



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. lxi.

An Act for erecting and maintaining a Harbour, and Works connected therewith, in the Bay of *Portnessock*, at *Kirkmaiden* within the Barony of *Logan*, in the County of *Wigton*. [23d May 1818.]

WHEREAS a safe and commodious Harbour on that Part of the Coast of *Scotland* which lies on the West Side of the Parish of *Kirkmaiden* and County of *Wigton*, would be highly useful to that District of Country: And whereas *Andrew Macdoul* of *Logan*, Esquire, who claims to be the Proprietor of the Lands and Barony of *Logan*, surrounding the Bay of *Portnessock*, is willing and desirous, at his own Expence, to make, build, or construct in the said Bay a Harbour and other Works connected therewith: And whereas it is expedient that proper Powers should be granted, and that proper Regulations should be made and established, for the Government of such Harbour and Works, and of all Persons, and Ships or Vessels and Boats, employed in or using the same; but such Purposes cannot be completely effected without the Aid and Authority of Parliament: 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 Proprietor or Proprietors of the Lands and Barony of *Logan* for the Time being shall be and he and they is and are hereby authorized and empowered to put this Act into Execution; and that it shall be lawful for such Proprietor or Proprietors to make, build, or construct a Harbour in the Bay of *Portnessock*, in the

Authorizing
the Act to
be put in
Execution.

[Local.]

15 U

Parish

Parish of *Kirkmaiden* and Barony of *Logan*, in the County of *Wigton*, with Piers and Quays and other Works therewith connected, and also from Time to Time to alter and improve the same, in such Manner as he or they shall judge fit.

Not to deviate from Plan without Consent of Owners.

II. And whereas a Map or Plan describing the said Harbour and the Land or Ground upon which the same is intended to be made, together with a Paper containing the Name of the Owner and Occupier of such Land or Ground, has been lodged in the Office of the Clerk of the Parliaments; be it therefore enacted, That the Proprietor or Proprietors for the Time being of the said Harbour shall not deviate from the Line described in the said Map or Plan without the Consent and Approbation in Writing of the Owner or Owners of the Land on which such Deviation shall be made; and the said Map or Plan shall remain in the Custody of the Clerk of the Parliaments; and the same, or any Copy or Copies thereof certified by the Clerk of the Parliaments to be a true Copy or true Copies thereof, shall be and is and are hereby declared to be good Evidence in all Courts of Law, and shall be admitted as such by and before all Judges, Justices, and others.

Works to be completed in Six Years.

III. Provided always, and be it further enacted, That in case the said Harbour and Works shall not be completed so as to answer the Objects thereof within Six Years from and after the passing of this Act, all the Powers and Authorities hereby given relative thereto shall thenceforth cease and determine; save only as to so much of such Works as shall have been completed within the Time aforesaid.

Sum to be expended.

IV. And be it enacted, That the Proprietor or Proprietors of the said Harbour for the Time being shall and he and they is and are hereby obliged and required, within Four Years after the passing of this Act, to lay out and expend the Sum of Six thousand Pounds in constructing the said Harbour and other Works therewith connected; and he or they shall, within Five Years after the passing of this Act, cause an Account of the Expenditure of such Sum of Money in Manner as aforesaid, to be verified upon Oath, before some Justice of the Peace for the said County of *Wigton*; which Account, together with a Certificate of Verification thereon, shall be recorded by the Sheriff Clerk in the Registry of Probative Writs for the said County.

Boundaries and Name of Harbour.

V. And be it enacted, That the Extent and Boundary of the said Harbour by this Act authorized to be made, shall be deemed and is hereby declared to be from *Carnweclan Point* in a Northerly Direction to *Portavadie*, and from those Points, by Two Lines produced at Right Angles, to the Line of that Piece of Ground called *Inshanks Park*; and the said Harbour shall be called *Port Logan*.

Power to appoint Officers.

VI. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being to appoint, during his or their Pleasure, such Harbour Masters, Collectors of Dues, Boat Assistants, and other Officers, as may be requisite for carrying into Effect the Purposes and Provisions of this Act.

