Anno viceſimo nono

Georgii II. Regis.

An Act for erecting, maintaining, and ſupporting a Light-houſe on the Iſland of *Little Cumray*, in the County of *Bute*, at the Mouth of the River *Clyde*, in *North Britain*; and for rendering the Navigation in the Frith and River of *Clyde* more ſafe and commodious.



WHEREAS the Entry into the River Clyde is extremely dangerous, whereby Ships are frequently in great Hazard of being Shipwrecked, eſpecially in the Night-time, which might in a great Meaſure be prevented by a Light-houſe on the Summit or South-weſt End of the Iſland of Little Cumray, which will be a publick Benefit: And whereas there are ſeveral Shoals and Flats in the Frith and River of Clyde, which if removed or marked out by Beacons, would render the Navigation more ſafe and commodious: And whereas there is no Fund provided for anſwering the Purpoſes aforeſaid: And whereas the ſaid Iſland is the Property of the Right Honourable Alexander Earl of Eglintoun, which he holds under a ſtrict Settlement or Tailzie, whereby Preamble.

he is restrained from alienating the same, or any Part thereof, under the usual Certification in such Deeds of strict Settlement of irritating and forfeiting his Right to the whole Estate: And whereas the said Earl is willing that Two Acres of the said Island of Little Cumray, with the Liberty and Privilege of a Road or Passage to the Shore of the said Island, should be vested in Trustees, for the Uses and Purposes herein after mentioned, to be holden in feu of him, and the other Heirs of Tailzie in the said Estates, on the Payment of an annual Feu-duty of Two Pounds Sterling, and to execute such Deeds as shall be thought necessary for that Purpose, but the same cannot be done without the Authority of Parliament; Wherefore, May it please Your most Excellent 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 it shall and may be lawful to and for the said Alexander Earl of Eglintoun, and his Heirs in the Estate of Eglintoun, to grant a Feu-charter of any Two Acres of the said Island of Little Cumray, as shall be agreed upon by the said Earl and the Trustees herein after mentioned, as the most convenient Situation for erecting a Light-house, and also the Liberty and Privilege of Roads or Passages from the said Light-house to the Shore of the said Island, to be holden of the said Earl, and his Heirs in the said tailzied Estates, upon Payment of an annual Feu-duty of Two Pounds Sterling; and that the said Earl, or his Heirs, shall not be understood thereby to have contravened any of the Prohibitions, or to incur any of the Irritancies contained in the said Tailzie; any thing in the said Tailzie, or any Law, Custom, or Usage to the contrary in any wise notwithstanding.

Power given to the Earl of *Eglintoun* to grant, at a certain Rent, a Feu-charter of Two Acres of Land on the Island of *Little Cumray*, for erecting a Light-house thereon.

Provided always, and it is hereby declared, That the aforesaid Feu-duty to be paid for the said Lands shall descend to the same Heirs of Tailzie, and be subject to all the Conditions, Limitations, Prohibitions, irritant and resolutive Clauses therein contained.

Feu-duty to descend to the Heirs of Tailzie.

And be it further enacted by the Authority aforesaid, That the full and absolute Fee and Property of the Two Acres to be contained in the aforesaid Feu-charter, with the aforesaid Roads or Passages thereto, subject to the yearly Rent or Feu-duty above mentioned, shall be vested in the said Alexander Earl of Eglintoun, and his Heirs, and Successors, in the Lordship and Barony of Eglintoun, for the time being; the Right Honourable

Property of the said Two Acres vested in Trustees.

Charles Lord Cathcart, and his Heirs Male, John Stewart Shaw of Greenock Esquire, and his Heirs Male, the Provost, Bailies, Dean of Guild, and Convener of the City of Glasgow, for the time being; the Provost, Bailies, Dean of Guild, and Convener of the said City, who were in those Offices immediately preceeding, the Office Bearers of those Denominations, for the time being; the Two Bailies of the Town of Greenock, and the Bailie of Port Glasgow, for the time being; who are hereby appointed Commissioners or Trustees for putting this Act in Execution.

