



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. cvii.

An Act for widening and improving the Bridge of *Irvine*, for making Streets communicating thereto, and for more effectually enlarging, deepening, improving, and maintaining the Harbour of *Irvine*, in the County of *Ayr*. [26th May 1826.]

WHEREAS the Bridge across the River of *Irvine* at the Burgh of *Irvine* and the Accesses leading thereto are very incommodious and narrow, and it is therefore necessary that the same should be widened and improved: And whereas the Street leading from the Town of *Irvine* to the great Road from *Irvine* to *Glasgow*, by *Stain Castle*, the *Girdle*, and *Lochlibo*, is also inconvenient and narrow, and it is necessary and expedient that a new Street should be opened up, leading into the said Road, from a more central Part of the said Town: And whereas the Harbour of the said Town of *Irvine* is exposed to the North, North-west, and West Winds, and is subject and liable to be blocked up by Sand and Gravel; and it is necessary, for the better Protection and greater Convenience and Accommodation of Vessels resorting thereto, that Provision should be made for the Improvement thereof, and for repairing, scouring, clearing out, and protecting the same, and maintaining and keeping the same in repair in Time hereafter; but these Objects cannot be attained 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

[Local.] 34 P Temporal,

Trustees.

45 G.3.c. 28.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act *Archibald Montgomerie* present Provost, *John Mackenzie* and *William Gillies* present Baillies, *Robert Fullarton* present Dean of Guild, *Stewart Murray Fullerton* present Treasurer, and *John Peebles* present Convener of the incorporated Trades of the said Burgh of *Irvine*, and their Successors in Office, and *Richard Alexander Oswald* of *Auchencrieve*, *William Meure* of *Caldwell*, *George Mac Micken Torrence* of *Kelsaint Ninian*, *Alexander West Hamilton*, and *David Snodgrass Buchanan* of *Cunninghamhead*, or any Six of the Trustees appointed by or in virtue of an Act passed in the Forty-fifth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for altering, amending, and consolidating several Acts for repairing Turnpike Roads in the County of Ayr; for repairing other Roads therein, and for making more effectual the Statute Labour in the said County*, or by any other Act to be passed for the Maintenance of the Roads in the County of *Ayr*, to be nominated in manner after mentioned, shall be and they are hereby appointed Trustees for executing this Act, in so far as relates to the said Bridge and Accesses leading thereto; and the said Trustees are hereby authorized and empowered, by themselves or their Deputies, Agents, Workmen, or Servants, and others, whenever they shall find it expedient, to widen and enlarge the present Bridge of *Irvine*, leading across the River of *Irvine*, in such Form and Manner as the said Trustees shall judge necessary and expedient for the commodious Passage of Horses, Cattle, and Carriages along the same; and also to erect, build, and make all proper and necessary Abutments, Ramparts, Wings, Walls, Banks, Ways, and other Works for the Use, Support, and Preservation of the said Bridge, and to make or widen all proper Streets, Passages, and Communications thereto, as they shall judge necessary, not exceeding Fifty Feet in Breadth.

First and annual Meetings of Trustees.

II. And be it further enacted, That the said Trustees above named shall meet at *Irvine* on the First Day of *June* next, at Twelve of the Clock, Noon, within the Council Room of the said Burgh, for the Purpose of putting this Act into Execution; and the said Trustees, or their Successors as Trustees under this Act, shall hold a General Meeting, on the Third Monday in *September* in every Year, at the Place and Hour above mentioned.

Mode of electing County Road Trustees.

III. And be it further enacted, That the said *Richard Alexander Oswald*, *William Mure*, *George Mac Micken Torrance*, *Alexander West Hamilton*, and *David Snodgrass Buchanan*, hereby appointed Trustees under this Act, shall go out of Office at the Time of the *Michaelmas* Head Court of the said County of *Ayr* in this present Year; and the Freeholders of the said County met and convened at the said *Michaelmas* Head Court next, and annually at such Meeting hereafter, shall nominate any Six of the Trustees appointed by or in virtue of the said recited Act of the Forty-third Year of the Reign of His late Majesty, or by any other Act to be passed for the Maintenance of the Roads in the County of *Ayr*, to act along with the Provost, Baillies, Dean of Guild, Treasurer, and Convener of the Trades of the said Burgh as Trustees under this Act, in so far as relates to the Bridge, Accesses leading thereto, and Street before mentioned, in room of the Six Trustees of the preceding Year, who shall then go out of Office.

IV. And

IV. And be it further enacted, That the said Trustees are hereby authorized and empowered, by themselves and others to be employed by them, to open and form a new Street in the said Town of *Irvine*, not exceeding Fifty Feet broad, or thereby, running from the Top of the Bridge Gate of *Irvine*, along, in, or through the Lands, Tenements, or Houses belonging to the Persons whose Names are set forth in the Schedule hereunto annexed, until it joins the Road commonly called the *Ballat Road*, leading from *Irvine* to the Girdle between the said Town of *Irvine* and a Road leading from the said *Ballat Road* to the *Dinton Know Quarry*.

Power to
open a new
Street.

V. And be it further enacted, That if any Difference of Opinion shall arise among the said Trustees relative to the Improvement of the said Bridge and Accesses thereto, or other Purposes of this Act committed to them; it shall be competent for any One or more of such Trustees who shall form a Minority in any Division upon the Matter on which such Difference of Opinion shall exist, to appeal from the Determination of the said Trustees to the next Quarter Sessions of the said County of *Ayr*, whose Determination thereon shall be final and conclusive, and not subject to Review: Provided always, that the said Trustee or Trustees forming the Minority in any such Division, shall at such Meeting intimate his or their Intention to appeal, and shall, within Ten Days thereafter, lodge with the Clerk of the Peace of the County of *Ayr* his or their Reasons of Appeal, together with a Bond with sufficient Sureties for the Costs of such Appeal, and a Penalty of Fifty Pounds Sterling to be paid to the said Trustees, and to be applied to the Purposes of this Act, in the Event of the said Appeal being dismissed.

In case of
Difference of
Opinion
among Trus-
tees, the Mi-
nority may
appeal to the
Quarter
Sessions.

VI. And whereas a Map or Plan of the said Bridge and Accesses, with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Property to be acquired by virtue of this Act, has been deposited at the Office of the Clerk of the Parliaments; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk, and the said Trustees shall not deviate more than One hundred Yards from the Site of the said Works delineated on the said Map or Plan, and set forth in the said Book of Reference.

Map or Plan
to remain
with the
Clerk of the
Parliaments,
and not to be
deviated
from.

VII. And be it further enacted, That it shall be lawful to the Magistrates and Town Council of the said Burgh of *Irvine*, to treat with and acquire, and to pay for out of the Funds of the said Burgh, the Lands, Buildings, and other Heritages, lying on both Sides of the said intended new Street to the Extent of Sixty Feet in Depth upon each Side; and upon Payment of the Prices or Value of such Lands, Houses, and Tenements, or Consignation thereof, to enter upon Possession of the same, as in manner herein-after mentioned.

Magistrates
may acquire
Property on
both Sides of
intended new
Street.

VIII. And, for enabling the said Trustees, Magistrates, and Council respectively to effect the several Purposes above mentioned, be it further enacted, That they shall have full Power and Authority, and they are hereby empowered and authorized, to treat and agree with the several Persons whose Names are set forth in the said Schedule, being the Owners and Occupiers, Life-renters, Lessees, and every other Person interested therein,

Trustees and
Magistrates
may agree for
the Purchase
of Lands.

therein, for the Purchase of such Lands, Houses, Tenements, and other Hereditaments as may be required in forming the said intended new Street, and the Passages and Communications leading to and from the said Bridge, and in widening the said Bridge, and for the Purchase of the Houses, Tenements, and other Property lying on both Sides of the said intended new Street, to the Extent herein-before mentioned, and with the Heirs and Disponees of all or any of the aforesaid Persons.

Misnomers
not to afford
Objections
to the Exe-
cution of the
Works.

IX. Provided always, and be it enacted, That although any of the Owners, Occupiers, or Life-renters of any of the said Lands, Tenements, and other Hereditaments, shall have been omitted, or, through Misinformation, have been wrong named or described, such Omission or Misnomer or erroneous Description, shall not afford any Ground or Pretence for objecting to or interrupting the Execution of the said Works under the present Act; provided that it shall be made to appear to the Satisfaction of any Two Justices of the Peace of the said County of *Ayr*, that such Omission, Misnomer, or erroneous Description proceeded from Accident or Mistake, and was not wilful.

Incapacitated
Persons au-
thorized to
sell.

X. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, Furious or Fatuous Persons, and Married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity whatsoever, who are or shall be seised, possessed of, or interested in any of the said Lands, Houses, Tenements, or other Heritages, whether by Title held in Fee Simple or under Entail, or otherwise, to contract and agree for, sell and convey to the said Trustees or Magistrates and Council respectively all or any such Lands, Houses, Tenements, or other Heritages, or any Part thereof, for the Purposes of this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any Matter or Thing to the contrary notwithstanding; and all and every such Body or Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators, Married Women, and other Persons, are and shall be hereby indemnified for what they shall do by virtue of and in pursuance of this Act.

Sellers to
grant Con-
veyances.

XI. And be it further enacted, That it shall and may be lawful to and for all and every Person or Persons, Bodies Corporate or Collegiate, Trustees, Heirs of Entail, Tutors and Curators for Infants, Minors, Furious or Fatuous Persons, and Married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity whatsoever, selling any Lands, Buildings, or Heritages to the said Trustees or Magistrates and Council respectively, to grant; and they are hereby required to grant, the Conveyance to such Lands, Buildings, and Heritages in the following Words, or other Words to the like Effect:

Form of
Conveyance
to the Trus-
tees.

IN pursuance of an Act passed in the Seventh Year of the Reign of His present Majesty, intituled [*here set forth the Title of this Act*], I [*or we*] of in consideration of the Sum of to me [*or us*] paid by the Trustees appointed by the said Act, [*or* Magistrates

Magistrates and Council of the said Burgh, *as the Case may be*, [*or other Consideration, as the Case may be*], do hereby assign, dispo-
 convey to the said Trustees [*or Magistrates and Council*], and their
 Successors and Assigns, all and whole [*here describe the Subjects con-*
veyed], together with all my [*or our*] Right, Title, and Interest in and
 to the said Subjects above conveyed, and every Part and Portion
 thereof; to hold to the said Trustees [*or Magistrates and Council,*]
 from and after the Day of and their Successors
 and Assigns for ever [*here insert the Condition of the Sale, if any be, and*
a Clause of Warrandice and Registration]. In witness whereof these
 Presents, written upon this and the preceding Pages by
 are subscribed by at the Day of
 One thousand eight hundred and before these Witnesses
 and

And it shall be lawful to and for the said Trustees (and Magistrates and
 Council respectively) selling any of the Lands and Heritages acquired or
 to be acquired by them, or any of the Buildings erected or to be erected
 by them, to grant the Conveyance thereto in the Words following, or
 other Words to the like Effect :

Commission-
 ers may
 grant Con-
 veyances.

WE, a Quorum of the Trustees [*or Magistrates and Council*], ap-
 pointed by and acting in virtue of an Act passed in the Seventh
 Year of the Reign of His present Majesty, intituled [*here set forth the*
Title of this Act] in consideration of the Sum of advanced
 and paid to the said Trustees [*or Magistrates and Council*], by
 of [*or other Consideration, as the Case may be*], do hereby
 assign, dispo- and convey to the said and his, her, or their
 Heirs and Assigns, heritably and irredeemably, all and whole [*here*
describe the Subjects conveyed], together with all the said Trustees [*or*
Magistrates and Council's] Right, Title, and Interest in and to the
 same, and every Part and Portion thereof; to hold to the said
 from and after the Day of and his [*or her*] Heirs
 and Assigns for ever, [*here insert the Condition of the Sale, if any be,*
and a Clause of Registration]. In witness whereof, these Presents, writ-
 ten upon this and the preceding Pages by are
 subscribed by a Quorum of the said Trustees [*or Magistrates*
and Council], at the Day of One
 thousand eight hundred and before these Witnesses
 and

Form of
 Conveyance
 by the Trus-
 tees.

