



ANNO QUADRAGESIMO NONO

# GEORGII III. REGIS.

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## Cap. 83.

An Act for the Improvement of the Passage across the Frith of *Forth*, called *The Queensferry*.

[20th May 1809.]

**W**HEREAS the Frith of *Forth* separates the Southern Counties of *Scotland* from the North and North-east Counties thereof: And whereas, at a Place called *The Queensferry*, about Nine Miles to the Westward of the City of *Edinburgh*, the said Frith forms a narrow Strait less than Two Miles broad, while all other Parts of the said Frith both above and below the said Strait are generally above Seven Miles broad, and in some Places much broader, whereby the said Ferry has been from the earliest Periods and necessarily must continue in all Time to come, to be the great Line of Communication between the South and the North and North-east Parts of *Scotland*: And whereas, by Three Acts passed in the Parliament of *Scotland*, *videlicet*, an Act passed in the Fourth Parliament of *James* the Third, intituled, *That Ferriers mak Brigges*; and another Act, passed in the Seventh Parliament of *James* the Third, intituled, *That Ferriers mak Brigges and of Fraught*; and another Act, passed in the Fifth Parliament of *Queen Mary*, intituled, *How meikle Fraught shall be given to Ferriers*; certain Rates were granted to be levied at this Ferry, for repairing the Landing Places, and Provisions for the Regulation of the same were enacted, but which, from the Change of Circumstances, have become insufficient for these Objects: And whereas, notwithstanding the great Importance of the said Ferry for the Passage of His Majesty's Troops, and the Conveyance of His Majesty's Mails and Expresses, as well as for the various Intercourse

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which the Country requires; nevertheless such is the imperfect State of the same, that upon an Average a Passage can be effected only during Four Hours and a Half in each Tide or thereabouts; whereas the Ferry is capable of being so improved as to render a Passage practicable at all Times: And whereas, although the said Ferry is across an Arm of the Sea, yet the Rates and Dues arising from the same belong to private Individuals, and the Jurisdiction, Power, and Authority over the Piers is such that the Passage has suffered great Inconvenience, and has been unavoidably subjected to great Defects in this Respect: And whereas the said Proprietors of the said Ferry cannot be compelled to make such Improvements as are requisite to render the same safe, convenient, and expeditious, and adequate to what is required for the public Service, and the various and general Intercourse of the Country; and such Improvements can only be made and maintained by considerable additional Rates being imposed, on which Money may be borrowed, which can only be imposed and borrowed by the Authority of Parliament, and by the further Aid of a public Grant of Money: And whereas, it is expedient that the making of such Improvements, and the maintaining of the said Ferry, should be committed to Trustees for the Public Benefit, with sufficient Powers and under suitable Regulations; in whom also the Property of the Ferry, the Rates and Dues arising therefrom, and the public Grant of Money should be vested: 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 so soon as it shall be made manifest to the Barons of the Court of Exchequer in *Scotland*, that a Sum equal to One Half of the estimated Expence necessary for carrying this Act into Execution, appearing from the Schedule hereunto annexed; and also equal to One Half of such further Sum as shall be required to make Satisfaction to the Person or Persons who shall be found to have any Property or Right in the said Ferry, for the Purchases to be made from them in Manner herein-after mentioned, shall have been subscribed or borrowed upon the Security of the Tolls or Duties hereby granted, it shall and may be lawful for the Barons of the said Court, and they are hereby directed, upon the Application of the Trustees appointed by this Act, from Time to Time to issue their Warrant or Warrants to the Receiver General of *Scotland*, for Payment out of any public Money then in his Hands of any Sum or Sums of Money specified therein, not exceeding in the Whole the Amount of the Sums so subscribed or borrowed, to be applied therewith by the said Trustees in carrying this Act into Execution; and every Sum so paid by the said Receiver General shall be allowed in his Accounts: Provided always, that it shall further be made manifest to the said Barons, that for every Sum so directed to be paid by such Warrant, a Sum equal thereto of the Money so subscribed or borrowed shall have been deposited with the Bank of *Scotland*, or the Royal Bank of *Scotland*, upon an Account to be opened for that Purpose; and every Sum so paid upon any such Warrant, shall be deposited therewith upon the same Account, and shall be drawn therefrom, and applied by the said Trustees for the Purposes of this Act.

Sum to be paid  
by the Receiver  
General of  
*Scotland*.

Appointment  
of Trustees.

II. And be it enacted, That the Keeper of the Great Seal of *Scotland*, the Keeper of the Privy Seal of *Scotland*, the Lord Justice General, the Lord Advocate, the Lord Justice Clerk, the Lord Clerk Register, the  
Lord

Lord Chief Baron of the Court of Exchequer, in *Scotland*, the Vice Admiral of *Scotland*, the Keeper of His Majesty's Signet, His Majesty's Postmaster General for *Scotland*, His Majesty's Lieutenant for the Counties of *Perth*, *Linlithgow*, *Fife*, *Kinross*, and *Clackmannan*, the Commander of His Majesty's Land Forces in *Scotland*, and the Admiral commanding His Majesty's Ships and Vessels in the Frith of *Forth*, the Lord Provost of the City of *Edinburgh*, the Chief Magistrate of the Burghs of *Perth*, *Linlithgow*, *Queensferry*, *Inverkeithing*, and *Dumfermline*, and the Dean of the Guildry of the said Town of *Dumfermline*, all for the Time being; and the Sheriffs Depute for the Time being of the Counties of *Perth*, *Linlithgow*, *Fife*, *Kinross*, and *Clackmannan*, and the Proprietor for the Time being of the Estate of *New-balls* near unto or adjacent to the said Town of *Queensferry* in the said County of *Linlithgow*, and every Person in his own Right, or in the Right of his Wife, possessed of the *Dominium Utile* of Lands in the said Counties of *Perth*, *Linlithgow*, *Fife*, *Kinross*, or *Clackmannan*, valued in the Cess Books of such Counties respectively at Two hundred Pounds *Scots*, and the eldest Son of every such Person, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

III. Provided always, That if any Person not qualified, or of the Description aforesaid, shall presume to act as a Trustee, contrary to the Intent and Meaning of this Act, every Person so presuming to act shall, for every such Offence, forfeit and lose the Sum of Fifty Pounds Sterling, to be recovered and applied as herein-after directed, and the Proof of Qualification shall lie upon the Person complained of.

Penalty on acting if not qualified.

IV. And be it enacted, That Nine of the said Trustees shall be a *Quorum*; and that any Nine or more of them, being duly assembled, shall be held to constitute a General Meeting; but in the Event that fewer than Nine Trustees shall at any Time assemble, then it shall and may be lawful for so many Trustees as shall have assembled to adjourn, and to direct another General Meeting to be holden at any Time, not less than Three Weeks thereafter, of which Notice shall be given, by Advertisement in some Two Newspapers published in *Edinburgh*, at least Ten Days previous to such adjourned Meeting; and at any such adjourned Meeting any Five or more of the said Trustees shall be held to constitute a General Meeting.

Quorum.

V. And be it further enacted, That the said Trustees shall assemble on the Fourth *Monday* which shall happen after the passing of this Act at the *North Queensferry*, between the Hours of Twelve and One, for the Purpose of putting this Act into Execution, and shall afterwards, on the First *Monday* in the Month of *September* in each and every Year, assemble alternately on the South and North Side of the said Ferry, at such Place and at such Hour, within Ten Miles of the said Ferry, as the said Trustees shall, at any General Meeting, appoint; and in case no Place or Hour shall have been so appointed, then such General Meeting shall be holden where the last General Meeting was holden; and such General Meetings shall have Power to adjourn themselves from Time to Time, as to the Majority of Trustees present at such Meetings shall appear proper and convenient; and at every Meeting the said Trustees shall defray their own Expences.

First and General Meetings.

Power to adjourn.

Accounts shall be laid before General Meetings, who shall appoint a Committee to audit and settle them.

VI. And be it further enacted, That all Accounts of Money received, laid out, and disbursed on Account of the said Ferry, by the Treasurers, Receivers, or Collectors of the Rates and Duties granted by this Act, and other Officers of the said Trustees, or by any other Person or Persons whomsoever, by or concerned for or under them, in or about the said Ferry, shall be laid before the said General Meetings, who shall appoint a Committee of their Number, not exceeding Fifteen Persons, to audit and settle the same; which Committee, or a Majority of them, shall make their Report upon the said Accounts to the next General Meeting following that on which they were appointed, or at such Time and in such Manner as the said General Meeting, at which they were appointed, shall direct.

Preses to be appointed.

VII. And be it further enacted, That the said Trustees, at their respective Meetings, shall and may appoint a Preses or Chairman; and such Preses or Chairman shall not only vote as a Trustee, but in case of an Equality of Votes, shall have the decisive or casting Vote.

Committee of Management to be appointed.

