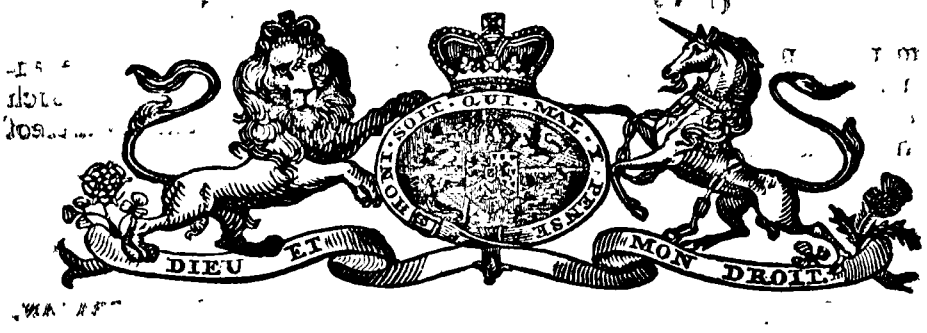


ANNO SEXTO

GEORGII IV. REGIS.

CAP. LXXXVI.

An Act to provide for the Erection of certain Courts and Offices of Justice in *Scotland*.

[5th *July* 1825.]

WHEREAS in pursuance of an Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for taking down the present Buildings in which the Treasury Chambers and Offices of the Courts of Exchequer in* Scotland *were situated, and erecting new Buildings in the lieu thereof,* certain Buildings were erected for that Purpose: And whereas by virtue of another Act, passed in the Forty-eighth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for vesting the Stock of the Court of the Session in* Scotland *in Trustees; for the erecting Buildings for the better Accommodation of the College of Justice, and a Public Jail, in the City of* Edinburgh; *and for other Purposes therein mentioned,* certain additional Buildings were erected: And whereas by another Act passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled 'An Act to facilitate the Administration of Justice in that Part of the United Kingdom called* Scotland, *by extending Trial by Jury to Civil Causes,* Buildings are authorized to be erected for the permanent Accommodation of the said Court: And whereas under the Authority of the last-mentioned Act certain Buildings were purchased and fitted up for the temporary Accommodation of the said Jury Court, but which by the late destructive Fires which happened in the said City of *Edinburgh* in the Year One thousand

46G.3.c.154.

48G.3.c.146.

59G.3.c.35.

thousand eight hundred and twenty-four were wholly destroyed; and the Buildings used for the Offices of the Court of Exchequer were in part destroyed or damaged; it has therefore become necessary to provide permanent Accommodation for carrying on the Business of the said Jury Court, with proper Convenience for the Judges, and for the Clerks and Officers thereof, and to erect the Buildings necessary for that Purpose, in place of those destroyed by the said Fire; and it is also necessary to provide suitable Accommodation for the Offices connected with the Courts of Exchequer, and for the Preservation and Security of the valuable Records belonging thereto, as also for the High Court of Admiralty, and for the Court of the Commissaries of *Edinburgh*, and for the further Accommodation and Convenience of the Courts of Session and Justiciary; and it is also necessary to improve and widen the Access to the said Courts, and to remove certain Houses situated in the Vicinity of the same: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Trustees acting in the Execution of the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty King *George* the Third, together with the Chief Commissioner of the Jury Court, and the Senior Baron of the said Court of Exchequer, or such other Baron as may be named and appointed by the said Court of Exchequer, and they are hereby empowered and required to cause to be built and erected, according to such Plans and Designs as shall be approved of by them and by the Lord High Treasurer or Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, Buildings necessary for the Dispatch of the Business of the said Jury Court, with proper Accommodation for the Use and Convenience of the Judges, and of the Clerks and Officers thereof; and also such additional Accommodation as may be necessary for the Offices belonging to the Court of Exchequer, and for the better Preservation and Security of the Records belonging thereto; and also suitable Accommodation for the said High Court of Admiralty, and for the Commissary Court of *Edinburgh*, and the Clerks and Officers connected therewith, and for the further Accommodation and Convenience of the said Courts of Session and Justiciary; and further, the said Trustees are also hereby empowered and required, to cause the Access to the said Courts to be widened and improved according to such Plans and Designs as shall be approved of as aforesaid.

Additional Buildings to be erected according to Plans approved of by the Treasury.

II. And be it further enacted, That it shall and may be lawful for the said Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being to authorize the Chief Baron and Barons of the said Court of Exchequer to order the Expence of the said Buildings so to be erected to be defrayed out of the Monies that shall arise from any of the Duties and Revenues in *Scotland*, which, by several Acts made in the Seventh and Tenth Years of the Reign of Her Majesty Queen *Anne*, were charged and made chargeable for keeping up the Courts of Session, Justiciary, and Exchequer in *Scotland*, and to order such Sum or Sums of Money as shall from Time

Expence to be defrayed out of the Revenues arising in Scotland.

