceeding 350 Tons and not exceeding 375 Ditto -	2 0 0	2 14 0	3 4 0	3 12 0	4 6 0	4 12 0	5 0 0	10 15 0	19 0 0	29 15 0	40 10 0
Exceeding 375 Tons and not exceeding 400 Ditto -	2 0 0	2 14 0	3 4 0	3 12 0	4 6 0	4 12 0	5 0 0	11 0 0	19 10 0	30 10 0	41 10 0

SCHEDULE (F.) to which this Act refers.

Rates and Duties on Goods.

		s.	*d.*
Acorns	per Bushel	0	1
Alabaster	per Cwt.	0	1
Aquafortis	per Carboy	0	1
Apples and other Fruit	per Bushel	0	1
Ashes, Pot or Pearl	per Ton	0	6
—— Soap	per Cwt.	0	0¼
—— Fern or Wood	per Cwt.	0	0¼
Bacon	per Cwt.	0	0½
Barilla	per Ton	0	6
Bark, Oak and other	per Ton	0	6
—— Jesuits	per lb.	0	6
Barrel Staves. (*See* Staves.)			
Barley	per Quarter	0	1
—— Pearl or Pot	per 20 Stone	0	1
Baskets	per 100*l.* Value	£1	
Battens and Ends. (*See* Wood.)			
Beef, Mutton, Veal, and Pork	per Cwt.	0	0½
Beer, Porter, Ale, Mum, Cider, Perry, Vinegar, and all Malt Liquors	per Hhd.	0	2
Ditto Ditto	per Barrel	0	1½
—— bottled	per Dozen Bottles	0	0¼
Bees Wax	per Cwt.	0	1
Bell Metal	per Cwt.	0	0½
Bells	per Ton	0	6
Bellows	per Barrel Bulk	0	1½
Blankets	per Dozen	0	1
Blubber	per Ton	0	3
Bones	per Ton	0	3
Bone Dust	per Ton	0	4
Bottles, Glass	per Cwt.	0	0¼
—— Stone	per Cwt.	0	0¼
Bran	per Quarter	0	0¼
Brandy	per Gallon	0	0¼
Bricks	per 1,000	0	3
—— Stock Fire	per 1,000	0	4½
Brimstone	per Ton	0	6
Bullrushes	per Barrel Bulk	0	0½
Butter	per Firkin	0	0½
Calicoes and other Cotton Goods	per Barrel Bulk	0	0½
Calves	per Head	0	1
Candles	per Cwt.	0	1
—— Wax	per Cwt.	0	6
Canvass or Sailcloth	per Bolt	0	0¼
Carpets	per Barrel Bulk	0	1

		s.	*d.*
Carriages, Two Wheels	each	1	0
—— Four Wheels	each	2	0
Carts	each	0	6
Carrots	per Ton	0	3
Casks, empty, or the Size of a Barrel	each	0	0½
—— empty, and below the Size of a Barrel	each	0	0¼
Cement	per small Barrel	0	0¼
Cheese	per Cwt.	0	0¼
Cinders	per Ton	0	3
Clay	per Ton	0	1
—— Fire	per Ton	0	3
Chalk	per Ton	0	2
Cloth, Hair	per Barrel Bulk	0	2
—— Linen	per Barrel Bulk	0	3
—— Sack	per 12 Pieces	0	1
—— Woollen, and Woollen Goods, or Clothing	per Barrel Bulk	0	1
Coals	per Ton	0	2
Coffee or Cocoa	per Cwt.	0	1
Corf Rods	per Barrel Bulk	0	0¼
Cordage, Twine, and Netting, or Rope	per Cwt.	0	0½
Cork or Corks	per Cwt.	0	1
Corn and Grain. (*See* Wheat.)			
Copper and Brass	per Ton	0	6
Cotton, Raw	per Cwt.	0	0¼
Cows and other Cattle	each	0	6
Cream of Tartar	per Cwt.	0	1
Crockery	per Barrel Bulk	0	1
—— coarse Brown	per Barrel Bulk	0	0½
Currants and other Fruit, dried	per Cwt.	0	0½
Cider. (*See* Beer.)			
Dates or Figs	per Cwt.	0	0½
Deals and Deal Ends. (*See* Wood.)			
Dimities	per Barrel Bulk	0	1
Dogs	each	0	2
Drugs	per lb.	0	0¼
Dusters	per Dozen	0	0¼
Dyeing Stuffs not otherwise charged	per Cwt.	0	0½
Earthenware. (*See* Crockery.)			
Eggs	per Cwt. of 1,600	0	3
——	per 120	0	0¼
Feathers	per Cwt.	0	0½
Fish, Salmon, salted	per Barrel	0	2
—— —— dried kippered	per Cwt.	0	1
—— —— fresh exported	per Cwt.	0	0½
—— —— pickled	per Kit	0	0¼
—— dried, smoked, or salted (except Salmon)	per Cwt.	0	1
—— Herrings, red or cured	per Barrel	0	1
Fish imported by Strangers not belonging to the Port, or purchased at other Ports by Traders belonging to the Port of Borrowstonness	per Cwt.	0	0¼
Flax or Cordilla	per Ton	0	6
Flour or Meal	per Sack 2½ Cwt.	0	1
Flint and Pipe Clay	per Ton	0	3
Fullers Earth	per Ton	0	6

