ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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that by making a new Cut or Channel for the said River from a certain Point in the said Lake, nearly due North from *Finnity House*, to join the present Bed of the River below *Strathendry* Dam, and constructing proper Sluices, Spillwaters, Embankments, and other Works for lowering the Surface of the said Lake, and regulating the Flow of Water therefrom, not only will the said Lands be rendered capable of being effectually drained and improved, and the said Mills, Manufactories, Bleachfields, and other Works be at all Times provided with a sufficient Supply of Water, but also a large Tract of Land at present covered by the Waters of the said Lake, which belongs to the Trustees of the late *Thomas Graham* Esquire, of *Kinross*, will be brought above the Level of the same, and become fit for Culture: And whereas it would be of great Benefit and Advantage to the Owners and Occupiers of the said Lands and Mills, Manufactories, Bleachfields, and other Works, and to the Public at large, if the said Purposes were carried into Effect, but the same cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Andrew Coventry* of *Shanwell* Esquire, and his Successors, to be elected in Manner hereinafter mentioned, shall be, and he and they is and are hereby appointed Commissioner and Commissioners for putting this Act into Execution.

Nomination of Commissioner.

Meetings of Commissioner.

II. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, within One Month from and after the passing of this Act or as soon thereafter as conveniently may be, to hold his first Meeting, and to proceed to put the Powers hereby given to him into Execution, and the said Commissioner shall and may from Time to Time adjourn, and hold his subsequent Meetings at such Time or Times, Place or Places, as he shall think most convenient for the Execution of this Act: Provided always, that the said Commissioner shall and he is hereby required to cause Public Notice to be given of every Meeting to be held by him, by Advertisement specifying the Time when and Place where the same is to be held, to be inserted in the *Fife Herald*, or in some other Newspaper generally circulated in the Counties of *Kinross* and *Fife*, Eight Days at least before each Meeting; and if the said Commissioner shall not attend or be present at any such Meeting, it shall be lawful for the Clerk of the said Commissioner to adjourn such Meeting, to be held on a future Day, not exceeding Ten Days from the Day of such Adjournment, giving Five Days Notice at the least thereof in Writing to the said Commissioner.

Notices how to be given.

III. And be it further enacted, That all Notices requisite or necessary to be given by the said Commissioner, or by the Trustees hereinafter appointed, for any Purpose whatever (except such Notices as are in and by this Act authorized or particularly directed to be given in any other Manner), shall be given by Advertisement in the *Fife Herald*, or in some other Newspaper generally circulated in the

the said Counties of *Kinross* and *Fife*, and all such Notices so given shall be deemed to be well and sufficiently published, and full and sufficient Notices to all Parties respecting all the Matters and Things to which such Notices respectively shall relate.

Election of Commissioners to supply Vacancies.

IV. And be it further enacted, That if the said *Andrew Coventry*, or any Commissioner to be appointed as hereinafter mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die or refuse to act, or become incapable of acting, then and in every such Case any One or more of the Trustees hereinafter appointed shall be, and is and are hereby authorized and required, by a Writing under his or their Hand or Hands, within Twenty Days after such Death, Refusal, or Incapacity to act shall happen or be known, to call and appoint a Meeting, (of which Notice shall be given by Advertisement in Manner hereinbefore mentioned, not less than Ten Days previous to the Day of Meeting,) requiring the said Trustees to meet at some Place in the Town of *Kirkaldy*, to be named in such Notice, for the Purpose of electing and choosing a Commissioner, in Place and Stead of the said *Andrew Coventry*, or of the Commissioner dying or refusing to act, or who shall become incapable of acting as aforesaid; and the Trustees who shall attend such Meeting, or the Majority of them, shall and they are hereby authorized and required to nominate and appoint a Commissioner in Room and Place of the said *Andrew Coventry*, or of the Commissioner so dying or refusing to act, or becoming incapable to act as aforesaid; and such new Commissioner shall have the like Powers and Authorities of putting this Act in Execution as if he had been originally named and appointed a Commissioner in and by this Act: Provided always, that it shall not be lawful to appoint any Person to be a Commissioner as aforesaid who is interested in the said Lands to be drained or improved, or the Mills, Manufactories, or Works to be supplied with Water by virtue of this Act.

Commissioner's Oath.

V. And be it further enacted, That the said *Andrew Coventry*, and every Commissioner to be appointed as aforesaid, before proceeding to act in the Execution of any of the Powers given in and by this Act, shall take and subscribe an Oath or Affirmation in the following Form of Words; that is to say,

'I DO swear, [*or, being One of the People called Quakers*, do solemnly affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Eighth Year of the Reign of His Majesty *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*].

'So help me GOD.'

[*Or, being One of the People called Quakers, omit the Words,*

'So help me God.']

Which Oath or Affirmation it shall be lawful for any of His Majesty's Justices of the Peace for the said Counties of *Fife* or *Kinross* to administer to the said *Andrew Coventry*, and every such Commissioner; and

and the said Oath or Affirmation, so taken and subscribed by each Commissioner, shall be entered in the Sederunt Book to be provided and kept by the said Commissioners for entering their Orders and other Proceedings under this Act.

Penalty on Persons acting not being qualified.

VI. And be it further enacted, That in case any Person shall presume to act as a Commissioner in the Execution of this Act before he shall have taken the said Oath or made Affirmation, every such Person shall forfeit and pay for every such Offence the Sum of Ten Pounds Sterling, to be recovered, with full Costs of Suit, by any Person or Persons who shall sue for the same, by Action of Debt or otherwise, in the Sheriff Court of either of the said Counties of *Kinross* or *Fife*, or in the Court of Session; and the Person or Persons so prosecuted shall prove that he or they has or have taken such Oath or made such Affirmation, or otherwise shall pay the said Sum of Ten Pounds Sterling, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person has acted as a Commissioner in the Execution of this Act; one Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety shall be applied towards the Purposes of this Act.

Commissioner's Allowance.

VII. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to the Commissioner acting in the Execution thereof, as a Recompence for his Pains and Trouble, the Sum of Five Pounds Five Shillings Sterling, and no more, for each Day he shall be employed in travelling to, returning from, and attending in the Execution of this Act; and that the said Commissioner shall defray his own travelling Expences, and also his own Expences, at all Meetings to be held in pursuance of this Act, the Hire of the Room used for such Meeting only excepted, for which not more than Ten Shillings shall be allowed for each Meeting.

Appointment of Officers.

VIII. And be it further enacted, That it shall and may be lawful for the Person acting as Commissioner in the Execution of this Act to nominate and appoint a Treasurer or Collector, and also a Clerk or Clerks, Engineer or Engineers, Surveyor or Surveyors, or such other Officers as he shall think proper and expedient for the better carrying the Purposes of this Act into Execution, and to give them such Salaries or Allowances as he may think proper, the said Commissioner always taking good and sufficient Security, and to such Extent as he shall think requisite, from such Treasurer, Collector, or other Officer appointed to receive Money, or have the Care or Custody thereof, for the due accounting of all such Monies with which he or they may be entrusted, and for the faithful Discharge of the Trust reposed in him or them; and also from Time to Time to discharge and dismiss any such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officers, and appoint others in their Stead, as the said Commissioner shall think fit.

Clerk and Treasurer to be different Persons.

IX. Provided always, and be it further enacted, That it shall not be lawful to appoint the Person or Persons who may be appointed Clerk or Clerks to the Commissioner acting in the Execution of this

Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers to the said Commissioner for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Commissioner; and if any Person shall accept both the Offices of Clerk and Treasurer to the said Commissioner for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer to the said Commissioner, or, being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk to the Commissioner acting in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit by summary Complaint before the Sheriff Depute or Substitute of the County where the Offender may reside.

Proceedings to be entered in Books.

X. And be it further enacted, That the Orders and Proceedings of every Meeting held by the Commissioner acting in the Execution of this Act, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Commissioner holding such Meeting, and such Orders and Proceedings when so entered and signed shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges and others.

Books of Account to be kept.

XI. And be it further enacted, That the Person acting as Commissioner in the Execution of this Act shall and he is hereby required to order and direct a Book or Books to be provided and kept by his Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended by such Commissioner in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioner or any of the Trustees hereinafter appointed, or any Creditor or Creditors on the Rates or Assessments to be raised and levied in virtue of this Act, without Fee or Reward; and the said Commissioner, Trustees, or Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse

refuse to permit or shall not permit the said Commissioner or any of the said Trustees or Creditors to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Ten Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

Officers to account.

XII. And be it further enacted, That every such Officer so to be appointed shall, under his Hands, at such Time and Times and in such Manner as the Person acting as Commissioner in the Execution of this Act shall direct, deliver to the said Commissioner, or to such Person or Persons as he shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge, and of all Monies which shall have been received by him by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from him to the said Commissioner, or to such Person or Persons as he shall appoint; and if any such Officer shall refuse or wilfully neglect to make and render any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver up to the said Commissioner, or to such Person or Persons as he shall appoint, within Ten Days after being thereunto required by the said Commissioner, by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioner respecting the same, then and in every such Case, upon Complaint made by the said Commissioner, or by any Person or Persons whom he shall appoint for that Purpose, of any Neglect or Refusal as aforesaid to any of His Majesty's Justices of the Peace for the County, City, Town, or Place where such Officer shall have last resided, or shall then reside, such Justice may and is hereby authorized and required, by a Warrant under his Hand, to cause the Officer so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath or Affirmation (which Oath or Affirmation such Justice is empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand, to cause such Money to be levied by Poinding and Sale of the Goods and Effects of such Officer; and if no Goods or Effects of such Officer can be found sufficient to answer and satisfy the said Money and Charges of poinding and selling the same, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall

have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid, such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Town, there to remain until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioner for such Money, and shall have paid such Composition in such Manner as he shall appoint, which Composition the said Commissioner is hereby empowered to make and receive, and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioner: Provided that no Officer who shall be committed as before mentioned on account of his not having sufficient Goods orEffects, shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer and his Surety and Sureties shall remain liable for the Payment thereof, in the same Manner as if such Officer had not been so committed: And provided always, that the respective Executors or Administrators of such Treasurers, Collectors, Clerks, Engineers, Surveyors, or other Officers as shall happen to die, shall immediately thereupon deliver up and produce to the said Commissioner, or such other Person or Persons as he may appoint, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or Power of such Executors or Administrators respectively, in any ways relating to the Purposes of this Act.

Commissioner to lay Accounts before Auditors.

XIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, (such Year to be computed from the Day of the passing of this Act,) the Commissioner acting in the Execution of this Act shall and he is hereby required to make a just and true Statement and Account of all Sums of Money by him received and expended in the Execution of this Act, together with the Sums due to him for his own Trouble or Expences; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him laid before *William Scott Moncreiff* Esquire, Accountant in *Edinburgh*, or any other Person whom the Trustees after appointed shall at any Meeting nominate for that Purpose, to be by him examined and docqueted, and reported to a subsequent Meeting of the said Trustees, or to a Committee of them (which Committee may be appointed at such Meeting); and if the said Person appointed by the said Trustees shall have stated the Accounts to be correct, and the said Trustees or their said Committee shall so find them, then the Balance shall be stated in a Docquet to the said Accounts, subscribed by the said Trustees, or a Quorum of them, or their Committee, and such Balance shall then be stated in the Book of Accounts to be kept by the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed as above mentioned.

XIV. And

Commissioner to make new Cut for River Leven.

