ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

****

Cap. xci.

An Act for constructing a Low Water Pier and necessary Works at *Burntisland* in the County of *Fife*, and establishing a Ferry between the same and *Granton* in the County of *Edinburgh*; and for improving the Communication between the said Pier and *Kinghorn*. [30th *June* 1842.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King *George* the Third,
intituled *An Act for improving the Communication between* 32 G. 3.
the County of Edinburgh *and the County of* Fife *by the Passages or* c. 93.
Ferries across the Frith of Forth, *between* Leith *and* Newhaven *in the County of* Edinburgh, *and* Kinghorn *and* Burntisland *in the County of* Fife, *and for rendering the Harbours and Landing Places more commodious:* And whereas another Act was passed in the Fifty-third Year of the Reign of His said Majesty King *George* the Third,
intituled *An Act for further improving the Communication between the* 53 G. 3.
County of Edinburgh *and the County of* Fife *by the Ferries cross the* c. 125.
Frith of Forth, *between* Leith *and* Newhaven *in the County of* Edinburgh

burgh *and* Kinghorn *and* Burntisland *in the County of* Fife: And whereas another Act was passed in the First and Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and enlarge the Powers of an Act of the Fifty-third Year of His late Majesty, for improving the Communication between the County of* Edinburgh *and County of* Fife *by the Ferries cross the Frith of* Forth, *between* Leith *and* Newhaven *and* Kinghorn *and* Burntisland: And whereas another Act was passed in the Seventh Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act for further improving the Communication between the Counties of* Edinburgh *and* Fife *by the Ferries cross the Frith of* Forth, *between* Leith *and* Newhaven, *and* Kinghorn, Burntisland, *and* Dysart: And whereas the favourable Result anticipated from the said recited Acts for establishing the Ferries therein mentioned, between the South and North Shores of the Frith of *Forth*, has not been experienced, and it is necessary to make better Provision for the public Accommodation: And whereas the Erection of a Low Water Pier at *Burntisland* on the North Shore, in connection, by means of Steam or other Vessels, with the Pier at *Granton* on the South Shore, with Access by means of an improved Road from *Burntisland* to *Kinghorn*, will be of great public Utility: And whereas *Walter Francis* Duke of *Buccleuch* and *Queensberry*, and *John Gladstone* Esquire, of *Fasque*, are or claim to be Proprietors of a Portion of the Ground on which the said Pier might advantageously be built, and are willing, at their own Cost, to build a sufficient Low Water Pier, and to establish a convenient and regulated Ferry, upon obtaining the exclusive Right to such Pier and the Right to such Ferry, for the Period, in the Manner, and to the Effect herein-after mentioned: And whereas the Trustees under the Statute Labour and Turnpike Road Acts of the County of *Fife*, herein-after recited, acting for the *Kirkaldy* District of Roads, in consideration of the great Benefit which such Ferry will confer upon the said County and the Public by opening and extending the Intercourse of the said County both with the South and North of *Scotland*, are willing to complete the Access between the said Pier and the Town of *Kinghorn*, as herein-after described: But as these Purposes cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 it shall be lawful to the said Duke and the said *John Gladstone* to erect such Pier and establish such Ferry in manner herein-after set forth; provided that such Pier shall not obstruct the Entrance to the Harbour of *Burntisland*, or the Access to the Piers of the said Harbour, in the Judgment of a competent Person to be appointed by the Lords Commissioners of the Admiralty.

1 & 2 G. 4. c. 118.

7 G. 4. c. 53.

Power to construct a Pier and establish a Ferry.

Plans and Sections deposited with the Sheriff Clerk to be open to Inspection.

II. And whereas Plans and Sections, describing the Lines, Levels, and Situation of the said Pier and Approaches thereto, and of the said Road from *Burntisland* to *Kinghorn*, and of the Lands upon or through which the same are intended to be made, and a Book of Reference containing a List of the Owners, Lessees, and Occupiers

Occupiers of such Lands, have been deposited with the Sheriff Clerk of the County of *Fife*; be it enacted, That the Sheriff Clerk of the said County for the Time being shall keep the said Plans, Sections, and Book of Reference, and shall permit all Persons to inspect the same at all seasonable Times, and shall make Copies or Extracts therefrom for all Persons requiring the same, on being paid One Shilling for every such Inspection, and after the Rate of Three-pence for every One hundred Words of any such Copy or Extract; and a Copy or Extract from any such Plan, Section, or Book of Reference, certified by the said Sheriff Clerk, shall be received in Evidence in all Courts of Justice.

Certified Copies to be Evidence.

III. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, and Occupiers of any Lands, described on the said Plans or in the said Book of Reference or the Schedule hereto, be it enacted, That the Correction of any such Matter may be referred to the Determination of the Sheriff of the said County of *Fife*; and if it shall appear to the said Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and he shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Sheriff Clerk of the said County, and Copies or Extracts thereof with the Schoolmasters of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Sheriff Clerk and Schoolmasters of the Parishes respectively along with the Documents to which they relate; and thereupon such Documents, or the Schedule to this Act, shall be deemed to be corrected according to such Certificate; and it shall be lawful for the said Duke and the said *John Gladstone* to make the Pier, and for the Road Trustees herein-after mentioned to make the said Road, in accordance with such Certificate.

Errors and Omissions to be corrected.

IV. And be it enacted, That true Copies of such Plans and Books of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Sheriff Clerk, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Certified Copies of Plans, or Corrections thereof, to be Evidence.

V. And be it enacted, That, subject to the Provisions and Restrictions contained in this Act, it shall be lawful for the said Duke and the said *John Gladstone*, for the Purpose of constructing the Pier, to execute any of the following Works; (that is to say,)

Works to be executed.

They may make or construct, in, upon, across, under, or over any Lands or Heritages described in the said Plan and mentioned in the said Book of Reference, or any Correction thereof, such temporary or permanent Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences, as they may think proper;

They may alter the Course of any Rivers not navigable, Brooks, Streams, or Watercourses, if necessary for constructing and maintaining Tunnels, Bridges, Passages, or other Works over or under the

the same, and divert or alter, as well temporarily as permanently, the Course of any such Rivers or Streams of Water, Roads, Streets, or Ways, to raise or sink the Level of any such Rivers or Streams, Roads, Streets, or Ways, in order the more conveniently to carry the same over or under or by the Side of any Approach to the said Pier, as they may think proper;

They may make Drains or Conduits into, through, or under any Lands adjoining the Approaches, for the Purpose of conveying Water from or to the Approaches;

They may erect and construct such Houses, Offices, and other Buildings, Yards, Wharfs, Engines, Machinery, Apparatus, and other Works and Conveniences as they may think proper;

They may from Time to Time alter, repair, or discontinue the before-mentioned Works, or any of them, and substitute others in their Stead;

And they may do all other Acts necessary for making, maintaining, enlarging, altering, repairing, and using the Pier, Approaches, and Works:

Provided always, that in the Exercise of the Powers hereby granted the said Duke and the said *John Gladstone* shall do as little Damage as can be, and shall make full Compensation, in manner herein provided, to all Parties interested, for all Damages by them sustained by reason of the Exercise of such Powers.

Breadth of Lands for the Approaches.

VI. And be it enacted, That the Lands to be taken for the Line of the Approaches to the said Pier shall not exceed the Breadth of One hundred and twenty Yards, without the Consent in Writing of the Owners and Occupiers of the Land so required.

Not to deviate from Section, nor more than Eighty Yards from Plan.

VII. And be it enacted, That the said Duke and the said *John Gladstone*, in making the said Pier, shall have Power to deviate from the Line delineated on the Plan deposited, provided that no such Deviation shall extend to a greater Distance than Eighty Yards from the Line described in the said Plan as the Site of the Pier, or the Line of any Access thereto; and no Deviation shall extend beyond the Limits of Deviation marked in the said Plan, nor into the Lands of any Person not mentioned in the Book of Reference, without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Houses and inclosed Grounds not to be taken unless specified in the Schedule.

VIII. And be it enacted, That it shall not under the Powers of this Act be lawful to take or injure any Property of the following Kinds, except such as shall be specified in the Schedule (A.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified according to the Provisions herein-before contained to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-one, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue to a House.

IX. And

Land Tax and Poor's Rate to be made good.

IX. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the Construction of the said Pier in the Parish wherein the same is situate, be it enacted, That if the said Duke and the said *John Gladstone* become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, they shall from Time to Time, until the Works shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency for Land Tax and Poor's Rate arising within such Parish by reason of such Lands having been taken or used for the Purposes of the Works; and such Deficiency shall be computed according to the Rental at which such Lands, with any Buildings thereon, were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the said Duke and the said *John Gladstone*, and the Treasurer to be appointed under this Act, shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the said Duke and the said *John Gladstone* think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Sums contracted for to be paid up.

X. And whereas the probable Expence of making the said Pier and other Works and Approaches by this Act authorized to be constructed by the said Duke and the said *John Gladstone*, and the Expence of the Steam Boats to be provided by them for the said Ferry, will amount to the Sum of Twenty-five thousand three hundred and forty Pounds, of which Sum Three Fourth Parts have been subscribed by the said Duke and the said *John Gladstone*, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment; be it therefore enacted, That the said Duke and the said *John Gladstone*, their Heirs, Executors, Administrators, and Assigns, shall be and they are hereby required to pay the Sums respectively subscribed by them, or such Parts or Proportions thereof as shall from Time to Time be called for by the Treasurer for the Time being to be appointed in virtue of this Act; and it shall be lawful for such Treasurer to sue and recover the same, with full Costs of Suit, in any Court of Law or Equity, together with lawful Interest on any unpaid Sum or Sums from the Time when the same shall be called for as aforesaid.

Power to take Lands.

XI. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* to enter upon, take, and use the Lands described in the said Plans and Book of Reference, and according to the Provisions herein contained.

Obligation to build a sufficient Pier for the Ferry Purposes.

XII. And be it enacted, That the said Duke and the said *John Gladstone* shall be bound and obliged, and they are hereby required, at their own Expence, notwithstanding that such Expence should eventually exceed the said estimated Expence, to lay out, build, make, and complete a good and efficient Low Water Pier into the said Frith of *Forth* at *Burntisland* in the County of *Fife*, with all such Quays, Wharfs, Approaches, and connecting Roads and Bridges within the Gates of the said Pier, and all such Buoys, Moorings,

Chains, Beams, Dolphins, Posts, and all such other Works as may be necessary and proper for completing the foresaid Undertaking; and the said Pier and other Works shall be so laid out, built, made, and completed as to be sufficient for embarking in and landing from Steam and other Vessels drawing sufficient Depth of Water for the Passage between *Burntisland* and *Granton* with Safety and Comfort, and at all Times of the Tide, and in all Weathers, when it is safe to ply on the Ferry, Passengers, Carriages, Horses, Cattle, Goods, and other Articles and Things set forth in Schedule (B.) hereunto annexed; and the said Duke and the said *John Gladstone* shall be bound and obliged, and they are hereby required, at their own Expence, to maintain in good and sufficient Condition and Repair, and fit for the aforesaid Purposes during the Continuance of this Act, the said Pier and other Works, and to make such Alterations and Repairs thereupon as may from Time to Time be requisite for these Purposes.

Pier to be completed in Four Years.

XIII. And be it enacted, That it shall be incumbent upon the said Duke and the said *John Gladstone* to complete the said Pier and establish the said Ferry in an efficient State within Four Years after the passing of this Act, unless prevented by inevitable Causes.

Penalty for obstructing Construction of Pier.

XIV. And for preventing any Obstruction to the Construction of the said Pier, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the said Duke and the said *John Gladstone* in setting out the Line and Situation of the said Pier and Works, or pull up or remove any Poles, Posts, or Stakes driven into the Ground, or deface or destroy any Marks made for the same Purpose, he shall forfeit Five Pounds for every such Offence.

No Works below High-water Mark, without the Consent of the Admiralty.

XV. Provided always, and be it enacted, That it shall not be lawful for the said Duke and the said *John Gladstone*, or any Person acting under their Authority or on their Behalf, to make, or begin to make, construct, or carry on any Works below the ordinary High-water Mark at Spring Tides, without the previous Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

Cranes, Weighing Machines, &c.

XVI. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* to erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights and Measures, upon the Pier to be made in virtue of this Act, as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things shipped or unshipped at the said Pier.

Certificate of the Sheriff of the County of Fife to be Evidence that the Pier is completed, &c.

XVII. And be it enacted, That a Certificate under the Hands of the Sheriff of the County of *Fife* shall be conclusive Evidence that the Pier and Approaches and other Works are completed, and fit for the Accommodation of Vessels to load and unload thereat; and the said Sheriff shall sign such Certificate, on proper Proof being adduced to him that the Pier and Approaches and other Works are in the

State

State herein-before mentioned, and such Certificate shall be published in the *Edinburgh Gazette* and in a Newspaper published and usually circulated in each of the Counties of *Fife* and *Mid Lothian*.

Limits of the Pier for the Purposes of this Act.

XVIII. And be it enacted, That the Limits of the Pier for the Purposes of this Act shall be the Pier and a Space within High Water Mark, bounded as follows; (that is to say,) on the East by a Line commencing at a Point on the Shore at the Distance of Three hundred Yards from the Pier, and running from the said Point due South to a Point in the Frith of *Forth* at the Distance of Five hundred Yards, and from thence by a Line running due West to a Point at the Distance of Six hundred Yards, and from thence by a Line running in a Northerly Direction to the East Pier Head at the Entrance of the Harbour of *Burntisland*.

Power to Ferry Trustees to contract for Granton Pier.

XIX. And be it enacted, That after the passing of this Act, and previous to the Expiration of the said recited Acts, the Trustees under the said recited Ferry Acts shall be authorized to contract with the said Duke for the Use of his Pier of *Granton*, and to ship and land Passengers and Goods thereat to any Point on the North Side of the Firth of *Forth*, any thing in the said recited Ferry Acts notwithstanding.

When Pier completed and Ferry established Ferry Acts repealed.

XX. And be it enacted, That as soon as the said Pier shall by the Certificate of the Sheriff of the County of *Fife*, published as aforesaid, be declared to be completed, and the Ferry herein-after mentioned shall be established, the said recited Ferry Acts shall be and the same are hereby repealed, excepting as after provided; and it shall not thereafter be lawful to use or exercise any Right of Ferry to the said Burgh of *Burntisland*, or to any Point nearer thereto than the Harbour of *Pettycur* on the East, and the Lands and Barony of *Aberdour* on the West, other than the Ferry hereby established.

Saving the Rights of Leith and Newhaven.

XXI. Provided always, and be it enacted, That the Rights or Privileges, if any, granted to the Port and Harbour of *Leith* and *Newhaven* by the said recited Acts or any of them, in reference to any Ferry across the Firth of *Forth*, to any Point on the North Side of the said Firth, excepting the Pier hereby authorized to be built, shall be and the same are hereby saved and reserved for the Period during which the said recited Acts would have remained in force if not repealed by this Act; and saving all other Rights of Passage that may or might, previous to the Date of the second-recited Act passed in the Fifty-third Year of His Majesty King *George* the Third, have been used or exercised, from the said Places to the Harbour of *Burtisland* or to any Point upon the North Shore of the Firth of *Forth*, other than the said Pier, with all the Rights, Powers, and Privileges belonging to such Right of Passage, shall be and the same are hereby saved and reserved.

