ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 74.

An Act for explaining and amending Two Acts for improving the Navigation of the River *Clyde* to the City of *Glaſgow*. [20th *May* 1809.]

WHEREAS an Act was paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King George the Second, intituled, "An Act for improving the Navigation of the *River Clyde* to "the City of *Glaſgow*; and for building a Bridge croſs the ſaid River, "from the ſaid City to the Village of *Gorbells*:" And whereas another Act was paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled, "An Act to explain and amend an Act made "in the Thirty-ſecond Year of the Reign of King George the Second, "for improving the Navigation of the *River Clyde* to the City of "*Glaſgow*, and for building a Bridge croſs the ſaid River, from the ſaid City to the Village of *Gorbells*:" And whereas, in conſequence of the Powers veſted in the Magiſtrates and Council of the ſaid City by the ſaid recited Acts, the Navigation of the ſaid River has been greatly improved, and the Channel deepened and cleanſed; and the Trade and Shipping of the ſaid River and City have of late greatly increaſed and are encreaſing, and the Ships and Veſſels belonging and trading to and from the Port of *Glaſgow* are now become more valuable and of larger Dimenſions; and, by continuing the Works now carrying on and adopting others, the ſaid River may ſtill be farther improved and the Channel deepened and enlarged; but Doubts have ariſen with regard to the true and proper Interpretation of the ſaid Acts, in ſo far as the ſame relate to levying the Rates and Duties thereby made payable on Coals: And whereas the Quay or Harbour at the *Broomielaw* is not large enough for the Reception, Accommodation, and Diſpatch neceſſary in the Loading and Unloading of the Veſſels reſorting thereto, whereby much Loſs and Damage are ſuſtained, and Diſappointment occaſioned to Merchants and others: And whereas it would be of great Advantage to the Merchants, Traders, and Inhabitants of the ſaid City and of the Places adjacent, to the Owners and Maſters

32 G. 2. c. 60.

10 G. 3. c. 104.

of Veſſels navigating the ſaid River, and to the Country at large, if the ſaid River was farther improved, and the Bed and Channel thereof farther deepened and enlarged; if the Doubts with regard to the Powers contained in the ſaid recited Acts were explained, if the ſaid Harbour was enlarged, and new and additional Quays, Piers, and Works were made upon the North and South Sides of the ſaid River, and if the ſaid Quay or Harbour, and the Dues levied there, were under the Management of the Truſtees on the ſaid River; but as theſe Purpoſes cannot be accompliſhed without the 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 from and after the paſſing of this Act, the Lord Provoſt, Magiſtrates, and Council of the City of *Glaſgow*, for the Time being, and their Succeſſors in Office, being the Truſtees for the Purpoſes of the before recited Acts, ſhall be, and they are hereby empowered and authorized by themſelves, their Deputies, Agents, Workmen, Servants, and Aſſigns, not only to continue the Works authorized by the ſaid Acts, but alſo to carry on ſuch new and additional Works as they ſhall think proper, till ſuch Time as the ſaid River is at leaſt Nine Feet deep at Neap Tides in every Part thereof, between the Bridge of *Glaſgow* and the Caſtle of *Dumbarton*, for Ships and Veſſels to navigate to and from the ſaid City; and for that Purpoſe, to dredge, cleanſe, and ſcour the ſaid River and Channel thereof, and to ſet up and erect Jettees, Banks, Walls, Sluices, Fences, and all other Works authorized by the ſaid Acts, and ſuch other new Works as to them ſhall ſeem proper and expedient for carrying the ſaid recited Acts, and this Act, into Execution, and for making, continuing, ſecuring, and maintaining the Channel and Navigation of the ſaid River, at leaſt of the Depth aforeſaid.

Former Acts to be put in Execution, and the Navigation of the River further improved.

Plan and Book of Reference to remain with the Clerk of the Peace.

II. And whereas a Survey has been taken to aſcertain the Practicability of improving the ſaid River, and a Map, or Plan, deſcribing the Line of the propoſed Improvements at the *Broomielaw*, and the Lands through or adjoining to which the ſame are intended to be made, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers, or reputed Owners and Occupiers of ſuch Lands, have been depoſited in the Office of the Clerk of the Peace for the County of *Lanark*: Be it therefore enacted, That ſuch Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County; and that all Perſons ſhall at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, or make Copies of the ſame, as Occaſion ſhall require, at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of One Shilling for every ſuch Examination, and the Sum of Sixpence for every Seventy-two Words of ſuch Copy.

