Anno tricesimo secundo

Georgii II. Regis.

An Act for improving the Navigation of the River *Clyde*, to the City of *Glasgow*; and for building a Bridge cross the said River, from the said City to the Village of *Gorbells*.

WHEREAS the River Clyde from Dumbuck to the Bridge of Glasgow, is so very shallow in several Parts thereof, that Boats, Lighters, Barges, or other Vessels, cannot pass to and from the City of Glasgow, except it be in the Time of Flood or High Water at Spring Tides; and if the same was cleansed and deepened, and the Navigation thereof made more commodious by a Lock or Dam over the same, it would be a great Advantage to the Trade and Manufactures of the said City and Parts adjacent, and to the Publick in general: To the End therefore that the said River Clyde may be made navigable for Boats, Lighters, Barges, and other Vessels, from Dumbuck aforesaid to the said Bridge of Glasgow; Preamble.

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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 the Magistrates and City Council of Glasgow for the time being, and their Successors in Office, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, shall be, and are hereby impowered and authorized, and shall have full Power and Authority to cleanse, scour, streighten, enlarge, and improve, the said River Clyde, from Dumbuck Ford to the Bridge of Glasgow aforesaid, and to dig, cut, and deepen the same, or any Part thereof, and thereby to make the said River more navigable or passable for Boats, Barges, Lighters, or other Vessels; and also to make such new Cuts, Trenches, or Passages for Water, upon, in, or through the Lands or Grounds adjoining or near unto the said River, as to the said Magistrates and Council, or their Successors, shall appear to be necessary or convenient for the Passage of Boats, Barges, Lighters, or other Vessels, or for the more easy or better carrying on, and effecting of, the said Navigation; and to cut, remove, take, and carry away, all Trees, Roots of Trees, Sand or Gravel Beds, and all other Impediments whatsoever, which may any ways hinder or obstruct the said Navigation; and to build, erect, and make, in, over, or on, the said River, or the Lands adjoining to or near the same, or any of them, such and so many Locks, Wears, Pens, Dams, and Cuts, Trenches, and other Works, as to the said Magistrates and Council, and their Successors in Office, shall appear necessary or convenient for promoting the said Navigation, and, from time to time, to repair, amend, and alter, the same; and to make, have, and use, all necessary Ways, Passages, and other Conveniencies, through or over the Lands adjoining to the said River, Passages, Trenches, or Cuts, or for carrying and conveying of any Goods, Wares, Merchandizes, or other Things, thereto or therefrom; and also to have and make necessary Ways, Passages, and Conveniencies, for carrying and conveying of all Manner of Materials for the making, erecting, or repairing, of such Sluices, Dams, Locks, and other Matters or Things that shall be necessary and convenient for finishing and compleating the said Navigation, and for altering, amending, and repairing the same; and from time to time, and as often as Need shall require, to lay upon any convenient Part or Parts of the Grounds adjacent to the said River, all such Materials, Utensils, and Instruments,

Magistrates, &c. of *Glasgow*, impowered to do all necessary Works for rendering the River navigable.

ments, as shall be necessary for the building, erecting, repairing, maintaining, altering, or using, the Work or Works aforesaid, or any of them, and the said Materials on the said Ground, to hew, frame, prepare, and use, as they shall think fit; and the said Magistrates and Council, and their Successors, shall be, and are hereby impowered and authorized to make, appoint, set out, and use, Paths and Ways for towing, haling, or drawing, of Boats, Barges, Lighters, and other Vessels, passing in, through, and upon, the said River, or Cuts, Trenches, or Passages, to be made as aforesaid, or any of them; and also to do all such other Acts, Matters, and Things, as they shall at any Time think necessary and convenient for carrying on, supporting, improving, and maintaining, the said Navigation.

No Lock or Dam to be made lower down the River than *Merlinford*;

Provided always, That no Lock or Dam in, over, or upon, the said River Clyde, or the Lands adjoining to or near the same, be built, erected, or made, by the Authority of this Act, any lower down the said River than the lowermost Part of a Place therein called Merlinford; and that no Dam shall exceed the Height of Seven Feet.

and no Dam to be above 7 Feet high.

Magistrates, &c. may dig Stones, &c. out of Waste Grounds,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Magistrates and Council, and their Successors, and their Deputies, Agents, Officers, and Servants, to open Stone Quarries, dig, gather, take, and carry away, any Stones or other Materials out of any Waste or Common Grounds lying near the said Navigation, or where the said Works, or any of them, are or shall be carrying on, erected, or done, without paying any thing for the same; the said Magistrates and Council, or their Successors, filling up and levelling all such Holes or Pits which shall be made in such Common or Waste Grounds, by Reason or Means of getting or taking such Materials as aforesaid; and in case sufficient Materials cannot be found in such Waste or Common Grounds as aforesaid, then it shall and may be lawful to and for the said Magistrates and Council, and their Successors, their Deputies, Agents, or Workmen and Servants, to dig and gather such Materials in, and carry the same out of, the Grounds of any Person or Persons near the said Navigation or Works (not being the Ground whereon any Houses stand, or Garden, Orchard, Yard, planted Walk or Walks, or Avenue to a House) where such Materials are or may be found; and from time to time to cause the same to be carried off, or so much thereof as the said Magistrates and Council, or their Successors, and their Agents and Workmen, shall judge necessary for effecting the Purposes aforesaid, and for keeping

without paying for the same;

levelling the Pits;

and where sufficient Materials are not to be there had, they may be taken from private Grounds.

Exception.

making Satisfaction to the Owners.

ing the said Works in Order and Repair; the said Magistrates and Council, and their Successors, making such reasonable Satisfaction as hereafter in and by this Act is directed and appointed.

Satisfaction to be made for Damages done to private Property, in carrying on, &c. any of the said Works.

And be it further enacted by the Authority aforesaid, That in case any Loss or Damage shall at any Time hereafter befall or happen to any Lands, Houses, Mills, Fishings, or other Hereditaments, by and through the erecting and making any Dams, Locks, Cuts, Banks, or other Works, in pursuance of this Act, whereby the Water of the said River Clyde may be raised above its former Height, so as to overflow or create any other Damage to the Lands, Houses, Mills, Fishings, or other Hereditaments aforesaid, or to any of them; or in case any Damage shall be done or occasioned by digging Materials, carting over, or otherwise using any of the aforesaid Lands or Hereditaments, or by any other Work, Matter, or Thing, to be done by Authority of, or in pursuance of this Act; then, and in every such Case, due and reasonable Satisfaction shall be made and given by the said Magistrates and Town Council, and their Successors in Office, to the Proprietors, Life Renters, Tarmen, or other Parties interested in such Lands, Houses, Mills, Fishings, and other Hereditaments, to which Damage shall be done and occasioned in Manner aforesaid; and in case the said Magistrates and Council shall not agree with the Parties so interested, and make Payment to them of the Amount and Value of such Damages to their Satisfaction, then, and in that Case, it shall and may be lawful and competent to the Proprietors, Life Renters, Tarmen, or other Parties interested in the Lands, Houses, Mills, Fishings, or other Hereditaments aforesaid, to or upon which Damages shall be done or occasioned as aforesaid, to apply by a Petition or Complaint to the Sheriff Depute of the County within which such Lands and other Hereditaments are situated, setting forth the Titles and Interests in the Lands and other Hereditaments aforesaid, and the Damage done to them by and through any of the aforesaid Works, and praying for Redress and Satisfaction therefore in Terms of this Statute; and the Sheriff Depute is hereby authorized and directed, within Eight Days after such Petition and Complaint shall be presented to him, to pass an Order or Warrant in Writing for summoning the aforesaid Magistrates and Council, and all other Persons interested in the Recovery of such Damages, other than the Person or Persons complaining, to appear and make Answers thereto, within Fifteen Days after the Date of

the Service of such Petition, and Order thereupon: And the Manner of serving and summoning the said Magistrates and Council shall be, by delivering a full Copy of such Petition, with the Sheriff Depute's Order or Warrant thereupon, to the Provost, or any Two of the Bailiffs of the said City for the time being, personally in the Presence of a Notary Publick and Two Witnesses, and the same Form of Service shall be observed with respect to the other Parties interested; which being certified in Writing by such Notary and Witnesses, shall be held and deemed a proper and legal Service and Execution of Summons against the said Magistrates and Council, and other Parties, to all Intents and Purposes whatsoever, and upon which the said Sheriff Depute may and shall proceed to hear Parties, and finally determining the said Matter.

