



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. cxv.

An Act for the further Improvement and Support of
the Passage across the Frith of *Forth* called the
Queensferry. [17th June 1830.]

WHEREAS Three Acts were passed in the Parliament of
Scotland, namely, an Act in the Fourth Parliament of
James the Third, entituled *An Act that Ferriers mak
Brigges*; and another Act in the Seventh Parliament of *James the
Third*, entituled *That Ferriers mak Brigges, and of Fraught*; and
another Act in the Fifth Parliament of *Queen Mary*, entituled
How meikle Fraught sall be given to Ferriers; by which Acts certain
Rates were granted, to be levied at the Ferry across the Frith of
Forth which separates the Southern Counties of *Scotland* from the
North and East Counties thereof, for the Purpose of repairing the
Landing Places, in which certain Provisions were also made for the
Regulation of the Ferry: And whereas another Act was made in the
Forty-ninth Year of the Reign of His late Majesty King *George the
Third*, entituled *An Act for the Improvement of the Passage across the
Frith of Forth called the Queensferry*: And whereas another Act was
made in the Fifty-fourth Year of the Reign of His said late Majesty,
entituled *An Act to enable the Trustees appointed by an Act of the
Forty-ninth Year of His present Majesty, for the Improvement of the
Passage across the Frith of Forth called the Queensferry, to carry the
same into execution*: And whereas the Trustees appointed by the said
recited Act passed in the Forty-ninth Year of the Reign of His late
Majesty have purchased and acquired the Rights of Ferry across the
said Passage from the several Persons to whom the same belonged,
[Local.] 32 Z and

49 G. 3. c. 83.

Property of
the Ferry,
its Piers, &c.
vested in
Trustees.

and by the Erection of Piers and Landing Places and other Works, the Maintenance of Boats and Boatmen, and the Superintendance, Station, and Regulation thereof, the said Trustees have greatly improved the Passage of the said Ferry; but from various Causes further Improvements are required; and the Two last-recited Acts being about to expire, it is further necessary that the Powers thereby granted should be renewed, with such Alteration and Enlargement as Circumstances may from Time to Time require: 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 all the Rights and Privileges purchased and acquired by the Trustees appointed by the said recited Act of the Forty-ninth Year of the Reign of His late Majesty, and all the Piers and Landing Places, Signal Houses, and Sheds and Works erected on and made by them, and all the Harbours or Creeks within such Piers and Landing Places, or formed thereby, with all the Roads and Approaches thereto, and all the Boats and Craft, and every other Matter and Thing purchased or acquired or made by the Trustees appointed by the said recited Act, shall be and the same are hereby vested in the Trustees appointed by this Act.

Appoint-
ment of
Trustees.

II. And be it enacted, That the Keeper of the Great Seal of *Scotland*, the Keeper of the Privy Seal of *Scotland*, the Lord Justice General, the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, the Lord Clerk Register, the Lord Chief Baron of the Court of Exchequer in *Scotland*, the Vice Admiral of *Scotland*, His Majesty's Postmaster General of *Scotland*, His Majesty's Lieutenant for the Counties of *Perth, Linlithgow, Fife, Kinross, and Clackmannan*, the Commander of His Majesty's Land Forces in *Scotland*, and the Admiral commanding His Majesty's Ships and Vessels in the Frith of *Forth*, the Lord Provost of the City of *Edinburgh*, the Chief Magistrate of the Burghs of *Perth, Linlithgow, Queensferry, Inverkeithing, and Dunfermline*, and the Dean of the Guildry of the said Town of *Dunfermline*, all for the Time being, and the Sheriff for the Time being of the Counties of *Perth, Linlithgow, Fife, Kinross, and Clackmannan*, and the Proprietor for the Time being of the Estate of *Newhalls* near unto or adjacent to the said Town of *Queensferry* in the said County of *Linlithgow*, and every Person in his own Right or in the Right of his Wife possessed of the *Dominium utile* of Lands in the said Counties of *Perth, Linlithgow, Fife, Kinross, or Clackmannan* valued in the Cess Books of such Counties respectively at Two hundred Pounds *Scots*, and the eldest Son of every such Person, and every Person possessed of Rents or Fees Duties, as Heritable Proprietors, yielding the free Sum of Two hundred Pounds Sterling, after Deduction of all Payments affecting the same, who shall be elected a Trustee by the other Trustees hereinbefore appointed, shall be and they are hereby appointed Trustees for the Purposes of this Act: 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

Penalty on
acting if not
qualified.

this Act, every Person so presuming to act shall for every such Offence forfeit and lose the Sum of Fifty Pounds Sterling, to be recovered and applied as hereinafter directed, and the Proof of Qualification shall lie upon the Person complained of.

III. And be it enacted, That Seven of the said Trustees shall be a Quorum; and that any Seven or more 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 holden at any Time not less than Three Weeks thereafter, of which Notice shall be given by Advertisement in some Two Newspapers published in *Edinburgh* at least Ten Days previous to such adjourned Meeting; and at any such adjourned Meeting any Five or more of the said Trustees shall be held to constitute a General Meeting.

