



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. xxxiv.

An Act for improving, repairing, and maintaining the Harbours of the Burgh of *Rothsay* in the County of *Bute*, and for building and maintaining a Gaol, Court House, and Offices for the said Burgh and County. [2d August 1831.]

WHEREAS the Harbours of the Burgh of *Rothsay*, and Piers thereof, have been recently considerably improved and enlarged, and large Sums of Money have been borrowed on the Credit of the Harbour Rates and Duties, the greater Part of which Sums are still owing: And whereas other and additional Improvements are necessary, particularly the erecting a Breakwater on the Entry from the East to the Outer Harbour, erecting a Wharf at the Head or South Side of the said Outer Harbour, increasing the Breadth of the West Pier, erecting a Drawbridge to unite the East Pier and West Pier, and further deepening, cleansing, and improving the said Harbours: And whereas the customary Harbour Rates and Duties now payable by the Owners and Masters of Ships and Vessels resorting to the said Harbours are inadequate to the Expence of the said Operations, and of properly maintaining the said Piers and Harbours, and paying and discharging the Debts and Expences incurred and owing as aforesaid, and it is expedient and necessary that the same should be abolished, and that new and additional Harbour Rates and Duties should be granted instead thereof; and also that Powers

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should be granted, and Rules and Regulations should be made and established, for the Repair, Maintenance, and Government of the said Harbours, and for the Regulation and Government of all Persons and Ships or Vessels and Boats employed therein or using the same: And whereas the present Gaol or Prison of the Burgh of *Rothsay* in the County of *Bute* is insufficient for the proper Custody of the Prisoners of the said Burgh and County, usually confined therein, and the present Court House of the said Burgh is inadequate for the proper Accommodation of the Sheriff and Justice of Peace Courts of the County, the Burgh Court of *Rothsay*, and other Courts of Justice, and of the County and Burgh Meetings, which are there in use to be held; and it is therefore requisite that the present Gaol, Court House, and Public Offices should be altered, enlarged, and improved, or that a new Gaol, Court House, and other Public Offices should be erected, built, and maintained, and that sufficient Funds should be provided for these Objects: But as these Purposes cannot be accomplished without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provost, Two Baillies, Dean of Guild, and remanent Members of the Town Council of the said Burgh for the Time being, and their Successors in Office, together with Four Owners of Ships or Vessels trading to and from *Rothsay* or belonging to *Rothsay*, qualified as after mentioned, to be nominated and elected as after provided, shall be and they are hereby nominated and appointed Trustees for putting into execution and carrying into effect the Powers by this Act granted to the said Trustees, provided that the said Magistrates and Council shall be sole Trustees until the first Annual Election of the Four other Trustees shall take place.

Trustees.

Qualification
of Owners of
Ships or
Vessels as to
Elections.

II. And be it further enacted, That no Owner of Ships or Vessels shall be qualified or capable of voting in the Election or of being elected as One of the Four Trustees to be elected as hereinafter provided, who does not reside in *Rothsay*, and is not an Owner or Part Owner in his own Right of a Ship or Vessel or Ships or Vessels trading to and from or belonging to the said Burgh of *Rothsay*, to the Extent of Twenty Tons or upwards: Provided always, that any such Part Owner of such Ship or Vessel or Ships or Vessels shall be sufficiently qualified for the Purposes of this Act, although his Right and Interest therein shall be in One or more of such Ships or Vessels, provided his Right and Interest in the same shall, if in One such Ship or Vessel, or if in different and separate such Ships or Vessels when added or estimated together, amount to Twenty Tons or upwards of Shipping trading to and from or belonging to *Rothsay*.

Time of
Election of
Owners of
Ships or
Vessels as
Trustees.

III. And be it further enacted, That the Four Trustees, Ship Owners as aforesaid, shall be elected at a Meeting to be held at *Rothsay* on the Second *Monday of October* annually, of which not less than Seven nor more than Fourteen Days previous Notice shall be given by the Clerk of the said Trustees, either in some One of the *Glasgow* Newspapers usually circulated in *Rothsay*, or on the Door of the Parish

Parish Church of *Rothsay* on a *Sunday*, in which Notice shall be specified the precise Time and Place of such Meeting.

IV. And be it further enacted, That in case there shall be an Equality of Votes at any of the Elections of the said Four Trustees, Ship Owners as aforesaid, the Trustees who shall be present at a General Meeting of the said Harbour Trustees to be held within Eight Days after such Elections shall have Power to determine and fix which of the Persons having such Equality of Votes shall be the Trustee or Trustees until the then next Annual Election.

In case of Equality of Votes, Trustees to determine the same.

V. And be it further enacted, That no such Owner or Part Owner of any such Ship or Vessel or Ships or Vessels shall have more than One Vote at any of the said Elections; and if any Person or Persons shall give more than One Vote, or shall vote without being duly qualified according to the Provisions of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Pounds Sterling, to be applied to the Purposes of the said Harbours.

Persons voting without being qualified to forfeit 20*l*.

VI. And be it further enacted, That in the event of the Death, Refusal to act, or Resignation of any of the said Trustees to be elected by the Owners of Ships or Vessels trading to and from or belonging to *Rothsay* as aforesaid, it shall and may be lawful to and for the other Trustees acting for the Time to elect in his or their Stead some other Person or Persons from among the said Owners of Ships or Vessels trading to and from or belonging to *Rothsay*; and the Person or Persons so to be appointed to supply a Vacancy or Vacancies shall have the same Powers and Authorities as if he or they had been originally elected and chosen at the preceding Annual Election, and shall remain in Office until the then next Annual Election.

How Vacancies in Trusteeship to be supplied.

VII. And be it further enacted, That no Person who shall be a Member of the said Burgh Council at the several Times of Election to be made in pursuance of this Act shall be elected as a Trustee by the said Owners of Ships or Vessels; and if any Trustee chosen at such Election shall during the Time for which he shall have been so chosen become a Member of the said Burgh Council, he shall thereupon cease to be considered a Trustee from the said Owners of Ships or Vessels, and his Place shall be filled up in the same Manner as other Vacancies are appointed to be filled up as hereinbefore mentioned.

No Person in Burgh Council to be elected a Trustee by the Owners of Ships or Vessels.

VIII. And be it further enacted, That although such Owners of Ships or Vessels trading to and from or belonging to *Rothsay* as aforesaid, authorized to elect Trustees for the Purposes of this Act, shall at any Time or Times fail, neglect, or refuse to make due and proper Elections of Trustees at the Periods appointed, such Failure, Neglect, or Refusal shall not stop or prevent the Execution of this Act as to or relating to the said Harbours and Piers, by the other Trustees; nor shall the Death, Resignation, or Refusal to act of any of the said Trustees stop or prevent the other Trustees from acting in the Execution of the Powers committed to the said Harbour Trustees: Provided always, that in all Cases the Trustees duly appointed

In case Elections be not duly made, the other Trustees may carry the Act into execution as to the Harbours and Piers.

pointed and acting for the Time shall have Power to execute the Purposes of this Act as to the said Harbours and Piers.

Works to be erected, &c.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees or a Majority of them, and they are hereby authorized, to erect and finish or cause to be erected and finished a Breakwater on the Entry from the East to the outer or East Harbour of *Rothsay*; to erect or cause to be erected a Wharf at the Head or South Side of the said East Harbour; to increase or cause to be increased the Breadth of the West Pier of *Rothsay* so as to make it more safe, and to correspond with that Part of the said Pier which extends eastwardly from the northmost Extremity thereof; to erect and complete, or cause to be erected and completed, a Drawbridge to unite the said Piers; to deepen, cleanse, and scour, or cause to be further deepened, cleansed, and scoured, the said Harbours; to erect or cause to be erected on the Piers or Wharfs of the said Harbours such Cranes and Sheds as shall be considered useful; and likewise to build and erect, or cause to be built and erected, in or contiguous to the said Harbours, on Ground belonging to the said Burgh, such other Piers, Quays, Jetties, Breasts, Graving and Repairing Slips, or other proper Works for the Improvement of the said Harbours, as shall be judged by the said Trustees or a Majority of them to be proper and necessary for the Safety, Convenience, or Reception of Ships and Vessels resorting to the said Harbours or Piers, or for the more convenient loading and unloading of such Ships and Vessels.

Not to deviate from Plan without Consent of Owners and Occupiers of Property.

X. And whereas a Map or Plan describing the said Harbours, and the Land or Ground upon which the same are situated, together with a Book of Reference or Paper containing the Names of the Owners and Occupiers of such Land or Ground, has been lodged in the Office of the Clerk of the Parliaments; be it therefore enacted, That the said Trustees shall not deviate more than One hundred Yards from the Line described in the said Map or Plan; and the said Map or Plan shall remain in the Custody of the Clerk of the Parliaments, and the same, or a Copy or Copies thereof, certified by the Clerk of the Parliaments to be a true Copy or true Copies thereof, shall be and is and are hereby declared to be good Evidence in all Courts of Law, and shall be admitted as such by and before all Judges, Justices, and others.

