

ANNO PRIMO

GEORGII IV. REGIS.

CAP. CXII.

An Act for improving and completing the Harbour of *Port Patrick* in *Scotland*, so as to render the same a more fit Situation for His Majesty's Packets. [24th *July* 1820.]

WHEREAS the present Harbour of *Port Patrick*, in the County of *Wigton* in *Scotland*, has been found insufficient for the Purpose of affording proper Accommodation to His Majesty's Packets on the Station between *Port Patrick* and *Donaghadee*; and it is desirable and expedient that, for the more regular and speedy Conveyance of the Mails, a fit and proper Harbour for that Purpose should be constructed at *Port Patrick*: Be it therefore 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 out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, there shall be issued and paid at the Receipt of His Majesty's Exchequer in *Great Britain*, by the Commissioners of His Majesty's Treasury for the Time being, or any Three of them, from Time to Time, to such Persons as shall be appointed Commissioners for the Execution of this Act, any Sum or Sums not exceeding Ten thousand Pounds, without any Deduction

A Sum not exceeding 10,000*l.* shall be paid out of the Consolidated Fund to the Commissioners for carrying this Act into Execution.

Deduction whatever, to be applied by such Commissioners towards improving of the said Harbour, and rendering the same a more fit Situation for His Majesty's Packets.

Commissioners.

II. And be it further enacted, That Sir *William Maxwell* of *Monreith*, Baronet, Sir *Andrew Agnew* of *Lochnaw*, Baronet, Sir *James Dalrymple Hay* of *Park Place*, Baronet, Sir *Hew Dalrymple Hamilton* of *Bargarry*, Baronet, *James Hunter Blair* Esquire, *Thomas Francis Kennedy* Esquire, *John Vans Agnew* Esquire of *Shenchan*, *John Cathcart* Esquire, of *Genoch*, *Edward Hull* Esquire, the Reverend *John M'Kenzie* Doctor in Divinity, the Collector of the Customs at *Port Patrick* for the Time being, and also such other Person or Persons, not exceeding Four in Number, as shall be nominated and appointed by the Lord High Treasurer, or by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, who is and are hereby authorized and empowered to make such Nomination and Appointment, shall be Commissioners for the Execution of this Act; and it shall and may be lawful for the said Commissioners for the Execution of this Act, or any Three or more of them, who are hereby declared to be a Quorum, to do any Act, Matter, or Thing whatever in the Execution of this Act.

Treasury to add Four to the Number of Commissioners.

Three Commissioners to act.

Treasury to supply Vacancies.

III. And be it further enacted, That in case of any Vacancy or Vacancies by Death or Resignation of any one or more of the said Commissioners, it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three of them, for the Time being, to nominate and appoint such Person or Persons as he or they may think proper to supply such Vacancy or Vacancies; and that every Person so nominated and appointed shall be invested with all such Powers as are by this Act given to any Commissioner appointed by this Act, in whose Room such Person or Persons shall be nominated and appointed.

Commissioners to take the following Oath.

IV. And be it further enacted, That every Commissioner for the Execution of this Act shall take and subscribe the Oath following, before he shall take upon himself the Execution of any of the Powers or Authorities hereby given, other than administering the said Oath:

'I *A. B.* do swear, That I will without Favour or Affection, Hatred 'or Malice, truly, faithfully, and impartially, according to the 'best of my Skill and Judgment, execute and perform all and every 'of the Powers, Authorities, and Duties of a Commissioner reposed 'in me under and by virtue of an Act made in the First Year of 'the Reign of His present Majesty King *George* the Fourth, intituled '(*here set forth the Title of this Act*). So help me GOD.'

Which Oath any one of the said Commissioners, or any Person named in any Appointment of Commissioners, is hereby authorized and required to administer at the first or any other Meeting to be held by virtue of this Act.

V. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three of them, for the Time being, from Time to Time to nominate and appoint a Secretary to the said Commissioners; and it shall be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, to nominate and appoint One or more Clerk or Clerks, and also from Time to Time to employ such Engineers, Surveyors, and other Officers, and such Labourers, Workmen, and Artificers, as the said Commissioners for the Execution of this Act, or any Three of them, shall think proper and expedient for the better carrying into Execution the Purposes of this Act, and to pay and allow to such Secretary and Clerk such Salary or Allowance as the said Commissioners for the Execution of this Act, with the Consent of the Commissioners of His Majesty's Treasury, or any Three of them, shall think fit.

Treasury may appoint a Secretary.

Commissioners to appoint Clerks, and employ Engineers, &c. and Workmen.

VI. Provided always, and be it enacted, That such Secretary and Clerk, and every Engineer, Person, and Officer to be appointed under this Act, shall take and subscribe the following Oath, before he shall take upon himself the Execution of any of the Duties annexed to his said Office; which Oath any one of the Commissioners for the Execution of this Act, or any Justice of the Peace of the said County of *Wigton*, is hereby authorized and empowered to administer:

Secretary and other Officers to take the following Oath.

'I *C. D.* do swear, That I will truly and faithfully, without Fraud or Concealment, do, perform, and execute the several Duties attached to the Office of Secretary, (Clerk, Engineer, Surveyor, &c.) to which I have been appointed under the Commissioners for improving and completing the Harbour at *Port Patrick* in the County of *Wigton*; and that I will not accept or receive, directly or indirectly, any Monies, Fees, Perquisites, or Profits, by way of Commission, Premium, Per-centage, Poundage, or otherwise, for or by reason of the said Office, or any of the Duties annexed thereto, or by reason of any Account, Contract, or Payment, made or to be made, or in any way relating to the said Harbour, or any of the Materials or Works thereof, save such Payment and Compensation only as shall be paid or allowed to me by the said Commissioners. So help me GOD.'

And if any such Secretary, Clerk, Engineer, Surveyor, or Officer, shall be guilty of any Fraud, Concealment, or other Matter, contrary to the true Intent and Meaning of the said Oath, and be thereof convicted, he shall be deemed guilty of a Misdemeanor; and it shall be lawful for the Court, by and before whom such Person shall be tried and convicted, to inflict such Punishment as may be by Law inflicted on a Person guilty of a Misdemeanor.

Officers guilty of Fraud to be punished for a Misdemeanor.

VII. And be it further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, to sue and be sued in the Name of their Secretary for the Time being; and that all Actions, Suits, Prosecutions, Informations, Appeals, and other Proceedings whatsoever, that may be had, taken, prosecuted, or defended by or against the said Commissioners, shall be had, taken, and prosecuted in the Name of their said Secretary; and that no such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, shall abate

Commissioners may sue and be sued in the Name of their Secretary.

abate or be discontinued by the Death or Removal of such Secretary, but that the Secretary for the Time being shall be always deemed the Party suing or defending in every such Action.

Commissioners may cause the Harbour of Port Patrick to be deepened and cleansed, and Piers, Quays, and other Works to be erected, and all Obstructions to the Navigation to be removed.

