



ANNO TRICESIMO NONO

# GEORGIUS III. REGIS.

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## *Cap. 44.*

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*. [13th June 1799.]

**W**HEREAS, by an Act passed in the Twenty-eighth Year of the Reign of His present Majesty for enlarging and improving the Harbour of *Leith*, for making a new Bason, Quays, Wharfs, or Docks, for building Warehouses, for making New Roads and widening others leading to and from the said Harbour, Power was given to the Lord Provost, Magistrates, and Council of the City of *Edinburgh* to levy and collect the several Rates and Duties therein mentioned on all Ships and Vessels brought into or using the said Bason and Docks, and Power was also given to borrow a Sum of Money not exceeding Thirty Thousand Pounds: And whereas the said Lord Provost, Magistrates, and Council have, at a considerable Expence, opened a New Street to the Harbour, repaired the Quays, and erected a Drawbridge cross the Harbour, and rebuilt a great Part of the Quay: And whereas, by an Act made in the last Session of Parliament to amend the aforesaid Act, the Lord Provost, Magistrates, and Council were authorized, as soon as the Wet Dock should be completed, to levy certain Rates and Duties therein mentioned, and Power was also given to borrow any Sum of Money not exceeding Forty Thousand Pounds: And whereas the Powers and Authorities granted to the said Lord Provost, Magistrates, and Council, by the said recited Acts, are not sufficient to enable them to make the necessary Improvements to the said Harbour, and it is necessary that they should be empowered to borrow a Sum of Money sufficient for executing the aforesaid Purposes, and that the said Acts should

Preamble.  
28 G.3. c. 58.

38 G.3. c. 19,  
recited.

[*Loc. & Per.*]

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Power to  
make Docks  
and Quays.

be altered and amended: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power and Authority, and they are hereby authorized and empowered to make and construct a Wet Dock or Docks, and Lock or Locks, and New Piers, Quays, and Dry Docks, from the present Harbour of *Leith*, extending Westward along the Shore to *Newhaven*, where a considerable additional Depth of Water will be got for the Benefit of Shipping, Trade, and Commerce; and also to erect and construct such Piers, Basons, Quays, or other Works, as may be necessary for improving the Entrance to the present Harbour, and for making a proper Entrance to the said Docks at *Newhaven* when so extended.

Priority of  
Works.

II. And be it further enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be, and they are hereby authorized and required, in the first Place, to make and construct the said Docks, Locks, and other Works, so as they shall extend the Length of Nine hundred and sixty Feet Westwardly from the present Harbour of *Leith*, including the Lock and Division Wall, and shall in the next Place continue the said Works the Length of Eight Hundred and eighty Feet more, including the Division Wall, amounting both to One thousand eight hundred and forty Feet in Length; for which Purposes, and for the Improvement of the Entrance to the present Harbour, the Funds hereinafter provided shall be appropriated; and the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall afterwards extend the same to *Newhaven*, when it shall be thought proper and expedient, in Manner hereinafter mentioned.

Power to  
make another  
Drawbridge,  
&c.

III. And be it further enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power and Authority, and they are hereby authorized and empowered to construct another Drawbridge over the present Harbour of *Leith*, nearly in a Line with *Saint Bernard's Street*, and also to construct a Bridge over the *Water of Leith*, below *Leith Milns*, and to make and open a Street of Sixty Feet wide from the Quays of the said Wet Docks to the said last-mentioned Bridge, and from thence to the High Road leading from *Edinburgh* to *Leith*, to pass through Ground belonging to *Allan M'Dougal* about Ninety Feet Eastward of his Mansion House and Offices, and through Grounds now or formerly belonging to *John Patrick Haddaway* and *Andrew Cassels*, and to join the said High Road near the Foot of *Leith Walk*, and to agree with the Owners and Occupiers for the Purchase of Houses, Grounds, and Areas to the Extent of One hundred and eighty Feet wide, in the Line of the said Street, for the Purpose of making thereof and building Warehouses and other Houses on each Side of the said Street: Provided always, that the said Owners and Occupiers shall have it in their Option to open and make the said Street Sixty Feet wide; and thereby taking the Chance of being benefited by the building Areas on each Side thereof, in place of selling the same; and which Option

tion they are hereby authorized and required to make within Six Months after the passing of this Act, by Writing under their Hands respectively, upon Condition that they oblige themselves severally that the Buildings to be erected on their respective Properties shall be formed on a regular Plan, to be approved of by the said Lord Provost, the Lord President of the Court of Session, and the Lord Advocate of *Scotland*, all for the Time being: Provided also, that in case the said Owners and Occupiers, or either of them, shall not avail themselves of the aforesaid Option, then and in such Case it shall not be lawful for the said Lord Provost, Magistrates, and Council, and their Successors in Office, to purchase Grounds from those who may not take the Benefit of such Option, for the Purpose of opening the said intended Street and Buildings on each Side thereof as aforesaid, after the Expiration of Three Years after passing this Act.

IV. And be it further enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power and Authority, and they are hereby authorized and empowered to agree with the Owners and Occupiers of Houses, Grounds, and Areas on the South Side of the said intended Dock or Docks at *North Leith*, the Citadel, and Westward along the Beach to *Newhaven*, to the Extent of One hundred and fifty Feet from the Water on the Land Side of the said intended Dock or Docks, or so much thereof as the said Lord Provost, Magistrates, and Council, and their aforesaid, shall find necessary for the Purpose of making and constructing a proper Quay or Street, and Sheds for delivering Goods, with Warehouses and other Works; provided always, that in constructing such Warehouses or other Buildings, the Owners and Occupiers of contiguous Houses, Grounds, and Areas shall have good and sufficient Access to and from the said Piers and Quays, by convenient Roads, Ways, and Passages, in such Manner as shall be as convenient as may be to such Owners and Occupiers of contiguous Houses, Grounds, and Areas, and in case of Difference, in such Manner as shall be determined by the said Lord Provost, Lord President, and Lord Advocate.