And every such Conveyance to or from the said Trustees or Magistrates
 and Council respectively, being registered in the Register of Sasines kept
 for the said Burgh of *Irvine*, and the Keeper of such Register is hereby
 authorized and required to register the same within Twenty Days after
 they shall be presented for that Purpose, shall receive the same Effect, and
 be as valid, to all Intents and Purposes, as if a formal, absolute, and irre-
 deemable Disposition, or other Deed of Conveyance known in Law, had
 been executed and followed by Infeftment and Sasine duly recorded ac-
 cording to the Law and Practice of *Scotland*, any Law, Custom, or Usage
 to the contrary notwithstanding.

Conveyances
 to be re-
 corded.

XII. And be it further enacted, That in case any Owner, Proprietor,
 Occupier, Body Politic, Corporate, or Collegiate, Trustee, Heir of Entail,
 [Local.] 34 Q

In case
 Parties refuse
 to treat, or
 shall not

agree, the
Value to be
determined
by a Jury.

or Tutor or Curator, Married Woman, or any other Person or Persons interested as aforesaid, after a written or printed Notice of Twenty-one Days given to them, if they reside within the County of *Ayr*, personally or at their Dwelling Place, or if they reside without the said County, left with some Tenant or Tenants in possession of such Lands, Houses, Tenements, and Heritages respectively, shall neglect or refuse to treat, or shall not agree for the Sale of such Lands, Houses, Tenements or Heritages, or any Part or Parts thereof, or for their Interest therein, or by reason of Absence or other Circumstances shall be prevented from treating, or shall not produce and evince a clear Title to the Premises they are in possession of, or to the Interest they claim therein, to the Satisfaction of the said Trustees or Magistrates and Council respectively; then and in every such Case it shall and may be lawful to and for the Trustees hereby appointed, or Magistrates and Council respectively, to apply by Petition to the Sheriff Depute of the County of *Ayr*, or his Substitute, setting forth this Act, and that the Parties interested have refused or neglected to treat or contract, or are prevented from treating or contracting, for the Sale of such Lands, Houses, Tenements, or Heritages, or have not produced or evinced a clear Title to the Premises they are in possession of, or to the Interest they claim, and therefore praying him to fix and ascertain the just Amount and Value of such Lands, Houses, or Heritages respectively; and it shall and may be lawful to the said Sheriff Depute or Substitute, and he is hereby empowered and required, upon receiving such Petition, to order Notice thereof to be given by Advertisement in the *Ayr* Newspapers, and also particular Notice to be given to the Owners and Occupiers of the several Houses, Tenements, or Heritages, if they reside within the County of *Ayr*, personally, or by a written Notice left at their Dwelling Houses, or if they reside without the said County, at the Dwelling House of any of the Tenants or Occupiers of the Premises respectively, a full Copy of the said Petition, with an Order to give in their Answers or Objections, if they any have, within Ten Days after such Notice; after which Time is elapsed, it shall and may be lawful for the said Sheriff Depute or Substitute, and he is hereby empowered and required, to issue his Precept or Precepts for summoning and impannelling a competent Number of substantial and disinterested Persons, in Number not less than Twenty, nor more than Thirty, which Persons so to be summoned and returned are hereby required to come and appear before the said Sheriff Depute or Substitute at such Times and Places as in the said Precept or Precepts shall be directed and appointed, of which Time and Place for assembling the Jury the said Parties interested shall have Notice given them by Advertisement in the *Ayr* Newspapers at least Six Days previous to the said Meeting; and out of such Persons so to be summoned and returned the Sheriff Depute or Substitute shall appoint by Ballot a Jury of Fifteen Persons, before whom the said Trustees or Magistrates and Council respectively, and the Parties interested, may bring a Proof by habile Witnesses, for estimating and ascertaining the just and real Value and Price to be paid by the said Trustees or Magistrates and Council respectively for the said Lands, Houses, Tenements, or other Heritages, including such Damages as may be suffered by the Proprietors of Ground or their Tenants, by throwing down their Fences and opening their Grounds, or otherwise; and the said Sheriff Depute or his Substitute is hereby authorized to summon before him such Person or Persons as shall by either Party be thought necessary to be examined as Witnesses before

before the said Jury touching or concerning the Premises, and also to compel the Parties interested, and all other Persons, having in their Custody or Possession any Title Deeds or other Papers containing the Right of, or relative to the Premises, to exhibit and produce the same in Judgment before the said Jury, and shall and may administer Oaths to such Person or Persons as shall be examined as Witnesses on the Matters aforesaid; and the said Sheriff Depute or Substitute, before proceeding to take the Evidence, shall administer an Oath to the Jury to return a true Verdict, and shall examine or allow to be examined upon Oath in their Presence such Witnesses as shall be summoned for either Party; and upon the Depositions of the Witnesses, or other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Trustees or Magistrates and Council respectively; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Tenements or other Heritages as aforesaid, and in making up their Verdict, the said Jury shall have Right, and they are hereby empowered to take under their Consideration all Circumstances, particularly any Benefit which has arisen or will arise to the Owners and Occupiers by the opening of the aforesaid new Street and widening of the said Bridge; and after Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss, Price, or Damage thereby awarded to the Persons having a Right thereto; and the said Proceedings and Orders of the said Sheriff Depute or his Substitute shall be final, and not removable by Bill, or Letters of Advocation or Suspension to, or subject to Reduction by any Court whatever, any Law or Usage to the contrary notwithstanding.

XIII. And be it further enacted, That the said Sheriff Depute or Substitute shall have Power and he is hereby authorized from Time to Time to impose any reasonable Fine or Fines, not exceeding the Sum of Five Pounds, on any Person who shall be summoned and returned on such Jury or Juries, who shall not appear, or who shall refuse to be sworn (or being Quakers, to affirm) on the said Jury or Juries, or being so sworn, shall not give his or their Verdict, and also on any Person or Persons who shall be summoned as aforesaid to give Evidence touching any of the Matters aforesaid, and shall not attend, after being paid or tendered a reasonable Sum for his or their Costs and Expences, or shall refuse to be sworn, (or being Quakers, to affirm), or who being sworn shall refuse to give his, her, or their Evidence, and on any other Person or Persons who shall in any Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act, and shall or may from Time to Time levy such Fine or Fines by Pounding and Sale of the Offender's Goods, together with the reasonable Charges of such Pounding and Sale, returning the Overplus, if any, to the Owner; and also shall or may use such Compulsitors as are competent by the Laws and Practice of *Scotland* to compel any Person or Persons who may be summoned as a Witness or Witnesses, or as Custodians of Writings and Title Deeds, to appear and give Evidence as aforesaid, and to exhibit and produce such Writings and Title Deeds; all which Fines shall be paid and applied to and for the Purpose of this Act.

Sheriff may
impose Fines
for Non-
attendance.

XIV. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be settled and ascertained as aforesaid, to the lawful

On Payment
of Price
awarded, or

Tender and
Consigna-
tion, Pro-
perty to be
vested in
Trustees,
or Magis-
trates and
Council
respectively.

lawful Owner or Owners of the said Lands, Houses, Tenements, or other Heritages, or upon judicial Tender thereof made to him, her, or them respectively, by a Minute in the said Process before the Sheriff for ascertaining the said Value, whether Appearance be made in the Process for the Party or Parties interested or not; or in case they shall not be able to evince their Title to the Premises, to the Satisfaction of the Sheriff Depute or Substitute; or in case the Subjects are encumbered or entailed, so that the Price of the same cannot be legally paid to the Parties interested; then upon Payment and Consignation thereof, with the Approbation and Warrant of the said Sheriff Depute or Substitute, into the Royal Bank of *Scotland*, or Bank of *Scotland*, or *British Linen Company*, for the Use of the Parties interested, there to remain till it shall be issued in manner by this Act directed; and upon Notice of such Payment or Consignation, if the Party or Parties interested have made Appearance in the said Process, by proper Evidence adduced of the said Payment or Consignation; or if the Party or Parties interested have not made such Appearance, and reside within the County of *Ayr*, then upon such Notice being made to them personally, or at their Dwelling Houses, but if they reside without the said County, then upon such Notice being given at the Dwelling House of some Tenant or Occupier of the Premises by a Notary Public and Witnesses; and the Evidence being adduced of the said Payment or Consignation, then and in any of these Cases it shall be lawful for the said Sheriff Depute or Substitute to decree and adjudge the full Right and Property of the Lands, Houses, Tenements, or other Heritages respectively to belong to the Trustees or Magistrates and Council respectively, as fully and effectually as if the respective Proprietors had disposed or conveyed, or had resigned the same to and in favor of the said Trustees or Magistrates and Council respectively; and it shall then, and not before or otherwise, be lawful to and for the said Trustees or Magistrates and Council respectively to enter upon the Premises, and to convert and dispose of the same for the Purposes of this Act.

Expences of
Valuation
how to be
borne.

XV. Provided always, and be it further enacted, That in the Event that such Jury shall award a greater Compensation than the said Trustees or Magistrates and Council respectively shall have offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of such Jury shall be defrayed and borne by the said Trustees or Magistrates and Council respectively, and the said Owner or Owners, Occupier or Occupiers, equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Trustees or Magistrates and Council respectively; and if the said Jury shall award the Sum offered by the said Trustees or Magistrates and Council respectively, or a less Sum, the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers, and the said Trustees or Magistrates and Council respectively, in equal Moieties; provided, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating with the said Trustees or Magistrates and Council respectively, such Costs and Expences shall be borne and paid by the said Trustees or Magistrates and Council respectively.

XVI. And

XVI. 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 Corporation, 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 the 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*, or *British* Linen Company; to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by any 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 Incumbrance 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 meantime, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compen-
sation Money
when exceed-
ing 200*l.*

XVII. 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 Person or 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 and 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 any one of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, in order that such Principal

If under 200*l.*
and above
20*l.*

[*Local.*]

34 R

Money

Money and the Interest arising thereon may be applied in manner hereinbefore directed, so far as the Case may be applicable.

If 20% and under.

XVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be or 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 Trustees or Magistrates and Council respectively think fit; or in case of Infancy or Lunacy then to his, her, or their Tutors and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if the Person entitled cannot be found.

XIX. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees or Magistrates and Council respectively, 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 Trustees or Magistrates and Council respectively, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British Linen Company*, in Manner before directed, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, without any Description of them, subject to the Order, Control, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary way of Proceeding, or otherwise, as to the said Court shall seem meet, to make such 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*, or *British Linen Company*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of questionable Title, Possessor to be deemed to have a Title till the contrary be known.

XX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Bank in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of 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 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,

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 to be purchased with such Money, and also 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 some Estate or Interest therein.

XXI. And for preventing of Damages and Mischief that may be done or committed by idle and disorderly Persons, be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall at any Time wilfully and by Force hinder, obstruct, or oppose, or cause to be hindered, obstructed, or opposed, the said Trustees, their Workmen, Agent or Agents, Servant or Servants, in the building, making, erecting, repairing, or using the said Bridge, Work or Works intended to be built, or in the doing or performing any thing which they are by this Act authorized and empowered to do, or shall wilfully and by Force do or cause to be done any Damage, Hurt, or Mischief to the said Work or Works or any Part thereof, or to any other Work or Works to be made and erected by Authority of this Act, all and every Person or Persons so offending shall be subject and liable to repair, and pay the said Trustees the whole Damage arising or occasioned by such forcible Obstruction, or wilful Hurt or Mischief done to any of the aforesaid Works, besides full Costs of Suit, and shall further forfeit and pay the said Trustees the Sum of Ten Pounds Sterling for every such Offence ; which Damages, Costs, and Penalties shall and may be sued for and recovered by the said Trustees in manner herein-after directed.

