Anno quinto

Georgii III. Regis.

An Act for the building a Bridge over the River *Tay*, at or near the Town of *Perth*, in the County of *Perth*.



WHEREAS the Bridge over the River Tay, at the Town of Perth, in the County of Perth, being constructed of Wood and Stone, was, by an extraordinary Flood, in the Year One thousand six hundred and twenty one, carried away and destroyed: And whereas the erecting a good and substantial Bridge at Perth, at or near the same Place, would greatly contribute to facilitate the Commercial as well as Political Intercourse between the Northern and Southern Counties, as thereby the King's Military Roads, already so far advanced at a great Expence, would be completed, and full Effect given to the many salutary Schemes for improving and civilizing the Highlands, wisely devised, and now carrying into Execution; but as so useful and necessary a Work cannot be carried into effectual Execution without the Aid of Parliament; May it therefore please Your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Preamble.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a publick Bridge shall, with all convenient Speed, be erected and built across the River Tay, at or near the Town of Perth, in the County of Perth, with necessary and proper Ramparts, Wings, Walls, Banks, Ways, and other Works, for the Support and Preservation thereof; and that the Sheriff Depute of the Shire of Perth for the time being, the Provost, Dean of Guild, and First Merchant Baillie of the Burgh of Perth for the time being, together with every Commissioner of Supply or Land Tax for the County of Perth for the time being, who shall advance and lend the Sum of One hundred Pounds Sterling upon the Credit of the Tolls or Duties hereby granted, for building the said Bridge, or who shall advance and pay the Sum of Ten Guineas as a Free Gift towards the building of the said Bridge, and the Heir Male of every such Commissioner of Supply, being of lawful Age, and being a Commissioner of Supply; and also every Person who shall advance and lend the Sum of Two hundred Pounds Sterling upon the Credit of the Tolls or Duties hereby granted, for the building of the said Bridge; or who shall advance and pay the Sum of Twenty Guineas as a Free Gift towards the building of the said Bridge; and the Heir Male of every such Person and Persons, being of lawful Age, shall be, and they are hereby constituted and appointed Commissioners for the designing, erecting, and building, the said Bridge, with necessary and convenient Ramparts, Wings, Walls, Banks, Ways, and other Works, for the Support and Preservation thereof, and for executing all other the Powers in and by this Act given and granted.

Commissioners.

Their Meetings.

And be it further enacted, That the said Commissioners, or any Nine or more of them, shall meet together at the Town House of Perth, on the First Tuesday in June, One thousand seven hundred and sixty five, and proceed to the Execution of the Powers hereby granted; and shall then, and from time to time afterwards, adjourn themselves, and meet there or at any other Place, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting a sufficient Number of Commissioners to act, and to adjourn to any other Day; in each and every such Case, the Clerk to the said Commissioners shall, from time to time, adjourn such Meeting to some other Day, to be held at the same Place, or some other convenient Place, within the Space of Thirty

Days from such Adjournment; and shall cause publick Notice to be given in Writing, by affixing the same upon some publick Place in the said Town of Perth; and also by causing the same to be advertised in the publick Edinburgh News Papers, Ten Days at the least before the Day appointed for such Meeting; and that the said Commissioners shall, at all their Meetings, defray their own Expences; and that no Commissioner shall act, or be impowered to do any Act in Execution of the Powers hereby given to them, or any of them, except it be at a Meeting to be by them held in pursuance of this Act.

Three may adjourn.

Provided always, That Three Commissioners be sufficient for the Purpose of Adjournment.

Commissioners may call extraordinary Meetings;

Provided also, That if from any extraordinary Circumstance any Two or more of the said Commissioners shall think it necessary that a Meeting of the said Commissioners shall be held, it shall and may be lawful for any Two or more of the said Commissioners to appoint a Meeting of the said Commissioners at such Time and Place as they shall think proper, and shall cause Notice thereof to be given by affixing the same on some publick Place in the said Town of Perth, and by advertising the same in the Edinburgh News Papers Ten Days at least before such Meeting; and the Orders and Proceedings of the Trustees at such Meetings shall be as valid and effectual as if they had been made at any adjourned Meeting of the said Commissioners.

may bring Actions;

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, and they are hereby impowered, in the Name of any One or more of them, or in the Name of their Treasurer or Clerk, to bring any Action or Suit whatsoever against any Person or Persons whomsoever, Bodies Politick or Corporate, for the Recovery of any Sums of Money which have been subscribed, appropriated, or destined for building and repairing the former Bridge, or which have been, or shall hereafter be, subscribed, appropriated, or destined for the building and keeping in Repair the Bridge to be erected, or making and repairing any of the Works belonging thereto, or to recover the same by amicable Reference or Transaction, which amicable Reference they are hereby impowered to make, and the same shall be binding and conclusive to all Parties; and the Money, when recovered, shall be applied in the erecting and building the said Bridge, and other the Works belonging thereto, and the Execution of this Act.

