



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 20.

An Act for altering and enlarging the Powers of Three Acts of His present Majesty, for making and repairing the Roads from the New Bridge over the Water of *Almond*, on the Confines of the Counties of *Edinburgh* and *Linlithgow*, by the Town of *Bathgate* to *Baillieston*, in the County of *Lanark*, and several other Roads mentioned in the said Acts.

[4th April 1811.]

WHEREAS an Act was passed in the Thirty-second Year of ^{32G.3.c.120.} the Reign of His present Majesty, intituled, *An Act for making, amending, widening and keeping in Repair the Roads from the New Bridge, over the Water of Almond, on the Confines of the Counties of Edinburgh and Linlithgow, by the Town of Bathgate to Baillieston, in the County of Lanark; and for making, amending, widening and keeping in Repair certain Branches of Road from the said Line of Road; and for building a Bridge over the Water of Avon at Torphichen Mill; and for discharging the Trustees for executing Two Acts passed in the Twenty-sixth and Twenty-seventh Years of the Reign of His late Majesty King George the Second, and Two Acts passed in the Fourteenth and Thirty-first Years of the Reign of His present Majesty, from the Care of such Part of the Road from New-house Inn to Glasgow, as leads from the Confines of the Parishes of Monkland and Shotts, to the East Boundary of Baillieston aforesaid; and putting the same under the Power of the Trustees appointed by this Act: And whereas another Act was passed in the Thirty-fifth*

[Loc. & Per.]

Act 35 G. 3. c. 150. Year of the Reign of His present Majesty, intituled, *An Act to continue, extend and enlarge the Term and Powers of an Act passed in the Thirty-second Year of the Reign of His present Majesty, for making, amending, widening and keeping in Repair the Roads from the New Bridge over the Water of Almond, on the Confines of the Counties of Edinburgh and Linlithgow, by Bathgate to Baillieston, in the County of Lanerk; and certain Branches of Road from the said Line of Road; and for the other Purposes mentioned in the said Act*: And whereas another Act was passed in the Thirty-eighth Year of the

Act 38 G. 3. c. 36. Reign of His present Majesty, intituled, *An Act for altering and enlarging the Powers of Two Acts passed in the Thirty-second and Thirty-fifth Years of the Reign of His present Majesty, for making, amending, widening and keeping in Repair the Roads from the New Bridge over the Water of Almond, on the Confines of the Counties of Edinburgh and Linlithgow, by Bathgate to Baillieston, in the County of Lanerk, and certain Branches of Road from the said Line of Road; and for the other Purposes mentioned therein*: And whereas, in pursuance of the said Acts, the Trustees thereby appointed have borrowed certain Sums of Money, which, together with the Tolls and Duties by the said Acts made payable, have been applied in making and repairing the said Roads, and carrying into Execution the other Purposes of the said Acts: but the said Road is exposed to great Waste and Decay by the Increase of Commerce and Intercourse betwixt the Eastern and Western Coasts of *Scotland*, and betwixt the Cities of *Edinburgh* and *Glasgow*, and by the increasing Use of long Coaches and Diligences carrying great Numbers of Passengers, and of Wagons and Carts carrying heavy Loads, while the Expence of repairing and keeping in Repair the said Roads is also much increased; whereby the Tolls and Duties granted by the said Acts are insufficient for repairing and keeping in Repair the said Roads, and fulfilling the other Purposes thereof: And the said Roads cannot be effectually made, amended, repaired and kept in Repair, nor the Monies borrowed and owing as aforesaid, with the Interest thereof repaid, unless the Tolls granted by the said Acts be increased, the said Trustees empowered to borrow a further Sum of Money on the Credit thereof, and the Powers of the said recited Acts, otherwise altered, amended and enlarged, 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 Fourteenth Day of *May* One thousand eight hundred and eleven, any Three of the Trustees appointed in or by virtue of the said Acts, shall be a Quorum for putting the said Acts and this Act into Execution; any Thing therein contained to the contrary notwithstanding.

Quorum of Trustees.

Repeal of Provision respecting Meetings.

II. And whereas by the said recited Acts passed in the Thirty-second and Thirty-eighth Years of His present Majesty, it was enacted that the said Trustees should hold Two stated Meetings in the Year, one on the First *Saturday* of *October*, and the other on the First *Saturday* in *May*; and whereas the said Provisions have been found inconvenient; be it therefore enacted, That the said Provisions shall be and the same are hereby repealed.