VIII. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, or such Person or Persons as they shall by any Writing or Writings under their Hands, or the Hands of any Three or more of them, nominate and appoint, and their Agents, Officers, Workmen, and Servants, and they are hereby authorized, empowered, and required to deepen, cleanse, and scour the said Port and Harbour of *Port Patrick*, and to make, erect, and build such Pier or Piers, Quay or Quays, Jetty or Jetties, and to make and construct all such other Works as shall be necessary for improving, enlarging, completing, and preserving the said Port and Harbour, and for that Purpose to dig, take up, remove, and carry away any Rocks, Stones, Soil, Sand, Gravel, Rubbish, or other gross Matter which shall obstruct, prejudice, or hinder the Navigation of the said Port and Harbour, or the Improvement thereof, and to cast, lay, and lodge the same behind such Pier or Piers, Quay or Quays, Jetty or Jetties, as shall be requisite for effecting the Purposes of this Act, be it the Ground or Soil of His Majesty, or of any other Person or Persons, Bodies Politic or Corporate whomsoever; and also to dig, cut, remove, and take away all Beds of Gravel, Sand, Stones, or any other Obstruction or Impediments whatsoever, which may any way obstruct the said Port and Harbour, or the Improvement or Use thereof, and also to build, erect, set up, and make in the said Port and Harbour, or upon the Lands adjoining or near the same, such Quays, Wharfs, Jetties, Works, Erections, and Buildings, as and where the said Commissioners shall think proper and necessary, for the carrying on, completing, improving, maintaining, and preserving the said Port and Harbour, and rendering the same safe and commodious for His Majesty's Packets, and all other Ships and Vessels repairing thither; and also to make, amend, widen, turn, alter, or enlarge any Roads, Ways, Passages, or other Conveniences, as the said Commissioners shall think proper and necessary, for the carrying and conveying of all Sorts of Materials to and from the said Port and Harbour; and also to carry and convey the same in, over, and upon any Lands or Grounds, in order to the making, carrying on, perfecting, and improving and finishing of the said Piers, Quays, Wharfs, Jetties, Works, Erections, and Buildings, and for altering, repairing, and maintaining the same; and also to lay, work, and manufacture the said Materials upon the Ground near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, or done; and also to get, dig, take, and carry away Soil, Sand, Rock, Clay, Gravel, and other Materials proper, requisite, and convenient for making, carrying on, altering, and continuing the said Works and Undertakings, in or from any Ground of any Person or Persons adjoining or lying contiguous to the said Port or Harbour, (not being Ground whereon any House stands, nor having been for the Space of Twelve Calendar Months then next immediately preceding, an Orchard, Pleasure Ground, or planted Walk, or Avenue to a House); and also to make, complete, and maintain all and every or any such Ways and Roads whatever, as and where the said

Roads to be made for Conveyance of Materials, which may be prepared and taken from Lands adjoining.

Commissioners shall think requisite and convenient for the Purposes of this Act, and to do and perform all other Works, Matters, and Things which shall be necessary or proper for the improving and completing of the said Port and Harbour, and rendering the same safe and commodious, and for executing the Purposes of this Act, according to the true Intent and Meaning thereof; they the said Commissioners, and the other Persons hereby empowered to perform the said Works and Things, doing as little Damage as may be to and upon the Premises, and giving or tendering such Satisfaction to the Owners and Occupiers of and Persons interested in any Lands, Tenements, or Hereditaments respectively, for any Damage that may happen or be occasioned to such Lands, Tenements, or Hereditaments, as the said Commissioners shall for that Purpose order, adjudge, direct, or appoint, according to the Tenor and true Meaning of this Act; and in case of any Difference or Dispute concerning such Damages, or the Quantum thereof, the same shall be settled and determined in the Manner by this Act provided with respect to the Value of Land or Premises taken or used for the Purposes of this Act.

Satisfaction to be made to the Owners of Premises.

IX. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Purposes of this Act for the Time being, and they are hereby authorized and empowered, to contract and agree with any fit and proper Person or Persons, Engineer, Surveyor, Artificers, Workmen, and others, for the making, doing, completing, and finishing all or any of the said Works hereby authorized to be done and performed for the completing, executing, and finishing the said Harbour at *Port Patrick*, or any Part thereof, or for supplying any of the Materials for the same; and every such Contract shall be signed by the Person or Persons contracting or agreeing to perform such Works respectively, and also by Three or more of the Commissioners for the Execution of this Act, or by the Secretary authorized by the said Commissioners, or any Four of them, for that Purpose; and all Contracts which shall or may be so entered into, shall be and the same are hereby declared good, valid, and effectual, to all Intents and Purposes whatsoever.

Commissioners may enter into Contracts for Performance of the Works.

Contracts to be signed.

