ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 29.

An Act for conſtructing a Pier or Harbour at or near the Town of *Kincardine*, in the County of *Perth*.

[6th *April* 1810.]

WHEREAS the conſtructing of a Pier or Harbour adjacent to the Town of *Kincardine*, ſufficient for the Accommodation and Safety of Veſſels reſorting thereto, would tend much to increaſe the Trade and Manufactures of the ſaid Town and of the Neighbourhood, and be of great public Advantage: And whereas the Shores adjacent to the ſaid Town are the private Property of the Right Honourable *George* Lord *Keith*, who has the ſole Right to the Shore Dues leviable upon Goods landed there: And whereas the ſaid *George* Lord *Keith* is willing and deſirous, at his own Expence, to conſtruct a Quay, Pier or Harbour near the ſaid Town, and to open ſufficient Streets or Paſſages thereto: And whereas the Rates or cuſtomary Dues now payable by Owners and Maſters of Ships reſorting to the Shores adjacent to the ſaid Town, are not properly aſcertained; and there are not ſufficient Powers to enforce the Payment thereof, and the ſame are altogether inadequate to the Expence of building and maintaining the ſaid Pier or Harbour: And whereas it is expedient for the Purpoſes aforeſaid, and for the erecting and furniſhing of all neceſſary Cranes, Poſts, Pauls, Rings, and other Conveniences for the Shipping belonging to and uſing the Pier or Harbour aforeſaid, and for the Trade and Commerce thereof, that the Rates or cuſtomary Dues now payable at the Shores adjacent to the ſaid Town ſhould be aboliſhed, and that new and additional Rates or Dues ſhould be granted inſtead thereof; and that proper Rules and Regulations ſhould be made reſpecting the ſame, and the Ships or Veſſels reſorting to the ſaid Pier or Harbour: But as theſe Purpoſes cannot be accompliſhed without the Autho-

rity of Parliament, May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid *George* Lord *Keith*, his Heirs and Aſſigns, ſhall be and is and are hereby authorized to put this Act into Execution, and that from and after the paſſing of this Act, it ſhall and may be lawful for the ſaid *George* Lord *Keith*, his Heirs and Aſſigns, and he and they is and are hereby authorized and empowered, from Time to Time, by Contract or otherwiſe, to build and conſtruct a Pier or Harbour upon ſuch Part of the Shore immediately adjacent to the ſaid Town of *Kincardine*, and according to ſuch Plan, and of ſuch Conſtruction and Dimenſions as ſhall be agreed upon by the ſaid *George* Lord *Keith*, and approved of by the Baillies of the ſaid Town for the Time being, the Approbation of ſuch Plan to be ſignified by a Writing under the Hands of the ſaid Baillies, which ſhall be delivered to the Clerk of the Peace for the County of *Perth*, when the ſaid Pier or Harbour ſhall be ſo erected, to be by him kept and preſerved; and it ſhall and may be lawful to the ſaid *George* Lord *Keith*, and his Heirs or Aſſigns, by a Writing under his or their Hand or Hands, or under the Hand or Hands of his or their Factor or Commiſſioner for the Time being, to appoint ſuch Harbour Maſters, Quay Maſters, Water-Bailiffs, Collectors, or other Officer or Officers, and alſo from Time to Time to diſplace any ſuch Officer or Officers, and appoint others in the ſtead of the Perſon or Perſons ſo diſplaced, as he or they ſhall judge neceſſary for effecting the Purpoſes of this Act.

Lord Keith, &c. authorized to make Pier or Harbour.

And to appoint Harbour Maſters and other Officers.

Obliging Lord Keith to make the Harbour in a certain Time.

II. And be it further enacted, That the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns ſhall, and he and they is and are hereby required, within Three Years after the paſſing of this Act, to lay out and expend, or cauſe to be laid out and expended, in conſtructing the ſaid Pier or Harbour, and other Works and Conveniences neceſſary, a Sum not leſs than One thouſand five hundred Pounds; and to make or cauſe to be made out by his or their Factor or Commiſſioner as aforeſaid, an Account thereof in Writing, under his or their, or his or their Factor or Commiſſioner's Hands, and to verify or cauſe to be verified the Expenditure of ſuch Sum of Money as aforeſaid, before ſome Juſtice of the Peace acting in and for the ſaid County of *Perth*; which Oath any ſuch Juſtice is hereby authorized to adminiſter, and to certify on ſuch Account that the ſame has been ſo verified; and ſuch Account and Certificate ſhall, when ſo made out and certified, be lodged with the Clerk of the Peace of the ſaid County of *Perth*, and be by him kept and preſerved.

New Harbour Rates to be taken.

III. And in order to defray the Expence of building the ſaid Pier or Harbour, and of doing and performing the ſeveral other Works aforeſaid, and of maintaining and ſupporting the ſame, Be it further enacted, That inſtead of all other Rates, Duties and Tolls which have heretofore been demanded, taken and received upon the ſaid Shores, and which are hereby declared, from the Time the ſaid Pier or Harbour ſhall be fit to be uſed and reſorted to, to be aboliſhed,

it

it ſhall be lawful for the ſaid *George* Lord *Keith*, his Heirs or Aſſigns, or any Collector, Officer or Officers to be appointed by him or them under this Act, to aſk, demand, take and receive, from Time to Time, for all Ships, Boats, and other Veſſels of whatſoever Deſcription, which ſhall from henceforth come into or otherwiſe make uſe of ſuch Pier or Harbour as aforeſaid, or ſhall be at Anchor within or off the ſame, ſo as to receive Protection or Accommodation therefrom, and for all Goods, Wares, Merchandize and other Things landed or ſhipped within or from ſuch Pier or Harbour as aforeſaid, and for the Paſſengers in every ſuch Ship or Veſſel as aforeſaid, the ſeveral Rates, Duties and Tolls mentioned and ſpecified in the Schedule hereunto annexed, or ſuch other Rates, Duties and Tolls as ſhall be from Time to Time appointed to be paid in Manner hereinafter mentioned, by the ſaid *George* Lord *Keith*, his Heirs or Aſſigns, or his or their Factor or Commiſſioner for the Time being: Provided that ſuch Rates, Duties and Tolls, or any of them, do not exceed the Rates, Duties and Tolls hereby granted.

Goods not ſpecified in Schedule how to be charged.

