ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxxvii.

An Act for the Regulation of the Corporation of the Masters and Assistants of the *Trinity House* of *Leith*. [23d *June* 1820.]

WHEREAS the Corporation of the Master and Assistants of the Trinity House of *Leith*, in the County of *Edinburgh*, formerly known by the Name of 'The Corporation of 'Shipmasters of the *Trinity House* of *Leith*,' and now known by the Name and Stile of 'The Master and Assistants of the *Trinity House* 'of *Leith*,' and now consisting of the Master, Assistant Master, Deputy Master, Twelve Managers, Treasurer and Clerk, and other Members whose Names are herein-after mentioned, has for Time immemorial existed as a Body Corporate and Politic, and has enjoyed sundry Rights, Liberties, Privileges, and Immunities, and in particular has enjoyed, and now enjoys the Right of levying and exacting a certain Rate or Duty called Primage or Primegilt, that is to say, the Sum of One Penny Sterling *per* Ton, of all Goods imported to *Leith*, either Coastways or from Foreign Parts, and whether in *British* or Foreign Vessels: And whereas the said Corporation obtained a Royal Warrant, under the Sign Manual of His late Majesty King *George* the Third, dated the Twenty-ninth Day of *June* One thousand seven hundred and ninety-seven, in the Thirty-seventh Year of His said Majesty's Reign, ordaining a Charter to be made and passed under the Seal, appointed by the Treaty of Union to be kept

and used in *Scotland*, in place of the Great Seal thereof; in virtue of which, a Charter was made and passed, and sealed with the said Seal at *Edinburgh*, the Twenty-seventh Day of *July* following, constituting and confirming the said Corporation a Body Corporate and Politic, by the said Name and Stile of the Master and Assistants of the *Trinity House* of *Leith*, in the County of *Edinburgh* aforesaid, with all the Powers, and subject to all the Laws, Constitutions, Regulations, and Orders therein specified; and new granting and confirming to the said Corporation and their Successors, for ever, all the Grants, Liberties, Privileges, Immunities, and Powers enjoyed by them, and the others therein specified and expressed; and particularly granting the Right of licensing Pilots for navigating all Ships and Vessels in the Frith of *Forth*, and Seas and Friths, and along the Coasts and Islands of the *Northern* and *German Oceans*, upon Payment of Fees, and under the Reservations therein set forth: And whereas the said Corporation has been and is highly beneficial not only to the individual Members thereof, by the Relief it has afforded and affords to many poor, old, and infirm Shipmasters and Mariners, and their Widows and Orphans, but has tended, and tends, greatly to promote and increase the Trade and Navigation of these Realms in general, but more especially of *Scotland*, and of the said Port of *Leith*: And whereas the Claims upon the Funds of the said Corporation have of late Years greatly increased, and are likely still farther to increase, so that it is become necessary to alter and amend the System of Management, Administration, and Distribution thereof; and it is also expedient and necessary that the Constitution, Powers, and Privileges of the said Corporation should be enlarged, confirmed, and defined, and the Rules and Regulations for the Government thereof, be altered and amended: 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 *John Hay* Master, *Thomas Grindlay* Assistant Master, *William Gavin* Deputy Master, *John Laurie*, *David Gourlay*, *Peter Gavin*, *Robert Bruce*, *John Boyd*, *James Duncan*, *Francis Taylor*, *James Turnbull*, *William Dick*, *John Charteris*, *John Sword*, and *Thomas Bishop*, Managers; *John Hay* Treasurer, *Barry Sarsfield* Clerk, and *John Anderson*, *John Adamson*, *William Anderson*, *Robert Brown*, *John Brown* senior, *Ebenezer Burton*, *James Butler*, *Roger Barr*, *John Brown* junior, *Peter Barr*, *Charles Barr*, *John Beatson*, *David Brownhill*, *John Cummings*, *Thomas Calder*, *James Campbell*, *John Cochran*, *James Edmonston*, *John Finlay*, *Alexander Gordon*, *John Gordon*, *James Grindlay*, *Richard Gardner*, *Thomas Graham*, *John Henderson*, *James Hogg*, *William Hutton*, *Robert Henderson*, *James Henderson*, *James Jarvie*, *John Kellie*, *Robert Kellie*, *George Kellie*, *Robert Kirk*, *Robert Liddel*, *Peter Lockhart*, *William Lumsden*, *Magnus Liney*, *David Litster*, *Daniel Monro*, *Alexander M'Laren*, *George Morison*, *William M'Laren*, *James Mack*, *James M'Luckie*, *George Norris*, *Archibald Neilson*, *David Norris*, *Archibald Pottinger*, *John Pearson*, *David Parker*, *William Ross*, *Joshua Richmond*, *James Rannie*, *David Roxburgh*, *Thomas Robertson*, *Archibald Ritchie*, *David Robertson*, *James Strong*, *George Steedman*, *Francis Spittall*, *William Steedman*, *William Sword*, *Walter*

The Corporation confirmed as a Body Corporate and Politic, with all former and usual Powers and Privileges, and Grants, &c.

Walter Ferguson Syme, John Syme, James Sword, John Smith, Andrew Scott, Hugh Tough, John Tyrie, John Wishart, Charles Wildgoose, Robert Wishart, David Wright, Christopher Wilkie, George Watson First, *George Watson* Second, *James Wilson, William Young, Robert Young, John Yule, Alexander Young, John Young* First, *John Young* Second, and *James Ferguson*, Members, are and they are hereby declared to be the Master, Assistant Master, Deputy Master, Managers, Treasurer, Clerk, and Members of the said Corporation; and they and their Successors to be duly elected and chosen according to the Regulations of the said Corporation shall be, and are hereby declared to be a Body Corporate and Politic in Deed and in Name, by the Name and Stile of 'The Master and Assistants of the *Trinity House* of *Leith*,' with perpetual Succession, Power to govern their own Affairs, and for that Purpose to make and alter Bye Laws in manner herein-after mentioned, to elect, appoint, and displace Office-bearers, and inferior Officers and Servants, and with all the Rights, Privileges, Powers, Liberties, and Immunities which they have enjoyed in Time past, and do now hold and enjoy, or which any like Body Corporate and Politic doth or may enjoy by Law.

Corporation may hold Property.

II. And be it further enacted, That the said Corporation and their Successors shall in all Time hereafter enjoy and possess, as such Body Corporate and Politic, the House or Edifice called the *Trinity House* of *Leith*, with the whole Pertinents and Parts and Pendicles thereunto presently belonging, and all other Lands, Edifices, Houses, Tenements, and Hereditaments, with the several and respective Parts, Pendicles, Pertinents, and Appurtenances thereunto respectively belonging, and all other Grants, Gifts, Liberties, Immunities, Privileges, Perquisites, Duties, Profits, and Personal Estate whatsoever, Powers, Warrant, and Authority, either specified and contained in the said Royal Charter, or which they have, by immemorial Usage or any otherwise, heretofore lawfully enjoyed and possessed, or do or may now enjoy and possess, either by themselves or by any Person or Persons in Trust for them, or to which they are in any Manner of Way lawfully entitled, in full and ample Terms, subject only to such Modifications and Alterations as may be introduced by the Provisions and Enactments of this Act.

May levy Rates of Primegilt.

III. And be it further enacted, That the said Corporation and their Successors shall be and they are authorized and entitled, by themselves, their Collectors, Officers, or others, to ask, demand, levy, receive, and recover to and for the Use and Benefit of the said Corporation, from and upon all Goods whatsoever imported to *Leith*, or all or any of the Creeks and Places within the Limits thereof, whether Coastways from any other Port in *Great Britain* or *Ireland* or from Foreign Parts, and whether in *British*, *Irish*, or Foreign Vessels, the foresaid Rate or Duty of Primage or Primegilt, *videlicet* One Penny Sterling *per* Ton upon all Goods so imported as hitherto levied by them; and in case of Refusal or Neglect to pay such Rates, or any Part thereof, on Demand, it shall and may be lawful to the said Corporation, and they are hereby authorized to seize the Goods for or in respect whereof any such Rates ought to have been paid, or any Part thereof, and detain the same,

same, until Payment thereof, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Fourteen Days next thereafter, all such Rates, Arrears thereof, and reasonable Charges shall be raised and recovered by the said Corporation, by poinding, distraining, and sale of such Goods, rendering to the Owner or Consignee, or other Person having Right to, or Charge or Custody of such Goods, the Overplus, after deducting the reasonable Charges of such Distress and Sale; or it shall and may be lawful for the said Corporation, at their Option, to sue the Owner or Consignee, or other Person or Persons to whom such Goods may belong, or be consigned, and who would in virtue of the Provisions herein-after inserted, be liable in Payment of the Fees, Rates, or Duties of Pilotage, for all such Rates or Duties of Primage or Primegilt, in any competent Court in *Scotland*.

Uses and Application of the Funds of the Corporation.

IV. And be it further enacted, That the Entrance Money and Annual Payments, now or hereafter exigible from the Entrants and Members of the said Corporation; the Annual Payments now or hereafter exigible from Mates, Sailors, and Pilots; the aforesaid Duty of Primage or Primegilt payable to the said Corporation; the Yearly Feu Duties and Casualties belonging to them; the Rents of the Seats belonging to them in the Churches of *South* and *North Leith*; the yearly Interest of all Monies whatsoever lent out by or due to them; and all Dividends of Monies vested in the National or Government Funds; and, generally, all and singular Lands, Tenements, Hereditaments, and Property of every Description, and all and singular Sum and Sums of Money, Goods, Gear, Chattels, and Effects whatsoever, real and personal, which now, or may, or shall at any Time hereafter belong, become due, or be addebted to the said Corporation, and are now, or shall at any Time hereafter be holden, enjoyed, possessed, or received by them in any Manner of way whatsoever; shall, as heretofore, be applicable, and shall, under the Provisions and Regulations hereinafter enacted, be applied to and for the Use, Behoof, Benefit, and Profit of the said Corporation, and to and for the maintaining and repairing, or when Occasion may require the rebuilding of the House or Edifice belonging to the said Corporation, commonly called or known by the Name of the *Trinity House of Leith*; and of all other Tenements, Edifices, or Almshouses which now or at any Time hereafter may belong or appertain to the said Corporation; and for the supporting and relieving such poor, old, or infirm Persons, as now are or may be Members of the said Corporation, and the Wives or Widows, or Children, of the Members thereof, who now are, or may hereafter fall into Decay, Misery, Poverty, and Need; as also for the Relief of such other poor seafaring Men, or their Widows or Children, as by the said Corporation, or the Majority of the Members present at any of their General Meetings, shall already have been, or shall be thought necessary and expedient, and that in such Manner, and by such Proportions, and according to such Rules, Orders, and Regulations, or Bye Laws, not inconsistent with any of the Provisions of this present Act, or repugnant to the Law of *Scotland*, as may be settled and directed by the said Chrporation; and for all such other public Uses and Purposes of the said Corporation as may already have been, or may hereafter be declared by them, by any Bye-law or

or Order already passed, or to be passed and made by any General Meeting of the said Corporation, or the Majority of Members present at the same.

