ANNO SEXTO

GEORGII IV. REGIS.

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C A P. CIII.

An Act to enable the principal Officers and Commissioners of His Majesty's Navy to acquire certain Portions of the Docks and Shore Ground at *Leith* for a Naval Yard, and to enable the Commissioners of the Treasury to advance a certain Sum of Money on the Security of the Docks and of the Harbour of *Leith*. [5th *July* 1825.]

WHEREAS by an Act passed in the Thirty-ninth Year of His late Majesty King *George* the Third, intituled *An Act to amend Two Acts made in the Twenty-eighth and Thirty-eighth Years of the Reign of His present Majesty, for enlarging and improving the Harbour of* Leith, Power was given to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and their Successors in Office, to make and construct a Wet Dock or Docks, and a Lock or Locks, and new Piers, Quays, and Dry Docks in the Harbour of *Leith*, and to make and construct various other Works in and about the said Harbour of *Leith*, and connected therewith, and for effecting these Purposes to borrow any Sum of Money not exceeding Eighty thousand Pounds, and to levy and collect the several Rates and Duties therein specified: And whereas by another Act passed in the Forty-fifth Year of the Reign of His said late Majesty, intituled *An Act for raising a further Sum of Money for the Improvement of the Harbour of* Leith, the said Lord Provost, Magistrates, and Council

39 G. 3. c. 44.

45 G. 3. c. 32.

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of the City of *Edinburgh*, and their Successors in Office, were authorized and empowered (in addition to the said Sum of Eighty thousand Pounds by the said last recited Act authorized to be borrowed) to borrow a further Sum of Money, not exceeding Eighty thousand Pounds, to be applied to the Purposes of the said last recited Act: And whereas by another Act made in the Forty-fifth Year of the
45 G. 3. c. 114. Reign of His said late Majesty, intituled *An Act for enabling the Commissioners of the Treasury of* Great Britain *to advance a certain Sum of Money to the Lord Provost, Magistrates, and Council of the City of* Edinburgh, *towards the Completion of the Docks and other Works in the Harbour of* Leith, the Lords Commissioners of His Majesty's Treasury of *Great Britain* were authorized and empowered to issue and advance the Sum of Twenty-five thousand Pounds out of the Consolidated Fund of *Great Britain* to the said Lord Provost, Magistrates, and Council, or their Successors in Office, to be applied in completing the said Wet Docks and other Works in and about the said Harbour of *Leith*, in manner directed by the said recited Act of the Thirty-ninth Year of the Reign of His said late Majesty; and for Security of the Repayment of the said Sum of Twenty-five thousand Pounds, together with Interest for the same at the Rate of Five Pounds *per Centum per Annum*, the said Lord Provost, Magistrates, and Council, or their Successors, were directed to assign to the Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland*, all the Rates and Duties arising from the said Harbour, Docks, and other Works, and all Quays, Houses, Lands, and other Property purchased for the Purposes of the said Harbour, Docks, and other Works; And whereas by another Act passed in the Forty-seventh Year of the Reign
47 G. 3. c. 3. of His said late Majesty, intituled *An Act for enlarging the Powers of an Act of the Thirty-ninth Year of the Reign of His present Majesty, for amending Two Acts of the Twenty-eighth and Thirty-eighth Years of His present Majesty, for enlarging and improving the Harbour of* Leith, *for making certain new Streets and Roads, and widening others, adjacent to and connected with the said Harbour*, certain Alterations were made on the Rates and Duties authorized to be levied and collected under the said recited Act of the Thirty-ninth Year of the Reign of His said late Majesty; and the said Lord Provost, Magistrates, and Council, and their Successors in Office, were authorized to levy certain other Rates and Duties in respect of the Docks and other Works in the said Harbour: And whereas by another Act passed in the Fifty-
53 G. 3. c. 33. third Year of the Reign of His said late Majesty, intituled *An Act for raising a further Sum of Money for the Improvement of the Harbour of* Leith, *and Works therewith connected*, the said Lord Provost, Magistrates, and Council, and their Successors in Office, were authorized and empowered, in addition to the Two Sums of Eighty thousand Pounds authorized to be borrowed by the said recited Acts of the Thirty-ninth and Forty-fifth Years of the Reign of His said late Majesty, to borrow a further Sum of Money, not exceeding Eighty thousand Pounds, to be applied in the Improvement of the said Harbour of *Leith*, and Works therewith connected: And whereas, in virtue of the Powers contained in the said recited Acts, the Lord Provost, Magistrates, and Council of *Edinburgh* have constructed Two Wet Docks, and various Drawbridges, Dry

