



CHAPTER cxxxvii.

An Act to amend the Acts relating to the Clyde Lighthouses, and to provide for the Improvement of the Navigation of the River Clyde below Newark Castle, Port Glasgow.

A.D. 1880.

[6th August 1880.]

WHEREAS an Act (herein-after called "the Act of 1755") was passed in the twenty-ninth year of the reign of His Majesty King George the Second, intituled "An Act for erecting, maintaining, and supporting a lighthouse on the Island of Little Cumray, in the county of Bute, at the mouth of the River Clyde, in North Britain, and for rendering the navigation in the Frith and River of Clyde more safe and commodious:"

29 Geo. 2.
c. 20.

And whereas by the Clyde Lighthouses Act, 1871 (herein-after called "the Act of 1871"), the Act of 1755 was amended, and the Trustees of the Clyde Lighthouses (herein-after called "the Trustees") were incorporated, and were given powers for executing and carrying into effect the purposes of the Act of 1755 and the Act of 1871:

34 & 35 Vict.
c. cxxxii.

And whereas with the consent of the Trustees of the port and harbours of Greenock (herein-after called "the Greenock Harbour Trustees"), given under the provisions of section forty-two of the Act of 1871, the Trustees are making certain improvements in the channel of the River Clyde in the vicinity of Garvel Point, by straightening, widening, and deepening the navigable waterway of the same:

And whereas it is expedient in continuation of the said improvements to alter, widen, and deepen the said navigable waterway eastward and westward thereof:

And whereas the rates authorised to be levied and the money authorised to be borrowed by the Act of 1871 are insufficient to meet the cost of the said improvements and the general requirements of the trust:

And whereas under the Act of 1871 different rates are leviable in respect of vessels navigating the river or frith of Clyde to the westward and to the eastward of Ladyburn, and a portion of the

A.D. 1880. — said rates and of the money authorised by that Act to be borrowed is made applicable to improvements to the westward, and another portion thereof to improvements to the eastward of Ladyburn; and it is expedient that the rates leviable by the Trustees should be increased; and that further powers of raising money should be granted to the Trustees, and that the revenues and expenditure of the Trustees should be dealt with as accruing from, and applicable to, the purposes of the whole undertaking of the Trustees, and that the provisions of the Acts of 1755 and 1871 should be amended:

And whereas an agreement, bearing date the ninth, eighteenth, and twenty-fourth days of February one thousand eight hundred and eighty, has been entered into between the Trustees of the Clyde Navigation, the Trustees of the Clyde Lighthouses, and the Trustees of Port Glasgow harbour, a copy of which agreement is contained in the Schedule appended to this Act, and it is expedient that certain provisions of that agreement should (without prejudice to the other provisions of such agreement) be confirmed:

And whereas plans and sections of the intended works showing the lines or situation and levels thereof, and a book of reference to the plans containing the names of the owners or reputed owners of such lands, have been deposited with the principal sheriff clerk of the county of Renfrew, at his office at Greenock, and are in this Act referred to as the deposited plans, sections, and book of reference respectively:

But these objects cannot be effected without the authority of Parliament:

May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title
and com-
mencement
of Act.

1. This Act may be cited for all purposes as the *Clyde Lighthouses Act*, 1880, and shall take effect on and from the first day of October one thousand eight hundred and eighty.

Construction
of Act.

2. The Act of 1755, as amended by the Act of 1871 and by this Act, and the Act of 1871, as amended by this Act, and this Act shall be read together as one Act.

Incorporation
of
General
Acts.

8 & 9 Vict.
c. 19.
23 & 24 Vict.
c. 106.

3. The *Lands Clauses Consolidation (Scotland) Act*, 1845 (except the sections numbered 120 to 126, both inclusive), and the *Lands Clauses Consolidation Acts Amendment Act*, 1860, are incorporated with and form part of this Act, and in construing those Acts the Trustees shall be deemed the promoters of the undertaking.

4. Subject to the provisions of this Act, the Trustees may and they are hereby required, within ten years from the passing of this Act, to make and thereafter to maintain in the lines or situation, and according to the levels shown on the deposited plans and sections, the works herein-after described, with all necessary and proper works and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

A.D. 1880.
Power to
make works.

The works herein-before referred to and by this Act authorised are,—

An improvement, alteration, deepening, and widening of the navigable channel of the river or firth of Clyde, commencing at or near a point in the channel or bed of that river or firth five hundred yards from the north-eastern corner of Newark Castle on the south shore of the said river or firth at Port Glasgow, measured along an imaginary straight line drawn from the said north-eastern corner of that castle to the mouth of Cardross Burn, on the north shore of the said river or firth, and terminating at or near a point in the channel of the said river or firth two hundred and ten yards from the north-western corner of the Albert Harbour at Greenock, measured along an imaginary straight line drawn in a direction north-east by north from that corner of the said harbour,

with all necessary dredging, cutting, and removal of the solum, bed, and banks of the said portion of the said river or firth within the limits of deviation by this Act prescribed, and also depositing of the soil or other stuff dredged, cut, or removed on the banks of the said river or firth (with the consent of the owners of such banks), or in the contiguous lochs or sea, and such channel shall, for a width of at least five hundred feet, in all parts thereof, be constructed and maintained with a minimum depth of eighteen feet at low water of spring tides: Provided always, that any of the works by this Act authorised which shall have been or are in course of being executed at the commencement of this Act shall be held to be part of the undertaking of the Trustees, to the same effect as if such works had been executed under the authority of this Act.

