ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

***

Montroſe to *Brechin* (except ſuch Parts thereof as are hereby altered, varied, or repealed), ſhall be, and the ſame are hereby further continued for and during the Term herein-after mentioned, in as full and ample a Manner, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act; and that this Act, and the additional Term and the Tolls hereby granted, ſhall be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the Tolls within the ſaid Line of Road, and of ſuch other Sum or Sums of Money as ſhall be borrowed, or become due and owing on the Credit thereof, and of this Act, and of the Intereſt due or to grow due for the ſame.

Truſtees under the Act of the 29th to be the Truſtees to carry this Act into Effect.

II. And be it enacted, That the Truſtees mentioned and deſcribed in the ſaid Act, and qualified as therein ſpecified, ſhall be, and they are hereby declared to be Truſtees for carrying this preſent Act into Execution.

Truſtees to erect Turnpike-Gates, &c.

III. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at a Diſtrict Meeting aſſembled, to order or direct, or cauſe to be built and erected, at or upon any Part of the ſaid Line of Road, as they may in their Diſcretion, and from Time to Time, think moſt fit and convenient, One or more Gate or Gates, Turnpike or Turnpikes, with ſuitable Toll Houſes, Stabling, and Garden adjoining thereunto, and to purchaſe Land for that Purpoſe in the ſame Way and Manner as is in and by the ſaid Act directed.

Power to levy additional Tolls.

IV. And be it enacted, That, in Addition to the Tolls by the ſaid Act authorized to be levied and collected upon the ſaid Line of Road, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and to and for any Perſon or Perſons authorized by ſuch Quorum, to demand, levy, collect, and take the additional Tolls or Duties following, before any Coach or other Carriage, Horſe, or other Cattle, ſhall be permitted to paſs through all or any, or either of the Gates already erected, or which ſhall or may be hereafter erected, upon any Part of the ſaid Line of Road; (that is to ſay),

For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, or Hearſe with Four Wheels, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Sixpence Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Four-pence Sterling:

For every Chaiſe, Chair, or Carriage of a ſimilar Nature, with Two Wheels, drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Four-pence Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Three-pence Sterling:

For every Waggon, Wain, Cart, Sledge, or Carriage, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings and Sixpence Sterling; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling Sterling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Three-pence Sterling;

Sterling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of One Penny Halfpenny Sterling:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny Sterling:

For every Drove of Oxen, Cows, or Neat Cattle, *per* Score, the Sum of Five-pence Sterling, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, *per* Score, the Sum of Two-pence Halfpenny Sterling, and ſo in Proportion for any greater or leſs Number:

Which ſaid Tolls or Duties hereby authorized to be levied and collected, ſhall and may be apportioned by the ſaid Truſtees, or a Quorum of them, according to the Number of Gates erected or to be erected upon the ſame Road; and in ſuch Way and Manner as ſhall to them the ſaid Truſtees, or a Quorum of them as aforeſaid, appear reaſonable and proper.

To erect Weighing Machines and to levy further Duties in Proportion to the Weight.

V. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, in Diſtrict Meeting aſſembled, ſhall and may, and they are hereby authorized, in caſe they find it neceſſary, to order and direct Weighing Engines to be erected upon any Part of the ſaid Road, as they ſhall think fit, for the Purpoſe of weighing any Waggon, Cart, or Carriage, which may happen to paſs through any of the ſaid Turnpike Gates, and to receive and take, over and above the Tolls hereby granted, the following Sums of Money as additional Tolls for every Hundred Weight, (of One hundred and twelve Pounds to the Hundred), which any ſuch Waggon, Cart, or Carriage, together with the Loading thereof, ſhall weigh, over and above the Weight which each of ſuch Waggons, Carts, or Carriages is allowed to weigh, without paying any additional Toll; (that is to ſay),

For the Firſt and Second Hundred, the Sum of Three-pence Sterling for each Hundred:

For every Hundred of ſuch Over-weight, above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence Sterling:

For every Hundred of ſuch Over-weight, above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling:

For every Hundred of ſuch Over-weight, above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling:

And for every Hundred of ſuch Over-weight above Fifteen Hundred, the Sum of Twenty Shillings Sterling:

And that before they or any of them ſhall be reſpectively permitted to paſs through ſuch Gate or Turnpike; and the Money to ariſe thereby ſhall be applied in like Manner, with the other Tolls by this Act directed to be levied and taken; and in caſe any Perſon or Perſons ſhall obſtruct or hinder the weighing of any ſuch Waggon, Cart, or Carriage as aforeſaid, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings nor leſs than Ten Shillings Sterling.