Time to Time be necessary, to be paid out of such Duties and Revenues to the said Trustees acting in the Execution of this Act, or to such Person or Persons as they shall authorize to receive the same, and such Powers and Authorities are hereby given and granted to the said Trustees for the Purpose of erecting such Buildings, as are given to the Trustees for erecting the Buildings directed by the said last mentioned Act.

Certain Property herein mentioned may be purchased.

III. And be it further enacted, That it shall and may be lawful for the said Trustees, with the Consent and Approbation of the said Lord High Treasurer or Commissioners of the Treasury for the Time being, to purchase, for the Purposes aforesaid, such of the Areas, Houses, and other Property, on the South and East Sides of the *Parliament Square*, and those situated in the *High Street*, as lately consumed or damaged by One of the said Fires which happened in the Month of *June* last, as well as other Tenements adjoining thereto, and also such other Buildings or Areas, wherever situated, which shall be deemed necessary by the said Trustees, either for the Site of the intended new Buildings, or for the Safety and Preservation thereof, or for the better Access thereto; but excepting always the Premises in and adjoining to the *Parliament Square*, belonging to the Company carrying on the Business of Banking, under the Firm of Sir *William Forbes, James Hunter*, and Company, so long as the said Premises shall be occupied by them, or their Successors, as a Banking House, or Office for carrying on the Business of Banking, without the Consent of the said Company, but declaring that the said Company, or their Successors, shall not be at liberty to dispose of their said Premises for any other Purpose, except for carrying on the Business of Banking, without previously offering the same to the said Trustees for the Purposes of this Act, at such Price as the said Company may consider the Value thereof; but if the said Trustees shall consider the said Price more than the just and true Value of the said Premises, then the said Price shall be fixed and estimated by the Verdict of a Jury, in the same Way and Manner as afterwards provided by this Act: Provided always, that such of these Houses as may have been purchased by the Commissioners appointed by the said recited Act passed in the Forty-eighth Year of the Reign of His late Majesty, for erecting a Jail in *Edinburgh*, but which are no longer required for that Purpose, shall be disposed of to the said Trustees at a Price not exceeding that which the same have cost the said Commissioners.

Provision for appropriating the Exchequer Court Buildings for the Use of the Jury Court.

IV. And whereas it may be proper to accommodate the Jury Court in the Buildings at present occupied by the Court of Exchequer, and to use the Buildings to be erected under the Authority of this Act for the Accommodation of the Court of Exchequer, and Offices connected therewith; be it therefore enacted, That it may and shall be lawful for the said Trustees, with the Consent and Approbation of the said Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, to order and direct such Exchange to be made of the said respective Buildings, when they shall see fit and proper.

V. And

Provision for the Maintenance and Repair of the Buildings.

V. And be it further enacted, That the Expence of repairing and supporting the Buildings to be erected in pursuance of this Act, as also the Buildings at present appropriated for the Accommodation of the Courts of Session, Exchequer, and Justiciary, shall from Time to Time be defrayed out of the Funds applicable to the Support of the Courts of Session, Justiciary, and Exchequer in *Scotland*, in the same Manner as the Expences of repairing the present Buildings are defrayed.

On a certain Event, the Faculty of Advocates to be permitted to build a new Library.

VI. And whereas in the Event of that Part of a new Building, containing the Library belonging to the Faculty of Advocates, being acquired, with the Consent of the said Faculty, by the Society of Clerks to His Majesty's Signet, whose Library is in the same Building; be it further enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Treasury to authorize and permit the said Faculty of Advocates to erect another Library on Part of the Area situated at the West of the outer Parliament House, in such Manner and according to such Design, as the said Commissioners of the Treasury, or any Three of them, shall think proper and approve.

Incapacitated Persons empowered to sell.

VII. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Heirs of Entail, Guardians, Trustees, and all other Persons and Trustees whomsoever, not only for and on behalf of those having the beneficial Interest, whether Persons under Age, Issue unborn, Lunatics, Idiots, or fatuous Persons, or other Person or Persons, and for every Person or Persons whomsoever, who shall be seised, possessed of, or interested in any Lands, Grounds, and Heritages which shall be acquired for the Purposes of this Act, to contract for, sell, and convey the same, and every Part thereof, unto the said Trustees for the Purposes of this Act; all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act.

Form of Conveyance.

VIII. And be it further enacted, That all Conveyances and Assurances which shall be made of any Lands or Heritages to the said Trustees for the Purposes of this Act shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit:

I [*or* we] of in consideration of the Sum of to me [*or* us] paid, do hereby grant, dispone, and convey to all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same, and every Part thereof, to hold to the said for the Purposes specified in an Act passed in the Year of the Reign of His Majesty King *George*

the Fourth, intituled [*here set forth the Title of this Act*]. In witness whereof I have set my Hand to these Presents.