64

may contract for building the Bridge;

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, and they are hereby fully authorized and impowered to make such Contracts and Agreements as they shall think proper with any Artificers, Workmen, or other Persons, for erecting, building, or making such Bridge, Ramparts, Wings, Walls, Banks, Quays, and other Works, or any Part or Parts thereof; and that all such Artificers and others, who shall make any such Contracts or Agreements with the said Commissioners, or any Nine or more of them, for building or finishing all or any Part of the said Bridge, or other Works intended to be built or made by virtue of the Powers given in and by this Act, shall give Security, to be approved by the said Commissioners, or any Nine or more of them, for the due Performance of all and every the Matters and Things contained in such Contracts or Agreements, according to the true Intent and Meaning of the same.

are to build a Bridge;

And be it further enacted, That the said Commissioners, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall appoint, shall and are hereby authorized and impowered to build a Bridge cross the River Tay, at or near the Town of Perth, in the County of Perth; and to dig and make proper Foundations in the said River, and on the Lands on each Side, for the Piers and Abutments of the said Bridge; and to cut and level the Banks of the said River in such Manner as shall be necessary and proper for building the said Bridge; and to cut, remove, and take away, all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatsoever, which may any ways hinder the erecting and compleating the said Bridge; and to erect and make in or over the said River, and the Lands adjoining or near to the same, any Camp-shots, Trenches, and Landing Places; and to make such Roads and Avenues to and from such Bridge as may be necessary; and from time to time, and at all Times hereafter, to do all other Matters and Things necessary or convenient for erecting, maintaining, and supporting the said Bridge, and for executing the Purposes of this Act; they the said Commissioners, or such Persons as they shall appoint, doing as little Damage as may be, and making Satisfaction in Manner as is herein after mentioned, to the respective Owners and Occupiers of such Lands and Grounds as shall be made use of or altered, or that shall be in any wise prejudiced or damaged by the Execution of any of the Powers of this Act.

and remove all Impediments;

making Satisfaction to the Owners of the Grounds;

And

And be it further enacted, That the said Commissioners, or any Nine or more of them, shall be and are hereby authorized and impowered from time to time to treat, contract, and agree with the several Owners, Occupiers of, and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase thereof, as the said Commissioners, or any Nine or more of them, shall think necessary to be made use of upon account of the building of the said Bridge, or the Execution of any of the Powers of this Act; and also to treat, contract, and agree, for the Loss or Damage any Person or Persons may sustain, whose Lands, Houses, Mills, or other Buildings, or Salmon Fishery, shall be really and truly encroached upon or damaged by or upon account of the building of the said Bridge, or the Execution of any of the Powers of this Act; and out of the Tolls collected by virtue of this Act, or out of any Money to be raised for the Purposes of this Act, to pay for the Purchase of such Lands, Tenements, and Hereditaments, or for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Occupiers, and Persons interested as aforesaid, and the said Commissioners, or any Nine or more of them, and also the Costs and Charges attending such Agreements and Purchases respectively. and may treat for the Sale of Lands.

And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors and Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, Lunaticks, Ideots, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any Lands, Tenements, or Hereditaments, to treat, contract, and agree, with the said Commissioners, or any Nine or more of them, for the Purchase of such Lands, Tenements, and Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same to the said Commissioners, or to such Person or Persons in Trust for them, and in such Manner as the said Commissioners, or any Nine or more of them, shall direct, and as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; Bodies Politick, &c. may treat for the Sale of such Lands.

ſtanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Perſons neglecting to treat, &c.

And be it further enacted, That if any ſuch Owner, Proprietor, Occupier, Truſtee or Truſtees, Committee or Committees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or any other Perſon or Perſons intereſted as aforeſaid, ſhall, after Twenty one Days Notice given to them, or left with the Tenant or Tenants in Poſſeſſion of ſuch Lands, Tenements, and Hereditaments, neglect or refuſe to treat, or ſhall not agree for the Purchaſe of any ſuch Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, or for any ſuch Loſs or Damage as aforeſaid, or by reaſon of Abſence ſhall be prevented from treating; then, and in any ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, or any Nine or more of them, to ſettle and aſcertain what Sum or Sums of Money ſhall be paid for ſuch Lands, Tenements, and Hereditaments, or for ſuch Loſs or Damage as aforeſaid reſpectively: And in caſe any ſuch Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or any Feoffees in Truſt, Executors, Adminiſtrators, Husband, Guardian, Committee, Truſtee, or other Perſon or Perſons intereſted as aforeſaid, ſhall not be ſatisfied with ſuch Determination of the ſaid Commiſſioners, or any Nine or more of them; it ſhall and may be lawful for all and every ſuch Perſon and Perſons as aforeſaid, and they are hereby impowered, to appeal from ſuch Determination to the Judge or Judges of the next Circuit at Perth, who ſhall be and are hereby impowered to impanel a Jury of Fifteen ſubſtantial and diſintereſted Perſons from among thoſe contained in the Liſt ſubjoined to the Porteous Roll for ſuch Circuit, for aſcertaining the Extent of the Value of ſuch Lands, Tenements, and Hereditaments, and of ſuch Loſſes and Damages as aforeſaid; and the Determination of ſuch Judge or Judges therein ſhall be final and concluſive to all Parties.

