



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxxiv.

An Act to extend the Term and to alter and enlarge the Powers and Provisions of the Acts for erecting, improving, regulating, and maintaining the Ferries and Passages across the River *Tay* in the Counties of *Fife* and *Forfar*, and for establishing a Floating Bridge or Bridges over the said River, with proper Landing Places and Approaches thereto. [28th July 1843.]

WHEREAS by an Act passed in the Fifty-ninth Year of 59 G. 3. the Reign of His late Majesty King George the Third, c. 113. intituled *An Act for erecting, improving, regulating, and maintaining Ferries and Passages across the River Tay in the Counties of Fife and Forfar*, certain Trustees were appointed for carrying the said Act into execution, and certain Powers were thereby granted to the Trustees appointed by the said Act, and their Committee of Management, for improving the said Ferries and Landing Places, for the Safety, Accommodation, and Convenience of the Public; and the said Trustees were thereby authorized to purchase Grounds, Tenements, or Heritages for the Purposes of the said Acts, and they were thereby also authorized and empowered to levy at the said Ferries certain Rates and Duties, upon the Security of which they were authorized and empowered to borrow certain Sums. [Local.] 30 0 of

of Money, to enable them to complete the said Improvements, over and above the Sums thereby authorized to be subscribed for the Purposes of the said Act; and the Rates and Duties to be levied under the said Act were thereby directed to be applied, after Payment and Discharge of the Expences of maintaining and carrying on the said Ferries and of the Execution of the said Act, in the first place, in Payment of the Interest of the Money so to be subscribed and borrowed, and, in the next place, towards forming a Sinking Fund for paying off the Principal Sums so to be subscribed and borrowed; and it was thereby enacted, that the said Act should continue and endure for Twenty-one Years from and after the passing thereof, and from thence to the End of the then next Session of Parliament: And whereas by an Act passed in the Third Year of the

3 G.4. c. 76. Reign of His late Majesty King *George* the Fourth, intituled *An Act to alter, amend, and enlarge the Term and Powers of an Act passed in the Fifty-ninth Year of His late Majesty, for erecting and maintaining Ferries across the River Tay in the Counties of Fife and Forfar*, further Powers were granted to the said Trustees, and their Committee of Management, for improving the said Ferries and Landing Places, and to levy at the said Ferries certain further Rates and Duties, and they were authorized and empowered to borrow upon the Credit of the said Rates and Duties given by the aforesaid Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, by the now-reciting Act, any Sum or Sums of Money not exceeding in the whole at any one Time the Sum of Twenty-five thousand Pounds, including the Sums then already paid or subscribed for the Purposes of the said Acts; and it was by the said Act now in recital further enacted, that from and after the passing of the same Act the Term granted by the before-recited Act should cease and determine, and that from thenceforth the said first-recited Act and the said Act now in recital should continue in force and be executed during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas by another Act passed in the Fourth

4 G.4. c. 88. Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the last Session of Parliament, for erecting and maintaining Ferries across the River Tay in the Counties of Fife and Forfar*, the Commissioners for carrying into execution the several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, were authorized and empowered to advance to the Trustees of the said recited Acts any Sum or Sums of Money in Exchequer Bills, not exceeding in the whole the Sum of Twenty-five thousand Pounds, upon the Security of an Assignment or Assignments of the Rates and Duties authorized to be levied by the said Two recited Acts; and it was thereby further enacted, that the Assignment or Assignments so to be given and executed by the said Trustees to the said Commissioners as aforesaid should have Priority over and should precede all Mortgages, Assignments, or other Securities given or which should thereafter be given on the said Rates and Duties in consideration of any Sum or Sums advanced or contributed for carrying on and completing the said Ferries: And whereas in

virtue

virtue of the Powers contained in the said recited Acts the Trustees thereby appointed have maintained and improved the said Ferries and Passages, and the same have been of great Convenience to the Public; but in accomplishing that Object the said Trustees have contracted Debts to a considerable Extent, whereof such Amounts as are herein-after mentioned are still due or owing to the several Persons following; (that is to say,) to the said Commissioners for carrying into execution the said several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, now commonly called "The Public Works Loan Commissioners," the Sum of Sixteen thousand two hundred Pounds (being the Balance remaining unpaid of the Sum of Eighteen thousand Pounds originally secured by a Deed of Assignation or Mortgage of the Eleventh Day of *December* One thousand eight hundred and twenty-three), with an Arrear of Interest thereon after the Rate of Four Pounds *per Centum per Annum* from the Eleventh Day of *December* One thousand eight hundred and thirty-nine, and also a Sum of Six thousand six hundred and fifty Pounds (being the Balance remaining unpaid of the Sum of Seven thousand Pounds originally secured by a Deed of Assignation or Mortgage of the Thirty-first Day of *March* One thousand eight hundred and twenty-five), together with Interest thereon after the Rate of Four Pounds *per Centum per Annum* from the Thirty-first Day of *March* One thousand eight hundred and forty-two, and which said Principal Sums so originally secured by the said Deeds of Assignation or Mortgage, with Interest thereon after the Rate of Four Pounds *per Centum per Annum*, were thereby respectively made payable by the Instalments and at the Times therein respectively mentioned, but such Times for Payment of the said Instalments were subsequently deferred, and the Rate of Interest payable on the said Principal Sums were reduced by a Warrant under the Hands of Three of the Lords Commissioners of Her Majesty's Treasury, bearing Date the Fourth Day of *December* One thousand eight hundred and thirty-three, on certain Conditions therein mentioned, and which Conditions not having been performed or complied with, the said Warrant hath become void, and the said Deeds of Assignation or Mortgage have again become in full Force and Effect, according to the Terms and Provisions thereof; to the *Dundee* Banking Company the Sum of Four thousand Pounds, with Interest thereon at the Rate of Four Pounds Ten Shillings *per Centum per Annum*, and the further Sum of Four thousand eight hundred and twenty-eight Pounds Fifteen Shillings, with legal Interest thereon from the Eleventh Day of *November* One thousand eight hundred and forty-one; to *Henry Stewart* Esquire, of *Saint Fort*, the Sum of One thousand seven hundred and ninety-one Pounds, with legal Interest thereon from the Fifteenth Day of *May* One thousand eight hundred and forty-one; to *Alexander Merchant*, Innkeeper in *Dundee*, and the Representatives of the now deceased *David Brown*, late Innkeeper of *Woodhaven*, the Sum of Five hundred Pounds, with legal Interest thereon from the Eleventh Day of *November* One thousand eight hundred and thirty-seven; and to sundry Persons, being the aggregate

Amount

Amount subscribed or advanced by them in Terms and towards the Purposes of the said recited Acts, the Sum of Seven thousand and eighty-two Pounds Ten Shillings, with a considerable Arrear of Interest: And whereas Default having been made in Payment of certain of the Instalments of Principal and Interest Monies which had become due on the said Deed of Assignment or Mortgage of the Eleventh Day of *December* One thousand eight hundred and twenty-three, the said Public Works Loan Commissioners, in pursuance of the Powers and Provisions of their said Acts, on the Thirtieth Day of *August* One thousand eight hundred and forty-two entered into and are now in Possession of the Ferries, Works, Vessels, and Property of or belonging to the said Trustees of the said Ferries, and have continued to work and maintain the said Ferries, and to receive the said Rates and Duties by the said recited Acts authorized to be levied and raised as aforesaid; but such Rates and Duties have been found inadequate to pay and discharge the Instalments of Principal and the Arrears of Interest then due and since accrued or become payable on the said Mortgage Securities of the said Commissioners, after defraying the necessary Expences of maintaining and working the said Ferries; and by reason of the said Commissioners having so entered into Possession of the said Ferries, Works, and Premises, they or their Secretary for the Time being have or has, by force and virtue of the Provisions of their said Acts, become invested with all the Rights, Powers, Authorities, and Privileges of the said Trustees, subject to Redemption by the said Trustees, and they are also authorized to make Advances during their keeping such Possession, to be applied in the Completion, Repair, Improvement, or Security of the Works and Premises so taken possession of, subject to the Approval of the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, such Advances when made being considered a further Charge on the said Works and Premises, repayable with Interest from the Time or respective Times of making such Advances: And whereas the establishing and maintaining of a Floating Bridge or Floating Bridges for the Purposes of the said Ferries, to be worked by Steam across the said River *Tay*, in connexion with a Chain or Chains to be laid across the said River from the Ferry Harbour in *Dundee* in the County of *Forfar* to *Craighead* on the opposite Coast in the Parish of *Forgan* in the said County of *Fife*, with proper Landing Places and Approaches to the same on both Sides of the said River, instead of or in addition to the Ferry from *Dundee* aforesaid to the present Ferry Pier on the opposite Coast, erected under the Powers of the said Act of the Third Year of His said late Majesty King *George* the Fourth, will improve the said Ferries, and afford great Convenience and Advantage to the Public, and will also considerably decrease the Expence of working the said Ferries, and it is anticipated will considerably increase the Passage and Traffic over the said Ferries, and thereby create a larger annual Fund for the Payment and Discharge of the said Charges on the said Ferries; and it is expedient that the said Works should be undertaken and completed by the said Public Works Loan Commissioners, but in order thereto it is necessary that the Powers and Provisions of the said recited Acts should be altered and amended, and further Powers granted, and the said Term of the said recited

recited Acts extended; and it is also expedient that such Provisions should be made in regard to the Application of the Rates and Duties leviabie or to become leviabie under the said Two first-recited Acts as are herein-after mentioned; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 from and after the passing of this Act the Term granted by the said recited Act of the Third Year of the Reign of His late Majesty King *George* the Fourth shall cease and determine; and the whole Provisions, Powers, and Authorities of the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, except so far as the same were repealed by the said recited Act of the Third Year of the Reign of His late Majesty King *George* the Fourth, and except also so far as the same are hereby altered, varied, or repealed, and also the whole Provisions, Powers, and Authorities of the said recited Acts of the Third and Fourth Years of the Reign of His said late Majesty King *George* the Fourth, and all the Powers, Provisions, Matters, and Things therein contained, (except as aforesaid,) shall during the Term herein-after mentioned be and continue in full Force, and shall extend and be deemed and construed to extend as well to the said Ferries, Works, and Matters authorized to be constructed, maintained, and carried on, and the Rates and Duties leviabie thereunder, as also to the Floating Bridge, Piers, Jetties, Landing Places, and Works and other Matters hereby authorized to be constructed or erected, made or done, and the Rates and Duties hereby authorized to be levied, as fully and effectually to all Intents and Purposes as if the same were repeated and specially re-enacted in the Body of this Act, with such Variations as the Circumstance of the said Commissioners having so entered into Possession of the said Ferries, Works, and Premises, and other the Difference of Circumstances, may require; but that all the Provisions, Powers, and Authorities of the said Three recited Acts, so far as the same are inconsistent with the Provisions, Powers, and Authorities of this Act, shall be and the same are hereby repealed.

Term granted by recited Acts determined; and Provisions of recited Acts, except so far as varied by this Act, continued.

II. And be it enacted, That, subject and without Prejudice to the Powers and Authorities, Rights and Remedies of the said Commissioners, in addition to the Trustees named in and appointed by the said recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, the Lord Lieutenant for the Time being of the County of *Fife*, the Lord Lieutenant for the Time being of the County of *Forfar*, the Convener for the Time being of the County of *Fife*, the Convener for the Time being of the County of *Forfar*, the Sheriff Substitute for the Time being of the Eastern Division of the County of *Fife*, the Sheriff Substitute for the Time being of the *Dundee* District of the County of *Forfar*, the Town Council for the Time being of the Royal Burgh of *Dundee*, shall be and they are hereby appointed Trustees, jointly with the Trustees appointed by the said recited Act, and all Rights, Powers, and Authorities which by the said recited Acts or either of them are

Appointment of additional Trustees.

[Local.]