Docks, and other Works therewith connected, for the Accommodation of the Trade of *Leith*; and for effecting these Purposes, in addition to the said Sum of Twenty-five thousand Pounds, advanced by the Lords of the Treasury in manner before mentioned, have borrowed and expended the Sum of Two hundred and forty thousand Pounds authorized to be borrowed by the said recited Acts, and in security thereof have granted Bonds with Assignments of the said Docks and other Works, and the Rates and Duties payable in respect of the same, to the Creditors who have advanced the Sums contained in such Bonds: And whereas it will be of advantage to the Public if a Part of the said Wet Docks and other Property belonging to the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, adjacent to the said Docks, were converted into a Naval Yard, for the Service of His Majesty's Navy: And whereas by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs in* Scotland, certain Regulations were made as to Feus or Alienations of the Heritable Property, being Part of the Common Good of such Burghs; and it is expedient that such Regulations should be dispensed with in regard to the Property to be converted into a Naval Yard as aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for and notwithstanding of any Proviso, Matter, or Thing in the said recited Act of the Third Year of the Reign of His present Majesty contained, it shall and may be lawful to the said Lord Provost, Magistrates, and Council of the said City of *Edinburgh*, to grant, dispone, and convey to the principal Officers and Commissioners of His Majesty's Navy for the Time being, and their Successors in Office, for the Use and Behoof of His Majesty, and for the Service of His Majesty's Navy, and for such other Public Service or Services as His said Majesty, His Heirs or Successors, shall from Time to Time, by any Order in Council, be pleased to direct, so much of the said Wet Docks and other Property thereto belonging, as lies to the West of a Line drawn from the Sea Wall on the North to the Street running along the South Front of the Warehouses erected on the Land Side of the said Wet Docks on the South, at Right Angles across the Western Wet Dock, at the Distance of One hundred and sixty Feet to the Eastward of the inner Side of the West Wall of the said Western Wet Dock, including the Northern and Western Sea Walls, Wharfs, Warehouse Ground, and all other Subjects belonging to the said Wet Docks, lying to the Westward of the said Line; and also so much of the Shore Ground belonging to the Community of the said City, lying to the Westward of the said Wet Docks, as shall be required for the Construction of such Naval Yard, which Shore Ground is bounded on the South by the Road along the Shore between *Leith* and *Newhaven*, such Shore Ground to be occupied to such Extent to Seaward as to the said principal Officers and Commissioners of His Majesty's Navy shall seem proper.

3 G. 4. c. 91.

City of Edinburgh empowered to convey to the Commissioners of the Navy so much of the Wet Docks and so much of the Shore Ground herein described as shall be required for the Construction of a Naval Yard.

II. And

Conveyance of Premises to be executed by the Lord Provost, &c. in Form directed by the Barons of Exchequer.

II. And be it enacted, That any Conveyance of the said Premises to be made and executed by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, to the said principal Officers and Commissioners of His Majesty's Navy for the Time being, and their Successors in Office, shall be made and executed in such Manner and Form as shall be directed by the Barons of His Majesty's Court of Exchequer in *Scotland* for the Time being.

The Treasury may advance 240,000*l.* to pay off the Money borrowed on Bonds for making the Docks.

III. And be it further enacted, That upon the said Conveyance being executed in manner aforesaid, the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, shall and they are hereby authorized and empowered to issue and advance, out of the Consolidated Fund of *Great Britain* and *Ireland*, such Sum or Sums of Money as may be sufficient to pay off the several Bonds granted by the said Lord Provost, Magistrates, and Council, for or in respect of the aforesaid Sums borrowed by them for the Purposes of the said Docks, not exceeding the Sum of Two hundred and forty thousand Pounds in the whole.

Money advanced by the Treasury to be paid into the Bank of Scotland, &c. to the Credit of the Persons herein mentioned.