Commiſſioners may ſettle the Recompence.

Notice of Appeal to be given.

Provided always, That Notice of every ſuch Appeal ſhall be given to the Clerk to the ſaid Commiſſioners, within Ten Days after Notice ſhall have been given to the Party appealing, of the Determination of the ſaid Commiſſioners, or any Nine or more of them; and every Perſon ſo appealing ſhall at the ſame Time lodge with

with the said Clerk a Bond, with a sufficient Cautioner, to abide by the Judgement of the said Court, and to pay Costs, as the same shall be awarded, in case the Determination of the Commissioners shall be affirmed.

Provided also, That the settling such Recompence and Damages shall not in the mean time delay or hinder the said Commissioners from the carrying on the building of the said Bridge, or any other the Works relating thereto. Works not to be delayed.

And be it further enacted, That all such Sums of Money, Consideration, Recompence, or Satisfaction, as shall be so settled and ascertained by the said Commissioners, or any Nine or more of them, to be the Value or Recompence as and for the Purchase of any such Lands, Tenements, or Hereditaments, or any Part thereof, or for any such Loss or Damage as aforesaid, or such Sum or Sums of Money that shall be determined to be the Value and Recompence to be made to any Person or Persons appealing as aforesaid, shall be and is and are hereby charged and chargeable upon the Tolls by this Act granted and made payable, and shall be paid thereout, or out of the Monies to be raised for the Purposes of this Act, to the respective Persons intitled thereto; and that upon the Payment of such Sum or Sums, which shall be so settled and ascertained or determined as aforesaid, for the Purchase of such Lands, Tenements, and Hereditaments as aforesaid, or Tender thereof; or in case any Person or Persons, after Ten Days Notice to be given to him, her, or them, or left at the House of the Occupier of the Premises, shall refuse or neglect to receive the same; then, upon leaving the same in the Hands of the Treasurer or Clerk to the said Commissioners, to be paid upon Demand to such Person or Persons, such Lands, Tenements, or Hereditaments as aforesaid, or such Part thereof as they shall think fit for the Purposes of this Act, shall be and the same are hereby vested in the said Commissioners for the Purposes of this Act. Purchase Money charged on Tolls, &c.

Provided always, and it is hereby enacted, That no Action or Suit shall be brought against the said Commissioners, or any of them, or any Person or Persons by them to be employed in the Execution of this Act, or any Sum of Money be acclaimable from them, for any Trespass, Incroachment, or Damage, made upon or done to any Lands belonging to the Community of the Town of Perth (except their Mills and publick Buildings) any thing herein contained to the contrary notwithstanding. No Action for Trespass, except, &c.

How Damages shall be ascertained.

Provided also, and it is hereby further enacted, That in ascertaining the Damage done to any Person or Persons, by Incroachment or otherwise, in the Execution of this Act, due Regard shall be had of the Benefit and Advantage accruing to such Person or Persons by the building of the said Bridge, and Allowance shall be made for the same, as far as the same may extend, towards Compensation for the Damage sustained by such Person or Persons.

Commissioners may erect a Turnpike and Toll-house at either End of the Bridge.

And be it further enacted, That the said Commissions, or any Nine or more of them, shall and may, and they are hereby authorized and impowered to erect, or cause to be erected, a Turnpike or Turnpikes, and Toll-house or Toll-houses, upon or at each End of the said Bridge, or near thereunto, or at the East End thereof only; and that the following Tolls or Pontage Duty shall and may be demanded and taken, by such Person or Persons as the said Commissioners, or any Nine or more of them, shall, from time to time, appoint for that Purpose, at the said Turnpike, before any Passage over the said Bridge shall be permitted; that is to say,

Tolls.

For every Person on Foot, the Sum of One Farthing.

For every Horse, whether with a Rider, in Hand, or loaded, the Sum of One Penny.

For every Coach, Chariot, Landau, Berlin, Chaise, or Hearse, with Four Wheels, and drawn by Six Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling and Six Pence.

For every Chaise with Two Wheels, drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse, the Sum of Six Pence.