A Statement of the gross and free Revenue to be made up on the 15th March in each Year.

V. And be it further enacted, That upon the Fifteenth Day of *March* yearly, after the passing of this Act, or as soon afterwards as possible, and at farthest on or before the Twentieth Day of *March* yearly, a General Statement or Account, Debit and Credit, of the gross and free annual Income or Revenue of the said Corporation, for the Year ending upon the said Fifteenth Day of *March* shall be made up by the Master, Treasurer, Clerk, or other Officer or Officers entrusted and charged by the said Corporation with such Duty; which Statement or Account shall specify and contain, on the Credit-side, the gross Return, Income, or Produce of the Funds, or the gross Revenue for the said Year, under the various Heads or Particulars of which it is or may hereafter be composed, and on the Debit-side shall specify and contain all the ordinary and extraordinary Expenses incurred during the Year, in the Management, Collection, and Distribution of the Estates, Funds, and Revenues, and in the Affairs of the said Corporation, and all other proper Charges against, and Deductions from the said gross Revenue, under the various Heads, Items, or Particulars of which such Expenses and Charges may be composed; and the Balance of which Account shall show the true Amount of the free Income or Revenue, all as nearly as may be, in Conformity to the Form or Schedule (A.) annexed to this Act: Providing always, as it is hereby provided and declared, that all Entrance Monies received from Entrants shall form and compose Part of the Capital of the Funds, and the Interest thereof only shall form Part of the yearly Income or Revenue.

Entrance Monies to form Part of the Capital of the Funds.

Annual Statement of the Revenue to be examined and doqueted by the Masters and Managers.

VI. And be it further enacted, That it shall be the Duty of the Masters and Managers, and they are hereby required to cause such Statement or Account to be made out as aforesaid, and thereafter, and on or before the Twenty-fifth Day of *March*, the said Masters and Managers shall examine and check the same; and such Statement when so examined shall be approved and doqueted agreeable to the Form of the Doquet subjoined to the said Schedule (A.) annexed to this Act, and signed by the Master, Assistant-Master, Deputy-Master and Managers of the said Corporation for the Time being; or such of them as are not prevented by reason of Sickness, Absence from *Scotland*, or other Incapacity; and when so doqueted shall be deemed, held, and taken to be the State and Amount of the free Produce or Income of the Funds, or free Revenue, for the Year ending the said Fifteenth Day of *March*; and the Masters and Managers failing so to cause such Account or Statement to be made out and to examine and check the same as aforesaid, shall be liable to suffer Deprivation of Office, by a Vote of the Majority of the said Corporation, at a General Meeting to be called for that Purpose by the Clerk, upon the Requisition of any Two individual Members; which Meeting the Clerk is hereby required, under the like Liability in case of Failure, to call.

For 15 Years 9-10th Parts only of the free Revenue to be expended on its Uses.

VII. And be it further enacted, That for the First Fifteen Years from and after the first Fifteenth Day of *March* after the passing of this Act, Nine-tenth Parts, and no more, of the said free Annual Income or Revenue, to be ascertained in Manner above directed, shall be annually applicable, and applied for and to the Use and Behoof of the various Classes or Descriptions of Annuitants and Pensioners upon the said Funds, as they now are or may at any Time hereafter be classed, and in the Proportions now or at any Time hereafter to be fixed, and according to the General Orders, Constitutions, and Regulations for their Payment, already or to be at any Time hereafter lawfully made and passed by the said Corporation, or a Majority of them, in Manner after provided, and to and for all the other Uses and Purposes to which the said Funds and Revenue now are or may hereafter be lawfully applicable.

Remaining 1-10th Part to be accumulated.

VIII. And be it further enacted, That the remaining One-tenth Part of the said free yearly Revenue, with all Interest accruing thereon, shall, for the Space of the said Fifteen Years, be set apart, and remain untouched, as an accumulating Fund or Capital, for the Augmentation of the permanent Income and Revenue of the said Corporation.

After Fifteen Years, the Interest of accumulated Fund to augment the yearly Revenue, &c.

IX. And be it further enacted, That from and after the Expiration of the said Fifteen Years, the yearly Interest or Produce of the Fund or Capital, to be accumulated as before directed, shall go to augment, and be deemed and considered Part of the said yearly Revenue, and shall be applicable, and be applied to the same Uses and Purposes; and for the Space of Twenty-five Years thereafter Nine-tenth Parts, and no more, of the said augmented free yearly Revenue, to be ascertained in Manner above directed, shall be annually applicable and applied to and for the Uses and Purposes aforesaid; and the remaining One-tenth Part, with all Interest accruing thereon, shall be set apart, and remain untouched, as an accumulating Fund or Capital, for the farther permanent Augmentation of the said yearly Income or Revenue.

The accumulated Funds to form Part of the Capital, and the yearly Produce of them Part of the yearly Revenue.

X. And be it further enacted, That the Fund or Funds, to be accumulated in Manner before directed, shall thereafter be preserved and compose part of the Capital or Stock of the Funds of the said Corporation, and the yearly Interest or Produce of the same shall be and form Part of the yearly Revenue of the said Corporation; and from and after the Expiration of the said Two Periods of Fifteen Years and Twenty-five Years, the total augmented free yearly Income or Revenue of the said Corporation, to be ascertained in Manner before directed, shall be applicable and applied for and to the Uses and Purposes above specified, in Manner herein-after mentioned.

After said Two Terms of 15 Years and 25 Years, the Duty called Primegilt to form

XI. And be it further enacted, That from and after the Expiration of the above Two Terms of Years, the aforesaid Rate or Duty, commonly called Primage or Primegilt, payable to the said Corporation, shall in all Time to come constitute a distinct Branch of their Revenue, and shall always be kept separate and apart from all the other Property or Revenue at any Time belonging to the said Corporation;

ration; and a regular and distinct Account of the said Rate or Duty shall be entered in a separate Book, to be kept for the special Purpose, (and in which no other Monies whatever shall be entered); to the Credit-side of which Account shall be specifically entered all the several Sums of Money levied and received for or on Account of the said Rate or Duty, of the respective Dates upon which such Sums are received; and to the Debit-side shall be entered all the Items of the Expense of levying and collecting, and of all the other Charges and Expenses whatever incurred in relation to the said Rate or Duty, in any Manner of Way; which Account shall be balanced upon the Fifteenth Day of *March*, and the Balance shall show and compose the Amount of the free Revenue or Income arising from the said Rate or Duty for the Year then ended; and upon the said Fifteenth Day of *March*, or at farthest on or before the Twentieth Day of the said Month in each Year, there shall be framed a separate specific Statement of the free Revenue arising from the said Rate or Duty for the said Year; which Statement shall be made out, examined, corrected, approved, and doqueted by the Masters and Managers of the said Corporation within the Time before prescribed; and when so doqueted shall bear Faith, in Manner before directed and provided, in relation to the general Revenue of the said Corporation.

a distinct Branch of the Revenue.

XII. And be it further enacted, That after the Expiration of the Two Periods aforesaid, the said Duty of Primage or Primegilt shall constitute and be denominated the Old Fund; and the free yearly Revenue arising therefrom, to be ascertained in Manner above directed, shall be chargeable and charged with a Sum not exceeding Fifteen Pounds *per Centum* upon its Amount, to be applicable and applied to the repairing and maintaining, and, when Occasion may require, the rebuilding of the aforesaid House or Edifice, called the *Trinity-House* of *Leith*; and to the defraying a Proportion of the ordinary Expenses incurred in the Management of the Affairs of the said Corporation; and the Residue, after Deduction of the said *per Centage*, shall be exclusively applicable, and applied in Manner after provided, to the supporting and relieving such poor, old, or infirm Members of the said Corporation, as may or shall be enrolled by them as Annuitants, and shall appear to the Satisfaction of the Committee of Management of the said Corporation, from a particular and specific Statement of the Means and Property of such Members to be produced by them and attested upon Oath, not to be possessed of Means or Income of any Description, exclusive of their Annuities or Pensions from the New Fund of the said Corporation herein-after mentioned, exceeding the Amount of Twenty Pounds Sterling yearly; and also to the supporting and relieving the Wives, Widows, and Children of such Members, and also such poor, old, or infirm seafaring Men of the Class of Mates and Sailors, and their Wives, Widows, and Children, as shall, by any General Meeting of the said Corporation, or the Majority of the Members present at the same, be considered proper and fit Objects of such Relief; and this always in such Manner, and in such Proportions, and according to such General Orders, Rules, and Regulations, as the General Meetings of the said Corporation, or the Majority

Uses and Application of said Duty, which is to be called the Old Fund.

Majority of Members present at the same, shall from Time to Time direct, approve of, and establish, in Manner herein-after provided.

The other Property and Funds to constitute one General Fund, to be called the New Fund.