Titles and Rights of the Parties may be determined by the Sheriff Depute,

And be it further enacted by the Authority aforesaid, That the Sheriff Depute shall have full Power and Authority to hear and determine upon the Import of the Titles and Rights of the Party or Parties complaining, to the Lands, Mills, Fishings, and other Hereditaments aforesaid, in respect of which Damages are acclaimed and sued for as aforesaid; and in case any Person or Persons interested, shall find Cause to challenge the Judgement of the Sheriff upon the Import of such Titles, it shall be competent to such Person or Persons to apply to the Court of Session by Petition, and have such Judgement reviewed, altered, or amended; and the Judges of the said Court of Session are hereby impowered and required to proceed therein immediately, without abiding the Course of any Roll.

or Appeal to the Court of Session.

Limitation of the Time of Appeal to the Court of Session.

Provided always, That such Application be made to the Court of Session within Twenty one Days on which the Court shall sit, after the Sheriff Depute has pronounced his Judgement upon the Import of the said Titles; and in case no such Application is made to the Court of Session within the Time aforesaid, or after a Decree or Judgement of that Court, declaring the Titles and Rights of the contending Parties in the Lands and other Hereditaments aforesaid, shall be pronounced and extracted, it shall and may be lawful to the said Sheriff Depute, and he is hereby required, to proceed to the ascertaining the Amount of the Damages which shall be done or occasioned to any of the Lands, Mills, Fishings, or other Hereditaments aforesaid, and to divide and proportion the same amongst the several Parties who shall be found to have Interest therein as aforesaid, without Delay, in Manner herein after directed.

Sheriff Depute to ascertain the Amount and Value of the Damages,

and apportion the same among the Parties interested.

And,

The Sheriff Depute may summon a Jury to ascertain the Damages.

And, for enabling the said Sheriff to ascertain the just Amount and Value of such Damages, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Sheriff Depute, and he is hereby impowered and required, to issue his Precept or Precepts for summoning and impanelling a competent Number of substantial and disinterested Land-holders of the County, not less than Twenty five in Number, nor more than Thirty six, each of them possessed in Property of an Estate of One hundred Pounds Scots of valued Rent; which Persons to be summoned and returned are hereby required to come and appear before the said Sheriff Depute, at such Times and Places, as in the said Precept or Precepts shall be directed and appointed; and out of such Persons so to be summoned and returned, the Sheriff Depute shall appoint a Jury of Fifteen Persons, before whom, and in Presence of the said Sheriff Depute, the Parties claiming such Damages as aforesaid, and the said Magistrates and Council, shall lead and adduce such Habile Witnesses as they shall think proper, for ascertaining the just Amount and Value of the Damages aforesaid; and that either upon the Ground of the Lands or other Hereditaments where such Damage is done or occasioned as aforesaid, or at any other Place, as the Sheriff Depute shall appoint:

Jury to be sworn,

And the said Sheriff Depute is hereby impowered and required, before proceeding to take the Evidence, to administer an Oath to the Jury to return a true Verdict according to the Evidence, and to take down in Writing the Evidence of the Witnesses as emitted by them, upon Oath, which the Sheriff is hereby required to administer, and to adjourn, from time to time, until the Evidence shall be concluded by both Parties; and thereupon the Jury shall return their Verdict in Writing, ascertaining the Amount of the Damages, as to them shall seem just, and also what Proportion of the same shall belong to each of the Parties interested as aforesaid:

and return their Verdict in Writing.

Sheriff to award final Judgement thereupon.

And the said Sheriff Depute is hereby impowered and required, without Delay, to award and give forth his final Judgement and Decree against the said Magistrates and Town Council, for Payment of the Sum so ascertained in Name of Damages, with Full Costs of Suit; and which Decree of the Sheriff Depute shall be final, and subject to the Review of no Court whatsoever; and shall be carried into Execution against the said Magistrates and Town Council, and the common Good and Patrimony of the said City, in the same Way and Manner, and to the same Effect, as is competent upon any final Decreet obtained against the Magistrates and Town Council of any Royal Burgh,

Burgh, according to the Law and Practice of that Part of Great Britain called Scotland.

And be it further enacted by the Authority aforesaid, That the said Sheriff Depute shall have Power to impose any reasonable Fine or Fines not exceeding Five Pounds Sterling, on any of the Persons who shall be summoned and returned on any such Jury or Juries, and shall not appear, or who shall refuse to be sworn on the said Jury or Juries, or being so sworn, shall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty in the Premisses, contrary to the Intent and Meaning of this Act; which Fine and Fines, to be imposed as aforesaid, shall be levied in a summary Way, by Diligence, issued from the Court of Session, in the same Way as is competent upon Decrees of that Court; and when levied, shall be paid to the said Magistrates and Council, and their Successors, to be applied by them to the Purpose of this Act, and to no other Use or Purpose whatsoever.

Jury neglecting their Duty may be fined.

Application of the Fine.

And, for preventing of Damages and Mischief that may be done or committed by rude and disorderly Persons, and that the Owners and Masters of Boats, Lighters, and other Vessels, may be careful to prevent the same; be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall at any Time wilfully, and by Force, hinder, obstruct, or oppose, or cause to be hindered, obstructed, or opposed, the said Magistrates and Council, or their Successors, their Workmen, Agent or Agents, Servant or Servants, in the building, making, erecting, repairing, or using, the Lock or Locks, Work or Works aforesaid, or in the doing and performing any Thing which they are by this Act authorized and impowered to do, or shall wilfully and by Force do, or cause to be done, any Damage, Hurt, or Mischief, to the said Work or Works, or any Part thereof, or to any other Work or Works to be made and erected by Authority of this Act; all and every the Person or Persons so offending, shall be subject and liable to repair, and pay to the said Magistrates and Council, and their Successors, the whole Damage arising or occasioned by such forceable Obstruction, or wilful Hurt or Mischief done to any of the aforesaid Works, besides Full Costs of Suit, and shall further forfeit and pay to the said Magistrates and Council, and their Successors, the Sum of Ten Pounds Sterling for every such Offence; which Damages, Costs, and Penalties, shall and may be sued for, and recovered,

Penalty of obstructing or damaging the Works.

by the said Magistrates and Council, in Manner herein after directed.

Offenders may be committed by Warrant of the Sheriff Depute, or Justices, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to any Sheriff Depute, or Substitute, or to any of His Majesty's Justices of the Peace, upon an Information in Writing, signed by any of the said Magistrates, or by any of their Servants attending as Overseer of the said Works, against any Person or Persons, as guilty of any of the above Offences, to grant Warrant for committing such Offender or Offenders to the nearest Publick Gaol, therein to remain until he, she, or they shall find sufficient Bail for answering and paying to the said Magistrates and Council, or their Successors, the Damages, Costs of Suit, and Penalty above-mentioned, in case he, she, or they shall be found liable for the same, or be otherwise liberated by due Course of Law.

till they shall find Bail,

or be liberated by due Course of Law.

Owners of Vessels answerable for any Damage done to the Works by the Crew, &c.

And be it further enacted by the Authority aforesaid, That the Master or Owner of any Boat, Barge, Lighter, or other Vessel, rowing, navigating, or plying, upon the said River, within the Limits aforesaid, shall be and are hereby made answerable to the said Magistrates and Council, and their Successors, for any Damage or Mischief that shall be done by such Boat, Barge, Lighter, or other Vessel, or by any of the Boatmen, Bargemen, or Watermen, on Board the same, to any of the said intended Works, with Full Costs of Suit; which Damages and Costs shall be sued for and recovered in the Way and Manner herein after directed.

Penalty on Persons maliciously opening Locks, &c.

And be it further enacted, That if any Person or Persons shall wilfully open any Lock or Sluice within the Limits aforesaid, which shall be erected by the said Magistrates and Council, or their Successors, not having lawful Occasion so to do, for the Advantage of some Boat, Lighter, or Vessel, every such Person so offending shall forfeit and pay to the said Magistrates and Council, and their Successors, the Sum of Five Pounds Sterling, to be sued for, recovered, and applied, in Manner herein after directed.

