ANNO SEPTIMO

GEORGII IV. REGIS.

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Cap. cv.

An Act to alter and amend several Acts made in the Twenty-eighth, Thirty-eighth, Thirty-ninth, Forty-fifth, Forty-seventh, and Fifty-third Years of the Reign of His late Majesty, for enlarging and improving the Harbour of *Leith;* and to appoint Commissioners for the Superintendence and Management of the said Harbour and Docks, and for other Purposes connected therewith.

[26th *May* 1826.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging and improving the Harbour of* Leith; *for* 28 G. 3. c. 58. *making a new Bason, Quays, Wharfs, or Docks; for building Warehouses; for making new Roads, and widening others, leading to and from the said Harbour; and for empowering the Lord Provost, Magistrates, and Council of the City of* Edinburgh *to purchase Lands, Houses, and Areas, and to borrow Money for these Purposes:* And whereas another Act was passed in the Thirty-eighth Year of the Reign of His said late Majesty, intituled *An Act to amend* 38 G. 3. c. 19. *an Act made in the Twenty-eighth Year of the Reign of His present Majesty, for enlarging and improving the Harbour of* Leith: And whereas another Act was passed in the Thirty-ninth Year of the Reign of His late 39 G. 3. c. 44. Majesty, intituled *An Act to amend Two Acts, made in the Twenty-eighth and Thirty-eighth Years of the Reign of His present Majesty, for enlarging and improving the Harbour of* Leith: And whereas another Act was passed in the Forty-fifth Year of the Reign of His said late Majesty, intituled *An* 45 G. 3. c. 32.

Act for raising a further Sum of Money for the Improvement of the Harbour of Leith: And whereas another Act was passed in the Forty-fifth Year of
45G.3. c.114. the Reign of His said late Majesty, intituled *An Act for enabling the Commissioners of the Treasury of* Great Britain *to advance a certain Sum of Money to the Lord Provost, Magistrates, and Council of the City of* Edinburgh, *towards the Completion of the Docks and other Works in the Harbour of* Leith: And whereas another Act was passed in the Forty-seventh
47G.3.sess.2. c. 3. Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Powers of an Act made in the Thirty-ninth Year of His present Majesty, for amending Two Acts of the Twenty-eighth and Thirty-eighth Years of His present Majesty, for enlarging and improving the Harbour of* Leith, *and for making certain new Streets and Roads, and widening others, adjacent to and connected with the said Harbour:* And whereas another Act was passed in
53G.3. c.33. the Fifty-third Year of the Reign of His said late Majesty, intituled *An Act for raising a further Sum of Money for the Improvement of the Harbour of* Leith, *and other Works therewith connected:* And whereas in virtue of the Powers contained in the said recited Acts the Lord Provost, Magistrates, and Council of the City of *Edinburgh* have constructed Two Wet Docks, and various Drawbridges and Dry Docks, and other Works therewith connected, for the Accommodation of the Trade of *Leith:* And whereas another Act was passed in the Sixth Year of the Reign of His
6 G.4. c.103. present Majesty, intituled *An Act to enable the Principal Officers and Commissioners of His Majesty's Navy to acquire certain Portions of the Docks and Shore Ground at* Leith *for a Naval Yard, and to enable the Commissioners of the Treasury to advance a certain Sum of Money on the Security of the Docks and of the Harbour of* Leith: And whereas in virtue of the Powers con-

Magistrates have conveyed a Portion of the Docks in Terms of last-recited Act.

tained in the said last-recited Act the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* have conveyed to the said Principal Officers and Commissioners of His Majesty's Navy, for the Use and Behoof of His Majesty, and for the Service of His Majesty's Navy, a Portion of the Western Wet Dock, with the Sea Walls, Wharfs, Warehouse Ground, and also of the Shore Ground belonging to the Community of the said City lying to the Westward of the said Wet Docks, as the same are all described in the said last-recited Act: And whereas in virtue of the Powers contained

Treasury have advanced the Sum of 240,000*l.*

in the said last-recited Act the Commissioners of His Majesty's Treasury have issued and advanced the Sum of Two hundred and forty thousand Pounds, in order to pay off the several Bonds heretofore granted by the said Lord Provost, Magistrates, and Council, for or in respect of the Sums borrowed by them for the Purposes of the said Docks and other Works, which Sum of Two hundred and forty thousand Pounds, together with the Sum of Twenty-five thousand Pounds also issued and advanced by the Commissioners of His Majesty's Treasury in virtue of the said recited Act of the Forty-fifth Year of the Reign of His said late Majesty, and applied towards the Completion of the said Docks and other Works, amounting together to the Sum of Two hundred and sixty-five thousand Pounds due and owing to His Majesty by the said Lord Provost, Magistrates, and Council, remain chargeable against the said Docks and Works therewith connected, and all the Rates and Duties arising from the said Harbour, Docks, and other Works, and are to be repaid in Manner and at the Times directed in the said recited Act of the Sixth Year of the Reign of His present Majesty: And whereas the said Lord Provost, Magistrates,

Agreement for extending the Eastern Pier.

and Council are, in Terms of the said last-recited Act, about to enter into an Agreement with the said Principal Officers and Commissioners of His Majesty's

Majesty's Navy, binding and obliging themselves within Five Years from the Date thereof to expend upon the Extension of the Eastern Pier of the said Harbour of *Leith*, and on Works therewith connected, for the Improvement of the Entrance to the said Harbour and Docks, according to a Plan fixed and settled by the said Principal Officers and Commissioners of His Majesty's Navy, a Sum not exceeding Twenty-eight thousand Pounds: And whereas in consequence of the aforesaid Conveyance of a Portion of the Western Wet Dock and of the Shore Ground to the Westward, the further Extension of the Docks westward towards *Newhaven*, as originally intended in virtue of the said recited Act of the Thirty-ninth Year of the Reign of His said late Majesty, cannot hereafter at any Time be conveniently carried into Execution, and it is therefore expedient that Means should be provided for extending the said Harbour and Docks hereafter for the Accommodation of the Shipping and Trade of *Leith*, and that the Shore Ground belonging to the said Lord Provost, Magistrates, and Council, lying between the Western Wet Dock already erected and *Newhaven*, should be freed and relieved of any Burden or Servitude imposed thereon, for the Purposes of the Extension of the said Harbour and Docks by the said recited Acts or any of them: 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 Authority of the same, That the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and their Successors in Office, shall continue, by themselves or by their Officers, Servants, or other Persons to be appointed by them, to levy, collect, and receive all Shore and Harbour Dues, and other Dues which they are entitled to levy, collect, and receive in the said Port and Harbour of *Leith*; and also to levy, collect, and receive all Dock Duties and other Duties which they are entitled to levy, collect, and receive in the said Port, Harbour, and Docks, in virtue of the said recited Acts or any of them.