Exemptions from paying for additional Weight to a certain Extent.

VI. And be it further enacted, That every Waggon, Cart, or Carriage ſhall be allowed to paſs without paying any additional Toll, provided ſuch Waggon, Cart, or Carriage with its Loading, does not weigh more than

the Weights following; *videlicet*, Every Waggon or Four-wheeled Carriage having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven Tons in Winter; every Waggon or Wain having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons and an Half in Winter; every Cart having the Fellies of the Wheels of the Breadth of Nine Inches, Three Tons in Summer, and Two Tons Fifteen hundred Weight in Winter, every Waggon having the Fellies of the Wheels of the Breadth of Six Inches, Four Tons and One Quarter in Summer, and Three Tons and Three Quarters in Winter; every Cart having the Fellies of the Wheels of the Breadth of Six Inches, Two Tons Twelve hundred Weight in Summer, and Two Tons Seven hundred Weight in Winter; every Waggon having the Fellies of the Wheels of less Breadth than Six Inches, Three Tons and an Half in Summer, and Three Tons in Winter; every Cart having the Fellies of the Wheels of less Breadth than Six Inches, and drawn by Two or more Horses, One Ton and an Half in Summer, and One Ton Seven hundred Weight in Winter; and for every such Cart drawn by One Horse, One Ton both in Summer and Winter: And for the aforesaid Purposes, it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both inclusive.

Exemptions from Toll.

VII. Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid for passing through any of the Turnpikes erected or to be erected on the said Road, who shall not travel above Two hundred Yards thereon, or carrying any Quantities of Stones or other Materials for repairing any of the said Roads and Bridges, or other Roads and Bridges within the said County, or any of the Causeways within or belonging to the same; nor shall any Occupier or Occupiers of Land be charged with any of the Duties or Tolls aforesaid for passing from one Part to another of the same Farm; nor any Occupier or Occupiers of Fields or Borough Roods on which no Offices or Barn Yards are erected for the Use of the said Fields or Lands, shall be liable to pay any of the said Tolls or Duties, for any Horses or Carriages carrying Dung to the said Fields or Roods, from the Yard where such Dung is made for the Use of the said Fields or Roods; nor carrying any Corn in the Straw, Hay or Grass being the Produce of the said Fields or Roods to the Place where the said Corn in the Straw, Hay or Grass is usually kept or used by the said Occupier or Occupiers; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass or return through the said Turnpikes to their Parish Church, Chapel, or any other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor from any Persons who shall pass or return on attending the Funeral of any Person or Persons who shall die and be buried in any of the Parishes in which the Roads hereby directed to be repaired do lie; nor from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Horses, Geldings, or Cattle, going to or returning from Pasture, or from Watering Places, or going to be or returning from being shoed; nor for any Horses or Carriages of whatsoever Description, employed

employed or to be employed in carrying the Mails of Letters and 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 the Horſes or Carriages of Officers or Soldiers who are upon their March or on Duty, or the Carriages attending upon them; nor for Carts, Carriages, or Waggons, travelling with Vagrants ſent by legal Paſſes; and if any Perſon ſhall in any Manner claim and take the Benefit of any of the Exemptions hereby granted, not being entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Ten Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

The Truſtees may diminiſh and increaſe Tolls;

VIII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at a General Meeting aſſembled, ſhall and they are hereby empowered to diminiſh or leſſen any or all of the ſaid Tolls and Duties upon the ſaid Road, with Conſent of Five Sixths in Value of the Perſons who have lent Money thereon, and not otherwiſe; and alſo to raiſe them again as they ſhall ſee Cauſe, ſo that the ſame do not exceed the Tolls and Duties granted by this Act.

and borrow further Sums of Money upon the Credit of the Tolls.

IX. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall be and they are hereby authorized to borrow ſuch Sum of Money on the Credit of the ſaid Tolls on the aforeſaid Line of Road in Addition to any Sum they may have already borrowed, as ſhall in their Opinion be found neceſſary for completing and finiſhing ſuch Road in a proper Manner, and keeping the ſame in a proper State of Reparation in all Time hereafter, during the Continuance of this Act, not exceeding the Sum of Two thouſand five hundred Pounds, and to aſſign over the additional Tolls hereby granted for Security of the Money which ſhall or may be hereafter borrowed, purſuant to the Powers in this preſent Act contained.

