ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 16.

An Act for continuing the Term, and altering the Powers of an Act made in the Thirty-fourth Year of His present Majesty, for making and repairing several Roads leading across the County of *Stirling*.

[21st *March* 1810.]

WHEREAS by an Act made in the Thirty-fourth Year of the Reign of His present Majesty, intituled, *An Act for making and repairing several Roads leading across the County of* Stirling, certain Persons were appointed Trustees, and various Powers were granted for making and keeping in Repair the Roads and Bridges therein mentioned: And whereas the Trustees appointed by the said Act have made great Progress in making and repairing the said Roads, and the Bridge over the River *Carron*, in the said recited Act mentioned, has been built, and certain Sums of Money have been borrowed and expended in carrying the Purposes of the said Act into Execution: And whereas the Roads and Bridges in the said, recited Act mentioned cannot be effectually made, amended and kept in Repair, nor the Money borrowed and owing be repaid, unless the Term of the said Act be enlarged, the Toll and Pontage Duties be encreased, and further and other Powers granted: 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 the said recited Act, and all, and every the Authorities, Powers, Privileges, Provisions and Clauses therein contained, (except such of them as are hereby varied, altered or repealed,) shall be and continue in full Force and Effect, and together

54 G. 3. c. 138.

The Term and Powers of the former Act continued.

together with this preſent Act ſhall be put in Execution for the ſeveral Purpoſes thereby and hereby intended, for and during the Term hereinafter mentioned in as full and ample a Manner, and as effectually to all Intents and Purpoſes, as if the ſaid Authorities, Powers, Privileges, Proviſions and Clauſes were repeated and re-enacted in this preſent Act; and the additional Term hereby granted, ſhall be, and is hereby made ſubject and liable to the Payment of all Monies now due and owing on the Credit or on Account of the ſaid former Act, or that may be borrowed and become due and owing on the Credit of the ſaid former Act, and all Intereſt due, and to grow due for the ſame reſpectively.

Truſtees.

II. And be it further enacted, That the Appointment of Truſtees in the ſaid recited Act contained, ſhall be and the ſame is hereby repealed; and, in lieu thereof, that the Honourable *Lawrence Dundas*, the Honourable *George Abercromby* of *Tullibody*, Sir *William Bruce* of *Stenhouſe*, Baronet, Sir *John Callander* of *Weſtertown*, Baronet, *Henry Johnſton* of *Meadowbank*, *John Ogilvie* of *Gairdoch*, *Thomas Dundas* of *Fingaſk*, *John Alexander Higgins* of *Newck*, *James Bruce* of *Powfoulis*, *Thomas Graham Stirling* of *Airth*, *Michael Steuart Nicholſon* of *Carnock*, *Alexander Charles Maitland* of *Kerſie*, *John Francis Erſkine* of *Mar* *Cunningham* of *Throſk*, *William Murray* of *Touchadam*, *Joſeph Stainton* of *Letham*, Manager for the *Carron* Company, or the Manager for the *Carron* Company for the Time being, *James Bruce* of *Kinnaird*, *James Ruſſell* of *Woodſide*, *John Bauchop* of *Bogend*, *James Walker* of *Munivills*, *George Kincaid* of *Bellſdyke*, and every other Perſon or Perſons who has or have ſubſcribed and paid, or who ſhall ſubſcribe and pay a Sum not leſs than One Hundred Pounds Sterling, towards the making, repairing, and keeping in Repair the Roads, and building, repairing and keeping in Repair the Bridges deſcribed in the ſaid recited Act, being qualified as hereinafter mentioned, and the eldeſt Sons of the Perſons above-named, or of the Perſon or Perſons who have ſubſcribed and paid, or ſhall ſubſcribe and pay as aforeſaid, being qualified as hereinafter mentioned, in the Abſence and after the Deceaſe of their Fathers, ſhall be and they are hereby nominated and appointed Truſtees for putting in Execution all and every the Powers of the ſaid recited Act, ſo far as not hereby altered or repealed, and of this Act.

Qualification of Truſtees.

