



ANNO TERTIO

# GEORGIIV. REGIS.

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## Cap. lxxvi.

An Act to alter, amend, and enlarge the Term and Powers of an Act passed in the Fifty-ninth Year of His late Majesty, for erecting and maintaining Ferries across the River *Tay* in the Counties of *Fife* and *Forfar*. [24th June 1822.]

**W**HEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for erecting, improving, regulating, and maintaining Ferries and Passages across the River Tay, in the Counties of Fife and Forfar, the Passage across the River Tay between Newport and Woodhaven, in the County of Fife, and Dundee in the County of Forfar, is declared to be a Public Ferry, under the Direction and Regulation of the Justices of the Peace and Commissioners of Supply for the Counties of Fife and Forfar, and certain Powers are thereby granted to the Trustees appointed by the said Act and their Committee of Management, for improving the said Ferries and Landing Places, for the Safety, Accommodation, and Convenience of the Public: And whereas the said Trustees have, in pursuance of the Powers conferred upon them by the said Act, not only purchased and established Sail Boats on the said Ferries, but have purchased and been conducting and maintaining the same, partly by means of a Double or Twin Steam Boat, and have erected a Superintendant's House and other Buildings at the *Craig Pier* of *Dundee*, and have made considerable Progress in otherwise improving the said Ferries, for which Purposes certain Sums have been expended under the Authority of the*

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[Local.]

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said

said Act, which are still owing: And whereas the Establishment of a Steam Boat upon the Ferry, betwixt *Dundee* and the opposite Coast of *Fife*, has been found to afford various Advantages for the Comfort and Accommodation of the Public; but the Works authorized by the said Act, at or adjacent to the Harbours of *Newport* and *Woodhaven* respectively, on the South Side of the River *Tay*, and at or adjacent to the *Craig Pier* at *Dundee*, are unsuitable for the Employment of Steam Boats on the said Ferry: And whereas it is expedient for the Maintenance of the said Ferry by means of Steam Boats as well as Sail Boats, and for accomplishing the Purposes of the aforesaid Act more effectually for the Public Benefit, that the said Trustees should, instead of improving the said Harbours of *Woodhaven* and *Newport*, as directed by the said Act, be authorized to erect and maintain a Pier, Jetty, Harbour, and Landing Place on the South Side of the River *Tay*, betwixt the Harbours of *Woodhaven* and *Newport*, with the necessary Buildings for Superintendent's House, Light Houses, and a Shed and Place for the Shelter of Boatmen and Passengers, and to make, widen, and keep in Repair Roads and Accesses to and from the said Pier, Jetty, and Landing Place and other Buildings and Erections aforesaid, and to purchase and acquire as much Ground as may be necessary for these Purposes; and also to impose and levy Fares, Tolls, and Duties upon the said Passages, to be applied for the Purposes of the said Improvements, and in aid of the General Funds: And whereas it is also expedient that the Powers contained in the said Act should be otherwise altered and amended, and the Term thereof enlarged; but these Purposes cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much and such Parts of the said recited Act as authorized and empowered the said Trustees to make, construct, improve, and maintain Piers, Jetties, Basins, Harbours, and Landing Places for the said Ferries, at and adjacent to the Harbour of *Newport*, and at and adjacent to the Harbour of *Woodhaven* respectively, on the South Side of the River *Tay*, with Superintendants' Houses and other Conveniences, and to make, improve, widen, repair, and keep in Repair the Roads to and from such Piers and Landing Places, shall be and the same are hereby repealed.

So much of recited Act as relates to Improvements at Newport and Woodhaven repealed.

Power to purchase Lands of Mr. Berry and Mr. Stewart repealed.

II. And be it further enacted, That the Powers and Authorities given to the said Trustees by the said recited Act, to purchase and acquire from *William Berry* Esquire of *Tayfield*, or his Heirs or others having Right thereto, the exclusive Right and Property to and in the Slip at *Newport* Harbour and Beach or Ground, and joint Right to the Inner Harbour therein mentioned; and to purchase and acquire from *Archibald Campbell Stewart* Esquire of *Saint Fort*, or his Heirs or others having Right thereto, the exclusive Right and Property to and in the Slip at *Woodhaven* Harbour, and Beach or Ground, and joint Right to the Inner Harbour, as mentioned also in the said Act, shall be and the same are hereby repealed: Provided always, that the said Trustees shall be bound, and they are hereby required to pay to the said *William Berry* and the said *Archibald Campbell Stewart*, or any other Person or Persons in their Rights,

Rights, any Loss or Damage which he, they, or any of them may sustain, for or on account of the Station or Harbour for the said Ferry, on the South Side of the River *Tay* hereinafter authorized to be erected and established, being used either solely or occasionally, for the Purposes of the said Passage, in place of the Harbours of *Newport* and *Woodhaven*, respectively, and for any Loss, Injury, or Damage which he, they, or any of them may or shall sustain in their Heritable Rights, including Salmon Fishings, or in any other Manner of Way by virtue of the Powers conferred upon the said Trustees by this present Act and the said Act, or any of them, as the said Loss or Damage shall be ascertained by the Agreement of Parties, or by the Verdict of a Jury, in the Manner provided and directed by the said Act; reserving to the said *Archibald Campbell Stewart* the Benefit of any Actions now depending in the Court of Session, so far as they are limited to the Damages alledged to have been hitherto sustained and are not inconsistent with this present Act; but any Dispute with regard to the Powers and Operations of the said Trustees as aforesaid, or as to the said Loss or Damage, shall not prevent the said Trustees or the Committee of Management of the said Ferries, or those employed by them, from executing the Works, or following out the other Objects and Purposes of this and the said Act, or either of them.