IV. And be it enacted, That for all ſuch Goods, Wares, Merchandize, or other Things landed or ſhipped on or from the ſaid Pier or Harbour as aforeſaid, and which are not enumerated and ſpecified in the ſaid Schedule hereunto annexed, it ſhall and may be lawful for the ſaid *George* Lord *Keith* to demand and take ſuch Rates and Duties as ſhall be in Proportion to, and not exceeding, the Rates and Duties ſpecified in the ſaid Schedule; and not exceeding Three-pence on the Barrel Bulk of ſuch Goods and other Things; and ſuch Rates and Duties ſhall, in Caſe of Difference between the Owner or Maſter of the Ship or Cargo wherefor the ſaid Rates or Cuſtoms are demanded, and the Officer or Collector demanding the ſame, be fixed and aſcertained by the ſenior Baillie or Chief Magiſtrate of the ſaid Town of *Kincardine* for the Time; and being once ſo fixed, ſuch Rates or Cuſtoms ſhall be thereafter leviable in the ſame Manner as if the Goods and Wares, and the Rates or Cuſtoms payable thereon, had been enumerated in the ſaid Schedule.

Ships in His Majeſty's Service exempted.

V. Provided always, and be it further enacted, That all Ships and other Veſſels belonging to or employed in the Service of His Majeſty, his Heirs and Succeſſors, or in the Service of the Cuſtoms and Exciſe, or Poſt-Office, uſing the ſaid Pier or Harbour, and all Naval or Ordnance Stores, or other Matters imported into or exported from the ſaid Pier or Harbour for the Uſe of the Navy or Army, ſhall be exempted from the Payment of all and every the Rates and Duties hereby granted for and upon Veſſels uſing the ſame.

Rates may be altered.

VI. And be it further enacted, That it ſhall be in the Power of the ſaid *George* Lord *Keith*, and his Heirs or Aſſigns, if he or they ſhall think proper ſo to do, to reduce the aforeſaid Rates and Duties, and again to raiſe the ſame from Time to Time as Circumſtances ſhall require, but in ſuch manner as never to exceed the Rates and Duties hereinbefore granted.

Manner of recovering Rates.

VII. And to the Intent that the Rates or Duties impoſed by this Act may be more effectually collected and levied, be it further enacted, That in caſe any Owner or Owners, or Maſter, or other Perſon or Perſons having Charge

Charge or Command of any Ship or other Veſſel charged or chargeable with any of the reſpective Rates or Duties granted by this Act, or any Owner or Owners, Conſignee or Conſignees, of any Goods, Wares, or Merchandize, ſhall refuſe or neglect to pay the ſame, then, and in every ſuch Caſe, it ſhall be lawful for the Officer or Officers, or Collector or Collectors, appointed to receive the ſame, to go on board of ſuch Ship or Veſſel, and to demand, collect, and receive the ſaid Rates or Duties, and on Nonpayment thereof, to take and diſtrain ſuch Ship or Veſſel, and all her Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the ſame to detain until the reſpective Rates or Duties ſhall be ſatisfied and paid; and in Caſe of any Neglect or Default in Payment for the ſpace of Five Days after any Diſtreſs or Diſtreſſes ſo made or taken, then it ſhall and may be lawful for the ſaid Collector or Collectors to cauſe the ſame to be appraiſed by Two or more ſworn Appraiſers, or other ſufficient Perſons not intereſted therein, and afterwards to ſell the ſaid Diſtreſs or Diſtreſſes, and therewith to ſatisfy himſelf, or themſelves, as well for or in reſpect of the Rates or Duties ſo neglected or refuſed to be paid, and for which Diſtreſs or Diſtreſſes ſhall have been made or taken as aforeſaid, as for or in reſpect of his or their reaſonable Charges on taking, keeping, appraiſing, and ſelling the ſame; rendering the Overplus, if any, on demand to the Maſter, Commander, Owner or Owners, of ſuch Ship or Veſſel, or the Owner or Owners, Conſignee or Conſignees, of ſuch Goods, Wares, and Merchandize reſpectively.

Perſons eluding Payment to continue chargeable.

VIII. And be it further enacted, That if any Maſter, Owner or Owners, or other Perſon or Perſons having the Charge or Command of any Ship or other Veſſel, or any Owner or Owners, Conſignee or Conſignees, or any other Perſon or Perſons owning or having Charge of any Goods, Wares, or Merchandize imported into the ſaid Port from Parts beyond the Seas, ſhall, by any Means whatſoever, at any Time or Times, elude or evade the Payment of the Rates or Duties hereby made payable, or any Part thereof, each and every Perſon eluding or evading Payment thereof as aforeſaid, ſhall ſtand charged with and forfeit and pay a Sum equal to double the Rates or Duties ſo eluded and evaded; and ſuch Sum ſhall be recovered from ſuch Maſter, Owner or Owners, Conſignee or Conſignees, or other Perſon or Perſons reſpectively, by the ſame Ways and Means, and in ſuch Manner as are herein after directed for levying and recovering Penalties aud Forfeitures by this Act inflicted or authorized to be impoſed.

Tonnage, how to be aſcertained.

IX. And be it further enacted, That the Tonnage and Admeaſurement of all Ships and Veſſels required to be regiſtered by any Act or Acts of Parliament of the United Kingdom of *Great Britain* and *Ireland*, and trading or coming to and departing from the ſaid Harbour, and liable to the Payment of any of the Rates or Duties 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 ſuch Ship or Veſſel, is hereby required to produce the Certificate of Regiſtry at the Time of Payment of the ſaid Rates or Duties, to the Perſon or Perſons who ſhall be duly authorized to collect and receive ſuch Rates or Duties; and in caſe of any Diſpute in, about, or concerning the ſame, or in Caſe of any Diſpute in reſpect of the Tonnage of any Ship or Veſſel not required

to

to be registered, or of any foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, "An Act for the Encouragement of "Shipping and Navigation."

Ships may be measured.

X. And be it further enacted, That if the Collector or Collectors of any of the said Rates or Duties, and such other Person or Persons as the said *George* Lord *Keith*, and his Heirs and Assigns, shall duly nominate and appoint in that behalf, and the Master, or other Person having Charge or Command of any Ship or other Vessel, cannot agree about or otherwise ascertain the Tonnage of such Ship or other Vessel, then, and in every such Case, it shall be lawful for the said Collector or Collectors, or Person or Persons appointed as aforesaid, from Time to Time, and at all convenient and reasonable Times, to stop, detain, enter into, measure, and gauge the same; and in Case such Vessel shall, upon such measuring or gauging, appear to be of greater Tonnage than shall be set forth and contained in the Account which shall be given thereof, then the Master, or Person giving in such Account, shall pay the Costs and Charges of such measuring or gauging; all which Costs and Charges, upon refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner as the Rates or Duties are hereby appointed to be recovered and levied; but if any such Ship or other Vessel shall be found to be of the same or of less Tonnage than the same shall, by such Account, appear to be of, then the said Collector or Collectors, or such other Person or Persons respectively, shall pay the Costs and Charges of such measuring or gauging, and shall also pay such further Damages as shall appear to Two or more Justices of the Peace in and for the said County of *Perth*, on the Oath of any credible Witness, to have arisen from such Detention; and if any Master, Commander, or other Officer of any Ship or Vessel, or any other Person or Persons whomsoever, shall obstruct or hinder any Person or Persons so employed from measuring or gauging any Ship or Vessel, in pursuance of this Act, every such Master, Commander, or other Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds over and above the said Rates.

