ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. CII.

An Act for granting to His Majesty the Sum of Twenty thousand Pounds, towards defraying the Expence of making an Inland Navigation from the Eastern to the Western Sea, by *Inverness* and *Fort William*, and for taking the necessary Steps towards executing the same. [27th *July* 1803.]

Most Gracious Sovereign;

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, having granted to Your Majesty the Sum of Twenty thousand Pounds towards forming an Inland Navigation from the Eastern to the Western Sea, by or near *Inverness* and *Fort William*, in that Part of the said United Kingdom called *Scotland*; which Navigation, when completed, will enable Ships and Vessels of considerable Burthen, trading between the Eastern and Western Coasts of *Great Britain*, and *Ireland* and the *German Ocean*, to avoid a long and dangerous Navigation round the Northern Coasts of *Scotland*; do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Con-

sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That out of any Monies granted for the Supply of the present Year, there shall be issued and paid at the Receipt of His Majesty's Exchequer in *Great Britain*, on or before the Thirty-first Day of *December* then next ensuing, the Sum of Twenty thousand Pounds, without any Deduction, to the Commissioners herein-after named; which Sum shall be invested in Navy, Victualling, or Exchequer Bills, or *India* Bonds, to be lodged in the Bank of *England*, until the same shall be from Time to Time applied towards making the said Navigation, and defraying the necessary Expences preparatory thereto in Manner herein directed.

£20,000 *l.* to be issued to Commissioners.

II. And be it enacted, That the Right Honourable the Speaker of the House of Commons for the Time being, the Chancellor of the Exchequer for the Time being, the Master of the Rolls for the Time being, Lord *Castlereagh*, Lord *Binning*, Lord *Dunlo*, the Honourable *Robert Dundas*, Sir *William Pulteney*, Sir *Robert John Buxton*, Baronets; *Nicholas Vansittart*, *Charles Grant*, and *Isaac Hawkins Browne*, Esquires, shall be and they are hereby appointed Commissioners for the Purposes of this Act; and in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the said Commissioners, it shall and may be lawful for His Majesty to nominate and appoint such Person or Persons, as He may think proper, to supply such Vacancy or Vacancies; and that every Person so nominated and appointed shall be held and considered to be invested with all the same Powers as are given to the Commissioners appointed by this Act, in whose room such Person is so nominated.

Appointment of Commissioners.

III. And be it further enacted, That the said Commissioners shall meet within Fourteen Days after the passing of this Act, and from Time to Time, at such Time and Place in *London* or *Westminster* as shall be settled and agreed upon between them, for the Purpose of carrying this Act into Execution; and it shall and may be lawful for the said Commissioners, upon Notice from their Clerk (whom they are hereby authorized to appoint, and who is hereby required to call such Meeting at the Desire of any One or more of the said Commissioners, signified to him in Writing), to meet from Time to Time, and as often as they shall think proper, for the Purpose of giving such further Directions, and to do, transact, and perform every Matter and Thing relative to this Act, which to them shall appear necessary; and any Three or more of the said Commissioners (whereof One of the aforesaid Commissioners herein appointed a Commissioner by virtue of his Office shall be One), shall be a sufficient Number to constitute a Meeting for the Purpose of doing all the Acts, Matters, and Things, hereby directed to be done by, and exercising all the Powers and Authorities hereby given to the said Commissioners; and all Questions, Matters, and Things, which shall be proposed, discussed, or considered at such Meetings, shall be decided and determined by the Majority of Commissioners then present; and in case of an equal Division, the Chairman shall always have a casting Vote: Provided always, that if on the Day appointed for any such Meeting, Three Commissioners at least, whereof One shall be a Commissioner by virtue of his Office, shall not attend, then and in such Case and so often as the same shall happen,

Meetings of Commissioners at *London* or *Westminster*.

pen, the Meeting shall be adjourned by the Commissioner or Commissioners then present, or if no Commissioner shall be present, by the Clerk of the said Commissioners, or such Person as shall attend in his Place, of which Notice shall be given by such Clerk or Person to each of the said Commissioners, within Twenty-four Hours after such Adjournment.

Commissioners may pay Salaries to Clerks and Officers.

IV. And be it further enacted, That the said Commissioners shall and may, at any such Meeting as aforesaid, allow and pay to each and every such Clerk, Treasurer, Collector, Engineer, Surveyor, or other Officer appointed by them, such Sum or Sums of Money as the said Commissioners shall think proper, in Compensation of their Services; which Clerk and Officers are hereby required faithfully to execute the Trust severally and respectively to be reposed in them, without taking any Thing for such their Services, other than such Salary or Reward as the said Commissioners or any Three of them shall think proper to direct and appoint in that Behalf; which Sum so to be paid to such Clerk and Officers, and all other necessary Charges in or about the Execution of this Act, shall and may be defrayed out of any Monies hereby granted or applicable to the Purposes of this Act.

Commissioners to enter their Proceedings, and report to Parliament.

V. And be it further enacted, That the said Commissioners shall enter, or cause to be entered, in Books to be provided for that Purpose, Minutes of all their Proceedings, and true Copies of all the Orders and Directions to be given by them in pursuance of this Act, and also a full and true Account of all Monies received and disbursed, and Payments made by the said Commissioners, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively, for or on account of the said Commissioners; and also a full and true Account, or proper Notes and Minutes, of every Contract, Bargain, and Agreement, which shall be entered into by the said Commissioners, or by any Person or Persons pursuant to Directions given by them for that Purpose; and a true Statement of all the Proceedings of the said Commissioners, and a general Account of all the Monies received or disbursed for or upon account or relative to the said Undertaking, shall be annually, before the First Day of *June*, laid before both Houses of Parliament.

