ANNO DECIMO TERTIO

# Georgii III. Regis.

## CAP. XXVIII.

An Act for deepening, cleanſing, and making more commodious the Harbours of the Town of *Greenock*; for ſupplying the Inhabitants with freſh and wholeſome Water; and for paving, cleanſing, lighting, and watching the Streets, and other publick Places, within the ſaid Town.

WHEREAS the Harbours of Greenock, in the County of Renfrew, have of late Years, by the Flux and Reflux of the Tide, and various other Cauſes, been greatly choaked and filled up with Mud and Dirt, which hinder Veſſels of Burthen from getting into the Piers and Quays, and expoſe the Shipping lying in the ſaid Harbours to many Dangers and Inconveniencies: And whereas the Trade of the Town of Greenock has of late Years greatly increaſed, and the Ships and Veſſels now belonging, and trading to Preamble.

and from the said Port, are more numerous, and of larger Dimensions than heretofore: And whereas the Quays and Piers already made and constructed by and at the Expence of the Town of Greenock, within the said Port or Harbours, are not sufficient for the Reception and convenient Lying of the Ships and Vessels resorting thereto, and for the requisite and convenient Dispatch in loading and unloading the same, which render the deepening, cleansing, and scouring of the said Harbours, and the building and erecting new and additional Piers and Quays, highly necessary, and the same will be of great publick Utility, as well as of Advantage to the Trade of the said Town: And whereas the Inhabitants of the Town of Greenock, and Shipping there, have, in certain Seasons of the Year, much Difficulty in getting fresh and wholesome Water; and the Streets of the said Town are ill paved, cleansed, and not lighted, nor a Watch kept for preventing Disorders in the Night-time: And as the deepening, cleansing, and scouring of the said Harbours, and the building and erecting the said new and additional Piers and Quays, and the bringing in Water into the Town; and the paving, cleansing, and lighting the Streets, and keeping Watchmen in the said Town, will be attended with considerable Expence, which the ordinary Revenue of the said Town cannot defray; and as the same cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Magistrates or Bailies, and Town Council of the Burgh of Barony of Greenock, and their Successors in Office, or such Person or Persons as they shall appoint from Time to Time, and at all Times hereafter, as they shall see Occasion, to deepen, clean, scour, and preserve the said Harbours of Greenock, and the Improvements and Additions which shall be made thereto by virtue of this present Act, from Dirt and Mud, and other

Magistrates of *Greenock* may deepen and scour the Harbours, and build Piers, &c.

Obstructions whatsoever; and also to build and erect, or cause to be built and erected therein, (except as hereinafter is excepted), Piers and Quays of proper Dimensions; particularly a Quay or Pier Eastward from the present Harbours, to a Point of Land called MacGilp's Tenement, and to carry out the same from the said Point into the Rivers; and likewise such and so many other Quays, Piers, Jettees, and Breasts to the East of the aforesaid Point, or to the Westward of the present Harbours, and other necessary Works within the said Harbours and Bay of Greenock, for the Reception of all Ships and Vessels resorting to the said Port and Harbours, and for the more convenient loading and unloading of such Ships and Vessels, and to be executed in such Manner, as the Commissioners herein-after named, or any Thirteen or more of them, at a General Meeting assembled, in Manner as herein-after directed, shall judge to be necessary and expedient.

Piers, &c. not to be built East of *MacGilp*'s Tenement, or West, without Lord *Cathcart*'s Consent.

Provided always, That no Quay, Pier, Jettee, Breast, or any other Work hereby authorised to be built and erected, shall be built and erected to the Eastward of the said Point of Land called MacGilp's Tenement, or to the Westward of the present Harbours of Greenock, without the Consent in Writing of Charles Schaw, Lord Cathcart, his Heirs or Assigns, under his or their Hands and Seals first had and obtained for that Purpose; any Thing herein-before contained to the Contrary in anywise notwithstanding.

Trustees.

And be it further enacted by the Authority aforesaid, That the Two Bailies named by the Feuars and Subfeuars and Town Council of Greenock, and their Successors in Office, shall be, and they are hereby appointed Trustees for putting this Act in Execution: And, for the better effecting the Ends and Purposes of the same, and that the Fee and Property of the Quays, Piers, Breasts, and other Works to be made, built, and erected, by virtue of this Act, shall be, and the same are hereby vested in the said Trustees, to and for the Ends and Purposes aforesaid; and that the said Trustees are and shall be bound to apply the Rates and Duties herein-after mentioned in making and repairing, and keeping and maintaining

taining the same in good Order and Repair, and in preserving the said Port and Harbours clean and free from Mud, Dirt, and other Obstructions.

Harbour Duties.

And be it enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and seventy-three, it shall and may be lawful to and for the said Trustees, and such Person and Persons as they shall appoint, to demand, collect, receive, and take (over and above all other Rates and Duties which at present subsist, and are levied from Ships, Vessels, Barks, Lighters, and Boats, coming into, or going out of the said Port or Harbours of Greenock) of and from all and every the Masters and Owners of any Ships, Vessels, Barks, and Lighters, bound outward from the said Port and Harbours of Greenock, on any foreign Voyage, or to any foreign Country or Place, or British Plantation, One Penny Halfpenny Sterling for each and every Ton which such Ships, Vessels, Barks, and Lighters, shall measure; and also One Penny Halfpenny Sterling for each and every Ton of such Ships, Vessels, Barks, and Lighters, coming into the Port and Harbours aforesaid, from any foreign Voyage, Country, or Place, or British Plantation; and from the Masters and Owners of all Vessels of Thirty Tons or upwards, trading and coming into and out of the said Port, from or to any Part of Great Britain or Ireland, without proceeding to, or coming from, any other Place or Country, Three Farthings Sterling for each Ton Burthen such Vessel shall measure, every Time they shall arrive in, or sail from, the Port or Harbours aforesaid; and from the Masters and Owners of all small Vessels above the Burthen of Fifteen Tons, and under the Burthen of Thirty Tons, trading to or from any Port of Great Britain or Ireland, without proceeding to or coming from any other Place or Country, Three-pence Sterling for each Ton of Burthen every Year they shall sail to, or come from, the Port and Harbours aforesaid, the Commencement of which Year to be reckoned from the Time of their coming into or going out of the said Harbours after the Twenty-fourth Day of June, One thousand seven hundred and seventy-three; and the Payment of the said

Duty

Duty for the then current Year to be paid before clearing out of the Port and Harbours aforesaid.

Vessels loaded with Provisions, &c. exempted from Duties.

Provided always, That only such Ships, Vessels, Lighters, and Boats, as shall enter into the said Harbours of Greenock, between the Kirkburn on the Westward, and the Delingburn on the Eastward, or which shall load or unload within the Port of Greenock, shall be liable for, and pay the aforesaid Rates and Duties: And that all Ships and Vessels, Lighters and Boats, coming into the Port and Harbours of Greenock aforesaid, solely and only loaded with Fish fresh or salted, or with Provisions of any Kind, or solely and only loaded with Corn, Grain, and Meal, or with Stones, Slates, and Coals, which shall be discharged within the Port and Harbours aforesaid, or that may proceed from thence with the said Loading to any Part within the River Clyde; and all Lighters, Boats, and Vessels, loaded with Salt and Cask only, going to or coming from the Herring Fishing; and all Ships or Vessels arriving in the Port and Harbours aforesaid in Ballast, and without any Kind of Goods or Merchandise on Board, shall be free and exempted from the Rates and Duties granted by this Act.

Ships, &c. to be measured.

And be it also further enacted, That the Masters and Owners of all Ships, Vessels, Barks, and Lighters, trading to and from the said Port and Harbours, and liable to the Payment of the Rates and Duties by this Act imposed, shall permit and suffer the said Ships, Vessels, Barks, and Lighters, to be measured by the said Trustees, or by such Person or Persons as they shall, from Time to Time, appoint for that Purpose, and shall pay the Rates and Duties aforesaid according to such Measurement; and that every Owner or Master aforesaid who shall refuse to have his or their Ship, Vessel, Bark, or Lighter, measured as aforesaid, shall, for every such Offence respectively, forfeit and pay to the said Trustees the Sum of Five Pounds Sterling.