IV. And be it further enacted, That the Sum or Sums of Money to be issued and advanced by the said Commissioners of His Majesty's Treasury as aforesaid, shall be paid, without any Fees or other Deductions whatsoever, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, as the said Commissioners of the Treasury shall see fit to direct; and the Sums so paid in shall be placed to the Credit of an Account to be raised in the Books of the said Banks respectively, in the Names of Sir *Henry Jardine* Knight, King's Remembrancer of the Court of Exchequer in *Scotland*, or the King's Remembrancer of the Court of Exchequer in *Scotland* for the Time being; *Adam Duff* Esquire, Sheriff Depute of the County of *Edinburgh*, or the Sheriff Depute of the County of *Edinburgh* for the Time being; and *William Knight Dehany* Esquire, Solicitor of His Majesty's Excise in *Scotland*, or the Solicitor of His Majesty's Excise in *Scotland* for the Time being; to be applied in manner herein-after directed; and the Sum or Sums of Money so to be advanced by the said Commissioners of His Majesty's Treasury as aforesaid, shall bear Interest at the Rate of Three Pounds *per Centum per Annum*, till the same shall be repaid, in manner herein-after mentioned.

Money so advanced to bear Interest at Three per Cent.

Money to be applied in paying off the Bonds.

V. And be it further enacted, That the Sum or Sums of Money so to be paid into the said Banks as aforesaid shall, together with any Bank Interest accruing thereon, with all convenient Dispatch be applied by the said Sir *Henry Jardine*, *Adam Duff*, and *William Knight Dehany*, or their respective Successors in Office, in purchasing and acquiring the Bonds granted in respect of the said Docks to the different Creditors interested therein, and upon Payment of the Sums contained in such Bonds, the same shall be conveyed and assigned by the respective Creditors therein to the said Sir *Henry Jardine*, *Adam Duff*, and *William Knight Dehany*, or their respective Successors in Office: Provided always, that the Interest due upon all such Bonds to the Time of such Payment shall be borne and defrayed by the

the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*.

Rates arising from the Harbour, Docks, &c. to be assigned as a Security for the Money advanced.

VI. And be it further enacted, That as soon as the said Bonds shall have been fully purchased and acquired, and conveyed and assigned as aforesaid, the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall, and they are hereby required to make and grant to the said Barons of Exchequer in *Scotland*, and their Successors in Office, on behalf of the Public, and in such Manner and Form as the said Barons shall direct, an Obligation for Repayment of the said Sum of Two hundred and forty thousand Pounds, and an Assignment in security thereof of all the Rates and Duties arising from the said Harbour, Docks, and other Works, by virtue of the said recited Acts, and all the Estate, Right, Title, and Interest of the said Lord Provost, Magistrates, and Council, and their Successors in Office, in and to the same, and all Quays, Houses, Lands, or other Property purchased for the Purposes of the said Harbour, Basins, Docks, and other Works, until the said Sum of Two hundred and forty thousand Pounds, together with Interest for the same at and after the Rate of Three Pounds *per Centum per Annum*, shall be fully satisfied and paid.

Bonds to be cancelled when paid off, and the Assignment completed.

VII. And be it further enacted, That after such Obligation and Assignment shall be made and completed in manner aforesaid, the whole of the Bonds which shall have been purchased and acquired by the said Sir *Henry Jardine*, *Adam Duff*, and *William Knight Dehany*, or their respective Successors in Office, under the Powers hereinbefore contained, shall be cancelled and delivered over to the said Lord Provost, Magistrates, and Council.

Providing a Sinking Fund of 2 per Cent. for the Extinction of the Debt due to the Public.

VIII. And be it further enacted, That the said Lord Provost, Magistrates, and Council shall be bound and obliged to pay to the Commissioners of His Majesty's Treasury in every Year the Sum of Five Pounds *per Centum per Annum* on the whole Capital Sums which may be issued and advanced as aforesaid, out of which the Interest, at Three Pounds *per Centum per Annum* as aforesaid, shall be paid in the first Place upon such Capital Sums so to be issued and advanced as aforesaid, or upon such Part thereof as shall be at the Time due and owing, and the Remainder of such Sum of Five Pounds *per Centum per Annum* shall be applied as a Sinking Fund for the Payment and Extinction of the Sums to be issued and advanced as aforesaid; provided always, that till Extinction and Payment of the whole Sums so to be issued and advanced as aforesaid, the said Lord Provost, Magistrates, and Council shall continue to pay to the said Commissioners of the Treasury at the Rate of Five Pounds *per Centum per Annum* of the whole Sums originally issued and advanced as aforesaid, without regard to any Reduction thereof through means of the said Sinking Fund, until the whole Sums so issued and advanced shall be wholly extinguished and paid, and also until the said Sum of Twenty-five thousand Pounds, advanced and owing as aforesaid, shall be wholly extinguished and paid in manner herein-after mentioned.