Meetings of Trustees.

XI. And be it further enacted, That the said Trustees shall meet within the Court Room of *Rothsay* on the Third *Monday* after the passing of this Act between the Hours of Twelve Noon and Two Afternoon, and shall then and there proceed to carry the Powers committed to them by this Act into execution; and the said Trustees shall hold a General Meeting on the Third *Monday* of *October* in every Year, at the Place and between the Hours above mentioned, during the Continuation of this Act; and the said Trustees shall have Power and are hereby empowered and authorized to adjourn to such other Time and Place or Times and Places as to them, or to the Majority of them, at such First or other Meetings, shall seem meet and expedient, such Place or Places being always within the Burgh of *Rothsay*; and all Acts, Matters, and Things hereby required to be

be done by the said Trustees at any General Meeting shall and may be done by the Majority of them assembled at any such General or Adjourned Meeting, the whole Number present at any such Meeting not being less than Nine, who are hereby declared a Quorum; and in all such General or Adjourned Meetings, as well of the said Trustees as of the Commissioners herein-after appointed, the Provost or the senior Magistrate of the Burgh of *Rothsay* present for the Time shall preside, and, besides his Vote in common with the other Trustees or Commissioners, shall, in case of Equality, have a casting or decisive Vote; and if it shall so happen that a sufficient Number of the said Trustees shall not appear at any such General or Adjourned Meetings, then the Trustees or Trustee then present, or the Clerk to the said Trustees, shall from Time to Time as often as such Case shall happen adjourn such Meeting to some other Day within Ten Days from the Day on which such Adjournment shall be made; and at all such Meetings the Trustees shall pay their own Expences.

XII. And be it further enacted, That all Meetings of the said Trustees for the Purposes of this Act, other than those before mentioned, shall be called by the Clerk or Treasurer to the said Trustees (on being required so to do by any One of the said Trustees), and that by public Advertisement, either in some One of the *Glasgow* Newspapers usually circulated in *Rothsay*, or on the Door of the Parish Church of *Rothsay* on a *Sunday*, or by Notice in Writing to every One of the Trustees Four Days at least previous to such Meeting.

Meetings
how to be
called.

XIII. And be it further enacted, That regular Entries shall be made in a proper Book or Books to be provided for that Purpose of the Names of the Trustees and Commissioners herein-after appointed respectively, who shall attend the respective Meetings of the said Trustees and Commissioners, and of all their Orders and Proceedings; and the Chairman or Preses of every such Meeting shall subscribe his Name at the End of the Proceedings of every such Meeting; and all such Entries, being so signed, shall be allowed to be read in Evidence in all Causes, Suits, and Actions relating to any thing done in pursuance of this Act; and every such Book shall at all reasonable Times be open to the Inspection of the said Trustees and Commissioners respectively; and if the Clerk or Person having the Custody thereof shall not permit the said Trustees and Commissioners to inspect such Book or Books, such Clerk or Person shall forfeit and pay the Sum of Five Pounds Sterling for every such Offence.

Proceedings
to be entered
in Books and
allowed as
Evidence.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at their First or any subsequent Meeting to be held under and in virtue of this Act, to nominate and appoint a Collector or Collectors, Treasurer or Treasurers, for levying and receiving the Harbour Rates and Duties by this Act granted, and also 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 Collectors, Treasurers, Officers,

Collectors
and Officers
to be ap-
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and Seryants, or any of them, and to appoint others in their Stead, and to allow such reasonable Fees or Salaries to them as to the said Trustees shall appear to be just and proper; and all and every the Collectors and Treasurers of the said Harbour 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 Trustees at all Times when they shall demand Inspection of the same), and shall pay and dispose thereof in such Manner as by the said Trustees shall be directed; and the Collector or Collectors, Treasurer or Treasurers, so to be appointed to receive the said Harbour 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 which shall be by him or them respectively from Time to Time collected or received.

Rates and Duties heretofore taken repealed, and others imposed.

XV. And be it further enacted, That the Rates and Duties heretofore in use to be levied at, for, or in respect of the said Harbours shall be and the same are hereby repealed and abolished; and in consideration of the Expence already incurred, and Debts contracted and Sums borrowed and owing for improving and enlarging the said Harbours and Piers, amounting to Four thousand and eighty-seven Pounds Fourteen Shillings and Five-pence, and the additional Expences which will be incurred in deepening the said Harbours, and in erecting and finishing the said Works before described, it shall and may be lawful for the said Trustees or the Majority of them, or such Person or Persons as they shall appoint, and they are hereby empowered, to demand, exact, levy, collect, receive, and take, from the Owners, Masters, or other Persons having the Charge of all Ships, Brigs, Sloops, Barks, Lighters, Yachts, Steam Vessels, Steam Boats, or other Vessels or Boats, the Harbour Rates and Duties specified in Schedule (A.) hereunto annexed, for all such Ships, Brigs, Sloops, Barks, Lighters, Yachts, Steam Vessels, Steam Boats, or other Boats or Vessels, as shall or may enter or arrive at the said Harbours of *Rothsay* or any of them, for the Purpose of landing or taking on board any Goods, Passenger or Passengers, or touch at or take the Advantage or Benefit of any of the Piers or Quays of the said Harbours: Provided always, that no Steam Vessel or Steam Boat shall be liable to pay such Rates and Duties oftener than once in Twenty-four Hours, computing from Twelve o'Clock Midnight of one Night to Twelve o'Clock Midnight of the Night following.

Rates may be compounded for.

XVI. Provided always, and be it enacted, That for the Relief of the Masters and Owners of all Ships or Vessels, Steam Vessels, Steam Boats or other Boats, which shall be employed as regular Packets, Passage Boats, or Ferry Boats, it shall and may be lawful to and in the Power of the said Trustees, or the Majority of them, to compound with the Masters and Owners of all such Ships or Vessels, Steam Vessels, Steam Boats or other Boats, for the said Harbour Rates and Duties, by the Year or Trip, at such lesser Rates or Duties as to the said Trustees or the Majority of them shall from Time to Time appear expedient; provided that in so compounding all such Ships or Vessels, Steam Vessels, Steam Boats or other Boats, as are
or

or may be of the same Size, Description, and Employment, shall be compounded with on the same Terms and at the same Rate.

XVII. And be it further enacted, That it shall be in the Power of the said Trustees to let in Lease to the best Bidder or Bidders at public Roup or Sale for that Purpose appointed, and duly advertised in some Newspaper usually circulated in *Rothsay*, at least Twice, not less than 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.

XVIII. And be it further enacted, That the said Trustees in General or Adjourned Meetings assembled may and they are hereby empowered from Time to Time to lessen and reduce all or any of the Harbour Rates and Duties granted by this Act to such Amount as shall be sufficient for the Purposes of this Act, and again from Time to Time to raise the same, as the Purposes of this Act may require, to any Amount not exceeding the Harbour Rates and Duties hereby granted. Rates may be lowered.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or in any Manner be construed to extend to any of His Majesty's Ships of War, or any other Ship, Transport, or Packet of His Majesty, His Heirs and Successors, or any Vessel employed in His Majesty's Revenues of Customs or Excise, or in the Service or Employ of the Ordnance, or any Ship or Transport wholly in the Service of the Post Office, or any Vessel employed in or upon His Majesty's Service, or in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging; and if any Person or Persons shall claim and take the Benefit of any Exemption hereby granted as aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds. His Majesty's Ships, &c. exempted from Rates.

XX. Provided also, 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 or 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 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 to *British* Ships or Vessels. His Majesty or Lords of the Treasury to reduce Duties on Foreign Ships and Goods.

XXI. And be it further enacted, That the said Trustees shall be and they are hereby authorized to appoint a proper Person or proper Persons for the Purpose of ascertaining the Tonnage of any Foreign Ship, Vessel, or Boat which shall enter or arrive at the said Harbours or any of them, in order to a due Collection of the Duties payable by such Vessels; and such Person or Persons is and 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 Officers to be appointed by the Trustees to admeasure Foreign Vessels.

Reign of His late Majesty King George the Fourth, intituled *An Act for the registering of British Ships*; and the Owners or Masters of all such Ships, Vessels, or Boats shall pay the Expence of such Measurement, besides the Rates and Duties to which they are liable in virtue of this Act.

Tonnage of
British Ves-
sels to be
ascertained
by Register.

XXII. 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.

General Ac-
counts, Re-
ceipts, and
Payments to
be stated
annually.

XXIII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required, annually in the Month of *October* 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 exhibit the same to the Inspection of all Persons having an Interest in and desiring to inspect the same.

Harbour
Duties how
to be levied.

