ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 167.

An Act for altering and enlarging the Powers of several Acts of His present Majesty, for the Improvement of the Town of *Greenock*, and the Harbours thereof; for regulating the Police; and for other Purposes mentioned in the said Acts.

[9th *June* 1810.]

WHEREAS an Act was made in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for deepening, cleansing and making more commodious the Harbours of the Town of* Greenock, *for supplying the Inhabitants with fresh and wholesome Water, and for paving, cleansing, lighting and watching the Streets and other public Places within the said Town:* And whereas another Act was made in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for altering and enlarging the Powers of an Act, made in the Thirteenth Year of the Reign of His present Majesty*, intituled, "*An Act for deepening, cleansing, and making more commodious the Harbours of the Town of* Greenock, *for supplying the Inhabitants with fresh and wholesome Water, and for paving, cleansing, lighting and watching the Streets and other public Places within the said Town:*" And whereas another Act was made in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act to amend Two Acts made in the Thirteenth and Twenty-ninth Years of the Reign of His present Majesty, for making more commodious the Harbours of the Town of* Greenock, *and for other Purposes mentioned in the said Acts; for watching the said Town, and better supplying the same with Water; for regulating the Fares of Coachmen, Chairmen, Portrs and Carters plying in the said Town, and of Pilots, Watermen and Jobbers*

13 G. 3. c. 28.

29 G. 3. c. 43.

41 G. 3. c. 51.

43 G. 3. c. 87.

employed in the ſaid Harbours, and on the River Clyde, *and for feuing out the Glebe of the ſaid Town:* And whereas another Act was made in the Forty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for the further Improvement of the Harbours of the Town of* Greenock, *and for other Purpoſes therein mentioned:* And whereas it will be of Benefit to the ſaid Town and the Public, if further and other Powers were given to the Truſtees authorized to put the ſaid Acts into Execution, in regard to the Rate or Duty for paving, lighting, cleanſing and watching the ſaid Town, and ſupplying the ſame with Water, and for extending it to certain Subjects at preſent exempted, and to certain Purpoſes to which it is not at preſent applicable: And whereas from the great Increaſe of Trade and Shipping it has become expedient and neceſſary to make and conſtruct new and additional Docks, and other Works in the Harbours of *Greenock*, and to open a new Entrance thereto, from the Street in *Greenock* called *Cathcart-ſtreet:* And whereas it is expedient that further and other Powers be given to the Magiſtrates for the Adminiſtration of Juſtice and Maintenance of an effectual Police, and of Peace and good Order in the ſaid Town, and in the Harbours thereof, and Places thereto adjacent: But as theſe Purpoſes cannot be effected without the Aid and Authority of Parliament, May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Truſtees in the ſaid recited Act of the Thirteenth Year of the Reign of His preſent Majeſty, or in any of the ſaid other recited Acts appointed and elected, or to be elected, in regard to the Purpoſes of paving, lighting, cleanſing and watching the ſaid Town of *Greenock*, and ſupplying the ſame with Water, ſhall meet and convene for carrying the Purpoſes of their Truſt into Execution, within the Town Houſe of *Greenock*, at ſuch Times as they ſhall judge expedient; and at all ſuch Meetings of Truſtees any Ten or more of them aſſembled at ſuch Meetings ſhall be a Quorum; and all Queſtions which ſhall ariſe at Meetings of the ſaid Truſtees ſhall be determined by Plurality of Voices; and the Senior Baillie of *Greenock*, when both the Baillies ſhall be preſent, or the Baillie preſent at the Time, if only One ſhall be preſent, ſhall be Præſes of ſuch Meetings; but if neither of the Baillies ſhall be preſent, a Præſes ſhall be choſen by the Majority of Voices of the Perſons who may be preſent; and in all Matters to be diſcuſſed at ſuch Meetings, the Præſes, beſides his ſingle Vote in common with the other Truſtees, ſhall in all Caſes of Equality have a caſting or deciſive Vote.

Meetings of Truſtees for paving, &c.

Quorum.

Exemptions as to Cellars and Warehouſes repealed.

II. And be it enacted, That from and after the paſſing of this Act ſo much of the ſaid recited Act of the Thirteenth Year of the Reign of His preſent Majeſty, and of the ſaid ſubſequent recited Acts as exempts Buildings detached from Dwelling-houſes, and which are uſed only as Cellars and Warehouſes for the ſole Purpoſe of keeping Merchandize therein, from the Aſſeſſment by the ſaid Acts impoſed, in regard to the Purpoſes of paving, lighting, cleanſing, and watching the ſaid Town of *Greenock*, and ſupplying the ſame with Water, and the Rates and Duties thereby made payable for the Purpoſes aforeſaid, ſhall be, and the ſame are hereby repealed; and ſuch Buildings detached from Dwelling-houſes, and which are uſed as Cellars and Warehouſes as aforeſaid, ſhall be ſubject and liable to be aſſeſſed for the ſame Rates and Duties which are payable for

Dwelling-

Dwelling-houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, within the Limits over which the Rates and Duties aforeſaid are granted and made payable, and in the ſame Manner and under the ſame Powers and Authorities in regard to the aſſeſſing, levying, and recovering of ſuch Rates and Duties.