XIII. And be it further enacted, That all the Estates, Funds, Property, Means, and Sources of Income or Revenue of every Description, Heritable and Moveable, (excepting only the aforesaid Rate or Duty of Primage or Primegilt,) which shall, at any Time to come after the Expiration of the aforesaid Two Terms of Years, belong to, or be enjoyed by the said Corporation, shall constitute, and shall be kept as one General Fund, to be denominated the New Fund; and a separate Statement of the gross and free yearly Income or Revenue of the said General Fund, shall, from and after the Period aforesaid, be annually made up, examined, corrected, approved, and doqueted within the Time and in Manner above directed; and the free yearly Income or Revenue arising from the same, to be so ascertained, shall be applicable, and applied to and for the Use, Behoof, Benefit, and Profit of the said Corporation, and to and for the repairing and maintaining, and, when Occasion may require, the rebuilding of the aforesaid House, called by the Name of the *Trinity House* of *Leith*, and of all other Houses, Tenements, Edifices, or Almshouses, which shall then or at any Time thereafter belong or appertain to the said Corporation; and to and for the defraying of all Charges and Expenses to be incurred in the Management of the Affairs of the said Corporation so far as the aforesaid Purposes are not answered and provided for, out of the Portion of the old Fund applicable thereto in Manner before mentioned; and to and for the supporting and relieving such Members of the said Corporation, and other seafaring Men, as shall have been regularly admitted or enrolled by the said Corporation in their respective Classes, on Payment of the usual Entrance Money, and such of the Wives, Widows, and Children of such Members as may then be, or may thereafter fall into Decay, Poverty, and Need, and as shall then or thereafter be enrolled by the said Corporation as Annuitants, and that in Manner, and in the Proportions, and subject to the General Rules and Regulations herein-after mentioned; and for all such other public Uses and Purposes of the said Corporation, as shall then have been, or then or thereafter shall be declared or appointed by any Bye-law or Order lawfully passed by the said Corporation, such Bye-laws or Orders not being contrary to or inconsistent with any of the Provisions of this Act.

Uses and Application of the New Fund.

Power in certain Circumstances to admit additional Pensioners on the New Fund.

XIV. Provided always, and be it further enacted and declared, That whenever, and as often as the Number of Pensioners in the Class of Mates and Sailors upon the said New Fund shall fall short of Seventy, it shall be lawful for any General Meeting of said Corporation, or the Majority of Members present at the same, to select and admit, without any valuable Consideration, as Pensioners upon the said Fund, as many poor, old, or infirm Persons of the same Class or Description as will complete the Number of Pensioners to Seventy.

The Distribution and Application of the Free Revenue to

XV. And be it further enacted, That the Distribution of the aforesaid free yearly Revenues, in the Manner above provided, amongst the said Members and others to be relieved thereby, and the Application thereof to the other Uses and Purposes aforesaid, shall, under the Provisions

Provisions herein-after expressed, at all Times remain, and be under and subject to the absolute Control and Direction of the said Corporation; and the aforesaid yearly Statements of the said free Revenue or Revenues, when doqueted in Manner above directed, shall, each Year after the passing of this Act, be laid before a General Meeting of the said Corporation, to be called and held for the special Purpose, on the Twenty-fifth Day of *March* yearly, if a lawful Day, and if not, on the Day following: And it shall be competent and lawful to each of the said General Meetings of the said Corporation, to be so called and held, or to the Majority of Members present at the same, under the Provisions herein-after expressed, to class the different Descriptions of Annuitants and Pensioners upon the said free Revenue or Revenues respectively, to fix the Proportions in which the same shall be distributed amongst them, and to direct the Application of the same to the other Uses and Purposes aforesaid, in such Manner as they shall see fit, and to pass and establish such General Orders, Constitutions, Rules, and Regulations, relative to the Application and Distribution of the said free Revenue or Revenues respectively, and the Classification and Payment of the Annuitants and Pensioners, as shall by them be deemed proper and expedient,

be under the Control of the Corporation.

XVI. Provided always, and be it further enacted, That it shall not be competent or lawful to the said Corporation at any of the said yearly General Meetings, to be called and holden as aforesaid, or otherwise in any Manner of way, to alter the Classification of the Annuitants and Pensioners, or to alter the Proportions of the Distribution of the said free Revenue or Revenues respectively, to the different Classes of Annuitants and Pensioners, or to apply the said free Revenues in any way which shall be prohibited by, or contrary to, or inconsistent with any of the existing and General Orders, Constitutions, Rules and Regulations for the Time being of the said Corporation, relative to the Application and Distribution of the said free Revenue or Revenues respectively, unless such General Order, Constitution, Rule, or Regulation shall have been previously repealed; nor shall it be lawful for the said Corporation at any such General Meeting or otherwise, to repeal or alter any of the said General Orders, Constitutions, Rules, or Regulations, or to pass and establish any new ones inconsistent therewith, until particular and precise Intimation of the General Order, Rule, or Regulation, one or more, proposed to be altered or repealed, or to be passed and established, shall either have been given to a General Meeting of the said Corporation, or shall have been made by the Clerk, by circular Notices, to all the Members, Fourteen Days at least previous to the General Meeting at which such General Order, Rule or Regulation, one or more, is or are proposed to be repealed, altered, or passed.

The Distribution not to be altered in any Manner contrary to the standing General Orders.

General Orders not to be repealed or altered, nor new Orders passed, without previous Intimation.

XVII. And be it further enacted, That the said Corporation shall have Power and Authority, as they are hereby authorized and empowered, at any General Meeting, by a Majority of Votes of the Members present, from Time to Time, and at all Times hereafter, at their Will and Pleasure, to admit, enter, and receive to be a Member or Members of the said Corporation, and into a Participation and Enjoyment of all the Privileges and Advantages thereof, all and whatsoever Person or

Power to admit Members on Payment of Fees or Entrance Monies.

Persons, being Shipmasters and natural Subjects of His Majesty, His Heirs and Successors, they shall see proper: Provided always, that such Person or Persons, so to be admitted and entered, shall, previous to, or upon his or their said Admission and Entry, pay, or cause to be paid to the Treasurer of the said Corporation, or the Committee for executing the Office of Treasurer, or other Person authorized for the Time to receive the same, as the Case may be, for the Use and Benefit of the said Corporation, such Sum or Sums of Money, and such Fee or Fees as shall be required and payable upon the Entrance of Members, by the Bye-Laws of the said Corporation at present in Observance and Force, or which shall be in Observance and Force for the Time being; and shall farther become subject to all such Laws, Constitutions, Orders, Regulations, and Agreements as the said Corporation from Time to Time, by Bye-Laws for that Purpose made and provided, may or shall hereafter lawfully order and appoint.

Members not to be admitted otherwise than according to immemorial Usage.

XVIII. Provided always, and be it further enacted, That it shall not be competent or lawful to the said Corporation, in any Manner of Way, to enter or admit new Members according to any other Constitutions, Rules, Principles, or Qualifications, or upon any other Conditions or Footing, or any otherwise in any Manner of Way, than according to their immemorial Usage and Practice in Times past; and that upon each and every Occasion of the Augmentation or Increase of the Rates of the aforesaid Annuities and Pensions, there shall be a proportional and corresponding Augmentation and Increase of the Rates of Entrance Money payable by Members upon their Admission into the said Corporation; and it shall not be competent or lawful to the said Corporation, after any Increase of the said Annuities and Pensions, to enter or admit any Member or Members, or others, excepting at such increased Rates of Entrance Money; and no Person or Persons otherwise admitted shall be a Member or Members of the said Corporation, or entitled to any of the Privileges thereof, but shall be ejected upon the Motion of any individual Member of the said Corporation, to be made at any General Meeting.

Administration and Distribution of the Estates and Funds and yearly Revenue, and the Books and Papers to be intrusted to the Masters, under Regulations.

XIX. And be it further enacted, That the Management, Administration, Collection, and Distribution of the whole Estates, Property, Funds, Means, and Effects, heritable and moveable, of every Description, at any Time belonging to or enjoyed by the said Corporation, and the yearly Produce, Income, or Revenue arising from the same, and all the Books, Accounts, Papers, and Writings of every Kind belonging to the said Corporation, shall at all Times be committed and entrusted to, and be under the immediate Custody and Charge of the Master, Assistant-Master, and Deputy-Master for the Time being, subject to such Regulations as any General Meeting, or the Majority of Members present at the same, may from Time to Time see expedient to pass and establish; provided that no such Regulation, moved at any General Meeting, shall be either passed or rejected before the next ensuing General Meeting; and the said Masters respectively, while in Office, shall, under the Exception herein-after mentioned, be personally responsible to the said Corporation, each for his own Intromissions with, and his own due and proper Care, Custody, Management, Administration and Application of the said Estates,

Funds,

Funds, and others, and of the said Books and Writings; and in particular, that none of the said Books and Writings shall be taken or given out of the *Trinity House* of *Leith*, excepting on the special Business of the Corporation, or in Obedience to the Warrant, Order, or Requisition of any competent Court of Law.

Mode of discharging Masters going out of Office or deceasing of their Intromissions and Administration.

XX. And be it further enacted, That upon each Occasion of the said Masters, or any of them, going out of Office, or on the Decease of any of them, the Successor or Successors in Office of such Master or Masters, and he and they is and are hereby required, with the Assistance of the Treasurer, to enter into a full Examination and Investigation of the Intromissions of the said Master or Masters so going out or dying with the Estates, Property, Funds and others, of the said Corporation, and their Management and Application thereof; and upon receiving a full and fair accounting for, and being satisfied of the Fidelity and Propriety of the said Intromissions with, and Management and Application of the same, the Successor or Successors in Office of such Master or Masters as aforesaid, shall be obliged to subscribe a Minute of a General Meeting of the said Corporation, (to be duly convened for the Purpose), agreeably to the particular Form in the Schedule (B.) annexed to this Act; the Subscription of which Minute shall for ever relieve, exonerate, and discharge the Master or Masters going out of Office, or deceasing as aforesaid, of all Responsibility in the Premises, and shall render his or their Successor or Successors in Office equally responsible for the Intromissions and Management so approved of, as for his or their own Intromissions and Management when in Office; and in case such Successor or Successors shall not be satisfied with and approve of the Intromissions and Management of his or their Predecessor or Predecessors in Office, it shall be incumbent upon such Successor or Successors to make a particular Report upon the whole Case to the said General Meeting, to be convened as aforesaid, in order that they may adopt such Measures as they may judge best in the Circumstances of the Case; and such General Meeting shall always be convened as soon as possible, and at farthest, within Fourteen Days of the going out of Office or Decease of the said Masters or any of them.

Funds to be accumulated to be under Charge of the Masters.

XXI. And be it further enacted, That the Funds to be accumulated in manner before directed shall, during the Accumulation of the same, be likewise committed to and under the immediate Charge and Management of the said Master, Assistant-Master, and Deputy-Master for the Time being; who, while in Office, shall in like Manner be respectively personally responsible to the said Corporation, each for his own Intromissions with, and Management of, and for his careful and proper Custody and keeping of the same; and upon going out of Office, or dying, such Master, Assistant-Master, or Deputy-Master, shall be relieved and discharged of such Responsibility, which shall devolve upon and be undertaken by his or their Successor or Successors in Office, in manner above directed.