XXIV. 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 of any Ship, Bark, Lighter, Yacht, Steam Vessel, Steam Boat, or other Boat 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, Yacht, Steam Vessel, Steam Boat, or other Boat or Vessel, the Harbour 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, in preference to and notwithstanding any 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, Yacht, Steam Vessel, Steam Boat, or other Boat or Vessel, and to detain and keep the same until the said Duty or Duties be satisfied and paid; and in case of any Neglect or Delay in the Payment of the said Harbour Rates and Duties, or any of them, for the Space of Three Days after such seizing, taking, or detaining as aforesaid, it shall and may then be lawful to and for the said Trustees, and to and for such Person or Persons authorized by them as aforesaid, to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose of the Goods and other Effects so taken and appraised, and therewith to satisfy the Duty or Duties so neglected or delayed to be paid, together with the Charge of such seizing, taking, detaining, and selling (as the same shall be ascertained by the Sellers upon Oath), rendering to the Master or Owner of such Ship, Brig, Sloop, Bark, Lighter, Steam Boat, or other Boat, or Owners of such Goods, the Overplus (if any be), on Demand.

XXV. 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 from the Commencement 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 to the said Trustees the Sum of Five Pounds Sterling, and shall notwithstanding stand charged with and be liable to the Payment of the said Harbour Rates and Duties.

Penalty on
eluding
Rates.

XXVI. 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 in all at any one Time, and including the Debts now owing on the Credit of the said Harbour Rates and Duties, the Sum of Four thousand Pounds Sterling, and to grant, assign, and set over the several Harbour Rates and Duties given and granted by this Act to any Person or Persons whatsoever who may have advanced or shall be willing to advance and lend Money thereon, for securing the Payment of the same, with Interest thereof respectively; and the Money so to be borrowed and advanced shall be employed for the Ends and Purposes of the said Harbour Trust, and not otherwise.

Trustees
may borrow
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XXVII. And be it further enacted, That all and every Sum or Sums of Money which shall be levied and received from the Harbour Rates and Duties granted by this Act, and which shall be recovered for Forfeitures incurred in respect of the said Harbours and Piers under and by virtue of this Act, shall by the said Trustees be applied to and for the Purposes of this Act in relation to the said Harbours and Piers, and towards the Payment and Discharge of such Sums of Money, Principal and Interest, as have been already contracted and owing, and which shall be borrowed by the said Trustees or the Majority of them upon the Credit of the said Harbour Rates and Duties, and to no other Purpose whatever.

Application
of the Har-
bour Rates
and Penal-
ties.

XXVIII. And be it further enacted, That the said Trustees and Commissioners herein-after appointed shall respectively direct a Book or Books to be provided and kept by their respective Treasurer for the Time being, in which Book or Books such Treasurer shall enter true and regular Accounts of all Sums of Money received and expended on account of the said Harbours, and of the said Gaol, Court House, and other Offices, and of the several Articles, Matters, and Things for which any Money shall have been disbursed, and which respective Books shall at all seasonable Times be open to the Inspection of the said Trustees and Commissioners or any Creditor on the Rates or Duties collected and taken in the said Harbours respectively; and the said Trustees and Commissioners, and Creditors of the said Trustees and Commissioners respectively, or any of them, may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Treasurer with whom the said Books are deposited shall on any

Accounts to
be kept.

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reasonable

reasonable Demand refuse to permit or shall not permit the said Trustees or Commissioners, or Creditors respectively, to inspect the said Books, or to take such Copies or Extracts as aforesaid, or in case any such Treasurer shall refuse or neglect to produce such Book or Books at any Meeting of the said Trustees or Commissioners, when required, such Treasurer shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

Harbour
Master may
be appoint-
ed.

XXIX. And be it further enacted, That the said Trustees or a Majority of them, in General or Adjourned Meeting assembled for that Purpose, 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 Harbour or Shore Master, for the Care and Superintendence of the said Harbours, and the Piers, Quays, and other Works within the same, and to change and remove such Harbour or Shore Master, and 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 or Adjourned Meetings assembled as aforesaid shall seem proper and necessary.

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

XXX. 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 or remain on the Quays and Piers aforesaid already constructed or hereafter to be constructed within or contiguous to the said Harbours or any Part thereof, or upon the Deck of any Ship or Vessel lying at or in the said Piers or Quays or Harbours aforesaid, for above the Space of Twenty-four Hours after being passed by the Custom House Officers; and in case such Goods or Things cannot be conveniently removed or got off from such Piers, Quays, Harbours, Place or Places, by Daylight, 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 Harbour or Shore Master or other proper Officer shall signify and appoint; and in case the Owner or Owners of such Goods and other Things, or the Master or other Person in the Charge of any Ship, Bark, or other Vessel, shall make default herein, every such Owner or Owners, Master, or other Person, shall forfeit and pay for every such Offence the Sum of Ten Pounds Sterling.

Ballast, &c.
not to be
thrown into
the Har-
bour.

XXXI. 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 Harbours, or to dig and take away any Ballast, Shingle, Stones, or othing Things from within the same, to the Hurt or Prejudice of the said Harbours, Piers, Quays, or of the Works erected or to be erected for the Security and Accommodation

commodation of the same, or to do any other Act or Deed to the Hurt or Prejudice of the same or any Part thereof, under the Penalty of Two Pounds Sterling for every such Offence.

XXXII. And be it further enacted, That such 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 Quay, Pier, or Breast, or other Place in or about the said Quays, Piers, Breasts, or other Works made or to be made as before mentioned, belonging to the said Harbours, shall not suffer the same to be or remain on the said Quays, Piers, Breasts, or other Places, but shall immediately after cart and carry away, or cause the same to be carted and carried away, to such Place or Places as the Harbour or Shore Master aforesaid shall for such Purposes direct, on pain of forfeiting for every such Offence Forty Shillings Sterling.

Ballast thrown on the Piers, &c. to be removed immediately.

XXXIII. And be it further enacted, That the Master or Owner or Owners of any Ship, Bark, Lighter, Boat, or other Vessel lying in or trading to or using the said Harbours, Piers, or other Works, shall be and is and are hereby made answerable to the said Trustees for the Amount or Value of any Damage or Mischief not exceeding Twenty Pounds Sterling 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 Piers, Quays, Breasts, or other Works already constructed, or that shall be constructed by virtue of this Act, with full Costs of Suit; and that such Damages and Costs shall be sued for and recovered in manner herein-after directed.

Masters or Owners of Vessels made answerable for Damages done by their Crew.

XXXIV. And be it further enacted, That in case the Master or Masters, Owner or Owners, of any Ship, Vessel, or Boat as aforesaid, shall be compelled to pay any Penalty or to make Satisfaction for any Damage or Trespass, by reason of any such Damage or Mischief done or committed by his, her, or their Mariners, Servants, Boatmen, Bargemen, or Watermen, or other Persons employed by him, her, or them, such Mariners, Servants, Boatmen, or other Persons, and each and every of them, shall be liable to pay such Penalty or Damages, with the Costs thereof, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof, on Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him, her, or them by such Mariners, Boatmen, Servants, or other Persons, or any of them, although demanded, (such Oath to be made before any Justice of the Peace for the County or Place where such Penalty or Satisfaction shall have been incurred as aforesaid, or where such Mariner, Servant, or other Person can be found,) the Amount thereof shall be recovered by such Master or Masters, Owner or Owners, as any other Penalty is hereby directed by this Act to be recovered.

Masters may recover Damages from their Servants.

XXXV. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any Manner destroy

Penalty on destroying Ropes, &c. of Vessels.

destroy any Rope or other Thing by which any Ship, Vessel, or Boat lying in the said Harbours or at the said Piers shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds Sterling, besides the Damages thereby occasioned.

Vagrants,
Idlers, &c.
to be de-
tained, and
Ropes, &c.
found in
their Cus-
tody to be
confiscated.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the Officers to be appointed by the said Trustees, and to and for any Messenger at Arms, Sheriff Officer, Peace Officer, Town Officer, or other Person, and they are hereby severally authorized and empowered, to apprehend, seize, secure, and detain, till they can be regularly conveyed before a Magistrate, all and every Vagrant, Idler, or disorderly Person, who may haunt about the said Harbours, Quays, Wharfs, Piers, and other Places connected therewith, without lawful Business, and they are hereby also authorized and empowered to seize, secure, and detain, till such Seizure can be regularly reported to a Magistrate, all Ropes, Copper, Iron, Lead, and other Articles of Marine Stores used in the Repair of Ships, and all Goods, Wares, and Merchandize which may be found in the Custody of such Vagrant, Idler, or disorderly Person; and if it shall appear that any of the said Articles have not been fairly come by it shall be lawful for the Sheriff of the County of *Bute* or his Substitute, or any Justice of the Peace of the County of *Bute*, or for any Magistrate of the said Burgh of *Rothsay*, to order the said Goods to be restored to the proper Owner or Owners thereof, or, in case such Owner or Owners cannot be found, to confiscate the same in aid of the Rates and Duties leviable by this Act in respect of the said Harbours, and punish the Person in whose Custody the same may have been found, by Imprisonment in the Gaol of *Rothsay*, or in some other legal Place of Confinement within the County of *Bute*, for any Time not exceeding One Calendar Month.