VII. And for preventing any Injury being done to the Piers, Quays, or other Works of the said Harbour, or to the Shipping within the same, be it further enacted, That the Proprietor or Proprietors of the said Harbour for the Time being, or any Officer or Officers to be appointed by him or them by virtue of this Act, shall and may be, and he and they is and are hereby authorized and empowered from Time to Time to order and require all Persons having the Command, Rule, or Direction of, or any Concern with, any Ship, Vessel, or Boat entering into or being within the said Harbour, to station, place, anchor and moor such Ship, Vessel, or Boat in such Place or Places within the said Harbour, and in such Manner, as the Proprietor and Proprietors of the said Harbour for the Time being, or such Officer or Officers, shall from Time to Time order and direct; and in case of Refusal or Disobedience on the Part of such Person or Persons having the Rule or Command of such Ship, Vessel, or Boat, or the Care thereof, or in case there shall not be any Person on board, it shall be lawful for the Proprietor and Proprietors of the said Harbour for the Time being, or such Officer or Officers, and any Person or Persons whom he or they may take to his or their Assistance, and he and they is and are hereby required, to moor or unmoor, move or remove such Ship, Vessel, or Boat, or cause the same to be moored in such Birth as he or they may think proper; and the Charges and Expences of so doing, together with a Penalty, not exceeding Ten Pounds, shall be paid by the Person having the Rule or Command of such Ship, Vessel, or Boat, to be recovered as herein-after is mentioned; but so as that no undue Preference be given to any Person in the mooring or removing of any Ship, Vessel, or Boat; and that no Ship, Vessel, or Boat shall be moored or removed contrary to the Orders and Directions of the Proprietor or Proprietors of the said Harbour for the Time being, or such Officer or Officers as aforesaid.

For regulat-
ing Mooring
Places.

VIII. And be it further enacted, That if any Ship, Vessel, or Boat shall come into the said Harbour in Distress, or receive any Damage in the said Harbour, then and in every such Case it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, or any Officer or Officers to be appointed by him or them, upon Application by the Master, Commander, or Owner of such Ship, Vessel, or Boat, to give a Preference to such Ship, Vessel, or Boat, being in such Distress, or receiving any such Damage as aforesaid, both as to the Birth at the Piers or Quays, and as to the Course of discharging, before any other Ship, Vessel, or Boat; and that if any Master or Commander of any Ship, Vessel, or Boat, lying in the said Harbour, shall refuse or neglect forthwith to remove his Ship, Vessel, or Boat from its Birth, on being thereunto required by the Proprietor or Proprietors of the said Harbour for the Time being, or such Officer or Officers as aforesaid, in favour of such Ship, Vessel, or Boat so in Distress as aforesaid, then and in every such Case any such Master or Commander so refusing or neglecting shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Ships in Dis-
tress may
have a
Preference.

IX. And be it enacted, That it shall and may be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, or such Person or Persons as he or they shall appoint, and he and they is and are hereby authorized and empowered, from Time to Time and at all Times to ask, demand, take, receive, collect, recover, and levy, for his and their

Power to take
Tonnage
Duty.

their (such Proprietor or Proprietors) own Use, upon all and every of the Ships, Vessels and Boats, of whatsoever Description, which shall come into or use the said Harbour, or shall be at Anchor within the Limits of the same, and for all Goods, Wares, Merchandize, and other Things landed or shipped within the said Harbour as aforesaid, and for the Passengers carried for Hire in every such Ship, Vessel, or Boat, as aforesaid; any Sums not exceeding the several Rates and Duties herein-after specified; *videlicet*,

Tonnage
Duty.

For every Ship, Vessel, or Boat, if under the Burden of Twenty Tons, the Sum of Two-pence *per* Ton; if of the Burden of Twenty Tons, and under Fifty Tons, the Sum of Three-pence *per* Ton; if of the Burden of Fifty Tons, and under One hundred Tons, the Sum of Four-pence *per* Ton; and if of the Burden of One hundred Tons, or upwards, the Sum of Sixpence *per* Ton; and for every Ship, Vessel, or Boat, that shall be laid up unemployed within the said Harbour, an additional Sum of Three-pence *per* Ton for every and each Month she shall be so laid up.

