



ANNO PRIMO

GEORGIIV. REGIS.

Cap. 1.

An Act for taking down the old Bridge, and for erecting and maintaining a new Bridge over the River *Earn*, in the Parish of *Dunbarney* and Shire of *Perth*. [8th July 1820.]

WHEREAS it would be for the Benefit and Advantage of the Public, if the present Bridge over the River *Earn*, in the Parish of *Dunbarney* and Shire of *Perth*, belonging in Property to the Provost, Magistrates and Community of the City of *Perth*, were taken down and removed, and if Powers were given to erect and maintain a new Bridge over the said River *Earn* in a more commodious Situation, in the Parish of *Dunbarney* and Shire of *Perth* aforesaid: but as these Purposes cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That **Trustees.** His Majesty's Lieutenants for the Shires of *Perth*, *Fife*, and *Kinross*, the Vice-Lieutenant for the said Shire of *Perth*, the Sheriff-Depute of the said Shire of *Perth*, and his Substitute or Substitutes, all now and for the time being, the Provost, Dean of *Guild*, Four Baillies, and the Town Treasurer of the City of *Perth*, now and for the Time being, and Three Members of the Town Council of the said City, to be annually nominated by such Town Council in Manner hereinafter mentioned, and the Proprietors of the Estates of *Moncrieff*, *Kilgraston*, *Invermay*, *Dunbarney*, *Condie*, *Rossie*, *Freeland*, *Dun-*
 [Local.] 17 H *crub*,

crub, Dupplin, Ayton, Garrook, Carpow, Kirkpattie, Kinfauns, Methven, Seggieden, Lynedoch, Scone, Elcho, and Glenearn, in the said Shire of *Perth*, all now and for the Time being, shall be, and they are hereby declared to be Trustees for putting this Act, and all and every the Powers and Authorities hereby granted, into Execution.

Nomination
of Trustees
by the Town
Council of
Perth.

II. And be it further enacted, That within Three Weeks after the passing of this Act, or as soon thereafter as conveniently may be, the Town Council of the said City of *Perth*, at a Meeting to be summoned and holden for that special Purpose, in such Manner as Meetings of the said Town Council are usually summoned and holden, shall nominate and appoint Three Persons of their Number to be Trustees on the Part of the said City of *Perth*, along with the said Provost, Dean of *Guild*, Four Baillies, and Town Treasurer of the said City, for putting this Act into Execution; and the Trustees so to be nominated and appointed shall continue in Office till the ensuing *Michaelmas* Election of the Magistrates and Councillors of the said City; and immediately after such ensuing *Michaelmas* Election, and every subsequent *Michaelmas* Election, the Town Council of the said City shall appoint Three Persons of their Number to be Trustees, for putting this Act into Execution, such Persons respectively to continue in Office for One Year next after the Date of their respective Appointments.

Qualification
of Trustees.

III. Provided always and be it enacted, That no such Lieutenant, Vice-Lieutenant, Sheriff-Depute or Substitute, Provost, Magistrate, or Town Treasurer, or Member of the Town Council of the City of *Perth*, or Proprietor of Lands, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be qualified to act as a Commissioner of Supply for one of the said Counties of *Perth, Fife, or Kinross*, or unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Twenty-five Pounds *per Annum*, or be possessed of or entitled to a personal Estate alone, or real and personal Estate together, of the Value of Five hundred Pounds, nor shall any such Lieutenant, Vice-Lieutenant, Sheriff-Depute or Substitute, Provost, Magistrate, or Town Treasurer, or Member of the Town Council of the City of *Perth*, or Proprietor of Lands not qualified to be a Commissioner of Supply, be capable of acting in the Execution of this Act until he shall have taken and subscribed the Oath following before any Two or more of the said Trustees, who are hereby authorised and required to administer the same; (that is to say,)

‘ I do swear, That I truly and *bonâ fide* am, in my
‘ own Right, or in the Right of my Wife [*as the Case may be,*]
‘ in the actual Possession or Enjoyment of Lands or Heritages of
‘ the clear yearly Value of Twenty-five Pounds; or possessed of or
‘ entitled to a personal Estate alone, or real and personal Estate
‘ together, of the Amount or Value of Five hundred Pounds.
‘ So help me GOD.’

IV. And

IV. And be it enacted, That if any Person not entitled or qualified to be a Trustee as aforesaid shall nevertheless presume to act as a Trustee under this Act, he shall for every such acting forfeit and pay the Sum of Twenty Pounds Sterling, over and above the Expence of Prosecution, to be recovered by any Trustee duly qualified, or by any Heritor of Lands situated within the County of *Perth*, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff-Depute or Substitute of the County in which the Offender may reside, and the Money recovered shall be paid to the said Trustees or their Clerk or Treasurer, and be applied towards the Purposes of this Act.

Penalty on Persons acting, not being qualified.

V. Provided always, and be it further enacted, That all Acts and Proceedings which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of unqualified Trustees previous to Conviction valid.

VI. And be it enacted, That at every Meeting of the Trustees appointed by this Act, Three shall be a Quorum; and at all their Meetings the Trustees assembled shall pay their own Expences.

Quorum of Trustees to pay their own Expences.

VII. Provided always, and be it enacted, That if any Person or Persons appointed, or to be appointed, as a Trustee or Trustees for putting this Act into Execution shall have or accept of any Place of Profit, or shall be concerned or interested in any Contract or Contracts under this Act, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Time of holding such Place of Profit as aforesaid; and no Person who shall keep a Public-House for the selling or retailing of Beer, Ale, or Spirituous Liquors, shall be capable to act as a Trustee, or to hold or enjoy any Office or Situation of Trust or Profit under this Act.

Trustees not to hold Places of Profit.

VIII. Provided nevertheless, That the Sheriff Depute of the said Shire of *Perth*, or his Substitutes, or any Trustee appointed to put this Act into Execution, who is or shall be in the Commission of the Peace for the said Shire of *Perth*, shall and may act for the more effectually putting into Execution the several Authorities and Powers in this present Act mentioned and contained, notwithstanding he or they is, are, or shall be a Trustee or Trustees as aforesaid, or a Creditor or Creditors upon the Tolls.

Trustees may act as Justices, &c.

