ANNO SEPTIMO

GULIELMI IV. REGIS.

Cap. XV.

An Act to enable the Duke of *Buccleuch* and *Queensberry* to make and maintain a Pier at *Granton* in the Parish of *Cramond*, and a Road therefrom to join the Road leading from *Leith* to *Queensferry* in the County of *Edinburgh*.

[21st *April* 1837.]

WHEREAS His Majesty King *Charles* the First, by Charter bearing Date at *Edinburgh* the Eighteenth Day of *June* in the Year One thousand six hundred and thirty-six, granted and disponed to Sir *Thomas Hope* of *Craighall*, Knight, in Life-rent, and Sir *John Hope* of *Craighall*, his eldest Son, and his Heirs therein mentioned, in Fee, the Lands and Barony of *Wester Granton*, with the Sea Banks and Fishings thereof, and also with the Right and Privilege of a Free Port or Harbour and Station of Ships, with the whole Privileges, Liberties, Anchorages, Small Customs, and all and sundry Casualties of the same, within the whole Bounds from *Wardie Burn Mouth* on the East to the March of the Lands of *Granton* and *Muirhouse* on the West Parts, with Power of founding and building the said Harbour within any Part of the foresaid Bounds, and also with the Coal, Metals, and Minerals within the said Bounds; and by the said Charter His Majesty of new united and erected the whole foresaid Lands, Barony, and Sea Shore thereof, Harbour, Liberties, Privileges, Metals, Minerals, and others therein men-

tioned, into a Free Barony, to be called the Barony of *Wester Granton*, with all the usual Powers and Privileges pertaining thereto: And whereas His said Majesty King *Charles* the First, by another Charter bearing Date at *Edinburgh* the Fifth Day of *July* in the Year One thousand six hundred and forty-three, of new granted and disponed to the said Sir *Thomas Hope* of *Craighall*, Knight, during all the Days of his Life, and after his Decease to the said Sir *John Hope* and the Heirs therein mentioned, the Lands and Barony of *Wester Granton*, and various other Lands therein mentioned, and also the Right and Privilege of a Free Port and Station of Ships within the whole Bounds of *Granton* and Sea Coasts thereof, from *Wardie Burn Mouth* on the East to the March of the Lands of *Muirhouse* on the West, together also with the Coal, Metals, and Minerals, not only within the said Lands of *Wester Granton*, but also within the Sea and Sea Flood within the whole Bounds of *Granton* from *Wardie Burn* on the East to the March of the Lands of *Muirhouse* on the West: And whereas the said Lands of *Wester Granton*, and Right and Privilege of Free Port, and others, and also the Lands of *Easter Granton*, having subsequently come into the Possession of the late *John* Duke of *Argyll* and *Greenwich*, he executed a Deed or Bond of Tailzie thereof, which is dated the Twenty-first Day of *August* One thousand seven hundred and forty, and is recorded in the Books of Council and Session the Sixth Day of *February* One thousand seven hundred and forty-four, whereby he bound and obliged himself and his Heirs and Successors whatsoever to make due and lawful Resignation in the Hands of his immediate lawful Superiors of all and whole the Lands of *Easter* and *Wester Granton*, and certain other Lands, and also the foresaid Right and Privilege of a Free Harbour and Shore within any Part of the said Lands of *Granton* and Sea Coast thereof from *Wardie Burn Mouth* on the East to the Lands of *Muirhouse* on the West, together with all the Privileges, Liberties, and Anchorages, Small Customs and Casualties of the same, and together with the foresaid Coals, Mines, and Minerals, in favour and for new Infeftment to be made, given, and granted to and in favour of himself and *Jean* Duchess of *Argyll* and *Greenwich*, and longest Liver of them Two, in Life-rent, and to Lady *Caroline Campbell*, his eldest Daughter, and the Heirs Male of her Body, in Fee; whom failing, to Lady *Ann Campbell*, his Second Daughter, and the Heirs Male of her Body; which failing, to Lady *Elizabeth Campbell*, his Third Daughter, and the Heirs Male of her Body; which failing, to Lady *Mary Campbell*, his youngest Daughter, and the Heirs Male of her Body; which failing, to the Heirs Female to be procreated of the Body of the said Lady *Caroline Campbell*, the eldest succeeding without Division; which failing, to the Heirs Female to be procreated of the Body of the said Lady *Ann Campbell*, the eldest succeeding without Division; which failing, to the Heirs Female to be procreated of the Body of the said Lady *Elizabeth Campbell*, the eldest succeeding without Division; which failing, to the Heirs Female to be procreated of the Body of the said Lady *Mary Campbell*, the eldest succeeding without Division; which failing, to his own Heirs and Assignees whatsoever; but always with and under the express Conditions, Provisions, Limitations, Restrictions, Declarations, and Clauses irritant and resolutive therein contained: And whereas His Majesty King *George* the Second, by a Charter dated at *Saint James*'s the Tenth Day of *March* One thousand seven hundred and forty-three–four, granted and disponed to the said *Jean* Duchess of *Argyll* and *Greenwich* in Life-rent, and the said

Lady *Caroline Campbell* then Countess of *Dalkeith*, and the Heirs Male of her Body, in Fee, whom failing, the other Heirs and Substitutes above mentioned, the foresaid Lands of *Easter* and *Wester Granton* and various other Lands, and also the foresaid Right and Privilege of a Free Harbour and Shore within any Part of the said Lands of *Granton* from *Wardie Burn* on the East to the Lands of *Muirhouse* on the West, together with all the Privileges, Liberties, and Anchorages, Small Customs and Casualties of the same, and the foresaid Fishings and Minerals, by which Charter the said Lands of *Granton* and the other Lands therein mentioned are erected into a Free Barony, to be called the Barony of *Caroline Park*: And whereas his Grace *Walter Francis* Duke of *Buccleuch* and *Queensberry* now claims to be Proprietor of the said Lands and Barony of *Caroline Park*, comprehending as aforesaid the Lands of *Easter* and *Wester Granton*, and the foresaid Rights and Privileges of Free Harbour and Shore and Fishings, Mines and Minerals, and stands duly infeft and seised in the same under the Conditions of the Deed or Bond of Tailzie before mentioned in virtue of a Precept of Sasine in his Favour proceeding from His Majesty's Chancery in *Scotland*, dated the Thirty-first Day of *January* One thousand eight hundred and twenty-one, and the Instrument of Sasine whereon is dated the Nineteenth Day of *February* One thousand eight hundred and twenty-one, and is recorded in the General Register of Sasines at *Edinburgh* the Seventh Day of *March* One thousand eight hundred and twenty-one: And whereas Inconvenience, Delay, and Danger are at present experienced in the shipping and landing of Passengers, Goods, Live Stock, and others to and from Steam and other Vessels in the Frith of *Forth* near the City of *Edinburgh* in consequence of the Want of a proper and sufficient Pier extending beyond Low-water Mark: And whereas these Evils would be diminished and a public Benefit conferred by the Construction of such a Pier, with proper Conveniences, at the Shore of *Granton*: And whereas the said Duke has already at his own Expence commenced the Formation of such a Pier, which now extends into the Sea beyond Low-water Mark of Spring Tides, and is in progress of being further extended, and he is desirous at his own Expence to make, complete, and maintain the said Pier in such a Manner as may be necessary for the safe and commodious Reception and loading and unloading of Ships, Boats, Steam Vessels, and others of all Classes, and for the Embarkation and landing of all Persons, Goods, Commodities, Horses, Carriages, Live Stock, and others: And whereas it would also be of great Advantage to the Public, and especially to those using the said Pier, that a new and direct Line of Road should be formed from the public Road along the Shore of *Granton* to the Road leading from the Town of *Leith* to *Queensferry*; and the said Duke is in course of forming such Road, and is desirous to complete and maintain the same in a proper and sufficient Manner at his own Expence: And whereas, in consideration of the great Expence which the said Duke will incur in the Formation and Maintenance of the aforesaid Pier and Road, it is reasonable that he, his Heirs and Successors, should receive the Rates, Dues, and Tolls herein-after mentioned or referred to; but the several beneficial Purposes aforesaid 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 King's most Excellent Majesty, and by and with the Advice and Consent of the Lords

Power to construct a Pier, with Quays, Jetties, and other Works, and also a Road.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *Walter Francis* Duke of *Buccleuch* and *Queensberry*, and his Heirs of Tailzie and Successors in the foresaid Lands and Estate of *Caroline Park*, and they are hereby authorized and empowered, to make, build, construct, and complete at *Granton* in the Parish of *Cramond* and County of *Edinburgh*, as well upon the aforesaid Lands and Grounds as also in the Sea below Low-water Mark, the Pier now in course of being formed by him there, with proper and sufficient Quays, Wharfs, Jetties, Staiths, Landing Places, Warehouses, Cranes, Weighing Machines, Rail or Tram Roads, and such other Works and Buildings, and Roads or Approaches connected therewith, as he or they shall consider to be necessary for the Reception and Convenience of all Ships, Vessels, Boats, Steam Vessels, and others, and for the embarking and disembarking, landing and shipping of Passengers, and of Carriages, Horses, Cattle, and of other Live Stock, and of Goods, Wares, Merchandize, and Commodities of any Kind, and also from Time to Time to alter and improve the same as he or they shall judge fit; and also to put down from Time to Time as Occasion shall require such Buoys, Mooring Chains, Beacons, Dolphins, Posts, and others, as the said Duke and his foresaids shall think necessary and proper for rendering the said Pier useful and convenient; and also to make such Lighthouse or Lighthouses on the said Pier, and cause the same to be lighted in such Manner as he and they shall deem necessary for the Convenience and Safety of Persons and Vessels frequenting the said Pier; and also to make and complete the said Line of Road from the public Road along the Shore of *Granton*, through the Lands of the said Duke, to join the said Road leading from *Leith* to *Queensferry* aforesaid at or near to a Point One thousand and fifty Feet or thereabouts to the West of *Inverleith Row*; and also to erect and make proper and convenient Toll Gates and Houses for the Collection of the Tolls to be taken under the Authority of this Act upon or near to the said Pier.

Plan and Book of Reference deposited with the Clerk of the Peace to remain there, and be open to Inspection.