How Ton-
nage Duty to
be ascertain-
ed.

X. And be it enacted, That the Commander of every Ship, Vessel, or Boat, chargeable with the Tonnage Duty by this Act imposed, shall produce to the Proprietor or Proprietors of the said Harbour for the Time being, or to the Person or Persons appointed to collect the Rates and Duties by this Act imposed, the Custom House Register of the Burden of Tonnage of such Ship, Vessel, or Boat; and on Failure or Delay so to do, or in case the same shall be deemed unsatisfactory, it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, or such Person or Persons appointed to collect the Rates and Duties aforesaid, to admeasure such Ship, Vessel, or Boat, according to the Directions of an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for the further Increase and Encouragement of Shipping and Navigation*.

Penalty on
Persons ob-
structing the
Measurement
of Vessels.

XI. And be it enacted, That if any Person or Persons shall obstruct or prevent the Admeasurement of any Ship, Vessel, or Boat in manner aforesaid, every such Person shall be liable, individually, to a Penalty not exceeding Five Pounds; such Penalty to be an Addition to and over and above the said Duty.

Rates on
Goods.

XII. And be it enacted, That over and above the Tonnage Duty herein-before authorized to be taken on Ships, Vessels, or Boats, entering and using the said Harbour, there shall be paid to the Proprietor or Proprietors of the said Harbour for the Time being, on all Commodities which shall be there exported or imported in the said Ships, Vessels, or Boats, and for the Passengers carried for Hire in every such Ship, Vessel, or Boat, the several Rates specified in the Schedule annexed to this Act.

To fix Rates
not enume-
rated in the
Schedule.

XIII. And be it enacted, That it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, to fix such reasonable Rates upon Commodities not specified in the said Schedule, as he or they shall think fit; provided no such Rate exceed the One-fourth Part of the Freight of such Commodities.

XIV. And

XIV. And be it enacted, That it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, to reduce and lessen the Rates and Duties to be levied under this Act, and again to raise and extend the same from Time to Time; provided that the same do not at any Time exceed the *Maximum* of Rates and Duties by this Act authorized.

Rates may be altered.

XV. And be it enacted, That no Collector of His Majesty's Customs, or other Officer of Revenue at the said Harbour, shall permit any Ship, Vessel, or Boat, chargeable with Rates and Duties under this Act, to be entered Inwards, Outwards, or Coastwise, or any Commodities to be landed from or put on board of such Ship, Vessel, or Boat, until he shall have received from the Collector or Collectors of the Rates and Duties aforesaid, acting under the Authority of the Proprietor or Proprietors of the said Harbour for the Time being, a Certificate of all such Rates and Duties having been paid in full; which Certificate, such Collector or Collectors, acting under the Authority of the Proprietor or Proprietors of the said Harbour for the Time being, is and are hereby required to give, without Fee or Reward, upon the Payment of such Rates and Duties; and in case any Collector of His Majesty's Customs, or other Officer of Revenue at the said Harbour, shall contravene or infringe this Provision, he shall be liable, for every such Offence, to a Penalty not exceeding Twenty Pounds.

Customhouse Officer not to discharge any Vessel before Duties are paid.