Penalty on
damaging the
Works of the
Bridge.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and all such as shall be commissioned and authorized by them, from Time to Time and at all Times after the passing of this Act, to erect a Toll Gate on any Part of the said Bridge, and thereat to ask, demand, receive, recover, and take, before any Passage shall be permitted over the said Bridge, a Pontage or Toll not exceeding the Sums following ; that is to say,

Pontage for
passing the
Bridge.

For every Horse drawing any Coach, Chariot, Berlin, Landau, Calash, Chaise, Chair, or Hearse, when the Number shall amount to Six, the Sum of Eight-pence ; when the Number shall not exceed Five, the Sum of Sixpence :

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, Sledge with Wheels, or any other Carriage, when the Number shall amount to or exceed Four, the Sum of Eight-pence ; and when the Number shall be Three or less than Three, the Sum of Four-pence :

For every Horse drawing a Sledge without Wheels, and for every Horse, Mule, or Ass, laden or not laden, and not drawing, the Sum of Two-pence :

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling *per* Score, and so in proportion for any greater or less Number :

For

For every Drove of Horses or Fillies unshod, the Sum of Two Shillings *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Sheep, Lambs, Hogs, or Goats, the Sum of Sixpence *per* Score, and so in proportion for any greater or less Number.

Trustees to
put up a
Table of
Tolls.

XXIII. And be it further enacted, That within One Calendar Month after the said Toll Gate shall be erected by virtue of this Act on the said Bridge, the said Trustees shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at such Toll Gate, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Pontages or Tolls payable at such Gate, distinguishing the several Pontages or Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated.

Tolls only
payable while
Board re-
mains.

XXIV. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to demand or take, or cause to be demanded or taken, any Pontage or Toll for or in respect of any Horse, Mule, Ass, or other Beast, at the said Gate, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Gate.

Persons may
be stopped
on refusing to
pay Tolls.

XXV. And be it further enacted, That if any Person or Persons, subject to the Payment of any of the said Pontages or Tolls hereby authorized to be taken for or in respect of any Horse or Horses or other Cattle drawing or not drawing, shall, after Demand thereof made by any Collector or Collectors, or other Person or Persons to be appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors, Person or Persons, by himself or themselves, on taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of any Person or Persons refusing, or of the Horse, Beast, Cattle, or Carriage for or in respect of which such Pontage or Toll ought to be paid, until full Payment thereof, or to seize and distrain any Horse or Horses or other Cattle, together with their Bridles, Saddles, Gear, Harness, or Accoutrements, except the Bridle or Reins of every Horse or other Beast separate from the Horse or Beast, or any Carriage in respect of the Horses or Cattle drawing the Carriage upon which any Pontage or Toll is by this Act imposed ; and if such Pontage or Toll, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Seven Days after such Seizure and Distress made, the Collector or Collectors, Person or Persons seizing and distraining, shall or may sell the Horse or Horses, Cattle, Carriages, or Things so seized and distrained, or any Part or Parts thereof, returning the Overplus, if any, and what shall remain unsold, upon Demand, to the Owner thereof, after such Pontage or Toll, and all reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted ; and that all Monies to be collected or levied, shall be and are hereby vested in the said Trustees and their Successors, and shall be applied for the Purposes of this Act.

For settling
Disputes
concerning
Tolls.

XXVI. And be it further enacted, That if any Dispute shall arise about the Amount of the Toll or Pontage due, or the Expences of keeping or selling

selling any Articles poided for Nonpayment of any of the Tolls or Pontages, it shall be lawful for the Toll Gatherer, or the Person poiding, to retain such Articles, or the Money arising from the Sale thereof, as the Case may be, until the Amount of the Tolls or Pontages due, and the Expences of keeping and selling the Articles as aforesaid, be ascertained by the Sheriff Depute or Substitute of the County of *Ayr*, or any Justice of the Peace of the said County, who, upon Complaint made, shall in a summary Manner determine the Amount of the Tolls due, and shall adjudge such Expences to either Party as to the said Sheriff or Justice shall appear right and proper.

XXVII. And be it further enacted, That every Toll Gatherer appointed by the Trustees on the said Bridge shall place, on some conspicuous Part of the Front of the Toll House, his or her Christian and Surname, painted in Black on a Board with a White Ground, each of the Letters of such Name to be at least Three Inches in Length and of a Breadth in proportion, and that such Board shall remain at such Toll House during the Whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every Toll Gatherer shall place on the Front of the Toll House the printed Schedule or Table herein-before directed to be provided by the said Trustees; and if any Toll Gatherer shall not place such Board or Schedule or Table respectively, and keep the same there during the Time such Person shall be such Toll Gatherer, or shall demand or take a greater or less Toll or Pontage than such Gatherer shall be authorized to do, or shall demand or take a Toll or Pontage from any Person who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit any Person to read such Board, Schedule, or Table, or shall refuse to tell his or her Christian and Surname to any Person who shall demand the same on being paid the Tolls or Pontages, or shall give a false Name, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, or upon the legal Toll or Pontage being paid or tendered, shall unnecessarily detain or wilfully obstruct any Passenger from passing through such Toll Bar, or shall make use of any scurrilous or abusive Language to any Surveyor, Traveller, or Passenger, or offend against the Provisions of this Act, such Person shall forfeit and pay any Sum not exceeding Five Pounds for such Offence.

Toll Gatherers to put up their Names on the Front of the Toll Houses.

XXVIII. Provided always, and it is hereby further enacted and declared, That the Sum of Two-pence only shall be paid for or in respect of every Horse drawing any Cart, Wain, Waggon, or other Wheel Carriage loaded with Coals, Peat, or Turf, for every Time the same shall pass and repass the said Bridge; and that each and every Horse, Ass, or other Beast passing and repassing the said Bridge, and carrying Coals or Peats in Loads on their Backs; shall be subject and liable to the Payment of One Penny for every such Load; any thing in this Act contained to the contrary notwithstanding.

Pontage on Carts, &c. with Fuel.

XXIX. And be it further enacted, That if any Toll or Pontage shall be paid for or in respect of any Horse or Horses or other Cattle, drawing or not drawing, passing through any Gate to be erected by virtue hereof on the said Bridge, and returning on the same Day, the same shall be

Toll not to be demanded for repassing, except in the Case of Car-

[*Local.*]

34 S

entitled

riages return-
ing with a
new Loading.

entitled to repass the said Gate Toll-free with the same Coach, Cart, or other Carriage; but in case the same Horse or Horses or other Cattle shall return or pass with the same Waggon, Wain, Cart, or other such Carriage with a new Loading a Second Time or oftener in the same Day, Toll shall be paid for the same for each Time they shall so pass, in the same Manner as for the First Time.

Toll to be
paid for
Stage
Coaches, &c.
every Time of
passing.

XXX. And be it further enacted, That the Tolls or Pontages hereby made payable shall be paid for and in respect of all or any Horse or Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Bridge.

Penalty on
evading the
Toll.

XXXI. And for preventing Frauds and Abuses in the said Pontage or Toll, be it further enacted by the Authority aforesaid, That if any Person or Persons, having paid the Pontage, Toll, or Duty by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment thereof, shall give or dispose of the same to any Person or Persons in order to avoid the said Toll or Pontage, every such Person so giving or disposing thereof, and the Person receiving the same, being convicted thereof before any of the Magistrates of *Irvine*, or One or more Justice or Justices of the Peace for the County of *Ayr*, upon the Confession or Oath of the Party or Parties, or upon the Oath of One or more Witness or Witnesses, (which Oath such Magistrate, Justice or Justices, are hereby empowered to administer), shall for every such Offence forfeit and pay the Sum of Twenty Shillings Sterling, with Costs of Suit, to be recovered in a summary Way, in manner herein-after mentioned.

Penalty on
fording, or
taking off
Horses to
evade Tolls.

XXXII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with an Intent to evade the Payment of all or any Part of the said Toll or Pontage, pass the said River at any Ford or Passage between the Junction of the River of *Annick* with the River of *Irvine* and the Harbour of *Irvine*, with any Horse, Carriage, or Cattle as aforesaid, or shall take off or cause to be taken off any Horse, or other Beast or Beasts, from any Carriage whatsoever, and shall attach the same to the said Carriage after the same is past the said Bridge, by means whereof the said Toll or Pontage may be avoided or lessened, each and every Person or Persons so offending, and being thereof convicted before One of the Magistrates of *Irvine*, or One or more Justice or Justices of the Peace for the County of *Ayr* aforesaid, upon Confession or Oath of the Party or Parties, or upon the Oath of One or more Witness or Witnesses (which Oath such Magistrate, Justice or Justices of the Peace are hereby empowered to administer,) shall for every such Offence forfeit and pay the Sum of Twenty Shillings Sterling, with Costs of Suit, to be recovered in a summary Way in manner herein-after mentioned.

Exemptions
from Tolls.

XXXIII. And be it further enacted, That no Toll or Pontage shall be demanded or taken on the said Bridge for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

Farther Ex-
emptions.

XXXIV. And be it further enacted, That no Toll shall be demanded or taken at any Toll Bar from any Person for any Horse or other Beast of Draught

Draught or Burden, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same, except in so far as such Horse or other Beast of Draught or Carriage are specially made liable to the Payment of Tolls and Duties by virtue of an Act made in the Fifty-third Year of the Reign of His late Majesty King George the Third, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland, and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; nor shall any Toll be demanded or taken for the Horse of any Officers or Soldiers on their March or on Duty, or for any Horse or other Beast, or any Waggon, Cart, or other Carriage, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Cart, or other Carriage whatsoever, nor for any Horse or other Beast of Draught drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption. 53 G.3.c.68.

XXXV. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any additional Toll or Pontage, Penalty or Forfeiture for Overweight; nor shall any such Waggon, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Cart, or other Carriage, or of being drawn by any Number of Horses or other Beasts of Draught; but it shall be lawful for the Owner or Driver of any such Waggon, Cart, or other Carriage, to put any Number of Horses or other Beasts of Draught to such Waggon, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Turnpike Roads to the contrary notwithstanding. Carriages conveying King's Stores, &c. exempt from Penalties for Overweight.

XXXVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, and any Person having Authority from them, to open Stone Quarries, dig, gather, and carry away Stones, Gravel, Sand, Furze, Heath, or other Materials for building and repairing the said Bridge or any other Building under this Act, Materials may be got for building or repairing the Bridge.

or

or out of any Waste or Common Ground, without paying any thing for the same, they always filling up and levelling all such Holes and Pits wherein any such Material shall be digged, and from whence the same shall be carried away; and for Want of sufficient Quantities of such Materials there, to dig, gather, and carry away the same out of the Grounds of any Person or Persons (not being the Ground whereon any Houses stand, nor a Garden, Orchard, Yard, Planted Walk or Walks, nor Avenue to any House, nor any Piece or Parcel of Ground set apart or used as a Nursery for Trees), where such Materials may be found, paying only for the Damage done to the Owners and Occupiers of the said Ground where and from whence the same shall be digged, gathered, taken away, or over which the same shall be carried; the Amount of which Damage, in case of Difference betwixt the said Trustees and the Owners and Occupiers of such Lands, shall be settled and ascertained by the Sheriff Depute of *Ayr* or his Substitute for the Time being, who is hereby empowered to judge and finally determine the same; but such Dispute or Difference shall not in the meantime hinder the carrying away or using such Materials, and applying them towards building and repairing the said Bridge and other Buildings.

Houses not
to be built on
the Bridge.

XXXVII. Provided always, That the said Trustees shall not permit or allow any Dwelling House or Edifice to be built or erected on any Part of the said Bridge, but may erect Gates and a Toll House upon or near the same.

