



ANNO QUINQUAGESIMO QUINTO

GEORGI II. REGIS.

Cap. xcvi.

An Act for improving the Harbour of *Dundee*, in
the County of *Forfar*. [4th July 1815.]

WHEREAS from the Increase of the Trade of the Town of *Dundee*, and the Resort of Vessels to the Harbour thereof, it has become necessary, and will be of great Benefit to the Public as well as to the said Town, to enlarge, deepen, and improve the Harbour; but the Rates and Duties now payable and in use to be levied at and for the said Harbour being insufficient for these Purposes, it is necessary to increase the same, and to borrow Money on the Credit thereof: And whereas a Sum of Money, equal to the estimated Expence of the Improvements of the said Harbour, has been subscribed by the Provost of the said Burgh, binding the Community for the Payment, as authorized by the Magistrates and Town Council of the said Burgh: 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 Provost, Four Baillies, and Dean of Guild of *Dundee*, for the Time being, together with one other of the Members of the Town Council of the said Burgh for the Time being, to be nominated by the Magistrates and Town Council as soon as conveniently can be after the passing of this Act, and yearly thereafter, within Eight Days after the annual Election of the Magistrates at *Michaelmas*, Five Merchants, Members of the Guildry of the said Burgh, herein-after named, and to be elected in future in manner after-mentioned; Three Members of the Nine incorporated Trades of the said Burgh herein-after named, and in future to be elected in manner after mentioned; Four Persons, possessed of Land in the County of *Forfar*, rated in the Cess Books thereof at One hundred Pounds Scots of Valuation at the least, to be appointed and elected in manner after-mentioned; together with the Box-master of the Masters and Seamen Fraternity of *Dundee* for the Time being; shall be and they are hereby appointed Commissioners for executing this Act.

Commission-
ers.

[Local.]

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II. And

First Guildry
Commissioners.

II. And be it enacted, That *Robert Jobson, John Peter, David Blair junior, William Biffett, and James Gray*, all Merchants and Members of the Guildry of the said Burgh, shall be the Guildry Commissioners for the Purposes of this Act, and shall continue as such till the Second *Wednesday* of the Month of *October* in the Year One thousand eight hundred and sixteen; and the Dean of Guild for the Time being shall, after Fourteen Days previous public Advertisement, assemble the Guildry Incorporation on the said Second *Wednesday* of *October* One thousand eight hundred and sixteen, and on the Second *Wednesday* of *October* annually thereafter, at Twelve of the Clock at Noon, in the Guild Hall of *Dundee*, and the said Incorporation shall then and there elect by Ballot Five of their Number to be Commissioners under this Act, to continue in Office for the Space of One Year then ensuing, and the Five Members of the Guildry so elected shall be the Merchant Commissioners for the said ensuing Year.

Trades Com-
missioners.

III. And be it enacted, That *John Whittet junior, Thomas Ivory, and William Anderson*, Members of the said Nine Trades, shall be the Three Trades Commissioners for the Purposes of this Act, and shall continue as such till the Second *Wednesday* of *October* One thousand eight hundred and sixteen; and the Convener of the Nine Trades for the Time being shall, after Fourteen Days previous public Advertisement, assemble the Members of the said Nine Trades on the said Second *Wednesday* of *October* One thousand eight hundred and sixteen, and on the Second *Wednesday* of *October* annually thereafter, at Twelve of the Clock at Noon, in their own Hall, and the said Nine Trades shall then and there elect Three of their Number to be Commissioners under this Act, to continue in Office for the Space of One Year then ensuing, and the Three Members so elected shall be the Trades Commissioners for the ensuing Year; but providing always, that no Member of the said Trades, who shall be a Member of the Town Council of *Dundee*, shall be eligible to be elected a Trades Commissioner under this Act, but it shall be lawful to elect any of the Deacons of the said Incorporated Trades to be a Commissioner.

Qualification
of Commis-
sioners.

IV. Providing nevertheless, and be it enacted, That no Person, whether Provost, Baillie, Counsellor, Member of the Nine Trades, Boxmaster of the Masters and Seamen Fraternity, or Member of the Guildry, shall be capable of being a Commissioner unless he is possessed of an Estate in Land or Burgh Property in the County of *Forfar*, of the Value of Fifty Pounds Sterling annually, or of a Personal Estate to the Amount of Three hundred Pounds Sterling at the least; and if any Person shall presume to act as a Commissioner without being so qualified he shall forfeit and pay the Sum of Twenty Pounds Sterling *toties quoties*, to be recovered and applied as the other Penalties by this Act imposed.

County Com-
missioners.

V. And be it enacted, That a Meeting of the Heritors of the said County of *Forfar*, possessed of Land valued in the Cess Books at One hundred Pounds *Scots* or upwards, or the eldest Sons of such Persons shall be called by the Convener thereof by Advertisement in the *Dundee* Newspaper, to be held within Three Weeks after the passing of this Act, for the Election of Four County Commissioners as aforesaid; and the Persons then and there elected, being qualified as aforesaid, shall be Commissioners under this Act, to continue as such until the Day of the *Michaelmas*

mas County Meeting, in the Year One thousand eight hundred and sixteen, at which Meeting a new Election of Four Commissioners shall take place, who shall continue in Office until the Day of the *Michaelmas* County Meeting in the Year following, when a new Election shall again take place, and so on yearly during the Continuance of this Act; but providing that no Member of the Town Council of *Dundee*, or of the Guildry thereof, or of the Nine Trades thereof, shall be eligible to be One of the Four Commissioners to be elected out of the Land Owners of the County; and provided that no Person shall be entitled to vote at such Election, unless he be possessed either in his own Right, or in that of his Wife, of Land in the County of *Forfar*, rated in the Cess Books thereof at One hundred Pounds *Scots* or upwards, or being the eldest Son of such Person, under the Penalty of Twenty Pounds Sterling *toties quoties*.

Qualification.

VI. And be it further enacted, That if the said Provost, or any of the Four Baillies, or the Dean of Guild, who are *ex officio* Commissioners under this Act, or the Member of Council appointed by the Magistrates to be a Commissioner as aforesaid, shall die, or remove from the said Town of *Dundee*, or refuse to act, then and in every such Case respectively, it shall be lawful for the said Magistrates and Town Council of *Dundee*, and they are hereby required within One Calendar Month after such Death, Removal, or Refusal to act shall be known to them, to appoint a Commissioner in the Room and Stead of each of the said Commissioners so dying, removing, or refusing to act; and that upon the Death, Removal, or Refusal to act of any of the Three Members of the Nine Trades, or of the Boxmaster of the Masters and Seamen Fraternity, it shall be lawful for the Nine Trades and the Masters and Seamen Fraternity of *Dundee* respectively, and they are hereby required from Time to Time, within One Calendar Month after such Death, Removal, or Refusal to act shall be known to them, to appoint another Person of such of the said Bodies to which the Commissioner so dying, removing, or refusing to act shall belong, in the Room of such Commissioners; and that upon the Death, Removal, or Refusal to act of any Five of the Commissioners elected by the Guildry Incorporation, it shall be lawful for the said Guildry Incorporation, and they are hereby required from Time to Time, within One Calendar Month, after such Death, Removal, or Refusal to act shall be known to them, to elect by Ballot as herein-before directed, another Person of the said Corporation, in the room of each such Commissioner so dying, removing, or refusing to act; and every new Commissioner appointed or elected as aforesaid shall have the like Power and Authority as the Person in whose stead such Commissioner shall be so chosen was vested with.