Pier not to be used unless with Consent, and under Regulations to be established.

XXII. And be it enacted, That it shall not be lawful for any Person, except the Officers and Crews of Her Majesty's Ships and Boats being engaged in Her Majesty's Service, or except as herein-after provided in respect of the Officers of the Post Office, or except in the Cases of Vessels driven in by Stress of Weather, to make use of or to land

land at the said Pier, Wharfs, or Works to be so constructed, nor to lay to or alongside the same any Ship, Boat, Vessel, or Craft of any Description, nor to attach any Rope or Chain thereto, nor to land thereat or ship therefrom any Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Minerals, and other Articles or Things, unless with the Consent of and in such Manner and under such Conditions and Regulations as shall be settled by the said Duke and the said *John Gladstone*; and any Person so using the said Pier and other Works, without a written Licence or Authority from the said Duke and the said *John Gladstone*, or some Persons duly authorized by them, or under such Conditions and Regulations as shall be settled by them, shall for every such Offence forfeit and pay a Penalty not exceeding Ten Pounds: Provided always, that if the said Duke and the said *John Gladstone* shall grant such Licence or Authority to any Person or Body, it shall not be lawful for the said Duke and the said *John Gladstone* to take any higher Rates for the Use of the said Pier than One Fifth Part of the Ferry Rates hereby granted upon the several and respective Passengers, Articles, and Things contained in the Schedule (B.) hereunto annexed.

Ferry established.

XXIII. And be it enacted, That from and after the Completion of the said Pier as aforesaid the said Duke of *Buccleuch* and the said *John Gladstone* are hereby authorized and required to establish and maintain an efficient Ferry for the Conveyance of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Minerals, and other Articles or Things, between the said Pier to be erected at *Burtisland* and the said Pier at *Granton*, and from Time to Time to do or cause to be done all Things necessary for establishing, maintaining, regulating, and managing the said Ferry; and within the Limits of the said Ferry, on the North Side of the Firth, shall be included the Sea Coast from *Pettycur* on the East to the Lands and Barony of *Aberdour* on the West; and when the said Ferry shall be so established the same shall, during the Continuance of this Act, be a public Ferry, and shall, except as herein otherwise provided, be entitled and subject to all the Rights and Privileges to which public Ferries are entitled and subject by the Law of *Scotland*, and shall be open and accessible to all Passengers and Persons, with Carriages, Horses, Cattle, Goods, Wares, Merchandize, Minerals, and other Articles and Things, passing between *Burntisland* and *Granton*, as herein authorized and directed, upon Payment to the said Duke and the said *John Gladstone*, or any Person appointed by them to receive the same, of the respective Tolls, Rates, and Duties herein-after granted: Provided always, that if the Use of any such Steam or other Vessel shall be required upon the said Ferry at any extra Hour, the said Duke and the said *John Gladstone* shall be entitled to demand and take from the Person requiring the same the extra Rates specified in the Schedule (B.) hereunto annexed as chargeable for any such extra Vessel.

Plying at extra Hours.

Steam Boats to ply the Ferry.

XXIV. And be it enacted, That the said Duke and the said *John Gladstone* shall, in consideration of the Right of levying such Rates hereby conferred, be obliged, at all Times during the Term of this Act, to provide and maintain in good and suitable Condition and Repair

Repair Three well-built Steam-Vessels of approved Construction and sufficient Power, of which Two shall be adequately manned, fit for the Transport of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandizes, Articles, and Things, without Prejudice to their using additional Steam or other Vessels as herein authorized, and shall by themselves or by their Tenants, in case the Ferry shall be leased as herein authorized, secure and provide for the public Accommodation that one of such Steam Vessels shall, unless prevented by tempestuous Weather or unavoidable Cause, pass the said Ferry from *Burntisland* to *Granton* Eight Times, and from *Granton* to *Burntisland* Eight Times every Day during the Period between the First Day of *April* and the First Day of *October*, and Six Times every Day during the Period between the First Day of *October* and the First Day of *April*, with Power to the said Duke and the said *John Gladstone*, subject to the Authority herein-after vested in the Postmaster General, from Time to Time to fix the Hours of Departure from *Burntisland* and *Granton* respectively, and likewise, at their Pleasure, from Time to Time to alter the said Hours: Provided always, that One of such Passages shall be performed from *Burntisland* to *Granton* between the Hours of Five o'Clock and Seven o'Clock in the Morning, and from *Granton* to *Burntisland* between the Hours of Five o'Clock and Eight o'Clock in the Morning, and from *Burntisland* to *Granton*, and from *Granton* to *Burntisland*, between the Hours of Six o'Clock and Eight o'Clock in the Afternoon during the Period between the First Day of *April* and the First Day of *October*, and between the Hours of Seven o'Clock and Nine o'Clock in the Morning, and between the Hours of Four o'Clock and Six o'Clock in the Afternoon, between the First Day of *October* and the First Day of *April*, excepting always the *Sunday*, on which Day throughout the Year the said Duke and the said *John Gladstone* shall not, unless otherwise required by the Postmaster General, as herein-after provided, be obliged to provide more than Three Passages from each Side, namely, One in the Morning, One at Mid-day, and One in the Afternoon, at such Hours as they shall hereafter fix: Provided also, that if in consequence of any Arrangement which shall be made for the Carriage of the Mails Passages shall be performed with the Mails from either Side between the Hours within which the said prescribed Passages are hereby required to be performed during the said Periods respectively, such Passages with the Mails shall be deemed and taken to be a Part of such prescribed Passages, but if such Passages with the Mails shall be performed before Five o'Clock in the Morning or after Eight o'Clock in the Evening during the said First Period, or before Seven o'Clock in the Morning or after Six o'Clock in the Afternoon during the said Second Period, such Passages with the Mail shall not be deemed or taken to be any of the Eight daily Passages hereby undertaken to be performed during the said First Period, or of the Six daily Passages hereby undertaken to be performed during the said Second Period; and that Notice of all the Hours of Departure, and of every Alteration thereof, shall be given Three Times in some Newspaper (if such there shall be at the Time) published and usually circulated in each of the Counties of *Fife* and *Edinburgh* not more than Thirty nor less than Fifteen Days before such fixing and Alteration, and that such Notice, printed or in Writing, be also so previously affixed on

some conspicuous Places of the Piers of *Burtisland* and *Granton*; and provided further, that it shall be lawful for the said Duke and the said *John Gladstone* to despatch Steam or other Vessels on extra Voyages across the said Ferry, as much oftener and at whatever Times they may think proper.

Power to erect Lighthouse.

XXV. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* to erect any Lighthouse on the said Pier or Works therewith connected, and also to exhibit a Light therein, of such Description or Power as the Commissioners of Northern Lighthouses shall by Writing under the Hand of their Secretary prescribe.

Power to lay down Buoys.

XXVI. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* to erect within the Limits of the said Pier Beacons for the Guidance of Vessels, of such Character, and to be exhibited in such Mode, and to lay down Buoys of such Description and in such Situation, within the Limits of the said Pier, as shall from Time to Time be prescribed by the said Commissioners of Northern Lighthouses, signified in Writing under the Hand of their Secretary for the Time being.

Beacons and Lights not to be altered without Consent.

XXVII. And be it enacted, That it shall not be lawful for the said Duke and the said *John Gladstone* to exhibit or alter, or to permit to be exhibited or altered, any Light, Beacon, or Sea Mark, without the Sanction in Writing of the said Commissioners of Northern Lighthouses, signified under the Hand of their Secretary, first having been obtained in that Behalf; and if any such Light, Beacon, or Sea Mark shall be exhibited or altered with such Sanction as aforesaid, the same shall be of such Power, Description, and Character, and shall be from Time to Time discontinued or altered, as the said Commissioners of Northern Lighthouses shall from Time to Time direct by due Notice to the said Duke and the said *John Gladstone*.

Obligation to convey her Majesty's Mails across the Ferry.

XXVIII. And be it enacted, That it shall be lawful for the Postmaster General for the Time being, at any Time after the said Pier shall have been completed and the said Ferry established, by Notice under his Hand, delivered to the said Duke and the said *John Gladstone*, to require that the Mails or Post Letter Bags shall from and after the Day to be named in any such Notice (being not less than Twenty-eight Days from the Delivery thereof) be conveyed over the said Ferry between *Burntisland* and *Granton* Pier aforesaid, at such Hours or Times in the Day or Night as the Postmaster General shall direct, together with the Guards appointed and employed by the Postmaster General in charge thereof, and any other Officers of the Post Office the Postmaster General shall require, and thereupon the said Duke and the said *John Gladstone* shall, from and after the Day to be named in such Notice, at such Hours or Times in the Day or Night as aforesaid, provide Steam Vessels of the Description aforesaid at such Ferry for the Conveyance of such Mails and Post Letter Bags to the Satisfaction of the Postmaster General, and shall receive and carry by such Steam Vessels all such Mails or Post Letter

Letter Bags as shall for that Purpose be tendered to them or any of their Officers, Servants, or Agents by any Officer of the Post Office, and also the Guards in charge thereof, and any other Officers of the Post Office, and shall receive, take up, deliver, and leave such Mails or Post Letter Bags, Guards, and Officers on such Days, at such Hours or Times in the Day or Night, and subject to all such reasonable Regulations and Restrictions as the Postmaster General shall in that Behalf from Time to Time order or direct.

Mail Carriages to be conveyed;

XXIX. And be it enacted, That the said Duke and the said *John Gladstone* shall, at the Request of the Postmaster General for the Time being, signified by such Notice as aforesaid, cause any Mail Coaches or Mail Carriages he shall from Time to Time require, with the Mails or Post Letter Bags and Guards thereof, to be conveyed over the said Ferry by Steam Vessels as aforesaid, at such Hours or Times in the Day or Night as the Postmaster General shall direct.

under such Regulations as the Postmaster General shall require.

XXX. And be it enacted, That for the greater Security of the Mails and Letter Bags so to be carried by such Steam Vessels the said Duke and the said *John Gladstone*, and their respective Officers, Servants, and Agents employed in any such Steam Vessels, or in or about the said Ferry, or the Management thereof, shall obey, observe, and perform all such reasonable Regulations respecting the taking up, Conveyance, Delivery, and leaving of such Mails and Post Letter Bags, Guards, and Officers of the Post Office, Mail Coaches and Mail Carriages, as the Postmaster General or such Officer of the Post Office as he shall nominate in that Behalf shall in his Discretion from Time to Time give or make.

Proprietors of Ferry to receive Remuneration for conveying the Mails.

XXXI. And be it enacted, That the said Duke and the said *John Gladstone*, in lieu of any Rates or Tolls payable under this Act, shall be entitled to such reasonable Remuneration, to be paid by the Postmaster General for the Conveyance of such Mails, Post Letter Bags, Mail Guards, and other Officers of the Post Office, Mail Coaches, and Mail Carriages, in manner required by the Postmaster General, or by such Officer of the Post Office as he shall in that Behalf nominate as aforesaid, as shall (either prior to or after the Commencement of such Service) be fixed and agreed on between the Postmaster General and the said other Parties; or in case of Difference of Opinion between them, then as shall be determined by Arbitration, as herein-after provided, but so that the Services which may be required by the Postmaster General, or by such Officer of the Post Office as he in that Behalf shall nominate as aforesaid, to be performed as aforesaid, be not suspended, postponed, or deferred by reason of such Remuneration not having been then fixed or agreed on between the said Postmaster General and the said Duke and the said *John Gladstone*, or by reason of the Award on any Reference to Arbitration not having been then made.

Services may be increased or diminished.

XXXII. And be it enacted, That notwithstanding any Agreement entered into between the Postmaster General and the said Duke and the said *John Gladstone*, or any Award to be made on any such Reference as aforesaid, fixing the Amount of Remuneration to be paid

paid to the said Duke and the said *John Gladstone* for any Services to be rendered by them as aforesaid, it shall be lawful and competent to and for the Postmaster General, by Notice in Writing given to them, to require, from and after the Day to be named in any such Notice, not being less than Twenty-eight Days from the Delivery thereof, any Addition to be made to the Services in respect of which such Agreement shall be entered into or Award made; and in any such Case, and also in case of a Discontinuance of any Part of such Services, as herein-after provided, a fresh Agreement shall be entered into between the Postmaster General and the said Duke and the said *John Gladstone*, regulating the future Amount of Remuneration to be paid by the Postmaster General to the said Duke and the said *John Gladstone* for such increased or diminished Services, as the Case may be; or if the Parties cannot agree on such Amount, the same shall be referred to Arbitration, in like Manner as herein-before is mentioned and herein-after provided as to any original Agreement, but so that nevertheless such increased or diminished Services shall not be suspended, postponed, or deferred by reason of the Amount of such increased or diminished Remuneration not having been then fixed or agreed on between the Postmaster General and the said Duke and the said *John Gladstone*, or by reason of the Award on any Reference to Arbitration to determine the Amount of such increased or diminished Remuneration not having been then made.

Services may be discontinued on Notice.

XXXIII. And be it enacted, That it shall be lawful for the Postmaster General for the Time being and he is hereby authorized, at any Time during the Continuance of the Services aforesaid, to give to the said Duke and the said *John Gladstone*, by Writing under his Hand, Three Calendar Months previous Notice that such Services or any Part thereof shall cease and determine, and thereupon, at the Expiration of such Three Calendar Months Notice, the said Services, or such Part thereof as aforesaid, and the Remuneration for the same, shall cease and determine.

If Services discontinued without Notice, Compensation to be made.

XXXIV. And be it enacted, That it shall be lawful for the Postmaster General at any Time during the Continuance of the Services aforesaid, by Notice in Writing under his Hand, absolutely to determine and put an end to the same or any Part thereof, without giving any previous Notice, or on giving any Notice less than Three Calendar Months in respect thereof, and thereupon the said Services shall cease and determine accordingly: Provided nevertheless, that in case the Postmaster General shall, without giving Three Calendar Months Notice as aforesaid, at any Time determine the Services to be required by the Postmaster General of the said Duke and the said *John Gladstone*, or any Part of such Services, without any Cause whatever, or for any Cause other than the Default by the said Duke and the said *John Gladstone* in the Performance of any of the Services to be required of them by the Postmaster General, or the Breach by the said Duke and the said *John Gladstone* of any of their Engagements with the Postmaster General, then and in any such Case the Postmaster General shall make to the said Duke and the said *John Gladstone* a fair Compensation for any Loss thereby

thereby occasioned, the Amount whereof, in case the Parties differ about the same, shall be ascertained by Arbitration, as herein-after mentioned.

Penalty on Refusal or Neglect.

