ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XCI.

An Act to continue the Term and enlarge the Powers of Two Acts, made in the Seventeenth Year of the Reign of His late Majesty King *George* the Second, and the Seventh Year of the Reign of His present Majesty, *for continuing the Duty of Two Pennies* Scots, *or a Sixth Part of a Penny Sterling, upon every* Scots *Pint of Ale and Beer, which shall be brewed for Sale, brought into, tapped, or sold, within the Town of* Borrowstounness *and Liberties thereof, in the County of* Linlithgow, *and for extending the same over the Parish of* Borrowstounness; *for repairing the Harbour of the said Town, and for other Purposes therein mentioned.*

[9th *May* 1794.]

Preamble. 17 *Geo.* II, Cap. 21, and



WHEREAS by an Act, passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Second, (intituled, *An Act for laying a Duty of Two Pennies* Scots, *or a Sixth Part of a Penny Sterling, upon every* Scots *Pint of Ale and Beer, which shall be brewed for Sale, brought into, tapped, or sold, within the Town of* Burrowstounness *and Liberties thereof, in the County of* Linlithgow, *for repairing the Harbour of the said Town*); it was enacted, That, from and after the First Day of *June* One thousand seven hundred and forty-four, for the Term of Twenty-five Years, and to the End of the then next Session of Parliament, there should be laid an Imposition or Duty of Two Pennies *Scots*, or a Sixth Part of a Penny Sterling, (over and above the Duty of Excise paid or payable to His Majesty, His Heirs and Successors), upon every *Scots* Pint of Ale and Beer that should be either brewed, brought in, tapped, or sold, within the said Town of *Burrowstounness*, or the Liberties thereof, and that the said Imposition or Duty should be paid and made payable by the Brewers for Sale, or Venders or Sellers of the said Ale and Beer, to the several Persons thereby nominated and appointed Trustees, for clearing, deepening, rebuilding, repairing, and improving, the said Harbour and Piers; and also for putting in Execution all other the Powers given in and by the said Act: And whereas by another Act, passed in the Seventh Year of the Reign of His present Majesty, the said Imposition or Duty of Two Pennies *Scots*, or the Sixth Part of a Penny Sterling, so granted by the aforesaid Act, passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Second, was not only continued but extended to every *Scots* Pint of Ale and Beer that should be either brewed, brought into, tapped, or sold, within that Part of the Parish of *Burrowstounness* which is not comprehended within the Town and Liberties thereof, and made payable for and during the further Term of Twenty-five Years, to be computed from the Expiration of the Term granted by the said former Act, and to the End of the then next Session of Parliament; and that the said Duty should be paid to the Trustees, in the said last mentioned Act nominated and appointed, or any Eight or more of them, by virtue of or under the said first mentioned Act, not only for repairing the Streets and Harbour of the said Town, but also for bringing in a Supply of good Water, and other Purposes: And whereas, great Improvements have been made on the said Harbour, and additional Works are now carrying on for further improving the same, but the said Works cannot be completed, nor the other Purposes mentioned in the said Act, passed in the Seventh Year of the Reign of His present Majesty, be carried into Execution, completed, and kept in Repair, unless the Term and Powers thereof be further continued, and additional Powers and Duties be given and granted: And whereas, a moderate Anchorage Duty, to be levied upon every Ship or Vessel using the said Harbour of *Burrowstounness*, in Addition to the aforesaid Imposition or Duty on Ale and Beer, is deemed to be sufficient for carrying into Execution all and every the Repairs, Improvements, and new Works, in the aforesaid Harbour, and the several other Purposes in the said last mentioned Act and this present Act specified, which Anchorage Duty will be fully compensated to Ship Owners and others frequenting the said Harbour, by the increased Improvement of the same, and the additional Security thereby offered to

7 *Geo.* III, Cap. 90, recited.

the Shipping reſorting thereto; 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 the ſaid Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, ſhall continue and be in full Force and Effect, in ſo far as the ſame is not hereby altered or varied, and be executed by the Truſtees appointed by or elected in purſuance of the ſaid firſt recited Act, as well for the Purpoſes of this preſent Act, as of the ſaid laſt mentioned Act, from and after the Expiration of the Term thereby granted, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, as fully and effectually, to all Intents and Purpoſes, as if the ſame were again repeated and re-enacted in the Body of this preſent Act; which ſaid additional Term hereby granted, ſhall be ſubject and liable to the Payment of all Money now due and owing on the Credit of the ſaid Act, and of all Intereſt due or to grow due for the ſame reſpectively.

