



ANNO QUINQUAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 125.

An Act for further improving the Communication between the County of *Edinburgh* and the County of *Fife*, by the Ferries cross the *Frith of Forth*, between *Leith* and *Newhaven*, in the County of *Edinburgh*, and *Kinghorn* and *Bruntisland* in the County of *Fife*. [3d June 1813.]

WHEREAS by an Act passed in the Thirty-second Year of His present Majesty's Reign, intituled *An Act for improving the Communication between the County of Edinburgh and the County of Fife, by the Passages or Ferries cross the Frith of Forth, between Leith and Newhaven in the County of Edinburgh, and Kinghorn and Bruntisland in the County of Fife; and for rendering the Harbours and Landing Places more commodious*; it was enacted, that the Passage between *Kinghorn* and *Newhaven*, as well as that between *Kinghorn* and *Leith*, and the Passage between *Bruntisland* and *Leith* and *Newhaven*, should in all Time to come, be deemed and taken to be public Ferries, subject to the Laws for regulating Ferries in *Scotland*; and the Persons therein named or described were appointed Trustees for carrying the Purposes of the said Act into Execution, and they were authorized to levy the Tolls and Duties therein mentioned, and to carry on the Works therein specified for the Improvement of the said Ferries and Passages, and the Harbours and Landing Places, and sundry Powers [Loc. & Per.] 25 B. were

32 G. 3.

were given to the said Trustees for these Purposes: And whereas in pursuance and execution of the said Act certain Sums have been borrowed on the Credit of the Rates and Duties thereby authorized to be levied, and are still owing, and the same with the said Duties have been expended in the Improvements of the said Harbours and Landing Places; but much remains to be done to render the same commodious and complete, to which the Funds provided are inadequate: And whereas the Passage of the *Frith of Forth*, at the Places above-mentioned, is one of the principal Communications between the Southern and Northern Parts of *Scotland*, and it would be of great Benefit to the Public if the Harbours and Landing Places on both Sides were put in such a State that Passage Boats and other Vessels might cross at all Times of the Tide, and in every State of the Wind; and such Improvements can only be made and maintained by the Imposition of considerable Rates, on which Money may be borrowed under the Authority of Parliament: And whereas a Sum of Money not exceeding Ten thousand Pounds has been voted by Parliament to be advanced under certain Conditions and Restrictions to the Trustees for executing the Purposes of this Act: And whereas a like Sum of Ten thousand Pounds has been subscribed by certain Persons for the like Purposes: And whereas it is expedient that the making of such Improvements, and the maintaining the said Landing Places with the necessary Conveniences, should be committed to Trustees for the public Benefit, with sufficient Powers and suitable Regulations, and that the Money granted in Aid by the Public should be vested in the said Trustees: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein in part recited Act, passed in the Thirty-second Year of His Majesty's Reign, so far as relates to the Management of the Ferries, the levying Rates and Duties, and the building or repairing the several Landing Places, shall from and after the passing of this Act, be and the same is hereby repealed, without Prejudice to the Security of the Persons who have advanced and lent Money on the Credit of the Tolls and Duties authorized by the said Act to be levied, and which is still owing; but the said Securities, shall attach upon the Tolls and Duties authorized to be levied by this present Act, with the same Rights and Priority which were held under the said former Act by the Assignments granted in pursuance thereof.

Act of the
32d of His
Majesty re-
pealed in part.

Appointment
of Trustees.

II. And be it enacted, That all and every Person and Persons who now are or hereafter shall be in His Majesty's Commission of the Peace in and for the Counties of *Edinburgh* and *Fife*, or either of them, or who now are or hereafter shall be Commissioners of Supply for the said Counties, or either of them, together with the Lord Chief Baron of His Majesty's Court of Exchequer in *Scotland*, the Lord President of the Court of Session, the Lord Justice Clerk, His Majesty's Advocate and Solicitor General, the Commander of His Majesty's Forces in *North Britain*, the Commander of His Majesty's Ships on the *Leith* Station, the Sheriffs Deputé of the Counties of *Edinburgh* and *Fife*, the Lord Provost of *Edinburgh*, the resident Chief Magistrate of the Burghs of *Kinghorn* and *Bruntisland*,

the Baron Baillie of *Leith*, the senior resident Magistrate of *Leith*, the Dean of the Faculty of Advocates, the Keeper and Deputy Keeper of His Majesty's Signet in *Scotland*, the Master of the Trinity House of *Leith*, and the Master of the Trinity House of *Bruntisland*, all for the Time being, 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 the Sum of Fifty Pounds, to be recovered and applied as hereinafter directed; and the Proof of Qualification ſhall lie upon the Perſon complained of.

