



ANNO DECIMO

# GEORGII IV. REGIS.

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## *Cap. 1.*

An Act to regulate, repair, and maintain the Ferry of *Kincardine* across the Frith of *Forth*, and the Accesses connected therewith.

[14th *May* 1829.]

**W**HEREAS *David Erskine* of *Cardross* in the Shire of *Perth*, *Henry Merrik Hoare* Banker in *London*, *James Loch* of *Bloomsbury Square*, Member of Parliament, and *William George Adam*, One of His Majesty's Counsel learned in the Law, as Trustees of the late *George Lord Viscount Keith*, are or claim to be Proprietors of the Ferry across the Firth of *Forth*, from the Town of *Kincardine* in the Shire of *Perth* to or near to *Higgins Neuk* in the Shire of *Stirling*: And whereas the Proprietors of the said Ferry have at their sole Expenditure made and constructed extensive Piers, Quays, Landing Places, Accesses, and other Works, so as to secure a Passage across the said Ferry at all Times of the Tide; but it is expedient and necessary that the said Ferry, and the Piers, Quays, and Works thereof, and the Accesses thereto, should be farther improved, and be renewed, repaired, and kept in repair, when needful, and that Powers should be granted for the proper Government and Regulation thereof: 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,

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and

Authorizing  
the Act to  
be put in  
execution.

and by the Authority of the same, That the Proprietor or Proprietors of the said Ferry for the Time being, or the Tutors, Curators, or other Guardians or Trustees of such of them as may at any Time be Minors or under any legal Incapacity, shall be, and he, she, and they is and are hereby, authorized and empowered to put this Act into execution; and it shall be lawful for such Proprietor or Proprietors to make, construct, and maintain Piers, Jetties, and Landing Places, and also Sheds and covered Ways, for the Shelter and Convenience of Goods and Passengers, on either Side of the said Ferry, and to renew, repair, maintain, or rebuild, with Timber, Stone, or other suitable Materials, the said Piers, Quays, Jetties, Landing Places, Sheds, and other Works therewith connected, already made or constructed, and also from Time to Time to alter and improve the same, and to improve and maintain the Roads or Accesses thereto, in such Manner as he, she, or they shall judge fit.

Not to de-  
viate from  
Plan.

Plan to re-  
main with  
the Clerks of  
the Peace,  
and be open  
to Inspec-  
tion.

II. And whereas a Map or Plan describing the said Piers and Quays and Accesses, together with Books of Reference containing the Names of the Owners and Occupiers of the Land or Ground whereon the same are situated, or intended to be made or situated, has been lodged with each of the Clerks of the Peace of the said several Counties of *Perth* and *Stirling*; be it therefore enacted, That the Proprietor or Proprietors for the Time being of the said Ferry shall not, in repairing or altering or rebuilding the said Piers, or making the said Accesses, deviate more than One hundred Yards from the Line described in the said Maps or Plans; and the said Maps or Plans shall remain in the Custody of the said Clerks of the Peace respectively, and all Persons shall have Liberty to resort to and to examine or make Extracts from or Copies of the same, as Occasion shall require, paying to the said respective Clerks, for Copies of or Extracts from the said Books of Reference, after the Rate of Sixpence for every Seventy-two Words; and the said Maps or Plans and Books of Reference, or any Copy or Copies thereof, certified by the said Clerks respectively to be a true Copy or true Copies thereof, shall be and is and are hereby declared to be good Evidence in all Courts of Law, and shall be admitted as such by and before all Judges, Justices, and others.

Lands of  
Persons  
omitted in  
the Plan  
may be taken,  
if Omission  
proceeded  
from Mis-  
take.

III. Provided always, and be it further enacted, That the said Proprietor or Proprietors may make the said Piers, Quays, and other Works and Accesses thereto, on, in, through, or over the Lands, Grounds, or Houses of any Person or Persons who is or are or may be the Owner or Owners of Land or Houses over which the same is or are set out and described in the said Maps or Plans, and in the Schedule hereunto annexed, although the Name or Names of such Person or Persons may happen to be erroneously set forth or omitted in the said Books of Reference or Schedule, in case it shall appear to any Two or more of the Justices of the Peace for the County in which such Omission may occur, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Sum to be  
expended on  
the Works.

IV. And be it further enacted, That the said Proprietor or Proprietors are and he and they is and are hereby obliged and required, within Three Years after the passing of this Act, to lay out and expend a Sum not less than Nine hundred and eighty-five Pounds Eighteen Shillings and Four-pence, in improving and completing the Piers, Quays, and Jetties of the said Ferry, and the Accesses thereto, making, together

with the Sum of Five thousand eight hundred and six Pounds already expended by the said Proprietors, the Sum of Six thousand seven hundred and ninety-one Pounds Eighteen Shillings and Four-pence; and shall within Five Years after the passing of this Act cause an Account of such Expenditure to be duly verified upon Oath before the Sheriff Depute or Substitute of the said Counties of *Perth* and *Stirling*; which Account, and Oath of Verification thereof, shall be duly recorded by the Sheriff Clerk of the said several Counties in their respective Registers for the same.

V. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic or Corporate, Heirs of Entail, Husbands, Married Women, Trustees, Tutors and Curators, and all and every Person or Persons whatsoever, though under any legal Disability or Incapacity whatsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Houses, or Heritages to be taken or used for the Purposes of this Act, to sell and convey the same and every Part thereof to the said Proprietor or Proprietors; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, so conveying as aforesaid, 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.

Proprietors  
empowered  
to acquire  
Land.