III. And be it further enacted, That so much of the said recited Act as authorizes the levying of Rates for Persons, Beasts, Goods, and other Articles arriving at the Ferries of *Newport* or *Woodhaven*, from the Ferries of *Ferry Port* on *Craig*, *Balmerino*, or *Broughty Castle*, or sailing to any of those Ferries from the Ferries of *Newport* or *Woodhaven*, shall be and the same is hereby repealed. Power to levy Rates at Newport and Woodhaven repealed.

IV. And be it enacted, That at the General Meeting appointed by the said recited Act to be held upon the First *Monday* of *August* in each Year, the said Trustees shall and they are hereby required to appoint a Committee, not exceeding Five of their Number, for the Purpose of auditing the Accounts of the said Trustees and Committee of Management for the Year ensuing such Meeting; and that all Accounts of Money received, paid, or laid out and expended in virtue of the said recited Act and this Act shall be made up and completed down to the Twentieth Day of *July* in each Year by the Clerk, Treasurer, or other Officer of the said Trustees, and shall within Three Days thereafter be laid before the Convener of the said Committee for auditing Accounts; and the said Committee shall and they are hereby required to make a Report thereon to the next Annual General Meeting to be held on the First *Monday* of the Month of *August* thereafter, and the said Annual General Meeting may, if they see cause, approve of the said Accounts, or give such Orders and Directions as to the said Meeting may appear necessary. Trustees to appoint a Committee for auditing Accounts.

V. And be it enacted, That the Committee appointed for auditing Accounts at the General Meeting upon the Sixth Day of *August* last shall subsist and continue with the necessary Powers for auditing and reporting upon the Accounts to be made up to the Twentieth Day of *July* in the present Year and lodged as aforesaid, and shall report thereon as hereinbefore directed to the Annual General Meeting of Trustees to be held upon the First *Monday* of *August* next, at which Annual General Meeting Committee for auditing Accounts to continue.

Meeting a Committee on Accounts shall be appointed as hereinbefore provided.

Extending  
the Quali-  
fications of  
Subscribers.

VI. And whereas it is expedient to extend the Qualification entitling a Subscriber for the Purposes of the aforesaid recited Act, and this Act to be elected a Member of the Committee of Management; be it therefore enacted, That all and every Person or Persons who shall have subscribed respectively the Sum of One hundred Pounds or upwards for the Purposes of the said recited Act and this Act, or either of them, shall and they are hereby declared to be qualified and entitled to be elected in Manner specified in the said recited Act, as Members of the Committee of Management, for or on the Part of the said Subscribers, notwithstanding the Provisions of the said recited Act require a higher Subscription for such Qualification; and all Subscribers for the Purposes of the said recited Act and of this Act, or either of them, shall be entitled to vote and be elected Members of the Committee of Management as aforesaid, whether the whole of the Sum respectively subscribed by them may have been paid up to the said Trustees or not; provided always, that such Proportions of their Subscriptions as may have been called up by the said Trustees shall have been paid; and it is hereby declared, that the Members of the Committee of Management appointed under the said recited Act, in Office at the passing of this Act, shall continue to act until the last *Wednesday* of *September* One thousand eight hundred and twenty-two, notwithstanding the Provisions of this Act.

Notice to  
Subscribers  
of Meetings  
for electing  
their Mem-  
bers of Com-  
mittee of  
Manage-  
ment.

VII. And be it further enacted, That the Clerk of the Peace for the County of *Forfar* shall and he is hereby required to give Notice to the said Subscribers of the Time and Place of all Meetings for electing their Members of the Committee of Management by Advertisements, to be published in Two *Edinburgh* and One *Dundee* Newspaper at least Fourteen Days previous to such Meetings.

Committee  
of Manage-  
ment to  
make up a  
Report.

VIII. And be it further enacted, That the said Committee of Management shall and they are hereby required to make up on the Second *Monday* of *July* next, and on the Second *Monday* of *July* in every subsequent Year, or within Five Days thereafter, in place of the Twentieth Day of *September* as specified in the said recited Act, a Report of their Proceedings, and an Abstract Account of all Monies received and expended by them or by their Authority during the preceding Year as specially directed by the before recited Act, and shall within Three Days after the Time fixed for making up the Report in each Year as aforesaid lodge the said Report and Abstract Accounts along with the Books of their Treasurer, containing the Particulars of the Money so received and expended, and the Vouchers thereof, in the Hands of the Clerk to the said Trustees authorized to Act at the next Annual General Meeting on the First *Monday* of *August* thereafter, who is thereupon required to lay the same before the Convener of the Committee on Accounts appointed or to be appointed by the said Trustees as aforesaid, and such Committee shall make up a Report upon the said Accounts of the Committee of Management, to be laid with the said Accounts, and the Report of the Proceedings of the said Committee of Management made up by them as aforesaid, before the said Annual General Meeting to be held on the First *Monday* of

of August thereafter, and the said Meeting may either approve of the said Accounts, or give such Orders and Directions thereon as to the Meeting may appear necessary.