VIII. And be it further enacted, That the said Trustees shall, at their first General Meeting, nominate and appoint, by Ballot or otherwise as to them shall appear fit, Fifteen or more Persons of and out of the said Trustees, to be a Committee for the Management of the Concerns relative to the said Ferry, until the next General Meeting to be holden on the First Monday in the Month of *September*, and the Powers of the said Committee shall then cease and determine; and the said Trustees assembled at such General Meeting shall proceed to the Nomination and Appointment of another Committee, or may re-appoint the said Committee, or any Member or Members thereof, and so in like Manner at every ensuing General Meeting; and the Powers of such Committee shall continue until another Committee shall be appointed in Manner herein directed, whereupon the Powers of such Committee shall cease and determine; but no Person holding any Place, Office, Employment, or Contract under the said Trustees, shall be capable of being One of the said Committee during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract: Provided always, that it shall and may be lawful to and for the said Trustees, at any Special Meeting to be convened in Manner herein directed, to nominate another Person, being a Trustee as aforesaid, in the Room or Stead of every Member of the said Committee who shall die, refuse to act, or shall hold any Place, Office, Employment, or Contract under the said Trustees, or who shall cease to be a Trustee; and every Person so nominated by the said Special Meeting shall have the like Power and Authority as if he had been nominated by the said Annual Meeting; and any Five Members of the said Committee of Managers shall constitute a *Quorum*, and shall have the same Powers to act as if all the Members thereof were present.

Trustees may make Bye Laws.

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees at any General Meeting, or at a Special Meeting to be called for that Purpose, after Satisfaction shall have been made to the Proprietors of the Ferry in Manner herein-directed, to make such Rules, Bye-laws, and Orders for the good Government of the said Ferry, and of the said Committee, and of their Officers, Agents, or Workmen, and for the more complete and total Superintendance and Management of the said Ferry, and

and the well and orderly using and preserving the same, and the Piers and Harbour, Basons and other Works thereunto appertaining; and for regulating the Entrance, Mooring, and Accommodation of Vessels plying at the said Ferry, or using the said Piers, Harbours, Basons, and Works, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, and others who shall belong to such Vessels or be employed in or about the said Piers, Harbours, Basons, or other Works, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye-laws, or Orders, as to them shall seem meet, not exceeding the Sum of Ten Pounds Sterling for any Offence; which said Rules, Bye-laws, and Orders, being reduced into Writing and subscribed by the Preses or Chairman of such General Meeting; by Authority and in the Presence of the other constituent Members thereof, shall be binding upon and observed by all Parties using or in any way concerned in the said Ferry, Piers, Harbours, Basons, and other Works aforesaid, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not inconsistent with or repugnant to the Laws of *Scotland*, or to the Provisions and Directions in this Act contained, or to any of them; and provided that such Rules, Bye-laws, and Orders shall be notified to the Person or Persons who are required to conform to them; and Copies of such of them as relate to the well and orderly using and preserving of the said Ferry, and the Piers, Harbours, Basons, and other Works thereunto appertaining, and for regulating the Entrance, Mooring, and Accommodation of Vessels plying thereat, or using the said Piers, Harbours, Basons, or Works, and for the orderly Behaviour of Seamen, Boatmen, Watermen, and others who shall belong to such Vessels, or be employed in or about the said Ferry, Piers, Harbours, Basons, and other Works, shall be written or printed in large Characters, and be affixed and continued in some conspicuous Place or Places at the said Piers, Harbours, Basons, and other Works, and the same shall be subject to Appeal in Manner herein directed.

X. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special Meeting of the said Trustees is necessary to be holden, it shall and may be lawful to and for any Three or more of the said Trustees, upon specifying the Purpose thereof, to require the Clerk of the said Trustees to call such Meeting, and the said Clerk shall thereupon convene such Meeting by giving at least Three Weeks Notice thereof by an Advertisement to be inserted Three several Times in some Two Newspapers published at *Edinburgh*, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when and Place where the same shall be holden, and the said Trustees are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Trustees with respect to the Matters so specified only; and all such Acts of the Trustees or of the major Part of them met together at such Special Meeting shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at any General Meeting.

Meetings of Trustees may be specially convened.

XI. And be it further enacted, That it shall and may be lawful to and for the said Trustees at any General Meeting, and they are hereby authorized and empowered from Time to Time to nominate and appoint an

General Meetings to elect and appoint Officers.

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Engineer

Engineer or Engineers, a Surveyor or Surveyors, a Treasurer or Treasurers, and a Collector or Collectors, Receiver or Receivers for levying the Rates and Duties by this Act granted, and also a Clerk to the said Trustees and such other Officers as they shall judge necessary to be employed under them for carrying the same into Execution, granting to them respectively such Salary and taking such Security for the due Execution of their respective Offices as the said Trustees shall think proper, and such Clerk shall in a proper Book or Books to be provided for that Purpose enter and keep a true and perfect Account of all Acts, Proceedings, and Transactions of the said Trustees and their Committees respectively, to which Book or Books each of the said Trustees shall have ready Access at all reasonable Times to peruse and inspect the same; and in case, by reason of any Negligence, Misconduct, or Inability in any Engineer, Surveyor, Treasurer, Collector, or Clerk, or other Officer, to execute such Office or Offices of which the said Trustees shall be the sole Judges, it shall be requisite to displace or remove any such Officer, then and in every such Case it shall and may be lawful to and for the said Trustees assembled at any such General or Special Meeting as aforesaid, or for the Committee of Management of the said Trustees, to remove any such Engineer, Surveyor, Treasurer, Collector, Clerk, or other Officer, and to appoint another in his Place; but in case any such Vacancies, whether occasioned by Dismission, Death, or otherwise, shall be filled up by the said Committee, their Appointment shall only continue until the next General or Special Meeting of the said Proprietors, when the same shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Trustees at such General or Special Meeting may think proper.

Officers, &c.  
to account.

XII. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid, shall at such Time and as often as the said Trustees or their Committee of Management shall direct, render to them or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees or to such Committee, or to such Person or Persons as they respectively shall appoint; and if any such Officer or Officers shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or to such Committee, or to such Person or Persons as they respectively appoint, within Thirty Days after being thereunto required by the said Trustees or Committee, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees or Committee, or as they respectively shall direct and appoint, then and in either of the Cases aforesaid, the said Trustees may, and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons neglecting or refusing as aforesaid, for Recovery of the Monies, Books, Papers, and Writings that shall be in his or their Hands respectively; or if Complaint shall

shall be made by the said Trustees, or by such Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting and refusing, shall be and reside, such Justices may and are hereby authorized and required to cause the Officer or Officers, Person or Persons so refusing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected and raised in virtue of this Act shall be in the Hands of any such Officer or Officers, Person or Persons, such Justices may, and they are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Demand, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, then and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol for the County, there to remain without Bail until he shall give and make a true and perfect Account and Payment as aforesaid, and until he shall deliver up such Books, Papers and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or to such Committee: Provided always, that no such Person so committed shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

XIII. And be it further enacted, That at every Meeting a Chairman shall be chosen by and out of the said Committee, who, in case of an Equality of Votes upon any Question which may be agitated in the said Committee, shall have the casting Vote, otherwise such Chairman shall not have or be deemed to have any Vote; and all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five; and every such Committee shall from Time to Time make Reports of their Proceedings to the General Meetings, and if required, to the said Special Meetings of the Trustees, and shall obey their Orders and Directions; and the said Committee shall meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit; and in order to defray the Expences of their Meetings, other than their personal Expences, the said Committee shall from Time to Time receive out of the Rates and Duties hereby authorized, such Sum or Sums of Money as shall be directed, adjusted, and settled by the said Trustees; and the said Committee shall and may contract for and agree for the Purchase of the Lands, Tenements, and Heritages that may be taken and used for the Purposes of the said Ferry, and the Piers, Harbours, Basons, and other Works thereunto belonging, and shall and may settle, determine, and

Powers of the  
Committee of  
Management.

and adjust all Matters, Questions, and Differences which shall or may arise between the said Trustees and the several Owners of and Persons interested in any Lands, Tenements, or other Heritages which shall or may be taken, used, damaged, and affected by the Execution of any of the Powers hereby granted, and shall and may make Agreements, Contracts, and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and completing the said Piers, Harbours, Basons and all other Works necessary for the Purposes of the said Ferry, or in any Manner of Way relating thereto, and all and every Part or Parts thereof; and the said Committee shall (subject nevertheless to the Orders and Directions of such Meetings as aforesaid) have full Power and Authority to direct and manage all and every Matter and Thing relating to the said Ferry; and the said Committee shall, by themselves or their Clerk, keep a full and true Account of all Money disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them; and of all and every Sum or Sums of Money which they shall receive on Behalf or in respect of the said Ferry from any Collector or Collectors of the said Rates and Duties, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concern, Dealings, or Transactions with the said Ferry; and shall regularly, by themselves or their Clerks, write, insert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the said Trustees for that Purpose, Notes, Minutes, or Copies, (as the Case shall require) of every such Contract, Bargain, Receipt, or Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept under the Care and Direction of the said Committee: Provided always, that every Trustee shall have free Access thereto as herein before mentioned.