Penalty upon acting without Qualification.

IV. And be it enacted, That Seven of the ſaid Trustees ſhall be a Quorum, and that any Seven of them, being duly aſſembled, ſhall be held to conſtitute a General Meeting, but in the Event that fewer than Seven 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 held at any Time not leſs than Ten Days thereafter, of which Notice ſhall be given by Advertiſement in ſome Two Newspapers published at *Edinburgh*, at leaſt Eight Days previous to ſuch adjourned Meeting; and at any ſuch adjourned Meeting any Seven 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 at *Kirkcaldy* on the Second *Tuesday* after the paſſing of this Act, or as ſoon after as ſhall be convenient for all concerned, for the Purpoſes of carrying this Act into Execution; and ſhall afterwards, on the Second *Tuesday* of *September* in each and every Year, aſſemble at *Leith* and *Kirkcaldy* alternately or at ſuch Place and at ſuch Hour as the ſaid Trustees ſhall at a General Meeting appoint, and in caſe no Place or Hour ſhall have been ſo appointed, then ſuch General Meeting ſhall be held where the laſt General Meeting was held; and ſuch General Meeting ſhall have Power to adjourn themſelves from Time to Time, and to ſuch Places as to the Majority of the Trustees preſent at ſuch Meetings ſhall appear proper; and at every Meeting the ſaid Trustees ſhall defray their own Expences.

First General Meeting.

VI. And be it further enacted, That all Accounts of Money received, laid out, and diſburſed, on account of the Works hereby directed to be made by the Treafurer, Receiver, or Collector of the Rates and Duties granted by this Act, and other Officers of the ſaid Trustees, or by any other Perſon or Perſons for or under them, in or about the ſaid Works, and the ſaid Paſſages, ſhall be laid before the ſaid General Meeting, who ſhall appoint a Committee of their Number, not exceeding Five 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.

Accounts to be laid before General Meeting.

VII. And

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 Twelve or more Persons of and out of the said Trustees, to be a Committee for the Management of the Concerns relative to the said Works and Passages, until the next General Meeting, to be holden on the Second *Tuesday* of *September*, and One of them to be Convener, 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 a 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 and 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; 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 Management shall constitute a Quorum, and shall have the same Power 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, to make such Rules, Bye-Laws, and Orders for the good Government of the said Passages, and of their Officers, Agents, or Workmen, and for the more complete and total Superintendance and Management of the said Passage, and the well and orderly using and preserving of the same, and the Piers and Harbours, and other Works thereunto appertaining, and for regulating the Entrance, Mooring, and Accommodation of Vessels plying on the said Passages, 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 Five 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 the Authority and in the Presence

ence of the other constituent Members thereof, shall be binding upon and observed by all Parties using or in any way concerned in the said Passages, Piers, Harbours, Basins, and other Works aforesaid, and shall be sufficient in a 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 the Rights and Privileges of the City of *Edinburgh*, the Port of *Leith* and its Dependencies, the Burgh of *Canongate* and *North Leith*, or the Burghs of *Burntisland* and *Kinghorn*, 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 or Passages, and the Piers, Harbours, Basins, and other Works thereunto appertaining, and for regulating the Entrance, Mooring, and Accommodation of Vessels plying thereat, or using the said Piers, Harbours, Basins, 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 Passages, Piers, Harbours, Basins, 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, Basins, or other Works, and the same shall be subject to Appeal in Manner herein-after 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 held, 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 Fourteen Days Notice thereof, by an Advertisement to be inserted Two several Times in some Two Newspapers published at *Edinburgh*, or in such other Manner as the Trustees shall at any General Meeting direct or appoint, 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 authorised 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 authorised and empowered, from Time to Time to nominate and appoint an 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

General Meetings to elect and appoint Officers.

cution 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 Trustees, when the same shall either be confirmed, or such other fit Person or Persons appointed to succeed such Officer or Officers 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 and 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 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

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, are in the Hand 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 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 Person shall be detained in Prison, for want of sufficient Goods or Effects, for a 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 not only have a Vote as a Member of the Committee, but in case of Equality have the casting Vote; and all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee, are directed to be 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, at the Terms of *Whitsunday* and *Martinmas* in every Year, or within Fourteen Days thereafter, make up a Report of their Proceedings, and an Account of all Monies received and expended by them or by their Authority, and transmit the same to the Clerk of the said Trustees, to be laid before them at their next General Meeting, and shall from Time to Time make such other Reports as they shall see necessary 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 Lands, Tenements, and Heritages, that may be taken or used for the Purposes of the said Passages, and the Piers, Harbours,

Power of the
Committee of
Management.