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vested

vested in the Trustees thereby appointed shall be and they are hereby vested in them, and the Trustees hereby appointed.

Appoint-
ment of
Committee
of Manage-
ment.

III. And be it enacted, That in lieu of the Committee of Management appointed by the said recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third the same shall from and after the passing of this Act consist of the following Persons; that is to say, the Lord Lieutenant for the Time being of the County of *Fife*, the Lord Lieutenant for the Time being of the County of *Forfar*, the Convener for the Time being of the County of *Fife*, the Convener for the Time being of the County of *Forfar*, the Sheriff Substitute for the Time being of the Eastern Division of the County of *Fife*, the Sheriff Substitute for the Time being of the *Dundee* District of the County of *Forfar*, the Provost of *Dundee* for the Time being, Three of such of the said Trustees as are in Her Majesty's Commission of the Peace or are Commissioners of Supply for the County of *Fife*, to be elected and appointed as in the said Act mentioned, Three of such of the said Trustees as are in Her Majesty's Commission of the Peace or are Commissioners of Supply for the County of *Forfar*, to be elected and appointed as aforesaid, Three of the said Subscribers to be elected as in the said Act mentioned, and Three of the Town Council of *Dundee*, to be elected and appointed as herein-after mentioned.

Members of
Committee
for Town
Council.

IV. And be it enacted, That the said Town Council shall meet in the Town Hall at *Dundee* on the Fifth *Wednesday* after the passing of this Act between the Hours of Twelve at Noon and One in the Afternoon, and then and there elect and appoint Three of their Number to be Members of the said Committee of Management; and the said Three Members shall continue in Office until the Day on which the Magistrates of the Town of *Dundee* are appointed to be elected by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, when a new Election and Appointment of Three Members of the said Committee shall take place, and so on yearly thereafter during the Continuance of this Act; and it shall at each Election be competent to re-elect all or any of the Members who have served for the Year preceding, or to appoint others in their Place.

Electing
Members on
Vacancies.

V. And be it enacted, That if any of the Members of the said Committee of Management appointed for the said Town Council shall die, refuse to act, or hold any Place, Office, Employment, or Contract under this Act, it shall be lawful to the said Town Council and they are hereby required within One Calendar Month after such Death, Refusal to act, or holding any Place, Office, Employment, or Contract as aforesaid, shall be known to them, to meet, and appoint another Person in the Room of such Member; and every new Member of the said Committee of Management appointed or elected as aforesaid shall have the like Power and Authority as the Person in whose Stead such Member shall be so chosen was vested with.

Accounts to
be kept.

VI. And be it enacted, That fair and regular Books and Accounts shall be kept by the said Loan Commissioners or the said Ferry Trustees,

Trustees, or their Officers, of all Monies received or paid under the Authority of this Act or of the said recited Acts relating to the said Ferries; and the Accounts of the Intrusions of the said Commissioners or Ferry Trustees, as the Case may be, shall be balanced on the Twentieth Day of *July* One thousand eight hundred and forty-four, and on the Twentieth Day of *July* annually thereafter.

VII. And be it enacted, That the said Loan Commissioners or Ferry Trustees, as the Case may be, shall, within One Calendar Month after the Twentieth Day of *July* One thousand eight hundred and forty-four, and within One Calendar Month after the Twentieth Day of *July* in each and every then succeeding Year, make out or cause to be made out and rendered to the Auditor, to be appointed as herein-after mentioned, a clear and distinct Account of their Intrusions and Transactions under the Authority of this Act for the then preceding Year, which Account the said Auditor shall and he is hereby authorized and empowered to examine with the Documents or Vouchers instructing the same (which Documents and Vouchers, and all Books and Papers in the Custody or Control of the said Commissioners or Ferry Trustees, as the Case may be, relating to the Business of the said Ferries, or the said Commissioners or Ferry Trustees, as the Case may be, shall, upon the Request of the said Auditor to that Effect, produce to the said Auditor, and permit and suffer him to examine the same); and the said Auditor shall audit and docket the said Account, and report the same, with any Remarks he may have to make thereon, to the then next annual General Meeting of the said Trustees (and annual General Meetings of the said Trustees shall henceforth be held on the First *Wednesday* of *October* in every Year); and such General Meeting shall thereupon, or without such Audit and Docket, in case the said Auditor shall have failed to make the same, proceed to consider the said Account, together with the said Audit and Docket, in case the same shall have been made, and shall cause the said Account, or an Abstract thereof, to be printed and published, for the Information of all Parties concerned.

Accounts to be audited annually.

VIII. And be it enacted, That the Lords Commissioners of Her Majesty's Treasury, or any Three of them, so long and during such Period as the said Loan Commissioners shall be possessed of such Ferries, and for the Sheriff Depute of the said County of *Forfar*, after the said Commissioners shall have relinquished such Possession, shall and they and he are and is hereby authorized and required, some Time during the Month of *July* in the Year One thousand eight hundred and forty-four, and some Time in the Month of *July* in each and every then succeeding Year, to appoint a fit and proper Person well skilled as an Accountant to audit and docket the Accounts of the said Loan Commissioners or Ferry Trustees, as before mentioned; and the said Commissioners or Trustees shall pay to the Person so appointed such a Sum for his Trouble in making such Audit as the Lords Commissioners of Her Majesty's Treasury or the said Sheriff Depute (as the Case may be) shall fix and determine, not exceeding the Sum of Ten Guineas for each Audit.

An Auditor to be appointed.

IX. And

Security to
be taken
from Offi-
cers.

IX. And be it enacted, That before any Person intrusted with the Custody or Control of Monies under the said recited Acts or this Act, whether Treasurer, Collector, or other Officer of the said Commissioners or Ferry Trustees, as the Case may be, shall enter upon his Office, the said Commissioners or Trustees, as the Case may be, shall take sufficient Security from him for the faithful Execution of his Office.

Officers to
account.

X. And be it enacted, That every Officer as shall from Time to Time be or have been appointed under the Provisions of the said recited Acts relating to the said Ferries shall from Time to Time, when required by the said Commissioners or Ferry Trustees, as the Case may be, make out and deliver to the said Commissioners or Ferry Trustees, as the Case may be, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the said Commissioners or Ferry Trustees, as the Case may be; and such Account shall state how and to whom and for what Purpose such Monies shall have been disposed of, and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the said Commissioners or Ferry Trustees, as the Case may be, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy
against Offi-
cers failing
to account.

XI. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the said Commissioners or Ferry Trustees, as the Case may be, or to any Person appointed by them to receive the same, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of the said recited Acts or this Act, or belonging to the said Commissioners or Ferry Trustees, as the Case may be, then, on summary Complaint thereof being made to any Justice of the Peace acting within the Jurisdiction where such Officer may be found, such Justice shall by Warrant under his Hand cause such Officer to be brought before him, or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the said Commissioners or Ferry Trustees, as the Case may be, are in the Hands of such Officer, or owing by him to the said Commissioners or Ferry Trustees, as the Case may be, such Justice may order such Officer to pay the same forthwith, and if he fail to pay the Amount it shall be lawful for any Justice to grant a Warrant to levy the same by Pounding and Sale of the Offender's Effects, or in default thereof to commit the Offender to Gaol, there to remain for a Period not exceeding Three Months; and in any of the following Cases, (that is to say,)

If

If any such Officer do not appear before such Justice at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to such Justice the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power;

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

XII. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the Commissioners or Ferry Trustees, as the Case may be, of any Remedy which they might otherwise have against any Surety of such Officer.

Commitment not to discharge Sureties.

XIII. And be it enacted, That it shall be lawful for the said Public Works Loan Commissioners, in case they shall retain Possession of the said Ferries and Premises sufficiently long for such Purpose, or if they the said Public Works Loan Commissioners shall relinquish Possession thereof unto the said Trustees of the said recited Acts before the Works next herein-after mentioned shall have been fully completed and finished, then for the Trustees of the said Acts, or their Committee of Management, by themselves respectively, or their respective Deputies, Agents, Officers, Workmen, or Assistants, to erect and build or purchase and establish, or cause to be erected and built or purchased and established, and to maintain and keep in good Repair, a good and substantial Floating Bridge, to be worked by Steam, across the said River *Tay*, in connexion with a Chain or Chains to be laid across the said River from the Ferry Harbour at *Dundee* aforesaid to *Craighead* on the opposite Coast in the Parish of *Forgan* aforesaid, and for such Purpose to stretch, throw, fix, or put, place, and lay down, One or more Chain or Chains across the Bed of the said River, on or in connexion with which the said Floating Bridge shall and may be worked, and for the convenient working of the said Bridge to make such Alterations in the existing Ferry, Harbour, Pier, or Landing Place and Works at *Dundee* aforesaid as may be deemed expedient for such Purposes, and also to erect, construct, and maintain a Pier, Jetty, or Landing Place on the opposite Coast at *Craighead* aforesaid, at the Point or Place there which is designated or delineated in the Map or Plan herein-after mentioned, and also to make, construct, erect, and maintain proper Piers, Abutments, Buttresses, Quays, Houses, Landing Places, Roads, Ways, Passages, Conduits, Drains, Arches, Cuttings, Fences, Canals, and Shafts, of good and substantial Materials, on and under the Land, Roads, and Streets on each Side or Bank of the said River

Power to erect Floating Bridge, with proper Landing Places and Approaches.

at or near the Points or Places aforesaid, with proper Machinery, Chains, and Implements for working and using such Bridge or Bridges, and also (if judged necessary by the said Commissioners or Trustees, as the Case may be,) to erect, construct, and maintain, at or near either or both of the said Points or Places aforesaid, the necessary Buildings for Lighthouses, and a Shed or Sheds for the Shelter of the Bridgemen or Workmen and Passengers, and also a Superintendent's House or Superintendents Houses, and for the Purposes aforesaid or any of them from Time to Time to dig and make proper Canals and Shafts, and to drive Piles and make Foundations on the Banks and Lands on each Side of the said River, and to lay down, place, and maintain on the Shores of the said River on each Side thereof, at or on the Points or Places aforesaid, an Inclined Plane of Stone, Iron, or other durable Materials, for the convenient Use of such Floating Bridge or Bridges, and for such Purpose to deepen the Bed of the River *Tay* by dredging or otherwise, and to excavate the said Shores and Banks, and make Dams on each Side of the said River, and cut and level and embank and secure the Banks thereof, and do and execute all and every other Thing or Things necessary or convenient for building, maintaining, repairing, and using the said Bridge or Bridges, Piers, Abutments, Buttresses, Chains, Quays, Houses, Landing Places, Roads, Shafts, and Canals, or otherwise improving the said Ferries, doing as little Damage or Injury as may be, and on making full Compensation and Satisfaction for any such Damage or Injury in manner herein-after mentioned or referred to: Provided always, that the said Chain or Chains so to be laid across the Bed of the said River as aforesaid shall be and continue at the Bottom of the said River, except when raised by the said Bridge or Bridges in crossing the said River; and also that it shall be lawful for the said Commissioners or Trustees, as the Case may be, to make, open, and keep in repair all necessary and proper Roads, Accesses, and Approaches to and from the said Piers or Landing Places.

No Works to be commenced below High-water Mark without the Consent of the Admiralty.

XIV. Provided always, and be it enacted, That it shall not be lawful for the said Commissioners or Trustees, or any other Person, to make or begin to make, construct, or carry on any Pier, Quay, Dredging, or other Work below the Line of High-water Mark at ordinary Spring Tides, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Streets to be restored.

XV. And be it enacted, That the said Commissioners or Ferry Trustees, as the Case may be, shall be obliged to restore to a proper State of Repair so much of the Streets or public Places interfered with by their Operations under this Act.

Authentication of Notices.

XVI. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, and if the same require Authentication the Signature thereof by the Secretary for the Time being of the said Commissioners, or his
or

or their authorized Agent or Agents, or by the Clerk or the Collector of the said Trustees, as the Case may be, shall be a sufficient Authentication.