IX. And be it enacted, That the said recited Act in so far as it requires the Committee of Management to transmit Extracts of their Proceedings to the Clerks of the said Trustees in order to be engrossed in the Books kept by them, shall be and the same is hereby repealed: Provided always, that the said Committee of Management shall make up and lodge an Annual Report of their Proceedings as hereinbefore directed, and make up and lodge such other Reports of their Proceedings as shall appear necessary to them or to the said Trustees, and that the Books kept by the said Committee of Management, or their Collectors, Clerks, or Treasurer, and the Minutes of their Proceedings shall at all Times be open for the Inspection of the said Trustees either collectively or individually, and be submitted to the Consideration of the said Trustees when it shall be judged necessary by the said Trustees or the Committee of Management.

So much of the Act as requires Committee of Management to transmit Proceedings to Clerks of Trustees repealed.

X. And be it enacted, That it shall and may be lawful and competent to the said Trustees and the said Committee of Management to nominate and appoint the same Person or separate Persons to act as Treasurer for the said Trustees and Committee respectively in the Execution of the Purposes of the said recited Act and this Act, and that the Monies thereby and hereby vested in and committed to the said Trustees may be drawn by an Order in Writing subscribed by any Five or more of the said Trustees, or of the said Committee of Management assembled at a Meeting regularly convened from any Bank or Banks, or Person or Persons with whom such Monies may be deposited or in whose Possession the same may be.

Same Person may be Treasurer to the Committee of Management and Trustees.

XI. And be it further enacted, That the said Trustees or the Committee of Management may sue and be sued in the Names of One of the said Trustees or of their respective Clerks for the Time being, and that no Action of Transference or other Process shall be necessary through the Death or Removal of any such Trustee, Clerk, or any of them, during the Dependence of any such Suit: Provided nevertheless, that every such Trustee, or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of the said recited Act or this Act shall not be personally liable, but that all Decrees or Sentences to be given in every such Action or Suit shall be directed against the said Trustees or Committee of Management, and such Clerk shall always be reimbursed and paid out of the Monies to be raised in virtue of the said recited Act and this Act all such Costs and Charges as by the Event of any such Proceedings he shall incur or become chargeable with by reason of his being made Pursuer or Defender therein as aforesaid.

Trustees may sue and be sued.

XII. And be it further enacted, That the said Trustees or Committee of Management shall not be held to be accountable or liable for any Goods, Money, or Effects lost or abstracted in or from any of the Boats or other Vessels plying the said Ferries, or in being put on board of or landed from any of the said Boats or other Vessels; neither shall

Trustees not answerable for Loss.

[Local.]

shall

shall the Trustees be held accountable or liable for Damage done to any Horses or other Beasts, or Carriages or Goods, or other Articles, in carrying the same across the said Ferry, or in putting them on board or landing them from the Boats or other Vessels; unless such Loss or Damage shall have been occasioned or done through or by any Fault or culpable Negligence of the Boatmen or other Persons employed by the said Trustees or Committee of Management, any Law or Custom to the contrary notwithstanding.

Bye Laws to  
be binding.

XIII. And be it enacted, without Prejudice to the Rights vested in the said Trustees, and the said Committee of Management and Powers conferred upon them respectively by the said recited Act or this Act, That the Rules, Bye Laws, Regulations, and Orders made or to be made and enacted by the said Trustees or the said Committee of Management respectively, for the Superintendance, Management, and Maintenance of the Ferries vested in them, or placed under their Regulation as aforesaid, or for the Accommodation of the Public using the same, or in anywise relative to the Execution of the said recited Act or this Act, shall be binding upon, and observed by all Persons affected by the said Rules, Bye Laws, and Regulations, or using or in anywise concerned in the said Passages, Piers, Harbours, and other Works, over and relative to which the Powers and Jurisdiction of the said Trustees and the said Committee of Management shall be full and exclusive; and the said Rules, Bye Laws, and Regulations being reduced into Writing, and being affixed in some conspicuous Place or Places at the said Piers, Harbours, Basins, or other Works as required by the said recited Act, shall not be liable to review, unless by Petition to the said Trustees themselves, or by a Complaint to the Justices of the Peace for the said Counties of *Fife* and *Forfar*, to be lodged within One Calendar Month with either of the Clerks of the Peace for the said Counties next after the Date of the said Rules, Bye Laws, and Regulations, or of any Judgment or Order to be pronounced by the Trustees thereon, by which the Person or Persons affected by the same may conceive themselves aggrieved as aforesaid; and the said Clerk of the Peace with whom such Complaint shall be so lodged, shall lay the same before a joint Meeting of the Justices of the Peace for the Two Counties of *Fife* and *Forfar*, to be held alternately in each of the said Counties, upon the Third *Wednesday* of *March* and Third *Wednesday* of *October* in each Year; and the Clerk of the Peace of the County where the Meeting is to be held is hereby required to give at least Fourteen Days Notice thereof by an Advertisement to be inserted once in Two Newspapers published at *Edinburgh*, specifying the Time when and the Place where the same shall be holden, and the said Justices assembled at such Meeting, or any Seven of them, shall either in a summary Way hear and determine the said Complaint, or may adjourn the Hearing and Determination thereof from Time to Time as they shall see Cause; and it shall not be competent to remove the Proceedings from the said Justices or to set aside the Sentence or Decree to be pronounced by them, which shall be final upon all Parties concerned, and not liable to be sisted, altered, or reversed by Advocation, Suspension, or Reduction, Appeal, or by any other Process whatsoever, any Law, Statute, or Practice to the contrary notwithstanding.