Basins, and other Works thereunto belonging, and the Roads, Accesses, and Approaches, and shall and may settle, determine, 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, or 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, Basins, and all other Works necessary for the Purposes of the said Ferries, or in any Manner or 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 Passages; 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 Ferries, 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 Concerns, Dealings, or Transactions with the said Ferries, 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 to
make Piers,
&c.

XIV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to make, construct, and maintain Piers, Jetties, Basins, Harbours, and Landing-Places on either Side of the *Firth of Forth*, at or near *Kinghorn* and *Bruntisland* on the North Side, and at or near *Leith* and *Newhaven* on the South Side, as described in the Schedule hereunto annexed, with Places for the Shelter of Passengers, and for Goods, Horses, and Carriages, and to make, improve, widen, repair, and keep in Repair Roads to and from such Piers and Landing Places, and to purchase and acquire as much Ground, Houses, or other Property, as may be necessary for these Purposes, appearing from the Schedule hereunto annexed.

Road of Com-
munication
between
Bruntisland
and King-
horn.

XV. And be it enacted, That it shall and may be lawful to and for the said Trustees, out of the Monies coming to their Hands, or the Persons employed by them, to lay out and expend in the making and repairing a Road of Communication between the Town of *Bruntisland* and the Harbour of *Pettycur*, or the Town of *Kinghorn*, such a Sum as shall appear to them sufficient for that Purpose.

Bodies
Politic em-
powered to
sell and con-
vey Lands.

XVI. 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 Peoffees in
Trust

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 seised, 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 seised, 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*,

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 Fifty-third 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 Parlia-
 ‘ ment. 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 *Edinburgh* or *Fife* respectively, wherein the Lands, Tenements, 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.

[*Loc. & Per.*]

25 D

XVII. Provided

Satisfaction
to be made.

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

XVII. 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 by the Sheriff Depute of the County in which the Property is situated, or his Substitute, which Sheriff shall summon in the Manner in which Juries are summoned in *Scotland*, not more than Forty nor less than Thirty Persons, Owners or Occupiers of Land in the County, 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 claiming Satisfaction, striking off the first Person; and if the Trustees or such Party or Parties shall fail to appear, the Sheriff shall strike off for the Party failing to appear; 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 Judgement 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 Review, by Advocation, Suspension, Reduction, or otherwise; any Law or Statute to the contrary notwithstanding.

Expences of
Witnesses and
Jury by
whom to be
paid.

XVIII. 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 any Sum of 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, which 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 Compensation 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.

XIX. 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 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.

Persons requesting Juries to enter into Bonds to prosecute.

XX. And

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

XX. 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.

XXI. 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.

XXII. 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 *Edinburgh* 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 200l.

XXIII. 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 Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall in case the same shall amount to the Sum of Two hundred Pounds, 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 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

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.

XXIV. 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.

XXV. 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.

XXVI. 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

In case of not
making out
Titles, &c.

[Loc. & Per.]

25 E

Act,

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

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 Public 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.

XXVII. 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.

XXVIII. 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

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.

XXIX. 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, 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.

XXX. 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 Waste or Common in the Counties of *Edinburgh* and *Fife*, (not being farther distant than One Mile from the High-water Mark,) or within High-water Mark on the Shores of the *Firth of Forth*, and to dig, gather, and take away therefrom Stones, Gravel, Sand, Clay, Furze, Heath, Rubbish, or other Materials necessary for constructing any of the Works authorized by this Act without

Getting
Materials.

making any Compensation for the same; and also to open Quarries, and to dig, gather, and take away therefrom Stones, Gravel, Sand, Clay, Furze, Heath, Rubbish, or other Materials (Timber excepted) in and out of any Grounds, whether enclosed or not (not being the Ground whereupon any House stands, 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 easily be found for the Construction of the said Works, making Recompence for the Damage thereby occasioned in Manner herein-after mentioned.

Notice to be given of getting Materials.

XXXI. 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, or carry away any such Materials in or from any inclosed Grounds or Lands, 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 till such Notice is 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 where the Lands lie, 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, authorize 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 Justices shall seem proper; and if such Proprietor or Occupier shall neglect or refuse to appear by himself or an Agent, the said Justices shall and may make such Orders thereon, 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.

Trustees to pay Damages.