XXXV. And be it enacted, That if the said Duke and the said *John Gladstone*, or either of them, or any of their Lessees, or any of their respective Officers, Servants, or Agents employed in or about the said Ferry, shall refuse or neglect to carry or convey any Mails or Post Letter Bags, when tendered to them for such Purpose by the Postmaster General or any Officer of the Post Office, or shall refuse to convey over their said Ferry any Mail Coaches or Mail Carriages as herein-before provided, when so required by the Postmaster General, or shall refuse or neglect to receive, take up, deliver, and leave any such Mails or Post Letter Bags, Mail Guards or other Officers of the Post Office, Mail Coaches or Mail Carriages, at such Times, on such Days, and subject to such Regulations as the Postmaster General shall from Time to Time reasonably direct or appoint, as herein-before provided, or shall not obey, observe, and perform all such Regulations respecting the Conveyance of the Mails and Post Letter Bags, Mail Coaches and Mail Carriages as the Postmaster General, or such Officer of the Post Office as he shall nominate in that Behalf, shall make for the Purposes aforesaid, then and in any such Case every Person who shall so offend in the Premises shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, to be recoverable as any Penalty by this Act imposed may be recovered.

Remuneration for carrying the Mails to be settled by Arbitration in case of Difference of Opinion.

XXXVI. And be it enacted, That in all Cases in which the Postmaster General and the said Duke and the said *John Gladstone* shall not be able to agree on the Amount of Remuneration or Compensation to be paid by the Postmaster General to the said Duke and the said *John Gladstone* for any Services performed or to be performed by them, as herein-before mentioned, the same shall be referred to the Award of Two Persons, one to be named by the Postmaster General, and the other by the said Duke and the said *John Gladstone*; and if such Two Persons cannot agree on the Amount of such Remuneration or Compensation, then to the Umpirage of some Third Person to be appointed by such Two first-named Persons previously to their entering upon the Inquiry; and the said Award or Umpirage, as the Case may be, shall be binding and conclusive on the said Parties, and their respective Successors and Assigns.

Rules to be observed as to Arbitration.

XXXVII. And be it enacted, That in all References to be made under the Authority of this Act the Postmaster General, or the said Duke and the said *John Gladstone*, as the Case may be, shall nominate his or their Arbitrator within Fourteen Days after Notice from the other Party, or in default it shall be lawful for the Arbitrator appointed by the Party giving Notice to name the other Arbitrator, and such Arbitrators shall proceed forthwith in the Reference, and make their Award therein within Twenty-eight Days after their Appointment, or otherwise the Matter shall be left to be determined by the Umpire; and if such Umpire shall refuse or neglect to proceed and make his Award for the Space of Twenty-eight Days after the Matter shall have been referred to him, then a new Umpire shall be ap-

pointed by the two first-named Arbitrators, who shall in like Manner proceed and make his Award within Twenty-eight Days, or in default be superseded, and so *toties quoties*.

Number of Passages may be reduced.

XXXVIII. Provided always, and be it enacted, That if it shall be shewn by the said Duke and the said *John Gladstone* to the Satisfaction of a General Meeting of the Commissioners of Supply of the County of *Fife*, called specially by Advertisement inserted in some Newspaper, if such there be at the Time, published and usually circulated in each of the Counties of *Fife* and of *Edinburgh* during at least Four consecutive Weeks previous to such Meeting, that there are good Grounds for diminishing the Frequency of the Passages of the said Steam Vessels across the said Ferry, it shall be competent to the said General Meeting, by Two Thirds of the Commissioners assembled, but without prejudice to the Authority herein-before vested in the Postmaster General, to authorize the Reduction of the Number of such Passages; and Notice of such Reduction shall be given by printed Intimation affixed upon the said Pier, and published in Two Newspapers, if such there be at the Time, published and usually circulated in each of the said Counties of *Fife* and *Edinburgh*, One Month at least before such Reduction shall commence; and such reduced Number of Passages shall continue until the said Commissioners of Supply, at a Meeting to be called as aforesaid, shall, by a Majority, rescind such Reduction, or make some other such Reduction; and of every such Proceeding due Notice shall be given as above set forth, that good Grounds still exist for a Reduction in the Number of Passages, and so at the Expiration of each Period of One Year.

Rates to be taken.

XXXIX. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* to demand and take, for and in respect of all Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Minerals, and all other Articles and Things passing the said Ferry between *Burntisland* and *Granton*, and shipped or landed at the said Pier at *Burntisland*, and that either before or after the shipping or landing, such Sum or Sums as they shall appoint, not exceeding the Sum or Sums contained in the Schedule (B.), and set down in Figures against the Words applicable to such Passengers, and Goods, Articles, and Things, as the Rates for and in respect of the said Ferry: Provided always, that such Sums shall include all Rates or Dues claimable by the said Duke and his Heirs and Successors in respect of any such Passengers and Articles being embarked or landed at the Pier at *Granton*.

Rates may be levied by Distress.

XL. And be it enacted, That if any Person passing at the said Ferry, or if any Person in or to whom the Property or Charge of any such Carriages, Horses, Cattle, Goods, Wares, Merchandize, Minerals, Articles, or Things, so passing, shall be or belong, shall, after Demand made for the Ferry Rates due in respect thereof, refuse or neglect to pay the same, it shall be lawful for the said Duke and the said *John Gladstone*, or the Person to whom such Rates, Tolls, or Duties shall be payable, *brevi manu* to seize and distrain any Carriages, Horses, Cattle, Goods, Wares, Merchandize, Minerals,

Minerals, Articles, or Things, in respect of which such Tolls, Rates, and Duties were due and exigible; and if such Rates shall not be paid within Fourteen Days thereafter it shall be lawful for the Collector to cause such Distress to be valued by Two or more sworn Appraisers, and afterwards to sell the same, and out of the Monies thence arising to satisfy the Rates so unpaid, and all the Expence of taking, keeping, appraising, and selling such Distress, rendering the Overplus, if any, to the Owner thereof; or otherwise it shall be lawful for the said Duke and the said *John Gladstone*, or Person to whom such Rates are payable, to sue for the Payment thereof in any Court of Law or Equity.

Passengers refusing Payment may be apprehended.

XLI. And be it enacted, That if any Passenger shall refuse or avoid Payment of his Fare, it shall be lawful to the Master of any such Steam or other Vessel, and all Officers and Servants belonging to the said Ferry, and all Constables, Gaolers, and Peace Officers, to apprehend and detain such Person, and to take him before One of the Sheriffs or One of the nearest Justices of the Peace of the said Counties of *Fife* or *Edinburgh*, who may summarily grant Warrant to imprison such Person until he shall pay the said Rate.

Rates to be charged equally.

XLII. Provided always, and be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* to reduce the Rates aforesaid from Time to Time, and again to raise the same to any Sums not exceeding the Amount hereby authorized to be taken; but the said Rates shall at all Times be charged equally, and after the same Rate in respect of Passengers, and of the same Description of Goods, Articles, and Things.

Disputes concerning Rates or Charges of Distress to be settled by Sheriff.

XLIII. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the Rates due, or the Charges of such Distress, (as the Case may be,) shall be ascertained by either of the said Sheriffs, or any Justice of the Peace of the Counties of *Fife* or *Edinburgh*; and such Sheriff or Justice, upon Application made to him for that Purpose, shall determine the Amount of the Rates due, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and such Costs, if not paid on Demand, shall be levied by Distress, and such Sheriff or Justice shall issue his Warrant accordingly.

List of Rates to be set up.

XLIV. And be it enacted, That the said Duke and the said *John Gladstone* shall from Time to Time cause to be painted or printed on Boards in large and legible Characters, and affixed on some conspicuous Part of the Pier, a List of the several Rates which shall be from Time to Time payable in respect of the said Ferry; and no Rate shall be payable in respect of the said Ferry during such Time as such List shall not continue so affixed, or for any Matter or Thing not specified or referred to in such List: Provided always, that if any such List shall be removed, stolen, destroyed, injured, or obliterated, the Rates shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List,

List, in the same Manner as if such List had continued affixed and in the State required by this Act.

Application of Rates.

XLV. And be it enacted, That the Ferry Rates by this Act authorized to be taken, or in case the Rates shall be leased as herein authorized the Rents to be received therefor, shall be applied, first, in paying the Expences of applying for, obtaining, and passing this Act; secondly, in repaying the Expence to be incurred in constructing, repairing, maintaining, and altering the said Pier, and the Quays, Wharfs, Cranes, and other Works connected therewith, herein-before authorized to be constructed by the said Duke and the said *John Gladstone*, and in otherwise discharging the necessary current Expences incidental to the Provisions of this Act; and the Residue shall be paid to the said Duke and the said *John Gladstone*, for their own proper Use and Behoof.

Power to lease Rates.

XLVI. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* to let or lease all or any of the Ferry Rates by this Act authorized to be taken for any Period which they shall judge proper, and for Payment of such Rent as shall be agreed upon; and any Tenant to whom the said Rates shall be leased shall have the same Powers as to levying and recovering the same as are hereby granted to the said Duke and the said *John Gladstone*: Provided always, that the said Duke and the said *John Gladstone* shall, notwithstanding any such Lease, continue subject to the Fulfilment of all the Liabilities and Obligations imposed upon them by this Act.

Treasurer and other Officers may be appointed and removed.

XLVII. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* from Time to Time to appoint a Superintendent, Treasurer and Clerk, Collector, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and to remove such Treasurer, Clerk, Collector, and Officers, and appoint others in their Stead; and the said Duke and the said *John Gladstone* shall take sufficient Security from the Treasurer, Collector, and other Officers, for all Monies to be by them respectively received in the Execution of this Act.

Offices of Clerk and Treasurer to be separate.

XLVIII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept

accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under this Act, other than that of Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty before the Court of Session, or either of the Sheriffs of the Counties of *Fife* or *Edinburgh*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Penalty on Officer taking Fees.

XLIX. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer exact, take, or accept, on account of any thing done by virtue of his Office, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the said Duke and the said *John Gladstone*, he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Officers to account.

L. And be it enacted, That every Officer or Person appointed or employed by the said Duke and the said *John Gladstone* by virtue of this Act shall from Time to Time, when required by them, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on their Behalf; and such Account shall state how and to whom and for what Purpose such Monies have been disposed of, and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the said Duke and the said *John Gladstone*, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

LI. And be it enacted, That if any such Officer shall fail to render such Account, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the said Duke and the said *John Gladstone*, or to any Person appointed by them to receive the same, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the said Duke and the said *John Gladstone*, then, on Complaint thereof being made to the Sheriff, or to any Justice acting within the Jurisdiction where such Officer may be found, such Sheriff or Justice shall by Warrant under his Hand cause such Officer to be brought before him; and upon such Officer being brought before him, or if such Officer cannot be found, then in his Absence such Sheriff or Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the said Duke and the said *John Gladstone* are in the Hands of such Officer, or owing by him to them, such Sheriff or Justice may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount, it shall be lawful for such Sheriff or Justice to grant a Warrant to

levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Months; and in any of the following Cases, (that is to say,) if any such Officer do not appear before such Sheriff or Justice at the Time and Place appointed for that Purpose, or if such Officer appear, but fail to make out such Account in Writing, or if such Officer refuse to produce and deliver to the Sheriff or Justice the several Vouchers and Receipts relating to such Account in his Possession or Power, or if such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the said Duke and the said *John Gladstone*, in his Possession or Power, such Sheriff or Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Account, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

LII. And be it enacted, That no such proceeding against or dealing with any such Officer as aforesaid shall deprive the said Duke and the said *John Gladstone* of any Remedy which they might otherwise have against any Surety of such Officer.

Annual Account to be prepared, and a Copy thereof transmitted to the Sheriff Clerk.

LIII. And be it enacted, That the said Duke and the said *John Gladstone* shall, on or before the Thirty-first Day of *January* in every Year, cause an annual Account in abstract to be prepared, shewing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the past Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being, and shall transmit a Copy of the said Account free of Charge to the Sheriff Clerk of the County of *Fife*, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Duke and the said *John Gladstone* shall omit to prepare and transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Bye Laws.

LIV. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone* from Time to Time to make such Bye Laws as they shall think fit (provided such Bye Laws shall not be repugnant to the Law of *Scotland*, or to the Provisions of this Act) for all or any of the following Purposes; (that is to say,)

For governing or regulating the Use of the Pier, Ferry, and other Works hereby authorized to be made and established:

For regulating the placing and removing of Steam and other Vessels entering in, lying in, or going out of the said Pier within the Limits aforesaid, and for the good Order and Government of all such Vessels, and the Sailors and other Persons belonging to the same:

For

For regulating the shipping, unshipping, landing, stowing, depositing, and removing of all Goods, Articles, or Things from, in, or on the said Pier, Wharfs, or other Works:

For regulating the Duties and Conduct of all Persons, as well the Servants of the said Duke and the said *John Gladstone* as others, who shall be employed on or about the said Ferry, Pier, and Premises belonging thereto:

For regulating the Use of Fires, Candles, and Lamps on the said Pier and Premises, and within any Vessel within the Limits of the same.

For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the said Pier and Premises:

For regulating the Use of Cranes, Weighing Machines, Weights, and Measures belonging to the said Duke and the said *John Gladstone*, and the Duties and Conduct of all Weighers and Meters appointed by them:

For regulating the Duties and Conduct of the Carriers employed on the said Pier and Premises, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

And it shall be lawful for the said Duke and the said *John Gladstone*, from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *Scotland* or the Provisions of this Act, and be reduced into Writing, and, if affecting other Persons than the Officers or Servants of the said Duke and the said *John Gladstone*, be printed and published as herein provided.

Penalties for enforcing Bye Laws.

LV. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone*, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Sheriff or Justice before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid.

Bye Laws to be confirmed.

LVI. And be it enacted, That no Bye Law which shall be made under the Authority of this Act, except such as may relate solely to the Officers or Servants employed under this Act, shall be valid or binding unless the same shall be allowed by either of the Sheriffs of the County of *Fife* or *Edinburgh*, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Fife*, and it shall be incumbent on such Sheriff and Justices, on the Request of the said Duke and the said *John Gladstone*, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow the same as they shall think meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the Counties of *Edinburgh* and *Fife* One Month at least before the hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the said Duke and the said *John Gladstone* Ten Days before the hearing of such Application, may, by

by himself or his Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

Copy of proposed Bye Laws to be open to Inspection.

LVII. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office for the Business of the said Pier; and it shall be lawful for all Persons, at all reasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished with a Copy thereof or of any Part thereof, on Payment of Three-pence for every One hundred Words.

Publication of Bye Laws.

LVIII. And be it enacted, That such Bye Laws, when confirmed, shall be printed on Boards, and hung up, affixed, and continued on the Front or some conspicuous Part of the said Pier, and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Bye Laws to be binding on all Parties.

LIX. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Defacing Boards, used for Publication of Bye Laws.

LX. And be it enacted, That if any Person pull down or break or deface any Board, Table, or Notice put up or affixed as required by this Act for the Purpose of publishing the Rates exigible by the same, or any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board, Table, or Notice; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Evidence of Bye Laws.