Penalty of throwing Ballast or Rubbish into the River,

or otherwise prejudicing the Navigation.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall wilfully throw or empty any Ballast, Ashes, Earth, Rubbish, or Stones, into the said River, or into any new Cuts, Trenches, or Passages for Water, which shall be made in or near the same, in pursuance of this Act; or shall do any other Matter or Thing to prejudice or annoy the Navigation of the same; every such Person or Persons so offending shall, besides repairing the Damages so done, forfeit and

pay

pay to the said Magistrates and Council, or their Successors, a Sum not exceeding Five Pounds Sterling, to be sued for, raised, and applied, in Manner herein after directed.

Recovery of Fines and Penalties to be in a summary Way.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to the said Magistrates and Council, and their Successors, or to any Collector to be appointed by them, for receiving any Part of the Rates and Duties granted by this Act, to prosecute and recover the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit, herein enacted, for and in respect of the several Offences before described, by Action, Bill, Complaint, or Information, before any Two or more Justices of the Peace, or any other Judge competent for Civil Actions, within whose Jurisdiction the Offender or Offenders shall be apprehended or shall reside, for the time being; and the said Justices of the Peace, and other Judges, are hereby impowered and required to proceed to the Trial of such Offences in a summary Way; and upon Conviction of the Offender or Offenders by their own Confession, or the Oath of One or more credible Witness or Witnesses, to award and give forth such Orders, Judgements, and Decrees, as to them shall seem most agreeable to the true Intent and Meaning of this Statute; and in Default of Payment of the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit, herein before enacted, which shall be awarded and ordered by the Justices of the Peace or Judges aforesaid, the Person or Persons which shall be convicted of any of the Offences before described, shall and may be sent, by the Justices of the Peace or Judges aforesaid, to the nearest House of Correction to the Place where the said Offender or Offenders shall be apprehended, there to be kept to hard Labour for such Time as such Justices or Judges shall direct, not exceeding Three Months; and the whole Fines, Penalties, and Forfeitures aforesaid, which shall be recovered by the said Magistrates and Council, or their Collector, after Deduction of the necessary Charges of recovering the same, shall be applied for and towards the building, making, erecting, maintaining, and repairing, the Work or Works aforesaid, and to no other Use or Purpose whatsoever.

On Default of Payment, Offender may be committed.

Application of the Fines and Penalties.

If the Water of the *Clyde* shall be raised above its ancient usual Height,

And be it further enacted by the Authority aforesaid, That if the said Magistrates and Council, or their Successors, shall, in pursuance of the Powers in this Act given, by any Means raise the Water in the said River of Clyde above its ancient and usual Height, whereby the adjacent Lands or Hereditaments may be more liable to be over-

flown

The Banks of the River are to be proportionably raised.

flown or damaged than they have formerly been, that then the said Magistrates and Council, and their Successors, shall, at their own proper Costs and Charges, cause the Banks of the said River to be proportionably raised and strengthened in all Places where Need shall require, so that the new Banks shall be able and sufficient to contain the Waters at such their raised Height, and also shall, from time to time, maintain and repair the said Banks, as often as Occasion shall require: And in case any Loss or Damage shall at any Time hereafter fall upon or happen to any of the aforesaid Lands, Tenements, Mills, Fishings, or Hereditaments, adjacent to or in the River of Clyde aforesaid, which, at this Time, is not foreseen and herein provided for; that then, and in such Case, if the said Parties shall not agree among themselves, the said Sheriff Depute of the County where such Loss or Damage shall happen, shall, from time to time, settle, assess, and decree, such Recompence and Satisfaction to be made for the same, to the Person or Persons injured or aggrieved, in such Manner as for the other Losses and Damages is herein before mentioned and provided for.

How Satisfaction is to be made for future Damages not foreseen or provided for.

Tolls granted for defraying the Expences of carrying on the said Works.

And be it further enacted by the Authority aforesaid, That for and in Consideration of the great Charges and Expences the said Magistrates and Council, and their Successors, will be at, not only in making the said River of Clyde more navigable, but also in making, erecting, repairing, cleansing, maintaining, and continuing, the Weirs, Locks, Dams, Works, and other Matters, necessary to be erected as aforesaid, whereby great Advantage will arise to the Navigation of the said River of Clyde, it shall and may be lawful to and for the said Magistrates and Council, and their Successors, and their Assigns, and all such who shall be commissioned and authorized by them, and no others, from time to time, and at all Times hereafter, over and above all other Tolls and Duties, to demand, collect, receive, recover, and take, of and from all and every Ship or Vessel belonging to, or freighted or loaded by, or for Account of, the Burgesses, Inhabitants, or Traders, in Glasgow, in whole, or so far as they, or any of them, are interested in the Property, Freightage, or Loading aforesaid, which shall trade or come into the Port of Glasgow, comprehending Port Glasgow and Greenock, and the Quays and Creeks thereto belonging (excepting as herein after mentioned) the several Rates and Duties following; that is to say,

For

For each and every British, Irish, or Plantation built Ship, Barge, Lighter, or Vessel, which shall arrive within the said Ports of Port Glasgow or Greenock, from any Foreign Country or Part, or from any of the British Plantations, the Sum of One Penny Half-penny Sterling, for each and every Ton which such Ship or Vessel shall measure; and also One Penny Half-penny Sterling, for each and every Ton of such Ship or Vessel as shall trade or sail from the said Ports of Port Glasgow or Greenock, or any of the Quays or Creeks thereof, to any Foreign Country or Place, or British Plantation aforesaid; and Three Pence Sterling inward, and the like Sum outward, per Ton, for every Foreign Ship or Vessel whatsoever, according to their respective Burthens, for each and every Time of their arriving in, or sailing from, the Ports of Port Glasgow and Greenock aforesaid; and from the Masters and Owners of all Ships, Lighters, Boats, or Vessels, belonging to, or loaded by, or for Account of the Burgesses, Inhabitants, or Traders, in Glasgow, in whole, or so far as they, or any of them, are interested in the Property, Freightage, or Loading aforesaid, which shall arrive in, or sail from, the Ports of Port Glasgow or Greenock aforesaid, or any of the Quays or Creeks thereto belonging, from or to any Part of Great Britain or Ireland, without coming from, or proceeding to, any other Place or Country, the Sum of One Half-penny Sterling, for each and every Ton such Ship, Lighter, Boat, or Vessel, shall measure, each and every Time she shall arrive in, or sail from, the Ports of Port Glasgow or Greenock aforesaid. The Duties.

Provided always, That all Ships, Vessels, Lighters, or Boats, coming into the Ports of Port Glasgow and Greenock aforesaid, loaded with Fish, fresh or salted, or with Provisions of any Kind, only, or loaded with Coin, Grain, or Meal, or with Stones, Slates, and Coals only, which shall be discharged at any of the Quays and Creeks within the Ports of Port Glasgow and Greenock aforesaid, and all Lighters, Boats, and Vessels, loaded with Salt and Cask only, going to and from the Fishing, and all Open Boats, under Fifteen Tons, shall be free and exempted from the Tonnage and Keelage Rates and Duties aforesaid, granted by this Act. Particular Exemptions from Payment of the Tonnage and Keelage Duties.