May build Fences and ſhut up private Roads;

X. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, in General Meeting aſſembled, to build Fences and to ſhut up and ſuppreſs any private or Bye Roads, communicating with the ſaid Road from *Montroſe* to *Brechin*, that may appear uſeleſs or of no Importance to the Public: Provided always, that Notice of the Reſolution to ſhut up any ſuch Road ſhall be given by Advertiſement, affixed to the Doors of the Churches of the Pariſhes through which the ſaid Road paſſes, and by having the ſame read over at the Clerk or Precentor's Deſk, immediately at diſſolving the Congregation, for Two *Sundays* following each other, One Month at leaſt before the ſaid Road ſhall be actually ſhut up; and that any Perſon or Perſons who ſhall think himſelf or themſelves aggrieved by ſuch Reſolution, may apply to the Sheriff of the County or his Subſtitute, who, if he ſees Cauſe, is hereby empowered to ſuſpend the Execution thereof until the next General Meeting of the Truſtees, who ſhall by their Adjudication of the Matter finally determine the ſame.

and alter the Courſe of the Road;

XI. And be it enacted, That the ſaid Truſtees, or any Seven or more of them, in General Meeting aſſembled, ſhall have Power to alter the Courſe of the ſaid Line of Road, and to carry the ſame through and over

ſuch Grounds and Fences as to them may appear moſt proper, acceſſible, and convenient, and along or through any Bye or other Roads which may be more convenient than the Courſe of the ſaid Road, as now uſed, in which Caſe the ſaid Bye Road, as far as it is joined by the ſaid Road, ſhall be conſidered as Part of the ſame to all Intents and Purpoſes.

and pull down Houſes, *etc.*

XII. And be it enacted, That in making Acceſſes into Towns or Villages, it ſhall be in the Power of the ſaid Truſtees, or any Seven or more of them, to pull down, or cauſe to be pulled down, Houſes, the Side-walls of which do not exceed Twenty Feet in Height, and to make ſuch Roads of Acceſs through any Grounds that to the ſaid Truſtees ſhall appear neceſſary; and alſo that in the Caſe of any Houſe being pulled down by the Proprietor, for the Purpoſe of rebuilding near the Sides of the ſaid Road, or in any Village, or at or near the Outlets of *Montroſe* or *Brechin*, it ſhall be in the Power of the ſaid Truſtees to cauſe the Foundation of the ſame to be removed back to the Diſtance of Twenty-two Feet from the Middle of the ſaid Road; and it ſhall be lawful for any One or more of the ſaid Truſtees to ſtop the rebuilding of any ſuch Houſe, as he or they ſhall apprehend to be within the ſaid Diſtance from the Middle of the ſaid Road, by an Order in Writing under his or their Hands, in the ſame Manner, and to be followed by the ſame Proceedings as in the ſaid former Act are directed to be uſed in the Caſe of new Houſes being built near the ſaid Road, where none had formerly been built or erected.

Proprietors and Occupiers of Grounds, Houſes, &c. to be indemnified.

XIII. Provided always, That ſuch Damages ſhall be paid to the Owner or Owners, Occupier or Occupiers reſpectively, of the Grounds, Houſes, or Fences, which ſhall be taken, prejudiced, or damaged, by widening the ſaid Roads, or by the forming and making ſuch new Courſe of the Roads, as the ſaid Truſtees, or any Seven or more of them, ſhall judge reaſonable; and in caſe of any Difference concerning the ſame between ſuch Owner or Owners, Occupier or Occupiers, and the ſaid Truſtees, Application ſhall be made to the Sheriff Depute of the ſaid County, or his Subſtitute, to ſummon a Jury, in order to value the Ground and Fences neceſſary to be taken and uſed, or Houſes neceſſary to be pulled down; and the ſaid Sheriff Depute, or his Subſtitute, is hereby empowered and required upon ſuch Application, to order Intimation thereof to be made to the Owner or Owners, Occupier or Occupiers of ſuch Grounds, Fences, and Houſes, and afterwards to iſſue a Summons in the uſual Manner, for calling together and impannelling a Jury, to conſiſt of Fifteen Perſons in Number, to examine into, and after ſuch Examination to return a Verdict upon Oath as to the Value of ſuch Grounds, Fences, and Houſes; and thereupon the ſaid Sheriff Depute, or his Subſtitute, is hereby required to adjudge Payment of the Value and Amount of the Loſs or Damage ſo aſcertained to the Owner or Owners, Occupier or Occupiers thereof; and upon Payment being made by the ſaid Truſtees to the Party or Parties intereſted, or upon Conſignation thereof in the Hands of the Sheriff Clerk of the County, the ſaid Truſtees ſhall from thenceforth have Right and be at Liberty to take and uſe the Ground, and to pull down the Houſes or Fences ſo valued, for the Purpoſe of altering, widening, and extending the ſaid Road, as fully and effectually ever after, to all Intents and Purpoſes, as if the Owner or Owners of ſuch Grounds, Fences, and Houſes, had executed regular Diſpoſitions, Conveyances, and other legal Aſſurances of the ſame, and thereupon Infeftments had followed; and the ſaid Proceedings of the