Trustees empowered to purchase from the Proprietors of the Ferry.

XIV. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to purchase and acquire, and the Proprietors Lessees and Occupiers thereof are hereby required to sell and convey to them their Property in the said Ferry, together with any Property or Right that they may have, or claim to have, in the Shores, Piers, and Works, Boats, Yawls, and Pinnaces, now used for the Purposes of the said Ferry, and every Right, of every Kind and Description, in any Way appertaining or belonging to the said Ferry, Satisfaction being made therefore in the Manner herein directed.

Valued Rent to remain as before.

XV. Provided always and be it enacted, That nothing herein contained shall be construed to alter or diminish the valued Rent of any Property in either of the Counties of *Linlithgow* or *Fife*, but the valued Rent of every Proprietor shall remain as at present notwithstanding the Acquisition by the said Trustees of the said Ferry or of Grounds hereby authorized to be taken.

Proprietors henceforth not to let Ferry for more than a Year.

XVI. Provided further and be it enacted, That if the said Trustees shall not have purchased the Property of the said Ferry on or before the Second Day of *February* One thousand eight hundred and ten, it shall not be lawful for the present Proprietors to grant a Lease thereof for more than One Year after the Fifteenth Day of *May* One thousand eight hundred and ten, and so from Year to Year thereafter until the said Ferry shall have been purchased in the Manner directed by this Act; and whatever Damage shall be



be sustained by the said Proprietors through this Restriction shall be compensated in the Manner directed by this Act.

XVII. And be it further enacted, That all and every Person or Persons to whom any such Right shall belong, or who may have, or be found entitled to have any Property or Right in the said Shores, Piers, or Works, may and shall accept and receive Satisfaction for the Value thereof, in such Manner as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Trustees, or some Person or Persons authorized by them for that Purpose; and in case the said Trustees, and such Parties, or any of them, cannot agree as to the Amount or Value of such Satisfaction, the said Trustees shall make Application to each Division of the Court of Session, and each of the said Divisions shall appoint One Person; which Two Persons, so appointed, shall ascertain and determine the Amount of such Satisfaction, both now and prospectively, according to the Rates at present leviable by them; and such Person or Persons so appointed are hereby empowered to call for and to inspect all Books, Papers, and Accounts, which they may think necessary, for the Purpose of enabling them to ascertain and determine such Satisfaction; and they are hereby required to order and direct such Sum or Sums of Money as they shall deem sufficient to be paid by the said Trustees, as a Satisfaction to the Party or Parties entitled thereto; and in case they cannot agree, they are hereby required to choose an Umpire, whose Award shall be final and conclusive, without being subject to Review, Alteration, or Delay, by any Court whatever.

Satisfaction to be made.

XVIII. And whereas the said Proprietors are now insisting in an Action before the Court of Session, against the Justices of the Peace for the County of *Fife*, for the Purpose of having the Rates of Passage increased which are at present levied at the said Ferry; be it enacted, That the Dependence of such Action shall be of no Bar or Hindrance to the ascertaining of such Satisfaction; but in the Event of any Addition being made to such Rates by a final Judgment to be obtained in such Action, it shall and may be lawful for the said Arbitrators, and they are hereby directed and required thereupon to make such Addition to the Amount of such Satisfaction as shall appear to them to be a sufficient Compensation for the Addition to such Rates which may be so made by such final Judgement.

Provision for Action at present depending.

XIX. Provided always, and be it enacted, That if any such Party or Parties shall prefer to have the Amount of such Satisfaction ascertained by a Jury, it shall and may be lawful for any such Party or Parties to signify the same in Writing to the Clerk of the said Trustees, who, in place of applying to the Court of Session as aforesaid, shall thereupon apply to the Sheriff Depute of the County of *Mid-Lothian*, or his Substitute; and such Sheriff shall summon, in the Manner in which Juries are summoned in *Scotland*, not more than Forty, nor less than Thirty Persons, being Owners or Occupiers of Land in the said County, to the Extent of at least Two hundred Pounds *per Annum*, which Number so summoned shall be reduced to Fifteen Persons by the said Trustees, and such Party or Parties striking off one alternately, the Party or Parties entitled to Satisfaction striking off the first Person; and if the said Trustees or such Party or Parties shall fail to appear, the Sheriff shall strike off for the Party failing to appear; and such Jury, so appointed, shall have Power to call for

Amount of Satisfaction may be determined by Jury.

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Books,

Books, Papers, and Accounts, and shall proceed to ascertain and determine the Amount of such Satisfaction, and the Verdict of such Jury shall be recorded in the Sheriff Books of the County wherein it shall have been summoned, and shall be final and conclusive, without being subject to any Review, Alteration, or Delay whatever, by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding.

Expences to be defrayed by Trustees.

XX. And be it further enacted, That all necessary Expences attending the ascertaining and determining such Satisfaction, whether by Arbitrators or by a Jury, shall be borne and defrayed by the said Trustees.

Power to construct Piers and Works.

XXI. And be it further enacted, That so soon as such Satisfaction shall have been ascertained as aforesaid, and the same shall have been paid, or tendered to be paid, to the Person or Persons entitled thereto, it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to make, construct, and maintain Piers, Jetties, Harbours, and Landing Places on either Side of the said Ferry, at the Places described in the Schedule hereunto annexed, for the Purpose of enabling them so to improve the same, with Sheds for Shelter of Passengers, and for Goods, Horses, and Carriages, and for no other Purpose whatsoever; and to make, improve, widen, repair, and keep in repair Roads to and from such Piers, Landing Places, and Sheds, and to purchase and acquire so much Ground as may be necessary for these Purposes, appearing from the Schedule hereunto annexed.

Roads to be made as near the Sea as practicable, and when Inclosures are encroached Satisfaction to be made.

XXII. Provided always, and be it enacted, That in widening any such Roads the same shall be done towards the Sea, wherever the same shall be reasonably practicable; and where any Inclosure shall thereby be encroached upon or injured, besides satisfying the Proprietor and Occupier for the Damages thereby occasioned, the said Trustees shall make or cause to be made a good and sufficient Fence at their Expence between the Road and the Ground of any such Inclosure: Provided further, that it shall not be lawful to make or use any Road or Path from the Sea Shore towards *Edinburgh* or the Interior of the Country, save and except the Public Roads or Paths now in use, and the Roads described in the Schedule hereunto annexed.

Trustees to make Embankments towards the Sea, and keep the same in Repair.

XXIII. And be it further enacted, That besides making such Embankments towards the Sea as shall be necessary for the Preservation of the said Roads, the said Trustees shall be bound and obliged to keep and maintain the same in Repair, and it shall and may be lawful for the Proprietors or Occupiers of the adjoining Lands from Time to Time to compel them so to do.

Power to purchase Land for Boatmen's Houses, &c.

XXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to build on the South Side of the Frith of *Forth*, Houses for a Superintendant and Boatmen, with small Gardens adjoining thereto, and to lease, feu, or purchase so much Ground as shall be necessary for these Purposes, but for no other Purpose whatsoever, in the Situation and to the Extent appearing from the Schedule hereunto annexed; but under Conditions to be expressed in the Conveyances, Feu Rights, or Leases, that such Houses shall not be used

used as Inns or Public Houses, nor for any Trade or Business which may prove a Nuisance to the Neighbourhood; and upon the North Side of the said Frith of *Forth* to build Houses for a Superintendant and Boatmen, and an Inn, with a Garden and suitable Offices, and to lease, feu, or purchase so much Ground as shall be necessary for this Purpose, in the Situation and to the Extent, also appearing from the Schedule hereunto annexed; and to let such Inn and Offices, when built, under such Rules and Regulations, and subject to such Conditions, as the said Trustees shall think fit to prescribe.

XXV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Tutors, and Curators for Lunatics and furious Persons, Executors and Administrators, and all other Tutors and Curators, Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, or those for whom they are Trustees or Guardians, whether Infants, Issue unborn, Lunatics, Idiots, married Women, or other Person or Persons, and to and for all married Women who are or shall be seized, possessed of, or interested in their own Right, or entitled to Dower or Terce Fine or other Interest therein, and for every other Person or Persons whomsoever, who is, are, or shall be seized, possessed of, or interested in any Lands, Grounds, Tenements, or Heritages which shall be necessary for any of the Purposes of this Act, to contract for, sell, and convey the same, and every Part thereof unto the said Trustees; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, are hereby authorized and required to convey the same, and are hereby indemnified for what they shall respectively do, in relation to any such Sale which he, she, they, or any of them, shall make, by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be defrayed out of the Monies granted by this Act; and such of them as shall be made of any Lands, Tenements, or other Heritages to the said Trustees, shall be made according to the following Form; *videlicet*,

Bodies Politic empowered to sell and convey Land.

Contracts and Sales to be defrayed out of the Monies granted, and to be raised.