IX. And be it enacted, That the said Trustees, or any Three or more of them, shall meet in the County Hall, at *Perth*, on the Fourth *Monday* after the passing of this Act, at the Hour of Twelve at Noon, or as soon thereafter as conveniently may be, and proceed to carry this Act into Execution, and shall have Power at such First General Meeting, and at all other Meetings, to choose One of their Number to be Preses of each Meeting; and the said Trustees shall in each and every Year posterior to the present, during the Continuance of this Act, hold Two General Yearly Meetings at *Perth*; One of them to be held on the Day appointed for the

Meetings of Trustees.

the *Michaelmas* Head-Court of the Freeholders of the Shire of *Perth*, and the other to be held on the First *Monday* in *May*, both at the Hour of Twelve at Noon, and such General Meetings, or any subsequent Meetings of Trustees under this Act, may be adjourned from Time to Time as the Trustees present thereat shall judge necessary; and in the Event of a smaller Number of Trustees than Three or of only One Trustee attending at the First Meeting so to be held at *Perth* as aforesaid, or at any subsequent Meeting, it shall be in the Power of the said smaller Number of Trustees so assembled, or such One Trustee, to adjourn the said General Meeting to a Day not earlier than Fourteen Days, nor more distant than Thirty Days from and after such former Meeting as aforesaid; and the Trustees fewer in Number than Three or One Trustee, who shall so adjourn the Meeting as aforesaid, shall authorise the Clerk or Treasurer appointed, as after mentioned, to subscribe an Advertisement announcing such Adjournment; which Advertisement, and every succeeding one relative to the after Proceedings of the said Trustees, shall be and they are hereby appointed to be published in any One of the Newspapers published in the City of *Perth*; provided always, that a Space not less than Ten Days shall elapse between the Publication of each and every of the said Advertisements and the Day or Days appointed for holding such Meeting or Meetings as aforesaid; and in Default of such Space of Ten Days as aforesaid elapsing between the Publication of such Advertisements and the actual Day or Days of Meeting, such Failure shall operate as a Nullity to all Proceedings at such Meeting or Meetings.

For calling
a Special
Meeting.

X. Provided always, and be it enacted, That any Three or more Trustees may at any Time, by a Writing under their Hands, authorise and require the Clerk or Treasurer of the said Trustees to call a Special Meeting of Trustees for the Purposes of this Act; and such Clerk or Treasurer, on such Authority and Requisition, is hereby required to call such Special Meeting accordingly, upon Ten Days previous Notice at least being given in such Newspaper as aforesaid of the Time and Place of such Meeting, and the Special Purpose or Purposes thereof; and in case of the Refusal or Neglect of such Clerk or Treasurer to call such Meeting when so authorised and required, or in case of there being no Clerk or Treasurer at the Time, but not otherwise, it shall be lawful for any Two of the said Trustees to call such Special Meeting by such Advertisements as aforesaid.

Determin-
ation of a
former Meet-
ing not to be
altered but
by a Special
Meeting.

XI. And be it enacted, That if the Trustees at any General Meeting shall determine in any Matter in execution of the Powers committed to them by this Act, such Determination shall not be annulled or altered, nor any Order contrary thereto be issued by any subsequent Meeting, unless such subsequent Meeting be called upon Twenty-one Days Notice by Advertisement, Three Times at least in One Newspaper published in the said City of *Perth*, signifying the Time and Place of such Meeting, as well as the Purpose for which it is called.

Appointment
of Officers.

XII. And be it enacted, That the said Trustees, assembled at such First Meeting after the passing of this Act, or at any subsequent General Meeting, shall and may, and they are hereby empowered to

to choose and appoint fit Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors to the said Trustees, for receiving the Tolls and Duties granted and made payable by this Act, and such other Officers as they shall think proper; and from Time to Time to remove such Clerks, Treasurers, Collectors, or other Officers, or any of them, and to appoint new ones, in case of the Death or Removal of them or any of them; and all and every Person or Persons who is, are, or shall be liable by this Act to pay the Tolls and Duties by this Act granted, is and are hereby required to pay the same to the said Collector or Collectors, Receiver or Receivers, so from Time to Time to be appointed as aforesaid; and the said Trustees shall and may, and they are hereby authorised and empowered, out of the Money arising out of the said Tolls and Duties, to pay such Salaries and Allowances to the Officers so to be appointed by them, for and in consideration of their Care and Pains in the Execution of their respective Offices, and to such other Person or Persons, who shall have been or may be assisting in carrying this Act into Execution, by advancing or laying out Money, or otherwise, as to them shall seem good, over and above the necessary Disbursements made by them; and all such Officers and Persons shall, from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing, under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands, to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Three Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, then, in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the Shire wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Trustees, and such Justices are hereby authorised and required, by Warrant or Warrants under their Hands, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if

Officers to
account.

Proceedings
against Offi-
cers neglect-
ing to ac-
count.

produced, it shall appear to such Justices that any of the Monies which shall have been collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorised and required upon Non-payment thereof, by Warrant or Warrants under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Officers or other Person or Persons shall not appear before the said Justices, unless for some sufficient Excuse alleged at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his, her, or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Justices may and they are hereby authorised and required by Warrant or Warrants under their Hands to commit such Officer or Officers, Person or Persons to the Common Gaol or House of Correction of the Shire, Town, or Place where such Offender shall be or reside, there to remain until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, and which Composition the said Trustees are hereby empowered to make, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees; provided always, that no Person who shall be so committed for want of sufficient Distress shall be detained in Prison, by virtue of this Act, for a longer Space of Time than Six Calendar Months.

Proceedings
to be entered
in Books.

XIII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings, and all Entries in such Book or Books, being signed by the Preses of such Meeting, shall be deemed Originals and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings, touching or concerning any thing done in pursuance of this Act, and that such Book or Books shall at all the said Meetings be open and liable to the Inspection of all and every the said Trustees and of the Creditors on the Tolls hereby granted, and made payable, and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in Proportion for any greater Number of Words.

Accounts to
be kept.

XIV. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time, and at all Times during the

the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on Account of the said Bridge, and of the several Articles, Matters, and Things, for which Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall, at all the Meetings of the said Trustees, be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees 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 Clerk shall refuse to permit, or shall not permit, the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

XV. And be it further enacted, That the said Trustees shall be and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them in virtue of their said Offices, as to the said Trustees shall seem meet; or failing to take any Security, the Trustees making such Appointment shall be individually responsible for the Default of the Persons by them so appointed.

Treasurers and Collectors to give Security.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their 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, 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 by virtue 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 by summary Complaint before the Justices of the Peace at their Quarter Sessions, or before the Sheriff-Depute or Substitute of the Shire where the Offender may reside.

Clerk and Treasurer to be different Persons.

XVII. And be it further enacted, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Clerk for the Time being; and no Action or Suit, wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk by virtue of this Act, shall abate by the Death or Removal of any such Clerk, but the Clerk to the said Trustees for the Time being shall be deemed

Trustees to sue and be sued in the Name of their Clerk.

deemed to be the Pursuer or Defender, as the Case may be, in every such Action.