Carriages not
to remain on
the Bridge.

XXXVIII. And be it further enacted by the Authority aforesaid, That no Carman, Carter, or Driver shall wilfully remain, with his Cart, Wain, Waggon, or other Carriage, on the said Bridge longer than shall be necessary for going across the same, or leave any empty Carriage upon the said Bridge; and no Person or Persons shall put any Rubbish, Dung, Ashes, or any other Thing on the said Bridge, or do any Act which may be or cause an Obstruction or Annoyance to the Passage thereof; and all Carriages passing over the said Bridge from *Irvine* shall and they are hereby required to go on the East Side thereof as near as may be, and all Carriages passing over to *Irvine* shall and are hereby required to go on the West Side thereof; and each and every Person offending in laying any Rubbish or other Obstruction or Annoyance upon the said Bridge, or passing the same with any Carriage contrary to the Directions of this Act, and being thereof convicted before any one of the Magistrates of the Town of *Irvine*, or One or more Justice or Justices of the Peace for the County of *Ayr* aforesaid, upon Confession of the Party or Parties, or upon Oath of One or more Witness or Witnesses, which Oath such Magistrate, Justice or Justices, are hereby empowered to administer, shall for every such Offence forfeit and pay the Sum of Twenty Shillings Sterling, with Costs of Suit, to be recovered in a summary Way in manner herein-after mentioned.

Bridge vested
in Trustees.

XXXIX. And be it further enacted by the Authority aforesaid, That the said Bridge, and Property to be acquired for the said Bridge and Accesses by virtue of this Act, shall be and are hereby declared to be vested in the said Trustees for the widening, improving, and maintaining the said Bridge, and making and maintaining the said Accesses leading thereto, and the Pontages, Tolls, or Duties which shall be levied and recovered by
virtue

virtue of this Act, shall be and are hereby declared to be vested in the said Trustees for the Purposes aforesaid.

XL. And be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge or any Part thereof, or any Gate or Toll House belonging thereto, or shall wilfully or maliciously, and without Authority from the said Trustees, remove or take away any Works thereunto belonging, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or the Works thereof may be damaged, any Person so offending shall be judged guilty of Felony, and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Punishment and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished, in like Manner as Felons are directed to be punished by the Laws and Statutes of that Part of *Great Britain* called *Scotland*; or in Mitigation of such Punishment, such Court may sentence the said Offender to be imprisoned in the Gaol of the said County of *Ayr*, for a Period not exceeding Two Months.

For preventing wilful Damage to the Bridge.

XLI. And be it further enacted, That the said Trustees shall and are hereby empowered from Time to Time, as they may see fit, to borrow a Sum or Sums of Money not exceeding in whole the Sum of Five thousand Pounds Sterling, on the Credit of the Tolls or Pontages hereby granted, and to assign and convey the same, as a Security for any such Sum or Sums of Money by them to be borrowed, together with Interest for the same, not exceeding the legal Interest for the Time being, to any Person or Persons that shall advance and lend such Sum or Sums of Money on such Security; all which Money so to be borrowed shall be employed for and towards the repairing, widening, improving, and maintaining the said Bridge and Accesses leading thereto, and opening the said new Street, and to no other Use whatsoever, and no Part thereof shall be applied to the Purchase of the Property herein-before authorized to be acquired by the said Magistrates and Council on the Sides of the said new Street.

Money may be borrowed.

XLII. And be it further enacted, That if the said Sum of Five thousand Pounds cannot be procured upon the Security of the said Tolls and Pontages, it shall be lawful to the said Magistrates and Council, and they are hereby authorized, if they shall think fit, upon an Application to be made to them by the said Trustees, to borrow any Sum or Sums of Money, not exceeding as aforesaid, on the Credit of the Public Stock and Revenue of the said Burgh and Corporation for the Purposes aforesaid, the said Trustees in such Case being bound to assign the said Tolls or Pontages to the said Magistrates and Council for the Relief of the said Burgh.

The Money may be borrowed on the Credit of the Funds of the Burgh.

XLIII. And whereas the Payment of the said Tolls and Pontages cannot be effectually secured unless the said Trustees be also authorized and empowered to deepen and stop the Fords of the said River, as well above as below the said Bridge; be it therefore enacted by the Authority aforesaid, That the said Trustees shall have full Power and Authority, and they are hereby empowered and authorized, from and after the passing of this Act, to cause all Fords through the said River from the Junction of the

Fords in the River to be stopped up.

said Rivers of *Annick* and *Irvine*, and downwards to the Harbour of *Irvine*, to be stopped up, and the Channel of the said River to be dug and made deeper, and the Banks of the said River to be cut, and Posts or Rails or other Fences to be erected thereon, to prevent any Persons evading the Payment of the Tolls and Pontages given and granted by this Act.

For reducing
the Tolls.

XLIV. And whereas the Tolls or Pontages as herein-before granted may amount to more than the Sum of Seven Pounds Ten Shillings Sterling *per Centum per Annum* upon the whole of the Monies that shall have been laid out and expended in widening, improving, and maintaining the said Bridge, and making and maintaining the Roads and Communications connected therewith, directed by this Act; be it therefore enacted, That any Three of the said Trustees may, at a Meeting to be called for that Purpose, whereof Fourteen Days previous Notice shall be given in any one of the *Ayr* Newspapers, require the said Trustees to reduce the said Tolls or Pontages, in such Proportions as that the Sum raised annually by such Tolls or Pontages shall not exceed the said Sum of Seven Pounds Ten Shillings Sterling *per Centum per Annum* upon the whole of the Monies laid out and expended in widening, improving, and maintaining the said Bridge, and making and maintaining the said new Street and Communications connected therewith, directed by this Act; and the said Trustees and their Successors are hereby directed and required to make such Deduction accordingly.

Money to be
raised from
Pontages how
to be ap-
plied.

XLV. And be it further enacted, That as soon as the said Pontages or Tolls shall have produced a Sum equal to the said Sum of Five thousand Pounds and Interest thereof, from the said First Day of *June* next, or such lesser Sum as shall have been expended in completing the widening and improving the said Bridge, Accesses thereto, and opening up the said new Street according to the true Intent and Meaning of this Act, and including the Expences of Management of the said Trust, One Half of the Expence of passing this Act, and the Sum of Three hundred Pounds Sterling to be paid by the said Trustees to the Magistrates and Town Council of the said Burgh, the said Pontages and Tolls shall cease, the Bridge shall be declared free, and the same with the Accesses thereto shall be vested in the said Magistrates and Council, and shall be kept in repair by the said Magistrates and Council out of the Funds of the said Burgh in all Time coming: Provided always, that in no Event shall the Pontages or Tolls to be levied for the several Purposes above mentioned exceed the said Sum of Five thousand Pounds and Interest thereon from the Date aforesaid.

Harbour
Trustees.

XLVI. And be it further enacted, That the Provost, Baillies, Dean of Guild, Treasurer, and Council for the Time being of the said Burgh of *Irvine*, and the Convener of the incorporated Trades of *Irvine*, together with Seven Owners of Ships or Vessels trading to or from and belonging to the said Burgh, to be nominated and elected in manner herein-after mentioned, shall be Trustees for repairing, scouring out, and improving the said Harbour; provided that the said Magistrates and Council, and the said Convener, shall be sole Trustees until the First annual Meeting for Election of Trustees to be held in manner herein-after mentioned.

XLVII. Pro-

XLVII. Provided always, and be it enacted, That no such Ship Owner shall be capable of voting in the Election, or of being elected as One of the Seven Trustees to be elected from among the Ship Owners as aforesaid, who is not an Owner or Part Owner of a Ship or Vessel, Ships or Vessels, trading to and from and belonging to the said Burgh of *Irvine*, to the Extent of Twenty Tons or upwards.

Qualification
of Ship
Owners.

XLVIII. And be it further enacted, That the said Seven Trustees, being Owners as aforesaid of Ships belonging to the said Burgh, shall be elected at a Meeting to be held at *Irvine* on the First *Monday* after *Michaelmas* annually, of which Fourteen Days previous Notice shall be given by the Clerk or Treasurer of the said Trustees in any one of the Newspapers published in the said County, in which Notice shall be specified the precise Time and Place of such Meeting.

Time of
Election of
Ship Owners.

XLIX. And be it further enacted, That the said Harbour Trustees shall meet at *Irvine* on the Second Day of *June* next, at Twelve of the Clock Noon, within the Council Room of the said Burgh, for the Purpose of putting this Act into Execution; and the said Trustees, or their Successors as Trustees under this Act, shall hold a General Meeting on the Third *Tuesday* in *September* in every Year, at the Place and Hour above mentioned.

First and
General
Meetings of
Trustees.

L. And be it further enacted, That the said Trustees shall have Power to deepen, cleanse, scour, and preserve the said Harbour of *Irvine*, and the Improvements and Additions which shall be made thereto by virtue of this Act, from Dirt, Mud, Gravel, and any other Obstructions whatsoever; and also to heighten, repair, and make sufficient, or cause to be heightened, repaired, and made sufficient, the Dykes, Piers, Quays, and other Works at present belonging to the said Harbour of *Irvine*, and to alter and extend the same, or any Part thereof, as the said Trustees or a Majority of them shall judge to be necessary for the more effectual Improvement of the said Harbour, and for scouring and cleansing the Beds and Channels of the Rivers of *Irvine* and *Garnock*, in and through and from the said Harbour to the Bay of *Irvine*; and likewise to build or erect, or cause to be built or erected, in the said Harbour, Piers, Quays, Jettes, Breasts, Dock or Docks, Lock or Locks, and other necessary Works for the Improvement of the said Harbour; and to fix and maintain such Buoys, Moorings, Lamps, Lighthouses, and other Landmarks as shall be judged necessary by the said Trustees, or a Majority of them; and to do or cause to be done such other or further Works as shall be proper and necessary for the Safety and Reception of Ships and Vessels resorting to the said Harbour, and for the more convenient lading and unlading of such Ships and Vessels.

Power to
deepen and
scour the
Harbour.

LI. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the said Harbour Trustees, and such Person or Persons as they shall appoint, to demand, collect, receive, and take, over and above any Duties which the said Magistrates and Council may hitherto have been legally entitled to levy upon Vessels resorting to the said Harbour, which shall remain under the Controul of the said Magistrates and Council as heretofore, the following additional Duties of and from all and every the Masters and Owners of any Ships, Vessels,

Harbour
Duties to be
paid.

Vessels, Barks, and Lighters, belonging to *Great Britain* or *Ireland*, or to the *British* Plantations, or to any Foreign Country, Kingdom, State, City, or Town whatever, importing into or exporting from the Harbour of *Irvine* any Kind of Goods or Merchandize; *videlicet*,

If belonging to *Great Britain* or *Ireland* or the *British* Plantations, arriving in Ballast and sailing with Coals, the Sum of Three-pence Sterling for each and every Ton which such Ships, Vessels, Barks, and Lighters shall measure; and of and from the Masters and Owners of such Vessels of and above the Burthen of Ten Tons, arriving with Cargo and sailing with Cargo, Four-pence Halfpenny Sterling for each Ton the same shall measure; and for all such Vessels of the foresaid Burthen of Ten Tons or upwards, arriving partly with Ballast and partly with Cargo, and sailing with Cargo, Three-pence Three Farthings Sterling for each Ton the same shall measure; and for all Rafts of Timber floated into the said Harbour, a Sum not exceeding Three-pence upon each Load of Fifty solid Feet of Timber; and of and from the Masters and Owners of such Vessels under the Burden of Ten Tons, the Sum of One Shilling Sterling from each:

And if Foreign Ships, Vessels, Barks, or Lighters, importing into or exporting from the Harbour of *Irvine* any Article, Matter, or Thing, the Sum of One Shilling for each and every Ton which such Ships, Vessels, Barks, and Lighters shall measure; and of and from the Masters or Owners of all Ships, Barks, and Lighters arriving in the Harbour of *Irvine*, or putting into the same by Stress of Weather or otherways, when neither the Ship shall be sold, nor any Part of the Cargo shall be landed, Five-pence Sterling for each and every Ton of the Measurement thereof.