For every Waggon, Wain, Cart, or other Carriage, with Four Wheels, drawn by Seven or more Horses or other Beasts of Draught, if loaded, the Sum of Four Shillings, if unloaded, the Sum of Two Shillings; and drawn by Six Horses or other Beasts of Draught loaded, the Sum of Two Shillings and Six Pence, if unloaded, the Sum of One Shilling and Six Pence; and drawn by Four or Five Horses or other Beasts of Draught loaded, the Sum of One Shilling and Six Pence, if unloaded, the Sum of Six Pence; and drawn

by Two or Three Horses or other Beasts of Draught loaded, the Sum of Nine Pence, if unloaded, the Sum of Three Pence.

For every Cart, Wain, or other Carriage, with Two Wheels, and drawn by Four Horses or other Beasts of Draught loaded, the Sum of Six Pence, if unloaded, the Sum of Three Pence; and drawn by Two Horses or other Beasts of Draught loaded, the Sum of Three Pence, if unloaded, the Sum of Two Pence; and drawn by One Horse or other Beast of Draught loaded, the Sum of Two Pence, if unloaded, the Sum of One Penny.

For every Score of Sheep or Goats, the Sum of Six Pence, and so in Proportion for any greater or less Number.

For every Ox or Cow, the Sum of One Penny.

For every Calf or Sow, the Sum of One Farthing.

And for any Carriage laden with Dung, Lime, or any other Materials, for Manure only, One Half the Tolls herein before mentioned.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and the Money so to be raised and received is hereby vested in the said Commissioners, and shall be applied to and for the several Uses, Intents, and Purposes, and in such Manner, as is by this Act directed: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls as aforesaid, to seize and distrain any Horse or other Cattle, or any Carriage, or other Matter or Thing, upon or in respect whereof any such Toll is by this Act imposed, or the Goods and Chattles of such Person or Persons as ought to pay the same, and to detain and keep such Distress for any Time not exceeding the Space of Four Days; and then if such Toll, together with the Charges of such Seizure, Distress, and Detainer, shall not be fully paid and satisfied, the Person or Persons so distraining shall and may sell the Cattle or other Goods so distrained, a Warrant being first obtained for that Purpose from any One of the Justices of the Peace, or Magistrate of the Burgh of Perth, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll, and all reasonable Charges occasioned by such Distresses, shall be deducted.

Toll may be levied by Distress and Sale.

Distress may be sold in 4 Days.

Provided always, That no Soldiers on their March, or Horses or Carriages loaded with military Baggage, or Constable or Constables, or Sheriff Officer or Officers with Vagrants, or otherways in the Exercise of their Duty,

Exemptions from Tolls.

Duty, or any Person or Persons going on Foot, or with Horses and Carts, to perform their Statute Duty, or returning from performing the same, shall be subject or liable to the Payment of any Toll imposed by virtue of this Act, for passing the said Bridge; any thing herein contained to the contrary notwithstanding.

Persons making illegal Claims.

Provided nevertheless, That if any Person or Persons shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person or Persons shall forfeit and pay the Sum of Forty Shillings for every such Offence, to be recovered and applied in Manner herein after directed.

Power to lease the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, upon One Month's Notice given thereof in Writing, under the Hand of the Clerk, to the said Commissioners, by affixing the same upon some publick Place in the Town of Perth, and by advertising the same in the publick Edinburgh News Papers, from time to time, by publick Bidding, Auction, or Roup, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act to any Person or Persons, for any Time not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, and under such Security for the Payment of the same, as they the said Commissioners, or any Nine or more of them, shall think proper; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are hereby directed to be applied.

Penalty on evading the Tolls.

And be it further enacted, That if any Person or Persons shall take off, or cause to be taken off, any Horse or Beast from any Carriage, on either Side of the said Bridge, with an Intent to evade the Payment of the said Tolls, or any Part thereof, or shall forcibly or wilfully pass through the said Turnpike without Payment of the Toll, or any Part thereof; or shall interrupt or disturb any Person or Persons employed by the said Commissioners, or any Nine or more of them, in digging or gathering any Materials for building or repairing the said Bridge, or for making or repairing the Way over the same, or any Road or Avenue leading thereto; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied for the Purposes of this Act; Which Penalties shall be recovered by Action or Suit before any

any One of the Justices of the Peace or Magistrates of the Burgh of Perth.

Application of the Tolls.

And be it further enacted, That out of the Monies arising by the Tolls hereby granted, or out of such Monies as shall be raised for the Purposes of this Act, the said Commissioners, or any Nine or more of them, shall, in the First Place, pay and discharge all the Expences and Costs of procuring and passing this Act; and all such Tolls and Monies shall be afterwards, from time to time, applied in defraying the Expence of erecting, building, and supporting, the said Bridge, and the said Turnpike or Turnpikes, and Toll-house or Toll-houses, and in making the necessary Roads and Avenues to the said Bridge, and in defraying the necessary Expences attending the same, and for making Satisfaction to all Persons prejudiced thereby, and for executing all other the necessary Purposes of this Act.