Commissioners may construct Harbours, *etc.*

VI. And be it further enacted, That, towards forming the said intended Inland Navigation, it shall and may be lawful for the said Commissioners to construct One Harbour in *Loch Beauly*, near to the Town of *Inverness*, a little Way to the East of *Ferry Pier*, opposite to the Place where Vessels now come to Anchor, and such Number of Docks and Basons connected therewith, not exceeding Four, as the said Commissioners shall direct, and of such Depth as shall be found necessary, and of such Dimensions as the said Commissioners shall order and appoint; and another Harbour to the West of *Fort William*, at the Mouth of the River *Lochie*, and to the East of the small Islands which are situated in *Lochiel*, and such Number of Docks or Basons connected therewith, not exceeding Four, as the said Commissioners shall direct, and of such Depth as shall be found necessary, and of such Dimensions as the said Commissioners shall order and appoint; which Harbours will form the Entrances to the said Navigation, when completed, at each Extremity thereof; and the said Docks

or

of Baſons will contain the Veſſels which will paſs along the ſaid Navigation, until they enter the Sea through the ſaid Harbours; and it alſo ſhall and may be lawful to and for the ſaid Commiſſioners to conſtruct ſuch and ſo many Tide Locks, Piers, and Jetties, and other Works, as may be neceſſary for the Purpoſe of protecting each of the ſaid Harbours, and to erect ſuch and ſo many Quays, Wharfs, Warehouſes, Cranes, and Weighing Beams, and for making ſuch Roads, Ways, and Paſſages, and other Conveniencies, as may be required for the loading or unloading of Ships and Veſſels frequenting the ſaid Harbours, Docks, and Baſons, or any or either of them, and for the Accommodation, Preſervation, and Carriage of all Goods, Wares, Merchandize, and Commodities, loaded or unloaded, on or from on board ſuch Ships or Veſſels; and for the Purpoſes aforeſaid the ſaid Commiſſioners, their Deputies, Agents, Officers, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary and proper for making the ſaid Harbours, Docks, or Baſons, or for making all ſuch other Works, Matters, and Conveniencies as they ſhall think proper and neceſſary for making, preſerving, improving, completing, maintaining, and uſing the ſaid Harbours, Docks, or Baſons, and Works neceſſary to the ſame, or connected therewith; and alſo to bore, dig, cut, trench, ſough, get, remove, take, and carry away, and lay Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matter or Thing which may be dug or got in making the ſaid Harbours, Docks, Baſons, or other Works, or in or out of the Lands or Grounds of any Perſon or Perſons adjoining or lying convenient thereto, and which may be neceſſary, requiſite, or proper for making, carrying on, or repairing any of the ſaid Works, or which may hinder, prevent, or obſtruct the making, uſing, completing, and maintaining the ſame reſpectively.

Commiſſioners may fix the Line of the Navigation and contract for the Purchaſe of Lands neceſſary for the ſame, &c.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, from Time to Time, at any ſuch Meeting as aforeſaid, to fix and determine, or to give Orders for fixing and determining the Line and Direction of the ſaid Navigation, and to ſet out and aſcertain, or give Directions for ſetting out and aſcertaining, and to contract for and purchaſe, or to give Directions, Power, and Authority to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall think proper, for the Purpoſe of contracting with any Perſon or Perſons willing and deſirous to enter into Contracts or Agreements for the Purchaſe and Sale of all ſuch Lands, Tenements, or Heritages, and all ſuch Materials and other Things as ſhall or may be wanted for the ſaid Navigation, and other Works neceſſary to be conſtructed for the Purpoſes thereof; and to treat and agree with any Perſon or Perſons whomſoever willing and deſirous to enter into any ſuch Contracts or Agreements touching the Conſideration or Compenſation to be made for any ſuch Lands, Tenements, Heritages, Materials, or other Things, and to enter into and make ſuch Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Perſons, in or about or for the carrying on of the ſaid Navigation and other Works, or any Part thereof, as ſhall be thought expedient; and to enter into and make all ſuch other Contracts, Bargains,

Bargains, and Agreements whatſoever, touching or in anywiſe concerning the Undertaking, as they ſhall think proper; and generally to direct and manage all and ſingular Affairs, and to do, execute, and perform all ſuch Acts, Matters, and Things, as ſhall be found neceſſary to carry this Act into Execution.

Bodies Politick empowered to contract for the Sale and Conveyance of Lands.