Authority to
build Bridge,
&c.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and their Servants, Workmen, and Assistants, and they are hereby authorised and empowered, to design, direct, order, and build, or cause to be built, and to complete, maintain, and keep in repair a Bridge of Iron, Stone, or other suitable Materials across the River *Earn*, at a certain Place in the said Parish of *Dunbarney*, to the opposite Bank of the said River, also in the same Parish, and for that Purpose to straighten the Track or Bed of the said River, and to embank the same, for the Space of Five hundred Yards above and Five hundred Yards below the Site of the said intended Bridge, and to dig and make proper Foundations in the said River, and on the Lands and Grounds lying on each Side thereof, for the Piers and Abutments of the said Bridge, and to cut and level the Banks of the said River in such Manner as shall be necessary and proper for building the said Bridge, and to cut, remove, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatsoever, which may in any wise tend to hinder the erecting and completing the said Bridge and Embankments, and to do and execute all other Things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said Bridge, according to the Tenour and true Meaning of this Act; and further, that for the Purpose of erecting, building, maintaining, repairing, and supporting the said Bridge, the said Trustees shall have full Power and Authority to deposit on either Side of the said River, within One hundred Yards of the Site of the said Bridge, all Materials and other Things to be used in and about the same, and there to work and use such Materials and Things as they the said Trustees, and the Persons to be by them appointed, shall think proper, without any previous Agreement with the Owner or Owners of the Property on which such Materials and other Things shall be deposited, worked, or used, or of the Tenant or Tenants thereof, doing as little Damage as may be, and making such Satisfaction as herein-after mentioned to the respective Owners and Occupiers of all Lands and Grounds, Tenements and Heritages, which shall be altered, damaged, spoiled, taken, or made use of by Means or for the Purposes of this present Act.

The Bridge
to be com-
pleted in
Five Years.

XIX. And be it further enacted, That if the said Trustees shall not within Five Years from and after the passing of this Act complete the said Bridge, so as to make the same passable for Horses and Carriages, then, and from thenceforth, all and singular the Powers and Authorities vested in them by this Act shall cease and determine, to all Intents and Purposes whatsoever.

Funds to be
advanced by
the City of
Perth.

XX. And be it further enacted, That it shall and may be lawful to the said Provost, Magistrates, and Town Council of the said City of *Perth*, and they are hereby authorised, directed, and required, by and out of the Common Good or Funds of the said City, from Time to Time to advance and pay to the said Trustees for executing this

Act, or to such Person or Persons as they shall appoint, all Sums of Money necessary for preparing, applying for, and obtaining this present Act of Parliament, and for erecting and completing the said Bridge, to be repaid to the said Provost, Magistrates, and Town Council, in Manner hereinafter mentioned: Provided always, that the Sums so to be advanced and paid by the said Provost, Magistrates, and Council, shall not exceed, in the Whole, the Sum of Sixteen thousand Pounds, and the Sums so to be advanced and paid by the said Provost, Magistrates, and Council of the said City of *Perth*, shall be repaid with Interest, in Manner herein-after mentioned.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Provost, Magistrates, and Town Council of the said City of *Perth*, upon the Credit of the Common Good or Funds belonging to the Community of the said City, or any Part or Parts thereof, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the said Sum of Sixteen thousand Pounds, at an Interest not exceeding Five Pounds *per Centum per Annum*, which shall be deemed necessary for completing the Purposes aforesaid, in Manner before mentioned; and for that Effect to grant such Securities in and over the said Common Good or Funds, as may be competently done by the Magistrates of Cities or Royal Burghs in *Scotland* in the like Cases.

Power to the
Magistrates
to borrow
Money.

XXII. And be it further enacted, That if the said Trustees shall not come to an Agreement with the respective Owner or Owners, and Occupier or Occupiers of the Lands, Grounds, Houses, Buildings, and Fences, taken for the Purposes of this Act, or for the Damage done to the same respectively, or in case such Owners or Occupiers shall refuse to treat with the said Trustees for the same, or in case the Claim of Damages which may be thence incurred shall not have been renounced in Manner hereinafter mentioned, Application shall be made to the Sheriff-Depute of the said Shire of *Perth*, or his Substitutes, to summon a Jury, to consist of not fewer than Fifteen Persons, in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses or other Buildings necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing of Fences; and the said Sheriff-Depute, or his Substitutes, is and are hereby empowered and required, upon such Application, to order Notice thereof to be given to the Owner or Owners, and Occupier or Occupiers, of such Ground, Houses, or Premises, and afterwards to issue a Summons, in the usual Manner, for calling together a Jury, who being duly sworn, the said Sheriff-Depute, or his Substitutes, shall proceed to examine upon Oath (which Oath such Sheriff-Depute, or his Substitutes, is and are hereby authorised and empowered to administer) such Witnesses as shall be summoned by either Party, and upon their Depositions, or other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Trustees; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Premises, as aforesaid, and in making up their Verdict, the said Jury shall have Right, and they are hereby empowered, to

Sheriff to
summon a
Jury to fix
Value of
Lands and
Houses.

[Local.]

17 K

take

Sheriff to
adjudge Pay-
ment of the
Sum award-
ed by the
Jury.

take under their Consideration all Circumstances, particularly the Advantage arising to the Owners and Occupiers by the said intended Bridge; and, in ascertaining the Value of the Fences which it may be necessary to pull down, the Jury shall also have Power to direct such Fences as may thereby become useless to be taken down and removed by the said Trustees, upon Payment of such Allowance for the same as the said Jury shall determine; and it shall be optional to the Owners and Occupiers either to accept of the Allowance so awarded, or to retain the Materials of the said Fences to their own private Use; and after a Verdict is pronounced as aforesaid the said Sheriff-Depute, or his Substitutes, is and are hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto; and upon Payment being made by the said Trustees out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested, or Consignation of the said Sum in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, in Manner by this Act directed, the said Trustees shall from thenceforth have a Right to take and use the Ground, and to take down the Houses and other Buildings and Fences, or Parts of Houses and other Buildings and Fences, so valued, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners, and Occupier or Occupiers of the Grounds, Houses, and other Buildings and Fences, had executed regular Dispositions of the same, and thereupon Infestment had followed; and the said Proceedings and Orders of the said Sheriff-Depute, or his Substitutes, shall be final, and not removable by Bills or Letters of Advocation or Suspension, or by Reduction to, or by any Court whatever, any Law or Usage to the contrary notwithstanding.

Expences of
the Proceed-
ings, how to
be paid.