Penalty on Persons obstructing such Measurement.

Custom House Officers not to discharge any Vessel before Duties paid.

XI. And to the intent that the Rates and Duties by this Act imposed may be duly accounted for and paid; be it further enacted, That no Collector of His Majesty's Customs, at the said Pier or Harbour, shall on any Pretence whatever, permit or allow any Ship or Vessel on which Duties or Tonnage are by this Act imposed, to be entered Inwards from foreign Parts, or Outwards, or Coastwise, unless or until the Master or other Person having Charge of any such Ship or Vessel, shall have paid the Duties of Tonnage by this Act imposed, and shall have produced to the said Collector a Certificate, under the Hand of the Officer or Person appointed under the Authority of this Act to collect and receive the said Rates or Duties, certifying that the said Rates or Duties due and payable by virtue of this Act, on Account of any such Ship or Vessel have been fully paid; and that no such Collector shall, upon any Pretence whatever, permit or allow any Goods or Merchandize, on which a Rate or Duty is by this Act imposed, to be landed from any Ship or Vessel entered Inwards, or Coastwise, unless or until the Owner or Owners, Consignee or

Conſignees of ſuch Goods or Merchandize, ſhall have paid the Rates or Duties hereby impoſed on ſuch Goods or Merchandize, and ſhall have produced to the ſaid Collector a Certificate under the Hand of the Officer or Perſon appointed under the Authority of this Act, to collect and receive the ſaid Rates or Duties, certifying that the ſaid laſt mentioned Rates or Duties have been fully paid; which reſpective Certificates and Signatures ſuch Officers or Perſons appointed under the Authority of this Act to receive the ſaid Rates and Duties, are required to ſign, and ſhall give accordingly, without Fee or Reward, upon pain of forfeiting any Sum not exceeding Twenty Pounds, together with Coſts of Suit; and which Sum when forfeited, ſhall be recovered in the ſame Manner as other Penalties under this Act may be recovered.

Power to leaſe the Rates.

XII. And be it further enacted, That it ſhall and may be lawful to the ſaid *George* Lord *Keith*, and his Heirs or Aſſigns, to let to Farm the Rates and Duties hereby granted, or any Part or Parts thereof, unto any Perſon or Perſons for any Time or Term they ſhall think proper, not exceeding Three Years from the Commencement of any Leaſe, and every ſuch Leaſe ſhall be valid and effectual, and the Leſſee or Leſſees thereof, and alſo ſuch Perſon or Perſons as ſuch Leſſee or Leſſees ſhall appoint to collect and receive the Rates ſo let, ſhall during the Continuance of every ſuch Leaſe, be deemed Collectors of the Rates, and ſhall have the ſame Power and Authority for collecting and recovering the ſame, as if they had been appointed for that Purpoſe by the ſaid *George* Lord *Keith*, or his Heirs or Aſſigns.

Goods to be removed within a certain Time.

XIII. And be it further enacted, That all Goods, Wares, and Merchandize that ſhall be landed on the ſaid Pier, or on any Quay or Wharf of the ſaid Harbour, ſhall be removed and taken therefrom reſpectively, within the ſpace of Forty-eight Hours, to be computed from the Time of ſuch Landing; and if any Goods, Wares, or Merchandize ſo landed, ſhall remain longer upon ſuch Pier, Quay, or Wharf, than the ſpace of Forty-eight Hours, that then and in every ſuch Caſes, the reſpective Owners or Perſons having Charge of ſuch Goods, Wares, or Merchandize, ſhall pay the Harbour Maſter, Collector, or other Officer of ſuch Pier, Quay, or Wharf, for the Time being, for the Uſe of the ſaid *George* Lord *Keith*, his Heirs and Aſſigns, over and above the ſeveral Rates and Sums of Money ſpecified in the Schedule hereunto annexed, the Sum of One Shilling per Ton for every Ton, and in the ſame Proportion for leſs than a Ton of ſuch Goods, Wares, and Merchandize ſo remaining on the Pier, Quay, or Wharf, for any longer Time than Forty-eight Hours as aforeſaid, and likewiſe the further Sum of One Shilling per Ton, and in the ſame Proportion for leſs than a Ton of any ſuch Goods, Wares, or Merchandize, for every ſucceeding Forty-eight Hours, that ſuch Goods, Wares, or Merchandize, ſhall ſo remain upon the ſaid Pier, Quay, or Wharf, to be recovered in the ſame Manner as the other Tolls, Rates, or Duties, hereby made payable, are to be recovered; and in Caſe any of the Articles landed on any ſuch Pier, Quay, or Wharf, or lying on the Deck of any Ship or Veſſel lying off the ſaid Pier, or within ſuch Part of the ſaid Harbour as aforeſaid, ſhall be Gunpowder, Tar, Pitch, Hemp, Flax, Wood, Spirituous Liquors, Turpentine, Hay, Straw, Tallow, or any other combuſtible Goods or Things, then ſuch

Combuſtibles to be removed.

Combuſtible

combuſtible Goods or Things ſhall be removed and taken away as aforeſaid, within the Space of Twenty-four Hours, to be computed from the Time that ſuch Ship or Veſſel comes within ſuch Part of the ſaid Pier or Harbour as aforeſaid; and in Default thereof, every ſuch Ship or Veſſel ſhall pay unto the Harbour Maſter, Collector, or other Officer of ſuch Pier, Quay, or Wharf, for the uſe of the ſaid *George* Lord *Keith*, his Heirs or Aſſigns, Ten Shillings per Ton, (over and above the ſeveral Rates, Tolls, or Duties, ſpecified in the Schedule hereunto annexed), and alſo the further Sum of Ten Shillings for every ſucceeding Twenty-four Hours that the ſame ſhall ſo remain, and ſo in Proportion for leſs than a Ton; the ſame to be paid by the reſpective Owners or Perſons having Charge of ſuch combuſtible Goods or Things, and to be recovered in the ſame Manner as the other Tolls, Rates, or Duties, hereby made payable are to be recovered; and if ſuch combuſtible Goods or Things cannot be removed as aforeſaid, by Daylight, then, and in every ſuch Caſe, the Owner or Owners, or Perſon or Perſons, having Charge of ſuch Goods or Things, ſhall be obliged to let and maintain at his or their own Expence, a ſufficient number of careful ſober Perſons to guard and watch over the ſame, ſuch and ſo many Hours, according to the Seaſon of the Year, as ſuch Harbour Maſter, Collector, or other Officer ſhall order and direct; and in Caſe the Owner or Owners, or Perſon or Perſons having Charge of ſuch Goods or Things, or the Maſter or Maſters of any Ship or other Veſſel, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Maſters, or other Perſon or Perſons, ſhall forfeit and pay for every Offence, Neglect, or Refuſal, any Sum not exceeding Ten Pounds.