Power to purchase Premises for making a Quay and building Warehouses, &c.

V. And be it further enacted, That whenever such Warehouses shall be proposed to be erected on Grounds and Areas so to be purchased, the Owners and Occupiers thereof shall have it in their Option either to sell such Grounds or Areas, or to build and construct such Warehouses or other Houses for their own Benefit, on Condition of their leaving such Ways, Roads, and Passages as aforesaid, and on a Plan to be approved of by the said Lord Provost, Lord President, and Lord Advocate, and which Plan they are hereby authorized and required to make within Six Months after the passing of this Act, by a Writing under their Hands respectively.

Owners of Premises may erect Warehouses.

VI. And whereas it may happen that the aforesaid Warehouses or other Buildings may require to be erected partly on the Ground belonging to the Community, and partly on Grounds belonging to other Contiguous Heritors, be it further enacted and declared, That the Heritor who has the greatest Part of the Property shall have the aforesaid Option, and in case of his taking the Benefit thereof, shall be bound, and is hereby required to agree with and purchase the Houses, Grounds, and

Heritors who have the greatest Part of the Property to have the Preference in building Warehouses.

and Areas of the other Conterminous Heritors, One or more, and in the Event of their not being able to agree, the Value and Recompence shall be settled by a Jury in the Manner hereinafter mentioned.

Limitation as to the Time of purchasing Premises.

VII. And be it enacted, That the Powers and Authority for making Purchases as aforesaid on the South of the Eastmost Dock shall continue and be in force only during the Space of Three Years, and on the South of the other Dock or Docks for the Space of Six Years after the passing of this Act, and no longer.

Forgetting Materials.

VIII. And be it further enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, by themselves, Deputies, Agents, Workmen, and Servants, shall have full Power and Authority, and they are hereby authorized and empowered to dig, cut, quarry, remove, and carry away Stones, Gravel, Sand, and other Materials necessary to be used in making, maintaining, repairing, and using the aforesaid Docks, Quays, Wharfs, Bridges, Locks, and other Works hereinbefore mentioned, which shall or may be found in any Land or Ground of any Person or Persons whomsoever (not being a Yard, Garden, Orchard, Wood, Coppice, Nursery, or Lawn) within Three Miles of the aforesaid respective Places, and to make, maintain, and use good and sufficient Roads for conveying the aforesaid Stones, Gravel, Sand, and other Materials from the several Places where the same shall be so dug, cut, or quarried, to the aforesaid Docks, Quays, and other Places hereinbefore mentioned, the said Lord Provost, Magistrates, and Council, and their Successors in Office, making reasonable Satisfaction to the Owners and Occupiers of the said Lands or Grounds, out of which the said Stone, Gravel, Sand, and other Materials shall be dug, quarried, or carried off, for Damage done by them; and that all Difference and Disputes concerning the same which may arise between the said Lord Provost, Magistrates, and Council, and their Successors in Office, and the aforesaid Owners and Occupiers, shall be finally determined by a Jury to be impanelled, in the Manner hereinafter provided relative to Purchasers of Grounds, Houses, and Areas.

Valuation of Stones for making Docks.

IX. And be it further enacted, That all Stones which shall be brought by Water for the Purpose of making and constructing the said Dock or Docks and other Works shall be rated and valued *per* Ton, by the Officers of the Revenue, at the real Cost which shall be paid for such Stones, including the Expence of conveying them in Boats or other Vessels, and at no higher Rate or Value.

Corporations and others empowered to convey.

X. And whereas it may happen that some Person or Persons, or Bodies Politic, Corporate, or Collegiate, or Trustees, or others who are seised of or entitled to some Houses or Grounds which may be necessary to be purchased, pulled down, converted, or disposed of for the Purposes of this Act, may be willing to treat and agree to sell such Houses and Grounds in order to perfect so useful and necessary a Work, but are incapable of granting and conveying the same, by reason of Infancy or other Disability, by Tailzies or otherwise; be it therefore enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Trustees, Tutors, or Curators

Curators for Infants, Minors, or furious Persons, or other Persons for whom they are Trustees, and for every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any House or Houses or Grounds which the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall judge necessary for the Purposes aforesaid, whether by Titles held in Fee Simple or Tailzied, to sell and convey to the said Lord Provost, Magistrates, and Council, or their Successors in Office, or to such other Person or Persons as they shall appoint, all or any such Houses and Grounds, or any Part thereof, for the Purposes aforesaid; and that all Contracts, Agreements, Sales, and other Conveyances that shall be so made, shall be valid to all Intents and Purposes aforesaid, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof notwithstanding; and that all Trustees, Tutors, or Curators, Corporations, Proprietors, or Incumbancers subject to Tailzies, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

XI. Provided always, That if it shall happen that any Person or Persons, Bodies Politic, Corporate, or Collegiate, or any Persons, Proprietors, or Occupiers of Houses, Grounds, or other Property lying within the Boundaries described as aforesaid respectively, shall refuse to treat and agree to sell the same as aforesaid, it shall and may be lawful to and for the Sheriff Depute of the County of *Edinburgh*, or his Substitute, and he is hereby authorized and required, upon Application from the said Lord Provost, Magistrates, and Council, and their Successors in Office, to impanel and return Forty-five substantial and disinterested Proprietors of Lands in the County of *Edinburgh*, valued in the Cess Book to the Extent of One Hundred Pounds *Scots*, and out of such Persons so to be summoned and returned, the Sheriff Clerk of *Edinburgh*, or his Deputy or Substitute, shall, in the Presence of the said Sheriff Depute, or his Substitute, and of the Parties interested if they choose to attend, (and to whom due Notice shall for that Purpose be given,) draw out the Names of Fifteen, and the Fifteen Persons whose Names are thus drawn shall form a Jury for the Purposes aforesaid; and in case of the Death of any of the Fifteen Persons so drawn, or of their Inability to attend, the said Sheriff Depute or his Substitute shall direct the Sheriff Clerk or his Deputy or Substitute to draw from amongst the remaining Names of the Persons summoned by the said Sheriff Depute or his Substitute, in the Manner before mentioned, such an additional Number of Names as may be necessary to make up a complete Jury of Fifteen able to attend; and the said Fifteen Persons are hereby required to come and appear before the said Sheriff Depute or his Substitute at such Times and Places as in his Warrant or Warrants, Precept or Precepts, shall be directed and appointed; and the said Sheriff Depute or his Substitute is hereby authorized, by Warrant or Warrants under his Hand, from Time to Time as Occasion shall require, to call before him such Person or Persons who shall be thought proper or necessary to be examined as Witnesses before him touching or concerning the Premises, and to send his Precept or Precepts for all such Person or Persons, who are hereby required to produce such Books, Papers, Deeds, and Writings as the said Sheriff Depute or his Substitute shall