XIV. And

XIV. And be it enacted, That it shall and may be lawful to and for the said Trustees, or their Committee of Management, to erect, construct, and maintain a Pier, Jetty, Harbour, or Landing Place, on the South Side of the said River *Tay*, betwixt the Harbours of *Woodhaven* and *Newport*, at or adjacent to a small Bay, a little to the Westward of the present Inn at *Newport*, as the same is described and delineated on a Plan made and certified by *Thomas Telford* Esquire, Civil Engineer, and to erect, construct, and maintain the necessary Buildings for Light Houses, and a Shed for the Shelter of Boatmen and Passengers, and also, if judged necessary by the said Trustees, a Superintendant's House; and to make, open, and keep in Repair, Roads and Accesses to and from the said Pier, Jetty, Harbour, and Landing Place, and other Buildings and Erections aforesaid; and to purchase and acquire from *William Berry* Esquire of *Tayfield*, or others having Right thereto, as much Ground and Beach as may be necessary for the aforesaid Purposes, in conformity to a Schedule hereunto annexed; saving and reserving always any Right of Shore Dues competent to or exigible by the said *William Berry*, or his Heirs or Successors, upon Goods or other Articles at the present Harbour of *Newport*, (save and except the Anchorage and other Dues which he or they claim or can be entitled to exact and levy upon the Boats plying upon the said Ferries, which the said Trustees are empowered to purchase and acquire in Manner after provided,) as well as at the Ferry Harbour authorized to be constructed by this Act; all which Rights and Properties herein authorized to be purchased the said *William Berry*, or his aforesaid, shall be bound to convey to the said Trustees at the Price or Prices to be fixed for the same in Manner provided by the said Act; and saving also, and reserving to the Magistrates and Town Council of the Royal Burgh of *Dundee*, all or any Right of Custom, Shore, Port, Pier, or Ferry Dues which they have or may have, or which is or are competent or exigible to them upon the said Ferries, or the Shore or Shores thereof in any Manner of Way; and also saving and reserving to all having Interest Power to challenge or impugn the Right of the said *William Berry*, or the said Town Council of *Dundee*, to levy Shore or other Rates or Dues upon the said Ferries, or at the Ferry Harbour to be constructed in virtue of this Act.

Power to erect a Pier on the South Side of the River *Tay*.

XV. And whereas a Map or Plan and Book of Reference of the Buildings and other Works hereby authorized to be erected have been deposited with the respective Clerks of the Peace for Counties of *Fife* and *Forfar*; be it therefore enacted, That the said Map or Plan and Books of Reference shall remain under Custody and Charge of them and their Successors in Office respectively; and all Persons shall and may have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Book of Reference.

Plan to remain with Clerk of Peace.

XVI. And whereas it has become expedient for the Accommodation of Steam Boats, and other Purposes, to make a Deviation on the Line of the Landing Place or Harbour for the said Ferry at the *Craig* of *Dundee* farther than is authorized by the before recited Act: And whereas the said Harbour by being so altered may be erected at a less Expence than the Estimate of the Works authorized by the said Act at the Ferry Harbour of *Dundee*;

Power to deviate at *Craig* of *Dundee*, &c.

be

be it therefore enacted, That it shall and may be lawful for the said Trustees or Committee of Management, and they are hereby authorized and empowered, with the Consent in Writing of the Owners of the Land on which such Deviation shall be made, to change or alter to an Extent not exceeding Two hundred and fifty Yards of Three Feet each, the Line of Direction of the Pier and Landing Place authorized by the said recited Act to be constructed at the *Craig Pier* at *Dundee*; *videlicet*, by carrying the Pier and Landing Place in a South-eastern Direction, from the Southern Extremity of the Three Arches shown on the said Plan herein referred to, so far as always to obtain a Depth of at least Five Feet of Water at Low-Water of Spring Tides, but not exceeding Four hundred Feet in Extent, unless a further Extension be approved of by the Magistrates and Town Council of *Dundee*, and the Commissioners for improving the Harbour of *Dundee*; with Power also to the said Trustees, or to the Committee of Management, to erect a Screen Wall on the West and South Sides of the said Pier Four Feet above High Water at Spring Tides, and to build and construct a Coal Shed on the *Craig Rock* immediately on the South of the said Arches, and to build and construct a Breakwater for the said Harbour, with an Entrance for the Ferry Boats at each End of the Breakwater, between the same and the said Pier on the South, and between the same and the Western protecting Arm of the *Dundee* Shipping Harbour lately erected on the North, the said Breakwater being distant from the said Western protecting Arm of the *Dundee* Shipping Harbour as at present at least One hundred Feet: Provided always, that nothing herein contained shall prevent the Magistrates and Town Council of *Dundee* and Harbour Commissioners from increasing the Breadth of the said protecting Arm on the South, to an Extent not exceeding Twenty Feet.

Trustees to build a connecting Wall at *Dundee* Harbour.

XVII. Provided always, and be it enacted, That the said Trustees shall, in case they make the Deviation hereinbefore mentioned, be bound and they are hereby required, along with the Erection of the other Works at the Ferry Harbour of *Dundee*, to build and construct a connecting Wall betwixt the Western Extremity of the protecting Arm of the *Dundee* Harbour, and the Pier of the Ferry Harbour, and which Wall is to run on a Line parallel with the said protecting Arm from a Point to be fixed by the said Trustees, not less than Fifteen Feet nor more than Twenty Feet South of the said protecting Arm as aforesaid, until it join the Pier hereby authorized to be built to the Northward of the said Arches; and the said Trustees may and shall relinquish the Execution of those Parts of the Inner Ferry Harbour at *Dundee*, to the Northward of the said Wall, and to the Eastward of the *Craig Pier*, as widened, delineated, and described in the Plan referred to in the said recited Act; and the said Trustees shall also give up all Claim of Servitude or other Claim, on the Site of what is at present the Ferry Harbour to the North of the said Wall, in order that the Magistrates and Town Council of *Dundee* may embank within the said Wall; and the said Trustees shall also relinquish the Execution of such other Parts of the Pier or other Works shown on the said Plan as may be inconsistent with the Alterations hereby authorized.