Cellar, &c. let out for leſs than a Year, the Proprietor, &c. or principal Tenant ſhall be held the Occupier.

III. Provided always, and be it enacted, That where any Cellar or Warehouſe, or other Place for the keeping of Merchandize, ſhall be let out by the Proprietor, Liferenter, Adjudger, or Creditor in Poſſeſſion, or by any principal Tenant thereof, for any Period leſs than a Year, ſuch Proprietor, Liferenter, Adjudger, or Creditor in Poſſeſſion, or principal Tenant thereof ſo letting out the ſame, ſhall be deemed and held the Occupier thereof, and as ſuch ſhall be aſſeſſed for and liable in Payment of a proportional Part of the Rates and Duties aforeſaid, correſponding to the Period for which the ſame ſhall be ſo let out.

When let by the Year, the Rent to be the Rule for the Aſſeſſment; when for a ſhorter Period the Yearly Value to be the Rule.

IV. Provided alſo, and be it enacted, That when any ſuch Cellar, Warehouſe, or other Place as aforeſaid, ſhall be let by the Year, the Rent at which the ſame ſhall be ſo let ſhall be the Rule for aſſeſſing and levying the Rates and Duties aforeſaid, and the ſame ſhall be paid by the Tenant; but where the ſame ſhall not be let for a whole Year, but for any fractional Part or Parts of a Year, the yearly Value to be aſcertained in Manner hereinafter mentioned ſhall be the Rule for aſſeſſing and levying ſuch Rates and Duties, and the ſame ſhall be paid by ſuch Proprietor, Liferenter, Adjudger, or Creditor in Poſſeſſion.

Rule for impoſing the Aſſeſſment on 6 per Cent. of the Price of Premiſes repealed.

All Premiſes to be aſſeſſed in future at 1s. per Pound of the Yearly Rent, or Yearly Value.

V. And be it enacted and declared, That ſo much of the ſaid recited Act of the Thirteenth Year of the Reign of His preſent Majeſty, or of the ſaid other recited Acts, as authorizes the Rates and Duties aforeſaid to be aſcertained, in Caſes where the Poſſeſſors are alſo Proprietors, according to a yearly Rent equal to Six Pounds Sterling *per Centum* of the Price or Coſt of the Subjects or Premiſes in reſpect of which the Aſſeſſment is payable, ſhall be, and the ſame is hereby repealed; and the ſame ſhall in all Time coming be aſſeſſed at the Rate of One Shilling in the Pound of the true yearly Value of the Subjects for which the ſame is to be paid, and ſuch yearly Value ſhall be aſcertained in ſuch and the ſame Manner, and with ſimilar Powers and Authorities, as in and by the ſaid recited Acts is directed with regard to the aſcertaining the yearly Rent of Premiſes liable to be aſſeſſed to the Rates and Duties aforeſaid, any thing in the ſaid recited Acts contained to the contrary notwithſtanding.

Travelling Chapmen, Auctioneers, &c. how to be aſſeſſed.

VI. And be it enacted, That all travelling Chapmen, Auctioneers, and others who ſhall take up a temporary Reſidence in the ſaid Town for the Purpoſe of diſpoſing of Merchandize, Goods, and Effects, and who ſhall in Proſecution of ſuch Purpoſe occupy a Shop, Warehouſe, or other Place within the Limits over which the ſaid Aſſeſſment is hereby directed to be impoſed, the Rates and Duties exigible for which ſhall not have been previouſly aſſeſſed or paid for the then current Year, ſhall, for any temporary Reſidence, however ſhort the ſame may be, be aſſeſſed by the ſaid Truſtees in a ſummary Way for the Rates and Duties payable for Half a Year for ſuch Shop, Warehouſe, or other Place; and to enable them to impoſe ſuch Aſſeſſment they are hereby authoriſed and empowered to ſummon ſuch travelling Chapmen, Auctioneers, and others, and all or any Perſons

or

or Perſon who may be competent to give Evidence as to the yearly Rent or Value of ſuch Shop, Warehouſe, or other Place, to appear before them at a Day and Place to be fixed in ſuch Summons; and upon hearing all Parties who ſhall ſo appear before them, and examining Witneſſes upon Oath if requiſite, (which Oath any one of the ſaid Baillies of *Greenock* is hereby authorized and empowered to adminiſter,) to fix and aſcertain the Aſſeſſment to be paid by ſuch travelling Chapmen, Auctioneers, and others; and if any Perſon ſummoned as aforeſaid ſhall fail to appear, or when appearing ſhall refuſe to be examined, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling; and the ſaid Aſſeſſment, when ſo fixed and aſcertained, ſhall be paid upon Demand to the Treaſurer or Collector of the ſaid Rates and Duties; and if the ſame ſhall not be ſo paid, ſuch Treaſurer or Collector ſhall and may, after the Lapſe of Forty-eight Hours after Payment thereof ſhall have been demanded, levy and recover the ſame from ſuch travelling Chapmen, Auctioneers, or other Perſons as aforeſaid, in Manner as is herein directed with regard to the levying and recovering of the Rates and Duties from other Perſons liable in Payment thereof.