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

V. And be it further enacted, That at all Meetings whatsoever the said Trustees shall pay their own Expences.

VI. 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, or shall take any Contract, shall act as a Trustee in the Execution of this Act during the Time of holding such Place or be concerned in such Contract.

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

the said General Meeting at which they were appointed shall direct.

Preses to be appointed.

VIII. 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 Cases of an Equality of Votes shall have the decisive or casting Vote.

Committee of Management to be appointed.

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

Trustees may make Bye Laws, &c.

X. 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 of the Government of the said Ferry and of the said Committee, and of their Officers, Agents, or Workmen, and for the more complete and total Superintendence and Management of the said Ferry, and the well and orderly using and preserving the same, and the Piers and Harbour, Basins and other Works thereunto appertaining, and for regulating the Entrance, mooring, and Accommodation of the Passage Vessels plying at the said Ferry, or using the said Piers, Harbours, Basins, and Works, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, and others who shall belong to such Passage Vessels, or be employed in or about the said Piers, Harbours, Basins, and other Works, and

for the Regulation of Carriages, Carts, Horses, Cattle, Sheep, or other Animals coming upon the Piers or Landing Places, and for the Prevention of Obstruction or Interruption of the Passage across the said Ferry in any manner or way whatsoever, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to them shall seem meet, not exceeding the Sum of Ten Pounds Sterling for any Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing, and subscribed by the Preses or Chairman of such General Meeting, by Authority and in the Presence of the other constituent Members thereof, shall be binding upon and observed by all Parties using or in any way concerned in the said Ferry, Piers, Harbours, Basins, and other Works aforesaid, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not inconsistent with or repugnant to the Laws of *Scotland*, or to the Provisions and Directions in this Act contained, or to any of them; and provided that such Rules, Bye Laws, and Orders shall be notified to the Person or Persons who are required to conform to them; and Copies of such of them as relate to the well and orderly using and preserving of the said Ferry, and the Piers, Harbours, Basins, and other Works thereunto appertaining, and for regulating the Entrance, mooring, and Accommodation of the Passage 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 Ferry, Piers, Harbours, Basins, and other Works, shall be written or printed in large Characters, and distributed, and painted on Boards, and affixed and continued in some conspicuous Place or Places at the said Piers, Harbours, Basins, and other Works, and the same shall be renewed from Time to Time when defaced, and shall be subject to Appeal in manner herein directed.

Copies of Bye Laws, &c. to be affixed in conspicuous Places about the Ferry.

XI. And be it further enacted, That if any Person or Persons shall wantonly deface or injure in any manner of way any such Rules, Bye Laws, and Orders so painted and affixed as aforesaid, or shall wantonly damage or destroy or remove any Board on which the same shall be painted, or the Means by which the same shall be affixed, every Person so offending shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence, besides the Expence of repairing the Injury or Damage.

For protecting Rules, &c. so affixed.

XII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into execution a Special Meeting of the said Trustees is necessary to be holden, it shall and may be lawful to and for any Three or more of the said Trustees, upon specifying the Purpose thereof, to require the Clerk of the said Trustees to call such Meeting, and the said Clerk shall thereupon convene such Meeting by giving at least Three Weeks Notice thereof by an Advertisement to be inserted Three several Times in some Two Newspapers published at *Edinburgh*, specifying in such Notice the Reason and Intention of requesting such

Meetings of Trustees may be specially convened.

Special Meeting, and the Time when and Place where the same shall be holden; and the said Trustees are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Trustees with respect to the Matters so specified only; and all such Acts of the Trustees, or 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.

General Meetings to elect and appoint Officers.

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

Treasurer and Clerk not to be the same Person.

XIV. And be it further enacted, That it shall not be lawful for the Trustees acting in the Execution of this Act to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, nor to continue or appoint any Person who has been or may be appointed such Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk for the Purposes of this

this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall Act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in the Court of Session.

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

Officers, &c.
to account.

Manner of
Proceeding
in case of
Default.

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

Powers of
the Commit-
tee of Ma-
nagement.

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

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 Ferry, 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 Ferry; and the said Committee shall, by themselves or their Clerk, keep a full and true Account of all Money disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum or Sums of Money which they shall receive on behalf or in respect of the said Ferry from any Collector or Collectors of the said Rates and Duties, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Ferry, and shall regularly, by themselves or their Clerks, write, insert, and enter, in a Book or Books to be from Time to Time provided at the Expence of the said Trustees for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, or Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept under the Care and Direction of the said Committee: Provided always, that every Trustee shall have free Access thereto as hereinbefore mentioned.

