ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. cxiii.

An Act for erecting, improving, regulating, and maintaining Ferries and Passages across the River *Tay*, in the Counties of *Fife* and *Forfar*.

[2d *July* 1819.]

WHEREAS by an Act made in the Parliament of *Scotland* in the Year One thousand six hundred and sixty-nine, intituled *An Act for repairing Highways and Bridges*, Power is given to the Justices of the Peace to visit the Ferries in their Shire, and where the Ferries lie between Two Shires, that they correspond with the Justices of the other Shire, to the end they may appoint fit and sufficient Boats and convenient Landing Places, and so to regulate all Things concerning the Ferries as His Majesty's Lieges may be readily and conveniently served, and at reasonable Rates, and to punish all such as shall neglect or transgress the Rules set down by them for the Effect aforesaid; and by an Act made in the Year One thousand six hundred and eighty-six, intituled *Additional Act anent Highways and Bridges*, and other Statutes, the Commissioners of Supply in the several Shires are joined with the Justices of the Peace in the Execution of the Act before in part recited: And whereas the Passage across the River *Tay*, between *Newport* and *Woodhaven* in the County of *Fife*, and *Dundee* in the County of *Forfar*, which is in the great Line of Communication between the Southern and North-eastern Parts of *Scotland*, is a public Ferry, under the Direction and Regulation of the Justices of the Peace and Commissioners of Supply for the Counties of *Fife* and *Forfar*; but to render the said Passage more

safe and commodious it is necessary to vest Powers in the said Justices, Commissioners of Supply, and other Persons, further than are granted by the said recited Acts: And whereas the Passage across the River *Tay*, between *Ferry-Port-on-Craig* in the County of *Fife* and *Broughty Castle* in the County of *Forfar*, is also a public Ferry, under the Regulation and Direction of the said Justices of the Peace and Commissioners of Supply: And whereas from the present imperfect State of the Landing Places at the aforesaid Ferries of *Newport*, *Woodhaven*, and *Dundee*, large Boats can sail only at certain Times of the Tide, whereby, and from want of sufficient Authority to establish and enforce proper Regulations at these Ferries, and also at the Ferries of *Ferry-Port-on-Craig*, *Broughty Castle*, and *Balmerino*, the Public are exposed to great Danger, and suffer great Inconvenience and Loss, although the aforesaid Ferries are capable of being so improved and regulated as to render them safe and convenient: 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 all and every Person and Persons who now are or hereafter shall be in His Majesty's Commission of the Peace in and for the Counties of *Fife* and *Forfar*, or either of them, or who now are or hereafter shall be Commissioners of Supply for the said Counties or either of them, and the Persons who shall be appointed from among the Subscribers for the Purposes of this Act as Members of the Committee of Management, in manner herein-after expressed, together with the Lord Chief Baron of His Majesty's Court of Exchequer in *Scotland*, the Lord President of the Court of Session, the Lord Justice Clerk, the Lord Chief Commissioner of the Jury Court, His Majesty's Advocate and Solicitor General, the Commander of His Majesty's Forces in *North Britain*, the Sheriffs Depute of the Counties of *Fife* and *Forfar*, and the Provost of *Dundee*, all for the Time being, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Trustees appointed.

Penalty upon acting without Qualification; but Acts of unqualified Trustees, before Conviction, valid.

II. Provided always, That if any Person not qualified or of the Description aforesaid shall presume to act as a Trustee contrary to the Intent and Meaning of this Act, every Person so presuming to act shall for every such Offence forfeit the Sum of Fifty Pounds Sterling, to be recovered and applied as herein-after directed; and the Proof of Qualification shall lie upon the Person complained of: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act (although not duly qualified as aforesaid) previous to his or their being convicted of the said Offence shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Quorum.

III. And be it enacted, That Seven of the said Trustees shall be a Quorum, and that any Seven of them, being duly assembled, shall be held to constitute a General Meeting; but in the event that fewer than Seven Trustees shall at any Time assemble then it shall and may be lawful for so many Trustees as shall have assembled to adjourn, and to direct another General Meeting to be held, at any Time not less than Ten Days thereafter, of which Notice shall be given by Advertisement in any One

of the Newspapers published at *Dundee*, and in some Two Newspapers published at *Edinburgh*, at least Eight Days previous to such adjourned Meeting; and at any such adjourned Meeting any Five or more of the said Trustees shall be held to constitute a General Meeting.

Right of Ferry vested in the Trustees.

IV. And be it further enacted, That the Right of Ferry, and the Right of Ferry Harbours or Landing Places, at *Dundee*, *Newport*, and *Woodhaven* respectively, as herein-after particularly described and specified, and the Right of Ferry along the Coast between *Ferry-Port-on-Craig* and *Balmerino* on the South, and from *Broughty Castle* to *Invergowrie Burn* on the North, (exclusive of *Ferry-Port-on-Craig*, *Broughty Castle*, and *Balmerino*,) and the Power of regulating and the Jurisdiction over all Ferries along the said Lines of Coast on both Sides of the River *Tay*, and also over *Ferry-Port-on-Craig*, *Balmerino*, and *Broughty Castle*, shall be and are hereby vested in and committed to the Trustees appointed by this Act, with the whole Powers and Privileges necessary or appertaining thereto, either by the Laws now subsisting in *Scotland* for the Regulation of Ferries or by the present Act.

First General Meeting and subsequent Meetings.

V. And be it further enacted, That the said Trustees shall assemble in the Town Hall of *Dundee* on the Fourth *Wednesday* after the passing of this Act, betwixt the Hours of Twelve at Noon and One in the Afternoon, for the Purpose of carrying this Act into execution, and shall afterwards, on the First *Monday* of *August* in each Year, assemble alternately on the South and North Side of the said Ferry, at such Place, within Fifteen Miles of the said Ferry, and at such Hour as the said Trustees shall at any General Meeting appoint; and in case no Place or Hour shall have been so appointed then such General Meeting shall be held where the last General Meeting was held, and at the same Hour at which that Meeting was appointed to assemble; and such General Meeting shall have Power to adjourn themselves from Time to Time, and to such Place on either Side of the said Ferry, as to the Majority of the Trustees present at such Meeting shall appear proper; and at every Meeting the said Trustees shall defray their own Expences.

Special Meetings.

VI. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into execution a Special Meeting of the said Trustees is necessary to be held, it shall and may be lawful to and for any Seven or more of the said Trustees, upon specifying the Purpose thereof, to require the Clerk of the said Trustees, who shall have acted as Clerk at the last General Meeting of the said Trustees, to call such Meeting, and the said Clerk shall thereupon convene such Meeting by giving at least Fourteen Days Notice thereof, by an Advertisement, to be inserted Two several Times in some Two Newspapers published at *Edinburgh* and in One Newspaper published at *Dundee*, or in such other Manner as the Trustees shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the same shall be holden, and the said Trustees are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Trustees with respect to the Matters so specified only; and all such Acts of the said Trustees, or the major Part of them, met together at such Special Meeting, shall

shall be as valid with respect to the Matter specified in such Notice as if the same had been done at any annual General Meeting.

Preses.

VII. And be it further enacted, That the said Trustees at their respective Meetings shall and may appoint a Preses or Chairman, and such Preses or Chairman shall not only have a Vote as a Trustee, but in case of an Equality of Votes shall have the decisive or casting Vote.

Accounts to be laid before General Meeting.

VIII. And be it further enacted, That all Accounts of Money received in virtue of this Act, or laid out and disbursed in the Execution thereof, shall be laid before the said stated General Meetings, who shall appoint a Committee of their Number, not exceeding Five Persons, to audit and settle the same; which Committee, or a Majority of them, shall make their Report upon the said Accounts to the next adjourned or stated General Meeting following that on which they were appointed, or at such Time and in such Manner as the said General Meeting at which they were appointed shall direct.

Officers to be appointed.

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees at any General Meeting, and they are hereby authorized and empowered, from Time to Time to nominate and appoint an Engineer or Engineers, a Surveyor or Surveyors, a Treasurer or Treasurers, and a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted: Provided always, that the Clerks of the Peace for the Counties of *Fife* and *Forfar* respectively for the Time being shall be Clerks to the Trustees for this Act, and be subject to all the Orders, Rules, and Regulations of the Trustees which may be given to them by the said Trustees in virtue of the Powers committed to them by this Act; and that the Clerk of the Peace for the County of *Fife* shall be acting Clerk to the Trustees at all the General Meetings of the said Trustees, and at all Meetings of the Committees of said Trustees which shall be held in the County of *Fife*, (except the Committee of Management and their Sub-Committee,) and shall keep a true and perfect Account of all Acts, Proceedings, and Transactions had by the said Trustees and their Committees respectively at their Meetings, in a Book or Books to be kept for that Purpose; and that the Clerk of the Peace for the County of *Forfar* shall, in like Manner be Clerk to the Trustees at all the General Meetings of the said Trustees, and at all Meetings of the Committees of said Trustees which shall be held by them in the County of *Forfar*, (except the Committee of Management and their Sub-Committees as aforesaid,) and shall keep a true and perfect Account of all Acts, Proceedings, and Transactions had by the said Trustees and their Committees respectively at their Meetings, in a Book or Books to be kept for that Purpose, Copies of which Minutes and Proceedings shall be communicated within Ten Days by the Clerk of the Peace for the County within which any of the said Meetings are held to the Clerk of the Peace for the other County, who shall ingross the same in the Minute Book to be kept by him, so as a full Record of all the Proceedings of the Trustees shall appear in a Record to be kept within the respective Counties; to which Book or Books each of the said Trustees and Subscribers for the Purposes of this Act shall have ready Access, at all reasonable Times, for the Purpose of perusing and inspecting the same; and it shall be further lawful for the said Trustees to appoint such other Officers

cers as they may judge expedient under them for carrying this Act into execution, and granting to the said Engineers, Surveyors, Treasurers, Receivers or Collectors, Clerks or other Officers, such Salaries as the said Trustees shall think proper, and to take such Security for the due Execution of their respective Offices as the said Trustees shall deem necessary; and if from the Negligence, Misconduct, or Inability of any Engineer, Surveyor, Treasurer, Collector, or Clerk or other Officer, or from any other Cause, of all which the said Trustees shall be the sole Judges, they the said Trustees shall deem it expedient to displace or remove any of them, then and in every such Case it shall and may be lawful to and for the said Trustees assembled at any such General Meeting as aforesaid to remove any such Engineer, Surveyor, Treasurer, Collector, Clerk, or other Officer, and to appoint another in his Place.