VIII. And be it further enacted, That after any Lands, Grounds, Tenements, or Heritages, ſhall be ſet out and aſcertained in the Line of the ſaid intended Navigation, or any Part or Parts thereof, or within One hundred and fifty Yards of the ſame, and for providing and conſtructing the Wharfs and other Works and Conveniencies neceſſary for the Purpoſes thereof, or any of them, and for making all neceſſary Roads, Ways, and Paſſages to and from the ſame, it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for charitable and other Purpoſes, Committees, Tutors, and Curators for Lunaticks, and fatuous Perſons, Executors, and Adminiſtrators, and all other Tutors and Curators, Truſtees, and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, or thoſe for whom they are Truſtees or Guardians, whether Infants, Iſſue unborn, Lunaticks, Idiots, married Women, or other Perſon or Perſons, and to and for all married Women who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Dower, Terce, or other Intereſt therein, and for every other Perſon or Perſons whomſoever, who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in ſuch Lands, Grounds, Tenements, or Heritages, to make Contracts and Agreements for ſelling and conveying the ſame, and every Part thereof, unto the ſaid Commiſſioners, purſuant to this Act; and all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever ſo contracting as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Contract or Agreement which he, ſhe, or they, or any of them, ſhall make by virtue and in purſuance of this Act.

Act not to compel Perſons to ſell their Lands.

IX. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to compel any Perſon or Perſons whomſoever, or Body or Bodies Politick, Corporate, or Collegiate to diſpoſe of or ſell any of his, her, or their Lands, Tenements, or Heritages for the Purpoſe of the ſaid intended Navigation.

Commiſſioners may ſet out Lands neceſſary for conſtructing the Harbours.

X. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Perſon or Perſons appointed by them for that Purpoſe, to ſet out and aſcertain any Lands, Grounds, Tenements, or Heritages, which may be neceſſary for conſtructing the ſaid Harbours, Docks, or Baſons, Tide Locks, Piers, Jetties, and other Works neceſſary for protecting the ſame, or either or any of them, and for erecting the ſaid Quays, Wharfs, Warehouſes, Cranes, Weighing Beams, and for making Roads, Ways, Paſſages, and other Conveniencies for the loading and unloading of Ships and Veſſels, and the Preſervation and Accommodation, and Carriage of Goods, Wares, and Merchandize as aforeſaid; and when ſuch Lands, Grounds, Tenements, and Heritages ſhall have been ſo ſet out and aſcertained, it ſhall and may be lawful

for the ſaid Commiſſioners to purchaſe and acquire the ſame; and it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for charitable and other Purpoſes, Committees, Tutors, and Curators for Lunaticks and fatuous Perſons, Executors, and Adminiſtrators, and all other Tutors and Curators, Truſtees, and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, or thoſe for whom they are Truſtees or Guardians, whether Infants, Iſſue unborn, Lunaticks, Idiots, married Women, or other Perſon or Perſons, and to and for all married Women who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Dower, Terce, or other Intereſt therein; and for every other Perſon or Perſons whomſoever who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, Tenements, or Heritages, which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey the ſame, and every Part thereof unto the ſaid Commiſſioners; and all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever, ſo conveying as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale which he, ſhe, they, or any of them ſhall make, by virtue of and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances ſhall be defrayed out of the Monies hereby granted, and ſuch of them as ſhall be made of any Lands, Tenements, or other Heritages, to the ſaid Commiſſioners, ſhall be made according to the following Form; *videlicet*:

Contracts and Sales to be defrayed out of the Monies hereby granted.

Form of Conveyance to the Commiſſioners.

"I *A. B.* of in Conſideration of the Sum of to me paid [*or*, in Conſideration of the annual Rent of to me to be hereafter yielded and paid by yearly or Half-yearly Payments, *as may be agreed upon*] by the Commiſſioners appointed to carry into Execution an Act, paſſed in the Forty-third Year of the Reign of His preſent Majeſty, intituled, [*here inſert the Title of this Act*] do hereby grant, convey, and diſpone to the ſaid Commiſſioners all [*deſcribing the Premiſes to be conveyed*], and all my Right, Title, and Intereſt to and in the ſame, and every Part thereof, to hold to the ſaid Commiſſioners and their Succeſſors, in the ſame Manner as I hold or might have held the ſame, for ever, by virtue and according to the true Intent and Meaning of the ſaid Act of Parliament. In Witneſs whereof I have hereunto ſet my Hand, this Day of in the Year of our Lord ."

Which ſaid Conveyance being regiſtered in the Regiſter of Seiſines of the County in which the Premiſes conveyed ſhall be ſituated, and which the reſpective Keepers of the Regiſters in ſuch Counties are hereby authorized and required to regiſter, ſhall receive the ſame Effect, and be as valid and effectual, to all Intents and Purpoſes, as if a formal Diſpoſition had been granted and followed by Charter and Seiſine, according to the Form of the Law of *Scotland*, any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding; and the Original of all ſuch Conveyances ſhall be kept by the Clerk or Clerks to the ſaid Commiſſioners, who, and the Keeper of the Regiſter of Seiſines where the ſame ſhall be regiſtered, ſhall, from Time to Time, when requeſted, deliver atteſted Copies thereof to any Perſon or Perſons requiring the ſame, and ſhall

have

have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words.

Satisfaction to be made for Lands.