Mode of proceeding where Proprietors refuse to sell their Houses or Grounds.

[*Loc. & Per.*]

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judge

judge necessary for his Information in any Thing relating to this Act; and shall and may administer Oaths, for the better Discovery of the Truth of the Inquiry by him to be made, to any Person or Persons therein concerned, or to any other Person or Persons whatsoever; and shall and may authorize the said Jury to view the Place or Places or Matters in question, as the said Sheriff Depute or his Substitute shall think fit; and the said Jury, upon their Oaths, to be administered by the said Sheriff Depute or his Substitute, shall inquire of and assess such Damage or Recompence as they shall judge fit to be awarded to the Owners and Occupiers, or any of them, of any such Houses or Grounds, or any Part thereof, for their respective Estates or Interests in the same, as by the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be judged necessary to be pulled down, or converted to the Purposes aforesaid; and the said Sheriff Depute or his Substitute shall and may give Judgment for such Sum or Sums of Money so to be assessed by such Jury or Juries respectively; which said Verdict or Verdicts, and the Judgment, Decree, or Determination thereupon declared and pronounced by the said Sheriff Depute or his Substitute, and the Value or Recompence so to be assessed and declared, (Notice in Writing being first given of their Meeting at least Twenty-one Days before, declaring the Time and Place of their Meeting, to any Person or Persons concerned, or being left at the Dwelling-House of such Person or Persons concerned, or at his, her, or their usual Places of Abode, or with some Tenant or Occupier of the Lands, Grounds, or Tenements to be pulled down, converted, or affected by this Act, in case such Party cannot otherwise be found out to be served with such Notice,) shall be binding and conclusive to all Intents and Purposes whatsoever against any Person and Persons, Bodies Politic or Corporate, having or claiming any Right, Title, Trust, or Interest in, to, or out of the said Houses, Grounds, Tenements, and Premises to be affected by this Act, either in Fee, or Liferent, or Expectancy, as well Infants, Minors, Idiots, or furious Persons, Proprietors by Tailzie, Liferenters, Lessees, or Tenants, his, her, or their Heirs, Successors, Executors, and Administrators; and the said Verdicts, Judgments, Orders, Sentences, and Decrees, and the other Proceedings of the said Sheriff Depute or his Substitute, so to be made, given, and pronounced as aforesaid, shall be fairly written on a Paper or Parchment, and signed by the said Sheriff Depute or his Substitute at the making and pronouncing the same; and shall be recorded in the Sheriff Court Books of *Edinburgh*; and the same, or Extracts thereof, shall be deemed and taken as good and effectual Evidence and Proof in any Court of Law or Equity whatsoever.

Directed by  
whom the  
Expences of  
Juries shall  
be borne.

XII. Provided always, and be it enacted, That if such Jury shall adjudge the said Premises to be of greater Value than the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall offer for the same, that then the Costs and Charges of every Sort and Kind attending the obtaining such Assessment by a Jury shall be paid by the said Lord Provost, Magistrates, and Council, and their Successors in Office; and if the said Jury shall not adjudge the said Premises to be of greater Value than the said Lord Provost, Magistrates, and Council, and their Successors in Office shall offer for the same, that then the said Costs and Charges shall be paid by the Party or Parties refusing to  
treat

treat or accept the Price offered by the said Lord Provost, Magistrates, and Council, and their Successors in Office.

XIII. And it is hereby enacted and declared, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged to the Party or Parties concerned, or legal Tenders thereof made to him, her, or them respectively, either personally or at his, her, or their Dwelling House, and on Refusal of the same, or if he, she, or they have no such Dwelling House in the City or County of *Edinburgh*, then upon Payment thereof into the Bank of *Scotland*, or into the Royal Bank of *Scotland*, for the Use of the Party or Parties interested as aforesaid, and to be issued to him, her, or them, by Order of the said Lord Provost, Magistrates, and Council, and their Successors in Office, and Notice of such Payment left in Writing at the Dwelling House of some Tenant or Occupier of the Premises, it shall then, and not before or otherwise, be lawful to and for the said Lord Provost, Magistrates, and Council, and their Successors in Office, and to and for their Agents and Workmen, to remove, pull down, order, convert, and dispose of such Houses, Tenements, Buildings, Grounds, and Premises, for the Purposes of this Act, in such Manner as the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall see fit and expedient; and the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be indemnified therein, and be quieted in the Possession of the Premises so to be ordered, converted, and disposed of, by virtue and under the Authority of this Act; provided that Notice shall be given to the Tenants and Occupiers of such Houses so to be pulled down, and Grounds and Areas to be converted for the Purposes mentioned in this Act, Three Calendar Months at least before the Term of *Whitsunday*, at which the said Tenants or Occupiers are to be removed, by affixing a Schedule to that Effect upon the most patent Door of such House or Houses, or delivering the same to the principal Tenant or Occupier of the said Houses and Grounds; which Schedule shall be ordered and appointed, and so delivered and affixed by Order of the said Lord Provost, Magistrates, and Council, and their Successors in Office, and an Advertisement thereof shall be inserted in One of the *Edinburgh* Newspapers: And in case any Dispute shall arise between the Parties claiming or entitled to different Interests in the Houses, Grounds, Tenements, and Hereditaments necessary to be purchased, pulled down, converted, or disposed of for the Purposes of this Act, or in case the Title to the same Premises shall not appear sufficient or effectual to the Satisfaction of the said Lord Provost, Magistrates, and Council, and their Successors in Office, then and in such Case, after such Damage and Recompence assessed or awarded by the Verdict of a Jury, and such Decree, Judgment, and Determination of the said Sheriff Depute or his Substitute thereupon as aforesaid, it shall and may be lawful to and for the said Lord Provost, Magistrates, and Council, and their Successors in Office, to pay or direct the Money so to be awarded or adjudged for the Purchase of the Premises to be paid into either of the aforesaid Banks, or otherwise, at the Request of the Person or Persons who shall then be in Possession of the same, or into the Hands of the Treasurer of the said City for the Time being, in the Terms and upon the Conditions mentioned in an Act of the