Making Piers, &c.

X. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered to make, construct, improve, and maintain Piers, Jetties, Basons, Harbours, and Landing Places, on either Side of the River *Tay*, at and adjacent to the Craig Pier or Ferry Harbour of *Dundee* on the North Side, and at and adjacent to the Harbour of *Newport*, and at and adjacent to the Harbour of *Woodhaven*, on the South Side, respectively, with a Superintendent's House, Light House, and a Place for the Shelter of Passengers and Boatmen, at or adjacent to each of the said Ferry Harbours of *Dundee*, *Newport*, and *Woodhaven* respectively, and to make, improve, widen, repair, and keep in repair the Roads to and from such Piers and Landing Places, and to purchase and acquire as much Ground, Houses, or other Property as may be necessary for these Purposes, all as appearing from and described in the Schedule hereunto annexed.

Committee of Management.

XI. And for the more effectually carrying the Purposes of this Act into execution, be it enacted, That there shall be a Committee consisting of Sixteen of the aforesaid Trustees and Subscribers, to be called the Committee of Management, of which Committee the Provost of *Dundee* for the Time shal lalways be One, and of the remaining Fifteen Five shall be elected and appointed by each of the Counties of *Fife* and *Forfar*, and Five by the said Subscribers, in manner herein-after directed.

Members of Committee for Fife.

XII. And be it enacted, That such of the said Trustees as are in His Majesty's Commission of the Peace, or are Commissioners of Supply for the County of *Fife*, shall meet in the County Hall at *Cupar* on the Fifth *Wednesday* after the passing of this Act, between the Hours of Twelve at Noon and One in the Afternoon, and then and there elect and appoint Five Trustees of their Number to be Members of the said Committee of Management for the County of *Fife*; and the said Five Members shall continue in Office until the Day of the *Michaelmas* County Meeting of *Fife* in the Year One thousand eight hundred and twenty, at which County Meeting a new Election and Appointment of Five Members of the said Committee, qualified as aforesaid, shall take place, who shall continue in Office until the Day of the *Michaelmas* Meeting of the said County of *Fife* in the Year following, when a new Election and Appointment of Five Members of the said Committee shall take place as before, and so on yearly thereafter during the Continuance of this Act; and it shall at each Election be competent to re-elect all or any of the Members who

have served for the Year preceding, or to appoint others in their Place; of which First Meeting to be held after the passing of this Act the Clerk of the Peace of the County of *Fife* shall and is hereby required to give Notice by a public Advertisement inserted in some Two of the *Edinburgh* Newspapers at least Ten Days previous to the Day of Meeting.

Members of Committee for Forfar.

XIII. And be it enacted, That such of the said Trustees as are in His Majesty's Commission of the Peace, or are Commissioners of Supply for the County of *Forfar*, shall meet in the County Hall at *Forfar* on the Fifth *Wednesday* after the passing of this Act, between the Hours of Twelve at Noon and One in the Afternoon, and then and there elect and appoint Five Trustees of their Number to be Members of the said Committee of Management for the County of *Forfar*; and the said Five Members shall continue in Office until the Day of the *Michaelmas* County Meeting of *Forfarshire* in the Year One thousand eight hundred and twenty, at which County Meeting a new Election and Appointment of Five Members of the said Committee, qualified as aforesaid, shall take place, who shall continue in Office until the Day of the *Michaelmas* Meeting of the said County of *Forfar* in the Year following, when a new Election and Appointment of Five Members of the said Committee shall take place as before, and so on yearly thereafter during the Continuance of this Act; and it shall at each Election be competent to re-elect all or any of the Members who have served for the Year preceding, or to appoint others in their Place; of which First Meeting to be held after the passing of this Act the Clerk of the Peace of the County of *Forfar* shall and is hereby required to give Notice, by a public Advertisement inserted in One of the *Dundee* Newspapers, at least Ten Days previous to the Day of Meeting.

Members of Committee appointed by Subscribers.

XIV. And be it further enacted, That it shall and may be lawful for the Persons who have respectively subscribed the Sum of Fifty Pounds or upwards for the Purposes of this Act to meet and convene, by themselves or by Proxies duly authorized, in the Town Hall of *Dundee* on the *Wednesday* preceding the Day fixed for the First Meeting of the said Trustees under this Act as aforesaid at Twelve of the Clock at Noon, and thereafter annually at Twelve of the Clock at Noon, at such Place within Fifteen Miles of the said Ferry as the Subscribers shall have appointed at their Meeting immediately preceding, and failing of such Appointment at the Place where the immediately preceding Meeting was held; and the Subscribers thus convened shall appoint a Preses or Chairman, who shall not only have a Vote as a Subscriber, but in case of an Equality of Votes shall have the decisive or Casting Vote; and the Meeting thus constituted shall be and are hereby authorized to elect and appoint Five of the said Subscribers qualified as herein-after mentioned to be Members of the said Committee of Management; declaring, that each Person who has subscribed to the Extent of Fifty Pounds Sterling shall have One Vote at said Meeting, and each Person who has subscribed to the Extent of Two hundred Pounds shall have Two Votes thereat, and that each Subscriber may vote by Proxy, such Proxy being a Subscriber; but no Extent of Subscription shall entitle any One Subscriber to more than Two Votes at any such Meeting, excepting Incorporated Bodies, who, if they have subscribed to the Extent of One thousand Pounds, shall be entitled to Three Votes, and if to the Extent of Two thousand Pounds or upwards to Five Votes, and no more, for any Extent

Extent of Subscription, and such Incorporated Bodies shall be entitled to name any One of their Members to vote for them: Provided always, that each and every Person appointed by the Subscribers as aforesaid to be One of the Committee of Management for the said Ferries shall be a Subscriber or a Member of an Incorporated Body who has subscribed to the Extent of at least Two hundred Pounds or upwards; and declaring, that no Person or Member of such Incorporated Body shall be eligible as one of the said Committee of Management unless such Person, or the Corporation to which such Member belongs, shall have subscribed as aforesaid; and further providing, that after the First Meeting of the said Subscribers appointed by this Act no Subscriber, or any Member of an Incorporated Body appearing for them as Subscribers, shall be entitled to vote at any of the after Meetings hereby authorized, unless such Subscriber or Incorporated Body shall have paid up the full Amount of their Subscriptions respectively; and it is hereby declared, that the Right of electing Five of their Number annually to be Members of the Committee of Management as aforesaid shall remain with the Subscribers until the whole Amount of their Subscriptions be paid off: And it is hereby specially enacted and declared, that the Five Subscribers who shall from Time to Time be appointed Members of the Committee of Management as aforesaid, although neither in His Majesty's Commission of the Peace nor Commissioners of Supply nominated for the Counties of *Fife* or *Forfar*, shall be Trustees for the said Ferries during the Time of their being Members of the said Committee of Management.

Persons holding any Places of Profit not to be Trustees.

XV. Provided always, and be it enacted, That no Person who shall hold any Place of Profit under this Act, or be concerned in any Contract made by the said Trustees or Committee of Management, shall be capable of acting as a Trustee or a Member of the said Committee of Management in the Execution of this Act during the Time he shall hold any such Place, or be concerned in such Contract.

Electing Members on Vacancies.

XVI. And be it further enacted, That if any of the Members of the said Committee of Management appointed for the Counties of *Fife* and *Forfar*, or for the foresaid Subscribers respectively, shall die, refuse to act, or hold any Place, Office, Employment, or Contract under this Act, it shall be lawful to the said Trustees for the Counties of *Fife* or *Forfar*, or to the Subscribers for the Purposes of this Act respectively, and they are hereby required, within One Calendar Month after such Death, Refusal to act, or holding any Place, Office, Employment, or Contract as aforesaid shall be known to them, to meet and appoint another Person of such of the said Bodies to which the Member of the said Committee of Management so dying, refusing to act, or holding any Place, Office, Employment, or Contract as aforesaid shall belong, in the Room of such Member, and every new Member of the said Committee of Management appointed or elected as aforesaid shall have the like Power and Authority as the Person in whose Stead such Member shall be so chosen was vested with; and it shall be lawful for the said Trustees for the respective Counties of *Fife* and *Forfar*, and for the said Subscribers respectively, at any General Meeting to be held by them as directed by this Act, to make such Rules and Regulations for the convening of the said Meetings, to appoint other Members of the said Committee of Management in the Room of any Members dying, refusing to act, or holding any Place, Office, or Employment, or

Contract

Contract as aforesaid, as the said Trustees for the said respective Counties and the said Subscribers respectively may judge proper.

Neglect of Election not to prevent Execution of Act.

XVII. And be it enacted, That although the Trustees for the Counties of *Fife* or *Forfar* or the said Subscribers shall neglect or refuse to elect and appoint the Members of the Committee of Management or any of them whom they are respectively hereby directed to elect and appoint at their First General Meetings or at the annual Periods before mentioned, such Neglect or Refusal on the Part of any of these Bodies shall not prevent the Execution of the Powers and Authorities vested in the said Committee of Management by this Act by the other Members of the said Committee of Management, nor shall the Death or Refusal to act of any of the Members of the said Committee of Management, or any of them holding any Place, Office, Employment, or Contract under this Act, prevent the other Members of the said Committee of Management from acting until the Place of such Member is filled up by a new Election; it being declared, that in all Cases the Members of the said Committee of Management elected and appointed for the Time shall have full Power to execute all the Powers and Authorities vested in the said Committee of Management by this Act.

Proceedings of Committee of Management.