X. And be it further enacted, That the Commissioners for the Execution of this Act, shall be and they are hereby empowered, with the Consent and Approbation of the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, to be signified in manner herein-after mentioned, to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Guardians, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let, and convey all such Lands or Houses as may be necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as can be agreed upon by and between the said Commissioners and such Owner or Owners, Occupier or Occupiers, and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded and determined in the Manner herein directed.

Premises may be taken (with Consent of the Treasury) for the Purposes of this Act, on making Satisfaction to the Owners.

Plan of the Premises to be submitted to the Treasury, who may Consent to the Purchase.

XI. Provided always, and be it enacted, That before purchasing or acquiring, or taking or entering upon the Possession of any of the Lands, Houses, Hereditaments, or others, authorized to be acquired by virtue of this Act, or before commencing or undertaking any of the Works hereby authorized to be carried on, the said Commissioners for the Execution of this Act shall and they are hereby required to lay before and to submit to the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three of them, a Map or Plan, or Maps or Plans of all such Lands, Houses, or Hereditaments intended to be purchased or acquired, and of all or such Part of the said Works as the Commissioners for the Execution of this Act intend to be carried on and completed; and it shall be lawful for the said Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three of them, for the Time being, to examine and consider such Plans, and to direct such Purchases to be made, and to approve or alter such Plans of such Works, and to direct the same to be put in Execution, or suspended or laid aside, or varied and altered in whole or in part, as he or they shall deem expedient; and the said Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three of them, shall give Notice in Writing under his or their Hands of his or their Approbation or other Determination in respect of such Plans, which Determination the said Commissioners for the Execution of this Act shall then proceed to carry into Effect according to such Approbation or Determination.

Premises to vest in the Commissioners on Payment of the Price agreed for or appraised Value.

XII. And be it further enacted, That all Lands, Houses, and Hereditaments, which may be acquired by the Commissioners for the Execution of this Act for the Purposes of this Act, shall be vested in the said Commissioners by the simple Discharge for the agreed Price or appraised Value thereof, whereupon the said Commissioners shall be entitled to take and use the said Lands and Hereditaments, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their Favour regular Conveyances of the same.

Before entering on the Lands Six Months Notice shall be given to the Owners, &c.

Purchase Money, if refused to be taken, to be paid into the Bank.

XIII. Provided always, and be it enacted, That just Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, Houses, Walls, and Fences required for the Purposes of this Act, and for all Damage done to the same by carrying this Act into Execution; and before entering upon any such Lands, Grounds, Houses, Walls, or Fences, or injuring the same, the said Commissioners shall give at least Six Calendar Months Notice in Writing to the Owners and Occupiers thereof, and shall also make Payment or a Tender of such Sum or Sums of Money as shall be agreed upon, or shall be ascertained to be a just Compensation for the same as herein directed, or in case of Refusal to take or accept the same, shall deposit the same in one of the Banks after mentioned, as herein-after directed.

If Persons cannot agree as to Value of Premises, or refuse to

XIV. And be it further enacted, That if the Commissioners for the Execution of this Act cannot agree with the Owners or Occupiers of any Lands or Hereditaments required for the Purposes of this Act, or the Damage to be done to the same in the Execution thereof,