XI. Provided always, and be it enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein-before enabled to sell or convey Lands, Tenements, and other Heritages, which may be set out and ascertained in Manner above directed, for constructing the said Harbours, Docks, and Basons, Tide Locks, Piers, Jettees, and other Works necessary for protecting the same, or any or either of them, and for erecting the said Quays, Wharfs, Warehouses, Cranes, and Weighing Beams, and for making Roads, Ways, and Passages, and other Conveniencies for the loading and unloading of Ships and Vessels, and the Preservation, Accommodation, and Carriage of Goods, Wares, and Merchandize as aforesaid, or any other Owner or Owners, and the Occupier or Occupiers of any such Lands, Tenements, or other Heritages, shall accept and receive Satisfaction for the Value of such Lands, Tenements, and other Heritages, and for the Damages to be sustained by making and completing the said Works herein-before directed, in such Manner as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Commissioners, or some Person authorized by them for that Purpose; and in case the said Commissioners, or such Person or Persons, and the said Parties interested in such Lands, Grounds, Tenements, or other Heritages, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury of Fifteen Persons, to be summoned and chosen by the Sheriff of the County in which such Lands, Tenements, or Heritages are situated, and which such Sheriff is hereby required to summon and choose, in the Manner in which Juries are or may be summoned and chosen by Sheriffs of Counties in *Scotland*, and the said Sheriff may order and authorize the said Jury, or any Five or more of them, to view the Place or Places, or Matter or Matters in question, which Jury upon their Oath (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby required to administer) shall enquire of, assess, and ascertain the Sum of Money or Sums of Money to be paid for the Purchase of such Lands, Tenements, or other Heritages, or the Recompence to be made for the Damage that shall or may be sustained as aforesaid, and shall assess separate Damages for the same, and the said Sheriff shall give Judgement for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politick, Corporate, or Collegiate, and all other Persons, and shall not be liable to review by Advocation, Suspension, Reduction, or otherwise; any Law or Statute to the contrary notwithstanding.

If Parties cannot agree, Price to be settled by a Jury.

Expences of Witnesses and Jury by whom to be paid.

XII. And be it further enacted, That whensoever a Jury is or shall be called by the Sheriff as aforesaid, or any Witness or Witnesses is, are, or shall be examined by and before the said Sheriff and Jury as herein directed, the said Sheriff shall and he is hereby required, according to his Discretion, to give and award to each of the said Jurors and Witnesses in every such Case, such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expences and Trouble of

their

their Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, as a Recompence or Satisfaction for the abſolute Sale of any ſuch Lands, Grounds, Tenements, or other Heritages, of any Perſon or Perſons whomſoever, or a Compenſation for any Damage done or to be done to ſuch Lands, Tenements, or other Heritages, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands, Tenements, or other Heritages, or other Property, where ſuch Sum ſo awarded ſhall be more than had been previouſly offered by or on Behalf of the ſaid Commiſſioners, or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof by and on Behalf of the ſaid Commiſſioners, or where by reaſon of Abſence in Foreign Countries, or other Impediments or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compenſation from the ſaid Commiſſioners, as herein-before mentioned, then and in all ſuch Caſes all the Expences of ſummoning ſuch Jury and taking ſuch Verdict, ſhall be ſettled by the ſaid Sheriff, and be defrayed by the ſaid Commiſſioners out of the Monies hereby granted; but if any Verdict ſhall be given for the Sum that had been previouſly offered by and on Behalf of the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to enter into Treaty with or make Conveyances to, or receive Compenſation from the ſaid Commiſſioners, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are, by the Proviſions of this Act or otherwiſe, enabled to treat and convey, or receive ſuch Compenſations as aforeſaid, then and in all ſuch Caſes (except where by reaſon of Abſence or otherwiſe any Perſon ſhall have been prevented from treating and agreeing as aforeſaid) the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict ſhall be ſettled in like Manner by the ſaid Sheriff, and be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners, or thoſe acting in their Behalf, ſhall have ſuch Concerns, Controverſies, or Diſpute, which ſaid Coſts and Expences having been ſo ſettled ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, and ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Perſons requeſting Juries, to enter into Bonds to proſecute.

XIII. And be it further enacted, That all and every Perſon or Perſons making Complaint, and requeſting a Jury to be ſummoned, ſhall (before the ſaid Sheriff ſhall iſſue out his Warrant for that Purpoſe) enter into a Bond, with Two ſufficient Sureties to the ſaid Commiſſioners, in a Penalty of Double the Sum demanded by ſuch Perſon or Perſons, with Condition to proſecute his or their ſaid Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater Sum, or for a leſs Sum than had been offered by and on Behalf of the ſaid Commiſſioners, for the Purchaſe of or as a Recompence for any Lands, Grounds, Tenements, or Heritages, or as a Compenſation for any Damages, or in caſe

case no Verdict shall be found for Damages, where the whole Dispute was whether any Damage was or was not done as aforesaid.

Notice of Injury to be given to the Commissioners before Complaint made to the Sheriff.

XIV. And be it further enacted, That no Sheriff shall be obliged or allowed by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them, sustained or supposed to be sustained by virtue or in consequence of this Act, unless Application shall have been made in relation thereto, by or on Behalf of such Person or Persons, to the said Commissioners or to their Clerk, or to their known Agent or Agents residing nearest to the Place where the Cause of Complaint shall arise, Twenty-one Days at the least before such Complaint shall be made to the said Sheriff, and within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Verdict as to Value of Lands, and Damages, to be ascertained separately.

XV. And be it further enacted, That the said Juries respectively shall award all Determinations, Judgements, and Verdicts, which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Tenements, and other Heritages, separately and distinctly from the Consideration of any other Damage sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, Tenements, and other Heritages, and the Money assessed and adjudged for such Damages as aforesaid, separately and apart from each other.