Power to reduce Dues on Foreign Ships and Goods.

LII. Provided, always, and be it further enacted, That it shall and may be lawful to and for His Majesty in and by an Order in Council, or to and for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them from Time to Time, and at all Times when and so often as He or they shall deem fit so to do, in and by His or their Order in Writing, to reduce the Duties hereby made payable on all or on such or so many of the Foreign Ships or Vessels, and on all or such or so many of the Goods and Merchandizes imported or exported in Foreign Bottoms, as He or they in their Judgment shall deem expedient, to the same and like Duties as are hereby and hereafter shall, in pursuance of the Powers herein contained, be made payable in respect of the *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by them.

His Majesty's Ships exempted from the Powers of this Act.

LIII. Provided further, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Ship, Vessel, or Boat belonging to His Majesty, His Heirs and Successors, or that shall or may be employed in His Majesty's Service, or to any of the Officers or Persons employed therein respectively, or in the Service or Employ of the Ordnance, Navy Board, Post Office, Excise or Customs, or to any Yachts or Pleasure Boats or other Vessels belonging to any Member of the Royal Family.

Officers to be appointed by the Trustees

LIV. And be it further enacted, That the said Harbour Trustees shall be and they are hereby authorized to appoint a proper Person or Persons for

for the Purpose of ascertaining the Tonnage of any Foreign Vessel which shall enter the said Harbour, in order to a due Collection of the Duties payable by such Vessels; and such Person or Persons is or are hereby empowered and required to admeasure such Ships or Vessels accordingly, according to the Directions of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the registering of British Vessels.* to admeasure Foreign Vessels.

LV. And be it further enacted, That in all Cases wherein it shall be necessary to ascertain the Tonnage of any *British* or *Irish*-built Ship or Vessel for the Purposes of this Act, the Production of the Register of such Ship or Vessel shall be deemed sufficient for that Purpose, without an actual Admeasurement of such Ship or Vessel; and the Master or Owner, or other Person having the Command or Management thereof, is hereby required to produce and shew such Register accordingly, under a Penalty in case of Refusal not exceeding Five Pounds Sterling. Tonnage of British Vessels to be ascertained by Register.

LVI. And be it further enacted, That it shall and may be lawful to and for the said Harbour Trustees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and such other Officers and Servants as they shall judge necessary to be employed under them for carrying the same into Execution; and from Time to Time to remove such Officers and Servants, or any of them, and to appoint others in their Stead, and to settle such reasonable Fees or Salaries for them as to the said Trustees shall appear to be just and proper; and that all and every the Collectors and Receivers of the said Rates and Duties shall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts shall be open to the said Harbour Trustees at all Times when they shall demand Inspection of the same), and shall pay over the same to the Treasurer to be appointed by the said Trustees, at such Times and in such Manner as by the said Trustees shall be directed; and that the Collector or Collectors, Person or Persons, so to be appointed to receive the said Rates and Duties, and all and every of them, shall give good and sufficient Security to the said Trustees for answering and paying the Monies arising from the same, and which shall be by him or them respectively collected or received, and shall make Oath to the Truth of his or their Accounts so often as required. Collectors and Officers to be appointed.

LVII. And be it further enacted, That it shall be in the Power of the said Trustees to let on Lease to the best Bidder or Bidders, at Public Roup or Sale for that Purpose appointed, and advertised in any of the *Edinburgh*, *Glasgow*, and *Ayr* Newspapers at least Two several Times, and at least Fourteen Days before such Roup or Sale, the Rates and Duties aforesaid, for any Term or Space not exceeding Three Years. Rates may be leased.

LVIII. And be it further enacted, That the said Trustees in General Meetings assembled may and they are hereby empowered, with Consent of Four Fifths of the Creditors, if any, upon the Rates and Duties granted by this Act, to lessen and reduce the same to such Amount as shall be sufficient for the Purposes of this Act; and again to raise the same, Rates may be lessened.

[*Local.*]

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same, as the Purposes of this Act may require, to any Amount not exceeding the Rates and Duties hereby granted.

General
Accounts of
Receipts and
Payments to
be stated.

LIX. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required annually, at their General Meetings which shall be held on the Third *Tuesday of September* in every Year, to make up and prepare a general State and Account of all the Receipts and Payments for the Year immediately preceding, and an Account of all the Debts and Sums of Money which they owe at the Time; and the same shall remain in the Hands of the Clerk to be appointed in manner after specified for the Inspection of all having Interest therein for One Month from that Date.

Collector to
find Security.

LX. And be it further enacted, That the said Trustees shall be obliged, and they are hereby required to take such Security from the Collector or Collectors to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them in virtue of their said Offices, as to the said Trustees shall seem meet, or failing to take such Security the Trustees making such Appointment shall be individually responsible for the Default of the Persons by them so appointed.

No Report
outwards to
be made of
any Ships
without
Payment of
Duty.

LXI. And for the more effectually securing the Payment of the Duties herein-before specified, be it further enacted, That no Collector, Comptroller, Receiver of Entries of Ships, Surveyor, Searcher, Waiter, or other Officer whatsoever, of or concerning His Majesty's Customs at the Port of the said Burgh, shall hereafter give or make out any Cocquet or other Discharge, or take any Report outwards or inwards for any Ship or Vessel as aforesaid, or in the said Port, or the Limits thereof, until the Duties by this Act made payable by the Master or other Person, according to the Tenor and true Intent and Meaning of this Act, shall be paid unto the Treasurer, Collector, or other Person appointed by the said Trustees to receive the same as aforesaid; and that the Master or Masters, or other Person taking Charge of such Ship or Vessel, do produce and shew an Acquittance under the Hand of such Treasurer, Collector, or other Person appointed by the said Trustees testifying the Receipt thereof, which Receipt such Treasurer, Collector, or other Person is hereby required and obliged to sign and give accordingly, without Fee or Reward; and every Person so appointed to receive such Rates or Duties as aforesaid, who shall, on Payment of such Rates or Duties, refuse to give or sign any Certificate, shall for every such Offence forfeit to the Use of the Person aggrieved any Sum not exceeding Five Pounds, together with the Costs of Suit, to be recovered in manner herein-after mentioned.

Harbour
Duties how
to be levied.

LXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and such Person and Persons as shall be for that Purpose authorized by them, to go on board any Ship, Bark, Lighter, or Vessel, and to take the Dimensions thereof, and to demand, collect, and receive from any Owner, Master, or other Person having the Charge of any Ship, Bark, Lighter, or Vessel, the Rates and Duties by this Act imposed and made due and payable; and in case of Delay or Refusal of Payment, to seize, take, and detain, preferably to and notwithstanding of an

an Attachment, Arrestment, or other Right whatsoever, claimable by or due to any other Person or Persons, any of the Goods, Merchandize, Tackle, Furniture, and Apparel of or belonging to any such Ship, Bark, Lighter, or other Vessel, and the same to detain and keep until the said Duty and Duties be satisfied and paid; and that in case of any Neglect or Delay in the Payment of the said Rates and Duties, or any of them, for the Space of Three Days after such taking, seizing, or detaining as aforesaid, it shall and may be then lawful to and for the said Trustees, and to and for such Person and 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 and other Effects so taken and appraised, and therewith to satisfy the Duty 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 Owners of such Ship, Bark, Lighter, or other Vessel, or Owners of such Goods, the Overplus (if any be) on Demand.

LXIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Rates granted by this Act, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen), until the Amount of the Rates due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Rates due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Effects shall have been so distrained and sold.

For settling
Disputes
respecting
Tolls.

LXIV. And be it further enacted, That if any Master, Commander, or other Person taking upon himself the Command, or appearing to be Master or Commander, or any Owner, Factor, or Consignee of any Ship, Bark, or other Vessel, shall at any Time after the passing of this Act elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatsoever, every such Master, Commander, or other Person aforesaid, shall for every such Offence forfeit unto the said Trustees the Sum of Five Pounds Sterling, and shall notwithstanding stand charged with and be liable to the Payment of the said Rates and Duties.

Penalty on
Masters, &c.
of Ships
evading the
Payment of
Duties.

LXV. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered, from Time to Time to borrow and take up at Interest any Sum or Sums of Money not exceeding at any Time the Sum of Ten thousand Pounds Sterling, and to grant, assign, and set over the several Rates, Duties, and Tonnage given and granted

For borrow-
ing Money.

granted by this Act to any Person or Persons whatsoever, who shall be willing to advance and lend Money thereon, for securing the Payment of the same, with Interest respectively, and that the Money so to be borrowed and advanced shall be employed in the Improvement and Maintenance of the said Harbour, and no otherwise.

Rates and Duties, after paying Expences of the Act, to be applied in improving the Harbour, &c.

LXVI. And be it further enacted, That all and every Sum and Sums of Money which shall be levied and received from the Rates and Duties aforesaid, and which shall be recovered for Forfeitures incurred under and by virtue of this Act, shall by the said Trustees (after paying One Half of the Expence of this Act) be applied for and towards the deepening, clearing, scouring, enlarging and improving, maintaining and cleaning the Harbour of *Irvine* from all Dirt and Mud, and other Obstructions whatsoever, and for keeping and preserving the same clean, and for and towards making, erecting, building, and completing such Docks, Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided by this Act, and for executing and performing all necessary Works, and paying the Officers and Servants to be employed in and about or concerning the same, and towards the Payment and Discharge of such Sum and Sums of Money as shall be borrowed by the said Trustees upon the Credit of the said Rates and Duties, and of the Interest of such Sums, in manner as herein-before mentioned, and to no other Use or Purpose whatsoever.

Trustees to appoint a Bailiff for the Care of the Harbour.

LXVII. And be it further enacted, That the said Trustees or a Majority of them in General Meetings assembled shall have Power, and they are hereby empowered and authorized, from Time to Time and at all Times, as they shall see Occasion, to elect, nominate, and appoint a Bailiff and Shore Master for the Care and Superintendence of the said Harbour, and the Docks, Piers, Quays, and other Works within the same, and to change and remove such Bailiff and Shore Master, and to appoint another or others in his or their Stead, under such Orders, Conditions, and Regulations as to the said Trustees, or a Majority of them, at General Meetings assembled as aforesaid, shall seem proper and necessary.

Ships unserviceable not to lie in the Docks, Piers, &c.

LXVIII. And be it further enacted, That no Ship, Bark, Lighter, Boat, or Vessel, which shall be laid by as unfit for further Sea Service, or neglected by the Owner, shall be permitted to lie and remain in any of the Docks, Piers, and Quays erected within the said Harbour, so as to encumber the same, but in every such Case it shall and may be lawful to and for the Water Bailiff or Shore Master nominated by the said Trustees for the said Harbour, to cause such Ship, Bark, Lighter, Boat, or Vessel so unserviceable or neglected to be, at the Expence of the Owner or Owners of the same, removed from the said Docks, Quays, and Piers, or any of them, and to lay the said Ship or other Vessel on any Part of the said River of *Irvine*, or upon the Strand or Sea Shore within the High Water Mark, or any other Place of Safety without the said Harbour, and there to moor such Ship or other Vessel; and that on or before Demand of Payment is made by such Water Bailiff or Shore Master from the Owner or Owners, Master or Agents of such Ship, Bark, or other Vessel, of the Charge of removing and mooring such Ship, Bark, or other Vessel as aforesaid, such Charges and Expences shall be first seen and allowed by the Provost or One of the Baillies of the

the said Burgh of *Irvine* for the Time being; and in case of Refusal or Neglect of Payment of such Charges and Expences allowed as aforesaid, for the Space of Five Days after a Demand shall be made, then, and in every such Case it shall and may be lawful to and for the said Water Bailiff or Shore Master to levy such Expences by Distress and Sale of such Ship, Bark, Lighter, Boat, or other Vessel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, if any there be (after deducting the Charge of taking, keeping, and sale of such Distress), to the Owner or Owners, Master, Factor, or Agent of such Ship, Bark, Lighter, Boat, or Vessel, whenever the same shall be demanded.