Collectors and other Officers to be appointed,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and such other Officers and Servants as they shall judge necessary to be employed under them,

them, for carrying the same into Execution, and from Time to Time, to remove such Officers and Servants, or any of them, and to appoint others in their Stead; and to settle such reasonable Fees or Salary for them as to the said Trustees shall appear to be just and proper; and that all and every the Collectors and Receivers of the said Rates and Duties shall keep fair and regular Books and Accounts of all Money received under the Authority of this Act, (which Books and Accounts shall be open and patent to the said Trustees, and to the Commissioners herein-after named, or any Two of them, at all Times when they shall demand Inspection of the same), and shall pay and dispose thereof in such Manner as by the said Trustees shall be directed: And that the Collector and Collectors, Person or Persons, so to be appointed to receive the said Rates and Duties, and all and every of them, shall give good and sufficient Security to the said Trustees for answering and paying the Monies arising from the same, and which shall be by him or them respectively collected or received, and shall make Oath to the Truth of his or their Accounts so often as he or they shall be thereunto required; and that it shall be in the Power of the said Trustees to let in Lease to the best Bidder or Bidders, at publick Roup or Sale for that Purpose appointed, (and advertised in all the Glasgow News-papers Two several Times, Fourteen Days at least before such Roup or Sale), the Rates or Duties aforesaid, for any Time or Space not exceeding Three Years.

and Fees settled by the Trustees.

Collectors to give Security.

To prevent evading the Payment of the Duties.

And, to prevent any Delay or Evasion in the Payment of the Rates and Duties aforesaid, be it further enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and seventy-three, there shall be produced to the Collector, or other Officers of his Majesty's Customs of Greenock, by the Masters or Owners of every Ship, Vessel, Bark, or Lighter, coming into or sailing out of the said Port or Harbours of Greenock, or liable in the Rates and Duties in this Act granted, a Receipt or other sufficient Voucher of the Payment of the said Rates and Duties; and that until such Production be

made,

made, and the Collector or other Officers aforesaid shall be satisfied with the same, the said Collector and other Officers shall not take or receive any Entry or Cocquet, or other Discharge or Clearance, or take any Report outward of any Ship, Vessel, Bark, or Lighter, Foreign or British, liable or subject to the Payment of the said Rates and Duties, under the Penalty of Five Pounds Sterling.

Duties to be levied by Distress in case of Refusal.

And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, and to such Person and Persons as shall be for that Purpose authorised by them, to go on board any Ship, Bark, Lighter, or Vessel, and to take the Dimensions thereof, and to demand, collect, and receive from any Owner, Master, or other Person, having the Charge of any Ship, Bark, Lighter, or Vessel, the Rates and Duties by this Act imposed and made due and payable; and in case of Delay or Refusal of Payment, to take, seize, and detain, preferable to, and notwithstanding of, any Attachment, Arrestment, or other Right whatsoever, claimable by, or due to, any other Person or Persons, any of the Goods, Merchandise, Tackle, Furniture, and Apparel, of or belonging to any such Ship, Bark, Lighter, or other Vessel, and the same to detain until the said Duty and Duties be satisfied and paid; and that in case of any Neglect or Delay in the Payment of the said Rates and Duties, or any of them, for the Space of Three Days after such taking, seizing, and detaining aforesaid, it shall and may be then lawful to and for the said Trustees, and to and for such Person and Persons authorised by them as aforesaid, to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose of the Goods and other Effects so taken and appraised, and therewith to satisfy the Duty or Duties so neglected or delayed to be paid, together with the Charge of such seizing, taking, selling, and detaining, (as the same shall be ascertained by the Sellers upon Oath), rendering to the Master or Owners of such Ship, Bark, Lighter, or other Vessel, or Owners of such Goods, the Overplus (if any be) on Demand.

Penalty on Shipmasters evading the Payment of the Duties.

And be it further enacted by the Authority aforesaid, That if any Master, Commander, or other Person taking upon himself the Command, or appearing to be Master or Commander, or any Owner, Factor, or Consignee of any Ship, Bark, or other Vessel, shall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatsoever, every such Master, Commander, or other Person aforesaid, shall, for every such Offence, forfeit unto the said Trustees the Sum of Five Pounds Sterling, and shall, notwithstanding, stand charged with and be liable to the Payment of the said Rates and Duties.

Trustees impowered to borrow Money.

And be it further enacted by the Authority aforesaid, That the said Trustees shall and may, and they are hereby authorised and impowered, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money, not exceeding at any One Time the Sum of Five thousand Pounds Sterling, and to grant, assign, and set over the several Rates, Duties, and Tonnage, given and granted by this Act, to any Person or Persons whatsoever, who shall be willing to advance and lend Money thereon, for securing the Payment of the same, with Interest respectively; and that the Money so to be borrowed and advanced shall be employed for the Ends and Purposes of this Act, and not otherwise.

Rates, &c. to be applied to the Repair of the Works of the Harbour.

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money which shall be levied and received from the Rates and Duties aforesaid, and which shall be recovered for Forfeitures incurred under and by virtue of this Act, shall, by the said Trustees, after paying Two-thirds of the Expence of this Act, be applied for and towards the deepening, clearing, scouring, enlarging, and improving, maintaining and cleansing, the Harbours of Greenock, from all Dirt and Mud, and other Obstructions whatsoever, and for keeping and preserving the same clean, and for and towards making, erecting, building, and finishing such Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided by this

Act,

Act, and for the executing and performing of all necessary Works, and paying the Officers and Servants to be employed in and about or concerning the same, and to no other Use or Purpose whatsoever.

Ships laid by, as unfit for Service, not to lie in the Harbour.

And be it further enacted by the Authority aforesaid, That no Ship, Bark, Lighter, Boat, or Vessel, which shall be laid by as unfit for further Sea Service, or neglected by the Owner, shall be permitted to be and remain in the present Harbours of Greenock, or in any of the Piers and Quays to be erected, so as to encumber the same; but that in every such Case, it shall and may be lawful to and for the Shoremaster nominated yearly by the said Bailies and Town Council of Greenock, and their Successors in Office for the said Port, immediately to cause such Ship, Bark, Lighter, Boat, or Vessel, so unserviceable or neglected, to be, at the Expence of the Owner or Owners of the same, removed from the said Quays and Piers, or any of them, and to lay the said Ship or other Vessel on any Part of the Strand or Sea-shore, within the High-water Mark, or any other Place of Safety without the said Harbours, and there to moor such Ship or other Vessel; and that on or before Demand of Payment is made by such Shoremaster from the Owner or Owners, Masters or Agents, of such Ship, Bark, or other Vessel, of the Charge of removing and mooring such Ship, Bark, or other Vessel, as aforesaid, such Charges and Expences shall be first seen and allowed by One of the Bailies of Greenock for the Time being: And that in case of Refusal or Neglect of Payment of such Charges and Expences allowed as aforesaid for the Space of Five Days after Demand shall be made; then, and in every such Case, it shall and may be lawful to and for the said Shoremaster to levy such Expences by Distress and Sale of such Ship, Bark, Lighter, Boat, or other Vessel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, (after deducting the Charge of taking, keeping, and Sale of such Distress), to the Owner or Owners, Master, Factor, or Agent, of such Ship, Bark, Lighter, Boat, or Vessel, whenever the same shall be demanded.

And

Goods to be removed from the Quays.