III. And

III. And be it further enacted, That the said Trustees shall and they are hereby required to hold a General Meeting at *Uphall*, on the Second *Saturday* after the passing of this Act, and proceed to carry the same into Execution; and shall also hold another General Meeting on the First *Saturday* of *October* One thousand eight hundred and eleven, and thereafter the said Trustees shall hold Two stated General Meetings in the Year, *videlicet*, one on the First *Saturday* of *April*, and the other on the First *Saturday* of *October*, at any Place upon the Line of the said Roads, the said Meetings to be advertised in one of the *Edinburgh* Newspapers Fourteen Days at least previous to such Meetings.

Meetings of Trustees.

IV. And be it enacted, That from and after the said Fourteenth Day of *May* One thousand eight hundred and eleven, the several Tolls and Duties granted by the said recited Acts shall cease and determine, except the additional Tolls for the Over-weight which any Carriage, together with its Loading, shall weigh more than the Weights respectively permitted by the said Acts to pass on the said Roads without paying such additional Tolls, and which additional Tolls for Over-weight specified in the said recited Act of the Thirty second Year of His Majesty, shall continue to be payable over and above the Tolls hereby granted.

Former Tolls repealed.

Except Over weight.

V. And be it further enacted, That from and after the said Fourteenth Day of *May* One thousand eight hundred and eleven, and during the Continuance of the said recited Acts, the said Trustees, or any Person or Persons whom they may from Time to Time appoint, shall be and they are hereby authorized and empowered, to demand and take any Tolls and Duties, not exceeding the Sums of Money following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Waggon, Cart or other Carriage shall be permitted to pass through the same; that is to say,

Tolls granted.

For Stage Coaches, Long Coaches, Diligences, or other Carriages licensed to carry, or kept or employed for carrying Passengers for Hire,

Public Carriages.

Drawn by not more than two Horses or Beasts of Draught,

If not more than Six Inside Passengers, and having no Outside Passengers, One Shilling and Sixpence.

If more than Six Inside Passengers, then the above Rates for Six, and for each additional Inside Passenger which such Carriage is licenced or employed to carry, Two-pence.

But if there be Outside Passengers at any Time, or for any Part of the Journey, while travelling on said Road, One Shilling and Ten-pence. For each Outside Passenger, exclusive of the Coachman and Guard, in any of the above Cases, over and above the preceding Rates, at each Turnpike Gate, One Penny.

Drawn by Three or more Horses, or other Beasts of Draught,

If not more than four Inside Passengers, and having not more than two Outside Passengers, Two Shillings.

If more than Two, and not more than Five Outside Passengers, Three Shillings.

If more than Five Outside Passengers, Five Shillings.

If more than Four, but not more than Six Inside Passengers, and having not more than Two Outside Passengers, Two Shillings and Four-pence.

If

If more than Two, and not more than Five Outside Passengers, Three Shillings and Eight-pence.

If more than Five Outside Passengers, Six Shillings.

If more than Six, but not more than Eight Inside Passengers, and having not more than Two Outside Passengers, Three Shillings and Eight-pence.

If more than Two, and not more than Five Outside Passengers, Four Shillings and Four-pence.

If more than Five Outside Passengers, Seven Shillings.

If more than Eight, and not more than Ten Inside Passengers, and having not more than Two Outside Passengers, Four Shillings.

If more than Two, and not more than Five Outside Passengers, Five Shillings.

If more than Five Outside Passengers, Eight Shillings.

If more than Ten Inside Passengers, and not more than Two Outside Passengers, Four Shillings and Eight-pence.

If more than Two, and not exceeding Five Outside Passengers, Five Shillings and Four-pence.

If more than Five Outside Passengers, Nine Shillings.

For each Outside Passenger, exclusive of the Coachman and Guard, in any of the above Cases, over and above the preceding Rates at each Turnpike, One Penny.

And if any Person being the Driver, Guard or Owner of any such Coach or Diligence, or other Carriage, shall be convicted before the Sheriff Depute or Substitute, or before any Justice of the Peace of the Counties of *Linlithgow* or *Lanerk*, or of the County where the Offender may be apprehended or reside, either on his own Confession, or by the Oath of One credible Witness, of having directly or indirectly evaded the Payment of the said Tolls by concealing or refusing to reveal the Number of Inside or Outside Passengers, or otherwise, such Person so convicted, shall, on each Conviction, be adjudged to pay the highest Rate of Toll on such Carriage for One Week backwards from the Date of the Default, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand of the said Sheriff Depute or Substitute or Justice of the Peace, the Sales to be conducted in Manner hereinafter directed, and the Penalties to be applied in the Manner in which any Penalty for Evasion of the said Tolls and Duties, or for any Offence against this Act, may be applied.