Veſſels not permitted to remain after loading or unloading, to the Hindrance of others.

XIV. And be it further enacted, That no Veſſel reſorting to, or uſing the ſaid Pier or Harbour, ſhall, after its Cargo ſhall have been ſhipped or landed, be permitted to remain at the ſaid Pier or Harbour in ſuch a Situation as ſhall prevent any other Veſſel or Veſſels from approaching thereto, for the Purpoſe of taking in or diſcharging the Cargo or Cargoes of ſuch Veſſel or Veſſels thereat; and the Maſter or Owner, or Perſon having Charge of every ſuch Veſſel, ſhall after it is ſo loaded or unloaded, be bound to remove, or cauſe ſuch Veſſel to be removed: and failing his ſo doing, ſuch Maſter, Owner, or other Perſon, ſhall be liable to the ſaid *George* Lord *Keith*, his Heirs or Aſſigns, in a Penalty not exceeding Two Pounds Sterling, for every Twelve Hours that ſuch Veſſel ſhall be permitted to remain, after being deſired to remove; to be levied in the ſame Manner as other Penalties in this Act are directed to be levied.

Puniſhment for deſtroying Works.

XV. And be it further enacted, That if any Perſon or Perſons whatſoever, ſhall after the paſſing of this Act wilfully and maliciouſly demoliſh, or break down, or deſtroy, any of the Piers, Quays, Jetties, Breaſts, or other Works, in or belonging to the ſaid Pier or Harbour, or any of the Materials intended for any of the ſaid Works, every ſuch Perſon or Perſons ſo offending, upon being lawfully convicted thereof, ſhall be adjudged guilty of Felony, and the Court, by and before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall have Power and Authority to cauſe ſuch Perſon or Perſons to be tranſported for the Term of Seven Years, or in Mitigation of ſuch Puniſhment, may award Sentence of Fine, or Impriſonment,

ment, at the Diſcretion of the Judge or Judges before whom ſuch Offender or Offenders ſhall be tried or convicted.

Penalty on deſtroying Ropes of Veſſels.

XVI. And be it further enacted, That in caſe any Perſon or Perſons whomſoever, ſhall wilfully or maliciouſly cut, break, or in any Manner deſtroy any Rope or other Thing, by which any Ship, Boat, or other Veſſel lying in or near the ſaid Pier or Harbour, ſhall be moored or faſtened, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, beſides paying the Damages thereby occaſioned.

No Ballaſt to be thrown into or near the Pier.

XVII. And be it further enacted, That from and after the paſſing of this Act it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Duſt, Aſhes, or Rubbiſh, Shingle, Stones, or other Things, into or near the ſaid Pier or Harbour, or into the Entrance thereto, excepting at ſuch Place as ſhall be appointed for that Purpoſe by the ſaid *George* Lord *Keith*, his Heirs or Aſſigns, which he and they is and are hereby empowered to appoint; or to dig and take away any Ballaſt, Shingle, Stones, or other Things therefrom, to the Hurt and Prejudice of the ſaid Pier or Harbour, or of the Works connected therewith, under a Penalty not exceeding Ten Pounds for every ſuch Offence, beſides taking up and removing all ſuch Ballaſt, Duſt, Aſhes, Rubbiſh, Shingle, Stones, and other Things, and repairing the Damage occaſioned by ſuch Default, which the ſaid *George* Lord *Keith*, his Heirs and Aſſigns, and the Collector or Officers by him or them appointed, are hereby empowered to do at the Expence of the Defaulter or Defaulters.

Maſters of Veſſels to be anſwerable for the Damage done by their Crews.

XVIII. And be it further enacted, That the Maſter or Owner of every Ship or Veſſel coming to or uſing the ſaid Pier or Harbour, ſhall be and is hereby made anſwerable for the Amount of any Damage or Miſchief which ſhall be done by him, or by ſuch Ship or Veſſel, or by any of the Mariners, Boatmen, Servants, or others on board the ſame, or employed by ſuch Maſter or Owner, to any of the Piers, Quays, Breaſts, or other Works connected with the ſaid Pier or Harbour, with full Coſts of Suit, to be recovered as any other Damages or Penalties may be recovered under this Act; and that it ſhall be lawful to detain ſuch Ship or Veſſel, until ſufficient Security be granted for the Payment of the ſame.

Maſters, how to recover ſuch Damages from their Servants.

XIX. And be it further enacted, That in caſe the Maſter or Maſters, Owner or Owners of any Ship or Veſſel as aforeſaid, ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Treſpaſs, by reaſon of any ſuch Damage or Miſchief done or committed by his or their Mariners, Boatmen, Servants or other Perſons employed by them or any of them, ſuch Mariners, Boatmen, Servants or other Perſons, and each and every of them, ſhall be liable to pay ſuch Penalty or Damage, with the Coſts thereof, to ſuch Maſter or Maſters, Owner or Owners; and in caſe of Non-payment thereof upon Demand, and Oath made by ſuch Maſter or Maſters, Owner or Owners, of the Payment made by him, her or them of ſuch Penalty or Satisfaction for Damages, and that the ſame or the Coſts thereof have or hath not been repaid

repaid to him, her, or them, by ſuch Mariners, Boatmen, Servants or other Perſons, or any of them, although demanded, (ſuch Oath to be made before any One Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been incurred or paid, or where ſuch Mariner, Boatman, Servant or other Perſon can be found,) the Amount thereof ſhall be recovered as any other Penalty is hereby directed to be recovered.

Lord Keith may cauſe Wells to be dug and Pipes to be laid.

XX. And be it enacted, That it ſhall and may be lawful for the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, at his or their own Coſt and Expence, and upon his or their own Property, or if upon the Property of any other Perſon or Perſons, then with the Conſent of ſuch Perſon or Perſons expreſſed in Writing, to cauſe Wells to be dug, Pipes to be laid, and Pumps to be erected in ſuch Place or Places of the ſaid Pier or Harbour, or adjoining thereto, as the ſaid *George* Lord *Keith*, or his Heirs or Aſſigns, ſhall think moſt proper and advantageous for obtaining and furniſhing a ſufficient Supply of freſh Water for the Uſe of the Veſſels reſorting to the ſaid Pier or Harbour.

Penalty on Perſons injuring the Pipes, &c.

XXI. And be it enacted, That any Perſon or Perſons who may be convicted of injuring or deſtroying the ſaid Pipes, Wells or Pumps, or the Springs or Water Courſes thereof, ſhall be liable in any Sum not exceeding One Pound for each Offence, to be levied for the Uſe of the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns in Manner hereinafter directed.

Regulations and Bye-Laws may be made.