XVII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before Action brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court.

Tender of Amends.

XVIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said Commissioners or Trustees, as the Case may be, to agree with the Owners of the Lands which they are hereby authorized to enter into and take for the Purposes of the said Piers, Bridges, Approaches, and Landing Places, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Feu Duties, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights of Common or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Power to purchase Lands.

XIX. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispoise and convey the same to the said Commissioners or Trustees, as the Case may be, and to enter into all necessary Agreements and grant all necessary Deeds for that Purpose; (that is to say,) all Corporations, Heirs of Entail, Liferenters, or others having any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Terce, Tutors, Curators, or Guardians, Curators of or Factors for Lunatics and Idiots, Trustee or Trustees for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled under any Deed of Entail, or in Reversion or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women, as if they were sole, and as to such Tutors or Curators or Guardians, on behalf of their Wards, and as to such Curators or Factors, on behalf of the Lunatics and Idiots for whom they act respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively

Parties under Disability enabled to sell and convey.

spectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of the Infants, Issue unborn, Lunatics, Femes Covert, Creditors, or other Persons interested in such Lands, Estate, or Interest therein, and that to the same Extent as such Parties or Persons respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Acceptance of Compensation for Price of or Damage to Land.

XX. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to the Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation, in case of Parties under Disability.

XXI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury, under the Provisions herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the said Commissioners or Trustees, as the Case may be, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as the Sheriff or any Two Justices of the County of *Fife* or County of *Forfar*, in whichever County such Lands shall be situate, shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Sheriff or Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

XXII. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence or from any other Incapacity or Accident is prevented from treating, or cannot be found, or who refuses to nominate such Surveyor to act on his Behalf, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as the said Sheriff or Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands for annual Feu Duty.

XXIII. And be it enacted, That if any Person infest in Fee, or entitled to dispose of absolutely for his own Benefit, any Lands authorized
to

to be purchased for the Purposes of this Act, shall be willing to sell such Lands for a perpetual annual Feu Duty, in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands, or any Part thereof, unto the said Commissioners or Trustees, as the Case may be, in consideration of an annual Feu Duty payable out of the Rates payable under this Act to the Person so selling and conveying, and to his Heirs and Assignees.

XXIV. And be it enacted, That the yearly Feu Duties reserved by any such Conveyance shall be charged on the Rates payable under this Act, and shall be paid by the said Commissioners or Trustees, as the Case may be, as such Feu Duties become payable; and if at any Time any such Feu Duties be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Feu Duty shall be payable may either recover the same from the said Trustees or from the said Commissioners, if at the Time of such Default they shall be in the actual Receipt of the said Rates, with Costs of Suit, by Action of Debt in any competent Court, or it shall be lawful for him to levy the same by Distress of their Goods and Chattels.

Payment of
Feu Duty
to be charged
on Tolls.

XXV. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances, being registered in the General Register of Sasines for *Scotland* (in which Register only it shall be necessary to register the same) within Sixty Days of the last Date thereof, shall be effectual to vest the Lands thereby conveyed in the said Commissioners or Trustees, as the Case may be, and shall operate to bar and to destroy all such Entails, and all other Rights, Titles, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned.

Forms of
Conveyance.

XXVI. And with respect to the Costs of the Conveyance of any such Lands purchased or taken for the Purposes of this Act, be it enacted, That all such Costs shall be borne by the said Commissioners or Trustees, as the Case may be, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances of any such Lands, and of any Interests therein, and of establishing the Title to such Lands or Interests, and all other Expences incident to the Investigation of such Title; and before the said Commissioners or Trustees, as the Case may be, enter into Possession of the Lands so purchased or taken, they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof, as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from them, the Parties from whom such Lands shall have been purchased do not deliver to them a Bill of their Costs, then the said Commissioners or Trustees, as the Case may be, shall not be prevented from entering into the Possession of such

Costs of
Conveyance.

Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation
of Costs.

XXVII. And be it enacted, That if the said Commissioners or Trustees, as the Case may be, and the Party entitled to any such Costs, shall not agree as to the Amount thereof, such Costs shall be ascertained by the Sheriff of the County of *Fife* or the Sheriff of the County of *Forfar*, as the Case may be, and for that Purpose either Party may apply to such Sheriff, who shall thereupon tax such Costs in the usual Manner, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful to the Sheriff to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the said Commissioners or Trustees, as the Case may be, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs shall be borne by the said Commissioners or Trustees, as the Case may be, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase
Money
payable to
Parties under
Disability
amounting
to 200*l.* to
be paid into
Bank.

XXVIII. And for the Purpose of providing for the Deposit and Application of the Purchase Money of Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Heir of Entail, Liferenter, Tutor, Curator, Factor Loco Tutoris, or other Guardian, Judicial Factor, Curator Bonis, Executor, Administrator, Husband, or Married Woman, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid, under the Direction and by the Authority of the Court of Session, into the Bank of *Scotland*, the Royal Bank of *Scotland*, the Bank of the *British* Linen Company, or any other incorporated or any chartered Bank in *Scotland*; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application
of Monies
deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or
In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or
If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Session shall direct; or
In Payment to any Party becoming absolutely entitled to such Money.

XXIX. And

XXIX. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Session, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Monies shall have been deposited; and until the Money can be so applied it shall remain in such Bank as aforesaid at Interest, and the Interest and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Application of the Interest and annual Proceeds thereof may be made on the like Petition.

Order for Application.

XXX. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into one of the Banks aforesaid, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified in Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Curators, Factors, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the said Commissioners or Trustees, as the Case may be, approve thereof and of the Trustees named for the Purpose, such Approval to be signified by Writing under their Hands; and the Money so paid to such last-mentioned Trustees, and the Produce arising therefrom, shall be by them applied in the Manner herein-before directed with respect to Money paid into any of the Banks aforesaid, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums from 20l. to 200l. to be deposited, or invested in Trustees.

XXXI. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Curators, Factors, or Trustees of such Persons.

Sum not exceeding 20l. to be paid to Parties.

XXXII. And for the Purpose of providing for the Payment and Application, in certain Cases, of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,)

Where Parties refuse to convey, or do not show Title, the Purchase Monies to be deposited.

If the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same; or

If

If any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the said Commissioners or Trustees, as the Case may be; or

If such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the said Commissioners or Trustees, as the Case may be,

It shall be lawful for the said Commissioners or Trustees, as the Case may be, to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest thereon, in One of the Banks aforesaid, to the Credit of the Parties interested in such Lands (describing them, so far as the said Commissioners or Trustees, as the Case may be, can do so), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier or other proper Officer of such Bank shall give to the said Commissioners or Trustees, as the Case may be, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the said Commissioners or Trustees, as the Case may be.

Application
of Monies so
deposited.

XXXIII. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or interested in the Lands in respect of which such Purchase Money or Compensation shall have been deposited, the said Court of Session may, in a summary Way, as to such Court shall seem fit, order the Distribution thereof, or Payment of the Interest thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto, and may make such other Order in the Premises as to such Court shall seem fit.

Court may
direct In-
vestment or
Payment of
Money in
respect of
Leases for
Lives, &c.,
or Rever-
sions, as they
may think
just.

XXXIV. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into any of the said Banks shall have been paid in respect of any Lease for Lives or Years, or any Right or Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependant on any such Lease or Estate, it shall be lawful for the said Court, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which Money shall have been paid, or as near thereto as may be.

Party in
Possession
to be deemed
the Owner.

XXXV. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled

entitled to such Lands until the contrary be shown to the Satisfaction of the said Court; and unless the contrary be shown as aforesaid the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

XXXVI. And with respect to Costs in Cases of Monies deposited as aforesaid, be it enacted, That the Court of Session may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the said Commissioners or Trustees, as the Case may be; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies, and of the Re-investment thereof in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Principal of such Monies, or the Interest payable by the Bank in which such Monies shall be deposited, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Costs in
Cases of
Money de-
posited.

XXXVII. And be it enacted, That the said Commissioners or Trustees, as the Case may be, shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act until they shall either have paid to every Party having any Interest in such Lands, or deposited in Bank in the Manner herein mentioned, the Purchase Money or Compensation Money agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the said Commissioners or Trustees, as the Case may be, to enter upon the same, without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

Payment of
Price to be
made pre-
vious to
Entry, ex-
cept to
survey, &c.

XXXVIII. And be it enacted, That if the said Commissioners or Trustees, as the Case may be, or any of their Contractors, shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the said Commissioners or Trustees, as the Case may be, shall forfeit to the Party in Possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before the Sheriff

Penalty for
entering
upon Lands
without
Consent
before Pay-
ment of the
Purchase
Money.

or Two Justices of the County of *Fife* or County of *Forfar*, in whichever County such Lands shall be situate; and if the said Commissioners or Trustees, as the Case may be, or their Contractors, shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession of such Lands, continue in unlawful Possession of any such Lands, they shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession of such Land, with full Costs of Suit, in the Sheriff or Justice of Peace Court of the said County: Provided always, that nothing herein contained shall be held to subject the said Commissioners or Trustees, as the Case may be, to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom they may have reasonably believed to be entitled thereto, although such Person may not legally have been entitled thereto.

Decision of Justices not conclusive as to Right.

XXXIX. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the said Sheriff or Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the said Commissioners or Trustees, as the Case may be.

Notice of Intention to take Lands.

XL. And be it enacted, That when the said Commissioners or Trustees, as the Case may be, shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey the same; or such of them as shall be known to the said Commissioners or Trustees, as the Case may be, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Land so required, and shall state that they are willing to treat for Purchase of the Interest of such Parties in such Land, and as to the Compensation to be made for the Damage that may be sustained by them by reason of the making of the said Pier and other Works.

Parties interested in Lands to state their Claims.

XLI. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the said Commissioners or Trustees, as the Case may be, in respect of his Interest therein, or if such Party, and the said Commissioners or Trustees, as the Case may be, shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Construction of the said Piers or other Works hereby authorized, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

XLII. And

XLII. And be it enacted, That where according to the Provisions of this Act the said Commissioners or Trustees, as the Case may be, are authorized to enter upon and take possession of any Lands required for the Purposes of the said Piers and other Works hereby authorized, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the said Commissioners or Trustees, as the Case may be, from entering upon or taking possession of the same, it shall be lawful for the said Commissioners or Trustees, as the Case may be, to present a Petition to the Sheriff of the County of *Fife* or County of *Forfar*, in whichever County such Lands shall be situated, to deliver Possession of the same to the Person appointed in such Petition to receive the same, and upon the Receipt of such Petition the said Sheriff shall deliver Possession of any such Lands accordingly, and the Costs accruing by reason of the issuing Execution of such Petition, to be settled by the said Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the said Sheriff shall issue his Warrant accordingly.

Proceedings
in case of
Refusal to
deliver Pos-
session of
Lands.

XLIII. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the said Commissioners or Trustees, as the Case may be, and the Owners of any Lands, or of any Interest in any such Lands taken or required for or injuriously affected by the Construction of the said Piers and other Works, including among such Owners all Parties by this Act enabled to sell or convey Lands, as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands, or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement or Conveyance necessary for enabling the said Commissioners or Trustees, as the Case may be, to take such Lands, or to proceed in making the Pier, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in the making of the said Piers, or otherwise in exercising the Powers given by this Act, and for which any Party may be entitled to demand Compensation, according to the Provisions of this Act, the Amount of the Compensation to be paid by the said Commissioners or Trustees, as the Case may be, in every such Case, shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Dispute as
to Compens-
ation to be
settled by a
Jury.

XLIV. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed One hundred Pounds the same shall be settled by the Sheriff or such Two Justices as aforesaid.

Claims not
exceeding
100l. to be
settled by
Sheriff or
2 Justices.