ſaid

ſaid Sheriff Depute, or his Subſtitute, ſhall be final and not removeable or queſtionable by Bills or Letters of Advocation or Suſpenſion, or Proceſs of Reduction, or by any other Authority of any other Court whatſoever; any Law or Uſage to the contrary thereof in anywiſe notwithſtanding.

Penalty on Perſons evading Payment of Toll.

XIV. And be it enacted, That in caſe any Perſon or Perſons travelling on the ſaid Road in a Coach, Chaiſe, or any other Carriage whatſoever, ſhall ſtop before coming to a Turnpike Gate, and walk through the Gate; or in caſe any Perſon or Perſons ſhall unload any Waggon, Cart, or other Carriage travelling along the ſaid Road, before coming to a Turnpike Gate, and ſhall carry the ſaid Load through ſuch Gate, every ſuch Perſon or Perſons ſhall pay the Tolls and Duties by this Act impoſed, in the ſame Manner as if ſuch Coach, Chaiſe, Waggon, Cart, or other Carriage had gone through the Turnpike Gate without being unloaded; and if ſuch Perſon or Perſons ſhall refuſe to pay ſuch Tolls and Duties, he, ſhe, or they ſhall forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings Sterling, for each ſuch Coach, Chaiſe, Waggon, Cart, or Carriage, to be levied and recovered in the Manner directed by the aforeſaid Act.

Toll-Gatherers not to be Victuallers or Innkeepers.

XV. And be it further enacted, That no Perſon who ſhall keep a Toll Houſe, whether under the ſaid Truſtees, or their Leſſees or Tackſmen, ſhall have Power to ſell or retail any Spirituous Liquors without a ſpecial Licence from the Truſtees, or any Seven or more of them, firſt had and obtained for that Purpoſe.

Explanation as to Power of ſelling Ground, *etc.* of old Roads.

XVI. And whereas by the ſaid recited Act it is provided and enacted, that in caſe of altering the Courſe of any of the Roads in the ſaid County, the Truſtees ſhould be empowered to ſell the Ground over which the old Road led; be it enacted, That the ſaid Power ſhall only extend to and be exerciſed on the ſaid Line of Road, in Caſes where the old Road can be ſhut up and ſuppreſſed without Inconvenience to the Public, and declared uſeleſs according to the Forms mentioned and preſcribed in the ſaid Act; and the Truſtees ſhall be bound to keep the ſaid old Road in proper Repair until it is ſo ſhut up and ſuppreſſed.

Materials for the Road not to be dug for or carried away, without Notice to the Proprietors.

XVII. And be it enacted, That it ſhall not be lawful for the ſaid Truſtees, or any Surveyor or other Officer appointed by them under the Authority of this Act, to dig, gather, take, or carry away Gravel, Furze, Heath, Stones, or other ſuch like Materials, or to take or ſet apart any Pieces or Parcels of Ground to and for the Uſe of the ſaid Road, from any Lands and Grounds that may be incloſed, until Notice in Writing ſhall have been given to the Owners or Occupiers of the Premiſes from which ſuch Materials, or Pieces or Parcels of Land, are intended to be taken and ſet apart, or left for ſuch Owners or Occupiers at his, her, or their uſual or laſt Places or Place of Reſidence, to appear before the ſaid Truſtees, or any Three or more of them, or any Two Juſtices of the Peace acting in and for the ſaid County of *Forfar*, to ſhew Cauſe why ſuch Materials, or Pieces or Parcels of Land, ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owners or Occupiers ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Three or more of them, or ſuch Juſtices ſhall, if they think fit, authorize ſuch Surveyor

or

or other Perſon or Perſons to dig, gather, take, carry away, and ſet apart ſuch Materials and ſuch Pieces and Parcels of Lands at ſuch Time or Times as to ſuch Truſtees, or any Three or more of them, or to ſuch Juſtices ſhall ſeem proper; and if ſuch Owners or Occupiers ſhall neglect or refuſe to attend by themſelves or their Agents, the ſaid Truſtees, or any Three or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Owners or Occupiers or their Agents had attended.