XXII. And for the better and more effectually carrying the ſeveral Objects of this Act into execution, be it enacted, That it ſhall be lawful for the ſaid *George* Lord *Keith*, his Heirs and Aſſigns, at any Time or Times hereafter, to make, ordain and eſtabliſh ſuch reaſonable Orders, Rules and Bye-Laws for better regulating ſuch Part of the Pier or Harbour, and other Works, Matters and Things which ſhall or may be eſtabliſhed, erected, built, made or done by virtue or in purſuance of this Act, or uſed for the carrying into execution the Purpoſes thereof; and alſo for the better regulating all Officers to be appointed or employed by virtue of this Act, and all other Perſons having any Concern with the ſaid Pier or Harbour; and alſo for better regulating, governing and managing all or any of the Carts, Drays, Wheel or other Carriages, and Horſes or other Beaſts of Draught or Burden, uſed and employed for the carrying and removing of the Goods, Wares and Merchandize meant and intended to be exported out of or imported into ſuch Part of the ſaid Pier or Harbour as aforeſaid, or into, out of, or from any Boat or Veſſel coming within or uſing the ſame, or the ſaid Piers, Buildings or Premiſes appertaining thereto, or for the carrying or removing Wood, and all other Materials to be uſed or employed in or about the building or repairing of any Ship or other Veſſel, which ſhall or may be built or repaired within the ſaid Pier or Harbour, or in or about the building or repairing any of the Works to be built, erected or made, or repaired in purſuance of this Act, or any other Improvement to be made in purſuance thereof; and likewiſe for better regulating, governing, managing or ordering of all and every Perſon or

Perſons who ſhall or may be employed as the Driver or Drivers of any Cart, Dray, Wheel or other Carriage, or of any Horſe or other Beaſt of Draught or Burthen, which ſhall be uſed or employed as before-mentioned; and further for better governing and regulating all Perſons to be employed in or about the loading, unloading, carrying or conveying all or any Goods, Wares or Merchandize to or from any Ship or Veſſel lying and being within ſuch Part of the ſaid Pier or Harbour, or near the ſame as aforeſaid, or which ſhall have been landed from or intended to be ſhipped on board of any ſuch Ship, Boat or other Veſſel as laſt aforeſaid, or that ſhall be employed in or about all or any of the Works aforeſaid; and for the better regulating and governing ſuch Part of the ſaid Pier or Harbour as aforeſaid, in all reſpects whatſoever, as in the Judgment of the ſaid *George* Lord *Keith*, his Heirs or Aſſigns, ſhall ſeem fit, juſt and reaſonable; and for making all ſuch Regulations as ſhall be neceſſary, regarding the properly ſupplying the ſaid Pier or Harbour with Water, to be brought thereto as aforeſaid; and alſo from Time to Time, as occaſion may be, to repeal, and to amend or alter ſuch Rules, Orders, Regulations and Bye-Laws as to him or them ſhall ſeem meet and requiſite, provided that no ſuch Rule, Order, Bye-Law or Regulation ſhall be in any Way repugnant to this Act, or the Laws of that Part of the United Kingdom called *Scotland*; and alſo to fix and appoint reaſonable pecuniary Penalties, not exceeding the Sum of Forty Shillings for each Non-obſervance or Non-performance, or other Breach of all or any ſuch Rules, Regulations, Orders or Bye-Laws, or any of them, to be recovered as herein directed.

Rules to be approved by Juſtices, and publiſhed.

XXIII. Provided always, and be it further enacted, That no Rule, Order, or Bye-Law, which ſhall be made as aforeſaid, purſuant to the Powers hereby given for that Purpoſe, ſhall be put in Execution, or have any Force, Operation or Effect, until the ſame reſpectively ſhall have been produced at the General Quarter Seſſions of the Peace held for the County of *Perth*, and have been approved by the Juſtices of ſuch Quarter Seſſions, or the major Part of them for the Time being, by a Writing under their Hands, nor until the ſame ſhall have been publiſhed, and poſted up at the Market Croſs of *Kincardine* for the Space of Fourteen Days, and ſhall be ſubject to Appeal in Manner hereinafter mentioned.

Lord Keith, &c. empowered to purchaſe Lands in Schedule B.

XXIV. And be it further enacted, That the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, ſhall have full Power and Authority, and he and they is and are hereby authorized to agree with and purchaſe from the Perſons named in the Schedule B hereunto annexed, the Houſe, and the Grounds and Areas belonging to ſuch Perſons reſpectively, or to either of them, which are neceſſary for making a proper Acceſs or Paſſage not exceeding Fifty Feet wide, to the ſaid Pier or Harbour from the King's Highway, at the Weſt End of the ſaid Town of *Kincardine*, or otherwiſe, for improving and rendering more convenient the ſaid Pier or Harbour, and the other Acceſſes thereto: Provided always, and be it enacted, That at leaſt Three Months' Notice in Writing ſhall be given to every Occupier of ſuch Houſe, Grounds, or Areas, previous to the Term of *Whitſunday* or *Martinmas* at which he, ſhe, or they ſhall be required to remove: And provided further, that

if

if any Tenant or Tenants ſhall, in virtue of the Powers granted by this Act, be obliged to remove from his, her or their Houſe, Ground or Poſſeſſion, before the Expiry of the Term or Leaſe for which he, ſhe or they may hold the ſame, ſuch Tenant or Tenants ſhall be entitled to demand and receive from the ſaid *George* Lord *Keith*, and his Heirs or Aſſigns, Compenſation for the Value of the Remainder of ſuch unexpired Term or Leaſe; and in caſe of Difference reſpecting the Amount of ſuch Compenſation, the ſame ſhall be aſcertained and ſettled in ſuch and the like Manner as the Purchaſe-Money for Lands is by this Act directed to be aſcertained and ſettled: Provided always, that although any of the Heritors, Occupiers or Liferenters of any of the ſaid Lands, Tenements and other Hereditaments ſhall, through Miſinformation, have been wrong named, it ſhall not afford any Ground or Pretence for the ſaid Heritors or others intereſted, or any of them, for objecting to or interrupting the Execution of the ſaid Works under this preſent Act.

Lord Keith, &c. authorized to acquire, and Bodies Politic, &c. empowered to ſell and convey Lands.

XXV. And be it enacted, That it ſhall and may be lawful for the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, to acquire, and for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for charitable and other Purpoſes, Committees, Tutors and Curators for Lunatics and furious Perſons, Executors and Adminiſtrators, and all other Tutors and Curators, Truſtees and Perſons whomſoever, not only for and on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on behalf of their *Ceſtuique Truſts*, or thoſe for whom they are Truſtees or Guardians, whether Infants, Iſſue unborn, Lunatics, Ideots, married Women, or other Perſon or Perſons, and to and for all married Women who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Terce, Fine, or other Intereſt therein, and for every other Perſon or Perſons whomſoever who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, Tenements, or Heritages, which ſhall be neceſſary for any of the Purpoſes of this Act, to contract for, ſell, and convey the ſame, and every Part thereof, unto the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns; and all Bodies Politic, Corporate or Collegiate, and all other Perſons whomſoever, are hereby authorized and required to convey the ſame, and are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale which he, ſhe, they, or any of them ſhall make by virtue of this Act.