III. Provided always, That no Perſon ſhall be qualified or capable of acting as a Truſtee in any Caſe whatſoever in the Execution of the ſaid recited Act, or of this Act, unleſs he ſhall be in Poſſeſſion, as Proprietor or Life-renter of the full Property, or *dominium utile*, of Lands valued in the Tax Rolls or Ceſs Books of the ſaid County, to the Extent of One Hundred Pounds *Scots* per Annum, excepting the eldeſt Sons of ſuch Perſons, in the Abſence or after the Deceaſe of their Fathers as aforeſaid, and the Huſbands of Wives who are in Poſſeſſion, as Proprietors or Life-renters of the full Property, or *dominium utile*, of Lands, to the Extent and Valuation aforeſaid.

Truſtees not to accept a Place of Profit.

IV. Provided alſo, That if any Perſon or Perſons, by this Act appointed a Truſtee or Truſtees for putting the ſaid recited Act, and this Act, into Execution, ſhall accept of any Place of Profit ariſing out of or by reaſon of any Tolls or Duties by this Act granted, ſuch Perſon or Perſons

ſons ſhall, from thenceforth, and while he or they continue to hold or enjoy ſuch Place or Places of Profit, be diſabled to act as a Truſtee or Truſtees.

Penalty upon acting if unqualified, &c.

V. And be it enacted, That if any Perſon or Perſons, who ſhall be unqualified, or rendered incapable to act for the Cauſes aforeſaid, ſhall, nevertheleſs, preſume to act as a Truſtee or Truſtees contrary to the true Intent and Meaning of this Act, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds Sterling, to be levied, recovered, and applied in manner directed by the ſaid recited Act.

Quorum of Truſtees.

VI. And be it enacted, That for putting all and every the Purpoſes of the ſaid recited Act, ſo far as not hereby altered or repealed, and this preſent Act, into Execution, any Three of the ſaid Truſtees ſhall be a Quorum, any thing in the ſaid recited Act contained to the contrary notwithſtanding.

Meetings of Truſtees.

VII. And be it enacted, That the ſaid Truſtees ſhall hold their firſt General Meeting under this Act at *Falkirk*, upon the Third *Saturday* after the paſſing of this Act, or as ſoon thereafter as conveniently may be, and their next General Meeting at *Falkirk*, upon the Second *Saturday* of *October* in the preſent Year One thouſand eight hundred and ten, and thereafter ſhall hold two ſtated General Meetings in every Year during the Continuance of this Act, the one upon the Second *Saturday* in *April*, and the other upon the Second *Saturday* in *October*, and if at any ſuch General Meetings or at any adjourned Meetings, there ſhall not be preſent a Quorum of the ſaid Truſtees, any one or more of thoſe who ſhall be preſent, or if no Truſtee ſhall be preſent, the Treaſurer or Clerk of the ſaid Truſtees, as often as ſuch Caſe ſhall happen, ſhall adjourn ſuch Meeting to any future Day betwixt and the next ſtated General Meeting, but not within leſs than Fourteen Days after ſuch previous intended Meeting, of which Adjournment Notice ſhall be given in two of the Newſpapers publiſhed at *Edinburgh*, at leaſt Ten Days before the Day of ſuch adjourned Meeting, declaring always that in the Matter of borrowing Money on the Credit of the Toll and Pontage Duties hereby granted, the ſaid Truſtees ſhall act at their General Meetings only, and not at adjourned Meetings, any thing in the ſaid recited Act contained to the contrary notwithſtanding.

Tolls.