5. The works herein-before described shall, for the purposes of this Act, be held to be divided into three sections, to be called respectively the western channel, the Garvel Point channel, and the eastern channel, which channels are defined on four identical plans, signed by the Earl of Ducie, the Chairman of the Committee of the House of Lords, to whom the Bill for this Act was referred, in this Act called the “signed plan No. 1”; and for the said purposes certain soundings in the said channels are marked upon

Definition
of certain
works on
plan.

A.D. 1880.

Copies of
signed plan
to be
evidence.

As to exe-
cution of
certain
works.

other four identical plans signed by the said chairman, and in this Act called the "signed plan No. 2"; which two plans are, when collectively referred to in this Act, called the "signed plans," and one of each of the said plans shall, within one month after the passing of this Act, be deposited in the Private Bill Office of the House of Lords, and with the principal sheriff clerk of the county of Renfrew, at his office at Greenock, with the clerk to the Trustees, and with the clerk to the Greenock Harbour Trustees respectively, and copies of the signed plans deposited with the said principal sheriff clerk of the county of Renfrew, or any extract therefrom certified by him to be true, shall be received by all courts of justice or elsewhere as *prima facie* evidence of the contents of such plans, and such plans shall at all reasonable times be open to public inspection, and any person shall be entitled to a copy of or extract from such plans, certified by the said principal sheriff clerk, on payment of a reasonable fee for every such copy or extract.

6. The following provisions with respect to the said works shall have full force and effect, and be binding on the Trustees and on the Greenock Harbour Trustees :

(A.) The powers of lateral deviation of the western channel, by this Act authorised, shall not be exercised by the Trustees on the landward side of the line marked red on the signed plan No. 1, and the limits of deviation as so restricted shall be held to be the limits of deviation by this Act authorised :

(B.) The western channel shall be altered, widened, and deepened to the extent of, and shall be held to embrace the entire area within the limits of deviation by this Act authorised. The depths of the western channel at low water shall be as follows : Along the southern limits of deviation there shall be a depth of eighteen feet at low water. Along a line fifty feet or thereabouts southward from the northern limits of deviation, there shall be a like depth of eighteen feet at low water. In the said channel there shall be a minimum depth of twenty-three feet at low water over the entire area tinted blue on the signed plan No. 1. Between the southern margin of the said area coloured blue, and the southern limits of deviation, and also between the northern margin of the said area and the aforesaid line fifty feet or thereabouts southward from the northern limits of deviation, the bottom of the channel way shall be gradually inclined upwards so as to range from the said depth of twenty-three feet to the said depth of eighteen feet, or as near thereto as may be :

(C.) The Garvel Point channel and the eastern channel shall be executed within the northern and southern limits of deviation

shown on the signed plan No. 1, and shall have a minimum depth throughout of eighteen feet at low water : A.D. 1880.

- (D.) Until the Trustees complete the works by this Act authorised, any silting which has occurred or may hereafter occur in the western channel, the Garvel Point channel, and the portion of the eastern channel to the westward of Ladyburn, including any silting which may arise from the operations of the Lighthouses Trustees, or from works constructed by the Greenock Harbour Trustees, or from the construction of the works for which the Greenock Harbour Trustees are now applying for powers from Parliament as the same may be sanctioned by any Act passed or to be passed in this or a subsequent session of Parliament (herein-after referred to by the term "silting"), in consequence of which silting decreased depths of water have arisen or may arise as compared with the depths which existed in one thousand eight hundred and seventy-two, as shown by the soundings marked on the plan prepared by D. and T. Stevenson, civil engineers, dated second December one thousand eight hundred and seventy-two, and as compared with the additional soundings in Cartdyke Bay taken during the month of November one thousand eight hundred and seventy-nine, and marked on a supplementary plan prepared by the said D. and T. Stevenson, which soundings and additional soundings are marked on the signed plan No. 2, shall, so far as necessary to obtain, preserve, and maintain the depths of water marked on the signed plan No. 2, be, on the request of the Greenock Harbour Trustees in writing, removed by and at the expense of the Trustees : Provided that the Trustees shall not be bound to remove any silting in the said channels beyond the depths prescribed under sub-sections (B.) and (C.) The Trustees shall commence the operations necessary to remove such silting within thirty days after the delivery of a notice from the Greenock Harbour Trustees requesting them so to do, and shall complete the said operations with all reasonable despatch : Provided always, that if during the execution of the works to be executed by the Trustees any "silting" is at the request of the Greenock Harbour Trustees removed at any place nearer the shore or the faces of the piers, quays, wharves, or works of the Greenock Harbour Trustees, than twenty-five feet, and damage is caused thereby to such shore, piers, quays, wharves, or works, the Greenock Harbour Trustees shall free and relieve the Trustees from all damage and claims resulting therefrom :

A.D. 1880.