LXIX. And be it further enacted, That it shall not be lawful to or for any Person or Persons who shall have landed and caused to be landed and laid any Goods or Merchandize, Timber, Wood of any Kind, Masts, Yards, Pumps, Boats, Anchors, Cables, Casks, Guns, Ballast, Paving Stones, Limestones, Slates, Soapers Waste, Dung or Manure, or any other Thing, (other than Materials for the necessary Repair of the Docks, Piers, and Quays before mentioned,) upon any of the Docks, Piers, and Quays, or Landing Places within the said Harbour, or in any of the adjacent Streets and Avenues leading to the said Docks, Quays, and Piers, or any of them, to continue or permit the same or any Part thereof to remain and lie thereon for any longer Time than Forty-eight Hours; and that in all Cases where the said Goods or others aforesaid shall have so continued beyond the Space of Forty-eight Hours, it shall and may be lawful to and for the said Water Bailiff or Shore Master for the Time being to remove or cause to be removed all such Goods and other Things as he shall so find lying, continuing, and being on the said Docks, Quays, and Piers of the said Harbour and other Places beyond the said limited Time, to some Place or Places of Safety, and therein to detain and keep the same till Payment of the Charges of such Removal and Detention, and of such Consideration to the said Officers for their Trouble in and about the same as the Provost or any One of the Baillies of the said Burgh of *Irvine* shall think reasonable; and if such Charges and Expences shall not be paid within the Space of Five Days after Demand made thereof by the said Water Bailiff or Shore Master, then and in every such Case, he and they respectively are hereby authorized and required to levy the same by Distress and Sale of the said Goods and Effects so respectively secured, and to render the Overplus, if any be, to the Owner or Owners of such Goods, Merchandize, and others aforesaid, (the Charges of taking, keeping, and making the Sale being deducted and allowed), whenever the same shall be demanded.

Goods not to remain on the Wharfs above a certain Time.

LXX. And be it further enacted, That the said Trustees shall and may Trustees and they are hereby authorized and empowered, out of any of the Rates and Duties aforesaid, to rent or hire, by the Year or otherways, any Warehouses. convenient Warehouse, Yard, or other Place for the receiving and safe keeping or lodging of such Goods and other Things so to be removed from off the Quays or other Places as aforesaid, or to enclose, erect, or build any such Yard, Warehouse, or other Buildings on their own Ground, or on Ground to be purchased by them, as to them shall seem most meet and fitting.

Gunpowder
and other
combustible
Matter not
to remain on
the Quay or
Piers above a
certain Time.

LXXI. And be it further enacted, That no Gunpowder, Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other such combustible Things, shall be suffered to be and remain on the Docks, Quays, and Piers aforesaid, already constructed or hereafter to be constructed within the said Harbour of *Irvine*, or in any Part thereof, or upon the Deck of any Ship or Vessel in the said Docks, Piers, and Quays, lying in the Harbour aforesaid, for above the Space of Twenty-four Hours after being passed by the Custom House Officers; and that in case such Goods and Things cannot be conveniently removed or got off from such Docks, Quays, Place or Places, by Daylight, that then and in every such Case the Owners of such Goods and Things shall be obliged and are hereby required to set and maintain, at their own Expence, a sufficient Number of careful and discreet Persons to guard and watch over the same, for such and so many Hours, according to the Season of the Year, as the said Water Bailiff or Shore Master shall signify and appoint; and in case the Owner or Owners of such Goods and other Things, or the Master or Masters of Ships, Barks, or other Vessels, shall make default herein, every such Owner or Owners, Master, or Mate, shall forfeit and pay for every such Offence the Sum of Ten Pounds Sterling.

No Fires to
be kept on
board Vessels
beyond cer-
tain Hours.

LXXII. And be it further enacted, That it shall not be lawful to have or keep any Fire burning on board of any Vessel lying in the said Harbour before Eight of the Clock in the Morning, and after Six o'Clock in the Evening, in the Months of *October, November, December, January, February, and March*; or before Six o'Clock in the Morning, and Eight o'Clock in the Evening, during the other Six Months of the Year; and any Person or Persons offending or doing in the contrary, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Ships, &c.
may be re-
moved from
one Birth
to another.

LXXIII. And be it further enacted, That the said Trustees or the said Water Bailiff or Shore Master of *Irvine* for the Time being, or such Person or Persons as they shall authorize and appoint, shall and may, and he and they are hereby authorized and empowered, when and so often as he or they shall judge necessary, to remove or cause to be removed any Ship, Vessel, Bark, Lighter, or Boat lying in any of the Entrances or Passages of the said Harbour of *Irvine*, or at any Dock, Quay, Pier, and Breast already built or hereafter to be built by virtue of this Act, or in any other Part of the said Harbour, from the Birth or Lying Place at which they shall respectively happen to be stationed or moored at the Time, to any other Birth or Lying Place, as he or they shall think proper; and in case the Master, Mate, or any other Person having and taking the Command and Charge of the said Ship, Vessel, Bark, Lighter, or Boat, shall, after Notice given him in Writing, or left in Writing on board the said Ship or Vessel intended to be moved, Twelve Hours before the Time of Removal, by the said Trustees or by the said Water Bailiff or Shore Master, or such other Person or Persons as the said Trustees shall appoint, neglect or refuse to move or cause to be removed, during the first High Water or Tide after such Notice, such Ship, Vessel, Bark, Lighter, or Boat, from her said Birth to such other Birth or Mooring Place or Places as are or shall be appointed unto them by the said Trustees, Water Bailiff, or Shore Master, or any other Person authorized by the said Trustees, then and in every

every such Case the said Trustees, or the Water Bailiff or Shore Master, or any other Person or Persons they shall order or appoint, shall have Power, and are hereby directed to be empowered, immediately after such Notice, Neglect or Refusal, to remove or cause to be removed such Ship, Vessel, Bark, Lighter, or Boat lying as aforesaid, from such its Birth and Mooring Place to such other Birth or Mooring Places as the said Trustees or Water Bailiff or Shore Master, or other Person or Persons as aforesaid, shall judge proper; and that the Masters, Commanders, Owners, and Consignees of such Ship, Vessel, Bark, Lighter, and Boat, so to be removed as aforesaid, shall respectively pay to the said Trustees all such Costs and Charges as shall be reasonably expended in removing such Ship, Vessel, Bark, Lighter, or Boat, to be recovered, levied, and applied in like Manner as the Forfeitures and Penalties imposed by this Act are herein-after ordered to be recovered, levied, and applied; and every Master, Commander, Mate, or other Person taking upon himself the Command of any Ship, Vessel, Bark, Lighter, or Boat, or the Owner, Factor, or Consignee or Agent, or other Person or Persons whatsoever, who shall obstruct or hinder the Removal of any such Ship, Vessel, Bark, Lighter, or Boat, shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

LXXIV. And be it further enacted, That in case any Ship or Vessel shall arrive or come into the said Harbour of *Irvine* in Distress, or meet with any Misfortune in the Bay of *Irvine* or in the Harbour aforesaid, it shall and may be lawful to and for the Provost, or any one of the Baillies of the said Burgh of *Irvine*, upon a Petition to him in Writing by the Master, Commander, or Owner of any such Ship or Vessel, or Owner of any Goods on board of any such Ship or Vessel, and upon Proof being made before him of such Distress, to give a Preference to such Ship or Vessel being in Distress as aforesaid, both as to the Births at the Docks, Piers, and Quays, and as to the Course of discharging, to any other Ship or Vessel arrived before her in the Harbour aforesaid; and every Master or Commander of any Ship or Vessel lying within the Harbour of *Irvine*, who shall refuse or delay to comply with the Order of the said Provost or Baillie in favor of the Ship or Vessel in Distress as aforesaid, shall forfeit a Sum not exceeding Twenty Pounds Sterling, to be levied and applied in the Manner hereafter directed.

Vessels coming into the Harbour in Distress, to have the Preference as to the Birth and Discharge.

LXXV. And be it further enacted, That the Captain, Master, or Commander of every Ship, Sloop, or other Vessel that shall go in, at, or through the Gates of the said Docks, shall, before such Ship, Sloop, or other Vessel shall enter the same, lower or take down her Sails, so as that such Ship, Sloop, or other Vessel shall not go in sailing or under Sail; and that every Captain, Master, or Pilot taking the Care or Command of any such Ship, Sloop, or other Vessel, neglecting to lower or take down the same as aforesaid, shall for every such Offence forfeit and pay to the said Trustees the Sum of Five Pounds Sterling.

Masters of Vessels to lower the Sails before they enter the Gates of the Docks.

LXXVI. And be it further enacted, That from and after the passing of this Act it shall not be lawful to any Person or Persons to throw or empty any Ballast, Dust, Ashes, or Rubbish, Shingle, Stones, or other Things, into the said Harbour, or into the Channels of the Rivers *Irvine* and *Garnock* within a Mile of the said Harbour, or upon or within the Bar

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

at

at the Mouth of the said Rivers, or to dig and take away any Ballast, Shingle, Stones, or other Things from within the said Harbour, to the Hurt or Prejudice of the said Harbour, or of the Works erected or to be erected for the Security and Accommodation of the same, or to do any other Act or Deed to prejudice or annoy the same or any Part thereof, under a Penalty not exceeding Ten Pounds Sterling for every such Offence.

Ballast
thrown on
the Quay to
be removed
immediately.

LXXVII. And be it further enacted, That no Person or Persons who shall or may hereafter have Occasion to throw or cast out any Ballast from out of any Ship or other Vessel upon any Dock, Quay, Pier, or Breast, or other Place in or about the said Docks, Quays, Piers, Breasts, or other Works made or to be made as before mentioned, belonging to the said Harbour, shall suffer the same to lie and remain on the said Docks, Quays, Piers, Breasts, or other Places, but shall within Twelve Hours cart and carry away, or cause the same to be carted and carried away, to such Place or Places as the Water Bailiff or Shore Master aforesaid shall for such Purposes provide and appoint, on pain of forfeiting for every such Offence a Sum not exceeding Forty Shillings.

Masters of
Vessels made
answerable
for Damages
done by their
Crews.

LXXVIII. And be it further enacted, That the Master or Owner of every Ship, Bark, Lighter, Boat, or other Vessel lying or trading in the Harbour of *Irvine*, shall be and is hereby made answerable to the said Trustees for the Amount or Value of any Damage or Mischief that shall be done by any of the Servants, Boatmen, Bargemen, or Watermen on board such Ship, Bark, Lighter, Boat, or other Vessel respectively, to any of the Docks, Piers, Quays, Breasts, or other Works already constructed, or that shall be constructed by virtue of this Act, with full Costs of Suit; and such Damages and Costs shall be sued for and recovered in manner herein-after directed.

Masters to
recover from
their Ser-
vants for such
Damages.