Trustees may widen *Craig Pier*.

XVIII. Provided also, and be it enacted, That the said Trustees or Committee of Management shall, in Terms of the Agreement made in that Behalf with the Magistrates and Town Council of *Dundee*, and Commissioners  
for



for improving the Harbour of *Dundee*, have Power to widen the present *Craig Pier*, North of the said connecting Wall to be built by them as aforesaid, and the Road or Access leading to the said Pier to Forty Feet, as authorized by the said recited Act, and according to the Plan referred to in the said Act, without any further Indemnification being exigible from them on that Account, or for the other Operations hereby authorized, than is allowed by the aforesaid Agreement between the said Magistrates and Town Council and the said Trustees; providing always, that the said Trustees shall have no Right to the Ground on the West Side of the *Craig Pier*, farther North than the Platform on the North Wall of the Superintendent's House; and nothing contained in the said recited Act, or this Act, shall prevent the Magistrates and Town Council from embanking between the said Platform and their Property on the North.

XIX. Provided always, and be it enacted, That it shall not be in the Power of the said Trustees to deviate more than One hundred Yards of Three Feet each from the Line of Direction, or in any Shape to alter the Construction of the Piers, Jetties, Harbours, or Landing Places hereby authorized to be erected, without the Consent of the Owners and Occupiers of the Grounds on which the same are proposed to be erected and carried; but declaring that no Deviation shall be made on the Ferry Harbour at *Dundee*, so as to place any Part of the said Breakwater farther East than a projected Line of the Inner Wall of the Western Quay of the Shipping Harbour, or to bring the Breakwater, or other Works, nearer to the West projecting Arm of the Shipping Harbour than is authorized by the aforesaid Agreement; provided also, that no Advantage shall be taken of or against the said Trustees, or any Interruption be given to the Erection and Construction of the said Piers, Jetties, Harbours, and Landing Places, or other Works; or to the making or opening the Roads and Accesses to and from the same, or any of them, on account of any Error, Omission, or Misnomer in the said Table or Book of Reference, in case it should appear to any Five or more of the Justices of the Peace for the County where the Lands shall be situated, and be certified by Writing under their Hands, that such Error, Omission, or Misnomer proceeded from Mistake.

Trustees not to deviate beyond a certain Extent.

XX. And be it enacted, That it shall and may be lawful to the said Trustees, without Prejudice to the Powers already committed to or vested in them, to maintain and carry on the Ferry along the Line of Coast from *Broughty Castle* to *Invergowrie Burn* on the North to the Ferry Harbour on the South Side of the *Tay* hereby authorized to be erected exclusively; and it shall be lawful to and for the Steam and other Boats and Vessels belonging to the said Trustees to sail from and resort to the Harbours of *Woodhaven* and *Newport* or either of them; with Power to the said Trustees to purchase and acquire from the said *William Berry* and *Archibald Campbell Stewart*, or their Heirs or others respectively showing a Right thereto, the whole Anchorage and other Dues which they or either of them may be entitled to exact and levy upon the Boats plying upon the said Ferries belonging to the said Trustees or their Lessees.

Power to maintain One or more Lines of Ferry.

XXI. And be it further enacted, That in case the said Trustees cannot agree with the Owners and Occupiers of the Grounds and other Subjects and Rights necessary for constructing the said New Ferry Harbour

Lands, &c. to be valued by a Jury.

[*Local.*]

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between

between *Newport* and *Woodhaven*, and the Roads and Accesses to and from the same, or with the Owners and Occupiers of such other Grounds, Subjects, or Rights as may be necessary for accomplishing the Purposes of this and the said recited Act, it shall and may be lawful to have the same valued by a Jury after the Form and Manner prescribed in the before recited Act relative to the Purchase and Sale of the Grounds and other Subjects and Rights therein mentioned.

Power to  
borrow  
Money.

XXII. And be it further enacted, That it shall and may be lawful to the said Trustees at any 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 authorized to be levied by the said recited Act or this Act, any Sum or Sums of Money not exceeding in the whole at any one Time the Sum of Twenty-five thousand Pounds, including the Sums already paid or subscribed for the Purposes of the said recited Act and this Act: Provided always, that the Sums already paid and advanced under and in pursuance of the said recited Act shall affect and attach upon the Rates and Duties authorized to be levied by this present Act, in the same Manner as provided by the said recited Act for Sums advanced relative to the Purposes thereof; provided also, in case the said Trustees shall consider it to be necessary and advisable for accomplishing the Purposes of this Act, it shall and may be lawful to them, and they are hereby authorized and empowered to borrow or direct to be borrowed, upon the Credit of the aforesaid Rates and Duties, any Sum or Sums of Money not exceeding in the whole at any one Time the Sum of Twenty-five thousand Pounds, and to grant a preferable Security for the said Sum or Sums of Money over that held by the said Subscribers upon the said Rates and Duties: Provided also, that the said Trustees shall be bound and obliged to advance and pay out of the First and readiest of the Sum or Sums of Money so borrowed upon a preferable Security as aforesaid, the full and total Amount of Principal and Interest then due to the said Subscribers respectively, on the Sums advanced and paid by them for the Purposes of the said recited Act and this Act.