Trustees impowered to appoint proper Officers,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners or Trustees, at a publick Meeting assembled, or any Seven or more of them, to choose and appoint, by Writing under their Hands, a Clerk, and Collector or Collectors for levying the Duties herein after mentioned, and such other Officers as they shall judge necessary to be employed under them, for carrying this Act into Execution; and from time to time to remove such Officers, or any of them, and to appoint others in their Stead, and to settle such Fees or Salaries to such Clerks, Collectors, and other Officers, as the said Commissioners or Trustees, or any Seven or more of them, shall judge reasonable.

and to allow them Salaries;

also to erect a Light-house, and other necessary Works for rendering the Navigation commodious;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners or Trustees, or any Seven or more of them, to erect or cause to be erected upon any Part of the aforesaid Lands so contracted for as aforesaid, a proper Light-house, with such other Buildings and Conveniencies as to them shall appear necessary; and also to erect or cause to be erected, a Breast or Wharf on the Frith of Clyde, upon the said Island, for landing Coals for burning in such Light-house, or any other Materials necessary for the building and maintaining the same; and also to make or cause to be made a Road or Roads from the said Breast or Wharf to the said Light-house, and also to remove or cause to be removed, such Shoals and Flats in the said Frith or River of Clyde, as the said Commissioners or Trustees, or any Seven or more of them, shall judge necessary, for the Improvement of the Navigation thereof; and also to erect and fix, or cause to be erected and fixed, such Beacons, Buoys, Land or Sea Marks, on any Place or Places in the said Frith, as they shall judge expedient, for rendering the Navigation thereof more safe and commodious.

and after such Erection, to Demand Pontage Duties from all Vessels passing the said Light-house.

And be it further enacted by the Authority aforesaid, That from and after the Time such Light-house shall be finished in such Manner as to have the proper Lights or Signals put up therein, it shall and may be lawful to and for the said Commissioners or Trustees, and their Successors, or for such Person or Persons as they, or any Seven or more of them, shall appoint as aforesaid, to demand, collect, receive, and take, of and from all and every the Masters and Owners of every Ship or Vessel bound outwards upon any Foreign Voyage from the aforesaid Frith or River of Clyde, and passing the said Light-house, in Manner hereafter described, One Penny Sterling for each and every Ton which such Ship or Vessel shall measure; and also One Penny Sterling for each and every Ton of such Ships or Vessels as shall pass inwards from any Foreign Voyage to the Northward of the said Light-house, whether the said Ships or Vessels pass the said Light-house by the middle Passage betwixt the Islands of Little Cumray and Bute, or by the East Side of the said Island of Little Cumray, or between the Islands of Bute and Arran; and whether the said Ships or Vessels do discharge in any of the Ports or Harbours in the Frith and River of Clyde or not; and Two Pence Sterling inwards, and the like Sum outwards, per Ton, for every foreign Ship or Vessel whatsoever, according to their respective Burdens, for each Time of their passing or repassing the said Light-house in Manner aforesaid; and from the Masters and Owners of all Vessels of Thirty Tons or upwards, trading to or from any Part of Great Britain or Ireland, without proceeding to, or coming from, any other Place or Country, One Halfpenny Sterling for each Ton Burden of such Ship or Vessel for every Time they shall pass or repass the said Light-house in Manner before described; and from the Masters and Owners of all small Vessels above the Burden of Fifteen Tons, and under the Burden of Thirty Tons, that shall at any Time pass or repass the said Light-house, trading to or from any Part of Great Britain or Ireland, without proceeding to, or coming from, any other Place or Country, Two Pence Sterling for each Ton every Year they do pass or repass the said Light-house in Manner aforesaid; the Commencement of such Year to be reckoned from the Twenty fourth Day of June, and the Payment of the said Duty for the then current Year to be made before clearing out of any of the Ports, Harbours, or Places, in the aforesaid Frith and River of Clyde.

Provided always, and be it further enacted by the Authority aforesaid, That the said Commissioners or

Trustees shall, out of the Duties hereby granted, pay to the said Alexander Earl of Eglintoun, his Heirs, and Successors, in the said Lordship and Barony of Eglintoun, the yearly Sum of Two Pounds of lawful British Money, as the Rent or Feu-duty of the said Ground so to be used for the Purposes aforesaid; such Feu-duty to be paid upon the Term of Martinmas yearly; the First Payment to be made upon the First Term of Martinmas that shall happen after the granting of the Charter of the said Land.

Annual Rent of 40 *s.* to be paid to the said Earl, *&c.* out of the said Duties.

Provided always, That if the said yearly Rent or Feu-duty of Two Pounds Sterling shall be unpaid in Part, or in Whole, by the Space of Three Calendar Months after the same shall become due, that then, and in such Case, the said Commissioners or Trustees, and their Successors, shall forfeit and pay to the said Alexander Earl of Eglintoun, and his Successors, the Sum of Two Pounds Sterling, over and above the said Rent, or such Part thereof as shall then be due and in Arrear.

Fine of 40 *s.* payable on Arrears of the said Rent.