LXI. And be it enacted, That the Production of a written or printed Copy of the Bye Laws so to be made, authenticated by the Signature of the Treasurer or Collector appointed under this Act, shall be sufficient Evidence of the Existence and of the due making of such Bye Laws in all Cases of Prosecution under the same; and with respect to the Proof and Publication thereof, it shall be sufficient that painted or printed Boards, containing a Copy thereof, were affixed or continued in the Manner by this Act directed; and in case of any such Boards being afterwards destroyed or obliterated, it shall be sufficient that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Boards or printed did not contain a Copy of the Bye Law under which he shall be prosecuted, or that the Boards were not affixed or continued to be affixed as required by this Act.

Combustible Matter on Pier to be removed.

LXII. And be it enacted, That if any Tar, Pitch, Resin, Turpentine, Spirituous Liquors, Oil, or combustible Thing, being on the said Pier or Works therewith connected, or on the Deck of any Vessel within the Limits of the said Pier, shall not be removed from the Place where the same may be to a Place of Safety within Two Hours after Notice in Writing for that Purpose, signed by the Collector for the Time being, shall have been served on the Owner or Person having

having charge thereof, every such Owner or Person shall for every such Offence forfeit a Sum not exceeding Five Pounds for every Hour such combustible Thing shall remain in such Place as aforesaid after the Expiration of Two Hours from the Service of the said Notice; and if such combustible Article be not removed within such Two Hours after the said Notice, then it shall be lawful for the Collector to order the Removal of the same at the Expence and Risk of the Owners thereof.

Service of Notices.

LXIII. And be it enacted, That any Notice by the Postmaster General or such Officer of the Post Office as he may nominate in that Behalf, and any other Notice, Summons, or Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the said Duke and the said *John Gladstone*, may lawfully be served by delivering the same personally to the Clerk of the said Ferry, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the said Clerk; or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to the Treasurer or Collector to be appointed under this Act, or to some Inmate of the Place of Abode of such Treasurer or Collector.

Authentication of Notices.

LXIV. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication, the Signature thereof by the Clerk or the Collector appointed under this Act shall be a sufficient Authentication.

Tender of Amends.

LXV. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before Action brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court.

Power to purchase Lands.

LXVI. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said Duke and the said *John Gladstone* to agree with the Owners of the Lands which they are hereby authorized to enter into and take for the Purposes of the said Pier and Approaches, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Feu Duties, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights of Commonty or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands of what Kind soever.

Parties under Disability enabled to sell and convey.

LXVII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispone and convey the same to the said Duke and the said *John Gladstone*, and to enter into all necessary Agreements and grant all necessary Deeds for that Purpose; (that is to say,) all Corporations, Heirs of Entail, Liferenters, or others having any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Terce, Tutors, Curators or Guardians, Curators of or Factors for Lunatics and Idiots, Trustee or Trustees for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled under any Deed of Entail, or in Reversion or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Tutors or Curators or Guardians on behalf of their Wards, and as to such Curators or Factors on behalf of the Lunatics and Idiots for whom they act respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of the Infants, Issue unborn, Lunatics, Femes Covert, Creditors, or other Persons interested in such Lands, Estate, or Interest therein, and that to the same Extent as such Parties or Persons respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Acceptance of Compensation for Price of or Damage to Lands.

LXVIII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation, in case of Parties under Disability.

LXIX. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury, under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the said Duke and the said *John Gladstone*, and the other by the other Party; and if such

Two

Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as the Sheriff, or any Two Justices of County of *Fife*, shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Sheriff or Justice, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

LXX. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence or from any other Incapacity or Accident is prevented from treating, or cannot be found, or who refuses to nominate such Surveyor to act on his Behalf, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as the said Sheriff or Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands for annual Feu Duty.

LXXI. And be it enacted, That if any Person infeft in Fee or entitled to dispose of absolutely for his own Benefit any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Lands for a perpetual annual Feu Duty in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands or any Part thereof unto the said Duke and the said *John Gladstone*, in consideration of an annual Feu Duty payable by the said Duke and the said *John Gladstone* to the Person so selling and conveying, and to his Heirs and Assignees.

Payment of Feu Duty to be charged on Tolls.

LXXII. And be it enacted, That the yearly Feu Duties reserved by any such Conveyance shall be charged on the Rates payable under this Act, and shall be paid by the said Duke and the said *John Gladstone* as such Feu Duties become payable; and if at any Time any such Feu Duties be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Feu Duty shall be payable may either recover the same from the said Duke and the said *John Gladstone*, with Costs of Suit, by Action of Debt in any competent Court, or it shall be lawful for him to levy the same by Distress of their Goods and Chattels.

Forms of Conveyance.

LXXIII. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedules (C.) and (D.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances, being registered in the General Register of Sasines for *Scotland* (in which Register only it shall be necessary to register the same) within Sixty Days of the last Date thereof, shall be effectual to vest the Lands thereby conveyed in the said Duke and the said *John Gladstone*, and shall operate to bar and to destroy all such Entails, and all other Rights, Titles, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for

by

by the Consideration therein mentioned, and shall constitute a good, sufficient, and effectual Title to such Lands in favour of the said Duke and the said *John Gladstone*.

Costs of Conveyance.

LXXIV. And with respect to the Costs of the Conveyance of any such Lands purchased or taken for the Purposes of this Act, be it enacted, That all such Costs shall be borne by the said Duke and the said *John Gladstone*; and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as of the Purchaser of all Conveyances of any such Lands, and of any Interests therein, and of establishing the Title to such Lands or Interests, and all other Expences incident to the Investigation of such Title; and before the said Duke and the said *John Gladstone* enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs; and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof, as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from them the Parties from whom such Lands shall have been purchased do not deliver to them a Bill of their Costs, then the said Duke and the said *John Gladstone* shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

LXXV. And be it enacted, That if the said Duke and the said *John Gladstone*, and the Party entitled to any such Costs, shall not agree as to the Amount thereof, such Costs shall be ascertained by the Sheriff of the County of *Fife*, and for that Purpose either Party may apply to such Sheriff, who shall thereupon tax such Costs in the usual Manner, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful to the Sheriff to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the said Duke and the said *John Gladstone*, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs shall be borne by the said Duke and the said *John Gladstone*, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be paid into the Bank.

LXXVI. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein which any Corporation, Heir of Entail, Liferenter, Tutor, Curator, Factor Loco Tutoris, or other Guardian, Judicial Factor, Curator Bonis, Executor, Administrator, Husband or Married Woman, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid, under the Direction and by the Authority of the Court of Session, into the Bank of *Scotland*, the Royal Bank of *Scotland*, the

Bank

Bank of the *British* Linen Company, or any other incorporated or any chartered Bank in *Scotland;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Session shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

LXXVII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Session, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited, and until the Money can be so applied it shall remain in such Bank as aforesaid at Interest; and the Interest and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands, and the Order for such Application of the Interest and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

LXXVIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into one of the Banks aforesaid, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified in Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Curators, Factors, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the said Duke and the said *John Gladstone* approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Hands; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into any of the Banks aforesaid, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sum not exceeding 20*l.* to be paid to Parties.

LXXIX. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Curators, Factors, or Trustees of such Persons.

Where Parties refuse to convey, or do not shew Title, the Purchase Monies to be deposited.

LXXX. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases; (that is to say,)

If the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same; or

If any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the said Duke and of the said *John Gladstone*; or

If such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the said Duke and the said *John Gladstone*,

It shall be lawful for the said Duke and the said *John Gladstone* to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest thereon, in one of the Banks aforesaid, to the Credit of the Parties interested in such Lands (describing them, so far as the said Duke and the said *John Gladstone* can do so), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier or other proper Officer of such Bank shall give to the said Duke and the said *John Gladstone*, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the said Duke and the said *John Gladstone*.

Application of Monies so deposited.

LXXXI. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or interested in the Lands in respect of which such Purchase Money or Compensation shall have been deposited, the said Court of Session may in a summary Way, as to such Court shall seem fit, order the Distribution thereof, or Payment of the Interest thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto, and may make such other Order in the Premises as to such Court shall seem fit.

Court may direct Investment or Payment of Money in

LXXXII. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into any of the said Banks shall have been paid in respect of any Lease for Lives or Years, or any Right or Estate in Lands less than the whole Fee Simple thereof, or

or of any Reversion dependant on any such Lease or Estate, it shall be lawful for the said Court, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which Money shall have been paid, or as near thereto as may be.

respect of Leases for Lives, &c. or Reversions, as they may think just.

LXXXIII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shewn to the Satisfaction of the said Court; and unless the contrary be shewn as aforesaid, the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession to be deemed the Owner.

LXXXIV. And with respect to Costs in case of Monies deposited as aforesaid, be it enacted, That the Court of Session may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the said Duke and the said *John Gladstone*; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies, and of the Reinvestment thereof in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Principal of such Monies, or the Interest payable by the Bank in which such Monies shall be deposited, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Costs in Cases of Money deposited.

LXXXV. And be it enacted, That the said Duke and the said *John Gladstone* shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in Bank in the Manner herein mentioned, the Purchase Money or Compensation Money agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the said Duke and the said *John Gladstone* to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage

Payment of Price to be made previous to Entry, except to survey, &c.

Damage thereby occasioned to the Owners or Occupiers of such Lands.

Penalty for entering upon Lands without Consent before Payment of the Purchase Money.

LXXXVI. And be it enacted, That if the said Duke and the said *John Gladstone*, or any of their Contractors, shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the said Duke and the said *John Gladstone* shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before the Sheriff or Two Justices of the County of *Fife*; and if the said Duke and the said *John Gladstone*, or their Contractors, shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, they shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Land, with full Costs of Suit, in the Sheriff or Justice of Peace Court of the said County: Provided always, that nothing herein contained shall be held to subject the said Duke and the said *John Gladstone* to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom they may have reasonably believed to be entitled thereto, although such Person may not legally have been entitled thereto.

Decision of Justices not conclusive as to Right.

LXXXVII. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the said Sheriff or Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the said Duke and the said *John Gladstone*.

Notice of Intention to take Lands.

LXXXVIII. And be it enacted, That when the said Duke and the said *John Gladstone* shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey the same, or such of them as shall be known to the said Duke and the said *John Gladstone*, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Land so required, and shall state that they are willing to treat for the Purchase of the Interest of such Parties in such Lands, and as to the Compensation to be made for the Damage that may be sustained by them by reason of the making of the said Pier and other Works.

Parties interested in Lands to

LXXXIX. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars

lars of his Claim in respect of any such Land, or to treat with the said Duke and the said *John Gladstone* in respect of his Interest therein, or if such Party and the said Duke and the said *John Gladstone* shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Construction of the said Pier, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

state their Claims.

XC. And be it enacted, That where, according to the Provisions of this Act, the said Duke and the said *John Gladstone* are authorized to enter upon and take possession of any Lands required for the Purposes of the said Pier, if the Owner or Occupier of any such Lands or any other Person refuse to give up the Possession thereof, or hinder the said Duke and the said *John Gladstone* from entering upon or taking possession of the same, it shall be lawful for the said Duke and the said *John Gladstone* to present a Petition to the Sheriff of the County of *Fife* to deliver Possession of the same to the Person appointed in such Petition to receive the same, and upon the Receipt of such Petition the said Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing Execution of such Petition, to be settled by the said Sheriff, shall be paid by the Persons refusing to give Possession, and such Costs, if not paid, on Demand, shall be levied by Distress, and the said Sheriff shall issue his Warrant accordingly.

Proceedings in case of Refusal to deliver Possession of Lands.

XCI. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise or if no Agreement can be come to between the said Duke and the said *John Gladstone* and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Construction of the said Pier, including among such Owners all Parties by this Act enabled to sell or convey Lands, as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement or Conveyance necessary for enabling the said Duke and the said *John Gladstone* to take such Lands, or to proceed in making the Pier, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in the making of the Pier, or otherwise in exercising the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the said Duke and the said *John Gladstone* in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Dispute as to Compensation to be settled by Jury.

XCII. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall

Claims not exceeding 200*l.* to be settled by

Sheriff or Two Justices.

shall not exceed Two hundred Pounds, the same shall be settled by the Sheriff or Two Justices of the County of *Fife*.

Notice of Intention to have a Jury summoned.

XCIII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Month at the least before issuing the Warrant for summoning a Jury as herein-after provided, the said Duke and the said *John Gladstone* shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the said Duke and the said *John Gladstone* shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Construction of the said Pier.

Requisition, by Party claiming Compensation, that a Jury be summoned.

XCIV. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or any Interest therein, taken for or injuriously affected by the making of the said Pier, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the said Duke and the said *John Gladstone* of such his Desire; and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the said Duke and the said *John Gladstone* be willing to pay the Amount of the Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall present a Petition to the Sheriff of the County of *Fife* to summon a Jury accordingly in the Manner herein mentioned.

Petition to Sheriff for summoning Jury.

XCV. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the said Duke and the said *John Gladstone* shall present their Petition to the said Sheriff, praying him to summon a Jury for that Purpose.

Summoning of Jurymen.

XCVI. And be it enacted, That upon the Receipt of such Petition the said Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Jurymen in the Sheriff Court, to meet at the Time and Place named in an Order to be pronounced on the Petition for that Purpose.

Impannelling of Jury.

XCVII. And be it enacted, That out of the Jurors appearing on such summons a Jury of Thirteen Persons shall be drawn by the said Sheriff in such Manner as Juries for the Trial of Civil Causes in the Sheriff Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

XCVIII. And

Notice of Inquiry.

XCVIII. And be it enacted, That Fourteen Days Notice of the Time and Place appointed by the Sheriff for the Inquiry shall be given in Writing by the said Duke and the said *John Gladstone* to the other Party.

Sheriff to preside; Witnesses to be summoned.

XCIX. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Pursuer, and shall have all such Rights and Privileges as the Pursuer is entitled to in the Trial of Actions at Law; and if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Sheriff Court.

Oath of Jurymen.

C. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury to be for Purchase of Lands and for Damage, assessed separately.

CI. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the said Pier, or of any Interest therein belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the said Duke and the said *John Gladstone*, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the said Duke and the said *John Gladstone*; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Value of Interests previously purchased to be deducted.

CII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the said Duke and the said *John Gladstone* shall be first deducted.

Verdict and Judgment to be recorded.

CIII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the

the Clerk of the Sheriff Court among the Records of that Court; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere, and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, upon paying for such Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Three-pence.

Costs of Inquiry.

CIV. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the said Duke and the said *John Gladstone*, all the Costs of such Inquiry shall be borne by them; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by them, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the said Duke and the said *John Gladstone*: Provided always, that in every Case where by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating, all the Costs shall be borne by the said Duke and the said *John Gladstone*.

Particulars of the Costs.

CV. And be it enacted, That such Costs shall be settled by the Sheriff; and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond (if any) given by the Party at whose Instance the Inquiry shall have been taken for prosecuting his Claim and securing the Costs of such Inquiry; and with respect to any such Costs payable by the said Duke and the said *John Gladstone*, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to the Sheriff before whom the Trial was held he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money awarded by the Jury, to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the Whole thereof.