And be it also enacted by the Authority aforesaid, That it shall not be lawful to, or in the Power of, any Person or Persons who shall have landed, and caused to be landed and laid any Goods or Merchandise, Timber, Wood of any Kind, Masts, Yards, Pumps, Boats, Anchors, Cables, Casks, Guns, Ballast, Paving-stones, Lime-stones, Slates, Soapers Waste, Dung, or Manure, or any other Thing (other than Materials for the necessary Repairs of the Piers and Quays, or for immediate Use in Shipping) upon any of the Piers and Quays, or Landing-places, within the said Harbours, or in any of the adjacent Streets and Avenues leading to the said Quays and Piers, or any of them, to continue or permit the same, or any Part thereof, to remain and lie thereon for any longer Time than Forty-eight Hours; and in all Cases where the said Goods, and others aforesaid, shall have so continued beyond the Space of Forty-eight Hours, it shall and may be lawful to and for the said Shoremaster for the Time being to remove, or cause to be removed, all such Goods and other Things as he shall so find lying, continuing, and being, on the said Quays and Piers, and other Places, above the said limited Time, to some Place or Places of Safety, and therein to detain and keep the same till Payment of the Charges of such Removal and Detention, and of such Consideration besides to the said Officers for their Trouble in and about the same, as any One of the said Bailies of Greenock shall think reasonable: And if such Charges and Expences shall not be paid within the Space of Five Days after Demand made thereof by the said Shoremaster; then, and in every such Case, he and they respectively are hereby authorised and required to levy the same by Distress and Sale of the said Goods and Chattels so respectively secured, and render the Overplus, (if any be) to the Owner or Owners thereof, the Charges of taking, keeping, and making Sale of such Distress, being deducted and allowed whenever the same shall be demanded.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or their Shoremaster aforesaid, shall and may, and they are hereby authorised and impowered, out of any of the Rates and Duties aforesaid, to rent or hire, by the Year or otherwise, any convenient Warehouse, Yard, or other Place, for the receiving, safe keeping, or lodging of such Goods and other Things so to be removed from off the Quays and other Places as aforesaid; or to inclose, erect, or build, any such Yard, Warehouse, or other Buildings, on their own Ground, or on Ground to be purchased by them, as to them shall seem most meet and fitting. Warehouses, *etc.* may be hired.

And be it further enacted by the Authority aforesaid, That no Gunpowder, Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy, or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other such combustible Things, shall be suffered to be and remain on the Piers and Quays aforesaid, already constructed, or hereafter to be constructed, within the said Port or Harbours of Greenock, or in any Part thereof, or upon the Deck of any Ship or Vessel in the said Piers or Quays lying in the Harbours aforesaid, for above the Space of Twenty-four Hours after passing the Custom-house Officers: And that in case such Goods and Things cannot be conveniently removed or got off from such Quays, Place or Places, by Daylight; that then, and in every such Case, the Owners of such Goods and Things shall be obliged, and are hereby required to set and maintain, at their own Expence, a sufficient Number of careful, discreet, and sober Persons, to guard and watch over the same, for such and so many Hours, according to the Season of the Year, as the said Shoremaster shall signify and appoint; and in case the Owner or Owners of such Goods and other Things, or the Master and Masters of Ships, Barks, and other Vessels, shall make Default herein, every such Owner or Owners, Master or Mate, shall forfeit and pay, for every such Offence, the Sum of Five Pounds Sterling. Gunpowder, and other combustible Matter, to be removed after a certain Time.

Ships may be removed from one Birth to another.

And be it also enacted by the Authority aforesaid, That the said Trustees or Shoremaster for the Time being, or such other Person or Persons as they shall authorise and appoint, shall and may, and he or they are hereby authorised and impowered, when and so often as he or they shall judge necessary, to remove, or cause to be removed, any Ship, Vessel, Bark, Lighter, or Boat, lying in any of the Entrances or Passages of the said Harbours of Greenock, or at any Pier, Quay, and Breast, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the said Harbours, from the Birth or Lying-place at which they shall respectively happen to be stationed or moored at the Time, to any other Birth or Lying-place, as he or they shall think proper: And in case the Master, Mate, or any other Person having and taking the Command and Charge of the said Ship, Vessel, Bark, Lighter, or Boat, shall, after Notice given him in Writing, or left in Writing on Board the Ship or Vessel intended to be removed, Twelve Hours before the Time of Removal, by the said Shoremaster, or such other Person or Persons as he shall appoint, neglect, or refuse to remove, or cause to be removed, during the first High-water or Tide after such Notice, such Ship, Vessel, Bark, Lighter, or Boat, from her said Birth, to such other Birth or Mooring-places as are or shall be appointed unto them by the said Shoremaster, or any other Person authorised by him; that then the said Trustees, or Shoremaster for the Time being, or any other Person or Persons he or they shall order or appoint, shall have Power, and are hereby directed and impowered, immediately after such Notice, Neglect, or Refusal, to remove, or cause to be removed, such Ship, Vessel, Bark, Lighter, or Boat, lying as aforesaid, from their present Birth and Mooring-place to such other Birth and Mooring-places as the said Shoremaster shall judge proper; and that the Masters, Commanders, Owners, and Consignees of such Ship, Vessel, Bark, Lighter, or Boat, so to be removed as aforesaid, shall respectively pay to the said Trustees all such Costs and Charges as shall be reasonably expended in removing such Ship, Vessel, Bark,

Lighter,

Lighter, or Boat, to be recovered, levied, and applied, in the same Manner as the Forfeitures and Penalties imposed by this Act are herein ordered to be recovered, levied, and applied; and that every Master, Commander, Mate, or other Person, taking upon himself the Command of any Ship, Vessel, Bark, Lighter, or Boat, or the Owner, Factor, Consignee, or Agent, or other Person or Persons whatsoever, who shall obstruct or hinder the Removal of any such Ship, Vessel, Bark, Lighter, or Boat, shall, for every such Offence, forfeit the Sum of Five Pounds Sterling.

Vessels in Distress to have the Preference of other Ships.

And be it further enacted by the Authority aforesaid, That in case any Ship or Vessel shall arrive or come into the said Road or Harbours of Greenock in Distress, or meet with any Misfortune in the Road or Harbours aforesaid, it shall and may be lawful to and for any of the Bailies of Greenock, upon Request made to them in Writing by the Master, Commander, or Owner of such Ship or Vessel, or Owner of any Goods on Board of such Ship or Vessel, and upon Proof being made before him of such Distress, to give a Preference to such Ship or Vessel being in Distress as aforesaid, both as to Birth at the Piers and Quays, and as to the Course of Discharging, to any other Ship or Vessel arrived before her in the Port aforesaid; and that every Master or Commander of any Ship or Vessel lying within the Harbours of Greenock, who shall refuse or delay to comply with the Order of the said Bailie, in favour of the said Ship or Vessel in Distress, shall forfeit the Sum of Ten Pounds Sterling, to be levied and applied in the Manner herein-after directed.

Ballast, &c. not to be thrown into the Harbour;

And be it enacted by the Authority aforesaid, That from and after the Twenty-fourth Day of June, One thousand seven hundred and seventy-three, it shall not be lawful to any Person or Persons to throw or empty any Ballast, Dust, Ashes, or Rubbish, Shingle, Stones, or other Things, into the said Harbours, or to bring Rafts of Wood into the same, or to dig and take away any Ballast, Shingle, Stones, or other Things, from within the same, to the Hurt and Prejudice of the said

said Harbours, or of the Works erected, or to be erected, for the Security and Accommodation of the same, or to do any other Act or Deed to prejudice or annoy the same, or any Part thereof, under the Penalty of Forty Shillings Sterling for every such Offence.

nor to lie on any Quay, Pier, &c. on Pain of 40 s.

And be it further enacted by the Authority aforesaid, That such Person or Persons who shall or may hereafter have Occasion to throw or cast out any Ballast from out of any Ship or other Vessel upon any Quay, Pier, or Breast, or other Place in or about the said Quays, Piers, Breasts, or other Works, made or to be made, as before mentioned, belonging to the said Port and Harbours, shall not suffer the same to be and remain on the said Quays, Piers, Breasts, or other Places, but shall immediately thereafter cart and carry away, or cause the same to be carted and carried away, to such Place or Places as any of the Bailies of Greenock, or the Shoremaster aforesaid, shall, for such Purposes, provide and appoint, on Pain of forfeiting, for every such Offence, Forty Shillings Sterling.

Owners of Vessels answerable for Damages done by their Crews.

And be it enacted by the Authority aforesaid, That the Master or Owner of every Ship, Bark, Lighter, Boat, or other Vessel, lying or trading in the Harbours of Greenock, shall be and is hereby made answerable to the said Trustees for the Amount or Value of any Damage or Mischief that shall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on board the same, to any of the Piers, Quays, Breasts, or other Works already constructed, or that shall be constructed by virtue of this Act, with full Costs of Suit; and that such Damages and Costs shall be sued for, and recovered in Manner herein-after directed.

Herrings, and other Fish, not to lie on the Piers, &c. above a certain Time.