Repealing  
Notice of  
paying off  
Money.

XXIII. And whereas it is by the said recited Act provided and enacted that no Sum or Sums of Money subscribed, 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 subscribing, 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 subscribing, lending, and advancing such Sum or Sums of Money, of such their Intention to pay off and discharge the same; be it enacted, That the said Provision shall be and the same is hereby repealed.

Notice to be  
given by  
Advertis-  
ment of pay-  
ing off  
Money.

XXIV. And be it enacted, That in Place of the Notice required to be made by the said recited Act Notice shall be given by the said Trustees of their Intention to pay off any Sum or Sums of Money so subscribed, lent, or advanced, by Advertisement to that Effect in Two *Edinburgh* Newspapers, at least Three Calendar Months previous to the Time at which the same is proposed to be paid; after which the Sum or Sums of Money so intended to be paid off may and shall be

be lodged in the Bank of *Scotland*, Royal Bank, or *British Linen Company*, at the Risk and for Behoof of the Subscriber or Lender and his Executors, Administrators, or Assigns, failing to receive and legally to discharge the same, who shall from the Date of such Consignation be entitled to draw and receive the Interest payable by the Bank in which the same may be so lodged and no more, and the Receipt of the Cashier of the said Bank shall be a sufficient Discharge to the said Trustees for the Sum or Sums of Money which may be lodged therein as aforesaid, and no Claim shall be thereafter competent against them or the Funds under their Management for the same in any Manner of Way; and the said recited Act, in so far as it is inconsistent with the Provisions herein contained relative to such Notices for paying off Money subscribed or lent as aforesaid, shall be and the same is hereby repealed.

XXV. And be it enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered from Time to Time to grant Assignments in the Form specified in the said recited Act, of the Rates and Duties granted by the said recited Act and this Act, or any Part thereof, in Security for any Sum or Sums of Money that may have been lent, or may from Time to Time be paid by the Subscribers for the Purposes of the said recited Act and this Act, notwithstanding that the Sums paid by the Subscribers may not amount to the full Sums respectively subscribed as aforesaid; provided the several Proportions or Instalments of the said Subscriptions demanded, and called for at the Time of requiring such Assignment, shall have been wholly paid up, and which Assignments hereby authorized shall have the same Privileges and Conditions as are specified and declared to apply to the Assignments authorized by the said recited Act: Provided always, that no Subscriber shall be at Liberty to sell or transfer less than an entire Share, and that the original Subscriber or Subscribers, and Person or Persons to whom such Transfer shall be made, shall be bound to make Payment of the Balance that may be due on such Share, whenever the same shall be demanded by the said Trustees.

Trustees  
may grant  
Assign-  
ments.

XXVI. And be it enacted, That so soon as the Sums respectively lent and advanced by the said Subscribers under and in Terms of the said recited Act and this Act, together with the Interest due thereon, shall have been paid to them or their Executors or Assigns, the several Powers and Authorities conferred upon the said Subscribers or their aforesaid, by the said recited Act and this Act, and their Right and Interest in the said Ferries shall immediately cease and determine, and thereupon the Sheriffs Depute of the said Counties of *Fife* and *Forfar* for the Time being shall become Members of the said Committee of Management; and the said Counties of *Fife* and *Forfar* shall each of them respectively, at the *Michaelmas* County Meeting next ensuing the Payment of the said Subscribers or their Executors or Assigns as aforesaid, elect and appoint Six Trustees to be Members of the said Committee of Management in Place of Five Trustees as authorized by the said recited Act; and the said Twelve Trustees, to be elected by the said Counties as aforesaid, and the said Sheriffs Depute, and the Provost of *Dundee* for the Time being, shall then constitute the Committee of Management, consisting thereafter of Fifteen Members, and which Committee

On Repay-  
ment of Mo-  
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Committee  
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of Management shall have and enjoy the same Powers and Privileges, Rights and Authorities, as are conferred and granted by the said recited Act and this Act, to the Committee of Management as now constituted, and be subject and liable to the Conditions and Provisions therein and herein specially enacted.

On Payment of Subscribers the Committee of Management to continue to act.

XXVII. And be it further enacted, That on the Payment of the said Subscribers, or their Heirs or Assigns as aforesaid, the Committee of Management then existing, save and except the Members thereof elected and appointed by the said Subscribers, but including the Sheriffs Depute of the Counties of *Fife* and *Forfar* as aforesaid, shall be entitled to act, and shall have the same Powers and Authorities previously enjoyed by the said Committee down to the *Michaelmas* County Meeting next ensuing when Elections of a new Committee are provided to take place as aforesaid.

Calling Meetings of Committee of Management.

XXVIII. And be it enacted, That the Clerk of the said Committee of Management, or in case of his Absence or there being no Clerk at the Time the Clerks of the Peace for the Counties of *Fife* and *Forfar*, or either of them, shall and they are hereby required to convene the said Committee of Management from Time to Time on an Order in Writing to that effect subscribed by any Three or more Members of the Committee of Management, or by the Preses or Chairman of the last Meeting of the said Committee; and in convening such Meetings the said Clerk shall notify the same at least Five Days previous thereto, by Circular Letters addressed to each of the Members of the said Committee of Management, or by Advertisement in One *Edinburgh* and One *Dundee* Newspaper, specifying the Time when and the Place where such Meeting is to be held.