Powers and Duty of the Masters to vest the ac-

XXII. And be it further enacted, That upon each and every Occasion of the said accumulating Funds arising to the Amount of One thousand Pounds Sterling, the said Masters for the Time being shall be entitled,

cumulated Funds on Securities.

entitled, of their own Authority, to employ and invest the same in the Name and for the Use and Behoof of the said Corporation, either upon undoubted heritable Security in *Scotland*, or in the National or Government Funds of *Great Britain*; and upon each and every Occasion of the said accumulating Funds arising to the Amount of Two thousand Pounds Sterling, the said Masters shall be bound and obliged as soon as possible, and within Three Months at farthest, to employ and vest the same in Name and for Behoof of the said Corporation, in one or other of the Ways above directed.

The Masters to find Security for their Intromissions and Administration.

XXIII. And be it further enacted, That the Master, Assistant-Master and Deputy-Master of the said Corporation shall, before entering upon their Offices, be respectively bound and obliged to find good and sufficient Caution and Security to the Satisfaction of the said Corporation, each for his own Intromissions with, and due and proper Custody, Management, Administration and Application of the Estates, Property, Funds and others aforesaid, and of the Books, Writings, and Papers of the said Corporation, in such Manner and to such Extent as the said Corporation shall, from Time to Time, direct by any Bye-Law or Order, but in no Case whatever to a less Amount than Five hundred Pounds Sterling for the Master, and for the Assistant and Deputy Master One hundred Pounds each: Provided always, that no Member of the said Corporation shall, in this or in any Case whatever, be admitted or received as Cautioner or Surety to the Corporation for any Master, or any other Person whomsoever acting in the Execution of this Act.

The Masters to have the Assistance of a Treasurer, or other Person discharging that Office, and Clerk.

XXIV. And be it further enacted, That in the Management, Administration, Collection, Distribution, and Application of the said Estates, Funds, and others, and the Revenues arising therefrom, and in the keeping of the Books and Accounts, the said Masters may and shall employ and have the Services and Assistance of the Treasurer to the said Corporation, or other Person or Persons discharging that Office, for the uplifting, receiving, and recovering, and disbursing and paying out, and in the general daily Receipt, Administration, and Application, and in keeping the Accounts of the said free yearly Revenue or Revenues, as well as in the general Management of the said Estates, Funds, and others themselves, and also of the Clerk to the said Corporation in the keeping the Books and Accounts, and conducting the Correspondence, and other like Matters of the said Corporation, subject always to the immediate Directions, Control, and Superintendance of the said Masters; and the said Masters shall not be personally responsible, excepting each for his own actual Intromissions, for any Monies of the yearly Revenues of the said Estates, Funds, and others, all of which it shall be the Duty of the Treasurer, or Committee, or other Person or Persons discharging the Office of Treasurer, to uplift and receive, and dispose of in the Course of the due and proper and ordinary Management, Administration, and Application of the said Revenues, and of the Affairs of the said Corporation; but the said Masters shall be personally responsible for the Capital or Stock of the said Estates and Funds, and others, and all Property, Monies and Effects composing the same; and the said Treasurer, or other Person or Persons discharging that Office, shall be personally

responsible, and shall be bound and obliged, before entering upon the same, to find Two respectable and responsible Persons to the Satisfaction of the said Corporation, as Cautioners and Sureties for his or their faithful Intromissions with, and Management and Application of the Monies entrusted to him or them, each Surety to be bound, conjunctly and severally, for and with him or them, to the Extent of Five hundred Pounds Sterling at least, and to such greater Extent as the said Corporation may from Time to Time direct and appoint, by any Bye-Law or Bye-Laws.

Treasurer not to act as Clerk, and vice versa.

XXV. And be it further enacted, That it shall not be lawful for the said Corporation to appoint or continue the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Corporation for the Purposes of this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered before the Judge Ordinary of the said County, or the Court of Session, with full Expences of Process.

Masters and Managers to examine and report upon the Accounts Quarterly, under a Penalty.

XXVI. And be it further enacted, That it shall be the Duty of the said Masters and Managers, and they are hereby required Once in every Three Months, fully and strictly to examine the Accounts of the Treasurer, or the Committee, or other Person or Persons discharging the Office of Treasurer; and generally all the Accounts of the Receipts and Disbursements, and Affairs of the said Corporation, and the Vouchers and Instructions of such Accounts, and to satisfy themselves of the Correctness of such Accounts, and of the faithful Intromissions and Management of the Treasurer or Committee, or other Person or Persons discharging the said Office, and to make Quarterly Reports upon the same, to the said Corporation, under the Penalty, in case of Failure, of being held personally responsible for any Error in the Accounts, or Defalcation or Deficiency in the Funds which shall afterwards be found to have occurred or existed during any Time in and for which they ought to have examined the said Accounts, but failed so to do.

Prohibition against alienating or contracting Debt upon the Estates, Funds, and Property of the Corporation.

XXVII. And be it further enacted, That it shall, upon no Ground or Pretext whatever, be competent or lawful to the said Corporation to alienate, dispone, assign, transfer, or convey, or contract Debt upon, impignorate, impledge, or mortgage, or in any other Manner of way alienate, dilapidate, put away, or burden the Estates, Property, Funds, Means, and Effects, heritable or moveable, of any Description at any Time belonging to or enjoyed by the said Corporation, or any Part or Portion of the same, or the Produce, Incomes, or Revenues arising from the same, or any Part or Portion thereof, or to do any Act or Deed, whereby the said Estates and others, or any Part thereof, or

the said Revenues or any Part thereof, may be alienated, evicted, adjudged, or burdened in any Manner of Way; but the same shall at all Times remain and be altogether unalienable and incapable of being impledged or burdened by them: Provided always, that nothing herein contained shall have, or be construed to have, the Effect of preventing the said Corporation from levying and uplifting, from Time to Time, as they may see proper, all or any Part of the Stock or Capital of their Funds, from the Securities or other Investments in which they may stand or be employed, from Time to Time, and re-employing the same upon new Securities and Investments; or have the Effect of infringing, limiting, or restraining, in any Manner of Way, their free, full, and absolute Control, Management, and Administration of the Capital or Stock of their said Estates, Property, and Funds, as well as of their Revenues aforesaid, for the proper Use and Behoof of the said Corporation.

The Funds and Property not to be liable for the Intromissions or Actings of the Masters in any other Capacity.

XXVIII. And be it further enacted, That the said Estates, Property, Funds, and Revenues of the said Corporation, shall in no Case, or in any Manner of Way, or in any Respect, be answerable or liable for the Intromissions or Actings of their Master, Assistant Master, Deputy Master, or other Office-bearers, or any of them, in the Management of any other public or private Estates, Funds, or Revenues or Affairs, of which he, they, or any of them, may at any Time be Trustees or Managers, or may have any Charge or Management, by virtue of the Offices held by them in the said Corporation, or any otherwise, or for their Actings or Management, in any other public or private Capacity which they may happen to hold by virtue or in consequence of their Offices in the said Corporation, or any otherwise.

The Annuities and Pensions not to be arrestable.

XXIX. And whereas the Annuities or Pensions, or other Monies payable or paid by the said Corporation to their Annuitants or Pensioners are chiefly of an eleemosynary Nature; be it therefore enacted, That such Annuities, Pensions, or other Monies to be at any Time payable or paid as aforesaid, shall not be arrestable, poindable, distrainable, or affectable by the Creditors of the said Annuitants or Pensioners, or any other Person or Persons whomsoever, nor subject to any legal Attachment, Diligence, or Execution whatever, but shall be entirely appropriated to the Maintenance, Support, and Relief of the said Annuitants and Pensioners; and the using of Arrestment, or any other legal Diligence, shall be no Hindrance or Interpellation to the Payment of such Annuities and Pensions; and in case any Creditor of such Annuitants or Pensioners, or any other Person whatsoever, shall attempt to pursue or follow out any Arrestment or other Diligence, by citing the said Corporation, and the said Annuitant or Pensioner, in any Process of Furthcoming or other Process or Action at Law, before any Court or Courts of Law in *Scotland*, relative to, or for the Transference, Adjudication, or Forthcoming of such Annuities, Pensions, or other Monies to him the Pursuer, the Judge or Judges of the said Court or Courts are hereby expressly authorized and empowered and required *instanter* to dismiss such Process or Action, and to decern the Pursuer or Pursuers of the same in Payment to the said Corporation, and the said Annuitant or Pensioner of the full Expences or Costs to be incurred

by them respectively in or in relation to the said Process or Action, as the same shall be properly chargeable against the said Corporation, and the said Annuitant or Pensioner respectively, subject to no Modification or Restriction whatever, and of the full Dues of extracting the Decrees to be so pronounced, and of all Expences of Diligence to be incurred in enforcing the said Decrees.

Confirmation of the Powers of the Corporation to license Pilots.

XXX. And be it further enacted, That nothing in this Act contained shall repeal, alter, impair, or do away, or be construed to repeal, alter, impair, or do away, any of the Powers, and Authorities hitherto lawfully enjoyed and exercised by the said Corporation, by virtue of immemorial Usage, of the Royal Warrant and Charter aforesaid, or in any other way, relative to the licensing, and Regulation and Government of Pilots, or other Matters of Pilotage; or any of the Fees, Dues, Penalties, or Payments, either annual or otherwise, presently exigible from Pilots licensed by the said Corporation, or to be hereafter so payable or exigible; or any of the Rights, Liberties, and Privileges enjoyed by the Pilots licensed by the said Corporation, except in so far as such Powers and Authorities, Fees, Dues, Penalties or Payments, and Rights, Liberties, and Privileges, are repealed, altered, impaired, or done away by this Act.

Power to recall all Licences already granted or to be granted to Pilots.