Rates and Duties when and how to be paid.

VII. And be it enacted, That the Rates and Duties aforeſaid, by the ſaid recited Acts and this Act impoſed for the Purpoſes aforeſaid, ſhall be payable and paid in the Council Chamber of *Greenock*, or ſuch other Place as the ſaid Truſtees may appoint, to the Treaſurer or Collector appointed, or to be appointed, for receiving the ſame, at the Term of *Lammas* One thouſand eight hundred and ten, for the general or annual Aſſeſſment of the preſent Year, and at the Term of *Lammas* in each Year thereafter, for the General or Annual Aſſeſſment of the then current Year; and, in regard to any Aſſeſſment made for any leſs Term than a Year, the ſaid Truſtees ſhall, along with the Notice given of ſuch Aſſeſſment, appoint a ſpecial Time for the Payment thereof; and if any Perſon liable in Payment of any ſuch Aſſeſſment as aforeſaid ſhall fail to pay the ſame when due, the ſame ſhall and may be levied and recovered in Manner hereinafter directed.

Perſons occupying a Houſe not exceeding the Yearly Rent or Value of 3l. may be exempted.

VIII. And be it enacted, That if any Perſon or Perſons renting or occupying a Dwelling-Houſe, not exceeding the yearly Rent or yearly Value of Three Pounds Sterling, ſhall produce to the Collector appointed to receive the Rates and Duties aforeſaid a Certificate or Certificates, under the Hands of the Miniſter and Two of the Elders of the Pariſh in which ſuch Houſe is ſituated, bearing that it conſiſts with their actual Knowledge, that the Perſon or Perſons applying for and producing ſuch Certificate or Certificates is, or are, from Poverty, unable to pay the ſaid Rates and Duties; ſuch Certificate or Certificates, if counterſigned by any one of the Baillies of *Greenock*, ſhall authorize the Collector to exempt the Perſon or Perſons producing the ſame from Payment of the Rates and Duties aforeſaid, and he is hereby required to exempt them accordingly therefrom.

Power to borrow Money.

IX. And be it enacted, That the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money in Addition to the Sum of Ten thouſand Pounds Sterling, in the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty authoriſed to be borrowed and employed

employed for paving, lighting, cleanſing, and watching the Streets of the ſaid Town, and ſupplying the ſame with Water, not exceeding at any one Time the farther Sum of Ten Thouſand Pounds, and to grant, aſſign, and ſet over the ſeveral Rates and Duties by the ſaid recited Acts, or any of them, and by this Act granted for the Purpoſes aforeſaid, to any Perſon or Perſons whatſoever who ſhall advance and lend Money thereon for ſecuring Payment of the ſame with Intereſt reſpectively; and the Money ſo to be borrowed and advanced ſhall be applied by the ſaid Truſtees towards ſuch of the Purpoſes as are hereinbefore mentioned in regard to the Application of the Rates and Duties, on the Credit of which the ſame is directed to be borrowed, as to the ſaid Truſtees ſhall appear proper and expedient, and to no other Uſe or Purpoſe whatſoever.

Commiſſioners to be choſen.

X. And be it enacted, That it ſhall and may be lawful to and for the Baillies of *Greenock*, and they are hereby required to call a Meeting of the Feuars, Sub-Feuars, Burgeſſes, and Houſeholders of the Town of *Greenock*, by public Intimation from the Precentors Deſks in the Pariſh Churches of *Greenock* upon the *Sunday* immediately preceding the Firſt *Tueſday* of *July* One thouſand eight hundred and ten, and on the *Sunday* preceding the Firſt *Tueſday* of *July* in each Year thereafter, and ſhall alſo on the ſame *Sundays* cauſe to be affixed on the principal Door of each of the Pariſh Churches in *Greenock* a Notice in Writing to the ſame Effect; and the ſaid Feuars, Sub-Feuars, Burgeſſes, and Houſeholders ſo called are hereby required to meet at and in the Town Houſe of *Greenock* at Eleven o'Clock in the Forenoon of the ſaid Firſt *Tueſday* of *July* One thouſand eight hundred and ten, and ſo on the Firſt *Tueſday* of *July* in every Year thereafter, and then and there to elect and make choice of Nine of the ſaid Feuars, Sub-Feuars, Burgeſſes, or Houſeholders, to be Commiſſioners on the Funds for paving, lighting, cleanſing, and watching the ſaid Town of *Greenock*, and ſupplying the ſame with Water; and the Perſons elected by the Majority preſent at ſuch Meeting ſhall be and continue Commiſſioners for one Year following their Election; Provided always, that no Perſon who ſhall, at the Time of the Election, be a Baillie or Councillor of the Town of *Greenock*, or who is not Proprietor or Occupier of Premiſes in *Greenock* of the Yearly Rent or Yearly Value of Ten Pounds Sterling and upwards, ſhall be capable of being elected a Commiſſioner.