XLV. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any

Notice of
Intention
to have a

Jury summoned.

any such Difference as aforesaid, then, One Month at the least before issuing the Warrant for summoning a Jury, as herein-after provided, the said Commissioners or Trustees, as the Case may be, shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the said Commissioners or Trustees, as the Case may be, shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Construction of the said Piers and other Works hereby authorized.

Requisition by the Party claiming Compensation that a Jury be summoned.

XLVI. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or any Interest therein, taken for or injuriously affected by the making of the said Pier, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the said Commissioners or Trustees, as the Case may be, of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the said Commissioners or Trustees, as the Case may be, be willing to pay the Amount of the Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall present a Petition to the Sheriff of the County of *Fife* or County of *Forfar*, in whichever County such Lands be situate, to summon a Jury accordingly in the Manner herein mentioned.

Petition to Sheriff for summoning a Jury.

XLVII. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the said Commissioners or Trustees, as the Case may be, shall present their Petition to the said Sheriff praying him to summon a Jury for that Purpose.

Summoning of Jurymen.

XLVIII. And be it enacted, That upon the Receipt of such Petition the said Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Jurymen in the Sheriff Court, to meet at the Time and Place named in an Order to be pronounced on the Petition for that Purpose.

Impannelling of Jury.

XLIX. And be it enacted, That out of the Jurors appearing in such Summons a Jury of Thirteen Persons shall be drawn by the said Sheriff in such Manner as Jurors for the Trial of Civil Causes in the Sheriff Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

L. And be it enacted, That Fourteen Days Notice of the Time and Place appointed by the Sheriff for the Inquiry shall be given in Writing

Writing by the said Commissioners or Trustees, as the Case may be, to the other Party.

LI. And be it enacted, That the Sheriff shall preside in the said Inquiry, and the Party claiming Compensation shall be deemed the Pursuer, and shall have all such Rights and Privileges as the Pursuer is entitled to in the Trial of Actions at Law; and if either Party so request, in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Sheriff Court.

Sheriff to
preside.

Witnesses to
be sum-
moned.

LII. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage, and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Jurymen to
make Oath.

LIII. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the said Pier, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the said Commissioners or Trustees, as the Case may be, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the said Commissioners or Trustees, as the Case may be; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof or of any Interest therein.

Verdict of
Jury to be
for Purchase
of Lands
and for
Damage,
assessed se-
parately.

LIV. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the said Commissioners or Trustees, as the Case may be, shall be first deducted.

Value of
Interests
previously
purchased
to be de-
ducted.

LV. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Sheriff Court among the Records of that Court;

Verdict and
Judgment to
be recorded.

[Local.]

30 T

and

and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, upon paying for such Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Three-pence.

Costs of
Inquiry.

LVI. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the said Commissioners or Trustees, as the Case may be, all the Costs of such Inquiry shall be borne by them; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by them, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the said Commissioners or Trustees, as the Case may be: Provided always, that in every Case where by reason of Absence in Foreign Parts or of any Disability the Owner of the Land shall have been prevented from treating, all the Costs shall be borne by the said Commissioners or Trustees, as the Case may be.

Particulars
of the Costs.

LVII. And be it enacted, That such Costs shall be settled by the said Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond (if any) given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the said Commissioners or Trustees, as the Case may be, if, within Twenty-one Days after such Demand, such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to the Sheriff before whom the Trial was held he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on
Sheriff and
Jury for
Default.

LVIII. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition

addition to the Penalty hereby imposed every such Junyman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial by Jury of any Civil Cause in the said Court.

LIX. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Penalty on Witnesses making default.

LX. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of the Sheriff or Two Justices of the County of *Fife* or County of *Forfar*, as the Case may be, be it enacted, That either Party may apply to such Sheriff or Justices in respect to any such Matter, and thereupon such Sheriff or Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to him or them, as to him or them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Sheriff or Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs, as directed by such Sheriff or Justices, the same shall be levied by Distress, and the said Sheriff or Justices shall issue their Warrant accordingly.

Reference of Dispute as to Compensation to Sheriff or Justices.

LXI. And be it enacted; That if at any Time after the said Commissioners or Trustees, as the Case may be, shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of the said Piers or other Works, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which the said Commissioners or Trustees, as the Case may be, shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the said Commissioners or Trustees, as the Case may be, shall remain in the undisturbed Possession of such Lands; provided, within Six Months after Notice to the said Commissioners or Trustees, as the Case may be, in Writing, of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the said Commissioners or Trustees, as the Case may be, or in case the same shall be disputed then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the said Commissioners or Trustees, as the Case may be, shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Profits or Interest which would have accrued to such Parties respectively

Power to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

respectively in respect thereof during the Interval between the Entry of the said Commissioners or Trustees, as the Case may be, thereon, and the Time of the Payment of such Purchase Money or Compensation by the said Commissioners or Trustees, as the Case may be, so far as such Profits or Interests may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the said Commissioners or Trustees, as the Case may be, had purchased such Estate, Right, Interest, or Charge, before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value
of such Lands
to be esti-
mated.

LXII. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest and Profits, without regard to any Improvements or Works made in the said Lands by the said Commissioners or Trustees, as the Case may be, and as though the Piers, Bridge, and other Works had not been constructed.

Costs of
Litigation
as to such
Lands to be
paid.

LXIII. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the said Commissioners or Trustees, as the Case may be, shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom such Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Judge of the Court in which such Litigation took place.

Parties not
to be re-
quired to
sell Part of
a House.

LXIV. And be it enacted, That no Party shall at any Time be required to sell or convey to the said Commissioners or Trustees, as the Case may be, a Part only of any House or other Building or Manufactory, if such Party be willing to sell and convey the whole thereof.

Superiorities
not to be
affected.

LXV. And be it enacted, That the Rights and Titles to be granted in manner herein mentioned to the said Commissioners or Trustees, as the Case may be, in and to any Lands used or taken for the Purposes of this Act, shall, unless otherwise provided, in nowise affect or diminish the Right or Superiority over the same as the same stood at the Date of such Grant; but in the Event of the Lands taken being a Part of other Lands held by the same Owner under the same Titles, the said Commissioners or Trustees, as the Case may be, shall not be liable for any Feu Duties or Casualties to the Superiors thereof, nor shall they be bound to enter with the Superiors, the said Commissioners or Trustees, as the Case may be, always making Compensation to the Superiors in manner by this Act directed for all Loss which they may sustain by being deprived of any Feu Duties or Casualties to which they might have been entitled had the Grounds so taken not
been

been acquired by the said Commissioners or Trustees, as the Case may be.

LXVI. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the said Commissioners or Trustees, as the Case may be, may purchase or redeem the Interest of the Mortgage of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in Possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act; and in order thereto the said Commissioners or Trustees, as the Case may be, may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the said Commissioners or Trustees, as the Case may be, or as they shall direct; or the said Commissioners or Trustees, as the Case may be, may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then, at the Expiration of either of such Notices, or any intermediate Period, upon Payment or Tender by the said Commissioners or Trustees, as the Case may be, to the Mortgagee, of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners or Trustees, as the Case may be, or as they shall direct.

Power to
redeem
Mortgages.

LXVII. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage, as directed by the said Commissioners or Trustees, as the Case may be, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the said Commissioners or Trustees, as the Case may be, at any Time after such Failure, to pay into One of the said Banks, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs, if any, due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due, and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee, in such Land, shall vest in the said Commissioners or Trustees, as the Case may be, and

Deposit of
Mortgage
Money on
Refusal to
accept Re-
demption.

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they

they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to such Possession.

Sum to be paid when Mortgage exceeds Value of Lands.

LXVIII. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the said Commissioners or Trustees, as the Case may be, in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the said Commissioners or Trustees, as the Case may be, on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the said Commissioners or Trustees, as the Case may be, to the Mortgagee, in satisfaction of his Mortgage Debt, so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the said Commissioners or Trustees, as the Case may be, or as they shall direct.

Sum to be paid where Part only of mortgaged Lands taken.

LXIX. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the said Commissioners or Trustees, as the Case may be, on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the said Commissioners or Trustees, as the Case may be, to such Mortgagee, in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners or Trustees, as the Case may be, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Deposit of such Money when refused on Tender.

LXX. And be it enacted, That if upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined such Mortgagee shall fail to convey or release to the said Commissioners or Trustees, as the Case may be, or
as

as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the said Commissioners or Trustees, as the Case may be, it shall be lawful for the said Commissioners or Trustees, as the Case may be, to pay the Amount of such Value or Compensation into One of the said Banks in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank, and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the said Commissioners or Trustees, as the Case may be, and they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to the Possession thereof; nevertheless, every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof (as the Case may be), and the Interest thereof respectively, upon or out of the Residue of such mortgaged Lands, or the Portion thereof ~~not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.~~

LXXI. And with respect to any such Lands which shall be charged with any Rent Service, Rent-charge, Feu Duty, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the said Commissioners or Trustees, as the Case may be, and the Party entitled to any such Charge, respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of
Land from
Rent-
charges.

LXXII. And be it enacted, That if Part only of the Lands charged with any such Rent Service, Rent-charge, Feu Duty, chief or other Rent, Payment or Incumbrance be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the said Commissioners or Trustees, as the Case may be, on the other Part; and if such Apportionment be not so settled by Agreement the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with the Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Release of
Part of Land
from Charge.

LXXIII. And

Deposit in
case of Re-
fusal to re-
lease.

LXXIII. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined, to the Party entitled to any such Charge as aforesaid, such Party shall execute to the said Commissioners or Trustees, as the Case may be, a Release of such Charge; and if he fail so to do, or if he fail to adduce a good Title to such Charge to the Satisfaction of the said Commissioners or Trustees, as the Case may be, they shall pay the Amount of such Compensation into One of the said Banks in the Manner provided by this Act in the like Cases of Monies required to be deposited in such Bank, and thereupon the Rent Service, Rent-charge, Feu Duty, chief or other Rent, Payment or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to
continue on
Lands not
taken.

LXXIV. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands, for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and if, upon any such Charge or Portion of Charge being so released, the Deed or Instrument creating or transferring such Charge be tendered to the said Commissioners or Trustees, as the Case may be, for the Purpose, they, or any Three or more of them, shall sign a Memorandum of such Release, indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the said Commissioners or Trustees, as the Case may be, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Where Part
only of
Lands under
Lease taken,
Rent to be
apportioned.

LXXV. And with respect to any such Lands which shall be comprised in a Lease or Tack for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands, and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the said Commissioners or Trustees, as the Case may be, on the other Part; and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the
Lands

Lands not required for the Purposes of this Act, and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Land only had been included in the Lease.

LXXVI. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the said Commissioners or Trustees, as the Case may be, Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works. Tenants to be compensated.

LXXVII. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the said Commissioners or Trustees, as the Case may be, or at any other Time, when required, after the Expiration of such Period, all such Persons shall respectively deliver up to the said Commissioners or Trustees, as the Case may be, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the said Commissioners or Trustees, as the Case may be. Tenants at Will or from Year to Year to cede Possession on Six Months Notice.

LXXVIII. Provided always, and be it enacted, That if any such Lessee or Tenant be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall, before he shall be required to give up Possession of such Lands, be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same. Compensation to such Tenants.

LXXIX. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the said Commissioners or Trustees, as the Case may be, may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if, after Demand made in Writing by the said Commissioners or Trustees, as the Case may be, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered Production of Leases.

[Local.]

sidered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Exoneration from Liabilities of recited Act of 3 Geo. 4., so far as regards the Maintenance of Ferry created thereunder, from and after Establishment of the Floating Bridge.

LXXX. And be it enacted, That from and after the Completion of the said Piers, Jetties, or Landing Places and Approaches hereby authorized to be constructed or made, and the Establishment of the said Floating Bridge between *Craighead* and *Dundee*, and the Publication of the Certificate of the Sheriff of *Fife* in respect thereof, as after mentioned, the said Commissioners or Trustees, as the Case may be, shall not be bound or obliged, under the Provisions of the said recited Act of the Third Year of the Reign of His said late Majesty King *George* the Fourth, to keep up, maintain, or improve the said Pier, Jetty, Harbour, and Landing Place by the same Act authorized to be erected as aforesaid, or the said Ferries therefrom or thereto, further or otherwise than they may in the Exercise of their Discretion think proper so to do.