(E.) After the Trustees have completed the works by this Act authorised, the following provisions shall apply and have effect with reference to the dredging necessary to obtain, preserve, and maintain the said depths of water in the western channel, the Garvel Point channel, and the portion of the eastern channel to the westward of Ladyburn, prescribed under subsections (B.) and (C.) :

- (1.) If at any time such dredging shall, in the opinion of the Greenock Harbour Trustees, have become necessary in consequence of silting having taken place, they may give notice in writing thereof to the Trustees, and if the Trustees shall approve of such dredging the Greenock Harbour Trustees shall execute the same at the expense of the Trustees, and the expense of such dredging shall be recoverable from the Trustees by the Greenock Harbour Trustees ; and if the Trustees shall not within thirty days after the service of such notice approve of such dredging, the Greenock Harbour Trustees may apply to the sheriff depute of Renfrew and Bute, who may, after hearing parties, make an order for the execution of such dredging by the Greenock Harbour Trustees at the expense of the Trustees ;
- (2.) If at any time such dredging shall in the opinion of the Trustees have become necessary, they may give notice in writing thereof to the Greenock Harbour Trustees, requiring them at the expense of the Trustees to execute the same ;
- (3.) If the Greenock Harbour Trustees refuse or delay to execute any dredging of which they have given notice, and which has been approved of by the Trustees, or if they refuse or delay to execute any dredging of which the Trustees may have given notice, for thirty days after the service of such notice, the Trustees may apply to the said sheriff for an order to have the dredging executed by the Greenock Harbour Trustees at the expense of the Trustees ;
- (4.) It shall be in the power of the said sheriff to annex to his order such reasonable conditions relative to such dredging or otherwise as he may think proper or necessary ;
- (5.) In the event of the Trustees and the Greenock Harbour Trustees differing in opinion with reference to the quantity of silting which has occurred, or may require to be removed, or the price to be charged for the removal thereof, such

question shall be referred to arbitration, in manner provided A.D. 1880.
by sub-section (G.) of this section:

- (F.) The Trustees shall complete the works and operations by this Act authorised within ten years from the passing of this Act:
- (G.) If any questions not herein-before specially provided for shall arise as to the due implement of this section, such questions shall be referred to the decision of the engineers for the time being of the Trustees and the Greenock Harbour Trustees, and, in the event of their disagreeing, to an arbiter to be mutually named by them, or, failing such nomination for ten days after a request has been made by the one party to the other to join in the appointment of such an arbiter, then of an arbiter to be named by the said sheriff on the application of either party, with power to such arbiter to take all necessary measures to secure the due and prompt implement of the provisions of this section, and to decern against the parties or either of them for all costs, charges, and expenses incurred in the premises, including a reasonable fee for his own trouble:
- (H.) The western channel, the Garvel Point channel, and the eastern channel, as altered, widened, and deepened, shall, except as before expressly provided, be subject to the provisions of section forty-two of the Act of 1871, and, except as by this Act otherwise expressly provided section forty-two of the Act of 1871 shall remain in full force and effect:
- (I.) Provided always, that notwithstanding anything herein-before contained, any provisions which may be contained in any Act relating to the Greenock Harbour Trustees, passed or which may be passed in this or a subsequent session of Parliament, with reference to limiting the liability of the Trustees in the removal of silting, shall receive full force and effect:
- (K.) Except as by this Act specially provided, nothing in this Act contained shall affect the rights of the Greenock Harbour Trustees as existing at the passing of this Act.

7. In executing the works by this Act authorised the Trustees may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon, but so that no part of such works shall extend beyond such limits, and vertically from the levels thereof shown on the deposited sections to any extent downwards they think fit, not exceeding five feet: Provided that no such power of deviation from the said levels shall, without the consent of the Greenock Harbour Trustees in writing under their common seal, be exercised within fifty feet of any of the quays, wharves, and existing works of the Greenock Harbour Trustees.

Lateral and
vertical
deviation.

A.D. 1880.

Outgoing
chairman or
deputy
chairman to
act till new
chairman
appointed.

8. The person holding office as chairman of the Trustees immediately before any annual meeting of the Trustees, or, failing him, the person holding office as deputy chairman of the Trustees immediately before such annual meeting, shall act as chairman until the Trustees choose one of their number to be their chairman for the ensuing year: Provided that the person so acting as chairman, if he, but for this enactment, would have ceased at the time to hold office as a Trustee, shall have only a casting vote and not a deliberative vote at any meeting at which he shall preside.

Disqualifica-
tion of
elective
Trustees and
filling up
vacancies.