VIII. And be it enacted, That the ſeveral Tolls and Duties granted by the ſaid recited Act, and payable at Turnpikes and Toll Gates, ſhall be and the ſame are hereby repealed, (except the additional Tolls for he Overweight which any Carriage together with its loading ſhall weigh more than the Weights reſpectively permitted by the ſaid Act to paſs on the ſaid Roads without paying ſuch additional Tolls, and which additional Tolls for Overweight ſpecified in the ſaid recited Act ſhall continue to be payable over and above the Tolls and Duties hereby granted) And in lieu and place thereof the ſaid Truſtees, or any Perſon or Perſons whom they ſhall from Time to Time appoint for that Purpoſe, ſhall be and they are hereby authorized and empowered to demand and take the Tolls and Duties following, at each and every of the Turnpikes or Toll Gates erected or to be erected by virtue of the ſaid recited Act or this Act: that is to ſay,

For

Public Carriages. For every Stage Coach, Long Coach or Diligence, or Carriage of the like Kind, drawn by Two Horſes or Beaſts of Draught, and licenſed to carry, or kept or employed for carrying for Hire, if not more than Six Inſide Paſſengers, and having no Outſide Paſſengers the Sum of One Shilling Sterling; But if there be Outſide Paſſengers at any Time, or for any Part of the Journey, while travelling on the ſaid Roads, the Sum of One Shilling and Eight Pence Sterling; If more than Six Inſide Paſſengers, then the above Rates for Six, and for each additional Inſide Paſſenger, Two Pence Sterling; For each Outſide Paſſenger, excluſive of the Guard in any of the above Caſes, over and above the preceding Rates, One Penny Sterling:

For every Stage Coach, Long Coach or Diligence, or Carriage of the like Kind, drawn by Three or more Horſes or Beaſts of Draught, and licenſed to carry, or kept or employed for carrying for Hire, if not more than Four Inſide Paſſengers, and not more than Two Outſide Paſſengers, the Sum of Two Shillings Sterling; If more than Two, and not exceeding Five Outſide Paſſengers, the Sum of Three Shillings Sterling; If more than Five Outſide Paſſengers, Five Shillings Sterling; If more than Four, but not more than Six Inſide Paſſengers, and not more than Two Outſide Paſſengers, Two Shillings and Four Pence Sterling; If more than Two, and not exceeding Five Outſide Paſſengers, Three Shillings and Eight Pence Sterling; If more than Five Outſide Paſſengers, Six Shillings Sterling; If more than Six, but not more than Eight Inſide Paſſengers, and not more than Two Outſide Paſſengers, Three Shillings and Eight Pence Sterling; If more than Two, and not exceeding Five Outſide Paſſengers, Four Shillings and Four Pence Sterling; If more than Five Outſide Paſſengers, Seven Shillings Sterling; If more than Eight, and not more than Ten Inſide Paſſengers, and not more than Two Outſide Paſſengers, Four Shillings Sterling; If more than Two, and not exceeding Five Outſide Paſſengers, Five Shillings Sterling; If more than Five Outſide Paſſengers, Eight Shillings Sterling; If more than Ten Inſide Paſſengers, and not more than Two Outſide Paſſengers, Four Shillings and Eight Pence Sterling; If more than Two, and not exceeding Five Outſide Paſſengers, Five Shillings and Four Pence Sterling; If more than Five Outſide Paſſengers, Nine Shillings Sterling; For each Outſide Paſſenger, excluſive of the Guard, in any of the above Caſes, over and above the preceding Rates, One Penny Sterling:

Private Carriages. For every other Coach, and for every Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, or other ſuch Carriage drawn by One Horſe or Beaſt of Draught, Six Pence Sterling; And drawn by Two Horſes or Beaſts of Draught, One Shillings Sterling; And drawn by Three Horſes or Beaſts of Draught, One Shilling and Eight Pence Sterling; And drawn by Four or Five Horſes or Beaſts of Draught, Two Shillings Sterling; And drawn by Six or more Horſes or Beaſts of Draught, Three Shillings Sterling:

Waggons, &c. For every Waggon, Wain, Cart, or other ſuch Carriage, with more than Two Wheels drawn by One Horſe, Ox, or Beaſt of Draught, Six Pence Sterling; And drawn by Two Horſes, Oxen, or Beaſts of Draught, Ten Pence Sterling; And drawn by Three Horſes, Oxen, or Beaſts of Draught, Three Shillings Sterling; And drawn by Four Horſes, Oxen, or Beaſts of Draught, Four Shillings Sterling; And drawn by Five Horſes, Oxen, or Beaſts of Draught, Six Shillings Sterling;

Sterling; And drawn by Six or more Horſes, Oxen, or Beaſts of Draught, Eight Shillings Sterling:

For every Cart, Wain, or other ſuch Carriage with only Two Wheels, if drawn by One Horſe, Ox, or Beaſt of Draught, Six Pence Sterling; If drawn by Two or more Horſes, Oxen, or Beaſts of Draught, Eight Pence Sterling:

For every ſaddled Horſe, Mare, Gelding, or Mule, with or without a Rider, Two Pence Sterling: Horſes, &c.