Vagrants,
Idlers, &c.
may be
committed.

XXXVII. And be it further enacted, That it shall and may be lawful to and for any such Sheriff, Sheriff Substitute, Justice or Magistrate, and he is hereby authorized and empowered, to detain such Vagrants, Idlers, and disorderly Persons in any Gaol, Watch-house, or other Place of Security, therein to be detained for Examination for any Space not exceeding Twenty-four Hours, or, as a Punishment, to commit the said Offenders to any such Gaol, Watch-house, or other Place of Security for any Space not exceeding Three Days.

Power to ap-
prehend
transient
Offenders.

XXXVIII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Harbour or Shore Master, Collector of Duties, or other Officers and Persons acting under the Authority of this Act; be it further enacted, That it shall and may be lawful to and for the said Harbour or Shore Master, Harbour or Shore Masters, Collector or Collectors of Duties, and other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and to convey him, her, or them before the Sheriff of the County of *Bute* or his Substitute, or any Magistrate of the said Burgh of *Rothsay*, or One or more of the Justices of the Peace for the said County of *Bute*, without any

any other Warrant than this Act for so doing; and such Sheriff, Sheriff Substitute, Magistrate, or Justice or Justices of the Peace is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders in a summary Way.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or a Majority of them, and they are hereby authorized and empowered, from Time to Time, to make and establish such Rules, Orders, Bye Rules, and Regulations as they may deem necessary and expedient for the better carrying into effect the Purposes committed to them by this Act, and in particular for regulating the Management, Superintendence, and Police of the said Harbours and Piers, and the Conduct and Behaviour of the Masters and Crews of Ships and Vessels, and other Persons resorting to the said Harbours and Piers; for regulating or prohibiting the loading or unloading of Gunpowder, and the Discharge of Guns or Fire-arms, at the said Harbours or Piers, and the keeping of Fires on board of Ships or Vessels lying therein or thereat; for removing Goods from the Piers; for preventing and removing Obstructions in the said Harbours; for berthing or stationing, removing, distributing, and arranging all and every of the Ships, Barks, Lighters, Yachts, Steam Vessels, Steam Boats, or other Boats or Vessels arriving at and using the said Harbours, Piers, or other Works, or any Part thereof, or lying in any Part of the said Harbours; for regulating the Wages, Conduct, and Behaviour of Porters, Carters, Hackney Coachmen, and others resorting to the said Harbours and Piers for Employment; for regulating the Conduct of the Owners, Masters, Pilots, and Crews of Steam Vessels or Boats, for the Conveyance of Passengers coming to and sailing from the said Harbours or Piers, with regard to the Times of sailing, as previously announced or intimated by them, and the Number of Passengers to be received on board; and from Time to Time, as Occasion may require, to repeal, add to, alter, and amend such Rules, Orders, and Bye Laws or Regulations, and to enforce due Observance thereof by reasonable pecuniary Penalties, not exceeding Five Pounds for each Offence, to be levied and recovered in a summary Manner, at the Instance of the Harbour or Shore Master for the Time being, or of the Procurator Fiscal of the Burgh Court of *Rothsay*, and to be applied, after deducting the Expence of recovering the same, to the Purposes of the said Harbours and Piers: Provided always, that such Orders, Rules, and Bye Laws or Regulations shall not be repugnant to or inconsistent with the Laws of *Scotland* and the Provisions of this Act, and shall be painted in legible Characters upon Boards, and put up and affixed in One or more conspicuous Place or Places adjoining to the said Harbours and Piers, and shall, when effaced or obliterated, be constantly renewed and made legible.

Orders and Regulations may be established, and painted on Boards in conspicuous Places.

XL. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon such Bye Law, Rule, Order, or Regulation shall be painted, such Person or Persons shall, upon Conviction, for each Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on defacing Boards.

[*Local.*]

5 U

XLI. And

Compensation or Satisfaction awarded against the Trustees for any Lands, &c. may be recovered from the Treasurer.

XLI. And be it further enacted, That when and as 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 Costs, or for any Damage, Spoil, or Injury of any Nature and Kind whatsoever, done or committed by the said 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 Trustees to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made to the said Trustees or their Treasurer, in which Demand the Order of the Sheriff or Justices 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 Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any such Sheriff or Justices, under his Hand or their Hands, on Application made to him or them 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 for 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 also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put to by virtue of any such Warrant as aforesaid.

Notices how to be served on the Trustees.

XLII. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Trustees, or any Citation or Summons, or other legal Proceedings, the Service upon the Clerk of the said Trustees, or at the Office of the said Clerk, or left at his last or usual Place of Abode, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Trustees, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Trustees.

Appointment of Commissioners for Gaol, &c.

XLIII. And be it further enacted, That the Provost, Two Baillies, Dean of Guild, and remanent Members of the Council of the said Burgh for the Time being, and their Successors in Office, together with the Sheriff and Sheriff Substitute of the County of *Bute* for the Time being, and Three Commissioners of Supply of the said County to be elected at the Annual Meeting of the Commissioners of Supply in the Month of *April* One thousand eight hundred and thirty-two, or other lawful Day on which such Meeting may be held, shall be and they are hereby nominated and appointed Commissioners for imposing and levying the Assessments herein authorized to be imposed

imposed upon and levied from the said County, and for altering, enlarging, and improving the said Court House and Public Offices, and making Additions thereto, or for building and erecting a new Gaol, Court House, and Public Offices of and for the said Burgh and County, on such Site and Situation and of such Materials as they shall think fit, with proper and sufficient Yards or airing Ground, Courts, Out-offices, and Conveniences, Passages, and Avenues to and from the same, and for making all necessary Contracts and Agreements for and concerning the same, and for effecting and executing all the Purposes and Powers by this Act committed to and appointed to be done by the said Commissioners; and that until the First Election of Commissioners of Supply to be Commissioners under this Act, the Provost, Two Baillies, Dean of Guild, and remanent Members of the Council of the said Burgh, and Sheriff and Sheriff Substitute of the said County, shall be the sole Commissioners for the said Gaol, Court House, and Public Offices.

XLIV. Provided always, and be it enacted, That in case the said Commissioners shall, instead of altering and improving the present Gaol, and erecting a Court House and other Offices adjoining thereto, erect the Gaol, Court House, and other Offices hereby authorized to be erected upon a new Site distant from the present Gaol, then and in such Case it shall and may be competent and lawful to the said Commissioners, either by public Sale or private Bargain, to sell and dispose of the present Gaol, Court House, and Offices, and the Land whereon the same are erected and formed; Notice of such Sale or Intention to sell being previously affixed on the Church Door of the Parish of *Rothsay* for Three *Sundays* preceding the Day of Sale, and also inserted Three Times in some Newspaper usually circulated in *Rothsay* a Week at least previous to such Sale, and to apply the free Price to be received, or free Proceeds of such Sale, towards the Expence of erecting the said new Gaol, Court House, and other Public Offices; and provided further, that in the Event of the Death, Refusal to act, or Resignation of any of the said Commissioners, such Death, Refusal to act, or Resignation shall not stop or prevent the Execution of this Act and the Powers therein contained, as to the said Gaol, Court House, and Public Offices, by the other Commissioners; but that in all Cases the Commissioners duly appointed and acting for the Time shall have full Power to execute the Purposes of this Act as to the said Gaol, Court House, and Public Offices; and provided also, that the said Sheriff and Sheriff Substitute and Commissioners of Supply shall cease to be Commissioners for the Execution of this Act as soon as the said Gaol, Court House, and Public Offices shall be given over, when finished, to the Magistrates of *Rothsay* in manner herein provided.

Powers of
Gaol Com-
missioners.

XLV. And be it further enacted, That the said Commissioners shall meet within the Court Room of *Rothsay* on the Fourth *Monday* after the passing of this Act, between the Hours of Twelve Noon and Two Afternoon, and shall then and there proceed to carry the Powers committed to them by this Act into execution; and the said Commissioners shall hold a General Meeting on the Fourth *Monday* of *October* in every Year, at the Place and between the
Hours

Meetings of
Gaol Com-
missioners.

Hours above mentioned, during the Continuation of this Act; and the said Commissioners shall have Power, and they are hereby empowered and authorized, to adjourn to such other Time and Place, or Times and Places, as to them or the Majority of them at such First or other Meetings shall seem meet and expedient, such Place or Places being always within the said Burgh of *Rothsay*; and all Acts, Matters, and Things hereby required to be done by the said Commissioners at any General Meeting shall and may be done by the Majority of them assembled at any such General or Adjourned Meeting, the whole Number present at any such Meeting not being less than Nine, who are hereby declared a Quorum; and if it shall so happen that a sufficient Number of the said Commissioners shall not appear at any such General or Adjourned Meetings, then the Commissioners or Commissioner then present, or the Clerk to the said Commissioners, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Ten Days from the Day on which such Adjournment shall be made.