XVIII. And be it further enacted, That at every Meeting of the said Committee of Management a Chairman shall be chosen by and out of the said Committee, who in case of an Equality of Votes upon any Question which may be agitated in the said Committee shall not only have a Vote as a Member of the Committee but have the Casting Vote; and all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee are directed to be exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five, which Committee of Management are hereby empowered to elect their own Clerk and Treasurer; and every such Committee shall on the Twentieth Day of *September* in every Year, or within Five Days thereafter, make up a Report of their Proceedings, and an Account of all Monies received and expended by them or by their Authority, and transmit the same to the Clerk of the said Trustees who is to act at the said next General Meeting, to be laid before them at their next General Meeting, and shall from Time to Time make such other Reports as they shall see necessary of their Proceedings to the General Meetings, and if required to said Special Meetings of the Trustees, and shall obey their Orders and Directions; and the said Committee shall meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places, as they shall think fit; and it is hereby declared, that a lesser Number than a Quorum of the said Committee of Management, though not entitled to act, shall have the Power of Adjournment; and in order to defray the Expences of their Meetings (other than their personal Expences) the said Committee shall from Time to Time receive out of the Rates and Duties hereby authorized such Sum or Sums of Money as shall be directed, adjusted, and settled by the said Trustees; and the said Committee shall and may contract and agree for the Purchase of Lands, Tenements, Heritages, Rights of Ferry, Ferry Harbours, and other Subjects and Rights whatever that may be taken or used for the Purposes of the said Passages, and the Piers, Harbours, Basons, and other Works thereunto belonging, and the Roads,

Accesses, and Approaches to the same, as herein-after provided, and shall and may make Agreements, Contracts, and Bargains with the Workmen, Agents, Undertakers, and other Persons so constructing, making, completing, improving, and maintaining the said Piers, Harbours, Basins, and all other Works necessary for the Purposes of the said Ferry, or in any Manner or Way relating thereto, and shall and may settle and adjust all Matters, Questions, and Differences which shall or may arise between the said Trustees or the Committee of Management and the several Owners of and Persons interested in any Lands, Tenements, Heritages, Rights of Ferry, Ferry Harbours, and other Subjects or Rights which shall or may be taken, used, damaged, and affected by the Execution of any of the Powers hereby granted, and all and every Part or Parts thereof, and, further, shall and may contract with or employ Workmen, Agents, Undertakers, or other Persons in the Execution of the Works intended by this Act to be made or executed, whether they reside in any Royal Burgh of the said Counties or not, and whether they be free to the respective Incorporations in any of the said Burghs or not; and it shall not be in the Power of the said Incorporations to let, hinder, or interrupt the said Workmen or other Persons aforesaid in the Execution of the said Works, as not being Freemen of the said Incorporations, any Law or Practice to the contrary notwithstanding; and the said Committee shall (subject nevertheless to the Orders and Directions of such Meetings as aforesaid) have full Power and Authority to direct and manage all and every Matter and Thing relating to the said Passages; and the said Committee shall, by themselves or their Treasurer or Clerk, keep a full and true Account of all Money disbursed and Payments made by the said Committee, and by all and every Person or Persons employed by or under them, and of all and every Sum or Sums of Money which they shall receive on behalf or in respect of the said Ferry from any Collector or Collectors of the said Rates and Duties, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Ferries, and shall regularly, by themselves or their Treasurers or Clerk, write, insert, and enter in a Book or Books Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, or Disbursement, and of all other their Orders and Proceedings, and Extracts of all which Proceedings shall from Time to Time be transmitted to the Clerks of the Peace for the Counties of *Fife* and *Forfar* respectively, in order to be ingrossed in the Books appointed to be kept by them as aforesaid; and every Trustee shall at all Times have free Access to the said Books of the Committee of Management.

Trustees may make Bye Laws.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Committee of Management to make such Rules, Bye Laws, Regulations, and Orders as to them shall seem meet, for their own Meetings and Proceedings, and for the good Government of the said Ferries and Passages, and of their Officers, Agents, Seamen, Porters, or Workmen, and for the more complete and total Superintendence and Management of all the said Passages and Ferries, and the well and orderly using and preserving of the same, and the Piers and Harbours and other Works thereunto appertaining, and for regulating the Entrance, Mooring, and Accommodation of Vessels plying on the said Passages, and using the said Piers, Harbours, Basins, and Works, and for the orderly

Behaviour of all Seamen, Boatmen, Watermen, Porters, and others who shall belong to such Vessels or be employed in or about the said Ferries, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to them shall seem meet, not exceeding the Sum of Ten Pounds Sterling for any Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing, and subscribed by the Preses or Chairman of the Meeting of the Committee of Management, by the Authority and in the Presence of the other Members thereof, shall be binding upon and observed by all Parties using or in any way concerned in the said Passages, Piers, Harbours, Basins, and other Works aforesaid, and shall be sufficient in a Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not inconsistent with or repugnant to the Laws of *Scotland*, or to the Provisions and Directions in this Act contained, or to any of them; and provided that such Rules, Bye Laws, and Orders shall be notified to the Person or Persons who are required to conform to them, and Copies of such of them as relate to the well and orderly using and preserving of the said Ferries and Passages, and the Piers, Harbours, Basins, and other Works thereunto appertaining, and for regulating the Entrance, Mooring, and Accommodation of Vessels plying on the said Passages, and using the said Piers, Harbours, Basins, and Works, and for the orderly Behaviour of Seamen, Boatmen, Watermen, Porters, and others who shall belong to such Vessels, or be employed in or about the said Ferries, shall be written or printed in legible Characters, and be affixed and continued in some conspicuous Place or Places at the said Piers, Harbours, Basins, or other Works, and the same shall be subject to Appeal in manner herein-after directed, or painted on a Board or Boards with Black Letters on a White Ground or White Letters on a Black Ground, each of which shall be Three Quarters of an Inch in Length at least.

If Members dissent from any Resolution the Manner of proceeding.

XX. And be it enacted, That if any Three or more Members of a Meeting of the Committee of Management shall dissent from any Resolution of that Meeting, and enter their Dissent in the Minutes, it shall and may be lawful to and for the Members so dissenting, or any Three of them, either at the Meeting or at any Time within Three Days thereafter, to lodge an Appeal against such Resolution with the Clerk to the Committee, and thereupon to require the Preses or Chairman of the Meeting of the Committee to convene a Special General Meeting of the Trustees, for the Purpose of reviewing the Resolution appealed against; and the said Preses or Chairman, on such Requisition being made, shall and is hereby required to call a Special Meeting of the Trustees, to be held, within Sixteen Days after the Meeting of the Committee, at the Place fixed by the immediately preceding General Meeting, by inserting a Notice describing the Object of the said Special Meeting in some Two of the *Edinburgh* Newspapers and in One of the *Dundee* Newspapers at least Seven Days before the Day of the Meeting; which Special General Meeting shall have Power and are hereby authorized to affirm, alter, or reverse the said Resolution as may appear to them to be proper; and it is hereby declared, that after the Appeal has been lodged the Execution of the Resolution objected to shall be delayed until the Appeal shall have been determined.

XXI. And

Sub-Committees.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Committee of Management from Time to Time to appoint Sub-Committees of their Number, with Power to execute such of the Purposes of this Act as the said Committee of Management are authorized to execute themselves, but which it may be deemed expedient to commit to the Charge of a Sub-Committee.

Disputes to be referred to Arbitration.

XXII. And be it enacted, That it shall and may be lawful to and for the said Trustees or the Committee of Management to refer to Arbitration or enter into Submissions regarding any Question, Dispute, or Difference that may arise betwixt them respectively and any Person or Persons in the Execution of or in any way relative to this Act.

Clerk not to act as Treasurer, and vice versâ.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees or Committee of Management to appoint the Person who may be appointed to act as their respective Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer to the said Trustees or to the said Committee of Management, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts in *Scotland* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Accounts to be kept of Receipts and Disbursements for the Inspection of the Trustees, &c.

XXIV. And be it further enacted, That the said Trustees and their Committee of Management shall and they are hereby respectively required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their respective Treasurers for the Time being, in which Book or Books such Treasurers shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Ferry, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or the Members of the said Committee of Management, or any Creditor or Creditors on the Rates thereby granted, without Fee or Reward; and the said Trustees, Members, and Creditors, or any of them, shall and 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 Treasurer shall refuse to permit or shall not permit the said Trustees or Members, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Treasurer shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

XXV. And

Officers, &c. to account.

XXV. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid shall, at such Time and as often as the said Trustees or their Committee of Management respectively shall direct, render to them, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers respectively received and paid or disbursed by virtue and for the Purposes of this Act, under the Direction of the said Trustees and Committee of Management respectively, with the proper and legal Receipts or Vouchers thereof, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees or to such Committee, or to such Person or Persons as they respectively shall appoint; and if any such Officer or Officers shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Trustees or to such Committee, or to such Person or Persons as they may respectively appoint, within Thirty Days after being thereunto required by the said Trustees or Committee, all Books, Papers, and Writings in his or their Custody and Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Trustees or Committee, or as they respectively shall direct and appoint, then and in either of the Cases aforesaid the said Trustees may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, neglecting or refusing as aforesaid, for Recovery of the Monies, Books, Papers, and Writings that shall be in his or their Hands respectively; or if Complaint shall be made by the said Trustees or by such Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the said Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting and refusing, shall be and reside, such Justices may and are hereby authorized and required to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before them, and upon his or their appearing or not being to be found to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected and raised in virtue of this Act are in the Hands of any such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the Demand, and the Charge of making and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid such Justices shall commit every such Offender to the Common Gaol for the County, there to remain without Bail until he shall give and make a true and perfect Account and Payment as aforesaid, and until he shall deliver up such Books,

Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees or to such Committee: Provided always, that no Person shall be detained in Prison for Want of sufficient Goods or Effects for a longer Space of Time than Six Calendar Months.

Maps or Plans to be certified and deposited.

XXVI. And whereas Surveys have been taken to ascertain the Practicability of executing the Works hereby authorized, and Maps or Plans describing the same, and the Grounds, Tenements, and Heritages over and upon which the same is intended to extend, together with a Book of Reference thereto, has been made in consequence thereof, in order to shew the Situation of the said Works, and have been deposited in the Private Bill Office of the House of Commons; be it therefore enacted, That there shall be Two Parts made of the said Maps or Plans and Books of Reference, which shall be certified by the Right Honourable the Speaker of the House of Commons, one of which shall be deposited with the Clerk of the Peace for the County of *Fife*, and the other with the Clerk of the Peace for the County of *Forfar*, to any of which Maps, Plans, and Books of Reference all Persons shall have free Liberty to resort and examine, or make Extracts from or Copies of the same, at their Will and Pleasure, paying the respective Clerk of the Peace for the Time being the Sum of One Shilling for each Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and that the said Trustees in making the said Ferries and other Works shall not deviate more than Sixty Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Grounds such Deviation shall be made.

Grounds, &c. to be taken although the Owners Names are not in the Books of Reference.

XXVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees or Committee of Management to make the said Piers, Basons, and other Works, and the Roads, Approaches, and Accesses to the same, into, through, across, or over the several Grounds, Tenements, or Heritages of any Person or Persons who is or are or may be the Owner or Owners of Grounds, Tenements, or Heritages over which the same is set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said respective Counties within their respective Jurisdictions, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Rights of Ferry belonging to Lord Douglas vested in Trustees.