II. And whereas a Map or Plan describing the Situation of the said Pier and the Line of the said Road, with a Book of Reference to the said Map or Plan containing the Names of the Owners and reputed Owners and Occupiers of the Lands or Grounds upon or through which the said Road is made or intended to be made, have been deposited in the Office of the Clerk of the Justices of the Peace for the County of *Edinburgh*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk, and all Persons interested therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof at reasonable Times on Payment to the said Clerk of One Shilling for each Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy of One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

III. Pro-

III. Provided always, and be it further enacted, That it shall be lawful for the said Duke and his foresaids, and they are hereby authorized, either to form the said Pier for its whole Length in One straight Line from the Shore, or at any Part of its Length to form it with a Bend or Inclination to the Westward, according as they shall think most expedient for the due Convenience and Protection of Shipping.

Power to carry the Pier either in a straight Line or with a Bend to the Westward.

IV. And be it further enacted, That it shall and may be lawful for the said Duke and his foresaids to lay down Moorings in the Frith of *Forth* opposite to the said Lands of *Granton* from *Wardie Burn Mouth* on the East to the Lands of *Muirhouse* on the West, and as far seaward as an imaginary straight Line in the Frith of *Forth* drawn at Right Angles to a Line projected seawards to the Distance of One thousand five hundred Yards from *Wardie Burn Mouth* on the East, and to intersect another straight Line drawn from the March between the Lands of *Granton* or *Caroline Park* and the Lands of *Muirhouse* on the West, or in such Part or Parts of the Boundaries above described as the said Duke and his foresaids shall think necessary for the Convenience of Ships, Boats, Steam Vessels, and others frequenting or using the said Pier, and which Boundaries shall be the Boundaries of *Granton Pier*, and shall be so denominated.

Power to lay down Moorings within Boundaries of Pier.

V. And in consideration of the great Charges and Expences which the said Duke must necessarily incur and sustain in making and maintaining the said Pier and other Works, be it further enacted, That it shall be lawful for the said Duke and his Heirs and Successors in the foresaid Lands and Estate of *Caroline Park*, or such Officer or Officers as he or they may appoint, to ask, take, collect, levy, and recover from all and every Owner or Consignee or Master of every Ship, Vessel, Boat, Steam Ship or Steam Boat, or other Craft which shall land or take on board Passengers, or load or unload, take on board or discharge, any Goods, Wares, or Merchandize, Live Stock, and others, at the said Pier or within the Boundaries above mentioned, or which shall be made fast to the said Pier or other Works connected therewith, or shall anchor within the Boundaries above mentioned, according to the Tonnage Burden thereof, any Sum not exceeding the several Rates and Dues specified in the Schedule (A.) hereunto annexed for each Voyage that such Ship, Vessel, Boat, Steam Ship or Steam Boat, or other Craft shall make to or from the said Pier or Space included within the foresaid Boundaries; provided that no such Rates and Dues shall be asked, taken, collected, levied, and recovered as aforesaid before or until the said Pier shall have been carried so far seawards by the said Duke and his foresaids as to afford safe and sufficient Accommodation for Ships, Boats, Steam Vessels, and others resorting to and using the same for the Purposes of loading or unloading, taking on board or disembarking, Passengers, Stock, Goods, or others thereat, the Safety and Sufficiency of such Accommodation for the Purposes aforesaid to be previously declared and certified under the Hands of Two Justices of the Peace for the County of *Edinburgh*, who are hereby authorized and required, upon the Application of the said Duke and his foresaids, to examine into the Matters touching such Accommodation, and when satisfied thereof to make and issue such Declaration and Certificate accordingly.

Power to levy Tonnage and Anchorage Dues.

Power to levy Pier Dues on Goods.

VI. And be it further enacted, That the said Duke and his foresaids, or any Officer or Collector to be appointed by him or them, shall, over and above the said Rates and Dues of Tonnage herein-before authorized to be taken, also have full Power to ask, take, collect, levy, and recover, for all Goods, Wares, Merchandize, Commodities, or others, and all Horses, Carriages, Live Stock, or others which may be laden or unladen, taken on board or discharged, embarked or disembarked, at the said Pier or within the Boundaries above mentioned, any Sum not exceeding the several Rates or Dues specified in the Schedule (B.) hereunto annexed.

Tolls on Passengers and Persons walking on the Pier.

VII. And be it further enacted, That every Person who may land at or embark from the said Pier, and every Person who shall walk on the same, shall pay to the said Duke and his foresaids, or to any Officer or Collector appointed by him or them, in respect of every such Landing or Embarkation, and of every Time of entering or coming upon the said Pier, any Sum not exceeding the several Rates or Dues specified in the said Schedule (B.) hereunto annexed: Provided always, that it shall be lawful for the said Duke and his foresaids, and for any Officer or Collector who may be appointed by him or them, to prevent every Person from walking on the said Pier except Persons landing at or embarking from the same, and Persons paying the said Toll or Duty specified in the same Schedule.

Exempting Soldiers and Sailors and Ships and Packets in His Majesty's Service.

VIII. And be it further enacted, That no Rate or Duty shall be chargeable for or in respect of any Soldier or Sailor in His Majesty's Service who shall land from or embark in any Ship, Packet, or other Vessel at the said Pier, nor shall any of the said Rates or Duties be exacted in respect of any of His Majesty's Ships of War, or any Ship, Transport, or Packet or other Craft in the Service of His Majesty's Customs or Excise, or any Ship or Vessel employed in or upon His Majesty's Service in the Conveyance of any Ordnance Stores, or Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, nor in respect of any Ship or Transport or Packet employed exclusively in His Majesty's Service in carrying the Mails of Letters or Express under the Authority of His Majesty's Postmaster General; but if any Person or Persons shall claim and take the Benefit of any of the Exemptions aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the Rates and Dues imposed by this Act.

Manner of recovering Pier Rates by Seizure and Sale.

IX. And to the Intent that the Pier Rates, Tolls, and Dues imposed by this Act may be more effectually collected and levied; be it further enacted, That it shall be lawful for the said Duke and his foresaids, or for the Officers and Collectors or other Person or Persons authorized by him or them, upon the Failure or Neglect to pay such Rates, Tolls, and Dues, either to take and detain, *brevi manu*, until the same shall be paid, any Ship, Vessel, Boat, Steam Ship or Steam Boat, or other Craft, and all the Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and all or any Part of the Goods, Wares, Merchandize, Live Stock, and others, whether on board such Ship or Vessel or on Land, in respect whereof such Rates and Dues shall be payable, either on board such Ship or other Vessel or on Land, and the same to detain until the respective Rates, Tolls, and Dues shall be satisfied and paid, and for these Purposes to go on board such Ship or Vessel, and to take such

Assistance as may seem to be necessary, and also to prevent the Passage to the said Pier of any Person or Persons who may not have first paid the said Rates, Tolls, and Dues, or to arrest and poind such Ship, Vessel, Boat, Steam Ship or Steam Boat, or other Craft, Tackle, Apparel, or Furniture thereto belonging, and such Goods, Wares, Merchandize, Live Stock, and others; and in case of Neglect or Delay in payment of the said Rates, Tolls, or Dues, or of any Part thereof, for the Space of Ten Days after such seizing and detaining, or arresting and poinding, then and in every such Case it shall and may be lawful to and for the said Duke and his foresaids, or for their Officer or Officers, Collector or Collectors, or other Person or Persons to be appointed as aforesaid, to apply to the Sheriff or Sheriff Substitute or any Two or more Justices of the Peace for the County of *Edinburgh*, who shall take cognizance of and decide the Questions in dispute betwixt the Parties, and shall determine the Amount of the Rates, Tolls, and Dues due and exigible, and shall grant Warrant or Decree for Payment of the same, and all reasonable Charges in taking, arresting, poinding, or detaining and keeping the Ship or other Vessel, or Article or Articles, so seized and detained, and shall also award the Costs of Suit to be paid by either Party to the other, as the said Sheriff, Sheriff Substitute, or Justices shall think proper; and in case the Rates, Tolls, and Dues, with the Expences of taking, arresting, poinding, or detaining and keeping the said Ship or other Vessel, or Article or Articles, and also the Costs of Suit, if any such be awarded to the Pursuer or Pursuers, shall not then be settled and paid, the said Sheriff, Sheriff Substitute, or Justices shall grant Warrant to sell the Ship or other Vessel, or Article or Articles, so taken, arrested, poinded, or detained, in such Manner as they shall think proper, and out of the Produce of the Sale or Sales shall direct Payment to be made to the Pursuer or Pursuers of the said Tolls, Rates, and Dues, and Expences, Costs, and other Sums for which Decree shall have been so awarded, and also all additional Expences of keeping the said Ship or Article or Articles, as well as of the Warrant of Sale and of selling the same; the Overplus, if any, being accounted for to the Owner or Consignee upon Demand.

Recovery of Rates by Action.

X. And be it further enacted, That it shall and may be lawful to and for the said Duke and his foresaids, and their Officers or Collectors or other Persons to be appointed by them, in case of Neglect, Delay, or Refusal to pay the said Pier Rates and Dues, instead of recovering the same by Seizure, Detention, arresting, or poinding in manner aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the Recovery of the same or so much thereof as shall not be so recovered, if exceeding in Amount the Sum of Twenty Pounds in the whole, by Action of Debt or Trespass; and in Cases where the said Pier Rates and Dues shall not amount in the whole to the Sum of Twenty Pounds it shall be lawful for any One or more Justice or Justices of the Peace for the County of *Edinburgh*, or for the Sheriff or the Sheriff Substitute of the said County, to issue a Summons at the Instance of the said Duke or his foresaids, or of any Collector or Officer appointed by him, from Time to Time to summon and call before him or them by Summons, at any Time and Place lawful and convenient, all or any Persons being the Owners, part Owners, Consignees, or Masters, or having the Rule or Command of any Ship, Vessel, Boat, Steam Ship or Steam Boat, or other Craft, or any other Person or Persons liable to pay any of the Rates, Dues,

Dues, or Sums of Money by this Act imposed, and to examine and inquire of and concerning all and every or any Ships, Vessels, Boats, Steam Ships or Steam Boats, or other Craft, Goods, Wares, and Merchandize, Live Stock, and others, Freight or Fare and Number of Passengers, Duty on Passengers, or other Matters or Things liable to the Payment of any of the Rates, Dues, and Sums of Money hereby imposed, and whether all or what Part or Parts of such Rates, Dues, or Sums of Money shall be legally exigible, and shall have been paid or not paid, and when and by whom and to whom, and to determine the Amount thereof and other Matters in dispute between the Parties, and to issue a Decree or Warrant for Payment thereof if the same shall not exceed in the whole the Sum of Twenty Pounds, and also to award such Costs to be paid by either Party to the other as such Justice or Justices, Sheriff or Sheriff Substitute, shall see reasonable; all which Rates, Tolls, and Dues for which Decree or Warrant shall be given as aforesaid, and all Costs so awarded, shall and may be recovered by ordinary legal Diligence, or, in the Option of the Pursuer or Pursuers, by a Sale of the Ship, Vessel, Steam Ship or Steam Boat, or other Craft, or of the Tackle, Apparel, or Furniture thereto belonging, or any Part thereof, or of all or any Part of the Goods, Wares, or Merchandize, Live Stock, or others in respect of which the said Tolls, Rates, and Dues shall be exigible, by Warrant or Decree of the said Justice or Justices, Sheriff or Sheriff Substitute, which Warrant every such Justice or Justices, Sheriff or Sheriff Substitute, is and are hereby empowered to issue; and the overplus Proceeds, if any, shall be returned, upon Demand, to the Proprietor of the Ship, Vessel, Steam Ship or Steam Boat, Goods, or others so sold.