9. Any elective Trustee shall be disqualified from holding office if at any time during the period for which he was elected to hold office his name ceases to be on the register of electors, but he shall, nevertheless, continue in office until the next succeeding annual meeting of the Trustees; and at any time in the month of November preceding such annual meeting his successor may be appointed in the manner provided by section twenty-three of the Act of 1871, and shall come into office at such annual meeting, and if at any time there shall not happen to be remaining in office any Trustees elected by the electors for the city of Glasgow, or for the town of Greenock, or for the town of Port Glasgow (as the case may be), or appointed in manner provided by the Act of 1871, instead of Trustees so elected the electors for such city or town (as the case may be) shall, at the next succeeding annual election, elect other Trustees, duly qualified, to fill up such vacancies.

Trustee
member of
a bank or
joint stock
company
not dis-
qualified.

10. No person elected as a Trustee shall be disqualified in respect of his being a member or shareholder of a bank or joint stock company with which the Trustees may have transactions in the ordinary course of their business, but he shall not be entitled to vote in any questions connected with such transactions.

Rates.

11. Section forty-three of the Act of 1871 is from and after the commencement of this Act repealed.

From and after the commencement of this Act it shall be lawful for the Trustees to levy on and in respect of all vessels navigating any part of the river or firth of Clyde, between a line drawn due east and west across the same at the southernmost point of the Island of Little Cumbrae from the coast of Ayrshire to the coast of Kintyre, and a line drawn across the said river or firth from Newark Castle to Cardross Burn (herein-after called "the limits of the Trust"), any rates not exceeding the following; (that is to say,)

(A.) Foreign-going Vessels.

Seven twelfths of a penny per register ton; and if such vessel shall navigate any part of the said river or firth within the

limits of the trust to the eastward of Ladyburn, an additional rate of two twelfths of a penny per register ton. A.D. 1880.

(B.) Coasting Vessels.

Seven twenty-fourths of a penny per register ton; and if such vessel shall navigate any part of the said river or firth within the limits of the Trust to the eastward of Ladyburn, an additional rate of two twenty-fourths of a penny per register ton.

(c.) River Craft.

If such river craft shall navigate any part of the said river or firth within the limits of the trust to the westward only of Ladyburn, seven forty-eighths of a penny per register ton.

If such river craft shall navigate any part of the said river or firth within the limits of the trust to the eastward only of Ladyburn, two forty-eighths of a penny per register ton.

If such river craft shall navigate any part of the said river or firth within the limits of the trust both westward and eastward of Ladyburn, nine forty-eighths of a penny per register ton.

In this section the expression "foreign-going vessels" means all vessels navigating any part of the river or firth of Clyde within the limits of the trust to or from any place beyond the United Kingdom of Great Britain and Ireland; the expression "coasting vessels" means all vessels (excepting river craft) navigating any part of the river or firth of Clyde within the limits of the trust to or from any place within the United Kingdom of Great Britain and Ireland without proceeding to or coming from any other place or country; the expression "river craft" means all vessels navigating any part of the river or firth of Clyde within the limits of the trust but not plying elsewhere than within the said river or firth to the northward of the said line drawn across the same at the southernmost point of the Island of Little Cumbrae.

The following provisions shall apply to the levying of the said rates:—

(A.) The rates shall be payable in respect of foreign-going vessels and coasting vessels for each voyage outwards and for each voyage inwards:

(B.) The rates shall be payable in respect of river craft, not for each voyage, but for each day (reckoned from six o'clock in the morning to six o'clock in the morning following) on which the vessel navigates to, from, or within any part of the limits of the trust:

A.D. 1880.

(c.) The rates shall be payable irrespective of the vessel passing any lighthouse or lighthouses, and whether the vessel does or does not discharge or load in any of the ports or harbours in the said river or firth of Clyde :

(d.) When in the aggregate amount of the rates payable in respect of any vessel there shall be a fraction of a penny beyond one penny, or any integral number of pence, such fraction, if it be a half, or any fraction larger than a half, shall be deemed and charged as a penny, but if such fraction shall be less than a half it shall not be charged.

In construing the provisions of the Act of 1871, as amended by this Act, the rates authorised by this Act shall be held to be the rates referred to in that Act.

Repeal of separate application of rates and accounts.

12. Sections 45 and 55 of the Act of 1871 are hereby repealed, and any surplus funds which may at the commencement of this Act be standing at the credit of the portion of the undertaking of the Trustees to the eastward of Ladyburn shall be held to have been and to be applicable to the general purposes of the Trustees : Provided nevertheless, that the Trustees shall keep accounts of the several rates levied by them under the authority of this Act, and of the money expended by them out of such rates and out of the money borrowed under the powers of the Act of 1871 and of this Act.

Power to borrow on mortgage.