Plan not to be deviated from without Conſent.

III. And be it further enacted, That the ſaid Truſtees in making the ſaid Improvements, ſhall not deviate more than One hundred Yards from the Courſe or Direction delineated in the ſaid Map or Plan, without the Conſent, in Writing, of the Perſon or Perſons through whoſe Land or Ground ſuch Deviation ſhall be made.

Duties on Coals, when to be diminiſhed and extinguiſhed.

IV. And be it enacted, That the Tolls, Rates, and Duties by the ſaid Acts made payable on Coals, ſhall be exacted and levied at the Rate of Eight Pence Sterling *per* Ton till the Eighth Day of *July*, One thouſand

thouſand eight hundred and ten, when the ſame ſhall be diminiſhed to Four Pence Sterling *per* Ton; and the Rates and Duties ſo leſſened ſhall be thereafter exacted and levied till the Eighth Day of *July*, One thouſand eight hundred and ſeventeen, when all the ſaid Duties ſhall ceaſe, and be totally extinguiſhed and diſcontinued, any Thing in the ſaid recited Acts, or in this Act, to the contrary notwithſtanding.

Duties on Bricks when to be diminiſhed and extinguiſhed.

V. And be it enacted, That the Tolls, Rates, and Duties by the ſaid recited Acts made payable on Bricks, Lime, Limeſtone, and Pantiles, ſhall, from and after the ſaid Eighth Day of *July*, One thouſand eight hundred and ten, be diminiſhed from One Shilling Sterling *per* Ton, to Sixpence Sterling *per* Ton, and the ſaid diminiſhed Rates and Duties ſhall thereafter be exacted and levied till the ſaid Eighth Day of *July*, One thouſand eight hundred and ſeventeen, when all the Duties payable on Bricks, Lime, Limeſtone, and Pantiles ſhall ceaſe, and be totally extinguiſhed and diſcontinued.

Reduction not to apply to Quay Duty.

VI. Provided always and be it enacted, That the ſaid Reduction and Extinction ſhall not apply to the Quay Duty of One Penny *per* Ton on the Regiſter Admeaſurement of Veſſels granted by the before laſt recited Act; but the ſaid Quay Duty ſhall be levied, recovered and applied in Terms of the ſaid Act, and in Manner herein after provided.

New Quay Duty to be levied.

VII. And be it enacted, That the ſaid Truſtees ſhall, and they are hereby empowered and authoriſed from and after the ſaid Eighth Day of *July*, One thouſand eight hundred and ſeventeen, when the aforeſaid Duties ceaſe, to aſk, demand, levy, recover, and receive, over and above the aforeſaid Quay Duty of One Penny *per* Ton, granted by the ſaid recited Act, an additional Duty of One Penny Sterling *per* Ton on the Regiſter Admeaſurement of all Ships, Lighters, Barges, and other Veſſels loading or unloading Coals, Bricks, Lime, Limeſtone, and Pantiles at the Harbour of the *Broomielaw*, or at any of the new Quays, Piers, Jettees, or other Works to be there erected in purſuance of this Act, the ſaid additional Duty to be thereafter levied, recovered, and received, in the ſame Manner as the ſaid Quay Duty of One Penny *per* Ton, granted by the ſaid recited Acts, until all the Works authorized by this and the ſaid recited Acts ſhall be completely finiſhed, and a ſufficient Sum of Money be ſet aſide for maintaining and repairing the ſame, and until all the Money advanced, or to be advanced by the ſaid Truſtees, in virtue of this, and the ſaid recited Acts, ſhall be fully ſatisfied and paid, with Intereſt from the reſpective Times of diſburſing the ſame till Payment thereof: Provided always, That the Tonnage of unregiſtered Veſſels ſhall be fixed and aſcertained in Manner preſcribed by the Acts requiring the Regiſtry of Britiſh Veſſels.

Recital of Part of former Acts.