Provided also, and it is hereby enacted by the Authority aforesaid, That in case any Question or Dispute shall arise whether any Ship or Vessel coming into, or sailing out of, the Port of Glasgow, comprehending Port Glasgow and Greenock aforesaid, belongs to, or is freighted Disputes concerning the Inhabitants of *Glasgow*, being interested in the Property, Freightage, or Loading, of any Vessel,

to be determined by Certificate from the Master of the Vessel.

or loaded by, or for Account of, any of the Burgesses, Inhabitants, or Traders, in Glasgow, in the Whole, or in Part, or not, the Master, or other Person having Charge of such Ship or Vessel for the Voyage, inwards or outwards, shall be obliged to certify in Writing, and upon Oath, before the Collector or Comptroller of His Majesty's Customs at Port Glasgow, or their Deputies, or before the Deputy Collector or Comptroller of His Majesty's Customs at Greenock, or any of them, which Oath they are hereby severally impowered to administer, whether or not such Ship or Vessel does belong to, or freighted or loaded by, or for Account of, any of the Burgesses, Inhabitants, or Traders, in Glasgow, in whole, or how far they, or any of them, are interested in the Property, Freightage, or Loading, of such Ship or Vessel aforesaid, for the Voyage, inwards or outwards, in respect of which the Rates and Duties hereby granted shall have been demanded; and such Certificate shall be held and deemed to be good Evidence of the Fact, and according thereto, the said Ship or Vessel shall be liable to the Rates and Duties aforesaid, or free therefrom; and in case the said Master, or other Person having the Charge of such Ship or Vessel, shall neglect or refuse to produce (if demanded) such Certificate as aforesaid, then the Rates and Duties hereby granted shall be chargeable, and be levied and recovered for, and upon such Ship and Vessel, in Manner herein after directed.

A Duty of Tonnage to be paid for passing thro' any of the Locks or Dams;

And be it further enacted by the Authority aforesaid, That in Consideration of the great Charges aforesaid, it shall and may be lawful to and for the said Magistrates and Council, and their Successors, and their Assigns, and such who shall be appointed by them, and no others, from time to time, and at all Times hereafter, to ask, demand, receive, and recover, from all and every Person or Persons, who shall carry and convey, or cause to be carried or conveyed, any Goods, Wares, Merchandizes, Commodities, or other Things whatsoever (except Coals) by or through the Lock or Locks, Dam or Dams, or any other Work or Works to be made and erected at the Place called Merlin Ford aforesaid, such Rates and Duties for the same, over and besides what shall and may be paid for the Freight and Carriage thereof, as the said Magistrates and Council, and their Successors, or their Assigns for the time being, shall think fit, not exceeding

not exceeding 2 s. *per* Ton for Wares and Merchandizes;

One Shilling Sterling for every Ton Weight of such Goods, Wares, Merchandizes, Commodities, or other Things, which shall be carried and conveyed by or through the Lock or Locks, Dam or Dams, to be built, made, and erected, in, over, or on the said River or Lands adjoining

joining thereto (except as aforesaid) and so proportionably for every greater or less Quantity or Weight; and from all and every Person or Persons who shall carry and convey, or cause to be carried or conveyed, any Coals, by or through the Lock or Locks, or other Work or Works aforesaid, such Rates and Duties for the same, over and besides what shall and may be paid for the Freight and Carriage thereof, as the said Magistrates and Council, and their Successors, or their Assigns for the time being, shall think fit, not exceeding Eight Pence Sterling for every Ton Weight of such Coal, which shall be carried and conveyed through the Lock or Locks, Work or Works aforesaid, and so proportionably for every greater or less Quantity or Weight.

and for Coals, 8 d. per Ton.

And be it further enacted by the Authority aforesaid, That the Duty and Duties hereby granted, after paying the Expence of this Act, and the Charges of collecting and managing thereof, shall be applied for rendering the said River of Clyde more navigable, and for amending and improving the Passage thereof, and for making the Locks, Weirs, and other Works thereon, and for continuing and repairing thereof, and for enlarging, raising, repairing, and keeping in Repair, the Key of Glasgow, and making the same more commodious, and for the Uses and Purposes aforementioned, and to no other Use, Intent, or Purpose whatsoever; and the said Duty or Duties shall be levied, collected, and paid, at such Place or Places near the said River, and in such Manner, as the said Magistrates and Council, and their Successors, shall think fit.

Application of the Duties;

and Payment and Recovery thereof.

And be it further enacted and declared by the Authority aforesaid, That all Ships, Sloops, Barges, Lighters, Boats, or other Vessels, trading to or from the said Ports of Port Glasgow and Greenock, or any of the Keys and Creeks thereto belonging, and liable to the Payment of the Duties by this Act imposed, shall and may be measured, by taking the Length of the Keel of every Ship, Sloop, Lighter, Boat, or other Vessel, so much as she treads on the Ground, and the Breadth by the Midship Beam from Plank to Plank, and half that Breadth shall be accounted for the Depth of every Ship or Vessel, then to multiply the Length by the Breadth, and the Product thereof by the Depth, and divide the Whole by Ninety four, and the Quotient shall be deemed to give the true Contents of the Tonnage; according to which Method and Rule, all Ships, Sloops, Barges, Lighters, Boats, and other Vessels, shall be measured, and the several Duties of Tonnage shall be thereby computed and collected

Rules prescribed for measuring Vessels to ascertain the Tonnage.

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collected accordingly; any Custom, Practice, or Usage, to the contrary notwithstanding.

Tonnage Duty to be paid before the Vessel be permitted to clear out.

And, to the Intent the said Duties may be truly answered and paid; be it further enacted by the Authority aforesaid, That the Collector of his Majesty's Customs, Comptroller, Receiver of Entries, Surveyors, or Searchers, Waiters, and all other Officers of the Customs whatever, or their respective Deputies or Clerks, at the Custom-houses of Port Glasgow, Greenock, or Glasgow Town, shall not, after Commencement of the said Duties, take or receive any Entry or Cocket, or other Discharge or Clearance, or take any Report outward, for any Vessel or Ship liable or subject to the Payment of the said Tonnage or Keelage Duty, until the same shall be paid, pursuant to the Directions of this Act, to the respective Collectors to be appointed by the said Magistrates and Council, or their Successors, to receive the same, and until such respective Master or Owner of any Ship or Vessel, subject to the said Payment, 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 Ship, Boat, Barge, Lighter, or other Vessel whatsoever, charged or chargeable with any of the Duties granted by this Act, shall refuse or neglect to pay the same on Demand, that then, and in such Case, it shall and may be lawful to and for the said Magistrates and Council, and their Successors, or to the Collector or Collectors, or other Persons to be appointed by them, to seize, take, and detain, preferrable to, and notwithstanding of, any Hypothication, Attachment, or Arrestment, or other Right whatsoever, claimable by, or due to, any Person, any of the Goods, Merchandizes, Tackle, Furniture, and Apparel, of or belonging to any such Ship, Boat, Barge, Lighter, or other Vessel, and the same to detain and keep until the said Duty and Duties be satisfied and paid; and in case of any Neglect or Delays in Payment of the said Duties, or any of them, for the Space of Three Days after such taking, seizing, or detaining, that then it shall and may be lawful for the said Magistrates and Council, or their Successors, or the Collector or Collectors, or such other Person or Persons as they shall authorize and appoint, to cause the same to be appraised by Two or more sufficient Persons, or sworn Appraisers, and afterwards to sell and dispose of the Goods so taken and appraised, and therewith to satisfy the Duty or Duties so neglected to be paid, together with the Charge of such seizing, taking, detaining, and selling, as

as the same shall be ascertained by the said Sellers upon Oath, rendering to the Masters or Owners of such Ship, Boat, Lighter, or other Vessel, the Overplus (if any be) on Demand.

Lighters, &c. to be measured, and the Tonage marked thereon

And, to the End it may be known what Quantity of Goods any Boat, Lighter, or Vessel, trading upon the said River, will contain and carry; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Magistrates and Council, and their Successors, their Agents or Servants, at any Time to measure any Boat, Lighter, or Vessel, trading upon the said River, by putting Weights into the same for that Purpose, or otherwise, and to remeasure any Boat, Lighter, or other Vessel, so often as they shall think convenient; and also to set Figures or Marks at each End of every such Boat, Lighter, or Vessel, on the Outside thereof, shewing how much or how far every Ton of Loading which shall be put into such Boat, Lighter, or Vessel, will sink the same into the Water; and if the Owner or Master of any Boat, Lighter, or Vessel, shall refuse to have the same measured, weighed, and marked, as aforesaid, or to assist in weighing and marking thereof, he or they so neglecting or refusing, shall forfeit Five Pounds Sterling, to the said Magistrates and Council, or their Successors, for every Time he or they shall neglect or refuse as aforesaid: And if the Owner or Master of such Boat, Lighter, or Vessel, or any other Person, by their Order or Connivance, shall alter, remove, erase, or destroy, any such Mark or Marks, Figure or Figures, or suffer to be so altered, removed, erased, or destroyed, any such Mark or Marks, Figure or Figures, every such Master or Owner, Masters or Owners, so offending, shall forfeit, for every such Offence, the Sum of Five Pounds Sterling, to the said Magistrates and Council, or their Successors; and in case of Refusal or Denial of Payment, on Demand of such Forfeiture or Forfeitures, the said Magistrates and Council, and their Successors, shall and may recover the same by Action, in any Civil Court, according to the Laws and Practice of that Part of Great Britain called Scotland.