Custom House Officer not to discharge any Vessel before the Duties are paid.

XI. And be it enacted, That it shall be lawful for all and every the Collectors of His Majesty's Customs or other Officers of Revenue at the said Pier (with the Consent of the Commissioners of His Majesty's Customs) not to permit any Ship, Vessel, Steam Ship or Steam Boat, or other Craft chargeable with Rates and Dues under this Act, to be entered Inwards, Outwards, or Coastwise, or any Commodities to be landed from or put on board of such Ship, Vessel, Steam Ship or Steam Boat, or other Craft, until they or he shall have received from the Collector or Collectors of the Rates and Dues aforesaid, acting under the Authority of the said Duke and his foresaids for the Time being, a Certificate of all such Rates and Dues having been paid in full; which Certificate such Collector or Collectors acting under the Authority of the said Duke and his foresaids for the Time being is and are hereby required to give, without Fee or Reward, upon the Payment of such Rates and Dues.

Penalty for resisting Payment of Rates, &c.

XII. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Officer or Officers, Collector or Collectors, appointed by the said Duke or his foresaids, employed in the due Execution of this Act, or shall assault any Officer, Collector, or other Agent of the said Duke or his foresaids in the Execution of his or their Office or Offices, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be fixed by a Warrant or Decree of any Justice or Justices, Sheriff or Sheriff Substitute, for the County of *Edinburgh*, to be recovered in manner hereinafter mentioned.

XIII. And

Persons evading to continue chargeable, and be liable to a Penalty.

XIII. And be it further enacted, That if any Person or Persons shall elude or evade the Payment of any Rates or Dues by this Act authorized to be taken, every Person so eluding or evading shall forfeit to the said Duke and his foresaids, in addition to the said Rates and Dues, a Sum equal to the Amount of such Rates and Dues, and shall also stand charged with and be liable to the Payment of such Rates and Dues as well as the Forfeiture incurred by having eluded or evaded the Payment thereof, and the same shall and may be recovered at any Time or Times in the same Manner as is prescribed for levying and recovering the said Rates and Dues.

Leases may be granted of the Rates, Tolls, and Dues.

XIV. And be it further enacted, That it shall and may be lawful for the said Duke and his foresaids to let, lease, or demise all or any of the Rates, Tolls, and Dues by this Act authorized to be taken at the said Pier for any Term of Years not exceeding Seven Years, and for Payment of any such Rent as he or they shall think proper; and in the Case of the Tolls being so let the Tenant or Tenants shall have the same Powers and Privileges, as to levying, recovering, and collecting the said Tolls, Rates, and Dues, as are by this Act conferred upon the said Duke and his foresaids.

Lists of Pier Rates, Tolls, and Dues to be publicly exhibited.

XV. Provided always, and be it further enacted, That the said Duke and his foresaids shall from Time to Time cause to be printed, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated and defaced, upon a conspicuous Place or Places in or near the said Pier, in large and legible Characters, a List of the several Rates, Tolls, and Dues for the Time being by this Act authorized to be taken, and it shall not be lawful to demand and take or cause to be demanded or taken any of the said Rates, Tolls, or Dues but during such Time as the List shall remain fixed as aforesaid.

Regulations for ascertaining Tonnage Dues.

XVI. And be it further enacted, That the Tonnage or Admeasurement of all Ships, Vessels, Steam Ships or Steam Boats, and others required to be registered by any Act of Parliament, and liable to the Payment of any Tolls or Dues by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register, and the Master or other Person having the Command of any Ships, Vessels, Steam Ships or Steam Boats, or other Craft, is hereby required to produce such Certificate of Register at the Time of the Payment of the said Tolls and Dues to the Person duly authorized to collect and receive the same; and in case of any Dispute about the same, or in case of any Dispute in respect of the Tonnage of any Ship, Vessel, Steam Ship or Steam Boat, or other Craft not required to be registered, or of any Foreign Ship, Vessel, Steam Ship or Steam Boat, or other Craft, then the Tonnage of any such Ship or Vessel or Craft shall be ascertained in the Manner and according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels.

Rates not to be again paid on Vessels putting back.

XVII. Provided always, and be it further enacted, That no Ship, Vessel, Steam Ship or Steam Boat, or other Craft for which the Tonnage Duty exigible by this Act shall have been once paid, shall be liable or be obliged

obliged to pay the same in case of such Ship, Vessel, or Craft being put back to the said Pier during the Voyage for which the Tonnage Duty was paid.

Power to erect Cranes and Weighing Machines.

XVIII. And be it further enacted, That the said Duke and his foresaids shall be and they are hereby authorized and empowered to erect such and so many Cranes and Weighing Machines upon the said Pier or Shore, or on the adjacent Grounds belonging to the said Duke and his foresaids, as may appear to be requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandize as may be imported at and exported from the said Pier, and to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods, Wares, and Merchandize; and the said Duke and his foresaids are hereby authorized and empowered to demand, levy, collect, receive, and take for the Use of such Cranes and Weighing Machines, of and from all and every the Owners, Agents, or other Persons having the Charge of such Goods, Wares, and Merchandize, such reasonable Rates and Dues as they shall think proper; and if any Difference shall arise between any Collector of the said Rates and Dues and the Master or any other Person having the Care or Charge of any Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, coming to or departing from the said Pier, or the Owner, Factor, Consigner, or Consignee of any Goods, Wares, Merchandize, or other Things therein embarked or contained, concerning the Weight or Qualities of the Goods, Wares, Merchandize, or other Things loaded or embarked therein, it shall be lawful for any such Collector to stop and detain any such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, and to weigh or gauge or cause to be weighed or gauged the same, and all such Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall, upon any such weighing or gauging, appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, then it shall and may be lawful to and for the said Duke and his foresaids, or their Collector or Collectors, and he, she, and they is and are hereby authorized and empowered, to charge for such Goods and Things according to the Weight thereof found upon such weighing or declared by the Gauge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing and gauging; all which Costs and Charges, upon Refusal of Payment on Demand, shall and may be recovered and levied in the same Manner as the said Rates and Dues are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or other Matters or Things shall appear to be of the same or of a less Weight or Quantity then the Account given thereof by the said Master, Owner, or other Person, then the said Duke and his foresaids, or his and their Collector, as the Case may be, shall pay the Costs and Charges of such weighing and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention.

XIX. And

Additional Rates for Articles remaining above a certain Time on the Pier.

XIX. And be it further enacted, That if any Goods, Wares, Merchandize, or Commodities, or other Matters or Things whatsoever, shall remain upon the said Pier for a longer Period than Twenty-four Hours from the Time when such Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall have been placed upon the said Pier, then and in every such Case it shall be lawful for the said Duke and his foresaids, or for the Collector or other Person appointed by him or them, to levy a Sum not exceeding the Amount of the Rates and Dues by this Act imposed upon the said Commodities, and that over and above the said Rates and Dues, and it shall be lawful to exact the said additional Rates and Dues for each and every successive Period of Twenty-four Hours during which the said Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall remain on the said Pier.

Power to remove Articles from the Pier.

XX. Provided always, and be it enacted, That the said Duke and his foresaids, or other Officer or Officers, Person or Persons, employed by them in virtue of this Act, shall have Power and they are hereby authorized, if they shall see Cause, to remove or cause to be removed all such Goods, Wares, Merchandize, Commodities, or other Matters or Things as shall be allowed to remain on the said Pier, and all Horses and Live Stock shall be immediately removed and be carried to any Warehouse, Yard, or other Place of Safety, and there be detained and kept till Payment of the Charges incurred by such Removal, Keeping, and Detention, together with the Rates and Dues herein-before authorized to be levied on the said Goods, Wares, Merchandize, Commodities, Horses, and Live Stock as aforesaid.

No Gunpowder or other Combustibles to remain on the Pier.

XXI. And be it further enacted, That no Gunpowder, Tar, Pitch, Resin, Hemp, Flax, Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, or other Combustibles or Goods of a dangerous Quality of any Kind whatever shall be suffered to remain on the said Pier and other Works or any Part thereof, or upon the Deck of any Ship, Vessel, Boat, Steam Ship or Steam Boat, or other Craft lying there, after being passed by the Officers of the Customs; and if any Owners, Consignees, Commander, or Master of such Ships, Vessels, Boats, Steam Ships or Steam Boats, or other Craft, shall fail to remove the said combustible Articles after being required thereto by the Pier Master or other Officer appointed by the said Duke or his foresaids, they shall for every such Default forfeit and pay a Sum not exceeding Five Pounds Sterling, besides the Expences and any Damages occasioned by their not removing the said Goods and other Articles as aforesaid.

Penalty for boiling Pitch, &c.

XXII. And be it further enacted, That in case any Person or Persons having the Care or Command of any Ship, Vessel, Boat, Steam Ship or Steam Boat, or other Craft lying or being within the Distance of One hundred Yards from the said Pier and other Works or any Part thereof, shall heat or boil or permit to be heated or boiled any Pitch, Tar, or Resin, or any Composition of that Nature, on board of his or their respective Ships, Vessels, Boats, Steam Ships or Steam Boats, or other Craft, otherwise than at the Place or in the Mode appointed by the said Duke or his foresaids, or the Officer or Officers, Person or Persons whom they may authorize, they shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

XXIII. And

Power to appoint Pier Masters.

XXIII. And for the more orderly Government of the said Pier and Works connected therewith, and for the better Preservation of the same from Damage, as well as for the Accommodation of Ships, Vessels, Steam Ships or Steam Boats, or other Craft coming to or going from the same; be it further enacted, That it shall and may be lawful for the said Duke and his foresaids, and they are hereby authorized and empowered, to nominate and appoint such Person or Persons as he or they shall think proper to be Pier Master or Pier Masters, and such Pier Master shall from Time to Time order and require all and every Person having the Rule or Command of any Ship, Vessel, Boat, Steam Ship or Steam Boat, or other Craft coming to or lying at the said Pier, to lie, anchor, moor, or make fast to the said Pier or near the same in such Place or Places as the said Pier Master shall assign or direct; and in case the Person or Persons having the Rule or Command of any such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, shall refuse or neglect to obey the Orders so given, every Person so offending for every such Refusal or Neglect shall forfeit and pay any Sum not exceeding Ten Pounds.