VIII. And whereas by the ſaid laſt recited Act, the ſaid Magiſtrates and Council, and their Succeſſors in Office, in conſideration of the great Riſk they were to run, and of the extraordinary Expence they were to be at, in undertaking the ſaid Works for the Advantage of the Trade, and in advancing Money out of the Public Revenue of the City, upon the eventual Proſpect of being repaid, were authorized and empowered, after Payment of the reſpective Sums of Money advanced and to be advanced and employed for the Purpoſes of the ſaid recited Acts,

Acts, and Intereſt due thereon, out of the Rates, Duties, and Tolls, thereby granted, and after there ſhould be a Depth of ſeven Feet Water in every Part of the ſaid River *Clyde* at Neap Tides, between the lower End of *Dumbuckford* and the Quay of *Glaſgow*, to levy, collect, receive, and retain for the Uſe of the Community of the City of *Glaſgow*, and Public Stock thereof, One Year's Produce of the whole of the ſaid Rates, Tolls, and Duties, granted by the ſaid Acts, after paying the Charges and Expences of levying and collecting the ſame; and whereas, the large Debt incurred in carrying the ſaid Acts into Execution, has been nearly paid, and the River *Clyde* has been rendered nearly of the Depth aforeſaid, and in conſequence of the Reduction of the Rates and Duties on Coals, Bricks, Lime, Limeſtone, and Pantiles required to take place by the preſent Act, the ſaid Magiſtrates and Council cannot thereafter receive one Year's Produce of the whole Rates, Tolls, and Duties granted by the ſaid recited Acts in Terms of the ſpecial Proviſions for that Purpoſe therein contained: And whereas the Payment to the ſaid Magiſtrates and Council, of the ſaid Year's Rates, Tolls, and Duties, would be poſtponed for a much longer Period than was originally intended, and ſpecially provided by the ſaid Acts, were it not to take place till the Completion of all the additional Works authorized and directed to be performed by this Act: Be it therefore enacted, That the ſaid Magiſtrates and Council ſhall be, and they are hereby authoriſed and empowered in lieu of the ſaid Year's Rates, and Duties, to receive and retain for the Uſe of the Community of the ſaid City and Public Stock thereof, the whole Produce of one Year's Duties, levied and collected for the Year ending on the Eighth Day of *July*, One thouſand eight hundred and ten, after deducting the Expence of the Collection thereof.

The Year's Rates and Duties granted by former Acts when to be paid.

Harbour of the Broomielaw to be enlarged.

IX. And be it enacted, That the ſaid Truſtees ſhall be, and they are hereby empowered and authorized to enlarge and render more commodious, the aforeſaid Harbour at the *Broomielaw*, and to erect One or more Shed or Sheds for receiving and weighing Goods, Wares, and Merchandize, and to make, form, and conſtruct ſo many additional Quays, Piers, Jettees, Breaſts, Abutments, Walls, and other Works on both Sides of the ſaid River, between the new Bridge of *Glaſgow* on the Eaſt, and a Line drawn parallel to the Weſt Side of *Clyde Street*, in the Village of *Anderſton* on the Weſt, as to them ſhall ſeem neceſſary and expedient, for enlarging, altering, and improving the ſaid Harbour, ſo as to render the ſame more convenient and uſeful to the Ships and Veſſels trading to the ſaid City.

Section of the River not to be leſſened.

X. Provided always and be it enacted, That in carrying on the ſaid Works the tranſverſe Section of the Bed or Channel of the ſaid River in the higheſt Flood, ſhall not be leſſened or contracted, but the ſame in all Time coming ſhall be kept at leaſt of the preſent Extent and Dimenſions, for the Purpoſe of allowing the Water and Land Floods to paſs freely off during heavy Rains.

Truſtees impowered to purchaſe Ground.

XI. And whereas the ſaid propoſed Works will occupy a conſiderable Part of the Ground on both Sides of the ſaid River below the new Bridge: Be it therefore enacted, That the ſaid Truſtees ſhall have full Power to treat and agree in Manner, and upon the Conditions contained in the before recited Acts, with the Owners, Occupiers, and all others having

having Interest in such Lands or Grounds, for the Purchase of the same, particularly with *the Corporation or Community of the said City*, the Trades-House of *Glasgow*, the Proprietors of the *Delftfield* Company *Glasgow*, *Robert Carrick* and *Nicol Brown*, Merchants in *Glasgow*, and of *William Robertson*, Merchant in *Glasgow*, and his Trustees, all Proprietors, or having an Estate or Interest in the Lands, Grounds, and other Premises which may be occupied by the said Works to be erected as aforesaid, or with any other Person or Persons, Body or Bodies Corporate, who are or may be Proprietors of, or who have or may have an Estate or Interest in the said Lands or Grounds, or with the Owners or Occupiers of any other Lands or Grounds which may be occupied by the said Works.