XVI. And be it enacted, That in case of Refusal or Neglect to pay the Rates and Duties by this Act granted, it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, or the Collector or Collectors or other Person or Persons appointed in pursuance of this Act to receive the same, to detain any Ship or Boat coming into or making use of the said Harbour, and in respect of which, or of the Cargo whereof, or of the Passengers wherein, the Rates and Duties payable under this Act shall not have been made, and all Commodities in respect of which such Rates and Duties shall be payable, whether on board such Ship, Vessel, or Boat, or on Land, until such Rates and Duties shall be fully paid; and provided such Payment shall not be made within Five Days from the Detention of such Ship, Vessel, or Boat, or Commodities, it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, or such his or their Collector or Collectors, or other Person or Persons appointed as aforesaid, to cause any such Ship, Vessel, or Boat, or such Commodities, or any Part or Parts thereof, to be appraised by Two or more sworn Appraisers, or other sufficient Persons not interested therein, and forthwith to sell so much of the same as shall be deemed sufficient to discharge all such Rates and Duties, and all Expences incurred on account of or attending such Sale, or otherwise occasioned by the Non-payment of such Rates and Duties; and in the Event of there being any Overplus of the Money so raised, the same shall be paid to the Person or Persons owning or having Charge of the said Ship, Vessel, or Boat, and Commodities, on Demand; and in case any Ship, Vessel, or Boat shall unwarrantably depart from the said Harbour before Payment has been made of the several Rates and Duties above mentioned, it is hereby further provided, that the Owner or Owners and Master or Masters of every such Ship, Vessel, or Boat, shall be liable to a Penalty equal to double the said Rates and Duties.

Manner of recovering Rates.

[Local.]

15 X

XVII. And

Exemption
for Vessels in
His Majesty's
Service.

XVII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to Ships, Vessels, or Boats belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Customs or Excise or Post Office, using the said Harbour, or to any of the Officers or Persons employed therein respectively, or in the Service of the Admiralty, Ordnance, or Navy Board, or to any Naval or Ordnance Stores or other Matters imported into or exported from the said Harbour, for the Use of the Navy or Army, or to any Yachts or Pleasure Boats or other Vessels belonging to His Royal Highness The Prince Regent or any other Member of the Royal Family; nevertheless the Captain or Master of every such Ship, Vessel, or Boat, shall be answerable for all Damage done by such Ship, Vessel, or Boat, or by the Mariners or others on board the same, to the Harbour, Wharfs, or Works, or the Machinery or Tackle connected therewith, or to the Shipping therein, with full Costs of Suit.

Further Al-
lowance for
Goods re-
maining upon
Wharfs,
above a cer-
tain Time.

XVIII. And be it further enacted, That if any Commodities shall remain upon any Wharf or other Place belonging to the said Harbour, for a longer Period than Forty-eight Hours from the Time such Commodity shall have been placed upon the said Wharf or other Place, then and in every such Case it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, to levy a Sum not exceeding the Amount of the Rates and Duties by this Act imposed, upon the said Commodities, and that over and above the said Rates and Duties; and it shall be lawful to exact the said additional Rates and Duties, for each and every additional and successive Period of Forty-eight Hours, during which the said Commodity shall remain on the said Wharf or other Place.

Combustibles
to be removed
within 12
Hours.

XIX. And be it further enacted, That in case any of the Articles landed on any Wharf or other Place belonging to the said Harbour, or lying on Deck within the same, shall be Gunpowder, Tar, Pitch, Hemp, Flax, Spirituous Liquors, Turpentine, Hay, Straw, Tallow, or any other Combustible Goods or Things, then such Combustible Goods or Things shall be removed or taken away within the Space of Twelve Hours after Notice in Writing shall have been given by the Proprietor or Proprietors of the said Harbour for the Time being, or by the Harbour Master or Quay Master, to the Master or Owner of any such Ship, Vessel, or Boat which shall come within the said Harbour; and in default thereof every such Ship, Vessel, or Boat shall pay unto the Quay Master, or other Officer of such Wharf or other Place, for the Use of the Proprietor or Proprietors of the said Harbour for the Time being, Ten Shillings *per* Ton, over and above the several Rates and Duties by this Act granted, or specified in the Schedule hereunto annexed, and also the further Sum of Ten Shillings for every succeeding Twelve Hours that the same shall so remain, and so in proportion for less than a Ton; the same to be paid by the respective Owners or Persons having Charge of such Combustible Goods or Things, and to be recovered in the same Manner as the other Rates and Duties hereby made payable are to be recovered; and if such Combustible Goods or Things cannot be removed as aforesaid by Day-light, then and in every such Case the Owner or Owners, or Person or Persons having Charge of such Goods and Things shall be obliged to set and maintain,