XVII. And be it enacted, That the Limits of the said Ferry hereby vested in the said Trustees appointed by this Act shall be deemed and taken to extend as follows; (that is to say,) from the East Side of the *East Battery* Pier to the West Side of *Haughend* Pier on the North Side of the said Passage, and from the East Side of the *Longcraig* Pier to the West Side of *Port Edgar* Pier on the South Side of the said Passage; reserving always to the Trustees under this Act sufficient Space beyond the said Limits for the free and uninterrupted Ingress and Egress of the Passage Boats to and from the East Side of the said Piers called *Longcraig* and *East Battery*, and the West Side of the said Piers called *Port Edgar* and *Haughend*, and also for repairing the said Piers: Provided always, that the Property in the Shore between the aforesaid Limits, not acquired by or belonging to the Trustees appointed by the said recited Act passed in the Forty-ninth Year of the Reign of His late Majesty, shall be and remain in the several Persons to whom the same may or shall belong: Provided further, that upon being thereunto required within Three Years from and after the passing of this Act, by Ten or more Owners of Houses in the Village of *North Queensferry*, the said Trustees are hereby authorized and required to make a Road to the *Haughend* Pier through the Lands of the Guildry of *Dunfermline*, not less than Eighteen nor more than Twenty-four Feet wide, from a Point immediately to the North of the Superintendent's House on the High Road which leads to the said Village, for the Purpose of giving the Inhabitants of the said Village the Use of the said Pier, in such Manner nevertheless as not to interfere with the free and uninterrupted

Limits of the Ferry.

interrupted Use of the said Ferry, and exclusive Privileges within the Limits thereof, as herein provided; and it shall and may be lawful for the said Trustees to take and acquire, in the Manner provided by this Act, so much of the said Lands as may be necessary for the Purpose of making the said Road, which, with the aforesaid Use of the *Haughend* Pier, shall be accepted and taken by the Inhabitants of the said Village as in lieu of any Use to which they may be found to be entitled of any Part of the Shore between the aforesaid Limits.

Map or Plan
may be in-
spected.

XVIII. And whereas a Map or Plan has been deposited with the Clerk of the Parliaments, shewing the Limits of the said Ferry on either Side thereof; be it therefore enacted, That the said Map or Plan shall remain in the Custody of the said Clerk of the Parliaments; and it shall and may be lawful for all Persons to examine and inspect the same, paying the Sum of Five Shillings for each Inspection.

Maintenance
of Works.

XIX. And be it enacted, That it shall and may be lawful for the Trustees appointed by this Act to maintain and preserve the Piers and Landing Places and Roads or Approaches already made within the said Limits, and to alter and improve the same as Occasion may require, and to make and construct any other Piers and Landing Places, Breakwaters or other Works, with Roads and Approaches thereto, which the said Trustees may think proper and find necessary for the Improvement of the said Ferry within the said Limits thereof.

Provision as
to Traffic
other than
that properly
belonging to
a Ferry.

XX. And in respect that this Ferry must necessarily continue to be the great Line of Communication between the Southern and Northern Parts of *Scotland*, and that the Interference of other Traffic than that which belongs to a Ferry will greatly injure the Use of it as such, and incommode and detain the Transit thereof; be it enacted, That the Pier of *Port Edgar*, and the Wharf or Key on the Outside of *Queensferry* Harbour, and Eastward thereof, the Pier at *Newhalls*, *Portneuk*, and *Longcraig*, on the South Side, with the Landing Places, Havens, Creeks, and Communication by Land therewith connected, and the *East* and *West Battery* Piers and *Signal House* Pier on the North Side, and *Haughend* Pier to the West of the said *Signal House* Pier, with the Landing Places, Havens, Creeks, and Communications by Land therewith connected, including the whole of the *Creek* or Bay betwixt the *West Battery* Pier and the *Signal House* Pier, and the Landing Places therewith connected, shall be exclusively and solely used for the Purpose of the Ferry and Passage, and for no other Purpose whatever, unless by the Permission of the said Trustees in Writing, granted at a Meeting or Meetings regularly held for the Purpose of granting such Permissions, to be signed by not less than Three of the Trustees who may be present at such Meeting, save and except the Use of the *Haughend* Pier in the Manner hereinbefore provided: Provided always, that the Roads leading to and from the said Piers and Landing Places shall be subject to be used in the same Manner and by the same Persons as the same have been and are now used; any thing herein contained to the contrary notwithstanding: Provided further, that nothing hereinbefore contained shall prevent the said Trustees from making such Arrangements in respect of the *Haughend* Pier,

either with respect to the Use or the Property of the same, as may to the said Trustees, at a regular Meeting or Meetings for the Purpose, seem expedient and for the Benefit of the Inhabitants of the Village of *North Queensferry*.