Power to enter and take Possession of Lands, *etc.* on Payment or Tender of Purchase Money.

XVII. Provided always, and be it enacted, That no such Complaint shall hinder the said Commissioners from entering upon the Lands, Grounds, Tenements, and other Heritages of the Person or Persons so complaining, but upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or as the said Commissioners shall deem a fair Price for the Purchase of any such Lands, Tenements, or other Heritages, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Heritages, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been so agreed for or offered, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, then upon the Investment thereof in the Bank of *Scotland* or Royal Bank of *Scotland*, bearing an annual Interest, as the said Commissioners shall by Writing under their Hands appoint, in case the same shall exceed the Sum of Twenty Pounds, and if the same shall not exceed the said Sum, then on leaving or depositing the Money in the Hands of the Clerk to the said Commissioners, for the Use of such Person or Persons so interested or entitled as aforesaid; and in all or any of the said Cases, it shall and may be lawful to and for the said Commissioners, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Tenements, and other Heritages respectively (or before such Payment or Tender, by Leave of the Owners or Occupiers thereof)

and then and there upon such Lands and Grounds, Tenements, and other Heritage, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Commissioners, to and for the Purposes of this Act, for ever; and such Tender, Payment, Investment, or Deposit, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and be deemed and construed to bar the Right, Title, Claim, Interest, and Demand of every other Person whatsoever: Provided nevertheless, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Tenement or other Heritage of the Person or Persons entitled to such Payment or Security, for the Purposes of the said Harbours, Docks, Basons, or other Works appertaining thereto, without the Leave and Consent of such Person or Persons respectively.

Verdicts to be recorded.

XVII. And be it further enacted, That each and every Verdict shall be kept by the Sheriff Clerk, or other Person having the Custody of the Records of the Sheriff Court of the County, in which such Verdict shall be given, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Sixpence, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words.

Application of Compensation Money, when amounting to 200 *l.*

XVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed, paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Heritages, which

which shall be so purchased as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200*l.* and above 20*l.*

XIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Five Trustees, to be nominated by the Person or Persons making such Option, and approved of by Two or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, as far as the Case may be applicable.

Where under 20*l.* Sterling.

XX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Heritages so purchased, in such Manner as the said Commissioners, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where any Question shall arise touching the Title to Money to be paid, the Person in Possession of the Lands at the Time of the Purchase shall be deemed entitled thereto.

XXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages,

tages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Moneys and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Commissioners.

XXII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable to be paid out of the Monies hereby granted by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Commissioners authorized to levy Rates and Duties.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time and at all Times, after the said Harbours, Docks, or Basons, shall be completed, or capable of receiving Ships or Vessels, to ask, demand, receive, take, and recover such Rates and Duties as the said Commissioners shall think fit, not exceeding the Sum of Two Shillings for every Ton of the Burthen or Tonnage of any Ship or Vessel, laden or unladen, coming into the said Harbours, Docks, or Basons, and also such Rates and Duties as the said Commissioners shall think fit, not exceeding the Sum of Five Shillings for every Ton Weight of any Goods, Wares, Merchandize, and Commodities, which shall be loaded or unloaded on or from on board any Ship or Vessel in the said Harbours and Docks or Basons, or any of them, over and above such Warehouse Rates and Duties, as the said Commissioners shall think fit, not exceeding the Sum of Five Shillings, for every Ton of such Goods, Wares, Merchandize, and Commodities, deposited at any Warehouse to be erected pursuant to this Act: Provided always, that no Ship or Vessel in the Service of His Majesty, His Heirs or Successors, shall be liable to the said Rates and Duties: Provided also, that it shall and may be lawful for the said Commissioners to lessen or reduce all or any of the Rates and Duties on all or any Sort of such Ships or Vessels, Goods, Wares, Merchandize, or Commodities, as they shall think proper, and again to raise any of the said Rates and Duties so lessened, to any Sum or Sums of Money not exceeding the Rates and Duties hereby granted.

Fractions in Tonnage, and Recovery of Rates.

XXIV. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any such Ship or Vessel, a Proportion of the said Rates shall be demanded and taken by the said Commissioners for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Burthen or Weight as aforesaid, such

such Fraction shall be deemed and considered as a whole Quarter of a Ton; all which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Harbours, Docks, or Basons, in such Manner, and under such Regulations as the said Commissioners at some Meeting or Meetings shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates and Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Commissioners may sue for the same by Action before the Sheriff Depute or Substitute of the County in which they shall be demanded, or before the Court of Session in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*; or the Person or Persons to whom such Rates and Duties ought to have been paid may, and he and they is and are hereby empowered to seize the Ships or Vessels, or the Goods or other Things, for or in respect whereof any such Rates or Duties ought to have been paid, or any Part thereof, and detain the same until Payment thereof shall be made, and also until Payment of all Arrears of the said Rates which may be due from the respective Owners of such Ships and Vessels to the said Commissioners, together with reasonable Charges for such Seizure and Detention; and if such Ships, Vessels, Goods, or other Things, shall not be redeemed within Five Days next after the taking thereof, the same shall be sold as the Law directs in Cases of Distress for Rent.