Trustees to levy Rates at Dundee.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees and the Committee of Management, or either of them, and they are hereby authorized and empowered without Prejudice to the Powers granted to levy Rates and Duties by the before recited Act, to levy or to order and direct to be levied, at the Ferry of *Dundee*, and the Ferry hereby authorized to be established on the South Side as aforesaid, and also along the whole Line of Coast on both Sides of the River *Tay* over which the Right of Ferry vested in the said Trustees extends, the Rates and Duties for or on Account of the Conveyance of Persons, Beasts, and Goods or other Articles by the Ferry-Boats belonging to the said Trustees or to their Lessees or other Persons licensed by them or acting by their Authority, any Sum or Sums of Money under or not exceeding the said Rates and Duties, or the following Rates and Duties; (*videlicet,*)

- Freight of a Steam Boat, Ten Pounds Ten Shillings :
  - Each Calf, Boar, Sow, or Hog, (alive,) Sixpence :
  - Each Calf, Boar, Sow, or Hog, (dead,) Four-pence :
  - Reeds *per* Hundred Bunches, Two Shillings and Sixpence :
  - Reeds *per* Cart Load, Three Shillings :
  - Garden Stuffs *per* Hamper or Package, not exceeding Four Barrel Bulk, Nine-pence :
  - Each Salmon or Grilse or Trout, weighing Fifteen Pounds, Two-pence :
- Each

Each Salmon or Grilse or Trout, under Fifteen Pounds, One Penny :  
 Salmon *per* Box, One Shilling and Sixpence :  
 White Fish *per* Cart Load, Three Shillings and Sixpence :  
 White Fish *per* Barrel Bulk, Four-pence :  
 Herrings *per* Cart Load, Three Shillings :  
 Herrings *per* Barrel Bulk, Four-pence :  
 Oak Bark *per* Ton in Bags, Ten Shillings :  
 Oak Bark *per* Ton, loose, Fifteen Shillings :  
 Each Cart Load of Hay, including Cart, *per* Stone, One Penny :  
 Each Cart Load of Straw, *per* Stone, One Halfpenny :  
 Each Double Cart Load of Corn in the Straw, Four Shillings :  
 Each Single Cart Load of Corn in the Straw, Two Shillings and Sixpence :  
 Each Cart Load of Turnips *per* Ton, Two Shillings.

XXX. And be it enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to order and direct to be levied for all Persons, Beasts, and Goods or other Articles in Boats, Yawls, Pinnaces, or other Vessels arriving at the said Ferry Harbour, hereby authorized to be erected and established on the South Side of the River *Tay*, and also at the Ferry Harbour at *Dundee*, *Newport*, and *Woodhaven* respectively, from the Ferries of *Ferry-port-on-Craig*, *Balmerino*, and *Broughty Castle*, or sailing to any of these Ferries last mentioned, from the Ferry hereby authorized to be erected as aforesaid, or from the Ferry Harbour of *Dundee*, *Newport*, and *Woodhaven* as aforesaid, the same Rates and Duties as are by the said recited Act or by this Act authorized to be levied at *Dundee*, *Newport*, and *Woodhaven*, and the Ferry Harbour hereby authorized to be erected, and that a Sixth Part of the said Rates and Duties granted by the said recited Act and this Act shall be leviable by the said Trustees or those employed by them, for and in Consideration of the Accommodation which the said Boats, Yawls, Pinnaces, or other Vessels, shall receive at the Ferry Harbour belonging to the said Trustees as aforesaid, situated within the Right of Ferry, and that the remaining Five-sixth Parts thereof shall be leviable by the Persons having charge of the said Boats, Yawls, Pinnaces or other Vessels; and it is hereby provided and declared, that if they shall evade this Provision by failing or refusing to levy the full Amount of the said Five-sixth Parts of these Rates and Duties, the said Persons having the Charge of the said Boats, Yawls, Pinnaces, and other Vessels as aforesaid, shall forfeit and pay to the said Trustees not only a Sum equal to that Part of the said Rates and Duties which they shall so fail or refuse to levy, but also a Penalty not exceeding Five Shillings Sterling for every such Evasion, which Penalty shall be levied from the Persons having the Charge as aforesaid, and out of their Property, in Manner provided by the before recited Act, as to Fines, Penalties, and Forfeitures thereby imposed; and the same shall be applied in Manner therein expressed.

Rates on Articles, &c., from Ferry-Port-on-Craig, &c.

XXXI. 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 let or order to be let by Public Auction, the Rates and Duties hereby granted and vested in them, in Whole or in Part, and also to let or order to be let the said Ferries and Rights of Ferry, with the Boats, Yawls, and Pinnaces employed on the said Ferries, vested in and belonging to the said Trustees themselves, or any

Rates may be let.

of the said Ferries or Rights of Ferries, separately from each other, and that from Time to Time during the Continuance of this Act, by Lease or otherwise for any Term not exceeding Seven Years, and for the highest Sum which can be got for the same upon good and sufficient Security to be approved of by the said Trustees at a General Meeting assembled: Provided always, that a Notification of the Purpose and Object of the Meeting, at which it is proposed to let the said Rates and Duties, and the said Ferries, or Rights of Ferry, or either of them, as aforesaid, shall be advertised in Two *Edinburgh* Newspapers, at least Fourteen Days previous to the said Meeting.

Application  
of Rates.