First and other Meetings of Commiſſioners.

XI. And be it further enacted, That the firſt Meeting of the ſaid Commiſſioners ſhall be held in the Town Houſe of *Greenock* on the Firſt *Tueſday* of *February* One thouſand eight hundred and eleven, and an Annual Meeting of Commiſſioners ſhall be held upon the Firſt *Tueſday* of *February* in every following Year, at Eleven of the Clock in the Forenoon, and the ſaid Baillies and Town Council, as Truſtees for the Rates and Duties aforeſaid, ſhall at every ſuch Meeting cauſe to be laid before the ſaid Commiſſioners, a true and fair Accompt of all the Monies which ſhall have been collected and levied for the Year preceding, from the Rates and Duties by the ſaid recited Acts and this Act impoſed or borrowed on the Credit thereof, and alſo of all the Monies which ſhall have been paid out of the ſame for the Purpoſes directed by the ſaid recited Acts and by this Act; and the ſaid Accounts ſhall be examined and checked, or allowed, and certified by the Commiſſioners preſent at any General Meeting, or the Majority of them; and at any

Meeting of the ſaid Commiſſioners any Five or more of thoſe preſent ſhall be a Quorum, and the ſaid Commiſſioners ſhall have Power, ſhould they ſee it neceſſary, to adjourn from Time to Time, and at all ſuch Meetings the Commiſſioners ſhall bear their own Expences.

Power to appoint a Superintendant of Police, &c.

XII. And be it enacted, That it ſhall and may be lawful to the ſaid Baillies of *Greenock*, and their Succeſſors in Office, to appoint a Superintendant of Police, Watchmen, and other Officers for ſuch Period, and on ſuch Terms as they may ſee fit, who, when appointed, ſhall be authorized, and they are hereby required to aid and aſſiſt the ſaid Baillies in detecting, apprehending, and bringing to Juſtice, Perſons guilty of Robberies, Houſebreakings, Shipbreakings, Shopbreaking, Aſſaults, Thefts, Reſets of Theft, Shoplifting, Swindling, Frauds, Riots, Duelling, Pugiliſm, Breaches of the Peace, and other Crimes and Offences againſt the Law and good Order, by cauſing the Perſons accuſed thereof to be apprehended and impriſoned, upon legal Warrants, and proceeded againſt in Terms of Law; in apprehending and putting the Law in Execution againſt Vagabonds, Vagrants, idle and diſorderly Perſons, public and ſturdy Beggars, and Perſons who follow no lawful Employment or Occupation, and have no viſible Means of Subſiſtence; in ſuppreſſing diſorderly Houſes and other Houſes frequented by Perſons acceſſary to Offences of the foregoing Deſcriptions, and puniſhing the Keepers of ſuch Houſes; in ſuppreſſing Mobs and Tumults, in putting the Laws in Execution, by which Carters, Owners and Drivers of Carts and other Carriages, are puniſhable for leaving the ſame on the Streets, Roads, and Paſſages within the ſaid Town, and riding on their ſaid Carts and Carriages, and driving them, or Horſes or other Cattle furiouſly and improperly on the Streets; in ſeeing that the ſaid Streets, Squares, Lanes, and Paſſages are properly cleanſed; in guarding, patroling, and watching the Streets, and in general in aiding and aſſiſting and following up the Orders and Inſtructions of the ſaid Baillies, in all Matters relative to the Police, Peace and good Order of the ſaid Town.

Penalty on obſtructing Officers, &c.

XIII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times, hinder or moleſt any Officer, Watchman, or other Perſon who ſhall be employed under the Authority of the ſaid Baillies, in any of the foreſaid Duties, every Perſon or Perſons ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds Sterling, to be levied and recovered in Manner hereinafter directed, without prejudice to the Officer or Watchman, or other Perſon ſo obſtructed, hindered, or moleſted, in the Event he ſhall be ſtruck or mal-treated, to ſue for and recover a Recompence, Damages, or Expences for ſuch Injury, and to have the ſame awarded in due courſe of Law.

Proceedings to be a ſummary Way.