Commissioners may lease the Rates and Duties.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered at any Meeting, by Writing under their Hands, at any Time or Times to let to Farm the Rates and Duties hereby made payable, or any Part or Parts thereof, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same, as if they had been appointed for that Purpose by the said Commissioners, provided publick Notice of the Intention to let the said Rates and Duties, or any Part thereof, be given by the Clerk of the said Commissioners, by Advertisements published and continued in the *London* and *Edinburgh* Gazettes, and in some Newspaper circulated in the County in which the said Rates are proposed to be leased, and also by Notice affixed at the Place or Places where such Rates and Duties are collected, at least Thirty Days prior to the Time at which the said Rates and Duties, or any Part thereof, are proposed to be let as aforesaid.

Masters of *British* Vessels to produce Certificates of Registry, and Masters of Foreign Vessels to give an Account of Tonnage.

XXVI. And, for the better ascertaining and more easy and effectual collecting of the said Rates and Duties hereby directed to be paid to the said Commissioners, be it further enacted, That the Master, Owner, or other Person or Persons, having the Care of any *British* Ship or Vessel coming into the said Harbours, Docks, or Basons, or any of them, shall produce to the Collectors of the said Rates, or to any other Officer to be appointed by the said Commissioners, at the Place or Places where any such Collector or Officer shall attend for that Purpose, the Certificate of

the Regiſtry of ſuch Ship or Veſſel; and the Maſter, Owner, or other Perſon or Perſons, having the Care of any Foreign Ship or Veſſel coming into the ſaid Harbours, Docks, or Baſons, ſhall give to the ſaid Collectors or other Officers a juſt Account in Writing of the Tonnage of ſuch Ship or Veſſel, and ſhall, if required, produce to ſuch Collector or other Officer the Invoices and Bills of Lading of the Goods, Wares, Merchandize, or Commodities, with which ſuch Veſſel ſhall be laden; and in caſe any ſuch Maſter, Owner, or other Perſon or Perſons having the Care of any *Britiſh* Ship or Veſſel, ſhall refuſe or delay to produce ſuch Certificate of Regiſtry, or ſhall produce a falſe Certificate, or the Maſter of any other Ship or Veſſel ſhall neglect or refuſe to give an Account in the Manner herein directed, or ſhall refuſe to produce his or their Invoices or Bills of Lading, to the Officers demanding the ſame, or ſhall, with Intent to avoid the Payment of the ſaid Rates or Duties, or any Part of them, give a falſe Account, or ſhall deliver out any Part of ſuch Lading or Goods before giving ſuch Account, for the Purpoſe of evading Payment of the Rates and Duties hereby granted, or any Part thereof, every Perſon ſo offending ſhall forfeit and pay the Sum of One Shilling for every Ton of the Tonnage of ſuch Ship or Veſſel, and for every Ton of the Weight of ſuch Goods and other Things reſpectively, the Sum of Two Shillings, over and above the ſaid reſpective Rates and Duties which ſhall be payable for the ſame: Provided always, that the Maſters and Owners of all Ships and Veſſels, Barks, Lighters, and Boats, entering and uſing the ſaid Harbour, and liable to the Payment of the Rates and Duties by this Act impoſed, that ſhall be unregiſtered, ſhall ſuffer and permit the ſaid Ships and Veſſels, Barks, Lighters, and Boats, to be meaſured by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint, 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 or Veſſel, Bark, Lighter, or Boat, meaſured as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of One Shilling for every Ton of the Burthen of ſuch Ship or Veſſel, Bark, Lighter, or Boat, and the Sum of Two Shillings for every Ton of the Weight of ſuch Goods and other Things, and ſo in Proportion for any leſs Quantity than a Ton which ſhall be in or conveyed by ſuch Ship or Veſſel, Bark, Lighter, or Boat, over and above the ſaid reſpective Rates and Duties which ſhall be payable for the ſame.

What Quantities of Timber and light Goods ſhall be deemed a Ton.

XXVII. And, for the better aſcertaining the Tonnage of Stone, Timber, and other Goods, to be charged with the Payment of ſuch Rates as aforeſaid, and the Contents and Burthen of the Ships and Veſſels loaded with ſuch Stone, Timber, and other Goods, Matters, and Things, be it further enacted and declared, That Fifty Cubic Feet of round and Forty Cubic Feet of ſquare Oak, Aſh, Elm, or Beech Timber, and Fifty Cubic Feet of Fir or Deal Balk, Poplar, Birch, or other Timber or Wood not cut into Scantlings, ſhall for the Purpoſes of this Act, be reſpectively deemed, rated, and eſtimated, as and for One Ton Weight; and that One hundred and twelve Pounds Weight Avoirdupois, of Coal, Coke, Culm, Lime, Freeſtone, Limeſtone, and all other Commodities, ſhall, for the Purpoſes of this Act, be deemed, rated, or eſtimated as and for One hundred Weight; and Two thouſand two hundred and forty Pounds Weight of all Commodities whatſoever, ſhall, for the Purpoſes of this Act, be deemed One Ton; any Uſage of rating or eſtimating the ſame to the contrary