		s.	d.
Ginger	per Cwt.	0	0½
Glass, Window	per Crate	0	2
—— broken	per Barrel Bulk	0	1
Glasses, Decanters, and other White Glass	per Barrel Bulk	0	4
Glue	per Cwt.	0	0½
Groceries not otherwise charged	per Cwt.	0	0½
Gunpowder	per Cwt.	0	2
Haberdashery and Millinery Goods	per Barrel Bulk	0	3
Haddock and other fresh Fish (exported)	per Cwt.	0	0½
Hair (Horse or Cattle)	per Barrel Bulk	0	2
Hair used in Manufacture	per Ton	0	3
Harness and Saddlery	per Barrel Bulk	0	2
Hams	per Cwt.	0	1
Handscoops	per Dozen	0	0¼
Handspikes dressed	per Dozen	0	1
Hats, Caps, or Bonnets	per Barrel Bulk	0	4
Hay and Straw	per Ton	0	6
Hemp or Tow	per Ton	0	6
Hogs or Pigs	each	0	1
Hides	per Cwt.	0	2
Horses	each	1	0
Hoofs and Horns	per Ton	0	3
Hoops, Wood	per 12 Bundles	0	0½
Hops	per Bag	1	0
——	per Pocket	0	6
Household Furniture	per Barrel Bulk	0	0½
Husbandry Implements	per Cwt.	0	1
Indigo	per Cwt.	0	6
Iron, Pig	per Ton	0	4
—— Cast	per Ton	0	4
—— Hoop	per Ton	0	6
—— Wrought	per Ton	0	6
—— Bar	per Ton	0	6
—— Broken or Bushel	per Ton	0	4
—— Stone	per Ton	0	2
Ironmongers Goods	per Cwt.	0	1
Isinglass	per Cwt.	0	6
Junk	per Ton	0	4
Kelp	per Ton	0	4
Kelpwaste	per Ton	0	2
Kits, empty Salmon	per 20	0	2
Laths. (*See* Wood.)			
Lathwood. (*See* Wood.)			
Lead	per Ton	0	6
—— White, Red, or Black, and Paint	per Cwt.	0	1
—— Shot	per Cwt.	0	0½
Leather	per Cwt.	0	1
Leather (Scrap)	per Ton	0	3
Lemons or Oranges	per Chest	0	1
Lime	per Ton	0	2
Limestone	per Ton	0	1