Penalty of obstructing, or refusing to assist in, such Measurement;

or altering or erasing the Tonnage Marks.

Particular Commodities and Wares exempted from the Payment of any Duties under this Act.

Provided always, That none of the Rates and Duties aforesaid by this Act granted or given, or any other Sum or Sums of Money, shall be demanded or taken for any Dung, Lime, Marle, or other Manure, which shall be carried upon the said River, in any Boat or Vessel belonging to, or hired by, any Owner or Occupier of any Lands or Grounds with the Distance of Five Miles from the said River, to be used or employed for the manuring or improving of their respective Lands or Grounds

so situate as aforesaid, and not otherwise; nor shall the Rate or Duty of One Shilling per Ton hereby granted for passing through the Lock or Locks, Dam or Dams, to be made in pursuance of this Act, or any other Sum or Sums of Money, be demanded or taken for any Sand, Clay, or Wood, which shall be carried through the said Lock or Locks, Dam or Dams, in any Boat or Vessel belonging to, or hired for the Use of, any Delph Manufactory, erected, or to be erected, in or about the City of Glasgow; or for any Brick, Kelp, Sand, Soapers Waste or Broken Glass, which shall be carried as aforesaid, for the Use of any Glass or Bottle Work, erected, or to be erected, in or about the said City; or for any Wood charred, or uncharred, Iron Stone, or Iron Ore, Clay, Brick, Lime, or Lime Stone, which shall be carried as aforesaid, for the Use of any Company, erected, or to be erected, for making Pig and Bar Iron, to be used and employed in the respective Manufactories aforesaid, and not otherwise.

Foreign Vessels discharging or loading at *Broomilaw*, liable only to the Duty upon Wares.

Provided also, That any Boat, Barge, Lighter, or other Vessel, arriving at Greenock or Port Glasgow, from any Foreign Parts, or from any Port in Britain, or from Ireland, which shall discharge her Loading at the Key of Glasgow, commonly called Broomilaw, or be loaded there, shall not only be liable for the Rate and Duty imposed by this Act upon Goods, Wares, Merchandizes, Commodities, and Things, and not for any Tonnage and Keelage for or in respect of the Boat, Barge, Lighter, or other Vessel aforesaid.

Magistrates and Town Council to make Rules and Orders for collecting and disposing of the Duties.

And be it further enacted by the Authority aforesaid, That the said Magistrates and Town Council, and their Successors in Office, shall have full Power and Authority, and are hereby authorized and impowered, to make such Orders and Rules, and give such Directions for collecting, receiving, and disposing of the Sums of Money and Duties before granted, as they shall think most necessary and conducive to the Ends for which the same are hereby granted; and all and every the Sums of Money and Duties before-mentioned, shall, from time to time, be paid to, and collected by, such Person or Persons as by the said Magistrates and Council, or their Successors, shall be authorized and appointed: And all and every the Collectors and Receivers of the Rates and Duties before granted and directed to be levied, shall, from time to time, keep fair and regular Accounts of all Monies to be received by virtue and under the Authority of this Act, and shall pay and dispose thereof, in such Manner, as by the said Magistrates and Council, and their Successors, shall be directed for rendering the said River of Clyde more navigable,

Regular Accounts to be kept of the Monies received and disbursed.

ble, and for amending and improving the Passage thereof, and for making Locks, Weirs, and other Works thereon, and for continuing and repairing thereof, and for the other Uses and Purposes before-mentioned, and to no other Use, Intent, or Purpose whatsoever; the Expence of obtaining this Act, and the Charge of Collecting and Management, being first allowed and paid; and the Collector or Collectors, Person or Persons so appointed to receive the said Duty or Duties, all and every of them, shall give good and sufficient Security to the said Magistrates and Council, and their Successors, for answering and paying the Monies arising from the Duty or Duties hereby before granted, as they shall be by him or them respectively collected or received, and shall make Oath to the Truth of their Accounts so often as required.

Collectors to give Security, and render their Accounts on Oath.

And be it further enacted by the Authority aforesaid, That the following Persons shall be Commissioners to inspect, audit, and adjust the Accounts of all the Collections, Receipts, and Disbursements, of the Duty and Duties herein before granted by virtue and in pursuance of this Act, for improving the Navigation of the said River Clyde (that is to say) The Representatives in Parliament for the time being for the Counties of Lanerk, Dumbarton, and Renfrew, and for the District of Burghs, consisting of Glasgow, Dumbarton, Renfrew, and Rutherglen; the Sheriffs of the said Counties of Lanerk, Dumbarton, and Renfrew, for the time being; the Provosts of the Burghs of Dumbarton, Renfrew, and Rutherglen, for the time being; the eldest Bailie of Greenock for the time being, Six Merchants Inhabitants of Glasgow, to be nominated yearly by the said Magistrates and Council, and their Successors, in Common Council assembled; and Ten other Merchants Inhabitants of the said City, to be nominated by the Merchants inhabiting the said City of Glasgow, being Owners or Part Owners of Ships belonging to the Port of Glasgow aforesaid, or the major Part of such of them as are assembled; which Twenty seven Persons are to be Commissioners for the End and Purposes aforesaid.

Commissioners for inspecting and auditing the Accounts.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Dean of Guild of Glasgow for the time being, to call and convene the Merchants of Glasgow, Owners or Part Owners of Ships as aforesaid, by publick Advertisements in the Glasgow News Papers, Fourteen Days preceding the Meeting; and they are hereby required to meet together, at and in the Merchants Hall of the said City of Glasgow, at Eleven of the Clock in the Forenoon, on the First Tuesday in November, in the Year One thousand seven hundred

The Dean of Guild to convene the Merchants, Owners of Ships, in *November* yearly, to elect Commissioners on their Part.

hundred and fifty nine, and so yearly on the First Tuesday in November, and then and there elect, nominate, and appoint Ten Persons, whereof the Dean of Guild to be One, to be Commissioners on their Part for the Purposes before mentioned.

Annual Audit of the Accounts.

And be it further enacted by the Authority aforesaid, That the said Magistrates and Council, and their Successors, shall, on the First Tuesday in July, in the Year of Our Lord One thousand seven hundred and sixty, and so yearly and every Year on the First Tuesday in July, cause to be laid before the said Twenty seven Commissioners, or any Nine of them, at their Meeting the Day aforesaid, a true and fair Account of all the before-mentioned Monies, Rates, and Duties, which shall have been collected and levied the Year preceding by virtue of this Act, and of every Sum or Sums of Money that shall have been borrowed or advanced during the Year preceding, for the Uses and Purposes before-mentioned; and also of all the Monies which have been issued, paid, and applied, out of the same, for rendering the said River of Clyde more navigable, and for amending and improving the Passage thereof, and for making Locks, Weirs, and other Works thereon, and for continuing and repairing thereof, and for the other Uses and Purposes before-mentioned; and the Meetings of the Commissioners so before appointed, shall be at the Town Clerk's Chamber of the said City of Glasgow; and at every Meeting they are to bear their own Charges.

Commissioners to meet for that Purpose at the Town Clerk's Chamber; and are to defray their own Charges.

