ANNO QUINQUAGESIMO

GEORGII III. REGIS.

****

Cap. 50.

An Act to amend an Act passed in the Thirty-second Year of His present Majesty, for building a Bridge over the River *South Esk*, at or near *Montrose*.

[18th *April* 1810.]

WHEREAS by an Act passed in the Thirty-second Year of His present Majesty's Reign, intituled *An Act for building a Bridge over the River* South Esk, *at or near the Town of* Montrose, *in the County of* Forfar, *and for making suitable Approaches thereto*; the Persons therein named or described were constituted and appointed Commissioners for the designing, erecting, and building a Bridge or Bridges in one or more Divisions, so as to complete the Communication across the River *South Esk*, at or near the Town of *Montrose*, in the County of *Forfar*, with necessary and convenient Ramparts and other Works for the Support and Preservation thereof, and keeping the same in Repair; and sundry Powers were thereby given to the said Commissioners, and particularly to levy certain Tolls or Duties, and to borrow Money on the Credit thereof: And whereas in Pursuance and Execution of the said Act a Bridge of Communication was built and erected partly of Stone and partly of Wood across the said River, and certain Sums were borrowed on the Credit of the Tolls and Duties authorized to be levied, a considerable Part of which is still due and owing: And whereas it is or soon will be necessary to make great Repairs on the said Bridge, and the Tolls or Duties authorized to be taken are not sufficient to pay the Interest of the Money borrowed and the unavoidable Charges and Repairs, nor to raise a Fund for the further Repairs, the Materials for which are greatly enhanced in Price; and therefore to preserve and complete a Work so useful to the Public, it is expedient that the said Tolls or Duties

32 G. 3. c. 38.

Additional Tolls granted.

ſhould be increaſed, and further Powers granted to the Commiſſioners to borrow Money on the Credit thereof, and for other Purpoſes: But as theſe Ends and Purpoſes cannot be accompliſhed without the Authority of Parliament, May it therefore pleaſe Your Majeſty, That it may be enacted; and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this preſent Act, the Rates, Tolls, and Duties, authorized to be levied by the ſaid recited Act ſhall ceaſe and determine, and in lieu thereof it ſhall and may be lawful to and for the Commiſſioners named and appointed by or in Purſuance of the ſaid Act, or any Seven or more of them, by themſelves or by Perſons authorized by them, to levy, demand, and take, at the Turnpikes or Toll Houſes erected at the South End of the ſaid Bridge, or at any other Turnpike or Toll Houſe to be erected in Purſuance of the ſaid Act, the following Tolls or Pontage Duty, before any Paſſage over the ſaid Bridge ſhall be permitted; that is to ſay,

Tolls to be taken.

For every Perſon on Foot going over and returning once in One Day, the Sum of One Penny:

For every Horſe, together with a Rider, in hand or loaded, the Sum of Sixpence:

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 Four Shillings; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For every Chaiſe with Two Wheels, drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by one Horſe, the Sum of One Shilling:

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

For every Cart, Wain or other Carriage with Two Wheels, and drawn by Four Horſes or other Beaſts of Draught, loaded, the Sum of One Shilling and Sixpence; if unloaded, the Sum of Eight-pence; and drawn by Two Horſes or other Beaſts of Draught, loaded, the Sum of Eight-pence; if unloaded, the Sum of Four-pence; and drawn by one Horſe or other Beaſt of Draft, loaded, the Sum of Sixpence; if unloaded, tne Sum of Three-pence:

All which preceding Tolls and Duties, except that for Foot Paſſengers, ſhall be payable every Time the Bridge is paſſed.

For every Score of Sheep or Goats, the Sum of One Shilling; and ſo in Proportion for any greater or leſs Number:

For

For every Ox or Cow the Sum of Three-pence:
For every Calf or Hog the Sum of One Penny:

All which Tolls and Duties ſhall be and are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the Purpoſes mentioned in the ſaid former Act.

Manure to pay Half Toll. Exemptions.

II. Provided always, That Carts loaded with Marle, Dung or other Manure, for the Purpoſes of Agriculture, ſhall only be liable to pay Half the Tolls hereinbefore mentioned; and no Toll whatever ſhall be demanded or taken from Perſons going on Foot, or with Horſes and Carts, to perform Statute Duty on the Roads, or returning from performing the ſame, or for Perſons, Horſes or Carriages of whatſoever deſcription, employed or to be employed in conveying the Mails or Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; nor for Officers or Soldiers who are upon their March or on Duty, or their Horſes; nor for any Perſons, Horſes, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in conveying any wounded or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat, or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, or any Horſe, Mare or Gelding furniſhed by or to ſuch Perſons, and rode by them in going to or returning from the Place appointed for, and on the Days of Exerciſe: Provided always, that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively; nor for Perſons, Carts or Carriages, or Waggons travelling with Vagrants ſent with legal Paſſes; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being legally entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Exempting Carriages with Stores.

III. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by Reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

IV. And

For borrowing Money.

IV. And be it enacted, That it ſhall be lawful to and for the ſaid Commiſſioners, or any Seven 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 legal Intereſt any Sum or Sums of Money they ſhall think needful, not exceeding Seventeen Thouſand Pounds, including the Sum already borrowed and owing; and may and are hereby authorized and empowered to aſſign over the ſaid Tolls, or any 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 recorded in a Book or Books to be kept for that Purpoſe; and all 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.

Act not to infringe the Rights of former Creditors.

V. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend to infringe the Right of any Perſon or Perſons who have lent Money under the ſaid former Act, upon the Security of the Tolls and Duties thereby authorized to be levied, but ſuch Securities ſhall attach upon the Tolls and Duties authorized to be levied by this Act, to the ſame Extent and according to the ſame Priority in Payment.

Powers for levying Tolls continued.

VI. And be it enacted, That all the Powers given and granted by the ſaid recited Act for levying and enforcing the Payment of the Tolls and Duties thereby granted, and for reducing the ſame, ſhall be applicable to the Tolls and Duties authorized to be levied by this Act, and the Right to levy the ſame ſhall ceaſe and determine at the ſame Time and upon hte ſame Events as the ſaid former Act appointed.

Application of Compenſation exceeding 200l.

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

ſaid

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

Application when Compenſation leſs than 200l.

VIII. Provided always, and be it 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 Corporation, or to any Perſon under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and 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 Tutors or Curators, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and placed to his or their Account, as aforeſaid, in order to be applied in Manner herein before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid Commiſſioners (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.

Application when Money leſs than 20l.

IX. Provided alſo, 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 the ſaid recited Act, or of this Act, in ſuch Manner as the ſaid Commiſſioners ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles or where Perſons cannot be found.

X. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Heritages to be purchaſed by virtue of the ſaid recited Act or of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the

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

In caſe of queſtionable Title.

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

Court may order Expences of Purchaſes to be paid.

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

ſioners, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

In caſe of the Bridge becoming impaſſable, the former Ferry at Ferryden, may be uſed and Tolls levied thereat.

XIII. And whereas by the ſaid Act of the Thirty-ſecond Year of His Majeſty it was enacted, That as ſoon as the ſaid Bridge ſhould be paſſable and opened for the Uſe of the Public, and as long as the ſame ſhould continue paſſable, then the Ferry of *Ferryden* ſhould ceaſe to be worked, and the ſaid Ferry has accordingly ſince the Erection of the ſaid Bridge ceaſed to be worked or uſed, and the Right thereto has been acquired by the ſaid Commiſſioners: And whereas in caſe by Accidents happening to the ſaid Bridge whereby it may be impaſſable, it will become neceſſary to open and uſe the ſaid Ferry, and it will be expedient to levy Tolls or Paſſage Money thereat, as the only Fund which can then exiſt for paying the Intereſt of the Money borrowed on the Credit of the Tolls leviable for the ſaid Bridge: Be it therefore enacted, That in the ſaid Event it ſhall and may be lawful for the ſaid Commiſſioners to direct the ſaid Ferry of *Ferryden* to be opened and uſed as formerly, any Thing in the ſaid Act to the contrary notwithſtanding, and to levy or cauſe to be levied thereat, for paſſing the ſaid Ferry, ſuch Rates, Tolls or Fares as they ſhall think proper, not exceeding the Tolls or Duties authorized by this Act to be levied for paſſing the ſaid Bridge, and to continue to levy the ſame until the Bridge is repaired and paſſable, ſuch Tolls and Duties being applicable in the ſame Way as the Tolls for paſſing the Bridge are directed to be applied by the ſaid former Act and by this Act, and for purchaſing and maintaining the neceſſary Paſſage Boats while the Ferry is uſed, and to no other Purpoſe.

Expence of this Act.

XIV. And be it enacted, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the Tolls and Duties levied, or the Money borrowed under the Authority of the ſame.

Publick Act.

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

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