CHAP. cxxxii.

An Act to amend an Act passed in the twenty-ninth year of the reign of His Majesty King George the Second, intituled "An Act for erecting, maintaining, and supporting a lighthouse on the island of Little Cumray, in the county of Bute, at the mouth of the river Clyde in North Britain; and for rendering the navigation in the frith and river of Clyde more safe and commodious." A.D. 1871.

[13th July 1871.]

WHEREAS an Act (herein-after called the recited Act) was passed in the twenty-ninth year of the reign of His Majesty King George the Second, intituled "An Act for erecting, maintaining, and supporting a lighthouse on the island of Little Cumray, in the county of Bute, at the mouth of the river Clyde in North Britain; and for rendering the navigation in the frith and river of Clyde more safe and commodious:" 29 G. 2. c. 20.

And whereas the Commissioners or Trustees appointed by and under the recited Act were by that Act authorised to erect not only the said lighthouse on the island of Little Cumbrae, but also such beacons, buoys, and land or sea marks on any place or places in the said firth as they should judge expedient for rendering the navigation thereof more safe and commodious, and to remove or cause to be removed such shoals and flats in the said firth or river of Clyde as they or any seven or more of them should judge necessary for the improvement of the navigation thereof:

And whereas the said Commissioners or Trustees have, in pursuance of the powers so conferred upon them, erected the said lighthouse on the island of Little Cumbrae, and have also erected lighthouses at Toward Point and at the Cloch in the said firth of Clyde, and other lights, beacons, buoys, and land or sea marks at other places in the said river and firth, and have improved the navigation below and above the harbour of Greenock by removing shoals and flats therefrom, whereby not only such vessels as pass

A.D. 1871. the lighthouse on the island of Little Cumbrae, but also all vessels navigating the said river and firth, are greatly benefited:

And whereas the said Commissioners or Trustees were by the recited Act authorised to demand and take certain duties from the masters and owners of vessels passing the said lighthouse on the island of Little Cumbrae, and were required to apply the same in erecting and maintaining the said lighthouse, and providing for the lighting thereof, and for all other charges proper and necessary for executing the trust; and were further required to apply the surplus of the said duties, after providing for the purposes aforesaid, to removing shoals and flats and to the placing of beacons, buoys, and land or sea marks, or to other public uses relative to the navigation below the harbour of the town of Greenock:

And whereas it was by the recited Act directed that, after the said navigation below the harbour of Greenock should have been sufficiently improved, the surplus of the said dutics should be applied in manner following; that is to say, one sixth part thereof to be paid to the two baillies of Greenock (who were under the powers of the recited Act ex officio Commissioners or Trustees) to be applied to the improvement of the harbour of Greenock, and the remainder thereof to be applied by the rest of the Trustees, or any seven or more of them, towards the improvement of the navigation of the river Clyde above the harbour of Greenock:

And whereas the amount of the duties received by the said Commissioners or Trustees under the provisions of the recited Act from the masters and owners of vessels has of late years greatly increased, and the said Commissioners or Trustees have in consequence, after paying all the charges and expenses of the primary objects of the trust, been in possession of a very large annual surplus, one sixth whereof they have paid to the baillies of Greenock for the improvement of the harbour of Greenock, but almost the whole of the remaining five sixths thereof has been paid to the Trustees of the Clyde Navigation, instead of being applied by the other Trustees under the recited Act as directed by that Act:

And whereas, subsequently to the passing of the recited Act, the Trustees of the Clyde Navigation were appointed by Parliament for managing and maintaining the portion of the river Clyde between Glasgow and a straight line drawn from the eastern end of Newark Castle at Port Glasgow to the mouth of Cardross Burn, with powers of charging rates upon vessels and goods for the use of that portion of the river; and certain Trustees were also appointed by Parliament for the management and maintenance of the port and harbours of Greenock, with powers of charging rates in respect of the use thereof; and it is expedient that the rates or duties leviable in respect of the lighthouses and other works authorised by the

recited Act should not be applied towards the management or maintenance of the said portion of the river Clyde or of the port and harbours of Greenock, and that the rates or duties so leviable should be reduced:

And whereas it is expedient to alter the constitution of the trust established by the recited Act, and to vest the lighthouses, beacons, and other property of that trust in Trustees to be appointed or elected under the provisions of this Act, and to authorise the Trustees so appointed or elected to exercise the powers and perform the duties of the Commissioners or Trustees under the recited Act, in so far as relates to the said river and firth below the said line drawn from Newark Castle to Cardross Burn, and for those purposes to levy rates or duties upon vessels navigating that portion of the said river and firth, and to borrow money for the purposes of the recited Act and this Act:

But these objects cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Clyde Lighthouses Act, 1871."

Recited Act and this Act to be read as one Act.

2. The recited Act, so far as not varied by this Act, and this Act shall be read together as one Act.

Provisions of Acts herein named incorporated.

3. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much of the said Acts respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Act.

10 & 11 Vict. c. 16. in part incorporated.

4. "The Commissioners Clauses Act, 1847," (except where expressly varied by this Act,) is hereby incorporated with this Act, with the exception of the clauses and provisions with respect to the following matters, that is to say, with respect to the qualification of Commissioners; with respect to the election and rotation of the Commissioners, where the Commissioners are to be elected by the ratepayers or other like class of electors; with respect to the meetings and other proceedings of the Commissioners and their liabilities, and with respect to the mortgages to be executed by the Commissioners, and also with the exception of sections 57, 92, 93, and 94; and the word "Commissioners" in the said Act, as incorporated with this Act, shall mean the Trustees of the Clyde Lighthouses incorporated by this Act.

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Certain sections of Acts herein named incorporated.

5. Section twelve of "The Harbours, Docks, and Piers Clauses Act, 1847," and sections thirteen, eighteen, and nineteen of "The Railways Clauses Act, 1863," are incorporated with and form part of this Act; and in construing the said sections as incorporated with this Act the expressions "the Undertakers" and "the Company" respectively shall mean the Trustees of the Clyde Lighthouses incorporated by this Act, and the words "harbour," "dock," "pier," "work," and "railway" respectively shall mean any work below high-water mark which the Trustees may construct under the authority of this Act.

Interpretation of terms.

6. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings, and in those Acts as so incorporated the expression "the special Act" shall mean this Act; and the following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

The expression "the existing Trustees" means the Commissioners or Trustees appointed and acting under the recited Act:

The expression "the Trustees" means the Trustees of the Clyde Lighthouses incorporated by this Act for executing and carrying into effect the purposes of the recited Act and this Act:

The words "clerk" and "treasurer" mean respectively the clerk and treasurer for the time being of the Trustees:

The expression "collector of rates" means the person or persons appointed by the Trustees to collect the rates by this Act authorised to be levied by them, and includes the assistants of such collector or collectors:

The word "mortgage" means any mortgage or assignation in security granted by the Trustees under the authority of this Act:

The word "vessel" includes a ship or craft of any kind, whether propelled by steam or otherwise.

Existing Trustees to remain in office till 1st of December 1871.

7. The existing Trustees shall remain in office and execute and carry into effect the recited Act, and so far as necessary this Act, until the first day of December one thousand eight hundred and seventy-one.

Constitution and incorporation of Trustees.