Appointing new Commissioners.

VII. And be it enacted, That although the Magistrates and Town Council of *Dundee*, or the Guildry Incorporation, Nine Incorporated Trades, or the Masters and Seamen Fraternity of the said Burgh, or the Heritors of the County of *Forfar*, shall neglect or refuse to appoint and elect the Commissioners, or any of them who they are respectively hereby directed to appoint and elect at the annual Periods before-mentioned, such Neglect or Refusal, on the Part of any of these Bodies, shall not prevent the Execution of this Act by the Commissioners who shall be appointed and elected by the other Bodies; nor shall the Death, Removal,

Act may be carried into Execution, although all the Commissioners may not be appointed.

or

or Refusal to act of any of the Commissioners prevent the other Commissioners from acting, until the Place of such Commissioner is filled up by a new Election, it being declared that in all Cases the Commissioners appointed and elected for the Time shall have full Power to execute this Act.

First and other Meetings.

VIII. And be it enacted, That the said Commissioners shall meet in the Town Hall of *Dundee* on the Third *Wednesday* after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, with Power to adjourn from Time to Time, and in all Cases Nine of the said Commissioners shall be a Quorum; and at their Meetings the Provost of the Burgh, or in his Absence the eldest Baillie thereof who may be present, and in Absence of the Baillies the Dean of Guild of the said Burgh of *Dundee*, all for the Time being, shall *ex officio* be Preses; and in Absence of the Provost, Baillies, and Dean of Guild, the Commissioners present at such Meeting shall elect their Preses for the Time, and all Questions shall be decided by a Majority of the Commissioners present at the respective Meetings, the Preses, in case of an Equality of Votes, having a casting Vote, besides his Vote as a Member of the Meeting.

Clerk may call Meetings at the Request of any of the Commissioners.

IX. And be it enacted, That it shall be in the Power of any Three of the Commissioners acting for the Time to require the Clerk to the Commissioners to call a Meeting at any Time, and the said Clerk shall be obliged thereupon to give Notice in Writing of the Time and Place of such Meeting to every One of the Commissioners, at least Four Days previous to such Meeting; and a Certificate under the Hand of the said Clerk that such Notice has been given, by Letters duly addressed and put into the Post Office of *Dundee*, shall be sufficient Evidence of the Legality of the said Meetings.

Power to improve the Harbour.

X. And be it enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time as there may be Occasion, by themselves, their Agents, Workmen, and others employed by them, to extend or remove the present Piers, Quays, and Bridges of the said Harbour of *Dundee*, and to build additional Piers, Quays, Bridges, and other Works for the Use and Convenience of the said Harbour, and to deepen, enlarge, and improve the said Harbour, and to make and construct or cause to be made and constructed a Wet Dock and One or more Graving Docks in the said Harbour, all according to a Plan signed and deposited as herein-after mentioned.

Plan to be certified and deposited.

XI. And be it enacted, That a Copy of the said Plan shall be duly certified by the Right Honourable the Speaker of the House of Commons, and shall be deposited with and remain in the Custody of the Town Clerk of the said Burgh of *Dundee*, and all Persons shall at all seasonable Times have Liberty to peruse the same in the Office of the said Town Clerk, and to make Copies thereof or take Extracts from the same at their Pleasure, paying to the said Clerk the Sum of One Shilling for every such Inspection.

Commissioners may make Contracts.

XII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required from Time to Time

as Occasion shall be, to make Bargains, and when it shall appear to be proper, to enter into Contracts in Writing with and give Directions to proper Artificers, Handicraftmen, and other Workmen for the Performance and due Execution of the Works which shall from Time to Time be directed by the said Commissioners to be done and performed by virtue and in pursuance of this Act; every such Contract in Writing specifying the several Works to be done, the Prices to be paid for the same, and the Time or Times when or within which the said Works are to be completed, and the Forfeitures or Penalties to be borne or suffered for the Non-performance thereof; and previous to every such Contract being entered into by the said Commissioners, the several Works to be done, and the Manner and Time in which they are to be completed, in so far as they can be conveniently specified, shall be advertised Once a Week in each or some *Dundee* Newspaper, and in at least Two of the *Edinburgh* Newspapers Four several Times; and in all Cases where any pecuniary Penalties shall be recovered of and from any Contractor or Contractors, the same shall be paid to the Clerk of the Commissioners, and be applied for the Purposes of carrying on the Works directed by this Act.

XIII. And be it enacted, That from and after the passing of this Act, it shall and may be lawful to and for the said Commissioners, and to and for such Person or Persons as they shall from Time to Time authorize and appoint, to demand, levy, collect, receive, and take of and from the Owners and Proprietors of all Goods, Merchandize, Wares, or Commodities whatever, which shall be imported into or exported from the said Harbour of *Dundee*, or Precincts thereof, in any Ship, Vessel, Bark, Boat, or Lighter, and from the Owner of every Ship, Vessel, Bark, Boat, or Lighter, coming into or going out of the said Harbour and Precincts thereof, or from the Agents or Managers of such Owners or Proprietors, the Rates and Duties specified in the Schedule or Table annexed to this Act, comprehending or including therein the Rates and Duties at present payable and leviabie by virtue of the ancient Rights and Charters of the Burgh, and without Prejudice to the former Rates and Duties being exigible at the Determination of the Right to levy the Duties granted by this present Act; but providing always, that the Owners and Proprietors of all Lime and Coal imported or exported in any Ship, Vessel, Bark, Boat, or Lighter at those Places which are situated within the Precincts of the said Harbour, to the Eastward of the *Roadyards* and the Westward of the *Magdalene Yard*, and at all Places at a greater Distance from the said Harbour than the *Roadyards* and *Magdalene Yard*, shall be liable to pay, and the said Commissioners shall be entitled to levy from them, for or on account of such Lime and Coal, One Half only of the Rates and Duties specified in the said Schedule or Table; and in case the Rates and Duties mentioned in the said Schedule or Table shall be found not sufficient to produce a free annual Revenue of Five thousand Pounds Sterling, after appropriating a Sum for a Sinking Fund as herein-after provided, and paying the Collectors and Clerks to be employed by the Commissioners under Authority of this Act, it shall be lawful to the said Commissioners, and they are hereby required to increase the said Rates and Duties to an Extent sufficient to produce such free annual Revenue of Five thousand Pounds; and the said Commissioners shall have Power, and are hereby required to levy and collect the said increased Rates and Duties along with the Rates and Duties hereby granted; and in case it shall be found that the Rates and Duties

Power to levy Rates.

If Rates not sufficient they may be increased.

[Local.]

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hereby

hereby authorized to be levied, produce more than is sufficient to accomplish the Purposes of this Act, and to pay the Money borrowed for the Purposes of this Act, and Interest thereof, with the other Charges attending the Execution of this Act, it shall be in the Power of the said Commissioners and they are hereby required to lessen the said Rates and Duties, and vary the same from Time to Time as they shall find expedient, without Prejudice to the said Rates and Duties being again raised to the Amount authorized by this Act, if Necessity requires, the Diminution or Increase of the Rates being always made to operate on all Articles proportionally.

Exemption of King's Ships from Payment.

XIV. Provided always, and be it enacted, That all Ships and other Vessels belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Customs, Excise, or Post Office, coming into or using the said Harbour and Precincts, shall be exempted from the Payment of all and every the Rates and Duties hereby granted and made payable; and no Ship, Bark, Boat, or Lighter, to whomsoever belonging, for which the Tonnage Duty exigible by this Act shall have been once paid, shall be liable to or obliged to pay the same, in case of such Vessel being put back and returning into the Harbour, or Precincts thereof, during the Voyage for which the Tonnage Duty was paid, nor shall any Vessel be liable to pay any of the Duties by this Act imposed which is obliged by Stress of Weather only to put into the said Harbour.