Revenues to continue to be collected as formerly.

Commissioners.

II. And be it further enacted, That the Right Honourable *William Trotter* of *Ballindean*, Lord Provost of the City of *Edinburgh*, or the Lord Provost for the City of *Edinburgh* for the Time being, and Five other Members of the Town Council thereof, to be chosen annually by the Lord Provost, Magistrates, and Council of the said City; the Master of the Merchant Company of *Edinburgh* for the Time being; Three Members of the Incorporation of the *Trinity House* of *Leith*, to be elected annually by the said Incorporation; Three Members of the Incorporation of Traffickers of *Leith*, to be elected annually by the said Incorporation; Two Merchants of *Edinburgh*, not being Members of the Town Council thereof, nor being connected with or dependent thereon, and each of whom shall have paid in the Year preceding at least Five Pounds of Shore, Harbour, and Dock Dues on his own Account, or on Account of some Copartnership in which he may be engaged, to be nominated annually by the said Lord Provost, Magistrates, and Council of the said City; Three Merchants or Ship Owners of *Leith*, actually resident or carrying on Business within the Town of *Leith*, and each of whom shall have paid in the Year preceding at least Twenty-five Pounds of Shore, Harbour, and Dock Dues on his own Account, or on Account of some Copartnership in which he may be engaged, One of the said Merchants or Ship Owners to be chosen annually by the Incorporation of Maltmen

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of *Leith*, another by the Incorporated Trades of *Leith*, and the Third by the Society of Ship Owners of *Leith*; and Three Persons, to be from Time to Time nominated and appointed by the Lords Commissioners of the Admiralty for the Time being in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for superintending, managing, and directing all Matters in regard to the Maintenance, Repair, and Improvement of the Harbour and Docks of *Leith*, and of all Works connected therewith, (excepting always the Collection of the Shore, and Harbour, and Dock Duties, and other Revenue arising therefrom,) as fully and to the same Extent as the said Lord Provost, Magistrates, and Council, and their Predecessors in Office, have hitherto done in virtue of their said Offices or of the Powers granted to them by the said recited Acts or any of them.

Election of Annual Commissioners.

III. And be it further enacted, That within Fourteen Days after the passing of this Act the several Bodies hereinbefore appointed to elect or nominate Annual Commissioners shall meet, proceed, and make such Elections respectively, and the Commissioners so to be nominated or elected shall continue in Office (unless they shall afterwards in any Manner become disqualified) until the Third *Wednesday* of *October* One thousand eight hundred and twenty-seven, when such of them as shall not be Commissioners in virtue of their Offices shall, unless re-elected, go out of Office, and other Commissioners shall be elected in their Place by the respective Bodies having Power to nominate or elect Commissioners in Manner before mentioned, and so on annually thereafter on the Third *Wednesday* of *October*.

In case of Failure of Election.

IV. And be it further enacted, That in case any of the respective Bodies hereby authorised and required to elect Annual Commissioners as aforesaid shall neglect or fail so to do, then and in every such Case it shall be lawful for the Remainder of the Commissioners, who shall have been duly elected at their first Monthly Meeting after the Expiration of One Month from the said Third *Wednesday* of *October* in each Year, to nominate and elect such and so many Persons duly qualified as aforesaid to be Commissioners in the Place of those Commissioners as to whom no Election shall have been made as aforesaid.

Vacancies how to be filled up.

V. And be it further enacted, That in case of the Death, Resignation, Disqualification, or Incapacity to act of any of the Annual Commissioners so to be appointed as aforesaid, before the said Third *Wednesday* of *October* One thousand eight hundred and twenty-seven, or before the said Third *Wednesday* of *October* in any Year thereafter, it shall and may be lawful for the respective Bodies by whom each such Commissioner so dying, resigning, or being disqualified, or becoming incapable to act, shall have been appointed, to nominate and elect, in the same Manner as in the Case of an Annual Election, another Person to be a Commissioner in the Place of each such Commissioner so dying or resigning, or becoming disqualified or incapable to act as aforesaid; and the Election of all such Commissioners shall be officially reported to the said Lord Provost, Magistrates, and Council, immediately after such Election; and in case any such respective Bodies shall, after being thereto required in Writing by the said Commissioners or any Quorum of them, neglect or omit, for the Space of One Calendar Month after such

Requisition made, to nominate and elect a new Commissioner in Place of any Commissioner dying, resigning, or becoming disqualified or incapable to act, it shall and may be lawful for the said Commissioners, at their next Monthly Meeting, to nominate and elect a Person duly qualified as aforesaid to be a Commissioner in the Place of the Person who shall have so died, resigned, or become disqualified or incapable to act as aforesaid.

Commissioners to be appointed by the Lords of the Admiralty within Three Months.

VI. And be it further enacted, That the said Three Persons to be nominated and appointed by the said Lords Commissioners of the Admiralty shall be nominated and appointed by them within One Calendar Month after the passing of this Act, and shall continue in Office during the Pleasure of the said Commissioners of the Admiralty; and in case any of the Persons so to be nominated and appointed by the said Lords Commissioners of the Admiralty shall die, resign, or be removed, or become incapable to act, the Place or Places of the Person or Persons so dying, resigning, being removed, or becoming incapable to act, shall be filled up by the said Lords Commissioners of the Admiralty.

Penalty on acting if not qualified.

VII. And be it enacted, That if any Person not qualified as aforesaid shall nevertheless presume to act as a Commissioner for the Purposes of this Act, every such Person shall for every such acting forfeit and pay the Sum of Twenty Pounds; and all Fines so levied shall be paid over to the Collector of Shore Dues, and brought by him to the Credit of the Dock Account; but the acting of any Person not duly qualified shall not invalidate the Acts of the other Commissioners.

Preses of Meetings of Commissioners.

Quorum.

VIII. And be it further enacted, That at every Meeting of the said Commissioners the Lord Provost, if present, shall be Preses, and in his Absence the Senior Commissioner present, in the Order in which they are hereinbefore set down, shall be Preses; and the Preses shall have both a deliberative and in case of Equality a Casting Vote in all Matters and Questions which shall come before such Meeting: Provided always, that Seven of the said Commissioners must be present at all Meetings to constitute a Quorum capable to do Business.

Times and Places of Meeting.

IX. And be it further enacted, That the said Commissioners shall hold their First General Meeting at *Leith* within Twenty-two Days after the passing of this Act, and shall thereafter hold a General Meeting at *Leith* once in each Month, at such Place or Places and on such Day as the said Commissioners shall from Time to Time fix and determine.

Special Meetings.

