



ANNO QUARTO

GEORGIIV. REGIS.

Cap. xi.

An Act for erecting and maintaining a new Court Room, Record Rooms, and other Offices, for the County of *Forfar*. [2d *May* 1823.]

WHEREAS the Court Room, in the Royal Burgh of *Forfar*, in the County of *Forfar*, which is commonly used by the Sheriff Depute of the County and his Substitutes for the Purpose of administering Justice and discharging the other Duties of their Offices, is neither sufficiently large nor in other Respects well adapted for the various public Purposes to which such a public Building must necessarily be applied; and in other Respects there is not suitable Accommodation for carrying on the judicial Business of the County; and a new Court Room, Offices, and other Buildings, have become necessary: And whereas the Room in which the Public Records of the County are kept is not only too small but damp and ill aired, and it is important to the Rights and Interests of all the Proprietors of Land in the said County, and other Persons connected therewith, that Offices or Places for the Deposit and safe Custody of the said Records should be provided: And whereas no Provisions are contained in any existing Law or Act of Parliament for determining by what Persons, or out of what Description of Property or Funds, or in what Manner, the Expence of building, providing, and maintaining such Court Room, Sheriff Clerk's Office, Sheriff's Room, Sheriff Clerk's Room, Record Rooms, and other Offices is or ought to be paid; all which Buildings will be of great Benefit to the County of *Forfar*: may it therefore please Your Majesty

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that

Commis-
sioners.

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 Justices of the Peace and Commissioners of Supply of the County of *Forfar*, being in the actual Possession of the Property, or *Dominium utile*, of Lands valued in the Cess Books of the said County at One hundred Pounds *Scots* of valued Rent, the Sheriff Depute and the Sheriff Substitutes of the County of *Forfar* for the Time being, and the Provost and first or eldest Baillie of the Burgh of *Forfar* for the Time being, shall be and they are hereby nominated and appointed Commissioners for building, furnishing, repairing, and keeping in Repair the Court Room, Record Rooms, and other Offices, for making Avenues to the same, and for executing all the other Powers by this Act committed to the said Commissioners.

Meetings.

II. And be it enacted, That the said Commissioners shall hold their first stated Meeting at *Forfar* on the Fifth *Tuesday* after the passing of this Act, or as soon thereafter as conveniently may be ; of which first Meeting the Clerk to the Commissioners of Supply of the said County is hereby directed and required to give Notice by Advertisement in any One Newspaper usually circulated through the said County at least Ten Days before the Day of such Meeting, and their next stated Meeting at *Forfar*, on the Day of the *Michaelmas* Meeting of Freeholders of the said County, in the Year One thousand eight hundred and twenty-three ; and that the said Commissioners shall thereafter hold Two stated Meetings at *Forfar* in every Year, One on the Day on which the Commissioners of Supply of the said County of *Forfar* shall meet for the Purpose of assessing the Land Tax in the said County, and the other on the Day of the *Michaelmas* Meeting of Freeholders of the said County ; and the Clerk to the Commissioners of Supply shall have Power, and he is hereby ordered and required, when directed, (by Writing under the Hands of any Three or more Commissioners,) to call at any Time an extraordinary Meeting of Commissioners to be held at *Forfar*, giving the like previous Notice of the Time, as herein-before directed, with regard to the first stated Meeting, and also Notice of the Purpose of the Meeting ; and at such Meeting no Business shall be entered into or decided upon, other than what shall be specified in the Notice given as aforesaid ; and it shall not be in the Power of any Ordinary or Extraordinary Meeting to rescind, alter, or vary the Determination of any former Ordinary or Extraordinary Meeting, unless previous Notice of the Intention of so doing, and the Time of the Meeting, be given by Advertisement in the Newspaper as aforesaid.

Quorum.

III. And be it enacted, That at all Ordinary and Extraordinary Meetings of the said Commissioners, any Five of them shall be a Quorum, and at such Meetings the Commissioners shall have Power to adjourn to any future Day ; and if a Quorum of Commissioners shall not be present, any One or more of the Commissioners present shall have Power to adjourn, but not to do any other Business.

Penalty on
acting if not
qualified.

IV. And be it enacted, That if any Person (other than those herein-before named Commissioners by virtue of their Offices) not qualified as aforesaid shall notwithstanding presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit

forfeit and pay the Sum of Fifty Pounds Sterling, besides the Expence of Prosecution, to be levied by summary Complaint of any One of the said Commissioners hereby appointed before the Justices of the Peace for the County of *Forfar*, at their Quarter Sessions, or before the Sheriff Depute of the said County, or his Substitutes, to be paid to the said Commissioners, or their Treasurer, and applied to the Purposes of this Act; and the Proof of Qualification shall lie upon the Person complained of.

V. And be it enacted, That the said Commissioners at their first or any subsequent Meeting shall by a Plurality of Voices elect a Preses, and appoint a Clerk and Treasurer, to hold and exercise their Offices at the Will and Pleasure of the said Commissioners, either separately or jointly, with reasonable Salaries or other Allowances for their Trouble; and such Clerk and Treasurer shall find Security for the due Execution of their Offices, and shall at all Times obey the lawful Commands and Instructions of the said Commissioners.