Satisfaction to be made.

XXVI. Provided always, and be it enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Truſtees, or other Perſons herein before enabled to ſell or convey Lands, Tenements, or other Heritages, or any other Owner or Owners, and the Occupier or Occupiers of any ſuch Lands, Tenements, or other Heritages, may and ſhall accept and receive Satisfaction for the Value of ſuch Lands, Grounds, Tenements, and Heritages, and for the Damages to be ſuſtained by making, completing, maintaining, and ſupporting the ſaid Pier or Harbour, and Acceſſes thereto herein before mentioned, in ſuch Manner as ſhall be agreed upon by and between the ſaid Parties intereſted reſpectively, or any of them, and the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, or ſome

Perſon

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

Perſon or Perſons authorized by him or them for that Purpoſe, and in Caſe he or they, or ſuch Perſon or Perſons, and the Parties intereſted in the Lands, Grounds, Tenements, or other Heritages particularly mentioned and deſcribed in Schedule B, cannot agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Verdict of a Jury of fifteen Perſons, to be ſummoned and choſen by the Sheriff of the ſaid County of *Perth*, and which ſuch Sheriff is hereby required to ſummon and chooſe in the Manner in which Juries are and may be ſummoned and choſen by Sheriffs of Counties in *Scotland*, and the ſaid Sheriff may order and authorize the ſaid Jury, or any Five or more of them, to view the Places or Matter or Matters in Queſtion, which Jury, upon their Oaths (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Sheriff is hereby required to adminiſter) ſhall inquire of, aſſeſs and aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or other Heritages, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame, and the ſaid Sheriff ſhall give Judgment for ſuch Purchaſe Monies or Recompence, ſo to be aſſeſſed by ſuch Jury, which ſaid Verdict, and the Judgment thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Sheriff, and ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all Bodies Politic and Corporate or Collegiate, and all other Perſons, and ſhall not be liable to review by Advocation, Suſpenſion, Reduction, or otherwiſe, any Law or Statute, to the contrary notwithſtanding.

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

XXVII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Sheriff as aforeſaid, or any Witneſs or Witneſſes is, are, or ſhall be examined by and before the ſaid Sheriff and Jury as herein directed, the ſaid Sheriff ſhall, and he is hereby required, according to his Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes, in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expence and Trouble of their Journey and Attendance, and in each and every Caſe where a Verdict ſhall be given for more Money as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, Tenements, or other Heritages, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damage done or to be done to ſuch Lands, Tenements, Heritages, or other Property, where ſuch Sum ſo awarded ſhall be more than had been previouſly offered by or on behalf of the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, or where any Verdict ſhall be found for any Damages where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on behalf of the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns; or where, by reaſon of Abſence in foreign Countries, or other Impediments and Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at hand who may be legally capacitated to enter into a Contract with and make Conveyance to and receive Compenſations from the ſaid *George* Lord *Keith*, his Heirs and Aſſigns, as herein before mentioned, then, and in all ſuch Caſes, all the Expences of ſummoning ſuch Jury and taking ſuch Verdict, ſhall be ſettled by the ſaid Sheriff, and be defrayed by him or them; but if any Verdict ſhall be given for the Sum which had

had been previouſly offered by or on behalf of the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, or for a leſs Sum than had been ſo previouſly offered, or in caſe no Damages ſhall be given by the Verdict where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to enter into Treaty with, or make Conveyances to or receive Compenſations from the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, or by any Bodies Politic, Corporate or Collegiate, or by any Perſon or Perſons whomſoever, who is, or are, by the Proviſions of this Act, or otherwiſe, enabled to treat and convey or receive ſuch Compenſation as aforeſaid, then, and in all ſuch Caſes, (except where by reaſon of Abſence, or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid,) the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled in like manner by the ſaid Sheriff, and be borne and paid by the Perſon or Perſons with whom the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, or thoſe acting in their behalf, ſhall have ſuch Concerns, Controverſies or Diſputes; which ſaid Coſts and Expences having been ſo ſettled, ſhall and may be deducted out of the Sum ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums of Money ſo aſſeſſed and adjudged.

Perſons requeſting Juries, to enter into Bonds to proſecute.

XXVIII. And be it further enacted, That all and every Perſon or Perſons making Complaint and requeſting a Jury to be ſummoned, ſhall, before the ſaid Sheriff ſhall iſſue out his Warrant for that Purpoſe, enter into a Bond with Two Sureties, to the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, in a Penalty of double the Sum demanded by ſuch Perſon or Perſons, with Condition to proſecute his, her, or their ſaid Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, in Caſe the ſame ſhall be given for no greater Sum, or for a leſs Sum, than had been offered by and on behalf of the ſaid *George* Lord *Keith*, or his Heirs and Aſſigns, for the Purchaſe of or as a Recompence for any Lands, Grounds, Tenements, or Heritages, or as a Compenſation for any Damages; or in caſe no Verdict ſhall be found for Damages where the whole Diſpute was whether any Damage was or was not done as aforeſaid.

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

XXIX. And be it further enacted, That no Sheriff ſhall be obliged or allowed by virtue of this Act, to receive or take notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained by virtue or in conſequence of this Act, unleſs Application ſhall have been made in relation thereto by or on behalf of ſuch Perſon or Perſons to the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, Ten Days at leaſt before ſuch Complaint ſhall be made to the ſaid Sheriff, and within the Space of Two Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Verdict as to Value of Lands and

XXX. And be it further enacted, That the ſaid Juries reſpectively ſhall award all Determinations, Judgments, and Verdicts, which they ſhall reſpectively

Damage to be ascertained separately.

ſpectively make and give in the Execution of the Powers hereby veſted in them concerning the Value of Lands, Tenements, and other Heritages, ſeparately and diſtinctly from the Conſideration of any other Damage ſuſtained, or to be ſuſtained, by any other Perſon or Perſons in conſequence of the Execution of any of the Powers of this Act, and ſhall diſtinguiſh the Value ſet upon the Lands, Tenements, and other Heritages, and the Money aſſeſſed or adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other.

Verdict to be recorded.

XXXI. And be it further enacted, That each and every Verdict ſhall be kept by the Sheriff, Clerk, or other Perſon having the Cuſtody of the Records of the Sheriff Court of the County of *Perth*, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of Sixpence, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One Hundred Words, and ſo in Proportion for a leſs Number of Words.

Application of Compenſation Money when exceeding 200l.