XXI. And be it further enacted, That it shall not be lawful for any Person or Persons whatsoever, except the Trustees appointed by this Act, or those acting under their Authority, to keep or use within the Limits of the said Ferry any Boat or other Vessel for the Purpose of conveying Passengers or any Matter or Thing for Hire across the said Frith of *Forth* within the said Limits, or in any Boat or Vessel within such Limits to convey any Passenger or other Matter or Thing for Hire across the said Frith of *Forth*; neither shall it be lawful for any Person or Persons whatsoever, excepting the Trustees appointed by this Act, or those authorized by them, to keep or use within such Limits any Boat or other Vessel for conveying Passengers, Matters, or Things for Hire to or from any Steam Boat which may be passing up or down the said Frith, or in any Boat or Vessel within such Limits to convey any Passenger, Matter, or Thing on board of any such Steam Vessel, or from the same, for Hire; and any Person offending in any of the above Particulars shall forfeit and lose a Sum not exceeding Five Pounds for every such Offence.

Prohibiting all Persons but the Trustees from using the Passage, or conveying Passengers up and down the Frith, within the Limits of the Ferry.

XXII. And be it enacted, That in widening any Road which may require to be widened for the Purpose of forming an Approach to any Pier or Landing Place already made, or to any Pier or Landing Place which may be made within the Limits of the said Ferry, every such Road shall be widened towards the Sea, wherever the same shall be reasonably practicable; and where any Inclosure shall thereby be encroached upon or injured, besides satisfying the Proprietor and Occupier for the Damages thereby occasioned, the said Trustees shall make or cause to be made a good and sufficient Fence, at their Expence, between the Road and the Ground of any such Inclosure: Provided always, that it shall not be lawful for the said Trustees to make any Road upon the Sea Shore towards *Edinburgh* or the Interior of the Country, save and except the public Roads now in use: Provided further, that the said Trustees shall make or cause to be made such Embankments towards the Sea as shall be necessary for the Preservation of such Roads so to be widened by them towards the Sea; and the said Trustees shall be bound and obliged to keep all such Embankments in repair; and it shall and may be lawful for the Proprietors or Occupiers of the adjoining Lands from Time to Time to compel them so to do.

Provision as to widening or making Roads of Approach.

XXIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Tutors and Curators for Lunatics and Furious Persons, Executors and Administrators, and all other Tutors and Curators, Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, or those for whom they are Trustees or Guardians,

Bodies Politic empowered to sell and convey Land.

and Occupiers of any such Lands, Tenements, or other Heritages required for the Purposes of this Act, 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 Works hereby authorized to be made and maintained, in such Manner as shall be agreed upon by and between the said Parties interested respectively, or any them, and the said Trustees, or some Person or Persons authorized by them for that Purpose; and in case the said Trustees or such Person or Persons, and the said Parties interested in such Lands, Grounds, Tenements, or other Heritages, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury of Fifteen Persons belonging to the County in which the same shall be situated, to be summoned and chosen in the Manner herein directed with reference to the present Property of the said Ferry; and the Sheriff before whom such Jury is summoned may order and authorize the said Jury or any Five or more of them to view the Place or Places or Matter or Matters in question; which Jury shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or other Heritages, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, and Collegiate, and all other Persons, and shall not be liable to Review by Advocation, Suspension, Reduction, or otherwise; any Law or Statute to the contrary notwithstanding.

Remedy in case Parties cannot agree.

XXV. And be it further enacted, That whensoever a Jury is or shall be called by the Sheriff as aforesaid, or any Witness or Witnesses is, are, or shall be examined by and before the said Sheriff and Jury, as herein directed, the said Sheriff shall and he is hereby required, according to his Discretion, to give and award to each of the said Jurors and Witnesses in every such Case such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expence and Trouble of their Journey and Attendance; and in each and every Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Tenements, or other Heritages of any Person or Persons whomsoever, or as a Compensation for any Damage done or to be done to such Lands, Tenements, or other Heritages, or other Property, where such Sum so awarded shall be more than had been previously offered by or on behalf of the said Trustees, or where any Verdict shall be found for any Damages where the Dispute is for Damage 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

Expences of Witnesses and Jury, by whom to be paid.

legally capacitated to enter into a Contract and make Conveyances to and receive Compensation from the said Trustees, as hereinbefore mentioned, then and in all such Cases all the Expences of summoning such Jury and taking such Verdict shall be settled by the said Sheriff, and be defrayed by the said Trustees; but if any Verdict shall be given for the Sum that had been previously offered by or on behalf of the said Trustees, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with or make Conveyances to or receive Compensations from the said Trustees, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever who is or are by the Provisions of this Act or otherwise enabled to treat and convey or receive such Compensations as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid) the Cost 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.

Persons requesting Juries to enter into Bonds to prosecute.

XXVI. 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.

Notice of Injury to be given to the Trustees before Complaint made.

XXVII. 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 Ten 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.

XXVIII. 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.

Value of Lands and Damages to be ascertained separately.

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

Verdict to be recorded.

XXX. 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*, or *British Linen Company*; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith

Application of Compensation Money when exceeding 200*l.*

therewith to the same or the like Uses, Trusts, 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 meantime 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.