contrary hereof notwithſtanding; and if any Difference ſhall ariſe between any Collector of the ſaid Rates and Duties, and the Maſter, Owner, or other Perſon having the Care or Charge of any Foreign Ship or Veſſel, or the Owner of any Goods, Wares, Merchandize, or other Things, loaded or unloaded, or warehouſed as aforeſaid, concerning the Meaſure of ſuch Timber, or concerning the Weight or Quantity of ſuch Goods, Wares, Merchandize, or other Matters or Things, it ſhall and may be lawful to and for any ſuch Collector to ſtop and detain any ſuch Ship or Veſſel, or Goods and Commodities aforeſaid, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, ſuch Ship or Veſſel, and all ſuch Timber, Goods, and Merchandize, or other Matters or Things as aforeſaid; and in caſe the ſame ſhall upon ſuch weighing, meaſuring, or gauging, appear to be of greater Burthen, Meaſure, Weight, or Quantity than the Account given thereof by ſuch Maſter, Owner, or other Perſon having the Care or Charge of ſuch Ship or Veſſel, Goods, Wares, Merchandize, or Commodities, then the ſame Maſter, Owner, or other Perſon giving in ſuch Account, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging; all which Coſts and Charges upon Refuſal of Payment thereof upon Demand, ſhall and may be recovered and levied in the ſame Manner, as the ſaid Rates and Duties are hereby appointed to be recovered and levied; but if ſuch Goods, Wares, Merchandize, or ſuch other Matters and Things, ſhall appear to be of the ſame or of leſs Weight or Quantity than the Account given thereof by the ſaid Maſter, Owner, or other Perſon, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall alſo pay to ſuch Maſter, Owner, or other Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandize, or other Things ſuch Damages as ſhall appear to any of His Majeſty's Juſtices of the Peace, upon the Oath of any credible Witneſs to have ariſen from ſuch Detention; and in Default of immediate Payment thereof, the ſame ſhall be recovered from ſuch Collector by Action, before the Sheriff of the County where ſuch Damages were occaſioned, whoſe Deciſion ſhall be final and concluſive, without being ſubject to Review or Challenge in any Court whatſoever.

In caſe of Difference concerning the Weight. Collector may weigh them.

XXVIII. And be it further enacted, That if any ſuch Goods, Wares, Merchandize, Commodities, or other Matters or Things whatſoever, ſhall lie or remain upon any ſuch Wharf or Wharfs, Quay or Quays, Warehouſe or Warehouſes; or in caſe any Ship or Veſſel ſhall remain in the ſaid Harbours, Docks, or Baſons, for above the Space of Two Calendar Months, then and in ſuch Caſe the ſaid Commiſſioners ſhall be entitled to receive ſuch reaſonable Rates or Allowances, over and above the Rates and Duties herein-before authorized to be taken, as ſhall be thought proper by the ſaid Commiſſioners, not exceeding Two Shillings and Sixpence for every Ton of the Weight of ſuch Goods, Wares, Merchandize, Commodities, or other Matters or Things, and not exceeding the Sum of Sixpence for every Ton of the Burthen or Tonnage of any Ship or Veſſel, laden or unladen, for every One Calendar Month they ſhall remain beyond the ſaid Two Calendar Months, and ſo in Proportion for any greater or leſs Portion of Time that ſuch Goods, Wares, Merchandize, Commodities, or other Matters or Things ſhall ſo remain.

Farther Allowance to the Commiſſioners for Goods remaining upon their Wharfs a certain Time.

XXIX. And be it further enacted, That all Perſons whatſoever ſhall have free Liberty to uſe the ſaid Harbours and Docks, or Baſons, Quays, Wharfs,

Harbours, &c. to be free upon Payment of Rates.

Wharfs, Warehouſes, Cranes, Weighing Beams, Roads, and other Conveniencies, upon Payment of ſuch Rates and Duties as ſhall be demanded by the ſaid Commiſſioners, not exceeding the reſpective Sums herein-before mentioned, and ſubject to the Rules and Regulations which ſhall be from Time to Time made by the ſaid Commiſſioners, by virtue of the Powers hereby granted.

Application of Rates.

XXX. Provided always, and be it enacted, That ſeparate and diſtinct Accounts ſhall be kept of each and all of the Rates and Duties levied by the ſaid Commiſſioners by virtue of this Act, and the ſame ſhall be applied towards maintaining and preſerving the ſaid Harbours, Docks, and Warehouſes, and other Works conſtructed by virtue of this Act, and in paying the Salaries of Clerks and Officers, and other Expences incident to the Undertaking and the Management thereof; and any Balance which ſhall be in the Hands of the ſaid Commiſſioners, ſhall and may from Time to Time be laid out in the Purchaſe of Exchequer Bills, or lodged in the Bank of *Scotland*, or Royal Bank of *Scotland*, until the ſame ſhall be required for the Purpoſes of this Act, or be otherwiſe diſpoſed of by Parliament.

