'declined to accept: And whereas by an Act passed in the Ninth Year of Her present 'Majesty, intituled "*An Act for the Abolition of the exclusive Privilege of Trading in Burghs* 9 & 10 Vict. '"*in* Scotland," the exclusive Privileges and Rights possessed in certain Royal and other c. 17. 'Burghs in Scotland, by the Members of certain Guilds, Crafts, or Incorporations, of 'carrying on or exercising certain Trades or Handicrafts within their respective Burghs, 'are abolished: And whereas it is expedient to repeal the said Clause of the first-recited 'Act, and to make Provision for the Admission of Persons to be Burgesses in manner and 'under the Conditions herein prescribed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That the said Fourteenth Section of the first-recited Act, in so far as inconsistent with this Act, shall be and the same is hereby repealed. Sect. 14. of 3 & 4 W. 4. c. 76. repealed.

II. That it shall be lawful to the Magistrates and Council of any Royal Burgh, and they are hereby authorized and empowered, to admit any Person entitled to vote in the Election of any Member of Council for such Burgh to the Status of a Burgess thereof, and that by a Minute of the Council thereof, and on Payment of such Entry Money, not exceeding in any Case the Sum of One Pound, as the Council of the Burgh may from Time to Time fix, which Entry Money shall be accounted Part of the Common Good of the Burgh, and be applied accordingly; and every Person entitled to vote in the Election of any Member of Council shall, on being elected a Member of the Council of any Burgh, thereupon be eligible to be inducted, if before Induction he shall be admitted in manner aforesaid to the Status of a Burgess of the Burgh, anything contained in the said Fourteenth Section of the first-recited Act notwithstanding: Provided always, that such Admission by Minute of Council shall not *per se* be held to give or imply any Right or Title to or Interest in the Properties, Funds, or Revenues of any of the Guilds, Crafts, or Incorporations of the Burgh, or any Mortifications or Benefactions for behoof of the Burgesses of such Guilds, Crafts, or Incorporations, or of their Families, or any Right of Management thereof, or any Membership in any of the said Guilds, Crafts, or Incorporations. Electors of Members of Council may be admitted as Burgesses on certain Conditions.

CAP. XLVIII.

An Act to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of *Leith*. [23d *July* 1860.]

'WHEREAS a Debt was contracted by the City of *Edinburgh* to the Commissioners of 'Her Majesty's Treasury for Advances made towards the Improvement of the 'Harbour and Docks of *Leith*, and Bonds were granted by the Lord Provost, Magistrates, 'and Council of the said City to the said Commissioners for further securing the said Debt, 'which, after Deduction of the Payments made to account thereof, amounted in the Year 'One thousand eight hundred and thirty-eight to Two hundred and twenty-eight thousand 'three hundred and seventy-four Pounds Nine Shillings and Eightpence: And whereas by 'the Act First and Second *Victoria*, Chapter Fifty five, the Harbour and Docks of *Leith*, 1 & 2 Vict. 'and all the Property connected therewith and Revenues arising therefrom, were vested in c. 55. 'the Commissioners appointed by the said Act for the Superintendence and Management 'of the said Harbour and Docks, and the preferable Right and Security granted to and 'held by the said Commissioners of the Treasury were postponed to the annual Payment 'of Seven thousand six hundred and eighty Pounds, therein provided for, and to such 'annual Sums as should be approved of and allowed by the said Commissioners of the 'Treasury as the Establishment for the said Harbour and Docks, including Expenses of 'Management, Maintenance and Repairs, and the said Commissioners of the Treasury were thereby