XXXI. And be it further enacted, That it shall be competent and lawful to the said Corporation and their Successors, and they are hereby empowered, at any Time after the passing of this Act to recall and annul all Licences already granted or to be granted by them, as authorized and empowered in Manner aforesaid, to any Pilot or Pilots, within Three Calendar Months after public Intimation to be made of such Recall, Three several Times, at the Intervals of a Fortnight, in each of the Three *Edinburgh* Newspapers, called the *Edinburgh Courant*, *Edinburgh Advertizer*, and *Caledonian Mercury*, or any Three of the principal *Edinburgh* Newspapers for the Time being; and all such Licences so to be recalled shall, from and after the Expiration of Three Calendar Months after the first Insertion of such public Intimation in the Newspapers as aforesaid, be and the same are hereby declared to be void and null, and for ever at an End; and any Pilot or Pilots already licensed, or to be licensed by the said Corporation, who shall not return his or their Licence or Licences to the said Corporation within the said Space, or who, upon any Pretext whatever, shall afterwards presume or take upon him or them to act, or to ask or receive Payment as licensed Pilots, shall not only have no Claim or Title to any Fee or Remuneration for so acting, or for such Employment, but in case of receiving it, shall be liable and be bound and obliged to pay over the same to the said Corporation, for the proper Use and Behoof thereof, and shall further be severally subject to and liable in a Penalty of Ten Pounds Sterling, to be levied and applied in Manner after provided: Provided always, that notwithstanding such Recall of their Licences, it shall still be lawful to the said Corporation to recover, as accords, all Sums, Fees, and other Payments due to them by all or any of the said Pilots.

The Powers to license Pilots ex-

XXXII. And be it further enacted, That from and after the passing of this Act it shall be lawful to and for the said Corporation of the Master

plained and amended.

Master and Assistants of the *Trinity-House* of *Leith*, and their Successors, and full Power, Warrant, and Authority is hereby given and granted to them, and to their Successors in all Time coming, and they are hereby required, at any General Meeting to be held by them, or by any Committee of their Number to be from Time to Time appointed by them for the special Purpose, (which Committee they are hereby empowered to appoint), from Time to Time to examine any or all such Person or Persons as they or a Majority of them shall think fit and proper, and who for the Space of Seven Years or more, shall have been actually engaged, and actively employed as seafaring Men, and during that Space shall have sailed for Three Years or longer Time in a square-rigged Vessel, with regard to their Skill, Knowledge, and Experience, in the navigating, piloting, and conducting His Majesty's Ships and Vessels of War, and all other Ships and Vessels of whatever Description, sailing and navigating up and down, inwards and outwards, of the Frith of *Forth*, in and through the Seas and Friths, and along the Coasts and Islands of the *Northern* and *German Oceans*, and in and through, and along or upon, the Seas, Friths, Sounds, Bays, Inlets, and along the Coasts of *Scotland*, and of the *Orkney*, *Shetland*, and *Lewis Islands;* and such Examination being so had and made as aforesaid, and the said General Meeting, or Committee or Majority of either being satisfied of the Skill, Knowledge, and Experience of such Person or Persons as aforesaid, it shall be lawful to and for the said Corporation, and they and their Successors are hereby empowered, under their Common Seal, to license and authorise all or any of such Persons so examined and found qualified to act in the Capacity of Pilot or Pilots, for all such Ships or Vessels, either generally over the Whole, or within such particular Part or Parts, or Subdivisions of the Bounds or Limits before mentioned, as shall be expressed in the Licence, according as such Person or Persons, upon his or their Examination aforesaid, may or shall be found properly qualified.

Exclusive Right and Privilege of Pilots licensed by the Corporation.

XXXIII. And be it further enacted, That the Pilots already licensed or to be licensed and authorised by the said Corporation, in Manner aforesaid, shall with and under the Exceptions and Reservations hereinafter expressed have and enjoy the sole and exclusive Right and Privilege of navigating, piloting, and conducting all Merchant and Trading Ships and Vessels up and down, along and within the Frith of *Forth* from a Line running directly from *Saint Abb's Head* on the South Side or Shore to *Fifeness* on the North Side or Shore of the said Frith, up to *Carron* Roads; and the said Corporation and their Successors shall have and enjoy the sole and exclusive Power and Authority to license and authorise Pilots, and shall possess and enjoy sole and exclusive Jurisdiction in all Matters of Pilotage, within the Limits now specified; and no unlicensed Person or Persons shall, after the Appearance and Offer of Service of any Pilot licensed by the said Corporation, have Right or be entitled to navigate, pilot, or conduct Vessels within the Limits now expressed, upon any Ground or Pretext whatever: Provided that such licensed Pilot shall appear and make Offer of his Services within an Hour after the Vessel shall have hoisted and kept constantly flying the usual Signal for a Pilot, the Time to be ascertained by the Oath of the Master of the Vessel; and excepting always Cases of Danger to any Vessel by reason of Stress

of

of Weather, where, before such licensed Pilot has appeared and offered his Services it may be necessary to employ any unlicensed Person or Persons.

Entitled to supersede unlicensed Persons in the Charge of Vessels.

XXXIV. And be it further enacted, That it shall be lawful for any Pilot already licensed, or to be licensed by the said Corporation as aforesaid, and he shall be entitled, provided he appears and makes offer of his Services within the Time aforesaid, to supersede, in the Charge of any Ship or Vessel within the Limits of his Licence, any Person not licensed as a Pilot, or any Pilot not licensed within the Limits in which such Ship or Vessel may be for the Time; and every Master, or other Person in Command or Charge of any Ship or Vessel, within the Limits above specified of the Jurisdiction of the said Corporation in Matters of Pilotage, who, after such licensed Pilot shall have offered to take Charge of the Ship or Vessel, shall allow any unlicensed Person, or any licensed Pilot acting out of the Limits of his Licence, either to continue in or to assume the Charge of any Merchant Ship or other Vessel as Pilot, and every Person who shall thereafter either assume or continue in the Charge or Conduct of any Ship or Vessel as Pilot, without being duly licensed to act within the Limits in which such Ship or Vessel shall actually be for the Time, shall respectively forfeit and pay to the said Corporation, for every such Offence, Double the Amount of the Sum which would have been exigible for the Pilotage of such Ship or Vessel, over and above a Penalty or Sum not exceeding Five Pounds Sterling to be levied and applied in Manner herein-after provided.

No King's Ship or Vessel to be obliged to employ a Pilot.

XXXV. Provided always, and be it further enacted, That nothing herein contained shall oblige the Captain or other Person in command of any Ship or Vessel belonging to His Majesty, His Heirs and Successors, to take a Pilot on board within the said Limits, unless he shall see proper so to do; nor shall the Captain or Master of any other Ship or Vessel be prevented from piloting and conducting his own Vessel within the Limits aforesaid, if so inclined.

The Right of the Magistrates and Council of Edinburgh to license Pilots, and the Rights of all others reserved.

XXXVI. And provided farther, and be it enacted, That nothing contained in this Act shall limit, restrict, abridge, or interfere with the Right of the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and their Successors in Office, of appointing Pilots for the Navigation of the Port, Harbour, and Roads of *Leith*, and their Pertinents, in the same Way and Manner as they have hitherto enjoyed and do now enjoy the same; nor shall extend or be construed to extend to the taking away, abridging, or defeating any Grants, Liberties, or Privileges heretofore granted by any Act of Parliament to the Pilots licensed by any other Body Corporate or Politic, or other Persons within *Scotland*, empowered by Act of Parliament to license Pilots, or the Powers and Authority of any other such Body Corporate or Politic, or other Persons having separate Jurisdiction in Matters of Pilotage within any Ports or Districts within *Scotland*, under any Act of Parliament.

The Pilots to be under the Controul

XXXVII. And be it further enacted, That from and after the passing of this Act all Persons already licensed, or hereafter to be licensed to act

of the Corporation.

act as Pilots by the said Corporation, or their said Committee, in Manner aforesaid by virtue of this Act, shall be subject to and under the Control, Regulation, and Government of the said Corporation and their Successors, or of the Committee to be appointed by them for the special Purposes aforesaid, or of the Masters of the said Corporation, in such Manner as shall already have been or shall from Time to Time be hereafter directed and approved of by the said Corporation, by any Bye-Law or Bye-Laws to be hereafter by virtue of this Act from Time to Time passed by them, relative to the Regulation and Government of the said Pilots, or any other Matter of Pilotage.

Power to make Bye-laws for the Government of the Pilots, and to fix the Fees, &c. payable by them.

XXXVIII. And, for ensuring the good Conduct and constant Attendance of the Pilots already licensed, and to be hereafter licensed, upon their Duty, and for enforcing the general Purposes of this Act, be it enacted, That the said Corporation and their Successors, or the Majority of Members present at any General Meeting thereof, shall be and they are hereby authorized and empowered from Time to Time to make and frame all such Bye-Laws, Rules, Orders, and Regulations as they shall think fit, and from Time to Time to determine and direct what Fees, not exceeding One Guinea, shall be paid by the said Pilots to the said Corporation and their Successors, for the Use and Benefit of the said Corporation, for the Examination of such Pilots, and for the granting, renewing, or extending their Licences from Time to Time; and what annual Rates, Dues, or other Sums, not exceeding Two Guineas, shall be paid by such Pilots to the said Corporation for continuing and confirming their Licences, which Fees and Rates such Pilots shall be obliged to pay to the said Corporation or their Treasurer for the Time being; and to impose such reasonable Penalties and Forfeitures, not exceeding Five Pounds Sterling, upon such Pilots for the Breach of such Bye-Laws, Rules, and Orders, when made, or for Failure in Payment of such Fees, Rates, or other Sums, as to them shall seem expedient; and from Time to Time to repeal, annul, alter, and amend all or any of the existing Bye-Laws, and to make such other new Bye-Laws, Rules, Orders, and Regulations as they shall from Time to Time think proper, provided they be not repugnant to the true Intent and Meaning of this Act, or to the Laws of this Realm.

The Bye-Laws to be sanctioned by the Lord President, &c.

XXXIX. Provided always, and be it further enacted, That no Bye-Laws, Rules, or Regulations hereafter to be passed by the said Corporation, relative to any Matter of Pilotage, shall have Force or Effect before they shall have been examined, sanctioned, and approved of by the Lord President of the Court of Session in *Scotland*, or the Lord Justice Clerk of *Scotland*, or the Judge of the High Court of Admiralty in *Scotland*, or His Majesty's Advocate for *Scotland* for the Time being, or either of them, whose Approbation shall be signified under Hand and Seal; but, when so made and confirmed, such Bye-Laws, Rules, Orders, and Regulations shall be observed and put in Execution, and shall have the same Force, Effect, and Operation, to all Intents and Purposes, as if the same had been enacted by this Act.