First recited Act, for the Purpoſes of the preſent and laſt recited Acts, further continued for 21 Years.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, from and after the Firſt Day of *June* One thouſand ſeven hundred and ninety-four, and till the Expiration of the Term by this Act granted, to levy or cauſe to be levied upon every Ship or Veſſel entering the Harbour of *Burrowſtounneſs*, or making faſt to any Poſt or Chain belonging to the ſaid Harbour, an Anchorage Duty, for every Voyage, of One Penny Halfpenny Sterling *per* Ton of the Regiſter Tonnage of ſuch Ship or Veſſel, and which Anchorage Duty ſhall be payable and be paid to the Harbour Maſter appointed and authorized, or to be appointed and authorized, by the ſaid Truſtees, or any Eight or more of them, by any Writing under their Hands and Seals, in Manner as in the ſaid Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, is mentioned relative to the Manner of appointing a Harbour Maſter, under the ſame Penalties and Forfeitures as by the ſaid laſt mentioned Act are incurred for Diſobedience of the Orders or Directions of the Harbour Maſter: Provided always, That ſuch Ships or Veſſels only as are obliged by Law to take out a Regiſter, ſhall be liable to the Payment of Anchorage Duty.

From *June* 1, 1794, an Anchorage Duty of 1*d.* 2*q.* *per* Ton *per* Voyage to be paid by Veſſels entering the Harbour of *Burrowſtounneſs*.

Veſſels obliged to take out Regiſters only liable to Duty.

III. And, that Veſſels making many Voyages within the Year, may not be charged with the Anchorage Duty for each Voyage, be it enacted, That it ſhall be in the Power of any Maſter or Owner of any Ship or Veſſel frequenting the ſaid Harbour of *Burrowſtounneſs*, to compromiſe the ſame by paying down *per* Advance, at any One Time, to the Harbour Maſter appointed as aforeſaid, the Anchorage Duty for Eight Voyages, which ſhall give the Privilege of the Harbour free of Anchorage Duty to ſuch Ship or Veſſel for any Number of Voyages performed within Twelve Months next enſuing the Date of ſuch Advance, and no longer.

Anchorage Duty for 8 Voyages to free Veſſels for a Year.

IV. And whereas a Practice has prevailed of ſuffering Goods, after their being diſcharged from Ship Board, or before loading the ſame, to remain on the Piers or Quays of the ſaid Harbour, to the great Hurt and Detriment of the Building, and Obſtruction of the current Buſineſs;

Goods remaining on the Piers, &c. more than 48 Hours may be lodged, and Warehouſe Rents exacted, with Penalty of 1 l.

be it therefore enacted, That no Goods, Wares, or Merchandize whatſoever, ſhall be ſuffered to remain on any Part of the Piers, Quays, or Baſon Wall, of the ſaid Harbour beyond the Space of Forty-eight Hours after the ſame ſhall have been laid down; after which Space it ſhall and may be lawful to and for the ſaid Harbour Maſter to lodge the ſaid Goods, Wares, or Merchandize, in any Warehouſe, or upon any Area, as the Quality of the ſame may require, and before Delivery of the ſaid Goods, Wares, or Merchandize, to the Owner or Owners thereof, to exact Warehouſe Rent and all other Expences incurred, together with One Pound Sterling of Penalty, to be applied to the Uſe of the ſaid Harbour; and if ſuch Owner or Owners ſhall fail or refuſe to make Payment as aforeſaid, or ſhall not relieve ſuch Goods, Wares, or Merchandize, within the Space of Fourteen Days, it ſhall and may be lawful to and for the ſaid Harbour Maſter to make Sale of the ſaid Goods, Wares, or Merchandize, or of ſuch Part or Parts thereof as may be ſufficient, and in the Firſt Place to pay the Warehouſe Rent and other Expences incurred, next the Sum of Five Pounds Sterling of Penalty, to be applied to the Uſe of the ſaid Harbour; and after Payment and Satisfaction of ſuch Rent, Expences, and Penalty, to pay or tender the Surplus or Remainder (if any be) to the Owner or Owners, or to conſign the ſame, upon his, her, or their, Peril and Expences, in the Hands of the Collector of the ſaid Impoſt Duty on Ale and Beer for the Time being.