XXXII. And be it enacted, That the said Trustees shall apply the Rates and Duties to be levied by them or by their Authority as aforesaid, for the Purposes and in the Order specified in the said recited Act, in so far as the same is not hereby varied or altered: Provided nevertheless, that the Rates and Duties aforesaid shall be applied towards the Erection and Maintenance of the Ferry Harbour and Ferry hereby authorized to be erected and established in Place of the said Ferries of *Woodhaven* and *Newport*.

If Works  
not com-  
pleted in a  
certain Pe-  
riod Power  
to cease.

XXXIII. And be it further enacted, That in case the Works and Improvements authorized to be made and erected by this and the said recited Act shall not be completed so as to answer the Objects thereof, within Five Years from and after the passing of this Act, all the Powers and Authorities given by the said recited Act and this Act relative thereto shall thenceforth cease and determine, save only as to so much of such Works and Improvements respectively as shall have been completed within the Time aforesaid.

Former Act  
to continue  
in force.

XXXIV. And be it further enacted, That the said recited Act, and all the Powers, Provisions, Matters, and Things therein contained (excepting in so far as the same are hereby varied, altered, or repealed,) shall be and continue in full Force, and shall be extended for and during the Term hereafter mentioned, and shall extend and be deemed and construed to extend to the Ferry Harbour hereby authorized to be erected as aforesaid, as fully and effectually to all Intents and Purposes as if the same were repeated and specially re-enacted in the Body of this Act, and that it shall not be competent or lawful for any of the Subscribers under the said recited Act to withhold the Whole or any Part of their Subscriptions, on the Pretence that the said recited Act has been deviated from, altered, or amended by this present Act, or on any other Ground or Pretence whatsoever.

Releasing  
certain Per-  
sons from  
Payment of  
Sums sub-  
scribed by  
them.

XXXV. Provided always, and be it enacted, That it shall and may be lawful for and in the Power of the Right Honourable the Earl of *Kellie*, the Representatives of the late *William Wemyss* of *Wemyss*, *Henry Scrymgeour Wedderburn* of *Wedderburn*, *Archibald Campbell Stewart* of *Saint Fort*, *David Gillespie* of *Kirkton*, *Andrew Pitcairn* of *Pitcullo*, *Ann Bethune Morrison* of *Naughton*, *Alexander Pitcairne* Merchant of *Dundee*, *John Blair Miller* of *Dundee*, *James Gray* of *Dundee*, *Charles Johnstone* of *Dundee*, and *William Dalgleish* of *Scotsraig*, who (or their Predecessors) were Subscribers to the Ferries authorized by the said recited Act, and have signified their Desire to be released from

from the Obligation imposed on them by the said recited Act, on account of the Alterations intended by this Act, to withdraw his, her, or their Subscription, and to demand back from the said Trustees such Sum or Sums as they have already advanced for carrying the Purposes of the said recited Act into Effect, on signifying, within Two Months from the passing of this Act, his, her or their Determination so to do ; but in the Event of no such Determination being intimated to the said Trustees or their Treasurer within the Time aforesaid, then the Person or Persons who shall not make such Intimation as aforesaid shall remain equally bound as if the present Power had not been given.

XXXVI. Provided always, and be it further enacted, That nothing herein contained shall be construed into an Admission or Acknowledgment that any Body or Bodies Corporate, or Person or Persons, from whom the said Trustees or Committee of Management are hereby authorized to purchase and acquire any Lands, Tenements, Beach, or other Rights, have a Title to the same, and that the Body or Bodies Corporate, or Person or Persons claiming the same shall, if required by the Trustees, be bound to show a proper Title to the said Subjects before demanding Indemnification therefore.

Act not to be construed into an Admission of Rights.

XXXVII. And be it further enacted, That the Expences of procuring and passing this Act shall be paid and defrayed by the said Trustees out of the Rates and Duties levied or to be levied under the said recited Act, and this Act, or out of the Money subscribed or to be borrowed for the Purposes thereof.

Expences of Act.

XXXVIII. And be it further enacted, That from and after the passing of this Act the Term granted by the before recited Act shall cease and determine, and that from thenceforth the said recited Act and this Act shall continue in force and be executed during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Continuance of the Act.

XXXIX. 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.

1. A Pier and Landing Place, to be constructed in a small Bay a little to the Westward of the present Inn at Newport, beginning at a Rock on the West Side of the Water Course of Sea Mills, and extending Three hundred Feet in Length, or so far as to obtain at all Times a Depth of Water of at least Five Feet at Low Water of Spring Tides. The said Pier or Landing Place to have a Protecting or Screen Wall in the Middle, measuring at the outer Extremity of the Pier Four Feet in Height above the Level of High Water of Spring Tides, with a Slip on each Side of the Wall Thirty Feet in Width.

2. A New Road from the said Pier, leading on the North of Sea Mills, over an Arch across the Den or Water Course of the said Mills, Eastward along the Banks of the Tay, until it joins the Turnpike Road at the South-west Corner of Newport Inn.

3. A New Road from the said Pier, leading Westward until it joins the High Road betwixt Newport and Woodhaven, near the House lately occupied by John Kyd, Mason, now by George Duncan, Constable.

4. A proper Shed and Place for the Shelter of Boatmen and Passengers, with a Superintendant's House and Light House.

5. The Roads and Accesses connecting with the aforesaid New Roads to be widened and repaired.

The Ground and Beach to be occupied by these Erections and Operations belong to William Berry Esquire of Tayfield, and James Black, Shoemaker, Newport.

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