XIV. And be it further enacted, That the Commissioner acting in the Execution of this Act shall and he is hereby authorized and required, as soon as may be after the passing of this Act, to make or cause to be made a new Cut or Channel for the said River *Leven*, commencing at or near a certain Place or Point in the said Lake, near the East End thereof, and nearly due North from *Finnity House*, belonging to *William Tod* of *Finnity*, and proceeding from thence nearly in a straight Line through the Lands of the said *William Tod*, and the Lands belonging to Mistress *Anna Jane Douglas Clephane*, *James Wilson*, *James Beveridge*, *John Beveridge*, *Thomas Bruce* of *Arnot*, Sir *Michael Malcolm* Baronet, *Charles Stein* of *Hattonburn*, the Trustees of the late *Thomas Graham* of *Kinross*, *John Aytoun* of *Inchdairney*, and *Robert Douglas* of *Strathendry*, or any of them, to the said River *Leven*, below *Strathendry* Bleachfield Dam, and terminating at or near a certain Place or Point, where the Burn which divides the Property of the said *John Aytoun* and *James Braid* of *Rylaw* enters the said River of *Leven*, conformable to the Plan or Map thereof deposited in the Offices of the Clerks of the Peace of the Counties of *Kinross* and *Fife* as hereinafter mentioned, and also to make, form, erect, and construct, in, upon, and near to the said Cut, such Spillwaters or Waste Weirs, Dams, Banks, Drains, Sluices, Engines, Bridges, Roads, Ways, and other Works and Accommodations, as he shall think necessary for the effectual Drainage and Improvement of the said Lands lying around the said Lake, and along the Banks of the said River, and for recovering the said Lands now covered by the said Lake, and for preserving the said Lands, and also for providing and securing a regular Supply of Water to the said Mills, Manufactories, Bleachfields, and other Works, and for the convenient Support, Repair, and Maintenance of the said Works: Provided always, that the Top of any Spillwater or Waste Weir to be erected by the said Commissioner in virtue of this Act, shall be placed Four Feet and a Half below the Level of a Mark made on the Wall below the Churchyard in *Kinross*, under the Direction of a Committee of the Proprietors and Occupiers of Lands around the said Lake, and of Lands and Manufactories on the said River, on the Twenty-fifth Day of *October* One thousand eight hundred and twenty-four; and that the Sole of any Sluice to be constructed by the said Commissioner in virtue of this Act, for supplying the said Mills, Bleachfields, Manufactories and Works with Water, shall be placed Four Feet and a Half below the Top of such Spillwater or Waste Weir, and such Spillwater or Waste Weir shall be One hundred and fifty Feet at the least in Width, and shall be so constructed as to prevent the Level of the Water of the said Lake from ever rising higher than Four Feet and One Half Foot above the Sole of the said Sluice; and the said Commissioner shall also erect such Houses or Buildings for the Habitation and Accommodation of the Person or Persons who shall have the Care or Superintendence of the said Works, or any of them, as he the said Commissioner shall think proper; and the said Commissioner is hereby fully authorized and empowered to remove all Obstructions between the said Lake and the Termination of the said Cut, by Cruives, Dam-dykes, or otherwise; and for these Purposes, or any of them, the said Commissioner is hereby authorized and

and empowered, by himself or his Agents, Servants, or Workmen, to enter into and upon the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and to set out and appropriate such Part or Parts thereof as shall be required for the Purposes of this Act, doing as little Damage as may be, and making full Compensation to all Persons in whose Lands or Grounds the said Cut or Works shall be made, or who may be prejudiced thereby, or by means or in consequence thereof, for the Value of the Ground to be used for the Purpose aforesaid, and such Damage as he, she, or they shall sustain thereby, such Compensation to be adjusted in Manner hereinafter mentioned.

The present Outlet of the River Leven to be dammed up.

XV. And be it further enacted, That so soon as the said Cut is completed, and ready for the Reception of the Waters flowing from the said Lake, the said Commissioner shall make or cause to be made a Dam or Bank at the present Outlet of the Lake into the said River *Leven*, and at any other Place or Places where the same shall be found necessary, of such Height, Width, and other Dimensions as shall be sufficient to prevent any of the Waters of the said Lake from flowing through the said present Outlet, or into the said River, by the present Channel thereof, between the said Lake and the Termination of the said intended new Cut; and shall embank the Sides of the said new Cut at such Places as may be considered requisite, so that the Waters of the said Lake may flow therefrom only by the said new Cut or Channel; and the Materials which shall be excavated or dug out of the said new Cut shall be deposited on the Banks of the said new Cut, or on such Parts of the Banks of the old Bed of the said River as the said Commissioner shall think most advantageous for the Execution of the said Works; and it shall be lawful for the said Commissioner, as soon as the Water shall have been turned into the said new Cut, to apply the said Materials in filling up the old Bed of the said River, if he thinks fit.

Map to remain with the Clerk of Peace.

XVI. And whereas a Map or Plan, describing the Line and Situation of the said intended Cut and other Works, and the Lands in or through which the same are intended to be made, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the Counties of *Kinross* and *Fife* respectively; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of such Clerks of the Peace, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and obtain Copies or Extracts thereof, paying to such Clerk at the Rate of Sixpence for every One hundred Words of such Copies or Extracts: Provided always, and it is hereby declared, that in making the said Cut it shall not be lawful to deviate more than One hundred Yards from the Line or Direction thereof delineated on the said Map or Plan.

No House or Garden to be injured.

XVII. Provided also, and be it enacted, That nothing herein contained shall authorize and empower the said Commissioner, or any Person

Person or Persons acting by or under his Authority, to take, use, injure, or damage, for the Purpose of the said Cut or Works, or for any other the Purposes of this Act, any House or other Building which was erected or built at or before the passing of this Act, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Policies, Paddock, planted Walk or Avenue to a Mansion House, without the Consent in Writing of the Owners and Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule hereunto annexed.

Breadth of Cut.

XVIII. And be it further enacted, That the Lands or Grounds to be taken and used for the Purposes of the said Cut shall not exceed One hundred and fifty Yards in Breadth measured horizontally, except where the Owner or Owners of any Lands or Grounds through which the same shall pass shall consent, by Writing under his, her, or their Hand or Hands.

No Advantage to be taken of any Error or Omission in Books of Reference.

XIX. Provided always, and be it further enacted, That no Interruption shall be given to the making of the said Cut and other Works hereby authorized to be made, or any of them, on account of any Error or Omission in the said Books of Reference, or either of them, in case it shall appear to any Two or more Justices of the Peace acting in and for the said County of *Kinross* or the said County of *Fife* (as the Case may be), and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Bridges or Arches to be made when the Cut crosses Roads, &c.

XX. And be it further enacted, That the said Commissioner shall make or construct and complete a good and sufficient Bridge or Bridges, Arch or Arches, or Passage or Passages over or across the said Cut hereby authorized or intended to be made, in all Places where the same shall cross any Carriage Road or Horse Road, either public or private, for the Use of the Public, or of the Persons entitled to use such Roads respectively, and shall also make, construct, and complete such and so many other convenient Roads, Bridges, Arches, or Passages over or across the said Cut, with convenient Approaches thereto, in such Places and in such Manner as shall be necessary for the Use of the Owners and Occupiers of the Lands and Grounds intersected by the said Cut: Provided always, that if any such Owner or Occupier shall think that the Bridges, Arches, or Passages so made and constructed by the said Commissioner are insufficient for the commodious Use of such Lands, it shall be lawful to the Owners or Occupiers of any Premises through which the said Cut runs, to construct, at their own Expence, such other Bridges, Arches, or Passages over or across the same as they shall think necessary for the convenient Occupation of such Premises, so that the said Cut and Works be not impeded or the free Current of the Water in the said Cut obstructed thereby.

Lands to be recovered from Lake to

XXI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, where it shall appear

appear to him that the Lands to be recovered from the said Lake will not have convenient Access to the adjoining public Roads, to set out and appoint such Roads or Communications, not exceeding Twenty Feet in Breadth, from the said Lands to the said public Roads, as he shall think necessary for the convenient Occupation of the said Lands, the said Commissioner making Compensation for the Ground taken for the Purpose of such Roads and Communications: Provided always, that the Expence of making such Roads and Communications shall be paid for by the Proprietors of the Lands so to be recovered, and the same shall be supported and maintained by the Persons entitled to use the same.

have Access to the public Roads.

XXII. And whereas at certain Places around the said Lake the Lands to be recovered from the same will be so narrow, and the Access thereto so incommodious, that the Occupation thereof will be inconvenient to the present Proprietors of the same; and it would tend to prevent Disputes concerning Roads and Communications, and be of Advantage to the Owners of the adjoining Lands, if the Proprietors of the said Lands so to be recovered were empowered to sell to them such narrow Parts thereof as they shall find it advantageous to dispose of; be it therefore enacted, That it shall be lawful for the Proprietors of the said Lands to be recovered from the said Lake, and the Tutors, Curators, or Trustees of such Proprietors, to sell and dispose of, to the Owners of the Lands immediately adjoining and marching therewith, such narrow Parts of the said Lands to be recovered from the said Lake as cannot be conveniently occupied by them, and they shall think it advantageous to dispose of.

Certain Portions of the Lands to be recovered from the Lake may be sold.

XXIII. Provided also, and be it further enacted, That the Ascent to every Bridge to be made over the said Canal for the Purpose of any public Carriage Road shall not be more than One Foot in Thirteen Feet, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Bridge.

Ascent to Bridges.

XXIV. Provided also, and be it further enacted, That in all Cases when, in Exercise of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or inconvenient for Travellers or Carriages, or to Persons entitled to the Use thereof, the said Commissioner shall, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured as aforesaid, and as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition, where the former Road cannot be more easily restored; and where the Road cut through shall be a Turnpike Road, the temporary Road shall be so made and the principal Road restored within Twenty Days after the Commencement of the Operation.

In case of Injury to Roads.

XXV. And

Commissioner to value Lands and Waterfalls.

XXV. And be it further enacted, That the said Commissioner shall, immediately upon entering on the Execution of this Act, appoint a skilful and impartial Person or Persons to survey and inspect the Whole of the said Lands lying around the said Lake and along the Banks of the said River, in the said Parishes of *Kinross*, *Orwell*, *Portmoak*, *Ballingry*, *Auchterderran*, and *Kinglassie*, which cannot be properly drained and improved in consequence of the Height to which the Water of the said Lake is liable to swell, or of the State of the Outlet or Channel of the said River, or are otherwise liable to be damaged by the Inundation and Back Water of the said Lake and River, and to determine the Value of such Lands; and the Commissioner shall, by and with the Assistance of such Person or Persons, forthwith fix the Boundaries between the said Lake and the several Lands which border thereon, taking the medium Height between the Summer Drought and Winter Flood of the Waters of the said Lake as the Boundary thereof, or by such other Mode as the said Commissioner shall deem just and reasonable; and the said Commissioner shall also appoint an indifferent Person or Persons skilled in the Value of Water as a Power, or otherwise, to survey and inspect the several Mills, Manufactories, Bleachfields, and other Works on the said River, and to determine the Value of the Falls thereon, and the Uses of the said River, where the same is employed for the Purpose of Bleaching or other Manufactories, with the Supply of Water naturally afforded in the said River: Provided always, that in determining such Values and fixing such Boundaries, the said Person or Persons shall not take into Account any Drainage of the said Lands effected, or Supply of Water provided, by Means of or arising from any Change in the Channel of the said River made or executed within Three Years previous to the passing of this Act; a Plan of all which Lands, with their respective Boundaries and Extents, and describing the said Falls and Uses, and specifying the Values to be put upon them, and upon the said Lands, shall be made out, and the same, being signed by the said Commissioner, and by the Person or Persons to be appointed as aforesaid, shall be deposited in some convenient Place in the Town of *Kinross*, under the Charge of the Clerk of the said Commissioner, Notice specifying the Time when and Place where the same will be so deposited, the Time within which Objections thereto must be lodged with the Clerk of the said Commissioner, as after specified, and the Time when and Place where the Commissioner will hold a Meeting, as after appointed, for hearing such Objections, being given by Advertisement in some Newspaper generally circulated in the said Counties of *Fife* and *Kinross*, and on the Church Doors of the several Parishes of *Kinross*, *Orwell*, and *Portmoak*, in the County of *Kinross*, and of *Ballingry*, *Auchterderran*, *Kinglassie*, *Leslie*, *Markinch*, *Kennoway*, *Wemyss*, and *Scoonie*, in the County of *Fife*, Ten Days at least before the Day on which such Plan shall be so deposited; and the said Clerk having the Charge of the said Plan shall, under the Penalty of Five Pounds, permit every Person interested to inspect the same and take Extracts therefrom at all seasonable Times, without Fee or Reward; and it shall be competent for any Person interested, within the Time specified in said Notice