maintain, at his or their own Expence, a sufficient Number of careful sober Persons to guard and watch over the same, such and so many Hours, according to the Season of the Year, as such Quay Master or other Officer shall order and direct; and in case the Owner or Owners, or Person or Persons having Charge of such Goods and Things, or the Master or Masters of any Ship, Vessel, or Boat, shall make Default herein, every such Owner or Owners, Master or Masters, or other Person or Persons, shall forfeit and pay, for every Offence, Neglect, or Refusal, any Sum not exceeding Ten Pounds, and in addition thereto shall pay all Damages occasioned by such his or their Default: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to any Gunpowder, Tar, Pitch, Hemp, Flax, Spirituous Liquor, Turpentine, Hay, Straw, Tallow, or other Combustible Goods or Things, belonging to His Majesty, His Heirs or Successors.

XX. And be it enacted, That the Master or Owner, or the Person or Persons having the Charge or Command of every Ship, Vessel, or Boat lying or being within the said Harbour, shall be and he and they is and are hereby made answerable for any Trespass, Damage, or Mischief that may be done by such Ship, Vessel, or Boat, or any of the Boatmen, Barge-men, Watermen, or Seamen, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Wharfs, Piers, or other Works constructed by virtue of this Act, either by the loading or unloading of any Ship, Vessel, or Boat, or by any other means whatsoever; and the Master or Owner of every such Ship, Vessel, or Boat, shall for every such Trespass, Damage or Mischief, upon Conviction before any Justice of the Peace for the said County of *Wigton*, on the Oath of any credible Witness or Witnesses (which Oath such Justice is hereby authorized and required to administer) or on the Confession of the Party or Parties offending, forfeit and pay to the Party or Parties injured such Damages, Satisfaction and Compensation, as shall be ascertained, fixed and determined, by such Justice; provided that no such Damages, Satisfaction, or Compensation shall exceed the Sum of Ten Pounds; but in case such Damages, Satisfaction, or Compensation shall exceed the Sum of Ten Pounds, then and in such Case the said Master or Owner of such Ship, Vessel, or Boat, may be sued and prosecuted for such Damages, Satisfaction, and Compensation, in the Court of Session, if the Defendant shall reside in *Scotland*; or in any of His Majesty's Courts of Record at *Westminster*, if the Defendant shall reside in *England*; or in the Court of King's Bench or Common Pleas at *Dublin*, if the Defendant shall reside in *Ireland*; and if a Verdict or Judgment shall be given against him or her, either on Proof made, or by default, or upon demand, the Plaintiff in every such Case shall recover the Damages thereby sustained, with full Costs of Suit.

Masters of Vessels to be answerable for Damages.

XXI. Provided always, and be it enacted, That such Boatmen, Barge-men, Watermen, Seamen, or other Person or Persons, in consequence of whose Acts or Defaults such Conviction shall have taken place as aforesaid, and each and every of them, shall be liable to repay such Damages, Satisfaction, and Compensation and Penalty, so ascertained, fixed and determined by such Justice, with the Costs of levying and recovering thereof, to such Master or Masters, Owner or Owners; and in case of Non-payment thereof upon Demand, and Oath made by such Master or Masters,

Masters may recover from the Crew.

Masters, Owner or Owners, of the Payment made by him or them of such Damages, Satisfaction, and Compensation or Penalty, and that the same and the Costs thereof have or hath not been repaid to him or them by such Bargemen, Boatmen, Watermen, or Seamen, or any of them, although demanded (such Oath to be made before any One of His Majesty's Justices of the Peace), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be levied and recovered by Warrant under the Hand and Seal of any Justice or Justices.

To prevent Ballast, &c. being thrown into the Harbour, &c.

XXII. And be it enacted, That if any Person shall throw into the said Harbour or any Place connected therewith, Ballast, Stones, Shingle, Rubbish, or other Matters injurious to the said Harbour, such Person shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, over and above all Costs of Suit and Costs of removing all such Ballast, Stones, Shingle and Rubbish, which shall in all Cases be deposited in a convenient Place to be appointed for that Purpose by the Proprietor or Proprietors of the said Harbour for the Time being, or the Person or Persons for the Time being acting under his or their Authority; and that if any Person shall take any Ballast, Stones, or other Materials from any Part of the said Harbour, without Permission of such Proprietor or Proprietors for the Time being, or other Person or Persons, every Person so taking away Ballast, Stones, or other Materials, shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Penalty for destroying Ropes of Vessels.