Penalty on Sheriff and Jury for Default.

CVI. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, but refuse to make Oath or in any other Manner unlawfully neglect his Duty, he shall, unless he shew reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by Sheriff or Jurymen shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject

subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial by Jury of any Civil Cause in the said Court.

Penalty on Witnesses making default.

CVII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Reference of Dispute as to Compensation to Justice.

CVIII. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of the Sheriff, or Two Justices of the County of *Fife*, be it enacted, That either Party may apply to such Sheriff or Justices in respect to any such Matter, and thereupon such Sheriff or Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to him or them, as shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Sheriff or Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Sheriff or Justices the same shall be levied by Distress, and the said Sheriff or Justices shall issue their Warrant accordingly.

Power to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

CIX. And be it enacted, That if at any Time after the said Duke and the said *John Gladstone* shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of the Pier, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which the said Duke and the said *John Gladstone* shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the said Duke and the said *John Gladstone* shall remain in the undisturbed Possession of such Lands, provided within Six Months after Notice to the said Duke and the said *John Gladstone* in Writing of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the said Duke and the said *John Gladstone*, or in case the same shall be disputed, then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the said Duke and the said *John Gladstone* shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the said Duke and the said *John Gladstone* thereon and the Time of the Payment of such Purchase Money or Compensation by the said

Duke and the said *John Gladstone*, so far as such Profits or Interest may be recoverable in Law or Equity, and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the said Duke and the said *John Gladstone* had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

CX. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the said Duke and the said *John Gladstone*, and as though the Pier had not been constructed.

Costs of Litigation as to such Lands to be paid.

CXI. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the said Duke and the said *John Gladstone* shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, but sustained, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom such Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Judge of the Court in which such Litigation took place.

Parties not to be required to sell Part of a House.

CXII. And be it enacted, That no Party shall at any Time be required to sell or convey to the said Duke and the said *John Gladstone* a Part only of any House or other Building or Manufactory, if such Party be willing to sell and convey the Whole thereof.

Superiorities not to be affected.

CXIII. And be it enacted, That the Rights and Titles to be granted in manner herein mentioned to the said Duke and the said *John Gladstone* in and to any Lands used or taken for the Purposes of this Act shall, unless otherwise provided, in nowise affect or diminish the Right or Superiority over the same as the same stood at the Date of such Grant, but in the event of the Lands taken being a Part of other Lands held by the same Owner under the same Titles, the said Duke and the said *John Gladstone* shall not be liable for any Feu Duties or Casualties to the Superiors thereof, nor shall they be bound to enter with the Superiors, the said Duke and the said *John Gladstone* always making Compensation to the Superiors in manner by this Act directed for all Loss which they may sustain by being deprived of any Feu Duties or Casualties to which they might have been entitled had the Grounds so taken not been acquired by the said Duke and the said *John Gladstone*.

CXIV. And

Pier to be completed in Four Years.

CXIV. And be it enacted, That after the Expiration of Four Years from the passing of this Act all the Powers hereby granted to the said Duke and the said *John Gladstone* for constructing the said Pier, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Pier as shall then be completed, and except such Powers as shall hereby be declared to be continued for a longer Period.

Railway to be accommodated.

CXV. And be it enacted, That in the event of a Railway being hereafter established through the County of *Fife*, terminating at *Bruntisland*, the said Duke and the said *John Gladstone* shall give every reasonable Facility for connecting the same with the said Pier, and shall adapt the said Pier to the Accommodation of any such Increase of Traffic as may arise through the said Railway; and if after such Railway shall be completed to the said intended Pier the Directors or other Persons in the Management thereof shall at any Time, or from Time to Time, require the said Duke and the said *John Gladstone* to grant a Diminution of the Rates hereby authorized to be charged upon manufactured Goods, or upon the raw Article unmanufactured, carried along such Railway, and shipped at the said intended Pier, or landed upon the said Pier and loaded *bonâ fide* for Transportation along the said Railway, and the said Duke and the said *John Gladstone* shall disagree to such Diminution, or if any Dispute shall arise respecting the Fulfilment of any of the Obligations herein contained in respect of such Railway, then and in such Cases or either of them the Matter at issue between the Parties shall be settled by Three Arbitraters, who shall have full Power to determine upon and fix such Diminution as they shall think just and reasonable under the Circumstances, and of whom one shall be appointed by the said Duke and the said *John Gladstone*, another by the Directors or other Persons in the Management of the said Railway, and the third by the Two Persons so appointed; and if the said Duke and the said *John Gladstone* shall not appoint such Arbiter within One Month after being required by the said Directors or other Persons in the Management of such Railway so to do, then the Sheriff of the County of *Fife* shall appoint such Arbiter, or if the Arbiter appointed by the said Duke and the said *John Gladstone*, or in the Case aforesaid by the said Sheriff, shall not within One Month of his Appointment agree with the Arbiter appointed by such Directors or other Persons as to the third Arbiter, then such third Arbiter shall be appointed by the said Sheriff of the County of *Fife*; and the Decision of such Three Arbiters upon the Matter referred to them, or of a Majority of them, if they shall differ in Opinion, shall be final and conclusive, and not subject to Review in any Court whatever: Provided always, that if any such Diminution shall at any Time be awarded, nothing herein contained shall diminish or shall imply a Diminution of any other of the Rates hereby granted then the Rates on manufactured and unmanufactured Goods.

Power to the Magistrates of Burntisland to contract.

CXVI. And be it enacted, That it shall be lawful for the Magistrates of *Burntisland* to contract and agree with the said Duke and the said *John Gladstone* regarding the modifying, compounding, reducing,

reducing, or foregoing all or any Part of the Rates, Duties, and Customs at present exigible by the said Magistrates within the said Burgh and the Harbour thereof, and otherwise in relation to the said Pier and Ferry, during the Continuance of this Act, any thing in an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Goods and Revenues of the Royal Burghs* of Scotland, to the contrary notwithstanding: Provided always, that no such Contract or Agreement shall prevent the said Magistrates, after the Expiration thereof, from again exercising all the Rights and Privileges of the said Burgh in relation to such Rates, Duties, and Customs, conferred by Charter or otherwise, as fully and freely as if such Contract or Agreement had not been made.

3 G. 4. c. 91.

In case of Question as to the Insufficiency of the Works.

CXVII. And be it enacted, That if at the Expiration of Three Years after the said Ferry shall have been opened to the Public there shall be any Question regarding the Sufficiency of the Pier and other Works for the Purposes of the said Ferry, as the same are hereby undertaken and required to be executed by the said Duke and the said *John Gladstone*, it shall be competent to the Commissioners of Supply of the said County of *Fife*, by any Resolution to be agreed to by a Majority of the said Commissioners called specially in manner aforesaid, to require that such Question shall be referred to the Decision of the Right Honourable *Robert* Lord Viscount *Melville*, whom failing, to the Decision of the Right Honourable *James Andrew* Earl of *Dalhousie*, and it shall be incumbent upon the said Duke and the said *John Gladstone* to acquiesce in such Requisition, and all such Questions are accordingly hereby so referred; and it shall be lawful to whichever of the said Lord Viscount *Melville* or the said Earl of *Dalhousie* who shall act in such Reference to hear the Parties, and to take such Evidence in the Matter in dispute as he shall think proper, and the Award to be given by the said Viscount *Melville* or the said Earl of *Dalhousie* shall be binding and effectual upon both Parties; and if such Award shall require any further Work to be done or Matter to be performed by the said Duke and the said *John Gladstone*, it shall be incumbent upon them forthwith to execute the same at the Sight and to the Satisfaction of some Engineer or other proper Person to be appointed by the said Viscount *Melville* or Earl of *Dalhousie*; and failing such Execution, it shall be competent to the said Referee to authorize a Person or Persons properly qualified to execute and perform the said Operations, and to ascertain the Amount of the Expence of executing and performing the same, and to pronounce a Decree arbitral, decerning and ordaining the said Duke and the said *John Gladstone* to pay the Sum so to be ascertained as the Amount of such Expences to the Commissioners of Supply, in Name of their Clerk or other authorized Officer, to be by them applied in paying the said Expences, or, in their Option, to the Person or Persons by whom the said Operations shall be performed and executed, and that either in One Sum or by such Instalments as the said Arbiters shall appoint; and in the event of the Death or Absence or Incapacity of the said Lord Viscount *Melville* and the said Earl of *Dalhousie*, or their declining to accept

accept of the said Arbitration, all Matters hereby directed to be referred to them shall be referred to Three competent and skilful Persons, of whom one shall be appointed by the said Duke and the said *John Gladstone*, and another shall be appointed by the said Commissioners of Supply, and the third shall be named by the said Two Persons so appointed, with Power to such Three Persons, by a Majority of their Number, if they shall differ in Opinion, to determine in all the Matters and Things hereby directed to be referred to the Decision of the said Viscount *Melville* and the said Earl of *Dalhousie*; and all such Orders or Warrants, Awards or Decrees, as shall be made and pronounced by the said Lord Viscount *Melville* or the Earl of *Dalhousie*, or, failing them, by the said Three Arbitrators hereby appointed, shall be final and conclusive, and it shall be lawful to enforce the same by all legal Diligence and Execution competent by the Law of *Scotland*.

Commissioners of Supply may sue for Execution of Works.

CXVIII. And be it enacted, That in case of Failure on the Part of the said Duke and the said *John Gladstone* to construct and maintain the said Pier and other Works, and establish and maintain in an efficient State the said Ferry, and to fulfil the Obligations to which they are liable under this Act, or any of them, it shall be lawful for the said Commissioners of Supply, in the Name of their Clerk or other authorized Officer, to sue the said Duke and the said *John Gladstone* by Action in the Court of Session for the Execution of the said Works, and the Fulfilment of all or any of the Obligations hereby imposed upon them, or for Damages arising from the Non-fulfilment thereof; and any Decision to be pronounced by the said Court shall be final and conclusive, and not subject to Review by Appeal: Provided always, that no such Action shall be brought unless authorized and directed by a Resolution of a Majority of the said Commissioners made at a Meeting to be called as aforesaid, stating specifically that the Expediency of bringing such Action is to be submitted for the Consideration of such Meeting; but provided that any such Question as is herein-before directed to be referred to the Arbitration of the said Lord Viscount *Melville* and the said Earl of *Dalhousie*, and, failing them, the Referees hereby directed to be appointed, shall not be made the Subject of such Action in the Court of Session, unless both Parties shall agree to depart from the said Arbitration.

Trustees may wind up the Affairs of the present Ferries.

CXIX. And be it enacted, That upon the Completion of the said Pier, and the opening of the said Ferry to the Public, and the Repeal consequent thereupon of the said recited Acts, it shall be lawful for the Trustees appointed by the said Acts, notwithstanding such Repeal, to proceed to wind up finally the Affairs of the said Ferries under the Trust created by the said Acts, and for that Purpose, having previously obtained the Consent of the Lords Commissioners of Her Majesty's Treasury and the Lords Commissioners of the Admiralty, to sell and dispose, either by private Sale or public Auction, of the whole Estate, Works, Vessels, and Things, and generally the whole Property, Heritable and Moveable, of every Description, and wherever situated, which belonged to the said Trustees; and with the Proceeds of such Sales (with the Application whereof the Purchasers

shall have no Concern), and any other Money and Effects which belonged to the said Trustees, to satisfy and pay the Expence of winding up the Affairs of the Ferry Trust, and, as far as such Proceeds, Money, and Effects will enable them to do, all the just and lawful Debts which shall be then due and owing by the said Trustees, by dividing such Proceeds, Money, and Effects among the Creditors according to their rightful Preferences, or, if there be no such Preferences, then equally and proportionally among them; and the said Trustees shall not by so doing subject themselves as Individuals to any Claim against the said Trust at the Instance of any of the said Creditors, nor shall the said Duke and the said *John Gladstone* be in any way liable as Proprietors of the said Pier and Ferry in or for any of the Debts, Undertakings, or Responsibilities of any Description due by or affecting the said Ferries, or the said Trustees, under the said recited Acts or otherwise: Provided that nothing in this Act contained shall entitle the said Trustees to sell or interfere with any Pier, Landing Place, or other Work within the Harbour of *Leith*, including *Newhaven*.

Proportion of Expence by Ferry Trustees.

CXX. And be it enacted, That the said Ferry Trustees shall, out of the Rates leviable on the said Ferry, satisfy and pay such Proportion of the Expence of obtaining and passing this Act as shall be due by them in respect of the said Ferries.

Saving Obligations on Commissioners of Supply, &c.

CXXI. Provided always, and be it enacted, That nothing herein contained shall repeal or impair any Liability or Obligation imposed and binding upon the said Ferry Trustees, the Commissioners of Supply, or the Heritors of the County of *Fife*, under or by virtue of the said recited Acts or any of them, or the Right of any Person or Body to insist and sue for the Fulfilment of any such Liability or Obligation.

Pier to be offered to the County of Fife.

CXXII. And be it enacted, That Twelve Months previous to the Expiration of this Act it shall be incumbent upon the said Duke and the said *John Gladstone* to make Offer to the Commissioners of Supply of the County of *Fife*, or, failing the Acceptance by the said Commissioners, or any other Party duly authorized by Parliament, of the whole vested Rights and Interests of the said Duke and the said *John Gladstone* in the said Pier and Works in connection with the said Ferry, or in any way subservient thereto, together with the Ferry Boats, Tackle, and Appurtenances then belonging to them, at such Price as the said Duke and the said *John Gladstone* shall think just, and if such Offer shall be accepted of by Two Thirds of the Commissioners of Supply present at a Meeting to be called in manner aforesaid on One Month's previous Notice, stating specifically the Object of the Meeting, or by such other Party, to convey the same to the said Commissioners of Supply or other Party accordingly, before the Expiration of this Act; and if the said Commissioners of Supply or other Party, being disposed to purchase the same, shall differ with the said Duke and the said *John Gladstone* as to the Amount of the Price, then the Value of the said Pier, Works, Boats, and Appurtenances shall be referred to the Determination of Three Persons of Skill, of whom one shall be appointed by the said Duke and the said *John Gladstone*, and another

another by the said Commissioners or other Party, and the third shall be named by the Two Persons so appointed; and such Three Persons shall ascertain, in such Manner and on such Evidence as they shall think proper, by a Majority of their Number, if they shall differ in Opinion, and shall fix the just Worth and Value of the said Pier, Works, Steam Vessels, and Appurtenances, and declare the same in an Award to be made and issued by them accordingly; and the said Commissioners of Supply or other Party shall be bound to purchase and pay for the said Pier, Works, Steam Vessels, and Appurtenances, and the said Duke and the said *John Gladstone* shall be bound to sell and to convey the same at the Price so fixed; but if the said Commissioners of Supply or other Party shall refuse to purchase the said Pier, Works, Steam Vessels, and Appurtenances, then the same shall be and remain the Property of the said Duke and the said *John Gladstone*, to be disposed of as they shall judge proper: Provided always, that neither the said Commissioners of Supply, nor the said Duke and the said *John Gladstone*, shall at any Time take any higher Rates or Duties at or in respect of the said Pier than the Rates and Duties hereby granted, without the Sanction of Parliament: Provided also, that nothing in this Clause contained relating to such Sale and Purchase shall in any way extend to or affect the Rights and Interests of the said Duke of *Buccleuch* in and to the said Pier and Harbour at *Granton*.