XXIII. Provided always, and be it enacted, That in the event that such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Trustees and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Trustees; and, on the other hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers; provided always, that in all cases where any Person or Persons shall, by reason of Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, that after having paid or offered to the Owner or Owners, Occupier or Occupiers of any Lands, Houses, or Premises, such Sum as shall have been agreed on between such several Owners and Occupiers and the said Trustees, or as shall have been awarded in manner aforesaid; or on depositing the same in the Bank of *Scotland*; or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, in Manner by this Act directed, there to remain at such Interest as the said Banks may allow, at the Peril of such Owner or Owners,

Owners, Occupier or Occupiers, it shall and may be lawful for the said Trustees to enter into or upon such Lands, Houses, or Premises for the Purposes of this Act, and no Stop shall in the mean time be put to the Operations of the said Trustees on Pretence of settling the said Damages, or that they have not been satisfied and paid; and in case any Person interested shall apply for and obtain from any Judge competent a Warrant for stopping the Execution of the Purposes aforesaid, the said Judge is hereby directed to recall such Warrant, and remove any Sist obtained as aforesaid, provided sufficient Caution shall be found by the Trustees therein named for the Amount of such Damages as may be ultimately awarded to the Person suing for the same and ascertained in Manner hereinbefore mentioned.

Any Warrant for stopping the Work to be recalled on Caution found.

XXIV. And be it enacted, That if any Person summoned as a Juryman or Witness under the Authority of the said Sheriff-Depute or his Substitutes in any Matter arising out of this Act shall neglect or fail to appear, or shall refuse to act as a Juryman, or shall refuse to give Evidence after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, such Sheriff-Depute or his Substitutes is and are hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds.

Penalty if Jurymen, &c. refuse to act.

XXV. And be it enacted, That it shall and may be lawful for the said Trustees, and any Person or Persons having an Order from them, to open Quarries, and dig, gather, and take and carry away any Stones, or Gravel, or other Materials out of any Waste, or Common, Burn or River, within the Parish within which the said Bridge is situated, or in any adjoining Parish, for making, erecting, and repairing the said Bridge, or the Toll Houses, or other Buildings connected therewith, without paying for the same; and to dig, gather, and carry away all such Materials from Quarries already opened, and from any Grounds within any such Parish or Place as aforesaid, the said Trustees paying such Damages for the same and for the Value of the Materials to the Proprietor or Occupier thereof, as the said Trustees shall judge reasonable, or in case of Difference, as shall be ascertained by the Sheriff-Depute or Substitute, or by any Two Justices of the Peace of the said Shire within which such Quarries or Grounds are situated, with Power to the said Proprietor or Occupier to appeal from the Decision of such Justices to the next Quarter Sessions, whose Decision shall be final; and in all Cases the said Trustees or Persons acting under them shall be bound and obliged, if required by the Owner or Occupier of the Ground, to level such Pits and Quarries when no longer required for the Use of the said Bridge; and in the mean time, where necessary, to surround such Pits and Quarries with sufficient Fences while they are kept open.

Trustees, &c. empowered to take Materials.

XXVI. Provided nevertheless, and be it further enacted, That no Surveyor, or any other Person or Persons acting under the Authority of this Act, shall begin to dig, gather, or carry away any such Materials as aforesaid out of or from any inclosed Land until Notice in Writing, signed

Notices to be given before Materials are taken.

signed by the said Surveyor or other Person or Persons shall have been first given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owners or Occupiers usual Place of Residence, to appear before any Two Justices of the Peace acting for the said County, at any Time not sooner than Ten Days after giving such Notice, to shew cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, and shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorise such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended; and the Order of such Justices shall be final and conclusive to and upon all Parties.

No House
or Orchard,
&c. to be
prejudiced.

XXVII. Provided always, That in making and erecting the said Bridge, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced, of which the Side Walls are above Twenty Feet in Height from the Surface of the adjoining Ground; nor any Orchard, Garden, Yard, Planted Walk, Avenue, Lawn, or Pleasure Ground, or Plantation of Trees, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

Toll Houses,
Places for
depositing
Materials,
&c. to be
provided.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees to give Orders for purchasing or taking in Feu or Lease such Pieces of Ground adjacent to the said Bridge (each not exceeding One-fourth Part of an Acre, except with the Consent of the Owner or Owners of such Ground) as shall be judged most convenient for erecting a Toll House or Toll Houses, with a Stable and Garden to each, or for erecting Weighing Engines, or for a Repository wherein the Mud that may be raked off the Bridge may be deposited, and the Stones or other Materials for building or repairing the same may be deposited, such Repository not exceeding Thirty Square Yards in Extent; and in case the said Trustees, or their Surveyor, cannot agree with the Owner or Occupier as to the Price, Feu Duty, Rent, or Damages to be paid for the same, such Price, Feu Duty, Rent, or Damages shall be settled and determined by a Jury in Manner as hereinbefore mentioned.

Proprietors
under Entail
or not may
renounce
Claims of
Damage.

XXIX. Provided always, That it shall be in the Power of all Proprietors and Occupiers of Lands, as well entailed as unentailed, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, to give up and renounce every Claim of Damage or otherwise competent to them in regard to the whole Matters aforesaid; which shall not amount in Value to the Sum of Twenty Pounds, and that such Renunciation shall be equally binding on the Heirs of such Proprietors.

XXX. And be it further enacted, That the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered to sell, feu, let, and convey, all such Lands or Houses, as the said Trustees are by this Act enabled to purchase, take, or make use of for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers as shall be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers, or as shall be awarded in Manner aforesaid.

Incorporated Persons, &c. empowered to convey.

XXXI. And be it further enacted, That all Lands, Tenements, or Heritages which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value, in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company of Scotland*, in Manner herein directed with regard to Consignations, as the case may be, and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff's Court Books of the said Shire of *Perth*; whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually to all Intents and Purposes, as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infestments had followed thereupon.

How Lands are to be vested in Trustees.

XXXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to 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 Bank of the *British Linen Company of Scotland*, to the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the

Application of Compensation where exceeding 200l.

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

Application where the Compensation does not exceed 200l. nor less than 20l.

XXXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and not less than the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or 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 or their Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees, (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 therefrom may be applied in any Manner hereinbefore directed, so far as the Case may be applicable.

Application where the Money is less than 20l.

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said 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.

XXXV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages by virtue of this Act, shall refuse to accept the same, or shall not be able to make out 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

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

Purchase Money to be paid into the Bank, subject to the Court of Session.

XXXVI. 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 said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance 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, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session, and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Where any Question shall arise touching the Right to such Money,

XXXVII. 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, and to be applied to the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act,

The Court may order the Expenses of Purchases to be paid by the Trustees.

it

it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Ground
taken not to
diminish va-
lued Rent.

XXXVIII. Provided always, and be it enacted, That in every Case where it may be necessary to take Ground as herein-before allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Grounds shall be so taken.

Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees to cause Weighing Engines, and also a Turnpike and Toll House to be erected at such Place, upon or at either End of, or near to the said Bridge, as they shall think proper, and the said Trustees, or such Person or Persons as they shall from Time to Time appoint for that Purpose, shall be and they are hereby authorized and empowered to demand and take, or to cause to be demanded and taken before any Person, Horse, Cattle, or Carriage, shall be permitted to pass over the said Bridge, the Tolls following; that is to say,

For every Foot Passenger, One Penny:

For every Horse, Mule, or Beast, drawing any Coach, Barouche, Chariot, Landau, Hearse, Chaise, Chair, or any other such Carriage, One Shilling and Sixpence:

For every Horse or Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, or any Taxed Cart, Nine-pence:

And in Addition to the said Tolls there shall be levied and taken in all Cases where any Carriage whatsoever with its Loading exceeds Twenty-five Hundred Weight and shall not exceed Thirty Hundred Weight, a Sum not exceeding One Penny for every One Hundred Weight which such Carriage and Loading shall weigh above Twenty-five Hundred Weight; and for every One Hundred Weight which such Carriage and Loading shall weigh above Thirty Hundred Weight and not above Forty Hundred Weight, a Sum not exceeding Two-pence; and for every Hundred Weight which such Carriage and Loading shall weigh above Forty Hundred Weight, a Sum not exceeding One Shilling:

For every Saddle Horse or Mule, Sixpence:

For every other Horse or Mule, and for every Ass laden or unladen, and not drawing, Four-pence:

For every Score of Oxen or Neat Cattle, or young Horses unshod, Two Shillings and Sixpence, and so in Proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, One Shilling and Three-pence, and so in Proportion for any greater or less Number.

XL. And

XL. And be it enacted, That all Persons passing over the said Bridge shall be liable in Payment of the Tolls hereby granted, notwithstanding such Persons may be carried in or upon any Waggon, Wain, Cart, or other such Carriage, or on Horseback, or otherwise riding, and that over and above and besides the Tolls payable for every such Waggon, Wain, Cart, or other such Carriage, and for every Horse, Mare, Mule, or Ass, excepting always the proper Driver or Drivers of every such Waggon, Wain, Cart, or other such Carriage, and the Person or Persons for whose proper Use every such Waggon, Wain, Cart, or other such Carriage may be *bonâ fide* employed when so passing, and excepting also One Rider upon every Horse, Mule, or Ass, not drawing.

To prevent
Evasion of
the Tolls.

XLI. And be it further enacted, That after the completing of the said Bridge, and opening the Passage thereof, the present Bridge over the said River *Earn* shall cease to be a public Bridge, and shall be no longer used as such; and all Fords or Ferries, within the Distance of Two Miles above and Two Miles below the said Bridge, shall cease to be public Fords or public Ferries; and if any Person or Persons, after the said Bridge is completed, and the Passage thereof opened, shall, with an Intent to evade the Payment of all or any Part of the said Tolls, pass the said River, by means of the present Bridge over the said River, or at any Ferry, Ford, or Passage, on or across the said River, within the Limits before mentioned, or shall take off or cause to be taken off any Horse or other Beast from any Carriage on either Side of the said Bridge, or shall forcibly or wilfully pass through the said Gate or Gates, Turnpike or Turnpikes, to be erected by the said Trustees, without Payment of the said Tolls, or any Part thereof, or shall quit the public Road before coming to the said Bridge, and shall drive or shall pass through the said River, with any Beast or Beasts, at any of the Fords or Ferries above mentioned, above or below the said Bridge, or shall pass the said River by means of the present Bridge, whereby the said Toll may be evaded, every Person so offending, in each of the Cases aforesaid, shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the respective Toll Duties, whereof one Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied to the Purposes of this Act; and if any Person or Persons shall ply for Hire upon, work, or use any Ferry within the Limits or Boundaries above mentioned, he, she, or they, shall forfeit and pay the Sum of Forty Shillings for every Person, Beast, or Carriage whatsoever ferried over; whereof one Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied to the Purposes of this Act: Provided always, that nothing in this Act contained shall be construed to prohibit the Owners and Occupiers of Lands on the Sides of the River within the Limits before mentioned, or their Families and Servants residing on such Lands, from making use of any Boats or Vessels, or of any Fords within such Limits, for the Purpose of crossing the said River, as they were entitled to do previous to the passing of this Act without being liable to any Penalty for so doing.

For shutting
up Fords
and Ferries.

Compensation to be made

XLII. Provided always, That the said Trustees shall make Compensation to the Proprietors of such Ferries for the Damage thereby occasioned, where such Compensation shall be demanded by such Proprietors; and in case of any Difference, such Compensation shall be settled and ascertained by a Jury, and ordered to be paid in manner as hereinbefore mentioned with regard to the ascertaining and ordering Payment of the Value of the Lands and Houses to be taken for the Purposes of this Act.

In case of Damage to the Bridge Ferries may be used.

XLIII. And be it further enacted, That if the said Bridge shall by an Accident receive such Damage as to render it for some Time impassable, it shall during such temporary Impediment be lawful for the Trustees, as often as it shall be necessary, to erect and work a Ferry or Ferries across the said River, at such Place or Places as they shall judge most convenient within Half a Mile of the said Bridge, and there to take for Passage over the said River the same Tolls and Duties which are hereby granted for Passage over the said Bridge; and that all the Monies arising from any such Ferry or Ferries, after deducting the necessary Charges in erecting and working the same, shall be applied to and for the same Uses and Purposes as the Tolls to be collected at the said Bridge are by this Act directed to be applied: Provided always, that such Ferry or Ferries shall not be continued longer than is necessary for the Reparation of the said Bridge: And provided also, that the said Trustees shall make such Compensation to the Owners and Occupiers of the Lands upon which such Ferry or Ferries shall be erected and placed as shall be agreed upon between the said Trustees and such Owners and Occupiers; and in case of any Difference as to the Amount of such Compensation, the same shall be settled and ascertained by a Jury, and ordered to be paid in manner hereinbefore mentioned, with regard to the ascertaining and ordering Payment of the Value of the Lands and Houses to be taken for the Purposes of this Act.

Tolls how to be levied in case of Non-Payment.

XLIV. And be it further enacted, That the said respective Sums of Money by this Act granted shall be demanded and taken as for or in the Name of Toll, and if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect the same to levy the same by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Toll is by this Act imposed, with the Harness or Accoutrements thereof respectively, (except the Bridle or Halter apart from the Horse or other Beast); and if such Toll and the reasonable Charges of making and keeping such Distress shall not be paid within the Space of Five Days after such Distress shall be made and taken, the Person or Persons making such Distress may, under the Authority of a Warrant under the Hand of any One Justice of the Peace of the said Shire, (which Warrant any such Justice is hereby empowered to grant) sell the Horses, Cattle, or Carriages, with their Harness or Accoutrements so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll and all reasonable Charges shall be deducted.