Commissioners may lessen and raise the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, at a Meeting to be called for that Purpose, whereof Fourteen Days publick Notice shall be given as aforesaid, from time to time, to lessen and reduce the Tolls by this Act granted; and afterwards raise or augment the same again, so as not to exceed the Sums hereby granted, and also to remit the Tolls hereby made payable by Foot Passengers, when they shall think proper; and such Tolls, so lessened and reduced, shall and may be collected and levied in such Manner, and applied for such Purposes only, as the Tolls hereby granted are directed to be recovered, levied, and applied.

Fords may be destroyed.

And be it further enacted, That the said Commissioners, or any Nine or more of them, may, as soon as the said Bridge shall be made passable, cause all Fords through the said River, for One Half Mile above and One Half Mile below the said Bridge, to be destroyed; and may cause the Channel of the said River to be dug and made deeper, and the Banks of the said River to be cut, and Posts and Rails, or other Fences, to be erected thereon, to prevent Persons evading the Payment of the Tolls hereby granted.

No Person to work a Ferry within One Mile above or below the Bridge.

And be it further enacted, That no Person or Persons shall work or use any Ferry for the Carriage of any Person, Cattle, or Carriage whatsoever, for Hire, cross the said River, within One Mile above or One Mile below the said Bridge; and in case any Person or Persons shall work or use such Ferry, he, she, or they, shall forfeit the Sum of Twenty Shillings for every Person, Horse, Mare, Gelding, Mule, Ass, Beast, Sheep,

Swine, Calf, Lamb, Coach, Waggon, or other Carriage whatsoever, which shall be so ferried or conveyed cross the said River: And the said Commissioners, or any Nine or more of them, shall be and are hereby authorized and impowered to treat and agree for the Loss or Damage any Person or Persons may sustain upon account of stopping his, her, or their Ferry or Ferries; and to pay out of the Tolls collected by this Act, or out of the Money to be raised for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owner or Owners of such Ferry or Ferries and any Nine or more of the said Commissioners: And in case such Owner or Owners shall not be satisfied with the Money offered by the said Commissioners, and shall not agree with them; then such Owner or Owners may apply to the Judge or Judges of the next Circuit Court at Perth, who shall be, and are hereby impowered to impanel a Jury of Fifteen substantial and disinterested Persons from among those contained in the List subjoined to the Porteous Roll for such Circuit, for ascertaining the Extent and Value of such Losses and Damages as aforesaid; Notice of such Application being always given to the said Commissioners or their Clerk, at least Ten Days before the Meeting of such Circuit Court.

Satisfaction to be made to Proprietors of Ferries;

except the Ferry at the Burgh of Perth.

Provided always, and it is hereby enacted, That no Sum of Money be acclaimable from the said Commissioners, for any Loss or Damage done to the present Ferry at the Burgh of Perth.

Commissioners may borrow Money on the Credit of the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, from time to time, upon the Credit of the Tolls hereby made payable, or any Part or Parts thereof, to borrow and take up at Interest any Sum or Sums of Money as they shall think needful; and may, and they are hereby authorized and impowered to assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; Copies of all which Assignments or Securities, or Abstracts thereof, shall be entered in a Book or Books to be kept for that Purpose; and all the Sums of Money so to be borrowed, shall be applied in such Manner as the Tolls hereby granted are directed to be applied, and for no other Use or Purpose whatsoever: And that all and every such Person and Persons, to whom any such Assignment or Assignments shall be made, or who shall be intitled to the Money thereby secured,

Assignments may be transferred.

shall

shall and may, from time to time, by Assignment to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings signed by him, her, or them, before Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment or Transfer shall be produced and notified to the Clerk to be appointed by virtue of this Act, within Three Calendar Months after the Date thereof; who shall cause an Entry or Memorandum to be made of such Assignment, containing the Dates, Parties Names, and Sums of Money therein mentioned to be transferred, in a Book to be kept for that Purpose; for which the said Clerk shall be paid such Sum or Sums of Money as the said Commissioners, or any Nine or more of them, shall order and direct: And, after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign and transfer, and so toties quoties.

Assignments to be entered in a Book.

Provided always, That no such Assignment shall be deemed good or effectual, unless an Entry or Memorandum thereof shall be made in a Book to be kept for that Purpose by the Clerk to the said Commissioners, within Three Calendar Months after the Date thereof; and such Book may, at all seasonable Times, be inspected by any Person or Persons interested.

Notice to be given of borrowing Money.