		s.	d.
Malt	per Quarter	0	1½
Manure (Bone Manure excepted)	per Ton	0	1
Marble	per Ton	0	6
Mats (Basses)	per 120	0	2
Machinery	per Ton	0	9
Molasses	per Cwt.	0	0½
Muriate of Potash	per Ton	0	4
Mustard	per Cwt.	0	0½
Nails, Iron	per Cwt.	0	0½
—— Copper or Brass	per Cwt.	0	1
Nuts, Filberts, &c.	per Barrel Bulk	0	1
Ochre	per Cwt.	0	0½
Oakum	per Cwt.	0	0½
Oil	per Tun	1	6
—— Cake	per Ton	0	6
Oats	per Quarter	0	1
—— Meal, and all other Meal	per Bag of 280 lbs.	0	1
—— Shuland or Groats	per 20 Stone of 14 lbs.	0	1
Onions	per Bushel	0	1
Oysters, imported by Strangers not belonging to the Port, or purchased at other Ports by Traders belonging to the Port	per Barrel of 1,200	0	1
Oysters exported	per Barrel of 1,200	0	1
Paper or Pasteboard	per Cwt.	0	0½
Passengers	each	0	0½
Pepper	per Cwt.	0	0½
Pewter	per Ton	0	6
Peats	per Ton	0	3
Pease and Beans	per Quarter	0	1
Pipes, Tobacco	per Chest	0	3
Pitch	per Barrel	0	1
Provisions	per Cwt.	0	1
Plaster of Paris	per Cwt.	0	2
Potatoes, and other Roots not enumerated	per Ton	0	3
Poultry	per Dozen	0	2
Prunes	per Cwt.	0	0½
Quicks or Twigs	per Barrel Bulk	0	2
Rags (Linen)	per Ton	0	6
Rags (Woollen)	per Ton	0	3
Rape Cake	per Ton	0	5
Rosin	per Cwt.	0	1
Rotten Stone. (*See* Fullers Earth.)			
Rugs	per Barrel Bulk	0	2
Rum. (*See* Spirits.)			
Rice	per Cwt.	0	0½
Rye	per Quarter	0	1
Sails	per 50 Square Yds.	0	1
Salt	per Ton	0	3
Salt, Rock	per Ton	0	3
Salts, Glauber	per Cwt.	0	0½
Saltpetre	per Cwt.	0	0½
Sand (not being Ballast)	per Ton	0	2

		s.	*d.*
Seeds, Clover	per Cwt.	0	0½
—— Hemp	per Cwt.	0	0½
—— Flax	per Cwt.	0	0½
—— Rape	per Cwt.	0	0½
—— Rye Grass	per Quarter	0	1
—— Turnip	per Bushel	0	0¼
—— Garden, and all others not enumerated	per Cwt.	0	2
Sheep or Goats	each	0	1
Screws	per Cwt.	0	1
Sheep Flakes	per Dozen	0	1
Sickles	per Barrel Bulk	0	2
Sieves	per Barrel Bulk	0	2
Silk, wrought or unwrought	per Barrel Bulk	0	4
Silk Waste	per Ton	0	3
Skins or Furs	per 100*l.* Value	£1	
Slates	per 1,000	0	6
Smalts	per Cwt.	0	1
Snuff	per Cwt.	0	1
Soap	per Cwt.	0	0½
Soot	per Ton.	0	1
Spades and Shovels. (*See* Husbandry Implements.)			
Soda	per Cwt.	0	0½
Soda Ash	per Ton	0	4
Spirits, Foreign	per Gallon	0	0¼
—— British	per Gallon	0	0¼
Spokes, Carriage, Waggon, or Cart	per 120	0	1
Starch	per Cwt.	0	0½
Staves, Barrel	per 120	0	0½
—— Hogshead	per 120	0	0½
—— Pipe	per 120	0	1
—— Cutting or Board Ends	per 1,000	0	2
Steel	per Cwt.	0	0½
Stone, Ashler	per Ton.	0	2
—— Burrs	per Dozen	0	2
—— Filtering	per Dozen	0	3
—— Grind	per Cwt.	0	0½
—— Mill, Barley, &c.	per Cwt.	0	0½
—— Pavement, wrought	per Ton	0	4
—— —— unwrought	per Ton	0	2
—— Rag	per 120	0	0½
—— Rubble and Round Metal	per Ton	0	1
—— Whet or Scythe	per 120	0	0½
Sugar	per Cwt.	0	0½
—— Refined or Candy	per Cwt.	0	1
Tallow	per Cwt.	0	0½
Tar	per Barrel	0	1
Tea	per common Chest	0	0½
——	per double Chest	0	1
Tiles, Drain, small	per 1,000	0	3
—— Soles	per 1,000	0	1½
—— —— large	per 1,000	0	4
—— Soles	per 1,000	0	2
Tiles, Pan	per 1,000	0	3
—— Maltsters	per 1,000	0	4
Tobacco, unmanufactured	per Cwt.	0	0½
—— manufactured	per Cwt.	0	1