VI. Provided always, and be it enacted, That all and every Body and Bodies Politic or Corporate, or other Persons, Owner or Owners, Occupier or Occupiers of any such Lands, Houses, or Heritages aforesaid, through, in, or upon which the said Ferry, Accesses, and Works hereby authorized or intended are to be made, shall receive Satisfaction for the Value of such Lands, Houses, or Heritages which shall be taken by the said Proprietor or Proprietors for the Purposes of this Act, in such Manner as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Proprietor or Proprietor, or some Person or Persons authorized by them for that Purpose; and in case the said Proprietor or Proprietors, or such Person or Persons, and the said Parties interested in such Lands, Houses, or Heritages, cannot agree as to the Amount of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury of Thirteen substantial disinterested Persons, to be summoned and chosen by the Sheriff Depute or Substitute of the said County of *Perth*, in which County the Lands, Houses, or Heritages to be taken for the said Purposes lie, in the Manner in which Juries are summoned and chosen in that Part of *Great Britain* called *Scotland*; and such Sheriff Depute or his Substitute shall appoint a Day and Place for proceeding in the said Matter, of which Ten Days previous Notice in Writing shall be given to the said Proprietor or Proprietors, or their Factor for the Time, and to such Owners and Occupiers personally, or left at his, her, or their usual Place or Places of Abode, and of the Time and Place appointed; and the said Sheriff Depute or his Substitute is hereby authorized and empowered, by Warrant under his Hand, to call before him such Person or Persons as shall be thought proper or necessary to be examined as a Witness or Witnesses before him touching or concerning the Premises, and to send his Precept for all and every such Person or Persons who is and are hereby required to appear before the said Sheriff Depute or his Substitute, and the said Sheriff

Owners to  
receive Sa-  
tisfaction for  
Lands taken.

In case Par-  
ties cannot  
agree as to  
the Amount,  
the same to  
be settled  
by a Jury.

Depute

Depute or his Substitute shall and may administer Oaths, for the better Discovery of the Truth in regard to the Enquiry by him to be made, to any Person or Persons therein concerned, or to any other Person or Persons whatsoever, and shall and may authorize the said Jury or any Three of their Number to view the Place or Places and Matters in Question; and the said Jury, upon their Oaths (which Oaths the said Sheriff Depute or his Substitute shall and may administer), shall enquire of and give their Verdict for such Damage or Recompence, Price or Prices, as they shall judge fit to be awarded to such Owners or Occupiers as aforesaid, or any of them, for any such Lands, Houses, or Heritages, or any Part thereof, or the Recompence to be made for the Damages which shall or may be sustained as aforesaid; and the said Sheriff Depute or Substitute 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 binding, conclusive, and final to all Intents and Purposes, and shall not be liable to Review by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding.

Expences  
of Jury  
how to be  
defrayed.

VII. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies as a Recompence or Satisfaction for any Lands or Heritages of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Heritages of any Person or Persons, than had been previously offered by or on behalf of the said Proprietor or Proprietors, then all the Expences of summoning such Jury and taking such Inquest shall be defrayed by the said Proprietor or Proprietors; and such Expences shall and may be recoverable from and out of the Effects of the said Proprietor or Proprietors, or from the Trust Estate when the said Ferry happens to be vested in Trustees, by Distress and Sale, and by the like summary Process by which any Penalties or Forfeitures may be recovered by this Act; but if any Verdict shall be given or made for the same or for a less Sum than had been previously offered by or on behalf of the said Proprietor or Proprietors, or in case no Damage shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the Costs and Expences of summoning such Jury and taking such Inquest shall be borne and paid by the Person or Persons with whom the said Proprietor or Proprietors shall have such Difference, in equal Proportions; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, 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 Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so settled and ascertained as aforesaid, may be recovered by the Proprietor or Proprietors in and by such Ways and Means as hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that whenever any Person or Persons shall, by reason of Absence or otherwise, have been prevented from treating with the said Proprietor or Proprietors, such Costs, Charges, and Expences shall be borne and defrayed by the said Proprietor or Proprietors in Manner aforesaid.

VIII. And

VIII. And be it further enacted, That all and every Person or Persons making Application for or requesting such Jury shall enter into a Bond, with sufficient Sureties, to the said Proprietor or Proprietors, in the Penalty of One hundred Pounds, or in such other Penalty as the said Sheriff Depute or Substitute shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his or her or their Application, and to bear and pay his, her, or their Share of the Costs and Expences of summoning such Jury and taking such Inquest, in the Proportion and Manner hereinbefore mentioned: Provided always, that the said Sheriff Depute or Substitute shall not be obliged, by virtue of this Act, to receive or take notice of any Application or Applications to be made by any Person or Persons whomsoever for any Damage or Injury by him, her, or them sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing hath been or shall be given in relation thereto, by or on behalf of such Person or Persons, to the said Proprietor or Proprietors, within the Space of Six Calendar Months next after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Persons desiring a Jury to give Security.

IX. And be it further enacted, That the said Juries respectively shall award all Determinations and Verdicts which they shall respectively make and give, in the Execution of the Powers hereby vested in them, concerning the Value of Lands or Heritages, separately and distinctly from the Consideration of any other Damages 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 and other Heritages, and the Money assessed or adjudged for such Damages.

Juries to distinguish between Value and Damages.

X. And be it further enacted, That every such Jury and Jurymen as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties, as if such Jury or Jurymen had been returned to pass upon any Justiciary Trial in *Scotland*; and all and every Person and Persons who in any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws or Statutes of that Part of the United Kingdom called *Scotland*.

Persons giving false Evidence to be prosecuted.

XI. And be it further enacted, That all the Verdicts of the Juries, and the Judgment of the said Sheriff Depute or Substitute thereon as aforesaid, shall be transmitted to and be kept by the Sheriff Clerk of the County in which such Verdict was given, and shall be deemed Records to all Intents and Purposes; and the same, or true Extracts thereof, duly authenticated by the said Clerk or his Deputy, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

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XII. And

Upon Payment or legal Tender of Compensation, the Lands, &c. may be taken.