8. On and after the first day of December one thousand eight hundred and seventy-one the Trustees for executing and carrying into effect the provisions of the recited Act and this Act shall be the persons herein-after specified; that is to say,

Eleven persons herein-after called "elective Trustees," consisting of,

Six persons to be elected, in virtue of the provisions herein-after contained, by and from among the ratepayers qualified and registered as herein-after mentioned as electors for the city of Glasgow;

Three persons to be elected in like manner by and from among the ratepayers qualified and registered as herein-after mentioned as electors for the town of Greenock; and

Two persons to be elected in like manner by and from among the ratepayers qualified and registered as herein-after mentioned as electors for the town of Port Glasgow:

Five persons to be appointed in manner herein-after provided and herein-after called "appointed Trustees," consisting of,

One person to be appointed by the Merchants House of Glasgow;

Two persons to be appointed by the Chamber of Commerce and Manufactures of Glasgow; and

Two persons to be appointed by the Chamber of Commerce and Manufactures of Greenock:

Three persons as ex officio Trustees, consisting of,

The chairman for the time being of the Trustees of the Clyde Navigation;

The chairman for the time being of the Trustees of the Port and Harbours of Greenock;

The chairman for the time being of the Trustees of Port Glasgow Harbour; and

Sir Michael Robert Shaw Stewart, of Greenock and Blackhall, Baronet, and his heirs male in the estate of Greenock:

And the Trustees shall be a body corporate, under the name of "The Trustees of the Clyde Lighthouses," with perpetual succession and a common seal, and shall have power to sue and be sued, and to acquire, hold, use, and dispose of lands and other property for the purposes of the recited Act and this Act, and all other privileges of a body corporate.

Qualification of electors and Trustees for first and subsequent elections.

9. For the purposes of the first and subsequent elections of elective Trustees every person who shall during the year ending on the thirty-first day of August next preceding such election have paid, either as principal or as agent for any other person, two pounds or upwards of rates exigible under the recited Act or this Act, shall be qualified to be an elector and to be elected an elective Trustee, and shall be entitled to be registered as herein-after mentioned.

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Separate lists of electors for Glasgow, Greenock, and Port Glasgow.

10. Where the person qualified as aforesaid to be an elector resides or has his place of business at the time of making up the lists of electors as herein-after provided in or within three miles of the parliamentary boundaries (as the same may be fixed for the time) of the city of Glasgow, the town of Greenock, or the town of Port Glasgow respectively, his name shall be placed on the list of electors for the city of Glasgow, the town of Greenock, or the town of Port Glasgow, as the case may be; and where the person qualified as aforesaid to be an elector resides or has his place of business at the time of making up the said lists elsewhere than as above described, or in or within three miles of the parliamentary boundaries of more than one of the places above named, his name shall be placed on the list of electors for any one of the said three places which he shall select and intimate in writing, on or before the fifteenth day of September next preceding the making up of such lists, to the person appointed by the sheriff of Lanarkshire to make up the same as herein-after provided as respects the register for the first election, and to the clerk as respects the register for each subsequent election; and if he fail to make such selection in manner aforesaid, his name shall be placed on the list of electors for the city of Glasgow: Provided that no person shall be registered as an elector for more than one of the said three places; but he may determine for which of the said places he shall be registered as an elector, if he be qualified as an elector for more than one.

Sheriff of Lanarkshire to appoint person to conduct first election of elective Trustees.

11. The sheriff of Lanarkshire shall, on or before the first day of September one thousand eight hundred and seventy-one, appoint some competent person to perform, and who shall perform, the duties herein-after mentioned with reference to the first election of elective Trustees, and shall fix such reasonable remuneration for the performance of the said duties as he shall think proper, and the sum so fixed shall be paid by the Trustees.

List of electors to be made up and published.

12. The person so appointed shall, on or before the second day of October one thousand eight hundred and seventy-one, make up from the books of the existing Trustees (access to and inspection of which books shall for that purpose be at all reasonable times afforded to him) lists of the persons qualified or appearing to be qualified as electors for the city of Glasgow, the town of Greenock, and the town of Port Glasgow respectively; and shall also, on or before the ninth day of the same month, by advertisement as herein-after provided, publish such lists, and require all persons claiming to be qualified as electors, but whose names may be omitted from such lists, to send in their claims to him in writing; and as soon as practicable thereafter, and not later than the sixteenth day of the same month, he shall consider, determine upon, and finally dispose of such claims,

and may receive such evidence in support of or in opposition to any such claim as he shall think proper, and may regulate the course of proceeding of and incident to any such inquiry.

Revised lists to be published.

13. On or before the eighteenth day of October one thousand eight hundred and seventy-one the person so appointed shall make up, certify, and publish by advertisement as aforesaid revised or amended lists of the persons adjudged by him to be qualified as electors; and any ratepayer whose name shall be omitted from any such list, and who shall be dissatisfied with such omission, may on or before the first day of November thereafter apply to the sheriff of Lanarkshire in the case of the list for the city of Glasgow, or to the sheriff of Renfrewshire in the cases of the lists for the town of Greenock and the town of Port Glasgow, and such sheriff shall thereupon, if he see fit, cause the name of such ratepayer to be added to such list; and the said lists, with any additions so made, shall be deemed to be the registers of electors for the first election under this Act.

Trustees to make up and publish lists of qualified electors.

14. On or before the first day of October in the year one thousand eight hundred and seventy-two, and in each succeeding year, the Trustees shall cause to be made up lists of the ratepayers qualified to be electors for the city of Glasgow, the town of Greenock, and the town of Port Glasgow respectively, under the provisions herein contained; and the clerk shall, on or before the fifteenth day of October in each year, certify the said lists, and publish the same by advertisement as aforesaid, and such lists shall be accessible to the public at all times within the office of the Trustees; and any ratepayer conceiving himself entitled to be an elector, whose name shall have been omitted from any of the said lists, may, on or before the first day of November in each year, apply to the sheriff of Lanarkshire in the case of the list for the city of Glasgow, or to the sheriff of Renfrewshire in the cases of the lists for the town of Greenock and the town of Port Glasgow, and such sheriff shall thereupon, if he see fit, cause the name of such ratepayer to be added to such list; and the said lists, with any additions so made, shall be deemed to be the registers of electors for the next succeeding election under this Act.

Qualification of members of companies.

15. Where rates shall be paid by any company consisting of two or more partners, having a place of business within any of the aforesaid limits, it shall be lawful for such company to intimate in writing to the person appointed by the sheriff of Lanarkshire as aforesaid in respect of the register of electors for the first election, and thereafter to the clerk, the name or names of any one or more of the partners

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on whose behalf such payment shall be deemed to have been made; and such payment shall be deemed to have been made by the partner or partners so named, and each such partner shall be qualified to be an elector and to be elected an elective Trustee in respect thereof, in the same manner and with the same powers as if such payment had been made by him as an individual, provided the amount of rates paid by such company is sufficient to afford the qualification of two pounds to each of the partners so named.

Rules to be observed in election of elective Trustees.