XXXII. And be it enacted, That when any Damage shall be done by the said Trustees, or Persons having Power from them, in digging, gathering, or taking away such Materials, or otherwise, to any Person or Persons, the said Trustees shall be obliged to pay all such Damages as shall be ascertained by the Agreement of the Parties, or by any Two Justices of the Peace of the Counties of *Edinburgh* and *Fife* respectively, wherein the Lands are situated whereon the Damage is sustained, with Power to the said Proprietor or Occupier, to appeal from the Decision of the said Justices to the next Quarter Sessions of the Peace in such 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 Trustees, or those employed by them, from using or carrying away the said Materials, and applying them in constructing the Works authorized by this Act.

No Person to take Materials dug by the Trustees.

XXXIII. And be it further enacted, That if any Person or Persons shall take away any Stones, Gravel, Clay or other Materials which shall have been dug, got, or gathered by 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 take away any Stones, Sand, Clay or other Materials, out of any Pit or Quarry which shall have been made for the Purposes of getting

getting such Materials for the Purposes of this Act, before the Persons appointed or acting under the Authority of the said Trustees, or their Workmen, have discontinued working therein for the Space of Four Weeks (except the Owner or Occupier of such Lands or Grounds, or Persons authorized by them, to get Materials for his or her own private Use only and not for Sale), every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds.

XXXIV. And be it enacted, That if any Person or Persons whatsoever shall after the passing this Act wilfully and maliciously set on fire or 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, made under the Authority of this Act, 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 by whom such Offender or Offenders shall be tried and convicted. Punishment for destroying Works.

XXXV. 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 a Sum not exceeding Forty Shillings, besides paying the Damage thereby occasioned. Penalty for damaging Works, or destroying Ropes of Vessels.

XXXVI. And be it enacted, That from and after the passing of this Act it shall not be lawful to any Person or Persons to throw or empty any Ballast, Dust, Ashes, or Rubbish, Shingle Stones, or other Things, into any Harbour already in use for the said Passages, or to be made under the Authority of this Act, or into the Entrance thereto, 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 do any Matter or Thing whereby the same may be injured, obstructed, or interrupted, under a Penalty not exceeding Ten Pounds 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. To prevent throwing Ballast into Harbours, &c.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered to purchase, build, keep, and maintain a sufficient Number of Boats, Pinnaces, Yawls, and other Vessels for the Passage of the said Ferries, 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 licence 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 Procuring Boats for the Passage.

[*Loc. & Per.*]

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Boats,

Boats, Pinnaces, Yawls, and other Vessels for the Passage of the said Ferries, upon such Terms and Conditions as shall be agreed upon by and between the said Trustees and such Person or Persons, and until Boats and other Vessels can be purchased or built and licensed as aforesaid, it shall be lawful for the said Trustees to continue the Boats and other Vessels at present employed and the Crews thereof, on such Terms and under such Regulations as the said Trustees shall think fit.

Purchase of
Boats from
the present
Owners.

XXXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees to purchase all or any of the Boats, Yawls, and Pinnaces usually employed at the said Passages for transporting Passengers and Commodities; and the Owners of the said Boats, Yawls, and Pinnaces, shall be obliged to sell and deliver the same to the said Trustees at and for such Price or Prices as shall be agreed upon between them: Provided always, that the said Trustees shall give at least Three Months Notice of their Intention to purchase the said Boats, Yawls, and Pinnaces, to the Owners of the same; and if the said Trustees and Owners cannot agree as to the Price or Value of the same, it shall and may be lawful for either Party to apply to the Sheriff Depute of the County of *Fife*, giving due Notice of such Application to the other Party, and the said Sheriff shall thereupon summon a Jury in the Manner before directed, to ascertain by their Verdict the Price or Value to be paid by the said Trustees to the said Owners for the said Boats, Yawls, or Pinnaces; and it shall and may be lawful to the said Jury in Addition to the actual Value of the said Boats, Yawls, and Pinnaces, to award such Compensation as shall appear to them to be reasonable, in Consideration of the said Owners being deprived of their usual Occupation and Livelihood if such shall be the Case: Provided always, that no such Compensation shall be awarded or paid to any such Owners, who have not been employed in navigating a Boat, Yawl, or Pinnace on the said Ferries or Passages for the Space of Two Years at the least before the passing of this Act; or if such Owner or Owners shall be taken into the Service of the said Trustees, or shall within Six Calendar Months after such Purchase and Delivery, as aforesaid become an Owner, or be employed in navigating any Boat, Yawl, or Pinnace on the said Passages, or Ferries, or any of them, under Licence or Lease from the said Trustees, or by their Authority, in whatever Form or Manner granted; and provided also, that the said Compensation shall not be payable until after the Expiration of Six Calendar Months, to be computed from the Time when Judgement shall have been signed by the Sheriff Depute in all Cases in consequence of the Verdict or Award of a Jury summoned as aforesaid.