X. And be it enacted, That the Lord Provost of the said City, or in his Absence from the County of *Edinburgh* the Senior Commissioner in the Order before mentioned who shall be within the said County, may appoint Special Meetings of the said Commissioners to be called, to be held either in *Edinburgh* or *Leith*, within Twenty-four Hours after printed or written Summonses shall have been delivered to each Commissioner, or left at his usual Place of Residence or Place of Business; and in case the said Lord Provost shall at any Time be required to call a Special Meeting by a Writing under the Hands of any Seven or more of the said Commissioners, in which shall be stated the special Business for which the Meeting is to be called, the said Lord Provost may appoint

appoint such Special Meeting to be held in Manner before mentioned; and if he shall fail to call such Special Meeting within Four Days after receiving any such Requisition, it shall and may be lawful for any Seven or more of the said Commissioners to issue printed or written Summonses, stating the special Business to be considered, and appointing a Special Meeting to be held in *Edinburgh* or *Leith* within Twenty-four Hours after such printed or written Summonses shall have been delivered to each Commissioner, or left at his usual Place of Residence or Place of Business as aforesaid; and at all such Special Meetings it shall be competent to the said Commissioners to consider the special Business only for which any such Special Meeting shall have been called.

Special Meetings not to annul Proceedings of Ordinary Meetings.

XI. Provided always, and be it further enacted, That nothing shall be done at any Special Meeting which shall alter or annul any Direction, Bye Law, or Regulation which may have been made at any of the Ordinary Monthly Meetings of Commissioners hereinbefore appointed to be held; but it shall be in the Power nevertheless of the Commissioners at any Special Meeting assembled to suspend the Operation of any such Direction, Bye Law, or Regulation, until the next Ordinary Monthly Meeting of the said Commissioners.

Meetings may be adjourned.

XII. And be it further enacted, That the said Commissioners, or the Majority of those present at any of the said Monthly or Special Meetings, may adjourn the same to any other Day or Hour, as to them may seem expedient, Notice of any such Adjournment being always given, in Manner hereinbefore mentioned in regard to Special Meetings, to each of the said Commissioners with as little Delay as conveniently may be.

Power to appoint Committees and Sub-committees.

XIII. And be it further enacted, That the said Commissioners at any of their stated Monthly Meetings shall have Power to appoint Committees of their Number to have the particular and immediate Superintendence and Management of particular Parts of the said Harbour, Docks, and other Works, and of the Operations connected therewith; which Committees shall have Power, if necessary, for the same Purposes to appoint Sub-Committees of their own Number, the Majority of such Committee or Sub-Committee being a Quorum, and entitled to act in all Matters and Things committed to their Charge.

Commissioners not to hold Places of Profit.

XIV. Provided always, and be it further enacted, That none of the said Commissioners shall be capable of acting as such during the Time that he shall enjoy any Office or Place of Profit created or established by virtue of any of the said recited Acts or of this Act, or while he has any Share or Interest in any Contract relating to the Execution of any Works carried on under the Authority thereof.

Commissioners to defray their own Expences.

XV. And be it further enacted, That at all Meetings of the said Commissioners the Commissioners present shall defray their own Expences.

Commissioners to sue or be sued by their Clerk.

XVI. And be it further enacted, That the said Commissioners may sue or be sued, for any thing done or ordered by them in virtue of the said recited Acts or this Act, in the Name of their Clerk for the Time being; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in Name of their Clerk, by virtue of

the said recited Acts or of this Act, shall cease or abate by the Death or Removal of any such Clerk, but that the Clerk to the said Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action.

Power of the Commissioners.

XVII. And be it further enacted, That it shall be the Duty of the said Commissioners to take the general Superintendence, Care, and Management of the said Harbour and Docks at *Leith* and Works connected therewith, and to direct all Matters in regard to the Maintenance, Repair, Cleansing, and Improvement of the same, as fully and to the same Extent as the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and their Predecessors and Authors, were empowered to do by virtue of their Charters and Title Deeds, or by virtue of the said recited Acts or of any of them.

Appointment of Clerk to Commissioners.

XVIII. And be it further enacted, That the said Lord Provost, Magistrates, and Council shall have Power from Time to Time to appoint a Clerk to the said Commissioners, to keep the Books of the Minutes and Proceedings of the said Commissioners, and such other Books as they shall deem necessary, with a proper Salary for his Trouble; and at their Pleasure to remove or suspend such Clerk: Provided always, that no such Clerk so to be at any Time appointed shall be in any other Manner of Way or in any other Capacity in the Service or Employment of the said Lord Provost, Magistrates, and Council; and that the Acceptance of any such Clerk of any such Service or Employment shall *ipso facto* disqualify such Person from being Clerk to the said Commissioners during the Time he shall be in such Service or Employment; and all the Books and Papers of the said Commissioners shall at all Times be open to the Inspection of the said Lord Provost, Magistrates, and Council, and of the said Commissioners; and the Clerk to the said Commissioners shall once in every Three Months (or oftener if required) make a full Report of the Minutes and Proceedings of the said Commissioners to the said Lord Provost, Magistrates, and Council: And provided also, that it shall be in the Power of the said Commissioners, if at any Time they shall see Cause, to suspend any such Clerk, in which Case the said Commissioners shall and they are hereby required immediately to report such Suspension, with the Reasons thereof, to the said Lord Provost, Magistrates, and Council.

Appointment of Officers.

XIX. And be it further enacted, That the said Commissioners shall have Power, and they are hereby authorised and empowered to appoint, subject always to the Approbation of the said Lord Provost, Magistrates, and Council, a Manager or Superintendant of the said Harbour and Docks, and all the other Officers and Servants to be employed under them in the Execution of their Duties in regard to the said Harbour, Docks, and other Works, with such Salaries to such Officers and Servants as they shall think fit, and as shall be approved by the said Lord Provost, Magistrates, and Council; and no Person appointed to any such Office shall be entitled to act therein without the special Approbation of the said Lord Provost, Magistrates, and Council; and the said Commissioners shall have the entire Controul of all such Officers and Servants, and shall be and are hereby authorised and empowered to suspend or remove at their Pleasure all such Officers and Servants: Provided always, that such Power of Appointment,

ment, Suspension, and Removal shall not extend to the Appointment or Removal of the Clerk to the said Commissioners, nor to the Appointment, Suspension, or Removal of any Officer or Servant employed in the Collection of the Revenues arising from the said Harbour, Docks, and other Works connected therewith, which are hereby especially reserved to the said Lord Provost, Magistrates, and Council, in Manner before mentioned; and provided also, that the Salary of such Manager or Superintendant of the Harbour and Docks shall be paid in equal Moieties from the Dock Duties and from the Ordinary Revenue levied at the Port of *Leith*.

Limitation of Amount of Salaries by former Act repealed.

XX. And be it further enacted, That so much of the said recited Act of the Thirty-ninth Year of the Reign of His late Majesty as limits the Amount of Salaries to Dock Masters and Collectors of Rates to Three hundred Pounds *per Annum* shall be and the same is hereby repealed.