Commissioners, with Consent of the Creditors, may exempt such Articles or Species of Goods from the Tolls, or reduce the Rates, as they shall judge expedient.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, at such General Meeting as aforesaid, or any other publick Meeting, Notice whereof shall be given in the Glasgow News Papers Fourteen Days before such Meeting, may, and are hereby impowered, by and with the Consent of such Person or Persons, of whom the said Magistrates and Council shall have borrowed any Sum or Sums of Money upon the Credit of the Tolls and Duties by this Act granted, in virtue of the Power herein after for that Purpose mentioned, to free and exeem such Articles or Species of Goods, Wares, Commodities, or Things, from the Tolls and Duties hereby granted and imposed, or to lessen and reduce the aforesaid Rates and Duties thereon, for a definite Time, or perpetually, as they shall judge reasonable and expedient; but they are not to exceed the aforesaid Sum of One Shilling Sterling per Ton on any Kind or Species of Goods whatsoever, nor the said Duty of Eight Pence Sterling per Ton on Coals; and the said Magistrates and Council, and their Successors, shall have full Power and Liberty, notwithstanding any of such

such Exemption, Lessening, or Abatement, to demand, exact, levy, and receive the aforesaid Tolls and Duties of One Shilling per Ton, and Eight Pence per Ton, on any Article or Species of Goods or Things not exeemed, or the Rate and Duty whereof is not lessened or abated as aforesaid; and in order that the said Toll or Duty of Eight Pence per Ton on Coals may be extinguished as soon as possible, the said Commissioners are hereby required to lessen and extinguish the same Toll or Duty in the first Place, and before any of the said other Tolls or Duties shall be by them reduced or lessened, in pursuance of the Power hereby vested in them; and the said Commissioners, or any Nine or more of them, at such General Meeting as aforesaid, and with such Consent as beforementioned, are hereby authorized and required to lessen the Keelage and Tonnage Duties, on Ships, Goods, and Merchandize before granted, or any of them, how soon and so often as the State and Produce of the Duty and Duties before granted will admit and allow of the same, and in such Manner as they shall judge most conducive to the Trade of the City of Glasgow aforesaid; and such Rates and Duties, as lessened or abated by the said Commissioners, shall be forthwith published in the Glasgow News Papers for the Information of all Parties concerned.

Duty on Coals to be first lessened and extinguished.

Keelage and Tonnage Duties may be lessened in like Manner.

Notice thereof to be published in the *Glasgow* Papers.

Provided always, and it is hereby further enacted, That from and after Repayment shall be made of all such Monies as shall have been borrowed by virtue of this Act, with the Interest thereof, the said Commissioners, or any Nine or more of them, at such General or other Publick Meeting or Meetings to be had as aforesaid, shall have full Power and absolute Authority to free and exeem such Articles or Species of Goods, Wares, Commodities, or Things, from the aforesaid Rates and Duties, or to lessen and reduce the Rates and Duties aforesaid, or any of them, as they the said Commissioners, or any Nine of them, at such Meeting or Meetings as aforesaid, shall see fit and convenient.

After Repayment of the Monies borrowed, such Species of Goods may be exempted, and Tolls reduced, as the Commissioners shall think proper.

And whereas the Magistrates and Town Council of the City of Glasgow are lawfully seized of the Great Bridge over the River Clyde, called The Bridge of *Glasgow*, leading to the Village called Gorbals, with the Appurtenances thereof, and are obliged to repair and maintain the same; and for that Purpose by themselves, their Officers, Deputies, or Assigns, have received, and are intitled to receive, certain Customary Tolls for Pontage and Passage over and under the said Bridge: And whereas the making a Lock or Locks, or other publick Works aforesaid, in or

over the said River of Clyde, will necessarily oblige all Carts, Waggons, and other Wheel Carriages, which hitherto have passed and repassed the said River at the Fords near to the said Bridge, to pass and repass over the said Bridge; And whereas the said Bridge is so narrow and inconvenient, that there is not Room for One Carriage to pass another; and, by reason of the Weakness and Insufficiency of the said Bridge, no heavy Carriages are permitted to pass over the same; it will therefore be necessary, before the Lock or Locks, Dam or Dams, to be made in pursuance of this Act, shall be compleated and finished, and the said Fords thereby rendered impassable, that a new, commodious, and sufficient Bridge be made over the said River Clyde, and which the said Magistrates and Council do propose to erect and build of Stone near to the Place where the present Bridge is erected, and to be Thirty Feet broad, and sufficient for Wheel Carriages of all Kinds to pass and repass over the same, whereby the Passage to the said City of Glasgow will be rendered much more safe and easy; but the said Magistrates and Council not being able to effect the same without the Aid of Parliament, be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Magistrates and Council, and their Successors, and they are hereby authorized and impowered, by themselves, or their Deputies, Agents, Workmen, Servants, and others, to build a Bridge cross the said River Clyde at any Place near the present Bridge, which to them shall seem most convenient, and which they are hereby required to do before the said Locks or Dams shall be compleated and finished, and the said Fords thereby rendered impassable; and for that Purpose they shall have full Power and Authority, by themselves, their Servants, Agents, Workmen, and others, to make any Highway leading to the said intended Bridge, and, from time to time, and at all Times hereafter, to do all Matters and Things necessary and convenient for erecting and maintaining the said Bridge; they the said Magistrates and Council, and their Successors, first making Satisfaction and Recompence to the Owners or Occupiers of any Lands or Hereditaments that shall be made use of, damaged, or prejudiced, by or on account of the turning, altering, or making, any such Highway as aforesaid: And in case of any Difference concerning the same between the said Owners or Occupiers and the said Magistrates and Council, the Sheriff Depute of the County where the Lands or Hereditaments that shall be so made use of, damaged, or prejudiced, shall lie, shall, from time to time, settle, assess, and decree, such Recompence and Satisfaction

Magistrates, &c. impowered to build a Bridge over the River *Clyde*,

making Satisfaction to the Owners of the Lands that shall be used or damaged thereby.

Sheriff Depute to determine Differences relating thereto.

Satisfaction to be made for the same to the Person or Persons injured or aggrieved, in such Manner as herein before mentioned and provided in respect of the Losses or Damages that may be occasioned by the Overflowing of the said River Clyde, or by the digging or carrying away Materials for making the said River more navigable.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Magistrates and Council, and their Successors, and all such who shall be commissioned and authorized by them, and no others, from time to time, and at all Times, after compleating and finishing the aforesaid new Bridge, so as Passengers, Cattle, and Carriages, can pass the same, to ask, demand, receive, recover, and take, before any Passage shall be permitted over the said new Bridge, the Pontage and Tollage following; that is to say, The Pontage following to be taken for passing over the Bridge.

For every Coach, Chariot, Berlin, Landau, Calash, Chaise, Chair, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Six Pence Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Four Pence Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Three Pence Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Pence Sterling; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Penny Sterling. The Tolls.

For every Waggon, Wain, Cart, Sledge with Wheels, or other Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Five Horses, or other Beasts of Draught, the Sum of Two Shillings and Six Pence Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two Pence Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Penny Sterling.

For every Sledge without Wheels, and for every Horse, Mare, Gelding, Mule, or Ass, laden or not laden, and not drawing, the Sum of One Halpenny Sterling.

For every Drove of Oxen or Neat Cattle, the Sum of Two Pence Halfpenny Sterling per Score; and so in Proportion for any greater or less Number.

For

For every Drove of Horses or Fillies unshod, Five Pence Sterling per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Sheep, Lambs, Hogs, or Goats, the Sum of One Penny Farthing Sterling per Score; and so in Proportion for any greater or less Number.

Tolls may be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That the said Magistrates and Council, and their Successors, are hereby impowered by themselves, or by any Person or Persons by them thereunto authorized, to levy the said Toll or Pontage hereby required to be paid, upon any Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same as aforesaid, or to deny or hinder any Passage over the said Bridge, until Payment thereof, which said Toll or Pontage shall and may be levied by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Pontage is by this Act imposed, or upon any other of the Goods and Chattles of such Person or Persons as ought to pay the same; and all such Horses, and other Cattle, or Goods, may be detained until such Toll or Duty, with the reasonable Charge of such Distress, shall be paid; and

Distress may be sold after 14 Days.

it shall be lawful for the Person or Persons so distraining, after the Space of Fourteen Days after such Distress made, to take and sell the Cattle, or other Goods or Chattles, so distrained for Payment of the said Toll or Pontage, rendering to the Owner or Owners thereof, the Overplus, upon Demand, after Satisfaction of the said Toll or Pontage, and the reasonable Charges in or about making such Distress and Sale, and keeping the same, shall be deducted and paid.