thereof, as to the Value of such Lands, Houses, or Hereditaments, or the Amount of such Damage; or in case such Owners or Occupiers shall refuse to treat with the Commissioners for the Execution of this Act for the same, Application shall be made by the said Commissioners or their Secretary, to the Sheriff of the said County, to summon a Jury, in order to value the Grounds or Hereditaments so required, or to ascertain the Amount of such Damages; and the said Sheriff is hereby empowered and required upon such Application to order Notice to be given to the Owner or Owners, and Occupier or Occupiers of such Ground or Premises, and afterwards to issue a Summons in the usual Manner for calling together and impannelling a Jury, consisting of Twelve Persons, who being duly sworn, the said Sheriff shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party, and upon their Testimony and other competent Evidence, such Jury shall determine the Price or Damages to be paid by the Commissioners for the Execution of this Act; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, or Hereditaments as aforesaid, and in making up their Verdict, the said Jury are hereby empowered to take under their Consideration all Circumstances, particularly the Advantages arising to the Owners and Occupiers by the Alterations or Improvements directed by this Act; and after a Verdict is pronounced as aforesaid, the said Sheriff is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto, and upon Payment or a Tender of Payment being made by the said Commissioners, as the Case may be, the Commissioners for the Execution of this Act shall from thenceforth be entitled to take and use the Ground and Premises so valued for the Purposes of this Act, as fully and effectually ever after to all Intents and Purposes, as if the Owner or Owners, and Occupier or Occupiers of the Lands, Houses, Grounds, or Hereditaments, had executed regular Conveyances of the same; and the said Proceedings and Orders of the Sheriff shall be final and conclusive, and not removable to, or liable to review by any Court whatever, any Law or Usage to the contrary notwithstanding.

treat, a Jury shall be summoned to value such Premises.

Sheriff to pronounce Judgment on Verdict of Jury.

On Payment of Money awarded Premises to vest in Commissioners.

XV. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Commissioners for the Execution of this Act shall have offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Commissioners, and the said Owner or Owners, Occupier or Occupiers, equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Commissioners; and on the other Hand, if the said Jury shall award the Sum offered by the said Commissioners, or a less Sum, the Whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners.

Expences of Inquest how to be paid.

XVI. And

Purchase Money for Lands under Entail, &c. or belonging to Corporations, &c. exceeding 200*l.*, shall be paid into the Bank of Scotland, &c. under the Direction of the Court of Session, to be laid out in Redemption of Land Tax, or in Payment of Debts or other Incumbrances, or if not so applied to be laid out in the Purchase of other Premises.

XVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, 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, Lunatic, or Person or Persons under any Disability or Incapacity, such Money, in case the same shall exceed the Sum of Two hundred Pounds, shall be, under the Direction and by the Authority of the Court of Session, with all convenient Speed, paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, by the said Commissioners, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, sitting in either of the Divisions thereof, 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 Hereditaments, in the Purchase or Redemption of the Land Tax, or the 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 Hereditaments, or affecting other Lands, Tenements, or Hereditaments 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, in the Purchase of other Lands, Tenements, or Hereditaments, 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 Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used 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 meantime, 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 Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If Purchase Money shall not exceed 200*l.* but more than 20*l.* such Money may be paid into the Bank of Scotland, &c. and placed to the Account of the Persons entitled to the Rents of Premises, &c.

XVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds Sterling, and shall exceed the Sum of Twenty Pounds Sterling, 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 Lands, Tenements, or Hereditaments 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 Direction and Authority of the Court of Session, sitting in either of its Divisions as aforesaid, be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, or *British* Linen Company, and be placed to the Account of the Person or Persons so

entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Commissioners, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Commissioners for the Execution of this Act, (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 therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable.

Sums not exceeding 20*l.* to be applied to the Use of the Persons entitled to the Rents.

XVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last-before mentioned shall not exceed Twenty Pounds Sterling, 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 Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the Commissioners for the Execution of this Act 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.

In Default of Title, Refusal to execute Conveyance, or if the Owners cannot be found, Money awarded shall be paid into the Bank of Scotland, &c. to the Credit of the Parties interested, subject to the Controul of the Court of Session.

XIX. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall and may be lawful to and for the Commissioners for the Execution of this Act to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Cashier to give Receipts specifying for whose Use the Money is to be paid.

XX. And

In Cases where Question shall arise touching the Title to Premises, the Persons in Possession deemed the Owners until the contrary shall be shewn to the Court of Session.

XX. 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 said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, Hereditaments, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, Hereditaments, or Heritages to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, Hereditaments, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, Hereditaments, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and such Money and the Interest thereof 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, Hereditaments, or Heritages, or to some Estate or Interest therein.