XXVIII. And whereas the Right Honourable *Archibald* Lord *Douglas* claims a Right to license the Boats on the said Ferries of *Dundee*, *Newport*, and *Woodhaven*, and to levy certain small Duties or Customs on the Boats plying there, and on Passengers, Goods, and other Things conveyed therein, from which the said *Archibald* Lord *Douglas* at present receives the Sum of Thirteen Pounds Ten Shillings Sterling annually, and it is expedient that any such Right should in future be vested in the said Trustees; be it therefore enacted, without Prejudice to the general Powers herein contained, That the said Rights of Ferry and of levying certain Duties shall in future be vested and they are hereby vested in the Persons of the said Trustees, they being bound always to pay to the said

said *Archibald* Lord *Douglas*, and his Heirs and Successors to the said Right, the aforesaid Sum of Thirteen Pounds Ten Shillings Sterling annually therefore, beginning the first Year's Payment at the Expiry of One Year from the passing of this Act; or, in the Option of the said Trustees, they are hereby empowered to purchase and acquire from the said *Archibald* Lord *Douglas* or his Heirs, or others having Right thereto, and he and they is and are hereby authorized and required to sell and convey to the said Trustees, all Right of licensing the Passage Boats on the said Ferries, and of levying the said Duties or Customs on the Boats, Passengers, Goods, and others, and every Right of whatever Kind or Description, over and concerning the said Ferries, in any way pertaining and belonging to the said *Archibald* Lord *Douglas* and his Heirs, or others possessing or claiming such Rights, upon being paid the Value of the foresaid annual Rent of Thirteen Pounds Ten Shillings.

Trustees to purchase Mr. Berry's Rights.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees to purchase and acquire from *William Berry* Esquire, of *Tayfield*, or his Heirs, or others having Right thereto, the exclusive Right and Property to and in the Slip at *Newport* Harbour as it now exists, together with the Beach or Ground requisite for extending and enlarging the same for the Purposes of the said Ferry, as also to purchase and acquire from him or them a joint Right to the Inner Harbour on the East Side of the said Slip, to be enjoyed by the said Trustees for the Purposes of the Ferry, and by the said *William Berry* or his Heirs, or others, Proprietors of *Newport*, for the Accommodation of Ships and Vessels not plying the Ferry, with Power to the said *William Berry* or his aforesaid to improve and extend the said Inner Harbour agreeable to a Plan drawn by *Robert Stevenson* Esquire, Civil Engineer; but provided always, that the said *William Berry* or his aforesaid shall not proceed to make such Improvement or Extension until he shall have given Three Months previous Notice of his Intention to do so to the Committee of Management, and, if required by the Committee, he shall be bound to erect and completely finish the Eastern Pier and Head as delineated on the said Plan before he begin to erect the Western Head; and, farther, if the said Trustees or Committee of Management shall see cause, they shall have Power and are hereby authorized to erect and maintain a Landing Slip on the East Side of and adjoining the Eastern Pier of the extended Harbour, of such Dimensions as they may consider proper for the Purposes of the Ferry, and if the Trustees or Committee of Management shall execute the additional Slip the said *William Berry* and his aforesaid shall be bound to give them the Ground for a proper Access thereto, communicating, with the Turnpike Road; and provided also, that the said *William Berry* and his aforesaid shall not be entitled to demand any Compensation from the said Trustees or Committee for or on account of the Erection of the said additional Slip, or of the Access thereto; and it is hereby provided, that Two Copies of the said Plan shall be duly certified by the Right Honourable the Speaker of the House of Commons, and one of said Copies shall be deposited and remain in the Custody of the Clerk of the Peace for the County of *Fife*, and the other Copy with the Clerk of the Peace for the County of *Forfar*, and the said Trustees and the said *William Berry* or his aforesaid shall have ready Access thereto at all reasonable Times to inspect the said Plans in the respective Offices of the said Clerks of the Peace, and to make Copies thereof or take Extracts there-

from at their Will and Pleasure; and without prejudice to the said *William Berry* or his aforesaid building and erecting additional Bulwarks and Piers, One or more, on any Part of the said Water or River of *Tay* opposite to the said Lands of *Newport* and barren Ground thereto belonging, farther up or down the River than the said Slips or Harbour, but so as such additional Piers or Bulwarks to be erected by the said *William Berry* or his aforesaid shall not interrupt or injure the said Ferry, Slips, and Harbour, or the due Maintenance of the said Ferry; and that it shall and may be lawful to and for the said Trustees to purchase and acquire from the said *William Berry* or his Heirs, or others having a Right thereto, the whole Anchorage or other Dues which he or they may be entitled to exact and levy upon the Boats plying upon the said Ferries; with Power also to the said Trustees to purchase and acquire from the said *William Berry*, or others having a Right thereto, so much Ground at or contiguous to the Harbour of *Newport* as shall be requisite for erecting and building a Shed for the Shelter of Boatmen and Passengers, a Light House, and Superintendant's House; all which Rights and Properties herein authorized to be purchased the said *William Berry* or his aforesaid shall be bound to convey to the said Trustees at the Price or Prices to be fixed for the same as herein specially provided.

Trustees to purchase Mr. Stewart's Rights.

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees to purchase and acquire from *Archibald Campbell Stewart* Esquire, of *Saint Fort*, or his Heirs, or others having Right thereto, the exclusive Right and Property to and in the Slip at *Woodhaven* Harbour as it now exists, together with the Beach or Ground requisite for extending and enlarging the same for the Purposes of the said Ferry, as also to purchase and acquire from him or them a joint Right to the Inner Harbour on the South of the said Slip, to be enjoyed by the said Trustees for the Purposes of the Ferry, and by the said *Archibald Campbell Stewart* or his Heirs, or others, Proprietors of *Woodhaven*, for the Accommodation of Ships and Vessels not plying the Ferry, with Power to the said *Archibald Campbell Stewart* or his aforesaid, and to the said Trustees, or to either of the said Parties, to improve and extend the said Inner Harbour; and without prejudice to the said *Archibald Campbell Stewart* or his Successors building and erecting additional Bulwarks or Piers, One or more, on any Part of the said Water of *Tay*, opposite to the said Lands of *Woodhaven*, farther up or down the River than the said Slip and Harbour, but so as no Operation of the said *Archibald Campbell Stewart* or his Successors shall interrupt or injure the said Ferry, Slip, and Harbour, or the due Maintenance of the said Ferry; and that it shall and may be lawful to and for the said Trustees to purchase and acquire from the said *Archibald Campbell Stewart* or his Heirs, or others having a Right thereto, the whole Anchorage or other Dues which he or they may be entitled to exact and levy upon the Boats plying upon the said Ferries, with Power also to the said Trustees to purchase and acquire from the said *Archibald Campbell Stewart*, or others having Right thereto, so much Ground at or contiguous to the Harbour of *Woodhaven* as shall be requisite for erecting and building a Shed for the Shelter of Boatmen and Passengers, a Light House and Superintendant's House, all which Rights and Properties herein authorized to be purchased the said *Archibald Campbell Stewart* or his aforesaid shall be bound to convey to the said Trustees at the Price or Prices to be fixed for the same as herein specially provided.

XXXI. And

Trustees to purchase the Right in the Pier at the Craig.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to purchase and acquire from the Provost, Magistrates, and Council of the Burgh of *Dundee*, or others having Right thereto, the exclusive Right and Property to and in the Pier or Slip or Ferry Harbour at the Craig as it now exists, together with the Beach or Ground requisite for extending and enlarging the same, and a Breakwater, for the Purposes of the said Ferry; with Power also to the said Trustees to purchase and acquire from the Provost, Magistrates, and Council of the said Burgh of *Dundee*, or others having Right thereto, so much Ground at or contiguous to the said Slip and Ferry Harbour at the Craig as shall be requisite for erecting and building a scouring Bason, and Shed for the Shelter of Boatmen and Passengers, a Light House and Superintendant's House; all which Rights and Properties herein authorized to be purchased the said Provost, Magistrates, and Council, or others aforesaid, shall be bound to convey to the said Trustees at the Price or Prices to be fixed for the same as herein specially provided.

Trustees to keep Boats.

XXXII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby empowered to purchase, build, keep, and maintain a sufficient Number of Ferry Boats, either Sail Boats or Steam Boats, Pinnaces, Yawls, or other Vessels, of whatever Construction or Description the Trustees may deem expedient, and to carry on the said Ferries themselves, or let the same by public Auction for any Period not exceeding Three Years to such Person or Persons as may be willing to hire the same, whom the said Trustees may license to use the same upon such Terms and Conditions as they shall think fit to prescribe; or, if the said Trustees shall deem it more expedient, it shall and may be lawful for them to grant Licences for any Period not exceeding Three Years to any Person or Persons who may be willing to furnish Sail Boats, Steam Boats, Pinnaces, Yawls, or other Vessels, for the Passage of the said Ferries, upon such Terms and Conditions as shall be agreed upon by and between the said Trustees and such Person or Persons; and it shall not be lawful for any Boat, Yawl, Pinnace, or other Vessel to ply for Hire on any of the Ferries or Passages vested in the said Trustees, or over which they have Jurisdiction by this Act, without a Licence from the said Trustees and the Owner or Owners of every such Boat, Yawl, Pinnace, or other Vessel; and every Boatman so plying without a Licence shall forfeit a Sum not exceeding Five Pounds Sterling for every such Offence.