And be it enacted by the Authority aforesaid, That it shall not be lawful for any Person or Persons whatsoever to pack, or cause to be packed, upon any of the Quays, Piers, or Breasts, built or to be built, as aforesaid, any Herrings, or other Fish, or to suffer Herrings, and other Fish, which are packed, to lie upon the said Piers, Quays, and Breasts, longer than Forty-eight Hours; and that after they have laid the said

Space

Space, it shall and may be lawful to and for the said Shoremaster aforesaid to carry away the said Herrings, or other Fish, and lay them up in a Cellar or Warehouse, at the Expence of the Owner or Proprietor; and that the said Shoremaster shall detain the said Herrings, and other Fish, till the Charges of carrying them from the Piers, Quays, and Breasts, shall be satisfied, and the Cellar Rent paid.

Shoremaster to inspect the State of the Piers.

And be it enacted by the Authority aforesaid, That the Shoremaster nominated and appointed by the said Trustees for the said Ports and Harbours of Greenock shall be, and is hereby authorised and required, from Time to Time, and at all Times after the passing of this Act, carefully to inspect into the State of the said Piers, Quays, Breasts, and other Places within the Port and Harbours of Greenock, and to prevent, as far as his Power shall extend, any Offences made punishable by this Act from being committed; and that in any Case of any wilful Neglect or Default therein, the said Shoremaster shall forfeit and pay Twenty Shillings Sterling for each and every such Offence.

Fines and Forfeitures, &c. of 5 *l.* or upwards how to be sued for and recovered.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to the said Trustees, or 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, by this present Act imposed, in all such Cases where the Sum to be recovered shall amount to Five Pounds Sterling or upwards, by Action, Bill, Complaint, or Information, within Six Months after such Offence is committed, before the Bailies of Greenock, or any Two or more Justices of the Peace, or any other Judge competent for civil Actions, within whose Jurisdiction the Offender or Offenders shall reside, and be apprehended; and that the said Bailies or Justices of the Peace shall, and they 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 by the Oath of One or more credible Witness or Witnesses, to award and give such Orders, Judgements,

and Decrees, as to them shall seem most agreeable to the true Intent and Meaning of this Act; and that 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 Bailies, Justices of Peace, or Judge aforesaid, the Person or Persons which shall be convicted of any of the Offences before described shall and may be sent by the Bailies, Justices of Peace, or Judges aforesaid, to the Prisono House of Correction next to the Place where the Offender or Offenders shall be apprehended, and there to be kept at hard Labour for such Time, not exceeding Six Months, as such Bailies, Justices, or Judges, shall direct; and that the whole Fines, Penalties, and Forfeitures aforesaid, which shall be recovered by the said Trustees, or their Collectors, as aforesaid, 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.

Fines and Forfeitures, *&c.* under 5 *l.* how to be recovered.

And be it further enacted by the Authority aforesaid, That every other Penalty, Fine, and Forfeiture, imposed, and which shall be incurred by virtue of this Act, and not amounting to the Sum of Five Pounds Sterling, shall and may be sued for and recovered by the said Trustees, or any Collector appointed by them, before any One of the Bailies of Greenock, or any One Justice of the Peace within whose Jurisdiction the Offender or Offenders before mentioned shall be apprehended or reside for the Time, by Action, Bill, and Complaint, or Information made in that Behalf, within Six Months after such Offence shall have been committed; and that the said Bailie or Justice of Peace aforesaid shall have Power, and he and they is and are hereby impowered and required to proceed to the Trial of such Offences summarily; and, upon Conviction of the Offender or Offenders in any of the Ways before-mentioned, to give such Orders, Judgements and Decrees, as to him or them shall seem most agreeable to the true Intent and Meaning of this Act; and in Default of Payment of the several Fines, Forfeitures, and others last-mentioned,

ed, so to be awarded by the said Magistrate or Justice of the Peace, the Person which shall be convicted, as aforesaid, shall and may be sent by the said Bailie and Justice of the Peace, to the nearest Prison or House of Correction, for such Time as the said Judges shall direct, not exceeding Three Months, and that the said pecuniary Penalties, not amounting to Five Pounds Sterling, shall, after Deduction of the necessary Charge of recovering the same, be applied, One Half thereof to the Use of the Informer, and the other Half to the Ministers and Kirk Sessions of Greenock, for the Use of the Poor of these Parishes.

Justices may mitigate Penalties.

Provided always, That it shall and may be lawful to and for the said Justices of the Peace, Bailie, and other Judges aforesaid, or any of them, by whom such Judgement, Sentence, or Determination shall be given, pronounced, or made, from Time to Time, where they see Cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures aforesaid, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above One Moity of the Penalty inflicted and directed to be levied by this Act; and that every such Mitigation or Composition shall be a sufficient Discharge for the Persons offending respectively for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted.

Trustees, &c. may take Materials from any Place within Six Miles,

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, gather, take, and carry away, from such Quarries and Pits any Stone, Sand, Gravel, Clay, and other Materials, in and out of any Grounds lying within Six Miles of the Town of Greenock, (not being Ground on which stands any Houses, Garden, Orchard, 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 Trustees and their Deputies, Agents, Officers, or Servants, shall judge necessary for carrying on, executing,

ing, and repairing, the ſeveral Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbours of Greenock, or authoriſed to be built by virtue of this Act, and for keeping the ſaid Works in good Order and Repair, the ſaid Truſtees paying the Value (to be eſtimated according to the Prices of ſuch Materials at the Time in that Part of the Country) of the Stones, Sand, Gravel, Clay, and other Materials, ſo to be carried in and out of the aforeſaid Ground, to the Proprietors, Liferenters, Tackſmen, and other Parties intereſted in ſuch Grounds, out of which ſuch Materials ſhall be carried away in Manner aforeſaid.

paying the Value to the Proprietors.

And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, to make, uſe, and maintain Roads from the ſaid Grounds opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, to any Part of the River and Firth of Clyde, or from the ſaid Pits and Quarries ſo to be opened as aforeſaid, directly to the Harbours of Greenock; and to make the ſame through any Ground belonging to any Perſon or Perſons whatſoever, (not being the Ground on which ſtands any Houſe, or any Garden, Orchard, and Walk or Walks planted, or Avenue to any Houſe), the ſaid Truſtees making reaſonable Satisfaction for the Damage done to the Ground through which the ſaid Road or Roads paſs to the Proprietor, Liferenter, Tackſman, and other Parties concerned and intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, as aforeſaid.

Roads to be made to the Harbour.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That it ſhall not be in the Power of the ſaid Bailies and Council of Greenock, or of their Servants or Agents, or of any other Perſon or Perſons employed by them, to dig or carry away any Sand or other Materials for the making of the ſaid Piers, Quays, and other Works, as aforeſaid, from or out of any of the Sand Banks and Fiſhing Places belonging to the Burgh of Dumbarton, in the River Clyde, or in the River Leven, without the Conſent of the Magiſtrates and Town

Exception as to the Sand-banks, &c. belonging to *Dumbarton.*

Council of the said Burgh of Dumbarton first had and obtained.

Penalty on any Person destroying the Works.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, after passing of this Act, maliciously, wilfully, or wantonly demolish, break down, destroy, or set on fire, any of the Jettees, Piers, Quays, Breasts, or other Works constructed, or to be constructed, in or belonging to the said Harbours of Greenock, or any Ship, Boat, or other Vessel, lying or being therein, every such Person or Persons so offending shall be adjudged guilty of Felony, and the Court and Courts by and before whom such Person or Persons shall be indicted and tried, shall, and hereby have Power and Authority to transport such Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Bye-laws, &c. may be made.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Bailies and Council of Greenock, and their Successors in Office, in Common Council assembled, at any Time or Times hereafter, to make, ordain, and establish, such Orders, Rules, and Bye-laws, for the better deepening, clearing, cleansing, and keeping in Repair the Harbours of Greenock aforesaid; and for the better regulating, governing, and managing, the Jettees, Piers, Quays, and every other the Works erected, or to be erected, made, or set up in the Harbours aforesaid, and for the better executing the other Purposes of this Act; and also from Time to Time, as Occasion may require, to repeal, add to, amend, or alter, such Rules, Orders, and Bye-laws, as to them shall seem meet, fitting, and requisite, and to fix and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Nonobservance or other Breach of all or any such Rules or Bye-laws, or any Part of them; to be recovered and applied in such Manner, and according as the Penalties under Five Pounds Sterling are ordained to be recovered, levied, and applied; and the said Bailies and Council, and their Successors in Office, shall cause the said Rules, Orders, and Bye-laws, to be printed and distributed, and hung

up in the moſt conſpicuous Place of the Cuſtom-houſe of Greenock, and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

Who are to be Commiſſioners.