Sums to be
levied.

XXXIX. And be it further enacted, That 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 at and for the Passages of the *Frith of Forth*, from *Leith*, or *Newhaven* to *Kinghorn* or *Brustisland*, or the reverse Way; for or on account of the Transport or Accommodation of Persons and Articles; any Sum or Sums for and in the Name of Freight, and for Rates or Duties not exceeding the Sums after-mentioned; that is to say,

For each Person in the best Accommodation to be afforded by the new Boats, Nine Shillings.

In the inferior Accommodation, Six Shillings.

Each

- Each Passenger in Pinnaces, Seven Shillings and Sixpence.
 Freight of a Boat or Pinnace by Day, Two Pounds Five Shillings.
 Freight of a Boat or Pinnace by Night, Three Pounds.
 Each Horse, Mare, Mule, or Ass, Seven Shillings and Sixpence.
 live Cow or Ox, Five Shillings and Three-pence.
 Stallion, One Pound Ten Shillings.
 live Calf, One Shilling and Sixpence.
 Swine, One Shilling and Sixpence.
 Sheep, Sixpence.
 sporting Dog, Three Shillings.
 other Dog, One Shilling and Sixpence.
 live Lamb, Three-pence.
 Landau or Coach, One Pound Sixteen Shillings.
 Four-wheeled Chaise or Chariot, One Pound Seven Shillings.
 One-horse Ditto, Twelve Shillings.
 empty close Cart or Corn Cart, Six Shillings.
 Plough or Pair of Harrows, Three Shillings.
 Pair of Fanners, Seven Shillings and Sixpence.
 Pair of Cart Wheels, Three Shillings.
 single Cart Load of Baggage, except Carriers Carts, Twelve Shillings.
 Double Horse Cart Load, Eighteen Shillings.
 Carriers Cart Load with single Horse, Eighteen Shillings.
 Ditto with Two Horses, One Pound Seven Shillings.
 Mill Stone, One Pound One Shilling.
 Crett of Glas or Stone Ware, Four Shillings and Sixpence.
 Barrel of Thirty-two Gallons of Beef, Butter, or Pork, and other Goods, except Herrings and Salt, One Shilling and Sixpence.
 Hundred Weight of all weighable Goods, except Carriers Baggage, Four-pence.
 Boll of Barley or other Kind of Grain, One Shilling and Sixpence.
 Boll of Potatoes, Carrots, and the like, One Shilling and Sixpence.
 Ditto of Meal, Nine-pence.
 Sack of Flour, One Shilling and Sixpence.
 Hundred of Bricks, Tiles, or Slates, Two Shillings and Three-pence.
 Foot of Timber, Three-pence Three Farthings.
 Horse Load of Salmon or other Fish, One Shilling.
 single Horse Cart Load of Ditto, Seven Shillings and Sixpence.
 Pipe of Wine, Spirits, or Oil, Fifteen Shillings.
 Hoghead of Ditto, Seven Shillings and Sixpence.
 Half Hoghead of Ditto, Three Shillings and Nine-pence.
 Anker of Ditto, One Shilling and Ten-pence Halfpenny.
 Hoghead of Bear Lintseed, Three Shillings.
 All other Goods not specially enumerated to be charged Seven Shillings and Sixpence *per* Barrel Bulk;
 Each Barrel of Herrings or Salt, One Shilling.

And it shall and may be lawful to and for the said Trustees and Quorum of them to levy, and cause to be levied, for and in respect of all Vessels, not being Passage Boats, entering the Harbours of *Pettycur* and *Brunt Island*, a Sum not exceeding One Farthing *per* Ton, according to the Admeasurement of each Vessel in respect of the Benefit derived from the
 Light

Light Houses to be erected or maintained, excepting Ships of War and Vessels belonging to or in the Service of His Majesty, or belonging to or employed by the Authority of His Majesty's Postmaster General.

Recompence
to Owners of
Boats for the
Ferrying.