Trustees to purchase all Boats now employed at the Passages.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby required to purchase all the Boats, Yawls, and Pinnaces licensed and employed at the said Passages between *Newport* and *Woodhaven* and *Dundee* at the Date of passing this Act, for the transporting Passengers and Commodities, (the Owners of the said Boats, Yawls, and Pinances consenting thereto,) at and for such Price or Prices as shall be agreed upon betwixt them; and if the said Trustees and Owners cannot agree as to the Price or Value of the same it shall and may be lawful for the said Owners to apply to the Sheriff Depute or Sheriff Substitute of the County of *Fife* or the County of *Forfar* where the Owners of such Boats may for the Time happen to reside, giving due Notice of such Application to the other Party, and the said Sheriff shall thereupon summon a Jury in the Manner after directed to ascertain by their Verdict the Price or Value to be paid by the said Trustees to the said Owners

Owners for the said Boats, Yawls, or Pinnaces; but provided always, that the said Trustees shall not be bound to purchase any of the said Boats, Yawls, and Pinnaces which, although licensed, have not been regularly employed on the said Ferries, and which at the Date of passing this Act are not seaworthy; and further provided, that nothing herein contained shall compel the said Trustees to purchase the said Boats, Yawls, and Pinnaces, or any of them, so long as the said Trustees shall deem it expedient to employ the said Boats, Yawls, and Pinnaces, and the Crews thereof, or any of them, on the said Ferries, and to pay them fair and reasonable Sums for the Use of the Boats, Yawls, and Pinnaces, and for their personal Services; and in case the Parties cannot agree as to the Amount of the Sums to be paid to the Owners for the Use of their Boats, or to the Crews thereof for their Services, the same shall be ascertained by a Jury, to be summoned on the Application of either Party in manner herein-after directed: Provided always, that if the said Trustees shall deem it expedient to employ the said Boats, Yawls, and Pinnaces, and the Crews thereof, or any of them, on the said Ferries, the Residue or Remainder of the Sums to be levied by this Act, after paying the Owners for the Use of the Boats and the Wages of the Crews thereof, shall, during the Time of the said Boats, Yawls, and Pinnaces, and the Crews thereof, being so employed, be laid out by the said Trustees, and they are hereby specially required to apply the same for the Purposes of this Act.

Compensation to Boatmen.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees to allow and pay to the Men serving at the Date of passing this Act as Ferry Boatmen at any of the said Ferries of *Dundee*, *Newport*, or *Woodhaven* such Compensation as shall appear to the said Trustees to be reasonable, in consideration of the said Boatmen being deprived of their usual Occupation and Livelihood, if such shall be the Case: Provided always, that no such Compensation shall be allowed or paid to any such Boatmen who have not either been employed in navigating a Boat, Yawl, or Pinnace on the said Ferries or Passages for the Space of Seven Years at the least before the passing of this Act, or disabled by Age or Infirmity while serving on the said Ferries or Passages.

Bodies Politic, &c. empowered to sell and convey Lands.

XXXV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Tutors and Curators for Lunatics and furious Persons, Executors and Administrators, and all other Tutors and Curators, Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, or those for whom they are Trustees or Guardians, whether Infants, Issue unborn, Lunatics, Idiots, Married Women, or other Person or Persons, and to and for all Married Women who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or Terce-fine, or other Interest therein, and for every other Person or Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Tenements, Heritages, or Rights of Ferry, and of Ferry Harbours or Landing

Places, and every other Subject and Right of whatever Kind or Description which shall be necessary for any of the Purposes of this Act, to contract for, sell, convey and dispone the same and every Part thereof unto the said Trustees, and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, are hereby authorized and required to convey and dispone the same, and are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, they, or any of them shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be defrayed out of the Monies granted by this Act, and such of them as shall be made to the Trustees shall be according to the following Form; *videlicet*,

Contracts and Sales to be defrayed out of the Monies granted and to be raised.

Form of Conveyance to the Trustees.

'I *A. B.* of in consideration of the Sum of
'to me paid (*or* in consideration of the annual Rent of
'to be hereafter yielded and paid by yearly or half-yearly Payments,
'as may be agreed upon) by the Trustees appointed by an Act passed
'in the Year of the Reign of His present
'Majesty, intituled [*here insert the Title of this Act*], do hereby grant,
'convey, and dispose to the said Trustees all [*describing the Premises to*
'*be conveyed*], and all Right, Title, and Interest which I, my Prede-
'cessors and Authors, or Heirs and Successors, had, have, or any ways
'might have or pretend to, and in the same and every Part thereof, to
'hold to the said Trustees in the same Manner as I hold or might have
'held the same for ever, by virtue and according to the true Intent and
'Meaning of the said Act of Parliament. In witness whereof I have
'hereunto set my Hand at [*here insert the Place*] this
'Day of in the Year of our Lord '

Which said Conveyance, being registered in the Register of Seisins of the County of *Forfar* or *Fife* respectively, wherein the Lands, Tenements, and Heritages so conveyed shall be situated, and which the Keeper of the Registers in such respective Counties is hereby authorized and required to register, shall receive the same Effect, and be as valid and effectual, to all Intents and Purposes, as if a formal Disposition had been granted, and followed by Charter and Seisin according to the Form of the Law of *Scotland*, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and the Original of all such Conveyances shall be kept by the Clerk or Clerks to the said Trustees, who, and the Keeper of the Register of Seisins where the same shall be registered, shall from Time to Time when requested deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words.

Satisfaction to be made.

XXXVI. Provided always, and be it enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Person herein-before enabled to sell or convey Lands, Tenements, Heritages, or Rights of Ferry, and other Subjects and Rights, of whatever Kind or Description, or any other Owner or Owners, and the Occupier and Occupiers of any such Lands, Tenements, Heritages, or Rights of Ferry, and other Subjects and Rights, may and shall accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, Heritages, or

Rights of Ferry, and other Subjects and Rights, and for the Damages to be sustained by making and completing, maintaining and supporting the said Works herein-before directed, in such Manner as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Trustees, or some Person or Persons authorized by them for that Purpose; and in case the said Trustees, or such Person or Persons, and the said Parties interested in such Lands, Grounds, Tenements, or other Heritages, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury of Fifteen Persons belonging to the County in which the same shall be situated, to be summoned by the Sheriff Depute of the County in which the Property is situated, or his Substitute, which Sheriff shall summon in the Manner in which Juries are summoned in *Scotland* not more than Forty nor less than Thirty Persons, Owners or Occupiers of Land, or other substantial and disinterested Persons in the County, which Number so summoned shall be reduced to Fifteen Persons by the said Trustees and such Party or Parties striking off One alternately, the Party or Parties claiming Satisfaction striking off the first Person; and if the Trustees or such Party or Parties shall fail to appear the Sheriff shall strike off for the Party failing to appear; and the Sheriff before whom such Jury is summoned may order and authorize the said Jury, or any Five or more of them, to view the Place or Places or Matter or Matters in question; which Jury shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or other Heritages, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, and Collegiate, and all other Persons, and shall not be liable to Review by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding.

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

XXXVII. And be it further enacted, That whensoever a Jury is or shall be called by the Sheriff as aforesaid, and any Witness or Witnesses is, are, or shall be examined by and before the said Sheriff and Jury, as herein directed, the said Sheriff shall and he is hereby required, according to his Discretion, to give and award to each of the said Jurors and Witnesses in every such Case such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expence and Trouble of their Journey and Attendance; and in each and every Case where a Verdict shall be given for any Sum of Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Tenements, or other Heritages of any Person or Persons whomsoever, or as a Compensation for any Damage done or to be done to such Lands, Tenements, or other Heritages, or other Property, which Sum so awarded shall be more than had been previously offered by or on behalf of the said Trustees, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof by and on behalf of the said Trustees, or where

Expences of Witnesses and Jury by whom to be paid.

where by reason of Absence in Foreign Countries or other Impediments and Disability as aforesaid there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Trustees, as herein-before mentioned, then and in all such Cases all the Expences of summoning such Jury and taking such Verdict shall be settled by the said Sheriff and be defrayed by the said Trustees; but if any Verdict shall be given for the Sum that had been previously offered by or on behalf of the said Trustees, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with or make Conveyance to or receive Compensation from the said Trustees by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise enabled to treat and convey or receive such Compensations as aforesaid, then and in all such Cases, except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid, the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, and be borne and paid by the Person or Persons with whom the said Trustees, or those acting on their Behalf, shall have such Concerns, Controversies, or Disputes, which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

Persons requesting Juries to enter into Bonds to prosecute.

XXXVIII. And be it further enacted, That where by reason of Absence in Foreign Countries or other Impediments or Disability as aforesaid there shall not be found any Person or Persons at hand who may be legally capacitated as aforesaid, the said Jury shall be summoned by the said Sheriff upon the Application and at the Expence of the said Trustees; and in every other Case all and every Person or Persons making Complaint, and requesting a Jury to be summoned, shall (before the said Sheriff shall issue out his Warrant for that Purpose) enter into a Bond, with Two Sureties, to the said Trustees, in a Penalty of Double the Sum demanded by such Person or Persons, with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater Sum or for a less Sum than had been offered by and on behalf of the said Trustees for the Purchase of or as a Recompence for any Lands, Grounds, Tenements, or Heritages, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages where the whole Dispute was whether any Damage was or was not done as aforesaid,

Notice of Inquiry to be given to the Trustees before Com-

XXXIX. And be it further enacted, That no Sheriff shall be obliged or allowed by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damages by him, her, or them sustained or supposed to be sustained,

tained by virtue or in consequence of this Act, unless Application shall have been made in relation thereto, by or on behalf of such Person or Persons, to the said Trustees, or to their Clerk, or to their known Agent or Agents residing nearest to the Place where the Cause of Complaint shall arise, Ten Days at the least before such Complaint shall be made, to the said Sheriff, within the Space of Two Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

plaint made to the Sheriff.

XL. And be it further enacted, That the said Juries respectively shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Tenements, and other Heritages, separately and distinctly from the Consideration of any other Damage sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, Tenements, and other Heritages, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Verdict as to Value of Lands and Damages to beascertained separately.

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

Verdict to be recorded.

XLII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the said Ferry, or for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith 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

Application of Compensation Money when exceeding 200*l.*

the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

XLIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his, her, or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherways the same shall be paid, at the like Option, to Five Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees appointed by this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, as far as the Case be applicable.

Where under 20*l.*

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

In case of not making out Titles, &c., or if Persons cannot be found, Purchase Money to be paid into the Bank.

XLV. 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 Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled

to

to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the Committee of Management of the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, [describing them,] subject to the Order, Control, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherways as the same Court shall deem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

Expence of Purchase may be allowed by the Court.