Notice (which Time shall be at least Twenty Days after such Plan shall be so deposited) but not thereafter, to lodge Objections thereto, and to any of the Matters therein contained, in Writing with the Clerk of the said Commissioner; and the said Commissioner shall hold a Meeting on the Day specified in the said Notice, for the Purpose of hearing and determining such Objections, and shall then or at some adjourned Meeting decide the same, and finally adjust and settle the said Plan in the several Particulars before mentioned; and a fair Copy thereof, as thus finally adjusted, shall be signed by the said Commissioner, and shall forthwith be deposited with the Sheriff Clerk of each of the said Counties of *Kinross* and *Fife*, who shall suffer the same to be inspected by all and every Person or Persons interested or claiming to be interested therein, at all seasonable Times, upon the Payment of the Sum of One Shilling for each such Inspection, and shall grant Copies thereof, or of such Parts thereof as shall be required by such Person or Persons, upon being paid for the same the Sum of Sixpence *per* Sheet, each Sheet containing One hundred Words; and such Plan, or a certified Copy thereof, being produced, shall be deemed and admitted in all Courts whatsoever as legal Evidence of the Matters and Things therein contained; and the said Plan being so deposited shall, and the same and every Part thereof is hereby declared to be final, binding, and conclusive on all and every Person or Persons, Body and Bodies Politic, Corporate, and Collegiate, interested in the Premises, in all Questions which shall arise between them and the said Commissioner in regard to the Execution of this Act; and it shall not be competent for them or any of them at any Time thereafter, in any such Question, to challenge or dispute the Dimensions, Bounds, Extents, Powers, or Values contained therein.

Commissioner to make a Second Survey.

XXVI. And be it further enacted, That after the said new Cut, Spillwater, and other Works shall be completed, and the Water made to flow in the said new Cut instead of the old Bed of the said River, and as soon as it shall appear to the said Commissioner to be possible to obtain a fair Appreciation of the Effects to be thereby produced on the said Lands, Falls, and Uses, the said Commissioner shall appoint a skilful and impartial Person or Persons to survey and inspect the whole Lands formerly surveyed and inspected, and also the Lands which by the lowering of the Surface of the said Lake, in consequence of the said new Cut and Works, shall be recovered or gained from the said Lake, reckoning from the Boundaries of the Lands bordering thereon as fixed by the first Survey as aforesaid, and to determine the increased Value of such Lands to the several Owners and Occupiers thereof respectively arising from the Works constructed by virtue of this Act, and also to determine the Value of the Land occupied by the old Bed of the River to the Owners and Occupiers thereof respectively; and the said Commissioner shall also appoint an indifferent Person or Persons skilled in the Value of Water as a Power or otherwise, to survey and inspect the said Mills, Manufactories, Bleachfields, and other Works upon the said River, and to determine the increased Value of the said Falls and Uses arising to the Proprietors and Occupiers of the same respectively from the ad-

ditional Supply of Water afforded by the said Cut, Sluices, and other Works constructed by virtue of this Act; a Plan of all which Lands, and of the old Bed of the River, with their respective Boundaries and Extents, and describing the said Falls and Uses, and specifying the increased Values to the Owners and Occupiers thereof respectively to be put upon them, and upon the said Lands, shall be made out, and the same, being signed by the said Commissioner and by the Person or Persons to be appointed as aforesaid, shall be deposited in some convenient Place in the Town of *Kinross*, under the Charge of the Clerk of the said Commissioner, Notice specifying the Time and Place at which the same will be so deposited, the Time within which Objections thereto must be lodged with the Clerk of the said Commissioner as after specified, and the Time when and the Place where the Commissioner will hold a Meeting as after appointed for hearing such Objections, being given by Advertisement in some Newspaper generally circulated in the said Counties of *Fife* and *Kinross*, and on the Church Doors of the said several Parishes of *Kinross*, *Orwell*, *Portmoak*, *Ballingry*, *Auchterderran*, *Kinglassie*, *Leslie*, *Markinch*, *Kennoway*, *Wemyss*, and *Scoonie*, Ten Days at least before the Day on which such Plan shall be so deposited; and the said Clerk having the Charge of the said Plan shall, under the Penalty of Five Pounds, permit every Person interested to inspect the same, and to take Extracts therefrom, at all seasonable Times, without Fee or Reward; and it shall be competent for any Person interested, within the Time specified in said Notice, (which Time shall be at least Twenty Days after such Plan shall be so deposited,) but not thereafter, to lodge Objections thereto, and to any of the Matters therein contained, in Writing, with the Clerk of the said Commissioner; and the said Commissioner shall hold a Meeting on the Day specified in the said Notice for the Purpose of hearing and determining such Objections, and shall then or at some adjourned Meeting decide the same, and finally adjust and settle the said Plan in the several Particulars above mentioned; and a fair Copy thereof, as thus finally adjusted, being signed by the said Commissioner and by the Person or Persons appointed as aforesaid, shall forthwith be deposited with the Sheriff Clerk of each of the said Counties of *Fife* and *Kinross*, who shall suffer the same to be inspected by all and every Person or Persons interested or claiming to be interested therein, at all seasonable Times, upon the Payment of the Sum of One Shilling for each such Inspection, and shall grant Copies thereof, or of such Parts thereof as shall be required by such Person or Persons, upon being paid for the same the Sum of Sixpence *per* Sheet, each Sheet containing One hundred Words; and such Plan, or a certified Copy thereof, being produced, shall be deemed and admitted in all Courts whatsoever as legal Evidence of the Matters and Things therein contained; and the said Plan being so deposited shall, and the same and every Part thereof is hereby declared to be final, binding, and conclusive on all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, interested in the Premises, in all Questions which shall arise between them and the said Commissioner in regard to the Execution of this Act, and it shall not be competent for them, or any of them, at any Time thereafter, in any

any such Question, to challenge or dispute the Dimensions, Bounds, Extent, Powers, or Values contained therein.

Surveyor's Oath.

XXVII. And be it further enacted, That every Person so appointed by the said Commissioner to survey, inspect, and value the said Lands and other Premises, shall, before proceeding to the Execution of his Office, take and subscribe the following Oath:

'I DO swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, make a true and distinct Survey, Admeasurement, Plan, and Valuation of all and every the Lands and other Premises which I shall be appointed or directed to survey, admeasure, plan, or value, under the Authority of an Act passed in the Eighth Year of His Majesty *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act.*] So help me GOD.'

Which Oath it shall be lawful for the said Commissioner to administer, and he is hereby required to administer the same accordingly.

Commissioner to make Assessments.

XXVIII. And, in order that the Expences of obtaining this Act and carrying the same into Execution may be borne by the Persons benefited thereby, be it further enacted, That the Costs and Expences of applying for and obtaining this Act, and preparatory thereto, and in making and completing the said Surveys, Plans, and Valuations, and the said Cut, Sluices, Spillwaters, or Waste Weirs, and other Works, and in making the Compensations hereby required to be made, and all other Costs, Charges, and Expences incurred by the said Commissioner in the Execution and by virtue of this Act, shall be raised and levied by Assessment from the Owners and Occupiers of the said several Lands, Falls, and Uses, according to the increased Value thereof to the Owners and Occupiers respectively arising from the Works constructed by virtue of this Act, as the same shall be fixed and settled by the said Commissioner as aforesaid; and it shall be lawful to the said Commissioner, and he is hereby required and empowered, at such Time or Times as he shall think proper, within Ten Years after he shall have fixed and settled the said increased Value as aforesaid, to assess, tax, and charge upon and levy from the respective Owners and Occupiers of the said several Lands, Falls, and Uses, in such Proportions as he shall deem just and reasonable, according to his Determination of the increased Value thereof, whether to the Owner or Occupier or both, arising from the Works constructed by virtue of this Act, as the same shall have been fixed and settled as aforesaid, such Sum or Sums of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, as shall be necessary for defraying the said Costs, Charges, and Expences incurred or expended by the said Commissioner by virtue and in Execution of this Act; and such Sums of Money or Assessments shall be made payable and paid to the Treasurer or Collector of or other Person or Persons appointed by the said Commissioner to receive the same, at such certain Days and Times as the said Commissioner shall direct and appoint.

XXIX. And

Amount of Money to be levied to be fixed, and Schedule of Assessments to be made out:

XXIX. And be it further enacted, That as soon as conveniently may be after the said Cut and Works shall be made and completed, the said Commissioner shall, at some Meeting to be held for that Purpose, fix and determine what Sum in the whole it will be necessary to raise and levy by Assessment by virtue of this Act, for the Purpose of defraying the Expences incurred and Money expended by him in the Execution thereof, not exceeding the said Sum of Twenty thousand Pounds, and shall immediately thereafter cause to be made out a Schedule, showing the original and increased Value of the said several Lands, Falls, and Uses, as he shall have fixed and settled the same as aforesaid, and the Names of the respective Owners and Occupiers thereof, and the Proportion and Quantum of the said Tax and Assessment to be charged upon them respectively in respect of the same as aforesaid, as also the Time or Times when the same shall become due and payable; and a Copy of the said Schedule shall be signed by the said Commissioner, and deposited in some convenient Place in the Town of *Kinross*, under the Charge of the Clerk of the said Commissioner, Notice specifying the Time when and Place where the same will be so deposited, the Time within which Objections thereto must be lodged with the Clerk to the said Commissioner as after specified, and the Time when and Place where the said Commissioner will hold a Meeting as after appointed for hearing such Objections, being given by Advertisement in some Newspaper generally circulated in the said Counties of *Fife* and *Kinross*, and on the Church Doors of the said several Parishes of *Kinross*, *Orwell*, *Portmoak*, *Ballingry*, *Auchterderran*, *Kinglassie*, *Leslie*, *Markinch*, *Kennoway*, *Wemyss*, and *Scoonie*, Ten Days at least before the Day on which such Copy shall be so deposited; and the said Clerk having Charge of the said Copy shall, under the Penalty of Five Pounds, permit every Person interested to inspect the same, and take Extracts therefrom, at all reasonable Times, without Fee or Reward; and it shall be competent for any Person interested, within the Time specified in the said Notice, (which Time shall be at least Twenty Days after the said Copy shall be so deposited,) but not thereafter, to lodge Objections to the said Schedule in Writing with the Clerk of the said Commissioner; and the said Commissioner shall hold a Meeting on the Day specified in the said Notice for the Purpose of hearing and determining the Matter of such Objections, and shall there or at some adjourned Meeting decide the same, and finally adjust and settle the said Schedule in the several Particulars before mentioned; and Three Copies of the said Schedule as thus settled and adjusted shall be fairly written or engrossed on Vellum, and signed by the said Commissioner, One of which Copies shall be delivered to the Sheriff Clerk for the said County of *Kinross*, and another to the Sheriff Clerk of the said County of *Fife*, and the same shall be recorded in the Records of the said Counties respectively, and the same or a certified Copy thereof being produced shall be admitted as Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling and no more, and for every such

To be recorded in the Sheriff Court Books;

Copy after the Rate of Sixpence *per* Sheet, each Sheet containing One hundred Words, and so in Proportion for any greater Number of Words; and the remaining Copy thereof shall be deposited with and kept by the Clerk to the said Commissioner; and such Schedule shall at all Times thereafter be deemed and taken to be the Rule and Standard of the original and increased Value of the said Lands, Falls, and Uses, whereby all Taxes and Rates to be assessed, charged, raised, levied, and paid upon and in respect of the said Lands, Falls, and Uses, under the Authority of this Act, shall be taxed, charged, rated, or proportioned at all Times thereafter.

and to be the Standard of all future Rates.