XXXII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Life Rents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, Married Woman, Infant, Lunatick, or Perſon or Perſons under any Diſability or capacity, ſuch Money ſhall in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Heritages, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements, or Heritages, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the Intereſt or Annual Produce of ſuch Money ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

XXXIII. Pro-

If under 200l. and above 20l.

XXXIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and ſhall exceed the Sum of Twenty Pounds, then, and in all ſuch Caſes the ſame ſhall at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Heritages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators, in caſe of Infancy or Lunacy, to be ſignified in Writing, under their reſpective Hands, under the like Direction and Authority to be paid int o either of the ſaid Banks, and be placed to his, her, or their Account as aforeſaid, in Order to be applied in Manner hereinbefore directed, or otherwiſe the ſame ſhall be paid at the like Option, to Five Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid *George* Lord *Keith*, his Heirs and Aſſigns, ſuch Nomination and Approbation to be ſignified in Writing, under the Hands of the nominating and approving Parties, in Order that ſuch Principal Money and the Intereſt ariſing thereon, may be applied in any Manner hereinbefore directed, as far as the Caſe be applicable.

Where under 20l.

XXXIV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as laſt before mentioned, ſhall be leſs than Twenty Pounds, then, and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Magiſtrates and Town Council, or any Three or more of them ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Tutors, or Curators, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c. Purchaſe Money to be paid into the Bank.

XXXV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Heritages to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages, be not known or diſcovered, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid unto the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages, (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion, which ſaid Court, upon the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be, and is hereby empowered in a ſummary Way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereto,

and

and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In Cases of questionable Title, Possessor to be deemed to have a Title until the contrary shall be shewn.

XXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements or Heritages, or any Estate, Right or Interest in any Lands, Tenements or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements and Heritages to be purchased with such Money, and also the Lands, Tenements and Heritages so purchased, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Heritages, or to some Estate or Interest therein.

Expences of Purchase may be allowed by the Court.

XXXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, or either of them, and to be applied in the Purchase of other Lands, Tenements or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said *George* Lord *Keith*, and his Heirs and Assigns, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

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

XXXVIII. Provided also, and be it enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or as shall have been ascertained and settled by the Verdict of a Jury, for the Purchase of any such Lands, Tenements or other Heritages, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compensation for Damages as herein mentioned to the Proprietor or Proprietors of such Lands, Tenements or other Heritages, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, or depositing the same in the Bank or Royal Bank of *Scotland* in Manner by this Act directed, as the Case may be, then and in all or any of the said Cases, it shall and may be lawful to and for the said

ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, and his or their Agents, Workmen and Servants, immediately to enter upon ſuch Lands, Grounds, Tenements and other Heritages reſpectively, and then and there upon ſuch Lands, Grounds, Tenements and other Heritages, together with the yearly Profits thereof, and all the Eſtates, Uſe, Truſt and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the ſole Property of the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, to and for the Purpoſes of this Act for ever; and which Tender, Payment, Inveſtment or Depoſit ſhall not only bar all Right, Title, Claim, Intereſt and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to and be deemed and conſtrued to bar the Right, Title, Claim, Intereſt and Demand of every other Perſon whatſoever: Provided alſo, that before ſuch Payment, Security, Tender, Inveſtment or Depoſit as aforeſaid, it ſhall not be lawful for the ſaid *George* Lord *Keith*, his Heirs and Aſſigns, or any Perſon acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwiſe affect any Tenements or other Heritages of the Perſon or Perſons entitled to ſuch Payment or Security for the Purpoſes of this Act, without the Leave and Conſent in Writing of ſuch Perſon or Perſons.

Mode of recovering Penalties.

XXXIX. And be it enacted, That it ſhall and may be lawful for the ſaid *George* Lord *Keith*, and his Heirs or Aſſigns, or for the Collector or Collectors, or other Officers to be appointed by him or them as aforeſaid, to proſecute for, and recover for the Uſe and Behoof of the ſaid *George* Lord *Keith*, and his Heirs and Aſſigns, the ſeveral Fines, Penalties, Forfeitures and Damages hereby impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) by Action, Bill, Complaint, or Information exhibited within Six Calendar Months after ſuch Offence is committed, before the Baillies of *Kincardine*, or any One or more of His Majeſty's Juſtices of the Peace, or any other Judge competent within whoſe Juriſdiction the Offender or Offenders ſhall reſide or be apprehended, and that the Baillies, Juſtice, or other Judges aforeſaid ſhall, and they are hereby empowered and required to proceed to the Trial of ſuch Offences in a ſummary way; and upon Conviction of the Offender or Offenders by their own Confeſſion, or by the Oath of One or more credible Witneſs, or Witneſſes, to award and give ſuch Orders, Judgments, and Decrees as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that in default of Payment of the ſeveral Fines, Penalties, and Forfeitures which ſhall be ſo awarded, the Perſon or Perſons who ſhall be convicted of any of the Offences before deſcribed ſhall and may be ſent to the common Priſon of *Kincardine*, and there be kept in Confinement for ſuch Time as ſuch Judge ſhall direct, not exceeding Three Months unleſs the Sum ſo awarded againſt them ſhall be ſooner paid and diſcharged.

Penalties may be mitigated.

XL. Provided always, That it ſhall and may be lawful to and for the ſaid Baillies, Juſtice, or other Judge aforeſaid, or any of them, by whom ſuch Judgment, Sentence, or Determination ſhall be given, pronounced or made, from Time to Time when they ſee Cauſe, to mitigate, compound or leſſen any of the Fines, Penalties, or Forfeitures aforeſaid, as he or they in his or their Diſcretion ſhall think fit, ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted

inflicted and directed to be levied by this Act; and that every such Mitigation and Compoſition ſhall be a ſufficient Diſcharge to the Perſons offending reſpectively for ſo much of the ſaid Penalties or Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

Rules and Bye-Laws ſubject to appeal.

XLI. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by any Deciſion, Order or Bye-Law to be made in purſuance of this Act, it ſhall be competent to ſuch Perſon or Perſons to apply for Redreſs, by way of Petition or Appeal therefrom to the Sheriff Depute or Sheriff Subſtitute of the ſaid Shire of *Perth*: Provided always, that all Appeals or Applications for Redreſs ſhall be entered within Eight Days after the Deciſion or Order complained of ſhall have been given or made, and not afterwards; and that ſuch Security for the Payment of Coſts ſhall have been given by the Parties applying for Redreſs, as the ſaid Sheriff Depute or Sheriff Subſtitute ſhall order and direct; and the ſaid Sheriff Depute or Sheriff Subſtitute ſhall decide upon all ſuch Appeals or Applications ſummarily, without being obliged to obſerve or abide by the ordinary Forms of Court; and the Deciſion of the ſaid Sheriff Depute or Subſtitute in all ſuch Caſes is hereby declared to be final, and not ſubject to the Review of any ſuperior Court by Advocation or Suſpenſion, or challengeable by Proceſs of Reduction.