13. From and after the commencement of this Act the Act of 1871 shall be read as if the Trustees were thereby authorised to borrow on mortgage the sum of eighty thousand pounds, and the Trustees may accordingly from time to time borrow any sum or sums of money not exceeding in the whole at any one time the sum of eighty thousand pounds, on the security of the rates leviable by them under the authority of the Act of 1871 as amended by this Act and of this Act : Provided that the moneys raised upon any mortgages granted under the authority of the Act of 1871, or of that Act as amended by this Act, shall be held to be applicable to the general purposes of the Trustees, and that any mortgages granted prior to the passing of this Act shall be held, during the continuance of such mortgages, to have security over the rates leviable by the Trustees in priority to any mortgages which may be granted after the commencement of this Act.

Money to be borrowed in substitution for sums paid off.

14. In case any part of the money borrowed by the Trustees shall at any time be paid off except by means of the sinking fund, the Trustees may from time to time borrow on mortgage on security of the rates leviable by them any sum equivalent to the money so paid off.

15. The treasurer of the Trustees shall not be bound to enter in the register of transfers of mortgages kept by him any transfer having reference to any mortgage unless the whole principal sum secured by such mortgage be transferred by such transfer, nor unless such transfer or an official extract thereof be delivered to him for the purpose of being retained by him.

A.D. 1880.

Partial transfers of mortgages prohibited.

16. In lieu of the sinking funds which the Trustees are by the Act of 1871 required to set apart, the Trustees shall annually set apart as a sinking fund out of the rates received by them a sum of not less than two pounds per centum on the whole amount borrowed by the Trustees under the authority of the Act of 1871 and of this Act, to be applied by them in paying off such borrowed money and to no other purpose whatever: Provided that in respect of the separate sinking funds already set apart under the provisions of section 76 of the Act of 1871 the Trustees may, notwithstanding anything in that section contained, apply the same to paying off money borrowed for the purposes of any part of the undertaking of the Trustees.

Sinking fund.

17. The Treasurer of the Trustees shall within twenty-one days after the thirtieth day of September in each year during which any sum is required to be set apart for a sinking fund under this Act or the Act of 1871, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year ending on the thirtieth day of September preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof has been applied during the same period, and the total amount remaining invested at the end of the same period; and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Board of Trade, by such return or otherwise, that the Trustees have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund and interest thereof to any purposes other than those authorised by the above-mentioned Acts, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Annual return to Board of Trade with respect to sinking fund.

A.D. 1880.

Application
of moneys
and rates.

18. The moneys authorised to be borrowed under the Act of 1871, as amended by this Act, and the rates levied by the Trustees, shall be applied exclusively in executing and maintaining the works authorised by this Act, by the Act of 1871, as amended by this Act, and by the Act of 1755, in providing plant for the same, and generally in carrying into effect the objects and purposes of such Acts.

Appointment
of auditors.

19. It shall not be necessary for the Trustees to apply annually to the sheriff of Lanarkshire for the appointment of an auditor as provided in section 74 of the Act of 1871, but the appointment of an auditor made by him shall be held to continue in force, and the auditor named in such appointment shall continue in office, until a new appointment is made on an application by the Trustees.

Power to
remove
wrecks, &c.

20. The Trustees may within the limits of the trust raise and remove, or, if necessary, destroy or take away any wrecks of vessels or sunken vessels, or other similar obstruction; and the expense of removing any such wrecks or sunken vessels or obstruction shall be paid by the master or owner of the same to the Trustees, and the Trustees may detain such wreck or vessel or obstruction in security for such expense, and, on nonpayment of such expense on demand, may sell the same, and out of the proceeds of such sale may pay the expense incurred in raising, removing, or destroying, or taking away such wreck or vessel or obstruction, and also the charges of detention or sale, rendering the overplus (if any) to the person entitled to the same; and if from such proceeds a sum sufficient to pay such expenses shall not be obtained, the deficiency shall be recoverable from the master or owner of such wreck or vessel or obstruction in the same manner as penalties imposed by the Act of 1871 are directed to be recovered, or by action in any court of competent jurisdiction.

Power to
provide
steam
engines,
dredgers, &c.

21. The Trustees may provide, hire, maintain, and use such steam engines, piling engines, diving bells, dredgers, ballast lighters, barges, tug boats, and other vessels, tackle, machinery, and other appliances and conveniences as they think proper, for carrying on the business of the trust, or for any other purposes of the Act of 1755, the Act of 1871, and this Act.

Superannua-
tion allow-
ances may be
granted.

22. The Trustees may, if they think fit, pay or secure to any of their officers or servants who shall have held an appointment under them for ten years or upwards, and whether the same shall have commenced before or after the passing of this Act, upon his retirement as unfit from age or other cause for further service, such annual or other sum as they may think reasonable by way of superannuation allowance or otherwise, and either during the period

A D. 1880.

of his natural life, or for such other period, or in gross, as they think fit; and the Trustees may also, if they think fit, grant gratuities or superannuation allowances towards the relief of men disabled or injured in their service, and the wives and families of such men: Provided that no such allowance or gratuity shall be granted to any officer or servant of the Trustees as aforesaid unless special notice of the motion to grant the same shall be given in the notice calling the meeting of the Trustees at which such motion is to be made, and unless such allowance or gratuity is agreed to at such meeting by two-thirds of the whole number of the Trustees: Provided further, that no such allowance or gratuity shall exceed in amount the allowance or gratuity which under similar circumstances might at the time be granted by the Commissioners of the Treasury to persons who have served in an established capacity in the permanent Civil Service of the State.