Written by [*insert Name and Description of Writer*] this Day of , in the Year of our Lord , before these Witnesses [*insert Name and Descriptions of Witnesses, who will also subscribe as Witnesses.*]'

And all such Conveyances and Assurances shall be registered within Sixty Days of the Date or Execution thereof, in the General Register of Sasines, or in the particular Register of Sasines of the County of *Edinburgh*, and shall thereupon be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all other Rights, Titles, Trusts, and Interests, and Incumbrances to, in, or upon the same whatsoever; any Law or Practice to the contrary notwithstanding.

Satisfaction to be made to Bodies Politic, &c. and other Persons entitled to Premises.

IX. Provided always, and be it further enacted, That all and every Body Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated to sell and convey any Lands, Tenements, and other Heritages, or any Owner or Owners, and the Occupiers or Occupier of any Lands, Tenements, or other Heritages required to be taken for the Purposes of this Act, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Heritages, or of any such Interests as aforesaid; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts of the same, the said Trustees purchasing the same for the Purposes of this Act may and shall be at liberty to enter upon, and from thenceforth for ever to have, take, and use the said Lands, Tenements, and other Heritages for the Purposes of this Act; and in case the Parties interested in such Lands, Tenements, or Heritages cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after mentioned.

In case of Difference as to Purchase Money, it shall be settled by a Jury.

X. And for settling all such Differences which may arise between the said Trustees and the several Owners of or Persons interested in any Lands, Tenements, or other Heritages which shall or may be taken or used for the Purposes of this Act, be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Person so interested, for and on his, her, or their Part or Parts, or for or on the Part of any Person or Persons for whom they may hold the same, or Persons as aforesaid, shall refuse to accept such Purchase Money or other Compensation as shall be offered by them, the said Trustees, or their Agent by or on their Behalf, shall give Notice thereof in Writing to any Three of the said Trustees, within Six Days after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any other Person or Persons, seised or possessed of or interested in any such Lands, Tenements, or Heritages as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Trustees, or with any Person or Persons authorized by them,

them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce or evince a clear Title to the Premises they may be in possession of, or to the Interests they shall claim therein, to the Satisfaction of the said Trustees, or of the Person or Persons authorized by them, then and in every such Case the said Trustees shall and they are hereby empowered and required from Time to Time to direct the Sheriff Depute or Substitute of the County of *Edinburgh* to summon, assemble, and choose a Jury in such Way and Manner as Juries are summoned, assembled, and chosen in Counties in *Scotland*, and the said Sheriff may order and authorize the said Jury, when chosen, or any Three or more of them, to view the Place or Places, or Matters or Things in controversy; and such Jury shall upon their Oaths (which Oaths, as well as the Oaths of such Witnesses, the said Sheriff is hereby empowered and required to administer) inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money which shall be paid for the Purchase of such Lands, Tenements, or Heritages, or Compensation for any Interest therein as aforesaid; and the said Sheriff shall give Judgment for such Purchase Money or Compensation so assessed by such Jury; which said Verdict, and the Judgment thereupon, shall be binding and conclusive to all Intents and Purposes, upon all Bodies Politic, Corporate, or Collegiate, and upon all Persons whomsoever, and shall not be subject to any Review, or any Stay or Sist of Execution whatsoever; provided that Fourteen Days Notice in Writing, at the least, of the Hour and Place at which such Jury are so required to be returned, be given to the Bodies Politic, Corporate, or Collegiate, or to the Person or Persons interested, or claiming so to be, before the Time of the Meeting of the said Sheriff and Jury as aforesaid, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and in each and every Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements or Heritages, or as a Compensation for any Interest therein as aforesaid, than shall have been previously offered by or on behalf of the said Trustees, before the summoning such Jury, and where no Compensation shall have been previously offered in respect thereof by or on behalf of the said Trustees, or where, by reason of Absence or other Impediment or Disability, there shall not be found any Person or Persons at hand who may be legally capacitated to contract with, and make Conveyances to, or receive Compensation from the said Trustees, as herein-before mentioned, then and in all such Cases all the reasonable Expences of causing such Value or Compensation to be assessed and awarded as aforesaid, shall be settled by the said Sheriff, and be defrayed by the said Trustees; but if any Verdict shall be given for the same Sum that shall have been previously offered by or on behalf of the said Trustees, or for a less Sum than shall have been so previously offered, or in case of such Refusal to treat with or make Conveyances to the Trustees by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act, or otherwise, legally empowered to treat and convey or receive such Compensation

Provision as to Expences of Jury.

as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating or agreeing as aforesaid, in which Case all such Costs and Expences shall be borne and paid by the said Trustees) the reasonable Costs and Expences of causing such Value or Compensation to be assessed and awarded as aforesaid, shall be settled in like Manner by the said Sheriff, and be borne or paid by the Body or Bodies Politic, Corporate, or Collegiate, or by the Person or Persons with whom the said Trustees shall have such Controversies or Disputes; which said Costs and Expences shall and may be deducted out of the Money so assessed and awarded, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be Payment or Tender of the whole Sum or Sums so assessed or awarded as aforesaid.