Magistrates and Council authorized to sell the present Quay.

XII. And whereas it is, in and by the before recited Act of the Tenth Year of the Reign of His present Majesty, enacted, That the said Magistrates and Council, and their Successors in Office, should have full Power and Authority to repair, continue, and enlarge the Quay of *Glasgow*, on the North Side of the said River *Clyde*, at the Place called the *Broomielaw*, and also to make, build, and erect a Quay on the South Side of the said River, opposite to the first mentioned Quay called *Broomielaw*; that the said Magistrates and Council, and their Successors in Office, should have full Power and Authority from Time to Time, and at all Times thereafter, to ask, demand, levy, recover, and receive one Penny Sterling per Ton for all Ships, Barges, Vessels, Lighters and Boats, which should be brought to the Quays aforesaid, or either of them, or within the Bounds and Limits of such Parts of the said River *Clyde* as the former Rates and Duties of the said *Broomielaw* Quay were in use to be collected, levied, and received, by or on Account of the said Magistrates and Council, under and by virtue of special Grants or immemorial Possession of the same, and that in full of all Anchorage and Quay Duties formerly in use to have been paid to the City of *Glasgow* in the Name of *Broomielaw* Quay Dues; and that the said Rate and Duty of One Penny Sterling *per* Ton, thereby granted for the Purposes aforesaid, should remain with and be collected and levied by the said Magistrates and Council, and their Successors in Office, for the Use and Behoof of the Community and common Stock of the said City, and should noways be applicable towards lessening or discharging any Part of the Expence and Debt incurred and to be incurred by the said Magistrates and Council, and their Successors in Office, in improving the Navigation of the said River *Clyde*, by virtue of the Powers granted by the said recited Acts: And whereas it is right and proper, that before any Part of the Duties granted by the said recited Acts, in Trust for improving the Navigation of the said River *Clyde*, be applied in Terms of this Act in enlarging the said Quay or Harbour at the *Broomielaw*, which belongs in Property to the Corporation of the City of *Glasgow*, the said Quay or Harbour, and the said Duties leviable thereat, for behoof of the Community and common Stock of the said City, should be conveyed over to and placed under the Management of the Trustees on the said River and Harbour herein appointed: Be it therefore enacted, That the said Magistrates and Council shall be and they are hereby authorized to make over, dispone, and convey from the Corporation and Community of the said City, not only the whole Duties authorized to be levied at the said Quay or Harbour by the said

ſaid recited Act of the Tenth Year of the Reign of His preſent Majeſty, to be applied in all Time coming in Manner directed by the ſaid recited Act, in continuing, repairing, and enlarging the ſaid Quay or Harbour, but alſo the ſaid Quay or Harbour itſelf, upon receiving Payment of ſuch Sum or Sums of Money as may have been advanced by them from their own common Stock, in repairing and enlarging the ſaid Quay, ſeparate and diſtinct from what has been received by them as Quay Duties granted by the ſaid recited Act, and a juſt and reaſonable Conſideration or Price for that Part of the ſaid Quay and Ground adjoining, which belonged in Property to the Corporation of the City of *Glaſgow* prior to the Date of the ſaid recited Act, to the Truſtees on the ſaid River and Harbour herein appointed, who are hereby authorized to pay the ſaid Sum or Sums of Money ſo advanced from the common Stock of the ſaid Corporation, and to purchaſe the ſaid Part of the ſaid Quay and Ground adjoining accordingly: Provided always, that until ſuch Payment and Purchaſe ſhall take place, the ſaid Duties ſhall continue to be levied by, and belong to the Community of the ſaid City; and that the ſaid Sums ſo advanced when repaid, and the Price to be ſo paid and received for the ſaid Part of the ſaid Quay and Ground adjoining, ſhall be applied by the ſaid Magiſtrates and Council and by their Succeſſors in Office, for the Uſe and Behoof of the Community and common Stock of the ſaid City of *Glaſgow*.

Price, how to be aſcertained.

XIII. And be it enacted, That the Price to be paid for the ſaid Part of the ſaid Quay, and Ground adjoining, ſhall be aſcertained by the Verdict of a Jury in Manner directed by the before recited Acts, provided that in the Application to the Sheriff to have the ſaid Quay and Ground valued in Manner aforeſaid, the Commiſſioners named in the ſaid recited Acts ſhall be called as Parties to the ſaid Application, and ſhall be obliged, upon the ſaid Price or Value being ſo fixed and aſcertained, to order the Amount of ſuch Price or Value to be carried to the Debit of the general Fund raiſed, or to be raiſed in virtue of the ſaid recited Acts and of this Act.