Provided also, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act by the said Commissioners, after their First Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Commissioners, shall be given by Order of such Commissioners, or any Nine or more of them, by affixing the same upon some publick Place in the said Town of Perth; and also by causing the same to be advertised in the publick Edinburgh News Papers, at least Fourteen Days before the borrowing of such Money.

Bodies Politick, &c. may lend Money on the Credit of the Tolls.

And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Guardians, Committees, or Trustees whatsoever, having the Disposition of any Monies belonging to their respective Trusts, to contribute and advance any Sum or Sums of Money upon the Credit of the Tolls to be collected by virtue of this Act; and the said Bodies Politick, Corporate, or Collegiate, Guardians, Committees,

Committees, and other Trustees, are hereby indemnified from any Loss or Losses that may happen thereby.

Commissioners may appoint Officers,

And be it further enacted, That the said Commissioners, or any Nine or more of them, may elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of the said Tolls, and also a Surveyor or Surveyors; and from time to time, in case of Misbehaviour, to remove such respective Officers, and appoint new Ones in case of Death or such Removal; and out of the Money arising by virtue of this Act, the said Commissioners, or any Nine or more of them, shall and may make such Allowances to the said respective Officers for their Care and Pains, and also to such other Persons who shall have been assisting in and about the Execution of any of the Purposes of this Act, as to the said Commissioners, or any Nine or more of them, shall seem reasonable; and such Surveyor or Surveyors, and also the said Receiver or Receivers, Collector or Collectors, and every of them, shall, from time to time, at any Meeting of the said Commissioners (when thereunto required by any Nine or more of them) deliver in upon Oath (which Oath any Two or more of the said Commissioners are hereby impowered to administer) a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he or they, or every or any of them, shall to such Time have received and disbursed by virtue of this Act, on account of his or their respective Offices; and in case the said Surveyors, Receivers, or Collectors, or any of them, shall not make and deliver such Account in manner aforesaid, or shall not pay the Money remaining in his or their Hands, unto such Person or Persons as the said Commissioners, or any Nine or more of them, shall, by Writing under their Hands, impower to receive the same; that then, and in either of the said Cases, any One Justice of the Peace shall make Enquiry of and concerning such Default, in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby impowered and required to administer without Fee or Reward); and if any Person shall be thereof convicted, such Justice shall commit the Party to the County Gaol, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded for the same, and paid such Composition; which Composition the said Commissioners, or any

and remove them, and appoint others,

and settle Salaries.

Officers to account upon Oath.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender, until he shall conform or compound for the same.

any Nine or more of them, are hereby impowered to make.

And be it further enacted, That the said Commissioners, or any Nine or more of them, shall and may, and are hereby authorized and required, to take such Security from the Treasurer or Treasurers, Collectors, and other Officers, who shall be employed or concerned in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, for the due Execution of their respective Offices, as to the said Commissioners, or any Nine or more of them, shall seem meet. Treasurer to give Security.

And be it further enacted, That the said Surveyor or Surveyors, and such other Persons as he or they shall employ or appoint for that Purpose, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Ballast, or other Materials, proper for building or repairing the said Bridge; or making or repairing the Way over the same, or any Road or Avenue leading thereto, in, upon, out of, or from, any Waste Ground or Grounds, River or Brook, in any Parish or Place, without paying or making any Satisfaction for the same; they the said Surveyor or Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be so taken, or railing or fencing the same, so that such Pits be not dangerous to Passengers or Cattle; and also in, upon, or out of, and from and over, the Lands and Grounds of any Person or Persons whatsoever, Bodies Politick or Corporate (not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue of Trees for the Ornament of any House) such Surveyor or Surveyors, or other Person or Persons, having an Order from the said Commissioners, or any Nine or more of them, for so doing, and paying, or offering to pay, to the respective Owners or Occupiers of such Lands or Grounds for the Damages they thereby sustain, as the said Commissioners, or any Nine or more of them, shall adjudge reasonable: And in case of any Difference concerning the same, any Three or more Justices of the Peace of the County or Place where such Materials shall be so cut, digged, gathered taken, and carried, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by him, her, or them, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their re- Commissioners may dig Gravel, &c. out of Waste Grounds, without paying for the same; levelling the Pits, &c. Materials may be taken from private Grounds; making Satisfaction to the Owners. Justices to determine Differences.

ſpective Families, hear, ſettle, and determine the Matters in Diſpute, and aſcertain what Damages ſhall be paid; and the Order and Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Proviſo. Provided always, That no Sand or Gravel ſhall be taken out of the River Tay to the Prejudice of the Navigation thereof.