I *A. B.* of \_\_\_\_\_ in Consideration of the Sum of \_\_\_\_\_  
to me paid [*or*, in Consideration of the \_\_\_\_\_  
annual Rent of \_\_\_\_\_ to be hereafter yielded and paid  
by Yearly or Half-yearly Payments, as may be agreed upon] by the  
Trustees appointed by an Act passed in the Forty-ninth Year of the  
Reign of His present Majesty, intituled, [*here insert the Title of this*  
*Act*] do hereby grant, convey, and dispose to the said Trustees, all  
[*describing the Premises to be conveyed*], and all my Right, Title, and  
Interest to and in the same, and every Part thereof, to hold to the said  
Trustees in the same Manner as I hold or might have held the same  
for ever, by virtue and according to the true Intent and Meaning of the said  
Act of Parliament. In Witness whereof I have hereunto set my Hand,  
this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year  
of our Lord

Form of Conveyance to the Trustees.

Which said Conveyance being registered in the Register of Seifines of the County of *Linlithgow* or *Fife* respectively, wherein the Lands, Tenements,

ments, or Heritages so conveyed shall be situated, and which the Keeper of the Registers in such respective Counties is hereby authorized and required to register, shall receive the same Effect, and be as valid and effectual to all Intents and Purposes, as if a formal Disposition had been granted and followed by Charter and Seifine, according to the Form of the Law of *Scotland*, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and the Original of all such Conveyances shall be kept by the Clerk or Clerks to the said Trustees, who, and the Keeper of the Register of Seifines where the same shall be registered, shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words.

Satisfaction  
to be made.

XXVI. Provided always, and be it enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before enabled to sell or convey Lands, Tenements, and other Heritages, or any other Owner or Owners, and the Occupier and Occupiers of any such Lands, Tenements, or other Heritages, may and shall accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, and Heritages, and for the Damages to be sustained by making and completing, maintaining and supporting, the said Works herein-before directed, in such Manner as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Trustees, or some Person or Persons authorized by them for that Purpose; and in case the said Trustees, or such Person or Persons, and the said Parties interested in such Lands, Grounds, Tenements, or other Heritages, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury of Fifteen Persons, belonging to the County in which the same shall be situated, to be summoned and chosen in the Manner herein-before directed, with Reference to the present Property of the said Ferry; and the Sheriff before whom such Jury is summoned may order and authorize the said Jury, or any Five or more of them, to view the Place or Places, or Matter or Matters in Question; which Jury shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or other Heritages, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same, and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate, and Collegiate, and all other Persons, and shall not be liable to Pevue, by Advocation, Suspension, Reduction, or otherwise; any Law or Statute to the contrary notwithstanding.

If Parties  
cannot agree,  
Price to be  
settled by a  
Jury.

Expences of  
Witnesses and  
Jury by whom  
to be paid.

XXVII. And be it further enacted, That whensoever a Jury is or shall be called by the Sheriff as aforesaid, or any Witness or Witnesses is, are, or shall be examined by and before the said Sheriff and Jury as herein directed, the said Sheriff shall, and he is hereby required, according to his Discretion, to give and award to each of the said Jurors and Witnesses, in every such Case, such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expence and Trouble of their

Journey and Attendance; and in each and every Case where a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Tenements, or other Heritages of any Person or Persons whomsoever, or as a Compensation for any Damage done or to be done to such Lands, Tenements, or other Heritages, or other Property, where such Sum so awarded shall be more than had been previously offered by or on Behalf of the said Trustees, or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Trustees, or where by Reason of Absence in foreign Countries, or other Impediments and Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensation from, the said Trustees, as herein-before mentioned, then and in all such Cases, all the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Trustees; but if any Verdict shall be given for the Sum that had been previously offered by or on Behalf of the said Trustees, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Trustees, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever who is or are by the Provisions of this Act, or otherwise enabled to treat and convey or receive such Compensations as aforesaid, then and in all such Cases (except where by Reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid,) the Costs and Expences of summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff, and be borne and paid by the Person or Persons with whom the said Trustees, or those acting on their Behalf, shall have such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

XXVIII. And be it further enacted, That where by reason of Absence in foreign Countries or other Impediments or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated as aforesaid, the said Jury shall be summoned by the said Sheriff upon the Application and at the Expence of the said Trustees; and in every other Case all and every Person or Persons making Complaint and requesting a Jury to be summoned, shall (before the said Sheriff shall issue out his Warrant for that Purpose) enter into a Bond with Two Sureties to the said Trustees in a Penalty of double the Sum demanded by such Person or Persons, with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Verdict in case the same shall be given for no greater Sum or for a less Sum than had been offered by and on Behalf of the said Trustees for the Purchase of, or as a

Persons requesting Juries to enter into Bonds to prosecute.

Recompence for any Lands, Grounds, Tenements or Heritages, or as a Compensation for any Damages; or in case no Verdict shall be found for Damages where the whole Dispute was, whether any Damage was or was not done as aforesaid.

Notice of Inquiry to be given to the Trustees before Complaint made to the Sheriff.

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

Verdict as to Value of Lands and Damages to be ascertained separately.

XXX. And be it further enacted, That the said Juries respectively shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands, Tenements, and other Heritages separately and distinctly from the Consideration of any other Damage sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, Tenements, and other Heritages, and the Money assessed or adjudged for such Damages as aforesaid separately and apart from each other.

Verdict to be recorded.

XXXI. And be it further enacted, That each and every Verdict shall be kept, by the Sheriff Clerk or other Person having the Custody of the Records of the Sheriff Court of the Counties of *Linlithgow* or *Fife* respectively, wherein the Lands, Tenements, or Heritages which are the Subject thereof shall be situated, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have liberty to inspect the same, paying for such Inspection the Sum of Sixpence, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One Hundred Words, and so in Proportion for a less Number of Words.

Application of Compensation Money when exceeding 200 l.

XXXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the said Ferry, or 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, 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*, 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

Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used, as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

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

If under 200 l.  
and above 20 l.

XXXIV. Provided also and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where under  
20 l. Sterling.

XXXV. And

In case of not making out Titles, &c.

or if Persons cannot be found, Purchase Money to be paid into the Bank.

XXXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the Committee of Management of the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them) subject to the Order, Controul, and Disposition of the Court of Session; which 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 the same Court shall deem meet, to order the same to be laid out and invested in the Publick Funds, and 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*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what, and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In Cases of questionable Title, Possessor to be deemed to have a Title until the contrary shall be shewn.

XXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Session in pursuance of this Act for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right or Interest in any Lands, Tenements, or Heritages, to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn, to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages 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 manifest 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.

Expences of Purchase may be allowed by the Court.

XXXVII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required



to be paid into the said Banks, or either of them, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable to be paid by the said Trustees, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

XXXVIII. Provided always, and be it enacted, That upon Payment or legal Tender of such Sum or Sums of Money, as shall have been contracted or agreed for between the Parties, or as shall have been ascertained and settled by the Verdict of a Jury for the Purchase of any such Lands, Tenements, or other Heritages, or as a Recompence for the yearly Produce or Profits thereof; or, as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Heritages, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been so agreed for or offered, or depositing the same in the Bank of *Scotland* or Royal Bank of *Scotland*, as the Case may be, in Manner by this Act directed, then and in all or any of the said Cases, it shall and may be lawful to and for the said Trustees, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Tenements, and other Heritages respectively, (or before such Payment or Tender, by Leave of the Owners or Occupiers thereof, signified in Writing, but not otherwise) and then and thereupon such Lands and Grounds, Tenements, and other Heritages, together with the yearly Profits thereof, and all the Estates, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Trustees to and for the Purposes of this Act for ever, and which Tender, Payment, Investment or Deposit, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Right, Title, Claim, Interest, and Demand of every other Person whatsoever: Provided always, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Trustees, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Tenement, or other Heritage of the Person or Persons entitled to such Payment or Security, for the Purposes of this Act, without the Leave and Consent in Writing of such Person or Persons respectively, save and except where it may be necessary to repair any sudden Injury, occasioned by Storms or other Causes.

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

XXXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed by them for that Purpose, and they and such Person or Persons are hereby empowered to open Quarries, in any Common in the said County of *Fife*, or upon the Sea Shore thereof within High Water-mark, and also in any Common in the said County of *Linlithgow*, or upon the Sea Shore thereof, within High Water Mark, between Port *Edgar* and the long *Craig*, both inclusive, so as not to injure Property above High Water Mark, and to dig, gather, and take away therefrom, Stones, Gravel, Sand, Clay, Whins, Heath, Rubbish,

Power to take Materials.

Rubbish, or other Materials, necessary for constructing any of the Works authorized by this Act, without making any Compensation therefore, and also to open Quarries, and to dig, gather and take away therefrom, Stones, Gravel, Sand, Clay, Whins, Heath, Rubbish, or other Materials, (Timber excepted) in and out of any Grounds whether inclosed or not, (not being the Ground whereon any Houses stand, nor a Garden, Orchard, Planted Walk, Lawn, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Nursery for Trees previous to the passing of this Act) where the said Materials can most conveniently be found for the Construction of the said Works, making Recompence for the Damages thereby occasioned, in Manner herein-after mentioned, and paying a reasonable Price for such Materials: Provided always, that any Difference or Dispute relative to the said Damages, shall not stop, delay, or prevent the digging, gathering, and carrying off the said Materials: Provided always, that nothing herein contained shall extend, or be construed to extend to prohibit the Proprietors within the said Limits from working Quarries, or from taking any Stones from the Sea Shore, so that the working the said Quarries, or taking Stones as aforesaid, shall not interfere in any respect whatever with the Roads, Ways, Piers, Sheds, or other Works erected or to be erected under the Authority of this Act.