XII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed for by a Jury in the Manner hereinbefore provided, for the Purchase of any Lands, Houses, or Heritages to be taken for the Purposes of this Act, or as Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as hereinbefore mentioned, to the Owner or Owners of such Lands or Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time within Thirty Days after the same shall have been actually so agreed for, determined, or assessed; or if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto to the Satisfaction of the said Proprietor or Proprietors, or cannot be found, or shall refuse to receive the same, or execute such Conveyance, then, upon the Payment of the said Sum or Sums of Money into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, as the Case may be, in the Manner by this Act directed, for the Use of such Person or Persons so interested or entitled as aforesaid, then, and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Proprietor or Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Houses, or Heritages respectively, and then and thereupon such Lands, Houses, or Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Proprietor or Proprietors, and his or their Heirs or Assignees, to and for the Purposes of this Act for ever; and such Payment, Tender, Investment, or Deposit shall not only bar all Right, 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 Terce of the Wife of every such Person, and all Estates under Entail, and other Estates and Rights of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, Investment, or Deposit aforesaid shall have been made, it shall not be lawful for the said Proprietor or Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment, for the Purpose of making the said Ferry, Accesses, or other Works, without the Consent in Writing of such Person or Persons respectively.

Application of Compensation Money when exceeding 200<sup>l</sup>.

XIII. And be it further enacted, That if any Monies shall be agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid, under the Direction and by the Authority of the Court of Session, into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, and without Fee or Reward; 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

Lands or Heritages, in the Purchase of the Land Tax, or towards the 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 or Heritages, or affecting other Lands 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 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 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 or 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 have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

XIV. 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 Two hundred Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, or, in case of Infancy, Lunacy, or other Incapacity, then to his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application  
where less  
than 200*l*.

XV. 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 or Heritages to be purchased by virtue of this Act for the Purposes aforesaid, 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 Proprietor or Proprietors, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Proprietor or Proprietors to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, as the Case may be, in Manner as respectively before directed, to the Credit of the Parties interested in the said Lands or Heritages (describing them, if they are known, and if they are not known, generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them), subject to the Order, Controul, and Direction of the said Court of Session; which said Court, or either of the Divisions thereof, 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 are hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers or

In case of  
not making  
out Titles.

other

other Officer or Officers of the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, 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 such Bank or Banks as aforesaid.

Where Questions arise touching the Title to any Money.

XVI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in the Possession of the Lands 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 or Heritages according to such Possession, until the contrary be shown to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sum, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Court may order the Payment of Expences of Purchases.

XVII. 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 or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands and Heritages, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Session 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 said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Proprietor or Proprietors, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Provision for Deficiencies of Land Tax.

XVIII. And whereas by reason of taking down Houses and Buildings, and executing the Works to be effected in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes herein described; be it therefore enacted, That for preventing the same the said Proprietor or Proprietors shall, from and after the Time that the said Proprietor or Proprietors shall become possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Proprietor or Proprietors shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax), be subject and liable from Time to Time to pay and make good, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within such Parish or Parishes, by reason or means of taking down or using, for the Purposes of this Act, any Houses,

Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the said Proprietor or Proprietors is and are hereby required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

XIX. And whereas a new Turnpike Road leading towards the said Ferry from the North, and known by the Name of the *Gartlove Road*, and another Road leading likewise towards the said Ferry from the North and East, being a Continuation of the Road known by the Name of *Maggy Duncanshill Road*, have been lately completed and are now open to the Public, whereby the Road between *Tulliallan Mills* and the *Kirkbrae* has become of no Use, and the same is in bad Repair, and would require a large Sum to put it into good Condition; be it enacted, That it shall and may be lawful for the said Proprietor or Proprietors, after a Month's previous Notice given of their Intention so to do Three Times at least in any Two Newspapers published or usually circulated in the said County of *Perth*, to order the said Road between *Tulliallan Mills* and the *Kirkbrae* to be shut up and discontinued.

Part of the old Road to be shut up after Notice.

XX. Provided always, and be it enacted, That it shall be lawful for any Person or Persons who may think themselves aggrieved by the making of any Order hereby authorized for shutting up and discontinuing the said Road between *Tulliallan Mills* and the *Kirkbrae*, to appeal against the same at any General or Quarter Sessions of the Peace which shall be held for the said Shire of *Perth* within Three Calendar Months next after the making such Order, upon giving Notice in Writing of such Appeal (to be signed by such Appellant or Appellants) to or leaving the same at the usual Place of Abode of any of the said Proprietors or their Factor for the Time being, at least Three Weeks clear before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine such Appeal, and upon the Quashing or Confirmation of the said Order to award and adjudge that the Party against whom such Appeal shall be decided shall pay such Costs as the said Justices shall appoint; and the said Appeal having been so heard and determined shall be final and conclusive, and not subject to Review by Suspension, Advocation, Reduction, or otherwise: Provided always, that in case no such Appeal shall be made as aforesaid, the said Order to shut up and discontinue the said Road shall be final and conclusive upon all Parties whomsoever.

Appeal against shutting up old Road.

XXI. Provided also, and be it further enacted, That it shall and may be lawful to the said Justices, in case the said old Road shall be shut up and discontinued, either to award and order that the said old Road shall be given in simple Exchange, and belong to the said Proprietor or Proprietors, in consideration of the new Road made or to be made by them, or to order the said old Road to be sold for the best Price that can be got therefor, the Price thereof to be paid to the Statute Labour Trustees under whose Charge the said Road has heretofore been, in which last Case the said old Road shall be first offered to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons shall refuse to purchase the same, then, on Oath made

Old Road may be exchanged for new Road, or sold.