Vessels in Distress to have Preference.

XXIV. And be it further enacted, That if any Ship, Vessel, Steam Ship or Steam Boat, or other Craft, shall come to the said Pier in Distress, or meet with any Misfortune thereat, then and in every such Case it shall and may be lawful for the Pier Master to give a Preference to such Ship, Vessel, Steam Ship or Steam Boat, or other Craft being in Distress as aforesaid, both as to the Berth at the Pier and as to the Course of discharging; and if any Master or Commander of any other Ship, Vessel, Steam Ship or Steam Boat, or other Craft lying at the said Pier, shall refuse or neglect to remove his Ship, Vessel, Boat, or Craft from its Berth on being thereunto required by the Pier Master or other Person in charge of the said Pier for the Time in favour of such Ship, Vessel, Steam Ship or Steam Boat, or other Craft in Distress as aforesaid, then and in every such Case every such Master or Commander so refusing or neglecting shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds Sterling.

Power to make Bye Laws.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Duke and his foresaids from Time to Time to make and frame, ordain and establish, such Bye Laws, Rules, Orders, and Regulations as he or they shall think fit for the good Government of the Pier Master, Collectors, Officers, Assistants, Servants, and others appointed and employed under or by virtue of this Act, and for the better regulating the said Pier and other Works, and the mooring and stationing of Ships, Vessels, Steam Ships or Steam Boats, and other Craft thereat, and for the well-governing and managing of the Pilots to be employed for the said Pier, and the Officers and Crews of such Ships, Vessels, Steam Ships or Steam Boats, and other Craft, and the Sailors, Boatmen, Servants, and others employed therein and belonging thereto, and for Relief and Assistance of the Ships, Steam Vessels, and others resorting to the said Pier, and also for the better regulating, governing, and managing the several Works, Matters, and Things by this Act authorized and directed to be made, done, and constructed, as well whilst the same are making, doing, and constructing, as after they shall be finished, and for the more safe and convenient shipping, loading, landing, discharging, carrying,

carrying, conveying, laying, depositing, and removing of Goods, Wares, and Merchandize upon any of the Jetties, Quays, Wharfs, or Landing Places belonging to the said Pier, and for the better governing and regulating Porters, Carters, and Carriers, and others carrying Goods, or using or driving Horses, Waggons, Carts, Drays, Trucks, Sledges, or other Carriages for conveying Goods, Wares, or Merchandize to and from the said Pier, and also to repeal, add to, amend, or alter such Bye Laws, Rules, Regulations, Orders, and Ordinances, or any of them, and to annex, impose, and appoint reasonable pecuniary Penalties or Forfeitures not exceeding Five Pounds (to be recovered in manner hereinafter mentioned) for the Nonobservance, Nonperformance, or other Breach of or Offence against any such Bye Law, Rule, Order, or Regulation, and also to make such other Bye Laws, Rules, Orders, and Regulations as shall be by the said Duke or his foresaids thought necessary or expedient for effecting the Purposes of this Act and the due Execution thereof; and all such Bye Laws, Rules, Orders, and Regulations, and all such Alterations thereof, shall be reduced into Writing and subscribed by the Proprietor or Proprietors of the said Pier for the Time being, and Copies thereof in legible Characters shall be printed and affixed on some conspicuous Places or Buildings in or adjoining the said Pier for the Inspection and Information of all Persons interested therein; and all such Bye Laws, Rules, Orders, and Regulations shall thenceforth be binding upon, observed, and obeyed by all Persons whomsoever using or in any Way concerned in the said Pier, or in any of the Works to be made, erected, or maintained by virtue of this Act, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under or in pursuance of the same; provided that such Bye Laws, Rules, Orders, and Regulations be not repugnant to the Laws of that Part of the United Kingdom called *Scotland*, or to any of the Clauses, Provisions, and Directions in this Act contained; and all such Bye Laws, Rules, Orders, and Regulations shall be subject to Appeal in manner herein directed.

Penalty for throwing out Ballast within Bounds.

XXVI. And be it further enacted, That in case the Person or Persons having the Rule or Command of any Ship, Vessel, Steam Ship or Steam Boat, or other Craft approaching to or departing from the said Pier, or of any Ship, Vessel, Steam Ship or Steam Boat, or other Craft which shall be moored to the said Pier or to any of the Mooring Places within the Bounds before mentioned, or shall lie at anchor within the said Bounds, whether for the Purpose of landing or shipping Goods or Passengers or not, shall cast or throw out, or permit or suffer to be cast or thrown out, any Ballast or Rubbish, Sand or other Materials used as Ballast, from any such Ship, Vessel, Steam Ship or Steam Boat, or other Craft within the foresaid Bounds, every Person so offending shall for every such Offence forfeit and pay to the said Duke or his foresaids any Sum not exceeding Five Pounds, over and above the Expence of repairing the Damage done thereby.

Damage done to the Pier and other Works to be made good.

XXVII. And be it further enacted, That all and every the Master or other Person having the Command, Care, or Charge of any Ship, Vessel, Steam Ship or Steam Boat, or other Craft or Merchandize, Live Stock or others, and any other Person whomsoever, who shall by any wilful Neglect or Mismanagement damage the said Pier and other Works connected therewith,

therewith, shall pay for and make good all such Damage; and all such Damage shall be recoverable in a summary Way before the Sheriff or Sheriff Substitute or any Two of the Justices of the Peace for the County of *Edinburgh*, who are hereby authorized and empowered to summon before him or them such Master or other Person having the Command or Care or Charge of such Ship, Vessel, Boat, Steam Ship or Steam Boat, or Merchandize, Stock, or others, or other Person or Persons doing such wilful or negligent Damage as aforesaid, and to hear and determine the same and ascertain such Damage; and if Judgment shall be given by them against such Masters or other Persons, then it shall be lawful for such Sheriff or Sheriff Substitute or Justices, and they are hereby authorized, by Warrant under their Hands to levy or cause to be levied summarily the Sum or Sums awarded by them as the Amount of such Damage, and for that Purpose to seize, poind, and distrain the Ship, Vessel, Boat, Steam Ship or Steam Boat, Merchandize, Stock, or others, doing such Damage as aforesaid, and all Tackle and Apparel and Furniture thereto belonging, or any Part thereof, and to detain the same in safe Custody until the same be sold, or until the Sum or Sums of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Seven Days after such Seizure, poinding, or distraining so made or taken, that then it shall be lawful for the said Sheriff or Sheriff Substitute or Justices to order the same, or any Stores, Articles, or Things belonging to the same which may be sufficient in Value, to be sold, and therewith to satisfy and pay the Money so awarded, together with the reasonable Costs and Charges in taking, keeping, and selling the same, rendering the Overplus (if any) to the Master or other Person entitled to the same, on Demand, and in case the Money cannot be levied as aforesaid, then by Warrant to cause the Body of such Master or other Person as aforesaid to be imprisoned in any Gaol within the County for any Time not exceeding One Month, unless the Sum of Money so awarded shall be sooner paid; and the same, when levied in manner aforesaid, shall go and be paid to the said Duke and his foresaids in the same Manner as any Rates, Tolls, or Dues granted by this Act; provided that this Act shall not extend to enable the Recovery of any such wilful or negligent Damage as aforesaid in a summary Way as hereby directed in any Case where such Damage shall amount to more than the Sum of Fifty Pounds Sterling, but that in all Cases in which such Damage shall amount to more than the Sum of Fifty Pounds Sterling the same shall be recoverable by Action at Law in the Court of Session or any competent Court or Courts in *Scotland*, if the Defender shall reside in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster* if the Defendant shall reside in *England*, or in the Court of King's Bench or Common Pleas at *Dublin* if the Defendant shall reside in *Ireland*, as the Case may be, with Costs of Suit, by and in the Name of the said Duke or his foresaids, or others authorized to sue as hereinbefore enacted, any thing herein contained to the contrary notwithstanding.

Masters and Owners made answerable for their Servants.

XXVIII. And be it further enacted, That the Master or Owner of every Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft lying at or trading to the said Pier, or any Merchandize, Stock, or others thereat, shall be and is hereby made answerable to the said Duke and

and his foresaids for the Amount or Value of any Damage or Mischief that shall be done to the said Pier or other Works by any of the Seamen, Servants, Boatmen, or Watermen, or others, employed at or on board the said Ships, Vessels, or other Craft, or employed about the said Merchandize, Stock, or others, either by loading or unloading of any Ship, Vessel, Steam Ship or Steam Boat, or other Craft, or in any other Manner whatever, in the same Manner and to the same Extent, and the Amount or Value of the said Damage or Mischief shall be recoverable in the same Manner, as if the said Damage or Mischief had been done by the said Masters or Owners themselves.

Penalty for destroying Ropes, &c.

XXIX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break, or in any Manner destroy or injure any Rope, Chain, or other Thing by which any Ship or other Vessel shall be moored and fastened to the said Pier or to the foresaid Mooring Chains or Mooring Places, such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that such a Penalty shall not in any Manner preclude or bar or affect the Recovery of any Damages in any Action which may be brought for any Injury which may arise from cutting, breaking, destroying, or injuring any such Rope, Chain, or other Thing as aforesaid: Provided also, that nothing herein contained shall hinder or restrain any Pier Master or Masters to be appointed in pursuance of this Act, or his or their Assistant or Assistants, from exercising in a due and reasonable Manner any of the Powers and Authorities hereby vested in them.

Power to form the Road from the Shore at Granton to the Leith and Queensferry Road, and to erect Toll Bars and Toll Houses.

XXX. And be it further enacted, That it shall and may be lawful for the said Duke and his foresaids, and he and they is and are hereby authorized and empowered, to make and complete the foresaid Road now forming by the said Duke, leading from the present public Road at the Shore of *Granton* to the Road leading from the Town of *Leith* to *Queensferry*, with the necessary Drains and Fences, and to erect Toll Bars or Gates and Toll Houses on any Part thereof which they may think proper and expedient for the Collectors of the Tolls, Rates, and Dues to be taken under the Authority of this Act in respect of the said Road; provided that in making the said Line of Road the said Duke and his foresaids shall not deviate into the Lands of any other Person without the Consent in Writing of the Owner for the Time being of the Lands into which any such Road may be carried by using any such Deviation.