Truſtees to keep the Quay in Repair.

XIV. And be it enacted, That when the ſaid Price or Value ſhall be ſo fixed and aſcertained, the Amount thereof carried to the Debit of the ſaid general Fund, and the ſaid Quay or Harbour and Duties, conveyed and aſſigned to the ſaid Truſtees, they the ſaid Truſtees ſhall uphold, maintain, and keep in Repair thoſe Parts of the ſaid Quay and Harbour which the ſaid Corporation were bound to keep in Repair by the ſaid recited Acts, and free and relieve the Corporation and Community thereof in all Time coming.

Rates and Duties how to be applied.

XV. And be it enacted, That the ſaid Truſtees ſhall be, and they are hereby empowered and authorized to levy, collect, appropriate, uſe, lay out, and expend the whole Rates and Duties granted by the ſaid recited Acts and this Act, except as herein ſpecially provided, in carrying the ſaid Acts and this Act into Execution; and in making, digging, cutting, erecting, forming, and maintaining the ſaid Navigation, and the ſaid Quays, Piers, Jettees, Breaſts, Walls, Abutments, and other Works; and that the ſaid Rates and Duties ſhall not ceaſe or determine until the Period mentioned in the ſaid recited Acts, and until the ſaid Truſtees ſhall be paid from the ſaid Rates and Duties the Sums of Money therein mentioned, and until the Works directed to be performed under this preſent

preſent Act are completed, and a ſufficient Sum ſet aſide for maintaining the ſame, excepting as herein ſpecially mentioned.

Applying the Rates.

XVI. Provided always, and be it enacted, That the Rates and Duties levied on Goods and Veſſels paſſing on the ſaid River, below or to the Weſtward of the Ferry of *Govan*, ſhall be applied only in deepening and improving the Navigation thereof, and that no Part of theſe Rates and Duties ſhall be applied in enlarging and improving the ſaid Harbour of the *Broomielaw*.

Power to borrow Money.

XVII. And be it enacted, That from and after the paſſing of this Act the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered from Time to Time, for the Purpoſe of carrying on the ſaid Works, to borrow and take up at Intereſt any Sum or Sums of Money not exceeding Thirty thouſand Pounds Sterling, and to grant, aſſign, and make over the ſeveral Rates, and Duties given, granted, continued, and directed to be taken and levied by virtue of the ſaid recited Acts and of this Act, in Security for the Re-payment of the ſaid Sums of Money with Intereſt.

Separate Accounts to be kept.

XVIII. Provided always and be it enacted, That the ſaid Truſtees ſhall and they are hereby required to keep ſeparate Accounts of the Diſburſements to be made by them on account of the ſaid River, and Quay or Harbour reſpectively.

Commiſſioners to audit Accounts.

XIX. And be it enacted, That the Commiſſioners named and appointed by the ſaid recited Acts ſhall examine, audit, and docquet the Accounts relative to the Receipts and Diſburſements of the ſaid Truſtees, in virtue of the ſaid Acts and of this Act, in Manner preſcribed by the ſaid recited Acts.

Power of diminiſhing Duties ſuſpended.

XX. And be it enacted, That the Powers given by the ſaid recited Acts to lower and diminiſh the Tolls, Rates, and Duties thereby granted, ſhall be and are hereby ſuſpended and ſhall not be put in Execution until the ſaid Truſtees ſhall be fully ſatisfied and repaid, (excluſive of the aforeſaid one Year's Rates and Duties,) the whole Sums advanced or to be advanced by them by virtue of this Act and the ſaid recited Acts, and Intereſt of the ſaid Sums from the reſpective Times of diſburſing the ſame till Payment, excepting as herein ſpecially provided.

Juriſdiction of Magiſtrates, &c. over the Harbour, when enlarged.