XXIII. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any manner destroy any Rope or other Thing by which any Ship, Vessel, or Boat lying in the said Harbour shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, besides paying the Damages thereby occasioned.

Persons destroying the Works to be deemed guilty of Felony.

XXIV. And be it further enacted, That all and every Persons and Person whatsoever, who shall at any Time or Times wilfully or designedly demolish, break down, destroy, or set on fire any of the Works which shall be constructed in or which shall belong to the said Harbour, or shall wilfully do any Damage to any of the Shipping or Goods within the same, or shall wilfully or designedly extinguish or put out any of the Lights used in or belonging to the said Harbour, for the Safety or Protection of the Shipping resorting to the same, shall be deemed guilty of Felony, and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, or in Mitigation of Punishment may award Sentence of Imprisonment, at the Discretion of the Court.

Bye-Laws.

XXV. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, from Time to Time to make and frame, ordain and establish, such Bye-Laws, Rules, Orders, and Regulations, as he, she, or they shall think fit for the good Government of the said Harbour, and Persons frequenting the same or employed therein, and for the Government of the Clerks, Collectors, Officers,

Officers, Assistants, Servants, and others, appointed or employed under or by virtue of this Act, and for the better Regulation of the said Harbour and other Works, or any of them, and the mooring and stationing of the Shipping therein, and for the well-governing, ordering, and managing of the Pilots to be employed for the said Harbour, and the Seamen and others employed in or belonging to the said Shipping resorting to or seeking Shelter at or in the said Harbour, and also for the better regulating, governing, and managing the several Works by this Act authorized and directed to be constructed, as well whilst the same are constructing as after they shall be finished, and for the more safe and convenient shipping, loading, landing, discharging, carrying, conveying, laying, depositing, and moving of Goods, Wares, and Merchandize upon any of the Quays, Wharfs, or Landing Places belonging to the said Harbour, and for the better governing and regulating Porters, Carters, and Carmen, and others, carrying Goods, or using or driving Horses, Waggon, Carts, Drays, Trucks, Sledges, or other Carriages for conveying Goods, Wares, and Merchandize to and from the said Quays, Wharfs, or Landing Places, and generally for the good Government of the said Harbour, and to make such other Bye-Laws, Rules, Orders, and Regulations, as by the Proprietor or Proprietors of the said Harbour for the Time being shall be thought necessary or expedient for effecting the Purposes of this Act and the due Execution thereof; and to repeal, add to, amend, or alter such Bye-Laws, Rules, Orders, and Regulations, or any of them, and to annex, impose, and appoint pecuniary Penalties or Forfeitures, not exceeding Five Pounds for each Offence (to be recovered in Manner herein-after mentioned), for the Non-observance, Non-performance, or other Breach of or Offence against any such Bye-Laws, Rules, Orders or Regulations; and all such Bye-Laws, Rules, Orders, and Regulations; and all such Alterations thereof, shall be reduced into Writing, and be subscribed by the Proprietor or Proprietors of the said Harbour for the Time being, and Copies thereof in legible Characters shall be printed and affixed on some conspicuous Places or Buildings in or adjoining the said Harbour; for the Inspection and Information of all Persons interested therein; and all such Bye-Laws, Rules, Orders, and Regulations shall thenceforth be equally binding and authoritative with any of the Provisions of this Act; provided that such Bye-Laws, Rules, Orders, and Regulations be not repugnant to the Laws of that Part of the United Kingdom called *Scotland*, or to any of the Clauses, Provisions and Directions, in this Act contained.