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by some disinterested Person, in no way interested in such Ground, stating that such Offer was made and refused, such Oath shall be sufficient Proof that such Offer was made and refused; but in case such Person or Persons shall agree to purchase such old Road, but shall not agree with respect to the Price, it shall be determined by a Jury in Manner herein mentioned; and the Expence attending the summoning and obtaining the Determination or Verdict of such Jury shall be settled in the Manner herein prescribed in regard to the Settlement of the Expence of Juries summoned to determine the Value of Property to be taken for the Purposes of this Act.

No Build-  
ings to be  
erected with-  
in 20 Feet.

XXII. And be it further enacted, That no House or other Building shall be erected within Twenty Feet from the Centre of any Accesses or Road leading from the North End of the said Piers or Landing Places to the great Road leading from *New Milns to Alloa*, within Three hundred Yards of the said North End of the said Piers or Landing Places.

Lands, &c.  
to be pur-  
chased with-  
in Five Years.

XXIII. And be it further enacted, That in case the said Proprietor or Proprietors shall not purchase such Lands, Houses, or Heritages as are necessary towards the Purposes of this Act within the Space of Five Years from the passing thereof, then and in such Case it shall not be lawful to purchase any such Lands, Houses, or Heritages so remaining unpurchased, without the Consent in Writing of the Owners thereof first had and obtained.

Power to  
take Rates  
and Duties.

XXIV. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the Proprietor or Proprietors of the said Ferry for the Time being, or their Tutors, Curators, or other Guardians or Trustees as aforesaid, or his, her, or their Lessee or Lessees, or such Person or Persons as he, she, or they shall appoint, and he, she, and they is and are hereby authorized and empowered, from Time to Time and at all Times, to ask, demand, take, receive, collect, recover, and levy, for the Use of such Proprietor or Proprietors, or of his, her, or their Lessee or Lessees, at the said Ferry, for the Conveyance of Passengers, Carriages, Horses, Cattle, Goods, and all other Articles, not exceeding the several Rates and Duties following; (that is to say,)

For a Steam Boat, Twelve Shillings and Sixpence :

For a Horse Boat, Five Shillings :

For a Pinnace or Cutter, Two Shillings :

For a Yawl, One Shilling :

Each Coach, Barouche, Landau, or Hearse or Mourning Coach, Seven Shillings and Sixpence :

Each Four-wheeled Chaise, Landulet, *et cetera*, Seven Shillings and Sixpence :

Each Curricule, Three Shillings and Sixpence :

Each Two-wheeled Chaise, Gig, or Taxed Cart, or such Vehicle, Two Shillings and Sixpence :

Each Horse used for drawing any of the above-mentioned Carriages, One Shilling :

Each Person, Sixpence :

Each Horse, not crossing with a Cart or Waggon, One Shilling :

Each Mule or Ass, Sixpence :

Each

Each Bull, Cow, Ox, or Heifer, Sixpence :  
 Each Sheep or Goat, Two-pence :  
 Each Lamb or Kid, One Penny :  
 Each Calf, Boar, Sow, or Hog, Three-pence :  
 Each Cartload of Baggage, Goods, or other Articles not herein otherwise charged, not exceeding Ten Hundred Weight, Two Shillings :  
 Above Ten Hundred Weight and not exceeding Eighteen Hundred Weight, Three Shillings :  
 Above Eighteen Hundred Weight and not exceeding Twenty-four Hundred Weight, Three Shillings and Sixpence :  
 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, Two Shillings :  
 Each double Cartload of Furniture, Three Shillings :  
 Each Horse used in drawing a Waggon or Cart, when accompanying same, One Shilling :  
 Each Cart, exclusive of Baggage, One Shilling :  
 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, Four-pence Halfpenny :  
 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, Four-pence :  
 Each Boll of Wheat, Sixpence *per* Quarter :  
 Each Boll of Barley or other Grain, Sixpence *per* Quarter :  
 Each Load of Meal of Two Bolls, Sixpence :  
 Each Boll of Potatoes, Carrots, or Turnips, weighing Thirty-two Stone, and so in Proportion, Three-pence :  
 Each Sack of Chaff, Two-pence :  
 Each Boll of Lime, Sixpence :  
 Each Pipe of Wine, Spirits, Oil, &c., Two 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, Three-pence :  
 Each other Dog, Two-pence :  
 Oak Bark, *per* Ton, Two Shillings and Sixpence :  
 Stones, *per* Ton, Four Shillings :

Lead,

Lead, *per* Ton, Four Shillings and Sixpence :  
 Cast Iron Machinery, *per* Ton, Two Shillings :  
 Copper or Brass, *per* Ton, Two Shillings and Sixpence :  
 Plough or Pair of Harrows, Sixpence :  
 Fanners, One Shilling :  
 Straw, *per* Stone, Four-pence :  
 Coal, *per* Boll, Three-pence :  
 Cinders or Charcoal, *per* Boll, Four-pence :  
 Linseed 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 :

And the said Proprietor or Proprietors shall, over and above the said Rates and Duties before specified, be, and he, she, or they hereby is and are authorized to demand and take from every Person or Persons using the said Sheds or covered Ways for Shelter, or the Protection of Goods or Passengers, for each Ton of Goods, of whatever Description, at the Rate of One Shilling *per* Ton, and so in Proportion for any greater or less Quantity, and for every Person or Passenger Two-pence, which Rates shall and may be charged either by the Hundred Weight or by the Barrel Bulk, as the said Proprietor or Proprietors shall think proper.

Penalty on  
refusing to  
pay Rates.