For every other Horſe, Mare, Gelding, or Mule, laden or unladen, and not drawing, One Penny Halfpenny Sterling:

For every Aſs, loaded or unloaded, One Penny Sterling:

For every ſcore of Oxen, or neat Cattle, One Shilling Sterling, and ſo in Proportion for any greater or leſſer Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Six Pence Sterling, and ſo in Proportion for any greater or leſſer Number.

IX. Provided always, and be it enacted, That ſuch Carts or Carriages as ſhall be drawn upon Wheels, the Fellies of which ſhall be nine Inches broad at the leaſt, and rolling upon an even Surface, ſhall be chargeable with only One-half of the Tolls and Duties hereby granted, and payable at Turnpikes or Toll Gates, unleſs in the Caſe where ſuch Carts or Carriages ſhall be drawn by more than Eight Horſes, in which Caſe ſuch Carts and Carriages ſhall be chargeable with the full Tolls and Duties. Carriages with broad Wheels to Pay half Toll.

X. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall be conſtrued to alter the Proviſions of the ſaid recited Act, with reſpect to the Notes or Tickets thereby required to be granted on Payment of the Tolls and Duties at one Turnpike or Toll Gate, to enable the Perſon or Perſons having obtained the ſame to paſs and return through the ſame, or other Turnpikes or Toll Gates, under the Conditions and Limitations therein ſpecified, but that ſuch Proviſions ſhall remain unaltered, and continue in full Force, in regard to ſuch Notes or Tickets, upon Payment of the Tolls and Duties hereby granted. Proviſo in the former Act as to Notes and Tickets continued.

XI. And be it enacted, That the Pontage Duties payable at the Bridges in the ſaid recited Act mentioned, ſhall be, and the ſame are hereby repealed, and in lieu and place thereof, the ſaid Truſtees, or any Perſon or Perſons whom they ſhall from Time to Time appoint for that Purpoſe ſhall be, and they are hereby authorized and empowered to demand and take the Pontage Duties following, before and as often as any Foot Paſſenger, Coach, Chaiſe, or other Carriage, Waggon, Wain, or Cart, Horſe, Mule, Aſs, or other Cattle, ſhall be permitted to paſs the Bridges ſpecified in the ſaid recited Act: that is to ſay, Pontage Duties.

For every Foot Paſſenger One Penny Sterling:

For every Horſe, Mare, Gelding, Mule or Aſs, not drawing, Two Pence Sterling:

And for every Coach, Chaiſe, Waggon, Cart, or other Carriage, and for all Oxen and Cattle of every kind, the One-half of the Tolls and Duties herein before granted and made payable for paſſing through the Turnpikes or Toll Gates erected or to be erected on the ſaid Roads.

To prevent Evaſion of the Pontage Duty.

XII. And to prevent Evaſion in Payment of the Pontage Duties hereby granted, Be it enacted, That all Perſons paſſing over the ſaid Bridges ſhall be liable in Payment of the Pontage Duties hereby granted, notwithſtanding ſuch Perſons may be carried in or upon any Waggon, Wain, Cart, or other ſuch Carriage, or on Horſeback, or otherwiſe riding, and that over and above and beſides the Pontage Duties payable for every ſuch Waggon, Wain, Cart, or other ſuch Carriage, and for every Horſe, Mare, Gelding, Mule, or Aſs, excepting always the proper Driver or Drivers of every ſuch Waggon, Wain, Cart, or other ſuch Carriage, and the Perſon or Perſons for whoſe proper Uſe every ſuch Waggon, Wain, Cart, or other ſuch Carriage, may be *bona fide* employed when ſo paſſing, and excepting alſo one Rider upon every Horſe, Mare, Gelding, Mule, or Aſs not drawing; and if any Perſon ſhall claim exemption from the Payment of the ſaid Pontage Duties not being entitled thereto, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Ten Shillings Sterling for every ſuch Offence, to be levied, recovered, and applied in the ſame Manner as the Penalties for evading the Tolls and Pontage Duties are by the ſaid recited Act directed to be levied, recovered, and applied.