23. Except as regards the works by this Act authorised nothing in this Act contained shall affect the rights of the Trustees of the port and harbours of Greenock, as existing at the passing of this Act, or authorise any interference with the property of the said trustees or of Sir Michael Robert Shaw Stewart, of Greenock and Blackhall, Baronet, without their or his consent.

Saving rights of Greenock Harbour Trustees and of Sir Michael R. S. Stewart, Bart.

24. The provisions of the fourth, fifth, and sixth articles of the agreement, bearing date the ninth, eighteenth, and twenty-fourth days of February one thousand eight hundred and eighty, and made between the Trustees of the Clyde Navigation, the Trustees of the Clyde Lighthouses, and the Trustees of Port Glasgow Harbour, a copy of which agreement is contained in the schedule to this Act annexed, and without prejudice to the other provisions of the said agreement, are hereby confirmed, and shall be operative and binding on the several parties to the said agreement, as if the same had formed part of the special enactments of this Act. And section 46 of the Act of 1871 and section 95 of the Clyde Navigation Consolidation Act, 1858, are hereby repealed. The Trustees shall within one month after the passing of this Act deposit a copy of the plan referred to in the said agreement with the principal sheriff clerk of the county of Renfrew in his office at Greenock, and the same shall be kept by him, subject and according to the provisions of the Public General Act passed in the session of Parliament of the seventh year of the reign of King William the Fourth and the first year of the reign of Her present Majesty, chapter eighty-three, as if such plan had been required to be deposited by the standing orders of either of the Houses of Parliament.

Confirmation of certain provisions of an agreement between the Trustees of the Clyde Navigation, the Trustees of the Clyde Lighthouses, and the Port Glasgow Harbour Trustees, &c. 21 & 22 Vict. c. cxlix.

A.D. 1880.

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Saving rights
of Trustees
of Port Glas-
gow Har-
bour.
28 & 29 Vict.
c. ccliv.

Reserving
Merchant
Shipping and
general Acts.

Notice to be
given to
Board of
Trade of
works to be
executed.

Saving rights
of the Crown
in foreshore,
&c.

Saving rights
of the Crown
generally.

25. Except as by this Act specially provided the whole rights, powers, privileges, and authorities of the Trustees of Port Glasgow Harbour, under and by virtue of the Port Glasgow Harbour Consolidation Act, 1864, shall be and remain in as full force and effect as if this Act had not been passed.

26. Nothing in this Act contained shall exempt the Trustees or their undertaking from the provisions of the Merchant Shipping Acts, or of any general Acts relating to dues on shipping, now in force or which may be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates authorised by this Act.

27. The Trustees shall not execute any of the works by this Act authorised, other than dredging, without the previous consent of the Board of Trade, to be signified in writing, and then only according to such plans and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the Trustees shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals, and if any such work shall be commenced or completed without such consent and approval, the said Board of Trade may abate and remove the same, and restore the site thereof to its former condition, at the costs of the Trustees, and the amount of such costs shall be a debt due to the Crown and recoverable against the Trustees accordingly.

28. Nothing in this Act contained shall authorise the Trustees to take, use, or in any manner interfere with any portion of the alveus or shore of the river or firth of Clyde, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors.

29. Nothing contained in this Act shall authorise the Trustees to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners or one of them

[43 & 44 VICT.] *Clyde Lighthouses Act*, 1880. [Ch. cxxxvii.]

on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. A.D. 1880.
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30. Nothing in this Act contained or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act, 1866. Saving rights
under
29 & 30 Vict.
c. 62.

31. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Trustees out of the rates authorised to be levied or moneys authorised to be borrowed under the recited Acts and this Act Expenses of
Act.

A.D. 1880.

SCHEDULE herein-before referred to.

MINUTE OF AGREEMENT between the Trustees of the Clyde Navigation, herein-after called the "First Party," the Trustees of the Clyde Lighthouses, herein-after called the "Second Party," and the Trustees of Port Glasgow Harbour, herein-after called the "Third Party."