Goods may be ſold for Payment.

Salary of the Harbour Maſter may be increaſed.

V. And whereas, by the ſaid Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, it was enacted, that the Salary of the Harbour Maſter, to be appointed in Manner therein directed, ſhould not exceed Thirty Pounds Sterling Money *per Annum*: And whereas the new Duty by this preſent Act impoſed is to be collected by the ſaid Harbour Maſter; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Eight or more of them, by any Writing or Writings duly ſubſcribed by them, further to increaſe and augment the Salary of the ſaid Harbour Maſter, ſo as that the ſame do not exceed Forty Pounds Sterling Money *per Annum*.

Truſtees may make a Dry Dock, and form a Table of Rates to be paid for entering the ſame.

VI. And whereas a Dry Dock within or adjoining to the ſaid Harbour would be a great Improvement on the ſame, and would tend greatly to the Accommodation of any Ship or Ships under Repair, and in general to the Proſperity of the Town; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Eight or more of them, to make uſe of ſo much of the Baſon of the ſaid Harbour as can be ſpared for that Purpoſe, in which to conſtruct a ſingle or double Dry Dock, as ſhall appear moſt expedient, and to feu from the Duke of *Hamilton* or his Commiſſioners, ſo much Ground as may be needful for extending the ſaid Dry Dock, either in the Coal Fold to the Weſtward of the Town-houſe, or the Area lying to the Weſtward of the Weſt Pier, or in both, as may to them appear proper; and further, if neceſſary, to feu an Area in any other Place near the Harbour for the Purpoſe of conſtructing ſuch Dry Dock, if it ſhall not be deemed proper by them to uſe Part of the Baſon; and upon the Conſtruction and Erection of ſuch Dry Dock as aforeſaid, to form a reaſonable Table of Rates and Fees payable and to be paid by all Ships and Veſſels entering the ſaid Dock, which Rates ſhall be levied and collected by the

Harbour Maſter, and applied to the Purpoſes in this preſent Act ſpecified.

If Duties be inſufficient, Subſcriptions may be received in aid of the Undertaking.

VII. Provided always, That if the Funds ariſing from the ſeveral Duties, Impoſitions, and Rates, hereby granted and impoſed, ſhall appear to the ſaid Truſtees, after Six Months Trial thereof, inſufficient for the ſpeedy Conſtruction and Erection of the ſaid Dry Dock, along with the other Purpoſes herein mentioned, it ſhall and may be lawful to and for the ſaid Truſtees to open and keep, or cauſe to be opened and kept, a Book for receiving Subſcriptions from all and every Perſon or Perſons whatſoever, in Aid of the Undertaking, to the Extent of One Half or Two Thirds of the Expence of the Whole, as may ſeem moſt expedient to the ſaid Truſtees, or any Eight or more of them.

Application of Rates.

VIII. And be it enacted by the Authority aforeſaid, That, in the Event of ſuch Subſcription taking place, the Rates and Duties collected from the Uſe of the ſaid Dry Dock, ſhall be paid and applied in the Manner following; that is to ſay, If One Half of the Expence thereof ſhall be defrayed by ſuch Subſcription, One Half of the Rates and Fees ſo to be collected ſhall be paid and applied to the Uſe of ſuch Subſcribers, their Executors, Adminiſtrators, and Aſſigns, and the other Half to the Purpoſes of this Act, as herein-before mentioned; and if Two Thirds of the Expence thereof ſhall be defrayed by ſuch Subſcription, Two Thirds of the Rates and Fees, ſo to be collected, ſhall be paid and applied to the Uſe of ſuch Subſcribers, their Executors, Adminiſtrators, and Aſſigns, and the remaining Third to the Purpoſes of this Act; and the Buſineſs of the ſaid Dry Dock, and the reſpective Intereſts of the Truſtees of this Act, and of ſuch Subſcribers, ſhall be managed and conducted by a Committee, to be elected annually by a General Meeting of Subſcribers, which Committee ſhall conſiſt of Five Perſons, of whom Three ſhall always be Truſtees under this Act, if only One Half of the Expence of ſuch Dry Dock ſhall be defrayed by Subſcription, the other Two to be choſen by ſuch Subſcribers, out of their own Number, not being Truſtees; but if Two Thirds of the Expence of ſuch Dry Dock ſhall be defrayed by Subſcription only, Two Members of ſuch Committee ſhall be choſen from the Number of the Truſtees under this Act, and the other Three ſhall be choſen by ſuch Subſcribers out of their own Number, not being Truſtees: Provided always, that if there ſhall be a ſufficient Number of Truſtees under this Act, who ſhall alſo be Subſcribers to the ſaid Dry Dock, the Members of the ſaid Committee, who muſt be Truſtees, ſhall be choſen in Preference from the Number of ſuch Subſcribers, being alſo Truſtees.