XL. And

Before being sanctioned, to be hung in all the Custom Houses, and Notice given in the Edinburgh Gazette.

XL. And in order that all such proposed Bye-Laws and others relative to Matters of Pilotage may be previously submitted to the Examination of all Parties interested therein, be it enacted, That printed Copies of such Bye-Laws and others shall be transmitted by the said Corporation to the Commissioners of Customs in *Edinburgh*, Three Calendar Months before the same shall be submitted to the said Lord President, Lord Justice Clerk, Judge Admiral, and Advocate as aforesaid; and the said Commissioners are hereby required, upon Receipt of such printed Copies, to cause the same to be hung up in the several Custom Houses of *Scotland*, to be open to the Inspection of all Persons interested therein, at all seasonable Times; and public Notice shall be given by the said Corporation, in the *Edinburgh Gazette*, of such proposed Bye-Laws being hung up for Inspection as aforesaid.

When sanctioned, to be hung up in the Custom Houses, and at the Trinity House.

XLI. And be it further enacted, That printed Copies of all such Bye-Laws, Rules, Orders, and Regulations, as shall be so made and confirmed as aforesaid, shall be hung up in some conspicuous Place in the several Custom Houses of the Ports of *Scotland*, and also at the said *Trinity House* of *Leith*.

The Pilots to find Security for their Observance of the Bye-laws and Payment of their Fees.

XLII. And be it further enacted, That every Pilot already licensed by the said Corporation, shall, within Two Months of his being required by them, and every Person who shall hereafter apply to the said Corporation, to be examined and licensed to act as a Pilot by virtue of this Act, shall, before any Licence be granted to him, execute and deliver to the said Corporation, a Bond or other Obligation, by himself and Two sufficient Cautioners or Sureties, to the Satisfaction of said Corporation, binding themselves, conjunctly and severally, for his the said Pilot's uniform and due Observance of, and Obedience to all the said Bye-Laws, Rules, Orders, and Regulations existing and in force for the Time being, in all Matters of Pilotage, and for his regular Payment of all annual Rates, Dues, Penalties, or other Sums, exigible for the Time being by the said Corporation, under a Penalty not exceeding Five Pounds Sterling, over and above Payment and Performance, as the said Corporation shall for the Time being require, by any existing Bye-Law already made and passed, or to be passed by them in that Behalf in pursuance of this Act.

Pilots not to act until their Licences are noted or registered at the Custom House.

XLIII. And be it further enacted, That no Person already licensed, or to be hereafter examined and licensed as a Pilot by the said Corporation in Manner aforesaid, shall take Charge of any Vessel, or in any Manner act as a Pilot, or receive any Compensation for acting as a Pilot, until his Licence shall have been noted or registered by the Officers of the Custom House of the Place at or nearest to which he shall reside, (which Officers are hereby required to note or register the same without Fee or Reward); nor without having his Licence, at the Time of his so acting, in his personal Custody, and actually producing the same to the Master of any Ship or Vessel, or other Person desirous of employing him as a Pilot, under a Penalty to the said Corporation of a Sum not exceeding Three Pounds for the First Offence, and not exceeding Five Pounds for the Second Offence, and under the Penalty of Forfeiture of his Licence for any subsequent Offence.

XLIV. And

Notice of the Appointment of each Pilot to be fixed up at the Trinity-House and Custom Houses.

A printed List of all the Pilots to be each Year hung up in all the Custom Houses.

XLIV. And be it further enacted, That whenever and as soon as the said Corporation shall have licensed any Pilot or Pilots, they shall cause his or their Appointment as Pilots to be published, by fixing up a Notice thereof, in Writing, at the *Trinity House* of *Leith*, and at the respective Custom Houses of the Ports within the Limits of such Pilot's Licence, which Notice shall specify the Extent of the Licence or Licences of such Pilot or Pilots; and farther, that the said Corporation shall, in the Month of *January* yearly, cause to be printed, and sent to each of the Custom Houses in *Scotland*, to be there hung up in some conspicuous Place, an accurate List of all the Pilots licensed by them, and acting under their Authority for the Time, specifying the Limits of each Pilot's Licence.

The Heirs of a deceased Pilot to transmit his Licence to the Corporation.

XLV. And be it further enacted, That on the Death of any Pilot already licensed, or to be licensed by the said Corporation, his Heirs, Executors, or other Person or Persons into whose Hands his Licence shall have come, shall, without undue Delay, transmit such Licence to the said Corporation, under the Penalty, for any Neglect, Delay, or Refusal, so to transmit the same, of a Sum not exceeding Five Pounds, to be paid to the said Corporation.

Penalties on Pilots declining to take Charge of a Vessel, &c.

XLVI. And be it further enacted, That if any Pilot already licensed, or to be licensed, by the said Corporation, or their Successors, by virtue of this Act, shall, on any groundless or frivolous Pretext, or without good, lawful, and sufficient Cause to be immediately assigned and shewn by him, decline or refuse to take Charge of any Ship or Vessel when required and when disengaged, or, on being required by the said Corporation, or by any Captain or Commanding Officer of His Majesty's Ships or Vessels, or by the Master, or other Person having the Charge of any Merchant or other Ship or Vessel, shall decline to go on board of any Ship or Vessel, or when required by any Commissioned Officer of His Majesty's Navy, or by any principal Officer of His Majesty's Customs, or by any Person or Persons interested as Principal or Agent, for or on Behalf of any Ship or Vessel wanting a Pilot, or after he shall have seen the Signal for a Pilot hoisted as aforesaid, shall decline to go off to, and take Charge of any Ship or Vessel, when it shall be safe so to do, or shall in anywise delay going on board any such Ship or Vessel, and taking Charge thereof, or shall quit the same, or decline the piloting thereof, after he has been engaged, without Leave of the Captain or Commanding Officer of any of His Majesty's Ships, or of the Owner, Master, or other Person having the Chief Command or Charge of any Merchant or other Ship or Vessel, and before the Service shall have been performed for which he was hired; or shall exact, or demand, or bargain for any other or greater Payment, Charge, or Reward for Pilotage, than is allowed by the Rates legally established by the said Corporation, and in Observance and Force for the Time being, or shall, by Drunkenness, render himself incapable of conducting any Ship or Vessel, or shall from Negligence, gross Ignorance, or Intention, run any Vessel on Shore, or lose, or do any Injury to the same, or to the Tackle or Furniture thereof, or shall lend his Licence to any unlicensed Person, to enable or assist him to act, or claim to act as a licensed Pilot, or to aid or assist any Person or Persons engaged in any Smuggling

on exacting higher Fees than allowed,

and for Drunkenness, Negligence or gross Ignorance, lending his Licence.

Transaction,

Transaction, such Pilot shall, for every such Offence, forfeit and pay to the said Corporation any Sum not exceeding Ten Pounds Sterling, and shall farther be liable to be dismissed from being or suspended from acting as a Pilot, at the Discretion of the said Corporation.

Penalties on Pilots for conducting Vessels into Danger, or unnecessarily cutting Cables, &c.

XLVII. And be it further enacted, That if any such Pilot as aforesaid shall wilfully and knowingly conduct, lead, decoy, or betray any Ship or Vessel into Danger, or shall unnecessarily or improperly cut, or cause to be cut, any Cable or Cables of or belonging to any Ship or Vessel, or by wilful Misrepresentation of any Circumstances upon which the Safety of any Ship or Vessel shall appear materially to depend for the Time being, shall obtain, or endeavour to obtain, the Charge or Conduct of any such Ship or Vessel; then and in every such Case such Pilot so offending, or aiding in, procuring, abetting, or conniving at the committing of any such Offence, shall forfeit and pay to the said Corporation, a Penalty or Sum not exceeding Five Pounds Sterling, to be levied and applied in Manner herein-after provided; and shall farther be either dismissed from being or suspended from acting as a Pilot for a limited Period, at the Discretion of the said Corporation.

Penalties on Pilots for unnecessarily making use of any Boat, Anchor, &c. to enhance the Charge of Pilotage.

XLVIII. And be it further enacted, That if any such Pilot as aforesaid, shall employ or make use of, or cause or require to be employed or made use of, any Boat, Anchor, Cable, Hawser, or any other Matter or Thing, in or for the Service, or pretended Service, of any Ship or Vessel, beyond what shall actually and *bonâ fide* be necessary and proper for the Use thereof, with Intent thereby to enhance or increase the Charge or Expense of Pilotage, whether for his own Gain and Emolument, or for the Gain and Emolument of any other Person or Persons whomsoever, he shall, in every such Case, forfeit and pay to the said Corporation, a Penalty not exceeding Five Pounds Sterling, and shall also be liable to be deprived of his Licence, or to be suspended from acting as a Pilot for a limited Time, at the Discretion of the said Corporation.

Pilots not to be taken to Sea except in case of Necessity.

XLIX. And be it further enacted, That no Pilot already licensed, or to be licensed, by the said Corporation as aforesaid, shall be taken to Sea by the Captain or Commanding Officer of any of His Majesty's Ships or Vessels, or by the Master or other Person in Command or Charge of any other Ship or Vessel, excepting in case of absolute and unavoidable Necessity; and in such Case, every such Pilot so taken to Sea by the Commanding Officer of any of His Majesty's Ships or Vessels, shall be paid agreeably to the existing Regulations of His Majesty's Navy Board for the Time; and if so taken to Sea by the Person in Charge of any other Ship or Vessel, shall receive Ten Shillings and Sixpence Sterling *per* Day until he shall be returned to the Port or Place where he was taken on board, or shall have been discharged from the Ship for a sufficient Time to have enabled him to return there.

A Pilot suspended or dismissed to

L. And be it further enacted, That any Person suspended for a limited Period, or dismissed from acting as a Pilot, by the said Corporation,

be subject to all Penalties for acting as a Pilot.

poration, who shall, during the Time of his Suspension, or after his Dismissal, take upon himself the Charge, as a Pilot, of any Ship or Vessel, shall be liable to pay, and shall pay to the said Corporation, all the Penalties and Forfeitures to which any Person not licensed as a Pilot would be liable and subject for so doing, to be levied and applied in Manner after provided.

Pilots to pay a Sum annually to the Corporation.