XL. And be it enacted, That so long as the said Trustees shall deem it inexpedient to purchase the Boats, Yawls and Pinnaces at present employed for the Service of the said Passages or Ferries from the Owners thereof, or themselves to build or cause to be built Boats, Yawls and Pinnaces for the said Service in Manner and according to the Conditions aforesaid, and if the said Trustees shall continue the Boats and Vessels at present employed, and the Crews thereof, it shall and may be lawful for the said Trustees at any of their General Meetings to declare what Part or Portions of the Sums authorized to be levied by this Act shall be received by and paid to the said Owners of the said Boats, Yawls, and Pinnaces as for Freight in Consideration of the Use of their Vessels, and for the Wages of the Crews thereof, and the Remainder of the Sums levied shall be applied by the said Trustees to the Purposes of this Act, and they shall be accountable only for the said Remainder after deducting such Freight; and in case of the said Trustees becoming Owners of the Boats, Yawls and Pinnaces employed on the said Ferries or Passages by Purchase of the present Boats and other Vessels, or by building or purchasing others, it shall and may be lawful for them assembled at a General Meeting as aforesaid, to declare what Proportion of the Sums authorized to be levied, shall be deemed Freight, or for the Labour of the People employed, and use of the Vessel, and what shall be deemed Rates or Tolls for the other Purposes of this Act.

Exemptions
from Rates.

XLI. 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, 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 on actual Duty, 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, every such Person shall forfeit a Sum not exceeding Forty Shillings Sterling.

XLII. 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.

Table of Rates and Duties.

XLIII. And be it further enacted, That if any Person or Persons shall delay or refuse to pay the Freight, or the Rates and Duties hereby granted, when the same shall be demanded, not being by this Act exempted from the Payment of such Rates or Duties, such Person or Persons shall forfeit a Sum not exceeding Forty Shillings; 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 or Persons so offending shall forfeit a Sum not exceeding Five Pounds.

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

XLIV. And be it further enacted, That it shall not be lawful for any Yawl, Pinnace, Boat, or other Vessel, or Boatmen to ply for hire on the said Passages 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.

No Boats or Boatmen to ply without Licence.

XLV. 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.

Rates vested in Trustees.

XLVI. 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 a General Meeting assembled.

Rates may be let.

XLVII. And be it further enacted, That when and so soon as it shall be certified to the Lords Commissioners of His Majesty's Treasury for the Time being by the Directors of the Bank of Scotland, or of the Royal Bank of Scotland, that the Sum of Ten thousand Pounds has been paid into or lodged with the said Banks, or one of them, by any Persons who have subscribed or who shall subscribe any Sum of Money upon the Credit of the Rates granted by this Act for the making and completing the Works intended to be made under this Act, and for carrying into Execution the Purposes thereof, and on such Terms that the Sum so deposited, paid in, or lodged cannot be withdrawn, but for the Purposes aforesaid it shall and may be lawful to and for any Three or more of the said Commissioners of His Majesty's Treasury for the Time being, and they are hereby required to order and direct by any Writing

10,000l. to be advanced by the Lords of the Treasury.

[Loc. & Per.]

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under

under their Hands, that the said Sum of Ten thousand Pounds so voted as aforesaid, or any Part or Parts, Portion or Portions thereof from Time to Time shall be advanced and paid to the said Bank of *Scotland*, or Royal Bank of *Scotland*, or one or other of them, with which the Money of the Subscribers has been deposited as aforesaid until the whole Sum of Ten thousand Pounds shall have been advanced, and all such Sums of Money shall be paid and advanced upon such Orders without any Deduction whatever for Fees or otherwise, and shall be placed to the Credit of the Trustees under this Act to be drawn out from Time to Time as Occasion may require for the Purposes of this Act by the said Trustees, or their Order, or the Order of any Seven or more of them, and for no other Purposes whatever.

Application
of Rates.

XLVIII. Provided always, and be it further enacted, That the Surplus of the Money arising from the Rates and Duties granted by this Act, which shall remain after paying the Expences of this Act, and of repairing and keeping in Repair the Works to be maintained under the said recited Act and this Act, and purchasing the Boats and Vessels employed in the said Ferry; and all other contingent Expences necessary for and arising in the Conduct and Management of the same; and after paying from Time to Time the Interest of any Debt which was charged or chargeable upon the Rates and Duties granted by the said former in Part recited Act, shall be by the said Trustees accounted for to the Lords Commissioners of His Majesty's Treasury, and shall be applied rateably by equal Payments in the Repayment of the said Sum of Ten thousand Pounds, and of the Sum of Ten thousand Pounds which shall have been so deposited as aforesaid, with Interest upon the said last mentioned Sum, and all Sums paid in Discharge of the said public Loan of Ten thousand Pounds shall be paid into the Receipt of His Majesty's Exchequer, or otherwise, as any Three or more of the Commissioners of His Majesty's Treasury shall direct, until the Sum of Ten thousand Pounds voted by Parliament, and so advanced as aforesaid shall be completely repaid: Provided always, that no Interest shall be charged or paid upon or in respect of the said public Loan of Ten thousand Pounds as aforesaid: Provided also, that Interest shall be paid upon the whole Sum of Ten thousand Pounds so deposited as aforesaid, before any Part of such principal Sum shall be repaid; and after Payment of such Interest the principal Sum shall be paid rateably in Proportion, according to the different Sums advanced or deposited by the Persons who shall have contributed to make up such Sum of Ten thousand Pounds as aforesaid, but without Interest; and the said Trustees shall be deemed and considered as liable to be called on as Public Accountants, in respect of the Application of such Surplus to the Repayment of the Public Money so advanced as aforesaid, according to the Statutes in that Case made and provided, and any Law or Laws in force in relation to Public Accountants.