Masters to produce the Registers of Ships.

XV. And be it further enacted, That the Masters and Owners of all *British* Ships, Vessels, Boats, and Lighters, trading to and from the said Harbour and Precincts, and liable to the Payment of the Rates and Duties by this Act imposed, shall be and they are hereby required to produce to the said Commissioners, or to the Collector or Collectors appointed as aforesaid, the Registers of their respective Ships, Vessels, Boats, or Lighters, in order to ascertain the Tonnage thereof, or otherwise they shall permit and suffer the said Ships, Vessels, Boats, and Lighters to be measured by the said Commissioners, or by such Person or Persons as they shall from Time to Time appoint for that Purpose, and shall pay the Rates and Duties according to such Register or Measurement besides the Expence of the Measurement; and every Owner or Master aforesaid who shall refuse to produce the Register of his or their Ship, Vessel, Boat, or Lighter, or to allow the same to be measured as aforesaid, shall for every such Offence forfeit and pay to the said Commissioners a Sum at their Discretion not exceeding Five Pounds Sterling.

Ships, &c. may be measured.

XVI. And be it further enacted, That the Commissioners shall have Power to measure all Foreign Ships and Vessels, and the Owners and Masters shall pay the Expence of the Measurement, besides the Rates and Duties in which they are liable by this Act.

Power to enter Vessels.

XVII. And be it enacted, That it shall and may be lawful to and for the said Commissioners, and to and for such Person or Persons as shall be authorized by them for that Purpose, to go on board any Ship, Vessel, Bark, Boat, or Lighter, and to demand to see the Register thereof, and take the Dimension of such Ship, Vessel, Bark, Boat, or Lighter, and to demand, collect, and receive from the Owner, Master, or other Person having the Charge of such Vessel, Bark, Boat, or Lighter, the Rates and Duties

Duties by this Act imposed and made payable; and in case of Delay or Refusal of Payment, to seize, take, and detain any of the Goods, Merchandize, Tackle, Furniture, or Apparel of or belonging to any such Ship, Vessel, Bark, Boat, or Lighter, and to keep and detain the same until the said Duty or Rates are paid; and in case of Neglect or Delay in such Payment, for the Space of Three Days after such seizing, taking, and detaining as aforesaid, it shall and may be lawful to and for the said Commissioners, and to and for such Person or Persons authorized by them as aforesaid, to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose of the Goods or other Effects taken or appraised, and therewith to satisfy the Rates and Duties so neglected or delayed to be paid, together with the Charge of such seizing, taking, detaining, and selling, (as the same shall be ascertained by the Sellers upon Oath) rendering to the Master or Owner of such Ship, Bark, Boat, Lighter, or other Vessel, or to the Owner of such Goods, the Overplus (if any be) on Demand.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to nominate and appoint a Collector or Collectors, a Clerk or Clerks, and such other Officers and Servants as they shall judge necessary to be employed under them for carrying this Act into Execution, and from Time to Time to remove such Collectors, Clerks, Officers and Servants, or any of them, and to appoint others in their Stead, and to settle such reasonable Salaries on them as to the said Commissioners shall appear to be just and proper; and the Collectors, Receivers, and Clerks of the said Rates and Duties, or of any other Money under the Authority of this Act, to be appointed by the said Commissioners shall keep fair and regular Books and Accounts of all the Monies received under the Authority of this Act, (which Books and Accounts shall be open and patent to the said Commissioners, or to any Person having the written Authority of any Three of the Commissioners, at all Times when they shall desire to inspect the same), and shall pay and dispose of the Money collected in such Manner as shall be directed by the said Commissioners, according to the Tenor of this Act; and the Collector or Collectors, or Clerks, or Person or Persons so to be appointed to receive the said Rates and Duties, or Money, shall give good and sufficient Security to the said Commissioners for answering and paying the Monies arising from the same which shall be by him or them respectively collected or received, and the Accounts of the Commissioners Intromissions under this Act shall be balanced on the last *Wednesday* of *May* in the Year One thousand eight hundred and sixteen, and on the last *Wednesday* of *May* annually thereafter, during the Continuance of this Act, and an Abstract or State of all the Monies received and disbursed under this Act, signed by a Quorum of the Commissioners, shall be printed and published in the following Month of *August* annually, and failing of which, each Commissioner shall forfeit and pay the Sum of Fifty Pounds Sterling *toties quoties*, reserving to them to seek Relief against each other or against their Officers at Law as accords.

Officers to be appointed by the Commissioners.

XIX. And be it further enacted, That no Commissioner under this Act shall hold any Office of Emolument under this Act, either as a Principal or Deputy, nor be directly or indirectly concerned in any Contract under this Act, nor be Surety for any Contractor under this Act; and if any Commissioner shall be legally convicted of contravening this Enactment

Commissioners not to hold Offices of Emolument under this Act.

he shall forfeit and pay the Sum of One thousand Pounds Sterling, to be paid to the Clerk under this Act, and applied for the Purpose of carrying on the Works directed by this Act, and be incapable of ever afterwards holding the Office of Commissioner under this Act.

Rates and
Duties after
Two Years to
be let by
Auction.

XX. And be it further enacted, That for and during the First Two Years from and after the passing of this Act, the said Commissioners shall by their Collectors, Receivers, or other Persons to be appointed by them, collect and receive the said Rates and Duties from the Persons liable for the same; and that afterwards, during the Subsistence of this Act, the said Commissioners shall be bound to expose the said Rates and Duties at such fair and reasonable upset Prices as they shall fix and determine, to be let to the highest Bidder at Public Roup or Auction advertised in Hand Bills properly circulated through the Town of *Dundee*, and in some Newspaper printed or circulated in the said Burgh Four several Times, Twenty-eight Days at least before the Roup or Auction, and that for any Space or Term not exceeding Three Years; but providing and declaring that in case no Offerer shall appear for the same at such upset Price, or in case the Offerer who shall be preferred to the Lease shall fail to implement the Obligations incumbent on him as Tacksman, it shall be lawful to and for the said Commissioners, by their said Collectors, Receivers, or other Persons employed by them, to uplift and receive the said Rates and Duties from the Persons liable in the same, for a Space not exceeding One Year, they being then bound again to expose the said Rates and Duties to be let at Public Roup or Auction to the highest Bidder in Manner before mentioned.

Vessels not to
be cleared at
Custom
House till the
Dues are paid.

XXI. And, for the more effectually preventing any Delay or Evasion in the Payment of the Rates and Duties aforesaid, be it enacted, That it shall not be lawful for the Collector or other Officer of His Majesty's Customs at the Port of *Dundee* to clear any Ship or Vessel outward or inward, or indorse any Clearance or Warrant, under a Penalty not exceeding Five Pounds Sterling, to be forfeited and paid by such Collector or Officer, until there shall be produced and shewn to him by the Person or Persons liable to the Payment of the Rates and Duties by this Act granted and imposed on account of such Ship or Vessel, either a sufficient Voucher of the Payment of the Rates and Duties, or a Certificate under the Hand of the Clerk to the Commissioners, that the Sum demanded on that Account has been consigned and lodged in his Hands, with sufficient Security for the Payment of all Damages, Costs, and Expences which the Tacksman or Collector of the said Rates and Duties may sustain or incur by reason of the Delay or Refusal of Payment according as the same shall be ascertained and determined by any One or more of His Majesty's Justices of the Peace in and for the County of *Forfar*, such Justice of the Peace not being a Commissioner under this Act; but provided always, that in case it shall be found by the said Justice or Justices, after hearing both Parties, that the Tacksman or Collector of the said Rates and Duties has made a higher Demand than what is authorized by this Act, such Tacksman or Collector shall be liable and decreed to pay the Party complaining such a Sum in Name of Damages not exceeding Five Pounds Sterling, as shall be judged adequate by the said Justice or Justices, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them, relative to such Matters in a summary Manner.