Power to levy Tolls.

XXXI. And be it further enacted, That as soon as the said Road shall be opened for the Passage of Horses and Carriages the said Duke and his foresaids shall be and they are hereby authorized and empowered to demand and take or cause to be demanded and taken, at the said Toll Bars or Gates and Toll Houses, any Sums not exceeding the Tolls and Duties specified in the Schedule (C.) hereunto annexed; and in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Amount of Tolls hereby granted and authorized to be taken, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

XXXII. And

Persons paying at one Bar to receive Tickets to pass through others.

XXXII. And be it further enacted, That in case there shall be more than One Toll Gate or Toll Bar erected on the said Road, then every Person paying at One Gate or Bar, and continuing to travel with the same Horses, Cattle, and Carriages, shall receive a Ticket which shall entitle such Horses, Cattle, and Carriages, on Production of the same, to pass Toll-free through the same Gate or Bar, and also through every other Gate or Bar along the said Line of Road, and also again to pass and to return through all such Gates or Bars at any Time of the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night: Provided always, that if the same Waggon, Cart, or other Carriage, after Toll having been paid for the Horse or Horses or other Beasts of Draught drawing the same, shall return with a new Loading, then Toll shall be chargeable anew as if no Pass Ticket had been obtained or tendered.

Nothing under One Hundred Weight to be a Burden.

XXXIII. And be it enacted, That nothing under One Hundred Weight shall be reckoned a Loading in any Waggon, Cart, or other such Carriage; and that every such Carriage passing with any thing under such Weight, and returning on the same Day with a Loading, shall be liable in only One Payment.

Post Horses having passed through the Gates may return Toll-free before Nine in the Morning of the following Day.

XXXIV. And be it enacted, That all Horses travelling for Hire under the Post Horse Duties Acts, having passed through any Toll Gate or Toll Bar erected on or adjoining the said Road, drawing any Carriage in respect of which any Toll shall have been paid, shall, on returning through the Bar or Gate at which the Toll has been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage or drawing such Carriage, the same being empty and without a Ticket denoting a fresh Hiring, be permitted to pass Toll-free although such Horses or Carriage shall not have passed along the Line of the said Road on the same Day, provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed through the Gate or Bar at which the Toll shall have been paid.

Horses having passed through and returning drawing a Carriage, the Toll paid on the Horses to be deducted.

XXXV. And be it enacted, That where any Horse or Horses shall pass along the Line of the said Road not drawing any Carriage, and a Toll shall be paid on such Horse or Horses at any Gate or Bar on the said Road, and the same Horse or Horses shall return drawing any Carriage on the same Day, or before Nine of the Clock of the Morning succeeding the Day on which they first passed such Gate or Bar, the Toll paid on such Horse or Horses on their originally passing shall be deducted from the Toll payable on the same when drawing the Carriage to which they shall be attached on their Return, so that no higher Toll shall on the whole be taken than if such Horse or Horses had in the first place passed through such Gate or Bar drawing the said Carriage.

Stage Coaches, &c. to pay for every Time of passing.

XXXVI. And be it enacted, That the Tolls made payable by this Act in respect of the said Road shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, or Stage Waggon, Cart or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing

or repassing: Provided always, that no such Coach or Carriage shall be liable on account of any Change of Horses for any Toll Duty not otherwise exigible.

Post Chaises, &c. to pay on every new Hiring.

XXXVII. And be it enacted, That the Tolls made payable by this Act in respect of the said Road shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise, Waggon, or other Carriage, every Time of passing whenever any new Hiring thereof shall take place.

Tolls upon Carriages affixed to others.

XXXVIII. And be it enacted, That when any Carriage whatsoever with Four Wheels shall pass through any Toll Bar erected on the said Road affixed to any Waggon or Cart, such Carriage shall be liable to the same Toll as if it had passed through drawn by Two Horses; and in case any Carriage whatsoever with Two Wheels only shall pass through any Toll Bar so affixed to any such Waggon or Cart as aforesaid, such Carriage shall be liable to the same Toll as it would have been if passing through and drawn by One Horse only; and where any Horse shall be fastened to but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse laden or unladen, as the Case may be.

For Recovery of Tolls on the Road.

XXXIX. And be it enacted, That if any Person subject to the Payment of any Toll authorized by this Act to be exacted in respect of the said Road shall, after Demand thereof made, wilfully neglect or refuse to pay the same, it shall be lawful for the Person authorized to collect such Tolls at the Time when the same shall be due and payable, taking such Assistance as shall be necessary, to seize and detain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any such Toll is imposed, or any Carriage in respect of the Horses or other Beasts of Draught drawing the Carriage on which such Toll is imposed, or any of the Goods or Effects of the Person so neglecting or refusing to pay (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast); and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Detention, shall not be paid within the Space of Four Days thereafter, the Person so seizing and detaining may complain to the Sheriff or Sheriff Substitute or any Justice of the Peace for the Shire of *Edinburgh*, who are hereby empowered, after hearing the Person complained of, or failing his Appearance after Forty-eight Hours Notice personally or at his Dwelling House, to determine in a summary Way any Dispute that may arise about the Amount of the Tolls due or the Expences of the Proceedings, and to grant Warrant to sell by public Roup any Horse, Beast, Cattle, Carriage, or Thing so seized and detained, or a sufficient Part thereof; the Surplus of the Money (if any) arising from such Sale, and what shall remain unsold, to be returned to the Owner thereof after such Tolls, and the reasonable Charges occasioned by such Seizure and Sale, and other Expences of Proceedings, shall be deducted.

Power to erect Weighing Machines.

XL. And be it enacted, That it shall be lawful for the said Duke or his foresaids to erect Weighing Machines on any convenient Part of the said Road so as not to interrupt the travelling along the same, and to direct all Waggons, Carts, or other Carriages carrying any Load, and

which shall come within One hundred Yards of such Machine, to be weighed thereat, together with the Loading thereof.

Penalty on evading Tolls on the Road.

XLI. And be it enacted, That if any Person not being a Toll Gatherer shall give, or if any Person shall receive from any other Person not being a Toll Gatherer, or shall forge, counterfeit, or alter, any Note or Ticket directed to be given, with Intent to evade the Payment of the Tolls authorized to be taken by this Act in respect of the said Road, or if any Person shall fraudulently or forcibly pass through any Toll Gate or Toll Bar or Fence connected therewith with Intent to evade the said Tolls, or if any Person shall take off or cause to be taken off any Horse or other Beast of Draught from any Coach, Chaise, Waggon, Cart, or other Carriage at or before the same shall come to any Toll Gate or Toll Bar, and after having passed such Toll Gate or Toll Bar shall add or put any Horse or other Beast of Draught to such Coach, Chaise, Waggon, or other Carriage, with Intent to avoid any Toll payable or Penalty imposed by this Act, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Penalty on unloading, &c. to evade Tolls.

XLII. And be it enacted, That if any Person shall unload or cause to be unladen any Goods, Wares, or Merchandize from any Horse or other Beast of Burden, Waggon, Cart, or other Carriage, at or before the same shall come to any Toll Gate or Toll Bar or Weighing Machine erected in pursuance of this Act, or shall load or lay upon such Horse or other Beast of Burden, Waggon, Cart, or Carriage, after the same shall have passed any such Toll Bar or Weighing Machine, any Goods, Wares, or Merchandize taken or unladen from any Horse or other Beast of Burden, Waggon, Cart, or other Carriage, belonging to or hired or borrowed by any Person, with Intent to avoid the Payment of Tolls payable for a Loading or Overweight, every Person so offending as aforesaid shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence.

Exempting Royal Family from Tolls.

XLIII. And be it enacted, That no Toll shall be demanded or taken at any Bar on the said Road for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

General Exemption from Tolls.

XLIV. And be it enacted, That no Toll shall be demanded or taken at any such Bar or Gate as aforesaid from any Person for any Horse or other Beast of Draught or Carriage employed only in carrying or conveying, or going or returning empty before or after having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or other Implements of Husbandry, or any Hay, Straw, Manure, Dung, Fodder for Cattle, or Corn in the Straw produced on any Farm, or Seaweed, or Materials for draining, collected and used on such Farm, or other Produce of the same, from one Part of any such Farm to another, or for any Horses or other Beasts of Husbandry, or any Sheep or Cattle, going to or returning from their usual Pasture or Watering Place, or going to be or returning from being shoed or farried at their usual Smithy, or going to or returning from Plough or Harrow, or from any Clergyman going to or returning from visiting any sick Parishioner or on other his parochial Duty within his Parish, or from any Person attending the Funeral of any Person who shall die and be buried within the Parishes of

Cramond

Cramond and *St. Cuthbert's*, or going to or returning from such Funeral; nor shall any Toll be demanded or taken for the Horse of any Officer or Soldier on March or on Duty, or for any Horse or other Beast, or any Waggon, Cart, or other Carriage, employed only in carrying or conveying, or going or returning empty before or after having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Cart, or other Carriage whatsoever, or for any Horse or other Beast of Draught drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, or going or returning empty before or after having been so employed, or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other Military Duty: Provided always, that if any Person shall claim or take the Benefit of any such Exemption, not being entitled thereto, every such Person shall forfeit and pay a Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty for riding on Footpaths, &c., or committing Nuisances.