Tolls payable for Broad Wheel Carriages,

Provided always, and it is hereby further enacted and declared, That any Waggon, Cart, Wain, or other Wheel Carriage, drawn by more than Two Horses, the Breadth of the Wheels whereof shall be Nine Inches in the Fellies, shall be subject and liable to One Half Part of the foresaid Pontage Tolls and Duties only; and that

and Carriages and Cattle loaded with Coals and Turf.

any Cart, Wain, Waggon, or other Wheel Carriage, loaded with Coals, Peat, or Turf, and drawn by One Horse, shall be subject and liable to the Paymennt of One Halfpenny Sterling only, for every Time they shall pass and repass the said Bridge; and that each and every Horse, Ass, or other Beast, passing and repassing the said Bridge, and carrying Coals or Peat in Loads, on their Backs, shall be subject and liable to the Payment of One Farthing only for every such Load; any thing in this

Act

Act contained to the contrary notwithstanding: But in case such Cart, Waggon, Wain, or other Carriage, shall be drawn by Two or more Horses, the same shall be subject and liable to pay the Whole of the Tolls and Duties imposed and leviable by this Act.

Tolls to be paid but Once a Day;

And be it further enacted by the Authority aforesaid, That no Person or Persons having Occasion to pass over the said New Bridge, who shall return the same Day, and repass the said Bridge, before Twelve of the Clock at Night, with the same Coach, or other Wheel Carriage, or with the same Horse, Ass, or other Beast or Cattle, shall be liable or compelled to pay the said Tolls or Duties more than Once for passing and repassing the said Bridge, but shall, on Demand, be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Pontage Toll or Duty; which Note or Ticket, Notes or Tickets, shall give Access to the Person or Persons returning the same Day as aforesaid, to repass the said Bridge Toll-free; but in case the said Coach, Cart, or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall pass the said Bridge with a new Loading a Second or more Times in the same Day, they shall, in that Case, be subject to pay the Pontage Tolls aforesaid, for each Time they shall so pass, in the same Manner they did the First Time.

except for Cattle or Carriages passing with a new Loading a Second Time, &c.

Penalty on giving or receiving Tickets to defraud the Tolls;

And, for preventing Frauds and Abuses in the said Tolls, be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Pontage Toll or Duty by this Act imposed, and having a Note or Ticket, or Notes or Tickets, signifying the Payment thereof, shall give or dispose of the same to any Person or Persons, in order to avoid the said Toll or Pontage, every such Person so giving or disposing thereof, and the Person receiving the same, being convict thereof before One of the Magistrates of Glasgow, or One or more Justice or Justices of the Peace for the County of Lanerk, upon the Confession or Oath of the Party or Parties, or upon the Oath of One or more Witness or Witnesses (which Oath such Magistrate, Justice or Justices, are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling; to be recovered in a summary Way, according to the Laws and Practice of that Part of Great Britain called Scotland.

or taking off Horses, &c. with like Intent.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with an Intent to evade the Payment of all or any Part of the said Toll or Pontage, take off, or cause to be taken off, any Horse,

Mare, Gelding, or other Beast or Beasts, from any Carriage whatsoever, or shall, with the like Intent, leave near the said intended Bridge, any Horse, Mare, Gelding, or other Beast, to be employed in drawing the said Carriage, after the same is past the said Bridge, by Means whereof the said Toll or Pontage may be avoided or lessened; each and every Person or Persons so offending, and being thereof convicted, before One of the Magistrates of the City of Glasgow, or One or more Justice or Justices of the Peace for the County of Lanerk aforesaid, upon the Confession or Oath of the Party or Parties, or upon the Oath of One or more Witness or Witnesses (which Oath such Magistrate, Justice or Justices of the Peace, are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling; to be recovered in a summary Way, according to the Laws and Practice of that Part of Great Britain called Scotland.

Persons and Things exempted from Tolls.

Provided always, and it is hereby further enacted and declared, That no Toll or Pontage shall be demanded for and in respect of any Horses or Carriages which shall be employed in carrying any Kind of Corn or Victual to or from the Mills belonging to the said City of Glasgow; or carrying Farm Meal to the Granaries of any Heretor, or Dung, or other Manure, for Land, or Gardens, or Ploughs, Harrows, or other Implements of Husbandry, or for any other Matter for the manuring of Lands; nor for any Carts, Wains, or Waggons, or other Carriages, carrying any Hay or Corn in the Straw, to be laid up in the Houses, Barns, or Yards, of, or belonging to, the Heretors, Tenants, or Inhabitants, adjacent to the said Bridge, unless the same is sold, or shall be carried for Sale, in which Cases, they shall be charged with the said Tolls and Duties; nor shall any Pontage or Duty be demanded from any Person or Persons who shall pass over the said Bridge without a Cloakbag or Cloakbags, to or from any Church, Chapel, or any other Place of Religious Worship upon Sunday; nor for any Horses or Cattle going to, or returning from, Pasture or Watering Places; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers who are upon a March, or the Carriages attending upon them; nor for Carts, Carriages, or Waggons, with Vagrants sent with legal Passes.

Limitation of the Exemptions from Pontage Tolls.

Provided always, That such Carriages so to be exempted from the Pontage or Tolls aforesaid, shall be drawn by no more than One Horse or other Beast of Draught; and that all Carts, Waggons, or other Carriages,

riages,

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riages, drawn by more than One Horse or Beast of Draught, shall be liable and chargeable with the Payment of the Pontage Tolls and Duties hereby granted, excepting the Carriages belonging to and attending His Majesty's Troops upon a March, which in no case shall be subject to the above Tolls or Duties; any thing in this Act contained to the contrary notwithstanding.

After Commencement of the new Pontage Tolls, the former customary ones to cease.

Provided always, and be it further enacted by the Authority aforesaid, That from and after the Commencement of the new Pontage Tolls and Duties hereby granted and imposed, the customary Tolls for Pontage and Passage over and under the said Bridge, which the said Magistrates and Council, their Officers, Deputies, and Assigns, have been in use to levy and receive, shall cease and determine.

Magistrates, &c. may dig Gravel, &c. in Waste Grounds,

And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Magistrates and Council, and their Successors, and any Person having Commission from them, to open Stone-quarries, dig, gather, and carry away Stones, Gravel, Sand, Furze, Heath, or other Materials, for building and repairing the said Bridge, out of any Part of the said River of Clyde, or out of any Waste or Common Ground, without paying any thing for the same, they always filling up and levelling all such Holes and Pits wherein any such Materials shall be digged, and from whence the same shall be carried away; and for want of sufficient Quantities of such Materials there, to dig, gather, and carry away the same, out of the Grounds of any Person or Persons (not being the Ground whereon any Houses stand, nor a Garden, Orchard, Yard, planted Walk or Walks, nor Avenue to any House, nor any Piece or Parcel of Ground set apart and used as a Nursery for Trees) where such Materials may be found, paying only for the Damage done to the Owners and Occupiers of the said Ground where and from whence the same shall be digged, taken away, or over which the same shall be carried; the Amount of which Damage, in case the Difference between the said Magistrates and Council, and the Owners or Occupiers of such Lands, shall be settled and ascertained by the Sheriff Depute of Lanerk for the time being, who is hereby impowered to judge and finally determine the same; but such Dispute or Difference shall not in the mean Time hinder the carrying away or using the said Materials, and applying them towards building and repairing the said Bridge.

without paying for the same;

levelling the Pits.

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners.

Sheriff Depute to determine Differences relating thereto.

And it is hereby further enacted and declared, That all Horses and Carriages with Stones, Gravel, and other Materials,

Materials for building or repairing the Bridge, exempted from all Turnpike Tolls.

Materials, intended to be used for building or repairing the said Bridge, shall be free and exempted from the Payment of any Toll or Duty at any Turnpike; any thing in any former Law or Statute to the contrary notwithstanding.

Penalty on Persons wilfully damaging the Bridge, &c.