XXX. Provided always, and be it further enacted, That if any Person or Persons rated or assessed in the said Schedule shall consider himself, herself, or themselves aggrieved thereby, it shall be lawful for him, her, or them, at any Time within Two Months after such Schedule shall have been recorded as aforesaid, but not thereafter, to give Notice of Appeal therefrom to the Clerk of the said Commissioner, which Notice shall contain a Statement of the Wrong or Grievance complained of; and it shall be lawful for the Party complaining, at any Time within Ten Days after the Notice given to the Clerk of the said Commissioner as aforesaid, but not thereafter, to appeal to the Sheriff Depute or Substitute of the County of *Fife* or *Kinross*; and upon such Appeal being so lodged, and the Party appealing having found Security to answer Costs to the Amount of Fifty Pounds, to the Satisfaction of the said Sheriff Depute or Substitute, it shall be lawful for the said Sheriff Depute or Substitute, and he is hereby required to impannel, summon, and return a Jury in the Manner hereinafter directed in the Case of Proprietors of Lands refusing to treat, and to give such Relief in the Premises, or to refuse all Relief, according as shall be found and declared by the Verdict of such Jury: Provided always, that if such Jury shall by their Verdict determine in Favour of the Appellant, then and in that Case the Costs and Charges of every Sort and Kind attending the obtaining such Verdict shall be paid and defrayed by the said Commissioner out of the Monies to be received by him in virtue of this Act; but if the said Jury shall determine against the Appellant, then and in that Case the said Costs and Charges shall be paid and defrayed by the Party or Parties appealing as aforesaid: Provided further, that no such Appeal shall stop the Payment of any Assessment, without Prejudice nevertheless to the Appellant's Claim for Repetition thereof, if the Verdict of the Jury shall be in his Favour.

Appeal from Rate.

XXXI. And be it further enacted, That where the said Assessments imposed by the said Commissioner shall affect Premises which are entailed, the Proprietor or Person paying the same shall, on a Certificate signed by the said Commissioner, and specifying the Sum or Sums so paid, being recorded in the Sheriff Court Books of the County where the Premises assessed shall lie, (which Certificate the said Commissioner is hereby required to grant, and the Sheriff Clerk of the said County to record,) be a Creditor to the succeeding

Assessments shall become Debts upon entailed Estates in favour of the Persons paying them.

ing Heirs of Entail for Three Fourths of the Money so paid by him or her; and the Executors and Assignees of such Proprietor or Person shall have the same and the like Remedies for recovering from the succeeding Heirs of Entail the said Three Fourths of the Money so paid, as are given and provided to the Proprietor of an entailed Estate laying out Money in Improvements by or under an Act passed in the Tenth Year of the Reign of His late Majesty, intituled *An Act for to encourage the Improvement of Lands, Tenements, and Hereditaments, in that Part of* Great Britain *called* Scotland, *held under Settlements of strict Entail;* such succeeding Heirs having also the same Relief among themselves as is by the said Act specially provided.

Application of Money.

XXXII. And be it further enacted, That the Sum or Sums of Money to be assessed and taxed, charged, raised, levied, and received by the said Commissioner in virtue of this Act, shall in the first Place be applied in, for, and towards Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all the necessary Expences preparatory and relative thereto; secondly, for Repayment of such Sum or Sums of Money, with legal Interest and Expences, as shall be borrowed by the said Commissioner in virtue of the Powers hereinafter contained for the Purposes of this Act; and thirdly, in Discharge and Payment of all other Costs, Charges, and Expences to be incurred by the said Commissioner in the Execution of this Act; and if any Surplus shall remain in the Hands of the Commissioner after answering the Purposes aforesaid, the same shall be paid over by the said Commissioner to the Trustees after appointed, to be by them applied for such and the like Purposes as any other Money to be received by such Trustees is appointed to be applied.

Power for Commissioner to borrow Money and assign Rates.

XXXIII. And be it further enacted, That in order to raise such Sum or Sums of Money as the said Commissioner shall require for the Purposes of this Act before the Assessments hereby authorized to be levied by him are made effectual, it shall be lawful for the said Commissioner to borrow and take up at Interest, upon the Credit of the Rates or Taxes to be levied by him by virtue of this Act, in such Manner as he shall think proper, any Sum or Sums of Money he shall think necessary to be borrowed for all or any of the Purposes of this Act, not exceeding in the whole the Sum of Twenty thousand Pounds; and the said Commissioner is hereby empowered from Time to Time to assign over the Rates or Taxes to be raised and levied by him under or by virtue of this Act, or any Part or Proportion, Parts or Proportions thereof, as a Security to any Person or Persons who shall advance such Sum or Sums of Money, his, her, or their Trustee or Trustees, and his, her, or their respective Executors, Administrators, and Assignees, for the Money so to be advanced, with such lawful Interest for the same as shall be agreed upon in that Behalf; which Assignations shall be in the Form or to the Effect following, with such Variations as may from Time to Time be thought necessary; *videlicet*,

'I THE undersigned, being the Commissioner appointed by or acting in pursuance of an Act passed in the Year of the Reign of King *George* the Fourth, intituled '*An Act* [*here set forth the Title of this Act,*] in Consideration 'of the Sum of advanced and lent 'by of in the 'County of to me, upon the Credit and for the Purposes 'of the said Act, do hereby assign unto the said Executors, Administrators, and Assignees, the 'Rates and Taxes made and to be made in pursuance or by virtue 'of the said Act, to hold unto the said Executors, Administrators, and Assignees, until the 'said Sum of , together with Interest for 'the same after the Rate of *per Centum per Annum*, to be paid '[*here state the Mode or Times of Payment of Interest,*] shall be 'fully paid and satisfied. In witness whereof I have subscribed 'these Presents, written by at this 'Day of in the Year 'before these Witnesses 'and .'

And every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assignees, to the Payment of the Monies thereby intended to be secured, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act; and Copies of all such Assignations shall be entered in a Book or Books to be kept for that Purpose by the said Commissioner, and which said Book or Books shall and may at all seasonable Times be perused and inspected by any Person interested therein, without Fee or Reward.

Power to transfer.

XXXIV. And be it further enacted, That all and every Person or Persons to whom any such Assignation or Assignations, or other Security or Securities of the said Rates or Taxes shall be made as aforesaid, or who shall be entitled to the same, is and are hereby empowered from Time to Time to assign over and transfer the same, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, or by Indorsement on the same, in the following Words, or Words to the like Effect, with such Variations as shall from Time to Time be thought proper; *videlicet*,

'I being entitled to the Sum of 'secured to 'Executors, Administrators, and Assignees, by virtue of an Assign- 'ation bearing Date the Day of 'under the Hand of the Commissioner acting in the Execution 'of an Act of Parliament passed in the Year 'of the Reign of His Majesty King *George* the Fourth, intituled '*An Act* [*here set forth the Title of this Act,*] charged upon the 'Rates or Taxes granted by the said Act, do hereby assign and 'transfer all my Right and Interest in and to the same Sum, and 'all Interest and other Money now due and to become due thereon, 'unto

‘ unto of
‘ in the County of Executors, Administrators, and As-
‘ signees. In witness whereof, I have subscribed these Presents,
‘ written by at
‘ the Day of in the Year
‘ , before these Witnesses,
‘ and .’

Which Transfer shall be produced and notified to the Clerk of the said Commissioner within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the beforementioned Book or Books, containing the Dates, Names of the Parties, and Sums of Money therein transferred, for which Entry the said Clerk shall receive the Sum of Two Shillings and Sixpence and no more; and such Transfer shall then entitle such Assignee, his or her Executors, Administrators, and Assignees, to the Benefit of the Security and Payment of the Principal and Interest Money thereby secured; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators, to make void, release, or discharge the original Security, or the Monies due thereon, or any Part thereof.

Commissioner not to be personally liable.

XXXV. Provided always, That no Commissioner shall be held or adjudged to have rendered himself personally liable for the Repayment of any Sum of Money so borrowed, by reason of his having assigned any Authority to borrow any such Sum of Money, or by reason of his having signed any Security for the same; and that all such Money shall be held and considered as borrowed on the sole Security of the Assessments authorized to be made and levied by the said Commissioner as aforesaid, unless otherwise expressly stipulated.

Money advanced to be repaid with Interest.

XXXVI. And be it further enacted, That if any of the Persons interested in the Premises, or any other Person or Persons, shall advance and pay any Sum or Sums of Money in Discharge of the Fees or Expences of obtaining this Act, and executing and forwarding the same, the Monies so paid and advanced shall be repaid and satisfied by the Directions of the said Commissioner, together with the lawful Interest for the same, out of the first of the said Assessments to be made in Manner hereinbefore appointed, or any other Money coming to his Hands.

Lender of Money not disqualified.

XXXVII. And be it further enacted, That no Lender of Money upon the Credit of the Assessments, or Assignee of any such Lender, nor any Person receiving Interest for any such Money lent as aforesaid, shall on that Account only be deemed unqualified to act as a Commissioner or Trustee in the Execution of this Act.

Lands deprived of Water to be supplied.

XXXVIII. And whereas, in consequence of the partial Drainage of the said Lake, the Property of the Trustees of the late *Thomas Graham* Esquire, of *Kinross*, which will take place by reason of the said Cut,

Cut, the Waters of the said Lake will be withdrawn and cut off from certain Lands around the same, which are at present supplied thereby: And whereas certain other Lands on the Banks of the said River, which are now supplied with Water from the same, in its present Channel, may be deprived of such Supply by the Diversion of the said River into the new Cut: Be it enacted, That the said Commissioner shall and he is hereby authorized and required, in order to obviate any Inconvenience that may arise thereby to the Owners and Occupiers of such Lands, to set out and appoint proper and convenient Avenues or Communications, not exceeding Twenty Feet in Breadth, between the said Lands around the said Lake and the Water thereof, through the Grounds which shall be recovered from the said Lake, and from the present Channel of the said River in the said Lands on the Banks thereof, to the Banks of the said new Cut, so that the Owners and Occupiers of the said Lands may have Access to the Lake and new Cut respectively for watering their Cattle; the said Commissioner making Compensation out of the Monies to be raised by him for the Purposes of this Act, in Manner hereby directed, to the Owners and Occupiers of the Lands taken or used for such Avenues or Communications: Provided always, that such Avenues and Communications shall be supported and maintained by the Persons entitled to use the same; and provided further, that if the said Commissioner shall find that the said Lands, or any of them, can be better or more conveniently supplied with Water by diverting the *Pow Burn*, or any other Stream or Streams running into the said Lake, it shall be lawful for him to do so, making such Compensation for the Water diverted and Ground so occupied as shall be agreed on between him and the said Owners and Occupiers.

Power to purchase the Land.

XXXIX. And be it further enacted, That the said Commissioner shall have full Power and Authority to treat and agree with the Proprietors and Occupiers of the several Lands, Grounds, or other Property through or in which the said new Cut, and Sluices, Dams, Banks, Bridges, Spillwaters, Engines, Houses, Roads, Drains, or other Works are intended to be built or formed, for the Purchase of the Land, Ground, or other Property necessary for making and forming the same, or for any other Purpose of this Act, and which Land, Ground, and other Property shall, upon Payment of the Purchase Money or Consignation thereof in the Manner hereinafter mentioned, become the Property of and be vested in the said Commissioner: Provided always, that the valued Rents of the different Properties from which any Land is taken by virtue of this Act shall not be thereby diminished or affected, but such valued Rent shall remain the same as it now stands in the Cess Books of the County.

Power to apply Purchase Money in Aid of Assessment.