May elect a Preses, Clerk, and Treasurer.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person or Persons who may be appointed to act as their Clerk or Clerks, or the Partner of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed Treasurer or Treasurers, or the Partner of any such Treasurer or Treasurers, the Clerk or Clerks of the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks shall act as Treasurer, or being the Partner of any such Treasurer or Treasurers shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record in *Scotland*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed.

Offices of Clerk and Treasurer not to be held by one Person.

VII. And be it enacted, That the said Commissioners may, if they shall think fit, appoint a Committee or Committees of their Number to superintend the Progress of the Buildings to be erected, or to carry into Effect any of the Purposes of this Act, to which Committee or Committees the Commissioners may delegate such of the Powers hereby granted to them as they shall think proper.

Power to appoint a Committee.

VIII. And be it enacted, That the said Commissioners may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of One of the said Commissioners, or of their Clerk or Treasurer for the Time being; and no Action or Suit, wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of One of them, or of their Clerk or Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Commissioner, Clerk, or Treasurer, but that one of the said Commissioners, or the Clerk or Treasurer to the said Commissioners for the Time being, shall be deemed to be the Pursuer or Defender (as the Case may be) in

Commissioners may sue and be sued in Name of their Clerk or Treasurer.

every

Conveyances to the Commissioners to be taken in Name of their Treasurer.

Assessment for effecting the Purposes of this Act.

every such Action or Suit; and the said Commissioners shall be entitled to acquire all Rights of Property and Servitude connected with the said Court Room, Sheriff Clerk's Office, Sheriff's Room, Sheriff Clerk's Room, Record Rooms, and other Offices, and the Scite or Area thereof, and Avenues leading to the same; and the Rights and Conveyances thereof to the said Commissioners shall be taken in favour of their Clerk or Treasurer for the Time being, and his Successors in Office; which Rights and Conveyances so taken shall be sufficient for vesting the Subjects thereby conveyed in the said Commissioners.

IX. And be it enacted, That it shall and may be lawful to the said Commissioners, at their first or any subsequent Meeting, to assess or cause to be assessed upon all Lands, Teinds, Fishings, and other Property valued in the Cess Books of the said County, any Sum not exceeding Three thousand five hundred and ninety-nine Pounds Seventeen Shillings and Seven-pence Sterling, to be payable by Two Rates or Assessments; the One thereof to be raised and paid upon the First *Monday* of *June* immediately after the passing of this Act, and the other upon the First *Monday* of *April* in the next or following Year; which Assessment shall be collected by such Person or Persons as the said Commissioners shall appoint for that Purpose, who shall have a reasonable Allowance for his Trouble; and in case of Non-Payment thereof within Fourteen Days after the same shall be due and demanded, then it shall be lawful for the said Collector to apply to any of the Justices of the Peace of the said County for a Warrant to enter his, her, or their House or Houses, and seize and take Possession of his, her, or their Goods and Effects; and which Warrant the said Magistrate is hereby authorized to grant, upon Proof made on Oath before him of such Demand having been made, and of such Person or Persons being in arrear; and if such Assessment shall not be paid within Three Days after such Seizure shall be made, together with the Costs and Charges thereby incurred, then such Collector is hereby authorized to sell by public Roup such Part of the said Goods and Effects as shall be sufficient to pay the said Assessment, with the Costs and Charges attending such Seizure and Sale, returning the Overplus (if any) to the said Owner or Owners, such Costs and Charges to be ascertained by the Justice of the Peace who shall have issued the said Warrant; and the Assessment so to be levied, recovered, and collected as aforesaid, shall be applied by the said Commissioners in defraying the Expence of procuring Plans and Estimates, purchasing Ground, and erecting the said Court Room, Sheriff Clerk's Office, Sheriff's Room, Sheriff Clerk's Room, Record Rooms, and Offices, and for completing the same with all necessary Furniture, together with every other Expence attending the applying for and passing of this Act, and carrying the same into Execution, in all the Purposes therewith connected: Provided always, that nothing herein contained shall be deemed or construed to relieve the Royal Burgh of *Forfar*, or Inhabitants thereof, or any other Person or Persons, of any Obligations they may be under, either by Law or otherwise, to build and maintain a Gaol or Prison for the said County of *Forfar*, or Royal Burgh of *Forfar*, or to provide Parts or Portions of the Furniture, Benches, or other Accommodations necessary for or belonging to such Gaol or Prison.

X. And

X. And be it further enacted, That the whole Proprietors of Land, and others, within the said County of *Forfar*, liable in the aforesaid Assessment, shall also be liable and chargeable with the legal Interest of all Arrears of the Assessments hereby imposed from and after Twenty Days from the Period at which the same are payable; and the said Collectors shall, in like Manner, be liable in and chargeable with the legal Interest of all Monies above Forty Pounds which may come into their Hands under Authority of this Act, while the same continues in their Hands.