Private
Carriages.

For every other Coach, and for every Berlin, Barouche, Landau, Chariot, Chaise, Chair or such other Carriage,

Drawn by One Horse or Beast of Draught, Sixpence.

Drawn by Two Horses or Beasts of Draught, One Shilling and Six-pence.

Drawn by Three Horses or Beasts of Draught, One Shilling and Ten-pence.

Drawn by Four or Five Horses or Beasts of Draught, Two Shillings and Four-pence.

Drawn by Six or more Horses or Beasts of Draught, Three Shillings.

Waggons.

For every Waggon or other Carriage with more than Two Wheels used for the Purposes of Trade, Commerce or Husbandry, or other like Purpose,

Drawn by One Horse or Beast of Draught, Sixpence.

Drawn

Drawn by Two Horses or Beasts of Draught, Nine-pence.
 Drawn by Three Horses or Beasts of Draught, Three Shillings.
 Drawn by Four Horses or Beasts of Draught, Four Shillings.
 Drawn by Five Horses or Beasts of Draught, Six Shillings.
 Drawn by Six or more Horses or Beasts of Draught, Eight Shillings.

For every Cart, Wain or other Carriage, with only Two Wheels used Carts.
 for the Purposes of Trade, Commerce, Husbandry, or other like
 Purposes:

Drawn by One Horse or Beast of Draught, Sixpence.
 Drawn by Two or more Horses or Beasts of Draught, Nine-pence.

For every Saddle Horse, Mare, Gelding or Mule, with or without a Horses, &c.
 Rider, Three-pence.

For every other Horse, Mare, Gelding or Mule, laden or unladen, and
 not drawing, Two-pence.

For every Ass, loaded or not loaded, One-Penny.

For every Score of Oxen or Neat Cattle, One Shilling and Eight-pence; Cattle.
 And so in Proportion for any greater or less Number.

For every Score of Calves, Hogs, Sheep, Lambs or Goats, Ten-pence;
 And so in Proportion for any greater or less Number.

VI. Provided always, That no more than One-half of the Tolls before Carriages
 specified, shall be demanded or taken for the Passage of any Cart, Wag- with broad
 gon or other Carriage having broad Wheels of the Dimensions and Wheels to
 Description specified in the said Act of the Thirty-second Year of His pay half
 Majesty, for which it was thereby provided that One-half only of the Tolls, &c.
 Tolls and Duties thereby granted should be taken: Provided always,
 that Carriages claiming such Exemption shall not exceed the Weights
 therein specified: And provided, that nothing in this Act contained
 shall extend or be construed to extend to alter the Provisions of the said
 recited Act, with respect to the Notes or Tickets thereby required to be
 given, on Payment of Toll at One Turnpike, to give Access to the Persons
 having obtained the same, to pass and return through the same or other
 Turnpikes, under the Conditions and Limitations therein specified; but
 that such Provisions shall remain unaltered, and continue in force in
 regard to the Tolls hereby granted.

VII. Provided also, That no greater Toll than One-penny Sterling per Exemption to
 Ton per Mile, and so in proportion for any greater or less Weight and Goods
 Distance, shall be taken or demanded for any Carriage or Carriages, carried to
 laden with Coals or other Commodities, going to or returning from the Monkland
Monkland Canal. Canal.

VIII. And be it further enacted, That from and after the said Fourteenth Exemptions.
 Day of *May* One thousand eight hundred and eleven, all the Exemp-
 tions from Payment of Toll granted by the said recited Acts or either
 of them shall cease and determine; and in lieu thereof, that no Toll
 shall be demanded or taken for any Horse or other Beast of Draught,
 or any Cart or Carriage passing through any of the Turnpikes erected
 or to be erected on the said Roads, and carrying Stones or other
 [Loc. & Per.] 4 K Materials