XXVI. And be it enacted; That it shall be lawful for the Proprietor or Proprietors of the said Harbour for the Time being, at any Time or Times during his Life, by any Deed or Deeds under his Hand and Seal or their Hands and Seals, to charge the said Harbour and Works, and the Rates and Duties to be collected by virtue of this Act, with the Payment to any Person or Persons of any Sum or Sums of Money borrowed for the Purpose of enabling the said Proprietor or Proprietors to execute the said Works, or to any Person or Persons as a Trustee or Trustees for him or them, and to entitle him or them, or his or their Assigns, or personal Representatives, to the Benefit of such Sum or Sums of Money as shall be expended by him for the Purposes aforesaid, with legal Interest for the Sum or Sums so charged, and to assign the Property of the said Harbour,

Power to mortgage or charge.

[Local.]

15 Y

and

and the Lands and Buildings belonging thereto and connected therewith, and such Rates and Duties, as a Security for any such Sum or Sums of Money; and every Charge and Assignment shall be good, valid, and effectual, for securing the Payment of the Money therein mentioned, and shall be deemed to be of the Nature of Personal Estate; provided that the Sum or Sums so to be charged by such Proprietor or Proprietors do not exceed the Amount of the Sums actually expended by him or them in constructing the said Harbour and Works, nor in any case the said Sum of Fifteen thousand Pounds; yet nevertheless any Person or Persons advancing any Sum or Sums of Money for the Purposes aforesaid shall not be bound to see to the Expenditure thereof, or be answerable for the Misapplication of the same, nor to ascertain that no greater Sum has been actually raised and charged than is by this Act authorized; and the said Harbour, Lands, Buildings, Rates, and Duties shall not be liable, under any such Security, to any greater Arrear of Interest than for Six Calendar Months preceding the Death of such Proprietor or Proprietors.

Mode of
recovering
Penalties.

XXVII. And be it enacted, That it shall and may be lawful for the Proprietor or Proprietors of the said Harbour, or for the Collector or Collectors, or other Officers to be appointed by him or them, to prosecute for and recover, for the Use and Behoof of the said Proprietor or Proprietors, the several Fines, Penalties, Forfeitures, and Damages hereby imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), by Action, Bill, Complaint, or Information, exhibited within Six Months after such Offence is committed, before any One or more of His Majesty's Justices of the Peace, or any other Judge competent, within whose Jurisdiction the Offender or Offenders shall reside or be apprehended; and that the Justice or other Judges aforesaid shall, and he and they is and are hereby empowered and required to proceed to the Trial of such Offenders in a summary Way; and upon Conviction of the Offender or Offenders, by their own Confession, or by the Oath of One or more credible Witnesses or Witnessess, to award and give such Orders, Judgments, and Decrees as to them shall seem most agreeable to the true Intent and Meaning of this Act; and that in default of Payment of the several Fines, Penalties, and Forfeitures which shall be so awarded, the Person or Persons who shall be convicted of any of the Offences before described shall and may be sent to the Prison or House of Correction in the several Towns of *Wigton* and *Stranraer*, or other Borough Town, or in any established House of Correction within the said County, and there be kept in Confinement for such Time as such Justice or Judges shall direct, not exceeding Three Months, unless the Sum so awarded against him or them shall be sooner paid and discharged.

Proceedings
not to be
quashed for
want of Form.

XXVIII. And be it enacted, That no Order, Verdict, Judgment, or other Proceeding, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by Advocation, Suspension, or by any other Process whatsoever, to the Court of Session; any Law or Statute thereof to the contrary notwithstanding.

XXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Order, or Bye-Law made in pursuance of this Act, or by any other Matter or Thing done in pursuance of this Act, then and in every such Case it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Complaint shall have arisen, within Two Calendar Months next after such Cause of Complaint shall have arisen; such Appellant or Appellants first giving or causing to be given, Twenty Days Notice at least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, unto the Person or Persons appealed against, and within Six Days after such Notice entering into a Recognizance, or Bond of Caution, before some Justice of the Peace for the said County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide by the Order of, and to pay such Costs as shall be awarded by, the Justices at such Sessions; and upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance or Bond, the Justices at such Sessions shall hear and determine the Cause and Matter of such Appeal, and may order any Money to be returned which may have been levied in pursuance of any such Rule, Order, or Bye-Law, and award such Costs to the Party appealing or appealed against, and may also award such further Satisfaction to the Party injured, as they shall think proper; and the Determination of the Justices shall be final, binding, and conclusive to all Parties.