'thereby authorized to postpone further the Security held by them to any Loan to be 'effected by the Commissioners for the said Harbour and Docks for the Execution of 'Improvements and Repairs, not exceeding in all the Sum of One hundred and twenty-five 'thousand Pounds, and to forego for such Time as the said Commissioners of the Treasury 'should think fit the Exaction, in whole or in part, of the Interest to become due upon the 'Amount of the Debt which should remain owing; and it was by the said Act provided, 'that the said Debt should be secured on the Revenues of the said Harbour and Docks, 'and Works and Property vested in the Commissioners for the said Harbour and Docks, 'and that no Claim or Demand should thereafter be competent to the said Commissioners 'of the Treasury for the Principal or Interest of the said Debt, or any Part thereof, from 'or against any of the other Property or Revenues of the City of *Edinburgh*, or the Lord
7 Vict. c. 20. 'Provost, Magistrates, and Council thereof: And whereas by the Act Seventh *Victoria*, 'Chapter Twenty, the said Commissioners were incorporated by the Name of "The Com-'"missioners for the Harbour and Docks of *Leith*:" And whereas by the Act (Local and
10 Vict. c. xxv. 'Personal) Tenth *Victoria*, Chapter Twenty-five, the said Commissioners were authorized 'to levy the Rates and Duties specified in the Schedules annexed to the said Act on all 'Goods imported into or exported from the Harbour of *Leith* and Precincts thereof, and on 'all Vessels coming into or going out of the said Harbour and Precincts thereof, and for 'the Use of the Cranes and Weighing Machines, Rails, and Sheds at the said Harbour and 'Docks; and it was by the said Act provided that the said Commissioners should, in lieu 'of the Customs, Rates, Imposts, and Market Dues thereby abolished, pay annually, out of 'the Rates and Duties thereby authorized to be levied, to the Magistrates and Council of 'the Town of *Leith* the Sum of Five hundred Pounds at the Terms therein specified: And
10 & 11 Vict. c. 114. 'whereas by the Act Tenth and Eleventh *Victoria*, Chapter One hundred and fourteen, it 'was provided that the Debt to Her Majesty from the Commissioners for the Harbour and 'Docks of *Leith* at the Term of *Whitsunday* One thousand eight hundred and forty-seven, 'including all Arrears of Interest due at that Term, should be taken at the said Sum of 'Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine 'Shillings and Eightpence, and the said Commissioners of the Treasury were thereby 'empowered to allow the Commissioners for the said Harbour and Docks to appropriate 'the whole Monies then in their Hands, or which might thereafter accrue to them from the 'surplus Revenue of the said Harbour and Docks, or such Part thereof as the said Com-'missioners of the Treasury from Time to Time should think fit to allow for that Purpose '(after Payment of the said annual Sum of Seven thousand six hundred and eighty 'Pounds, and the Expense of the Establishment, and any extraordinary Expense which 'might be necessary in the event of any unforeseen Damage arising to the Works of the 'said Harbour and Docks through Storm or Accident), towards the Expense of carrying 'into execution the Plan for the Improvement of the said Harbour and Docks referred to 'in the said Act, with such Alterations, Additions, or Omissions as should be from Time to 'Time sanctioned by the said Commissioners of the Treasury: And whereas the Commis-'sioners for the said Harbour and Docks have executed various Works and Improvements 'at the said Harbour and Docks since the passing of the first-recited Act, and have defrayed 'the Expense thereof out of the surplus Revenues accruing from Time to Time, and out 'of Money borrowed by them under the Authority of the first-recited Act, with the Sanc-'tion of the said Commissioners of the Treasury from the Bank of *Scotland*, the Royal 'Bank of *Scotland*, the *British* Linen Company Bank, the Commercial Bank of *Scotland*, 'the National Bank of *Scotland*, and the Union Bank of *Scotland*, of which Money so 'borrowed the Sum of Forty-three thousand three hundred and sixty Pounds Eighteen 'Shillings and Fivepence still remains owing; and the said Commissioners of the Treasury 'have also sanctioned the Expenditure of the further Sum of Forty thousand Pounds on 'the Construction of a Graving Dock and other Works and Improvements for which Con-'tracts have been entered into; and which Sums borrowed and to be borrowed are, under 'the Provisions of the first-recited Act, preferable to the said Debt of Two hundred and 'twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eight-'pence, which still remains owing to the said Commissioners of the Treasury: And whereas 'the surplus Revenues of the said Harbour and Docks, after paying the said annual Sum of 'Seven thousand six hundred and eighty Pounds, and the ordinary Expenditure on

'Management,

'Management, Maintenance, Repairs, and Dredging, the Interest on the Sums borrowed 'under the Authority of the first-recited Act, and the said annual Sum of Five hundred 'Pounds payable to the Magistrates and Council of *Leith*, and providing for the Execution 'of Works and Improvements essentially necessary for the Accommodation of the Trade 'and Shipping, are insufficient to pay off the said Debt of Two hundred and twenty-eight 'thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence: And 'whereas the Commissioners for the said Harbour and Docks have offered to pay to the 'said Commissioners of the Treasury the Sum of Fifty thousand Pounds, in full Satisfaction 'of the said Debt and Interest, and of all their Claims against the said Harbour and Docks; 'and it is expedient that the said Commissioners of the Treasury should be authorized to 'accept of the said Sum, and to discharge the said Debt, and that the Commissioners for 'the said Harbour and Docks should be authorized to borrow Money for the Purposes of 'the recited Acts and this Act:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The *Leith* Harbour and Docks Act, 1860."