Buſineſs to be managed by a Committee to be choſen as herein mentioned.

Powers given by laſt recited Act relative to Springs, to be extended to thoſe within Two Miles from the Town.

IX. And whereas by the aforeſaid Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, Power was given and granted to the Truſtees thereby appointed, or any Eight or more of them, to contract and agree with the Owners and Proprietors of any Springs of Water, within the Diſtance of One Mile from the ſaid Town, and ſundry other Powers and Authorities are given to the ſaid Truſtees, relative to ſuch Springs; now be it enacted by the Authority aforeſaid, That all ſuch Powers and Authorities, relative to the ſaid Springs, in the ſaid Act granted, ſhall be confirmed to the Truſtees under this preſent Act, and extended to all Springs within the Diſtance of Two Miles from the ſaid Town of *Burrowſtounneſs*, or any Part thereof.

X. And

Truſtees may keep the Streets clean, &c.

X. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Eight or more of them, to keep clean the Streets of the ſaid Town, and the Avenues, Lanes, and Cloſes or Areas, leading into or within the ſame, either by appointing Rakers and others to rake and ſweep the ſame, and afterwards to ſell the Dung thereby procured, or to let the ſaid Dung annually to the higheſt Bidder, for the beſt Price and Prices that can be got for the ſame, and to apply the Monies thence ariſing to the Purpoſes of this Act; and it ſhall and may be lawful to and for the ſaid Truſtees, or their Leſſee as aforeſaid, to remove and carry away, or cauſe to be removed and carried away, all Dung, Dunghill, or Dunghills, which may at any Time be found in or upon any of the Streets, Avenues, Lanes, Cloſes, or Areas aforeſaid, and to convert the ſame to the Uſes of this Act, or of the ſaid Leſſee, as the Caſe may be: Provided always, that Dung or Rubbiſh from any Stable or other Building ſhall be allowed to remain on the Streets, Avenues, Lanes, Cloſes, or Areas aforeſaid, till it can be carried away by the Proprietor or Proprietors thereof, if the ſame ſhall be removed within the Space of Twelve Hours after having been ſo laid down, but not longer.

Dung, &c. may remain 12 Hours, to be removed by the Proprietor.

Penalty for obſtructing Perſons appointed to remove Dung.

XI. And be it enacted, That if ſuch Leſſee, or any Perſon having Orders from the ſaid Truſtees, or any Three or more of them, ſhall be obſtructed in removing or carrying away ſuch Dung, Dunghill, or Dunghills, by any Perſon or Perſons whatſoever, ſuch Perſon or Perſons ſhall forfeit and pay to the ſaid Truſtees, or any Three or more of them, for the Purpoſes of this Act, the Sum of Five Pounds Sterling, which ſaid Sum ſo forfeited, ſhall and may, by Warrant, under the Hands of any Three or more of the ſaid Truſtees, be levied by Diſtreſs and Sale of all or any the Goods and Chattels of ſuch Perſon or Perſons ſo obſtructing, tendering the Overplus thereof (if any be) to the Owner or Owners, the Charges of ſuch Diſtreſs and Sale being firſt deducted.

Truſtees may repair the Waggon Road.

XII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to repair and maintain, and cauſe to be repaired and maintained, the publick Road or Walk from the Harbour of the ſaid Town to the Church, called *The Waggon Road*, and to put up, or cauſe to be put up, ſuch Railing as may prevent all Paſſage for Horſes, Carts, or other Carriages, on the ſaid Walk; and that all or any Perſon or Perſons whatſoever, treſpaſſing on the ſaid Road, or injuring the ſaid Railing, ſhall forfeit and pay to the ſaid Truſtees, or any Three or more of them, the Sum of Five Pounds Sterling, to be applied to the Purpoſes of this Act, and to be levied in Manner as is herein-before directed.

Penalty for treſpaſſing thereon.

Truſtees may let to farm the Duties.