Power to make Bye Laws and Regulations.

XXI. And be it enacted, That the said Commissioners shall be and they are hereby authorised and empowered to make and enforce such Bye Laws, Regulations, and Orders as they may deem necessary for the proper Management of the said Harbour, Docks, and other Works, and for the Government of all Vessels frequenting the said Harbour and Docks, and for lighting, watching, guarding, patrolling, cleansing, and fencing the said Harbour and Docks, and the Streets, Quays, and Passages and other Places therewith connected, in the same Manner and to the same Extent as the said Lord Provost, Magistrates, and Council are at present by Law or Custom entitled to do, and from Time to Time to alter or repeal such Bye Laws, Regulations, and Orders in such Manner as to them shall appear expedient, and to fix Penalties for the Breach or Nonperformance thereof, so that no Penalty shall exceed the Sum of Five Pounds for any One Offence: Provided always, that such Bye Laws, Regulations, and Orders, and the Fines and Penalties for the Breach or Nonperformance thereof, as the same shall from Time to Time be made, altered, or varied, shall not be repugnant to the Law of *Scotland*, nor to the Provisions in this Act contained; and before being put in force the same shall be published once at least in Three several Newspapers printed in the City of *Edinburgh* or Town of *Leith*, and shall be painted on a Board or Boards in legible Characters, and placed and kept up in some conspicuous Place or Places within the said Harbour and Docks, and such Boards and Painting shall be renewed from Time to Time by the said Commissioners, when destroyed, obliterated, or defaced; and it shall and may be lawful for the said Commissioners to contract and agree from Time to Time with the Commissioners of Police for the Town of *Leith*, or with any other Person or Persons, in such Manner as they shall deem fit, for the lighting, watching, guarding, patrolling, cleansing, and fencing the said Harbour and Docks, and the Streets, Quays, Passages, and other Places therewith connected.

Commissioners to have the Controul of the Ballasting.

XXII. And be it further enacted, That the said Commissioners shall have the immediate Superintendence, and Management of the Ballasting of Vessels within the Port and Harbour of *Leith*, and of all Matters and Things connected therewith.

XXIII. And

Commissioners to direct ordinary Improvements.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorised and empowered, to order the Execution of all Improvements, Alterations, Repairs, or other Works of any Kind connected with the said Harbour, Docks, and other Works, the Expence of which, independent of Salaries and fixed Allowances to Officers and Servants in Manner before mentioned, shall not in any One Year exceed in Amount the Sum of One thousand Pounds for the said Harbour, and the like Sum of One thousand Pounds for the said Docks: Provided always, that previous to the Execution of any further Improvements, Alterations, or Repairs, or other Works requiring the Expenditure of any greater Sum of Money in any One Year than One thousand Pounds for the said Harbour, and One thousand Pounds for the said Docks, the Consideration of such Improvements, Alterations, Repairs, or Works, and the Expence of the same, shall be submitted to the said Lord Provost, Magistrates, and Council, and shall receive their Sanction and Approbation before the said Commissioners shall be entitled to carry the same into Execution.

Expence of cleansing the Harbour and Docks.

XXIV. And be it further enacted, That the Expences of cleansing the said Harbour and Docks and the Works connected therewith, and of purchasing and maintaining Dredging Machines or other Machinery necessary for that Purpose, shall be apportioned betwixt the Dock Duties and the Harbour Duties, in such Proportions as the said Commissioners shall think fit, and as shall be approved of by the said Lord Provost, Magistrates, and Council, and shall be paid accordingly out of such Dock Duties and Harbour Duties in Terms of the Apportionment of the said Commissioners so approved as aforesaid.

Commissioners to superintend the Extension of the Eastern Pier, &c.

XXV. And be it further enacted, That the said Commissioners shall superintend and direct the Execution of the Works fixed and settled by the Principal Officers and Commissioners of His Majesty's Navy for the Improvement of the Entrance to the said Harbour and Docks, by the Extension of the Eastern Pier of the said Harbour and Works therewith connected, in Terms of the Agreement to be entered into betwixt the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* and the said Principal Officers and Commissioners of His Majesty's Navy, in Manner hereinbefore mentioned; and the said Commissioners hereby appointed shall in like Manner superintend and direct the Execution of all new Works in relation to the said Harbour and Docks that may be hereafter undertaken by the said Lord Provost, Magistrates, and Council.

Magistrates of Edinburgh to advance 28,000*l.* for the Extension of the Eastern Pier.

XXVI. And be it enacted, That the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall and they are hereby required to issue the Sum of Twenty-eight thousand Pounds, which in Terms of their said Agreement with the Principal Officers and Commissioners of His Majesty's Navy they shall have bound themselves to expend for the Improvement of the Entrance to the said Harbour and Docks, by the Extension of the Eastern Pier of the said Harbour and Works therewith connected, according to the Orders and Directions of the said Commissioners, in such Manner as shall enable the said Commissioners to carry on and complete the said Works in Terms of the said Agreement.

Diminution of Sinking Fund to be replaced out of ordinary Rates and Duties.

XXVII. And whereas by virtue of the said recited Act of the Sixth Year of the Reign of His present Majesty it was enacted, that in case the said Agreement should be entered into within One Year from the passing of the said Act it should be lawful for the Commissioners of His Majesty's Treasury to accept and receive from the said Lord Provost, Magistrates, and Council, yearly and every Year for Twelve Years next succeeding the Issue and Advance of the said Sum of Two hundred and forty thousand Pounds hereinbefore mentioned, the Sum of Four Pounds *per Centum per Annum* in lieu of the Sum of Five Pounds *per Centum per Annum* upon the whole Capital Sum so issued and advanced as aforesaid, out of which the Interest thereof at Three Pounds *per Centum per Annum* should be paid, and the Remainder of such Sum of Four Pounds *per Centum per Annum* should be applied as a Sinking Fund for Payment and Extinction of the Sum of Two hundred and forty thousand Pounds so issued and advanced as aforesaid: And whereas by the so withholding of One Pound *per Centum per Annum* for Twelve Years from the Sum annually payable to the Commissioners of His Majesty's Treasury by the said Lord Provost, Magistrates, and Council, a Diminution of the said Sinking Fund appropriated for the ultimate Repayment of the said Debt to the said Commissioners of His Majesty's Treasury will be occasioned, and it is proper that the Amount of such Diminution should be replaced; be it therefore enacted, That in order to replace the same to the said Sinking Fund the said Lord Provost, Magistrates, and Council, shall yearly and every Year pay and apply a Sum not exceeding One thousand two hundred Pounds in any One Year, out of the ordinary Rates and Duties levied and collected in the Port of *Leith*, towards replacing the said Sum of Twenty-eight thousand Pounds to the Sinking Fund, for the Extinction of the Debt due upon the said Docks, until such Sum shall be fully replaced to the said Sinking Fund: Provided always, that if the Dock Duties or other Annual Revenue arising from the said Docks shall not amount to a Sum sufficient, after defraying the Expences of Management and Repairs, to enable the said Lord Provost, Magistrates, and Council to make the Annual Payments directed to be made to the Commissioners of His Majesty's Treasury in virtue of the said recited Act of the Sixth Year of the Reign of His present Majesty, it shall and may be lawful to the said Lord Provost, Magistrates, and Council to make good such Deficiency in the first Instance out of the ordinary Rates and Duties levied and collected in the said Port of *Leith*, in which Case the above Sum of One thousand two hundred Pounds *per Annum* shall be imputed *pro tanto* towards the Repayment of such Deficiency, and the Remainder, if any, shall be charged against and repaid out of the Dock Duties in the Manner and at the Period hereinafter mentioned.