Interpretation of Terms.

II. The Expression "the Commissioners" in this Act and in the Clauses of "The Commissioners Clauses Act, 1847," incorporated herewith, shall mean the Commissioners for the Harbour and Docks of *Leith*; and the Expression "the Special Act" in the said Clauses shall mean this Act.

Power to the Commissioners of the Treasury to accept the Sum of 50,000*l.*, in full Payment of Debt and Interest.

When the 50,000*l.* is paid, Treasury to grant a Discharge as in Schedule.

III. It shall be lawful for the said Commissioners of the Treasury to accept of the Sum of Fifty thousand Pounds in full Payment and Satisfaction of the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and all Interest due thereon, and of their Security and Claims on the said Harbour and Docks of *Leith*, under and by virtue of the said Bonds granted by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, or of the first-recited Act and the Acts therein recited; and on the said Sum of Fifty thousand Pounds being paid into Her Majesty's Exchequer by the Commissioners for the said Harbour and Docks, within Three Months after the passing of this Act, it shall be lawful for any Two of the said Commissioners of the Treasury to grant a Discharge in the Form of the Schedule to this Act annexed, and thereupon the said Harbour and Docks, and the Works and Property connected therewith, and the Rates, Duties, and Revenues thereof, shall be freed and discharged of the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and of all Interest due thereon, and of the Security created or conferred by the said Bonds, and by or under the Provisions of the first-recited Act and the Acts therein recited, and of all Claims competent to the said Commissioners of the Treasury in respect of the said Debt.

Discharge to be recorded, and certain Sections of 1 & 2 and 10 & 11 Vict. repealed.

IV. The said Discharge shall be recorded in the Books of Council and Session at *Edinburgh*, and, from and after the Date of recording the same, the First, Second, Twelfth, Thirteenth, Fourteenth, and Fifteenth Sections of the first-recited Act, and the Fourth Section of the fourth-recited Act, shall be repealed.

Power to Commissioners to borrow Money on Mortgage, &c.

V. It shall be lawful for the Commissioners to borrow any Sums of Money not exceeding in the whole (including the Sums already borrowed by them from the said Banks under the Authority of the first-recited Act) the Sum of One hundred and sixty thousand Pounds, and to make and grant Mortgages and Assignations of the said Harbour and Docks, and the Works and Property vested in or acquired or to be acquired or constructed by the Commissioners, and the Rates and Duties to be levied by them under the Authority of the recited Acts or any of them, or any other Act relating to the said Harbour and Docks, in Security of the Payment of the Money so to be borrowed and Interest thereon; and if, after having borrowed the said Sums or any Part thereof, the Commissioners pay off the same, or the Sums already borrowed by them, otherwise than by the Application of the annual Sum of not less than Ten thousand Pounds herein-after provided for, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; and the Mortgages and Assignations

Assignations to be made and granted by the Commissioners may be in Writing or printed, or partly in Writing and partly printed, and shall be sealed with the Common Seal of the Commissioners, and signed at and in Presence of a Meeting of the Commissioners, in the Manner prescribed by the second-recited Act.

Power to borrow from Bank on Cash Credit.

VI. It shall be lawful for the Commissioners to accept and take from any of the said Banks Credit on a Cash Account to be opened and kept with them or any of them in the Name of the Commissioners, according to the Usage of Bankers in *Scotland*, or in such other Form as may be preferred by the said Banks, to the Extent of the Sum which the Commissioners are authorized to borrow as aforesaid, or any Part thereof, and, if required, to make and grant Mortgages and Assignations of the said Harbour and Docks, and the Works and Property vested in or acquired or to be acquired or constructed by the Commissioners, and the Rates and Duties to be levied by them, under the Authority of the recited Acts or any of them, or any other Act relating to the said Harbour and Docks, in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon: Provided that the whole Sum due and owing by the Commissioners on such Cash Account, and for Money borrowed by them on Bonds, or on Mortgages or Assignations of the said Harbour and Docks, Works, Property, Rates, and Duties, or any Part thereof, shall not when taken together exceed the said Sum of One hundred and sixty thousand Pounds by this Act authorized to be borrowed.

Clauses of 10 & 11 Vict. c. 16. with respect to Mortgages incorporated.

VII. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, with the Exception of Section Eighty-four, are hereby incorporated with this Act, and shall be applicable to the Money borrowed or to be borrowed, and the Mortgages and Assignations granted or to be granted, under the Authority of the first-recited Act or this Act.