XLVII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks or either of them, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, for so much of such Expences as the

the Court shall deem reasonable, to be paid by the said Trustees, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

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

XLVIII. Provided always, and be it enacted, That, upon Payment or legal Tender of such Sum or Sums of Money as shall be contracted or agreed for between the Parties, or shall have been ascertained and settled by the Verdict of a Jury, for the Purchase of any such Lands, Tenements, Heritages, or Rights of Ferry, and other Subjects or Rights, or a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned, to the Proprietor or Proprietors of such Lands, Tenements, Heritages, Ferries, and others, or to 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 or offered, or depositing the same in the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, as the Case may be, in manner by this Act directed, then and in all or any of the said Cases it shall and may be lawful to and for the said Trustees, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Tenements, and other Heritages respectively, (or, before such Payment or Tender, by Leave of the Owners or Occupiers thereof, signified in Writing, but not otherwise,) and then and thereupon such Lands and Grounds, Tenements and Heritages, Ferries and others, together with the yearly Profits thereof, and all the Estates, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Trustees, to and for the Purposes of this Act for ever, and which Tender, Payment, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Right, Title, Claim, Interest, and Demand of every other Person whatsoever: Provided always, that, before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Trustees, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Tenement, Heritage, Ferry, or other Subject of the Person or Persons entitled to such Payment or Security, for the Purposes of this Act, without the Leave and Consent in Writing of such Person or Persons respectively, save and except where it may be necessary to repair any sudden Injury occasioned by Storms or other Causes.

Getting Materials.

XLIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed by them for that Purpose, and they and such Person or Persons are hereby empowered, to open Quarries within High-water Mark on the Shores of the River of *Tay*, and also on any Ground in the Counties of *Fife* or *Forfar*, (not being farther distant than Five Miles from the High-water Mark,) and (not being the Ground whereupon any House stands, nor a Garden, Orchard, planted Walk, Lawn, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Nursery for Trees previous to the passing of this Act, nor opposite to the Eastern Head or Pier intended to be built for *Newport* Harbour, as delineated on the foresaid Plan,) where the said

Materials can most easily be found for the Construction of the said Works, and to dig, gather, and take away therefrom Stones, Gravel, Sand, Clay, Furze, Heath, Rubbish, or other Materials necessary for constructing any of the Works authorized by this Act, making Recompence for the actual Damage thereby occasioned in manner hereinafter mentioned.

Notice to be given of getting Materials.

L. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Trustees or any other Person or Persons, under the Authority of this Act, to dig, gather, take, or carry away any such Materials in or from any inclosed Ground or Lands until Notice in Writing shall have been given to the Proprietor or Occupier of the Premises from which such Materials are intended to be taken, or till such Notice is left for such Proprietor or Occupier at his usual Place of Residence, to appear, not sooner than Ten Days thereafter, before Two or more Justices of the Peace of the County where the Lands lie, to show Cause why such Materials should not be had from such Lands or Grounds; and in case such Proprietor or Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize the said Trustees or other Person or Persons to dig, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Proprietor or Occupier shall neglect or refuse to appear by himself or an Agent the said Justices shall and may make such Orders thereon as they shall think fit, as fully and effectually to all Intents and Purposes as if such Proprietor or Occupier or his Agent had attended.

Trustees to pay Damages.

LI. And be it enacted, That when any Damage shall be done by the said Trustees, or Persons having Power from them, in digging, carrying, or taking away such Materials, to any Person or Persons, the said Trustees shall be obliged to pay all such Damages as shall be ascertained by the Agreement of the Parties, or by any Two Justices of the Peace of the Counties of *Fife* and *Forfar* respectively wherein the Lands are situated whereon the Damage is sustained, with Power to the said Proprietor or Occupier to appeal from the Decision of the said Justices to the next Quarter Sessions of the Peace in such County, whose Decision shall be final, without being subject to Advocation, Suspension, Appeal, or Reduction; and any Dispute with regard to the said Damages shall not prevent the Trustees or those employed by them from using or carrying away the said Materials, and applying them in constructing the Works authorized by this Act.

Trustees to pay for all Damages done in other Cases.

LII. And be it further enacted, That if any other Damage than what is before provided for shall be done by the said Trustees or Committee of Management, or any Person or Persons having Power from them, in the Execution of this Act, to any Person or Persons, in his, her, or their Lands, Tenements, Heritages, or other Property, the said Trustees shall be obliged to pay all such Damages as the same shall be ascertained by the Agreement of the Parties or by the Verdict of a Jury, as herein-before directed; and any Dispute with regard to the said Damages shall not prevent the Trustees or the Committee of Management, or those employed by them, from executing the Purposes of this Act.

No Person to take Materials dug by the Trustees.

LIII. And be it further enacted, That no Person or Persons shall take away any Stones, Gravel, Clay, or other Materials which shall have been dug, got, or gathered by Order of the said Trustees in any Lands, Fields, Wastes, or Grounds, or the Sea Shore, for the several Purposes of this Act, or shall take away any Stones, Sand, Clay, or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for the Purposes of this Act, before the Persons appointed or acting under the Authority of the said Trustees, or their Workmen, have discontinued working therein for the Space of Six Months, except the Owner or Occupier of such Lands or Grounds, or Person authorized by them to get Materials, for his or her own private Use only, and not for Sale.

Punishment for destroying Works.

LIV. And be it enacted, That if any Person or Persons whatsoever shall wilfully and maliciously set on fire or destroy any of the Piers, Vessels, Houses, Jetties, Landing Places, or other Works or Property belonging to the said Trustees, or to be built, erected, or constructed under the Authority of this Act, or any of the Materials intended for any of the said Works made under the Authority of this Act, every such Person or Persons so offending, upon being lawfully convicted thereof, shall be adjudged guilty of Felony, and shall suffer Punishment by Transportation, Fine, or Imprisonment, at the Discretion of the Judge or Judges by whom such Offender or Offenders shall be tried and convicted.

Penalty for damaging Works or destroying Ropes of Vessels.

LV. And be it further enacted, That in case any Person or Persons whomsoever shall wilfully or maliciously damage any of the said Works or Vessels, or shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any such Vessel shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds Sterling, besides paying the Damage thereby occasioned.

To prevent throwing Ballast into Harbours, &c.

LVI. And be it enacted, That it shall not be lawful to any Person or Persons to throw or empty any Ballast, Dust, Ashes, or Rubbish, Shingle, Stones, or other Things, into any Harbour already in use for the said Passages, or to be made under the Authority of this Act, or into the Entrance thereto, or to dig and take away any Ballast, Shingle, Stones, or other Things therefrom, to the Hurt and Prejudice of the said Harbours, Piers, Jetties, and Landing Places, or of the Works connected therewith, or to do any Matter or Thing whereby the same may be injured, obstructed, or interrupted, under a Penalty not exceeding Ten Pounds for every such Offence, besides taking up and removing all such Ballast, Dust, Ashes, Rubbish, Shingle, Stones, and other Things, and repairing the Damage occasioned by such Default, which the said Trustees are hereby empowered to do at the Expence of the Defaulter or Defaulters.

Sums to be levied.

LVII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered to levy or to order and direct to be levied, at the Ferries of *Dundee*, *Newport*, or *Woodhaven*, for or on account of the Conveyance of Persons, Beasts, and Goods or other Articles by the Ferry Boats from *Dundee* to *Newport* or

Woodhaven, or the reverse Way, the following Rates and Duties, or any Sum or Sums of Money not exceeding these Rates and Duties; (that is to say,)

Freight of a Steam Boat, One Pound One Shilling:
Freight of a Sail Boat, Fifteen Shillings:
Freight of a Pinnace or Cutter, Ten Shillings and Sixpence:
Freight of a Yawl, Eight Shillings:
Each Coach, Barouche, Landau, except Hearse or Mourning Coach, Ten Shillings:
Each Hearse or Mourning Coach, Twelve Shillings:
Each Four-wheeled Chaise, Landaulet, &c., Seven Shillings and Sixpence:
Each Curricle, Three Shillings and Sixpence:
Each Two-wheeled Chaise, Gig, or Taxed Cart, or such Vehicle, Three Shillings:
Each Horse used for drawing any of the above-mentioned Carriages, One Shilling and Sixpence:
Each Person, One Shilling:
Each Horse, not crossing with a Cart or Waggon, One Shilling and Sixpence:
Each Mule or Ass, One Shilling:
Each Bull, Cow, Ox, or Heifer, One Shilling:
Each Sheep or Goat, Two-pence:
Each Lamb or Kid, One Penny Halfpenny:
Each Calf, Boar, Sow, or Hog, Four-pence:
Each Cartload of Baggage, Goods, or other Articles not herein otherwise charged, not exceeding Ten Hundred Weight, Two Shillings and Sixpence:
Above Ten Hundred Weight and not exceeding Eighteen Hundred Weight, Four Shillings:
Above Eighteen Hundred Weight and not exceeding Twenty-four Hundred Weight, Five Shillings:
Every One Hundred Weight more, not exceeding Thirty Hundred Weight, Two-pence:
Every One Hundred Weight above Thirty Hundred Weight, Three-pence:
Each single Cartload of Furniture, Three Shillings and Sixpence:
Each double Cartload of Furniture, Five Shillings:
Each Horse used in drawing a Waggon or Cart when accompanying same, One Shilling and Four-pence:
Each Cart, exclusive of Baggage, One Shilling and Sixpence:
Each Ton of Flax, and so in proportion, Seven Shillings:
Each Ton of Hemp and Tow, and so in proportion, Nine Shillings:
Each Ton of Lint or Cotton Yarn, Seven Shillings:
Each Ton of Tow or Hemp Yarn, Nine Shillings:
Each Ton of Worsted, Nine Shillings:
Each Ton of Wool, Nine Shillings:
Each Barrel Bulk of Baggage, Goods, or other Articles not herein otherwise charged, Sixpence:
Deals of Twelve Feet long each, Two-pence:
Iron in Bars, *per* Ton, Seven Shillings:
Timber, *per* Cubic Foot, Two-pence:
Each Sack of Flour, Sixpence:
Each Boll of Wheat, Five-pence:

Each Boll of Barley or other Grain, Four-pence:
Each Load of Meal of Two Bolls, Sixpence:
Each Boll of Potatoes, Carrots, or Turnips, weighing Thirty-two Stone, and so in proportion, Sixpence:
Each Sack of Chaff, Three-pence:
Each Boll of Lime, Sixpence:
Each Pipe of Wine, Spirits, Oil, &c., Seven Shillings:
Each Hogshead of ditto, Three Shillings and Sixpence:
Each Half Hogshead of ditto, Two Shillings:
Each Anker of ditto, One Shilling:
Each Hogshead of Ale, Beer, or Porter, Two Shillings:
Each Half Hogshead, One Shilling:
Each Hogshead of Sugar, Fifteen Hundred Weight and upwards, Four Shillings:
Each Tierce ditto, from Eight to Nine Hundred Weight, Two Shillings:
Each Millstone, Ten Shillings:
Each Crate of Glass or Stone Ware, Two Shillings and Sixpence:
Each Sporting Dog, Sixpence:
Each other Dog, Four-pence:
Oak Bark, *per* Ton, Two Shillings and Sixpence:
Stones, *per* Ton, Four Shillings:
Lead, *per* Ton, Four Shillings and Sixpence:
Cast Iron Machinery, *per* Ton, Four Shillings:
Copper or Brass, *per* Ton, Five Shillings:
Plough or Pair of Harrows, One Shilling:
Fanners, Two Shillings and Sixpence:
Straw, *per* Stone, Four-pence:
Coal, *per* Boll, Three-pence:
Cinders or Charcoal, *per* Boll, Four-pence:
Lintseed and other Seeds, *per* Hogshead, Four Shillings:
Cart or Carriage Wheels, One Shilling and Sixpence:
Each Barrel of Herrings or Salt, Sixpence:
Each One thousand Blue Slates, Four Shillings:
Each One hundred Grey ditto, Two Shillings and Sixpence:
Each One hundred Tiles or Bricks, Two Shillings:
Each Square Foot of Pavement, Two-pence:

Which Rates shall and may be charged either by the Hundred Weight or by the Barrel Bulk, as the said Trustees shall think proper.