If 28,000*l.* be insufficient, Remainder to be raised on the Credit of the Dock Duties.

XXVIII. And be it further enacted, That if the said Sum of Twenty-eight thousand Pounds shall be found insufficient for completing the Improvement of the Entrance to the said Harbour and Docks by the Extension of the said Eastern Pier and Works therewith connected, in Terms of the said Agreement, such further Sums as may be necessary for the Completion of the same shall be raised by the said Lord Provost, Magistrates, and Council, for that Purpose, upon the Credit of and shall be charged upon and be payable out of the Dock Rates and Duties by the said recited Acts granted, and shall be constituted and accumulated as

as a Debt against the said Docks, to be paid out of the said Rates and Duties after the said Debt of Two hundred and sixty-five thousand Pounds at present chargeable thereon shall be extinguished.

Future Deficiencies of Dock Duties charged on and accumulated as a Debt against the said Duties:

XXIX. And be it further enacted, That if any Deficiency shall at any Time arise between the Annual Sums to be paid to the Commissioners of His Majesty's Treasury in Terms of the said recited Act of the Sixth Year of the Reign of His present Majesty on account of the said Docks, together with the Expence of Management of the said Docks, and the net Revenue of the said Docks, such Deficiency, so far as the same shall not have been imputed in Manner before mentioned *pro tanto* towards the Repayment of the said Sum of Twenty-eight thousand Pounds to the said Sinking Fund, shall also be charged upon and be payable out of the Rates and Duties by the said recited Acts granted, and shall be constituted and accumulated as a Debt against the said Docks, to be paid out of the said Rates and Duties thereof, after the Extinction of the said Debt of Two hundred and sixty-five thousand Pounds at present chargeable thereon, and also after Extinction of any additional Sum that may be raised to complete the said Eastern Pier and Works therewith connected in Manner before mentioned.

But not against the Feu Duties and Rents of Building Areas.

XXX. Provided always, and be it enacted, That no Deficiency of the Dock Revenue, nor any additional Sum to be raised to complete the said Eastern Pier, and hereinbefore directed to be charged against and made Debts upon the said Dock Duties, shall be chargeable upon or shall in any way affect the Feu Duties and Rents of Warehouses or Building Areas connected with the said Docks, (which Feu Duties and Rents, though arising from Property belonging to the Community of the City of *Edinburgh*, were by the said recited Act of the Thirty-ninth Year of His said late Majesty made applicable to the Sinking Fund thereby established for extinguishing the Debt created for the Erection of the said Docks, but which after such Extinction were thereby declared to be no longer applicable to the Purposes of the said Docks, but thereafter to belong to the said Lord Provost, Magistrates, and Council, in the same Manner as any other Part of the Revenue belonging to the Community of the City of *Edinburgh*,) but so soon as the said Sum of Two hundred and sixty-five thousand Pounds at present due on the Credit of the said Docks and other Works therewith connected shall be fully satisfied and paid, the whole Houses, Warehouses, Buildings, and Areas adjacent to the foresaid Docks, together with the Feu Duties and Rents thereof, shall belong to the said Lord Provost, Magistrates, and Council, and their Successors in Office, in the same Manner as any other Part of the Property and Revenue belonging to the Community of the City of *Edinburgh*.

For Regulation of the Charge in relation to the Duty on the Ton and Pack of Goods.

XXXI. And whereas by an Act of the Parliament of *Scotland* made in the Reign of His Majesty King *Charles* the Second, and dated the Twenty-second Day of *March* in the Year of our Lord One thousand six hundred and sixty-one, intituled *Ratification in Favour of the Burgh of* Edinburgh *of the Custome of ane Marke of each Tonne and Packe of Goodes*, His said Majesty, with the Advice and Warrant of the Estates of Parliament, ratified, approved, and confirmed a Gift made by His Majesty King *Charles* the First to the Provost, Baillies, Council, and Community of the

the Burgh of *Edinburgh* and their Successors, of a Custom of Thirteen Shillings and Four Pennies *Scots* on each Ton and Pack of Goods imported by Sea or Land in and to the Burgh of *Edinburgh* and Towns of *Leith* and *Newhaven* and Liberties of the same; and it was by the said Act enacted, that the whole Benefit of the said Gift should be applied towards the Maintenance of the Ministers of *Edinburgh*: And whereas the said Duty on the Ton and Pack of Goods imported at the Port of *Leith* is Part of the Shore and Harbour Dues of the same, and amounts to about Two Fifths thereof so payable by the said Lord Provost, Magistrates, and Council to the Ministers of the City of *Edinburgh*, subject to a Proportion of the Expence of collecting the said Shore and Harbour Dues, and of the Expence of repairing and maintaining the Harbour of *Leith*: And whereas the said Ministers of *Edinburgh* would in consequence be obliged to bear their Proportion of the Advance of the said Sum of Twenty-eight thousand Pounds for the Extension of the said Eastern Pier; but it is expedient to regulate the Burden of such Expence as between the present Ministers of *Edinburgh* and their Successors; be it therefore enacted, That in case the Ministers of *Edinburgh* for the Time being shall within Six Calendar Months after the passing of this Act, by a Writing under their Hands, require the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, as representing the Community thereof, to advance the Whole of the said Sum of Twenty-eight thousand Pounds, the said Lord Provost, Magistrates, and Council shall and they are hereby required to advance the Whole of the said Sum of Twenty-eight thousand Pounds accordingly, and to relieve the said Ministers of *Edinburgh* and their Successors of all Claims which may arise against the said Duty on the Ton and Pack of Goods imported as aforesaid for any Deficiency of the Revenue of the said Docks that may in any way be made chargeable against the ordinary Rates and Duties of the said Harbour; but the said Duty shall nevertheless continue as heretofore liable to the Deductions to be annually made from the same for the Proportion of the Expences of collecting the said Duty, and of the Annual Expences of Repairs on the said Harbour, which Expences are hereby declared to include the Repairs of all Works erected or to be erected for the Extension of the said Harbour, and all Piers or other Works to be erected in virtue of this Act, the Repairs of which are chargeable against the ordinary Rates and Duties of the said Harbour; and it shall and may be lawful for the said Lord Provost, Magistrates, and Council in all Time thereafter to retain annually out of the said Duty on the Ton and Pack of imported Goods the Sum of Six hundred Pounds as an Equivalent for the Advance so to be made by them of the Proportion of the said Sum of Twenty-eight thousand Pounds which the Ministers of *Edinburgh* would otherwise be required to advance: Provided always, that until the Whole of the said Sum of Twenty-eight thousand Pounds shall be advanced by the said Lord Provost, Magistrates, and Council, a Proportion only of the said Annual Sum of Six hundred Pounds to be retained as an Equivalent as aforesaid shall be chargeable against the Ministers of *Edinburgh*, according to the Amount of the Advances which shall have been actually made by the said Lord Provost, Magistrates, and Council, on account of the said Sum of Twenty-eight thousand Pounds.