Nothing to affect annual Payment of 7,680*l.*

VIII. Nothing in this Act contained shall prejudice, alter or affect the preferable Security over the said Harbour and Docks, and the Rates, Duties, and Revenues thereof, for the said Sum of Seven thousand six hundred and eighty Pounds, payable annually out of the same, as provided by the first-recited Act.

Nothing to affect existing Mortgages and Securities.

IX. Nothing in this Act contained shall prejudice, alter or affect the Mortgages and Securities granted by the Commissioners for any Sums borrowed by them under the Authority of the first-recited Act, and remaining due at the Date of the passing of this Act; and all such Mortgages and Securities shall be and remain as valid and effectual in all respects as before the passing of this Act, and all Money borrowed or to be borrowed by the Commissioners from the said Banks or any of them, and the Interest due and to become due thereon, and all Bonds, Mortgages, and Securities granted or to be granted therefor, shall, during the Non-payment and Subsistence thereof, have Priority over any other Money to be borrowed, or any other Mortgages and Assignations to be granted, under the Authority of this Act.

Provision for paying off Debt to Banks.

X. In the event of the Commissioners borrowing any further Sums of Money from the said Banks or any of them under the Authority of this Act, in addition to the Balance of Forty-three thousand three hundred and sixty Pounds Eighteen Shillings and Fivepence remaining due as aforesaid of the Sums already borrowed from the said Banks, the Commissioners shall every Year appropriate and set apart, out of the Surplus Revenue of the said Harbour and Docks which may remain after paying the said annual Sum of Seven thousand six hundred and eighty Pounds, and the ordinary Expenditure on Maintenance, Management, Repairs, and Dredging, and any Charges legally exigible, and the said annual Sum of Five hundred Pounds payable to the Magistrates and Council of *Leith*, a Sum of not less than Ten thousand Pounds, to be applied in paying the Interest on the Principal Sums borrowed or to be borrowed from the said Banks under the Authority of the first-recited Act and this Act, and towards Repayment of the said Principal Sums.

Application of Money borrowed.

XI. The Money to be borrowed by the Commissioners under the Authority of this Act shall be applied in the first instance in paying the said Sum of Fifty thousand Pounds, and thereafter in defraying the Expense of executing Improvements on the said Harbour and Docks,

Docks, and the Works and Property connected therewith, and in carrying into effect the Purposes of the several Acts relating to the said Harbour and Docks and this Act.

Application of Rates and Revenues.

XII. All Rates and Revenues to be levied and received by the Commissioners under the Provisions of the recited Acts, and this Act, shall be applied in paying the said annual Sum of Seven thousand six hundred and eighty Pounds, the ordinary Expenditure on Maintenance, Management, Repairs, and Dredging, and any Charges legally exigible, the said annual Sum of Five hundred Pounds payable to the Magistrates and Council of *Leith*, the Sum of not less than Ten thousand Pounds *per Annum* payable to the said Banks as herein-before provided, and the Interest of any other Money to be borrowed by the Commissioners under the Authority of this Act, and in paying off the Principal Sums so to be borrowed, and in defraying the Expense of executing Improvements on the said Harbour and Docks and the Works connected therewith, and in carrying into effect the Purposes of the several Acts relating to the said Harbour and Docks and this Act, and to no other Purpose whatsoever.

Accounts to be kept and balanced.

XIII. The Commissioners shall cause true and regular Accounts to be entered in the Books kept by them of all Monies received and paid under the Authority of the recited Acts and this Act, and of the several Purposes for which such Monies have been received and paid; and such Books and Accounts shall be made up and balanced as on the Fifteenth Day of *May* in every Year.

Auditor to be appointed.

XIV. The Commissioners shall annually apply to the Sheriff of the County of *Edinburgh* to appoint an Auditor for the Audit of their Accounts, and the Sheriff shall, on such Application being made to him, annually appoint an Auditor (being a Member of the Society of Chartered Accountants in *Edinburgh*, and not being One of the Commissioners, or holding Office under them,) to audit the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts have been audited by him, become vacant by Death or from any other Cause, the said Sheriff shall from Time to Time appoint another such Person as an Auditor to supply such Vacancy.

Accounts to be audited.

XV. It shall be the Duty of such Auditor once in every Three Months to audit the Accounts of the Commissioners; and for that Purpose the Commissioners shall deliver to him their Books and Accounts, and the Vouchers in support of the same, and the Auditor shall examine such Books, Accounts, and Vouchers, and may either make a Special Report on such Accounts, or simply confirm the same; and such Report or Confirmation shall be read to the Commissioners at the Ordinary Meeting to be held on the Second *Monday* of *October* annually; and the Commissioners shall pay to the Auditor for making such Audit such Sum, not exceeding Fifty-two Pounds Ten Shillings *per Annum*, as they may think fit.