Notice of
such Meet-
ings.

XLVI. And be it further enacted, That all Meetings of the said Commissioners for the Purposes of this Act, other than those before mentioned, shall be called by the Clerk or Treasurer to the said Commissioners (on being required so to do by any One of the Commissioners), and that by public Advertisement, either in some one of the *Glasgow* Newspapers usually circulated in *Rothsay*, or on the Door of the Parish Church of *Rothsay* on a *Sunday*, or by Notice in Writing to every One of the Commissioners Four Days at least previous to such Meeting.

Clerk and
Treasurer to
be appointed.

XLVII. And be it further enacted, That the said Commissioners, at their First or any subsequent Meeting, shall elect and appoint a Clerk and Treasurer, to hold and execute these Offices at the Will and Pleasure of the said Commissioners, with reasonable Allowances for their Trouble; and such Clerk and Treasurer shall, if required by the said Commissioners, find Security for the due Execution of their Offices respectively, and shall at all Times obey the lawful Commands and Instructions of the said Commissioners.

Property
how to be
held.

XLVIII. And be it further enacted, That the said Commissioners shall be entitled to acquire all Rights of Property and Servitude of and connected with the said Gaol, Court House, Public Offices, and Site or Area thereof, and Avenues leading to the same, and the Rights and Conveyances thereof shall be taken and held in favour of the Magistrates and Town Council of the Burgh of *Rothsay* and their Successors in Office, in Trust for the Use and Behoof of the said County and Burgh.

Committee
may be
appointed.

XLIX. And be it further enacted, That the said Commissioners may, if they shall think fit, appoint a Committee or Committees of their Number to superintend the Progress of the Building to be erected, or to carry into effect any of the Purposes herein authorized relative to the said Gaol, Court House, and other Public Buildings, to whom they may delegate such of the Powers hereby granted to the said Commissioners as they shall think fit.

L. And

L. And be it further enacted, That it shall and may be lawful for the said Commissioners to treat for and acquire the Lands, Houses, Tenements, and other Heritages lying contiguous to the said Gaol, Court House, and Offices, and specified in the Schedule hereunto annexed marked (B.), and to pay, out of the Funds to be assessed and levied under this Act as after mentioned, the Prices or Value thereof, and upon Payment of the Prices or Value of such Lands, Houses, Tenements, and other Heritages, or Consignation thereof, to enter into or on Possession of the same as in manner herein-after mentioned.

Commissioners may acquire Lands, &c. contiguous to Gaol.

LI. And be it further enacted, That the said Commissioners 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 marked (B.), being the Owners and Occupiers, Liferenters, Lessees, and every other Person interested therein, for the Purchase of such of the Lands, Houses, Tenements, and other Heritages specified in the said Schedule marked (B.) as may be required for improving and enlarging the said Gaol, Court House, and Offices, or for building and erecting the said new Gaol, Court House, and Offices, and with the Heirs or Disponees of all or any of the aforesaid Persons.

Commissioners may agree for the Purchase of Lands.

LII. Provided always, and be it enacted, That although any of the Owners, Occupiers, or Liferenters of any of the said Lands, Houses, Tenements, and other Heritages shall have been omitted, or any of the said Lands, Houses, Tenements, or other Heritages have been wrong described, such Omission or Misnomer or erroneous Description shall not afford any Ground or Pretence for objecting to or interrupting the Execution of the Works to be done by the said Commissioners under this Act, provided that it shall be made to appear to the Satisfaction of any Two Justices of the Peace of the said County of *Bute* that such Omission, Misnomer, or erroneous Description proceeded from Accident or Mistake, and was not wilful.

Misnomers, &c. not to afford Objections.

LIII. And be it further enacted, That it shall and may be lawful for all Bodies Politic or 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 of any Kind whatever, who are or shall be seised or possessed of or interested in any of the said Lands, Houses, Tenements, or other Heritages, whether held in Free Burgage, Feu Farm, Fee, or otherwise, or under Entail, to contract and agree for, sell, and convey to the said Commissioners all or any of such Lands, Houses, Tenements, or other Heritages, or any Part thereof, for the Purposes committed to the said Commissioners by this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in 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

Incapacitated Persons authorized to sell.

[*Local.*]

5 X

other

other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Sellers to
grant Con-
veyances.

LIV. 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 of any Kind whatever, selling any Lands, Houses, Tenements, or Heritages to the said Commissioners, to grant, and they are hereby required to grant, the Conveyance or Conveyances to such Lands, Houses, Tenements, or other Heritages in the following Words, or other Words to the like Effect :

Form of
Conveyance.

‘ IN pursuance of an Act passed in the Year
‘ of His Majesty *William* the Fourth, 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 Com-
‘ missioners appointed by the said Act [*or other Consideration, as the*
‘ *Case may be*], do hereby assign, dispoⁿe, and convey to and in
‘ favour of , Provost of the Burgh
‘ of *Rothsay* in the County of *Bute*, and
‘ , the Two
‘ Baillies thereof, , Dean of Guild of the
‘ same, and remanent Members of the Council of the said Burgh, and
‘ to their Successors in Office as Commissioners under the said Act,
‘ in Trust for the Use and Behoof of the said County and Burgh,
‘ all and whole [*here describe the Subjects conveyed*], together with
‘ all my [*or our*] Right, Title, and Interest in and to the said Sub-
‘ jects above conveyed, and every Part, Pertinent, and Portion
‘ thereof, to be holden by the said Provost, Baillies, and Dean of
‘ Guild of the said Burgh, and remanent Members of the said Council,
‘ and their Successors in Office as Commissioners aforesaid, but in
‘ Trust for the Use and Behoof of the said County and Burgh, from
‘ the Day of
‘ and from thenceforth for ever in all Time thereafter. [*Here insert*
‘ *the Conditions of 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 me [*or us*], at , the Day of
‘ in the Year One thousand eight hundred and
‘ before these Witnesses, and .

Commission-
ers may
grant Con-
veyance.

LV. And be it further enacted, That in case the said Commis-
sioners shall, instead of altering, improving, and enlarging the present
Gaol, erect the said new Gaol, Court House, and other Offices upon
a new Site, distinct from the present Gaol, and sell and dispose of the
present Gaol, Court House, and Public Offices, and the Ground where-
on the same are erected and formed as aforesaid, it shall be lawful to
and for the said Commissioners, or a Quorum of them, to grant the
Conveyance thereof in the Words following, or other Words to the
like Effect :

‘ WE

‘ WE, _____, Provost of the Burgh of *Rothsay* Form of
 ‘ in the County of *Bute*, and Conveyance.
 ‘ _____, the Two Baillies thereof,
 ‘ Dean of Guild of the same, and remanent Members of the Council
 ‘ of the said Burgh, as Commissioners under and in pursuance of
 ‘ an Act passed in the _____ Year of His Majesty *William*
 ‘ the Fourth, intituled [*here set forth the Title of this Act*], in con-
 ‘ sideration of the Sum of _____
 ‘ to us paid, as Commissioners under the said Act 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 Assignees whomsoever, heritably and irre-
 ‘ deemably, all and whole [*here describe the Subjects conveyed*],
 ‘ together with all Right, Title, and Interest which the Magistrates and
 ‘ Council of the said Burgh of *Rothsay*, or the Community thereof,
 ‘ have in and to the said Subjects above conveyed, and every Part,
 ‘ Pertinent, and Portion thereof, to be holden of His Majesty in
 ‘ Free Burgage, for Service of Burgh used and wont by the said
 ‘ _____, and his [*her or their*] foresaids, from
 ‘ the _____ Day of _____, and from thence-
 ‘ forth for ever in all Time thereafter. [*Here insert the Conditions of*
 ‘ *Sale, if any be, and a Clause of Registration.*] In witness whereof
 ‘ these Presents, written upon this and the _____ preceding Pages,
 ‘ by _____ are subscribed by us [*or a Quorum*
 ‘ of our Number], in Council assembled at *Rothsay*, the
 ‘ Day of _____ in the Year One thousand eight hundred
 ‘ and _____, before these Witnesses,
 ‘ and _____.’

And every such Conveyance to and from the said Magistrates and Council of the said Burgh of *Rothsay* as Commissioners foresaid, being registered in the particular Register of Sasines, Reversions, *et cetera*, kept in and for the said Burgh of *Rothsay* (and the Keeper of such Register is hereby authorized and required to record the same), shall have and receive the same Effect, and be as valid and effectual to all Intents and Purposes, as if a formal, absolute, and irredeemable Disposition, or other Deed of Conveyance known in Law, had been granted and executed, and the same followed by Infeftment and Sasine thereon duly recorded according to the Law and Practice of *Scotland*; any Law, Custom, or Usage to the contrary notwithstanding. Convey-
ances to be
recorded.