Verdicts to be recorded.

XI. And be it further enacted, That all the said Judgments and Verdicts shall be deemed to be and shall become Records of the said Sheriff to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be allowed to be good Evidence; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

When and how Trustees may enter into Possession.

XII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or determined or adjusted by any Jury or Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or Heritages, to the Proprietors or Proprietor of such Lands and other Heritages and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *Scotland*, or the Royal Bank of *Scotland*, or *British* Linen Company as hereafter directed and required (in case the same shall be requisite for the Use of such Person or Persons so interested or entitled as aforesaid), it shall be lawful for the said Trustees, and their Agents, Servants, and Workmen, or any other Persons authorized by them in their Behalf, immediately to enter upon such Lands, Grounds, and Heritages respectively; and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estates, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in the said Trustees in such Manner as is directed in and by this Act, to and for the Purposes of this Act, for ever; and such Tender, Payment, or Investiture shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also

shall

shall extend to and shall be deemed and construed to bar the Terce of the Wife, and all Right of every other Person, and all Incumbrances whatsoever therein: Provided nevertheless, that before such Payment, it shall not be lawful for the said Trustees or any Person acting under their Authority, to dig into such Lands or Grounds for the Purpose of erecting the Buildings directed by this Act, without Leave of the respective Owners or Occupiers thereof in Writing under their respective Hands.

Where the Sum of Compensation shall amount to 200*l.*

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Minor, or other Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, or the Royal Bank of *Scotland*, or the *British* Linen Company, to be placed to an Account, in the Name or Names of such Person or Persons as any Three of the said Trustees shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and Application of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase of the Land Tax, or towards the Extinction of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Discretion and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where the Sum shall be less than 200*l.*

XIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used for the Purposes aforesaid, and belonging to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall

shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians, to be signified in Writing under their respective Hands, be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the *British* Linen Company, under the Direction and Authority of the Court of Session, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Session.

Where the Sum shall be less than 20*l.*

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

In case of not making a good Title.

XVI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Three of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons, to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session, which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to remain in the Hands of the said Banks, or any One of them, or to order the same to be paid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Interest or Dividends thereof, according to the respective Estate or Estates, Title or Interests, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to

the said Court shall seem just and reasonable; and the Cashier or Cashiers of the said Banks respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums mentioned, and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of Question touching Title.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into such Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interests of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and the Dividends or Interests of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, or the Capital yielding such Interest remaining in the Hands of any of the said Bankers, shall be paid, and applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Expences of Purchases to be paid in certain Cases.

XVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, and the Purchase Money of the same shall be required to be paid into the said Banks, or One of them, by the Order of the said Court, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance thereof respectively, it shall be lawful to the said Court to order the Expences of all such Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Certain Passages to be shut up.

XIX. And be it further enacted, That for the Security of the said Buildings, it shall and may be lawful for the said Trustees to shut up the Passage known by the Name of the *Back Stain*, and all other Passages leading from the South or East into the *Parliament Square*, and to issue their Order or Orders for shutting up the same, in such Way and Manner as they may judge proper.

XX. And

Trustees may dispose of such Lands as are not wanted, under certain Conditions.

XX. And whereas the said Trustees may purchase Lands, Tenements, or Heritages to be made use of for the Purposes of this Act, and it may happen that the whole thereof may not be required for the Purposes of this Act, and it may in such Case become necessary to re-sell or otherwise dispose of the same; be it therefore further enacted, That it shall be lawful for the said Trustees, by Deed under the Hands of any Three or more of them, to grant and convey by way of absolute Sale, feu, or otherwise dispose of such Lands, Tenements, or Heritages, or any such Part or Parts thereof, as shall not be wanted for the Purpose of this Act, on such Conditions as to the Manner of Plan or building thereon, or Occupancy by the Buyers thereof, as to the said Trustees shall seem meet and proper; and all such Conveyances from the said Trustees shall be valid and effectual; any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands, Tenements, and Heritages, it shall and may be lawful for the said Trustees, or any Three of them, to sign and give Receipts for the Money for which the same shall be sold, feued, let, or otherwise disposed of, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Buildings shall be so sold, feued, or let, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

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