Power to
borrow
Money.

XLIX. 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 Ferries or Passages, any Sum or Sums of Money not exceeding upon the Whole, at any one Time,

Time, such Amount as that One-Third Part of the said Rates and Duties shall be equal to pay the Interest thereof.

L. 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 Expence 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.

LI. 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, 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 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.

Accumulation of the Sinking Fund.

LII. Provided also, 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.

LIII. And be it further enacted, That pursuant to the Resolution of such General Meeting, it shall and may be lawful for the said Trustees, and they are hereby empowered to assign the Rates and Duties hereby granted, or any Part thereof, 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 Seven or more of them, in Form or to the Effect following; that is to say,

Assignment of Rates in Security of Money borrowed.

BY virtue of an Act of Parliament made in the Fifty-third 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 in virtue of the said Act, and all our Right, Title, and Interest of and to the same, to be held by the said A. B. and his aforesaid, 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 Ma-
 ‘ nagement 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 entitled, 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 Twenty-one 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 reasonable 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 such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereupon, shall and may, from Time to Time, transfer his, her, or their Right and Interest therein to any Person or Persons, by a Writing under his, her, or their Hands, in the Form or to the Effect following:

‘ 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 Ferries of *Kinghorn* and
 ‘ *Bruntisland*, and *Leith* and *Newhaven*, 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 Execu-
 ‘ tors, Administrators and Assigns. Dated this Day of

And every 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 entitled thereto.

Six Months
 Notice to
 be given of
 paying off
 Money.

LIV. 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.

Trustees may
 lessen Rates
 and Duties.

LV. And be it enacted, That it shall and may be lawful for the said Trustees, at their Annual General Meetings, with the Consent of
 Four-fifths

Four-fifths 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.

LVI. And be it further enacted, That the said Trustees, and the Persons managing or navigating the Boats, Yawls, or Pinnaces, under the Authority of this Act, shall not employ the said Boats, Yawls, or Pinnaces, or allow the same to be employed for any Purpose but that of conveying Passengers and Commodities across the *Frith of Forth* at the said Ferries, and the Commodities put on board such Boats, Yawls, or Pinnaces, at *Leith, Newhaven, Bruntisland, or Kinghorn*, to be carried across the Frith, shall not require any Clearance or Clearances, Warrant or Warrants, from the Officers of His Majesty's Customs, or be subject to Seizure for the Want of such Clearance or Warrant.

Vessels of the Trustees not to be subject to Seizure.

LVII. 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 Three Men and One Boy for each of the Passage Boats and Pinnaces licensed to ply at the said Ferries, 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.

LVIII. And in order to promote the Accommodation of Passengers, and to secure to them a regular Passage, be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and required to appoint and to continue Superintendants of the Passage on both Sides of the *Frith*, 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 Ferries, but the said Superintendant shall only be elected and continue during the Pleasure of the Trustees or their Committee of Management.

Superintendants of the Ferry to be appointed.

LIX. 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 authorized 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, before a Justice of the Peace of either of the said Counties of *Edinburgh* or *Fife*, who shall immediately punish such Offender in the Manner directed by this Act, or pursuant to such Orders, Rules, and Regulations; 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 one or other of the Gaols of *Edinburgh, Leith, Bruntisland* or *Kinghorn*, nearest the Place where the Offence is committed, until he or she can be carried before a Justice of the Peace, provided that such Offender shall

Superintendants may imprison Offenders in a certain Event.

[*Loc. & Per.*]

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not

not be detained in such Gaol longer than Twenty-four Hours before being carried before such Justice of the Peace; and the Jurisdiction of the Provost and Magistrates of *Edinburgh* and *Leith* shall extend, for the Purpose of this Act, to *North Leith*, Village of *Newhaven*, and the Harbour to be made there, and Lands adjacent.

No Officers of the Trustees to sell Spirituous Liquors.

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

To compel Payment of Subscriptions.

LXI. 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, 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 particularly provided for.