WHEREAS by the ninety-fifth section of the Clyde Navigation Consolidation Act, 1858, it is inter alia enacted that it should not be lawful for the first party to carry on any operations whereby the harbour of Port Glasgow or entrances thereto, or the channel between the River Clyde, as defined by the said Act, and the said harbour, might be obstructed or injuriously affected; and if by means of any of the operations of the first party the said harbour, or entrances, or channel, should be obstructed or injuriously affected, such obstructions should be removed, and such injury remedied by or at the expense of the first party: And whereas by the forty-sixth section of the Clyde Lighthouses Act, 1871, it is inter alia enacted that it should not be lawful for the second party to carry on any operations whereby the said harbour of Port Glasgow, or entrances thereto, or the said channel between the said river and the said harbour, might be obstructed or injuriously affected, and if by means of any of the operations of the second party the said harbour, or entrances, or channel, should be obstructed or injuriously affected, such obstruction, in so far as the same might be caused by the second party, and not removable by the first party under the provisions of the first-mentioned Act, should be removed, and such injury remedied by or at the expense of the second party: And whereas authority is given by the said sections of the said Acts to apply to the sheriff depute of the county of Renfrew for the enforcement of the foresaid provisions: And whereas on the seventeenth day of July eighteen hundred and seventy-six, on the allegation that injury had occurred to the said harbour and entrances, and the said channel, by the operations of the first party, the third party applied to the said sheriff depute of the county of Renfrew by petition for the enforcement against the first party of the provisions contained in the said ninety-fifth section of the first-mentioned Act, and after various steps of procedure the said sheriff remitted to George Robertson, civil engineer, Edinburgh, to examine the localities specified in said petition, and to report whether the first party had, since August eighteen hundred and fifty-eight, carried on any operations whereby the harbour of Port Glasgow, or the entrances thereto, or the channel between the river, as defined by the first-mentioned Act, and the said harbour, had been obstructed or injuriously affected, and, if so, to report of what particulars such obstruction or injury consisted, and in what way such obstruction or injury could be removed or obviated; and, in accordance with said remit, the said George Robertson examined the said localities and reported to the said sheriff, on seventeenth May eighteen hundred and seventy-eight, the result thereof; and after considering said report, and hearing the parties thereon, the said sheriff, on the eleventh day of July eighteen hundred and seventy-nine, found that by the operations of the first party the channel between the river, as defined by the

A.D. 1880.

first-mentioned Act, and the harbour of Port Glasgow, had been obstructed and injuriously affected, and that the injury so caused to the third party must be remedied at the expense of the first party, and further ordained the first party to dredge the said channel to the depth and within the lines shown on the plan annexed to the said report by the said George Robertson, being number twenty two of process: And whereas, with the view of avoiding such lengthened and expensive investigations and reports for the future, it is considered, by all the parties hereto, that it would be preferable that an agreement should be entered into to maintain in all time coming a certain depth of water in front of and in the entrances to the said Port Glasgow Harbour: And whereas it is considered that instead of following the lines of dredging ordered by the said sheriff it would be of greater advantage to the harbours of Port Glasgow, and entrances thereto, that the area as shown enclosed by the lines drawn between the points marked A., B., C., D., E., on the plan docketed and signed as relative hereto (which area is herein-after referred to as "the said area"), and a copy of which plan is to be delivered to each of the parties hereto, should be dredged to the depth after mentioned, and that the depth of water herein-after mentioned should be maintained therein as herein-after provided; and that no dredging should be executed by or at the expense of the first party eastward of the line drawn between the points marked C. and D. on the said plan; it is hereby agreed as follows:—

First.—The first party shall on or before the first day of June eighteen hundred and eighty, and at the sight and to the satisfaction of the said George Robertson, dredge the said area to the depth of fourteen feet below low water, the said low water being held to be at Port Glasgow six feet four inches below the Ordnance datum: Declaring and providing always, that if any damage is caused by the said dredging to the quays of Port Glasgow harbours the third party shall free and relieve the first party from all such damage and claims resulting therefrom.

Second.—In so far as the said dredging shall exceed the entire quantity of dredging required to be done by the first party under the foresaid order of the sheriff of Renfrewshire, dated eleventh July eighteen hundred and seventy-nine, not merely over the said area, but beyond it, and which quantity so required to be done it is hereby agreed shall be reckoned as fifty thousand cubic yards, the second party shall pay to the first party the cost of dredging the extra quantity at the rate of eightpence per cubic yard, the expense of the dredging to the extent of the said fifty thousand cubic yards being borne by the first party, who shall also pay the fee of the said George Robertson for superintending and reporting on the completion of the said dredging, the amount of such fee to be fixed by the said sheriff in case of difference of opinion as to the amount.

Third.—The measurement of the whole quantity of dredging executed shall be ascertained by the number of barge-loads dredged from the said area, each of the first party's barges, numbers one to four, being computed to contain two hundred and forty cubic yards, and numbers five to eighteen each three hundred and twenty cubic yards; the number of barges loaded to be taken from the log-book of the dredger, and be checked by the returns made by the masters of the respective barges.