XXII. And

XXII. And be it further enacted, That if any Master or any Owner, Factor or Consignee of any Ship, Vessel, Bark, Boat, or Lighter, or any Owner, Factor, or Consignee, of any Goods, Wares, or Merchandize, liable in Payment of any of the Rates or Duties by this Act imposed, shall at any Time wilfully elude or evade the Payment of the said Rates and Duties by any Means whatsoever, every such Master or other Person as aforesaid shall for every such Offence forfeit to the said Commissioners a Sum not exceeding Five Pounds Sterling, over and above the Payment of the said Rates and Duties.

Penalties on
Persons at-
tempting to
evade Pay-
ment of the
Duties.

XXIII. And be it further enacted, That the whole of the Rates and Duties levied and received under the Authority of this Act shall be applied by the said Commissioners after paying the Expence of the Plans and other Expences of obtaining this Act, and the Interest of the Money borrowed on the Credit of the said Rates and Duties as after mentioned, with Two Pounds Ten Shillings *per Centum* of the Money so borrowed, to be formed into a Sinking Fund for Re-payment of the Principal Sums, for and towards the Charges of deepening, cleaning, enlarging, and improving the said Harbour of *Dundee*, and for keeping and maintaining in good Order and Repair, and paving and lighting the Piers, Quays, and Jetties, already built, in so far as they shall be retained, and for and towards the making, erecting, building, and finishing and maintaining, and paving and lighting, such other Piers, Quays, Jetties, Docks, and other Works respecting the Harbour of *Dundee*, as shall be executed by the Commissioners under this Act, and paying the Officers, Servants, and Workmen employed about the same, and in paying annually to the Town Treasurer of *Dundee* the Sum which shall be agreed on as an Equivalent for the East Wing of the Public Warehouses and the Building Yards after mentioned, to be given up by the Corporation of *Dundee*, paying off the Principal Money borrowed, and to no other Use or Purpose whatsoever, and when these Purposes are answered, the additional Duties granted by this Act shall cease to be levied.

Application
of Rates.

XXIV. And be it further enacted, That no Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other Combustibles, shall be suffered to remain on the Quays and Piers aforesaid already constructed or to be constructed within the said Harbour of *Dundee*, or any Part thereof, or upon the Deck of any Ship or Vessel lying therein, after being passed by the Officers of the Customs; and in case such Goods and Articles of Trade cannot be removed from such Place or Places by Day-light, then and in every such Case the Owners of such Goods or Articles aforesaid shall be obliged, as they are hereby required, to set and maintain at their own Expence a sufficient Number of sober and careful Persons to guard and watch the same, for so many Hours, according to the Season of the Year, as the said Commissioners, or the Person or Persons authorized by them as aforesaid, shall direct; and in case the Owner or Owners of such Goods or other Articles above mentioned, or the Master or Masters of such Ships, Barks, or other Vessels, shall not obey the Directions so given, it shall be in the Power of the Commissioners, or the said Person or Persons authorized by them as aforesaid, to cause the same to be removed or watched at the Owners Expence; and every such Owner or Owners, Master or Masters, shall for every such Default forfeit and pay a Sum not exceeding Five Pounds besides the said Expence, and any Damage occasioned by their not removing or watching the said Goods or Combustibles as aforesaid.

Combustibles
not to remain
in the Har-
bour, &c.

[Local.]

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XXV. And

Gunpowder
not to be kept
on board Vef-
fels.

XXV. And be it further enacted, That no Gunpowder shall be suffered to be or remain on board any Ship or Vessel, except Ships or Vessels in the Service of His Majesty's Government, for any longer Time than Six Hours after the Arrival of such Ship or Vessel in the Harbour of *Dundee*, upon Pain that every Master or Owner of such Ship or Vessel shall forfeit for every such Offence the Sum of Five Pounds Sterling; besides the Damage occasioned by his Default, and in case any Ship or Vessel in which any Gunpowder shall happen to be, shall arrive in the said Harbour on a *Sunday*, or any Custom-house Holiday, it shall be lawful for the Master or Commander of any such Ship or Vessel to land the same without a Sufferance or Leave from the Officers of His Majesty's Customs at the Port of *Dundee* for so doing, provided the same be done in the Presence of a Tide Surveyor or Coast Waiter.

Power to re-
move Vessels,
&c. from one
Place of the
Harbour to
another.

XXVI. And be it also enacted, That the said Commissioners, or such Person or Persons as they shall authorize and appoint, shall and may, and they are hereby authorized and empowered, when and as often as they shall judge necessary, to remove or cause to be removed any Vessel, Bark, Lighter, or Boat lying in any of the Entries or Passages of the said Harbour of *Dundee*, or at any Quay, Pier or Breast already built or hereafter to be built in pursuance of this Act, or in any other Part of the said Harbour or Docks from its Birth or Lying-place at which such Vessel respectively may happen to be moored or lying at the Time, to any other Birth or Lying-place in the said Harbour; and in case the Master or other Person having the Charge of such Ship, Vessel, Bark, Lighter, or Boat shall neglect or refuse to remove or cause to be removed upon being required to do so by the said Commissioners, or such Person or Persons as they shall authorize as aforesaid, as soon after such Requisition as the State of the Tide will permit, such Ship, Vessel, Bark, Lighter, or Boat, from her said Birth or Mooring-place to such other Birth or Mooring-place as shall have been appointed as aforesaid, then and in that Case the said Commissioners or any Person authorized by them as aforesaid shall be and hereby are empowered immediately on such Refusal or Neglect to remove or cause to be removed, such Ship, Vessel, Bark, Lighter, or Boat from its then Birth or Mooring-place, to such other Birth or Mooring-place as the said Commissioners, or the Person or Persons authorized by them shall judge proper; and the Master, Owner, or Consignee of such Ship, Vessel, Lighter, Bark, or Boat so removed shall be obliged to pay to the said Commissioners all the Costs and Charges that shall have been reasonably incurred and expended in accomplishing such Removal; and every Master or other Person having or being in the Command or Charge of any such Vessel, or any other Person or Persons who shall obstruct or hinder the Removal as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling to the said Commissioners or any Person appointed by them.

Ballast, &c.
not to be
thrown into
the Harbour.

XXVII. And be it enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons to throw or empty any Ballast, Dirt, Ashes, Rubbish, Shingle, Stones, or any other Thing, into the said Harbour or Docks, or Entrances thereto, or to dig or take away any Ballast, Shingle, Stones, or other Thing from within the same, without Leave of the Commissioners in Writing, under a Penalty not exceeding Twenty Pounds Sterling for every such Offence, over and above the Expence of repairing the Damages; and if any Person or Persons shall cast out or deposit any Ballast out of any Ship or Vessel upon any of the Quays, Piers, or Breasts, or in any other Place in or about the said Harbour, such Person or Per-
sons

sons shall be obliged immediately to cause the same to be carried off, on Pain of forfeiting for every such Offence a Sum not exceeding Five Pounds Sterling, over and above the Expence of removing the same.