XIII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Eight or more of them, to farm out and let by publick Auction or by private Contract, the ſaid Impoſition or Duty on Ale and Beer, and alſo the ſaid Anchorage Duty, or either of them, to ſuch Perſon or Perſons, either annually or for ſuch longer Term or Terms as to the ſaid Truſtees, or any Eight or more of them, ſhall ſeem proper, for the beſt Price and Prices that

can be got for the ſame, and to apply the Monies thence ariſing, in Manner and to the ſame Uſes, Intents, and Purpoſes, as is herein-before directed, relative to the Application of ſuch Duty or Duties, and Impoſition or Impoſitions, and for no other Uſe, Intent, or Purpoſe whatſoever.

Truſtees may apply the Funds as they think proper.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Eight or more of them, ſhall have full diſcretionary Power to apply the ſeveral Funds, by this Act directed to be raiſed, to all or any of the Objects, Matters, and Things, herein-before mentioned, or wholly to poſtpone any One or more of ſuch Objects, Matters, and Things, and to give Preference to any others or other of them, as to the ſaid Truſtees, or any Eight or more of them, ſhall be deemed of moſt Importance for the Benefit of the Publick.

Perſons aggrieved may appeal as directed by laſt recited Act.

XV. And be it enacted, That if any Perſon or Perſons whatſoever, ſhall think himſelf, herſelf, or themſelves, aggrieved or injured by the Acts or Determinations of the ſaid Truſtees, or any Number of them, or of their Harbour Maſter, or other Perſon or Perſons authorized by them, or any Number of them as aforeſaid, it ſhall and may be lawful to and for ſuch Perſon or Perſons, to appeal therefrom to ſuch Perſons or Courts as is directed in the ſaid recited Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, relative to any Grievance or Injury reſpectively, from the ſaid Truſtees, their Harbour Maſter, or other Perſon or Perſons, authorized and appointed by them, or any Number of them as aforeſaid.

Expences of this Act to be defrayed.

XVI. And be it further enacted, That the Charges and Expences of paſſing this Act ſhall be paid and defrayed out of the Firſt Monies raiſed or to be raiſed by virtue and in purſuance of the ſaid laſt mentioned Act, or of this preſent Act.

New Overſeers appointed.

XVII. And be it enacted by the Authority aforeſaid, That *Alexander Seton* of *Preſton*, *William Hope Weir* of *Craigie Hall*, *William Hamilton* of *Weſt Port*, Sir *William Auguſtus Cunnynghame* of *Livingſtone*, Sir *Alexander Livingſtone* of *Bedlormie* and *Weſt Quarter*, *Thomas Hog* of *Newliſton*, *Alexander Marjoribanks* of *Marjoribanks*, *Andrew Gilſon* of *Wallhouſe*, *Thomas Shairpe* of *Houſtoun*, *William Baillie* of *Polkemmet*, *George Norvell* of *Boghall*, *John Paterſon Shairpe* of *Kirktoun*, *George Moncreiff* of *Blackburn*, *Thomas Clarkſon* of *Whitehill*, the Honourable *John Hope* of *Craighall*, *William Maxwell* of *Carridden*, *David Dundas* of *Duddingſtone*, *John Hamilton* of *Weſtburn*, *Thomas Durham* of *Boghead*, *Robert Stewart* of *Eaſtbinney*, *William Waddell* of *Crawhill*, *James Johnſtone* of *Straiton*, Sir *James Dalzell* of *Binns* Baronet, the Sheriff Depute of the County of *Linlithgow* for the Time being, together with the Knight of the Shire for the County of *Linlithgow*, to ſerve in Parliament for the Time being, or any Three or more of them, ſhall, from and immediately after the paſſing of this preſent Act, be, and they are hereby appointed Overſeers of the ſeveral Impoſitions, Duties, and Rates, herein-before directed to be raiſed in the Place and Stead of the Overſeers nominated and appointed in and by the ſaid laſt mentioned Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, and ſhall have, and hereby

are inveſted with the ſame Powers, and under the ſame Regulations as are by the ſaid laſt mentioned Act, or the aforeſaid Act, paſſed in the Seventeenth Year of the Reign of His late Majeſty King *George* the Second, granted and given to the former Overſeers; any Thing in the ſaid Two former Acts, or either of them, contained to the contrary notwithſtanding.

Publick Act. XVIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

FINIS.