XXV. And be it further enacted, That if any Person or Persons shall delay or refuse to pay the Rates and Duties hereby granted, when the same shall be demanded, such Person or Persons shall forfeit a Sum not exceeding Five Pounds, over and above the said Rates and Duties ; 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, every such Person so offending shall forfeit a Sum not exceeding Twenty Pounds.

Recovery of  
Rates.

XXVI. And be it further enacted, That if any Person or Persons subject or liable to the Payment of any of the said Rates or Duties shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Proprietor or Proprietors of the said Ferry, or their Lessee or Lessees, Ferryman or Ferrymen, or his or their Servants or Assistants, all for the Time being, to levy the same by Seizure and by Distress or Pounding of any Carriage, Horse, or other Animal, or any Goods or Merchandize upon or in respect of which such Rate or Duty is hereby imposed, or by Distress or Pounding of any other of the Goods or Effects of the Person or Persons so refusing or neglecting to pay the same ; and on Nonpayment of such Rate or Duty, and the reasonable Charges of making and keeping such Distress, or Article so pounded, by or for the Space of Four Days next after the making or taking thereof, to sell and dispose of the same, returning the Overplus of the Money arising by such Sale, after Deduction of the said Rates or Duties, and all reasonable Charges of such Distress or Pounding and Sale, (if any be,) to the Person or Persons entitled thereto.

XXVII. And

XXVII. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of the said Ferry for the Time being to reduce and lessen the Rates and Duties to be levied under this Act, and again to raise and extend the same from Time to Time, provided the same do not at any Time exceed the Maximum of Rates and Duties by this Act authorized to be levied. Rates may be altered.

XXVIII. And be it further enacted, That a Table of the Rates and Duties hereby granted, showing the Amount thereof, and of the Penalties hereby imposed, shall be fixed and continued in legible Characters at every Landing Place on either Side of the said Ferry. Table of Rates to be affixed.

XXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Ship, Vessel, or Boat belonging to His Majesty, His Heirs and Successors, or that shall be employed in His Majesty's Service, or in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or him belonging, or to any of the Officers or Persons employed therein respectively, or in the Service or Employ of the Ordnance or Navy Board, or wholly in the Service of the Post Office, or in the Service of the Excise or Customs, or to any Yachts or Pleasure Boats, or other Vessel belonging to any Member of the Royal Family, or for any Carriage carrying the Mails, or for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; and if any Person or Persons shall claim or take the Benefit of any such Exemption as aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds. Exemption.

XXX. And be it further enacted, That it shall not be lawful for any Person with any Yawl, Pinnace, Boat, or other Vessel, or for any Boatman, to ply at the said Ferry without a Licence from the said Proprietor or Proprietors, or others having their Authority; and the Owner or Owners of every such Yawl, Pinnace, Boat, and every Boatman so plying without such Licence, shall forfeit a Sum not exceeding Five Pounds for each Offence. No Boats or Boatmen to ply without Licence.

XXXI. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of the said Ferry, and they are hereby authorized and empowered, to borrow or direct to be borrowed upon the Credit of the said Rates and Duties, to be applied in the Improvement of the said Ferry, any Sum or Sums of Money not exceeding upon the whole Five thousand Pounds. Power to borrow Money to a certain Amount.

XXXII. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of the said Ferry for the Time being, or their Tutors, Curators, or other Guardians or Trustees as aforesaid, to appoint, during his, her, or their Pleasure, such Superintendents, Collectors of Duties, and other Officers whatsoever, as may be requisite for carrying into effect the Purposes and Provisions of this Act. Power to appoint Officers.

XXXIII. And be it further enacted, That if any Dispute shall arise about the Amount of the Rates and Duties due, or the Expences of keeping For settling Disputes  
[Local.] 15 2 or

concerning  
Rates and  
Duties.

or selling any Articles poided for Non payment of any Rates and Duties, it shall be lawful for the Collector of the said Rates and Duties, or the Person poiding, to retain such Articles, or the Money arising from the Sale thereof, (as the Case may be,) until the Amount of the Rates and Duties due, and the Expences of keeping and selling the Articles as aforesaid, be ascertained by any Justice of the Peace for the said Counties of *Perth* and *Stirling*, or any Baillie of the Barony of *Kincardine*, who, upon Complaint made for that Purpose, shall in a summary Manner determine the Amount of the Rates and Duties due, and shall adjudge such Expences to either Party as to the said Justice or Baillie shall appear right and proper.

Officers to  
account.

XXXIV. And be it further enacted, That every Officer and Person who shall be so appointed or employed as aforesaid shall, from Time to Time, when thereunto required by the said Proprietor or Proprietors, or others having their Authority, by Writing under their Hands, make out and deliver to the said Proprietor or Proprietors, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing, under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Proprietor or Proprietors shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Accounts, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required, in Manner aforesaid, or shall refuse or neglect to deliver up to the said Proprietor or Proprietors, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Proprietor or Proprietors, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Proprietor or Proprietors, or by any Person on their Behalf, to any Justice of the Peace in the Counties of *Perth* or *Stirling*, such Justice may and he is hereby authorized and required, by Warrant under his Hand, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Proprietor or Proprietors might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and

of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required by Warrant under his Hand to commit such Officer or Person to the House of Correction or Common Gaol of the said Counties of *Perth* or *Stirling*, there to remain without Bail until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Proprietor or Proprietors for such Money and Charges, and paid the Composition Money to the said Proprietor or Proprietors (and which Composition the said Proprietor or Proprietors are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof, to the said Proprietor or Proprietors: Provided always, that no Person who shall be committed for Want of sufficient Distress or Means of Payment shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XXXV. And be it further enacted, That if the Master or Owner of any Ship, Vessel, or Boat passing up and down the River *Forth*, or plying at the said Ferry, or if any other Person shall after the passing of this Act maliciously or wantonly demolish, destroy, break down, injure, or set on fire any of the Piers, Quays, Sheds, or other Works constructed or to be constructed in or belonging to the said Ferry, or any Part thereof, every such Master, Owner, or Person shall be punished by Fine or Imprisonment, at the Discretion of the Judge or Judges before whom such Offender shall be tried and convicted, besides paying the Damages thereby occasioned.