XL. And be it further enacted, That it shall be lawful for all and every Person or Persons assessed by the said Commissioner in virtue of this Act, out of such Sum or Sums as shall be awarded or agreed to be paid for Lands or other Property taken or used for the Purposes of this Act, or by way of Indemnification or Com-

pensation for any Injury sustained by virtue of this Act, to discharge and pay the Assessment laid on Lands or Property, or laid on other Lands or Property standing settled therewith to the same or the like Uses, Intents, or Purposes: Provided always, that if any Surplus shall remain after such Payment, such Surplus shall be applied as hereinafter directed.

Power to Bodies Politic, &c. to sell and convey.

XLI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations, Executors, Administrators, Guardians, Husbands, Committees, Heirs of Entail, Procurators, Attorneys, Liferenters, Annuitants, married Women, Tutors, Curators, or Trustees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of those for whom they are Tutors, Curators, or Trustees, whether Pupils, Minors, Issue unborn, fatuous or furious Persons, married Women, Liferenters, Annuitants, and to and for all and every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Heritages wanted for the Purposes of this Act, or any of them, to treat, contract, and agree with the said Commissioner for the Sale of such Lands, Tenements, and Heritages, or any Part thereof, or of their Interest therein, and to sell and convey the same to the said Commissioner; and that all Contracts, Agreements, Sales, and Conveyances which shall be so made shall be valid and effectual in Law to all Intents and Purposes.

In case of Disagreement Jury to be summoned.

XLII. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons seised or possessed of or interested in any Lands, Tenements, or Heritages required for the Purposes of this Act, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Commissioner, or with any Person or Persons authorized by him, as to the Price or Value, Damage or Recompence to be given for any Lands, Tenements, or Heritages to be taken or used for the Purposes of this Act, and the Sale of their respective Estates or Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioner, or of the Person or Persons so authorized by him as aforesaid, then and in every such Case it shall be lawful for the Sheriff Depute of the County in which the Lands lie, or his Substitute, and he is hereby authorized and required, upon Application from the said Commissioner, to impannel, summon, and return a Jury of Twenty-four honest and indifferent Persons, out of whom a Jury of Twelve impartial Persons shall be chosen by Ballot, and the said Twelve Persons are hereby required upon their Oath, to be administered by the said Sheriff Depute or his Substitute, to enquire of and assess such Damage or Recompence as they shall think fit to be awarded by reason of the said Lands and Heritages being taken or used by the said Commissioner; and to enable them to form such Award, the Sheriff Depute or his Substitute is hereby authorized, by Warrant or Warrants under his Hand, to call before him such Person or Persons as shall

be thought proper to be examined as Witnesses, and to call for the Production of such Papers, Deeds, and Writings as he shall judge necessary for his Information in any thing relating to this Act, and shall and may administer Oaths for the better Discovery of the Truth, and shall and may authorize the said Jury to view the Place or Places or Matters in question; and the said Sheriff Depute or his Substitute shall and may give Judgment for such Sum or Sums of Money so to be assessed by such Jury, which said Verdict and Judgment or Decree thereupon pronounced by the said Sheriff Depute or his Substitute shall be binding and conclusive to all Intents and Purposes whatsoever; and the said Verdicts, Orders, and Decrees, and other Proceedings so to be given and pronounced, shall be recorded in the Sheriff Court Books of the County where the same take place, and the same or Extracts thereof shall be deemed and taken as good and effectual Evidence and Proof in any Court of Law or Equity whatsoever: Provided always, that if such Jury shall adjudge the Premises to be of the same or of greater Value than the said Commissioner shall have previously offered for the same, that then the Costs and Charges of every Sort and Kind attending the obtaining such Assessment by a Jury shall be paid by the said Commissioner out of the Monies to be raised or received by him in virtue of this Act; but if the said Jury shall not adjudge the said Premises to be of the same or of greater Value than the said Commissioner shall have offered for the same, then the said Costs and Charges shall be paid by the Party or Parties refusing to treat or accept the Price offered by the said Commissioner.

Compensation Money to be apportioned.

XLIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed for, determined, and adjusted, or assessed in Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Value of Lands and Damages to be ascertained separately.

XLIV. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands, Tenements, and Heritages, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Heritages, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Application of Money where same amounts to 200*l.*

XLV. And be it further enacted, That if any Money shall be awarded or agreed to be paid for any Lands, Tenements, or Heritages, purchased or taken or used by virtue 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, Pupil, Minor, furious or fatuous Person, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds,

Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company 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 Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said 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 Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the 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 an 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.

Application where the Compensation does not amount to 200*l.* and exceeds 20*l.*

XLVI. Provided always, and be it further enacted, That if any Money so awarded or agreed to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons 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 Lands, Tenements, and Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Pupillarity, Minority, Fatuity, or Furiosity, to be signified in Writing under their respective Hands, be paid into one or other of the said Banks, in order to be applied in Manner as hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and to be approved of by the said Commissioner, 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 Dividends arising thereon, may be applied in Manner hereinbefore directed, so far as the Case may be applicable, without obtaining the Authority of the said Court of Session.

XLVII. Pro-

Application where the Money is less than 20*l*.

XLVII. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as hereinbefore 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, and Heritages so purchased, taken, or used for the Purposes of this Act, or in case of Pupillarity, Minority, Fatuity, or Furiosity, then to his, her, or their Trustees or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title, &c.

XLVIII. 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 Commissioner, or in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall be lawful to and for the said Commissioner to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, to the Credit of the Parties interested in the said Lands or Tenements, describing them, subject to the Order, Control, and Disposition of the said Court of Session; which said Court of Session, on the Application of any Person or Persons making any Claim to such Sum or Sums of Money, or any Part thereof, by Petition or otherwise, shall be and is hereby empowered, in such summary Way of Proceeding as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, on Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereto, or 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*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company 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 and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession deemed entitled until the contrary shall appear.

XLIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in the Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to the Dividends or Interest of any such Money, 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, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, and Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and the Dividends or Interest of such Sum of Money 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.

The Court of Session may order Expences of Purchases to be paid.

L. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporations 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 Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, 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 and may be lawful to and for the said Court of Session to order the Expences of all such Purchases from Time to Time to be made in pursuance of this Act, or so much of the said Expences as the said Court shall deem reasonable, to be paid by the said Commissioner out of the Monies to be received by him by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power for the Commissioner to purchase Lands severed and divided by the Cut in certain Cases.

LI. And whereas it may happen that the Property of Persons in or through whose Lands the said Cut or Works shall be made, may be severed and divided, to the Detriment and Inconvenience of the Owner or Occupiers thereof, and it may be found convenient, in order to prevent Disputes and Litigation respecting the Establishment of Bridges or other Communications across the said Cut, that such Lands or Part or Parts thereof should with the Consent of the Owner or Owners be purchased by the said Commissioner; be it further enacted, That it shall be lawful for the said Commissioner and the Owners of such Lands, whether entailed or held in Fee Simple, and all Persons interested therein, and they are hereby authorized and empowered, to contract and agree for the Purchase of such Lands or any Part or Parts thereof by the said Commissioner, not exceeding Twenty Acres in any one Place, at such Price or Prices as shall be agreed upon.

Commissioner empowered to re-sell.

LII. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby empowered to sell and dispose of, and by Deed under his Hand to dispone and convey, all such of the Lands, Grounds, or other Premises which shall be purchased by him, as shall not be wanted for the said Cut and Works, or any Part or Parts thereof; and that all such Conveyances shall be valid and effectual to all Intents and Purposes; and the Purchase Money which shall be received by the said Commissioner for the Land so

sold shall be applied in the same Manner as any other Money to be received by him by virtue of this Act is hereby appointed to be applied.

Offer of Resale to be first made to the Owners of the adjoining Lands.

LIII. Provided always, and be it enacted, That the said Commissioner, before he shall contract to sell any such Lands, Grounds, or Premises, shall first offer to sell the same to the Owner or Owners of the adjoining Land, at a Price to be fixed upon by the said Commissioner; but in case of Difference in that respect, then the Price at which the same shall be sold shall be adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons to whom such Offer shall be made shall not then and thereupon agree, or shall refuse to purchase the same, on Affidavit being made and sworn before any One of His Majesty's Justices of the Peace for the County in which such Lands, Grounds, or Premises shall lie, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on Behalf of the said Commissioner, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Mode of proceeding where Persons having the preferable Right to purchase shall be absent.

LIV. Provided always, and be it further enacted, That in all Cases where, by reason of Absence or otherwise, the Person or Persons to whom the Lands, Grounds, or Premises are hereinbefore directed to be re-sold cannot be found, it shall and may be lawful to and for the said Commissioner, by public Advertisement inserted Three successive Weeks in some Newspaper generally circulated within the County in which such Lands, Grounds, or Premises shall be situate, to offer to sell such Lands, Grounds, or Premises to the said Person or Persons; and if no Application shall be made to the said Commissioner, signed by or on behalf of the said Person or Persons accepting such Offer, within Six Calendar Months from the Date of the said Advertisement, such Omission or Neglect shall be considered, deemed, and taken as a Refusal on the Part of such Person or Persons to purchase the same.

For protecting Strathendry Corn Mill.

LV. And be it further enacted, That nothing herein contained shall prevent or be construed to prevent *Robert Douglas* Esquire of *Strathendry*, and his Successors, or his or their Tenant or Tenants, from using as freely as heretofore, and without the Payment of the Assessment hereby imposed or any Part thereof, the whole Power or Fall of Water now actually existing at the Corn Mill on the Lands of *Strathendry*, the Property of the said *Robert Douglas*; and in the Event of the Operations of the said Commissioner having the Effect of increasing the Fall of Water at the said Corn Mill on the said Lands at *Strathendry*, it shall be lawful to the said Commissioner to assess the said *Robert Douglas* and his Successors in the said Mill and Mill Lands, and the Tenants thereof, in Manner herein mentioned,

tioned, only in the Event of the said *Robert Douglas*, or his Successors, or his or their Tenant, availing themselves of such increased Fall, and to the Extent only, to be ascertained in Manner herein provided, to which he, she, or they shall so avail himself, herself, or themselves thereof: Provided always, that the Operations of the said Commissioner shall not be carried farther down than the *March Burn* before mentioned, between the Properties of the said *John Aytoun* and *James Braid*.

Commissioner may make Contracts.

LVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered, from Time to Time as Occasion shall require, to contract and agree with any fit Person or Persons, Artificers, Workmen, or others, for the making and doing of all and every or any Part of the Work to be done in and about the making and forming of the said Cut and other Works, and for the doing all Matters and Things authorized or directed to be done and performed by him, or for the supplying any of the Materials for the same; which Contract or Contracts shall specify the Work to be done and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of the Non-performance thereof, and shall be signed by the said Commissioner and the Person or Persons contracting to perform such Works respectively; which Contracts, or a Copy thereof, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioner; but previous to making any such Contracts, Twenty Days Notice at least shall be given, in the same Manner as hereinbefore mentioned, expressing the Intention of entering into such Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for the Purpose, to be offered and presented to the said Commissioner at a certain Time and Place in such Notice to be mentioned.

Surveyor to inspect Works, &c.

LVII. And be it further enacted, That the said Commissioner shall cause all and every the Works to be done in pursuance of such Contract to be inspected by the Surveyor or Surveyors or such other Person or Persons as he shall for that Purpose appoint, and in case the same shall not be well and sufficiently performed according to the Intent and Meaning of such Contract or Contracts, and shall not be finished and completed at or within the Time or Times specified in such Contract or Contracts, then the said Commissioner may cause an Action to be brought in any Court of Law in *Scotland* against any such Contractor for any Penalty contained in his Contract; and on Proof of the signing of the said Contract and Non-performance thereof at the Time or Times for that Purpose to be therein mentioned, the said Commissioner shall be entitled to and shall recover the full Penalty contained in such Contract, and when recovered the same shall be applied by him for the Purposes of this Act.