And be it further enacted by the Authority aforesaid, That the said Commissioners or Trustees shall keep and enter in proper Books Minutes of their Proceedings, and fair, just, and true Accounts of the Receipts and Disbursements of all Monies which shall be received or expended by them in Consequence of this Act; which Books of Accounts, and other Proceedings, shall be open at all convenient Hours of Business to the Inspection of any of the Commissioners or Trustees; and they shall at every Meeting bear and pay their own Charges and Expences.

Proceedings of the Trustees, and Accounts of the Receipts and Disbursements of Monies, to be entered in proper Books.

Trustees to bear their own Expences.

And be it further enacted by the Authority aforesaid, That the said Commissioners or Trustees, and their Successors, at a publick Meeting assembled, shall be and they are hereby impowered and declared to have full and lawful Authority, at any Time or Times hereafter, by any Mortgage or Mortgages, or other Act or Acts, Deed or Deeds, under their Hands duly executed, to borrow or take up at a Rate of Interest, not exceeding Five Pounds per Centum per Annum, any Sum or Sums of Money, not exceeding Five hundred Pounds Sterling, upon the Security and Credit of the Duties granted by this Act, for defraying the Charges of this Act, and answering the Expences of making the Works aforesaid, and may assign such Duties to any Person or Persons, Body Politick or Corporate, who shall furnish or advance such Money, or any Part thereof, as a Security for Repayment of the same.

Trustees impowered to borrow Money for the Purposes of this Act, on the Credit of the Duties.

And to the Intent the said Duties may be truly answered and paid, be it further enacted by the Authority aforesaid,

Vessels not to be cleared at the Custom-house, till a Receipt be produced that these Duties are paid.

said, That the Collector of His Majesty's Customs, Comptroller, Receiver of Entries, Surveyors or Searchers, Waiters, and all other Officers of the Customs whatsoever, or their respective Deputies or Clerks, at any of the Ports, Harbours, or Places, in the aforesaid Frith and River of Clyde, shall not, after the Commencement of the said Duties, take or receive any Entry or Cocquet, or other Discharge or Clearance, or take any Report outwards, for any Ship or Vessel foreign or British liable or subject to the Payment of the said Duties, until the said Duties shall be paid, pursuant to the Directions of this Act, to the respective Collectors to be appointed by the said Commissioners or Trustees, or any Seven or more of them, to receive the same, and until such respective Master or Owner of any Ship or Vessel subject to the said Payment thereof, shall shew to such respective Officer a Receipt for the same.

Duties may be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That in case any Owner or Master, or any Person having the Charge or Command of any such Ship or Ships, Vessel or Vessels, charged or chargeable with any of the Duties granted by this Act, shall refuse to pay the same, that then and in such Case it shall and may be lawful to and for the said Commissioners or Trustees, or the Collector or Collectors, or other Persons to be appointed by them, to seize, take, and detain, preferable to and notwithstanding of any Right of Hypothecation, Attachment, Arrestment, or other Right whatsoever claimable by, or due to any Person, any of the Goods, Merchandizes, Guns, Tackle, Furniture, and Apparel, of or belonging to any such Ship or Vessel, and the same to detain and keep until the said Duties shall be satisfied and paid; and in case of any Neglect or Delay in Payment of the said Duties for the Space of Three Days after such seizing, taking, or detaining, that then it shall and may be lawful for the said Commissioners or Trustees, or their Successors, or the Collector or Collectors, Receiver or Receivers of the said Duties, or such other Person or Persons as the said Commissioners or Trustees, or any Seven or more of them, shall authorize and appoint, to cause the same to be appraized by Two or more sufficient Persons, or sworn Appraizers, and afterwards to sell and dispose of the Goods so taken and appraized, and thereout to satisfy the said Duties so neglected to be paid, together with the Charges of such seizing, taking, detaining, and selling, as the same shall be ascertained by the said Seizers upon Oath, rendering to the Masters or

Owners of ſuch Ship or Veſſel the Overplus (if any there be) on Demand.

Provided nevertheleſs, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge any of the Ships or Veſſels of War belonging to His Majeſty, His Heirs or Succeſſors, or any Veſſel or Wherry employed in the Service of His Majeſty's Revenue. The King's Ships, and Revenue Veſſels, exempted from the Duties.