Notice being  
first given.

XL. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Trustees, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away any such Materials, in or from any enclosed Lands or Grounds, until Notice in Writing shall have been given to the Proprietor or Occupier of the Premises from which such Materials are intended to be taken, or left for such Proprietor or Occupier, at his usual Place of Residence, to appear not sooner than Ten Days thereafter before Two or more Justices of the Peace of the County, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Proprietor or Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorise the said Trustees, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times, as to such Justice shall seem proper; and if such Proprietor or Occupier shall neglect or refuse to appear by himself or his Agent, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Proprietor or Occupier, or his Agent, had attended.

Damage in  
digging for  
Materials.

XLI. And be it enacted, That when any Damage shall be done by the said Trustees, or others having Power from them, in digging, gathering, or taking away such Materials, or otherwise, to any Person or Persons whatsoever, the said Trustees shall be obliged to pay all such Damages as shall be ascertained (if the Parties cannot agree) by any Two Justices of the Peace of the Counties of *Fife* or *Linlithgow* respectively, wherein the Lands are situated, to which such Damage shall be occasioned, with Power to the said Proprietor or Occupier to appeal from the Decision of the said Justices to the next Quarter Sessions in the said County, whose Decision shall be final, without being subject to Advocation, Suspension, or Reduction; and any Dispute with regard to the said Damages shall not prevent the said Trustees, or those employed by them, from using and carrying

carrying away the said Materials, and applying them in constructing the Works authorized by this Act.

XLII. And be it further enacted, That if any Person or Persons whomsoever, shall take away any Stones, Gravel, Sand, Clay, Rubbish, or other Materials, which shall have been dug, got, or gathered by, or by the Order of the said Trustees, in any Lands, Fields, Wastes, or Grounds, or the Sea Shore, for the several Purposes of this Act, or shall get or take away any Stones, Gravel, Sand, Clay, or other Materials, out of any Pit or Quarry, which shall have been made for the Purposes of getting such Materials for the several Purposes of this Act, before the Person or Persons so appointed, or acting by or under the Authority of the said Trustees, or his or their Workmen, shall have discontinued working therein for the Space of Four Weeks, (except the Owner or Occupier of any such Lands or Grounds, and the Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only and not for Sale), every Person so offending shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds Sterling.

Penalty for taking away Materials got by Order of the Trustees.

XLIII. And be it further enacted, That no House or other Building shall be erected within Thirty Feet from the Centre of any Road leading from the said Piers, or Landing Places to the great Road leading along the Shore from the long *Craig* to *Port Edgar*.

No Buildings to be erected near the Piers.

XLIV. And be it further enacted, That if any Person or Persons whatsoever shall, after the passing of this Act, wilfully and maliciously destroy any of the Piers, Jetties, Landing Places, or other Works to be constructed under the Authority of this Act, or any of the Materials intended for any of the said Works, or any Vessel lying or being in any Harbour made under the Authority of this Act, or any Vessel on its Passage across the said Ferry, every such Person or Persons so offending, upon being lawfully convicted thereof, shall be adjudged guilty of Felony, and shall suffer Punishment, by Transportation, Fine, or Imprisonment, at the Discretion of the Judge or Judges before whom such Offender or Offenders shall be tried and convicted.

Punishment for destroying Works.

XLV. And be it further enacted, That in case any Person or Persons whomsoever shall wilfully or maliciously damage any of the said Works or Vessels, or shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any such Vessel shall be moored or fastened, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Pounds, besides paying the Damages thereby occasioned.

Penalty for damaging Works, or destroying Ropes of Vessels.

XLVI. And be it enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons, to throw or empty any Ballast, Dust, Ashes, or Rubbish, Shingle, Stones, or other Things, into any Harbour, to be made under the Authority of this Act, or into the Entrance thereto, or within Six hundred Feet of any Pier, Jetty, or Landing Place, to be constructed under the Authority of this Act, or to dig and take away any Ballast, Shingle, Stones, or other Things therefrom, to the Hurt and Prejudice of the said Harbours, Piers, Jetties, and Landing Places, or of the Works connected therewith, or to cast Anchors or Grappling

To prevent throwing Ballast into Harbours, &c.

Grappling Irons, or to moor any Vessel or Boat in the said Passage of the said Ferry, or to do any Matter or Thing whereby the same may be obstructed or interrupted, under a Penalty not exceeding Ten Pounds Sterling for every such Offence, besides taking up and removing all such Ballast, Dust, Ashes, Rubbish, Shingle, Stones, and other Things, and repairing the Damage occasioned by such Default, which the said Trustees are hereby empowered to do, at the Expence of the Defaulter or Defaulters.

Rates to be  
levied.

XLVII. And be it further enacted, That after Satisfaction shall have been made to the Proprietors of the said Ferry in Manner herein directed, it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to levy or to order and direct to be levied the following Rates and Duties, at and for the Passage of the said Ferry; *videlicet*,

For every Coach, Barouche, Landau, or other double Four-wheeled Carriage, or Hearse, a Sum not exceeding Ten Shillings :

For every Four-wheeled Chaise or Chariot, a Sum not exceeding Seven Shillings and Sixpence :

For every Curricule, a Sum not exceeding Six Shillings :

For every One Horse Chaise or Gig, a Sum not exceeding Four Shillings :

For every Taxed Cart, a Sum not exceeding Two Shillings :

For every Horse used in drawing any Carriage of the above Description, a Sum not exceeding One Shilling :

For every Waggon, Wain, Cart, or other such like Carriage, where any such Carriage and the Loading thereof taken together shall not exceed Sixteen hundred Weight, a Sum not exceeding Two Shillings Sterling; and where such Carriage and Loading shall exceed Sixteen hundred Weight, and shall not exceed Twenty hundred Weight, a Sum not exceeding Two Shillings and Two-pence Sterling; and where such Carriage and Loading shall exceed Twenty hundred Weight and shall not exceed Twenty-two hundred Weight, a Sum not exceeding Two Shillings and Four-pence Sterling; and where such Carriage and Loading shall exceed Twenty-two hundred Weight and shall not exceed Twenty-five hundred Weight, a Sum not exceeding Two Shillings and Sixpence Sterling; and in Addition to the said Tolls there shall be levied and taken in all Cases where such Carriage and Loading exceed Twenty-five hundred Weight and shall not exceed Thirty hundred Weight, a Sum not exceeding One Penny Sterling for every One hundred Weight which such Carriage and Loading shall weigh above Twenty-five hundred Weight; and for every One hundred Weight which such Carriage and Loading shall weigh above Thirty hundred Weight and not Forty hundred Weight, a Sum not exceeding Two-pence Sterling; and for every Hundred Weight which such Carriage and Loading shall weigh above Forty hundred Weight, a Sum not exceeding One Shilling Sterling :

For every Horse used in drawing any Carriages of the last mentioned Description, and for every other Horse other than as above described, a Sum not exceeding Eight-pence :

For every Saddle Horse, a Sum not exceeding One Shilling and Sixpence :

For every Mule or Ass, a Sum not exceeding Sixpence :

For every Lowland Ox, Bull, Cow, or Heifer, a Sum not exceeding Eight-pence :

For every Highland Ox, Bull, Cow, or Heifer, a Sum not exceeding Sixpence :

For every Calf, Sow, Boar, or Hog, a Sum not exceeding Three-pence :

For every Sheep or Goat, a Sum not exceeding Two-pence :

For every Lamb or Kid, a Sum not exceeding One Penny :

For every Dog or Puppy, a Sum not exceeding Two-pence :

For Grain, Flour, Meal, Hay and Straw, Goods, Wares, and Merchandize, a Sum not exceeding at the Rate of Sixpence *per* Barrel Bulk :

For every Passenger beaft the Mast, a Sum not exceeding Sixpence :

For every Passenger before the Mast, a Sum not exceeding Two-pence.

XLVIII. Provided always, and be it enacted, That it shall and may be lawful for the said Trustees to order and direct, that any Yawl or Pinnace licensed by them, may be hired to cross the said Ferry, for any Sum not exceeding Two Shillings and Sixpence while it is light, and not exceeding Five Shillings after it is dark, and that any Boat or larger Vessel licensed to ply at the said Ferry, may be hired to cross the same for any Sum not exceeding Five Shillings while it is light, and not exceeding Eight Shillings after it is dark : Provided nevertheless, that where the above other Rates and Duties hereby directed to be paid at and for the Passage of the said Ferry, shall exceed the said Sums of Hire respectively, it shall and may be lawful for the said Trustees, to order and direct that the same shall be paid in place of such Hire.