Materials for repairing the said Roads and the Bridges thereon, or going empty for or returning empty after having conveyed the same, or carrying Dung or other Manure, Hay or Corn in the Straw, provided such Dung or other Manure, Hay or Corn in the Straw exempted, shall only pass or be carried along the said Roads from the Steading of any Farm to any of the Fields thereto belonging, or from such Fields to the Steading, or carrying only Ploughs, Harrows or other Implements of Husbandry, nor for Cattle going to or returning from Pasture or Watering Places, or the Smithy for the Purpose of being shoed or farried, or for any Cart, Carriage, Horse or Beast which shall only cross such Roads, and shall not pass above One hundred Yards thereon; nor shall any Toll be demanded or taken from any Minister or Clergyman going to or returning from Church or other Place of Divine Worship upon *Sundays*, or any other Days upon which Divine Worship is ordered by Authority to be celebrated, nor from Persons 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 by Authority ordained to be celebrated; nor from Persons attending upon or returning from the Funeral of any Person who shall die and be buried in his or her own Parish; nor from 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, conveying or guarding the same; nor for any Waggon, Wain, Cart or other Carriage whatever, or the Horse or 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 conveying or carrying 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 Waggon travelling with or conveying Vagrants or Criminals sent with legal Passes.

No Ordnance, &c. Waggon liable to Penalty for Overweight.

IX. 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

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 Acts, contained to the contrary notwithstanding.

X. And be it further enacted, 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 any Sum not exceeding Five Pounds, besides the Money of which the said Trustees or their Tacksmen shall have been defrauded, and full Costs of Suit. Penalty on Persons claiming Exemptions not being entitled.

XI. 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 Sums which they are authorized and empowered to borrow by the said recited Acts, to borrow and take up on the Credit of the said Tolls hereby granted, at any Interest not exceeding the legal Interest for the Time, any Sum or Sums of Money not exceeding Fifteen thousand Pounds Sterling. Power to borrow.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, assembled at any of their Half Yearly General Meetings, to assign and make over the whole or any Part of the said Tolls and Duties, as a Security or Securities to the Person or Persons who shall advance such Sum or Sums of Money, their Heirs, Executors and Assigns, for 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 for the said Roads, and which Book or Books may at all reasonable Times be inspected by the said Trustees or any of them, without Fee or Reward; and every Assignment under the Authority of this Act or of any of the said recited Acts, whether already granted or to be granted hereafter, shall be transferrable by simple Indorsement, duly subscribed by the Party transferring in the Presence of Two subscribing Witnesses, agreeably to the Manner and Form following: And to assign the Tolls in Security.

‘ I the within designed *A. B.* do hereby transfer this Assignment with all my Right and Title to the Principal Sum, Interest and Penalty thereby secured and now due, to *C. D.* and his Heirs, Executors or Assigns. In Witness whereof, I have subscribed this Indorsement, written by *E. F.* [or, by myself, as the Case may be] at the Day of _____ in the Year _____ Before these Witnesses *G. H.* and *I. K.* Form of the Indorsement.

Or in Words to the same Effect, and which Indorsement shall be intimated to the Clerk or Cashier of the said Trustees, and a Minute thereof entered in the Trustees' Books, and no further Intimation or Form shall be necessary.

XIII. And be it further enacted, That out of the Monies and other Effects which the said Trustees or any Treasurer, or other Person in their Application of Money.

their Behalf, are or is possessed of by virtue of the said former Acts, and out of the Monies to arise from the said Tolls hereby granted or to be borrowed on the Credit of, the same, the said Trustees shall in the first Place, and they are hereby authorized and required to pay and discharge all Costs, Charges and Expences incident to or attending the passing of this Act; in the second Place, such Monies and Effects shall be applied towards the repairing and keeping in Repair the said Roads; in the third Place, to the regular Payment and Discharge of the Interest of all such Sums of Money as are now due and owing under the Authority of the said recited Acts, on the Credit of the Tolls thereby granted; in the fourth Place, to the Payment and Extinction of the Capital of such Sums of Money; and in the last Place, to the regular Payment and Discharge of the Interest and Capital of all such Sums of Money as shall hereafter be borrowed on the Credit of the said Tolls and Duties as aforesaid, and to the other Purposes directed by the said recited Acts.

Tacksmen to take no less Tolls than authorized by the Trustees.

XIV. And be it further enacted, That it shall not be lawful for any Tacksmen of the Tolls or Toll-gatherer, or other Person employed, to collect any of the said Tolls, to take or receive directly or indirectly any less or other Tolls than what are granted by this and the before recited Acts, unless in the Case where a General Meeting of Trustees shall have authorized any of the said Tolls to be lessened, nor shall it be lawful for any such Tacksmen or Toll-gatherer to return or compromise, or cause to be returned or compromised, directly or indirectly, any of the said Tolls; and every Person offending in any of the Particulars aforesaid, shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Toll-gatherer to give Attendance.