And it is hereby further enacted and declared by the Authority aforeſaid, That the ſaid Light-houſe, and other Buildings, ſhall be veſted in the ſaid Commiſſioners or Truſtees, and their Succeſſors; who ſhall from time to time keep and maintain the ſame in good and ſufficient Repair, and ſhall, in the Night Seaſon, maintain a proper Fire or Light therein, ſo as the Trade and Navigation of the ſaid Frith and River of Clyde may be effectually benefitted according to the true Intent and Meaning of this Act; and it ſhall and may be lawful to and for the ſaid Commiſſioners or Truſtees, and their Succeſſors, or any Seven or more of them, out of the ſaid Duties granted by this Act, to pay all juſt and reaſonable Sums of Money and Charges that ſhall or may be expended in erecting, maintaining, and ſupporting the ſaid Light-houſe, and Fire or Light to be kept therein, together with all other Charges which ſhall be proper and neceſſary for executing the aforeſaid Truſt, with the Expence of obtaining this Act, and the Intereſt of all ſuch Sums from the reſpective Times of advancing the ſame, until Reimburſement, with the Charges of collecting and recovering the Duties aforeſaid; and after the Payment of all ſuch Sums, with the Intereſt aforeſaid, the Surplus remaining of ſuch Duties ſhall be applied to the Removing ſuch Shoals and Flats, and to the making, ſetting up, and placing of Beacons, Buoys, Land or Sea Marks, or other publick Uſes relative to the Navigation of the ſaid Frith or River of Clyde, below the Harbour of the Town of Greenock, as the ſaid Commiſſioners or Truſtees, or any Seven or more of them, ſhall judge proper and neceſſary; and after the ſaid Navigation ſhall be ſufficiently improved, the Surplus of the ſaid Duties ſhall be applied in Manner following; that is to ſay, One Sixth Part thereof to be paid by the Collector of the ſaid Duties for the time being, to the Two Bailies of Greenock, to be applied to the Improvement of the Harbour of Greenock, and the Remainder thereof to be applied by the reſt of the Truſtees, or any Seven or more of them, towards the Improvement of the Navigation of the River Clyde above the Harbour of Greenock.

Buildings veſted in, and to be repaired by, the Truſtees.

Proper Fire in the Night Seaſon to be kept in the Light-houſe, &c.

Application of the Monies ariſing by this Act.

Duties may be sued for in any Court competent for Civil Actions,

And be it further enacted by the Authority aforesaid, That in case the said Commissioners or Trustees, or their Successors, or any Seven or more of them, or any other Person or Persons, to be by them authorized, shall find it necessary to bring any Actions, Suits, or Prosecutions at Law for the Payment of any of the Duties aforesaid granted by this Act, that any Court competent for Civil Actions of whatever Kind, in the respective Bounds in Scotland, shall be competent, and have lawful Jurisdiction in and to all such Actions, Suits, and Prosecutions, and the same shall be heard and determined in a summary Way, without abiding the usual Course of Procedure; and the Judges of the said respective Courts shall and may immediately issue forth their Decree or Decrees upon all such Actions, Suits, or Prosecutions, with Double Costs of Suit.

and be determined in a summary Way.

Plea of Trustees sued on this Act.

And be it further enacted by the Authority aforesaid, That in case any Suit or Action shall be commenced against the said Commissioners or Trustees, or any other Person or Persons, for any thing done in pursuance of this Act, the Defendant or Defendants in such Suits or Actions may produce this Act, and plead that the said Things were done in pursuance and by the Authority of this Act; and if it shall appear so to be done, that then the Defendants shall be absolved from every such Suit, Action or Actions, and shall have Double Costs and Expences in the Defence thereof awarded to them, from and against the Prosecutor or Prosecutors of the same.

Double Costs.

Previous Notice to be given of the First and other Meetings of the Trustees.

And be it further enacted by the Authority aforesaid, That the said Commissioners or Trustees shall hold their First Meeting, at any Time after the passing this present Act, at the City of Glasgow, Eight Days Notice being previously given in all the News Papers printed in the said City, or by a Letter from the Provost or Dean of Guild of Glasgow for the time being, to every Commissioner or Trustee by this Act nominated or appointed, with Power to them at their said Meeting to adjourn themselves to such Times and Places as they shall think proper and convenient; and if it shall happen, that there shall not convene at any Meeting or adjourned Meeting which shall be appointed in Manner above mentioned, a sufficient Number of Commissioners or Trustees to act at such Meeting, then and in such Case the Provost or Dean of Guild of Glasgow for the time being, shall, and they are hereby authorized to appoint the Time and Place of the next Meeting of the said Commissioners or Trustees, whereof they are to give Notice in Manner aforesaid,

said, Eight Days at least previous to the Time of the said Meeting or Meetings.

Civil Officers to assist in putting this Act in Execution.

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

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, taken, and allowed in all Courts of Law or Equity within the Kingdoms of Great Britain and Ireland as a Publick Act; and all Judges and Justices of such Courts are hereby required to take Notice of it as such, without specially pleading the same.

FINIS.