16. The following rules shall be observed with respect to the election of the elective Trustees:

(1.) The election shall take place in the month of November in the year one thousand eight hundred and seventy-one, and in each succeeding year:

(2.) At the first election six Trustees shall be elected by and from among the electors for the city of Glasgow, three Trustees shall be elected by and from among the electors for the town of Greenock, and two Trustees shall be elected by and from among the electors for the town of Port Glasgow:

(3.) At each subsequent election two Trustees shall be elected by and from among the electors for the city of Glasgow, one Trustee shall be elected by and from among the electors for the town of Greenock, and one Trustee shall be elected by and from among the electors for the town of Port Glasgow:

(4.) The person appointed by the sheriff of Lanarkshire as aforesaid shall be the returning officer for the first election:

(5.) The chairman of the Trustees for the year current at the time, or some person or persons appointed by him, shall be the returning officer for each subsequent election:

(6.) On every occasion of the election of Trustees the returning officer shall convene a meeting of the electors for the city of Glasgow, the town of Greenock, and the town of Port Glasgow respectively, in those respective places for the purpose of such election, and shall give notice of such meeting, and of the time and place at which it is to be held, by advertisement, at least six days before such meeting:

(7.) The returning officer shall preside at and regulate the proceedings of such meeting, and his decision upon any question which may arise thereat shall be final and conclusive:

(8.) At any such meeting any qualified person may be nominated as a Trustee by any elector, and seconded by any other elector:

(9.) If a greater number of persons are proposed as Trustees than the number to be elected, the election may be decided by a show of hands, or in such other manner as the returning officer may judge best for determining the suffrages of the electors present at the meeting; but in any such case a poll may be demanded, and if demanded shall be taken in manner herein-after mentioned. If no poll is demanded the returning officer shall declare what persons are elected Trustees, and such declaration shall be evidence of the fact:

(10.) When a poll is demanded the returning officer shall direct the same to be taken at such place within the city of Glasgow, or the town of Greenock, or the town of Port Glasgow, according as the election relates to such places respectively, and on such day not exceeding one clear day from the day of nomination as he may determine:

(11.) The returning officer shall appoint such number of polling clerks as he deems sufficient, and cause proper polling books to be provided:

(12.) Votes shall be given personally, and each elector shall only be entitled to give one vote for each trustee to be elected; and an agent shall not be entitled to vote as agent for any person at any election in which that person has previously voted, nor shall any person be entitled to vote at any election in which his agent has previously voted as agent for him; and only one person shall be entitled to vote as agent for any one ratepayer:

(13.) The poll shall be opened at ten o'clock in the forenoon of the appointed day, and shall close at four o'clock in the afternoon of the same day:

(14.) The returning officer shall cause to be entered in the polling books the name and address of every voter, and the person or persons for whom he votes:

(15.) At the close of the poll the returning officer shall sum up the votes, and as soon as possible publish by advertisement the names of the persons elected as herein mentioned.

Penalty on personation of voter.

17. If any person wilfully personates any person entitled to vote in pursuance of this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

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Mode of computing distances.

18. The distances prescribed by this Act shall be measured in a straight line from the residence or place of business of the ratepayer qualified as aforesaid to the nearest point of the parliamentary boundary of the city of Glasgow, the town of Greenock, or the town of Port Glasgow, as the case may be, and such distance may be measured and determined by the ordnance maps.

Newspapers for advertisements.

19. All notices and advertisements herein-before prescribed to be published shall be inserted in at least one newspaper published in the city of Glasgow, so far as relating to ratepayers, electors, or elections for the city of Glasgow, and in at least one newspaper published in Greenock, so far as relating to ratepayers, electors, or elections for the town of Greenock or the town of Port Glasgow.

Rotation of Trustees.

20. The elective Trustees shall retire from office at the times and in the proportions and manner following; (that is to say,)

At the annual meeting of the Trustees to be held in the year one thousand eight hundred and seventy-two, two of the Trustees elected at the first election from among the electors for the city of Glasgow, and one of the Trustees elected at the first election from among the electors for the town of Greenock, and one of the Trustees elected at the first election from among the electors for the town of Port Glasgow, shall go out of office; and if the Trustees elected from among any of the said three bodies of electors cannot agree as to which of their number shall go out of office as aforesaid, the question shall be determined by lot previously to the first day of November preceding such annual meeting:

At the annual meeting of the Trustees to be held in the year one thousand eight hundred and seventy-three, two of the remaining number of the Trustees elected at the first election from among the electors for the city of Glasgow, and one of the remaining number of the Trustees elected at the first election from among the electors for the town of Greenock, to be agreed or determined in manner aforesaid, and the remaining Trustee elected at the first election from among the electors for the town of Port Glasgow, shall go out of office:

At the annual meeting of the Trustees to be held in the year one thousand eight hundred and seventy-four, the remainder of the Trustees elected at the first election from among the electors for the city of Glasgow, and the remaining Trustee elected at the first election from among the electors for the town of Greenock, and the Trustee elected from among the electors for the town of Port Glasgow who shall have been longest in office, shall go out of office:

At the annual meeting of the Trustees in every subsequent year the Trustees or Trustee in each of the said three bodies of Trustees who shall have been longest in office shall go out of office:

Provided nevertheless, that every Trustee about to go out of office as aforesaid at any annual meeting may be re-elected at the election in the month of November next preceding, and after such re-election shall, with reference to the going out of office as aforesaid, be considered as a new Trustee. In each case the places of the Trustees retiring from office shall be supplied by the persons elected to be Trustees at the election in the month of November next preceding; and the persons so elected shall be entitled to act and vote as Trustees at the annual meeting next following their election in place of the persons retiring from office at such annual meeting.

Appointment of Trustees by the Merchants House of Glasgow and Chambers of Commerce of Glasgow and Greenock.

21. The Trustees to be appointed as herein-before provided by the Merchants House of Glasgow, the Chamber of Commerce and Manufactures of Glasgow, and the Chamber of Commerce and Manufactures of Greenock, shall be appointed at special meetings of those bodies respectively, to be called by their respective clerks, and to be held in the month of November in the year one thousand eight hundred and seventy-one, and in each succeeding year, and notice of each such meeting, stating the time and place and object of the meeting, shall be given by advertisement inserted eight days at least before the day appointed for holding such meeting in two newspapers published in Glasgow as respects the meetings of the Merchants House of Glasgow and the Chamber of Commerce and Manufactures of Glasgow, and in two newspapers published in Greenock as respects the meetings of the Chamber of Commerce and Manufactures of Greenock; and the persons so appointed shall enter upon office at the first annual meeting of the Trustees next after their appointment, and shall be entitled to act and vote as Trustees at such annual meeting, in place of the persons then going out of office, and shall themselves go out of office at the annual meeting of the Trustees in the year following. Every Trustee about to go out of office at any annual meeting may be re-appointed in the month of November next preceding.

Disqualification of Trustees.

22. Every person who at any time after his nomination or election as a Trustee shall accept or hold any office or place of profit under the Trustees, or participate in the profits of any contract entered into with the Trustees, shall thereupon cease to be a Trustee, and his office shall become vacant: Provided always, that no Trustee shall vacate his office by reason of his being a shareholder in any insurance company with which the Trustees may effect any policy or enter into any contract, or in any joint stock company supplying

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water or gas to the Trustees, or by reason of his being interested in any loan of money to the Trustees: Provided also, that no Trustee shall be entitled to vote upon any question relating to the execution of the recited Act or this Act or to the affairs of the Trustees wherein any company in which he is a shareholder is interested, or in any question connected therewith, or in any question relating to such loan; and if he shall so vote his vote shall not be counted, and he shall be liable to a penalty not exceeding twenty pounds.