Power to sell Lands not required for the Purposes of Act.

LXXXI. And be it enacted, That when or so soon as, or at any Time or Times after, the said Commissioners or Trustees, as the Case may be, shall cease to be liable to maintain and keep up the said Pier, Jetty, Harbour, Landing Place, and Works constructed on the South Side of the said River, under the Provisions of the said Act of the Third Year of the Reign of His said late Majesty King *George* the Fourth, it shall be lawful for the said Commissioners or Trustees, as the Case may be, and they are hereby required, to sell or dispose of all such superfluous Lands and Works, and the Property and Erections thereon, and the Stone and other Materials thereof, either together or in Parcels, and at one Time or at different Times, and in all respects in such Manner as they may deem most advantageous, and convey the same Lands to the Purchasers thereof by Deed under the Hands and Seals of any Three or more of such Commissioners or Trustees, as the Case may be; and a Receipt under the Hands of any Three or more of such Commissioners or Trustees, as the Case may be, shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received.

Lands to be offered to adjoining Owners.

LXXXII. Provided always, and be it enacted, That before the said Commissioners or Trustees, as the Case may be, dispose of any such superfluous Lands as may be acquired by them under the Powers and Provisions of this Act, they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons, in succession one after another, in such Order as the said Commissioners or Trustees, as the Case may be, shall think fit.

LXXXIII. And

LXXXIII. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then, within Sixty Days after such Offer of Sale, they shall signify their Desire in that Behalf to the said Commissioners or Trustees, as the Case may be; or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands included in such Offer, shall cease; and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made, and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Right of
Pre-emption
to be claim-
ed within
Sixty Days.

LXXXIV. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person, and the said Commissioners or Trustees, as the Case may be, do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the said Commissioners or Trustees, as the Case may be, of the Purchase Money so agreed upon or determined, they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall so have been purchased by him.

Differences
as to Price
to be settled
as in other
Cases.

LXXXV. And be it enacted, That the Money produced by the Sale which may be made by the said Commissioners or Trustees, as the Case may be, of any such Lands as aforesaid, shall be applied by the said Commissioners or Trustees, as the Case may be, and, at the Option of the said Commissioners, during such Period as any Money shall remain upon the Security of the said Ferries, for the Purposes of the Works hereby authorized, or in or towards the Discharge of the Principal or Interest Monies for the Time being owing to the said Commissioners on their said Securities, or in respect of such Advances as aforesaid, or after the Discharge thereof, in like Manner as hereby directed of and concerning the Rates and Duties to be levied under this Act or the said first Two recited Acts, or as near thereto as the Fact of the Discharge of the said Debt of the said Commissioners, or other the Circumstances of the Case, may require; and upon Payment of the Money which shall arise by the Sale of any Lands, Works, or Heritages authorized by this Act to be sold by the said Commissioners or Trustees as aforesaid, or upon Payment to the said Commissioners or Trustees, as the Case may be, of any other Money under this Act, it shall be lawful for the said Commissioners or any Three of them, or their Secretary for the Time being, under their Direction and on their Behalf, or in case such Sale or Sales shall be made by the said Trustees, then for them the said Trustees or any Five of them, or any other Officer or other Person appointed by the said Commissioners or Trustees, as the Case may be, for that
Purpose,

Application
of Monies to
arise from
Sale of
Lands not
required.

Purpose, to sign and give Receipts for the Money so paid, and which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands, Works, or Heritages as shall be sold, or for such other Sums of Money as in such Receipts respectively shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase or other Monies, or any Part thereof respectively.

Plans and Sections deposited with the Sheriff Clerk to be open to Inspection.

LXXXVI. And whereas Plans and Sections, describing the Lines, Levels, and Situation of the said Piers, Jetties, Landing Places, and other Works and Approaches thereto, and of the Lands and Heritages upon or through which the same are intended to be made, and a Book of Reference, containing a List of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of such Lands, have been deposited with the respective Sheriff Clerks of the Counties of *Fife*, *Forfar*, and *Perth*; be it enacted, That the respective Sheriff Clerks for the said Counties for the Time being shall keep the said Plans, Sections, and Book of Reference, and shall permit all Persons to inspect the same at all seasonable Times, and shall make Copies or Extracts therefrom for all Persons requiring the same, on being paid One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of any such Copy or Extract.

Errors and Omissions to be corrected.

LXXXVII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Land, or of the Owners, Lessees, and Occupiers of any Lands, described on the said Plan or in the said Book of Reference, or the Schedule hereto, be it enacted, That the Correction of any such Matter may be referred to the Determination of the Sheriff of the said County of *Fife*, or to the Sheriff of the said County of *Forfar*, or to the Sheriff of the said County of *Perth*, as the Case may be, in whose County the same Lands may be situated; and if it shall appear to the said Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and he shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Sheriff Clerk of the said County in which such Lands shall be so situated, and Copies or Extracts thereof with the Schoolmasters of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Sheriff Clerk and Schoolmasters of the Parishes respectively along with the Documents to which they relate, and thereupon such Documents and the Schedule to this Act shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Commissioners or Trustees, as the Case may be, to make and construct the said Pier, Jetty, or Landing Place, Works and Approaches, in accordance with such Certificate.

Certified Copies of Plans or Corrections

LXXXVIII. And be it enacted, That true Copies of such Plans, Sections, and Books of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Sheriff Clerk as aforesaid, shall

shall be received in all Courts of Justice or elsewhere as Evidence thereof to be Evidence of the Contents thereof.

LXXXIX. And be it enacted, That the said Commissioners or Trustees, as the Case may be, in making and constructing or altering the said Piers, Jetties, Landing Places, Works, and Approaches, shall not have Power to make any lateral Deviation from the Line delineated on the Plans deposited.

Not to deviate from Line laid down on Plan.

XC. And be it enacted, That it shall not under the Powers of this Act be lawful to take or injure any Property of the following Kinds, except such as shall be specified in the Schedule (C.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified according to the Provisions herein-before contained to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the First Day of *November* One thousand eight hundred and forty-two, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk or Avenue to a House.

Houses and inclosed Grounds not to be taken, unless specified in the Schedule.

XCI. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the Construction or Alteration of the said Piers, Jetties, Landing Places, Works, and Approaches in the respective Parishes wherein the same are situate, be it enacted, That if the said Commissioners or Trustees, as the Case may be, shall become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, they shall from Time to Time, until the Works shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency for Land Tax and Poor's Rate arising within such Parish by reason of such Lands having been taken or used for the Purposes of the Works, and such Deficiency shall be computed according to the Rental at which such Lands, with any Buildings thereon, were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the said Commissioners or Trustees, as the Case may be, shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the said Commissioners or Trustees think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of Land Tax.

Land Tax and Poor's Rate to be made good.

XCII. And be it enacted, That so long and during such Period as the said Ferry between *Dundee* and *Craighead* aforesaid shall be worked by means of such Floating Bridge as aforesaid the said Commissioners or Trustees, as the Case may be, shall provide, and maintain in good and suitable Condition and Repair, One or more Floating Bridge or Floating Bridges, adequately manned, fit for the Transport of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandizes, Articles, and Things, from the said Ferry Harbour at *Dundee* to the said Pier, Jetty, or Landing Place at *Craighead* aforesaid by this Act authorized to be constructed as aforesaid, and the reverse, and shall, by themselves or by their Tenants, in case the

Floating Bridge to ply the Ferry.

Ferries shall be leased as herein or in or by the said first Two recited Acts authorized, secure and provide for the Public Accommodation that One of such Floating Bridges shall, unless prevented by tempestuous Weather or unavoidable Cause, pass the said Ferry from *Dundee* to *Craighead* aforesaid Eight Times at the least, and from *Craighead* to *Dundee* Eight Times at the least, every Day during the Period between the First Day of *April* and the First Day of *October*, and Six Times at the least every Day during the Period between the First Day of *October* and the First Day of *April*; with Power to the said Commissioners or Trustees, as the Case may be, to fix the Hours of Departure from *Dundee* and *Craighead* respectively, and likewise, at their Pleasure, from Time to Time to alter the said Hours: Provided always, that One of such Passages shall be performed from *Dundee* to *Craighead* between the Hours of Five o'Clock and Eight o'Clock in the Morning, and from *Craighead* to *Dundee* between the Hours of Five o'Clock and Nine o'Clock in the Morning, and from *Dundee* to *Craighead*, and from *Craighead* to *Dundee*, between the Hours of Six o'Clock and Eight o'Clock in the Afternoon, during the Period between the First Day of *April* and the First Day of *October*, and between the Hours of Seven o'Clock and Nine o'Clock in the Morning, and between the Hours of Four o'Clock and Six o'Clock in the Afternoon, between the First Day of *October* and the First Day of *April*, excepting always the *Sunday*, on which Day throughout the Year the said Commissioners or Trustees shall not be obliged to provide more than Three Passages from each Side; namely, One in the Morning, One at Mid-day, and One in the Afternoon, at such Hours as they shall hereafter fix.

Bridge, &c.
may be used
after or be-
fore or be-
tween regu-
lar Hours of
Passage.

XCIH. Provided nevertheless, and be it enacted, That it shall be lawful for the said Commissioners or Trustees, as the Case may be, if they shall think proper so to do, but without imposing on them any Obligation in this Behalf, in addition to such regular Passages, to work their said Bridge, or to cause the same to be worked, at any other Time or Times, either before or after or between the regular Hours or Times which shall from Time to Time be fixed by them for such regular Passage as aforesaid; or otherwise, if they shall think proper so to do, to work the said Ferry between *Dundee* and *Craighead* aforesaid, either before or after or between such regular Hours or Times of Passage as aforesaid, by means of any Steam, Sailing, or other Boats, adequately manned, fit for the Transport of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Articles, and Things; but all and every Persons or Person using the said Bridge, Steam, Sailing, or other Boat or Boats, on such extra Passage, shall be liable to pay such Toll or Tolls as may from Time to Time be fixed by the said Commissioners or Trustees, as the Case may be, not exceeding the Amount of Tolls authorized to be demanded under the Provisions of the said Two first-recited Acts for the Passage over the said Ferry between *Dundee* and the said Pier erected under the Provisions of the said Act of the Third Year of the Reign of His said late Majesty King *George* the Fourth, by Steam, Sailing, or other Ferry Boats of or belonging to the said Trustees, a Floating Bridge being with reference to such Tolls considered as a Steam Boat.

XCIV. And

XCIV. And be it enacted, That it shall be lawful for the Postmaster General for the Time being, at any Time after the said Pier, Jetty, or Landing Place at *Craighead* aforesaid shall have been completed and the said Floating Bridge established, by Notice under his Hand, delivered to the said Loan Commissioners or the said Ferry Trustees, as the Case may be, to require that the Mails or Post Letter Bags shall, from and after the Day to be named in any such Notice (being not less than Twenty-eight Days from the Delivery thereof), be conveyed over the said Ferry between *Dundee* and *Craighead* aforesaid, at such Hours or Times in the Day or Night as the Postmaster General shall direct, together with the Guards appointed and employed by the Postmaster General in charge thereof, and any other Officers of the Post Office the Postmaster General shall require, and thereupon the said Commissioners or the Trustees, as the Case may be, shall, from and after the Day to be named in such Notice, at such Hours or Times in the Day or Night as aforesaid, provide a Floating Bridge at such Ferry, for the Conveyance of such Mails and Post Letter Bags, to the Satisfaction of the Postmaster General, and shall receive and carry by such Floating Bridge all such Mails or Post Letter Bags as shall for that Purpose be tendered to them, or any of their Officers, Servants, or Agents, by any Officer of the Post Office, and also the Guards in charge thereof, and any other Officers of the Post Office, and shall receive, take up, deliver, and leave such Mails or Post Letter Bags, Guards and Officers, on such Days, at such Hours or Times in the Day or Night, and subject to all such reasonable Regulations and Restrictions as the Postmaster General shall in that Behalf from Time to Time order or direct.