Upon Payment of Purchase Money, Lord Provost, &c. may take Possession.

Parliament

Parliament of *Scotland*, made in the Year One thousand six hundred and ninety-five, intituled *Act regulating the Sale and Payment of Bankrupts' Estate*, but with Interest as hereinafter mentioned, there to remain until the Matters in Dispute between the Parties interested shall be settled and adjusted, or the Title to the Premises cleared up or made out to the Satisfaction of the said Lord Provost, Magistrates, and Council, and their Successors in Office; and after the same shall be so settled and adjusted, and made up, the Money consigned as aforesaid shall be paid by the City of *Edinburgh*, or its Treasurer, with Interest thereof, at the Rate of One Pound *per Centum per Annum* below the legal Interest, or by the said Bank or their Cashier, to the Order of the said Lord Provost, Magistrates, and Council, and their Successors in Office; and after Payment into either of the said Banks, or Consignation thereof as aforesaid, it shall then, and not before or otherwise, be lawful to and for the said Lord Provost, Magistrates, and Council, and their Successors in Office, and for and to their Agents and Workmen, to remove, pull down, order, convert, and dispose of such Houses, Tenements, Buildings, and Premises, pursuant to, and by the Authority of, and for the Purposes of this Act; and the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be indemnified therein; and quieted in the Possession thereof, and shall not be answerable or accountable in any Court of Law or Equity for the Money so deposited or applied as aforesaid, otherwise than according to the Tenor, Purport, and true Meaning of this Act; and if there shall be no Challenge for Five Years from and after the Consignation of such Prices, it shall and may be lawful to and for the said Lord Provost, Magistrates, and Council, and their Successors in Office, to issue a Warrant in Writing, for Payment of such Price and Interest as shall be due thereon, to the Person or Persons who were in Possession as the Proprietor or Proprietors of such House or Houses and Grounds at the Time the same were pulled down or converted to the Purposes aforesaid.

Re-investing  
Purchase  
Money of  
Lands.

XIV. And be it enacted, That in case the Lands, Houses, or any other Premises taken or used for the Purposes of this Act, or to which Damage is done in the Execution of the same, are held under Entail, or are subject to Liferents, Annuities, Jointures, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, the Purchase Money or Recompence to be paid for the same, if exceeding the Sum of Twenty Pounds Sterling, shall be laid out and invested, by the Authority and under the Direction of the Court of Session, in the Purchase of other Lands, Houses, or Premises of the like Nature, and the Rights, Titles, and Securities thereof shall be devised and taken to the same Person or Persons, and to the same Series of Heirs, and for the Benefit of the same Person or Persons, and for the same Uses and Purposes, and under the same Conditions, Provisions, and Limitations, as are mentioned and contained in the Title Deeds of the Lands, Houses, or other Premises taken, used, or damaged for the Purposes of this Act, or such of them as shall be then existing or capable of taking effect; and in the meantime, until such Purchase can be made, such Money shall, under the Direction and by the Authority of the Court of Session, be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, at the highest  
Rate



Rate of Interest that can be obtained for the same; and such Interest arising upon all Sums that shall exceed Twenty Pounds, and shall not amount to One Hundred Pounds, shall go and be applied to or for the Use of the respective Person or Persons who would be entitled to the Rents and Profits of the Lands, Houses, or other Premises so to be purchased with such Money, in case such Purchase had actually been made and completed; but if the Money so paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, as aforesaid, shall amount to One Hundred Pounds or more, then and in that Case the Interest arising thereon shall annually be accumulated and added to the Principal Sum itself, to carry Interest together until a proper Purchase or Purchases shall be found, and shall be approved of by the said Court of Session; and it shall be lawful to and for the said Court to make such Order or Orders in a summary Way touching the Payment or Application of the Monies so to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, and the Interest that from Time to Time may arise thereon, as the said Court shall think fit.

XV. And be it further enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have, exercise, and enjoy the same Powers, Authorities, and Jurisdictions in and over the New Docks, One or more, so soon as made and constructed, and so soon as extended to *Newhaven*, or any Part of such Extension, Grounds, and Premises to be purchased, and the Works to be made and erected under the Authority of this Act, as they now have and enjoy in and over the present Harbour of *Leith*; and that the same Rights and Privileges which belong to the present Harbour of *Leith* shall be extended to the Additions to be made thereto, which to all Intents and Purposes shall be deemed and held as a Part of the Harbour and Port of *Leith*, and all Ships and Vessels entering into or loading or unloading in the said Wet Docks, and all Goods, Merchandises, and other Things which shall be loaded or unloaded, and all Owners and Masters of Ships, Merchants, and others resorting to the said intended Docks, Wharfs, Quays, and Piers, are and shall be subject to the same Regulations, and liable to the same Duties of all Kinds, in the same Manner as they are or of Right might have been subjected in the present Harbour.