XXVIII. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, maliciously or wantonly demolish, break down, destroy, or set on fire, any of the Jetties, Piers, Quays, or other Works constructed or to be constructed in or belonging to the said Harbour of *Dundee*, every such Person or Persons so offending shall be judged guilty of Felony, and the Court or Courts by or before whom such Person or Persons shall be indicted and tried shall be and hereby are empowered to cause such Felon or Felons to be transported for such a Term, and in the same Manner as other Felons are directed to be transported by the Statutes of the Realm.

Punishment
of Persons
injuring the
Works.

XXIX. And be it further enacted, That it shall be in the Power of the said Commissioners, and they are hereby authorized to license, appoint, and regulate a sufficient Number of Persons, who shall be certified by the Fraternity of Masters and Seamen of *Dundee* to be fully qualified as Pilots for the said Harbour, and also for conducting Ships or Vessels out of and into the *Tay*, and also to appoint Meters and Weighers; and to fix the Rates to be paid to the said Pilots, Meters, and Weighers, and to remove and displace them at their Pleasure; and if any Person shall act as a Pilot within the said Limits, or as a Meter or Weigher within the Royalty of *Dundee*, without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Twenty Pounds Sterling; and the Measurements of an unlicensed Meter or Weigher shall be deemed illegal.

Power to ap-
point Pilots.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners at any Time or Times to make, ordain, and establish such Orders, Rules, and Bye Laws for the deepening, cleaning, and keeping in Repair the said Harbour of *Dundee*, for the managing of the Piers, Quays, Jetties, and Docks, and other Works erected or to be erected on the said Harbour, and for accomplishing the other Purposes of this Act; and from Time to Time, as Occasion shall require, to repeal, amend, or alter such Rules, Orders, and Bye Laws, in such Way as shall appear most proper, according to the Spirit of this Act, and to fix and declare reasonable pecuniary Penalties, not exceeding Twenty Pounds Sterling for each Default in Observance or Breach of the said Regulations and Bye Laws, or any of them, to be recovered and applied in the same Way as Penalties imposed by this Act are ordered to be recovered and applied: Provided always, that such Rules, Regulations, and Bye Laws shall not be repugnant to the Laws in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, or to any Thing in this Act contained; and the said Orders and Bye Laws shall be printed and distributed, and Copies thereof affixed on the most conspicuous Places at and near the Harbour; which Rules, Orders, and Bye Laws shall be subject to be appealed from by any Person thereby affected, in Manner herein-after mentioned.

Power to
make Bye
Laws.

XXXI. And be it further enacted, That it shall and may be lawful to and for the Commissioners under this Act, and they are hereby authorized and required to borrow any Sum or Sums of Money not exceeding

Power to bor-
row Money
on the Credit
of the Rates.

in

in the whole Forty thousand Pounds Sterling, which shall be found necessary for the Purposes of this Act, from any Person or Persons willing to lend the same; and that at an Interest not exceeding the legal Interest at the Time, and to assign over the Rates and Duties made payable by this Act for the Security of the Person or Persons lending the said Sum or any Part thereof; and it shall also be lawful for the Magistrates and Council of the said Burgh for the Time being and they are hereby authorized and required to bind the Corporation or Common Good of the said Burgh for the Re-payment of the Sum so to be borrowed to the Extent of Twenty thousand Pounds Sterling, or such Part thereof as shall be owing and borrowed, together with the Interest thereof; and when any Part of the Sum so borrowed or owing shall be repaid, the Commissioners shall have Power and they are hereby required again to borrow and grant Assignments for such Sum or Sums as shall be necessary; and the Magistrates and Council shall also have Power and they are hereby required to grant Security to the Extent of Twenty thousand Pounds as aforesaid, so as there never shall be any more owing at one Time than the said Sum of Forty thousand Pounds; and the Sum or Sums borrowed shall be applied to the Purposes of this Act, and to no other Purposes whatever.

Power to contract for Ground to be occupied by the Wet Dock.

XXXII. And whereas the North Quay of the Wet Dock herein authorized to be executed within the said Harbour will encroach on the Ground presently occupied as a Shipbuilding Yard and Graving Dock by *John Calman* Ship Carpenter, and render the said Ground unfit for the Purposes for which it is at present, and has for some Years past been appropriated; and it is necessary for the Purposes of improving the said Harbour that the said Commissioners should have Power to purchase the said Ship Building Yard and Graving Dock, be it therefore enacted, That the said Commissioners shall have full Power and Authority, and they are hereby authorized to treat and agree with the Owner or Owners, Occupier or Occupiers of the said Ship Building Yard and Graving Dock, (particularly described in the Schedule hereunto annexed) for the absolute Purchase of the same, or of so much thereof as shall be necessary for making the said North Quay of the said Wet Dock of its proper Breadth: Provided always, that it shall be in the Power of the said Owner or Owners to require and oblige the said Commissioners to purchase the Whole of the said Property, and to pay the Value thereof; and in case the said Owner or Owners shall make his, her, or their Election to sell to the said Commissioners only such Part of the said Property as may be necessary to make the said North Quay of its proper Breadth as aforesaid, and shall retain the remaining Part, he, she, or they shall leave a Space of Ground Twelve Feet broad, along the South Boundary of such remaining Part, to be applied for the Purpose of forming a paved Sideway for Foot Passengers; and the said Commissioners, in case the said Owner or Owners shall sell them the whole of said Property, shall in like Manner be bound to leave, for the Purpose of a paved Sideway a Space of Ground Twelve Feet broad along the South Boundary of the remaining Part of the said Property, after taking off what may be necessary for completing the said North Quay as aforesaid; and the said Owner or Owners, in case he, she, or they shall retain the said remaining Part of said Property, and the said Commissioners, in case they shall be obliged to purchase the Whole, or the Purchasers from them, shall respectively be bound to erect any House which may be built on the said remaining Part, in a straight Line parallel with the said North Quay, the South or Front Wall of such Houses to run along the

the North Line of the said paved Sideway, and the Height of the Side Walls of the said Houses shall be Forty-two Feet above the Level of the said Quay, and not more or less, and the Roofs thereof shall be Ten Feet above the Level of the Side Walls, and not more or less.