Punishment  
of Persons  
injuring the  
Works.

XXXVI. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Ship, Vessel, or Boat plying at the said Ferry shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, besides the Damages thereby occasioned.

Penalty on  
Persons de-  
stroying the  
Ropes of  
Vessels, &c.

XXXVII. And be it further enacted, That the Master or Owner of every Ship, Vessel, or Boat passing up and down the River *Forth*, or plying at the said Ferry, shall be and is hereby made answerable to the Proprietor or Proprietors of the said Ferry for the Amount or Value of any Damage or Mischief that shall be done by them, or any of the Seamen, Servants, Boatmen, or Watermen or others on board the same, to any of the Piers, Quays, or other Works in or about the said Ferry, by any Means whatsoever; and the Master or Owner of every such Ship, Vessel, or Boat shall, for every such Trespass, Damage, or Mischief, upon Conviction before any Justice of the Peace for the Shires of *Perth* or *Stirling*,  
or

Masters and  
Owners to  
be answer-  
able for  
Damages  
done by their  
Crews.

or Baillie of the Barony of *Kincardine*, on the Oath of any credible Witness or Witnesses, which Oath such Justice or Baillie is hereby authorized and required to administer, or on the Confession of the Party or Parties offending, forfeit and pay to the Party or Parties injured such Damages, Satisfaction, or Compensation as shall be ascertained, fixed, and determined by such Justice or Baillie, provided that no such Damages, Satisfaction, or Compensation shall exceed the Sum of Twenty Pounds; but in case such Damages, Satisfaction, or Compensation shall exceed the Sum of Twenty Pounds, then and in such Case the said Master or Owner of such Ship, Vessel, or Boat may be sued and prosecuted for such Damages, Satisfaction, and Compensation in the Court of Session if the Defender shall reside in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster* or *Dublin* if the Defendant shall reside in *England*, or in *Ireland*; and if a Verdict or Judgment shall be given against him or her, either on Proof made, or by Default, or upon Demand, the Plaintiff in every such Case shall recover the Damages thereby sustained, with full Costs.

Masters to  
recover  
Damages  
from their  
Servants.

XXXVIII. And be it further enacted, That in case the Master or Masters, Owner or Owners of any Ship, Vessel, or Boat, as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass, by reason of any such Damage or Mischief done or committed by his, her, or their Mariners, Boatmen, Servants, or other Persons employed by him, her, or them, such Mariners, Boatmen, Servants, or other Persons, and each and every of them, shall be liable to pay such Penalty or Damages, with the Costs thereof, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him, her, or them by such Mariners, Boatmen, Servants, or other Persons, or any of them, although demanded, (such Oath to be made before any Justice of the Peace for the County, or Baillie of *Kincardine* or Place where such Penalty or Satisfaction shall be incurred, as aforesaid, or where such Mariner, Servant, or other Person can be found,) the Amount thereof shall be recovered by such Master or Masters, Owner or Owners, as any other Penalty is hereby directed by this Act to be recovered.

Idlers to be  
detained, and  
all Ropes,  
&c. found in  
their Custody  
confiscated.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the Officers to be appointed by the Proprietor or Proprietors of the said Ferry, and to and for any Messenger at Arms, Sheriff's Officer, Peace Officer, Town Officer, Barony Officer, or other Person, and they are hereby severally authorized and empowered, to apprehend, seize, secure, and detain till they can be regularly conveyed before a Magistrate, all and every Vagrant, Idler, or disorderly Person who may haunt about the Ferry, Quays, Piers, and other Places connected therewith, without lawful Business, and they are hereby also authorized and empowered to seize, secure, and detain till such Seizure can be regularly reported to a Magistrate, all Ropes, Copper, Iron, Lead, and other Articles of Marine Stores used in the Repair of Ships, and all Goods, Wares, and Merchandize which may be found in the Custody of such Vagrant,

Vagrant, Idler, or disorderly Person; and if it shall appear that any of the said Articles have not been fairly come by, it shall be lawful for any Justice of the Peace for the Shire of *Perth* or *Stirling*, or Baillies of *Kincardine*, to order the said Goods to be restored to the proper Owner or Owners thereof, or in case such Owner or Owners cannot be found, to confiscate the same in aid of the Rogue Money of either of the said Shires in which the Seizure shall be made, and punish the Person in whose Custody the same may have been found by Imprisonment and hard Labour in the Jail of *Perth*, *Stirling*, or *Kincardine*, or in some other legal Place of Confinement within the said Shires, for any Time not exceeding One Calendar Month.

XL. And be it further enacted, That it shall and may be lawful to and for any Justice or Justices, or Baillie or Baillies of *Kincardine*, and they are hereby authorized, and empowered, to detain such Vagrants, Idlers, and disorderly Persons in the Jail of *Kincardine*, or any Watch-house or other Place of Security, therein to be detained for Examination for any Space not exceeding Twenty-four Hours, or as a Punishment to commit the said Offenders to any such Jail, Watch-house, or other Place of Security for any Space not exceeding Three Days.

Such Offenders may be committed.

XLI. And in order to prevent Offences against this Act, and the Infringement of any Orders, Rules, and Regulations to be made by the Proprietor or Proprietors of the said Ferry, as aforesaid, by providing Means for the immediate Punishment thereof, be it further enacted, That the Superintendents to be named as aforesaid shall have the same Powers as Constables by the Law of *Scotland* now have or may hereafter have, to take up, and 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, instantly before a Justice of the Peace of either of the said Counties of *Perth* and *Stirling*, or Baillie of *Kincardine*, who shall immediately punish any such Offender in the Manner directed by this Act, or pursuant to such Orders, Rules, and Regulations, in case he or she shall be convicted of any Offence against the same.