In Cases where Money is paid into the Banks to be applied in the Purchase of other Premises, Expences to be paid by Commissioners.

XXI. 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, Hereditaments, or Heritages to be purchased under Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied to the Purchase of other Lands, Tenements, Hereditaments, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful for the said Court to order the Expence of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the said Expences as the said Court shall deem reasonable to be paid by the Commissioners for the Execution of this Act, who shall pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Commissioners may, with Consent of Treasury, sell such Part of the Premises purchased as shall not be necessary for the Purposes of this Act.

XXII. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Execution of this Act, by and with the Advice and Consent after mentioned, to contract for the granting, leasing, selling, or disposing of, and to grant, lease, sell, and dispose of any Part of any Lands, Tenements, and Hereditaments, which shall or may from Time to Time be purchased under this Act, and which shall or may not be necessary for the Purposes thereof: Provided always, that every Contract and every Lease or Sale of any such Lands, Tenements, and Hereditaments, or any Part of them, shall receive the separate Approbation and Consent of the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the Time being, or any Three of them, and shall be made after Public Notice given of such intended Contract, Lease, or Sale, in such Manner, and under such Regulations, as the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall from Time to Time order and direct; and all Monies arising from the Sale thereof, and all the Monies arising from the Produce of the Rent of such Lands, Tenements, and Hereditaments, shall be and the same are hereby vested in the Commissioners for executing this Act, and shall be applied by them for and towards the Purposes of this Act.

Application of the Money.

XXIII. And

Four Commissioners may authorize the Secretary to do any special Act for the Commissioners.

XXIII. And be it further enacted, That it shall and may be lawful for the Commissioners for the Purposes of this Act, by any Writing under the Hands of them or any Four of them, from Time to Time to authorize and empower their Secretary for the Time being to do any special Act, Matter, or Thing, which such Commissioners are by this Act authorized to do; and every Act, Matter, or Thing done by such Secretary in the Execution of such Power and Authority, shall be as good and valid to all Intents and Purposes, as if the same were done by such Commissioners.

Limits of the Harbour.

XXIV. And be it further enacted, That the Limits of the said Harbour of *Port Patrick* shall be deemed and considered to be and extend from *Dunskye Castle*, on the South, to the Rock called *The Half-Tide Rock*, on the North.

Harbour Master to be appointed by the Treasury.

XXV. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the Time being, or any Three of them, from Time to Time to appoint a Person to act as Harbour Master within the said Harbour, and to allow him such Salary or Remuneration for his Trouble as the said Lord High Treasurer or Commissioners of His Majesty's Treasury shall think fit, not exceeding One hundred and fifty Pounds *per Annum*, and to remove any Harbour Master so appointed, and to appoint another in his Room or Stead, as they shall see proper; and that it shall and may be lawful for the said Harbour Master, as he shall think fitting and expedient, to lay down Moorings or Mooring Chains, and erect and to set up Land Marks, Beacons, and Buoys, in any Place or Places in the said Harbour of *Port Patrick*, or adjoining Lands between *Dunskye Castle* on the South and the Half-Tide Rock on the North, for the Guidance and Safety of His Majesty's Packets, and all other Ships and Vessels entering the said Harbour.

His Salary not to exceed 150*l.*

Moorings and Mooring Chains to be laid down, and Land Marks to be erected.

No Fee to be taken by Harbour Master, on Penalty of 10*l.* &c.

XXVI. And be it further enacted, That if the said Harbour Master shall directly or indirectly ask or demand, or take or receive any Fee, Gratuity, or Reward, for the Performance of his Duty under this Act, or under Pretext or Pretence of any Act done by him in Execution of this Act, over or beyond such Salary or Allowance as aforesaid, such Harbour Master shall for every such Offence forfeit the Sum of Ten Pounds, together with Double the Amount of such Fee, Gratuity, or Reward.