Perſons and Things exempted from Toll or Pontage.

XIII. And be it enacted, That from and after the paſſing of this Act the Exemptions from Tolls and Pontage Duties by the ſaid recited Act granted, ſhall (with the Exception of thoſe in Favour of *Carron* Company, as hereinafter mentioned) ceaſe and determine, and in lieu thereof, That no Perſon or Perſons ſhall be liable to pay any of the Tolls or Pontage Duties aforeſaid, for paſſing through any of the Turnpikes or Toll-Gates, or over any of the Bridges erected or to be erected in virtue of the ſaid recited Act, or of this Act, with Carts or Carriages loaded with Stones or other Materials for making or repairing the ſaid Roads and Bridges, or any of the Cauſeways within or belonging to the ſame; nor for Carts, Carriages or Cattle loaded with Dung, or other Manure (Lime and Limeſtone excepted) for Lands or Gardens, or with Ploughs, Harrows or other Implements of Huſbandry, or any other Matter or Thing for the manuring and ſtocking of Lands near to the ſaid Roads, nor for any Waggon, Wain, Cart or other ſuch Carriage carrying Hay or Corn in the Straw, from any Part of a Farm to another Part of the ſame Farm, to be laid up in any Houſes, Outhouſes, Barns, or Yards belonging to the Heritors, Tenants or Inhabitants of the County of *Stirling*, or returning empty from carrying the ſame, unleſs the ſame be carried for Sale, in which Caſe they ſhall be chargeable with the ſaid Tolls and Pontage Duties; nor ſhall any Tolls or Pontage Duties be demanded or taken, for any Perſon or Perſons in Carriages, on Horſeback, or on Foot, going to or returning from Church, Chapel, or any other Place of religious Worſhip within the Pariſh in which they reſide, upon *Sundays* or any other Days on which Divine Service is ordained by Authority to be celebrated, or attending upon or returning from the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the Pariſhes in which the Roads and Bridges hereby directed to be made, built, and repaired are ſituated; nor for any Perſons, Horſes, or Carriages employed or to be employed in carrying, conveying, and guarding the Mails of Letters or Expreſſes under the Authority of His Majeſty's Poſt Maſter General, or in returning from carrying or conveying, or guarding the ſame; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes,

Horſes, or other Cattle drawing the ſame, which ſhall be employed in 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; nor for the Horſes or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horſes, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or in returning from carrying or conveying the ſame; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, 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 appointed for ſuch Corps reſpectively; nor for Carts, Carriages, or Waggons, travelling with or conveying Vagrants or Criminals ſent with legal Paſſes, or returning from conveying the ſame; nor ſhall any Perſon or Perſons be liable to pay the Toll or Duty at any Turnpike or Toll Gate erected or to be erected on the ſaid Roads, for any Carriage, Horſe, or Beaſt, which ſhall only croſs any of the ſaid Roads, or ſhall not paſs above One hundred Yards thereon; but this laſt-mentioned Exemption ſhall not in any Caſe apply to the Pontage Duties hereinbefore granted; nor ſhall any Seaman or other Perſon or Perſons employed in navigating, aſſiſting or directing the paſſing of any Ship or Veſſel up or down the ſaid River *Carron*, and having neceſſary occaſion while ſo actually employed to paſs from One Side of the River to the other be liable to pay the Pontage Duties payable for paſſing the Bridge over the ſaid River.

Exempting Carriages with Stores.