Obligation to convey Her Majesty's Mails across the Ferry.

XCV. And be it enacted, That the said Commissioners or Trustees, as the Case may be, shall, at the Request of the Postmaster General for the Time being, signified by such Notice as aforesaid, cause any Mail Coaches or Mail Carriages he shall from Time to Time require, with the Mails or Post Letter Bags and Guards thereof, to be conveyed over the said Ferry by a Floating Bridge as aforesaid, at such Hours or Times in the Day or Night as the Postmaster General shall direct.

Mail Carriages to be conveyed,

XCVI. And be it enacted, That for the greater Security of the Mails and Letter Bags so to be carried by such Floating Bridge the said Commissioners or the said Trustees, as the Case may be, and their respective Officers, Servants, and Agents employed in any such Floating Bridge, or in or about the said Ferry, or the Management thereof, shall obey, observe, and perform all such reasonable Regulations respecting the taking up, Conveyance, Delivery, and leaving of such Mails and Post Letter Bags, Guards and Officers of the Post Office, Mail Coaches and Mail Carriages, as the Postmaster General, or such Officer of the Post Office as he shall nominate in that Behalf, shall in his Discretion from Time to Time give or make.

under such Regulations as the Postmaster General shall require.

XCVII. And be it enacted, That the said Commissioners or the said Trustees (as the Case may be), in lieu of any Rates or Tolls payable under

Proprietors of Ferry to receive Re-

muneration
for their
Services in
conveying
the Mails.

under the recited Acts or this Act, shall be entitled to such reasonable Remuneration, to be paid by the Postmaster General, for the Conveyance of such Mails, Post Letter Bags, Mail Guards and other Officers of the Post Office, Mail Coaches and Mail Carriages, in manner required by the Postmaster General, or by such Officer of the Post Office as he shall in that Behalf nominate as aforesaid, as shall (either prior to or after the Commencement of such Service) be fixed and agreed on between the Postmaster General and the said other Parties, or in case of Difference of Opinion between them then as shall be determined by Arbitration as herein-after provided, but so that the Services which may be required by the Postmaster General, or by such Officer of the Post Office as he in that Behalf shall nominate as aforesaid, to be performed as aforesaid, be not suspended, postponed, or deferred by reason of such Remuneration not having been then fixed or agreed on between the said Postmaster General and the said Commissioners or Trustees (as the Case may be), or by reason of the Award on any Reference to Arbitration not having been then made.

Such Ser-
vices may be
increased or
diminished;

XCVIII. And be it enacted, That, notwithstanding any Agreement entered into between the Postmaster General and the said Commissioners or Trustees (as the Case may be), or any Award to be made on any such Reference as aforesaid, fixing the Amount of Remuneration to be paid to the said Commissioners or Trustees (as the Case may be), for any Services to be rendered by them as aforesaid, it shall be lawful and competent to and for the Postmaster General, by Notice in Writing given to them, to require, from and after the Day to be named in any such Notice, not being less than Twenty-eight Days from the Delivery thereof, any Addition to be made to the Services in respect of which such Agreement shall be entered into or Award made; and in any such Case, and also in case of a Discontinuance of any Part of such Services, as herein-after provided, a fresh Agreement shall be entered into between the Postmaster General and the said Commissioners or Trustees (as the Case may be), regulating the future Amount of Remuneration to be paid by the Postmaster General to the said Commissioners or Trustees (as the Case may be) for such increased or diminished Services (as the Case may be), or, if the Parties cannot agree on such Amount, the same shall be referred to Arbitration in like Manner as herein-before is mentioned and herein-after provided as to any original Agreement, but so that nevertheless such increased or diminished Services shall not be suspended, postponed, or deferred by reason of the Amount of such increased or diminished Remuneration not having been then fixed or agreed on between the Postmaster General and the said Commissioners or Trustees (as the Case may be), or by reason of the Award on any Reference to Arbitration to determine the Amount of such increased or diminished Remuneration not having been then made.

or may be
discon-
tinued, on
Notice.

XCIX. And be it enacted, That it shall be lawful for the Postmaster General for the Time being, and he is hereby authorized, at any Time during the Continuance of the Services aforesaid, to give to the said Commissioners or Trustees (as the Case may be), by Writing under his Hand, Three Calendar Months previous Notice that such Services

or

or any Part thereof shall cease and determine, and thereupon, at the Expiration of such Three Calendar Months Notice, the said Services, or such Part thereof as aforesaid, and the Remuneration for the same, shall cease and determine.

C. And be it enacted, That it shall be lawful for the Postmaster General, at any Time during the Continuance of the Services aforesaid, by Notice in Writing under his Hand, absolutely to determine and put an end to the same or any Part thereof, without giving any previous Notice, or on giving any Notice less than Three Calendar Months in respect thereof, and thereupon the said Services shall cease and determine accordingly; provided nevertheless, that in case the Postmaster General shall, without giving Three Calendar Months Notice as aforesaid, at any Time determine the Services to be required by the Postmaster General of the said Commissioners or Trustees, as the Case may be, or any Part of such Services, without any Cause whatever, or for any Cause other than the Default by the said Commissioners or Trustees, as the Case may be, in performance of any of the Services to be required of them by the Postmaster General, or the Breach by the said Commissioners or Trustees of any of their Engagements with the Postmaster General, then and in any such Case the Postmaster General shall make to the said Commissioners or Trustees a fair Compensation for any Loss thereby occasioned, the Amount whereof, in case the Parties differ about the same, shall be ascertained by Arbitration, as herein-after mentioned.

If Services discontinued without Notice, Compensation to be made.

CI. And be it enacted, That if the said Commissioners or Trustees, as the Case may be, or either of them, or any of their Lessees, or any of their respective Officers, Servants, or Agents employed in or about the said Ferry, shall refuse or neglect to carry or convey any Mails or Post Letter Bags, when tendered to them for such Purpose by the Postmaster General or any Officer of the Post Office, or shall refuse to convey over the said Ferry any Mail Coaches or Mail Carriages, as herein-before provided, when so required by the Postmaster General, or shall refuse or neglect to receive, take up, deliver, and leave any such Mails or Post Letter Bags, Mail Guards or other Officers of the Post Office, Mail Coaches or Mail Carriages, at such Times, on such Days, and subject to such Regulations as the Postmaster General shall from Time to Time reasonably direct or appoint, as herein-before provided, or shall not obey, observe, and perform all such Regulations respecting the Conveyance of the Mails and Post Letter Bags, Mail Coaches and Mail Carriages, as the Postmaster General, or such Officer of the Post Office as he shall nominate in that Behalf, shall make for the Purposes aforesaid, then and in any such Case every Person who shall so offend in the Premises shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, which shall be recoverable in the Manner and Form mentioned and expressed in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the Judicial Administration* [Local.]

Penalty on Refusal or Neglect.

7 W. 4. &
1 Vict. c. 36.

tration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws, with reference to the pecuniary Penalties imposed by the Post Office Acts, and shall be applied in the same Manner as such Penalties are therein directed to be applied.

Remuneration for carrying the Mails to be settled by Arbitration, in case of Difference of Opinion.

CII. And be it enacted, That in all Cases in which the Postmaster General and the said Commissioners or Trustees, as the Case may be, shall not be able to agree on the Amount of Remuneration or Compensation to be paid by the Postmaster General to the said Commissioners or Trustees for any Services performed or to be performed by them, as herein-before mentioned, the same shall be referred to the Award of Two Persons, one to be named by the Postmaster General, and the other by the said Commissioners or Trustees, and if such Two Persons cannot agree on the Amount of Remuneration or Compensation, then to the Umpirage of some Third Person, to be appointed by such Two first-named Persons previously to their entering upon the Inquiry; and the said Award or Umpirage, as the Case may be, shall be binding and conclusive on the said Parties and their respective Successors and Assigns:

Rules to be observed as to Arbitration.

CIII. And be it enacted, That in all References to be made under the Authority of this Act the Postmaster General, or the said Commissioners or Trustees, (as the Case may be,) shall nominate his or their Arbitrator, within Fourteen Days after Notice from the other Party, or in default it shall be lawful for the Arbitrator appointed by the Party giving Notice to name the other Arbitrator, and such Arbitrators shall proceed forthwith in the Reference, and make their Award therein within Twenty-eight Days after their Appointment, or otherwise the Matter shall be left to be determined by the Umpire; and if such Umpire shall refuse or neglect to proceed, and make his Award, for the Space of Twenty-eight Days after the Matter shall have been referred to him, then a new Umpire shall be appointed by the Two first-named Arbitrators, who shall in like Manner proceed, and make his Award, within Twenty-eight Days, or in default be superseded, and so *toties quoties*.

Bye Laws, &c. not to militate against or be repugnant to Provisions of this Act.

CIV. And be it enacted, That it shall not be competent or lawful to or for the said Commissioners or Trustees to make any Bye Laws, Orders, Rules, or Regulations which shall militate against or be contrary or repugnant to any of the Enactments herein contained; and if the said Commissioners or Trustees shall make or shall have made any such Bye Laws, Rules, Orders, or Regulations, either prior or subsequently to the Postmaster General signifying his Intention that the Mails or Post Letter Bags, Mail Coaches or Mail Carriages, shall be conveyed over the said Ferry, all such Bye Laws, Orders, Rules, and Regulations, so far as they shall militate against or be contrary or repugnant to any of the Enactments herein contained, shall be and be deemed absolutely void and of no Effect, in like Manner as if such Bye Laws, Orders, Rules, or Regulations had never been made or passed.

CV. And

CV. And be it enacted, That all Notices under the Provisions of this Act, by or on behalf of the Postmaster General, to the said Loan Commissioners or the said Trustees, as the Case may be, shall be considered as duly served on them in case the same shall be given or delivered to any of their respective Officers, Servants, or Agents employed in or about the said Ferry, or be left at any House, Office, or Building belonging to such Ferry.

As to Services of Notices by Postmaster General on Commissioners or Trustees.

CVI. Provided always, and be it enacted, That in case the said Bridge, or the Works connected therewith, shall at any Time after the Establishment thereof become out of repair, unfit or unsafe for the Transport of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Articles, and Things, then and in such Case, and so often as the same may happen, and while the said Bridge and Works as aforesaid shall be under repair, or in case from any other Circumstances the said Commissioners or Trustees, as the Case may be, shall in the Exercise of their Judgment deem it expedient to suspend or discontinue the Use of the said Floating Bridge, either temporally or permanently, then and in such Case also, and so often as the same shall happen, it shall be lawful for and compulsory on the said Commissioners or Trustees, during all such Time as the said Bridge or other Works shall be out of repair, unfit or unsafe as aforesaid, or during such Time as the said Floating Bridge shall be suspended or discontinued as aforesaid, to work the said Ferry between *Dundee* and *Craighead* aforesaid by means of Steam, Sailing, or other Boats, adequately manned, fit for the Transport of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Articles, and Things, in such or the like Manner as they were previously to the passing of this Act bound to do under the Provisions of the said first Two recited Acts, over and across the said Ferry between *Dundee* and the said Pier erected on the South Side of the said River, under the Provisions of the said Act of the Third Year of the Reign of His said late Majesty King *George* the Fourth; and it shall be lawful for such Person or Persons as the said Commissioners, or the said Trustees or their Committee of Management, (as the Case may be,) shall appoint for that Purpose, to demand, collect, and receive, for the Passage of such Passengers, Carriages, Horses, Cattle, Goods, Wares, and Merchandize, Articles and Things, at the said Ferries at *Dundee* and *Craighead* aforesaid, before they respectively shall be permitted to pass, the like Tolls as are by this Act authorized to be taken for passing over or in the said Bridge, any thing herein contained to the contrary notwithstanding:

When Floating Bridge out of repair, &c. Ferry Boats to be provided.