XXXIII. And be it enacted, That in case the said Commissioners cannot agree with the said Owner or Owners, Occupier or Occupiers of the said Shipbuilding Yard and Graving Dock for the Purchase of the same, or of such Part thereof as may be wanted for the Improvement of the said Harbour, and for the Damage done to the said Property by any of the said Works authorized to be done by this Act, it shall and may be lawful to and for the Sheriff Depute of the County of *Forfar*, or his Substitute, and he is hereby authorized and required, upon the Application of the said Commissioners, or the said Owner or Owners, Occupier or Occupiers, or any of them, to make out a List of Thirty substantial and disinterested Persons resident within the said County; which Thirty Persons are hereby required to come and appear before the said Sheriff Depute, or his Substitute, at such Time or Times at *Dundee*, as in his Warrant or Warrants, Precept or Precepts shall be directed and appointed; and then and there out of the Number of Persons who shall so appear, the Sheriff Clerk of the said County, or his Depute, shall, in Presence of the said Sheriff Depute or his Substitute, and of the Parties interested, or their Agents, if they attend (due Notice being given to them) draw out the Names of Fifteen of the said Persons who shall form and be impanelled as a Jury for the Purposes herein mentioned; and the said Sheriff Depute or his Substitute is hereby also authorized to issue Warrants or Precepts for citing before him, at same Time and Place, such Person or Persons as shall by either Party be thought necessary or proper to be examined upon Oath as Witnesses before the Jury touching or concerning the Premises; and to issue 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 judge necessary, and shall and may administer Oaths for the better Discovery of the Truth of the Enquiry so to be made, to such Person or Persons as shall be examined as Witnesses as aforesaid, and shall and may authorize the said Jury to view the Place or Places in question; and the said Jury, upon their Oaths to be administered by the said Sheriff Depute or his Substitute, shall enquire of and assess such Damage or Recompence as they shall judge fit to be awarded to the said Owners and Occupiers of the foresaid Building Yards and Graving Dock, or either of them, for their respective Estates and Interests in the same, or any Damage sustained by being deprived of the same, or any Part thereof, or Injury done thereto; 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; which said Verdict, 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 Thirty Days before declaring the Time and Place of their Meeting to the 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), shall be binding and conclusive to all Intents and Purposes whatsoever, against any Person or Persons, Bodies Politic or Corporate, having or claiming any Right, Title, Trust, or Interest in, to, or out of the said Building

Jury to be
summoned,
&c.

Yard and Graving Dock, either in Fee, or Life-rent, or Expectancy, as well Infants, Minors, Idiots, or furious Persons, Proprietors by Tailzie, Life-renters, Lessees, or Tenants, his, her, or their Heirs, Successors, Executors, or Administrators; and the Verdicts, Judgments, Orders, 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 *Forfarshire*; and the same, or Extracts thereof, shall be deemed and taken as good and effectual Evidence and Proof in any Courts of Law or Equity whatsoever.

Determinations for Yard and Dock to be given separate from Damages.

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

Penalties in case of Default by Sheriff, Jury, or Witnesses,

any Sum not exceeding 40l.

XXXV. Provided also, and be it enacted, That if such Sheriff Depute or Substitute shall make Default in the Premises, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds Sterling; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing refuse to be sworn or examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse to be allowed by the said Sheriff, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds Sterling, to be levied by virtue of any Warrant or Warrants under the Hands of the said Sheriff, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus to the Owners thereof, after such Penalty and the Charges of such Distress and Sale shall be deducted; and if any Person or Persons who shall have incurred such Forfeiture for not appearing, or for refusing to give Evidence as aforesaid, shall again be summoned, and not appearing, or appearing refuse to give Evidence, the said Sheriff may, and he is hereby empowered to grant Warrant or Warrants, for imprisoning such Person or Persons; until he, she, or they shall severally give sufficient Security under the Penalty of Twenty Pounds Sterling to appear and give Evidence as aforesaid; and that in case the Person or Persons so summoned to give Evidence do not reside within any of the Counties within which such Lands, Tenements, or Heritages in question are situated, Letters in Supplement shall be issued from the Court of Session for summoning and compelling the said Person or Persons to appear and give Evidence by every Method known and practised in the Courts of that Part of *Great Britain* called *Scotland*.

Penalty on giving false Evidence.

XXXVI. And be it further enacted, That all and every Person or Persons who in any Examination to be taken in virtue of this Act shall give false Evidence before the said Sheriff, shall and may be prosecuted for the same, and

and upon Conviction thereof shall be subject to such Punishment and Disqualification as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws and Practice of *Scotland*.

XXXVII. Provided always, and be it enacted, That in every Case where a Verdict shall be given for more Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Sale of the said Ship-building Yard and Graving Dock, or for the Occupancy thereof or any Rights or Interests therein, or as a Compensation for any Damages done or to be done to such Lands, Tenements, or other Heritages, or other Property, than had been previously offered by or on Behalf of the said Commissioners, or when any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Commissioners; or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to, and receive Compensation from the said Commissioners as herein-before mentioned, then and in all such Cases, all the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Commissioners; but if any Verdict shall be given for the same Sum or Rent which had been previously offered by or on Behalf of the said Commissioners, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of Refusal to enter into Treaty with or make Conveyances to or receive Compensations from the said Commissioners, by any Person or Persons whomsoever who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases, except where by reason of Absence or otherwise, any Person shall have been prevented from treating or agreeing as aforesaid, the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, and be borne or paid by the Person or Persons with whom the said Commissioners shall have such Controversies or Disputes, which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

Expences of Jury and Witnesses how to be paid.

XXXVIII. And be it further enacted, That all and every Person or Persons making Complaint, or requesting a Jury to be summoned, shall first enter into a Bond, with Two sufficient Sureties, to the Commissioners in a Penalty of Fifty Pounds Sterling, with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by and on Behalf of the said Commissioners for the Purchase of or as a Recompence for the Property aforesaid or any Part thereof, or as a Compensation for any Damages; or in case no Verdict shall be found for Damages where the whole Dispute was whether any Damage was or was not done as aforesaid.

Persons requesting Juries, to enter into Bonds to prosecute.

XXXIX. And

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

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

Power to
enter into and
take Posses-
sion of Lands,
&c. on Pay-
ment or
Tender of the
Purchase
Money.

XL. Provided always, and be it enacted, That any such Complaint shall not hinder the said Commissioners from entering upon the Property of the Person or Persons so complaining, but upon Payment or legal Tender of such Sum or Sums of Money, or giving Security for Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or as the said Commissioners shall deem a full Price for the Purchase of any such Property, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages as herein mentioned to the Proprietor or Proprietors of such Property, or to such other Person or Persons as shall be interested therein or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been so agreed for or assessed, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, then upon the Investment in Manner directed by this Act for the Use of such Person or Persons so interested or entitled as aforesaid, and in all or any of the said Cases, so often as the same shall happen, it shall and may be lawful to and for the said Commissioners, or their Agents, Workmen, and Servants, immediately thereafter to enter upon such Property (or before such Payment or Tender, by Leave of the Owners or Occupiers thereof), and then and thereupon such Lands, Grounds, Tenements, and other Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become for ever the sole Property of the said Commissioners, their Successors and Assigns, to and for the Use of the said Harbour and other Works as aforesaid, but to or for no other Use or Purpose whatsoever; and such Tender, Payment, Investment or Deposit, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but every other Person whomsoever therein: Provided nevertheless, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or take down, remove, or otherwise affect any Tenement or other Heritage of the Person or Persons entitled to such Payment or Security for the Purposes of the said Harbour and other Works, without the Leave of such Person or Persons respectively.

Verdicts to be
recorded.

XLI. And be it further enacted, That every Verdict shall be kept by the Sheriff Clerk or other Person having the Custody of the Records of the County in which such Verdict shall be given, and shall be deemed to be Records of such County to all Intents and Purposes; and the same,

or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and may have Copies thereof, paying the Sum of Sixpence for every Seventy-two Words of such Copies, and so on in proportion for any greater or less Number of Words.

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

Application
of Compensation
when
exceeding
200l.

XLIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his, her, or their Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the

If under 200l.
and above 20l.

[Local.]

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like

like Option to a Trustee to be nominated by the Person or Persons making such Option, and approved of by Two or more of the said Commissioners (such Nomination and Approbation to be signified under the Hands of the nominating and approving Parties), in order that such Principal Money and Interest arising thereon may be applied in Manner herein-before directed, as far as the Case may be applicable.

And if under
20l.

XLIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners 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 case of
not making
out Titles.