Supply of occasional vacancies.

23. If any elective or appointed Trustee shall die, or resign, or become disqualified or incompetent to act, then in the case of any elective Trustee, the remaining Trustees or Trustee elected by the electors for the city of Glasgow, or the town of Greenock, or the town of Port Glasgow, as the case may be, shall fill up the vacancy by the appointment of another qualified person in the stead of the vacating Trustee; and in the case of any appointed Trustee the chairman of the body by whom he was appointed shall, by writing under his hand, appoint a Trustee from such body to fill up the vacancy; but in every such case the Trustee so appointed to fill up a vacancy shall continue in office only so long as the person in whose stead he shall have been appointed would have remained in office if he had not died, resigned, or become disqualified or incompetent to act.

Power to appoint committees.

24. The Trustees may from time to time appoint committees of their number for carrying into effect the provisions of the recited Act and this Act, or any part thereof, with such powers as the Trustees might themselves lawfully exercise and as they think expedient to confer on such committees, and the Trustees may fix the quorum of such committees, but where no quorum shall be so fixed a majority of the members of the committee shall be a quorum.

First and other meetings of Trustees.

25. The first meeting of the Trustees shall be held in the city of Glasgow on the first day of December one thousand eight hundred and seventy-one, and an annual meeting of the Trustees shall be held in the said city on the first Thursday after the first day of December in every succeeding year; and ordinary meetings of the Trustees for the transaction of the general business of the trust shall be held at such times and places as may from time to time be appointed by the Trustees, or by the chairman of the Trustees; and special meetings of the Trustees shall at any time be called by the chairman of the Trustees, or by the clerk, on a requisition in writing signed by any two of the Trustees, and notice of such special meeting, stating the purpose for which it is called, shall be sent by post or delivered to each Trustee forty-eight hours at least before the meeting, and no business shall be considered at

such special meeting except that which shall be specified in such notice.

Quorum of Trustees.

26. At all meetings of the Trustees five shall be a quorum, and every such meeting may be adjourned by the Trustees present thereat (whether more or less than a quorum) to such time as they shall think fit.

Chairman and deputy chairman.

27. At the first meeting of the Trustees, and at each annual meeting held in the month of December thereafter, the Trustees present at such meeting shall choose one of the Trustees to act as chairman of the Trustees until the next annual meeting, and shall also, if they think fit, choose another Trustee to act as deputy chairman for the same period; and if the chairman or deputy chairman die or resign or cease to be a Trustee, or otherwise become disqualified to act, the Trustees present at the meeting next after the occurrence of such vacancy shall choose some other of the Trustees to fill such vacancy, and every such chairman or deputy chairman chosen as last aforesaid shall continue in office so long only as the person in whose place he may be so chosen would have been entitled to continue if he had not died, resigned, ceased to be a Trustee, or otherwise become disqualified as aforesaid; and at all meetings of the Trustees the chairman, or in his absence the deputy chairman, shall, if present, preside; and if at any meeting neither the chairman nor deputy chairman be present, the Trustees present shall choose one of their number then present to be chairman of such meeting; and in case of an equality of votes at any meeting of the Trustees, the person presiding at such meeting shall, in addition to his own vote, have a casting vote.

Vacancy not to invalidate proceedings.

28. No act or proceeding of the Trustees, or of any committee of the Trustees, shall be invalidated or be illegal in consequence only of the non-election or non-appointment of any Trustee or Trustees under the provisions of this Act, or of there being, at the time of such act or proceeding, any vacancy or vacancies in the number of the Trustees.

Acts of Trustees to be valid notwithstanding defects in appointment or qualification.

29. All acts and proceedings of the Trustees, or of any committee of the Trustees, or of any persons acting as Trustees, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment or qualification of any such Trustees or persons acting as Trustees, or that they or any of them were or had become disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Trustee.

Lighthouses and property vested in the Trustees.

30. On and after the first day of December one thousand eight hundred and seventy-one (herein-after called the "date of

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vesting"), the said lighthouses on the island of Little Cumbrae, and at Toward Point, and at the Cloch in the firth of Clyde, and all other lights, beacons, buoys, and land or sea marks situate or placed to the westward of the said line drawn from Newark Castle to Cardross Burn, and the whole lands, houses, buildings, roads, accesses, powers, rights, and privileges connected with the said lighthouses, lights, beacons, buoys, and land or sea marks, purchased, acquired, erected, constructed, or placed by the existing Trustees or their predecessors under the authority or in the execution of the recited Act, and all the property, estate, and effects, heritable and moveable, real and personal, belonging or owing to or held by the existing Trustees, subject to the existing debts, liabilities, contracts, and obligations affecting the same, are hereby vested in the Trustees, and may be held, used, exercised, enjoyed, and enforced by them under the authority of the recited Act and this Act.

Saving debts and claims.

31. On and after the date of vesting, all debts and money due from or to the existing Trustees, or any persons on their behalf, shall be payable and paid by or to the Trustees.

Saving conveyances, contracts, &c.

32. On and after the date of vesting, all deeds, conveyances, grants, assignments, leases, purchases, sales, mortgages, bonds, covenants, agreements, contracts, and securities which before the date of vesting have been executed, made, or entered into by, with, to, or in relation to the existing Trustees, and which are in force at the date of vesting, and all obligations and liabilities which before the date of vesting have been incurred by or to, or which but for the passing of this Act might or would have arisen in relation to the existing Trustees, shall be as valid and of as full force and effect in favour of, against, or in relation to the Trustees, as if the same had been executed, made or entered into by, with, to, or in relation to, or had been incurred by, or to, or had arisen in relation to the Trustees.

Causes and rights of action reserved.

33. On and after the date of vesting, all causes and rights of action or suit accrued before the date of vesting, and then in any manner enforceable by, for, or against the existing Trustees, shall be and remain as good, valid, and effectual for or against the Trustees as they would or might have been for or against the existing Trustees if this Act had not been passed.

Actions not to abate.

34. Nothing in this Act shall cause the abatement, discontinuance, or determination of, or shall in anywise prejudicially affect, any action, suit, or other proceeding at law or in equity commenced by or against the existing Trustees, either solely or jointly with any other person or any corporation, before the date of vesting, and

then pending, but the same may be continued, prosecuted, or enforced by or against the Trustees, either solely or, as the case may require, jointly with such other person or corporation.

Saving submissions and awards.

35. No submission to arbitration of any matter in dispute between the existing Trustees and any other person or any corporation under which any reference is pending and incomplete at the date of vesting, and no award theretofore made and then remaining in force, shall be revoked or prejudicially affected by anything in this Act contained, but every such submission and award shall be as valid and effectual for or against the Trustees as it would have been for or against the existing Trustees.

Officers of existing Trustees to be accountable for books, &c.

36. All officers and persons who at the date of vesting have in their possession or under their control any books, documents, papers, or effects belonging to the existing Trustees, or to which the existing Trustees would but for the passing of this Act have been entitled, shall be liable to account for and deliver up the same to the Trustees or to such persons as the Trustees may appoint to receive the same, in same manner and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books, documents, papers, or effects for the Trustees.

Officers to continue till removed.