XIV. And whereas it is expedient that in all Caſes the Proceedings ſhould be attended with as little Delay and Expence as poſſible, be it therefore enacted, That in all Proſecutions before the Bailies of *Greenock* againſt any Perſon or Perſons for any of the Offences before mentioned, where the Puniſhment ſhall not exceed Thirty Days Confinement in *Bridewell*, or the Fine impoſed ſhall not exceed Five Pounds Sterling, the Proceedings againſt ſuch Offenders may be of a ſummary Nature, and without any written Pleadings: Provided always, That a Record of the Charge and the Judgment pronounced againſt ſuch Offenders ſhall be entered in a Book

Book or Books to be kept for that Purpose under the Directions of the said Baillies.

Baillies may shorten the Term of Commitment.

XV. And be it enacted, That it shall and may be lawful to and competent for such of the said Baillies as may have pronounced a Sentence containing a Warrant of Commitment of any Person or Persons to *Bridewell*, to shorten the Period of his, her, or their Confinement, upon being satisfied of the good Behaviour of such Person or Persons during his, her, or their Confinement, and that he, she, or they shew Marks of Penitence and Amendment.

Procurator Fiscal to sue, &c.

XVI. And be it enacted, That in all Offences against Law and good Order it shall be competent to the Procurator Fiscal of the Town of *Greenock*, or the Superintendant of Police, or such other Person or Persons as the said Baillies may from Time to Time appoint as public Prosecutor, to bring Actions, and Execution shall pass at his Instance for Performance of all and every the Sentences to be pronounced by the said Baillies, and for Payment of such Damages and Expences as may by them be found to be incurred or awarded to be paid, and without Prejudice to any private Party whose Interest may be affected by the Commission of any of the said Offences against Law and good Order, to sue the Person or Persons committing the same for Reparation, Damages, and Expences, and to have the same awarded in due Course of Law.

Baillies and Town Council may make Bye-Laws as to the Bridewell, &c.

XVII. And be it enacted, That it shall and may be lawful to the said Baillies and Town Council of *Greenock* and their Successors in Office, at any Time or Times after the passing of this Act, to make, ordain, and establish Rules, Orders, and Bye-Laws for the Regulation of the *Bridewell* in the said Town, and the better carrying into Execution the Purposes of the said recited Acts, so far as the same are at present in Force, and of this Act, in regard to the Police, good Order and Government of the said Town; and also from Time to Time, as Occasion may require, to repeal, add to, and amend or alter such Rules, Orders, and Bye-Laws, as to them shall seem necessary and expedient, and to enforce the same by pecuniary Penalties not exceeding in any Case the Sum of Twenty Pounds Sterling, to be levied, recovered, and applied in Manner hereinafter directed: Provided always, That such Rules, Orders, and Bye-Laws shall not be inconsistent with or repugnant to the Laws of *Scotland*, or the Provisions of the said recited Acts, so far as the same are at present in Force, or this Act; and Copies of such Rules, Orders, and Bye-Laws shall be affixed and hung up in the Council Chamber of *Greenock*, and kept constantly legible.

And for the Markets.

XVIII. And whereas the Baillies and Town Council of the said Town of *Greenock* have, for the Accommodation of the Inhabitants thereof, and at a considerable Expence erected Market-places for the Sale of Butcher's Meat, Butter, Cheese, Fish, and other Provisions, and propose to erect several other Market-places for similar Purposes; be it therefore enacted, That it shall and may be lawful to and for the said Baillies and Town Council, and their Successors in Office, and they are hereby empowered and authorized, at any Time or Times, to make, ordain, and establish such Rules, Orders, and Bye-Laws for the better regulating the Market-Places which have

have been erected, or may be erected within the ſaid Town as aforeſaid; and alſo in regard to the Sale of Coals, and all Kinds of Proviſions brought into the Town for the Uſe and Conſumption of the Inhabitants thereof; and likewiſe to make, ordain, and eſtabliſh ſuch Rules, Orders, and Bye-Laws relative to the Dues to be collected for the Uſe of the ſaid Markets and the Manner of collecting the ſame, and from Time to Time, as Occaſion may require, to repeal, add to, and alter ſuch Rules, Orders, and Bye-Laws, and to enforce the Obſervance of all ſuch Rules, Orders, and Bye-Laws under ſuch pecuniary Penalties, not exceeding Two Pounds Sterling, as they may direct; ſuch Penalties to be recovered and applied in Manner herein-after directed: Provided always, That ſuch Rules, Orders, and Bye-Laws ſhall not be inconſiſtent with, or repugnant to the Laws of *Scotland*, or the Proviſions of the ſaid recited Acts, ſo far as the ſame are in Force, or of this Act; and Copies of ſuch Rules, Orders, and Bye-Laws ſhall be affixed or hung up in ſome conſpicuous Place in the ſaid Markets, and kept conſtantly legible.

Truſtees to make a new Entrance to the Harbour.