And be it enacted by the Authority aforeſaid, That the following Perſons ſhall be Commiſſioners for allowing, authoriſing, and confirming, all the additional Piers, Quays, Breaſts, and other Works which ſhall be made in purſuance of this Act, and for directing what Part of the ſaid Work ſhall be firſt begun; and for inſpecting, auditing, and adjuſting, the Accounts, and all the Collectors Receipts and Diſburſements under and by virtue of the ſame, for the Ends and Purpoſes before mentioned; that is to ſay, The Two Bailies and Town Council of Greenock for the Time being, Charles Schaw Lord Cathcart, and his Heirs; Sir Michael Stewart of Blackhall Baronet, and his Heirs in the Eſtate of Ardgowan; John Schaw Stewart Eſquire of Greenock, and his Heirs in the Eſtate of Greenock; the Repreſentative in Parliament of the County of Renfrew for the Time being; Nine Merchants, Inhabitants of the Town of Greenock, to be nominated as herein-after mentioned; and the Provoſt and Dean of Guild for the Time being; and Eight Merchants, Inhabitants of the City of Glaſgow, to be alſo nominated in Manner as herein-after mentioned, ſhall be Commiſſioners for the Ends and Purpoſes laſt mentioned.

Who may not be Commiſſioners.

Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of being elected of the Number of the ſaid Nine Commiſſioners, who for himſelf (as Owner or Part Owner of Ships or Veſſels belonging to the ſaid Town of Greenock) ſhall not contribute and pay yearly, and within each Year, the Sum of Two Pounds Ten Shillings Sterling at leaſt to the laſt-mentioned Uſes and Purpoſes of this preſent Act; and that no Owner, or Part Owner, of any Ships or Veſſels belonging to the ſaid Town of Greenock, and being Inhabitants of the ſame, who ſhall not contribute and pay as aforeſaid yearly, and within the Year, Ten Shillings Sterling at leaſt, ſhall be received or admitted to vote in the Election of the Nine Commiſſioners before mentioned.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Bailies of Greenock, and they are hereby authorised and required to call and convene the Owners, or Part Owners, of Ships or Vessels belonging to the said Town of Greenock, being Inhabitants of the same, by publick Advertisements, Fourteen Days preceding the Meeting; and they are hereby required to meet together in the Town-house of Greenock, at Eleven of the Clock in the Forenoon, on the First Tuesday of November, One thousand seven hundred and seventy-three, and so yearly thereafter on the First Tuesday of November, and then and there elect, nominate, and appoint, by Plurality of Voices of such as are present, Nine Persons to be Commissioners on their Part, for the Purposes before mentioned; and that the Nine Persons so elected and chosen shall be and continue Commissioners under this present Act for One Year afterwards, and until the First Tuesday of November immediately following.

Time of First Meeting for the Choice of Commissioners.

Provided always, That none of the said Commissioners, to be nominated as aforesaid, shall be Members of the Town Council of Greenock at the Time of such Nomination.

Proviso.

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, and he is hereby authorised and required to call and convene the Merchants of Glasgow, Owners or Part Owners of Ships or Vessels trading in or belonging to the Port of Greenock, by publick Advertisements in the Glasgow Newspapers, Fourteen Days preceding the Meeting; and they are hereby required to meet together at and in the Merchants Hall of the City of Glasgow, at Eleven of the Clock in the Forenoon, upon the First Tuesday of November, One thousand seven hundred and seventy-three, and so yearly, on every following First Tuesday of November, and then and there, by Plurality of Voices of such as are present, to nominate and appoint Eight Persons to be Commissioners for the Purposes before mentioned; and that the said Eight Persons so chosen shall

Dean of Guild of *Glasgow* to call yearly Meetings for chusing Commissioners.

shall continue Commissioners for One Year, and until the First Tuesday of November immediately following.

Annual Meetings appointed.

And be it further enacted by the Authority aforesaid, That an annual General Meeting of the said Commissioners shall be held at the Town-house of Greenock upon the First Tuesday of February in every following Year; and that the said Bailies and Council, and their Successors, shall, at every such General Meeting, cause to be laid before the said Commissioners, or any Seven or more of them, a true and fair Account of all the Monies which shall have been collected and levied the Year preceding from the Rates, Duties, Fines, and Forfeitures before mentioned; and of every Sum or Sums of Money which shall have been borrowed during the Year preceding, for the Uses and Purposes before mentioned; and also of all the Monies which shall have been used, paid, and applied out of the same, for the deepening, cleansing, scouring, preserving, and maintaining of the said Harbours of Greenock, and for making, building, and erecting the Piers, Quays, Jettees, Breasts, and other Works before mentioned; and that all the said Accounts shall be examined and certified by the Commissioners present at such annual Meeting, or by the Majority of them; and that the said Commissioners shall, at every such Meeting, bear their own Charges.

Meetings may be adjourned.

And be it enacted by the Authority aforesaid, That it shall be in the Power of the said Commissioners, or the Majority of them so assembled at such annual General Meeting, to adjourn themselves from Time to Time, as they shall see Cause; and also that it shall be in the Power of the said Trustees, at all Times, to call Meetings of the said Commissioners, by Advertisements for that Purpose, published at least Fourteen Days before the Day of such Meeting, in all the Glasgow Newspapers for the Time being; and that no Business shall be proceeded on at any of the said Meetings unless there be Seven Commissioners at least present.

Duties may be lessened.

And be it enacted by the Authority aforesaid, That the said Commissioners, or any Thirteen or more of them, at General Meetings as aforesaid assembled, may, and they are hereby impowered, by and with the Consent of

the Lenders of Money, to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the Rates and Duties aforeſaid will permit.

After Repayment of the Money borrowed, the Rates to ceaſe.

Provided always, and it is hereby further enacted, That from and after the Repayment, out of the Rates, Duties, and Forfeitures aforeſaid, of all and every Sum and Sums of Money which ſhall be borrowed or advanced by the ſaid Truſtees by virtue of this Act, and applied in Terms thereof, with the legal Intereſt, from the reſpective Terms of borrowing and advancing the ſame; and after levying and raiſing the Sum of One thouſand Two hundred Pounds Sterling for thereafter upholding and keeping in Repair the ſaid Works, the Rates and Duties hereby granted and impoſed ſhall ceaſe and determine.

Proviſo.

Provided always, and be it enacted by the Authority aforeſaid, That the Truſtees by this Act appointed ſhall pay to all Perſon and Perſons, Bodies Politick and Corporate, claiming and intitled unto any Right or Intereſt in the ſaid Harbours of Greenock, or in the Grounds within the ſaid Harbours, or on which the Piers, Quays, and other Works already built, or to be built, are or ſhall be erected, the full Value of every ſuch Right and Intereſt, after the ſame ſhall be eſtabliſhed in due Courſe of Law, (in caſe ſuch Right and Intereſt ſhall be conteſted by the ſaid Truſtees); and that the ſaid Perſon and Perſons ſo claiming and intitled as aforeſaid ſhall, and be, ſhe, and they are hereby required to accept of the ſame from the ſaid Truſtees, in full Satisfaction for ſuch Right and Intereſt as aforeſaid: And in caſe of any Difference between them, reſpecting ſuch Value, that it ſhall and may be lawful to and for the Sheriff-depute of the County of Renfrew, and he is hereby impowered and required to ſummon and impanel a competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, not leſs than Fifteen; and, out of ſuch Perſons ſo ſummoned and returned, to name and appoint a Jury of Ten Perſons, to come and appear before him, at ſuch Time or Place as by his Warrant or Precept

shall be directed, and to receive such Evidence as shall, by either Party, be brought before him: And the said Sheriff-depute shall examine such Witnesses as shall be brought by either Party in the Course of the said Evidence, upon Oath, (which Oath he is hereby authorised and impowered to administer), touching the Value to be paid to the Person and Persons interested and intitled as aforesaid, for his, her, or their Right and Interest in the Premises; and that the Verdict of the said Jury shall be final and conclusive, in so far as shall respect the Consideration or Purchase Money to be paid to the said Person and Persons respectively as aforesaid: And that in the mean Time, and until such Value shall be ascertained in Manner as herein-before mentioned, it shall be in the Power of the said Trustees, and they are hereby authorised and impowered, to take, possess, and use, to the last-mentioned Uses and Purposes of this present Act, the Ground, and others aforesaid; any Thing in this present Act to the Contrary notwithstanding.