LVI. And be it further enacted, That in case any Owner, Proprietor, Occupier, Body Politic, Corporate, or Collegiate, Trustee, Heir of Entail, 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 *Bute*, 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, In case of
Persons not
treating, or
failing to
produce a
good Title.
 or

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 Commissioners, then and in every such Case it shall and may be lawful to and for the Commissioners to apply by Petition to the Sheriff or Sheriff Substitute of the County of *Bute*, 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, Tenements, or Heritages respectively; and it shall and may be lawful to the said Sheriff or Sheriff Substitute, and he is hereby empowered and required upon receiving such Petition; to order Notice thereof to be given by Advertisement in some one of the *Glasgow* Newspapers usually circulated in *Rothsay*, 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 *Bute*, 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 or Sheriff 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 or his Substitute at such Time and Place or Times and Places as in the said Precept or Precepts shall be directed and appointed; of which Time and Place or Times and Places for assembling the Jury the said Parties interested shall have Notice given them by Advertisement in the said Newspaper at least Six Days previous to the said Meeting; and out of such Persons so to be summoned and returned the Sheriff or Sheriff Substitute shall appoint by Ballot a Jury of Fifteen Persons before whom the said Commissioners 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 Commissioners for the said Lands, Houses, Tenements, or other Heritages, including such Damage as may be suffered by the Proprietors of the Ground or their Tenants in any manner of way; and the said Sheriff or Sheriff 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 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 Rights 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

examined as Witnesses on the Matters aforesaid ; and the said Sheriff or Sheriff 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 on 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 Commissioners ; 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 therewith connected ; and after Verdict is pronounced as aforesaid, the said Sheriff or Sheriff 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 or Sheriff 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.

LVII. And be it further enacted, That the said Sheriff or Sheriff 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 Sterling, 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 Poinding and Sale of the Offender's Goods, together with the reasonable Charges of such Poinding 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 Custodiars 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 granted to the said Commissioners by this Act.

Sheriff may impose Fines for Non-attendance of Jury or Witnesses required for the Purposes of this Act.

LVIII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be settled and ascertained as aforesaid, within One Calendar Month after the same shall be so settled or ascertained, to the 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

On Payment or Consignation of Price awarded, Property to vest in the Commissioners.

[*Local.*]

5 Y

Sheriff

Sheriff or Sheriff Substitute 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 or Sheriff 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, within One Calendar Month thereof as aforesaid, with the Approbation and Warrant of the said Sheriff or Sheriff Substitute, into the Royal Bank of *Scotland*, or Bank of *Scotland*, or Bank of the *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 *Bute*, 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 or Sheriff Substitute to decree and adjudge the full Right and Property of the Lands, Houses, Tenements, or other Heritages respectively to belong to the said Commissioners, as fully and effectually as if the respective Proprietors had disposed or conveyed or had resigned the same to and in favour of the said Commissioners; and it shall then, and not before or otherwise, be lawful to and for the said Commissioners to enter upon the absolute Possession of the Premises, and to convert and dispose of the same for the Purposes of this Act.

Expences of
Jury how to
be paid.

LIX. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands, Houses, Tenements, or Hereditaments, to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, shall be defrayed by the said Commissioners; and such Costs and Expences shall be settled and determined by the said Sheriff or Sheriff Substitute; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same, within One Calendar Month after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners or of the Treasurer of the said Commissioners, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Bute*, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under

under his Hand, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for an equal or for a less Sum than shall have been previously offered by the said Commissioners, one Moiety or Half of the said Costs and Expences shall be defrayed by the Party or Parties with whom the said Commissioners shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Commissioners; and the former Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party or Parties as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners.

LX. 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 Liferents, 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 the Bank of the *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 an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be

Application
of Compen-
sation Mo-
ney when
amounting
to or ex-
ceeding
200*l*.

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.

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

LXI. 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 herein-before 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, and approved of by the said Commissioners or a Majority of them, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable.

If under 20*l.*

LXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 Commissioners shall 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 Per-
son entitled
cannot be
found.

LXIII. 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 Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded or payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded or payable as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in manner before directed, to the Credit of the Parties interested in the said
Lands,

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, Controul, 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 order Distribution thereof, or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland* or Royal Bank of *Scotland* or the Bank of the *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 into the Bank as aforesaid.

LXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the said Banks, 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, 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 shown to the Satisfaction of the said Court of Session; 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.

In case of questionable Title, Possessors to be deemed to have a Title till the contrary be shown.

LXV. And be it further enacted, That for the general Purposes of the Powers committed to the said Commissioners by this Act the said Commissioners shall and they are hereby empowered to assess and levy, or cause to be assessed and levied, upon all Lands, Inhabited Houses, Tenements, and other Heritages within the said Burgh of *Rothsay* and County of *Bute*, a Sum not exceeding Three thousand Pounds Sterling, and in the following Proportions; *videlicet*, upon all Lands and Heritages valued in the Valuation Books of the said County, Two Third Parts of the said Sum of Three thousand Pounds; and upon all other Lands, Tenements, Inhabited Houses, and other Heritages situated in the said Burgh and County, the remaining One Third Part of the said Sum of Three thousand Pounds.

Assessment to be raised.

[*Local.*]

5 Z

LXVI. Pro-

Mode of
Assessment
within the
Burgh of
Rothsay.

LXVI. Provided always, and be it further enacted, That in the Burgh of *Rothsay* the said Assessment on all Lands, Tenements, Inhabited Houses, and other Heritages situated therein shall be made up in such Manner and in the same Proportions as the Cess and other Public and Parochial Burdens are now in use to be assessed and levied in the said Burgh of *Rothsay*; and such Assessment on other Inhabited Houses in the said County shall be made on the Rents or Annual Value thereof, such Rents or Annual Value having a just and proper Proportion to the Assessment made on similar Houses or Tenements in the said Burgh of *Rothsay*.

Not more
than One
Third of the
Assessment
to be levied
annually.

LXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to assess and levy, or cause to be assessed and levied, in any One Year, a greater Proportion of the said Assessment upon the Lands, Houses, Tenements, and Heritages within the said Burgh and County than One Third Part thereof; and that Inhabited Houses erected or to be erected on Lands valued in the Valuation Books of the said County, and chargeable with the Assessment imposed by this Act on Lands and Heritages, shall not also be liable to the Assessment hereby imposed on Inhabited Houses, provided such Inhabited Houses shall and do belong to the Proprietors and Owners of such Lands; and the said Assessments shall be leviable and recoverable by such and the like summary Process as the Land Tax and Assessed Taxes for *Scotland* are by Law leviable and recoverable; and no Appeal, excepting to the Commissioners under this Act, shall be competent against any such Assessments, nor shall such Process be liable to any Stay or Hindrance by Advocation, Suspension, Reduction, or otherwise.

Assessment
how to be
levied.

LXVIII. And be it further enacted, That the said Assessments on Lands, Inhabited Houses, Tenements, and other Heritages within the said Burgh of *Rothsay* and County of *Bute* shall be chargeable upon and leviable from the Occupiers for the Time being, or from the Proprietors, Owners, Liferenters, Trustees, or others entitled to or in Receipt of the Rents for the Time being; and when such Assessments shall be paid by the Occupiers, the Person so paying shall be entitled to retain the Amount so paid out of the Rent or Consideration payable by them respectively; and where the Occupiers so paying shall happen to be Sub-Tenants or Assignees, or to derive their Possession from other Lessees or Assignees, the like Retention shall take place in proportion to the Rent payable; and each Lessee or Assignee paying or allowing Retention of the said Assessments shall be entitled to the like proportional Retention from the Person with whom he or she is bound to account or settle for the Rent payable by him or her; and in all such Cases the Persons from whom such Retention is claimed shall be bound to allow the same, provided that such Retention shall not be competent against any Person or Persons, nor in any other Cases than those before specified.

Power to
borrow
Money.

LXIX. And be it further enacted, That the said Commissioners are hereby authorized and empowered to borrow any Sum or Sums of Money at Interest for the Purposes committed to them by this Act

in relation to the said Gaol, Court House, and Public Offices, not exceeding in the whole the Sum of Two thousand Pounds Sterling, and to assign and grant Securities for Payment thereof, over the Assessments leviable by this Act, and any other Funds they may have or acquire of or in relation to the said Gaol, Court House, and Public Offices, and in case of borrowing on their own personal Security, they shall have and be entitled to Relief for Payment of the Amount so borrowed (not exceeding the Sum above limited) upon the said Assessments and other before-mentioned Funds.

LXX. And be it further enacted, That the said Commissioners shall, in so far as the same is not otherwise directed by this Act, lodge all and every Sum or Sums which they shall receive on account of or in relation to the said Gaol, Court House, and Public Offices, either with the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or with the *Greenock* Banking Company, or the *Renfrewshire* Banking Company, therein to remain until the same shall be required for the Purposes committed to them by this Act. Money to be lodged in Bank.