Regulating  
the Hire of  
Boats

XLIX. Provided always, and be it enacted, That no Rates or Duties shall be demanded or taken for Horses or Carriages of any Description employed or to be employed in carrying the Mails and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same, nor for any Officers or Soldiers of His Majesty's Army or Militia upon Duty, or on their March, nor for the Horses of any such Officers, nor for the Horses, Cattle, or Carriages employed in carrying or conveying their Arms or Baggage, or returning after having conveyed the same; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle, drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for Horses furnished by or for Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for Exercise; nor for any Persons belonging to any Corps of Volunteers, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time such Exemption is claimed; nor for Carts, Carriages, or Cattle travelling with Vagrants sent with legal Passes; and if any Person shall claim or take Benefit from any of the Exemptions aforesaid, without being entitled thereto, such Person shall forfeit a Sum not exceeding Forty Shillings Sterling.

Exemptions  
from Rates.

stores.

L. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Weighing Engines to be erected.

LI. And be it further enacted, That the said Trustees may, and they are hereby required to erect or cause to be erected Weighing Engines at every Pier or Landing Place, for weighing all Carts and similar Carriages which shall cross at the said Ferry, in order to ascertain the Toll to be taken for such Carriage or Carriages, and that before they respectively shall be permitted to be put on board any Boats plying at the said Ferry; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, such Person or Persons shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Table of Rates and Duties.

LII. And be it further enacted, That a Table of the Rates and Duties hereby granted, shewing the Amount thereof directed to be levied by the said Trustees, and of the Penalties hereby imposed, shall be fixed and continued in legible Characters at every Landing Place, and at the principal Inns on either Side of the said Ferry.

Penalty for refusing to pay, or to assault a Collector.

LIII. And be it further enacted, That if any Person or Persons shall delay or refuse to pay the Rates and Duties hereby granted, when the same shall be demanded, such Person or Persons shall forfeit a Sum not exceeding Five Pounds; and if any such Person or Persons shall assault or interrupt in the Collection thereof any Person or Persons duly authorized to receive the same, every such Person so offending shall forfeit a Sum not exceeding Twenty Pounds.

No Boats or Boatmen to ply without Licence.

LIV. And be it further enacted, That it shall not be lawful for any Yawl, Pinnace, Boat, or other Vessel or Boatmen to ply at the said Ferry without a Licence from the said Trustees; and the Owner or Owners of every such Yawl, Pinnace, Boat, and every Boatman so plying without such Licence, shall forfeit a Sum not exceeding Five Pounds for each Offence.

Rates vested in Trustees.

LV. And be it further enacted, That the said Rates and Duties shall be and they are hereby vested in the said Trustees for the Purposes of this Act, and for no other Purpose whatsoever, and shall be collected by a Person or Persons properly authorized by them, and by no other Person or Persons whatsoever.

LVI And

LVI. And be it further enacted, That it shall and may be lawful for the said Trustees, at a General Meeting assembled, and they are hereby authorized and empowered by public Auction to let the Rates or Duties hereby granted and vested in them, in whole or in Part from Time to Time, during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Sum they can get for the same, to such Person or Persons as shall give good and sufficient Security for Payment of the Rents, for which the said Rates and Duties shall be let, as shall be approved of by the said Trustees in General Meeting assembled.

Rates may be let.

LVII. And be it enacted, That it shall and may be lawful for the said Trustees, at a General Meeting assembled, and they are hereby authorized and empowered to borrow, or direct to be borrowed upon the Credit of the said Rates and Duties, in aid of the Monies hereby granted, and to be applied therewith in the Improvement of the said Ferry, any Sum or Sums of Money not exceeding upon the Whole at any one Time such Amount, as that One-third of the said Rates and Duties shall be equal to pay the Interest thereof.

Power to borrow Money.

LVIII. And be it further enacted, That the said Trustees shall be obliged every Year to keep down the Interest upon all Money so borrowed, and out of the Remainder of the Tolls and Duties to pay and defray the Expences of maintaining and keeping in Repair the Works constructed under the Authority of this Act, and the Salaries to their Officers and other Expences attending the Execution thereof, and after paying and defraying all such Expences, to set apart the Remainder of the said Rates and Duties in every Year, as a Sinking Fund to pay off the Money so borrowed.

After Payment of interest and Expences, Rates and Duties to form a Sinking Fund.

LIX. And be it further enacted, That the Balance of the said Rates and Duties which shall so remain, shall Yearly and every Year be paid into the Bank of Scotland, or the Royal Bank of Scotland, or of such Bank as the said Trustees shall direct, upon a Note or Notes payable to the Clerk of the said Trustees, and bearing the highest Rate of Interest given by such Banks for Money so deposited with them, and at the End of each succeeding Year, a new Note or Notes shall be taken from some one or more of such Banks, for the Amount of the Note or Notes of the preceding Year, with the Interest thereon, and the Balance of the said Rates and Duties for that Year, which shall remain after defraying such Expences as aforesaid, so that such Interest and Balance being thus added to the former Sum, the same may accumulate until the Money so borrowed shall be paid off.

Accumulation of the Sinking Fund.

LX. Provided always, and be it enacted, That no Money shall be borrowed or paid off under the Authority of this Act, unless Notice of such Intention shall have been given in some Two Newspapers published at Edinburgh, at least Fourteen Days previous to the General Meeting at which the same is to be resolved upon.

Notice to be given previous to borrowing or paying off.

LXI. And be it further enacted, That pursuant to the Resolutions of such General Meeting it shall and may be lawful for the said Trustees, and they

Assignment of Rates in Security of Money borrowed.

are hereby empowered to assign the Harbours, Piers, Jetties, Landing-places, and other Works constructed under the Authority of this Act, and the Rates and Duties hereby granted, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of the said Rates and Duties) as a Security for any Sum or Sums of Money so to be borrowed with Interest to such Person or Persons, or their Trustee or Trustees, who shall advance the same, all which said Assignments shall be made and granted under the Hands of the Committee of Management appointed by the said Trustees for the Time being, or any Three or more of them, in Form or to the Effect following; (that is to say),

Form of Security by Assignment.

BY virtue of an Act of Parliament made in the Forty-ninth Year of the Reign of King George the Third, intituled [*Here insert the Title of this Act,*] We the Trustees appointed by the said Act, in Consideration of the Sum of \_\_\_\_\_ advanced and paid to us by *A. B.* of \_\_\_\_\_ do hereby sell, assign, and make over to the said *A. B.* his Heirs, Executors, Administrators, and Assigns, all and sundry the Harbours, Piers, Jetties, and Landing-places, and other Works erected pursuant thereto, and all and sundry the Rates and Duties payable to us by Virtue of the said Act, and all our Right, Title, and Interest of, in, and to the same, to be held by the said *A. B.* and his aforefaids, until the said Sum of \_\_\_\_\_ with the legal Interest thereof, shall be fully satisfied and paid. In Witness whereof we, the Undersigned of the Committee of Management appointed by the said Trustees, have subscribed these Presents at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ before these Witnesses.

And all Persons to whom such Assignments shall be made, shall be equally intituled one with the other, to their Proportion of the said Rates and Duties according to their respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments or on any other Account, and a Copy of every such Assignment shall, within Thirty Days from the Date thereof, be entered in a Book to be kept by the Clerk to the said Trustees, which Book shall and may be perused at all seasonable Times by any of the said Trustees or Creditors of the said Ferry, and any other Persons interested therein without Fee or Reward, and the Person or Persons to whom any such Assignment shall be made as aforefaid, or who shall be intituled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons by a Writing under his, her, or their Hands, in the Form or to the Effect following;

Form of Transfer.

I *A. B.* of \_\_\_\_\_ in Consideration of the Sum of \_\_\_\_\_ paid by *C. D.* of \_\_\_\_\_ do hereby transfer the Assignment made by the Trustees of the Ferry of *Queensferry* to \_\_\_\_\_ bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ for securing the Sum of \_\_\_\_\_ and all Interest now due, and to become due thereon, and all my Right and Property therein, to the said *C. D.* his Executors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_

And



And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk to the said Trustees, who shall cause a Copy thereof in like Manner as of the original Assignment to be entered in the Book to be kept by the said Clerk as aforesaid; and every such Entry made of such Transfer shall from thenceforth, until such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Security or Assignment, or any Money thereby secured, or any Part thereof, and the Interest of the Money which shall be borrowed or raised as aforesaid, shall be provided for and paid Half-yearly, to the several Persons intituled thereto.

LXII. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on the Security of the said Undertaking, shall be paid off and discharged, (save and except with the Consent or Consents of the Person or Persons so lending and advancing such Sum or Sums of Money) unless Six Calendar Months previous Notice under the Hands of Three of the Committee of Management shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money of such their Intention to pay off and discharge the same.

Six Months Notice to be given of paying off Money.