XXI. And be it enacted, That the Magiſtrates and Town Council of *Glaſgow*, and the Judges in the Burgh Courts of *Glaſgow*, ſhall have and enjoy the ſame Rights, Privileges, and Juriſdiction over the Quays, Piers, Jettees, Breaſts, and other Works, to be erected as aforeſaid, and over the Grounds on which the ſame are built, and over the whole of the ſaid Harbour, when enlarged in purſuance of this Act, as they do now exerciſe and enjoy over and within the Limits of the preſent Quay and Harbour at the *Broomielaw*, by any Law, Statute, Charter, or eſtabliſhed Cuſtom; and that the ſaid Magiſtrates and Council ſhall be and they are hereby authorized to levy the ſame Ladle Dues and whole other Duties, Cuſtoms, and Taxations upon Corn, Merchandize, and all other Commodities whatever, which ſhall arrive at the ſaid Quays, Piers, Jettees, Breaſts, and other Works to be erected as

aforeſaid

aforesaid, or which shall arrive at the said Harbour, when enlarged and improved as aforesaid, to the same Extent and in the same Manner as they have hitherto levied and recovered the said Dues, Duties, Customs, and Taxations, at the present Quay and Harbour at the *Broomielaw*; and the like Action, Execution, and Distress, shall be used for the Recovery of the said Dues, Duties, Customs, and Taxations, as were used previous to the passing of this Act.

Penalty for destroying Works.

XXII. And be it enacted, That if any Person or Persons shall, after the passing of this Act, maliciously and wantonly demolish, break down, or set on Fire any of the Quays, Piers, Jettees, Breasts, Abutments, Walls, or other Works made and constructed or to be constructed, in Terms of the said recited Acts, or of this Act, or any Ship or Vessel lying in the said Harbour or River, such Person so offending, on being thereof legally convicted, shall be deemed guilty of Felony, and be transported for the Space of Seven Years.

Harbour Masters to be appointed.

XXIII. And be it enacted, That the said Trustees shall be, and they are hereby authorised and empowered to name, and pay from the said Trust Funds, proper Persons to act as Harbour Masters, and to make such Rules and Regulations for their Conduct and Behaviour as the said Trustees shall think proper: and the said Harbour Masters, upon being so appointed, are hereby required, from Time to Time, carefully to inspect and examine into the State of the said Quays, Piers, and other Works so to be erected, and to be at all Times aiding and assisting to the Ships and Vessels coming into, and going out of the said Harbour.

Trustees to make Regulations for Harbours, &c.

XXIV. And be it enacted, That the said Trustees shall be, and they are hereby authorised and empowered to make Rules, Orders, and Regulations for the Conduct and Behaviour of Masters of Vessels, Sailors, and other Persons frequenting the said Harbour, or River, or Sides thereof, for preventing Obstructions therein, or on the Quays, for removing Goods from the Quays, for preventing Ballast from being thrown into the said Harbour, or remaining on the said Quays, for removing Vessels from one Station to another, and, in general, to make such Rules, Regulations, and Bye-Laws, as they shall think proper for the Management of the said Harbour, and the Conduct of Persons resorting thereto, and to enforce Observance of such Rules and Regulations, by pecuniary Penalties, not exceeding Five Pounds Sterling, to be levied and recovered in a summary Manner, at the Instance of any of the said Harbour Masters, and to be applied, after deducting the Expences of recovering the same, to the Purposes of this Act: Provided always, That such Rules, Orders, and Regulations shall not be contrary to the Laws of *Scotland*, or to the said recited Acts, or this Act, and shall be printed, and put up in the most conspicuous Places within the said Harbour, and preserved fair and legible.

Materials taken from Wastes, how to be paid for.

XXV. And be it enacted, That from and after the passing of this Act, the said Magistrates and Council, and their Successors in Office, shall not be at Liberty to dig, gather, and carry away any Stones or other Materials out of any Lands or Grounds upon which any House stands, or out of any Garden, Orchard, Yard, or planted Walk or Walks, Avenue to a House, Lawn, Shrubbery, or Pleasure Ground, without Consent of the

the Owners or Occupiers thereof firſt obtained in Writing, but the ſaid Magiſtrates and Council, and their Succeſſors in Office are hereby authoriſed and empowered, even without ſuch Conſent, to dig, gather, and carry away Stones and other Materials from all other Lands incloſed or not incloſed, Waſtes, or Commons lying near the ſaid River, on making reaſonable Satisfaction to the Owners or Occcupiers thereof, not only for the Damage done, but alſo for the Value of the ſaid Stones or other Materials, in Manner preſcribed by the before recited Acts.

Limitation of Actions.