XLV. And be it enacted, That it shall and may be lawful for the said Trustees at any General Meeting assembled, whenever they shall deem it expedient, to lessen and reduce the Tolls hereby granted and made payable, and again to advance the same, so as every such Reduction be made with the Consent of the Person or Persons entitled to Three-fourth Parts of the Money then due, on Security of the said Tolls, and so as the same do not at any Time exceed the Tolls granted and made payable by this Act.

Power to reduce the Tolls and raise them.

XLVI. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls, or the Charges of the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County of *Perth*, who, upon Application made to him for that Purpose, shall examine the Matter, by Oath of the Parties, or of a Witness or Witnesses (which Oath such Justice is hereby authorised to administer) and shall determine the Amount of the Tolls due, and shall assess and award such Costs to be paid by either Party to the other of them, as to the said Justice shall appear just and reasonable, all which Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Effects of the Party liable to pay the same by Warrant under the Hand of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Effects shall have been so distrained and sold.

For settling Disputes concerning Tolls.

XLVII. And be it further enacted, That if any Person shall assault any Collector of the Tolls by this Act imposed, such Collector being in the Execution of his Office, or by Force pass through any Turnpike without paying the said Tolls, every Person so offending, and being thereof convicted, by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said Shire, shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, to be recovered and applied in Manner hereinafter directed.

Penalty on assaulting Collectors or forcibly passing through Turnpike without paying Toll.

XLVIII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front, or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters upon a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he shall collect such Tolls or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorised to do by virtue of the Powers of this Act, or of the Orders and Resolutions

Regulation as to Toll Collectors.

lutions of the Trustees 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 shall claim such Exemption, or shall refuse to permit or suffer, or shall in any way hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall, in answer to such Demand, give a false Name or Names, or, upon the legal Toll paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then, and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, to be recovered and applied in Manner hereinafter directed.

Exemption
from Tolls.

XLIX. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Carriage carrying or conveying Stone, Brick, Lime, Timber, Iron, Wood, Heath, Chalk, Gravel, or other Materials, to be used on or about the said Bridge, or returning empty when so employed; nor shall any Toll be paid by any Clergyman going to officiate, or returning from officiating at any Church, Chapel, or other Place of religious Worship, or when visiting his sick Parishioners, or upon any other his parochial or ministerial Duty within his own Parish, or by any other Person or Persons residing in the said Parish who shall pass over the said Bridge to or from his, her, or their proper parochial Church or Chapel, or any Person or Persons going to or returning from his, her, or their usual Place of religious Worship tolerated by Law within the said Parish, or who shall attend the Funeral of any Person or Persons who shall die and be buried in the said Parish within which the said Bridge is situated; nor for any Horses or Carriages employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying or guarding, or in returning after having conveyed, fetched, or guarded the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls and Duties in *Scotland* by virtue of an Act made in the Fifty-third Year of the Reign of His late Majesty, King George the Third, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels, carrying the Mail in Scotland; and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; nor shall any Toll be demanded or taken for any Horse or Carriage attending His Majesty, or any of the Royal Family, or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beasts drawing any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, and convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or for any

any Horse or Horses, or other Cattle drawing any Waggon, Wain, Cart, or other Carriage which shall be employed in conveying any Ordnance, or Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning after having been so employed, or for any Horse or Mare furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, (provided such Person shall be dressed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of his claiming such Exemptions); and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls or any Part thereof shall be evaded, every such Person for every such Offence shall forfeit and pay a Sum not exceeding Forty Shillings.

L. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered by public Auction to let the said Tolls and Duties in whole or in Parcels from Time to Time during the Continuance of this Act by Lease or otherwise, for any Term not exceeding Seven Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for Payment thereof as shall be approved of by the said Trustees at a General Meeting assembled. Tolls may be let.

LI. And be it enacted, That the said Trustees, at a General Meeting assembled, may and they are hereby authorised and empowered to compound and agree, by the Year or otherwise, with any Person or Persons living near the said Bridge for any reasonable Sum or Sums of Money, to be paid quarterly in advance from Time to Time, and in lieu of the Payment of the Tolls or Duties by this Act granted; and Copies of all such Compositions or Agreements to be made by the said Trustees shall be entered at length in a Book or Books to be kept for that Purpose, which shall be open to the Perusal of any Person or Persons whatsoever, at all reasonable Times, without Fee or Reward. Trustees may compound for the Tolls.

LII. And be it further enacted, That the Right, Interest, and Property of and in the said Bridge, Turnpikes, and Toll Houses and other Buildings to be erected or provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and of the Materials for building the same, and also of all Rails, Posts, and Fences which shall belong thereto, and also of all Implements, Stones, Gravel, Sand and other Materials now purchased, gotten, or had, or hereafter to be purchased, gotten, or had, for making, amending, repairing, and improving the same; and all Timber, Stones, Bricks, Tiles, Slates, Planks, Brass, Iron, Lead, Glass, and all other Materials belonging or appertaining to any Houses or Premises which shall be purchased or taken down by Bridge Toll-Houses, &c. vested in Trustees.

[Local.]

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virtue

virtue of the Powers aforesaid of this Act, shall be and the same are hereby vested in the said Trustees, and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage the same, or any of them, or who shall do any Act to hinder or obstruct the said Trustees, or any Person or Persons employed by them in the Execution of this Act.

2000l. to be paid to the City of Perth for their Right to the present Bridge.