Same Rates to be taken for Persons, &c. arriving from the Ferries of Ferry-Port-on-Craig, &c.

LVIII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered to order and direct to be levied for all Persons, Beasts, and Goods or other Articles in Boats, Yawls, Pinnaces, or other Vessels arriving at the Ferries of *Dundee*, *Newport*, or *Woodhaven*, from the Ferries of *Ferry-Port-on-Craig*, *Balmerino*, or *Broughty Castle*, or sailing to any of these Ferries from the Ferries of *Dundee*, *Newport*, or *Woodhaven*, Rates and Duties of the same Amount as they shall in virtue of the Powers above granted have ordered to be levied for the Ferries of *Dundee*, *Newport*, and *Woodhaven*, and neither higher nor lower: And it is hereby provided and declared, that a Sixth Part of the said Rates and Duties payable for Persons, Beasts, Goods, or other Articles in Boats arriving at *Dundee*, *Newport*, or *Woodhaven*,

haven, from *Ferry-Port-on-Craig*, *Broughty Castle*, or *Balmerino*, or sailing to any of these Ferries from *Dundee*, *Newport*, or *Woodhaven*, shall be leviable by the said Trustees, or those employed by them, for and in consideration of the Accommodation which the said Boats, Yawls, Pinnaces, or other Vessels shall receive at the Ferry Harbours of *Dundee*, *Newport*, or *Woodhaven*, and that the remaining Five Sixth Parts thereof shall be leviable by the Owners of the said Boats, Yawls, Pinnaces, or other Vessels; and it is hereby further provided and declared, that if the said Owners shall fail or refuse to levy the full Amount of the said Five Sixth Parts of these Rates and Duties they shall forfeit to the said Trustees a Sum equal to that Part thereof which they shall so fail or refuse to levy.

Table of Rates and Duties to be affixed at Landing Places.

LIX. And be it further enacted, That a Table of the Rates and Duties hereby granted, showing the Amount thereof directed to be levied by the said Trustees, and the Penalties hereby imposed, shall be fixed and continued in legible Characters at some conspicuous Place or Places at or near the Landing Places on either Side of the said Ferries.

Penalty on Boatmen taking more than the Rates.

LX. And be it further enacted, That if any Boatman or other Person employed by the said Trustees or their Committee of Management shall demand or take any Fee or Reward, or demand or take a greater Rate or Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the said Trustees or Committee of Management made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or upon the legal Rate or Toll being paid or tendered shall unnecessarily detain any Passenger or Passengers, or any Cattle or Goods, or shall make use of any scurrilous or abusive Language to any Trustee or Member of the Committee of Management, Treasurer, Clerk, Surveyor, or other Officer, or to any Passenger or Passengers, then and in every such Case such Boatman or other Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalty for refusing to pay, or assaulting a Collector.

LXI. And be it further enacted, That if any Person or Persons shall delay or refuse to pay the Freight or the Rates and Duties hereby granted when the same shall be demanded, not being by this Act exempted from the Payment of such Rates or Duties, such Person or Persons shall forfeit a Sum not exceeding Forty Shillings; and if any such Person or Persons shall assault or interrupt in the Collection thereof any Person or Persons duly authorized to receive the same, such Person or Persons so offending shall forfeit a Sum not exceeding Five Pounds.

Rates vested in Trustees.

LXII. And be it further enacted, That the said Rates and Duties shall be and they are hereby vested in the said Trustees, and shall be applied by them in the Manner directed by this Act, and for no other Purpose whatsoever.

How Money is to be drawn out of the Banks.

LXIII. And be it enacted, That all Monies vested in and committed to the Trustees appointed by this Act, after being deposited in any of the said Banks, shall not be withdrawn from the same either in whole or in part without an Order in Writing subscribed by any Seven or more of the said Trustees at any General Meeting, without Prejudice to a

Part of the said Monies, not exceeding at any one Time Five thousand Pounds, being deposited at the Disposal or for the Use of the said Committee of Management in carrying into execution the Purposes of this Act, and to be drawn out by the Treasurer, Collector, or other Officer having the Charge of the Funds of the said Committee of Management, and by their Authority.

Protecting Boatmen.

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

Rates may be let.

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

Power to borrow Money, and Application of Rates.

LXVI. And be it enacted, That it shall and may be lawful for the said Trustees at a General Meeting assembled and they are hereby authorized and empowered to borrow or direct to be borrowed, upon the Credit of the said Rates and Duties, in the Improvement of the said Ferries or Passages, any Sum or Sums of Money not exceeding upon the Whole at any One Time the Sum of Twenty thousand Pounds, over and above the Sums subscribed as aforesaid.

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

LXVII. And be it further enacted, That the said Trustees shall in the first place appropriate the Rates and Duties levied by them as aforesaid towards the Maintenance of the Works constructed under the Authority of this Act, and the Expence of carrying on and maintaining the said Ferries of *Dundee*, *Newport*, and *Woodhaven*, and all other Expences relative to the Execution of this Act, and secondly towards Payment of the Interest upon the Money so subscribed and borrowed, and in the last place towards forming a Sinking Fund for paying off the Principal Sums so subscribed and borrowed.

Accumulation of the Sinking Fund.

LXVIII. And be it further enacted, That the Balance of the said Rates and Duties which shall so remain as a Sinking Fund shall yearly and every Year be paid into the Bank of *Scotland*, or the Royal Bank of *Scotland*, or the *British* Linen Company of *Scotland*, upon a Note or Notes payable to the Treasurer or Clerks to the said Trustees, and bearing the highest Rate of Interest given by such Banks for Money so deposited with them, and at the End of each succeeding Year a new Note

Note or Notes shall be taken from some One of such Banks, for the Amount of the Note or Notes of the preceding Year, with Interest thereon, and the Balance of the said Rates and Duties for that Year which shall remain after defraying such Expences as aforesaid.

Notice to be given previous to borrowing or paying off.

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

Assignment of Rates in security of Money borrowed.

LXX. And be it further enacted, That pursuant to the Resolution of such General Meeting it shall and may be lawful for the said Trustees and they are hereby empowered to assign the Rates and Duties hereby granted, or any Part thereof, as a Security for any Sum or Sums of Money so subscribed or to be borrowed, with Interest, to such Person or Persons, or their Trustee or Trustees, or Bodies Politic or Corporate, who shall advance the same; all which said Assignments shall be made and granted under the Hands of the Committee of Management appointed by the said Trustees for the Time being, or any Seven or more of them, in Form and to the Effect following; (that is to say,)

Form of Assignment.

'BY virtue of an Act of Parliament made in the Fifty-ninth Year of the Reign of King *George* the Third, intituled [*here insert the Title of this Act*], we the Trustees appointed by the said Act, in consideration of the Sum of advanced and paid to us by *A. B.* of do hereby sell, assign, and make over to the said *A. B.*, his Heirs, Executors, Administrators, and Assigns, all and sundry the Harbours, Piers, Jetties, and Landing Places, and other Works erected pursuant thereto, and all and sundry the Rates and Duties payable to us in virtue of the said Act, and all our Right, Title, and Interest of and to the same to be held by the said *A. B.* and his aforesaids until the said Sum of with the legal Interest thereof, shall be fully satisfied and paid. In witness whereof we the undersigned of the Committee of Management appointed by the said Trustees have subscribed these Presents, at the Day of before these Witnesses [*here name and design them*].'

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to the Proportion of the said Rates and Duties according to their respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments or on any other Account; and a Copy of every such Assignment shall within Twenty-one Days from the Date thereof be entered in a Book to be kept by the Clerks to the said Trustees, which Book shall and may be perused at all reasonable Times by any of the said Trustees or Creditors of the said Ferry, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereupon, shall and may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons by Indorsation on the Back thereof, as on a Bill of Exchange.

LXXI. And

Subscribers may sell an entire Share.

LXXI. And be it further enacted, That the Sums subscribed by Persons as aforesaid for the Purposes of this Act shall be and are hereby divided into Shares of Fifty Pounds each, and the Subscribers shall have Power to sell and assign the same; but no Subscriber shall be at liberty to sell or transfer less than an entire Share; and in case less than an entire Share shall be sold or transferred the Sale and Transfer shall be void and null.

If Subscribers transfer, their Powers cease, &c.

LXXII. And be it enacted, That if any of the Subscribers shall in virtue of the Powers committed to them for that Effect have transferred the Sums of Money subscribed by them, then and in that Case all Powers given to Subscribers under this Act shall cease and determine in the Person of the Subscriber so transferring; but the Person to whom the Subscription shall be so transferred shall be entitled to all the Powers and Privileges of the Subscriber so denuded, as fully in all respects as if he had been an original Subscriber: Provided always, that though a Subscriber holding Two or more Shares may transfer them to different Persons, yet only One of the Assignees shall be entitled to attend and vote at the Meetings of the Subscribers in place of the original Subscriber; and for preventing Disputes it shall be declared in the Indorsations or Transfers which of the Assignees is thus to have the Right of attending the said Meetings and voting thereat in place of the original Subscriber; and every Indorsation or Transfer shall within Sixty Days after the Date thereof, if executed in *Great Britain* and *Ireland*, and within Six Months after the Date thereof, if executed in any other Part of *Europe*, or the *West Indies* or *America*, and within Twelve Months after the Date thereof, if executed in the *East Indies* or any other Part of the World, be produced to the Clerk to the said Trustees, who shall cause a Copy thereof, in like Manner as of the original Assignment, to be entered in the Book to be kept by the said Clerks as aforesaid; and every such Entry made of such Indorsation or Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Security or Assignment, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised as aforesaid shall be provided for and paid half-yearly to the several Persons entitled thereto.