Harbour Master to direct the mooring and unmooring of Vessels:

Penalty on Ship Masters disobeying his Orders, not exceeding 10*l.*

XXVII. And be it further enacted, That every such Harbour Master shall have Power and Authority to direct the mooring, unmooring, moving or removing of all Ships or other Vessels coming into, lying, or being in the said Port or Harbour of *Port Patrick*, or the Limits thereof as described in this Act, and to appoint and regulate the Time or Times and the Manner of their Entrance into, lying in, or going out of or from such Harbour, and to regulate and determine the Position of such Ships and other Vessels; and in case any Owner, Master, or other Person having the Charge or Command of any Ship or other Vessel, shall refuse or neglect to moor, unmoor, place, move, or remove his Ship or Vessel according to such Directions, upon Notice to him or them given, or left with any Person or

Persons

Persons on board of such Ship or Vessel for that Purpose, every such Owner, Master, or other Person shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds; and it shall and may be lawful to and for the said Harbour Master and his Assistants, and he and his Assistants are hereby required, to moor, unmoor, place, move, or remove such Ship and Vessel accordingly; and in case any Master, Commander, Mate, Pilot, or other Person or Persons taking Charge or Command of any Ship or other Vessel, or any other Person or Persons whomsoever, shall obstruct or hinder the mooring, unmooring, placing, moving, or removing of any Ship or other Vessel lying or being in the said Harbour, or the Limits or any Part thereof as described in this Act, then and in every such Case such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on obstructing Harbour Master, not exceeding 10*l.*

Penalty on obstructing Workmen, not exceeding 10*l.*

XXVIII. And be it further enacted, That if any Person shall wilfully obstruct, molest, or hinder any Surveyor, Engineer, Workmen, or Labourers employed by the Commissioners for the Execution of this Act, or their Secretary for the Purposes of this Act, in the Performance of his, her, or their Duty or Employment in the Execution of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Destroying Works, Felony.

XXIX. And be it further enacted, That if any Person shall wilfully, and to the Prejudice of the said Harbour, break, throw down, destroy, or in anywise damage or injure any Pier, Dock, Quay, Reservoir, Erection, Machine, Building, Road, Way, or other Work whatsoever to be erected or made by virtue of this Act, or any Part thereof, or of any Works erected in pursuance of this Act, every such Person so offending shall be adjudged guilty of Felony, and being lawfully convicted thereof, 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 as a Felon may be punished by the Law of *Scotland* or in Mitigation of such Punishment such Court may award such lesser Punishment as to such Court shall seem proper.

Penalty on Persons wilfully damaging Boats or other Vessels in the Harbour, not exceeding 10*l.*

XXX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously damage or destroy any Wherry, Boat, or Vessel lying within the Harbour of *Port Patrick*, or upon any of the Piers, Quays, Roads, or Ways leading to or belonging to the said Harbour, or either or any of them, or any Rope, Cable, Anchor, Oar, Spear, or any Tackling, Necessary, or Material belonging to any such Wherry, Boat, or other Vessel, or any of the Furniture, Cargo, or Property belonging to or on board such Boats or Vessels, or any Goods or Property of any Person or Persons whatsoever, which may be lying at or upon or along such Piers, Quays, Roads, or Ways, or any of them, or any of the Tools, Implements, Materials, or other Goods, Chattels, or Property used or intended to be used in the said Harbour, or the Works connected therewith or belonging thereto, or to the Commissioners for the Execution of this Act, or to any other Person, for the Use of the said Works, that then and in such Case

the Person or Persons so offending shall, upon Conviction, forfeit and pay any Sum not exceeding Ten Pounds.

Recovery and Application of Penalties.