LXXI. And be it further enacted, That when the said Gaol, Court House, and Public Offices are improved and enlarged, or a new Gaol, Court House, and Offices built and erected as aforesaid, such improved and enlarged Gaol or new Gaol, together with the Yards or airing Ground attached thereto, shall be held and declared to be a legal Prison, and shall be given over to the Magistrates of *Rothsay* as such, and shall so remain in all Time thereafter, for the Reception and Custody of Debtors imprisoned or to be imprisoned under legal Diligence, and of Persons committed or to be committed by Warrant of the Sheriff of the said County of *Bute* or his Substitute, the Magistrates of *Rothsay*, and the Justices of the Peace of the said County respectively, or by other competent Authority or Warrant; and the Keeping and Regulation of the said Gaol shall always be vested in the said Magistrates of *Rothsay*, and they shall be bound to defray the whole Charges and Expences thereof, and have the entire Responsibility for the same and the Prisoners committed therein, in such and the like Manner as they now have with respect to the present Gaol; and nothing in this Act shall be deemed to alter the Rights and Responsibility of the said Magistrates as the same now stand by the Law or Usage of *Scotland*, in relation to the Gaol or Prison of the Burgh of *Rothsay*. The new Gaol to be a legal Prison.

LXXII. And be it further enacted, That when the said Gaol is improved and enlarged, and Additions made thereto, or a new Gaol built and erected as aforesaid, and shall be ready for the Reception of Prisoners, the Magistrates of *Rothsay* for the Time being shall thereupon remove or cause to be removed to such improved and enlarged Gaol or new Gaol all Debtors, Felons, and other Prisoners then in Custody; and such Removal shall not be deemed or taken to be an Escape or Escapes, or to infer any Risk or Damage whatsoever. Prisoners to be removed.

LXXIII. And

Proportion
of Expence
how to be
ascertained.

LXXIII. And be it further enacted, That should the said Gaol and Court House, and the Apartments appropriated for the Use of the said Magistrates or their Officers, be connected with or included in the same Building with the other Public Offices, and should any Difficulty arise at any Time in settling what Proportion of the Expence of maintaining, repairing, and enlarging or upholding the said Buildings, and insuring the same against Fire, if thought necessary by the said Commissioners, ought to be defrayed and paid by the said Magistrates and Town Council, and what Proportion by the Heritors of the said County of *Bute*, such Proportion shall be finally settled, fixed, and adjudged by the Sheriff of the County of *Bute* for the Time being; and such Proportion so settled, fixed, and adjudged to be defrayed and paid by the Heritors of the said County shall be assessed on all Lands and Heritages valued in the Valuation Books of the said County; and such Proportion to be defrayed by the Magistrates and Town Council shall be assessed on all other Lands, Inhabited Houses, and all other Heritages situated in the said Burgh and County; and the said Assessments shall be made chargeable on and levied and recovered in manner herein-before directed and authorized as to the said Sum of Three thousand Pounds Sterling.

Confinement
not to infer
Settlement.

LXXIV. And be it further enacted, That no Period of Confinement in the said improved and enlarged Gaol or new Gaol shall be held to constitute in the whole or in part a legal Settlement so as in virtue thereof to give any Claim on the Poor's Funds, or under that Pretence to enable any Person to become a Burden on the same.

Wine or
Spirits not
to be sold
in the Gaol.

LXXV. And be it further enacted, That no Wine or spirituous or fermented Liquors of any Sort shall be sold within the said improved or enlarged Gaol or new Gaol, nor be admitted therein, unless by Order of a Surgeon or other Medical Person, or when necessary by way of Medicine; and no Profit or Advantage shall directly or indirectly arise to the Gaoler, Keeper, or any of the Assistants or Servants therein from the Sale or Admission of such Liquors; and any Person offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Account of
Expence to
be deposited
with Town
Clerk of the
Burgh, &c.
of Rothesay.

LXXVI. And be it further enacted, That when the said Gaol, Court House, and Offices shall be improved and enlarged, or a new Gaol, Court House, and Offices shall be built and erected, according to the Authority contained in this Act, an accurate Account of the whole Expence laid out shall be made up and attested by the said Commissioners or their Quorum aforesaid, which Account, with the Books, Papers, Receipts, and all other Writings and Vouchers, Plans, Drawings, and Designs relative to the Execution of the Building, shall be deposited with the Town Clerk of the said Burgh of *Rothesay*, for which a Receipt shall be given by him to the said Commissioners; and a Copy of such attested Account shall be sent to the Clerk of the Peace of the said County of *Bute*, to remain in his Hands for the Information of all concerned.

LXXVII. And

LXXVII. And be it further enacted, That it shall not be lawful for the said Trustees or Commissioners to appoint the Person or Persons who shall be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners 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, 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 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, the Clerk or Clerks to the said Trustees or Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners 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, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or, being the Partner or Partners 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, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk; or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust under the said Trustees or Commissioners 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.

Same Person
not to be
Clerk and
Treasurer.

LXXVIII. And be it further enacted, That when and as 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 Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners 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 Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Commissioners, or the Treasurer to be appointed under this Act, in which Demand the Order of the Judge or Judges 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 Commissioners by virtue of this Act, or of the Goods and Chattels of the Treasurer for the Time being, under a Warrant to be issued for that Purpose by any such Judge or Judges under his or their Hand or Hands, on Application made to him or them 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 for any such Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after

If Satisfaction for Damages awarded are not paid within Ten Days, the same may be recovered from Treasurer.

[*Local.*]

6 A

Payment

Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to the Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put to by virtue of any such Warrant as aforesaid.

Recovery and
Application
of Penalties.

LXXIX. And be it further enacted, That all Expences incurred, and also all Penalties, Forfeitures, and Fines by this Act imposed, as well in respect of the said Harbours as the said Gaol, Court House, and other Offices, or by any Bye Law, Rule, or Regulation made in pursuance of this Act, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before the Sheriff or Sheriff Substitute or any Justice of the Peace for the said Shire of *Bute*, or any One of the Magistrates of *Rothsay*, where the Offence shall have been committed or where the Offender may reside (as the Case may require), either by the Confession of the Party offending or by the Oath of any credible Witnesses, or other competent Evidence, be levied, together with the Expence attending the Information and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hands of such Sheriff, Sheriff Substitute, Justice, or Magistrate, which Warrant such Sheriff, Sheriff Substitute, Justice, or Magistrate is hereby empowered to grant; and the Surplus (if any), after deducting such Expences, Penalties, Forfeitures, and Fines, and the Charges of such Poinding and Sale, shall be returned unto the Owner of such Goods and Effects; and in case such Expences, Penalties, Forfeitures, Fines, and Charges shall not be forthwith paid upon Conviction; then it shall be lawful for such Sheriff, Sheriff Substitute, or other Judge as aforesaid to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poinding, unless the Offender shall give sufficient Security, to the Satisfaction of such Sheriff, Sheriff Substitute, Justice, or Magistrate, for his or her Appearance before such Sheriff, Sheriff Substitute, Justice, or Magistrate on such Day as shall be appointed before the Return of such Warrant of Poinding, which Security such Sheriff, Sheriff Substitute, Justice, or Magistrate is hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for such Sheriff, Sheriff Substitute, Justice, or Magistrate, and he is hereby authorized and required, by Warrant under his Hand, to cause such Offender to be committed to the Common Gaol or House of Correction of *Rothsay*, there to remain for any Time not exceeding Three Months, unless such Expences, Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid; and the Monies recovered or levied for such Expences shall be applied to the Payment of the same respectively; and the Monies arising by such Penalties,

Penalties, Forfeitures, and Fines respectively, when paid (if not otherwise directed to be applied by this Act), shall be paid to the said Trustees or Commissioners who shall have sued for the same, to be applied and disposed of for the Purposes of the said Harbours, or Gaol, Court House, and Offices respectively.

LXXX. And be it further enacted, That in recovering the different Penalties imposed by this Act it shall be lawful for the Sheriff, Sheriff Substitute, Justice, or Magistrates, before whom any Complaint for the Recovery thereof may be brought, to proceed, under all Circumstances, if there shall be Cause, in a summary Way, and to grant Warrant for bringing the Parties complained upon before him for Examination, and on Confession or Probation by the Oath of any credible Witness or other competent Evidence to proceed to determine thereon, without any written Pleadings or Record of Evidence, it being hereby provided that a Record shall be preserved of the Charge, and of the Judgment pronounced.

Summary
Process.

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

Proceedings
not to be
quashed for
Want of
Form.

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

For compel-
ling Wit-
nesses to at-
tend.

LXXXIII. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard and determined relative to this Act by reason only or on account that such Person or Persons shall act officially under the Appointment of the Trustees of the said Harbours for the Time being, or of the said Commissioners for the said Gaol, Court House, and Offices.

Testimony of
Officers.