Agreement may be made for transferring Works to Commissioners of Supply.

CXXIII. And be it enacted, That it shall be lawful for the said Duke and the said *John Gladstone*, at any Time during the Term hereby granted, to contract and agree with the Commissioners of Supply of the County of *Fife* for transferring and conveying to the said Commissioners their whole Interests of every Description in the said Pier and Ferry, or in the said Ferry, on such Terms and for such Consideration as may be mutually agreed upon between them; and upon such Agreement, made and sanctioned by Two Thirds of those present at a Meeting of the said Commissioners specially called in manner aforesaid, stating specifically the Object of the Meeting, it shall be lawful for the said Commissioners to accept of such Transfer and Conveyance, and to undertake the Charge and Management of the said Pier and Ferry, or of the said Ferry, as the Case may be, and all the Powers and Authorities, Rights and Privileges, hereby granted to the said Duke and the said *John Gladstone*, as well in relation to the constructing and maintaining the said Pier or working the said Ferry as to the levying Rates hereby granted, shall be as good and efficient to the said Commissioners as if the same had been originally granted to them, and the said Commissioners shall be under such and the like and all the Obligations and Liabilities hereby imposed upon the said Duke and the said *John Gladstone* in respect of the said Pier and Ferry, which may be enforced by Action at Law against the said Commissioners by any Person having an Interest in the Passage of the said Ferry.

Penalties to be summarily recovered be-

CXXIV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act in respect of the said Pier or Ferry, or by any Bye Law made in pursuance thereof, the Recovery whereof

fore One Justice or more

whereof is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before the Sheriff or One or more Justices of the Counties of *Fife* or *Edinburgh*; and on the Complaint being made to either of the said Sheriffs, or any such Justices, he or they shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending, it shall be lawful to such Sheriff, or any One or more Justices, to proceed to the hearing of the Complaint, although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Sheriff, or any One or more Justices, to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Sheriff or Justice shall think fit.

Penalties to be levied by Distress.

CXXV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and such Sheriff, or any One or more Justices, shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CXXVI. And be it enacted, That it shall be lawful for any of the said Sheriffs or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the said Sheriff or Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Sheriff or the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CXXVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act in respect of the said Pier or Ferry, the Application whereof is not herein otherwise provided for, be it enacted, That the Sheriff or Justices by whom any such

such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Kirk Session of the Parish in which such Offence shall have been committed, for the Benefit of the Poor of such Parish, and the other Half thereof to the Informer or any Person suing for the same; or, if the said Duke and the said *John Gladstone* be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Kirk Session of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CXXVIII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture in respect of the said Pier or Ferry, imposed by virtue of this Act for any Offence herein-before made cognizable before a Sheriff or Justice, unless the Complaint respecting such Offence shall have been made before the Sheriff or such Justice within Six Months next after the Commission of such Offence.

Penalty on Witness's making default.

CXXIX. And be it enacted, That if any Person who shall be summoned as a Witness before the Sheriff or any Justice touching any Offence committed against this Act, or any Bye Law made by virtue thereof, or any Matter in which the Sheriff or Justices shall have Jurisdiction by this Act, shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff or Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CXXX. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent acting in virtue of this Act, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before either of the said Sheriffs or some Justices of the Counties of *Fife* or *Edinburgh*, without any Warrant or other Authority than this Act, and such Sheriff or one of the nearest Justices shall proceed with all convenient Despatch to the hearing and determining the Complaint against such Offender.

Form of Conviction.

CXXXI. And be it enacted, That the Sheriff or Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (E.) to this Act annexed.

Informalities.

CXXXII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed, by Suspension and Advocation or otherwise, into any Superior Court.

Distress how to be levied.

CXXXIII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed

to be levied by Distress, such Sum of Money shall be levied by poinding and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the poinding and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CXXXIV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in any competent Court of Law.

Parties may appeal to Quarter Sessions on giving Security.

CXXXV. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into a Bond of Caution, with Two sufficient Sureties, before a Justice, to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXXXVI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable.

Costs.

Warrants, &c. may be enforced in any other County.

CXXXVII. And be it enacted, That all Warrants, Interlocutors, Judgments, and Sentences of Sheriffs and Justices, issued or pronounced under the Authority of this Act, may be enforced against the Person or Effects of any Party or Witness in any other County, as well as in the said County of *Fife*: Provided always, that such Warrants, Interlocutors, Judgments, and Sentences shall be indorsed by the Sheriff or Justice of the Peace of such other County, and such Indorsation shall be sufficient Authority to the Constables or Sheriff Officers of such other Jurisdiction to put the same into execution in such other County.

CXXXVIII. And

Sheriffs may proceed under Small Debt Act.

CXXXVIII. And be it enacted, That nothing herein contained shall render it incompetent for any Sheriff to hear and determine any Civil Causes or Prosecutions for Rates or Penalties on account of any of the Matters herein-before enacted, according to the Provisions of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Small Debts, and diminishing the Expences of Ligitation in Causes of small Amount in the Sheriff Courts of* Scotland, or under the Jurisdiction or Authority competent otherways to such Sheriff by the Common or Statute Law of *Scotland.*

10 G. 4. c. 55.

Road from Burntisland to Kinghorn.

37 G. 3. c. 52.

47 G. 3. c. 12.

10 G. 4. c. 84.

10 G. 4. c. 61.

Trustees under 10 G. 4. c. 84. to make the Road.

CXXXIX. And whereas an Act was passed in the Thirty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating and converting the Statute Labour in the County of* Fife, *and for more effectually making and improving the Highways within the said County:* And whereas another Act was passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for further regulating and converting the Statute Labour in the County of* Fife, *and for more effectually making and repairing the Highways, Bridges, and Fences within the said County:* And whereas another Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing and keeping in repair the Turnpike Roads in the County of* Fife, *for rendering Turnpike certain Statute Labour and Parish Roads, and* for *making and maintaining certain new Roads in the said County:* And whereas another Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually making, amending, widening, repairing, and maintaining the Great North Road leading from the* North Queensferry *and from the Harbour of* Burntisland, *both in the County of* Fife, *by* Kinross, *to the City of* Perth, *and also the Road from the said* North Queensferry *to the Town of* Dunfermline: And whereas the Trustees of the *Kirkaldy* District of Roads, acting under the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth, being the Third of the said last-recited Acts, are desirous and willing, as aforesaid, to make, improve, and maintain the aforesaid Road from the Pier Gates along the Harbour of *Burntisland* to the Western Extremity of the main Street of *Burntisland*, and from thence to the Town of *Kinghorn*, as described in the said Plans, and including therein a Portion of the Street of *Burntisland* at present forming a Part of the Great North Road; be it therefore enacted, That it shall be lawful for the said Trustees of the *Kirkaldy* District of Roads to enter upon and take possession of the Lands and Heritages described in the said Plan and Book of Reference and Schedule, in relation to the said Road, according to the Lines, with the Power of Deviation, described in the said Plan, and to make and maintain the said Road; and all the Powers, Provisions, Conditions, Restrictions, and Authorities contained in, and Tolls granted and Penalties imposed by, the said Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth, relating to the Turnpike Roads of the County of *Fife*, shall apply to, and be as valid, effectual to, and obligatory upon the Trustees of the said *Kirkaldy* District, for making, improving, and maintaining the said Road herein

herein described, as for making and maintaining the Roads under their Powers contained in the said last-mentioned Act, and shall be put in execution for that Purpose during the Term granted by the said last-mentioned Act.

Trustees to borrow on Security of the Tolls of Kirkaldy District.

Saving existing Debts.

CXL. And be it enacted, That it shall be lawful for the said Trustees of the *Kirkaldy* District to borrow the Money necessary for making and completing the said Road hereby authorized to be made upon the Security of the Tolls of the said District of Roads and of the said Road hereby authorized to be made, in the Manner authorized by the said recited Road Acts and the General Turnpike Act of *Scotland*, but without Prejudice nevertheless to the Priority of the existing Debts and Engagements due by or incumbent upon the said Trustees.

Road to form one of the Roads of Kirkaldy District.

CXLI. And be it enacted, That the said Road, when completed, including that Portion thereof in the Town of *Burntisland* which hitherto formed Part of the Great North Road, shall be one of the Turnpike Roads of the said *Kirkaldy* District of Roads, and be under the Charge of the Trustees of the said District, in such and the like Manner as if the said Road had been originally contained in the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth, for making and maintaining the Roads in the County of *Fife*.

Trustees may agree for joint Expence of a portion of the Road.

CXLII. And be it enacted, That it shall be lawful for the Trustees of the *Kirkaldy* District of Roads and the Trustees of the Great North Road to agree for defraying jointly the Expence of the Improvement and Maintenance of the said Portion of Road in the Town of *Burntisland*, hitherto forming a Part of the Great North Road, and hereby placed under the Charge of the Trustees of the *Kirkaldy* District of Roads.

Limiting the Time for purchasing Property.

CXLIII. Provided also, and be it enacted, That in case the said Trustees shall not within the Space of Four Years from the Commencement of this Act pay for the Lands which they are by this Act authorized to take for the Purposes of the said Road, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Road to be finished within Four Years.

CXLIV. And be it enacted, That the Trustees of the said *Kirkaldy* District of Roads shall be bound to complete the said Road hereby authorized to be made and improved within Four Years after the passing of this Act, or upon the opening of the said Ferry, so as that the said Road shall be open for the Use of the Public at the same Time that the said Ferry shall be open for the Use of the Public; and in case of Failure upon the Part of the said Trustees they shall be liable in Payment to the said Duke and the said *John Gladstone* of One hundred Pounds monthly for every Month that the said Road shall be unfinished and incapable of being used after the Expiration of

of the said Four Years, or the opening of the said Ferry; and it shall be competent to recover any such Sum as shall so become due by Action against the Clerk or other Officer of the said Trustees, and from the Monies or Funds in the Possession of the said Trustees, or the Rates, Tolls, and Duties coming into the Hands of the said Trustees.

Part of Expence of Act to be paid by Kirkaldy District.

CXLV. And be it enacted, That such Proportion of the Expence of obtaining and passing this Act as regards the said Road shall be defrayed by the Trustees of the said *Kirkaldy* District of Roads out of the Tolls and Duties leviable on the said Roads.

Application of Monies on Road.

CXLVI. And be it enacted, That all Monies which shall be received by the said Trustees on or in respect of the said Road authorized by this Act to be made, improved, and maintained shall be applied as follows; (that is to say,)

Firstly, in making, improving, maintaining, and keeping in repair the said Road, and putting this Act into execution with reference thereto:

Secondly, in paying and discharging any Interest which may from Time to Time become due and be owing in respect to any Money borrowed upon the Credit of the Tolls upon the said *Kirkaldy* District of Roads:

Thirdly, in paying and discharging any Interest which may from Time to Time become due and be owing in respect to any Money which may be borrowed on the Credit of the Tolls to be collected on the said Road hereby authorized to be made:

Fourthly, in reducing, paying off, and discharging any Principal Sums of Money which may be owing upon the Credit of the Tolls upon the said *Kirkaldy* District of Roads, and thereafter in reducing, paying off, and discharging any Principal Sums of Money which may be borrowed on the Credit of this Act.

Trustee or Clerk competent Witnesses in Actions.

CXLVII. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence or shall be disqualified from giving Evidence in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk by reason of his being Pursuer or Defender in such Action, Suit, or Proceeding.

Saving the Rights of Leith Dock Commissioners.

CXLVIII. And be it enacted, That nothing in this Act contained, or the Powers to be exercised in consequence thereof, shall be construed to injure or derogate from the Rights of the Commissioners for the Superintendence and Management of the Harbour and Docks of *Leith*.

Interpretation of Words.

CXLIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expressions "*Walter Francis* Duke of *Buccleuch* and *Queensberry*," and "*John Gladstone* Esquire, of *Fasque*," and the "said Duke," and the "said *John Gladstone*," shall include the respective

respective Heirs and Successors of the said Duke and of the said *John Gladstone*:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall mean all Houses, Tenements, and Heritages, of whatever Kind or Tenure:

The Word "Sheriff" shall include Sheriff Substitute:

The Word "Rate" shall include any Rate or Charge or other Payments payable for or in respect of the said Ferry hereby established.

The Expression the "Pier" shall mean the Pier and Accesses, and all other Works connected therewith, by this Act authorized to be made:

The Word "Justice," or "Justice of the Peace," shall mean Justice of the Peace for the County of *Fife*, or Place where any Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter.

The Word "Person" shall include Corporation.

Term of Act. CL. And be it enacted, That this Act shall commence and take effect from and after the passing thereof, and shall continue for Twenty-five Years after the Establishment and opening of the said Ferry for the Use of the Public, and no longer, excepting as regards the Right to the said Pier or other Works which shall be the Property of the said Duke and the said *John Gladstone*, and their respective Heirs and Assignees, unless conveyed by them under the Provisions of this Act, notwithstanding the Expiration of this Act in other respects.