Penalty on damaging the Bridge. And, for preventing the wilful and malicious damaging the ſaid Bridge, or any Part thereof, or any Turnpike or Toll-houſe, or hindering or interrupting the building the ſame, be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly damage the ſaid Bridge, or any Part thereof, or any Turnpike or Toll-houſe, or attempt ſo to do, or ſhall wilfully and maliciouſly, and without Authority from the ſaid Commiſſioners, or any Nine or more of them, remove or take away any Works thereunto belonging, or in any wiſe direct or procure the ſame to be done, or who ſhall be aiding or aſſiſting therein, whereby the ſaid Bridge, or the Works thereof, may be damaged, ſuch Offender or Offenders, being lawfully convicted thereof before any Two Juſtices of the Peace of the County of Perth, or any Two of the Magiſtrates of the Town of Perth, ſhall not only pay the whole Damages and Expences, but alſo be fined in a Sum not exceeding Ten Pounds Sterling, at the Diſcretion of the ſaid Juſtices or Magiſtrates, or be publickly whipped; and the Fine, when recovered, ſhall be applied to the Purpoſes of this Act.

Maſters of Boats anſwerable for Damages. And, for preventing Damages and Miſchiefs that may be done and committed by evil-minded or diſorderly Perſons rowing, navigating, or managing, Boats, or other Veſſels, in or upon the ſaid River Tay, and to the End that the Maſters and Owners of ſuch Boats, Barges, Lighters, and other Veſſels, may be more careful therein, be it further enacted, That every Maſter and Maſters, Owner and Owners, of any Boat, or other Veſſel, ſhall be and is hereby made anſwerable and reſponſible for any wilful Damage or Miſchief that ſhall be done by his or their Boat or Veſſel, or by any of the Boatmen, Bargemen, or Crew, of or belonging to any ſuch Boat or Veſſel, to the ſaid Bridge, or any Part thereof, or to any of the Works which ſhall be erected by virtue of this Act; and the ſaid Maſter or Maſters, Owner or Owners, of every ſuch Boat or Veſſel, ſhall and may be ſued for ſuch Treſpaſs and Damage which ſhall be ſo done, in any Court of Record whatſoever.

Commencement and Continuance of this Act. And be it further enacted, That all the Powers hereby granted ſhall commence from the Paſſing of this Act; and that all the Penalties and Forfeitures hereby inflict-

ed

ed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any One or more of the Magistrates of the Burgh of Perth, or any One or more Justice or Justices of the Peace of the County or Place wherein the respective Offenders shall reside, or the Offence be committed, either by the Confession of such Offenders, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices, Magistrate or Magistrates, is or are hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of such Offenders, by Warrant or Warrants signed by such Justice or Justices, Magistrate or Magistrates (which Warrant or Warrants he or they is or are hereby impowered and required to grant) and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties and Forfeitures when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to the said Commissioners, or any Nine or more of them, or to their Treasurer, and applied in the Execution of the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice or Justices of the Peace, Magistrate or Magistrates, and he and they is and are hereby authorized and required, by Warrant or Warrants signed by him or them, to cause such Offender or Offenders to be committed to the common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Months, nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may (except where any Matter to be done by this Act is herein directed to be final) appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving or causing to be given Fourteen Days Notice at the least

Notice of Appeal to be given.

in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Commissioners, and within Seven Days after such Notice entering into a Bond with a sufficient Cautioner, obliging him or her to try such Appeal at, and abide the Order of, the said Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Bond, shall hear and finally determine such Appeal in a summary Way, and if they see Cause may, by Order of such Session, mitigate at their Discretion all or any of the said Penalties or Forfeitures, or vacate and set aside any Conviction or Convictions, but not for want of Form only, and set the Party at Liberty, or otherwise may ratify and confirm the same, and award such Costs as they shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes, and shall not be liable to be removed by Advocation or Suspension, or other Process whatsoever.

Prosecutions to be commenced within 4 Months.

And be it further enacted, That Prosecutions for the several Penalties and Forfeitures inflicted by this Act shall be commenced within Four Months after the Offence committed, and shall be carried on at the Instance of any One of the Commissioners, their Treasurer or Clerk, or Toll-gatherer, or at the Instance of the Procurator Fiscal of the County of Perth, or the Procurator Fiscal of the Town and County of the Town of Perth.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, signed by any Commissioner or Commissioners, or by any Justice or Justices of the Peace, Magistrate or Magistrates, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, or Justice or Justices of the Peace, Magistrate or Magistrates, or any of them, nor any Transfer made by any Person or Persons of the Assignments or Securities granted to him, her, or them, by the said Commissioners in Manner aforesaid, shall be charged or chargeable with any Stamp Duty whatsoever.

Trustees in the Commission of the Peace may act as Justices;

And be it further enacted and declared, That every Commissioner, who is or shall be in the Commission of the Peace, may act as a Justice of the Peace for putting this

this Act in Execution, notwithstanding his being a Commissioner.