XV. And be it enacted, That it shall not be lawful for any Toll-gatherer or other Person employed to collect any of the said Tolls, to absent himself from the Turnpike Gate so as to occasion Delay or Inconvenience to Travellers, and every Person so offending, shall, for every such Offence, forfeit and pay a Sum not exceeding Twenty Shillings.

Application of Compensation where amounting to 200l.

XIV. 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 Acts and 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, Lunatick 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 Sterling, 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 Heritages, in the Redemption or 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 Heritages, or affecting other Lands, Tenements or Heritages, standing

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.

XVII. 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 Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, 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 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 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 Five 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 therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where the Compensation is less than 200l. and not less than 20l.

XVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds Sterling, 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 Acts and this Act, in such Manner as the said Trustees, or any Five 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 intitled respectively.

Application where the Money is less than 20l.

XIX. And be it further enacted, That in case any 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 Acts and 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

In case of not making out Title, &c.

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Trustees

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, or any Five 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 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, 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 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 other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scot and*, 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.

Purchase Money to be paid into the Bank, subject to the Order of the Court of Session.

Where any Question shall arise touching the Right to such Money.

XX. 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 Acts and 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.

The Court may order reasonable Expences of Purchases to be paid by Trustees.

XXI. 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 Acts and 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 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 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

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

XXII. And be it further enacted, That in all Cases wherein Fines of Pe- Prosecution
nalties are by this Act or by the said recited Acts enacted for the Commission for Offences,
of any Offences, the Prosecution for such Offence may be carried on by
the private Party aggrieved, or by the Trustees or their Clerk or Trea-
surer in their Name, by Application or Complaint to any one or more
Justices of the Peace of the said Counties of *Linlithgow* or *Lanerk*, or
other County where the Offender shall reside or be apprehended, or to
the Sheriff Depute or Substitute of such Counties; or the said Trustees
or the Party injured, may lodge Information of such Offence with the
Procurator Fiscal of the County where the Offence shall have been com-
mitted, or where the Offender shall reside or be apprehended, who is hereby
required, as he shall be answerable, to prefer a summary Complaint to
any one or more Justice or Justices of the Peace, or to the Sheriff Depute
or Substitute of such Counties respectively, and either the said Justice or
Justices, or Sheriff Depute or Substitute, shall grant a summary Warrant
for summoning Evidence if necessary, and thereupon proceed against the
Offender or Offenders in a summary Way, and in all Cases the said Justice
or Justices, and Sheriff Depute or Substitute, may convict upon the Con-
fession of the Offender, or on the Oath of one or more credible Witness
or Witnesses, and in case of Conviction, and that the Fine or Penalty be
not instantly paid, the Offender may be committed to any Jail within the
County where the Conviction takes place, until the Expiration of any
Time not exceeding Two months from the Period of Commitment,
or the Goods or Chattels of the Offender may be distrained and sold by
Warrant of the said Justice or Justices, or Sheriff Depute or Substitute,
for Payment of the Sums awarded, and the Persons so distraining are
hereby authorized to sell the Goods or Chattels so distrained in such
Manner as shall be directed by such Justice or Justices, or Sheriff Depute
or Substitute, and to return the Overplus, after deducting all Charges
and Expences to the Owner, with Liberty nevertheless to any Person con-
ceiving himself to be aggrieved by the Sentence of such Justice or Justices
to appeal for Redress to the next General Quarter Sessions of the Peace,
but not afterwards.

XXIII. And be it further enacted, That if any Person or Persons thinking Right of
himself, herself, or themselves aggrieved by any Act or Proceedings of the Appeal.
said Trustees, or their Officers or Persons acting under their Authority,
shall have complained to any Justice or Justices of the Peace for Redress,
and that such private Party or the Trustees shall be dissatisfied with the
Sentence, Order or Proceedings of the said Justice or Justices, such
Party or the Trustees may appeal to the Quarter Sessions of the Peace
of the County where the Complaint shall have been preferred, and from
such Quarter Sessions to the Court of Session.

XXIV. And be it further enacted, That all Matters and Things of whatso- Former Acts
ever nature in the said Three recited Acts contained, except in so far as extended to
the same are hereby repealed, varied, altered or amended, shall remain this Act.
and continue in full Force and Effect, and together with this Act shall be
put

put in Execution in the same Manner as if all such Matters and Things were comprised in one Act.

Public Act. XXV. 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. XXVI. And be it further enacted, That this Act shall continue in force for and during the Terms granted by the said recited Acts, and no longer.

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