Saving to the Heirs of John Taylor Eſq. &c.

XLII. Saving and reſerving always to the Heirs of the deceaſed *John Taylor* Eſquire, Clerk to His Majeſty's Signet in *Scotland*, and to his or their Aſſignees, all Rights, Privileges and Immunities to which they are entitled, in virtue of a Leaſe granted by the deceaſed *James Erſkine*, of *Cardroſs*, to *Archibald* Lord *Cochrane*, now Earl of *Dundonald*, and his Heirs and Aſſignees, and to which the ſaid *John Taylor* acquired Right by Conveyance from the ſaid Earl of *Dundonald*, and alſo of a Leaſe granted by the ſaid *James Erſkine*, of *Cardroſs*, to the ſaid *John Taylor* and his Heirs and Aſſignees: Which Rights, Privileges and Immunities ſhall be in no Way impaired or taken away by any Thing herein enacted or provided.

Public Act.

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

SCHEDULE A.

To which this Act refers.

TABLE OF RATES.

	s.	d.
FOR every Boll of Wheat, Rye, Barley, Bear or Bigg, Oats, Peas, Beans, Tares, and Rye Graſs Seeds - -	0	0½
For every Sack of Wheat Flour - - - -	0	2
For every Boll of Oat, Peaſe, Bear, or Barley Meal - -	0	0¼
For every Hundred Weight of Pot or Pearl Barley, Split Peaſe, Rice, or Biſcuit - - - - -	0	2
For every Barrel of Salted Beef, Pork, or other Proviſions -	0	3
And ſo in proportion for every larger or ſmaller Caſk of Do.		

For

	s.	*d.*
For every Pipe, Puncheon, or Piece of Wine or Foreign Spirits	0	9
For every Pipe, Puncheon, or Piece of Britiſh Spirits - - -	0	6
And ſo in proportion for every larger or ſmaller Caſk of Do.		
For every Hogſhead of Porter - - -	0	3
For every Hogſhead of Ale or Beer, and Yeaſt - -	0	2
For every ſolid Hogſhead of Raw Sugar or Molaſſes, and other Packages of theſe Articles in proportion - -	0	8
For every Hogſhead or Package of Loaf or Lump Sugar, per Cwt. - - - - -	0	1
For every Ton of Tallow - - - -	1	0
For every Hundred Weight of Wool, Yarn, or Cotton -	0	4
For every Ton of Flax or Hemp, dreſſed or undreſſed, and for every Ton of Tow - - - -	1	0
For every Ton of Oakum. - - - -	0	4
For every Ton of Iron, wrought or unwrought - -	0	8
For every Ton of Caſt Iron - - - -	0	6
For every Ton of Pig Iron - - - -	0	2
For every Ton of Iron Stone - - -	0	0½
For every Ton of Linen Yarn - - -	1	4
For every Pair of Coach or Cart Wheels - - -	0	6
For every Hundred Weight of Copper or Braſs, wrought -	0	6
For every Hundred Weight of ditto, unwrought - -	0	3
For every Hundred Weight of Lead or Pewter, wrought or unwrought - - - - -	0	8
For every Chalder of 30 Cwt. of Scotch Coals - -	0	0½
For every Ton of Duty-paid Salt - - -	1	8
For every Ton of Salt for the Fiſhing, Duty free - -	0	6
For every Hundred Weight of dried Cod, Ling, or Hake -	1	1
For every Barrel of White or Red Herrings - -	0	1½
And ſo in proportion for ſmaller Caſks.		
For every Chalder of Lime Shells - - -	0	2
For every Boll of ſlacked Lime - - -	0	0¼
For every Ton of Lime Stones - - - -	0	0¼
For every Load of Fir Timber, containing 50 Cubical Feet -	0	3
For every Load of Fir Deals, Planks, Battons or Deal Ends, reduced to 50 Cubical Feet - - -	0	6
For every Ton of Dying Woods - - -	0	6
For every Hundred Handſpikes - - - -	1	0
For every Fathom of Lathwood - - - -	1	0
For every Load, containing 50 Cubical Feet, of Oak Plank -	0	6
For every Load, containing 40 Cubical Feet, of Oak Timber	0	3
For every Hundred Oars - - - -	1	0
For every Hundred Spokes for Wheels, not exceeding Two Feet	0	2
Ditto - - ditto exceeding Two Feet	0	2½
For every Hundred Waggon Rails - - -	0	4
For every Hundred Fir Crops - - - -	0	2
For every Hundred Staves - - - -	0	4
For every Load of Wainſcot Logs - - -	0	6
For every Ton of Oak, Birch, or other Bark - -	0	9
For every Bundle of Wood Hoops, containing 120 - -	0	1
For every Mill Stone - - - -	0	9
For every Grindſtone - - - -	0	1
For every Thouſand Bricks - - - -	0	1
For every Thouſand Tiles - - - -	0	1½

For

	s.	d.
For every Thouſand Slates	0	2
For every Hundred Feet of dreſſed Freeſtone, Superficial Meaſure	0	9
For every Ton of rough Freeſtone	0	1½
For every Hundred Feet of flat Paving Stones, Superficial Meaſure	0	3
For every Trunk, Cheſt, or Box, a Barrel Bulk	0	2
For every Bag of Hops	0	6
For every Pocket of Hops	0	3
For every Hundred Weight of eating Butter	0	1½
For every Hundred Weight of Greaſe	0	1
For every Hundred Weight of Cheeſe	0	1
For every Barrel of Train Oil	0	2
For every Barrel of Pitch or Tar	0	1
For every Cheſt of Lemons or Oranges	0	3
For every Boll of Potatoes	0	0½
For every Ton of Cordage	1	8
For every Ton of Kelp	0	6
For every Ton of Pot, Pearl, or Wood Aſhes	1	3
For every Ox, Horſe, or Cow Hide, raw	0	0½
For every Crate of Glaſs Ware	0	2
For every Crate of Earthen Ware	0	3
For every Groſs of empty Bottles	0	1½
For every Dozen of Wine in Bottles	0	1½
For every empty Hogſhead, Butt, or Puncheon	0	0¼
For every Barrel of Flax, Hemp, or other Seeds	0	1½
For every Cheſt of Tea	0	9
For every Ton of Chalk, Oker, and Fuller's Earth and Whiting	0	2

SCHEDULE B,

To which this Act refers.

Property.	Owners.	Occupiers.
A Houſe at Weſt End of the Town of Kincardine	Alexander Dryſdale	Peter Campbell
A Piece of Ground	——— Davidſon	Chriſtian Fotheringham
Ditto	Thomas Dewar	Same
Ditto	Margaret and Alexander Izat	Keneth M'Kenzie Alex. Dryſdale Alex. Anderſon
Ditto	James Primroſe	James Turcan
Ditto	David Gray	Same
Ditto	Mrs. Gray	Same

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