Commissioners not to act where interested.

Provided always, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during his holding any Place of Profit under this Act, or in any Case where he is particularly concerned in Interest.

Proceedings, &c. to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose; and, being signed by any Nine or more of the said Commissioners, shall be deemed and taken to be original Orders: And such Book or Books, and also the Entries of all Assignments of the Tolls hereby made payable, and also of the Transfers of such Assignments, shall and may be produced and read in Evidence in all Cases of Appeals, and in any Suits or Actions touching any thing done in pursuance of this Act.

Commissioners to account yearly to the Justices.

And be it further enacted, That the said Commissioners shall be accountable to the Justices of the Peace in their Quarter Sessions, for all Sum and Sums of Money whatsoever received, laid out, expended, or paid, by the said Commissioners, or any Nine or more of them, for or upon account of the executing this Act; and shall yearly, and every Year, on the First Day of May, deliver an Account thereof into the Hands of the Clerk of the Peace for the said County of Perth, who is hereby required to receive the same, and to cause the same to be laid before the said Justices of the Peace at their then next Quarter Session; and the Clerk to the said Commissioners shall then attend the said Quarter Session with the Books and Papers belonging to the said Trust for the Year preceding the said First Day of May, for the Inspection and Perusal of the said Justices: And in case it shall appear to the said Justices in Quarter Session, that any of the said Monies shall have been misapplied, the Person or Persons who shall have so misapplied the same, or by whose Authority the same shall be done, shall forfeit and pay Double the Sum so misapplied, to be recovered summarily before the Court of Session, or the Circuit Court in Perth, at the Suit of the said Justices of the Peace, or any Two of them; and such Sum, when the same shall be recovered, shall be applied towards the Building and Reparation of the said Bridge, and other the Purposes of this Act; provided that in case such Application shall be made to the Circuit Court in Perth, that Notice thereof shall be given to the Defender Ten Days before the Sitting of the

Penalty on misapplying any of the Monies:

Application thereof.

said Circuit Court, which shall be held as sufficient Notice.

After the Money borrowed is repaid, Tolls on Foot Passengers to cease

And be it further enacted, That as soon as the Monies to be borrowed upon the Credit of the said Tolls, with the Interest thereof, shall be fully paid and satisfied, the said Tolls hereby directed to be paid by Foot Passengers shall cease and be no longer payable; and that

The Tolls, &c. shall be placed out at Interest, till 1000*l.* shall be raised;

from thenceforth the Tolls to be collected by virtue of this Act upon Carriages, Horses, and other Cattle, shall, after Payment of the Expences of collecting and recovering the said Tolls, and of keeping the said Bridge, and Avenues thereto, in Repair, be by the said Commissioners, or any Nine or more of them, annually placed out at Interest upon good and sufficient Security, until the same shall amount unto the full Sum of One thousand five hundred Pounds Sterling; and when the

the Interest thereof to be applied in keeping the Bridge in Repair;

said Sum of One thousand five hundred Pounds Sterling shall be raised, the same shall, by and with the Approbation of the Justices of the Peace for the said County of Perth assembled in Quarter Session, be laid out by the said Commissioners, or any Nine or more of them, upon good and sufficient Security, and the same, from time to time, to call in again, and otherwise place out, as the said Commissioners, or any Nine or more of them, with such Approbation as aforesaid, shall think necessary and proper; and the Interest and Produce thereof shall be, from time to time, for ever after, applied and appropriated for the repairing of the said Bridge, and all other the said Works relating thereto, and to or for no other Use or Purpose whatsoever; and that from and im-

immediately after which all Tolls shall cease.

mediately after the said Sum of One thousand five hundred Pounds Sterling shall be so placed out as aforesaid, all the Tolls or Duties hereby granted shall cease, and the Passage of the said Bridge shall, from thenceforth, be free for all Persons whomsoever; any thing in this Act contained to the contrary notwithstanding.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Indictment, shall be commenced against any Person or Persons, for any thing done in pursuance of this Act; in every such Case, the Action or Suit shall be commenced within Four Months next after the Fact committed, and not afterwards; and shall be brought in the First Instance before the Sheriff Court of the County of Perth, and not elsewhere; and if the Pursuer or Pursuers shall discontinue his, her, or their Action or Suit, or if Judgement shall be given against him, her, or them, or if upon a Suspension of the said Judgement or Advocation to the Court of Session, or Appeal to the Circuit

Court

Court of Perth, Judgement shall be given against the Pursuer or Pursuers; in that Case the Defendant or Defendants shall recover Full Costs of Suit, and such Damages as the Court shall think proper to award. Full Costs.

And be it further enacted, That this Act shall be deemed a Publick Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. Publick Act.

FINIS.