37. The officers and servants of the existing Trustees shall be the officers and servants of the Trustees, until they shall be removed by the Trustees or shall die or resign, and shall be subject to the provisions of the recited Act and this Act and of the Acts incorporated herewith, as regards both bye-past and future conduct and intromissions, in so far as respectively applicable; and all bonds or securities for such conduct and intromissions granted to the existing Trustees shall be and remain valid, and may be enforced by the Trustees to the same extent and effect that such bonds or securities might have been enforced by the existing Trustees if this Act had not been passed.

Books, &c. to be evidence.

38. All books and documents which would have been evidence in respect of any matter for or against the existing Trustees shall be admitted as evidence in respect of the same or the like matter for or against the Trustees.

Resolutions to remain in force.

39. All resolutions of any meeting of the existing Trustees, or of any duly constituted and authorised committee thereof, shall, so far as the same are applicable and remain in force, continue to be operative, and shall apply to the Trustees and to the officers and servants of the Trustees until duly revoked or altered by the Trustees or under their authority.

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General saving of rights and claims.

40. Notwithstanding the incorporation of the Trustees and the passing of this Act, everything heretofore done, suffered, and confirmed respectively under or by virtue of the recited Act, or otherwise relating to the existing Trustees, shall be as valid as if this Act had not been passed, and the incorporation of the Trustees and this Act shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, present or future, which if such incorporation had not taken place, and this Act had not been passed, would be incident to or consequent on anything so done, suffered, and confirmed respectively, and with respect to all things so done, suffered, and confirmed respectively, and to all such rights, liabilities, claims, and demands, the Trustees shall to all intents represent the existing Trustees, and the generality of this provision shall not be deemed to be restricted by any other of the provisions of this Act.

Trustees to exercise powers of recited Act and may maintain existing and erect new lighthouses and beacons.

41. Subject to the provisions of this Act, the Trustees shall have and may exercise to the westward of the said line drawn from Newark Castle to Cardross Burn all the powers, rights, and privileges conferred on the existing Trustees, or any of them, by the recited Act, relating to the river and firth of Clyde; and they may maintain the lighthouses, lights, beacons, buoys, and land or sea marks vested in them by this Act, and may erect, construct, place, and maintain such new or additional lighthouses, lights, beacons, buoys, and land or sea marks in the said portion of the river and firth of Cyde as they think expedient, and all necessary accesses, works, and conveniences connected therewith, and may purchase and acquire by agreement such lands and other property as may be necessary for the said purposes, and may from time to time appoint and when they think fit remove such officers and servants as they consider necessary or proper for carrying the purposes of the recited Act and this Act into effect.

Operations betwixt certain points to be with consent of Greenock Harbour Trustees.

42. Except as herein-after provided, the Trustees shall not execute any works or perform any operations in the river or firth of Clyde between a line drawn from Newark Castle to Cardross Burn on the one side, and a line drawn from Whitefarland Point to Roseneath Point on the other side, without the consent in writing of the Trustees of the Port and Harbours of Greenock, or, failing such consent, without the authority of Parliament hereafter granted: Provided that the Trustees may without such consent maintain and deepen the present deep water navigable channel between Newark Castle and Ladyburn, and that the Trustees of the Port and Harbours of Greenock shall, when required by the Trustees, and at the expense of the Trustees, maintain and deepen the present deep

water navigable channel between Ladyburn and Whitefarland Point.

Rates to be levied by the Trustees.

43. On and after the date of vesting, the provisions contained in the recited Act with respect to the levying of duties are hereby repealed; and it shall be lawful for the Trustees to levy on and in respect of vessels navigating the river Clyde or firth of Clyde any rates not exceeding the rates herein-after specified, and all such rates shall be paid by the owner, agent, master, consignee, or other person in charge of any such vessel; (that is to say,)

(1.) For each time the following vessels pass or repass the said lighthouse on the island of Little Cumbrae (either by the middle passage between the islands of Little Cumbrae and Bute, or by the east side of the island of Little Cumbrae, or between the islands of Bute and Arran), or the said lighthouse at Toward Point, or the said lighthouse at the Cloch, and whether such vessels shall or shall not discharge in any of the ports or harbours in the said river and firth:

(A.) Foreign voyages:

On every vessel passing outwards or inwards on any voyage to or from any place beyond the United Kingdom of Great Britain and Ireland, a rate not exceeding four twelfths of a penny per register ton; and if such voyage includes any portion of the river Clyde or firth of Clyde to the eastward of Ladyburn at or near the harbour of Greenock, an additional rate not exceeding three twelfths of a penny per register ton:

(B.) Coasting voyages:

On every vessel passing outwards or inwards on any voyage to or from any place within the United Kingdom of Great Britain and Ireland, without proceeding to or coming from any other place or country (excepting river and firth craft, as herein-after defined), a rate not exceeding four twenty-fourths of a penny per register ton; and if such voyage includes any portion of the river Clyde or firth of Clyde to the eastward of Ladyburn aforesaid, an additional rate not exceeding three twenty-fourths of a penny per register ton:

Provided always, that no vessel shall be charged any of the said rates more than once for each voyage outwards, and once for each voyage inwards, although such vessel shall on such voyage pass more than one of the said lighthouses:

(2.) For each day (reckoned from six o'clock in the morning to six o'clock in the morning following) on which the following vessels pass or repass as aforesaid, whether once or oftener on such day, any one or more of the said lighthouses, and whether such vessels shall or shall not discharge in any of the ports or harbours in the said river and firth:

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(c.) River and Firth Craft:

On every vessel passing between any place in the river Clyde or firth of Clyde and any place within a line drawn from the southernmost point of Little Cumbrae due east and west across the channel between the Ayrshire coast and the coast of Kintyre, a rate not exceeding three forty-eighths of a penny per register ton; and if such vessel pass to the eastward of Ladyburn aforesaid, an additional rate not exceeding two forty-eighths of a penny per register ton:

Provided always, that when in the aggregate amount of the rates payable upon any vessel there shall be a fraction of a penny beyond one penny, or any other integral number of pence, such fraction if it be a half or any fraction larger than a half shall be deemed and charged as a penny, but if such fraction shall be less than a half it shall not be charged.

Power to reduce and again raise rates.

44. The Trustees may from time to time, when and as they shall deem it expedient so to do, reduce any of the several rates by this Act authorised, and may from time to time again advance such rates, so that the same when so advanced shall not exceed the rates herein-before authorised to be levied.

Application of rates levied by the Trustees.

45. On and after the date of vesting, the provisions of the recited Act with respect to the application of moneys arising from duties are hereby repealed, and the moneys arising from the rates by this Act authorised (excepting the additional rates leviable as aforesaid in respect of voyages extending and vessels passing to the eastward of Ladyburn) shall, subject to the provisions of this Act, be applied by the Trustees, by themselves or under contract between them and any other competent party, exclusively in or towards the purposes of the recited Act as amended by this Act and of this Act, so far as such purposes relate to that portion of the firth of Clyde (including lighthouses, lights, beacons, buoys, and land or sea marks, and all feu duties applicable thereto), which is situate to the westward of Ladyburn aforesaid, and to the sinking fund herein-after mentioned applicable to paying off money borrowed for those purposes; and the moneys arising from the said additional rates leviable in respect of voyages extending and vessels passing to the eastward of Ladyburn shall, subject to the provisions of this Act, be applied by the Trustees, by themselves or under contract between them and any competent party, exclusively in or towards the purposes of the recited Act as amended by this Act and of this Act, so far as such purposes relate to that portion of the river and firth of Clyde (including as aforesaid) which is situate to the eastward of Ladyburn aforesaid and to the westward of the said line drawn from Newark Castle to

Cardross Burn (having also regard to the access to the harbour of Port Glasgow), and towards the sinking fund herein-after mentioned applicable to paying off money borrowed for the last-mentioned purposes.