Superintendent to have the Powers of a Constable in apprehending Offenders.

XLII. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons to place, throw, or empty any Cruives, Nets, Ballast, Dust, Ashes, or Rubbish, Shingle, Stones, or other Things into the Way of the said Ferry, or within Six hundred Feet of any Pier, Quay, Jetty, or Landing Place, constructed or to be constructed under the Authority of this Act, or to dig, and take away any Ballast, Shingle, Stones, or other Things therefrom, to the Hurt and Prejudice of the said Ferry, Piers, Jetties, and Landing Places, or of the Works connected therewith, or to cast Anchors or Grappling Irons, or to moor any Vessel or Boat, in the Way of the Passage of the said Ferry, or to do any Matter or Thing whereby the same may be obstructed or interrupted; and any Person guilty of any such Offence shall forfeit and pay any Sum not exceeding Fifty Pounds.

Ballast, Rubbish, &c. not to be thrown into the Ferry Way.

XLIII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Superintendent, Collector of Duties, and other Officers or Persons acting under the Authority of this Act, be it further enacted, That it shall and may be lawful to and for the said

Power to apprehend transient Offenders.

Superintendent, Collectors of Duties, and other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and to convey him, her, or them before any One or more of the Justices of the Peace for the said Shires of *Perth* or *Stirling*, or Baillies of *Kincardine*, without any other Warrant than this Act for so doing; and such Justice or Justices of the Peace, or Baillie or Baillies, is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders in a summary Way.

Penalty on  
obstructing  
the Works.

XLIV. And be it further enacted, That if any Person or Persons whomsoever shall at any Time or Times obstruct, impede, prejudice, delay, or hinder the said Ferry or the Business thereof, or land or ship off any Goods or Commodities whatsoever at the Piers, Wharf, Landing Places, or other Works of the said Ferry, or ply there, or fasten any Vessel, Boat, or Craft of any Sort thereat, without the Leave of the Proprietor or Proprietors thereof in Writing, or in any Manner contrary to his or their Direction, or of some Officer appointed by him or them, every such Person so offending shall forfeit any Sum not exceeding Twenty Pounds, and for the Second Offence any Sum not exceeding Thirty Pounds, and for the Third and every other Offence any Sum not exceeding Fifty Pounds.

Bye Laws.

XLV. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of the said Ferry for the Time being from Time to Time to make and frame, ordain and establish, such Bye Laws, Rules, Orders, and Regulations, as he, she, or they shall think fit, for the good Government of the said Ferry, and of the Officers, Agents, or Workmen, and for the more complete Superintendence of the said Ferry, and the well and orderly using and preserving the same, and the Piers, Landing Places, Accesses, and other Works thereunto belonging; and for regulating the Entrance, Mooring, and Accommodation of Vessels and Boats plying at the said Ferry, or using the said Piers and other Works, and for the orderly Behaviour of all Seamen, Boatmen, Porters, and others who shall belong to such Vessels, or be employed in or about the said Piers and other Works; and to make such other Bye Laws, Rules, Orders, and Regulations, as by the Proprietor or Proprietors of the said Ferry for the Time being shall be thought necessary or expedient, for effecting the Purposes of this Act, and the due Execution thereof; and to repeal and to amend or alter such Bye Laws, Rules, Orders, and Regulations, or any of them, and to annex, impose, and appoint pecuniary Penalties or Forfeitures, not exceeding Five Pounds for each Offence, to be recovered in Manner hereinafter mentioned, for the Non-observance, Non-performance, or other Breach of or Offence against any such Bye Laws, Rules, Orders, or Regulations; and all such Bye Laws, Rules, Orders, and Regulations, and all such Alterations thereof, shall be reduced into Writing, and be subscribed by the Proprietor or Proprietors of the said Ferry for the Time being, and Copies thereof shall be painted in legible Characters upon Boards, and put up and affixed in such One or more accessible and conspicuous Place or Places in or adjoining to each Side of the said Ferry, for the Inspection and Information of all Persons interested therein; and such Boards and Paintings shall be renewed from Time to Time by such Proprietor or

Proprietors, when destroyed, obliterated, or defaced; and all such Bye Laws, Rules, Orders, and Regulations shall thenceforth be equally binding and authoritative with any of the Provisions of this Act, provided that such Bye Laws, Rules, Orders, and Regulations be not repugnant to the Laws of *Scotland*, or to any of the Clauses, Provisions, and Directions in this Act contained.

XLVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Boards whereon any such Bye Law, Rates of Fares, Rule, Order, or Regulation shall be painted, such Person or Persons shall, upon Conviction before said Justice, Baillie, or other Judge, for each Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on  
Persons de-  
facing  
Boards.

XLVII. And be it further enacted, That nothing herein contained shall be held to limit or extinguish the Power of the Proprietor or Proprietors of the said Ferry to rebuild, repair, or continue and use any of the Piers or Landing Places heretofore erected and used on the South Side of the said Ferry, with the Rights and Privileges thereunto belonging.

Reservation  
of Right to  
Proprietors  
to South Side  
of Ferry.