Commissioner may compound for Penalties for Breach of Contract.

LVIII. Provided always, That it shall be lawful for the said Commissioner, if he shall think fit, to compound and agree with such Contractor for any Penalty incurred by him for the Breach and Non-performance of any such Contract, for such Sum of Money as the Commis-

Commissioner shall think proper, not being less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract, and all Costs, Charges, and Expences which shall be occasioned thereby.

Commissioner may summon Witnesses.

LIX. And, for the better enabling the said Commissioner to determine the several Matters and Things by this Act referred to his Determination, be it enacted, That it shall be lawful to and for the said Commissioner, from Time to Time as he shall see Occasion, by any Writing or Writings under his Hand, to summon and require any Person or Persons to appear before him at any Time and Place in such Writing to be appointed, to testify the Truth touching the Matter in Dispute between any Proprietors or interested Persons, or otherwise relating to the Execution of the Powers given by this Act, and to cause a Copy of such Writing to be served on such Person or Persons required to give Evidence, or to be left at his, her, or their usual or last Place of Abode; and every Person or Persons so summoned who shall not (after being paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences) appear before the said Commissioner pursuant to such Summons, or appearing shall refuse to be sworn or examined on Oath or Affirmation, which Oath or Affirmation the said Commissioner is hereby empowered and required to administer, and being thereof convicted before any Two of His Majesty's Justices of the Peace for the County of *Fife* or *Kinross*, upon Information thereof upon Oath made before any such Justice, shall, for every such Neglect or Refusal, forfeit and pay such Sum of Money not exceeding Ten Pounds nor less than Five Pounds as such Justices shall think fit and order.

Penalty for Non-attendance.

Witness not obliged to travel above 8 Miles.

LX. Provided always, and be it further enacted, That no Witness summoned to attend the said Commissioner shall be obliged to travel above Eight Miles from his or her then usual Place of Abode.

Commissioner to account to Trustees.

LXI. And be it further enacted, That at each annual Meeting of the Trustees, to be held as after-mentioned, the said Commissioner shall lay before the said Trustees his Sederunt Book and Books of Accounts, containing a Statement of his Procedure, and of his Receipts and Expenditure in the Execution of this Act; and as soon as conveniently may be after the said Commissioner shall have completed the said new Cut, and the Sluices, Dams, and other Works hereinbefore mentioned, and have paid off the Money borrowed and Debts incurred by him in executing the Works to be made in Terms of this Act, the said Commissioner shall enter a Minute thereof in his Sederunt Book, and shall call a General Meeting of the said Trustees to receive the Report, and to discharge the said Commissioner of his Intromissions and Transactions in pursuance of this Act; and at such Meeting it shall be lawful to the said Trustees to receive the said Report, and discharge the said Commissioner, who shall thenceforward be freed and relieved, discharged and acquitted from all Claims against him arising from his Acts and Intromissions under this Act; and thereupon the whole

whole Powers and Authorities hereby committed to the said Commissioner shall cease and determine, and the said Cut and other Works, and the Property of and in the same, shall be and the same is and are hereby vested in the said Trustees, in all Time thereafter, in the same Manner as they were vested in the said Commissioner; and the said Commissioner shall deliver over to the said Trustees, or to such Person or Persons as they shall appoint, all Books, Papers, and Documents, and other Matters and Things in their Custody or Power in any way relating to the Execution of this Act: Provided always, that the said Trustees shall have full Power and Authority to sue for, recover, and receive any Rate or other Sum of Money then remaining in arrear or unpaid to the said Commissioner, in the same Manner as the said Commissioner could have sued for, recovered, and received the same if his Power and Authority for that Purpose had not so ceased and determined.

Compensation to be made for Damage to Fishings.

LXII. And be it further enacted, That the said Commissioner shall and he is hereby required to make Compensation to the Owners and Occupiers of the Fishings in the said Lake and River for any Injury or Damage done to the same by the Operations of this Act, and the same Proceedings as are herein-above directed for ascertaining the Value of the Lands and Heritages required for the Purposes of this Act shall be adopted and pursued in determining all such Claims of Compensation, in case the same shall not be adjusted by and between the said Commissioner and the Parties.

When and how Commissioner may enter into Possession.

LXIII. And be it further 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 determined or adjusted by any Jury or Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or Heritages, to the Proprietor or Proprietors of such Lands and other Heritages, or such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or awarded, or if the Person or Persons so entitled or interested therein or any of them cannot be found, or shall refuse to receive the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Commissioner, or shall refuse to execute such a Conveyance or Conveyances as shall be necessary, of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the Bank of the *British* Linen Company, as hereinafter directed and required, in case the same shall be requisite, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Commissioner, and his Agents, Servants, and Workmen, or any other Person authorized by him on his Behalf, immediately to enter upon such Lands, Grounds, and Heritages respectively, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estates, Use, Trust, and Interest of all and every Person or Persons therein shall from thenceforth be vested in the said Commissioner, in such Manner as is directed in and by this Act, to and for the Purposes of this

Act; and such Tender, Payment, or Investiture 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 shall be deemed and construed to bar the Terce of the Wife, and all Right of every other Person, and all Incumbrances whatsoever thereon: Provided nevertheless, that before such Payment or Tender it shall not be lawful for the said Commissioner, or any Person acting under his Authority, to dig into such Lands or Grounds for the Purposes of this Act, without Leave of the respective Owners or Occupiers thereof in Writing under their respective Hands.

Nomination of Trustees.

LXIV. And be it further enacted, That the Proprietors of the said Lake, and of the said Lands lying around and bordering on the same, and along the Banks of the said River between the said Lake and the Eastern Extremity of the said intended Cut, and the Tenants of the said Lands whose Leases thereof extend to Ten Years, and the Proprietors of Mills, Bleachfields, Manufactories, and other Works on the said River, and the Tenants of the same whose Leases extend to Ten Years, shall be Trustees for executing all the Powers committed to them by this Act, until the said Schedule of Assessments to be made out by the said Commissioner shall be recorded as aforesaid, and thereafter the Owners for the Time being of the Lands and Premises on or from which any Assessment shall have been charged or levied by the said Commissioner by virtue of this Act, and the Tenants thereof for the Time being whose Leases extend to Ten Years, shall be and they are hereby severally appointed Trustees for executing all the Powers and Authorities committed to them by this Act.

First and other Meetings of Trustees.

LXV. And be it further enacted, That the said Trustees shall and they are hereby required to hold their First Meeting at *Kirkaldy*, on the Second *Wednesday* of *August* after the passing of this Act; and the said Trustees shall meet on the Second *Wednesday* in the Month of *August* in every Year thereafter, at *Kirkaldy*, which last-mentioned Meeting shall be called the General Annual Meeting of the said Trustees; and any Five of the said Trustees shall be a Quorum; and the said Trustees, or the Majority of them present at any Meeting to be held by them by virtue of this Act, shall and may from Time to Time adjourn to such convenient Place and Time as the Majority of them present at any such Meeting shall appoint; and if Five of the said Trustees shall not appear at any such Meeting, or if they shall refuse or neglect to adjourn, or if any Three of the said Trustees shall deem a Meeting of the said Trustees to be necessary or proper before the Time appointed for the then next General Annual Meeting or Meeting by Adjournment of the said Trustees, then and in every such Case the Clerk to the said Trustees, or any Three of the said Trustees, shall and may call a Meeting, to be holden at *Kirkaldy*, by Advertisement in some Newspaper generally circulated in the said Counties of *Fife* and *Kinross*, Ten Days at least previous to the Time appointed for such Meeting; and no Act of the said Trustees shall be valid unless done at some Public

Public Meeting to be holden by virtue of this Act (save as in this Act is particularly mentioned); and that all Powers and Authorities granted to or vested in the said Trustees shall and may from Time to Time be exercised by the Majority of them present at any Meeting, in case Five Trustees shall be then present; and the said Trustees shall choose a Preses, who, in case of an Equality of Votes, shall be entitled to have a casting Vote over and above his own Vote as a Trustee: Provided always, that at all Meetings of the said Trustees which shall be held previous to and until the Assessments hereby authorized to be imposed are made by the said Commissioner, the major Part of the Trustees in Point of Number shall be considered the Majority of such Meeting; but at all Meetings of the said Trustees which shall be held after the said Assessments are so made or imposed, the Majority of every Meeting shall be reckoned by the Amount of the said Assessments made by the said Commissioner on the Owners and Occupiers respectively of the several Lands and Premises in respect of which such Trustees so voting are qualified to be Trustees, as such Assessments shall appear and be stated in the said Schedule to be made out by the said Commissioner and deposited as aforesaid.

Appointment of Proxies.

LXVI. And be it further enacted, That every Person qualified to act as a Trustee under this Act shall be and is hereby authorized to appoint, by Writing under his or her Hand, a Deputy or Proxy to act in the Place or Stead of such Trustee during the Pleasure of the Person so appointing, and while he or she shall continue to be qualified as a Trustee as aforesaid; and such Deputy or Proxy shall have the same Powers, during the Continuance of such Appointment, as the Person making the Appointment has by virtue of this Act.

No Person to act as Proxy until his Appointment shall have been delivered in.

LXVII. And be it further enacted, That no Person to be appointed a Deputy or Proxy for the Purposes aforesaid shall be capable of acting as such until he shall have delivered in his Appointment in Writing, under the Hand of the Person so appointing him, at some Meeting of the said Trustees; and that every such Writing or Appointment shall be filed among the Proceedings of the Meeting at which the same shall be delivered in, and a Minute thereof shall be entered by the Clerk attending such Meeting, in a Book containing the Proceedings of the said Trustees under this Act.

Trustee's Oath.

LXVIII. And be it further enacted, That no Trustee shall be capable of acting for the Purposes aforesaid, except in administering the Oath or Affirmation hereinafter directed, until he shall take the Oath or Affirmation following:

'I *A. B.* do swear, [*or, being One of the People called Quakers*, do solemnly affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Trustee by virtue of an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality,

'tiality, to any Person or Persons whomsoever: And I do further 'swear, [*or, being One of the People called Quakers*, do solemnly af- 'firm,] that I am duly qualified to act as a Trustee in the Execu- 'tion of the said Act, according to the Provisions of the same.

'So help me GOD.'

[*Or, being One of the People called Quakers, omit the Words,*

'So help me God.']

Proxy to take an Oath.

LXIX. And be it further enacted, That no Person to be appointed a Deputy or Proxy for any Trustee by virtue of this Act, shall act as such until he shall have taken the Oath or Affirmation following:

'I *A. B.* do swear, [*or, being One of the People called Quakers*, do 'solemnly affirm,] That I will faithfully, impartially, and honestly, 'according to the best of my Skill and Ability, execute and per- 'form the several Trusts, Powers, and Authorities vested and re- 'posed in me as a Deputy or Proxy for [*here insert the Name by 'whom the Person making Oath is appointed,*] by virtue of an Act 'passed in the Eighth Year of the Reign of King *George* the Fourth, 'intituled *An Act* [*here set forth the Title of this Act*], according to 'Equity and good Conscience, and without Favour or Affection, 'Prejudice or Partiality, to any Person or Persons whomsoever: 'And I do further swear, [*or, being One of the People called 'Quakers*, do solemnly affirm,] that I do believe that *C. D.* [*naming 'the Person appointing him*] is duly qualified to appoint me to act 'as his Deputy or Proxy for the Purposes aforesaid, according to 'the Provisions of this Act. So help me GOD.'

[*Or, being One of the People called Quakers, omit the Words,*

'So help me God.']

Penalties on acting or appointing a Deputy without being qualified.