XIX. And be it enacted, That the ſaid Baillies and Town Council of *Greenock*, and their Succeſſors in Office, as Truſtees for the Harbours of *Greenock*, ſhall and may make, or cauſe to be made, an additional Entrance to the New Harbour of *Greenock*, in a ſtraight Line with *Cathcart-Street*, and of equal Breadth with that Street directly from the Eaſt End of the ſame, and through the Property ſome Time belonging to *William Donald*, and now to *Benjamin Donald* his Grandſon, and to treat, contract, and agree for the Purchaſe thereof with all Perſons intereſted therein: Provided always, That, in caſe the ſaid Truſtees, and the Perſons intereſted as aforeſaid, ſhall not agree as to the Price or Prices to be paid for the ſame, the Compenſation to be made to the ſaid *Benjamin Donald*, his Heirs and Succeſſors in the ſaid Property, and to the Tenants or Occupiers thereof, for the Ground to be taken for the ſaid Entrance, ſhall be aſcertained and made after the ſame Form and Manner as Compenſation is appointed by the ſaid recited Acts to be aſcertained and made to Perſons claiming, or entitled to any Right or Intereſt in the Harbours of *Greenock*, or Ground within the ſame.

When this Entrance made, that oppoſite the Bottom of Chapel Lane to be diſpoſed of, &c.

XX. And be it enacted, That when the aforeſaid Entrance ſhall be made to the Harbour of *Greenock*, the Entrance to the ſaid Harbour, which is at preſent open oppoſite the Bottom of *Chapel Lane*, ſhall and may be uſed or diſpoſed of as the Truſtees for improving the Harbour may think fit.

Truſtees for the Harbours may compound for the Rates payable by certain Veſſels.

XXI. And whereas all Ships, Veſſels, Lighters or Boats, either entering inwards, in clearing outwards in the Coaſting Trade at the Cuſtom-houſe of *Greenock*, or diſcharging or loading in whole or in part in the ſaid Harbours of *Greenock*, are liable in the Rates and Duties by the ſaid Acts impoſed, however ſhort their Voyages may be, be it enacted, That for the Relief of the Maſters and Owners of all Ships, Veſſels, Lighters or Boats which ſhall be employed as regular Packets or Paſſage Boats, within the Frith of *Clyde*, extending from *Clyde* to the Mulls of *Galloway* and *Kintyre*, or which may ply on the River betwixt *Greenock* and *Glaſgow*, it ſhall and may be lawful to, and in the Power of the ſaid Truſtees for the Harbours, to compound with the Maſters and Owners of ſuch Ships,

Ships, Veſſels, Lighters or Boats, for ſuch Rates and Duties by the Year or Trip, and at ſuch leſſer Rates as to the ſaid Truſtees may from Time to Time appear expedient.

Truſtees may erect new Docks, and levy Rates for the ſame.

XXII. And be it enacted, That it ſhall and may be lawful to the ſaid Truſtees for the Harbours, and they are hereby authorized and empowered to build in the ſaid Harbours of *Greenock* ſuch further Graving or Dry Dock or Docks as they may find requiſite for the Benefit and Accommodation of the Shipping reſorting to the ſaid Harbours, in ſuch Situations and upon ſuch Plans as the ſaid Truſtees for the Harbours, and the Commiſſioners relative thereto by the ſaid recited Acts appointed, may approve of and agree to, with Power to the ſaid Truſtees to levy ſuch Dues for the Uſe of the ſaid Dock or Docks, as are payable for the Dock by the ſaid recited Act of the Forty-third Year of the Reign of His preſent Majeſty, authorized to be built in the ſaid Harbours.

Power to borrow a further Sum of Money for the Purpoſes of the Harbours.

XXIII. And whereas the Sum of Fifty thouſand Pounds, authorized by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, to be borrowed for the Purpoſes therein mentioned, relative to the ſaid Harbours, will be inſufficient for the Purpoſes of the ſaid recited Act and of this Act, in relation to the ſame; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, in relation to the Harbours, to borrow and take up at Intereſt, in Manner by the ſaid recited Acts or any of them directed in regard to the Powers of borrowing Money relative to the Harbours, from Time to Time, upon the Credit of the ſaid Rates and Duties relative to the ſaid Harbours, and payable for the Uſe of the Dry Dock and Warehouſes authorized by the ſaid recited Acts to be built, and of the Dock or Docks authorized by this Act to be built, any Sum or Sums of Money, in Addition to the ſaid Sum of Fifty thouſand Pounds, not exceeding in whole at any one Time the Sum of One hundred thouſand Pounds Sterling, and to apply the Monies ſo to be borrowed, in carrying into effect the Purpoſes of the ſaid recited Acts and of this Act, in ſo far as relates to enlarging and improving the Harbours of *Greenock*, and building Dry or Graving Docks therein, and Warehouſes upon the Shore Ground embanked, purchaſed and acquired by the ſaid Truſtees.