LXII. 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, in case the Parties cannot agree, shall from Time to Time be settled and ascertained by a Jury in the Manner before directed with regard to the Purchase of Property, 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.

LXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed 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 not particularly herein-before directed), shall in case of Non-payment thereof, on Conviction of the Offender or 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 reside; and every such Justice is hereby authorized and required to examine Witnesses upon 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, and 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 a 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

Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all the reasonable Charges attending the Recovery thereof, shall be sooner satisfied and paid.

LXIV. 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 relative 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 Damages in an Action before the Court of Session.

Persons aggrieved by Irregularity to recover only the Special Damages.

LXV. 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:

‘ **B**E 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 in and for the County of _____ [*specifying the Time and*
 ‘ *Place where committed, as the Case may be*] contrary to an Act of Parlia-
 ‘ ment, passed in the _____ 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.

LXVI. 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 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 Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Advocation, or by any other Process whatsoever,

Persons aggrieved may appeal to the Quarter Sessions.

Proceedings not to be quashed for Want of Form, nor removed by Advocation, &c.

whatsoever, or stayed by Suspension or Reduction; any Law or Statute to the contrary notwithstanding.

Trustee may act as a Justice of the Peace.

LXVII. 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.

LXVIII. 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.

LXIX. And be it further enacted, That no Superintendant, Clerk, Collector, and other Officer appointed by the said Trustees, shall be deemed an incompetent Witness under this Act, by reason of his holding any such Office.

Limitation of Actions.

LXX. 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 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 or 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, then the said Defender or Defenders shall be affoizied; 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.

LXXI. And be it further enacted, That once in every Year 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 Seven of them, to His Majesty and the Two Houses of Parliament.

Saving the Rights of the City of Edinburgh.

LXXII. And be it further enacted, That nothing in this Act contained, or the Powers to be exercised in consequence thereof, shall be construed to injure or derogate from the Rights of Property or Superiority or the Jurisdiction of the City of *Edinburgh* in and over *Leith* and *Newhaven*, or the Right of the said City to the Duties and Exactions leviable from Ships and Boats, or for Goods coming into the Ports of *Leith* and *Newhaven*,

haven, as well Passage Boats as others, as formerly accustomed: And saving and reserving the Privileges and Jurisdictions of the Sheriffs Depute of *Edinburgh* and *Fife* and their Substitutes, and of the Magistrates of the City of *Edinburgh* and of the Towns of *South* and *North Leith*, as they are now by Law entitled to enjoy and exercise the same within the Places mentioned in this Act.

LXXIII. And be it further enacted, That the Expences of this Act, and other necessary Expences incurred preparatory thereto, and in the Execution thereof, shall be paid and defrayed out of the Rates and Duties hereby granted, and out of the Money borrowed in pursuance thereof. Expences how to be defrayed.

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

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

SCHEDULE to which this Act refers.

A SCHEDULE, shewing the Number of Piers and Landing Places, Basons, and other Improvements, on either Side of the Ferry.

1st. On the SOUTH SIDE.

A Pier and Landing-Place to be constructed on the Beach immediately North of the Village of Newhaven, the Right to which Beach belongs to the Magistrates and Town Council of Edinburgh.

A proper Place or Building for keeping a Light at the said Harbour or Landing Place of Newhaven to be erected, and a Sum sufficient for supporting and maintaining the said Light, to be employed out of the Rates and Duties to be levied in virtue of the said Act.

2d. On the NORTH SIDE.

The Harbour or Landing Place at Pettycur, to be improved either by building a Bason thereat for cleaning the said Harbour, or by lengthening the present Harbour, or by erecting a new Landing Place thereat: The Ground or Beach to be occupied in which Operations belongs to the Magistrates and Town Council of Kinghorn.

The Light House already erected at Pettycur Harbour, to be maintained or upheld, or a proper Building for keeping a Light at said Harbour to be erected; and a Sum sufficient for supporting and maintaining the said Light to be appropriated out of the Rates and Duties to be levied in virtue of the said Act.

BRUNTISLAND.

Two new Heads or Piers on the South of the Harbour of Bruntisland to be built, and a Road or Access to the Eastward of the said Piers, and likewise an Access to the said Harbour round the West Side of the Harbour of Bruntisland to the said West Pier to be made; the Beach and Grounds to be occupied by the said Improvements belong to the Town of Bruntisland.

The Lighthouse already erected at Bruntisland Harbour to be maintained, or a proper Building for keeping a Light at the said Harbour to be built, and a Sum sufficient for supporting and maintaining the said Light to be appropriated out of the Rates and Duties to be levied in virtue of the said Act.