LI. And be it further enacted, That from and after the passing of this Act, each and every Pilot already licensed, or to be licensed, by the said Corporation as aforesaid, shall on or before the Fifteenth Day of *December*, and in all Time to come pay, or cause to be paid to the said Corporation, or to the other Person or Persons appointed by them to receive the same, the Sum of One Guinea or such other annual Rate or Payment not exceeding Two Guineas as shall be made payable by any Bye-Law to be made and passed by the said Corporation, and to be sanctioned and confirmed in Manner before provided; and in case such annual Payment, exigible for the Time being, shall not be duly made by the said Pilots respectively, it shall be lawful for the said Corporation to suspend the Person or Persons failing in Payment from acting as Pilots, until due Payment of such annual Sums, besides recovering the same in such other lawful Manner as they may see proper.

The Rates in Schedule C. and no other to be exigible by the Pilots.

LII. And be it further enacted, That from and after the passing of this Act the respective Rates, Charges, or Prices herein-after enumerated and specified in the Table in the Schedule (C.) to this Act annexed, may and shall be lawfully demanded, exacted, and received by every Pilot licensed by the said Corporation, for the piloting or conducting of any Ship or Vessel from Place to Place as expressed in the said Table, and that no greater Rates or Prices, or other Reward or Emolument, shall, under any Pretence whatever, be demanded, exacted, or received by any such Pilot.

Charges for Pilotage when to be paid.

LIII. And be it further enacted, That on the Arrival of any Ship or Vessel at, and as soon as she shall be safely brought to anchor, in any Port or Harbour, or safe Road-stead, within the Bounds or Limits aforesaid, or as soon as such Ship or Vessel shall quit or leave the said Bounds or Limits, in the Prosecution of her Voyage, it shall be lawful for the Pilot to demand the Pilotage due to him according to the said Table, and to quit the Ship forthwith, unless he shall be expressly required by the Master, or other Person in Charge of such Vessel, to remain longer on board; in which Case he shall be bound to comply, but shall be entitled to Seven Shillings *per* Day for all the Time he shall be so detained, over and above his Fees of Pilotage.

Charges for Pilotage, if not instantly paid, how recoverable, in the Case of all Vessels not Foreign.

LIV. And be it further enacted, That in case of Failure in instant Payment of the Charges for Pilotage as above provided, all Sums of Money which shall become due for Pilotage to any Pilot licensed by the said Corporation, shall and may be recovered from the Owners or Masters of all Ships or Vessels not Foreign, or from the Consignees or Agents thereof, or any other Person who shall have paid, or made himself liable to pay, any other Charge for the Ship or Vessel in the Port of her Delivery; and shall and may be recovered in *Scotland*, in

such and the like Manner as any other Charge for the Ship or Vessel may be recovered according to the Laws and daily Practice of *Scotland*, and in *England* or *Ireland* according to the Laws and Practice of those Kingdoms.

How recoverable in the Case of Foreign Vessels.

LV. And be it further enacted, That in the Case of Foreign Ships and Vessels, the Consignees or Agents who shall have paid, or engaged to pay, any Charge whatever in relation to such Ship or Vessel, shall be liable in Payment of, and obliged to pay all Sums due to the Pilot or Pilots duly licensed by the said Corporation, who shall have piloted such Ships or Vessels, for the Pilotage of the same, on Oath being made by such Pilot before any Justice of the Peace, that the said Pilotage has not been paid by the Captain or other Person having Charge of such Ship or Vessel: Provided always, that Payment thereof shall be demanded from such Consignee or Agent within Ten Days after the same has become due; and such Consignee or Agent is hereby authorized and empowered to retain in his Hands, out of any Monies which he may have received, or shall receive, for or on account of such Foreign Ship or Vessel, or the Owner or Owners, or Master thereof, so much as shall be sufficient to pay and discharge such Pilotage, and any Expences attending the same; and in case such Pilotage shall not be paid, either by the Master or Consignee or Agent of such Foreign Ship or Vessel, the same shall be recoverable by the Pilot to whom it is due, in *Scotland*, in such and the like Manner as any other Charge for or against such Ship or Vessel may be recovered by the Laws and Practice of *Scotland*, and in *England* or *Ireland* according to the Laws and Practice of those Kingdoms.

Incapacity or Misconduct of Pilots, not to void any Contracts of Insurance, &c.

LVI. Provided further, and be it enacted, That no Owner or Master of any Ship or Vessel shall be answerable for any Loss or Damage, and that no Owner or Owners of any Ship or Vessel, nor any Owner or Consignee of Goods, shall be prevented from recovering any Loss or Damage, upon any Contract of Insurance of the same, or upon any other Contract relating to any Ship or Vessel, or any Cargo on board the same, for or by reason or in respect of any Neglect, Default, Incompetency, Incapacity, or Misconduct of any Pilot taken on board of any such Ship or Vessel, under or in pursuance of and in conformity to the Provisions of this Act.

All Remedy by civil Action against the Pilots reserved.

LVII. Provided always, and be it further enacted, That no Person or Persons shall be deprived by this Act, or any of the Provisions thereof, of any Remedy by civil Action against any Pilot or Pilots, or other Person or Persons, which he or they might have had, if this Act had not been passed.

Fines and Penalties how to be recovered.

LVIII. And be it further enacted, That all the Fines, Penalties and Forfeitures at present lawfully exigible by the said Corporation, or imposed by this Act, or which shall be imposed by any Bye-Law to be made by the said Corporation, and confirmed under Authority of this Act, shall and may be levied and recovered, within Twelve Calendar Months after the Offence or Offences committed, before any Sheriff, Justice of the Peace, Magistrate, or other Judge Ordinary of or for the

the County, City, Town, or other Place or Bounds within which the Offence or Offences shall be committed; or if committed by any Pilot before any such JudgeOrdinary of the Bounds to which such Pilot shall belong; or if committed by any Owner, or Master, or other Person having Charge of any such Ship or Vessel, by any such Judge Ordinary of the Bounds within which such Owner, or Master, or other Person shall reside, or to which such Ship or Vessel shall belong; or if committed by any Owner, Master, or other Person having Charge of any Foreign Ship or Vessel, before any such Judge Ordinary of the Bounds within which the said Owner, Master, or other Person or Vessel, may at any Time be found, within the Twelve Calendar Months aforesaid; or the said Fines, Penalties, and Forfeitures, may be levied and recovered from the Consignee or Agent for any such Foreign Ship or Vessel having in his or their Hands Monies or Effects for or on account of such Ship or Vessel, or of the Owner or Owners or Masters thereof, before the Judge Ordinary of the Bounds within which such Consignee or Agent shall reside: Provided that the same shall have been demanded from such Consignee or Agent, during such Time as he was possessed of such Monies or Effects.

By Petition or Complaint to the Judge Ordinary.

LIX. And be it further enacted, That such Fines, Penalties, and Forfeitures shall be recovered in the Form and by virtue of a Petition or Complaint, to be made and presented to the said Sheriff or other Judge Ordinary aforesaid by the said Corporation, or any Person having their Consent and Authority in Writing to make and present the same.

Powers and Duties of the Judge Ordinary to whom the Petition or Complaint is presented.

LX. And be it further enacted, That the said Sheriff, Justice of the Peace, Magistrate, or other Judge Ordinary aforesaid, to whom such Petition or Complaint shall be competently presented, as above provided, shall, and he is hereby empowered and required to granta Warrant, to bring before him such Offender or Offenders, at the Time and Place to be specified in such Warrant, and upon his, her, or their Confession, or on the Evidence of One or more credible Witness or Witnesses upon Oath, (which Oath such Judge-Ordinary is hereby empowered to administer), in a summary Way, to find the Offender or Offenders complained upon, guilty of the Offence or Offences committed by them respectively, if he or they shall appear so to be, and to adjudge, decern, and ordain him or them to make Payment to the said Corporation, or Person or Persons having their written Consent and Authority as said is, of the Fine, Penalty, or Forfeiture, or Fines, Penalties, or Forfeitures, imposed by this Act in respect of the Offence or Offences committed by him or them respectively, and of all Costs of Suit, and of the Dues of extracting the Decree or Warrant, or Decrees or Warrants, to be pronounced and given forth by the said Judge Ordinary for the Payment thereof, and of all reasonable Charges attending the Recovery of the same.

The Person complained upon, failing to attend, to be adjudged guilty of the Offence alleged.

LXI. And be it further enacted, That if any Person upon whom a Warrant shall have been duly served to attend such Sheriff, or other Judge-Ordinary as aforesaid, in any such Petition or Complaint made against him, shall refuse or fail to attend at the Time to be specified in such Warrant, such Sheriff or other Judge Ordinary shall nevertheless

theless proceed to the Trial of the Offence of which Complaint is so made; and upon the Conviction of the Offender by the Evidence on Oath of One or more credible Witness or Witnesses, in Manner before provided, such Offender shall be decerned and ordained accordingly to make Payment, as aforesaid, of the Fine, Penalty, or Forfeiture, annexed to such Offence; and in case any such Person, upon whom a Warrant shall have been served as aforesaid, shall escape, or go and reside without the Jurisdiction of the Judge who issued such Warrant, he shall, notwithstanding, still be held and continue subject to the Jurisdiction of such Judge, in all Matters relative to the Complaint so made against him; and such Judge is hereby empowered and required to proceed to judge and determine, and pronounce Sentence and Decreet in the Matter of the said Complaint, as if such Person complained upon had still remained within his Jurisdiction; and the Sentences or Decrees to be in either of the above Cases pronounced and given forth by the said Sheriff, or other Judge Ordinary aforesaid, shall in no respect be deemed or considered to be a Decree in Absence, but to all Intents and Purposes shall be deemed and held to be, and shall have all the Force and Effect of Decrees *in Foro*, any Law or Practice to the contrary notwithstanding.

The Jurisdiction of the said Judge Ordinary to be privative and exclusive, and his Decrees final, conclusive, and not subject to Review.

LXII. And be it further enacted, That it shall not be lawful for, or competent to any Person or Persons so complained upon, and decerned against by the said Sheriff, or other Judge Ordinary aforesaid, for, or in respect of any such Offence or Offences, to advocate, suspend, or remove the Proceedings from before the said Sheriff, or other Judge-Ordinary, or to appeal from, or bring his Sentence or Decree under Review of, or to reduce or set aside the same before any other or higher Judge, Court of Law or Equity, or of appellant Jurisdiction, either in *Scotland* or elsewhere, upon any Ground in Law or Fact, or Pretext whatever, by Advocation, Suspension, Reduction, Writ of Appeal, or any other Mode or Form of Appeal, or of reviewing or reducing Judicial Sentences and Decrees whatever; but the Jurisdiction of the said Sheriff, or other Judge Ordinary, shall be privative and exclusive in the Premises, and his Sentence or Decree final and conclusive betwixt the Parties, to all Intents and Purposes, any Law or Practice to the contrary notwithstanding.