Notice to be given of paying off Money lent.

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

Power to lessen and again to raise Rates.

LXXIV. And be it enacted, That it shall and may be lawful for the said Trustees at any General Meeting (with the Consent of a Majority of the Five Members of the Committee of Management appointed by the aforesaid Subscribers, on behalf of the said Subscribers, and Four Fifths of the Creditors who after the passing of this Act may have lent Money upon the

Security of the said Rates and Duties,) to lessen the said Rates and Duties from Time to Time, and again to raise the same to any Sums not exceeding the Amount hereby granted.

Trustees empowered to appoint Superintendants.

LXXV. And in order to promote the Accommodation of Passengers, and to secure to them a regular Passage, be it further enacted, That it shall and may be lawful for the said Committee of Management and they are hereby authorized and required to appoint and to continue a Superintendant or Superintendants on both Sides or on any Side of the said River, as may appear to them to be proper, with suitable Salaries, and such Powers as shall be necessary for enforcing the Observance of this Act, and the Orders, Rules, and Regulations to be given and made by the said Trustees and Committee of Management, or either of them, for the due Management and good Government of the said Ferries; but it shall be in the Power of the said Trustees or Committee of Management to dismiss the Superintendant or Superintendants at their Pleasure, and on such Dismissal the Committee shall and may appoint others to supply the Vacancy: Provided always, that if any such Superintendant shall demand, take, or receive any Fee or Reward from any Person or Persons using the said Ferry, such Superintendant shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Powers of Superintendants.

LXXVI. And in order to prevent Offences against this Act, and the Infringement of any Orders, Rules, and Regulations as aforesaid, to be made by the said Trustees, by providing Means for the immediate Punishment thereof, be it further enacted, That any of the said Superintendants shall have Power and they are hereby authorized summarily to carry any Person who shall be guilty of any Offence against this Act, or of any Infringement of the said Orders, Rules, and Regulations, before a Justice of the Peace of either of the said Counties of *Fife* or *Forfar*, who shall immediately punish such Offender in the Manner directed by this Act, or pursuant to such Orders, Rules, and Regulations; and in the event that a Justice of the Peace of such Counties cannot immediately be found it shall and may be lawful for such Superintendant to lodge such Offender in One or other of the Gaols of *Dundee*, *Cupar*, or *Saint Andrews*, nearest the Place where the Offence is committed, until he or she can be carried before a Justice of the Peace, provided that such Offender shall not be detained in such Gaol longer than Twenty-four Hours before being carried before a Justice of the Peace.

Superintendants, &c. not to be Retailers of Liquors.

LXXVII. And be it further enacted, That it shall not be lawful for any Superintendant, Collector, or other Officer or Boatman appointed by the said Trustees or Committee of Management, or in their Employment, to sell Ale, Beer, or Spirituous Liquors by Retail.

Subscribers may be sued on Nonpayment.

LXXVIII. And be it further enacted, That the several Persons who have subscribed or shall hereafter subscribe any Money for and towards accomplishing the Purposes of this Act shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed to the said Trustees or their Committee of Management, or any Person or Persons

authorized by them to receive the same; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required it shall be lawful for the said Trustees or the said Committee, or any Person appointed by them, to sue for and recover the same in any Court of Law or Equity.

Expence of the Works to be subscribed before the Act shall be put in force.

LXXIX. And be it further enacted, That the whole of the probable Expence of the Works by this Act authorized to be made and erected shall be subscribed before the Powers and Authorities hereby given shall be put in force.

Limitation of Powers.

LXXX. And be it further enacted, That in case the Works hereby authorized to be made and erected shall not be completed so as to answer the Objects thereof within Five Years from and after the passing of this Act, all the Powers and Authorities hereby given relative thereto shall thenceforth cease and determine, save only as to so much of such Works respectively as shall have been completed within the Time aforesaid.

Penalties and Forfeitures, for the Application of which no Provision is made, how to be levied and applied.

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

Distress not unlawful for Want of Form.

LXXXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relative thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such

Irregularity shall and may recover full Satisfaction for the special Damages in an Action before the Court of Session.

LXXXIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form:

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me *C.D.*, one of His Majesty's Justices of the Peace in and for the County of [*specifying the Time and Place where committed, as the Case may be*], contrary to an Act of Parliament passed in the Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*]. Given under my Hand the Day and Year first above mentioned.'

Appeal to Quarter Sessions.

LXXXIV. And be it further enacted, That any Person or Persons, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Trustees or their Committee of Management, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may within Three Calendar Months next after such Order, Judgment, or Determination shall have been given (first giving Twenty-one Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made) complain to the said Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they shall see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Advocation, or by any other Process whatsoever, or stayed by Suspension or Reduction; any Law or Statute to the contrary notwithstanding.

Trustees and Creditors may act as Justices.

LXXXV. And be it further enacted, That every Person who is a Trustee under this Act, and every Person who is a Creditor by Assignment of the Rates and Duties hereby granted, may nevertheless act as a Justice of the Peace in the Execution thereof.

Officers appointed by Trustees to be competent Witnesses.

LXXXVI. And be it further enacted, That no Superintendant, Clerk, Collector, and other Officer appointed by the said Trustees or the Committee of Management shall be deemed an incompetent Witness under this Act by reason of his holding any such Office.

LXXXVII. And

Actions when and where to be brought.

LXXXVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done by virtue or in pursuance of this Act until Twenty-one Days Notice thereof in Writing shall have been given to the said Committee of Management, nor after Six Calendar Months next after the Fact committed; and every such Action shall be brought before the Court of Session in *Scotland;* and the Defender or Defenders in such Suit or Action shall and may deny the Libel, and give this Act and the special Matter in Evidence, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear so to be done, and if such Action or Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought without Twenty-one Days Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, then the said Defender or Defenders shall be assoilzied; or if the Action shall be found irrelevant, or be otherwise dismissed, or the Pursuer shall not prosecute the Action, or suffer the same to fall asleep, or if Judgment shall be given against the Pursuer or Pursuers, the Defender or Defenders shall have Double Costs, and shall have such Remedy for recovering the same as any Defender or Defenders hath or have for Costs of Suit in any other Cases of Law.

Property, if required by Trustees, to be instructed before demanding Indemnification.

LXXXVIII. Provided always, and be it further enacted, That nothing herein contained shall be construed into an Admission or Acknowledgement that any Body or Bodies Corporate, or Person or Persons, from whom the said Trustees are hereby authorized to purchase and acquire any Lands, Tenements, Heritages, Ferries, Ferry Harbours, or other Property, have a Right therein, and that the Body or Bodies Corporate, or Person or Persons, claiming such Right, shall, if required by the Trustees, be bound to instruct the same before demanding Indemnification therefor.

Reserving the Jurisdictions of the Sheriff Depute of Fife and Forfar and Magistrates of Dundee.

LXXXIX. And be it further enacted, That the Jurisdictions and Privileges of the Sheriff Depute of *Fife* and *Forfar*, and Substitutes, and the Magistrates of the Town of *Dundee*, as they are now by Law entitled to enjoy and exercise the same within the Places mentioned in this Act, in so far as the same may not be inconsistent with the Powers of this Act, shall be and the same are hereby reserved.

Expences of this Act.

XC. And be it further enacted, That the Expences of this Act, and other necessary Expences incurred preparatory thereto and in the Execution thereof, shall be paid and defrayed out of the Rates and Duties hereby granted, and out of the Money borrowed in pursuance thereof.

Endurance.

XCI. And be it enacted, That this Act shall continue and endure for Twenty-one Years from and after the passing thereof, and from thence to the End of the then next Session of Parliament.

Public Act.

XCII. 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.

A SCHEDULE showing the Number of Piers and Landing Places, Basins, and other Improvements on either Side of the Ferry.

I. On the North Side.

A Pier and Landing Place to be constructed from the Southern Extremity of the present Landing Slip or Pier called the Craig Pier of Dundee, Four hundred Feet in Length, or to the Southern Extremity of the Craig Rock, or so far as to obtain at least Five Feet of Depth of Water at Low Water of Spring Tides, having Three Arches of Thirty Feet each; the present Craig Pier to be widened to the Breadth of Forty Feet, and the Extension thereof to be of the same Breadth.

A Breakwater forming a Protection for the Passage Boats at the said Pier in bad Weather, and leaving an Entrance for the Boats at each End of it.

A sufficient Scouring Basin to acquire a Command of Head Water to clear the Entrance of Mud, and to prevent the Area of the Harbour from filling up, if the foresaid Trustees shall find the said Scouring Basin to be necessary; the said Scouring Basin to be on the North End of the Ferry Harbour at the Craig.

A Light House and Superintendant's House contiguous to the Craig Pier or Ferry Harbour.

The present Access to the Craig Pier Ferry widened to the Breadth of Forty Feet.

The Ground and Beach to be occupied by these Operations belong to the Magistrates and Town Council of Dundee, as representing the Community of the said Town.

II. On the South Side.

1. Newport.

The present Landing Slip at Newport to be extended Eighty-eight Feet Northward, or so far as to obtain at least Five Feet of Depth of Water at Low Water of Spring Tides, and to be widened Fourteen Feet in addition to its present Breadth.

A proper Shed and Place for the Shelter and Accommodation of Boatmen and Passengers, and a Place and Building for a Superintendant's House, and keeping a Light at the said Harbour of Newport, and the Roads and Accesses to the said Ferry and Landing Place to be widened and repaired.

The Ground to be occupied by these Operations and Erections belongs to William Berry, Esquire, of Tayfield.

2. Woodhaven.

The present Landing Slip at Woodhaven to be extended Seventy-one Feet Northward, or so far as to obtain at least Five Feet of Depth of Water at Low Water of Spring Tides.

A proper Shed and Place for the Shelter and Accommodation of Boatmen and Passengers, a Superintendant's House, and a Place and Building for keeping a Light at the said Harbour of Woodhaven, and the Roads and Accesses to the said Ferry and Landing Place to be widened and repaired.

The Ground to be occupied by these Operations and Erections belongs to Archibald Campbell Stewart, Esquire, of Saint Fort.

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