Public Act. CLI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Property to be taken under the Powers of this Act.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
1.	Townhall of Burntisland and Harbour Office	Town of Burntisland	- -	Magistrates and Council of Burntisland for the Public, and as Trustees for the Harbour	Burntisland.
2.	Gaol of Burntisland	Prison Board, Messrs. Pagan and Christie, Clerks	- -	- -	Ditto.
3.	Well on the Wall of Gaol	Magistrates and Council of Burntisland as Burgh Police Commissioners	- -	The Public -	Ditto.
4.	Dwelling House	Thomas Jones -	- -	Peter Leslie -	Ditto.
5.	Ditto - -	Alexander Hutcheson	- -	William Taylor, William Crombie, Mary Pearson, Janet Williamson	Ditto.
6.	Ditto - -	Mrs. Dewar, James Walker, and Alexander Butler	- -	Mrs. Dewar, Robert Webster, William Crombie, James Walker, David Robertson, Alexander Butler	Ditto.
7.	Dwelling House and Area behind	John Landsman -	- -	John Landsman -	Ditto.
8.	Dwelling House with back Buildings	John Archibald -	- -	John Archibald -	Ditto.
9.	Dwelling House (George Inn), Area and Building behind	James Fairnie -	- -	Murdoch M'Kay, Burntisland Whale Fishing Company	Ditto.
10.	Dwelling House and Stable, &c. behind	John Leslie -	- -	Mrs. Fyall, John M'Carter, John Bain, William Watson	Ditto.
11.	House and back Court	David Abercrombie.	-	David Abercrombie, William Reekie	Ditto.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
12.	House with back Area	John Young, Shipmaster	- -	John Young, Grace Young, John Hain, Peter Moir	Burntisland.
13.	Dwelling House Black Bull Inn, Stable, and Area	Heirs of John Anderson, viz. Mrs. George Normond Dysart, &c.	- -	William Reekie	Ditto.
14. 14.	Smithy, with back Area, and Cellars below Roadway	Andrew M'Laren	- -	Andrew M'Laren	Ditto.
15. 15. 15	Dwelling Houses with Garden	Miss Janet M'Laren	- -	Miss Janet M'Laren, Thomas Hutcheson junior, James Walker	Ditto.
16.	Road leading to Boags Brached	Town of Burntisland	- -	The Public - -	Ditto.
17. 17. 17.	Dwelling Houses, Sheds, Coal Yard, Smithy, and Garden	James Fairnie - -	- -	David Arnott, John Guthrie, David Rodger, Samuel Wright, James Fairnie	Ditto.
18.	Dwelling House and Garden	Mrs. Ritchie's Heirs, viz. Hunter, Wine Merchant, Leith; Miss Grindley, Leith; and Mrs. Captain Millar, Greenock	- -	Alexander Wilson, Mrs. James Moyes	Ditto.
19.	Ditto - -	James Beveridge	- -	James Beveridge	Ditto.
20.	Ditto - -	Alexander Stewart	- -	Alexander Stewart	Ditto.
21. 21. 21.	Dwelling Houses and Garden	Heirs of J. Campbell, viz. John Purves, - St. Andrews; Margaret Campbell, St. Andrews; Mrs. Jess Campbell or Thornburn, Wife of Dr. William Thornburn, St. Andrews; Mrs. Helen Campbell or Reeve, Wife of Thomas Reeve, Esq., of Edin Park, by Cupar	- -	William Walker, James Sutherland, Andrew Jack, John Arnott, David Arnott, Mr. James Muir	Ditto.
22.	A Well	Same as No. 3:	- -	The Public - -	Ditto.
23. 23. 23.	Street with Side Paths, Quay, &c.	Town of Burntisland	- -	Ditto - -	Ditto.
24. 24.	Warehouses, Yards, and Wharf	William Young and Company, viz. John Young, Robert and William Young	- -	William Davidson Smith & Company	Ditto.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
25.	Dwelling Houses	William Young and Company, viz. John Young, Robert Young, and William Young	- -	John Rentoull, Mrs. Taylor, Mary Ross	Burntisland.
26.	A Lane - -	The Town of Burntisland	- -	The Public	Ditto.
27. 27.	Dwelling House, Coal Yard, and Wharf	George Morrison	- -	Alexander Pearson, William Davidson Smith and Company	Ditto.
28.	Dwelling House	Ship Masters Society, Thomas Young, Esq. Leith, Master	- -	Mrs. Barr, Mrs. Fidler, John Foster	Ditto.
29.	Piece of vacant Ground, and Lanes leading thereto	The Town of Burntisland	- -	The Public.	
30. Five Times	Dwelling House, and back Area, Blacksmith's Forge, Sheds, Dry Dock, Shipbuilding Yard, and Wharf	James Fairnie -	- -	James Fairnie -	Ditto.
31.31. 31.	Road leading to East Pier	The Town of Burntisland	- -	The Public -	Ditto.
32. 32.	Timber Yard and Sawpit, and Property opposite, under High Water	The Town of Burntisland, or James Fairnie	- -	James Fairnie, of Timber Yard, and Sawpit, the Owner; or the Public, of Property opposite, under High Water	Ditto.
33. 33.	East Pier of Harbour, Old Fort, &c.	Town of Burntisland	- -	Magistrates and Council for the Town of Burntisland, and the Public	Ditto.
34.	Lighthouse -	Fife and Midlothian Ferry Trustees	- -	The Owners -	Ditto.
35.	Part of Harbour	Town of Burntisland, or James Fairnie	- -	The Owner, or the Public	Ditto.
36. 36. 36.	Harbour - -	Town of Burntisland	- -	The Public -	Ditto.
37.	Boat Pier - -	Town of Burntisland and Fife and Mid-lothian Ferry Trustees	- -	The Owners and the Public	Ditto.
38.	Property under High Water	Town of Burntisland	- -	The Owners -	Ditto.
39. 39.	Sheds and Wood Yard	James Fairnie -	- -	James Fairnie -	Ditto.
40.	Boiling-house -	Ditto - -	- -	Burntisland Whale Fishing Company	Ditto.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
41.41.41.	Property under High Water	James Fairnie and the Magistrates of Burntisland for the Burgh	- -	The Owners and the Public	Burntisland.
42.	Florry Boat Pier	James Fairnie -	Fife and Midlothian Ferry Trustees	Fife and Midlothian Ferry Trustees and the Public	Ditto.
43.	Dwelling House and Garden	Miss Christian or Miss Grace Ballantyne, Liferentrix, James Fairnie	- -	Miss Christian or Miss Grace Ballantyne	Ditto.
44.	Dwelling House	James Fairnie -	- -	George Chaplain, James Fairnie	Ditto.
45. 45.	Dwelling Houses, Sheds, and Garden	The Duke of Buccleugh, and John Gladstone, Esquire	- -	The Owners -	Ditto.
45. 1.	Property opposite, under High Water	Ditto, and the Magistrates of Burntisland for the Burgh	- -	The Owners -	Ditto.
46. 46.	Manse, Offices, and Garden, &c.	The Heritors of the Parish of Burntisland	- -	The Rev. David Cooper	Ditto.
47.	Property under High Water	Ditto, the Magistrates of Burntisland for the Burgh	- -	The Owners -	Ditto.
48.	Dwelling House	Heirs of James Macfarlane, James Macfarlane, and Fanny Macfarlane	- -	Thomas Macfarlane	Ditto.
49. 49.	Dwelling House and Garden	Ditto - -	- -	Fanny Macfarlane	Ditto.
50.	Wright's Shop -	Ditto - -	- -	William Davidson Smith and Co.	Ditto.
51.	Property under High Water	Ditto, and the Magistrates of Burntisland for the Burgh	- -	The Owners -	Ditto.
52. 52.	Dwelling Houses, Curing Sheds, Yard, and Garden	Alexander Hutcheson	William Davidson Smith and Co.	The Lessees -	Ditto.
53.	Property under High Water	Ditto, and the Magistrates of Burntisland for the Burgh	- -	The Owners -	Ditto.
54. 54.	Dwelling Houses and Garden	Heirs of Alexander Scott, viz. Jean Scott or Drummond, and Margaret Scott, Leferentrixes; William Scott, Sailor, Leith, Fiar	- -	Jean Scott or Drummond	Ditto.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
55.	Property under High Water	Ditto, and the Magistrates of Burntisland for the Burgh	- -	The Owners -	Burntisland.
56.	Houses, Sheds, and Cellars	Alexander Hutcheson	William Davidson Smith & Co.	William Davidson Smith & Company	Ditto.
57.	Garden - -	Ditto - -	James Hutcheson	James Hutcheson	Ditto.
58.	Property under High Water	Ditto, and the Magistrates of Burntisland for the Burgh -	- -	The Owners -	Ditto.
59. 59.	South Hill Road -	Town of Burntisland	- -	The Public -	Ditto.
60. 60.	Garden, Tower, and Baths	John Leven -	- -	John Leven, James Forrester, Thomas Hillock	Ditto.
61.	Property under High Water	Ditto, and the Magistrates of Burntisland for the Burgh	- -	The Owners -	Ditto.
62.	Lane to Scholars Brae	Town of Burntisland	- -	The Public -	Ditto.
63.	Piece of Ground, called Scholars Brae	Ditto - -	- -	Ditto - -	Ditto.
64.	Property under High Water	Ditto - -	- -	The Owners -	Ditto.
65. 65. 65.	House, Offices, Garden, and Piece of Pasture Ground and Rocks	Trustees of the late William Trotter, Captain R. Knox Trotter, &c.	- -	Colonel Anderson	Ditto.
66.	Property under High Water	Ditto, and the Magistrates of Burntisland for the Burgh	- -	The Owners -	Ditto.
67. 67. 67.	Part of the Frith of Forth	The Crown -	- -	The Public -	Ditto.
68. 68. 68.	Turnpike Road, being main Street of Burntisland	Great North Road Trustees, and Kirkaldy District Road Trustees	Spear and Latta, Lessees of the Tolls	The Public -	Ditto.
69.	Dwelling House and Garden behind	James Dover -	- -	James Dover, Alexander Thompson	Ditto.
70.	Ditto	Thomas Bain -	- -	Thomas Bain, Elizabeth or Betsy Galloway, Isabella Miller, Mary Chapman	
71.	Ditto - -	William Fyfe's Heirs, Widow Fyfe, Liferentrix, William Fyfe Kirton, &c. Fiars	- -	Elizabeth Lyall, John Walls, Christina Salmond, Elizabeth Henderson	Ditto.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
72.	Dwelling Houses and Gardens	Andrew Robertson's Heirs, Mrs. Euphemia Kelly, Liferentrix, Mrs. Ann Robertson or Inglis, Relict of John Inglis, Burntisland, and Mrs. Mary Robertson or Simpson, Relict of Robert Simpson, Carron Works, Falkirk, Fiars	- -	Christina Mitchell, John Salmond senior, David Anderson, Andrew Wishart, Anne Young, James Young, Benjamin Yeaman, Widow Stark, Ann Manson, John Lowrie	Burntisland.
73.	Dwelling Houses with Cellars and Outhouses in front.	James M'Celdrum	- -	James M'Celdrum, George Hoggan, Walter Linn, Janet Nicholson, Adam Cant, John Turner, Archibald Knox, Elizabeth Anderson.	Ditto.
74.	A Barn - -	Andrew Robertson's Heirs, same as 72.	- -	William Davidson Smith and Company	Ditto.
75.	A Dwelling House	Alexander Lyall	- -	David Bell, Mrs. Nairne, David Killock	Ditto.
76.	A Well - -	Same as No. 3.	- -	The Public -	Ditto.
77.	Pillars of Gates of Town of Burntisland	Town of Burntisland	- -	The Owners -	Ditto.
78.	Dwelling House	Alexander Stewart	- -	John Nicholson, John Frazer	Ditto.
79.	Ditto - -	The Incorporation of Hammermen; David Arnott, Treasurer	- -	James Scott, Malcolm Hutcheson	Ditto.
80.	Ditto - -	Alexander Chaplain	- -	William Sinclair, Janet Duncan, Widow Stewart, Robert Gray	Ditto.
81.	Ditto - -	Alexander Lyall	- -	David Doig, Robert Thompson, James Corvan, Widow Leitch	Ditto.
82.	Dwelling House, Stable, &c.	James Young -	- -	James Young	Ditto.
83. 83.	Public Roads -	Town of Burntisland	- -	The Public	Ditto.
84.	Turnpike Road -	Great North Road Trustees and Kirkaldy District Road Trustees	Spear and Latta, Lessees of the Tolls	The Public -	Ditto.
85.	A Garden - -	Captain Peat -	- -	Mr. Baird -	Ditto.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
86. 86.	Gardens - -	Mrs. Grindle -	- -	Mrs. Grindle -	Burntisland.
87. 87.	Links - -	Town of Burntisland	- -	The Owners and the Public	Ditto.
87. 87.					
88. 88. 88.	Common Sewer -	Ditto - -	- -	Ditto - -	Ditto.
89.	Public Road -	Ditto - -	- -	Ditto - -	Ditto.
90.	Public Well -	Ditto - -	- -	Ditto - -	Ditto.
91. 91. 91.	Public Road -	Fife and Midlothian Ferry Trustees; William Douglas, Esquire, Clerk	- -	The Public	Ditto.
92.	Small Angle of Ground	Thomas Grindley, Feuar; the Magistrates of Burntisland, Superiors	- -	Thomas Grindley	Ditto.
93.	Dwelling Houses, Garden, and Outhouses, also Schoolhouse	The Magistrates of Burntisland, Superiors; David Jackson, Feuar	- -	Robert Boog, Henry Pearson, Mrs. Sheppard, AlexanderGibb, George Kinninmont, Thomas Wilson, William Edwards, Schoolmaster	Ditto.
94.	Dwelling Houses, Outhouses, and Garden	Magistrates of Burntisland, Superiors; Janet Fairney, Feuar	- -	William Edwards, Robert Blackey	Ditto.
95.	Ditto - -	Magistrates of Burntisland, Superiors; Andrew Turnbull, Feuar	- -	A. H. Reid -	Ditto.
96.	Ditto - -	Magistrates of Burntisland, Superiors; George Paxton, Feuar	- -	George Paxton -	Ditto.
97.	Garden - -	Magistrates of Burntisland, Superiors; Widow James Greig, Feuar	- -	Widow James Greig William Kay	Ditto
98.	Ditto - -	Magistrates of Burntisland, Superiors; John Beveridge, Feuar	- -	John Beveridge -	Ditto.
99.	Ditto - -	Magistrates of Burntisland, Superiors; Mrs. Black, Feuar	- -	Mrs. Black -	Ditto.
100.	Ditto - -	Magistrates of Burntisland, Superiors; John D. Anderson, Feuar	- -	John D. Anderson	Ditto.
101.	Garden Ground inclosed	Ditto - -	- -	James Young -	Ditto.
102.	Dwelling Houses, Outhouses, Garden, and Plot of Ground in front	Magistrates of Burntisland, Superiors; Miss Murray, Feuar	- -	Miss Murray -	Ditto.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
103.	Dwelling Houses, Outhouses, Garden, and Plot of Ground in front	Magistrates of Burntisland, Superiors; James Doig, Feuar	- -	David Beveridge	Burntisland.
104.	Ditto - -	Magistrates of Burntisland, Superiors; Widow Erskine Anderson, Liferentrix, Alexander Anderson, and others her Children, Fiars, Feuars	- -	Widow Erskine Anderson	Ditto.
105.	Ditto - -	Magistrates of Burntisland, Superiors; Thomas Reeve, Feuar	- -	Thomas Reeve -	Ditto.
106.	Garden Ground	Magistrates of Burntisland, for the Town	William Bruce	William Bruce -	Ditto.
107.	Garden Ground	Magistrates of Burntisland, Superiors; Alexander Fairnie, Feuar	- -	Alexander Fairnie	Ditto.
108.	Dwelling House, Outhouses, and Garden, with Plot of Ground in front	Magistrates of Burntisland, Superiors; Reverend Dr. Thomas Chalmers	- -	Reverend Dr. Thomas Chalmers	Ditto.
109.	Garden Ground	Magistrates of Burntisland, for the Town	William Bruce	William Bruce -	Ditto.
110.	Dwelling House, Outhouses, and Garden, with Plot of Ground in front	Magistrates of Burntisland, Superiors; Mrs. Euphemia Kelly, Liferentrix, Isabella Kelly Fiars, Feuars	- -	Mrs. Euphemia Kelly	Ditto.
111.	Public Footpath, back of Fens	Magistrates of Burntisland, for the Town	- -	The Public -	Ditto.
112.	Planted Brae -	Ditto - -	- -	Ditto - -	Ditto.
113.	Arable Field -	The Trustees of Alexander Greenhill, Esquire, viz. James Shepherd, Esquire, W. S. and James Carnegie, Esquire, W. S. &c.	David Jackson	David Jackson	Ditto.
114.	Ditto - -	Ditto - -	Andrew Stocks, James Stocks	Andrew Stocks, and James Stocks	Ditto.
115.	Servitude Road	Ditto - -	- -	The Owners, their Tenants (Nos. 113, 114. and 116. and the Public)	Ditto.