LXX. Provided always, and be it further enacted, That if any Person or Persons, not being qualified as required by this Act, shall act as a Trustee for the Purposes of this Act, or if any Person or Persons, not being so qualified, shall appoint any Person or Persons to act as his Deputy or Proxy, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Five Pounds, to be recovered, with full Costs of Suit, by any Person or Persons who shall sue for the same by ordinary Action in the Sheriff Court of the County where the Person so acting or appointing shall reside, or in the Court of Session; and in any such Action or Suit it shall be only necessary for the Pursuer to prove that the Defender acted as a Trustee in the Execution of this Act, and a Judgment shall be given against such Defender, unless he or she shall prove in his Defence that he was, at the Time of so acting or appointing a Deputy, properly qualified to act or to appoint a Deputy, according to the true Intent and Meaning of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

A Minute of Trustees having taken

LXXI. And be it further enacted, That it shall and may be lawful for any Three of the Trustees appointed or to be appointed by virtue of

the Oath to be entered among the Proceedings.

of this Act, to administer the Oaths or Affirmations hereinbefore directed to be taken by the said Trustees, or their Deputy or Proxy, or either of them respectively; and that a Note or Minute of every such Oath or Affirmation shall be made by the Clerk to the said Trustees, and shall be entered among the Proceedings of the Meetings at which the same shall respectively have been made.

Orders and Proceedings to be entered in a Book.

LXXII. And be it further enacted, That the Orders and Proceedings of every Meeting of the said Trustees shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings when so entered and signed shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Books of Accounts to be kept, and to be open for Inspection.

LXXIII. And be it further enacted, That the said Trustees shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended by them in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or any of them, or any Creditor or Creditors on the Rates or Assessments to be raised and levied in virtue of this Act, without Fee or Reward; and the said Trustees or Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit, any of the said Trustees or Creditors to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Ten Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

For appointing Officers.

LXXIV. And be it further enacted, That the said Trustees shall and may, at their first or any subsequent General, Adjourned, or Special Meeting, appoint a Clerk, Treasurer, Surveyor, and such other Officer or Officers for the Execution of this Act as the said Trustees shall think proper, and from Time to Time to remove them or any of them, and appoint others, as they shall find necessary or convenient, and shall and may, by and out of the Monies to be raised and received by them the said Trustees by virtue of this Act, pay such Salaries and Allowances to such Officers respectively, and to all other Persons to be employed by them the said Trustees in the Execution of this Act, as they shall think reasonable, and shall and may take such Security for the due Execution of the respective Offices by such Person and Persons to be appointed as aforesaid as they the said Trustees shall think proper; and all such Officers and Persons to be appointed as aforesaid shall, under their

Officers to account.

Hands, at such Time and Times and in such Manner as the said Trustees shall direct, deliver to such Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts, in Writing, of all Matters and Things entrusted to them, or committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers, and Person or Persons, respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or to such Person as they shall appoint; and if any such Officer or Person shall not make and render such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after he shall be thereunto required by such Trustees, all Books, Papers, and Writings in his Custody or Power, by virtue of his Office, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his Hands to the said Trustees, or as they shall appoint, then and in such Case such Trustees may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against any Officer or Person so neglecting or refusing as aforesaid; or if Complaint shall be made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any One of His Majesty's Justices of the Peace for the County or Place wherein such Officer or Person so neglecting or refusing shall reside, such Justice may, and he is hereby authorized and required, by Warrant under his Hand to cause the Officer or Person so neglecting or refusing to be brought before him, and, upon his appearing or not being found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any Money collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justice may, and is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand to cause such Money to be levied by Poinding and Sale of the Goods and Effects of such Officer or Person; and if no Goods or Effects of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of such Poinding and Sale, or if it shall appear to such Justice upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath (which Oath the said Justice is hereby empowered to administer), that any such Officer or Person shall not have made and rendered any such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not have delivered to the said Trustees, or to such Person as they shall have appointed, within Ten Days after he shall have been thereunto required by such Trustees, all Books, Papers, and Writings in his or their Custody and Power relating to the Execution of this Act, then and in such Case such Justice shall commit

commit every such Offender to the Common Gaol or House of Correction for the County or Place where such Offender shall then be, there to remain until he shall have rendered a true and perfect Account, and made Payment as aforesaid, or until he shall have compounded with the said Trustees, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make), and until he shall deliver up such Books, Papers, Vouchers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees; but no such Officer shall be detained in Prison by virtue of this Act, for not paying any Monies due by him, for any longer Time than Six Calendar Months.

Same Person not to be Treasurer and Clerk.

LXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint any Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, their Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed their Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer to the said Trustees for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer to the said Trustees, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or any Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk to the said Trustees in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

No Resolution of General Meeting to be altered without previous Notice.

LXXVI. And be it further enacted, That no Order or Determination of any General Meeting of Trustees shall be altered by any subsequent Meeting of Trustees, unless the Advertisement calling the Meeting specially mention that the Meeting is called to review such Order or Determination, and *verbatim* narrate the Resolution of the prior Meeting which is intended to revise, nor unless at the Meeting which takes place after such Notice there shall be Five of the Trustees present who shall vote for altering the Determination of the former Meeting.

LXXVII. And

Appointment of Sub-committee for Management of Sluices.

LXXVII. And whereas the Persons interested in the Land lying around the said Lake and along the Banks of the said River have all the Advantages to arise from this Act secured to them by the Spillwater or Waste Weir hereinbefore provided to be erected, by which the Water of the said Lake is prevented from rising higher than the said Spillwater to the Injury of their Lands: And whereas all the Advantages to be derived by the Owners and Occupiers of Mills, Manufactories, and other Works, depend upon the Regulation of the Sluices herein appointed to be erected; be it further enacted, That the said Trustees shall and they are hereby required, at their First Meeting after the said Commissioner shall have been discharged as aforesaid, and at their Annual Meeting to be held in each Year thereafter, to appoint Five Trustees, of whom Two shall be Owners and Three Tenants of the said Falls and Uses assessed by the said Commissioner in virtue of this Act, as a Sub-committee, who shall have the entire Management and Regulation of the said Sluices, and shall have the Power of regulating at all Times the Flow of Water from the said Lake by Means of the said Sluices, so as to insure a constant Supply of Water in the said River for the Use of the said Mills, Bleachfields, Manufactories, and other Works; and for enabling the said Sub-committee more effectually to accomplish this Object, the said Sub-committee are hereby authorized and empowered to appoint a proper Officer as Sluicekeeper, with a competent Salary, for the Protection and Management of the said Sluices, who shall be entirely under their Authority, and shall constantly reside in the immediate Vicinity of the said Sluices; and provided always, that the Salary of the said Sluicekeeper shall be paid by the said Trustees only upon his producing an Order from the said Sub-committee for Payment of the same.

Works to be kept in Repair.

LXXVIII. And be further enacted, That the said Cut, Sluices, Spillwaters, Dams, Banks, Drains, and other Works to be made and constructed by the said Commissioner as aforesaid, for recovering, draining, and preserving the said Lands, and providing the said Supply of Water, shall be supported and maintained in Repair by the said Commissioner out of the Monies to be levied and received by him in virtue of this Act, until the said Commissioner shall be discharged as aforesaid; and from thenceforward and thereafter the said Trustees shall and they are hereby authorized and required from Time to Time, by such Agents or Persons as they shall think proper, to support, maintain, and repair the said Cut, Sluices, Spillwaters, Dams, Banks, Drains, and other Works, and from Time to Time to renew such of them as shall fall into Decay, and become incapable of being repaired; provided always, that the Width, Height, or Level of the Spillwater, or of the Sluice or Sluices, shall not be altered in any Way that shall cause the Water of the Lake to rise to a higher Level than before such Alteration; and that the said Trustees shall and may from Time to Time, at any of their Meetings, assess, rate, tax, and charge upon, and levy from all and every the Occupiers (whether Landlords or Tenants) of the said Falls and Uses of and upon the said River *Leven*, assessed by the said Commissioner as aforesaid, such Sum or Sums of Money as they the said Trustees

To raise Money for maintaining Works.

Trustees shall judge necessary for the supporting, maintaining, repairing, and improving, or renewing the said Cut, Sluices, Spillwaters, Dams, Banks, Drains, and other Works, or any of them as aforesaid, and for making any necessary Alterations thereon as Occasion shall require, and for defraying the other necessary Expences to be incurred by the said Trustees in the Execution of this Act; all which said Rates, Taxes, and Assessments shall be payable at such Times as the said Trustees shall appoint, and shall be applied by them in Discharge of all such Expences as they shall incur in supporting, maintaining, repairing, and improving, enlarging or renewing the said Cut and Works as aforesaid, or otherwise in the Execution of this Act: Provided always, that such Assessments shall be rated on and levied from the said Occupiers in the same Ratio and Proportion as the said Assessments imposed by the said Commissioner were made in respect of the same Premises, as appearing from the said Schedule.

Falls unoccupied when Assessment imposed by Commissioner to be afterwards assessed by Trustees.

LXXIX. And whereas there are Falls on the River *Leven* which, being wholly unoccupied, will not be assessed by the said Commissioner in virtue of this Act, and there are other Falls which, from being only partially occupied, will not be assessed to the full Extent; but it is just and reasonable, if such Falls are subsequently occupied, or occupied to a greater Extent, that the same should be also assessed for the Expence of making and maintaining the Works constructed by virtue of this Act, in fair and equitable Proportions to the Benefit to be derived therefrom; be it therefore enacted, That it shall be lawful for the said Trustees and they are hereby authorized to assess and levy from the Owners and Occupiers of such Falls as aforesaid, such Sum or Sums of Money as they shall think just and reasonable, as the Share applicable thereto of the said Expence, according to the Benefit to be derived by the said Owners and Occupiers respectively from the Operations of this Act; and the said Trustees shall proceed in ascertaining such Benefit, and imposing such Assessment, in the same Manner as the said Commissioner is hereinbefore directed to proceed in ascertaining the Benefit to be derived by the Owners and Occupiers of occupied Falls, and assessing them accordingly, or as near thereto as Circumstances will permit.

Tenants paying Assessments to be allowed Abatement from their Rent.

LXXX. And be it further enacted, That the Tenants and Occupiers of all and singular the Lands and Premises assessed by virtue of this Act, shall and are hereby authorized and required to pay, on account of his, her, or their Landlord or Landlords, such Sum or Sums of Money as shall be assessed on his, her, or their said Landlord or Landlords in respect of the same Lands or Premises, not exceeding the Rent for the Time being payable for such Lands or Premises, to the Collector or Collectors, or other Person or Persons appointed for the Purpose of receiving the same; and it shall and may be lawful to and for every such Tenant and Occupier to deduct and retain the Sum or Sums of Money that he or she shall thus pay for his or her Landlord out of his, her, or their Rent or Rents, and such Landlords are hereby required to allow such Deductions; and every such Tenant paying such Rate and Assessments shall be discharged of so much Money as the same shall amount to, as fully as if the same had been paid to his or her Landlord.

In case of Default in Payment of Assessment.

LXXXI. And be it further enacted, That in case any Owner or Owners, Tenant or Tenants, Occupier or Occupiers of any Lands or other Premises assessed by virtue of this Act, shall make Default in Payment of the Whole or any Part of the Sum or Sums of Money to be assessed, rated, taxed, or charged upon him, her, or them, for or in respect of such Lands or Premises, or any Part thereof, and shall continue in such Default by the Space of Twenty Days next after the Time appointed for the Payment thereof, and after Demand of such Rates or Assessments made by the Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Writing left at the usual Place or Places of Abode of such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, who is, are, or ought to pay the same; or if such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, shall not have any Place of Abode within the said several Parishes of *Kinross*, *Orwell*, *Portmoak*, *Ballingry*, *Auchterderran*, *Kinglassie*, *Leslie*, *Markinch*, *Kennoway*, *Wemyss*, and *Scoonie*, or within Eight Miles of any of them, then, after Demand is made by the said Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Notice in Writing affixed on some conspicuous Part of the Premises chargeable with such Rates and Assessments, it shall and may be lawful to and for such Collector or Collectors, or other Person or Persons authorized as aforesaid, to apply in a summary Manner to the Sheriff of the County where the Defaulter last resided, for Execution against the said Defaulter, and the said Sheriff, on Proof on Oath that such Assessment has been demanded as aforesaid, shall give all Manner of Execution against the said Defaulter as accords of Law for the said Rates so assessed, with the Costs and Charges arising from the Default of such Person or Persons so assessed; or otherwise such Assessments shall be recovered by ordinary Action in the Court of Session.