Truſtees may let or ſell the Shore Ground, not needed for Docks or Warehouſes.

XXIV. And be it enacted, That if the ſaid Truſtees do not build the whole or any Part of the Docks which may be found requiſite in the ſaid Harbours or the Warehouſes which may be proper to be built on the Shore Ground purchaſed or acquired as aforeſaid, then and in that Caſe, it ſhall and may be lawful to and for the ſaid Truſtees to let or ſell the ſaid Ground for the Purpoſe of building ſuch Docks and Warehouſes at the higheſt Rents and beſt Prices that can be got for the ſame, and to grant Leaſes, Diſpoſitions, or Conveyances thereof, in ſuch Terms, under ſuch Conditions, and for building upon ſuch Plans as ſhall be agreed to and approved by the Commiſſioners in the ſaid recited Acts named and deſcribed, in relation to the ſaid Harbours, or any Thirteen or more of them in a general Meeting aſſembled, to be convened for the Conſideration of thoſe ſpecial Purpoſes; ſuch Meetings to be called, and ſuch Sales or Lettings to be advertized in the Manner appointed by the ſaid recited Acts.

Baillies and Town Council of Greenock may make Bye-Laws for the Harbours, &c.

XXV. And be it further enacted, That it ſhall and may be lawful to the Baillies and Town Council of *Greenock*, and their Succeſſors in Office, to make ſuch Rules, Orders, and Bye Laws, in regard to the ſaid Harbours of *Greenock*, and the Perſons reſorting with their Ships and Veſſels thereto, as may tend to the good Order and Government of the ſaid Harbours, and from Time to Time, as Occaſion may require, to repeal, add to, amend or alter ſuch Rules, Orders and Bye Laws, as to them may ſeem meet and requiſite; and for the Breach or Non-obſervance of them, to fix and appoint pecuniary Penalties not exceeding Forty Shillings for any one Offence, to be recovered and applied in Manner hereinafter directed: Provided always, That ſuch Rules, Orders, and Bye Laws ſhall not be repugnant to, or inconſiſtent with the Laws of *Scotland*, or the Proviſions of the ſaid recited Acts or this Act, ſo far as the ſame are at preſent in Force; and Copies of ſuch Rules, Orders, and Bye Laws, ſhall be affixed and hung up on ſome conſpicuous Place in the ſaid Harbours of *Greenock*, and kept conſtantly legible.

If Commiſſioners ſhould not attend at the Diets for examining the Accounts, &c. ſuch Accounts if examined and certified by the Truſtees, to be held correct.

XXVI. And be it enacted, That ſhould the reſpective Commiſſioners appointed under the ſaid recited Acts, in relation to the Harbours of *Greenock*, and the Commiſſioners appointed by this Act, in regard to the Rates and Duties for paving, lighting, cleanſing, and watching the ſaid Town, and ſupplying the ſame with Water, not attend at their yearly Diets fixed for the Examination and certifying of the Accounts for thoſe ſeveral and reſpective Purpoſes, for the Year preceding, the ſaid reſpective Accounts, if examined and certified by a Quorum of the ſaid reſpective Truſtees ſhall be deemed, held, and taken to be correct, and ſhall be no more ſubject to Reviſion, than if they had been examined and certified in Manner mentioned in the ſaid recited Acts and this Act.

Application of Compenſation where exceeding 200l.

XXVII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts, or this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Liferents, Annuities, or other Incumbrances, or ſhall belong to any Incorporation, married Woman, Infant, Lunatic, or other Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to Two hundred Pounds or upwards, under the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Heritages, in the Purchaſe or Redemption of the Land-Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authoriſe to be paid affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes,

poſes, and in the ſame Manner as the Lands, Tenements, and Heritages which ſhall be ſo purchaſed, taken or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, until ſuch Purchaſe ſhall be made, the Intereſt or annual Produce of ſuch Money ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

If under 200l. and above 20l.

XXVIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken or uſed for any of the reſpective Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Heritages ſo purchaſed, taken or uſed, or of his, her, or their Tutors or Curators, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſigned in Writing under the Hands of the nominating and approving Parties,) in order that ſuch Principal Money, and the Intereſt ariſing thereon, may be applied in Manner hereinbefore directed, ſo far as the Caſe may be applicable.

Application where the Money is leſs than 20l.

XXIX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next beforementioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit, or in Caſe of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

XXX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of Lands, Tenements, or Heritages, to be purchaſed by virtue of this Act ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages, be not known or diſcovered, then, and in every ſuch caſe, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money, ſo awarded as aforeſaid, to be paid into the Bank of *Scotland*, or Royal

Bank

Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages, (deſcribing them,) ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making claim thereunto, and to make ſuch other Order in the Premiſes, as to the ſaid Court ſhall ſeem juſt and reaſonable, and the Caſhier and Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money, into the Banks as aforeſaid.