LIII. And whereas the Provost, Magistrates, and Council of the City of *Perth*, as representing the Community of the said City, have long enjoyed, with Advantage to the said Community, the Right of collecting certain Tolls and Duties at the present Bridge over the said River *Earn*, in the Parish of *Dunbarney* and Shire of *Perth*, and are in consequence liable to the Maintenance of the said Bridge, although not to alter the Form or Situation thereof: And whereas the Situation of the said Bridge is very inconvenient and difficult of Access from the new Road from *Queensferry* to the said City of *Perth*, and is in itself extremely incommodious in its Structure, being very steep, and so narrow that Two Carriages cannot pass each other upon it, and is at the same time so old and originally ill constructed that there is daily Hazard of its falling and thereby impeding the Passage along the great Road of Communication from *Edinburgh* to the North of *Scotland*, and it will therefore be of very great Advantage to the Public to have a new, secure, and commodious Bridge in the stead thereof, which may hereafter become free from all Tolls and Pontage Duties: And whereas it is reasonable that the said Provost, Magistrates, and Council of the said City of *Perth*, as representing the Community thereof, should be indemnified for the Loss the said Community may sustain by giving up their Right in all Time to come to levy Tolls at the present Bridge, on the said new Bridge being opened for Public Use in Manner hereinafter mentioned: Be it therefore enacted, That as soon as the said new Bridge shall be completed, and the Passage thereof opened for every Purpose of public Use, the Provost, Magistrates, and Council of the said City of *Perth*, shall, in Addition to the Materials of the present Bridge, as hereinafter mentioned, be entitled to demand and receive from the said Trustees, and the said Trustees shall pay to them the Sum of Two thousand Pounds Sterling, in lieu of all Right which the said Provost, Magistrates, and Council have to the Tolls of the present Bridge over the said River *Earn*, in the said Parish of *Dunbarney* and Shire of *Perth*, such Sum of Two thousand Pounds Sterling, to bear Interest at the Rate of Five Pounds Sterling *per Centum per Annum* from the Day of opening the Passage of the said new Bridge for every Purpose of public Use, till the same be paid as aforesaid.

Account to be settled with the Magistrates of Perth for building the Bridge, &c.

LIV. And be it further enacted, That as soon as the said new Bridge shall be completed, and the Passage thereof opened as aforesaid, the said Trustees shall adjust and settle an Account with the Provost, Magistrates, and Council of the said City of *Perth*, in regard to all Monies that may have been advanced by them, or
may

may be then due for defraying the Expences of applying for, procuring and obtaining this present Act, and for building and erecting the said Bridge, with all necessary Works, and shall ascertain the Amount thereof, which shall be repaid in manner hereinafter enacted by the said Trustees to the said Provost, Magistrates, and Council, with Interest, from the respective Times of advancing the same at the Rate of Five Pounds *per Centum per Annum* till the same be duly paid.

LV. And be it enacted, That the said Sum of Two thousand Pounds, with Interest thereof, and the Sum ascertained to be due upon adjusting and settling such Account as last before mentioned, and Interest thereof, shall be paid to the said Provost, Magistrates, and Council, and their Successors in Office, by the said Trustees, assigning in Payment thereof to the said Provost, Magistrates, and Council, and their Successors in Office, the whole Tolls and Duties payable by virtue of this Act, such Assignment to be made by the said Trustees, upon Demand of the said Provost, Magistrates, and Council, by a Writing under the Hand of the Town Clerk of the City of *Perth*, to be delivered to the Clerk of the said Trustees Fourteen Days, at least, before such Assignment is required to be made; and the said Tolls and Duties, when so assigned as aforesaid, shall be held by the said Provost, Magistrates, and Council, and their Successors in Office, till the said Sum of Two thousand Pounds, and Interest thereof, and the Sum ascertained to be due upon adjusting and settling such Account as aforesaid, and Interest thereof, shall be fully satisfied and paid; and after such Assignment shall be made, the said Provost, Magistrates, and Council, shall have no Demand, or right to Demand from the said Trustees any other or further Payment for, or in respect of the several Sums of Money before mentioned.

Assignment of Tolls to be made to the Magistrates and Council of Perth.

LVI. And be it further enacted, That the said Provost, Magistrates, and Council, and their Successors in Office shall, out of the Produce of the Tolls so to be assigned to them as aforesaid, in the first place, defray the Expence of supporting and maintaining the said Bridge, and all Expences relative to the same, and relative to the Collection of such Tolls and Duties, and the whole Expences of Management; and in the next place, pay to themselves the Interest of the said Sum of Two thousand Pounds, and of the said Sum ascertained to be due upon adjusting and settling such Account as aforesaid; and, in the third place, retain to themselves the Residue of the Produce of such Tolls and Duties in Extinction of the said Sum of Two Thousand Pounds, and of the Sum to be ascertained upon adjusting and settling such Account as aforesaid.

Tolls how to be applied by them.

LVII. And be it enacted, That the said Provost, Magistrates, and Council, and their Successors in Office, shall be bound and obliged, once in every Year, at the Term of *Martinmas*, to render an Account to the said Trustees of the whole Sums received by virtue of such Assignment, and the Application thereof; and upon receiving full Payment of the whole Sums, Principal and Interest, herein-before directed to be paid to the said Provost, Magistrates, and Council,

Upon receiving full Payment Magistrates to re-convey.

they

they shall thereupon re-assign and re-convey the said Tolls and Duties to the said Trustees, and the Principal and Interest of the Sums to be paid as aforesaid to the said Provost, Magistrates, and Council shall and may be applied as any other Part of the Property of the said City of *Perth* may be lawfully applied by such Provost, Magistrates, and Council.

Tolls on present Bridge to cease, and the Bridge to be taken down.

LVIII. And be it further enacted, That as soon as the said new Bridge shall be completed, and the Passage thereof opened as aforesaid, the Tolls payable for Passage over the present Bridge over the said River *Earn*, shall cease and determine, and be no longer exigible or payable, and Passage over the same shall cease in Manner before-mentioned; and thereupon it shall be lawful to and in the Power of the said Provost, Magistrates, and Council, and they are hereby authorised and required, to take down and remove the present Bridge over the River *Earn*, in the Parish of *Dunbarney* aforesaid, with the Piers and Abutments thereof, and to sell and dispose of the same, and the Materials thereof, and the Site of the Avenues leading to and from the same and to apply the Price or Prices thereof in such Way and Manner as any other Part of the Property of the said City of *Perth* may be sold, and the Price or Prices thereof applied, by the Provost, Magistrates, and Council.

Application of the Tolls.

LIX. And be it enacted, That after the whole Purposes aforesaid shall be fulfilled, and after the said Tolls shall be re-assigned to the said Trustees as aforesaid, the said Trustees shall, in the first place, apply the Produce thereof in defraying the Expence of supporting and maintaining the said Bridge to be erected as aforesaid, and the necessary Expences attending the same; and in the last place, for providing, establishing; and securing a Sum or Sums of Money not exceeding Three thousand Pounds, the Interest of which shall be applied in maintaining and upholding the said Bridge; to be erected as aforesaid in Time coming; such Sum or Sums of Money so to be secured for the Maintenance of the said Bridge being by the said Trustees from Time to Time deposited at Interest with the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company of Scotland*, or lent out upon Heritable Security, in the Names of any Three or more of them, and the Interest or Annual Produce of such Sum of Three thousand Pounds, so far as may be necessary, being from Time to Time applied to the maintaining and upholding of the said Bridge by the said Trustees as to them shall seem most expedient, and such Part of the said Interest as shall not be so applied as aforesaid, being to be added to and accumulated with the Principal; and when all and every the Purposes aforesaid shall be completed, the Tolls hereby granted shall cease and determine, and thenceforth the said Bridge shall be open and free to all Passengers without Payment of Toll.