LXXIX. And be it further enacted, That in case the Master, Owner or Owners of any Ship, Boat, Barge, Keel, or other Vessel using the said Harbour, or any Basin or other Work therein, or adjoining thereto, shall be compelled to pay any Penalty or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or by any other Person or Persons on board such Ship, Boat, Barge, Keel, or other Vessel, or any of them, such Servants, Boatmen, Watermen, or other Person or Persons as aforesaid, and each and every of them, shall be liable to repay such Penalties or Damages, with the Costs thereof, to such Master, Owner or Owners; and in case of Nonpayment upon such Demand thereof, and Oath made by such Master, Owner or Owners, of the Payment made by him or them of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, Watermen, or other Person or Persons as aforesaid, or any of them, although demanded, such Oath to be made before any One Justice of the Peace for the County or Place where such Penalty or Satisfaction shall have been recovered, the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Water Bailiff
or Shore
Master to in-

LXXX. And be it further enacted, That the Water Bailiff or Shore Master nominated and appointed by the said Trustees for the said Harbour

Harbour of *Irvine*, shall be, and he or they is and are hereby authorized and required, from Time to Time and at all Times after the Commencement of this Act, carefully to inspect the State of the said Docks, Piers, Quays, Breasts, and other Places within the said Harbour, and to prevent, as far as his or their Power shall extend, any Offences made punishable by this Act from being committed; and that in case of any wilful Neglect or Default therein, the said Water Bailiff or Shore Master respectively shall forfeit and pay a Sum not exceeding Five Pounds Sterling for each and every such Offence.

spect State of
the Harbour.

LXXXI. And in order to prevent Inconveniences arising from the landing, selling, and disposing in improper Places, both within the said Harbour and elsewhere throughout the said Town, of Fish and other Articles of Provision brought in Vessels resorting to the said Harbour, be it enacted, That the Water Bailiff or Shore Master, with Concurrence of the Magistrates of *Irvine*, shall and may, and he is hereby authorized and empowered to appoint such Place or Places within the Harbour as he shall judge most proper and convenient for landing, selling, and disposing of all such Fish and other Articles of Provision, of which he is to give Notice by public Advertisement; after which the Masters, Seamen, or Owners of such Vessels and Cargoes shall, previous to their breaking Bulk or making any Sale, apply to the Water Bailiff for Directions where such Landing and Sale is to be made; and all Persons refusing or neglecting to give such Intimation, and obey such Directions as the said Water Bailiff may give, or endeavouring to evade them by landing their Cargoes on the Outside of the Harbour, or otherwise, shall for every such Offence forfeit a Sum not exceeding Twenty Shillings Sterling.

Landing and
disposing of
Fish, &c.

LXXXII. And be it further enacted, That it shall and may be lawful to and for the said Harbour Trustees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, take, gather, and carry away from such Quarries and Pits any Stone, Sand, Gravel, Clay, and other Materials, in and out of any waste or common Grounds lying within Two Miles of the said Harbour of *Irvine*, for carrying on, executing, and repairing the said Harbour, and the several Docks, Piers, Quays, and Breasts and other Works already built in the said Harbour, or authorized to be built by virtue of this Act, without paying any thing for such waste and common Ground opened and used as aforesaid, the said Trustees being obliged, at their own Expence and Charge, to fill up and level all such Holes and Pits which shall be made in such common or waste Grounds, by quarrying, digging, and carrying away Stone, Sand, Gravel, Clay and other Materials aforesaid, as soon as they shall have no further or immediate Use for the same; and that in case the said Trustees shall judge it improper and inconvenient to open, dig, and carry away Stones and Gravel, Clay, and other Materials from the said waste or common Ground, and that sufficient Materials for the Purposes aforesaid cannot easily be got from the same, then it shall and may be lawful to and in the Option of the said Trustees, their Deputies, Agents, Officers, or Servants, to open, quarry, and dig such Stones, Sand, Gravel, Clay, and other Materials aforesaid, and to carry the same in and out of the Grounds of any Person or Persons within the next adjoining Parish (not being Ground on which there shall be any Houses, Garden,

For getting
Materials.

[*Local.*]

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Orchard,

Orchard, Planted Walk or Walks, or Avenue to a House) where such Materials are or may be found, and from Time to Time to cause the same to be carried off, or so much thereof as the said Trustees, and their Deputies, Agents, Officers, and Servants, shall judge necessary for the Purposes aforesaid, and for keeping the said Works in good Order and Repair; the said Trustees making such Satisfaction for the Damage done to the Surface of the said Ground, and for the Value for the said Stones, Sand, Gravel, Clay, and other Materials which shall be so carried out of the said Grounds, to the Proprietors, Life-renters, Tacksmen, and other Parties interested in such Grounds, to which such Damage shall be done or occasioned, or Materials taken away, as shall be awarded by any Two Justices of the Peace of the County of *Ayr*, on Application to be made to them in a summary Way by either Party.

Notice to be given before Materials are taken.

LXXXIII. Provided always, and be it enacted, That it shall not be lawful for the said Trustees, or any Person or Persons employed by them, to dig, gather, take, or carry away any such Materials from any inclosed Lands or Grounds, without the Consent of the Proprietor, or Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the said County of *Ayr*, to shew Cause why such Materials should not be had from such Lands or Grounds, at least Fourteen Days previous to the Day on which such Occupier is to appear; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Materials to be dug, taken, and carried away, at such Time or Times, and in such Manner as such Justices shall order and direct; and such Damages, and the Price of such Materials, shall be paid therefor as the Parties shall and may agree upon, or in case they cannot agree, such Damages shall be paid as the said Justices shall order and direct; and if such Occupier shall neglect or refuse to appear by himself or his Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended; and the Order of such Justices shall be final and conclusive, without being subject to any Stay by Suspension or Advocation, or in any way whatsoever.

For making Roads for conveying Materials to the Harbour.

LXXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and their Deputies, Agents, Officers, and Servants, to make, use, and maintain Roads from the said waste and common Ground, or other Grounds aforesaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials from the said Pits and Quarries so to be opened as aforesaid, directly to the Harbour of *Irvine*, and to make the same through any Grounds belonging to any Person or Persons whatsoever (not being the Grounds on which there shall be any House, or any Garden, Orchard, Walk or Walks planted, or Avenue to any House), the said Trustees making Satisfaction for the Damage done to the Ground through which the said Road or Roads pass, to the Owner, Occupier, Life-renter, Tacksman, or other Parties concerned and interested in such Grounds to which such Damage shall be done or occasioned, and having the Consent of the Proprietor, or giving Notice to the Occupier, and such Order being made therein as is herein-before directed with respect to the digging, taking, and carrying away of Materials.

LXXXV. And

LXXXV. And be it further enacted, That if any Person or Persons whatsoever shall maliciously, wilfully, or wantonly demolish, break down, or destroy any of the Docks, Locks, Jettees, Piers, Quays, Breasts, Gates, Bridges, Landmarks or Buoys, or any Lights or Lighthouses, or other Works constructed or to be constructed in or belonging to the said Harbour of *Irvine*, or shall maliciously, wilfully, or wantonly extinguish or put out any of the Fires or Lights used in the said Lighthouses and others aforesaid, every such Person or Persons so offending shall and may be adjudged to be transported for the Term of Seven Years, or in mitigation of such Sentence shall and may suffer an arbitrary Punishment according to the Law and Practice of *Scotland*.

To prevent
destroying
the Works.

LXXXVI. And be it further enacted, That the Provost and Two Baillies, or the Two Baillies of the Town of *Irvine* for the Time being, shall have full Power and Authority to license Pilots to be employed in transporting Ships and other Vessels from the Bay of *Irvine* into the Harbour of the same; and also from the said Harbour over the Bar into the Bay of *Irvine*, and to fix and regulate the Fares and Wages of the said Pilots, not exceeding the Rate of One Penny Three Farthings *per* Ton of the Tonnage of any Ship or Vessel piloted by them; and to cause a Table of such Fares and Wages to be painted in legible Characters on Boards, and hung up in some conspicuous Places in the Harbour Office, and in the Custom House of *Irvine*; and every Pilot demanding or receiving more than the Amount of such Fares and Wages so fixed shall incur a Penalty not exceeding Five Pounds for each Offence, and any Person or Persons not so licensed, and acting as Pilot or Pilots within the Limits aforesaid, (excepting on any Occasion when all the licensed Pilots shall be engaged,) shall forfeit and pay for every Offence a Penalty not exceeding Five Pounds Sterling.

For licensing
Pilots, and
making
Regulations
as to their
Fares.

LXXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Time or Times hereafter, in General Meetings assembled, to make, ordain, and establish such Orders, Rules, and Bye Laws, for the better deepening, clearing, cleansing, and keeping in repair the said Harbour of *Irvine*, and for the better regulating, governing, and managing the Docks, Piers, Quays, Jettees, and every other the Works erected and to be erected, made or set up in the Harbour aforesaid, and for regulating the Conduct and Behaviour of the said Pilots, and for the better executing the other Purposes of this Act, and also from Time to Time, as Occasion may require, to repeal, add to, amend, or alter such Rules, Orders, and Bye Laws, as to them shall seem most fitting and requisite; and to fix and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-observance or other Breach of all or any such Rules or Bye Laws or any Part of them, to be recovered and applied in such Manner and according as the Penalties under Five Pounds Sterling are ordained to be recovered, levied, and applied; such Rules or Bye Laws not being contrary or repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, and to the Provisions of this Act; and the said Trustees shall cause the said Rules, Orders, and Bye Laws to be printed and distributed, and to be painted in legible Characters on Boards in Black Letters on a White Ground, or White Letters on a Black Ground, and to be hung up at the most public and conspicuous Places of the Harbour Office and of the Custom House

Bye Laws.

House of *Irvine*, and to pay the Expence and Charge thereof out of the Rates and Duties granted by this Act, and from Time to Time, and as often as such Bye Laws shall be defaced or obliterated or become illegible, to renew the same.

Trustees
authorized
to appoint
Officers.

LXXXVIII. And be it further enacted, That it shall and may be lawful for the said respective Trustees, and they are hereby authorized and required, from Time to Time to nominate and appoint, by Writing under their Hands, a Treasurer, and also a Clerk to the said respective Trusts, and such Surveyors and other Officers as the said respective Trustees shall think proper and expedient for the better carrying the Purposes of this Act into Execution, and to fix and appoint the Salaries of such Treasurers, Clerks, Surveyors, and other Officers, the said respective Trustees taking good and sufficient Security from the Treasurer and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trusts reposed in them; and also from Time to Time to discharge and dismiss any such Treasurers, Clerks, Surveyors, or other Officers, and to appoint others in their stead, as there shall be occasion; and all such Treasurers, Clerks, Surveyors, and other Officers of the said respective Trustees, who shall at any Time quit or be dismissed from the Service of the said respective Trustees, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said respective Trustees, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or Power of such Treasurers, Clerks, Surveyors, or other Officers, Executors or Administrators respectively, in anywise relative to the said Bridge, Street, and Harbour respectively, and the said respective Trustees shall have Power and Authority and they are hereby required to balance or cause to be balanced the Books of the said respective Trusts, on the First Days of the Months of *March* and *September* in every Year, the first Balance to be made on the First Day of *September* which shall be in the Year One thousand eight hundred and twenty-six, or at such other Period of each Year as any General Annual Meeting of the said respective Trustees may from Time to Time respectively appoint; and the same being so balanced shall be examined, docqueted, and signed by a Quorum of the said respective Trustees, within Four Weeks thereafter.

Same Person
not to be
Clerk and
Treasurer.