XLV. And be it enacted, That if any Person shall ride upon any Footpath or Causeway on or by the Side of the said Road made or set apart for the Use and Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway, or shall wilfully obstruct or do or cause any Injury or Damage to be done to the same, or to the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Wall, Toll Bar, or any Building, Fence, or Erection, made by the said Duke or his foresaids for the said Road; or shall break, injure, remove, or displace any Tools, Trestles, Bars, Stones, Materials, or other Articles whatsoever belonging to the said Duke or his foresaids, or used on said Road under his or their Authority; or shall haul or draw or cause to be hauled or drawn upon any Part of said Road any Timber, Stone, or other Thing, otherwise than upon a wheeled Carriage, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon a wheeled Carriage to drag or trail upon such Road; or shall in or upon the said Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Carriage, Cart, Horse, or other Beast on the said Road, conveying any Iron Bar or Rod, Tree, Wood, Stone, Basket, or Pannier, or any other Matter or Thing, except Hay or Straw, shall suffer the same to project by more than Thirty Inches from the Side of such Horse or other Beast, or more than One Foot laterally beyond the Wheels of such Carriage, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage, travelling along the said Road; or if any Person shall carry any Timber or other Article above Twenty-five Feet long on any Cart or Carriage not having more than Two Wheels; or if any Hawker, Higgler, Gipsy, or other Person shall pitch any Tent or encamp upon or by the Sides of any

any Part of the said Road; or if any Person occupying or using a Blacksmith's Shop, Foundry, Smelting-house, Iron or Brass Work, Boiler-making Work, Glass Work, Soda, Soap, or Chemical Work, shall not by good and close Shutters every Evening after it becomes Twilight or otherwise bar and prevent the Light from such Shop from shining into or upon the said Road, or from being dangerous or detrimental to Travellers; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within One hundred Feet of the Centre of said Road, or shall discharge any Gun, Pistol, or other Fire-arms, fly Kites, or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games, upon the said Road or on the Side or Sides thereof; or if any Person shall create or cause any wilful Obstruction whatever upon the said Road, or shall leave any Waggon, Cart, or other Carriage whatsoever upon said Road, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same, or shall not place such Waggon or other Carriage during the Time of loading or unloading the same, or of taking Refreshments, as near to One Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon such Road, or on the Side or Sides thereof, or the Footways or Causeways adjoining; or shall hang or lay any Linen, Clothes, or other such Articles on any Fence of the said Road; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon the said Road or Footpath from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon the said Road shall suffer such Pigs or Swine to root up or damage such Road or the Fences on either Side thereof; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person shall pull down, damage, injure, or destroy any Lamps or Lamp Post put up, erected, or placed in or near the Side of said Road or Toll House or Weighing Machine erected thereon, or shall extinguish the Light of any such Lamps; or if any Person shall strike or maltreat any of the Toll Gatherers, or any Person or Persons of their Family employed in levying the said Tolls and Duties, or shall rescue or attempt to rescue any Person in Custody for any of the said Offences; any Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Fifty Shillings, over and above the Damage occasioned thereby.

Power to appoint Toll Gatherers.

Toll Gatherer's Name to be exhibited.

XLVI. And be it enacted, That it shall be lawful for the said Duke and his foresaids to let the Tolls leviable under this Act in respect of the said Road, or to appoint Toll Gatherers to levy the same; and every Tacksman of the said Tolls or Toll Gatherer shall place on some conspicuous Part of his Toll House or Collecting Box his or her Christian and Surname painted in Black Letters on a Board with a White Ground, each

of the Letters of such Name to be at least Two Inches in Length and of a Breadth in proportion, and that such Board shall so remain at such Toll House or Box during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every Tacksman and Toll Gatherer shall place on the Front of the Toll House, or otherwise erect at the Toll Bar, so as to be distinctly legible from the Road, the Schedule (C.) hereunto appended; and if any Tacksman or Toll Gatherer shall not so place or erect such Board or Schedule or Table respectively, and so keep the same there during the Time such Person shall be such Tacksman or Toll Gatherer, or shall demand or take a greater or less Toll than such Tacksman or Toll Gatherer shall be authorized to do, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof and who shall claim such Exemption, or shall refuse to permit any Person to read such Board, Schedule, or Table, or shall refuse to tell his or her Christian and Surname to any Person who shall demand the same on being paid the said Tolls, or shall give a false Name, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Toll Bars freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct any Passenger from passing through any Toll Bar, or shall permit or suffer any Obstruction to the passing through any Toll Bar by the stopping or unnecessarily delaying of any Carts or Carriages, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, such Tacksman or Toll Gatherer shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and it shall not be lawful to collect any Toll Duty at any Bar where such Board or Schedule or Table shall not be so placed or erected.

Schedule of Tolls to be exhibited at Toll Bar.

Penalty on Toll Gatherer for Misbehaviour.

XLVII. And be it further enacted, That it shall be lawful for the said Duke and his foresaids from Time to Time by Writing under his or their Hands to appoint a Treasurer or Treasurers, Clerk, and Surveyor, and also a Collector or Collectors of the Rates, Tolls, and Dues payable by virtue of this Act, and such other Officers as he and they shall think necessary, and to remove any of such Officers as he or they may think proper, and appoint others in their Stead, and direct such Salaries and Allowances to all such Officers out of the Monies to be received by virtue of this Act as the said Duke and his foresaids shall think reasonable; and the said Duke and his foresaids shall take sufficient Security from such Treasurers and Collectors for the due Execution of their respective Offices.

For appointing a Treasurer and other Officers.

Treasurer and Collector to give Security.

XLVIII. And whereas the probable Expence of making the Pier, Road, and other Works by this Act authorized will amount to the Sum of Eighty thousand Pounds, which Sum has already been subscribed for by the said Duke under a Contract binding himself, his Heirs, Executors, Administrators, and Assigns, for the Payment thereof; be it therefore enacted, That the said Duke, his Heirs, Executors, Administrators, and Assigns, shall and he and they is and are hereby required to pay the said Sum, or such Parts or Proportions thereof as shall from Time to Time be called for by the Treasurer or Treasurers for the Time being, to be appointed pursuant to the Powers and Directions of this Act, at such Times and Places as shall be appointed in that Behalf; and it shall be lawful for the said Treasurer for the Time being to sue for and recover the same,

For compelling Payment of Subscriptions.

with full Costs of Suit, in any Court of Law or Equity, together with Interest on such unpaid Sum or Sums of Money at the Rate of Four Pounds *per Centum per Annum* from the Time when the same shall be appointed to be paid as aforesaid.

Treasurer to give Receipts, which shall be sufficient Discharges.

XLIX. And be it further enacted, That upon Payment of any Money under this Act it shall be lawful for the Treasurer for the Time being to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to the Person or Persons paying the same, who shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Monies or any Part thereof.

Power to borrow on Security of Pier Rates and Road Tolls.

L. And be it further enacted, That it shall and may be lawful to and for the said Duke and his foresaids, and he and they is and are hereby authorized and empowered, from Time to Time to borrow or take up at Interest on the Credit of the Rates, Tolls, and Duties to be collected in respect of the said Pier and Road, or one or other of them, by virtue of this Act, any Sum or Sums of Money which he, she, or they shall deem necessary for effectuating the Purposes of this Act, not exceeding the Sum of Eighty thousand Pounds in the whole, and to assign the Property of the said Pier and Road, or one or other of them, and Works connected therewith, and such Rates, Tolls, and Duties, as Security for any Sum or Sums of Money which shall be so borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance and lend the same; and all such Assignments shall be made and granted under the Hand and Seal or Hands and Seals of the said Duke or his foresaids, and may be made in the Form or to the Effect following; (that is to say,)

Form of Security.

'BY virtue of an Act of Parliament made in the Year of the
'Reign of King *William* the Fourth, intituled [*here insert the Title of*
'*this Act*], I, in consideration of the Sum of
'advanced and paid to me by do hereby assign and
'make over unto the said his [*or* her *or* their]
'Executors, Administrators, or Assigns, the aforesaid *Granton* Pier and
'*Granton* Road, [*or one or other of them, as the Case may be,*] and Build-
'ings and other Works belonging thereto, and all and singular the Rates,
'Tolls, and Duties payable to me by virtue of the said Act in respect of
'the said Pier and Road, [*or one or other of them, as the Case may be,*]
'and all my Right, Title, and Interest of, in, and to the same, to be
'holden by the said his [*or* her *or* their] Executors,
'Administrators, or Assigns, until the said Sum of
'with the legal Interest thereof, shall be fully satisfied and paid. In
'witness whereof I have hereunto set my Hand and Seal the
'Day of in the Year of our Lord .
'Signed and sealed in the } *here Two Male Witnesses will sign, adding*
'Presence of } *their Designations to their Names.*'

And every such Assignment or Mortgage shall be good, valid, and effectual for securing the Repayment of the Money therein mentioned.

Power to transfer Assignments.

LI. And be it further enacted, That it shall and may be lawful to and for the Person or Persons to whom any such Assignment or Assignments, Mortgage or Mortgages, shall be made as aforesaid, and his, her, or their Executors,

Executors, Administrators, or Assigns, to transfer his, her, or their Right and Interest therein to any Person or Persons by Writing under his, her, or their Hands and Seals; and such Transfers may be in the Form or to the Effect following; *viz.*

Form of Transfer.

'I of in consideration of the Sum of paid to me by of do hereby transfer the Assignment or Mortgage made by to me, bearing Date the Day of of *Granton* Pier and Road, [*or one or other of them, as the Case may be,*] and the Rates, Tolls, Duties, and Premises therein contained, for securing the Sum of and legal Interest due and to become due thereon; and I also assign and transfer all my Right and Property therein, and to the said Sum of and Interest, to the said his Executors, Administrators, and Assigns. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .

'Signed and sealed in the } *here Two Male Witnesses will sign, adding*
'Presence of } *their Designations to their Names.*'

All Securities and Transfers shall be recorded in the particular Register of Sasines.

LII. And be it further enacted, That all Assignments and Transfers made in virtue of this Act shall, at any Time after their Execution, be registered in the particular Register of Sasines at *Edinburgh* for the Shire thereof, and the Keepers of the said Register are hereby directed to record the same when required, and enter the same in the Minute Book kept by them, and to indorse a Certificate of Registration on the said Assignments and Transfers, all in like Manner as is done at the Registration of Instruments of Sasine; and in case Two or more such Assignments or Mortgages shall be made and executed in favour of different Persons, the Priority of Right to the said Pier and Road Rates and Dues shall be regulated according to the Dates of Registration of the Assignments; and in case Two or more Transfers shall be made of the same Assignment or Mortgage in favour of different Persons, the Priority and Right of Preference to the said Assignment or Mortgage shall be regulated according to the Date of Registration of the respective Transfers.

All Securities under this Act to be Personal Property.

LIII. And be it further enacted, That all Assignments or Mortgages and Transfers granted under the Authority of this Act, and the Sums of Money thereby secured, shall be held to be Personal Property, and shall be subject to all the Rules and Regulations affecting Moveable or Personal Property by the Law of *Scotland*.

Securities not to be assigned except by an Instrument in Writing duly stamped.

LIV. Provided always, and be it further enacted, That no Mortgage or other Security made or issued or to be made or issued by the said Duke and his foresaids under the Authority of this Act shall be assigned or transferred, except by Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

Discharges to be also recorded.

LV. And be it further enacted, That it shall and may be lawful for the Keepers of the said Register of Sasines and they are hereby directed, when required thereto, to record all Discharges which may be granted of

of the said Assignments or Mortgages or the Transfers thereof, and the said Discharges shall be in any Form which shall be sufficient by the Law of *Scotland* at the Time for the Discharge of personal Obligations.

Application of Rates, Penalties, &c.