CVII. And be it enacted, That a Certificate under the Hand of the Sheriff of the County of *Fife* shall be conclusive Evidence that the Pier, Approaches, and other Works hereby authorized to be made, and the said Floating Bridge hereby authorized to be established, are so made and established fit for the Accommodation and Use of the Public; and the said Sheriff shall sign such Certificate, on proper Proof being adduced to him that the said Pier, Approaches, and other Works are in the State herein-before mentioned, and the said Floating Bridge established, and fit for the Use of the Public, and such Certificate shall be thereupon published in the *Edinburgh Gazette*, and

Certificate of Sheriff of the County of Fife Evidence that Works are complete and Floating Bridge established.

in

in a Newspaper published and usually circulated in each of the Counties of *Fife* and *Forfar*.

Commissioners or Trustees to levy Rates at Dundee and Craighead.

CVIII. And be it enacted, That it shall be lawful for the said Commissioners, or the said Trustees or their Committee of Management, as the Case may be, and they are hereby authorized and empowered (without Prejudice to the Powers granted for levying Rates and Duties by the said first herein-before recited Acts), to continue to receive and to demand and take, as well at the Harbour at *Dundee* as at the Landing Place hereby authorized to be established at *Craighead* aforesaid, all such or the like Rates and Duties for or on account of the Transport of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Articles, and Things, by the Floating Bridge or Ferry Boats belonging to the said Commissioners or Trustees, as the Case may be, or to their Lessees or other Persons licensed by them, or acting by their Authority, as were by the said first Two recited Acts authorized to be levied and raised by the said Trustees or their Committee of Management at *Dundee* aforesaid, and at the said Ferry Pier on the South Side of the said River, erected under the Provisions of the said Act of the Third Year of the Reign of His said late Majesty King *George* the Fourth, for or on account of the Transport of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Articles, and Things by the Ferry Boats belonging to the said Trustees or their Lessees.

Repealing the Powers of the Trustees in relation to the Ferry of Ferry Port on Craig.

CIX. And be it enacted, That so much of the said Two first-recited Acts or either of them as vests the Power of regulating and the Jurisdiction over the Ferries of *Ferry Port on Craig* and *Broughty Castle* in the Trustees acting in the Execution of the said Acts, and as requires that all Boats, Yawls, Pinnaces, or other Vessels plying for Hire to and from the said Ferries shall be licensed by the said Trustees, under a Penalty thereby imposed, and also so much of the said Acts or either of them as requires that the same Amount of Rates and Duties as are authorized and granted by the said Acts or either of them shall be levied for all Persons, Beasts, and Goods or other Articles in Boats, Yawls, Pinnaces, or Vessels arriving at any of the Ferry Harbours of the said Trustees, from the Ferries of *Ferry Port on Craig* and *Broughty Castle*, or sailing to any of these Ferries last mentioned from any of the Ferry Harbours belonging to the said Trustees, and that a Sixth Part of such Rates and Duties shall be leviable by the said Trustees, or those employed by them, for and in consideration of the Accommodation which the said Boats, Yawls, Pinnaces, or other Vessels shall receive at the Ferry Harbours of the said Trustees, shall be and the same is hereby repealed.

Commissioners or Trustees may order same Rates to be taken at the Ferry of Ferry Port on Craig.

CX. And be it enacted, That it shall be lawful for the said Commissioners or the said Trustees, as the Case may be, to order and direct to be levied, for all Persons, Beasts, and Goods or other Articles in Boats, Yawls, Pinnaces, or other Vessels arriving at the Ferry Harbours vested in the said Commissioners or Trustees, from the Ferries of *Ferry Port on Craig* and *Broughty Castle*, or sailing to any of these Ferries last mentioned from the said Ferry Harbours of

of the said Commissioners or Trustees, the same Rates and Duties as the said Commissioners or Trustees shall have ordered to be levied at the Ferries vested in them.

CXI. And be it enacted, That One Sixth Part of the Rates and Duties levied as aforesaid for all Persons, Beasts, and Goods or other Articles, in Boats, Yawls, Pinnaces, or other Vessels arriving at the Ferry Harbours of the said Commissioners or Trustees from the Ferries of *Ferry Port on Craig* and *Broughty Castle*, shall be paid over without Deduction to the said Commissioners or Trustees by the Persons having charge of the said Boats, Yawls, Pinnaces, or other Vessels, for and in consideration of the Accommodation which such Boats or other Vessels shall receive at the said Ferry Harbours of the said Commissioners or Trustees.

One Sixth of the Rates levied at the Ferries of Ferry Port on Craig, &c. to be paid over to the Commissioners or Trustees.

CXII. And be it enacted, That if the Persons having charge of the said Boats, Yawls, Pinnaces, or other Vessels shall fail or refuse to levy the full Amount of the Rates and Duties so ordered to be levied as aforesaid, or to pay over the Sixth Part thereof, as above provided, they shall forfeit and pay to the said Commissioners or Trustees, not only a Sum equal to that Part of the said Rates and Duties which they shall so fail or refuse to levy or to pay over, but also a Penalty not exceeding Five Shillings Sterling for every such Evasion; and such Penalty shall be leviable from the Persons having the Charge as aforesaid, and out of their Property, in manner provided by the said first-recited Act as to Fines, Penalties, and Forfeitures thereby imposed, and the same shall be applied in Manner therein expressed.

Penalties in case of full Rates not being taken for Ferry of Port on Craig, &c. or One Sixth of Rates not paid over.

CXIII. Provided always, and be it enacted, That the several Rates and Duties authorized to be taken by the said recited Acts or this Act shall at all Times be charged equally and impartially, and after the same Rate in respect of the same Description of Passengers, and in respect of Carriages, Horses, Cattle, Goods, Wares, Merchandize, Articles, Matters, and Things, and that any Increase or Diminution of the said Rates or Duties shall be made so as not to operate directly or indirectly in favour of or against any particular Person or Company.

Rates to be charged equally.

CXIV. And be it enacted, That the said Commissioners or the said Trustees, as the Case may be, shall, unless and until the said Ferries, Works, and Premises shall be sold or disposed of by the said Commissioners, under the Powers and Provisions of their said Acts, apply all the Rates and Duties to be levied by them or by their Authority, under or by virtue of the said first Two recited Acts or this Act, in manner following; (that is to say,) firstly, in Payment of the Costs and Charges of or incident to the procuring and passing this Act, or otherwise preparatory thereto, and the managing and carrying on and maintaining the said Ferries; secondly, in Payment of Interest, after the Rate of Five Pounds *per Centum per Annum*, on the Sum or Sums of Money to be advanced by or under the Authority of the said Public Works Loan Commissioners, in or about the Construction, Completion, Erection, Purchase, or Acquisition of the

Application of Rates.

several Works, Floating Bridge, and Matters hereby authorized to be undertaken, constructed, erected, purchased, or acquired, or for, in, or about other the Purposes of this Act, to be computed from the Time or respective Times of the respective Advances thereof; thirdly, in Payment of the Interest due and to accrue due, after the Rate of Four Pounds *per Centum per Annum*, on the Principal Monies from Time to Time remaining due and owing on the said recited Mortgage Securities of the said Commissioners of the Eleventh Day of *December* One thousand eight hundred and twenty-three and the *Thirty-First Day of March* One thousand eight hundred and twenty-five; fourthly, in Payment from Time to Time, so far as the same will extend, of the said Principal Sums to be advanced by the said Commissioners in or about the Construction and Completion of the Works and Matters hereby authorized to be undertaken, constructed, made, or done, and then in Satisfaction and Discharge of the Principal Monies for the Time being remaining due or owing on their said recited Mortgage Securities of the Eleventh Day of *December* One thousand eight hundred and twenty-three and the *Thirty-first Day of March* One thousand eight hundred and twenty-five; fifthly, in Payment of the said respective Debts or Sums due and owing to the said *Dundee Banking Company, Henry Stewart, Alexander Merchant*, the Representatives of the said *David Brown*, and the several Persons who have so subscribed the said aggregate Amount so subscribed or advanced as aforesaid, and Interest for the same respective Debts or Sums, at such Rate, and with such respective Priorities, both as respects the Principal Sums and Interest for the same respectively, as the same several Sums are now entitled to under the existing Securities.

Com-
missioners may
postpone
their Right
of Prefer-
ence in
Payment of
Money ad-
vanced.

CXV. And be it enacted, That it shall be lawful for the said Loan Commissioners, with the Consent of the Lords of Her Majesty's Treasury, to postpone their Right of Preference or Priority in Payment of the whole or any Part of the Principal Monies advanced or to be advanced by them for the Purposes aforesaid, and the Interest thereof or any Part thereof, in favour of the said other Creditors on the said Ferries and Works; provided that such Postponement shall be made in favour of all the Creditors generally, and the Payments in respect of such Postponement shall be *pro ratâ* and equally in favour of the whole of the said Creditors, both with respect to the Principal and Interest of their Debts, according to their respective legal Priorities at the Time of the passing of this Act, if any such Priorities exist.

Provision in
case of Dif-
ference
respecting
Rights to
Payment of
Money in
the Hands
of the Com-
missioners.

CXVI. And be it enacted, That in case any Difference or Dispute shall arise between the said several Persons who have so subscribed the said aggregate Amount, and the said *Dundee Banking Company, Henry Stewart, Alexander Merchant*, and the Representatives of the said *David Brown*, relative to their respective Rights to the Payment or Receipt of any Monies which may be in the Hands of the said Commissioners, and disposable of by them, by virtue of the Enactment last herein-before contained, it shall be lawful for the said Loan Commissioners, with the Consent in Writing of the said *Dundee Banking Company*, by their Manager, *Henry Stewart, Alexander Merchant*,

Merchant, and the Representatives of the said *David Brown*, or their respective Assigns, and of Four Fifths in Value of the said several Persons who have subscribed the said aggregate Amount, to adjust and arrange such Difference or Dispute by Payment of such Monies in such Manner as they the said Commissioners shall think just and proper; and the Determination of the said Loan Commissioners shall be final, and shall bind all Persons in respect of the Monies which shall be thereupon paid by the said Commissioners.

CXVII. And be it enacted, That, notwithstanding the Rates and Duties specified in the said recited Acts or either of them, it shall be lawful for the said Commissioners, or for the said Trustees or the said Committee of Management, as the Case may be, in all Cases where it shall appear to be for the Benefit and tend to increase the Revenues of the said Ferries, to compound or contract for the Conveyance and Passage of Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Articles, and Things across the said Ferries or any of them, by the Week, Month, or Year, as may be agreed on, and also to agree and contract with any Railway or other Company or Companies, or Person or Persons, for the Conveyance of Railway Trains, Passengers, Carriages, Horses, Cattle, Goods, Wares, Merchandize, Articles, and Things, and that at such Rates and on such other Conditions as the said Commissioners, or the said Trustees or Committee of Management, as the Case may be, may think reasonable and proper: Provided always, that such Power of compounding or contracting shall be exercised equally and impartially towards all Persons; and that a like Power of compounding or contracting shall extend and apply to all Persons, Beasts and Goods or other Articles, in Boats, Yawls, Pinnaces, or other Vessels, arriving at any of the Ferry Harbours of the said Commissioners or Trustees from the Ferries of *Ferry Port on Craig* and *Broughty Castle*, or sailing from either of these Ferries last mentioned to any of the Ferry Harbours of the said Commissioners or Trustees.

Power to compound for the Conveyance of Persons, Goods, &c.