		s.	d.
Trenails. (*See* Wood.)			
Trees and Shrubs or Flowers - - -	per Barrel Bulk	0	1
Turnips - - - - -	per Ton.	0	2
Turpentine - - - -	per Carboy	0	2
——— - - - -	per Barrel	0	2
Varnish - - - - -	per Cwt.	0	0½
Vitriol - - - -	per Carboy	0	1
Wheat, and other Grain not enumerated -	per Quarter	0	1
Whalebone - - -	per Cwt.	0	0½
Wheels, Carriage or Cart - - -	per Pair	0	2
Whitening - - - -	per Ton	0	3
Wine, Foreign - - - -	per Gallon	0	0½
——— British - - -	per Gallon	0	0¼
Wire, Iron - - - -	per Cwt.	0	0½
——— Copper and Brass - - -	per Cwt.	0	1
Wood, Battens and Deals - -	per Load of 50 Cubic Feet	0	8
———Oak - - -	per Load of 50 Cubic Feet	0	9
———Beech, Birch, and Yellow Pine,	per Load of 50 Cubic Feet	0	8
———Memel, Red Pine, and Norway Timber - -	per Load of 50 Cubic Feet	0	8
——— Lathwood -	per Fathom of 6 Feet wide and 6 Feet high	1	6
Wood, Laths - - - -	per 100*l.* Value	£1	
———Trenails - - -	per 1,000	0	8
——— Mahogany and other Fine Woods -	per 100*l.* Value	£1	
———Scotch Fir, Larch, and other Woods not enumerated - -	per Load of 50 Cubic Feet	0	6
———Pit Wood under 3½ Inches at small End -	per 1,000 Feet	0	6
——— ——— above 3½ Inches at small End -	per 1,000 Feet	0	8
Wool - - - - -	per Pack	0	4
Yarn, Cotton - - - -	per Barrel Bulk	0	2
——— Linen - - - -	per Barrel Bulk	0	2
——— Wick for Candles - -	per Barrel Bulk	0	2
——— Woollen - - - -	per Barrel Bulk	0	2
Yeast - - - - -	per Puncheon	0	4
Zinc - - - -	per Ton	0	6
All Goods or Articles not enumerated, for every 100*l.* of Value 1*l.*, or per Barrel Bulk, 4*d.* to 6*d.*			
Goods imported, and afterwards exported without being manufactured, to pay only Half Dues.			
Goods shifted from one Vessel to another to pay only Half Dues.			
Ballast, Inwards or Outwards - -	per Ton	1	0

SCHE-

SCHEDULE (G.)

Form of Warrant of Distress.

To One of the Collectors of the Rates under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], and to all Constables.

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Premises within the Town of Borrowstonness, have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, Sheriff [*or* One of Her Majesty's Justices of the Peace for the County of Linlithgow]; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown sufficient Cause why such several Sums of Money should not be paid, These are therefore, in Her Majesty's Name, to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress and Sale, being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct. And I do hereby strictly charge and command all and singular the Constables within the County of Linlithgow respectively to be aiding and assisting in all Things relating to the Premises. Given under my Hand this Day of in the Year of our Lord One thousand eight hundred and .

	Sums due. £ s. d.
A.B. - - -	
C.D. - - -	

SCHEDULE (H.)

Form of Conviction.

BE it known, That on the Day of in the Year of our Lord *A.B.* is convicted before me *C.D.*, Sheriff, *or* One of Her Majesty's Justices of the Peace for the County of Linlithgow, [*here describe the Offence generally, and the Time and Place when and where committed,*] contrary to an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*]. Given under my Hand the Day and Year first above-written.

C.D.

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