For protection of Port Glasgow Harbour.

46. It shall not be lawful for the Trustees to carry on any operations whereby the harbour of Port Glasgow or entrances thereto, or the channel between the River Clyde, as defined by "The Clyde Navigation Consolidation Act, 1858," and the said harbour, may be obstructed or injuriously affected; and if by means of any of the operations of the Trustees the said harbour, or entrances, or channel shall be obstructed or injuriously affected, such obstruction, in so far as the same may be caused by the Trustees, and not removeable by the Clyde Trustees under the provisions of the last-mentioned Act, shall be removed, and such injury remedied by or at the expense of the Trustees; and it shall be lawful for the Trustees of Port Glasgow harbour from time to time, when it shall appear to them necessary, to apply for the enforcement of the above provisions by petition to the sheriff depute of the county of Renfrew, and such sheriff is hereby authorised and required to call such evidence of engineers and others before him as he may see fit, and to adjudge in the matter as to him shall appear just; and the orders and decisions of the said sheriff in such matter shall be final and conclusive, and shall not be subject to review by advocation, suspension, reduction, or otherwise in any court whatever.

Exemptions from rates.

47. The rates by this Act authorised shall not be levied on or in respect of any vessel belonging to or employed in the service of Her Majesty, or her heirs or successors, or any member of the royal family, or in the service of the Admiralty, Customs, or Excise, or the Corporation of Trinity House of Deptford Strond, or the Commissioners of Northern Lighthouses, or the Commissioners of Irish Lights, and not conveying goods for hire, or any packet boat or post office packet, as defined under the provisions of any Act relating to the post office, or on or in respect of yachts belonging to any yacht club, or on or in respect of any vessel under twenty tons register, or any vessel upon a trial trip, or any vessel when navigated wholly and bonâ fide in ballast, and upon which no profit or freight may be made, and without having any passenger on board: Provided, that if any person claim and take the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable to a penalty not exceeding ten pounds.

Rates to be charged equally to all persons.

48. The rates by this Act authorised shall at all times be charged equally to all persons in respect of the same description or class of vessel trading between the same places.

Collector may enter vessels to ascertain rates payable.

49. The collector of rates may, either alone or with any other person, enter into any vessel in order to ascertain the rates payable to the Trustees in respect of such vessel.

Master of vessel to produce certificate of registry.

50. The master of every registered vessel shall on demand produce the certificate of the registry of such vessel to the collector of rates, and if any such master refuse or neglect to make such production on demand he shall be liable to a penalty not exceeding twenty pounds.

Penalty on evading payment of rates.

51. If the master of any vessel attempt to evade the payment of the rates payable to the Trustees in respect of such vessel, he shall pay to them three times the amount of the rates of which he shall so have attempted to evade the payment, and the same may be recovered from such master in the same manner as penalties imposed by this Act are directed to be recovered, or by action in any court of competent jurisdiction.

Recovery of rates by distraint of ship and tackle.

52. If the master of any vessel in respect of which any rates are payable to the Trustees refuse or neglect to pay the same, or any part thereof, the collector of rates may, with such assistance as he may deem necessary, go on board of such vessel and demand such rates, and on nonpayment thereof, or of any part thereof, take, distrain, or arrest of his own authority such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the matters so distrained or arrested until such rates are paid; and in case any of such rates shall remain unpaid for the space of seven days next after any distress or arrestment so made, the said collector may cause the matters so distrained or arrested to be appraised by two or more sworn appraisers, and afterwards cause the matters distrained or arrested, or any part thereof, to be sold, and shall apply the proceeds of such sale in or towards satisfaction of the rates so unpaid, and the expenses of taking, keeping, appraising, and selling the matters so distrained or arrested, rendering the overplus (if any) to the master of such vessel, on demand.

Disputes concerning rates or charges occasioned by distress to be settled by the sheriff.

53. If any dispute arise concerning the amount of any rates due, or the charges occasioned by any distress or arrestment by virtue of this Act, the person making such distress or using such arrestment may detain the matters distrained or arrested until the amount of the rates due or the charges of such distress or arrestment be ascertained by the sheriff of the county of Lanark or any of his substitutes at Glasgow, or by the sheriff of the county of Renfrew or his substitute at Greenock, who upon application made to him for that purpose shall determine the same, 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 or poinding and sale; and such sheriff or sheriff substitute shall issue his warrant accordingly.

Collector of Customs may withhold a clearance to any vessel until the rates are paid.

54. The collector or other proper officer of Her Majesty's Customs at any port or harbour in the firth of Clyde or in the river Clyde may, with the consent of the Commissioners of Her Majesty's Customs, refuse to receive any entry or give any cocquet, discharge, or clearance, or take any report inwards or outwards of any vessel liable to the payment of any of the rates leviable by the Trustees under the authority of this Act, until the master of such vessel produces to such collector or officer a certificate under the hand of the collector of rates that the rates payable in respect of such vessel have been paid, or, if there be any dispute as to the rates payable, until such collector or officer shall be satisfied that sufficient security has been given for the payment of such rates when ascertained, together with the expenses arising from the nonpayment thereof.

Separate accounts of rates and expenditure to be kept.

55. The Trustees shall keep separate accounts of the several rates levied by them under the authority of this Act, distinguishing the amount of rates levied and received under each head or class of rates as herein-before specified, and separate accounts of the money expended by them out of the said several rates, and out of the money borrowed under the powers herein-after contained.

Power to borrow money.

56. It shall be lawful for the Trustees to borrow on mortgage on the security of the rates leviable by them under the authority of this Act any sum not exceeding fifteen thousand pounds, of which sum an amount not exceeding nine thousand pounds shall be applicable to works upon that portion of the firth of Clyde which is situate to the westward of Ladyburn aforesaid, and an amount not exceeding six thousand pounds shall be applicable to works upon that portion of the river and firth of Clyde which is situate to the eastward of Ladyburn aforesaid and to the westward of the said line drawn from Newark Castle to Cardross Burn: Provided that the mortgagees shall not be concerned with or bound to see to the application of any moneys borrowed under the authority of this Act.

Mortgages to be personal estate.

57. All mortgages to be granted by the Trustees, and all money to be lent on the security of the said rates, shall be moveable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Money to be borrowed in substitution of sums paid off.

58. In case any part of the money borrowed by the Trustees shall at any time be called up or be paid off and discharged, except by means of the sinking fund herein-after provided, it shall be

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lawful for the Trustees from time to time to borrow on mortgage on the security of the rates leviable by them under the authority of this Act any sum in lieu of the money so called up or paid off and discharged: Provided that the sums due and owing on the security of the said rates shall not at any time exceed the said sum of fifteen thousand pounds in the whole.

Form of mortgages.

59. Every mortgage shall be duly stamped, and the consideration shall be stated therein, and the same shall be subscribed by any two of the Trustees, and sealed with their common seal; and every such mortgage may be according to the form in the Schedule (A.) to this Act annexed, or to the like effect, and may be partly printed and partly in writing: Provided that no Trustee shall by his subscription of any such mortgage be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed or any interest thereon, or of any sums whatsoever in respect thereof.