Rights of the Town of *Greenock* reserved.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to take away, alter, abridge, lessen, change, or intrude upon any Jurisdiction or Power of the Bailies and Council of the Town of Greenock, and Corporation thereof, in, about, or concerning the Harbours, Docks, Piers, and Quays, built or to be built, as aforesaid: And also saving and reserving to the Magistrates, Council, and Community of the City of Glasgow, all Rights and Privileges they have, and are in Possession of, in, and upon the River Clyde, and to them, and to the said Bailies and Town Council of Greenock, and to the said Charles Schaw Lord Cathcart, his Heirs and Assigns, and to the said John Schaw Stewart, and his Heirs in the Estate of Greenock, and unto all other Lords of Baronies, and to all other Bodies Politick or Corporate, all their legal Right, Estates, and Interests, in the Premises aforesaid; declaring always, that nothing herein contained shall hurt or prejudice the Charter granted to the Town of Greenock, in the Year One thousand seven hundred and fifty-one, by the deceased Sir John Schaw of Greenock.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Bailies and Town Council of Greenock, and to Nine Feuars, Sub-feuars, or Burgesses, of the said Town, (to be chosen by the Feuars, Sub-feuars, Corporations, Burgesses, and Householders, in the Town of Greenock, in Manner as herein-after mentioned), and their Successors in Office for the Time being, and they are hereby authorised and impowered to contract and agree with the Owners or Proprietors of any Springs or Fountains within Three Statute measured Miles of the Town of Greenock, and with such other Person and Persons as they shall judge proper, for the Liberty of collecting, receiving, and conveying the said Springs and Fountains for the supplying the Inhabitants of the said Town of Greenock with fresh Water, and for the laying down Pipes and other Conductors for conveying the said Water, and building Cisterns and Reservoirs for collecting and receiving the same; and that the said Bailies, Town Council, and Nine Feuars, Sub-feuars, or Burgesses aforesaid, shall pay such Rates or Consideration for the same as shall be agreed on between them and the Owners and Proprietors of such Springs and Fountains as aforesaid, (either by absolute Purchase, or by Payment of a certain annual Sum for the Use of the same), and as shall be agreed upon with the aforesaid other Person and Persons, for undertaking, doing, and performing, the several Works before mentioned; and that the said Bailies and Town Council, and Nine Feuars, Sub-feuars, or Burgesses, and their Successors, shall be, and they are hereby appointed Trustees for putting so much of this Act into Execution as relates to the bringing Water into, and lighting, cleaning, paving, and watching, the Streets of the said Town of Greenock, with Power to the said Trustees, and they are hereby authorised and impowered, to convey such Water into the said Town of Greenock, by Pipes to be laid in and through the Grounds lying between such Springs and Fountains as aforesaid and the said Town of Greenock, and the Cisterns and Reservoirs built or to be built therein.

Trustees may contract with Owners of Springs for bringing Water to the Town.

Provided

Who are excluded from being Trustees.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be capable of being elected of the Number of the said Nine Trustees last mentioned, who, for himself, (or for Dwelling-houses, Cellars, Vaults, or other Tenements, in his actual Possession) is not assessed and rated, so as to contribute and pay yearly, and within each Year, the Sum of Seven Shillings and Sixpence Sterling at least to the last-mentioned Uses and Purposes of this present Act: And that no Feuar, Sub-feuar, Burgess, or Householder, who does not contribute and pay as aforesaid yearly, and within the Year, Two Shillings and Sixpence Sterling at least, shall be received or admitted to vote in the Election of the Nine Trustees before mentioned.

Where Proprietors of Springs are unwilling to contract, or under any Disability, Sheriffs to determine Differences.

And whereas it may happen that some of the Owners, Proprietors, or Occupiers, of such Springs and Fountains as aforesaid, and of the Lands through which it may be necessary to convey the Water from the said Springs and Fountains, and to lay down Pipes and other Conductors for that Purpose, may not agree with the said Trustees for the Purchase of the said Water, and for the Privilege of laying such Pipes, or erecting other Works on their respective Lands or Grounds, or may, through Infancy, Minority, Defect of the Title Deeds, Incumbrances, Debts, or other Disabilities or Causes, be disabled to grant valid and effectual Conveyances of the Premises in favour of the said Trustees; be it therefore enacted by the Authority aforesaid, That in all and every of the Cases herein immediately before mentioned, it shall and may be lawful to and for the Trustees aforesaid, and they are hereby authorised and impowered to apply to the Sheriff-depute of the County where such Springs or Grounds shall respectively lie, who, upon such Application, shall, and he is hereby impowered and required, to order a Visitation and Inspection to be made of such Springs, Fountains, and Grounds, and to call before him the respective Owners and Occupiers thereof, or the Trustees, Tutors, or Curators, or others having the Charge and Administration of the Affairs of such Own-

ers and Occupiers, and requiring them, within a limited Time, to shew Cause why such Springs or Fountains should not be alienated or granted, or why the said Pipes should not be laid through their Grounds, and Cisterns built thereon, for the Purposes aforesaid; and that thereupon the said Sheriff shall proceed to hear the said Parties, and to pronounce Sentence upon the said Matter, in such Manner as shall appear to him reasonable and just.

Persons aggrieved may apply to the Lords of Council and Session.

Provided always, and be it further enacted, That if any Person or Persons shall think him or themselves aggrieved by the Sentence of the said Sheriff, that it shall and may be lawful to and for such Person or Persons to apply, by Petition, to the Lords of Council and Session, to have such Sentence reviewed, altered, or amended; and that the said Lords of Session are hereby impowered and required to proceed and determine therein summarily, without abiding the Course of any Roll.

Proviso.

Provided always, That such Application shall be made to the Lords of Session within Fifteen Days, to commence and be computed from the Day on which the said Court shall sit, after the said Sheriff shall have pronounced his Sentence as aforesaid.

Purchase-money to be settled by a Jury.

And be it enacted, That if, upon Trial, it shall appear to the said Sheriff-depute, that the Springs, Fountains, and Grounds aforesaid, may be so alienated and granted without essential Hurt or Prejudice to the Owners and Occupiers of the same, and shall be so found and declared; that then, and in such Case, for ascertaining the Value or Consideration to be paid for the same, it shall and may be lawful to and for the said Sheriff-depute, and he is hereby impowered and required, after the elapsing of the said Space in which the Persons who think themselves aggrieved are allowed to apply to the Court of Session for Redress as aforesaid, or in case of any such Application, after a Decree of the said Lords shall be extracted thereupon, to summon and impanel a competent Number of discreet, substantial, and disinterested Persons, not less than Fifteen; and, out of such Persons so summoned and returned, to name and appoint a Jury of Nine Persons, each of them possessed

of an Estate of Four hundred Pounds Scots of valued Rent in the County of Renfrew, to come and appear before him, at such Time and Place as by his Warrant or Precept shall be directed, and to receive such Evidence as shall by either Party be brought before him; and the said Sheriff-depute shall examine such Witnesses as shall be brought by either Party in the Course of the said Evidence, upon Oath, (which Oath he is hereby authorised and impowered to administer), touching the Value to be paid to the respective Proprietors and Occupiers, for the Liberty of collecting and using the said Springs or Fountains, and for laying Pipes and Conductors through the said Grounds, and building Cisterns thereon, and for altering, amending, and repairing the Cisterns and Pipes in all Times thereafter respectively as the said Case shall be; and that the Verdict of the said Jury shall be final and conclusive, in so far as shall respect the Consideration or Purchase Money to be paid to the Owners and Occupiers of such Springs, Fountains, or Grounds respectively as aforesaid: Provided always, That all Parties concerned shall have their lawful Challenges against any of the said Jurymen.