Appeal.

XXX. And be it enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before such Justice or Justices of the Peace, then and in either of the said Cases every Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

For compelling Witnesses to attend.

XXXI. And be it further enacted, That if any Person or Persons shall, on his, her, or their Examination on Oath before any Justice or Justices, in any Cause or Matter arising out of this Act, wilfully and corruptly give false Evidence, such Person and Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Penalty and Punishment as by any Law in force or effect, Persons guilty of wilful and corrupt Perjury are subject and liable to.

Witnesses giving false Evidence to be indicted for Perjury.

XXXII. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard and determined relative to this Act, by reason only or on account

Testimony of Officers.

account that such Person or Persons shall act officially under the Appointment of the Proprietor or Proprietors of the said Harbour for the Time being.

Public Act. . XXXIII. And be it further 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.

A SCHEDULE or TABLE of RATES.

	s.	d.
FOR every Load of Fir Timber, Balks, or other Description, reckoning Fifty Feet to the Load	1	6
For every Load of Hardwood	2	0
For every Hundred running Feet of Deals, Plank, or other Description of Boards, Three Inches thick, and in proportion for a less or greater Thickness	3	0
For every Fathom of Lathwood	1	0
For all Staves, Spokes, of Wheels, Oars, Hoops, or other Wood, not measurable, to pay according to the Ton Bulk of Forty Feet	1	6
For every Boll of Wheat, Barley, Oats or other Grain, Rye, Grass, Seed or Pulse, of Twelve Winchester Bushels	0	2
For every Boll of Potatoes of Sixteen Winchester Bushels	0	3
For every Cwt. of Wheat, Flour, Oat or Barley Meal, or any other Meal, Pot or Pearl Barley	0	1
For every Cwt. of Rice, Biscuit, or Split Pease	0	3
For every Barrel of Salted Beef, Cod, Herrings, or other Provisions	0	6
For every such Quantity when Fresh	0	3
For every Pipe, Puncheon, or Piece of Wine or Spirits, and so in proportion for every larger or smaller Quantity	2	0
For every Hoghead of Ale, Beer, or Porter, and so in proportion for a larger or smaller Quantity	1	0
For every Hoghead of Sugar or Molasses, and so in proportion for a larger or smaller Quantity	2	0
For every Parcel of Wool, Cotton, or Flax, per Cwt.	1	0
For every Coach or Four-wheeled Carriage	2	0
For every Two-wheeled Carriage	1	0
For every Pair of Coach or Cart Wheels	0	6
For every Passenger coming to or going from the said Harbour	1	0
For each Horse, Mule, Cow, or Ox	0	4
For each Sheep, Pig, or other small Animal	0	2
For every Cwt. of Copper, Lead, Tin, or other Metal, except Iron	0	6
For every Cwt. of Iron	0	2
For every Ton of Coals	1	0
For every Ton of Salt	1	6
For every Barrel of Lime containing Three Winchester Bushels	0	1
For every Thousand Bricks or Tiles	1	0
For every Thousand Slates	1	0
For every Hundred Feet dressed Free-stone or Paving-stone, superficial Measure, or other dressed Stone	1	0
For every Ton of rough Free-stone, Lime-stone, or other Stone	0	3
[Local.]		For

	s.	d.
For every Trunk, Chest, Box, or Bag, per Barrel Bulk, and so in proportion	0	6
For every Cwt. of Butter or Cheese	0	6
For every Barrel of Oil, Tar, Pitch, Pot, or other Ashes	0	4
For every Ton of Kelp	1	6
For every Cwt. of Hemp, Cordage, or Plaister Hair	0	6
For every empty Hoghead	0	2
For every empty Barrel	0	1
All Packages not ascertained as to Size or Weight to pay a Sixth Part of the Freight, or according to the Bulk, Barrel, or Cwt.	0	3

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1818.