Extension of the Eastern Pier and also of the Western Pier for the Use of His Majesty's Navy to be kept in Repair out of Shore and Harbour Duties.

XXXII. And be it further enacted, That after the Extension of the Eastern Pier of the said Harbour and the Works therewith connected shall have been completed in Terms of the said Agreement between the said Lord Provost, Magistrates, and Council, and the said Principal Officers and Commissioners of His Majesty's Navy, the same shall in all Time thereafter be maintained and kept in Repair out of the ordinary Rates and Duties levied and collected at the Port and Harbour of *Leith*; and in case the said Principal Officers and Commissioners of His Majesty's Navy shall, in virtue of the Powers given them by the said recited Act of the Sixth Year of the Reign of His present Majesty, erect at the Naval Yard to be made as hereinbefore mentioned at the West End of the said Docks a Pier for the Use of His Majesty's Navy, such Pier, after the same shall have been completed, shall also in all Time thereafter be maintained and kept in Repair out of the ordinary Rates and Duties levied and collected at the Port and Harbour of *Leith*; and the said Commissioners are hereby authorised, by themselves, their Servants and Workmen, to have at all Times such Access to the said last-mentioned Pier, for inspecting, repairing, and maintaining the same, as may be consistent with the due Execution of His Majesty's Naval Service.

Commissioners to carry into Effect the Powers of 47 G. 3. sess. 2. c. 3.

XXXIII. And be it further enacted, That the said Commissioners shall be and they are hereby authorised and empowered to carry into Effect all the Improvements by the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty authorised to be executed by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, in constructing a Bridge, Drawbridges, and opening new Streets in the Vicinity of the said Docks, and in widening *Saint Bernard Street* and other Streets, in so far as the same may still remain unexecuted, and to apply the Tonnage Duty by the said last-recited Act authorised to be levied towards defraying the Expences incurred in the Execution of the same.

And extend them to the widening of certain other Streets.

XXXIV. And whereas it would tend materially to the Improvement of the Access to the said Harbour and Docks were Power given to the said Commissioners to widen and improve the Street called the *Tolbooth Wynd* of *Leith*, and the Lane called the *Water Lane*; be it therefore enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorised and empowered, to widen the Street called the *Tolbooth Wynd* to the Width of Forty Feet, and the *Water Lane* to the Width of Forty Feet, and for these Purposes to treat, contract, and agree with the Owners and Occupiers of the Houses, Grounds, and Areas situated on the Sides of the aforesaid Streets, (contained in the Schedule hereunto annexed,) for the Purchase thereof; and in case any Person or Persons whatsoever, Bodies Politic, Corporate, or Collegiate, Owners or Occupiers of any such Houses, Grounds, Areas, or other Property, shall refuse or neglect or be unable to treat, contract, and agree to sell the same, it shall and may be lawful for the said Commissioners to proceed to acquire such Houses, Grounds, and Areas for the Purposes aforesaid in the Way and Manner prescribed by the said last-recited Act to the said Lord Provost, and Magistrates, and Council of the City of *Edinburgh* for taking, purchasing, and acquiring the Houses, Grounds, and Areas thereby authorised to be taken, purchased, and acquired; and it shall

and may be lawful for the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* to continue to authorise the levying of the Tonnage Duty granted by the said last-recited Act in the Way and Manner therein directed, not only until the Capital Sum expended or to be expended for the Purposes of the said last-recited Act, with the Interest thereof, shall be repaid, but also until the Capital Sum which may be expended in virtue of the said last-recited Act and this Act in widening the said Streets called the *Tolbooth Wynd* and the *Water Lane*, with the Interest thereof, shall be repaid; and when and so soon as the said Tonnage Duty, and any other Annual Revenue that may arise from Grounds or Areas acquired or to be acquired for the Purposes of the said last-recited Act, or to be acquired by virtue of this Act, for the Purpose of widening Streets, shall amount to such a Sum, after defraying the Expence of Repairs and Management in Manner in the said last-recited Act directed, as shall be equal to the Repayment of the Capital Sum expended or to be expended for the Purposes of the said last-recited Act, or to be expended for the Purposes of this Act, in so far as regards the widening of Streets, then and in that Event the said Tonnage Duty by the said last-recited Act authorised to be levied, demanded, and taken, shall cease and determine.

Shore Ground to the West of the Docks to be freed of Restraints imposed by former Acts.

XXXV. And be it further enacted, That from and after the passing of this Act the Shore Ground to the Westward of the present Wet Docks, which heretofore belonged in absolute Property to the Community of the City of *Edinburgh*, shall be freed and discharged from any Servitude, or Burden, or Right which may or may be held to have been imposed upon the same by the said recited Acts or any of them in virtue of the Powers granted to extend the said Docks along the Shore as far westward as *Newhaven*; and the same shall (except so far as the same may have been conveyed to the said Principal Officers and Commissioners of His Majesty's Navy in Manner before mentioned for the Purpose of a Naval Yard) belong to the Community of the City of *Edinburgh*, in the same Manner as if the said recited Acts had never been passed; any thing in the said recited Acts or in any of them contained to the contrary thereof notwithstanding.