LVI. And be it further enacted, That all the Rates, Tolls, and Dues hereby granted and made payable in respect of the said Pier and Road respectively shall be paid to the Collectors and other Persons duly authorized to receive the same, who shall account for the Money so received to the Treasurer to be appointed by virtue of this Act, and pay over the same to him; and all the Fines, pecuniary Penalties, and Forfeitures hereby imposed or authorized to be imposed, and all the Monies borrowed and advanced on such Mortgages or Securities as aforesaid, and all other Monies which shall become payable by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be payable and paid to the Treasurer to be appointed by virtue of this Act, and shall be applied by him in the Priority, Order, and Manner following; (that is to say,) in the first place, in payment of the Costs, Charges, and Expences of applying for and passing this Act, and otherwise incident thereto; in the second place, in payment of all Interest accruing due upon the several Principal Sums which shall be borrowed or secured in pursuance of this Act, and in paying Salaries to Officers, remunerating the Engineers and other Persons employed in carrying this Act into execution, and other contingent Expences; in the third place, in payment of the Charges and Expences of completing the said Pier and Road, and all other Works connected therewith respectively which shall be undertaken with the Consent of the said Duke and his foresaids, testified by Writing under their respective Hands; in the fourth place, in maintaining and keeping in repair the said Pier and Road and other Works connected therewith respectively, and which shall have been so undertaken and completed as aforesaid; in the fifth place, in redeeming, paying off, and discharging all the said Principal Sums which shall be borrowed as aforesaid; and lastly, in paying to the said Duke and his foresaids all the Residue and Surplus of the Monies which shall come to the Hands of the Treasurer by virtue of this Act, and shall remain after answering the several Purposes aforesaid.

Reservations of Rights of Commissioners for Northern Lights.

LVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Duke or his foresaids to exhibit or alter any Light or Lights, Beacon or Beacons, for the Guidance of Ships and Vessels resorting to the said Pier or Works connected therewith, or approaching to or departing from the same, without having from Time to Time first obtained the Sanction in Writing of the Commissioners for Northern Lighthouses as to the Power and Description of any such Light or Lights, or the Character of any such Beacon or Beacons, and the Mode of exhibiting the same respectively.

Transient Offenders to be seized.

LVIII. And be it further enacted, That it shall be lawful for the said Duke and his foresaids, or any Pier Master, Collector, Tacksman, Toll Gatherer, Surveyor, Assistant, or any other Officer employed by him, them, or any of them respectively to act in the Execution of this Act, and such Person or Persons as he or they shall call to his or their Assistance, to seize and detain any Person or Persons, being unknown to him or

them, who shall commit any Offence against this Act, and to convey him, her, or them before any One or more of the Justices of the Peace for the said County of *Edinburgh* without any other Warrant than this Act for so doing, and such Justice or Justices of the Peace is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders in a summary Way.

Penalty for Witnesses refusing to give Evidence.

LIX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Sheriff or Sheriff Substitute, Justice or Justices of the Peace, or any other Judge or Court, touching any Matter of Fact or Cause relative to this Act, or any Complaint for Offences committed against this Act, either on the Part of the Prosecutor or the Defender or Party or Parties accused, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or if appearing shall refuse to be examined upon Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before such Judges or Justices, Sheriff or Sheriff Substitute, or other Judge or Court, or to exhibit and produce any Writings or Documents in his Possession which he shall be required to exhibit and produce in Evidence, then in either of the said Cases every such Person so refusing or neglecting shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Officers under the Act not disqualified as Witnesses.

LX. And be it further enacted, That no Person or Persons acting by or under the Authority of the said Duke or his foresaids in any Matters or Things connected with the Execution of this Act shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in any Question, Suits, or Complaints which may be raised and brought under the Authority of this Act.

Appeal competent.

LXI. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons, shall think himself, herself, or themselves aggrieved by any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, or by any other Matter or Thing done under or in pursuance of this Act, or by any Order or Judgment given in pursuance thereof, then and in every such Case it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Complaint shall have arisen, within Two Calendar Months next after such Cause of Complaint shall have arisen, or to the next Quarter Sessions after the Expiration of the said Two Calendar Months, such Appellant or Appellants first giving or causing to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal and of the Matter thereof unto the Person or Persons appealed against, and within Six Days after such Notice entering into a Bond of Caution before a Justice of the Peace for the said County, with Two sufficient Securities, conditioned to try such Appeal, and abide by the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and upon due Proof of such Notice being given as aforesaid, and of the entering into such Bond of Caution, the Justices at such Sessions shall hear and determine the Cause and Matter of such Appeal,

peal, and may order any Money to be returned which may have been levied in pursuance of any Bye Law, Rule, Order, or Regulation, and award such Costs to the Party appealing or appealed against, and may also award such further Satisfaction to the Party injured as they shall think proper; and the Determination of the Justices shall be final, binding, and conclusive to all Parties, and shall not be subject to Review by Advocation, Suspension, Reduction, or by any Process whatever; any Law or Statute to the contrary notwithstanding.

No Appeal on ground of Form merely.

LXII. And be it further enacted, That no Order, Verdict, Judgment, Decree, or other Proceedings relative to any of the Matters aforesaid, or to the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be on any such Account removed or removeable or reviewable by Advocation, Suspension, or Reduction, or by any other Process whatsoever, to the Courts of Session or Justiciary or Quarter Sessions; any Law or Statute to the contrary notwithstanding.

Sheriffs may decide without a closed Record.

LXIII. And be it further enacted, That in any Proceedings before the Sheriff or Sheriff Substitute, or other Judges or Courts, instituted under this Act, it shall and may be lawful for the said Sheriff or Sheriff Substitute, or other Judges or Courts, to decide the Cause in a summary Way, and without the Necessity of a closed Record.

Recovery of Penalties.

LXIV. And be it enacted, That it shall and may be lawful for the said Duke and his foresaids, or the Treasurer, Collector, or other Officers appointed by him under this Act, to prosecute for any Fines, Penalties, Forfeitures, Damages, or Costs of Suit by this Act authorized, the Manner whereof is not hereby otherwise particularly directed, by Summons, Action, or summary Petition, Bill, Complaint, or Information to be raised or exhibited within One Month after the Penalty is incurred or Offence committed, but not thereafter, before One or more Justices of the Peace or the Sheriff or Sheriff Substitute of the said County of *Edinburgh*, or before any competent Judge within whose Jurisdiction the Person or Persons liable or the Offenders shall reside or be apprehended; which Justice, Sheriff, or Judge shall try all such Cases in a summary Way, and upon Conviction of the Offender or Person liable by his own Confession, or by the Oath of One or more credible Witness or Witnesses, shall award such Order, Judgment, or Decree as to him or them shall appear just and agreeable to the true Intent and Meaning of this Act; and in default of Payment of the Amount of any Fines, Penalties, Forfeitures, Damages, or Costs of Suit which shall or may be awarded, the Person or Persons liable therein shall, by Warrant under the Hand of any such Justice, Sheriff, or Judge, be committed to the nearest Gaol for such Time not exceeding Three Months as such Justice, Sheriff, or Judge may direct, unless the Sum so awarded shall be sooner paid and discharged.

Complaints and Informations may be made before a Sheriff or Justice of the Peace.

LXV. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offender is not particularly mentioned or directed, shall be adjudged by and be recovered before the Sheriff or any Justice of the Peace for the Shire of *Edinburgh* or where the Cause or Matter of such Complaint or Information shall arise, in a summary Way, and

and such Sheriff or Justice is hereby authorized and empowered to take cognizance thereof, and to summon the Person complained of to appear before him, and upon the appearing or not appearing of such Person, pursuant to such Summons, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath or otherwise, (which Oath such Sheriff or Justice is hereby empowered to administer,) and to make such Determination therein as such Sheriff or Justice shall think proper; and upon the Conviction of any such Person such Sheriff or Justice shall and may issue a Warrant under his Hand and Seal for levying the Penalty or Forfeiture by this Act imposed for such Offence by Poinding and Sale of the Goods and Chattels of the Person so convicted; and all such Penalties and Forfeitures when recovered, after rendering the Overplus (if any), when demanded, to the Owner of such Goods and Chattels (the Charges of such Poinding and Sale being first deducted), shall be paid, one Half to the Informer or Informers, and the other Half to the Treasurer to be appointed by virtue of this Act, to be applied for the Purposes of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Sheriff or Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until the Poinding and Sale shall be reported, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Sheriff or Justice for his, her, or their Appearance before such Sheriff or Justice, or before some other Sheriff or Justice, on such Day or Days as shall be appointed (such Day or Days not being more than Ten Days from the Time of taking such Security), and which Security the said Sheriff or Justice is hereby empowered to take by way of Bond of Caution or otherwise; but if it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Sheriff or Justice, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Poinding were issued, such Sheriff or Justice shall not be required to issue such Warrant, and thereupon it shall be lawful for such Sheriff or Justice, and he is hereby authorized and required, by Warrant under his Hand to commit such Offender to the Common Gaol of the said Shire, there to remain for any Time not exceeding Six Calendar Months, or until such Penalties or Forfeitures shall be paid or compounded for, which Composition the said Duke and his foresaids are hereby empowered to make.

Penalties and Forfeitures how to be recovered.

LXVI. Provided always, and be it further enacted, That it shall be lawful for the Sheriff or any One Justice before whom any Complaint for the Recovery of any such Expences, Toll Duties, Penalties, Forfeitures, or Fines may be brought, to proceed, if such Sheriff or Justice, duly considering the Nature of the Case, shall think fit, and not otherwise, in a summary Way, and to grant Warrant for bringing the Parties complained upon before him for Examination, and after hearing Parties, on Confession or Probation by the Oath of any credible Witness or other competent Evidence, to proceed to determine thereon without any written Pleadings or Record of Evidence, and to grant Warrant for levying the said Penalties by Poinding and Sale; and in the Case of a Return of no Effects,

Summary Process.

Effects, or in case it shall appear to the Satisfaction of such Sheriff or Justice that no sufficient Effects can be found, to grant Warrant for Commitment of the Offender as above enacted; but in all such Cases a Record shall be preserved of the Charge and of the Judgment pronounced.

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

LXVII. 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 *Edinburgh*: Provided always, that such Warrants, Interlocutors, Judgments, and Sentences shall be indorsed by the Sheriff or a Justice of the Peace of such other County, and such Indorsation shall be sufficient Authority to the Constables or Sheriffs Officers of both Jurisdictions respectively to put the same into execution within such other County.

Sheriffs may proceed under Small Debt Act.