XXXI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not otherwise particularly directed, shall and may be recovered before any One or more Justice or Justices of the Peace for the said County of *Wigton*, on the Oath of One or more credible Witness or Witnesses, and shall and may be levied by Distress and Sale of the Offender's Goods and Chattels, and by Warrant under the Hand and Seal or Hands and Seals of such One or more Justices of the Peace, which Warrant or Warrants such Justice or Justices is and are hereby empowered to grant, without Fee or Reward; and such Penalties and Forfeitures, when recovered, after rendering the Overplus, if any be, when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall be paid, if not otherwise directed to be applied by this Act, to the Harbour Master of the said Harbour, to be by him accounted for to the Commissioners for the Execution of this Act, and shall be by the said Commissioners applied to and for the Purposes of this Act; and if sufficient Distress shall not be found, it shall be lawful for such Justice or Justices to commit every such Offender to the Common Gaol or House of Correction within the said County of *Wigton*, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges shall be sooner paid.

Appeal may be made to the Justices of the County of Wigton within Three Months after the Matter complained of, on giving Notice to the other Party.

XXXII. Provided always, and be it enacted, That any Person or Persons who shall think himself, herself, or themselves aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may within Three Calendar Months after the Matter complained of shall have been done, but not afterwards, lodge an Appeal to the Justices of the Peace of the County of *Wigton*, the Appellant giving Ten Days previous Notice of such Appeal to the Defender or Defenders, and to the Secretary of the said Commissioners, and lodging with such Appeal a Bond with sufficient Caution for implementing the Sentence to be pronounced by such Justices, and for paying such Expence as may be ultimately awarded; and such Justices shall have Authority to hear and determine the Matters in dispute; and their Judgments therein shall be final and conclusive, without being subject to review in any Court of Advocation, Suspension, Reduction, or otherwise; and provided further, that all Actions for any Penalties and Forfeitures imposed by this Act, or for any thing done in the Execution thereof, shall be commenced within Three Calendar Months after the Fact was done or committed, and not afterwards.

Commissioners to make an yearly Report of the Progress of the Works to the Treasury, and also when

XXXIII. And be it further enacted, That the said Commissioners for the Execution of this Act shall from Time to Time, once at least in every Year, make a Report of the Progress of the Works executed or executing under the Authority of this Act, and shall also, whenever thereto required by the Lord High Treasurer or Commissioners of His Majesty's Treasury, render and give Reports, and render Accounts

required an Account of their Receipts and Disbursements, which when approved shall be an Acquittance to the Commissioners.

Accounts to the Lord High Treasurer, or to the Commissioners of His Majesty's Treasury for the Time being, of the Amount of all Money received by the Commissioners for the Execution of this Act, and of the Application thereof for the Purposes of this Act in Manner aforesaid; and it shall and may be lawful for the Lord High Treasurer, or Commissioners of His Majesty's Treasury, and he and they is and are hereby authorized and required to examine every such Account, and in case they shall approve thereof, to signify such his or their Approbation in Writing at the Foot of such Account, signed by the said Lord High Treasurer, or by the said Commissioners of His Majesty's Treasury, or any Three of them, for the Time being, and to transmit and return the same so approved to the Commissioners for the Execution of this Act; and every Account so approved and signed as aforesaid shall be a full and sufficient Discharge to the Commissioners for the Execution of this Act, from or on account of all such Sums of Money as shall be mentioned in any such Account, and for the Expenditure and Application thereof; and the Commissioners for the Execution of this Act shall not be compelled or compellable to give or render any further or other Account of any such Money, or of the Expenditure or Application thereof, any Law, Usage, or Custom to the contrary notwithstanding.

Persons employed in improving the Harbour to be reimbursed their Expences, &c.

XXXIV. And be it further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, out of any Funds applicable to the Purposes of this Act, by and with the Consent and Approbation of the Commissioners of His Majesty's Treasury, or any Three or more of them, to reimburse and repay to any Person or Persons who have been or may be employed in forwarding or promoting the Improvement of the said Harbour of *Port Patrick*, for all such Loss of Time, Trouble, Expence, and Services, as he or they may have from Time to Time been or may be at in the Furtherance of such Object, and to take Credit for the same in their Accounts accordingly.

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