Register of mortgages to be kept and to be open to inspection.

60. A register of mortgages shall be kept by the treasurer, and within fourteen days after the date of any mortgage to be granted by the Trustees an entry of the amount and date thereof, and of the name of the person to whom the same is granted, with his proper designation or addition, shall be made in the said register; and the said register may be inspected at all reasonable times by any person interested in any mortgage granted by the Trustees, without fee or reward.

Payment of interest on mortgages.

61. The Trustees may issue and append to any mortgage, coupons for the periodical payments of interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist; and the delivery to the Trustees or the treasurer or to any other person on their behalf of any such coupon, duly stamped as a receipt, shall be a valid and sufficient discharge to the Trustees for the interest in respect of which the same was issued.

Transfer of mortgages.

62. Any person entitled to any mortgage may transfer the same and his right and interest therein; and every such transfer shall be by deed duly stamped, and may be according to the form in the Schedule (B.) to this Act annexed or to the like effect.

Transfers to be registered.

63. On any such transfer being produced to the treasurer, he shall thereupon enter the same in a register of transfers to be kept by him, and such entry shall be made in the same manner and shall state the same particulars as in the case of the entry of the original mortgage; and for every such entry the treasurer may demand any sum not exceeding two shillings and sixpence; and

after such entry every such transfer shall entitle the transferee, his executors, administrators, or assignees, to the full benefit of the original mortgage, and the principal and interest thereby secured, and every such transferee may in like manner assign or transfer the same toties quoties.

Transmission of mortgages otherwise than by transfer.

64. If the sum contained in any mortgage has become transmitted in consequence of the death, bankruptcy, or insolvency of any person entitled thereto, or in consequence of the marriage of any female entitled thereto, or by any other means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing in the form, or as near as may be in the form, of the Schedule (C.) to this Act annexed; and every such declaration shall state the manner in which and the party to whom such mortgage shall have been so transmitted, and shall be made and signed by some credible person before a sheriff or justice of the peace, and such declaration shall be left with the treasurer, who shall thereupon enter in the register of transfers the name of the person entitled to such mortgage under such transmission; and for every such entry the treasurer may demand any sum not exceeding two shillings and sixpence; and until such transmission has been so authenticated and entered no person claiming by virtue of any such transmission shall be entitled to receive any portion of the sum contained in any such mortgage or any interest thereon.

Transmission by marriage and by testamentary instruments.

65. If such transmission be by the marriage of a female entitled to any such mortgage, such declaration shall contain a copy of the register of such marriage or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of the mortgage; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration obtained from any Court of Probate, if granted in England, or an official copy thereof, or the testament testamentary or testament dative, if expede in Scotland, or an official extract thereof, shall together with such declaration be produced to the treasurer, and upon such production in either of the cases aforesaid the treasurer shall make an entry of such declaration in the said register of transfers.

Trustees not bound to see to the execution of trusts.

66. The Trustees shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any mortgage or other security or voucher of debt granted by the existing Trustees, or any mortgage to be granted by the Trustees, or the money, principal or interest, thereby secured, may be subject; and the receipt of the person in whose name any such mortgage or

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security or voucher of debt stands in the books of the existing Trustees or the Trustees respectively shall be a sufficient discharge to the Trustees for any money payable in respect of such mortgage or security or voucher of debt, notwithstanding any trust to which the same or the money thereby secured may then be subject, and the Trustees shall not be bound to see to the application of the money paid on such receipt.

Interest to be paid half-yearly.

67. Unless otherwise provided by any mortgage, the interest of the money borrowed thereon shall be paid half-yearly to the several parties entitled thereto.

Repayment of borrowed money.

68. The Trustees may if they think proper fix a period for the repayment of any principal moneys borrowed by them, with the interest thereof; and in such case the Trustees shall cause such period to be inserted in the mortgage; and upon the expiration of such period the principal sum and all interest thereof shall, on demand, be paid to the person entitled to receive the same; and, if no other place of payment be inserted in such mortgage, such principal sum and interest shall be payable at the office of the treasurer.

As to payment of borrowed money when no time or place has been agreed upon.

69. If in any mortgage no time be fixed for the repayment of the money so borrowed, the person entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such mortgage, and upon giving six months previous notice to the treasurer, demand payment of the principal sum thereby secured, with all interest due thereon; and in the like case the Trustees may at any time pay off the money borrowed on giving the like notice; and every such notice shall be in writing, and if given by the person entitled to any mortgage shall be delivered to the treasurer or left at his office, and if given by the Trustees shall be either delivered personally to such person or left at his residence, and if such person be unknown to the Trustees, or cannot be found after diligent inquiry, such notice shall be given by advertisement inserted once in a newspaper published in Glasgow.

Interest to cease at expiration of notice to pay off mortgage.

70. If the Trustees shall have given notice as aforesaid of their intention to pay off any mortgage at a time when the same may lawfully be paid off by them, then at the expiration of the time specified in such notice all further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Trustees shall fail to pay the principal sum and interest due on such mortgage at the expiration of the time specified in such notice.

Appointment of a judicial factor.

71. In the event of any principal money borrowed by the Trustees as aforesaid, or any interest thereon, not being paid within two months after the same shall have become due, and after twenty-one days previous demand thereof in writing, containing notice of the intention to make the application after mentioned, which twenty-one days may form part of the said two months, it shall be lawful for any mortgagee having interest to the amount of one hundred pounds in arrear, or having principal or principal and interest in arrear to the amount of two thousand pounds, or for several mortgagees having interest in arrear to the amount of one hundred pounds in the aggregate, or having principal or principal and interest in arrear to the amount of two thousand pounds in the aggregate, to render their security effectual by the appointment of a judicial factor; and the application for such appointment may be made from time to time when such arrears occur, and shall be made by summary petition to the Court of Session in either division thereof, or in time of vacation to the Lord Ordinary on the bills, who are hereby respectively authorised and required, on such application being made by any mortgagee or mortgagees having the sums in arrear before specified, to appoint from time to time some person as judicial factor, to the effect and with the powers herein-after mentioned, unless previously to such application being advised the sums due with interest and expenses shall have been paid to the petitioner or petitioners; and the interlocutor making such appointment shall not be subject to review or repeal; but without prejudice to the legal rights of recovery competent to such mortgagee or mortgagees.

Powers and duties of judicial factor.

72. The judicial factor so appointed, on finding security in common form, shall have and exercise all the powers conferred by this Act upon the Trustees for and in relation to fixing, imposing, levying, and recovering the several rates by this Act authorised to be made and levied, and for and in relation to managing and maintaining the undertaking, works, and property of the Trustees; and the Trustees shall deliver to him all rate books and other books and documents necessary for that purpose; and after defraying the expenses of such application, levying, and recovery, management, and maintenance, the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment out of the said rates, according to their respective rights; and such judicial factory shall continue not only until all arrears of interest, or of principal and interest, of mortgages due at the date of the appointment of such judicial factor, and all interest which shall have become due on any of the said sums during his continuance in office, with expenses, including the expenses of the application for such appointment, and of carrying

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the purposes thereof into execution, and of obtaining the judicial factor's discharge, shall have been paid, but also until any half year's interest which although not due may become current during his continuance in office and a sufficient sum to meet expenses shall have been paid or consigned in one of the banks in Scotland incorporated by Act of Parliament or Royal Charter; and upon payment or consignation as aforesaid of such principal, interest, and expenses it shall be lawful for the Trustees to apply to the Court of Session in either division thereof, or in time of vacation to the Lord Ordinary on the bills, for the recall of the appointment of the judicial factor, and the said court or Lord Ordinary may recall such appointment accordingly.