Committees or Diſtrict Meetings to account to the General Meeting, &c.

XVIII. And whereas by the ſaid recited Act, the Truſtees upon the Turnpike Roads are empowered to appoint a Committee of their own Number, to ſuperintend and direct the making and repairing of the ſaid Roads; and the ſaid Committee are directed to lay before the General Meeting of the Truſtees a State of their Accounts, and all their Tranſactions, but *no* proper Means are preſcribed for enforcing the ſaid Regulations, whereby conſiderable Inconvenience may ariſe; be it therefore enacted, That the Committee of Truſtees appointed or to be appointed to manage and ſuperintend the ſaid Road from *Montroſe* to *Brechin*, ſhall at the annual General Meeting by the ſaid Act appointed, to be held on the ſame Day on which the Commiſſioners of Supply ſhall meet for aſſeſſing the Land Tax, lay before the ſaid Meeting a full and particular State of their Accounts to be by the ſaid General Meeting, examined, audited, and approved; and in caſe of Failure or Neglect, the Clerk of the General Meeting ſhall, and he is hereby required to apply to the Sheriff Depute or his Subſtitute, who ſhall grant Warrant for ſummoning the Clerk of the Committee of the ſaid Road, or other Perſon or Perſons to whom the ſaid Failure or Neglect ſhall be imputed; and on Proof thereof, ſhall fine him or them in a Sum not exceeding Five Pounds nor leſs than Forty Shillings Sterling; to be paid to the ſaid Truſtees, and be applied by them, or any Three or more of them, to the Repair of the ſaid Line of Road; and the Proſecutor ſhall yearly report to the firſt adjourned General Meeting after the Tenth Day of *June*, the Iſſue of any ſuch Proſecution.

Bonds for Money borrowed to be transferrable by Indorſement.

XIX. And be it enacted, That the Bonds and Securities to be granted by the ſaid Truſtees, for the Money to be borrowed by them in the Manner directed by the ſaid recited Act, and this Act, ſhall and may be transferrable from one Perſon to another by Indorſement, duly ſubſcribed by the Party transferring, in the Preſence of Two ſubſcribing Witneſſes.

Act of the *Scots* Parliament for planting and incloſing Ground repealed in ſo far as the ſame may extend to the preſent Line of Road.

XX. And be it further enacted, That the Power granted by the Act of the Parliament of *Scotland* in the Year One thouſand ſix hundred and ſixty-one, intituled, *Act for planting and incloſing of Ground*, to Heritors, Wadſetters, and Liferenters, at the Sight of the Sheriff Depute or Subſtitute, or Juſtices of the Peace of the ſaid County, to caſt about Highways to their Conveniency, provided they do not remove them above Two hundred Ells on their whole Ground, ſhall be and the ſame is hereby repealed ſo far as the ſame may extend to the ſaid Line of Road from *Montroſe* to *Brechin*.

XXI. And

Application of Compensation where exceeding 200*l.*

XXI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act or 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 Incorporation, 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, 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 Hereditaments, in the Purchaſe 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 Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments 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 Meſſuages, Lands, Tenements, and Hereditaments 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 Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200*l.* nor leſs than 20*l.*

XXII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons 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 Hereditaments 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 be 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 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,

thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable.

Application where the Money is leſs than 20*l.*

XXIII. 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 Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Act or this Act, in ſuch Manner as the ſaid Truſtees, or any Three or more of them, 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 if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

XXIV. 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 Hereditaments, 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 Truſtees; 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 Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, 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 Hereditaments [*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, by Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the publick 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 other 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 any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled

XXV. 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 the ſaid recited Act or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, 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

and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, 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 Hereditaments, or to some Estate or Interest therein. thereto according to such Possession.

XXVI. 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 Hereditaments, to be purchased under the Authority of the said Act or 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 Hereditaments, to be settled to the like Uses, in pursuance of this Act, 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 this or the said 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. The Court may order reasonable Expences of Purchases to be paid by the Trustees.

XXVII. And be it enacted, That the Expence of procuring and passing this Act shall be paid out of the Tolls levied by virtue of the said former Act and of this Act, upon the said Road herein particularly described, or out of the Money borrowed or to be borrowed upon the Credit thereof. Expences of the Act to be paid.

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

XXIX. And be it enacted, That this Act shall commence on the Eleventh Day of *November* One thousand eight hundred and four, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Continuance of Act.

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