Powers of the Lord Provost extended to Docks, &c.

XVI. And be it further enacted, That the Admiral and resident Magistrates of *South Leith* for the Time being, appointed by the said Lord Provost, Magistrates, and Council, shall have and enjoy the same Powers and Jurisdictions in and over the Town of *South Leith* and Harbour thereof, and the aforesaid Dock or Docks, and other Works and Houses contiguous thereto, in all Actions and Causes that may come before them, as are competent to the said Lord Provost and Magistrates within the Royalty of *Edinburgh*.

Admiral and resident Magistrates of *South Leith* to have Jurisdiction.

XVII. And whereas the Sums of Money borrowed in virtue of the said first recited Act, and expended in constructing the aforesaid Draw-bridge, making a new Street, deepening the Harbour, and rebuilding Part of the Quay, were by the said last recited Act directed to be repaid out of the Duties then payable at the said Port and Harbour of *Leith*,

Power to borrow Money given by the Act of 38 G. 3. repealed.

[*Loc. & Per.*]

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and it was thereby enacted, that the said Lord Provost, Magistrates, and Council should have no Power or Authority to borrow any further Sum of Money under the Powers of the said first recited Act: And whereas no Part of the Sum of Forty Thousand Pounds authorized to be raised by the said last recited Act has yet been borrowed; be it enacted, That the Power and Authority given for borrowing or raising the said Sum of Forty Thousand Pounds shall be and the same is hereby repealed.

Power to borrow Money.

XVIII. And in order to enable the said Lord Provost, Magistrates, and Council to complete and execute the Docks, Basons, and all other Works necessary or hereby directed or authorized, be it enacted, That it shall and may be lawful to and for the said Lord Provost, Magistrates, and Council, and their Successors in Office, and they are hereby empowered to borrow any Sum of Money not exceeding Eighty Thousand Pounds Sterling in the Whole, and to bind the Community for Repayment of the same, with the Interest thereof, and also to assign and make over the Rates and Duties hereinafter granted, to the Person or Persons from whom the Money shall be so borrowed, for Repayment thereof, with Interest as aforesaid, by a Bond or Obligation in the Words and Form following:

Form of the Bond.

‘ KNOW all Men by these Presents, we, the Lord Provost, Magistrates, and Council, Ordinary and Extraordinary, of the City of *Edinburgh*, for ourselves, as representing and on Behalf of the Community of the said City, in consideration of the Sum of  
 ‘ paid to us by *A. B.*, do hereby bind and oblige ourselves and our Successors in Office as aforesaid, and the Community of the said City, to repay to the said *A. B.*, his, her, or their Executors, Administrators, or Assigns, the aforesaid Sum of                      upon the  
 ‘ Day of                      next to come, with a Fifth Part more of Penalty in case of Failure, together with the Interest thereof, at and after the  
 ‘ Rate of                      from the Date hereof to the said Day of Payment, and Half-Yearly thereafter until Payment of the said Principal Sum; and in further Security of the Payment of the said Sums, Principal and Interest, and Penalty, we do hereby assign to the said *A. B.* and his aforesaid, the respective Dock Duties and other Annual Revenue made payable by an Act, passed in the Thirty-ninth Year of the Reign of his 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*, and we consent to Registration hereof.’ (In the usual and common Form.)

Bond to be binding.

XIX. And be it enacted, That the said Bond, signed by the Lord Provost, or in his Absence by the Preses, in Presence of the Council, with the Seal of the said City affixed thereto by One of the principal Town Clerks, shall be binding upon the said Magistrates and their Successors in Office, and upon the Community of the said City of *Edinburgh*.

XX. And be it further enacted, That all and every Person or Persons, Bodies Corporate and Politic, to whom any such Bonds and Assignments for the said Sum of Eighty Thousand Pounds, or any Part thereof, shall be made, or who shall be entitled to the Money thereby due, may from Time to Time assign or transfer his or their Right and Interest to the Principal Sums and Interest thereby secured, to any Person or Persons, Bodies Corporate or Politic whomsoever, by indorsing on such Bond and Assignment the following Words, or Words to the like Effect, and signing the same before and in Presence of, and to be attested by Two credible Witnesses :

Bonds may  
be trans-  
ferred.

‘ I Do hereby transfer the within Bond and Assignment, with all my  
‘ Right and Title to the Principal Sum thereby secured, and to  
‘ all the Interest now due or hereafter to grow due thereon, unto  
‘ his, her, or their Executors, Successors,  
‘ or Assigns.’

And such Assignee may assign again, and so *toties quoties*; but in case any Sum in such Bond and Assignment shall not exceed the Sum of One Hundred Pounds, then it shall be lawful for the Person or Persons entitled thereto respectively, by an Indorsement of his, her, or their proper Names, without Witnesses, to transfer his, her, or their Property in such Bond and Assignment to any other Person or Persons; and all such last-mentioned Transfers or Assignments shall entitle such Assignees, his, her, or their Executors, Successors, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer the same, and so *toties quoties*, and it shall not be in the Power of any Person or Persons who shall have made any such Transfer to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

XXI. And be it further enacted, That Entries or Memorials of every such Bond and Assignment, containing the Dates, Names of the Creditors, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose, which shall and may be perused at all seasonable Times by any of the Creditors, and by any of the Members of the Committee for *Leith* hereinafter named, or other Persons interested therein, without Fee or Reward.

Entries to be  
made of the  
Bonds and  
Assignments.

XXII. And be it further enacted, That the Money so to be borrowed shall be applied in Payment of the Expence incurred in obtaining the said Act passed in the last Session of Parliament and this Act, and for making and completing the aforesaid Docks to the Extent of the said One thousand eight hundred and forty Feet as hereinbefore mentioned, with the Quays, Wharfs, Piers, Cranes, Bridges, Streets, and other Works connected therewith, and authorized by this Act; and also in Payment of the Purchase Monies for Grounds, Houses, and Areas recently made or to be made for the aforesaid Purposes, and for no other Purposes whatever.