XLVIII. And be it further enacted, That all Expences, and also all Penalties, Forfeitures, and Fines by this Act directed to be paid or inflicted, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before the Sheriff or any Justice of the Peace for either of the said Shires of *Perth* or *Stirling*, or Baillie of *Kincardine*, where the Offence shall have been committed, or where the Offender may reside, (as the Case may require,) either by the Confession of the Party offending, or by the Oath of any credible Witness or other competent Evidence, be levied, together with the Expences attending the Information and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of such Sheriff or Justice or Baillie (which Warrant such Sheriff, Justice, or Baillie are hereby empowered to grant); and the Surplus, if any, after deducting such Expences, Penalties, and Forfeitures and Fines, and Charges of such Poinding and Sale, shall be returned unto the Owner of such Goods and Effects; and in case such Expences, Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff or other Judge as aforesaid to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poinding, unless the Offender shall give sufficient Security, to the Satisfaction of such Sheriff or Justice or Baillie, for his or her Appearance before such Sheriff or Justice or Baillie on such Day as shall be appointed before the Return of such Warrant of Poinding; which Security such Sheriff, Justice, or Baillie are hereby empowered to take by Bond of Caution or otherwise; and if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for such Sheriff, Justice, or Baillie, and they are hereby authorized and required, by Warrant under their Hand to cause such Offender to be committed to the Common Jail or House of Correction of the Shire where the Offender shall be or reside, or Jail of *Kincardine*, (as the Case may require,) there to remain for any Time not exceeding Three Months, unless such Expences, Penalties, Forfeitures, and Fines, and all reasonable Charges attending the

For Reco-  
very of  
Penalties.

the same, shall be sooner paid; and the Monies recovered or levied for such Expences shall be applied to the Payment of the same respectively; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid, if not otherwise directed to be applied by this Act, shall be paid to the Proprietor or Proprietors of the said Ferry for the Time being, to be applied and disposed of for the Purposes of the said Ferry.

Sheriff, &c.  
may proceed  
by sum-  
mary Pro-  
cess.

XLIX. And be it further enacted, That in recovering the different Penalties imposed by this Act it shall be lawful for the Sheriff, Justice, or Baillie before whom any Complaint for the Recovery thereof may be brought, to proceed under all Circumstances, if there shall be Cause, in a summary Way, and to grant Warrant for bringing the Parties complained upon before them for Examination, and on Confession, or Probation by the Oath of any credible Witness, or other competent Evidence, to proceed to determine thereon without any written Pleadings or Record of Evidence, it being hereby provided that a Record shall be preserved of the Charge and of the Judgment pronounced.

Proceedings  
not to be  
quashed for  
Want of  
Form.

L. And be it further enacted, That no Order, Verdict, Judgment, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable, by Advocation or Suspension, or by any other Process whatsoever, to the Court of Session, any Law or Statute to the contrary notwithstanding.

For com-  
pelling Wit-  
nesses to at-  
tend.

LI. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace, Baillie, or other Judge, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before such Justice or Justices of the Peace, or Baillie or other Judge, then and in any of the said Cases every Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Witnesses  
giving false  
Evidence to  
be indicted  
for wilful  
Perjury.

LII. And be it further enacted, That if any Person or Persons shall, on his, her, or their Examination on Oath before any Justice or Justices, or Baillie or other Judge, in any Cause or Matter arising out of this Act, wilfully and corruptly give false Evidence, such Person and Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Penalty and Punishment as by any Law in force or effect Persons guilty of wilful and corrupt Perjury are subject and liable to.

Testimony of  
Officers.

LIII. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard and determined relative to this Act, by reason only or on account

account that such Person or Persons shall act officially under the Appointment of the Proprietors or Proprietor of the said Ferry for the Time being, or of his, her, or their Lessee or Lessees.

LIV. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrong done or Injuries suffered in any Matter relative thereto, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury suffered, and not afterwards. Limitation of Actions.

LV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, or by any other Matter or Thing done in pursuance of this Act, then and in every such Case it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Complaint shall have arisen within Two Calendar Months next after such Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Twenty Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, unto the Person or Persons appealed against, and within Six Days after such Notice entering into a Recognizance or Bond of Caution before some Justice of the Peace for the said County or Place, with Two sufficient Sureties, under an Obligation to try such Appeal, and abide by the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance or Bond, the Justices at such Sessions shall hear and determine the Cause and Matter of such Appeal, and may order any Money to be returned which may have been levied in pursuance of any such Bye Law, Rule, Order, or Regulation, and award such Costs to the Party appealing or appealed against, and may also award such further Satisfaction to the Party injured as they shall think proper; and the Determination of the Justices at their said Quarter Sessions shall be final and conclusive upon all Parties, and shall not be removable, by Advocation or Suspension, or by any Process whatsoever, to the Court of Session or any other Court, any Law or Statute to the contrary notwithstanding. Appeal.

LVI. And be it further enacted, That all Judges, Sheriffs, Justices of the Peace, and other Magistrates, with their Officers, Messengers of Arms, and all other Officers of the Law whatsoever, and every of them, shall and they are hereby required to be aiding and assisting in putting this Act into due and effectual Execution. Magistrates to assist in putting this Act into execution.

LVII. 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. Public Act.

## SCHEDULE referred to in this Act.

Nos. on Plan.	Owners.	Occupiers.	Description of Property.
1	Lord Keith's Trustees, and Charles Jameson	<div> <div>Andrew Thompson</div> <div>William Taylor</div> <div>Thomas Paul</div> <div>Charles Grahame</div> <div>David Bowie</div> <div>Margaret Berks</div> <div>Ann Drysdale</div> <div>Catherine Reid</div> </div>	Two contiguous Houses at the West End of the Town of Kincardine, adjoining the principal Access to the said Ferry.
2	Alexander Drysdale	<div> <div>Peter Campbell</div> <div>Elizabeth Jameson</div> <div>Alexander Drysdale</div> </div>	A House also at the West End of the Town of Kincardine, and in the Middle of the principal Street or Access leading to said Ferry.

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Printers to the King's most Excellent Majesty. 1829.