LXXXIV. And be it further enacted, That the said Trustees or Commissioners respectively may sue and be sued for any Matter or Thing to be done in execution of this Act in the Name of their Treasurer

Trustees or
Commis-
sioners may
sue in Name

of the Treas-
urer.

Treasurer for the Time being, by virtue of this Act ; and no Action or Suit wherein the said Trustees or Commissioners respectively shall be concerned, as Pursuers or Defenders, in the Name of their Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Treasurer, but the Treasurer for the Time being to the said Trustees or Commissioners shall be deemed to be the Pursuer or Defender in every such Action.

Officers to
account.

LXXXV. And be it further enacted, That every Officer and Person who shall be so appointed or employed under the Authority of this Act shall from Time to Time when thereunto required by the said Trustees or Commissioners respectively, or others having their Authority, by Writing under their Hands, make out and deliver to the said Trustees or Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with 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 Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees or Commissioners shall appoint to receive the same ; and if any such Officer or Person shall refuse or neglect to render and deliver such Accounts, 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 aforesaid, or shall refuse or neglect to deliver up to the said Trustees or Commissioners, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Trustees or Commissioners, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Trustees or Commissioners, or by any Person on their Behalf, to any Justice of the Peace of the County of *Bute*, such Justice may and he is hereby authorized and required, by Warrant under his Hand, to cause such Officer or Person to be brought before him, and upon his or her 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 Accounts, if produced, in such Manner as the said Trustees or Commissioners might have done ; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, 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 be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Non-payment thereof, by Warrant under his Hand to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person ; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to
make

make out and deliver to such Justice such Accounts in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the Justice may and he is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Gaol of the said Burgh of *Rothsay*, there to remain without Bail until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees or Commissioners for such Money and Charges, and paid the Composition Money to the said Trustees or Commissioners (and which Composition the said Trustees or Commissioners are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or Commissioners : Provided always, that no Person who shall be committed for Want of sufficient Distress or Means of Payment shall be detained in Prison for any longer Space of Time than Four Calendar Months.

LXXXVI. 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 Trustees or Commissioners, 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 Proceeding under this Act shall be quashed or vacated for Want of Form, or be liable to Suspension or Reduction, or to be removed by Advococation 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.

LXXXVII. And be it further enacted, That no Claim or Action for Damages or other Cause in respect of any thing done or caused by the said Trustees or Commissioners, or either of them, in the Execution of this Act, (except for the Value of any Lands, Tenements, Buildings, or Heritages taken or occupied by the said Commissioners,) shall be competent against the said Trustees and Commissioners, or any of them, or any others acting under their Appointment, unless

Limitation
of Actions.

[*Local.*]

6 B — C

such

such Action be commenced within Three Months after the Fact so done or Cause is known to the Party or Parties who may bring such Claim or Action.

Saving
Rights of
Burgh of
Rothesay.

LXXXVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect the Rights, Customs, Duties, and Payments, Powers, Privileges, Jurisdictions, and Immunities or Authorities of the Magistrates and Town Council of *Rothesay*, granted to them on behalf of the Community of the said Burgh of *Rothesay* by King *Robert* the Third, by Charter under the Great Seal, bearing Date the Twelfth Day of *January* in the Year One thousand four hundred, and by Charter of Confirmation and Novodamus by King *James* the Sixth, bearing Date the Nineteenth Day of *February* One thousand five hundred and eighty-four, or any other Charter or Right, or by Usage or Prescription, or any other Rights, Dues, Duties, or Payments, Powers, Privileges, Jurisdictions, or Authorities belonging to them, or their Right and Title by immemorial or prescriptive Usage, to demand, take, and receive petty or other Customs from Goods, Merchandize, Wares, or Commodities brought into the said Burgh of *Rothesay*, otherwise than as the same are by this Act expressly taken away, repealed, varied, altered, or restricted.

Expences of
Act.

LXXXIX. And be it further enacted, That the Expences incurred in procuring and passing this Act, and in relation thereto, shall be borne as follows; *videlicet*, One Half thereof by the said Trustees for the said Harbours, out of the Funds of or to be raised or borrowed for the said Harbours; and the other Half thereof by the said Commissioners for the said Gaol, Court House, and Offices; such Half last mentioned to be assessed and levied in like Manner and in the same Proportions as the aforesaid Sum of Three thousand Pounds Sterling.

Magistrates
to assist in
execution of
the Act.

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

Public Act.

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

SCHEDULE (A.)

CLASS FIRST.

For every Ship, Brig, Sloop, Bark, Lighter, Yacht, Steam Vessel, Steam Boat, or other Vessel or Boat whatever, entering or arriving at the Harbours of *Rothsay* or any of them, for the Purpose of landing or taking on board any Goods, Passenger or Passengers, or touching at or taking the Advantage or Benefit of any of the Piers or Quays of the said Harbours, from any Port or Place in the United Kingdom of *Great Britain* and *Ireland*, or from the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or the *Isle of Man*, the following Sums ; *videlicet*,

First, Each such Ship; Brig, Sloop, Bark, Lighter, Yacht, or other Vessel or Boat, if of the Measurement of Twenty Tons or upwards, Four-pence Sterling for each and every Ton the same shall measure :

Second, Each such Ship, Brig, Sloop, Bark, Lighter, Yacht, or other Vessel, if of or above the Measurement of Ten Tons, but under Twenty Tons, Three-pence Sterling for each Ton the same shall measure :

Third, Each such Steam Vessel or Steam Boat, if of the Measurement of Twenty Tons or upwards, Two-pence Sterling for each and every Ton the same shall measure :

Fourth, Each such Steam Vessel or Steam Boat, if of or above the Measurement of Ten Tons, but under Twenty Tons, One Penny Halfpenny Sterling for each Ton the same shall measure :

Fifth, Each such Ship, Bark, Lighter, Yacht, Steam Vessel, Steam Boat, or other Boat or Vessel, if of or above the Measurement of Five Tons, but under Ten Tons, One Shilling and Sixpence Sterling ; and

Sixth, Each Boat or Vessel under Five Tons, One Shilling Sterling.

CLASS SECOND.

For every Ship, Brig, Sloop, Bark, Lighter, Yacht, Steam Vessel, Steam Boat, or other Vessel or Boat whatever, entering or arriving at the Harbours of *Rothsay* or any of them, for the Purpose of landing or taking on board any Goods, Passenger or Passengers, or touching at or taking the Advantage or Benefit of any of the Piers or Quays of the said Harbours, from any Country, Island, or Place whatever, not before named in this Schedule, Eight-pence Sterling for each and every Ton the same shall measure.

SCHEDULE (B.)

No.	Property, and where situated.	Proprietors or Owners.	Occupiers.
1	The Piece of Ground, with the Houses and others thereon, situated on the North Side of Castle Street of the Burgh of Rothesay, and near to the Market Cross thereof, and bounded by the Town House and Piece of Back Ground thereto appertaining and the Property of the Heirs of the late William Miller on the West, by the Property of John Duncan junior on the North, and by the Property third particularly described in this Schedule on the East, and by said Castle Street on the South.	The Most Noble the Marquis of Bute. Margaret M'Fie. John M'Fie.	John M'Conechy. James M'Queen or M'Quin. John Duncan senior. Hugh Morgan. John Crawford. John Graham.
2	The Piece of Ground, with the Houses thereon, situated on the North Side of Castle Street and West Side of Watergate of the said Burgh of Rothesay, and bounded on the East by said Watergate, on the South by said Castle Street, on the West by the Property first particularly described in this Schedule, and on the North by the Property third particularly described in this Schedule.	The Heirs of the late John Orr.	Mary Leitch or Orr. Murdoch M'Dougall. Helen M'Pherson or M'Lellan. Margaret Purie or Holdon. John Hayman. Thomas Crawford. John Brown. Margaret Wright.
3	The Piece of Ground, with the Houses and others thereon, situated on the West Side of the Watergate of the Burgh of Rothesay, and bounded on the South by the Property second particularly described in this Schedule, on the West by the Property first particularly described in this Schedule, on the North by the Property of John Duncan junior, and on the East by said Watergate.	John Richardson. Janet Sharp. Neil Buchanan. Catharine Sharp. Daniel M'Fie.	Neil Buchanan. Margaret M'Dougall or Duncan. Isabel Weir. Roderick M'Lean. Daniel M'Fie. John Gordon.
4	The Piece of Ground, with the Houses and others thereon, situated on the East Side of the High Street of the Burgh of Rothesay, and bounded on the North by the Property of the Nether Cowal Farmer Society, on the East by the Property first particularly described in this Schedule and the Property of the said Nether Cowal Farmer Society, on the South by some Buildings appertaining to the Gaol and Court House of Rothesay, and on the West by the said High Street.	Mrs. Janet Hyndman or Miller. James Miller, or the Heirs of the late William Miller.	Mrs. Janet Hyndman or Miller. George Grant. Joseph Gillies. Isabel Gillies. Angus Johnston.