And, for preventing the wilful and malicious damaging or destroying the said Bridge, or hindering or interrupting the building of the same; be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously damage or destroy the said Bridge, or attempt so to do, or shall unlawfully, or without Authority from the said Magistrates, or their Successors, remove or take away any Works thereunto belonging, or in any wise direct or procure the same to be done, whereby the said Bridge or the Works thereof may be damaged, or shall abuse or male treat any of the Toll-gatherers, or shall rescue any Person in Custody for any of the same Offences; every Person or Persons so offending in any of the Premisses, being convicted thereof by the Oath of One or more credible Witness or Witnesses, in any Action or Prosecution, at the Suit of any Person appointed to collect the Pontage Tolls aforesaid, before any Two of the Magistrates of Glasgow, or any Two or more of the Justices of the Peace for the County of Lanerk, such Person or Persons so offending, shall pay the whole Damages and Expences sustained and incurred by any of the said Offences; and it shall be lawful for the said Magistrates or Justices of the Peace, to adjudge such Person or Persons to be imprisoned in the nearest Common Gaol, for any Time not exceeding Six Calendar Months.

No Building to be erected on the Bridge.

Provided always, That the said Magistrates and Council, and their Successors, shall not permit or allow any Dwelling-house or Edifice to be built or erected on any Part of the said Bridge, but may erect Gates and a Toll-house upon or near the same.

The Magistrates to provide a Ferry during the repairing or rebuilding the Bridge.

And whereas it will be necessary, when the said new Bridge is building, or when at any Time hereafter the same may be repairing or rebuilding, that a Ferry be maintained for conveying Passengers, Horses, Cattle, and Carriages of all Kinds, cross the said River Clyde; be it therefore enacted, That the said Magistrates and Council, and their Successors, and no other Person or Persons whatsoever, shall have Power, and they are hereby required, as often as there shall be Occasion, to erect a Ferry for such Conveyance as aforesaid, across the said River Clyde, between the City of Glasgow and Village of Gorballs, and they are hereby authorized and impowered to convey all Passengers, Horses, Cattle, and Carriages whatsoever, in a Ferry Boat or Ferry Boats,

Boats, at the Places aforesaid; and the said Magistrates and Council, and their Successors, shall defray the Charges of Ferry Boats, Tackling, and all other Materials, and necessary Expences relating thereto, out of the Tolls, Customs, and Duties, arising from the said Ferry.

Tolls payable for passing the Ferry.

And be it further enacted by the Authority aforesaid, That the same Tolls, with the Addition after mentioned, and no other, or greater, or oftener, shall be paid and taken, for passing over the said River in such Ferry, than as are herein before directed to be paid and taken for passing over the said Bridge.

But it is hereby further enacted and declared, That during the Continuance of the said Ferry, the said Magistrates and Council, and their Successors, or such Person or Persons as they shall appoint, are and shall be hereby authorized to levy and take from every Foot Passenger passing the said Ferry without a Horse, the Sum of One Farthing, in the same Manner as they are authorized to levy the Pontage Tolls and Duties aforesaid; which Tolls for passing over the said River in such Ferry, shall be collected and levied in the like Manner, and with such Powers of Distress, and with such Provision for giving and producing Tickets, as are herein before-mentioned and directed with Regard to the Tolls, Customs, and Duties, to be paid for passing the said Bridge; and all such Monies arising by the Profits of the said Ferry, shall be paid to the said Magistrates and Council, or such Person or Persons as they shall employ to work and manage the same, and shall be disposed of and applied to the same Uses, Intents, and Purposes, as the Tolls, Customs, and Duties, aforementioned are applicable.

Tolls for Foot Passengers.

The said Tolls to be levied and applied as the Pontage Tolls.

Penalty on Carters obstructing the Passage of the Bridge;

and on Persons causing any Annoyance thereon.

Rule to be observed by Carriages in passing the Bridge.

And be it further enacted by the Authority aforesaid, That no Carman, Carter, or Driver, shall wilfully remain with his Cart, Wain, Waggon, or other Carriage, on the said Bridge, longer than shall be necessary for going over the same, or leave any empty Carriage upon the said Bridge; and no Person or Persons shall put any Rubbish, Dung, Ashes, or any other Thing, on the said Bridge, or do any Act which may be an Obstruction or Annoyance to the Passage thereof; and all Carriages passing over the said Bridge from Glasgow shall, and they are hereby required to go on the East Side thereof, as near as may be, and all Carriages passing over to Glasgow shall, and are hereby required to go on the West Side thereof; and each and every Person or Persons offending, in laying any Rubbish or other Obstruction or Annoyance upon the said Bridge, or passing the same with any Carriage contrary to the Directions of this Act, and being

being thereof convicted before any One of the Magistrates of the City of Glasgow, or One or more Justice or Justices of the Peace for the County of Lanerk aforesaid, upon the Confession of the Party or Parties, or upon the Oath of One or more Witness or Witnesses, which Oath such Magistrate, Justice or Justices, are hereby impowered to administer, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings Sterling; to be recovered in a summary Way, according to the Laws and Practice of that Part of Great Britain called Scotland.

The Bridge and Pontage Duties vested in the Magistrates and Town Council.

And be it further enacted by the Authority aforesaid, That the said New Bridge shall be, and is hereby declared to be, vested in the Magistrates and Town Council of the City of Glasgow, and their Successors, and the Pontage, Tolls or Duties which shall be levied and received by virtue of this Act, shall be, and are hereby declared to be, vested in the said Magistrates and Town Council, and their Successors, for the Use and Behoof of the Community, and publick Stock thereof.

20,000 *l.* may be borrowed for effecting the Ends and Purposes of this Act.

And whereas the Monies so to be received by the Duties aforesaid, will not, of a long Time, raise such a Stock or Sum of Money as may be sufficient for effecting the Ends and Purposes of this Act; be it therefore enacted by the Authority aforesaid, That the said Magistrates and Town Council, and their Successors in Office for the time being, shall be and are hereby impowered to borrow a Sum or Sums of Money for the Ends and Purposes contained in this Act, not exceeding the Sum of Twenty thousand Pounds Sterling, either by assigning and conveying the Rates and Duties hereby granted, or any of them, as a Security for any Sum or Sums of Money by them to be borrowed for the Uses and Purposes aforesaid, or any of them, together with Interest for the same, not exceeding the Rate of Five Pounds per Centum per Annum, to any Person or Persons that shall and will advance and lend such Sum or Sums of Money on such Security; or the said Magistrates and Council, and their Successors, are and shall be authorized to borrow any Sum or Sums of Money, not exceeding as aforesaid, on the Credit of the publick Stock and Revenue of the said City and Corporation: All which Money so to be borrowed shall be employed for and towards the building, making, erecting, maintaining, and repairing, the Work or Works aforesaid, and to no other Use whatsoever.

Interest not to exceed 5 *l. per Cent.*

Commencement of the Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers and Authorities therein contained, shall commence and take Place from and after the First Day of May, One thousand seven hundred

and fifty nine; but that the Payment of the Pontage, Lock, and Keelage Duties, shall only commence and take Place from the Time that the said Bridge, and Lock or Locks, shall be severally erected and rendered passable, and not sooner.

Duties may be recovered in a summary Way,

And be it enacted by the Authority aforesaid, That in case the said Magistrates and Council, or their Successors, or any Person or Persons to be by them authorized, shall find it necessary to bring any Complaint, Action, Suit, or Prosecution at Law, for Payment of any of the Duties aforesaid granted by this Act, that the said Magistrates, or any other Judge competent for Civil Actions in their respective Bounds in Scotland, shall be competent, and have lawful Jurisdiction in and to all such Complaints, Actions, Suits, and Prosecutions, and the same shall be heard and determined in a summary Way, without abiding the usual Course of Proceedure; and the said Judges shall and may immediately issue forth their Orders and Decrees upon all such Complaints, Actions, Suits, or Prosecutions, with Full Costs of Suit, upon which all such Executions shall pass and be awarded, as is competent by the Laws and Practice of that Part of Great Britain called Scotland, in Cases of the like Nature.

and with Full Costs.

Magistrates and others, sued for any thing done in pursuance of this Act, may plead the Act in their Defence,

And be it further enacted by the Authority aforesaid, That in case any Suit or Action shall be commenced against the said Magistrates and Town Council, or their Successors, or any other Person or Persons, for any Thing done in pursuance of this Act, the Defendant or Defendants in such Suit or Action 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.

and recover Double Costs.

All Civil Magistrates and Officers required to assist in the due Execution of this Act.

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 Executioners 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 and Equity, as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.