Application  
of the Money  
to be bor-  
rowed.

XXIII. And be it further enacted, That in consideration of the great Expence which must be incurred in the making of the said Docks, Locks,

Power to  
levy Rates.

Locks, Quays, Piers, Wharfs, Bridges, Streets, and other Works, and the Expence of supporting, maintaining, and keeping the same in Repair, and also of the Expences of Management, together with the making due Provision for Repayment of the Sums so to be borrowed, the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power and Authority, and they are hereby authorized and empowered, over and above all Rates and Duties at present payable at the Harbour of *Leith*, to levy and collect from the Master or Commander, Owner or Owners of every Ship or Vessel brought into or using the present Harbour of *Leith*, or brought into or using the said Dock, Piers, and other Works, (His Majesty's Ships of War and Yachts excepted,) the several Rates and Duties hereinafter specified, agreeably to the Burden and Tonnage ascertained by their respective Registers; any Thing in the aforesaid Act of the last Session of Parliament to the contrary thereof notwithstanding; (to wit,)

## Rates.

For every Ship or Vessel from any Port between *Buchaness* and *Eyemouth*, including the Great Canal and the River *Clyde*, as far down as *Greenock*, coming by the Canal, the Sum of Three Pence *per Ton* :

For every Ship from any other Port in *Great Britain* and *Ireland*, the Sum of Six Pence *per Ton* :

For every Ship or Vessel from *Norway*, *Sweden*, *Denmark*, *Holstein*, *Hamburgh*, *Bremen*, *Holland*, and *Flanders* that is without the *Baltic*, and no further South than *Dunkirk*, the Sum of Eight Pence *per Ton* :

For every Ship or Vessel coming from the *Baltic*, all above the *Sound*, *Onega*, *Archangel*, *Jersey*, or *Guernsey*, *Portugal*, *France*, and *Spain*, without the Straits of *Gibraltar*, *Newfoundland*, *Madeira* or *Western Islands*, the Sum of Ten Pence *per Ton* :

For every Ship or Vessel from within the Straits of *Gibraltar*, or from *America*, the Sum of One Shilling *per Ton* :

For every Ship or Vessel coming from the *West Indies*, *Asia*, *Africa*, or the *Cape de Verd* Islands, the Sum of One Shilling and Three Pence *per Ton* :

For every Ship or Vessel from *Greenland* or *Davis's Straits*, the Sum of One Shilling and Sixpence *per Ton*; but if such Ship or Vessel shall make a Second Voyage, she shall be credited for Three Pence *per Ton* in the Charge for such Second Voyage :

For every Ship or Vessel in Ballast coming into the Dock, the Sum of Sixpence *per Ton* :

For all Ships and Vessels remaining in the Dock above Three Calendar Months, Two Pence *per Ton* for each After-Month, or any Part thereof, excepting Ships or Vessels from *Greenland* or *Davis's Straits*; and if any of these return from the Fishings clean, they are to be charged as in Ballast :

For all Foreign Vessels from any of the before-mentioned Ports or Places, the aforesaid respective Rates, and One Half more :

For all loaded Vessels not breaking Bulk, and for all Vessels in Ballast which do not take in Goods, coming into the present Harbour, provided they do not make use of any of the Docks nor remain  
in

in the Harbour above Four Weeks, One Half of the aforesaid respective Rates or Duties :

For every Ship or Vessel going from the Port of *Leith* to any other Port in the *Firth of Forth* to take in a Part of a Cargo, and return to *Leith*, upon her Return the Sum of Three Halfpence per Ton.

XXIV. And be it further enacted, That no Ship or Vessel shall be subjected in Payment of the aforesaid Rates and Duties for more than Eight Voyages in any one Year.

Vessels to pay Rates for Eight Voyages only.

XXV. Provided always, That the regular Passage-Boats from *Fife*, and Vessels loaded with Coals sold in Retail to the Inhabitants of *Edinburgh* and *Leith*, who are hereby debarred from entering the said Dock, shall be exempted from Payment of the aforesaid Rates and Duties.

PassageBoats and Vessels with Coals for the Inhabitants exempted from Rates.

XXVI. And be it further enacted, That every Ship or Vessel in the said Dock shall be constantly and sufficiently moored, to prevent Damage to any other Ships or Vessels; and in case any Ship or Vessel shall be found loose or unmoored at any Time, it shall be lawful for the said Lord Provost, Magistrates, and Council, and their Successors in Office, or to their Shore-Master or Assistants, to cause every such Ship or Vessel to be removed out of the said Dock, and to lay or moor every such Ship or Vessel in any Part of the present Dry Harbour, at the Expence and Risk of the Masters and Owners of such Ships or Vessels respectively; and in like Manner they are hereby authorized and empowered to cause every light Ship or Vessel to be removed into the said Dry Harbour whenever there shall not be sufficient Space in the aforesaid Dock or Docks for the Accommodation of Ships or Vessels loaded, or loading or unloading their Cargoes.

Regulation of Ships in Docks.

XXVII. And be it further enacted, That the Master or Owner of every Ship or Vessel shall be and he is hereby made answerable for the Amount of any Damage or Mischief which shall be done by him or by such Ship or Vessel, or by any of the Sailors, Boatmen, Servants, or others on board the same, to the aforesaid Docks, Locks, Gates, and other Works, with full Costs of Suit; and it shall be lawful to detain such Ship or Vessel until sufficient Security be granted for Payment of the same.

Masters of Ships accountable for Damages.

XXVIII. And be it further enacted, That the aforesaid Rates and Duties shall be deemed and taken to be a Port Charge, and paid according to the usual Proportion by the Master or Owner of such Ships or Vessels, and by the Merchant, Freighter, or Receiver of Goods or Cargoes.