Commissioners may extend Harbour to the Eastward of the Eastern Pier.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners (if the same shall at any Time appear to be necessary for the Convenience of the Trade and Shipping of the Port of *Leith*) to extend the Harbour to the Eastward of the present Eastern Pier along the Shore and Sands of *Leith*, in so far as the same belong to the Community of the City of *Edinburgh*, either by forming Timber Basins, or in such other Manner as by the said Commissioners shall be deemed expedient; and any such Extension of the Harbour to the Eastward so to be made by the said Commissioners shall be deemed a Part of the Port and Harbour of *Leith*, and the same Rates and Duties shall be exigible therein as in any other Part of the said Port and Harbour, and shall be applicable in the same Manner as the Shore and Harbour Duties are at present applicable; and in case it shall appear expedient to the said Commissioners, in making any Extension of the Harbour to the Eastward, to form Ground and Areas for erecting Warehouses and other Buildings upon, by banking up the said Shore Ground or Sands (which they are hereby authorised and empowered to do), the Rents and Feu Duties of such

Ground shall, until the Extinction of the hereinbefore mentioned Debt of Two hundred and sixty-five thousand Pounds due upon the Credit of the said Docks, and other Works therewith connected, be applicable to the Extinction of the same, and to the other Purposes of the said Docks, in the same Manner as the Rents and Feu Duties of the Houses, Warehouses, and Areas adjoining to the said Docks are applicable in virtue of the said recited Act of the Thirty-ninth Year of the Reign of His said late Majesty; but so soon as the said Sum of Two hundred and sixty-five thousand Pounds, at present due on the Credit of the said Docks and other Works therewith connected shall be fully satisfied and paid, the whole Houses, Warehouses, Buildings, and Areas erected and formed upon the said Shore Ground and Sands, together with the Feu Duties and Rents thereof, shall belong to the said Lord Provost, Magistrates, and Council, and their Successors in Office, in the same Manner as any other Part of the Property or Revenue belonging to the Community of the City of *Edinburgh*.

Until required for the Harbour, Ground to the Eastward may be let by the Magistrates of Edinburgh.

XXXVII. Provided always, as it is hereby provided and declared, That until it shall become expedient to make some such Extension of the said Harbour to the Eastward of the Eastern Pier thereof in Manner beforementioned, the Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall have and exercise full Powers, as Proprietors of the said Shore Ground and Sands, of letting the same to any Person or Persons for any Purpose or Purposes, and of obtaining for the same such Rent or Rents as can be from Time to Time had and obtained for the same; excepting only it shall not be lawful for the said Lord Provost, Magistrates, and Council to let any Lease of any Part of the same for a longer Term than One Year, unless such Lease shall contain a Proviso declaring that in case the Shore Ground or Sands thereby let, or any Part thereof, shall be required at any Time for the Purposes of the said recited Acts or this Act, the Lease of the same shall determine at the End of One Year from the Time when written Notice by the said Lord Provost, Magistrates, and Council, and the said Commissioners, shall have been served on the Lessee or One of the Lessees of the Shore Ground or Sands so required, or on some One of the Trustees or legal Guardians of some such Lessee.

Dues for the Deposit of Timber.

XXXVIII. And be it further enacted, That the said Lord Provost, Magistrates, and Council shall be and they are hereby authorised and empowered to collect, levy, and receive, for the Deposit of Timber in any Basins so to be constructed as aforesaid, such Rates and Duties as they may deem expedient, not exceeding Sixpence *per* Load *per* Month; and to borrow on the Security of such Revenue a Sum not exceeding Ten thousand Pounds, to be applied to the Construction of such Basin, or to the Extension thereof; and such Rates and Duties shall be applicable, in the First Instance, to the Payment of the Interest of any Sum or Sums so borrowed as aforesaid, and of the Principal thereof, and shall afterwards be applicable in the same Manner as the other Dues levied and collected at the Harbour of *Leith* are applicable.

Entrance of the Harbour of Leith.

XXXIX. And be it further enacted, That the Mouth or Entrance of the said Harbour of *Leith* shall be and be held to be within a straight Line drawn from the Northern Extremity of the Eastern Pier, as far as it is

or

or shall be extended in a Northerly Direction, and the North-western Point of the Sea Wall of the said Docks, until the Pier authorised to be erected by the Principal Officers and Commissioners of His Majesty's Navy, by the said recited Act of the Sixth Year of the Reign of His present Majesty, shall have been erected for the Use of His Majesty's Navy; and so soon as such Pier shall be built at the Naval Yard to be constructed at the West End of the said Docks in Manner mentioned in the said last-recited Act, the Mouth or Entrance of the said Harbour of *Leith* shall be and be held to be within a straight Line drawn from the Northern Extremity of the said Eastern Pier to the Northern Extremity of the Western Pier so to be built for the Use of His Majesty's Navy as aforesaid, and the whole Space within such Mouth or Entrance shall be deemed and taken to be the Harbour of *Leith*.

Joint Committee under 39 G. 3. to be discontinued.

XL. And be it further enacted, That so much of the said recited Act of the Thirty-ninth Year of the Reign of His late Majesty as directs that a Committee shall be appointed by the Town Council of *Edinburgh*, and that another Committee of Six Persons shall be elected for *Leith*, Three to be elected by the Members of the *Trinity House*, and Three to be elected by the Incorporation of Traffickers of *Leith*; which Joint Committee shall audit and compare with the Vouchers the Accounts of all Monies borrowed and expended in making Purchases for and in making and completing the aforesaid Docks and Works therewith connected, and all Accounts of the Amount of the Dock Duties and Produce of the Areas connected therewith, and of the Expences of Management and Repairs, and shall attend to the Application of the Sums to be borrowed under the said recited Acts, and of the Rates, Duties, and other Funds thereby provided, and to challenge and object to Articles of Expenditure for any Purpose whatsoever not authorised and appointed by the said last-recited Act, together with all the Powers and Authorities by the said last-recited Act given to the said Joint Committees, or either of them, shall be and the same is hereby repealed; and such Committees shall from and after the passing of this Act be no longer appointed or elected; any thing in the said last-recited Act to the contrary thereof notwithstanding.

Accounts to be balanced to Whitsunday 1826.

XLI. And be it further enacted, That the Accounts of the Affairs of the said Wet Docks and other Works heretofore kept by the said Lord Provost, Magistrates, and Council, in Terms of the before-recited Acts, shall be finally balanced as at the Term of *Whitsunday* in this present Year One thousand eight hundred and twenty-six, in such Manner as to exhibit an Account of the Tonnage Duty levied under the before-recited Act of the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, and of the Sums expended for the Purposes of the said Act, and chargeable against the said Tonnage Duty; and from and after the said Term of *Whitsunday* in this present Year, a New Account shall be opened, embracing the Revenues thereafter to become due, and the Charges and Expences thereafter to be incurred in the Management of the said Docks and other Works; it being hereby declared, that the Debt to be transferred against the said Docks and other Works in the said New Account shall be the Sum of Two hundred and forty thousand Pounds advanced and issued by the Commissioners of His Majesty's Treasury in Terms of the before-recited Act of the Sixth Year of the Reign

Reign of His present Majesty, together with the Sum of Twenty-five thousand Pounds advanced and issued by them by virtue of the before-recited Act of the Forty-fifth Year of the Reign of His said late Majesty, and that the Balance of the said Account of Receipts and Expenditure under the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty shall be transferred to a New Account, which shall continue to be kept, of the said Tonnage Duty to be levied under the said last-mentioned Act, and of the Sums expended and to be expended for the Purposes of the said Act or of this Act in opening and widening Streets in Manner hereinbefore mentioned.