Where Queſtions ariſe touching the Title.

XXXI. And be it further enacted, That where any Queſtion ſhall ariſe, touching the Title of any Perſon to any Money to be paid into the ſaid Banks in purſuance of this Act, for the Purchaſe of any Lands, Tenements or Heritages, or of any Eſtate, Right or Intereſt in any Lands, Tenements or Heritages, to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements or Heritages at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements or Heritages, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Seſſion; and ſuch Money, and the Intereſt thereof, ſhall be paid, applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Heritages, or to ſome Eſtate or Intereſt therein.

Expences in caſe of Diſability.

XXXII. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements or Heritages, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into either of the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements or Heritages, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money, for ſuch Purpoſes as the ſaid Court ſhall direct.

For recovering Rates and Penalties, &c.

XXXIII. And be it enacted, That all and every the Rates and Duties, Penalties and Forfeitures by the ſaid recited Acts, or by any of them, ſo far as the ſame remain in Force, or by this Act granted and impoſed, the Manner

Manner of levying and recovering whereof is not hereby otherwiſe particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſons liable in Payment thereof, or of the Offender or Offenders, by Warrant under the Hand of any One of the Baillies of the Town of *Greenock*, or any One of the Juſtices of the Peace for the County or Place where ſuch Perſon or Perſons, Offender or Offenders ſhall reſide, and that after Payment of ſuch Rates and Duties, Penalties and Forfeitures to the reſpective Collectors or Treaſurers of the reſpective Rates and Duties, in regard to which ſuch Debts, Penalties and Forfeitures have been incurred, and the Charges attending ſuch Diſtreſs and Sale, the Overplus of the Money, if any be, ſhall be returned on Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold as aforeſaid; and the Sum and Sums of Money to be paid to ſuch reſpective Collectors or Treaſurers, ſhall be applied by them to the reſpective Purpoſes to which the ſeveral Rates and Duties under their Management are by the ſaid recited Acts or by this Act directed to be applied; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Rates and Duties, Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful to and for ſuch Baillie or Juſtice as aforeſaid, and he is hereby authorized and required, by Warrant under his Hand, to cauſe ſuch Defaulter or Offender to be committed to the Gaol of the Town or County, as the Caſe may be, therein to remain for any Time not exceeding One Calendar Month, unleſs ſuch Rates and Duties, Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Appeal.

XXXIV. And be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Acts, or of this Act, or by any Rule, Order, or Bye-Law to be made in purſuance thereof, it ſhall and may be lawful to and for ſuch Perſon or Perſons to appeal therefrom to the Juſtices of the Peace of the ſaid County of *Renfrew*, in Quarter Seſſions aſſembled; provided that ſuch Appeal be lodged with the Clerk of the Peace for the ſaid County within Ten Days after the Matter thereof ſhall have ariſen, of which legal Notice ſhall be given to the Defender or Defenders, and the Judgment of the ſaid Juſtices of the Peace in Quarter Seſſions aſſembled, upon ſuch Appeals, ſhall be final and concluſive, without being ſubject to Advocation, Suſpenſion, or Reduction, or to any Stay or Challenge by other Proceſs of the Law whatſoever.

Act may be pleaded.

XXXV. And be it further enacted, That if any Suit or Action ſhall be commenced againſt the ſaid Baillies and Town Council, or their Succeſſors in Office, or the reſpective Truſtees by the ſaid recited Act or this Act appointed, or againſt any Perſon or Perſons for any Matter or Thing done in purſuance of this Act, the Defender or Defenders in ſuch Suit or Action may plead this Act, and that ſuch Matter or Thing was done by Authority and in purſuance thereof, and give the ſpecial Matter in Evidence; and if it ſhall appear to have been ſo done, the Defender or Defenders ſhall be abſolved from every ſuch Suit or Action, and ſhall have Coſts and Expences in the Defence thereof awarded to him, her, or them from and againſt the Purſuer or Purſuers of the ſame.

Expences of this Act how to be paid.

XXXVI. And be it enacted, That the Expences of applying for, obtaining, and paſſing this preſent Act ſhall be defrayed in Manner following: One half thereof out of the Rate or Aſſeſſment for paving, lighting, cleanſing, and watching the ſaid Town of *Greenock*, and ſupplying the ſame with Water; and the other half out of the Rates and Duties relative to the ſaid Harbours of *Greenock*; and the reſpective Truſtees relative to theſe ſeveral Purpoſes are hereby empowered and required to defray ſuch Expences, and charge the ſame upon theſe ſeveral Funds in the Proportions before mentioned.

Magiſtrates to execute the Act.

XXXVII. And be it further enacted, That all Sheriffs and Juſtices of the Peace, Magiſtrates with their Officers, Meſſengers at Arms, and all other Officers of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution.

Publick Act.

XXXVIII. And be it enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices and others, without being ſpecially pleaded.

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