Numbers on Plans.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
116.	Bents - -	Ditto - -	JamesYoung	James Young -	Burntisland.
117.	Vacant Ground -	Dr. James Saunders	- -	Dr. James Saunders	Ditto.
118.	Dwelling House	Ditto - -	- -	Ditto - -	Ditto.
119. 119.	Dwelling House and Gardens	Ditto - -	Peter M'Meade	Peter M'Meade	Ditto.
120. 120.	Road from old Turnpike Road to Limestone Pier	The Trustees of Alexander Greenhill, Esq. same as 113.	- -	The Owners -	Ditto.
121.	Pier - - -	Ditto - -	- -	Ditto - -	Ditto.
122.	Arable Field -	Ditto - -	JamesYoung	James Young -	Ditto.
123.	Private Road -	Ditto - -	- -	William Davidson Smith and Company, and Occupiers of adjacent Lands, namely, 122. and 125.	Ditto.
124. 124. 124.	Bents on each Side of unfinished Road, No. 126.	Ditto - -	JamesYoung	James Young -	Ditto.
125. 125.	Bents - -	Ditto - -	William Young and Company	William Young and Company	Ditto.
126. 126. 126.	Unfinished Road	Fife and Midlothian Ferry Trustees, William Douglas, Clerk; the TrusteesofAlexander Greenhill, Esquire, namely, JamesShepherd, W. S., James Carnegy, W. S.	- -	The Owners, or the Public	Ditto.
127.	Sands under High Water	The Trustees of Alexander Greenhill, Esquire, same as in No. 113.	- -	The Owners, or William Young and Company, or James Young	Ditto.
128.	Burn, forming Boundary of the Parishes of Kinghorn and Burntisland	The Trustees of Alexander Greenhill, Esquire, and the Trustees of Mrs. Margaret Steuart, Tyndall Bruce, of Falkland, namely, the Right Honourable Charles Hope, late President of the Court of Session, jointly	- -	The Owners, or William Young and Company, and Thomas Stocks	Burntisland and Kinghorn.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
129.	Foundations of old Sea Wall and Road	Ditto, and the Fife and Midlothian Ferry-Trustees	- -	The Owner or the Public	Kinghorn.
130. Five Times	Rents - - -	The Trustees of Mrs. Margaret Steuart Tyndall Bruce, as in No. 1218.	Thomas Stocks	Thomas Stocks -	Ditto.
131. 131.	Arable Land -	Ditto - -	Ditto - -	Ditto - -	Ditto.
132.	Ground under High Water	Ditto - -	- -	Ditto, or Owners	Ditto.
133. 133. 133.	Pasture Land and Wall Fence	H. Shanks, Esquire, of Castlerig	Andrew Robertson	Andrew Robertson	Ditto.
134.	Pasture Land -	The Earl of Rosslyn and Robert Ferguson, of Raith, Superior; the Town of Kinghorn, Feuar; Thomas L. Barclay, Esquire, Town Clerk	Ditto - -	Ditto - -	Ditto.
135. 135. 135. 135.	Public or Parish Road	Ditto, or the Heritors of Kinghorn, for the Parish; Alexander Beatson, Clerk	- -	The Owners, or the Public	Ditto.
136.	Arable Land -	Same as No. 134.	Ditto - -	Andrew Robertson	Ditto.
137.	Pasture Ground -	Ditto - -	Henry Stark	Henry Stark -	Ditto.
138.	Play Ground and Bowling Green attached to the Parish and Burgh Schools of Kinghorn	The Magistrates of Kinghorn for the Burgh, the Heritors of Kinghorn for the Parish	- -	The Owners, or the Public	Ditto.
139.	Garden - -	Heirs of David Masterton, namely, James Masterton Cooper, Kinghorn; Agnes Masterton or Auld, Wife of James Auld, Flesher, Inverkeithing; John Masterton, Grocer and Brewer, Strathhaven; Fouler Masterton, Cabinet Maker, Liverpool; and Mary Masterton, Glasgow	- -	James Masterton	Ditto.
140.	Ditto - -	Heirs of William Moyes	- -	Miss Moyes	Ditto.

Numbers on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Parishes.
141.	Roadway or Entrance to Court	Heirs of William Moyes	- -	Miss Moyes	Kinghorn.
142.	Tiled Sheds or Potatoe House	Ditto - -	- -	Andrew Robertson	Ditto.
143.	Garden - -	United Associated Burghers Congregation; John Darny, Glue Manufacturer, Kinghorn; and others, Managers	- -	Reverend James Hardie	Ditto.
144.	Church - -	Ditto - -	- -	Owners - -	Ditto.
145.	Dwelling Houses	John Darny -	- -	John Darny -	Ditto.
146.	Common Well -	Magistrates of Kinghorn, for the Town	- -	The Public -	Ditto.
147.	House and Garden	Mrs. Williamson, Relict of the late Lieutenant Thomas Williamson	- -	Mrs. Williamson, David Aitken, Michael Burgess	Ditto.
148. 148.	Turnpike Road -	Kirkaldy District Road Trustees, William Douglas, Clerk	Spear and Latta, Lessees of the Tolls.	The Public -	Ditto.
149.	Public Road -	Magistrates of Kinghorn and Statute Labour Road Trustees for the Parish of Kinghorn; William Douglas, Clerk	- -	The Public -	Ditto.
150.	Dwelling Houses and Back Ground	P. Don Swan, Esquire, or Alexander Swan, Esquire	- -	Andrew Chalmers, James Burell, Thomas Robb, Thomas Lowe	Ditto.
151. 151.	Ditto - -	Mr. Thomas Hepburn	- -	Mr. Thomas Hepburn, Mr. George Hepburn, Miss Hepburn	Ditto.
152.	Dwelling Houses and Back Ground	Alexander Mason junior and Henry Walls	- -	Alexander Mason junior, Joseph Sutherland, Margaret Orrock	Ditto.
153.	Ditto - -	Archibald Oswald's Heirs, namely, Miss Janet Oswald and Mrs. Jane Oswald or Dempster, Wife of George Dempster	- -	Miss Janet Oswald	Ditto.
154.	Ditto - -	David Darney	- -	David Darney -	Ditto.
155.	Ditto - -	Mrs. Bruce's Heirs	- -	The Owners -	Ditto.
156.	Ditto - -	Thomas Barclay, Esquire	- -	James Rodger Slater, Isabel Blackadder, Peter Millar	Ditto.

SCHEDULE (B.)

Rates to be taken.

	s.	d.
Passengers, First Cabin - - - -	1	0
Ditto Second Cabin - - - -	0	9
Children under Twelve Years of Age, Half Price.		

And for the following Animals, Articles, and Things, which are to be carried upon Deck; (videlicet,)

Coaches with Four Wheels, drawn by Two or more Horses	8	0
Chariots, Chaises, or other Four-wheeled Carriages, drawn by Two or more Horses - - - -	7	0
Four-wheeled Carriages, drawn by One Horse - -	4	0
Two-wheeled Carriages, drawn by One Horse - -	2	6
Hearse - - - - - -	10	0
Cart, loaded - - - - -	3	0
Ditto, empty - - - - -	2	0
Waggons in proportion to their Size.		
Saddle or Carriage Horse, or led Horse - -	1	6
Cart or Waggon Horse - - - - -	1	0
Stallion - - - - - -	5	0
Mule or Ass - - - - - -	1	0
Bull - - - - - -	1	0
Cow, Ox, or Heifer - - - - -	0	9
Small Highland ditto - - - - -	0	6
Calf, Sow, or Hog - - - - -	0	3
Sheep or Goat - - - - -	0	2
Lamb or Kid - - - - - -	0	1½
Sheep Dog or Colley - - - - -	0	2
Other Dogs - - - - - -	0	4
Goods or Merchandize, per Barrel Bulk - -	0	4
Grain, per Bag or Boll not exceeding 6 Imperial Bushels -	0	4
Herring, per Barrel Bulk - - - - -	0	4
Iron, Steel, Lead, or other Metals, per Ton - -	4	0
Potatoes, Turnips, or Carrots, per Boll of 400 Pounds -	0	6
Plough, or Pair of Cart Wheels - - - -	0	8
Puncheon or Pipe, if empty - - - -	0	8
Other empty Casks in proportion.		
Timber, per Square Foot - - - - -	0	1½
Parcels, from - - - - - 2*d.* to	0	3
Harrows, each Pair - - - - -	0	4
Pair of Fanners - - - - -	1	0

Millstone

	s.	*d.*
Millstone - - - - -	5	0
Sickles or Hooks, per Bundle - - -	0	2
Meal, Malt, or Bran, per Boll or Bag of 6 Imperial Bushels -	0	4
Flour, per Sack - - - - -	0	6
Baggage (Carriers), per Cwt. - - -	0	3
Other Baggage, per Cwt. - - -	0	6
Beef, Pork, Butter, &c. per Barrel of 32 Gallons -	0	4
Bricks, Tiles, or Slates, per 100 - - -	0	8
Ground and Biscuit Bark, per Ton - - -	5	0
Batons, each - - - - -	0	2
Bottles, per Chest packed, and per Gross empty -	1	0
Boat or Yawl - - - - -	5	0
Cables of Hemp and Cordage Rigging, per Ton -	8	0
Cordage in Coils, per Ton - - - -	6	0
Cables of Iron, per Ton - - - -	5	0
Crates of Glass or Stone Ware - - -	1	0
Fruit, per Chest - - - - -	0	8
Furniture, per Barrel Bulk - - - -	0	6
Hemp (clean), per Ton - - - -	5	0
Hemp (Cordilla), per Ton - - - -	6	0
Wooden Hoops, per Bundle - - - -	0	2
Iron Hoops, per Ton - - - -	5	0
Hides, dressed or undressed, per Ton - - -	5	0
Leather in Bales, per Ton - - - -	5	0
Hops, per Pocket - - - -	1	0
Ditto, per Bag - - - - -	2	0
Indigo, per Chest - - - - -	1	0
Lathwood, per Fathom - - - -	7	0
Logwood, per Ton - - - -	6	0
Linseed, per Hogshead - - - -	1	0
Other Casks in proportion.		
Mahogany, per Ton - - - - -	8	0
Molasses, per Puncheon - - - -	2	0
Oakum, per Ton - - - - -	6	0
Oil, per Tun of 2 Puncheons - - -	6	0
Other Packages in proportion.		
Pipe Staves, per 100 - - - -	8	0
Barrel Ditto - - - - -	4	0
Rags, Linen or Woollen, per Ton - - -	5	0
Salt, Sand, and Shot, per Ton - - -	5	0
Shovels or Spades, per Bundle of Six - - -	0	3
Stones, per Ton of 10 Feet - - . -	5	0
Sugar, per Hogshead - - - -	6	0
Ditto, smaller Packages, per Cwt. - - -	0	4
Spirits or Wine, per Pipe or Cask exceeding 60 and not exceeding 120 Gallons - - -	2	6
Ditto, per Hogshead - - - -	1	6
Ditto, per Half ditto - - - -	0	9
All lesser Casks, each - - - -	0	3
Tobacco, per Ton - - - - -	6	0
Tallow or Tin, per Ton - - - -	5	0
Tar or Pitch, per Barrel - - - -	0	6

	s.	*d.*
Tea, per Chest - - - - -	0	6
Smaller Packages in proportion.		
Tree Nails, per 1000 - - - -	5	0
Trees in Mats, per Barrel Bulk - - -	0	6
Vitriol, per Carboy, full - - - -	0	6
Ditto, Ditto, empty - - - -	0	2
Wool, per Barrel Bulk - - - -	0	6
Whalebone, per Ton - - - - -	5	0
Whiting and Chalk, per Ton - - - -	5	0
Yeast, per Hogshead - - - - -	1	0
In proportion for a less Quantity.		

All Goods shall be chargeable either by Barrel Bulk or Gross Weight, in the Option of the Collector.

All other Articles not here enumerated shall be charged at the same Rates, or in proportion thereto, at which Articles of the like Kind or Description are in the above Schedule authorized to be charged.

No Rate shall be chargeable upon the Luggage of any Passenger unless the same shall exceed a Barrel Bulk; nor shall any Rate be chargeable for Infants in Arms, nor for Vagrants travelling with legal Passes.

And for Vessels sailing at any extra or other Hour than the Hours at which the Vessels plying the Ferry are required to sail by this Act, the said Duke and the said John Gladstone shall be entitled to charge in respect of each such Vessel a Sum not exceeding Four Pounds Four Shillings.

SCHE-

SCHEDULE (C.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank, *or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same] pursuant to an Act passed, *&c.*, intituled [*here insert the Title of this Act*] by Walter Francis Duke of Buccleuch and Queensberry, and John Gladstone, Esquire, of Fasque, do hereby convey to the said Duke and to the said John Gladstone, their Heirs and Successors, all [*describing the Premises to be conveyed*], together with all Rights and Appurtenances thereto belonging, and all my Right, Title, and Interest into and to the same, to hold the said Premises to the said Duke and the said John Gladstone, their Heirs and Successors, for ever, according to the true Intent and Meaning of the said Act [*here insert the Conditions, if any, of the Conveyance, a Registration Clause for Preservation and Diligence, and a Testing Clause, according to the Form of the Law of Scotland.*]

SCHEDULE (D.)

Form of Conveyance in consideration of Feu Duty.

I of in consideration of the annual Feu Duty to be paid to me, my Heirs and Successors, as herein-after mentioned, by Walter Francis Duke of Buccleuch and Queensberry, and John Gladstone, Esquire, of Fasque, by virtue of an Act passed, *&c.*, intituled [*here insert the Title of this Act*], do hereby convey to the said Walter Francis Duke of Buccleuch and Queensberry, and the said John Gladstone, Esquire, their Heirs and Successors, all [*describing the Premises to be conveyed*], together with all Rights and Appurtenances thereunto belonging, and all my Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Duke and the said John Gladstone, their Heirs and Successors, for ever, according to the true Intent and Meaning of the said Act; they the said Duke and the said John Gladstone, their Heirs and Successors, yielding and paying unto me, my Heirs, Successors, and Assignees, one clear annual Feu Duty of by equal or half-yearly Portions, henceforth on the [*here state the Term of Payment, and other Conditions of the Grant, and insert a Registration Clause for Preservation and Diligence, and a Testing Clause, according to the Law of Scotland.*]

SCHEDULE (E.)

Form of Conviction.

to wit. } Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.*, One of Her Majesty's Justices of the Peace for the County of Fife [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the Burntisland and Granton Pier, Ferry, and Road Act. Given under my Hand, the Day and Year first above written.

C. D.

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