Trustees may borrow Money.

LX. And be it further enacted, That it shall and may be lawful to the said Provost, Magistrates, and Council, and their Successors in Office, upon the Credit of the Tolls hereby granted, or any Part or Parts thereof, which may have been so assigned to them as aforesaid,

said, to borrow and take up at Interest any Sum or Sums of Money, not exceeding, at any one Time, the Sum of Sixteen thousand Pounds at an Interest not exceeding Five Pounds *per Centum per Annum*, and they are hereby authorized and empowered to assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, as a Security for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid, and no such Provost, Magistrate, or Member of Council, shall be held or adjudged to have rendered himself personally liable for the Re-payment of any Money to be borrowed by virtue of this Act, or Interest thereof, by reason of having signed any Assignment of the Tolls for the Money borrowed as aforesaid, or for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Trustee under this Act; and all the Sums of Money so to be borrowed shall be applied in such Manner as the Tolls hereby granted are directed to be applied, and for no other Use or Purpose whatsoever.

LXI. And be it further enacted, That in case of any Misapplication of the Money collected, received, or borrowed, by virtue of this Act, all and every Person or Persons who shall so misapply the same, or by whose Authority the same shall be so misapplied, shall forfeit and pay double the Sum so misapplied, to be recovered against him or them at the Suit of any Three or more Heritors within the aforesaid Shire of *Perth*, possessed of One hundred Pounds *Scots* each of valued Rent in Property, who are hereby authorized to sue for and recover the same in any Action summarily before the Lords of Council and Session, without abiding the Course of any Roll, with full Costs of Suit, One Half of which Forfeiture shall belong to the Persons who may sue for the same, and the other Half shall be paid to the said Trustees, to be applied by them for the Purposes of this Act; but if any such Prosecution shall, after Trial, be found to have been vexatious and groundless, the Prosecutors shall be liable to pay Double Costs.

Preventing
Misapplica-
tion of Mo-
ney.

LXII. And be it further enacted, That all and every Person or Persons, Bodies Politic or Corporate, who may have subscribed any Sum or Sums of Money for carrying into effect the Purposes of this Act, or any of them, shall pay the Sum or Sums so subscribed, in such Way and Manner, and to such Person or Persons, as the said Trustees shall direct and appoint; and in case of Neglect or Refusal in Payment of the same, it shall and may be lawful to the said Trustees to sue for and recover the same in any Court competent within that Part of *Great Britain* called *Scotland*.

For compell-
ing Payment
of Subscrip-
tions.

LXIII. And be it enacted, That if any Ship or Vessel shall be made fast or moored to any Part of the said Bridge, or shall through Carelessness or Inattention run foul of the same, or the Piers thereof, the Person or Persons having the Charge of such Ship or Vessel shall not only be liable to the Payment of all Damages and Ex-

To prevent
Damage by
Ships or Ves-
sels.

[Local.]

pences thereby incurred, but shall also forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence.

For prevent-
ing wilful
Damage to
Bridge, &c.

LXIV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge, or any Part thereof, or any Gate or Turnpike belonging thereto, or shall wilfully or maliciously, and without Authority from the Trustees, remove or take away any Works thereunto belonging, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or the Works thereof may be damaged, or any Toll Gatherer be disturbed in the Exercise of his Office, the Person or Persons offending in the Premises being lawfully convicted thereof before the Sheriffs Depute or Substitute, or any Two or more of the Justices of the Peace for the said Shire of *Perth*, either by the Confession of the Offender, or by the Oath of One or more credible Witness or Witnesses, shall not only pay the whole Damages and Expences, but also be fined in a Sum not exceeding Ten Pounds Sterling, at the Discretion of the said Sheriff or Justices, or be imprisoned for any Time not exceeding Three Calendar Months in case of Non-Payment; and the Fine, when recovered, shall be applied to the Purposes of this Act, after defraying the necessary Charges attending the recovering the same.

Penalty for
Obstruc-
tions.

LXV. And be it further enacted by the Authority aforesaid, That no Carman, Carter, or Driver, shall wilfully remain with his Cart, Wain, Waggon, or other Carriage, on the said Bridge longer than shall be necessary for going over the same, or leave any empty Carriage upon the said Bridge; and no Person or Persons shall put any Rubbish, Dung, Filth, Ashes, or any other Nuisance on the said Bridge, or on the Roads or Avenues leading thereunto, or do any Act which may be an Obstruction or Annoyance to the Passage thereof, and each and every Person so offending, and being thereof convicted, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Offenders
may also be
prosecuted
criminally.

LXVI. Provided always, That in case the above Penalties shall not be found adequate to the Crime committed, the Offenders may be prosecuted for the Crime in common Form, before His Majesty's Criminal Courts of Jurisdiction competent in such Cases.

Toll-gather-
ers may give
Evidence.

LXVII. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise, touching, concerning, or in any Ways relating to the said Tolls or Pontage, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Recovery of
Tolls, Penal-
ties, &c.

LXVIII. And be it further enacted, That all Compositions for Tolls and all Penalties, and Forfeitures by this Act imposed, the Recovery whereof is not herein otherwise provided for, may be recovered by summary Complaint at the Instance of any of the said Trustees, or of any

any Person acting by their Orders, before any One or more of the Justices of the Peace for the Shire of *Perth*, and the Fact or Facts being verified and proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, or by other legal Evidence, the said Justices are hereby authorized and required to grant Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender, and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the overplus Money (if any there be) upon Demand, to the Owners of such Goods or Effects, after such Compositions, Penalties, and Forfeitures, the Expence of the Warrant, and the reasonable Charges of distraining, keeping, and selling such Goods or Effects shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Compositions, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for the said County, and he and they is and are hereby authorized and required by Warrant under his or their Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders to be committed to the House of Correction or Common Gaol of the said Shire, there to remain for any Time not exceeding Three Calendar Months, unless the said Compositions, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

LIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Order or other Proceedings of the said Trustees, or of any one or more Justice or Justices of the Peace for the said Shire of *Perth*, not assembled in Quarter Sessions, it shall and may be lawful for him, her, and them (except in the Cases which are already otherwise provided for), to appeal to the said Justices of the Peace of the said Shire, in their General Quarter Sessions assembled, who are hereby authorised and empowered to hear and determine the Matter in Dispute, and whose Order therein shall be final and conclusive; and the Proceedings of the Justices on Appeal shall not be subject to Review in any Court, by Suspension, Advocation, Reduction, or otherwise. Appeal.

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