XIV. 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 its 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 or the ſaid recited Act contained to the contrary notwithſtanding.

Exemptions continued in favour of Carron Company.

XV. Provided always, That nothing herein contained ſhall extend or be conſtrued to extend to repeal the Exemptions and Clauſes relative to Payment of Tolls or Duties in the ſaid recited Act contained in favour of the *Carron* Company; but that the ſame ſhall continue to ſubſiſt with regard to the Tolls and Duties by this Act granted, in the ſame Manner as they were before the paſſing of this Act, in regard to the Tolls and Duties by the ſaid recited Act granted and made payable.

XVI. And

Penalty on claiming Exemptions not entitled thereto.

XVI. And be it enacted and declared, That if any Perſon ſhall claim and take the Benefit of any of the ſaid Exemptions, not being legally entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling, to be levied, recovered, and applied as Penalties are by the ſaid recited Act directed to be levied, recovered and applied.

Power to borrow Money.

XVII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees aſſembled at any of their General Meetings, over and above and in addition to the Sum which the Truſtees are empowered to borrow by the ſaid recited Act, to borrow and take up at Intereſt on the Credit of the ſaid Tolls and Pontage Duties, in ſuch Manner as they ſhall think proper, any Sum or Sums of Money not exceeding Seven Thouſand Pounds Sterling, at any Intereſt not exceeding the legal Rate of Intereſt for the Time.

And to grant Aſſignments of the Tolls and Pontage Duties in Security thereof.

XVIII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees aſſembled at any of their General Meetings as aforeſaid, to aſſign and make over the whole or any Part of the ſaid Tolls and Pontage Duties, as a Security or Securities to the Perſon or Perſons who ſhall advance or lend ſuch Sum or Sums of Money, their Heirs, Executors or Aſſigns for Re-payment of the Money ſo to be lent and advanced, with Intereſt for the ſame, and Copies of all ſuch Aſſignments ſhall be entered in a Book or Books, to be kept by the Clerk or Treaſurer to the ſaid Truſtees, and which Book or Books ſhall and may at all reaſonable Times be inſpected by the ſaid Truſtees, or any one of them, without Fee or Reward.

Application of Tolls and Money borrowed.

XIX. And be it enacted, That out of the Monies and other Effects which the ſaid Truſtees or any Treaſurer or other Perſon in their Behalf, are or is poſſeſſed of by virtue of the ſaid recited Act, and out of the Monies to ariſe from the Tolls and Pontage Duties hereby granted, and to be borrowed on the Credit of the ſame, the ſaid Truſtees ſhall be and they are hereby authorized and required in the Firſt Place, to pay all Coſts, Charges, and Expences incident to or attending the paſſing of this Act, in the Second Place ſuch Monies and Effects and Tolls and Pontage Duties, and the Sum or Sums of Money to be borrowed as aforeſaid, ſhall be applied in making, repairing, and keeping in Repair the ſaid Roads and Bridges; in the Third Place, in the Repayment of the Money borrowed under the Authority of the ſaid recited Act, and Intereſt thereof; and in the Fourth Place, in the Repayment of the Sum or Sums of Money to be borrowed under the Authority of this Act, and Intereſt thereof; and afterwards to the other Purpoſes of the ſaid recited Act, ſo far as not hereby altered or repealed, and to the other Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever.

Application of Compenſation amounting to 200l.

XX. 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 Liferents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, married Woman, Infant, Lunatic, or Perſon or Perſons

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 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.

XXI. 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 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.

Application when Money less than 20l.

XXII. 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

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 Truſtees 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.

XXIII. 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 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 Heritages, be not known or diſcovered, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees 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 or 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.

XXIV. 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

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.

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

Public Act.

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

Continuance of this Act.

XXVII. And be it further enacted, That from and after the paſſing of this Act, the Term granted by the ſaid recited Act ſhall be repealed, and that from thenceforth the ſaid Act (ſubject to the Alterations and Amendments herein contained) ſhall continue and be in Force, and be executed for and during the Space of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's Moſt Excellent Majeſty. 1810.