CXVIII. And be it enacted, That the Piece of Ground now embanked and filled up, situate between the Ferry Harbour at *Dundee* and the Dock called "*Earl Grey's Dock*", and which was acquired by the said Trustees for the said Ferries from the Trustees for improving the Shipping Harbour of *Dundee* under an Agreement entered into between those Parties in reference to the Formation of the said Dock, as also the Half Tide Landing Slip erected under the said Agreement on the East Side of the said Ferry Harbour, shall be and the same are hereby vested in *John Strettell Brickwood Esquire* (the present Secretary of the said Public Works Loan Commissioners, in whom the said Works, Heritages, and Premises comprised in the said Commissioners said Mortgages are now vested), his Successors and Assigns, subject to such or the like Equity of Redemption as is now subsisting in favour of the said Ferry Trustees, in respect of the same Works, Heritages, and Premises.

Piece of embanked Ground and Half Tide Landing Slip between the Ferry Harbour at *Dundee* and *Earl Grey's Dock* vested in Ferry Trustees.

CXIX. And whereas by the said Act passed in the Sixth Year of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and extend the Powers of an Act passed in*

Exemptions from certain Rules under 6 W. 4. c. 61.

in the Tenth Year of the Reign of His late Majesty, for more effectually maintaining, improving, and extending the Harbour of Dundee in the County of Forfar, the Trustees therein mentioned were authorized to levy, receive, collect, and take, for the Purposes of the said last-recited Act, of and from the Owners and Proprietors of all Goods, Wares, Merchandizes, or Commodities whatsoever which should be imported into or exported from the said Harbour of Dundee and the Precincts thereof, as therein otherwise provided, in any Ship, Vessel, Bark, Boat, and Lighter, the Rates and Duties specified in the Schedule (A.) annexed to the said recited Act of the Sixth Year of the Reign of His said late Majesty King William the Fourth, and in the said Schedule (A.), all Goods, Merchandizes, Wares, or Commodities whatsoever, and all Beasts, conveyed in licensed Passage Boats from any of the Ferries of Ferry Port on Craig, Newport, Woodhaven, or Balmerino in the County of Fife to the Ferry of Dundee, or from the Ferry of Dundee to any of those Ferries, are exempted from Payment of Shore Dues, and by the said Schedule all Stones, Wood, Coals, and other Articles whatsoever brought into the Harbour or Precincts thereof, for the Use of the Harbour Works, Ferry Harbour Works, or the Steam or other Vessels navigating the said Ferry, or for the Use of the Police Works or any of the public Works of the Town of Dundee, are exempted from Shore Dues, and Ferry Boats from Tonnage, Anchorage, and Beacon Dues, but the Vessels bringing all such Materials are liable to Tonnage Dues; be it enacted, That the said first-mentioned Exemption from Payment of Shore Dues shall extend and be applied to Goods, Merchandize, Wares, or Commodities and Beasts conveyed by the said Floating Bridge, Passage Boats, and Ferry Boats to or from Craighead aforesaid to or from the Ferry Harbour of Dundee aforesaid; and the said last-mentioned Exemption from Payment of Shore Dues shall extend and be applied to Stones, Wood, Coals, and other Articles whatsoever brought into the Harbour of Dundee or Precincts thereof, for the Use of the said Floating Bridge, Wharfs, Landing Places, and other the Works hereby authorized; and the said Exemption from Tonnage, Anchorage, and Beacon Dues shall extend to the said Floating Bridge, Passage Boats, and Ferry Boats; and the said Exemptions herein-before specified shall not be construed to make the said Commissioners or the said Trustees, as the Case may be, or the said Floating Bridge and Works, Passage Boats and Ferry Boats, or any or either of them, liable by Implication for any Rates or Dues to or for which they would not be otherwise liable.

Expences of Act, how to be borne.

CXX. And be it enacted, That the Expences of procuring and passing this Act shall be paid and defrayed by the said Public Works Loan Commissioners or the said Trustees, as the Case may be, along with the other Expences of managing and carrying on the said Ferries, out of the Rates and Duties levied or to be levied under the said recited Ferry Acts or this Act, or out of the Money to be advanced as aforesaid for the Purposes thereof.

Lights, Beacons, or Sea Marks

CXXI. And be it enacted, That it shall not be lawful for the Commissioners or Trustees to exhibit or alter, or to permit to be exhibited
or

or altered, any Light, Beacon, or Sea Mark, without the Sanction in Writing of the Commissioners of Northern Lighthouses, signified under the Hand of their Secretary, first having been obtained in that Behalf; and if any such Light, Beacon, or Sea Mark shall be exhibited or altered without such Sanction as aforesaid, the same shall be of such Power, Description, and Character, and shall be from Time to Time discontinued or altered, as the Commissioners of Northern Lighthouses shall from Time to Time direct, by due Notice to the Trustees.

not to be exhibited or altered without the Sanction of the Commissioners of Northern Lighthouses.

CXXII. And be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges of the Commissioners of the Northern Lighthouses, or of the Corporation of *Trinity House* of *Deptford Strond*.

Saving Rights of Lighthouses Commissioners and Trinity Board.

CXXIII. And be it enacted, That nothing herein contained shall destroy or prejudice any of the Powers, Priorities, Rights, or Remedies of the said Public Works Loan Commissioners, in regard to the Ferries, Works, Heritages, Property, Rates, and Duties comprised in or affected by their said recited Securities, or to the Principal and Interest or other Monies thereby secured, (further than and except as such Priorities may be affected by the Provisions herein-before contained in regard to the Application of the said Rates and Duties until such Sale of the said Ferries, Works, and Premises as aforesaid,) but such Powers, Rights, and Remedies shall, as well in regard to the Premises comprised in the said Commissioners said Securities as to the Premises to be acquired by them under the Provisions of this Act, remain and be in full Force and Effect.

Acts not to limit Powers of Public Works Loan Commissioners.

CXXIV. Provided always, and be it enacted, That nothing in this Act contained shall destroy or prejudice the Rights or Remedies of the Right Honourable *Archibald Lord Douglas*, his Heirs or Successors, in respect of the annual Sum of Thirteen Pounds Ten Shillings Sterling payable to him or them by the Trustees of said recited Ferry Acts, under the Provisions of the said first-recited Acts, in respect of certain Ferry Rights in the same Act mentioned; and provided also, that in the event of the Abandonment by the said Commissioners and the said Trustees of their Right of Ferry under the said recited Acts and this Act the Rights of Ferry of the said *Archibald Lord Douglas* and his Heirs and Successors shall thenceforth revert to them as the same stood before the passing of the said recited Acts and this Act.

Act not to prejudice Right of Lord Douglas to annual Payment in respect of Ferry Rights.

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

If Works not completed in a certain Period, Power to cease.

Term of Act.

CXXVI. And be it enacted, That this Act shall commence from the Date of the passing thereof, and continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Words :

CXXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Number :

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Gender :

Words importing the Masculine Gender shall include Females :

Month :

The Word "Month" shall mean Calendar Month :

Oath :

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath :

Lands :

The Word "Lands" shall mean all Houses, Tenements, and Heritages, of whatever Kind or Tenure :

Sheriff :

The Word "Sheriff" shall include Sheriff Substitute :

Rate :

The Word "Rate" shall include any Rate or Charge or other Payments payable by virtue of this Act or the said recited Acts or either of them :

Pier :

The Expression the "Pier" shall mean the Pier and Accesses and all other Works connected therewith by this Act authorized to be made :

Justice :

The Word "Justice" or "Justice of the Peace" shall mean Justice of the Peace for the County of *Fife* or County of *Forfar*, or Place where any Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter :

Person.

The Word "Person" shall include Corporation.

Public Act.

CXXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Conveyance.

I Sum of _____ of _____ in consideration of the _____ paid to me [or, as the Case may be, into the _____ Bank, or to A. B. of _____ and C. D. of _____ Two Trustees appointed to receive the same], pursuant to an Act passed, &c., intituled [here insert the Title of this Act], by John Strettell Brickwood, Esquire, Secretary of the Commissioners for the Issue of Loans for Public Works and Fisheries [or, as the Case may be, the Trustees appointed in pursuance of an Act of Parliament made in the Fifty-ninth Year of the Reign of King George the Third, intituled "An Act for erecting, improving, regulating, and maintaining Ferries and Passages across the River Tay in the Counties of Fife and Forfar," and of the Acts subsequently passed for amending the same], do hereby convey to the said John Strettell Brickwood [or Trustees, as the Case may be], his [or their] Successors or Assigns, all [describing the Premises to be conveyed], together with all Rights and Appurtenances thereto belonging, and all my Right, Title, and Interest in and to the same, to hold the said Premises to the said John Strettell Brickwood [or Trustees, as the Case may be], his [or their] Successors or Assigns, for ever, according to the true Intent and Meaning of the said Act [here insert the Conditions, if any, of the Conveyance or Registration Clause for Preservation and Diligence, and a Testing Clause according to the Form of the Law of Scotland].

SCHEDULE (B.)

Form of Conveyance in consideration of Feu Duty.

I _____ of _____ in consideration of the annual Feu Duty to be paid to me, my Heirs and Successors, as hereinafter mentioned, by John Strettell Brickwood, Esquire, Secretary to the Commissioners for the Issue of Loans for Public Works and Fisheries [or, as the Case may be, the Trustees appointed in pursuance of an Act of Parliament made in the Fifty-ninth Year of the Reign of King George the Third, intituled, "An Act for erecting, improving, regulating, and maintaining Ferries and Passages across the River Tay in the Counties of Fife and Forfar," and of the Acts subsequently passed for amending the same]; by virtue of an Act passed, &c., intituled [here insert the Title of this Act], do hereby convey to the said John Strettell Brickwood [or Trustees, as the Case may be], his [or their] Successors or Assigns, all [describing the Premises to be conveyed], together with all Rights and Appurtenances thereunto belonging, and all my Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said John Strettell Brickwood [or Trustees, as the Case may be], his [or their] Successors or Assigns, for ever, according to the true Intent and Meaning of the said Act, they the said John Strettell Brickwood [or Trustees, as the Case may be] his [or their] Successors or Assigns, yielding and paying unto me, my Heirs, Successors, and Assignees, One clear annual Feu Duty of _____ by equal or half-yearly Portions henceforth on the [here state the Term of Payment and other Conditions of the Grant, and insert a Registration Clause for Preservation and Diligence, and a Testing Clause according to the Law of Scotland].

SCHEDULE (C.)

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
COUNTY OF FORFAR.— <i>Parish of Dundee.</i>			
The Magistrates and Town Council of the Royal Burgh of Dundee.	-	-	Public Highway.
The Magistrates and Town Council of the Royal Burgh of Dundee.	-	John Strettell Brickwood, Secretary of the Commissioners for the Issue of Loans for Public Works and Fisheries, &c.	Slip or Landing Place.
John Strettell Brickwood, Secretary of the Commissioners for the Issue of Loans for Public Works and Fisheries, &c.	-		
Same Parties as above.	Archibald Borthwick, Trustee on the sequestrated Estate of Thomas Adamson, David M'Ewen, Gabriel Miller, Alexander Kay, John Anderson.	John Todd, Peter Hean, William Sime, John Murdock, William Boyack, John Guilan, Alexander Martin, James Brown, James Chalmers, Robert Greig, James Mount, John Todd, George Fyfe, Thomas Erskine, John Guilan, Thomas Dick, George Ower, James Small, Robert Whyte, Archibald Borthwick (Trustee on the sequestrated Estates of Thomas Adamson and Peter Borrie), John Matthew, James Mount, James Puller, George Fyfe, and James Reid.	Wharf, and the Site of Part of Warehouse.
Same Parties as above.	Same Parties as above.	Same Parties as above.	Site of Part of Warehouse.
Same Parties as above.	Same Parties as above.	William Hogg.	Site of Tavern or Public House called the "Traveller's Rest."
COUNTY OF FIFE.— <i>Parish of Forgan.</i>			
William Berry.	-	William Berry	Beach, Rocks, Paths, and Arable Land.
James Wilson.	-	James Wilson	