XLV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased in virtue of this Act, shall refuse to accept of 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 Heritages, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners 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*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof by Petition, shall be and is hereby empowered in a summary way of Proceeding or otherwise as to the 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 thereon, 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*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, 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.

In case of
questionable
Title, Possessors to be
deemed to
have Title,
until contrary
shall be shewn.

XLVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to
be

be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages so purchased shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to such Estate or Interest therein.

XLVII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Session, and to be applied in the Purchase of other Lands, Tenements, or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of such Purchases, or so much thereof as the Court shall deem reasonable, to be paid by the said Commissioners.

Expence of Purchases may be allowed by the Court of Session.

XLVIII. And whereas, while there shall be only One Graving Dock erected by the Commissioners under this Act at the Port of *Dundee*, it might be prejudicial to the Shipping Interest of the Port were the said Graving Dock to be let for a Length of Time to One Tenant, be it therefore enacted, That Births for Vessels in the said Graving Dock shall be let from Time to Time, at such Dock Dues or Rent as the Commissioners under this Act shall fix to be just and reasonable, by the Day, Week, or Month, and that in Manner following; that is to say, any Person or Persons having Occasion for the said Dock for the Repair of any Vessel, shall apply by Writing to the Collector or other Person who shall be employed by the said Commissioners for that Purpose, and who shall enter in a Book to be kept for that Purpose the Name of the Vessel to be put into Dock, and the Person or Persons so applying for the Use of the said Dock shall be preferred for the Vessel entered by him or them according to the Priority of their Applications; and the Person applying, the Name of whose Vessel shall be entered in such Book, shall be liable to pay the Dock Dues, whether he actually brings his Vessel into Dock or not.

Births in the Graving Docks to be let.

XLIX. And be it enacted, That it shall and may be lawful to and in the Power of the said Commissioners to agree with the Magistrates and Town Council of the said Burgh of *Dundee* for the Use and Occupancy of the East Wing of the Public Warehouses belonging to the Common Good of the Burgh for a Shore-dues Office and Public Weigh-house and Warehouse, and also the Building Yards at the West End of the present Harbour, presently occupied by *James Smart* and *James Kewan*, Ship Carpenters, to be converted into a Quay for Accommodation to the Lime and Coal Trade, so soon as the Ground to be made up at the East End of the said Wet Dock, shall be ready for Ship-building Yards, or as soon as they may be required for carrying on the Improvements in the West Harbour, and also the Rents of the said Building Yards from the Date of the passing of this Act, for the Behoof of the Harbour Funds; and that the said Commissioners shall pay,

To pay to the Magistrates of Dundee an annual Sum for Property given up.

and

and they are by Authority aforesaid hereby required to pay to the Town Treasurer of the Burgh of *Dundee*, for Behoof of the Common Good of the said Burgh, such Sum or Sums annually as shall be agreed on for the said Use and Occupancy, during the Existence of this Act, commencing the First Payment of the said Annual Sum on the Day making Twelve Months after the passing of this Act, for the Year preceding, and so on yearly during the Existence of this Act, and in lieu or as an Equivalent for the said East Wing of the Public Warehouse and the said Building Yards, to be used in Manner aforesaid.

This Act may be pleaded in Justification.

L. And be it further enacted, That no Suit or Action shall be commenced against the said Commissioners, or any Person or Persons employed by them in the Execution of this Act, for any Thing done in pursuance thereof, after Six Calendar Months after the Fact committed or cause of Action occurred for which such Suit or Action shall be brought, and the Defender or Defenders in such Suit or Action may produce and plead this Act in Justification, and if it shall appear that he, she, or they have acted agreeably thereto, they shall be assolized or acquitted, and Treble Costs shall be awarded to be paid to them by the Prosecutor or Prosecutors of such Suit or Action.

If Act not executed in a certain Time, Powers to cease.

LI. And be it enacted, That in case the Works intended to be carried into Effect under the Authority of this Act shall not have been completed so as to answer the Objects thereof within the Space of Twelve Years from the passing of the same, all the Powers and Authorities by this Act given shall thereupon cease and determine, save only as to so much of the Works as shall have been completed in the said Time, and in such Case the Rates and Duties shall be diminished in the Proportion that the Sum actually expended bears to the Total Estimate; and in case the actual Expence shall exceed the said Estimate, the Expence shall be subscribed and provided for, otherwise the Powers and Authorities given by this Act shall be no longer in force.

Payment of Subscriptions.

LII. And be it enacted, That the Corporation of *Dundee* who have subscribed, or the Body or Bodies Corporate, or Person or Persons who shall hereafter subscribe or advance any Money for and towards the Works hereby authorized to be made, and maintaining the same, shall, and they are hereby required to pay to the Commissioners from Time to Time, when called for, the Sum or Sums of Money subscribed as aforesaid, or such Parts or Portions thereof, as shall from Time to Time be necessary for completing the Works within the foresaid Space of Twelve Years; and in case the Corporation of *Dundee*, or such Body or Bodies Corporate, or Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall be lawful to the said Commissioners to sue for and recover the same in any Court of Law or Equity.

Recovery and Application of the Penalties.

LIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Collector appointed by them, to prosecute for and recover the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit by this Act imposed, by Action or Complaint, within Six Months after the Offence is committed, before any One or more Justices of the Peace for the County of *Forfar*, not being Commissioners under this Act, and such Justice or Justices shall proceed to the Trial of such Offence in a summary Way, and upon Conviction of the Offenders by their own Confession, or by the Oath of One or more credible Witnesses,

nesses, shall award and give Orders, Judgments, and Decrees as to them shall seem most agreeable to the true Intent and Meaning of this Act; and in default of Payment of the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit awarded, the Person or Persons shall and may be committed to the Jail or House of Correction nearest to the Place where the Offender or Offenders shall be tried, there to be detained for such Time as the said Justice or Justices shall direct, not exceeding Three Months; and the whole Fines, Penalties, and Forfeitures aforesaid received, after Deduction of the necessary Charges of recovering the same, shall be applied towards the building, erecting, and maintaining of the Works of the said Harbour, and to no other Use or Purpose whatever.

LIV. Provided always, That it shall and may be lawful to and for the said Justice or Justices aforesaid, by whom such Judgement, Sentence, or Determination shall be given, to mitigate, or lessen any of the Penalties aforesaid as he or they shall think fit, and every such Mitigation shall be a sufficient Discharge to the Person or Persons offending, for so much of the said Penalties and Forfeitures as shall be mitigated or remitted.

Power to mitigate Penalties.

LV. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Decision, Warrant, or Order of any Justice or Justices of the Peace in the Execution of this Act, or by any Bye Law or Regulation made in pursuance thereof, it shall be competent to such Person or Persons to apply for Redress by way of Appeal to the Justices at the next Quarter Sessions of the Peace for the County of *Forfar*, providing that such Appeals or Applications for Redress shall be entered within Eight Days after the Decision of the said Justice or Justices shall have been given, and Security for the Payment of the Costs and Issue of Suit being given by the Party appealing or applying for Redress; and the said Justices in their Quarter Sessions shall in all Cases proceed and determine summarily, and their Decision shall be final, and not subject to Review of any superior Court by Suspension, Advocation, or Reduction.

Appeal allowed to Justices at Quarter Sessions.

LVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect the Rights, Dues, Duties, and Payments, Powers, Privileges, Jurisdictions, or Authorities of the Magistrates and Town Council of *Dundee*, granted to them on Behalf of the Community of the said Burgh of *Dundee*, by King *Charles* the First, by Charter under the Great Seal, bearing Date the Fourteenth Day of *September* One thousand six hundred and forty-one, or any other Rights, Dues, Duties, or Payments, Powers, Privileges, Jurisdictions or Authorities in anywise belonging to them, otherwise than as the same are by this Act expressly taken away, varied, altered or restrained.

Act not to affect the Rights of the Town Council.

LVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Public Act.

LVIII. And be it enacted, That this Act and all the Powers and Authorities of the same, and the Rates and Duties thereby granted, shall commence and take place from and after the passing thereof, and shall continue for the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Endurance of the Act.

[*Local.*]

26 Q

SCHE-

SCHEDULE of the Rates and Duties referred to by the Act.

	£.	s.	d.
Scotch Coals, including Scales, Boards, and Weights, } per Chaldron of 16 Bolls - - - - - }	0	1	4
English Coals and Cinders, including Measures, per Do.	0	1	4
Grain, Meal, Flour, and Salt, per Do. - - - - -	0	2	0
Potatoes and Bran, per Do. - - - - -	0	0	8
Lime, per Do. - - - - -	0	0	4
Slates, Tyles, and Bricks, per Thousand - - - - -	0	1	0
Raw Hides, per Hundred, and Calf Skins, per } Thousand - - - - - }	0	2	0
Dry Hides per 112 lb. - - - - -	0	0	3
Bottles per Gros - - - - -	0	0	2
Herrings per Barrel - - - - -	0	0	1½
Flax, Hemp, Yarn, Cordage, Tallow, Athes, Soap, } and Sugar, per Ton of 20 Cwt. - - - - - }	0	1	6
Bark, Flax, and Hemp, Tow and Coddillia, per Do.	0	1	6
Leather, tanned and dressed, per Do. - - - - -	0	2	6
Lead, Bar Iron, Molasses, Dyewood, and Cast Iron, } per Do. - - - - - }	0	0	9
Whale Bone and Wrought Iron, per Do. - - - - -	0	1	6
Stucco, Whitening, and Soapers Waste, per Do. - - - - -	0	0	6
Kelp, Copperas, and Pig Iron, per Do. - - - - -	0	0	6
Blubber, per Do. - - - - -	0	1	0
Foreign Wines, Spirits, Teas, and Tobacco, per Barrel } Bulk - - - - - }	0	0	6
British Spirits, per Barrel Bulk - - - - -	0	0	4
Porter, Ale, Vinegar, Cyder, Oil, Turpentine, Ma- } chinery, and Furniture per Barrel Bulk - - - - - }	0	0	2
Earthenware, per Crate - - - - -	0	0	6
Do. in Bulk, per hundred dozen - - - - -	0	2	6
Madder and Cheese, per Ton of 20 Cwt. - - - - -	0	2	0
Apples, per Barrel Bulk of 4 Bushels - - - - -	0	0	3
Hops, Cotton, and Wool per Barrel Bulk of 84 lbs.	0	0	3
Raisins and Figs, per Barrel Bulk of 2 Cwt. - - - - -	0	0	3
Gunpowder, per 100 lb. - - - - -	0	0	3
Lemons and Oranges, per Chest - - - - -	0	0	3
Rice and Rosin, per Ton of 20 Cwt. - - - - -	0	2	0
Saltpetre, Smalts, Sumack, and Spanish Liquorice, } per Do. Do. - - - - - }	0	2	6
Clover Seed, per Bag of 3 Cwt. - - - - -	0	0	4
Lintseed per Barrel - - - - -	0	0	2
Rye Grass, per Bag of 8 Bushels - - - - -	0	0	3
Tar and Pitch, per Barrel Bulk - - - - -	0	0	2
Vitriol, per Bottle - - - - -	0	0	3
Butter, per Barrel Bulk of 2 Cwt. - - - - -	0	0	3
Glass, per Crate - - - - -	0	0	6

	£	s.	d.
White Linen, per Barrel Bulk	0	0	3
Oznaburgh, per Bale of 12 Pieces	0	1	0
Sheeting, per Do. Do.	0	1	0
Cotton Bagging, per Do. Do.	0	0	9
Sail Cloth, per Do. of 20 Pieces	0	1	0
Coffee, Bagging or Sacking, per Bale of 12 Pieces	0	0	6
Foreign Fir Timber, per Load of 50 Feet	0	0	9
British Do. per Do. Do.	0	0	6
Mahogany, per Barrel Bulk	0	0	3
Foreign Hard Wood, per Load of 50 Feet	0	1	0
British Do. per Do. of Do.	0	0	9
Pipe Staves, 60 Pieces	0	0	3
Hoghead and Barrel Staves and Spokes, per Do.	0	0	1½
Peats, per Hundred	0	0	1
Wooden Hoops, per 1,500	0	1	0
Each Boat with hard, dry, or salted Fish	0	5	0
Salmon per Box, or per Four Kits	0	0	3

All Goods not particularly described in the Table to pay at the Rate of Three-pence per Barrel Bulk, and all Goods shipped overside to pay only Half Dues; Unfreemen to pay One-half more than the above Rates. All Goods having paid Shore Dues Inwards to be exempted when shipped Outwards, if they are in the Original State.

N. B. Packages not rated in the above Table to pay Three-pence per Barrel Bulk; Five Cubic Feet, not exceeding 2½ Cwt. to be rated a Barrel Bulk; but when the Weight of Five Cubic Feet is greater than 2½ Cwt. then 2½ Cwt. to be rated a Barrel Bulk.

TABLE

TABLE of Dues, Tonnage, Anchorage, and Beaconage, exigible
under this Act.

	£	s.	d.
For all Veffels,			
From India or China, per Register Ton	0	2	6
From the West Indies, Azores, Madeira, Teneriffe, Cape de Verd Islands, or Greenland, and Davis's Straits Fisheries, per Do.	0	0	8
From America, the Mediterranean, or any Part to the North of Drontheim in Norway per Do.	0	0	6
From any Part between Gibraltar and Dunkirk in- cluding Dunkirk, and from any Part in the Baltic, per Do.	0	0	4
From any Port in Britain, South of Flamborough Head, or to the Westward of the Orkneys, or from the Islands of Ireland, Shetland, or Orkney, per Do.	0	0	2 $\frac{1}{2}$
From any Port to the Northward of Flamborough Head upon the East Coast, per Do.	0	0	2
All Veffels loaded with Coals or Lime, per Do.	0	0	1 $\frac{1}{2}$
All Veffels employed in the River Tay carrying Goods, and entering the Precincts of the Port or Harbour of Dundee, per Do.	0	0	1 $\frac{1}{2}$
Do. Do. Do. carrying Stones	0	0	1
All Veffels navigated by Unfreemen to be charged One- half more than the above Rates.			
All Veffels navigated by Foreigners to be charged double.			
All Veffels remaining in Dock Six Months to be charged One-third more, and for One Year Double the above Dues.			
Every Veffel to pay Two Shillings and Sixpence each Voyage in Name of Plank Money, whether a Plank is used or not.			
N. B. All Veffels from Ports not included in the foregoing Table, to pay Dues in Proportion to the Distance of fuch Ports, taking the relative Charges in the fore- going Table for the data of Calculation.			

SCHEDULE of PROPERTY authorized by this Act to be taken in
Whole or in Part for the Purposes thereof.

The Ground adjacent to the said Harbour, presently occupied as
a Ship-building Yard and Graving Dock by John Calman Ship Carpenter
in Dundee, and belonging in Property to Alexander Riddoch Merchant
there.

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