Duties to be deemed a Port Charge.

XXIX. And be it further enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power and Authority, and they are hereby authorized and em-

Commencement of Rates.

[*Loc. & Per.*]

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powered

powered to levy and collect the One Half of the aforesaid Rates and Duties so soon as a Contract shall be entered into to finish the said Dock to the Extent of Nine Hundred and Sixty Feet, within a reasonable Time from the Date thereof, with Locks and other Works, and to levy and collect the full Rates and Duties respectively before specified so soon as the said Dock, Lock, and other Works to the Extent of the said Nine Hundred and Sixty Feet shall be finished and completed, so as to admit of a Ship or Vessel to be moored therein.

Power to collect the Rates.

XXX. And be it further enacted, That the said Lord Provost, Magistrates, and Council, and their aforesaid, shall have full Power, and they are hereby authorized and empowered to collect and enforce Payment of the aforesaid respective Rates and Duties over and above all other Rates and Duties at present payable or exigible at the Port of *Leith*, and that from every Person concerned, in a summary Way, by the same Ways, Means, and Methods which they were or now are in use or might use for collecting any other Duties at the said Port.

Application of the Rates.

XXXI. And be it further enacted, That the aforesaid Rates and Duties so to be levied and received shall be applied solely in keeping in complete Repair the Whole of the aforesaid Works, and in paying the Persons necessary to be employed relative thereto, and to the Extent of Six Pounds and Five Shillings *per Centum per Annum* of the whole Sums to be borrowed under the Authority of this Act in Payment of the Interest thereof, and the Surplus as a Sinking Fund for Repayment of the Principal Sums so to be borrowed, and to continue until the Whole of the Principal Sums shall be completely repaid; and for which Purpose any additional Sum to be received, either from the aforesaid Rates and Duties, or from the other Annual Revenue hereinafter provided, shall also be applied.

Lord Provost, &c. to account for Monies received for Areas of Ground, &c.

XXXII. And whereas the said Lord Provost, Magistrates, and Council, and their Successors in Office, will receive considerable Sums of Money yearly from the Areas on the North Side and at the Ends of the said Docks, and from the said Areas already purchased or to be purchased in virtue of the Powers hereinbefore granted, and also from the large Area on the Beach or Land Side of the Docks so to be constructed, which at present belongs to them as representing the Community of the City of *Edinburgh*, by converting and disposing of these different Grounds and Areas on Building Leases, or Feus for Payment of Yearly Sums of Money: And whereas it will be for the Benefit of all concerned, and in particular to the Trade and Commerce of the Port of *Leith*, to secure and make permanent the aforesaid Sinking Fund; be it therefore further enacted, That the said Lord Provost, Magistrates, and Council, and their Successors, shall be bound and are hereby required to account for the whole Annual Sums which they shall receive from all or any Part of the aforesaid Areas, as well their own Property as those which may be acquired by Purchases or otherwise, and by constructing the said intended Docks, and pay the same yearly to the Collector

lector of the Dock Duties, to be applied to the same Purposes for which the Dock Duties are directed to be applied.

XXXIII. And be it further enacted, That the Salaries to be paid to the Dock-Masters, One or more, and the Collector of the foresaid Rates and Duties, to be appointed by the said Lord Provost, Magistrates, and Council, and their Successors, shall not exceed in whole the Sum of Three Hundred Pounds *per Annum*.

Salaries to Dock Masters and Collectors not to exceed 300*l.* per Annum.

XXXIV. And be it further enacted, That in the Event of the whole Funds being deficient for the aforesaid Purposes, the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power, and they are hereby authorized and empowered to levy and collect, along with the Rates and Duties hereinbefore specified, One Third more of the aforesaid respective Rates and Duties, and to continue to do so as long as the Funds shall be deficient for the aforesaid Purposes, and no longer.

If Funds deficient, Rates to be increased.

XXXV. And be it enacted, That it shall and may be lawful to and for the said Lord Provost and Magistrates, and they are hereby directed and required to order and appoint such a Number of Lamps to be set up near unto and about each of the said Docks, when completed and finished, as to them shall seem proper and requisite, and the Places where the same shall be fixed and set up, and for how long Time the same shall be and continue lighted, the Expences attending the same to be defrayed and paid out of the Rates and Duties hereby granted; and if any Person or Persons shall break, damage, or extinguish any of the said Lamps, he or they shall for every such Offence forfeit any Sum not exceeding Twenty Shillings nor less than Ten Shillings Sterling.

Lamps to be set up about the Docks.

XXXVI. And be it further enacted, That an Account of all the Borrowings, and also of all the Monies to be expended by the said Lord Provost, Magistrates, and Council, and their Successors in Office, in making Purchases, and in making and completing the aforesaid Docks, Locks, Piers, Quays, including Bridges, Streets, and other Works, and also of the Amount of the aforesaid Dock Duties, and Produce of the whole Areas to be paid to the Collector in Manner as aforesaid, together with the Expences of Management and Repairs, shall be kept separate and distinct from all other Transactions, Debts, and Revenues belonging to the City of *Edinburgh*; and that a full and regular State shall be made Quarterly within One Month after the Expiration of each Three Months, and audited and compared with the Vouchers by a Committee to be appointed by the Town Council of *Edinburgh*, and a Committee of Six Persons for *Leith*; which Committee for *Leith* shall consist of *Barclay Fife* and *Andrew Cassels*, the Two present resident Magistrates of *Leith*, and *Robert Strong*, *William Douglas*, *William Sibbald*, and *John Scougall*, who shall continue Members of such Committee until the Third *Thursday* of the Month of *October* which shall happen Twelve Months after laying the Foundation-Stone of the said intended Dock, on which Day the Four last-named Persons shall go out, and Two Persons to be elected by the Members of the *Trinity-House*, and two Persons to be elected

Accounts to be kept and audited.

lected by the Incorporation of Traffickers of *Leith*, shall come in their Place, who shall continue One Year, when a new Election of Six shall be made, to wit, Three by each of the aforesaid Incorporations, who shall continue to make such Election upon the Third *Thursday* of *October* in each succeeding Year.