Sheriff-depute to pronounce Judgement for Payment of the Purchase-money.

And be it further enacted by the Authority aforesaid, That the Sheriff-depute aforesaid shall, and he is hereby authorised and required, upon such Verdict being given as before mentioned, to pronounce Judgement for the Payment of such Sum or Sums so to be awarded by the said Jury, and to ordain the Owners or Proprietors and Occupiers of such Springs, Fountains, and Grounds, or their Trustees, Tutors, Curators, or Administrators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Springs and Fountains to be collected or received into Cisterns or proper Reservoirs to be erected by the Trustees named and appointed by this Act, or by such Person or Persons as they shall appoint; and also to permit proper Pipes, and other Conductors, to be laid for the Conveyance of the said Water through their respective Lands or Grounds, and Cisterns to be built thereon; and the Trustees named and appointed by this Act, and their Officers and Servants to have Access and Liberty to make, alter, amend, and repair the same

for ever hereafter, in such Manner as the said Trustees shall order and direct; and that the Judgement, Decree, or Determination, pronounced by the said Sheriff, upon the said Verdict or Verdicts, conformable to the Method above prescribed, shall be binding and conclusive, to all Intents and Purposes whatsoever, against the several Proprietors and Occupiers of such Springs, Fountains, and Grounds, and the said Trustees respectively; and that the same, or Extracts thereof from the Sheriff Court Books, shall be deemed and taken as good and effectual Evidence and Proof in any Court of Law or Equity whatsoever.

Trustees may make Bye-laws.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to the said Trustees, in General Meetings assembled, at any Time or Times hereafter, to make, ordain, and establish, such Orders, Rules, and Bye-laws, for the better carrying the Purposes of this present Act into Execution, with respect to the supplying the Inhabitants of the said Town of Greenock with fresh Water, and paving, cleansing, lighting, and watching, the Streets and other Places within the said Town; and also from Time to Time, as Occasion may require, to repeal, add to, or amend or alter, such Orders, Rules, and Bye-laws, as to them shall seem meet, fitting, and requisite; and to fix and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Nonobserpance, or other Breach, of all or any such Rules or Bye-laws, or any Part of them; to be recovered and applied in such Manner, and according as the Penalties under Five Pounds Sterling are ordered to be recovered, levied, and applied, by this Act: And the said Trustees shall cause the said Rules, Orders, and Bye-laws, to be printed and distributed, and hung up in the most conspicuous Place of the Town-house of Greenock, and to pay the Expence and Charge thereof out of the Assessments aforesaid.

Continuance of the Act with respect to purchasing Springs, &c.

And be it further enacted by the Authority aforesaid, That this Act shall continue and be in Force, so far as relates to the purchasing of Springs, Fountains, and Grounds, for the Purposes aforesaid, for the Space of Fifteen Years, to be computed from the Twenty-fourth

Day

Day of June, One thousand seven hundred and seventy-three, and from thence to the End of the then next Session of Parliament, and no longer.

Trustees to appoint Persons to watch and cleanse the Streets, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, and their Successors in Office, to appoint proper Persons for watching and cleansing the several Streets, Squares, Lanes, Alleys, Avenues, and Passages, in and about the said Town of Greenock, and to appoint the Streets which are already paved to be properly repaired; and also to appoint Lamps to be erected at the most convenient Places within the same; and to lay a Tax on the Inhabitants in the said Town of Greenock, for bringing in Water, cleansing and paving, lighting and watching, the same as aforesaid, the said Tax always never exceeding Sixpence Sterling in the Pound, of the real Rent of the Houses and other Subjects possessed by them; and that all Vessels taking Water from the Pipes to be laid by virtue of this Act shall pay at the Rate of Eightpence Sterling for every Ton of Two hundred and Fifty-two Gallons.

and at what Time the Lamps are to be lighted.

And it is hereby further enacted, That all and each of the Lamps which now are, or hereafter shall be, erected by or in pursuance of this Act, shall be lighted in the Afternoon of every Day, at such Hour or Hours as the said Trustees shall direct and appoint, from and after the First Day of October in each Year, to the First Day of April immediately following.

Time of lighting may be altered.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees to order and direct the Lamps to be lighted sooner than the First Day of October in each Year, or to continue the lighting of such Lamps longer than the First Day of April, or both, as they shall see Cause.

Penalty on Persons taking away Lamps is 40s.

And it is also further enacted, That if any Person or Persons shall steal, take away, break, or throw down, or damage any Lamp or Lamps that now is, or hereafter shall be, set up for enlightening any of the said Streets, Squares, Courts, Lanes, Alleys, Avenues, or Passages, or shall wilfully extinguish the Light or Lights within the same, or damage the Iron, or other Furniture thereof, it

shall and may be lawful to and for any Person or Persons whatsoever, who shall see such Offence committed, to seize, as also to and for any other Person or Persons to assist in seizing, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey him, her, or them, into the Custody of a Peace Officer, or any of the Baron Officers of Greenock, in order to be secured and conveyed before any One of the Bailies of the said Town of Greenock; and that such Bailie shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence, (which Oath the said Bailie is hereby authorised and required to administer); and that if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they, so convicted, shall forfeit and pay the Sum of Two Pounds Sterling for each Lamp so broke, thrown down, or damaged, or for every Light so extinguished as aforesaid; and moreover shall make full Satisfaction to the said Trustees, or to such Person as they shall appoint to receive the same, for the Damages so by him, her, or them, done as aforesaid; and that in case such Offender or Offenders shall not, on Conviction, pay such Forfeiture, and make such Satisfaction as aforesaid, such Bailie is hereby required to commit him, her, or them, to the common Gaol of the said Town of Greenock for the Space of Two Months; and that such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they, shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Persons breaking Lamps accidentally, &c. to pay as the Bailie shall judge reasonable.

And it is hereby further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage, any of the Lamps so set up, or hereafter to be set up, as aforesaid, or the Irons or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every such Case, it shall and may be lawful to and for any One of the said Bailies of the

Town of Greenck for the Time being, upon Complaint to him made by any One or more credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid; and upon hearing the Allegations and Proofs on both Sides, or upon the Nonappearance of the Party or Parties so complained of and summoned, to award such Sum or Sums of Money, by way of Satisfaction for such Damage, as such Bailie shall think reasonable; and (in case of Neglect or Refusal of the said Party or Parties to pay such Sum or Sums of Money so awarded within Ten Days next after Demand thereof) to cause the same to be levied by Distress and Sale of his, her, or their Goods or Chattels, the Surplus, (if any be), arising by such Sale, to be paid to him, her, or them, when demanded.

Trustees may appoint Collectors and Watchmen.

And be it further enacted, That the said Trustees shall have Power, and they are hereby impowered, to nominate and appoint a Collector or Collectors, and other proper Officers, with suitable Salaries; and to change and remove such Collector and Collectors, and other Officers, at the Pleasure of the said Trustees; and that the said Trustees may, yearly and every Year, order and appoint such Number of Watchmen as they shall judge proper to be kept within the said Town of Greenock, and shall elect such honest and able-bodied Men to be employed in that Service as they shall think best qualified for the same; and shall also direct where the several Watchmen shall be stationed, and in what Manner they shall be armed, and how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages shall be allowed to such Watchmen for their Attendance; and also shall or may hire, erect, or maintain, any proper Place or Places, within the said Town, for the Reception of the said Watchmen; and shall make all such Regulations and Orders in Writing, as the Nature of each particular Service shall appear to them to require.

When Assessments are to be levied.