Fourth.—After the completion of the said dredging to the said depth of fourteen feet below low water to the satisfaction of the said George Robertson

A.D. 1880. — the second party shall be bound to maintain, and hereby bind themselves to maintain in all time thereafter, the said depth of fourteen feet below low water within the said area, and to do whatever dredging is required for the maintenance of said depth, the expense of such dredging and maintenance to be borne by the parties hereto in the following proportions, vizt., by the first party two-fifth parts, by the second party two-fifth parts, and by the third party the remaining one-fifth part: Provided always, that the third party may, if they think proper, and at their own expense, under the powers contained in the Port Glasgow Harbour (Consolidation) Act, 1864, and relative Acts, dredge the said area to a greater depth than fourteen feet.

Fifth.—In the event of the second party at any time refusing or failing to do the dredging necessary for the maintenance of the said depth of fourteen feet below low water within the said area, after being required by the third party in writing to do so, the third party shall be entitled, on the lapse of thirty days from the service of such requisition, to apply to the sheriff depute of the county of Renfrew for an order on the second party to do such dredging, and failing their doing so within a period to be fixed by the said sheriff the third party shall be further entitled to apply to the said sheriff for an order to have the dredging done at the cost of the second party, and to find the second party liable in the expenses connected with said application, and the expense of said dredging, and the orders and decisions of the said sheriff in all such matters shall be final and conclusive, and not subject to review by appeal, suspension, reduction, or otherwise, in any court whatever.

Sixth.—In the event of the second party at any time after the said area shall have been dredged to the depth of fourteen feet as aforesaid deepening the navigable main channel past Port Glasgow to more than eighteen feet below low water, the said area shall, at the request of the third party, be dredged and maintained by the second party to a depth equal to four feet less than the depth of the said main channel, and the cost of such deepening within the said area, and of the maintenance thereof, shall be borne by the several parties hereto in the same proportions as are specified in article fourth hereof.

Seventh.—Clauses to carry into effect the provisions of the fourth, fifth, and sixth articles of this agreement shall be prepared and adjusted by the parties hereto, and inserted by the second party in the Bill which has been deposited in Parliament by them.

Eighth.—The said clauses shall be subject to such alterations as Parliament may think fit to make thereon; but if any Committee of Parliament make any material alteration thereon it shall be competent to any of the parties hereto to withdraw the clauses.

Ninth.—In the event from any cause of the said clauses not being passed into a law the parties hereto shall notwithstanding be bound to carry out the provisions of this agreement so far as applicable to the present and future dredging herein-before mentioned, and this agreement, so long as implemented by the parties, shall be held to supersede any action by the third party under the ninety-fifth section of the Clyde Navigation Consolidation Act, 1858, and the forty-sixth section of the Clyde Lighthouses Act, 1871, provided that the second party or the first party, whichever of them shall first hereafter promote a Bill in Parliament, shall, subject to the approval of Parliament, insert such clauses as may be adjusted by the parties hereto for the carrying into effect the provisions of the fourth, fifth, and sixth articles of this agreement.

Tenth.—In respect of the foregoing agreement a joint minute shall be prepared for the first party and the third party hereto, and lodged by them in the said process still pending before the said sheriff of Renfrewshire, craving the said sheriff to discharge the foresaid order of eleventh July eighteen hundred and seventy-nine, and to dismiss the said process, finding neither party entitled to expenses.

A.D. 1880.

In witness whereof these presents, written on this and the three preceding pages of stamped paper by Archibald Colquhoun Macneur, clerk to Daniel Ritchie Maclelland, writer in Port Glasgow, are in triplicate, and along with relative plan, sealed with the common seal of each of the three parties hereto, and are subscribed, also in triplicate, for each of the said parties as follows; vizt., by David Rowan, engineer in Glasgow, and George Wilson Clark, corn-factor there, two of the said Trustees of the Clyde Navigation, the first party hereto, for the said first party, at Glasgow, on the ninth day of February eighteen hundred and eighty, before these witnesses, George Reith, secretary and general manager to the first party, and John Hay, writer in Glasgow; by John Roxburgh, merchant in Glasgow, and Alexander Allan, shipowner there, two of the said Trustees of the Clyde Lighthouses, the second party hereto, for the said second party, also at Glasgow, on the eighteenth day of the said month of February and year last-mentioned, before these witnesses, Mathew Anderson, writer in Glasgow, and Hugh Barnett, clerk to Andersons and Pattison, writers there; and by Robert Galbraith Sommerville, saw-miller and shipowner in Port Glasgow, and Robert Duncan, shipbuilder there, two of the said Trustees of Port Glasgow Harbour, the third party hereto, for the said third party, at Port Glasgow, on the twenty-fourth day of the said month of February and year foresaid, before these witnesses, the said Daniel Ritchie Maclelland and Matthew Paul, his apprentice.

DAVID ROWAN. GEO. W. CLARK.

GEO. REITH, Witness.

JOHN HAY, Witness.



JOHN ROXBURGH. ALEXANDER ALLAN.

M. ANDERSON, Witness.

HUGH BARNETT, Witness.



R. G. SOMMERVILLE. ROBT. DUNCAN.

DAN. R. MACLELLAND, Witness.

MATTHEW PAUL, Witness.



2001-2002

10