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

XXXI. 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 any 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 hereinbefore 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 hereinbefore directed, as far as the Case be applicable.

When under
20*l.*

XXXII. 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.

In case of
not making
out Titles,
&c. or if Per-

XXXIII. 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 in
virtue

virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Money 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*, or *British* Linen Company, 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*, or *British* Linen Company, 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.

sons cannot be found, Purchase Money to be paid into the Bank.

XXXIV. 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*, or *British* Linen Company, 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 shown 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.

In Cases of questionable Title, the Possessor to be deemed entitled until the contrary shall be shown.

XXXV. 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

Expences of Purchase may be allowed by the Court.

[*Local.*]

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be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks or either of them, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said 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.

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

XXXVI. 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, within One Calendar Month 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*, or *British Linen Company*, as the Case may be, in manner by this Act directed, then and in all or any of the said Cases it shall and may be lawful to and for the said Trustees, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Tenements, and other Heritages respectively, (or, before such Payment or Tender, by Leave of the Owners or Occupiers thereof, signified in Writing, but not otherwise,) and then and thereupon such Lands and Grounds, Tenements and other Heritages, together with the yearly Profits thereof, and all the Estates, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Trustees, to and for the Purposes of this Act, for ever; and which Tender, Payment, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Right, Title, Claim, Interest, and Demand of every other Person whatsoever: Provided always, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Trustees, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Tenement or other Heritage, of the Person or Persons entitled to such Payment or Security, for the Purposes of this Act, without the Leave and Consent in Writing of such Person or Persons respectively, save and except where it may be necessary to repair any sudden Injury occasioned by Storms or other Causes.

Power to take Materials.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed by them for that Purpose, and they and such Person or Persons are hereby empowered, to open Quarries in any Common in the said County

Fife, or upon the Sea Shore thereof within High-water Mark, and also in any Common in the said County of *Linlithgow*, or upon the Sea Shore thereof within High-water Mark, between *Port Edgar* and the *Long Craig*, both inclusive, so as not to injure Property above High-water Mark, and to dig, gather, and take away therefrom Stones, Gravel, Sand, Clay, Whins, Heath, Rubbish, or other Materials necessary for any of the Works authorized by this Act, without paying any thing for such Materials, and to carry away the same through the Ground of any Person, without being deemed Trespassers, the said Trustees or other Persons filling up the Pits or Quarries, levelling the Grounds wherefrom such Materials shall be taken, or fencing off such Pits or Quarries so that the same shall not be dangerous to any Persons or Cattle, and paying for or tendering the Damage done by going through and over any inclosed or arable Lands for or with such Materials, such Damages being ascertained as hereinafter mentioned; and also that it shall be lawful for the said Trustees or other Persons to open Quarries, and to dig, gather, and take away therefrom Stones, Gravel, Sand, Clay, Whins, Heath, Rubbish, or other Materials, (Timber excepted,) in and out of any Grounds, whether inclosed or not, in the Counties of *Fife* or *Linlithgow*, (such Materials not having been dug or used for the private Use of the Owner of any such Grounds, and such Grounds not being the Ground whereon any Houses stand, nor a Garden, Orchard, planted Walk, Lawn, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Nursery for Trees previous to the passing of this Act,) where the said Materials can most conveniently be found, making or tendering such Satisfaction for Stones taken from Quarries let for Hire, and for the Surface Damage done, to the Owner or Occupier of the Lands from whence the same shall be dug or carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable, and also to land on and carry through or over any inclosed Lands, (not being a Garden, Orchard, planted Walk, Lawn, or Avenue to any House, or Nursery for Trees,) or over any uncultivated Land or any Common, any Materials for the Works authorized to be done by this Act, paying or tendering for the Damage done in landing on or going over any inclosed Land, for or with such Materials, such Sum of Money as the said Trustees shall deem reasonable; and in case the said Trustees and the Owner and Occupier of such Lands shall differ as to the Amount of such Payments or Damages as aforesaid, the Sheriff or Two Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken, or on which the same shall have been landed or carried, shall be situated, on Three Days Notice thereof being given in Writing by either Party to the other, shall hear and determine the Amount of such Payments and Damage, and the Expences attending the same: Provided always, that any Difference or Dispute relative to the said Damages shall not stop, delay, or prevent the digging, gathering, and carrying off the said Materials: Provided further, that nothing herein contained shall extend or be construed to extend to prohibit the Proprietors within the said Limits from working Quarries or from taking any Stones from the Sea Shore, so that the working the said Quarries or taking Stones as aforesaid shall not interfere in any respect whatever

ever with the Roads, Ways, Piers, Sheds, or other Works erected or to be erected under the Authority of this Act.

Materials not to be taken until after Notice has been given.

XXXVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Trustees, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away any such Materials in or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Proprietor or Occupier of the Premises from which such Materials are intended to be taken, or left for such Proprietor or Occupier at his usual Place of Residence, to appear not sooner than Ten Days thereafter before Two or more Justices of the Peace of the County, to show 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 his Agent, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Proprietor or Occupier, or his Agent, had attended: Provided always, that it shall be in the Power of any Proprietor or Occupier in any Case to appeal from the Decision of the said Justices to the next Quarter Sessions in the said County, whose Decision shall be final, without being subject to Advocation, Suspension, or Reduction; and any Dispute with regard to the said Damages shall not prevent the said Trustees, or those employed by them, from using or carrying away the said Materials, and applying them in constructing the Works authorized by this Act.

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

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

No Buildings to be erected near the Piers.

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

XLI. And

XLI. And be it further enacted, That if any Person or Persons whatsoever shall after the passing of this Act wilfully and maliciously destroy any of the Piers, Jetties, Landing Places, or other Works hereby vested in the said Trustees, or to be constructed under the Authority of this Act, or any of the Materials intended for any of the said Works, or any of the Passage Vessels or Boats, or Boats or Vessels used in conveying Passengers, Matters, or Things to Steam Boats, whether on the Passage across the said Ferry or on its Course to any Steam Boat, or lying or being within any Part of the Limits of the said Ferry, every such Person or Persons so offending, upon being lawfully convicted thereof, shall be adjudged guilty of Felony, and shall suffer Punishment by Transportation, Fine, or Imprisonment, at the Discretion of the Judge or Judges before whom such Offender or Offenders shall be tried and convicted.

Punishment
for destroy-
ing Works.

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

Penalty for
damaging
Works, or
destroying
Ropes of
Vessels.

XLIII. 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 or Creek within the Limits of the said Ferry, or into the Entrance thereto, or within Six hundred Feet of any Pier, Jetty, or Landing Place constructed or to be constructed for the Purposes of this Act, or to dig and take away any Ballast, Shingle, Stones, or other Things therefrom, to the Hurt and Prejudice of the said Harbours, Creeks, Piers, Jetties, and Landing Places, or of the Works connected therewith, or to cast Anchors or Grappling Irons, or to moor any Vessel or Boat, in the said Passage of the said Ferry, or to do any Matter or Thing whereby the same may be obstructed or interrupted, under a Penalty not exceeding Ten Pounds Sterling for every such Offence, besides taking up and removing all such Ballast, Dust, Ashes, Rubbish, Shingle, Stones, and other Things, and repairing the Damage occasioned by such Default, which the said Trustees are hereby empowered to do at the Expence of the Defaulter or Defaulters.

Penalty on
throwing
Ballast into
the Harbour,
&c.

XLIV. 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, the following Rates and Duties at and for the Passage of the said Ferry; *videlicet*,

Rates for
Passage.

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

For every Curricule, a Sum not exceeding Six Shillings :

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

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

For every Waggon, Wain, Cart, or other such like Carriage, where any such Carriage and the Loading thereof taken together shall not exceed Sixteen Hundred Weight, a Sum not exceeding Two Shillings Sterling ; and where such Carriage and Loading shall exceed Sixteen Hundred Weight, and shall not exceed Twenty Hundred Weight, a Sum not exceeding Two Shillings and Sixpence Sterling ; and where such Carriage and Loading shall exceed Twenty Hundred Weight, and shall not exceed Thirty Hundred Weight, a Sum not exceeding One Penny Sterling for every One Hundred Weight which such Carriage and Loading shall weigh above Twenty Hundred Weight ; and for every One Hundred Weight which such Carriage and Loading shall weigh above Thirty Hundred Weight, and not Forty Hundred Weight, a Sum not exceeding Two-pence Sterling ; and for every Hundred Weight which such Carriage and Loading shall weigh above Forty Hundred Weight, a Sum not exceeding One Shilling Sterling :

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

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

For every Stallion, a Sum not exceeding Five Shillings :

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

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

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

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

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

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

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

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

For every Passenger in a Steam Vessel, a Sum not exceeding Nine-pence :

For every Passenger in a decked Boat, Pinnace, Yawl, or in a large Boat when towed by a Steam Vessel, a Sum not exceeding Six-pence :

For every Passenger in a large Boat (except when towed by Steam), a Sum not exceeding Three-pence :

For every Highland Shearer, One Penny :

For Luggage by Mail or Stage Coach, a Sum not exceeding One Shilling per Barrel Bulk :

For other Luggage, when carried to and from the Boats by a Porter of the Ferry Establishment, a Sum not exceeding Sixpence :

For Signal for Chaise or Horse, a Sum not exceeding One Shilling :