And it is hereby further enacted and declared, That the Assessments by this Act imposed for defraying the Expences

Expences of bringing Water into, and paving, cleansing, lighting, and watching the Streets of the said Town of Greenock, shall be leviable and levied at the Term of Lammas yearly: And that if any Person or Persons who shall be rated and assessed by virtue and in pursuance of this Act shall refuse or neglect to pay the Rate or Assessment charged upon him, her, or them, in pursuance of this Act, for the Space of Ten Days next after his, her, or their respective Rate or Rates, Assessment or Assessments, shall be due, and demanded by the Collector or Collectors authorised and impowered to collect and receive the same, (such Demand being either personally made to the respective Person or Persons so charged, or left in Writing at his, her, or their respective House or Houses, or Place or Places of Abode); that then, and in every such Case, it shall and may be lawful to and for such Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand of any One of the Bailies of the Town of Greenock for the Time being, (which Warrant or Warrants the said Collector or Collectors is and are hereby required to apply for, and the said Bailie is hereby authorised and required to grant), and with the Assistance of a Peace Officer, or any Officer of the said Burgh of Barony, to enter his, her, or their House or Houses, Apartment or Apartments, and then and there to seize and keep Possession of his, her, or their Goods and Chattels; and if the said Rate or Assessment shall not be paid within Three Days next after such Seizure shall be made, (together with the Costs and Charges thereof), to sell by publick Auction, at the Market-cross of Greenock, so much and such Part of the said Goods and Chattels as shall be sufficient to pay the said Rate or Assessment, with the Costs and Charges attending such Seizure and Sale, returning the Overplus (if any be) to the Owner or Owners of such Goods and Chattels, (the said Costs and Charges to be settled and allowed by the said Bailie who shall have granted such Warrant respectively).

And

Assessments to be laid on occupied Premises only.

And be it enacted by the Authority aforesaid, That the Assessments shall be laid upon Dwelling-houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, actually possessed, occupied, and tenanted at the Time of laying on the same only; and that the Possessors, whether Proprietors or Tenants, shall be liable for the Payment thereof; and that if any Dwelling-houses, Cellars, Vaults, or other Tenements, which are not possessed at the Time of laying on the general Assessment, shall afterwards, during the Currency of that Year, become possessed, it shall be lawful to, and in the Power of, the said Trustees, to meet and assess the same in Manner above prescribed; and that it shall be in the Power of the said Trustees, if they see Cause for so doing, totally to exempt Houses of the yearly Rent of Twenty-five Shillings Sterling or under from Payment of any Assessments by virtue of this Act.

Proviso.

Provided always, and be it enacted, That no Assessment shall be made, nor Tax levied, by virtue of this present Act, for Buildings standing detached from Dwelling-houses, which are and shall be used only as Cellars and Warehouses, for the sole Purpose of keeping Merchandise therein, so long as the same shall continue to be so solely used as aforesaid; any Thing herein to the Contrary notwithstanding.

Tenants obliged to declare the Extent of their Rents.

And, for determining the real Rent of each Dwelling-house, Shop, Warehouse, or other Tenement, liable to the Payment of any Assessment to be imposed by virtue of this Act, it is hereby further enacted, That the Tenant or Possessor shall be obliged to declare upon Oath the Extent thereof, if required, (which Oath any of the said Bailies are hereby impowered to administer); and that in case the Possessor or Possessors shall happen to be also Proprietor or Proprietors, he, she, or they shall be obliged, in like Manner, to declare the Price he, she, or they paid for his, her, or their Possession, or what it cost him, her, or them; and he, she, or they shall be assessed, at the Rate aforesaid, according to the Rent, equal to Six Pounds Sterling per Centum of such Price or Cost.

And

And it is further enacted, That the said Bailies and Town Council of Greenock shall have Power to make Regulations from Time to Time, for removing Obstructions, and preventing Nuisances of every Kind, within the Bounds comprised in this Act; and to enforce the same by such small Penalties as they shall appoint, not exceeding, in any Case, Ten Shillings Sterling for each Transgression; to be levied in Manner herein-after mentioned. Obstructions to be removed.

And be it likewise enacted by the Authority aforesaid, That the said Trustees shall and may, and they are hereby authorised and impowered, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money, not exceeding, at any One Time, the Sum of One thousand five hundred Pounds Sterling, and to grant, assign, and set over the several Rates and Duties given and granted by this Act for bringing in Water, and lighting, paving, and watching the Streets, to any Person or Persons whatsoever, who shall be willing to advance and lend Money thereon, for securing the Payment of the same, with Interest respectively; and that the Monies so to be borrowed and advanced shall be employed for bringing in Water, lighting, paving, cleansing, and watching the Streets, and not otherwise. For borrowing Money.

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, which shall be levied and received from the Rates and Duties upon Houses and Water for Shipping, shall, after paying One-third of the Expence of the passing of this Act, by the said Trustees, be applied for and towards bringing in Water into the Town of Greenock, and for lighting, paving, cleansing, and watching the Streets, and for keeping and preserving the same, and paying the Officers and Servants to be employed in and about or concerning the same, and to no other Use or Purpose whatsoever. Application of the Monies.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Two Bailies of Greenock, and they are hereby authorised and required, to call and convene the Feuars, Sub-feuars, Corporations, Burgesses, and House-holders in the Town How Meetings are to be appointed for chusing Trustees.

of Greenock, by publick Advertisement from the Readers Desks in the Churches of Greenock, upon the Sunday immediately before such Meeting; and they are hereby required to meet together at and in the Town-house of Greenock, at Eleven of the Clock in the Forenoon, on the First Tuesday of July, One thousand seven hundred and seventy-three, and so yearly on every following First Tuesday of July, and then and there, by Plurality of Voices of such as are present, by giving in Lists signed by them, to nominate and appoint Nine Feuars, Subfeuars, or Burgesses, to be Trustees on their Part for the Purposes before mentioned; and that the Nine Persons so elected and chosen, shall be and continue Trustees under this present Act for One Year afterwards, and until the First Tuesday of July immediately following.

Time of the Four General quarterly Meetings.

And be it further enacted, That in every Year there shall be held Four Quarterly General Meetings of the said Trustees, upon the Second Tuesday of July, Second Tuesday of October, Second Tuesday of January, and Second Tuesday of April, during the Continuance of this Act; and that the First General Quarterly Meeting shall be held on the Second Tuesday of July, in the Year One thousand seven hundred and seventy-three, within the Town-house of Greenock, in the Forenoon; and that the said Trustees, or the major Part of them, in such General Meeting assembled, may adjourn themselves to such Time and Place as they shall think proper, for the better carrying the Purposes of this Act into Execution.

Questions to be determined at Meetings by Plurality of Voices.

And be it enacted by the Authority aforesaid, That all Questions which shall arise before the said Trustees in the Execution of this Act, and assembled in General Meetings as aforesaid, shall be determined by Plurality of Voices; and that the senior Magistrate of Greenock, present at the Time, shall preside at all Meetings of the said Trustees; and besides his single Voice in common with the other Trustees, shall, in all Cases of Equality of Voices, have a casting and decisive Voice.

Penalties and Forfeitures how to be recovered and applied.

And it is hereby further enacted, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly

particularly directed), shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand of any One of the Bailies of the Town of Greenock, or any One of the Justices of the Peace for the County or Place where the Offender shall dwell; which Warrant such Bailie or Justice is hereby authorised and required to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses upon Oath; and that the Penalties and Forfeitures, when recovered, (after rendering the Overplus, if any be, upon Demand, to the Party or Parties whose Goods shall be so distrained and sold, the Charges of such Distress being first deducted), shall be paid to the Treasurer of the Town of Greenock for the Time being, and be applied towards the Purposes of this Act; and that in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Bailie or Justice as aforesaid, and he is hereby authorised and required, by Warrant under his Hand, to cause such Offender or Offenders to be committed to the Gaol of the County, therein to continue for a Time, not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

Oaths may be administered by Bailies or Justices of the Peace.

And it is hereby further enacted, That in all Cases where Cognizance is given to any of the said Bailies, or any Justice or Justices of the Peace by this Act, it shall be lawful for the Bailie or Bailies, Justice or Justices of the Peace, to administer an Oath to any Person or Persons, for his or their more certain Information in the Matters then depending.

Act may be produced in Actions brought in pursuance thereof.

And be it further enacted by the Authority aforesaid, That in case any Suit or Action shall be commenced against the said Bailies and Council, or their Successors, or the said Trustees, 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 by Authority and in pursuance 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 Costs and Expences in the Defence thereof awarded to them from and against the Prosecutor or Prosecutors of the same.

Sheriffs, &c. to assist in putting the 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 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; and 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.

Publick Act.

FINIS.