The Dock of 960 Feet to be completed in Five Years, and the Second Dock to be finished in One Year after the First is completed, &c.

XXXVII. And be it further enacted, That the aforesaid Dock of Nine Hundred and Sixty Feet shall be completed within Five Years from the Day of laying the Foundation-Stone; and that after the First Dock of Nine hundred and sixty Feet shall be completed, the Commencement of making the Second Dock of Eight hundred and eighty Feet shall be within One Year after the First Dock shall be finished, in case there shall be Funds sufficient for that Purpose over and above the other Purposes hereinbefore mentioned, including the aforesaid Six Pounds and Five Shillings *per Centum per Annum* of the whole Sums to be borrowed and expended as aforesaid to be Half-yearly applied in Payment of the Interest of whatever shall remain unpaid of the Sums so to be borrowed and expended, and the Overplus as a Sinking Fund for Repayment of the Principal Sums, the Sufficiency of the Funds to be ascertained by the aforesaid Joint Committees when auditing the Accounts; and in case of the Funds not being sufficient, but if they shall afterwards increase and become sufficient, after making up any Deficiencies which may be incurred at any Period, then within One Year after the Sufficiency of the Funds shall be ascertained by the said Committees as aforesaid.

Joint Committee to attend to the Application of the Money borrowed.

XXXVIII. And be it further enacted, That the said Joint Committee shall be and they are hereby authorized to attend to the Application of the Sums to be borrowed as aforesaid, and of the aforesaid Rates and Duties and other Funds, and to challenge and object to any Article of Expenditure for any Purpose whatsoever not hereinbefore authorized and appointed.

For reducing the Rates.

XXXIX. And be it further enacted, That in the Event of the Funds exceeding the aforesaid Sinking Fund, and other Charges and Expences hereinbefore mentioned, it shall be lawful to and in the Power of the said Joint Committees to reduce the Rates and Duties hereinbefore specified, in proportion to such Excess; and so soon as the whole Sums so to be borrowed shall be repaid, it shall be in the Power of the said Joint Committee of *Edinburgh* and *Leith* to reduce and vary the aforesaid Rates and Duties as they shall think proper and expedient, and again to raise the said Rates and Duties as Circumstances may require, but in such a Manner as never to exceed the Rates and Duties hereinbefore granted, and providing that such Variations shall be impartially made, and affecting equally and proportionably the Whole of the aforesaid Rates and Duties; and also with Power to the said Joint Committees, so soon as the whole Debt shall be paid off, to determine upon the Expediency of extending the said Docks further West than the aforesaid One thousand eight hundred and forty Feet as aforesaid; and in the Event of the Joint Committees differing in Opinion as to the making such Alterations or Variations at any Time, or relative to the aforesaid Extension, or to the Application of Articles of Expenditure as aforesaid,



aforesaid, then and so often as such Differences shall happen, the same shall be submitted to Arbitrators, One to be chosen by the Town Council of *Edinburgh*, and the other by the Committee of *Leith*, with Power to the said Arbitrators, in case of Variance, to choose an Umpire, whose Decision shall be final and binding upon the Party.

XL. And be it further enacted, That after Payment of the whole Sums so to be borrowed, the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be no longer bound to pay over to the Collector of the Dock Duties any Part of the Annual Revenue arising from the Houses and Areas adjacent to the aforesaid Docks of One thousand eight hundred and forty Feet in Length, and the same shall belong to them and their aforesaid in the same Manner as any other Part of the Revenue belonging to the Community of the City of *Edinburgh*.

When Money repaid, the City of *Edinburgh* no longer to contribute.

XLI. And be it further enacted, That in the Event of its being found expedient to extend the said Docks Westward, after the whole Money hereby authorized to be borrowed shall be repaid with the Interest due thereon, it shall be lawful to the said Lord Provost, Magistrates, and Council, and their Successors in Office, to borrow any Sum of Money not exceeding in the Whole the Sum of Forty-two thousand Pounds to be employed in making and completing the Docks, Basons, and other Works to the Westward of the said One thousand eight hundred and forty Feet in Length, and to grant Bonds and Assignations of the Rates and Duties, with the Power and Privilege of Transfer, in the same Way and Manner as is herein-before directed and authorized relative to the borrowing of the first Sum herein-before mentioned.

Power to borrow Money to extend the Docks after Money repaid.

XLII. And it is hereby further enacted, That the Annual Produce of any Grounds or Areas belonging to the Community of the City of *Edinburgh* adjacent to the said Docks, when extended, shall be paid and continue to be paid to the Collector of the said Dock Duties, in the same Way and Manner as is herein-before directed relative to the Grounds and Areas contiguous to the Docks of One thousand eight hundred and forty Feet in Length nearest to *Leith*.

Annual Produce of Grounds adjacent to the Extended Docks to be paid to the Collector of the Dock Duties.

XLIII. And be it further enacted, That after Payment of the whole Sums so to be borrowed, every Surplus arising from the Dock Duties which may remain after the Year's Expenditure shall be kept and applied as a Sinking Fund, for answering Emergencies and Accidents which may happen to the aforesaid Docks, Bridges, Gates, or Works, or for making the same more commodious for the said Trade and Shipping, or for making and extending the said Docks Westward to *Newhaven* as aforesaid, and to no other Purpose whatever.

Surplus to be a Sinking Fund.

XLIV. And be it enacted, That all and every Clause contained in the aforesaid Act, passed in the last Session of Parliament, inconsistent with or contrary to the present Act, shall be and the same are hereby repealed.

Repealing so much of Act 38 G. 3. as is inconsistent with the Act.

Public Act.

XLV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be taken Notice of by all Judges and Justices, in all Courts and Places, without specially pleading the same.

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