XLV. And be it further enacted, That it shall and may be lawful for the said Trustees to order and direct to be levied, for and in respect of any Four-wheeled or other Carriage, and any Horse drawing the same, or any Waggon, Cart, or other such Carriage, and Loading, and any Horse drawing the same, and for and in respect of any Saddle Horse or other Horse, and for and in respect of any Ox, Bull, Cow, or Heifer, and for and in respect of any Calf, Sow, Boar, or Hog, and for and in respect of any Sheep or Goat, and for and in respect of any Lamb or Kid, and for and in respect of any Dog or Puppy, and for and in respect of any Grain, Flour, Meal, Hay, Straw, Goods, Wares, and Merchandize, and for and in respect of any Passenger, and for and in respect of any Luggage carried on board of any Boat, Pinnace, or Yawl from any Part of the Limits of the fore-said Ferry to a Steam Boat passing up or down the said Frith of *Forth*, or from any such Steam Boat to any Part of the Limits of the fore-said Ferry, the same Rates and Duties respectively which the said Trustees are hereby authorized to order to be levied for and in respect of the same Carriages or Horses drawing the same, and other Horses, Cattle, Matters, and Things, Passengers, or Luggage, carried across the said Ferry.

Rates to be levied on Passengers, Luggage, &c., carried on board of Steam Boats passing up or down.

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

Regulating the Hire of Boats.

XLVII. 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 their Wives or Children travelling with the Baggage Carts, nor for the Military Carriages and Horses of any such Officers, nor for the Horses, Cattle, or Carriages employed in carrying or conveying their Arms or Baggage, or returning after having conveyed the same; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for Horses furnished by or for Persons belonging to any Corps of Yeomanry

Exemptions from Rates.

Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for Exercise; nor for any Persons belonging to any Corps of Volunteers; provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time such Exemption is claimed; nor for Carts, Carriages, or Cattle travelling with Vagrants sent with legal Passes; and if any Person shall claim or take Benefit from any of the Exemptions aforesaid without being entitled thereto such Person shall forfeit a Sum not exceeding Forty Shillings Sterling.

Further
Exemption.

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

Weighing
Engines to
be erected.

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

Table of
Rates and
Duties to be
affixed.

L. And be it further enacted, That a Table of the Rates and Duties hereby granted, showing 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 the *Signal House Pier*, and at the *New Halls Pier*, and at the principal Inns on either Side of the said Ferry.

Penalty for
injuring
Table.

LI. And be it further enacted, That if any Person or Persons shall wantonly deface, take down, remove, or destroy or injure in any manner of way, any such Table of Rates and Duties, every Person so offending shall for any such Offence forfeit and pay a Sum not exceeding Forty Shillings, besides the Expence of renewing or repairing any such Table.

LII. And

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

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

LIII. And be it further enacted, That if any Collector shall demand or take a greater or less Amount of Rate or Duty than he shall be authorized to do, or shall refuse to permit any Person to read or prevent any Person from reading any Table of the Rates and Duties hereby directed to be fixed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, on being paid the said Rates and Duties, or shall give a false Name, or, upon the said Rates and Duties being paid or tendered, shall unnecessarily detain or wilfully obstruct any Passenger in proceeding on his Way, or shall make use of any scurrilous or abusive Language to any Trustee, or any of their Officers, or any Passenger, or offend against any of the Provisions of this Act, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalty on Collectors in default.

LIV. 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 within the Jurisdiction of the said Ferry, without a Licence from the said Trustees; and the Owner or Owners of every such Yawl, Pinnace, Boat, and every Boatman, so plying without such Licence, shall forfeit a Sum not exceeding Five Pounds for each Offence.

No Boats or Boatmen to ply without Licence.

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

Rates vested in Trustees.

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

Power to borrow Money.

LVII. And be it enacted, That all Sums and every Sum of Money advanced or borrowed upon the Security of the Rates and Duties granted by the said recited Act passed in the Forty-ninth Year of the Reign of His said late Majesty shall be and become Burthens upon and Securities affecting the Rates and Duties granted by this Act, in

Rates may be let.

the same Manner as if all such Sums and every such Sum of Money had been advanced or borrowed upon the Security of the Rates and Duties hereby granted; and it shall and may be lawful for the Trustees appointed by this Act to borrow any Sum of Money which may be required to pay off any Creditor upon the said Rates and Duties who may require Payment of the Sum of Money so advanced or lent by him or her, and to borrow any further Sum or Sums of Money which may be necessary for the Purposes of this Act: Provided always, that any Sum or Sums of Money so to be borrowed shall not, with the Money already advanced or borrowed, exceed upon the whole at any one Time an Amount which One Third Part of the Rates and Duties hereby granted shall not be equal to pay the Interest of.

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

LVIII. And be it further enacted, that the said Trustees shall be obliged every Year to keep down the Interest upon all Money borrowed or to be borrowed, and out of the Remainder of the Rates and Duties to pay and defray the Expence of maintaining and keeping in repair the Works required for the Purposes 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.

Accumulation of the Sinking Fund.

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

Notice to be given previous to borrowing or paying off.

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

Assignment of Rates in Security of Money borrowed.