Lands and others untenanted to remain a Security for the Assessments.

LXXXII. Provided always, and be it further enacted, That in case any of the Lands or other Premises, in respect of which any Rate or Assessment shall be charged or leviable in virtue of this Act, shall at any Time hereafter be untenanted or unoccupied, and sufficient Effects cannot be found thereon for the Payment of the said Rates and Assessments, then such Lands and Premises chargeable therewith shall remain a Security for Payment of such Rates and Assessments; and the like Execution as above mentioned shall be competent against such Person or Persons thereafter entering to such untenanted Lands and Premises, for the said Rates and Assessments, and all Arrears thereof, together with the Expences of recovering the same, in Manner hereinbefore provided.

Compensation for Damages not hereinbefore provided for.

LXXXIII. And be it further enacted, That if any Person or Persons shall sustain any Damages in his, her, or their Lands or Property, by reason of the Execution of any of the Powers given by this Act, for which a Compensation is not hereinbefore provided, then and in every such Case such Damages shall from Time to Time be settled and ascertained or assessed by a Jury, in such and the same Manner as is hereinbefore directed with respect to such Damages as are hereinbefore provided for, and the Money to be paid as a Recompence for the same.

LXXXIV. And

Officers under this Act not to be incompetent Witnesses.

LXXXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching the said Works, or any Matter or Thing relating to the Execution of this Act, no Person or Persons acting by or under the Authority or in the Service of the said Commissioner or Trustees, shall, for that Reason alone, be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation.

Commissioner or Trustees not answerable for Mistakes or Omissions.

LXXXV. Provided always, and be it enacted, That the said Commissioner or Trustees shall not be answerable for Mistakes or Omissions, nor for the Sufficiency or Responsibility of any Security or Securities to be taken under the Authority of this Act, nor for Receipts, Acts, or Commissions of the Treasurer, Clerk, or other Officer of the said Commissioner, nor any One of the Trustees for the others, but each of them for his own Receipts, Acts, and Commissions only.

Trustees may sue in the Name of the Clerk.

LXXXVI. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of their Clerk; and that no Action that may be brought or commenced by or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees, but the Clerk for the Time being to the said Trustees shall always be Pursuer or Defender in such Action, as the Case may be, except in such Action or Actions as shall be prosecuted between the said Trustees and their Clerk for the Time being, in which Case any One of the said Trustees shall or may be made Pursuer or Defender, as the Case may be: Provided always, that every such Clerk or Trustee, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be received by the said Trustees by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or chargeable with by reason of his being so made Pursuer or Defender therein.

Penalty on Officers taking Fees, or being concerned in Contracts.

LXXXVII. And be it further enacted, That if any Clerk, Treasurer, Surveyor, or Collector, or other Officer employed by the said Commissioner or Trustees for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, other than such Salary or Allowance as shall be appointed and allowed by the said Commissioner or Trustees for and on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioner or Trustees, or on any other Account whatever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioner or Trustees for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioner or Trustees, and shall forfeit and pay the Sum of One hundred Pounds for every such Offence to any Person or Persons who shall sue for the same, together with full Costs of Suit, by Action of Debt or otherwise, in the Sheriff Court of either of the said Counties of *Fife* or *Kinross*, or in the Court of Session, within Six Calendar

Calendar Months after the Offence is committed, with full Costs of Suit.

Penalty for drawing Sluice and damaging Works.

LXXXVIII. And be it further enacted, That if any Person or Persons shall wantonly or maliciously draw the Sluice at the Outlet of the Lake into the new Cut, Canal, or Drain, or shall wilfully or maliciously break down, damage, or destroy any of the Banks, Dams, Sluices, Engines, Spillwaters, Houses, or other Works to be erected and made in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, over and above paying the Damage so done, which Damage shall be recovered in the same Way as the Penalties by this Act imposed may be recovered.

Recovery and Application of Penalties.

LXXXIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not hereinbefore particularly described,) and all Costs and Charges attending the Recovery thereof, shall be levied and recovered by Poinding and Sale of the Goods and Effects of the Offender or Offenders, by Warrant under the Hand or Hands of One or more Justice or Justices of the Peace for the said Counties of *Fife* or *Kinross*, which Warrant such Justice or Justices is and are hereby authorized and empowered to grant, as often as shall be necessary, upon the Confession of the Party, or on the Information of any credible Witness upon Oath (which Oath such Justice or Justices is and are hereby empowered to administer); and in case such Penalties and Forfeitures shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Poinding and Sale, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is or are hereby empowered to take; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County of *Fife* or *Kinross*, there to remain for any Time not exceeding Six Calendar Months, at the Discretion of such Justice or Justices; and all Penalties and Forfeitures by this Act imposed, if not hereby otherwise directed to be paid and applied, shall be paid to the Treasurer for the Time being of the said Trustees, and applied to the same Purposes as the Rates and Assessments to be imposed by them are by this Act directed to be paid and applied.

For securing transient Offenders.

XC. And be it further enacted, That it shall be lawful for any Person or Persons who shall see any Offence committed against this Act, by any Person or Persons destroying or doing any wilful Damage to any Bank, Engine, Bridge, or Sluice, or any of the Works

Works belonging thereto, or made and erected or which shall be making and erecting under the Authority of this Act, contrary to any of the Provisions hereinbefore contained, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to convey such Offender, or cause him or her to be conveyed before any Justice of the Peace for either of the said Counties of *Fife* or *Kinross*, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

Limitation of Actions.

XCI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance or by virtue of this Act, after the Expiration of Six Calendar Months next after the Fact committed, or Cause of Action incurred, for which such Suit or Action shall be brought.

Notices how to be given.

XCII. And be it enacted, That in all Cases wherein it may be necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices or any legal Proceedings upon the said Commissioner or Trustees, the Service thereof upon the Clerk of the said Commissioner or Trustees, or left at the Office of such Clerk, or at his last or usual Place of Abode, or the Office of the said Commissioner or Trustees, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by the said Commissioner or Trustees, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioner or Trustees.

Compensation, &c. to be recovered from Treasurer.

XCIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by the said Commissioner or Trustees, in pursuance of the Directions in this Act, as or by way of Compensation or Satisfaction for any Lands or other Premises, or for any Damage or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioner or Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid to the Party or Parties entitled to receive the same within Twenty Days after Demand in Writing shall have been made from the said Commissioner or Trustees respectively, or their Clerk or Treasurer, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied by Poinding and Sale of the Goods and Effects vested in the said Commissioner and Trustees respectively by virtue of this Act, under a Warrant to be issued for that Purpose, either by the Sheriff Depute or Substitute of the said County of *Fife* or of *Kinross*, under his Hand, on Application made for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of procuring and executing such Warrant of Poinding and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioner or Trustees, or to their Treasurer for the Time being respectively, as the Case may be: Provided always, that it shall and may be

lawful for such Treasurer to retain, out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

Saving Rights of J. Wemyss Esq. of Wemyss.

XCIV. Provided always, and be it further enacted, That nothing herein contained shall affect or be construed to affect any Right, Power, Privilege, or Immunity competent or belonging to *James Wemyss* Esquire of *Wemyss*, his Heirs and Successors, in virtue of any Charter or Charters made and granted in Favour of the said *James Wemyss*, or his Predecessors or Authors, in relation to the Water of *Leven* in the Lake thereof, all which Rights, Powers, Privileges, and Immunities are hereby reserved entire and in full Force; nor shall it be competent to or in the Power of the said Commissioner at any Time to exact or levy the Assessment hereby authorized to be imposed and levied, or any Part thereof, from the said *James Wemyss* or his Heirs and Successors, for or in respect of the Estate of *Wemyss* and Barony of *Mithal*; without Prejudice nevertheless to the Assessment to which the Tenants of the Mills, Manufactories, or other Works situated on the said River of *Leven* on the said Estate or Barony may become liable, without Relief or Recourse upon the said *James Wemyss*, his Heirs or Successors.

No Land to be taken after Ten Years from passing of this Act.

XCV. And be it further enacted, That nothing herein contained shall at any Time after the Expiry of Ten Years from and after the passing of this Act, authorize or empower, or be construed to authorize or empower the said Commissioner, or any other Person or Persons, to take, use, injure, or destroy, for the Purpose of making the said Cut, or constructing the said Works, or any of them, any Lands, Grounds, or other Premises, without the Consent of the Owners and Occupiers thereof.

Saving Rights to Land to be recovered from Lake.

XCVI. Provided always, and be it further enacted, That nothing herein contained shall give to, confer upon, or take away from, or be construed so as to give to, confer upon, or take away from any Person or Persons, any Right, Title, or Interest, Claim of Right, Property, or Possession, to or in the Land to be recovered from the said Lake as aforesaid; provided further, that it shall not be lawful for the said Commissioner, or any other Person or Persons acting by virtue of or under the Authority of this Act, to make or construct any Work or Works whatsoever, by means of which the Level of the Surface of the Water of the said Lake shall be altered or affected, without the Consent of the Trustees of the late *Thomas Graham* Esquire of *Kinross*, first had and obtained thereto in Writing.

Public Act.

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

SCHE-

SCHEDULE to which this Act refers.

No. on Plan.	Owners Names.	Occupiers Names.	Parish.	County.	Description of Property.
1	William Tod - -	Himself - -	Portmoak -	Kinross -	Arable Land.
2	Anne Jane Douglas Clephane -	William Ronaldson -	Ditto -	Ditto -	Ditto.
3	Sir Michael Malcom, Baronet	Himself - -	Auchterderran	Fife -	Ditto.
4	Ditto - - -	James Paton -	Ditto -	Ditto -	Arable and Meadow Land.
5	Ditto - -	Himself - -	Ditto -	Ditto -	Arable Land.
6	Ditto - - -	John Kid - -	Ditto -	Ditto -	Arable and Meadow Land.
7	Ditto - - -	Himself - -	Ditto -	Ditto -	Meadow Land.
8	John Aytoun, Esquire - -	Himself - -	Kinglassie -	Ditto -	Ditto.
9	Ditto - -	Gavin Inglis -	Ditto -	Ditto -	Ditto.
10	Robert Douglas, Esquire - -	Ditto - -	Leslie -	Ditto -	Bleaching Ground and Water Fall.
11	Ditto - -	John Collier -	Ditto -	Ditto -	Meadow Land.
12	Thomas Bruce - -	Alexander Beath -	Portmoak -	Kinross -	Arable and Meadow Land.
13	George Henry Templar, John Fleming, and George Brown, Trustees appointed by the deceased Thomas Graham -	John Reid -	Ditto -	Ditto -	Ditto.
14	Charles Stein - -	Himself - -	Ditto -	Ditto -	Arable Land.
15	Thomas Bruce - -	John and David Dease	Ditto -	Ditto -	Ditto.
16	John Beveridge - -	Himself - -	Ditto -	Ditto -	Arable and Meadow Land.
17	James Beveridge - -	Himself - -	Ditto -	Ditto -	Ditto.
18	James Wilson - -	Himself - -	Ditto -	Ditto -	Ditto.
19	David Arnot - -	Himself - -	Ditto -	Ditto -	Ditto.
20	George Henry Templar, John Fleming, and George Brown, Trustees appointed by the deceased Thomas Graham -	William Reid -	Kinross -	Ditto -	Fishings.

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