Commiſſioners may make Bye-Laws.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall alſo have full Power and Authority, from Time to Time, at any ſuch Meeting as aforeſaid, to make ſuch Rules, Orders, and Bye Laws, as to them ſhall ſeem meet and proper for the Government of their own Conduct and Proceedings, and for regulating the Conduct of all Officers, Workmen, and Servants to be employed by them, and for the well and orderly uſing and preſerving the ſaid Harbours and Docks and Baſons, and for regulating the mooring, and loading and unloading of all Ships and Veſſels frequenting the ſame, and for the orderly Behaviour of all Perſons on board ſuch Ships and Veſſels, or who ſhall be employed in loading or unloading ſuch Ships and Veſſels, or in carrying or conveying any Goods, Wares, Merchandize, or Commodities, to or from the ſaid Harbours and Docks or Baſons, and for the Superintendance and Management of the ſame in all other Reſpects whatſoever; and from Time to Time to alter or repeal ſuch Rules, Orders, and Bye Laws, or any of them, and to make others, and impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt ſuch Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the ſaid Commiſſioners ſhall ſeem meet and expedient; and all Rules, Orders, and Bye Laws, ſo to be made as aforeſaid, being reduced into Writing, and entered in the Minutes of the ſaid Commiſſioners, ſhall be binding upon, and be obſerved by all Perſons uſing or in anywiſe concerned in the Harbours and Docks or Baſons, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame; provided that ſuch Rules, Orders, and Bye Laws, be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, or any of the expreſs Directions or Proviſions of this Act; and provided that ſuch Rules, Orders, and Bye Laws, ſhall be printed and notified to the Perſon or Perſons who are required to conform to them, and Copies of ſuch of them as ſhall concern or relate to the uſing of the ſaid Harbours and Docks or Baſons, or to the Conduct and Behaviour of Perſons on board or belonging to Veſſels frequenting the ſame, or to the Conduct and Behaviour

haviour of any Officers, Servants, or other Persons, employed in or about the said Harbours and Docks or Basons, or of the Persons resorting to or making use thereof, shall be written or printed in large Characters, and be fixed and continued in some conspicuous Place or Places of the said Harbours and Docks or Basons.

Penalty for throwing Ballast into the said Harbours, or damaging the Works.

XXXII. And be it further enacted, That if any Person shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Harbours, Docks, or Basons, Trenches, Watercourses, or Reservoirs to be made by virtue of this Act, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings, over and above the Expence of removing the same, which shall be ascertained by the said Commissioners; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Harbours, Docks, or Basons, break, throw down, damage, or destroy any Piers, Jetties, or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged guilty of Felony, and every such Person so offending and being thereof lawfully convicted shall be subject to the like Pains and Penalties as in Cases of Felony, and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Law of *Scotland*, or in Mitigation of such Punishment, such Court may award such arbitrary but lesser Sentence or Punishment as to such Court shall seem proper; or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County where the Offence shall be committed, shall forfeit any Sum not less than Twenty Pounds, and also the Value or Amount of the Damage proved upon Oath to have been done at the Discretion of such Justice or Justices; such Penalty and Damages, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Effects of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the said County, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall have been convicted.

Recovery of Fines and Forfeitures.

XXXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance thereof (the levying and recovering whereof is or are not particularly herein-before directed), shall, in case of Non-payment thereof on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Effects of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside; and every such Justice is hereby authorized and required to examine Witnesses upon Oath, and hear and determine the same; and all Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed), shall

be paid into the Hands of the Clerk or Treaſurer to the ſaid Commiſſioners, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Harbours, Docks, and Baſons, and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of ſuch Diſtreſs and Sale, ſhall be rendered to the Owner of the Goods and Effects ſo diſtrained; and for want of ſufficient Diſtreſs, and in caſe the Fine, Penalty, or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand, to commit ſuch Offender to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Four Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved by Irregularity in Diſtreſs, to recover only the Special Damages.

XXXIV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relative thereto; nor ſhall the Party or Parties diſtreſſing be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in any Action or Suit brought for that Purpoſe.

XXXV. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That every Juſtice of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up according to the following Form; *videlicet*,

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence, and the Time and Place when and where committed, as the Caſe may be*], contrary to an Act of Parliament, paſſed in the Forty-third Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act.*] Given under my Hand, the Day of

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXVI. And be it further enacted, That any Perſon or Perſons thinking themſelves aggrieved by any Order, Judgement, or Determination of any Juſtice or Juſtices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after ſuch Order, Judgement, or Determination ſhall have been made or given (firſt giving Twenty-one Days Notice of ſuch Complaint to the Perſon or Perſons againſt whom ſuch Complaint is intended to be made), complain

complain to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the County in which the Cauſe of Appeal ſhall ariſe, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and may alſo order and award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; but no Proceedings to be had and taken in purſuance of this Act, ſhall be quaſhed or vacated for want of Form, or be removed by Advocation, or by any other Proceſs whatſoever, to the Court of Seſſion; any Law or Statute to the contrary notwithſtanding.

Proceedings not to be quaſhed for Want of Form, nor removed by Advocation.

XXXVII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue or in purſuance of this Act, until Twenty-one Days Notice thereof in Writing ſhall have been given to the ſaid Commiſſioners, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action to be had in *England*, ſhall be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſhall be laid in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Twenty-one Days Notice thereof, or ſhall be brought in any other County or Place, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes of Law; and every ſuch Action to be had in *Scotland* ſhall be brought before the Court of Seſſion in *Scotland*, and the Defender or Defenders in ſuch Suit or Action ſhall and may deny the Libel, and give this Act and the Special Matter in Evidence, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Twenty-one Days Notice thereof, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Defender or Defenders ſhall be aſſoilzied; or if the Action ſhall be found irrevelant or be otherwiſe diſmiſſed, or the Purſuer ſhall not proſecute the Action, or ſuffer the ſame to fall aſleep, or if

Limitation of Actions.

Judgement

Judgment ſhall be given againſt the Purſuer or Purſuers, the Defender or Defenders ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defender or Defenders hath or have for Coſts of Suit in any other Caſes of Law.

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