Abstract of Accounts to be printed.

XVI. An Abstract of the Accounts of the Commissioners as audited shall be printed on or before the Eleventh Day of *November* in every Year, and a Copy thereof shall be given to every Ratepayer or Creditor who shall apply for the same at the Office of the Commissioners.

Payment of Arrears of Principal and Interest may be enforced by Appointment of a Judicial Factor.

XVII. It shall be lawful for the Mortgagees or Assignees, subject to the Preference and Priority of Securities herein-before mentioned, to enforce Payment of the Arrears of Interest or the Arrears of Principal and Interest due to them under or by virtue of any Bonds, Mortgages, or Assignations in Security granted or to be granted by the Commissioners under the Authority of the first-recited Act or this Act, by the Appointment of a Judicial Factor or Receiver, in the Manner provided by the said Commissioners Clauses Act: Provided that the Application for the Appointment of such Judicial Factor or Receiver shall be made by a Mortgagee or Assignee holding a Bond, Mortgage or Assignation in Security granted by the Commissioners to the Amount of at least Thirty thousand Pounds, or by Two or more Mortgagees or Assignees holding Bonds, Mortgages or Assignations in Security granted by the Commissioners to the aggregate Amount of at least Thirty thousand Pounds.

SCHEDULE.

THE Commissioners of Her Majesty's Treasury do hereby acknowledge that the Sum of Fifty thousand Pounds has been paid into Her Majesty's Exchequer by the Commissioners for the Harbour and Docks of Leith, in Terms of "The Leith Harbour and Docks Act, 1860," and do hereby, under the Authority of the said Act, accept of the said Sum in full Satisfaction and Payment of the Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, due to the said Commissioners of Her Majesty's Treasury on the Security of the said Harbour and Docks, as mentioned in the said Act, and of all Interest due thereon, and discharge the said Debt and Interest, and the Bonds granted in Security thereof by the Lord Provost, Magistrates, and Council of the City of Edinburgh to the said Commissioners of Her Majesty's Treasury, and declare the said Harbour and Docks, and the Works and Property connected therewith, and the Rates, Duties, and Revenues thereof, to be for ever freed and discharged of the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and of all Interest due thereon, and of the Security created or conferred by the said Bonds, and by or under the Provisions of the Act First and Second Victoria, Chapter Fifty-five, and the Acts therein recited, and of all Claims competent to the said Commissioners of Her Majesty's Treasury in respect of the said Debt: And the said Commissioners consent to the Registration hereof in the Books of Council and Session, for Preservation. In witness whereof these Presents, written by are subscribed by us Two of the said Commissioners, at London, the Day of in the Year One thousand eight hundred and sixty, before these Witnesses.

CAP. XLIX.

An Act for extinguishing certain Rights of Way through *Colewort* Barracks, in the Borough of *Portsmouth*. [23d *July* 1860.]

'WHEREAS *Colewort* Barracks in the Borough of *Portsmouth* in the County of *Southampton*, and the Ground appurtenant thereto, are vested in Her Majesty's Principal Secretary of State for the War Department, and the said Ground is subject to Rights of Way for Foot Passengers through or over the same from a Point near the *Landport* Gate and also from *Warblington Street* at a Point opposite *Nobbs Lane* to *Armoury Lane*: And whereas the Morality and Discipline of the Men stationed in the said Barracks are very injuriously affected in consequence of the Existence of the said Rights of Way, the said Barracks being accessible to all Persons and at all Times by means thereof: And whereas there exists, by means of *High Street Road*, *Warblington Street*, and *Saint Mary Street*, a sufficiently commodious Way to and from the Points to and from which Access is obtained by virtue of such Rights of Way as aforesaid: And whereas for the Reasons aforesaid it is expedient that the said Rights of Way should be extinguished:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rights of Way through Colewort Barracks extinguished.

I. That from and after the passing of this Act all Rights of Way through or over the said Ground shall cease, and the said Secretary of State shall stop up or cause to be stopped up the said Ways, and thereupon public Notice shall be given of the stopping up thereof by Advertisement in the *London Gazette*, and in some local Newspaper published or circulated in the County of *Southampton*, and shall be affixed on the outer Door of the Town Hall or some other public Place within the said Borough.