XXVI. And be it enacted, That no Action ſhall be commenced againſt the ſaid Truſtees or any other Perſon or Perſons for any Thing done in the Execution of this Act and the before recited Acts, after Three Calendar Months from the Time the Thing is done or committed, and the Defender or Defenders in ſuch Action or Proceſs may produce this Act and the ſaid recited Acts, and plead that ſuch Thing was done by Authority and in virtue thereof; and if it ſhall appear ſo to be done, then the Defender or Defenders ſhall be aſſoilzied from ſuch Action or Proceſs, and the Purſuer or Purſuers in ſuch Action ſhall be found liable to pay the Defender or Defenders the whole Expence of Proceſs incurred by him or them.

Saving Clauſe to Individuals and Corporations.

XXVII. And be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to invalidate or deſtroy the legal Claims which any Perſon or Perſons, or Body Corporate may have to navigate and ply upon the ſaid River, to the Eaſt of the ſaid Harbour of the *Broomielaw*, the Validity and Diſcuſſion of which Claims in the competent Courts of Law, with all the Defences which the ſaid Truſtees or the Truſtees on the new and old Bridges of *Glaſgow*, or the Magiſtrates and Council of the ſaid City, can or may plead againſt, the ſame being hereby reſerved to all Parties concerned, in the ſame Manner as they were previous to the Paſſing of this Act.

Saving Juriſdiction to Magiſtrates and Council and Baillie of the River Clyde.

XXVIII. And be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to take away, abridge, or diminiſh any Rights, Privileges, Juriſdictions, or Powers which now belong to and are enjoyed by the Magiſtrates and Town Council of the ſaid City, or by the ſaid Magiſtrates or any of them, or by the Baillie on the River or Frith of *Clyde* or Ports thereof, appointed by the ſaid Magiſtrates and Town Council by virtue of former Acts of Parliament or Royal Charter granted in their Favour, or of immemorial Uſage.

Former Acts to continue in Force

XXIX. And be it enacted, That the Two before recited Acts and all the Powers and Authorities therein contained, except in ſo far as the ſame are hereby altered, or the Powers and Authorities thereby given, are inconſiſtent with or repugnant to this preſent Act, ſhall continue in Force, and have full Effect and Operation in the ſame Manner as if this Act had never been made.

Appeal.

XXX. And be it enacted, That any Perſon or Perſons, thinking himſelf or themſelves aggrieved by any Order or Determination made or given in purſuance of any Rule or Bye Law of the ſaid Truſtees, relating to any Matter or Thing in this Act contained, may, within Two Calendar Months after ſuch Order or Determination being made, complain by Petition to the Court of Seſſion, which Court ſhall, in a ſummary Way,

Way, hear and determine the ſaid Complaint, and if they ſee cauſe, may mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, or Order, and may alſo direct and award ſuch Satisfaction to be made to the Party injured as they ſhall judge reaſonable; but no Proceedings to be had or taken in purſuance of this Act, ſhall be ſet aſide or vacated for Want of Form, any Law or Statute to the contrary notwithſtanding.

Application of Compenſation Money, where exceeding 200l.

XXXI. And be it 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 Life-rents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, 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 authorize 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, 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 meantime, and 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.

Where under 200l. and above 20l.

XXXII. Provided always, and be it enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed for the 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 Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators, in caſe

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, her, 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 the ſaid Truſtees (ſuch Nomination and Approbation to be 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 herein-before directed, ſo far as the Caſe may be applicable.

Where under 20l.

XXXIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as next before mentioned, 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 Hereditaments 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, &c.

Or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

XXXIV. 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 any 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 Three 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 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 the ſame Court ſhall deem 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 Caſher or 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 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 either of the Banks as aforeſaid.

In Caſes of queſtionable

XXXV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be

Title, Poſſeſſor to be deemed to have a Title until the contrary ſhall be ſhewn.

be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Seſſion in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Heritages, or any Eſtate, Right, or Intereſt in any Lands, Tenements, or Heritages, to be purchaſed with any ſuch Money, or to the Rents or Profits 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 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; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchaſed with ſuch Money, and alſo the Lands, Tenements, and Heritages ſo purchaſed, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made manifeſt 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 of Purchaſe may be allowed by the Court.

XXXVI. 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 the ſaid Banks, or either of them, 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 to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sum or Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Expence of paſſing this Act how to be paid.

XXXVII. And be it enacted, That the Charges and Expences of Paſſing this Act ſhall be paid by the ſaid Truſtees from the Tolls, Rates, and Duties before mentioned, or from the Sums authorized to be borrowed for the Purpoſes of this Act.

Public Act.

XXXVIII. And be it 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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