LXIII. And whereas by an Act passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for continuing and enlarging the Term and Powers of Two Acts made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and the Twelfth Year of the Reign of His present Majesty, in so far as respects the Road from North Queensferry, in the County of Fife, to the Town of Perth, and more effectually making, repairing, and keeping in Repair the said Road, and the Landing Places at the Queensferry*; the Trustees thereby appointed were empowered to borrow One thousand Pounds Sterling, for improving the said Landing Places, and to assign in Security thereof certain Tolls and Duties thereby authorized to be levied for the Improvement of the said Landing Places, and the Fortieth Penny of the Fare of the Boats plying at the said Ferry in Manner therein mentioned: And whereas the said Sum of One thousand Pounds Sterling hath accordingly been borrowed and expended in improving the said Landing Places; and it is expedient that the Trustees appointed by the said recited Act should be relieved of the same; be it therefore enacted, That it shall and may be lawful for the Trustees appointed by this Act, and they are hereby authorized and empowered, with the Consent of the Creditors entitled to the said Sum of One thousand Pounds, and the Trustees acting under the said recited Act, to assign, according to the Form herein-before prescribed, the Harbours, Piers, Jetties, Landing Places, and other Works constructed under the Authority of this Act, and the Rates and Duties hereby granted, or a sufficient Part and Portion thereof, as a Security for the said Sum of One thousand Pounds so borrowed and expended as aforesaid: Provided always, that the Creditor or Creditors entitled thereto shall, upon receiving such Assignment, be obliged to release and discharge the Security granted therefore under the said in Part recited Act; and the said in Part recited Act, in so far as it gives Power to levy Tolls and Duties for the Improvement of the said Landing Places, and to assign the same, and the Fortieth Penny aforesaid, in Security

1000l. borrowed under 36 Geo. 3. c. 134. to become a Burthen upon the Rates and Duties granted by this Act.

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ity of Money borrowed for such Improvement, shall thereupon be, and the same is thenceforth hereby declared to be repealed; and the Trustees appointed by the said in Part recited Act shall thereupon be and are hereby declared to be released and discharged from the Care and Duty of such Improvement.

Trustees may  
lessen Rates  
and Duties.

LXIV. And be it enacted, That it shall and may be lawful for the said Trustees with the Consent of Five-sixths of the Creditors who may have lent Money upon the Security of the said Rates and Duties, to lessen the same from Time to Time, and again to raise the same to any Sums not exceeding the Amount hereby granted.

Trustees may  
build and  
maintain  
Vessels for the  
Ferry, or  
licente Boat-  
men who  
furnish Boats.

LXV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered to build, keep, and maintain a sufficient Number of Boats, Pinnaces, Yawls, and other Vessels, for the Passage of the said Ferry, and to let the same by Public Auction for any Period not exceeding Two Years, to such Boatmen who may be willing to hire the same, whom they may license to use the same upon such Terms and Conditions as the said Trustees shall think fit to prescribe; or if the said Trustees shall deem it more expedient, it shall and may be lawful for them to grant Licences for any Period not exceeding Two Years to any Person or Persons who may be willing to furnish Boats, Pinnaces, Yawls, and other Vessels for the Passage of the said Ferry, upon such Terms and Conditions as shall be agreed upon by and between the said Trustees and such Person or Persons.

Not more than  
Two-thirds of  
such Vessels to  
remain on  
either Side at  
one Time.

LXVI. And be it further enacted, That not more than Two-thirds of the total Number of any such Boats, Yawls, or other Vessels so licensed as aforesaid, shall be and remain at either Side of the said Ferry at one and the same Time; and if at any Time the Number thereof on either Side shall happen to be more than Two-thirds of such total Number, then, and as often as such Case shall happen, one or so many of such Boats, Yawls, or other Vessels, according to the Order to be prescribed by the said Trustees, shall immediately sail and depart, without waiting for any Passenger, Fare, or Freight of any Sort, and shall forthwith proceed to the Side where the smaller Number of such Vessels shall happen to be, under the Penalty and Forfeiture of a Sum not exceeding Five Pounds Sterling, for each Offence or Default, to be paid by each Offender or Defaulter, besides the Forfeiture of the Licence of any such Offender or Defaulter, if the Trustees shall think proper to insist upon the same.

Upon Signal,  
Boats shall at  
all Times go  
from the one  
Side to the  
other.

LXVII. And be it further enacted, That in all Cases whatsoever, upon a Signal being made in such Manner as the said Trustees shall direct, such and so many of such Boats, Yawls, or other Vessels, in such Order as the said Trustees shall prescribe, shall at all Times depart and proceed from either Side of the said Ferry to the other, without waiting for any Passenger, Fare, or Freight of any Sort, upon Notification to that Effect by such Signal as aforesaid, under the Penalty of a Sum not exceeding Five Pounds Sterling for each Offence or Default, to be paid by each Offender or Defaulter, besides the Forfeiture of the Licence of such  
Offender

Offender or Defaulter, if the Trustees shall think proper to insist for the same.

LXVIII. And be it further enacted, That all Boatmen to whom any such Licence shall be given, shall not during the Continuance thereof be liable to be impressed, or to serve on board any of His Majesty's Ships of War: Provided always, that the Number of Persons so exempted shall not exceed Thirty-seven Men and Thirteen Boys, and the Names of the Persons to be so exempted shall from Time to Time be transmitted by the Clerk of the said Trustees to the Lords Commissioners of the Admiralty.

Boatmen not to be impressed.

LXIX. And, in order to promote the Accommodation of Passengers, and to secure to them a regular Passage at the said Ferry, be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorised and required to appoint and to continue Two resident Superintendants of the said Ferry, One at either Side, with suitable Salaries, and such Powers as shall be necessary for enforcing the Observance of this Act, and the Orders, Rules, and Regulations to be given and made by the said Trustees for the due Management and good Government of the said Ferry.

Superintendants of the Ferry to be appointed.

LXX. And in order to prevent Offences against this Act, and the Infringement of any Orders, Rules, and Regulations as aforesaid, to be made by the said Trustees, by providing Means for the immediate Punishment thereof, be it further enacted, That either of the said Superintendants shall have Power, and they are hereby authorised to carry any Person who shall be guilty of any Offence against this Act, or of any Infringement of the said Orders, Rules, and Regulations, instantly before a Justice of the Peace of either of the said Counties of *Fife* or *Linlithgow*, who shall immediately punish any such Offender in the Manner directed by this Act, or pursuant to such Orders, Rules, and Regulations, in case he or she shall be convicted of any Offence against the same, or any of them; and in the Event that a Justice of the Peace of such Counties cannot immediately be found, it shall and may be lawful for any such Superintendant to lodge such Offender in the Gaols of *Inverkeithing* or *Queensferry* respectively, until he can be carried before such Justice of the Peace: Provided always, that such Offender shall not be detained in such Gaol more than Twenty-four Hours before being carried before such Justice of the Peace.

Superintendants may imprison Offenders in a certain Event.

LXXI. Provided always, and be it further enacted, That any Superintendant guilty of improper Conduct in the Discharge of his Duty may be dismissed, and another Superintendant appointed in his Room, at any General Meeting, or at any Special Meeting of the said Trustees called for that Purpose.

Superintendants may be dismissed.

LXXII. And be it further enacted, That it shall not be lawful for any Superintendant, Collector, or other Officer appointed by the said Trustees, to sell Beer, Ale, or Spirituous Liquors by Retail.

No Officers of the Trustees to sell Spirituous Liquors.

LXXIII. And

Signal Posts  
to be erected.

LXXIII. And be it further enacted, That Signal Posts shall be erected at the said Ferry for the Purpose of making Signals as well by Night as by Day, for the due Performance of the Orders, Rules, and Regulations to be made by the said Trustees pursuant to this Act, and the prompt Execution thereof.

To compel  
Payment of  
Subscriptions.

LXXIV. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe any Money for and towards accomplishing the Purposes of this Act, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed to the said Trustees, or their Committee of Management; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall be lawful for the said Trustees, or any Person appointed by them, to sue for and recover the same in any Court of Law or Equity.

Recompence  
for Damages  
not herein-  
before parti-  
cularly pro-  
vided for.

LXXV. And be it further enacted, That if at any Time or Times hereafter, any Person or Persons shall sustain any Damages in his, her, or their Lands, Tenements, Heritages, or Property, by Reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case, the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained by a Jury as aforesaid, and the same may be recovered, levied, and applied in Manner herein directed with regard to any other Recompence or Satisfaction.

Recovery of  
Fines and  
Forfeitures.

LXXVI. And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or which shall be imposed by any Rule, Order, or Bye Law, to be made in pursuance thereof, (the Levying or Recovery whereof is or are not particularly herein-before directed) shall, in case of Non-payment thereof, on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Effects of the Offender or Offenders, by Warrant under the Hand of any Justice of the Peace, for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside; and every such Justice is hereby authorized and required to examine Witnesses on Oath; and hear and determine the same; and all Fines, Forfeitures, and Penalties, (the Application whereof is not herein-before particularly directed), shall be paid into the Hands of the Clerk of the said Trustees, and shall be applied and disposed of for the Purposes of this Act, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Effects so distrained, and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture, shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand, to commit such Offender to the Common Gaol or House of Correction, there to remain, without Bail, for any Time not exceeding Four Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LXXVII. And

LXXVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action before the Court of Session.