LXI. 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 Harbours, Piers, Jetties, Landing Places, and other Works hereby vested in them, and the Rates and Duties hereby granted, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of the said Rates and Duties,) as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made and granted under the Hands of the

Committee of Management appointed by the said Trustees for the Time being, or any Three or more of them, in Form or to the Effect following; (that is to say),

‘ BY virtue of an Act of Parliament made in the Eleventh Year of the Reign of King *George* the Fourth, 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 thereby vested in us, and all and sundry the Rates and Duties payable to us by virtue of the said Act, and all our Right, Title, and Interest of, in, and to the same, to be held by the said *A. B.* and his foresaids until the said Sum of with the legal Interest thereof, shall be fully satisfied and paid. In witness whereof we the undersigned of the Committee of Management appointed by the said Trustees have subscribed these Presents at , the Day of , before these Witnesses.’

Form of Security by Assignment.

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 Thirty Days from the Date thereof be entered in a Book to be kept by the Clerk to the said Trustees, which Book shall and may be perused at all seasonable Times by any of the said Trustees or Creditors of the said Ferry, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons, by a Writing under his, her, or their Hands, in the Form or to the Effect following:

Assignments may be transferred.

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

Form of Transfer.

And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk to the said Trustees, who shall cause a Copy thereof, in like Manner as of the original Assignment, to be entered in the Book to be kept by the said Clerk as aforesaid; and every such Entry made of such Transfer shall from thenceforth entitle 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

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 pay-
ing off
Money.

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

Trustees
may lessen
Rates and
Duties.

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

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

LXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, to build, keep, and maintain a sufficient Number of Boats, Pinnaces, Yawls, and other Vessels for the Passage of the said Ferry, and also for conveying Passengers, Matters, and Things to and from Steam Boats plying up and down the said Frith of *Forth*, and to let the same or any of them by public Auction, for any Period not exceeding Two Years, to such Boatmen who may be willing to hire the same or any of them, which Boatmen the Trustees may license to use the same upon such Terms and Conditions as they the said Trustees shall think fit to prescribe; or if the said Trustees shall deem it more expedient, it shall and may be lawful for them to grant Licences for any Period not exceeding Two Years to any Person or Persons who may be willing to furnish Boats, Pinnaces, Yawls, and other Vessels for the aforesaid Purposes or any of them, upon such Terms and Conditions as shall be agreed upon between the said Trustees and such Person or Persons.

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

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

LXVI. And

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

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

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

Boatmen not to be impressed.

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

Superintendents of the Ferry to be appointed.

LXIX. 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 Superintendents 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, instantly before a Justice of the Peace of either of the said Counties of *Fife* or *Linlithgow*, who shall immediately punish any such Offender in the Manner directed by this Act, or pursuant to such Orders, Rules, and Regulations, in case he or she shall be convicted of any Offence against the same or any of them; and in the Event that a Justice of the Peace of such Counties cannot immediately be found, it shall and may be lawful for any such Superintendent to lodge such Offender in the Gaols of *Inverkeithing* or *South Queensferry* respectively until he can be carried before such Justice of the Peace: Provided always, that such Offender shall not be detained in such Gaol more than Twenty-four Hours before being carried before such Justice of the Peace.

Superintendents may imprison Offenders in a certain Event.

LXX. Provided always, and be it further enacted, That any Superintendent guilty of improper Conduct in the Discharge of his Duty may be dismissed, and another Superintendent appointed in his

Superintendents may be dismissed.

[*Local.*]

33 G—H

Room,

Room, at any General Meeting, or at any Special Meeting of the said Trustees called for that Purpose.

Signal Posts
to be kept
in Repair.

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

To compel
Payment of
Subscrip-
tions.

LXXII. 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 and the Acts aforesaid, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed to the said Trustees or their Committee of Management; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall be lawful for the said Trustees, or any Person appointed by them, to sue for and recover the same in any Court of Law or Equity.

Recompence
for Damages
not herein-
before par-
ticularly pro-
vided for.

LXXIII. 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 hereinbefore provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained by a Jury as aforesaid, and the same may be recovered, levied, and applied in manner herein directed with regard to any other Recompence or Satisfaction.

Recovery of
Fines and
Forfeitures.

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

Not to prevent Trustees acting as Justices of the Peace.

LXXVIII. 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.

Officers of Trustees may be Witnesses.

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

Limitation of Actions.

LXXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done by virtue or in pursuance of this Act, until Twenty-one Days Notice thereof in Writing shall have been given to the said Committee of Management, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be brought before the Court of Session in *Scotland*; and the Defender or Defenders in such Suit or Action shall and may deny the Libel, and give this Act and the special Matter in Evidence, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear so to be done, and if such Action and Suit shall be brought after the Time hereinbefore limited for bringing the same, or shall be brought without Twenty-one Days Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Defender or Defenders shall be assoilzied; 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.

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

Expences how to be defrayed.

LXXXII. 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.

Public Act.

LXXXIII. 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.