Discharge of mortgages.

73. Any person entitled to any mortgage may discharge the same and his right and interest therein in favour of the Trustees; and every such discharge may be written on the mortgage, and may be according to the form in the Schedule (D.) to this Act annexed, or to the like effect, and when signed by the granter thereof shall be valid and effectual to all intents and purposes.

Appointment of auditor.

74. The Trustees shall annually apply to the sheriff of Lanarkshire for the appointment of an auditor (being a person well skilled in accounts, and not being one of the Trustees or holding office under them,) to audit and docquet the accounts of the Trustees; and in case the office of such auditor shall, before such accounts have been audited by him, become vacant by death or from any other cause, the said sheriff shall from time to time appoint an auditor to supply such vacancy.

Accounts to be audited.

75. It shall be the duty of such auditor once in every year to audit the accounts of the Trustees, and for such purpose the Trustees shall deliver to him their accounts and books and the proper vouchers in support of the same; and the auditor shall examine the accounts and account books and vouchers of the Trustees, and may either make a special report on the said accounts, or simply confirm the same, and such report or confirmation shall be read to the Trustees at the annual meeting of the Trustees; and the Trustees shall pay to such auditor for his trouble in making such audit a fee depending upon the extent of trouble he may incur.

Sinking funds to be established.

76. The Trustees shall annually set apart as sinking funds out of the rates to be received by them a sum of not less than three pounds per centum on the whole amount borrowed under the authority of this Act, to be applied by the Trustees in paying off such borrowed money, and to no other purpose whatever: Provided always, that the money arising from those rates which are herein-before declared

to be applicable to purposes relating to that portion of the firth of Clyde which is situate to the westward of Ladyburn shall alone be applied to the sinking fund for paying off any money borrowed for the purposes of that part of the undertaking of the Trustees, and that the money arising from those rates which are herein-before declared to be applicable to purposes relating to that portion of the river and firth of Clyde which is situate to the eastward of Ladyburn, and to the westward of the said line drawn from Newark Castle to Cardross Burn, shall alone be applied to the sinking fund for paying off any moneys borrowed for the purposes of that part of the undertaking of the Trustees.

Investment of sinking funds.

77. The Trustees shall invest the sums by this Act directed to be set apart as aforesaid in the public or Government funds of Great Britain, or on heritable security, or in the mortgages of any corporation, or of any body corporate, or company established by Act of Parliament, or shall deposit the said sums in any bank in Scotland incorporated under Act of Parliament or by Royal Charter, until applied in manner herein-before provided.

Prosecution of offences and recovery of penalties.

78. All offences committed in contravention of and penalties and forfeitures imposed by this Act, or the Acts incorporated herewith, shall be prosecuted and recovered under the provisions of "The Summary Procedure Act, 1864," or any Act amending the same which may be passed in the present or any future session of Parliament.

Saving rights of Greenock Harbour Trustees, and of Sir M. R. S. Stewart, Bart.

79. Nothing in this Act contained shall affect the rights of the Trustees of the Port and Harbours of Greenock as existing at the passing of this Act, or authorise any interference with the property of the said Trustees, or of Sir Michael Robert Shaw Stewart, of Greenock and Blackhall, Baronet, without their consent respectively.

Saving rights of Trustees of Port Glasgow Harbour.

80. Notwithstanding the provisions of this Act, the whole rights, powers, privileges, and authorities of the Trustees of Port Glasgow Harbour, under and by virtue of the "Port Glasgow Harbour Consolidation Act, 1864," shall be and remain in as full force and effect as if this Act had not been passed.

Reserving Merchant Shipping and general Acts.

81. Nothing in this Act contained shall exempt the Trustees or their undertaking from the provisions of the Merchant Shipping Acts, or of any general Acts relating to dues on shipping, now in force or which may be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates authorised by this Act.

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Saving rights of Crown.

82. Nothing contained in this Act shall authorise the Trustees to take, use, or in any manner interfere with any portion of the alveus or shore of the river or firth of Clyde, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors.

Saving rights under Crown Lands Act.

83. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty-one and twenty-two of "The Crown Lands Act, 1866."

Expenses of Act.

84. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the existing Trustees or the Trustees out of the rates authorised to be levied under the recited Act or this Act, or the money authorised to be borrowed by this Act.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Form of Mortgage.

CLYDE LIGHTHOUSES.

Mortgage No. £

By virtue of "The Clyde Lighthouses Act, 1871," we, the Trustees of the Clyde Lighthouses, in consideration of the sum of paid to us by *A.B.* of for the purposes of the said Act and the Act therein recited, do grant and assign to the said *A.B.*, his executors, administrators, and assignees, the rates leviable by us under the authority of the said Act; and that in security of the payment of the said sum of to the said *A.B.*, his executors, administrators, and assignees, with interest thereon, at the rate of per centum per annum, from the day of until payment of the said principal sum [on the day of , *in case any date be agreed on for that purpose*].

In witness whereof [*Testing clause according to the law of Scotland*].

SCHEDULE (B.)

Form of Transfer.

I *AB.* of , in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assignees, a mortgage, number dated the day of eighteen hundred and , granted by the Trustees of the Clyde Lighthouses to me, for the sum of and the interest due thereon since the day of last, and all my right and interest therein. [*If the mortgage was not granted to A.B. himself, but is vested in him as transferee or otherwise, his title and the successive transferences thereto are to be shortly narrated.*]

In witness whereof [*Testing clause according to the law of Scotland*].

SCHEDULE (C.)

Form of Declaration.

I *E.F.* of , do hereby solemnly and sincerely declare that the mortgage, number dated the day of eighteen hundred and granted by the Trustees of the Clyde Lighthouses for the sum of in favour of *A.B.* of [*If there have been any previous transferences, here add,* " and which was afterwards transferred by the said *A.B.* to *C.D.* of , by transfer, dated the day of eighteen hundred and ," *or as the case may be*] is now vested in and held by *G.H.* of ; and I further declare that the said mortgage has become vested in the said *G.H.* in manner following. [*Here state the mode in which the mortgage has been transmitted from the person whose name last appears in the books of the Trustees as mortgagee.*] And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled " An Act to repeal an Act of the present Session of Parliament, " intituled 'An Act for the more effectual abolition of Oaths and Affirmations " 'taken and made in various departments of the State, and to substitute " 'Declarations in lieu thereof, and for the more entire suppression of voluntary " 'and extra-judicial Oaths,' and to make other provisions for " the abolition of unnecessary oaths."

Declared at this day of eighteen hundred and before me, *J.K.*, Sheriff [*Sheriff Substitute, or Justice of the Peace, as the case may be*] of the county of . } *E.F.*

SCHEDULE (D.)

Form of Discharge.

Received from the Trustees of the Clyde Lighthouses the within sum of , which sum, with all interest due thereon, is hereby discharged.

Dated at the day of 18 } *Signature of Grantor.*

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1871.