Persons aggrieved by Irregularity in Distress, to recover only the special Damage :

LXXVIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause Conviction to be drawn up according to the following Form :

Conviction of Offenders.

BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in \_\_\_\_\_ the Year of our Lord \_\_\_\_\_ A. B. is convicted before me C. D. One of His Majesty's Justices of the Peace for the County of \_\_\_\_\_ [specifying the Offence, and the Time and Place when and where committed, as the Case may be], contrary to an Act of Parliament, passed in the Forty-ninth Year of the Reign of King George the Third, intituled, [here set forth the Title of this Act].  
Given under my Hand the Day and Year first above mentioned.

Form of Conviction.

LXXIX. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved, by any Order or Judgment made or given in pursuance of any Rule, Bye-Law, or Order of the said Trustees, or their Committee of Management, 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 Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, (first giving Twenty-one Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the said 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 either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall 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, as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form, or be removed by Advocacion, or by any other Process whatsoever, or stayed by

Persons aggrieved may appeal to the Quarter Sessions.

Proceedings not to be quashed for want of Form,

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Suspension

nor removed  
by Advocat-  
tion, &c.

Suspension or Reduction; any Law or Statute to the contrary notwithstanding.

Trustee may  
act as a Justice  
of the Peace.

LXXX. And be it further enacted, That every Person who is a Trustee under this Act, and every Person who is a Creditor by Assignment of the Rates and Duties hereby granted, may nevertheless act as a Justice of the Peace in the Execution thereof.

No Person  
holding a  
Place of Profit  
can be a  
Trustee.

LXXXI. Provided always, and be it enacted, That no Person who shall hold a Place of Profit under this Act, or be concerned in any Contract made by the said Trustees, shall act as a Trustee in the Execution of this Act during the Time of holding such Place, or being concerned in such Contract.

Officers of  
Trustees may  
be Witnesses.

LXXXII. And be it further enacted, That no Superintendant, Clerk, Collector, or other Officer appointed by the said Trustees, shall be or be deemed to be an incompetent Witness under this Act, by reason of his being such Superintendant, Clerk, Collector, or other Officer.

Limitation of  
Actions.

LXXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done by virtue or in pursuance of this Act, until Twenty-one Days Notice thereof in Writing shall have been given to the said Committee of Management, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be brought before the Court of Session in *Scotland*; and the Defender or Defenders in such Suit or Action shall and may deny the Libel, and give this Act and the Special Matter in Evidence, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear so to be done, and if such Action and Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought without Twenty-one Days Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Defender or Defenders shall be assailable; or if the Action shall be found irrelevant, or be otherwise dismissed, or the Pursuer shall not prosecute the Action, or suffer the same to fall asleep, or if Judgment shall be given against the Pursuer or Pursuers, the Defender or Defenders shall have Double Costs, and shall have such Remedy for recovering the same, as any Defender or Defenders hath or have for Costs of Suit in any other Cases of Law.

Trustees to  
report their  
Proceedings.

LXXXIV. And be it further enacted, That once in every Five Years from and after the passing of this Act, the said Trustees shall report their Proceedings in Writing, together with such Observations as they shall think proper under the Hands and Seals of them, or any Nine of them, to His Majesty and the Two Houses of Parliament.

Expences how  
to be defrayed.

LXXXV. And be it further enacted, That the Expences of this Act, and other necessary Expences incurred preparatory thereto and in the Execution thereof,

thereof, shall be paid and defrayed out of the Rates and Duties hereby granted.

LXXXVI. And be it enacted, That this Act shall continue and endure for Continuance Twenty-one Years from and after the passing thereof, and from thence to of this Act, the End of the then next Session of Parliament.

LXXXVII. And be it further enacted, That this Act shall be deemed and Public Act, 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 to which this Act refers.

A SCHEDULE shewing the Number of Piers and Landing Places to be built on either Side of the Ferry, the Roads necessary to communicate therewith, Boatmen's Houses, Sheds, and an Inn.

First, on the South Side :

It is proposed to construct a Pier and to make Landing Places at the *Long Craig* to the Eastward of *Newballs*, the End of which next the Shore will come upon Land said to belong to the Right Honourable the Earl of *Roseberry*, or to *Robert Scott Moncrieffe* Esquire, and to widen the present Road from the *Long Craig* Westward to *Newballs*, as near to the Shore as practicable, to a Breadth not exceeding Forty-two Feet.

Provided always, that the said Earl shall and may be enabled to make a good and sufficient Fence to defend his adjoining Land against the Inroads of Cattle and Passengers upon some Part of the Rocks forming the *Long Craig*, not used for the said Pier or the Harbour to be thereby formed, or in the Event that the Construction of the said Pier and Landing Places shall deprive the said Earl of a sufficient Foundation for such Fence, that in such Case the Trustees appointed by this Act shall be obliged to construct such Works upon the Shore, as may enable the said Earl to build a good and sufficient Fence for the Purposes aforesaid.

To the South and Westward of this Pier it is proposed to erect upon Part of the above Lands, and between the Dyke which incloses Ground belonging to the Earl of *Roseberry* and the Sea, Sheds for shelter to Passengers and Goods, and for Horses and Carriages, not exceeding Two Hundred Yards in Length.

It is also proposed to lengthen, repair, and improve the present Pier at *Newballs*, with Landing Places thereat.

It is further proposed to construct a Pier and to make Landing Places and Sheds at a Place called *Port Edgar*, lying West of the *Queensferry*, the End of which next the Shore will come upon uninclosed Land belonging to *James Dundas* Esquire, of which may be required for these Purposes a Space not exceeding Forty Yards in length, lying between the Road leading from the *Queensferry* to *Borrowstounness* and the Sea.



It is proposed to alter, widen, and improve the Road from the old Church in the Town of *South Queensferry* leading to *Linlithgow*, by widening to a Breadth not exceeding Forty-two Feet the Road from the said old Church to the Gate where it at present turns off to *Linlithgow*, and to carry Westerly a new Road not exceeding Forty-two Feet in Breadth from this Point, in a straight Line to another Point leading from the said Town of *South Queensferry* to *Borrowstouness* in the present Road next the Shore at the Distance of about One hundred and fifty Yards from the said Gate, and by embanking towards the Sea the said present Road from the Termination of the said new Road, to the Wall which incloses a Wood belonging to *James Dundas* of *Dundas* Esquire, and to improve, by widening and embanking towards the Sea, the present Road from this Wall to *Port Edgar*.

It is proposed to erect Houses for a Superintendant and Boatmen and, to set apart a small Portion of Garden Ground for their Use, not nearer the present Inn at *Newhalls* than One hundred and ten Yards to the Westward thereof, on the South Side of the Road leading from *Newhalls* to the *Queensferry*, upon Ground belonging to *Robert Scott Moncrieffe* Esquire, and occupied by *David Stodart* his Tenant; the Ground to be taken for such Houses not to exceed One hundred and sixty-two Feet in Length, and One hundred and eight Feet in Breadth.

Secondly, on the North Side of the *Queensferry* :

It is proposed to improve the present Landing Place situate at the East of the Battery on Land belonging to the Guildry of the Borough of *Dunfermline*, and to erect such Piers and Buildings as may be necessary for that Purpose, and to improve the Road leading from the North *Queensferry* to the said Landing Place, and to widen the same to a Breadth not exceeding Forty-two Feet.

It is further proposed to make Landing Places, with Sheds as aforesaid, and to erect such Piers and Buildings as may be necessary for these Purposes on the West Side of the Promontory on which the said Battery now stands.

It is proposed to lengthen and improve the present Pier at the North Ferry.

It is proposed to construct a Pier, and to make Landing Places upon Ground belonging to the Guildry of *Dunfermline*, at a Place lying to the North West of the Island called *The Long Craig*, and between the same and the said Island, and to make a Road, not exceeding Forty-two Feet in Breadth, from this Pier to the Turnpike Road leading from the North Ferry to *Pertb*.

It is proposed to erect Houses for a Superintendant and Boatmen, and to set apart a small Portion of Garden Ground for their Use, adjoining to the Road leading from the North Ferry to the Battery, and also adjoining to the said Road to be made from the said Pier to be erected to the North West of the said Island called

*The Long Craig*, upon Ground belonging to the said Guildry of *Dunfermline*, and to *John Alexander*, or one of them, not exceeding in either Situation One hundred and sixty-two Feet in Length, and One hundred and eight Feet in Breadth.

It is proposed to build an Inn, with suitable Offices at or near the said North Ferry, upon Ground belonging to the said Guildry of *Dunfermline*, for which may be required an Extent of Ground not exceeding Two Acres and a Half.

For all these Works and Operations, and to make the Purchases necessary therefore, it is estimated that the Sum of Eighteen thousand five hundred Pounds will be required.

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