The Judge Ordinary empowered to grant Warrant to cite Witnesses and to bring them before him.

LXIII. And be it further enacted, That the said Sheriff, or other Judge Ordinary, shall be, and he is hereby empowered and required, to grant Warrant for citing all necessary Witnesses in the Subject Matters of the said Petitions or Complaints; and if any Person, who shall be so summoned as a Witness, in any such Petition or Complaint, shall after having been paid or tendered a reasonable Sum for his or her Costs and Expences, without just Cause, refuse or neglect, or fail to appear at the Time and Place appointed in his Citation, it shall be lawful for the said Sheriff, or other Judge Ordinary, on Proof of such Summons having been served, to issue his Warrant to bring such Person before him.

His Warrants how to be enforced beyond his Jurisdiction.

LXIV. And be it further enacted, That if any necessary Witness, in the Subject Matters of any such Petition or Complaint, shall not reside within the Jurisdiction of the Sheriff, or other Judge Ordinary before

before whom the same is presented, it shall be lawful for the said Judge, and he is hereby required, notwithstanding, to grant Warrant for citing such Witness to appear and give Evidence in the said Complaint; and afterwards, in case of his failing to appear, for bringing the said Witness before him; and it shall be lawful for any Justice of the Peace, or other Judge Ordinary of the County, City, Town, or Bounds within which such Witness resides, and he is hereby required, to interpose his Authority to the said Warrants, by indorsing the same; and the same, when so indorsed, shall be lawful Warrants for citing such Witness to appear, and for bringing him before the said Judge before whom the said Complaint was made, at the Time and Place specified in his Warrant.

Witness giving false Testimony to be guilty of Perjury.

LXV. And be it further enacted, That every Person who, in any Examination upon Oath before such Sheriff or Judge aforesaid, shall wilfully give false Testimony, or a false Account of the Matter sworn to by him, shall be guilty of Perjury, and liable to all the Pains and Penalties thereto annexed by the Law of *Scotland*, and subject to be criminally prosecuted for the same, in conformity to the Laws and Practice of *Scotland* in the like Cases.

Persons refusing to give Testimony to be imprisoned.

LXVI. And be it further enacted, That if any Person residing in *Scotland*, who shall be duly cited as a Witness in Manner above provided, shall, after having been paid or tendered a reasonable Sum for his or her Costs or Expences, refuse or fail to appear, or upon appearing or being brought before the said Judge shall refuse to be examined upon Oath, or to answer all or any pertinent Question or Questions relative to the Subject Matters of the Petition or Complaint in regard to which he is cited, without assigning just and lawful Cause for such Refusal, it shall be lawful for the said Sheriff or other Judge to whom such Petition or Complaint shall be presented, and he is hereby required, to decern against the Person so refusing in a Penalty not exceeding Ten Pounds, and failing Payment thereof to issue a Warrant for committing him to the nearest lawful Gaol, therein to be imprisoned for any Time at the Discretion of the said Sheriff or other Judge, not exceeding Three Months; and every Justice of the Peace or other Judge Ordinary of the Bounds within which such Person may be found for the Time, is hereby empowered and required to interpose his Authority to and enforce the said Warrant, by indorsing the same; and the same, when so indorsed, shall be a legal Warrant for imprisoning such Person in Terms thereof.

Petition or Complaint must be presented within 12 Months of the alleged Offence.

LXVII. And be it further enacted, That no Suit or Action shall be brought or prosecuted against any Person or Persons for any Offence or Offences alleged to be committed by him or them against the Provisions of this Act, unless the Petition or Complaint be presented within Twelve Calendar Months after the Commission of the alleged Offence; but such Actions or Suits being commenced within that Time, shall and may be prosecuted and followed out to a final Judgment, without any Limitation of Time other than shall be prescribed to such or similar Actions or Suits by the Common Law and Practice of *Scotland*.

LXVIII. And

Fines and Penalties how to be applied.

LXVIII. And be it enacted, That One-third of all Fines, Penalties, or Forfeitures to be actually levied and recovered in pursuance of this Act, in Manner above provided, by whomsoever incurred, shall belong and go to the Person who shall inform of the Offence being committed; who, if required by the said Corporation, shall, with their written Consent and Authority, sue for the Penalty so incurred; and the Remainder of all such Fines, Penalties, and Forfeitures shall belong and be paid to the said Corporation, and shall by them be applicable and applied to the like Uses and Purposes as the other Funds of the said Corporation, after defraying all Expences incurred in recovering or otherwise in relation to the said Fines, Penalties, or Forfeitures.

Act to be a Public Act.

LXIX. 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.

SCHE-

SCHEDULE (A.) to which this Act refers.

Dr.—{Statement of the Gross and Free Revenue of the Trinity-House of Leith, for the Year ending [Date.]}—Cr.

	£	s.	d.		£	s.	d.
To paid Mason-work - - - -				By Feu Duties and Rents received for the Year ending on the Day of - -			
— paid Joiner-work - - - -				— Primage or Primegilt received for ditto - -			
— paid Smith-work - - - -				— Interest received for Money lent on Bonds, &c. -			
— paid Painters-work - - - -				— Dividends from the National Funds - -			
— paid Glaziers-work - - - -				— Annual Payments received from Fellow-Members -			
— paid Stipend to the Minister of North Leith -				— Ditto from Mates and Sailors - -			
— paid Stipend to the Second Minister of South Leith - - - -				— Annual Payments from Pilots - - -			
— paid the Treasurer's Salary - - -				— Interest on the Entrance Money of Members admitted within the Year - -			
— paid the Clerk's Salary - - -				— Rents received for Pews in South and North Leith Churches - - - - -			
— paid the Housekeeper's Salary - -				— Interest received on Money lodged from Time to Time during the Year in the Bank - -			
— paid the Bookseller and Stationer's account -				— Dividend from the Friendly Insurance Office -			
— paid Coals and Candles, &c. - -							
— paid sundry small incidental Charges - -				Gross Revenue - - - -			
Balance, being the Net free yearly Revenue - -							

DOQUET to the yearly Statement of the Revenue, Schedule (A.)

WE the Master, Assistant-Master, Deputy-Master, and Managers of the Trinity House of Leith, in the County of Edinburgh, having carefully examined the above Statement of Account of the gross and free Revenue of the said Corporation, for the Year ending the Day of and having compared the same with the Vouchers and Instructions thereof, and being satisfied of its Correctness in all Respects, do hereby approve of the same, and declare it to exhibit a true and correct View of the said gross and free Revenue for the said Year; the Amount of the gross Revenue being Pounds Shillings and Pence Sterling; and of the free Revenue Pounds Shillings and Pence Sterling.

Trinity House Leith,
[Date.]

(Signed) A. B. *Master*, &c.

SCHE-

SCHEDULE (B.) to which this Act refers.

MINUTE OF EXONERATION.

AT a General Meeting of the *Trinity House* of *Leith*, in the County of *Edinburgh*, called for the special Purpose, in Terms of the Act of Parliament,

PRESENT:

Messrs. A. B., C. D., and E. F., the present Master, Assistant Master, and Deputy Master, having been appointed Successors in Office to G. H., I. K., and L. M., the former Masters; they, in Terms of the Act, proceeded to examine and investigate their said Predecessors' Intromissions with, and Management and Application of the Estates, Property, Funds and others, belonging to the Corporation[A.]: And now reported, that they were satisfied with, and approved of the same in all Respects: Upon which Report, the Meeting, in Terms of the Act, exonerated, and hereby exonerate and discharge the said G. H., I. K., and L. M., the late Masters, and their Heirs, Executors and Successors whomsoever, of their said Intromissions, Management and Application of the Estates, Funds, and others of the Corporation, and of all Responsibility in the Premises; the said A. B., C. D., and E. F., the present Masters, being in Terms of the Act, equally responsible for the said Intromissions and Management of which they have now approved, as for their own Intromissions and Management while in Office. A.

(This Minute, *mutatis mutandis*, to be adapted to each particular Case that may occur, of only One or Two of the Masters going out of Office, or deceasing: In case of the Successors not approving of the Intromissions and Management of their Predecessors, the Minute, after the Letter A., must run thus:)

And now reported, that they were not satisfied with, and could not approve of the same; and laid before the Meeting as particular a Report as it had been in their Power to prepare, of what appeared to them to be objectionable and amiss in the said Intromissions and Management; whereupon the Meeting referred the Report laid before them to the present Masters and

whom they appointed as a Committee, forthwith to proceed fully to investigate and examine, with Care and Attention, the said Intromissions and Management, with Power to them to call in such Assistance from professional Accountants, and all others, as they may see proper, and to report *quamprimum* to this Meeting, which in the meantime adjourned until such future Day as may afterwards be fixed by their said Committee.

SCHEDULE (C.) to which this Act refers.

TABLE of the RATES of PILOTAGE for piloting Ships and Vessels from Leith Roads to Carron Roads, and from Leith Roads to Stromness, Shetland, and the Lewis Islands, and *vice versa*.

From	To	Ships and Vessels from 70 Tons to 100 Tons Measurement.	Ships and Vessels from 120 Tons to 250 Tons Measurement.	Ships and Vessels from 250 Tons to 500 Tons Measurement.
		£ s. d.	£ s. d.	£ s. d.
Leith Roads - {	Inverkeithing, or the Hope - - }	1 1 —	1 4 —	1 6 —
Ditto -	Carron Roads -	2 2 —	2 5 —	2 8 —
Ditto -	Island of May -	3 3 —	4 4 —	5 5 —
Ditto -	Bell Rock -	4 4 —	5 5 —	6 6 —
Ditto -	Cromarty - -	6 16 6	7 17 6	8 18 —
Ditto - {	Stromness and Kirkwall - - }	10 10 —	11 11 —	12 12 —
Ditto -	Lerwick - -	12 — —	13 — —	14 — —
Stromness -	Mull of Cantyre -	12 12 —	13 13 —	13 13 —

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