Amount of Deficiences how to be ascertained

XLII. And in order to prevent all Doubts as to the Amount of the Deficiencies hereinbefore authorised to be accumulated as a Debt against the said Docks, to be paid out of the Rates and Duties thereof after Extinction of the said Debt of Two hundred and sixty-five thousand Pounds at present chargeable thereon, and after Extinction of any additional Sum that may be raised to complete the said Eastern Pier and Works therewith connected, be it enacted, That such Deficiencies so to be accumulated shall be ascertained by fitted Accounts docquetted by a Quorum of the Commissioners acting under the Authority of this Act, and that such fitted Accounts so docqueted shall be to all Intents and Purposes sufficient to constitute the Balances thereby ascertained to be due as a Debt against the said Docks, and the Rates and Duties thereof.

Exemption for Vessels in His Majesty's Service.

XLIII. And be it enacted, That nothing in any of the said recited Acts nor in this Act contained shall extend or be construed to extend to the levying, collecting, or receiving any Rates or Duties for or on account of any Ship, Vessel, or Boat belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Customs or Excise, or Post Office, or for or on account of any Yacht, or Pleasure Boat, or other Vessel belonging to any Member of the Royal Family using the said Harbour and Docks, or on any Naval or Ordnance Stores, or other Matters imported into or exported from the said Harbour or Docks for the Use of the Navy or Army; nevertheless, the Captain or Master of every such Ship, Vessel, Yacht, or Boat shall be answerable for all Damage done by such Ship, Vessel, Yacht, or Boat, or by the Mariners or others on board the same, to the Harbour, Docks, Wharfs, or Works, or the Machinery or Tackle connected therewith, or to the Shipping therein, with full Expences of any Action or Suit that may be brought in respect of the same.

Former Acts to remain in force.

XLIV. And be it further enacted, That the before-recited Acts and all the Provisions therein contained shall remain in full Force, and shall be extended to this present Act, except in so far as they are expressly varied, altered, explained, amended, or repealed by this Act.

Conversion of Dues into Sterling Money.

XLV. And be it further enacted, That within Three Months after the passing of this Act, the Lord Provost, Magistrates, and Council are hereby authorised and required to apply to the Sheriff Depute of the County of *Edinburgh*, to summon a Jury for the Purpose of reducing into *British* Sterling Money, and to the Standard of the Imperial Weights and Measures, all the several Duties now payable under Authority of

the said recited Acts, and to frame Tables accordingly; declaring always, that such Tables shall not prevent the said Lord Provost, Magistrates, and Council from giving such Abatements on the said Duties, for the Encouragement of the Trade of the Port of *Leith*, as they were authorised from Time to Time to make by the said recited Act of the Twenty-eighth Year of the Reign of His said late Majesty.

Power to reduce Dues on Foreign Ships and Goods.

XLVI. Provided always, and be it further enacted, That it shall and may be lawful to and for His Majesty in and by an Order in Council, or to and for the Lords Commissioners of His Majesty's Treasury or any Three or more of them, from Time to Time and at all Times when and so often as he or they shall deem fit so to do, in and by his or their Order in Writing, to reduce the Duties by the said recited Acts or any of them made payable on all or on such or so many of the Foreign Ships or Vessels, and on all or on such or so many of the Goods and Merchandizes imported or exported in Foreign Bottoms, as he or they in their Judgment shall deem expedient, to the same and like Duties as are at present and hereafter shall, in pursuance of the Powers in the said recited Acts or any of them contained, be made payable in respect of *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by them.

No Report to be made of any Ships without Payment of Duty.

XLVII. And for the more effectually securing the Payment of the Rates and Duties in the said recited Acts mentioned, be it further enacted, That the Collector or Customer, Comptroller, Receiver of Entries of Ships, Surveyor, Searcher, Waiter, and every other Officer whatsoever of or concerning His Majesty's Customs, shall hereafter be authorised to refuse to give or make out any Cocquet or other Discharge, or take any Report outwards or inwards for any Ship, Vessel, or Boat using the said Harbour or Docks, until the Duties by the said recited Acts or by this Act made payable by the Master or other Person according to the Tenor and true Intent and Meaning of the said recited Acts or of this Act shall be paid unto the Collector or other Person or Persons from Time to Time appointed to receive the same; and that the Master or Masters or other Person taking Charge of such Ship, Vessel, or Boat do produce and show an Acquittance under the Hand of such Collector or other Person so appointed as aforesaid, testifying the Receipt thereof, which Receipt such Collector or other Person is hereby required and obliged to sign and give accordingly without Fee or Reward; and every Person so appointed to receive such Rates or Duties as aforesaid, who shall on Payment of such Rates or Duties refuse to give or sign any Certificate, shall for every such Offence forfeit to the Use of the Person aggrieved any Sum not exceeding Ten Pounds, together with the Costs of Suit to be recovered in any Court competent in *Scotland*.

Expences of the Act.

XLVIII. And be it further enacted, That the Expences of preparing, applying for, and obtaining this Act shall be defrayed out of the first and readiest of the Rates and Duties collected at the said Harbour and Docks, One Half to be charged to the ordinary Rates and Duties of the said Harbour, and the other to the Rates and Duties of the said Docks.

Public Act.

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

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SCHEDULE

Of the Names of Owners and Occupiers to which this Act refers.

Owners.	Occupiers.
Thomas Lumsden	John Webster.
Do.	Rich[d]. Ready.
Do.	John Gilbert.
Do.	William Brown.
Do.	John Boyd.
Nathaniel Grant	James Hay.
Trustees of Moir's Children	John Melville.
Do.	Lawrence Kirk.
Do.	John Jones.
Do.	Alexander White.
Do.	Alexander Donaldson.
Do.	Thomas Lumsden.
Do.	Widow Cairns.
Do.	John M'Kay.
Do.	Widow Kay.
Do.	John Collie.
Do.	John Wilson.
John Glover	Walter Grieve.
Do.	Mary Merrylees.
Do.	James Drew.
Do.	Widow Russel.
Do.	James Glover.
Do.	James Waugh.
Do.	Walter Grieve.
Do.	John Veitch and Co.
Do.	John Clapperton.
Do.	William Mood.
Do.	Robert Mood.
Heirs of Robert Colcleugh	Widow Wright.
Do.	Widow Cousins.
Do.	John Watson.
Do.	Daniel Hosie.
Do.	Widow Budge.
Do.	Alex. Gray.
Do.	Mary Shaw.
Do.	Margaret Darge.
Do.	Margaret Shaw.
Do.	William Greig.
Do.	William Anderson.
Thomas Sheriff	James Reid.
Alexander Gray	Jean Darge.
Do.	James Cameron.

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