LXXXIX. Provided always, and be it further enacted, That it shall not be lawful for the said respective Trustees to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners or Son of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners or Son, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners or Son of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners or Son, the Clerk or Clerks of the said respective Trustees; and if any Person shall accept both Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the
Partner

Partner or Partners or Son of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners or Son, shall accept the Office of Treasurer, or being the Partner or Partners or Son of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Employ or Service of any such Treasurer or Treasurers, or of his or their Partner or Partners or Son, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust and Profit under the said respective Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

XC. And be it further enacted, That it shall and may be lawful to the said respective Trustees, or any Collector to be appointed by them for receiving any Part of the Rates and Duties granted by this Act, to prosecute and recover the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit by this Act imposed, in all such Cases where the Sum to be recovered shall amount to Five Pounds Sterling or upwards, by Action, Petition, or Complaint, within Six Months after such Offence is committed, before Two or more Justices of the Peace for the County of *Ayr*, or any other Judge competent for Civil Actions within whose Jurisdiction the Offender or Offenders shall reside or be apprehended; and that the said Justices of the Peace or other Magistrate aforesaid shall and they are hereby empowered and required to proceed to the Trial of such Offences 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 Witness or Witnesses, 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, Forfeitures, Damages, and Costs of Suit herein-before enacted, which shall be awarded and ordered by the said Magistrates, the Person or Persons who shall be convicted of any of the Offences before described shall and may be committed by them to the Prison or House of Correction of the County or Place where the Offender or Offenders shall be apprehended, and there to be kept to hard Labour for such Time not exceeding Six Months as such Magistrate or Magistrates shall direct; and the whole Fines, Penalties, and Forfeitures aforesaid, which shall be recovered by the said Trustees or their Collectors as aforesaid, after Deduction of the necessary Charges of recovering the same, shall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforesaid, and to no other Use or Purpose whatsoever.

Fines and Forfeitures amounting to 5*l.* and upwards, how to be sued for, recovered, and applied.

XCI. And be it further enacted, That every other Penalty, Fine, and Forfeiture imposed, and which shall be incurred by virtue of this Act, and not amounting to the Sum of Five Pounds, shall and may be sued for and recovered by the said respective Trustees, or any Collector appointed by them, before the Provost or any One of the Baillies of the Burgh of *Irvine*, or any Justice of the Peace within whose Jurisdiction the Offender

Other Fines how to be recovered.

[*Local.*]

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or

or Offenders before mentioned shall be apprehended or reside for the Time, by Action, Petition, or Complaint, made in that Behalf within Six Months after such Offence shall have been committed; and that the said Provost, Baillie, or Justice of the Peace aforesaid, shall have Power, and he and they is and are hereby empowered and required to proceed to the Trial of such Offences summarily, and upon Conviction of the Offender or Offenders in any of the Ways before mentioned, to give such Orders, Judgments, and Decrees as to him and them shall seem most agreeable to the true Intent and Meaning of this Act; and in Default of Payment of the several Fines, Forfeitures, and others last-mentioned, so to be awarded by the said Provost, Baillie, or Justice of the Peace, the Person who shall be convicted as aforesaid shall and may be sent by the said Provost, Baillie, or Justice of the Peace to the nearest Prison or House of Correction, for such Time as the said Judges shall direct, not exceeding Three Months; and the said pecuniary Penalties, not exceeding Five Pounds Sterling, after Deduction of the necessary Charge of recovering the same, shall be applied, One Half thereof to the Use of the Informer, and the other Half to the repairing and maintaining of the said Work or Works.

Penalties
may be miti-
gated.

XCII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Justices of the Peace, Provost, Baillies, and other Judges aforesaid, or any of them, by whom such Judgment, Sentence, or Determination shall be given, pronounced, or made, from Time to Time when they see Cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures aforesaid, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above One Half of the Penalty inflicted and directed to be levied by this Act; and that every such Mitigation or Composition shall be a sufficient Discharge for the Persons offending respectively for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted.

Special Meet-
ings may be
called.

XCIII. And be it further enacted, That it shall be lawful for any Two Trustees of the said respective Trusts, or for their Clerk, to call a Special Meeting of the Trustees of the said respective Trusts, upon the Requisition in Writing of any Two Trustees, in which Requisition shall be stated the Purpose for which such Meeting is called; and the Notice for calling such Meeting, in which shall be stated the Purpose thereof, shall be published Two several Times in some One Newspaper published in the County of *Ayr*, at least Ten Days before such Meeting.

Trustees may
sue and be
sued in the
Name of their
Clerk or
Treasurer.

XCIV. And be it further enacted, That the said respective Trustees may sue and be sued, in the Name of any One of the said respective Trustees, or their Clerk or Treasurer, or Clerks or Treasurers for the Time being, and no Action to be brought or commenced by or against the said respective Trustees by virtue of this Act in the Name of such Trustee, Clerk or Treasurer, or Clerks or Treasurers, shall cease by the Death or Removal of such Trustee, Clerk or Treasurer, or Clerks or Treasurers, or by the Act of such Clerk or Treasurer or Clerks or Treasurers, without the Consent of the said respective Trustees; but that any other Trustees, or the Clerk or Treasurer or Clerks or Treasurers for the Time being to the said respective Trustees, shall always be deemed the Pursuer or Defender, as the Case may be, in every such Action or Process; provided

provided always, that all Expences of Process or Proceedings so incurred by such Trustee, Clerk, or Treasurer shall be reimbursed and paid out of the said respective Trusts.

XCV. And be it further enacted, That every Officer and other Person who shall be appointed by virtue of this Act, shall from Time to Time, when thereunto required by the said respective Trustees by Notice in Writing to him or them respectively given, or left at his or their usual Place of Abode, or within Twenty-one Days next afterwards, make out and deliver to the said Trustees, or to such Person or Persons as they shall appoint to inspect and examine the same, a true and perfect Account in Writing under his Hand, of all Monies which shall have been by him had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him to the said respective Trustees, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any Officer or Person shall neglect or refuse to render or deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in manner and within the Time aforesaid, or shall neglect or refuse, on such Requisition as aforesaid, to deliver up to the said respective Trustees, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Matters, and Things in his or their Custody or Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said respective Trustees, then and in every such Case, Complaint being made by the said respective Trustees, where such Neglect or Refusal shall happen, or by any other Person or Persons on their Behalf, of any Neglect or Refusal, to any Justice of the Peace for the County where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said respective Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person to the said respective Trustees, the said Justice may and he is hereby authorized, upon Nonpayment thereof within such Time as such Justice shall direct, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice

Officers to
account.

Justice the several Vouchers and Receipts to such Accounts, or to deliver up to him all such Books, Papers, Writings, Matters, and Things as aforesaid, to be by him delivered over to the said respective Trustees; then and in any of the Cases aforesaid, the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or other Person to the Common Gaol or House of Correction for the County, Burgh, or Place where he shall live or reside, there to remain without Bail until he shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him to the said respective Trustees, and the reasonable Charges of such Distress and Sale (if any), as shall in that respect have been made, or until he shall have compounded with the said respective Trustees for such Money and Charges, and pay the Composition Money to the said respective Trustees, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said respective Trustees are hereby empowered to make, and shall have delivered up as aforesaid such Books, Papers, Writings, Tools, Matters, and Things as aforesaid, or have given to the said respective Trustees Satisfaction in respect thereof: Provided always, that no Person who shall be committed for want of sufficient Distress only shall be detained in Prison for any longer Time than Three Calendar Months.

In case of Nonpayment of Damages by the said Trustees, the same to be levied by Distress of the Goods vested in the Trustees, or their Treasurer.

XCVI. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Lands, Houses, Materials, or Cost, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said respective Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said respective Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made to the Clerk or Clerks of the said respective Trustees, or their Treasurer or Treasurers, in which Demand the Order of the Sheriff Depute or Substitute making the same shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said respective Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer or Treasurers for the Time being, under a Warrant to be issued for that Purpose by any such Sheriff, which Warrant any such Sheriff is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction of any such Lands, Houses, Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain, after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and all the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said respective Trustees, or to their Treasurer or Treasurers for the Time being, as the Case may be: Provided always, and it shall and may be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages,

Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

XCVII. And be it further enacted, That any Person or Persons who shall be aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said respective Trustees, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Two Calendar Months next after such Order, Judgment, or Determination shall have been made or given, (first giving Fourteen Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made,) complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall in a summary Way hear and determine the said Complaint, and may order any Money to be returned which may have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured, or do otherwise in the Premises as they shall judge reasonable; and no Proceedings under this Act shall be quashed or vacated for Want of Form, or be liable to Suspension, or to be removed by Advocation to the Court of Session, but the Determination of the Justices of the Peace at such Quarter Sessions shall be final and conclusive to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

Appeal to the
Quarter
Sessions.

XCVIII. And be it further enacted, That no Action or Suit shall be commenced against the said Trustees or any Person or Persons for any thing done by virtue of or in pursuance of this Act, unless Ten Days previous Notice thereof in Writing shall have been given to the said Trustees, nor after the Expiration of Six Calendar Months next after the Fact committed; and that in case any Action or Suit shall be commenced against the said Trustees, or any other Person or Persons, for any thing done in pursuance of this Act, the Defender or Defenders in such Suit or Action may produce this Act, and plead that the said Things were done in pursuance and by the Authority of this Act; and if it shall appear so to be done, that then the Defender or Defenders shall be absolved from such Action or Suit, and shall have Double Costs and Expences in the Defence thereof awarded to them, from and against the Prosecutor or Prosecutors of the same.

Limitation of
Actions.

Act may be
pleaded in
Actions
brought in
pursuance
thereof.

XCIX. And be it further enacted by the Authority aforesaid, That this Act, and all the Powers and Authorities therein contained, and the Payment of the Pontage, Tolls, and other Duties, shall commence and take place from and after the passing of this Act.

Commence-
ment of the
Act.

C. And be it further enacted, That in case the said Trustees, or any Person or Persons to be by them authorized, shall find it necessary to bring a Complaint, Action, Suit, or Prosecution at Law for Payment of any of the Duties aforesaid granted by this Act, any Judge competent for Civil Actions, in their respective Bounds in *Scotland*, shall be competent and have lawful Jurisdiction in and to all such Complaints, Actions, Suits, and Prosecutions; and the same shall be heard and determined in a summary Way, without abiding the usual Course of Procedure, and the

Judge
Ordinary to
have Juris-
diction in
Complaints,
and deter-
mine thereon.

[*Local..*]

35 A

said

said other Judge or Judges shall and may immediately issue forth his or their Orders and Decrees upon all such Complaints, Actions, Suits, or Prosecutions, with full Costs of Suit, upon which all such Executions shall pass and be awarded as is herein-before mentioned.

Sheriffs, &c.
to be aiding
in Execution
of the Act.

CI. And be it further enacted, That all Sheriffs, Justices of the Peace, Judges, and Magistrates, and their Officers, Messengers at Arms, and all other Officers and Executioners of the Law whatsoever, and every of them, are hereby required to be aiding and assisting in putting this Act into due and effectual Execution.

Expences of
Act.

CII. And be it further enacted, That One Half of the Expences of this Act shall be paid and defrayed out of the said Pontage or Toll Duties, and the other Half of the said Expences out of the said Harbour Dues hereby granted.

Public Act.

CIII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, taken, and allowed in all Courts of Law and Equity as a Public Act, and all Judges and Justices are hereby required to take notice thereof as such, without specially pleading the same.

SCHEDULE of Names referred to in the Act.

Francis Eagle.
Mrs. Margaret Dunlop or James Dunlop.
Mrs. Janet Montgomerie.
Mrs. Paterson or Samuel Paterson.
Peter Logan.
The Burgh of Irvine.
Patrick Warner, Esquire, of Ardeer, and his Tutors and Curators.
James Robertson, Innkeeper in Irvine.
Robert Rankin, Writer in Irvine.
William Hunter, Cloth Merchant in Irvine.
Mrs. Cunningham, Innkeeper in Irvine.
Matthew Wright.
Alexander Smith.
Charles Fraser.
Robert Rankin.
John and Joseph Howie, or William Jaffire, Trustee for their Creditors.
Mrs. Katherine Currie.
Mrs. Janet Hall, Life-rentrix.
John Auld, as Trustee for Samuel Gemmel's Heirs.
James Reid.
Captain James Shaw.
Taylors' Society of Irvine.
John Peebles.
Miss Janet Thomson,
Mrs. Cowan,
Mrs. Kennedy,
James Thomson,
John Bryce's Heirs. } Joint Owners.

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