LXVIII. 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, Tolls, Dues, 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 His late Majesty's Reign, intituled *An Act for the more effectual Recovery of Small Debts, and diminishing the Expences of Litigation 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.

Powers given by this Act shall cease if Works not completed within Ten Years.

LXIX. And be it further enacted, That in case the several Works herein-before described and intended to be carried into effect under the Authority of this Act shall not have been completed within Ten Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only as to so much and such Part of such Works as shall have been completed within such Time.

Public Act.

LXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHE-

SCHEDULE (A.) referred to by the foregoing Act.

TONNAGE DUES.

CLASSES OF VOYAGES.	Per registered Ton.	
	Foreign Vessels, &c.	British Vessels, &c.
	s. *d.*	*s.* *d.*
CLASS I.—To or from any Port or Place in the River or Frith of Forth to the Westward of St. Abb's Head and Fifeness, excepting Vessels coming or going through the Forth and Clyde Canal, not exceeding - - -	0 4	0 2
CLASS II.—To or from any other Port or Place in Scotland, and to or from Newcastle and the River Tyne in England, or any other Port or Place in England to the North of the River Tyne, not exceeding - - - - -	0 4½	0 3
CLASS III.—To or from any Port or Place in Great Britain or Ireland, excepting those in Classes First and Second, not exceeding - -	0 6	0 4
CLASS IV.—To or from any Port or Place in Europe, excepting those in the preceding Classes, not exceeding - - - -	1 0	0 8
CLASS V.—To or from all other Parts of the World, not exceeding - - - -	1 6	1 0

A Voyage shall comprehend an Arrival at and Departure from the Pier or its Boundaries, so that a Vessel paying Tonnage Dues at its Arrival shall not pay these Dues at its Departure, and vice versâ.

All Vessels performing more than Ten Voyages within One Year shall pay the above Rates and Dues for each of the first Ten Voyages only; and for each of the remaining Voyages within the Year, if these remaining Voyages shall not exceed Ninety, they shall pay only One Half Dues; and for all Voyages above One hundred within the Year they shall pay only One Fourth Dues.

All Vessels performing more than One Voyage in a Day shall only be charged for One Voyage that Day.

SCHEDULE (B.) referred to by the foregoing Act.

RATES and DUES to be paid by all Passengers and Persons, and upon Horses and Carriages, Live Stock and Goods, Wares, Merchandize, Commodities, or others.

	s.	*d.*
For every Passenger and Person from or to any Port or Place in the River or Frith of Forth to the Westward of St. Abb's Head and Fifeness, not exceeding - - -	0	2
Ditto from or to any Port or Place between the River and Frith of Tay inclusive on the North and Berwick inclusive on the South, not exceeding - - - - - - -	0	4
Ditto from or to any other Port or Place in Scotland, and from or to Newcastle and the River Tyne in England, or any other Port or Place in England to the North of the River Tyne, not exceeding - - - - - - -	0	6
Ditto from or to all other Places, not exceeding - - -	1	0
For every Person who shall use the said Pier for the Purpose of walking for Exercise, Pleasure, or otherwise, not exceeding -	0	3
For every Horse or Mare, not exceeding - - -	1	6
For every Ass or Mule, not exceeding - - -	0	9
For every small Highland or Shetland Pony, not exceeding -	0	9
For every Stallion, not exceeding - - - - - -	10	0
For every Bull, not exceeding - - - - -	5	0
For every Cow, Ox, or Heifer, not exceeding - - -	1	0
For every Calf, not exceeding - - - - -	0	6
For every Boar, Hog, or Sow, not exceeding - -	0	2
For every Score of Sheep, Goats, or Kids, not exceeding - -	1	6
And so in proportion for any greater or less Number.		
For every Score of Lambs, not exceeding - - -	0	10
And so in proportion for any greater or less Number.		
For every Sporting Dog, not exceeding - - -	0	2
For every other Dog, not exceeding - - -	0	1
For all domestic or wild Fowls, not exceeding, per Dozen -	0	2
And so in proportion for any greater or less Number.		

For

	s.	*d.*
For every Coach, Chaise, or other Carriage with Four Wheels (except when drawn by One Horse), to or from any Port in the Frith or River Forth, not exceeding - - -	2	0
For every Carriage with Four Wheels, and drawn by One Horse to or from Ditto, not exceeding - - - -	1	3
For every Gig or other Carriage with Two Wheels to or from Ditto, not exceeding - - - -	0	9
For every Coach, Chaise, or other Carriage with Four Wheels (except when drawn by One Horse), to or from any other Port or Place in Scotland, and to or from Newcastle and the River Tyne in England, or any other Port or Place in England, to the North of the River Tyne, not exceeding - - -	3	0
For every Carriage with Four Wheels drawn by One Horse to or from Ditto, not exceeding - - - -	2	0
For every Gig or other Carriage with Two Wheels to or from Ditto, not exceeding - - - -	1	0
For every Coach, Chaise, or other Carriage with Four Wheels (except when drawn by One Horse) to or from any other Port - - - - - - -	6	0
For every Carriage with Four Wheels, drawn by One Horse, to or from Ditto, not exceeding - - -	4	6
For every Gig or other Carriage with Two Wheels to or from Ditto, not exceeding - - - -	2	0
For every Hearse, not exceeding - - -	10	0
For every Cart or Waggon, the Weight of which, with the Loading, shall not exceed One Ton, not exceeding - -	1	0
For every Cart or Waggon above that Weight, not exceeding -	1	6
For every empty Cart or Waggon, not exceeding - -	0	4

For all Goods, Wares, or Commodities of whatever Description the following Rates, either according to the Weight or the Measure, in the Option of the said Duke or his foresaids, reckoning Five Cubic Feet for the Barrel Bulk, and Eight Barrel Bulk for the Ton of Twenty Hundred Weight; viz. if charged according to the Measure, then for each Barrel Bulk a Sum not exceeding:—

If Inwards - - - - -	0	2
If Outwards - - - - -	0	1

And if charged according to the Weight, then for each Ton of Twenty Hundred Weight:—

If Inwards, not exceeding - - - -	1	4
If Outwards, not exceeding - - - -	0	8

And in measuring and weighing all such Goods, Merchandize, and Commodities, the Measurement or Weight of the Packages shall be included.

And,

And, in the Option of the said Duke and his foresaids, the following Articles may either be charged by the Measurement or Weight, as above provided, or according to the following Rates; viz.

	Rates and Dues.	
	Outwards,	Inwards.
	s. *d.*	*s.* *d.*
Bricks and Tiles per 1,000, not exceeding - -	0 7	0 7
Bones, per Ton, not exceeding - - -	0 6	0 10
Ditto, Dust, per Ton, not exceeding - -	0 6	0 10
Coals, Scotch, per Ton, not exceeding - -	0 2	0 4
Coals, English, per Ton, not exceeding - -	0 3	0 6
Cork, per Ton, not exceeding - - -	1 0	2 0
Flax, per Ton, not exceeding - - - -	1 0	2 0
Fish, per Barrel, not exceeding - - -	0 1	0 1
Grain of all Kinds, per Quarter, not exceeding	0 1	0 1½
Pot Barley, per Ton - - - -	1 0	1 6
Hides (raw) per Dozen, not exceeding - -	0 1	0 2
Note.—Three Calf Skins equal to One Hide.		
Hoops, per Hundred, not exceeding - -	0 0½	0 0½
Iron in Pigs, per Ton, not exceeding - -	0 4	0 8
Lead in Pigs, per Bar, not exceeding - -	0 0½	0 1
Leather, per Ton, not exceeding - - -	1 0	2 0
Lime, per Ton, not exceeding - - -	0 4	0 8
Rags, per Ton, not exceeding - - -	0 9	1 6
Rye Grass Seed, per Bag, not exceeding - -	0 1	0 2
Stones, per Ton, not exceeding - - -	0 4	0 8
Timber to be charged by the Ton, reckoning Forty Cubic Feet to the Ton, not exceeding per Ton -	0 8	1 4
Valonia, per Ton, not exceeding - - -	0 9	1 6
Wool, per Ton, not exceeding - - -	1 0	2 0
Empty returned Puncheons, each, not exceeding -	0 1	0 1
Empty ditto Hogsheads, ditto, not exceeding -	0 0½	0 0½
Empty ditto Barrels, ditto, not exceeding - -	0 0½	0 0½

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SCHEDULE (C.) referred to by the foregoing Act.

Toll Rates and Dues to be paid for Horses, Carriages, and others using Granton Road.

	s.	d.
For every Horse or other Beast of Draught drawing any Stage Coach, Long Coach, Omnibus, or other Diligence or Carriage of the like Kind, licensed to carry Passengers for Hire as under :—		
If licensed to carry not more than Four Inside Passengers and not more than Two Outside Passengers, not exceeding - - - -	0	3
If licensed to carry more than Four Inside Passengers or more than Two Outside Passengers, not exceeding - - - - - -	0	4
For every Horse or other Beast of Draught drawing any other Coach, Berlin, Barouche, Landau, Chariot, Chaise, Calash, Chair, or such other Carriage, not exceeding - - - - - - -	0	3
For every Horse or other Beast of Draught drawing any Waggon, Cart, or other such Carriage not on Springs, with more than Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, or other like Purpose, not exceeding - - - - -	0	4
For every Horse or other Beast of Draught (except Asses) drawing any Cart or other such Carriage with only Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, or other like Purpose, where the Carriage, with its Burden or Loading, shall not weigh more than Thirty-four Hundred Weight of One hundred and twelve Pounds to the Hundred, not exceeding - - - -	0	3
But where such Cart or other Carriage, with its Burden or Lading, shall weigh more than Thirty-four Hundred Weight, not exceeding - - - -	0	4
For every saddled Horse or Mule with or without a Rider, not exceeding - - - - -	0	1
For every other Horse or Mule, laden or unladen, and not drawing, not exceeding - - - - -	0	0½
For every Ass, laden or unladen, and not drawing, not exceeding - - - - -	0	0½
And when drawing, not exceeding - - -	0	1½
For every Score of Oxen or Neat Cattle, and so in proportion for any greater or less Number, as under :—		
From the First Day of February to the First Day of October, not exceeding - - - -	0	8
From the First Day of October to the First Day of February, not exceeding - - - -	0	10

	s.	*d.*
For every Score of Calves, Swine, Sheep, Lambs, or Goats, and so in proportion for any greater or less Number - -	0	3
For every Carriage worked, moved, drawn, or propelled by Steam - - - - - -	2	0
For every Truck or Carriage drawn or propelled by Hand, which with its Loading shall exceed the Weight of Three Hundred Weight - - - - -	0	0½

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