Application of the Surplus Rates.

IX. And be it further enacted, That if the yearly Produce of the Rates and Duties payable for and in respect of the said Docks and other Works connected therewith shall, after paying the annual Expences of keeping the said Docks and other Works in repair, and the Expences of Management, amount to a Sum greater than shall be sufficient to pay the said Interest at the Rate of Three Pounds *per Centum per Annum*, and the said Sinking Fund at the Rate of Two Pounds *per Centum per Annum*, upon the whole Sums so to be issued and advanced as aforesaid, and the Interest at the reduced Rate of Three Pounds *per Centum per Annum* as herein-after mentioned, upon the Sum of Twenty-five thousand Pounds, issued and advanced by the said Commissioners of His Majesty's Treasury in virtue of the said recited Act of the Forty-fifth Year of the Reign of His said late Majesty, such surplus Revenue shall, until the whole Sums originally issued and advanced by the said Commissioners of His Majesty's Treasury as aforesaid shall have been repaid by the Operation of the said Sinking Fund, be applied in the first Place in repaying to the said Lord Provost, Magistrates, and Council the Sums they may have paid after the passing of this Act for the Purposes aforesaid, beyond what they may have received from the net Produce of the said Rates and Duties arising from the said Docks and other Works connected therewith; and the Residue, if any, shall be applied in aid of the said Sinking Fund to reduce the Capital of the said Debt.

Interest on the 25,000*l.* advanced under recited Act 45 G. 3. c. 114. reduced to 3 per Cent.

X. And be it further enacted, That from and after the passing of this Act the Interest payable on the said Sum of Twenty-five thousand Pounds, issued and advanced by the said Commissioners of His Majesty's Treasury in virtue of the said recited Act of the Forty-fifth Year of the Reign of His said late Majesty, at the Rate of Five Pounds *per Centum per Annum*, shall cease and determine, and such Interest shall thenceforward be payable at the reduced Rate of Three Pounds *per Centum per Annum*; and after Repayment of the said Sum of Two hundred and forty thousand Pounds, by the Operation of the said Sinking Fund, such Sinking Fund shall be applied in Repayment and Extinction of the said Sum of Twenty-five thousand Pounds so issued and advanced as aforesaid.

In case the Lord Provost, &c. enter into an Agreement to improve and extend the Eastern Pier according to a Plan fixed by the Commissioners of the Navy, the Treasury may advance 28,000*l.* on the Terms herein mentioned.

XI. And whereas it will be of Advantage to His Majesty's Service at the said Naval Yard, and to the Trade of the Port of *Leith*, that the Entrance to the said Harbour and Docks at *Leith* should be improved, by the Extension of the present Eastern Pier; be it therefore enacted, That in case the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall, within One Year after the passing of this Act, enter into an Agreement with the said principal Officers and Commissioners of His Majesty's Navy for the Time being, binding and obliging themselves, within a Time to be therein limited, to expend upon the Extension of the said Eastern Pier, and on Works therewith connected, for the Improvement of the Entrance to the said Harbour and Docks, according to a Plan to be fixed and settled by the said principal Officers and Commissioners of His Majesty's Navy for the Time being, a Sum not exceeding Twenty-eight thousand Pounds, it shall and may be lawful for the said Commissioners of His Majesty's Treasury to accept and receive from the said Lord Provost, Magistrates,

trates, and Council, yearly and every Year, for the Twelve Years next succeeding the Issue and Advance so to be made to them out of the Consolidated Fund of *Great Britain* and *Ireland* as aforesaid, the Sum of Four Pounds *per Centum per Annum*, in lieu of the said Sum of Five Pounds *per Centum per Annum* upon the whole Capital Sums which may be issued and advanced as aforesaid, out of which the Interest thereof, at Three Pounds *per Centum per Annum*, shall be paid in manner before mentioned; and the Remainder of such Sum of Four Pounds *per Centum per Annum* shall be applied as a Sinking Fund also in manner before mentioned, for the Payment and Extinction of the Sums so to be issued and advanced as aforesaid.

Power to erect a Pier at the Naval Yard.

XII. And be it enacted, That it shall and may be lawful for the said principal Officers and Commissioners of His Majesty's Navy for the Time being, to erect, at such Naval Yard as aforesaid, a Pier for the Use of His Majesty's Navy, in such Manner as to them shall seem proper.

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