Interest to be payable for Arrears of Assessment.

XI. And be it enacted, That every Landholder in the said County, possessing or holding Estates under Settlements of strict Entail, who shall have made Payment of the foresaid Rates or Assessments, of which Payment or Payments, a Receipt, one or more, under the Hands of the Collector, shall be sufficient Evidence, shall be a Creditor to the succeeding Heirs of Entail, for Three-fourths of the Sum or Sums so paid by him; and his Executors or Assignees shall be entitled, and are hereby authorised to recover the same with the Interest thereon, against the succeeding Heir of Entail, in the same Manner competent to Proprietors of Entailed Estates, who have laid out Money in Improvements under Authority of an Act made in the Tenth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments, in that Part of Great Britain called Scotland, held under Settlements of strict Entail.*

Power to charge Entailed Estates.

10 G. 3. c. 51.

XII. And be it enacted, That the said Commissioners shall have full Power and Authority to purchase and acquire suitable Ground for the Scite of the said Buildings, and to contract with and employ Artists, Tradesmen, and other Persons, for erecting the said Court Room, Sheriff Clerk's Office, Sheriff's Room, Sheriff Clerk's Room, Record Rooms, and other Offices, whether such Artists, Tradesmen, and other Persons, be Burgesses, Freemen, or Members of the incorporated Trades of the said Royal Burgh of *Forfar* or not, and to direct Improvements on the said Court Room, Record Rooms, and other Offices, at all Times during the Execution of the Work, and to do whatever may be necessary, proper, and expedient for carrying the Purposes of this Act completely into Effect; and to fit up and complete in a suitable Manner the said Court Room, Record Rooms, and other Offices.

Commissioners may contract for Buildings, &c.

XIII. And be it enacted, That the said Court Room, Sheriff Clerk's Office, Sheriff's Room, Sheriff Clerk's Room, Record Rooms, and other Offices, when finished, and Avenues leading to the same, together with all Materials for the Purpose of being made use of for the same, shall be vested in the said Commissioners; and they, or any One, or their Clerk or Treasurer, are hereby authorized and empowered to bring or cause to be brought any Action or Suit before any Court competent, as accords, against any Person or Persons who shall steal or take away, or receive, if stolen, any such Materials, or disturb the said Commissioners in the Use thereof.

Buildings to be erected, and vested in the Commissioners.

XIV. And be it further enacted, That all Bodies Corporate or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person or Persons whatsoever,
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Incorporated Bodies and others empowered to sell.

though under any legal Disability or Incapacity, are hereby empowered and required to sell and convey all such Lands and Premises as may be necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as can be agreed upon by and between the said Commissioners, and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury in the Manner hereinafter directed.

Commis-
sioners to
take Ground,
and give
Compensa-
tion to
Owners and
Occupiers.

XV. And be it further enacted, That it shall be lawful for the said Commissioners to take and acquire for the Purpose of erecting thereon the aforesaid Buildings, and for providing a suitable Access or Accesses thereto, the following Pieces of Ground, all situated within the Royalty of the Burgh of *Forfar*, *videlicet*, that Piece of Ground situated behind the present Jail and on the North Side thereof, belonging to the Magistrates and Town Council of *Forfar*, presently occupied as a Flesh Market, with the Houses thereupon built, together with the small House occupied by *Frederick Gall Cooper*; as also that Piece of Ground and House built thereon belonging in Property to Bailie *James Murray*, and presently occupied by *William Proctor*, *Peter Ranken*, and *David Milne*, and others, likewise situated behind and on the North of the present Jail, and contiguous and adjacent to the Ground above mentioned; as also that Piece of Ground and House built thereon, belonging in Property to the Heirs of *David Suttie*, and presently occupied by Mrs. *Charles Wood*, and adjacent to the Properties above described; and also the vacant Ground, Streets, Lanes, or Passages around the said Buildings, or as much thereof as shall be requisite for erecting and completing the said Court Room, Record Rooms, and other Offices, upon Payment of the Value thereof and of the Houses and Buildings erected thereon, to the Owners and Occupiers; and if such Owners or Occupiers shall not be satisfied with the Offer that may be made to them by the said Commissioners, or shall refuse to treat with them, or be absent, the said Commissioners shall be, and they are hereby authorised and empowered to apply to the Sheriff Depute of *Forfarshire*, or his Substitute, to summon and empanel a Jury to determine the Price to be paid by the said Commissioners, and the said Sheriff Depute or his Substitute upon such Application being made, is hereby authorised and required to summon and impanel a Jury of Fifteen discreet, substantial, and disinterested Persons, being either Owners or Occupiers of Lands or Burgage Property within the County, to come and appear before him at such Time and Place as by his Warrant and Precept shall be directed, Intimation of Fourteen Free Days being given by the Commissioners of such Appointment to the Parties or their known Agents; and on the appointed Day, the Jury being duly sworn, the said Sheriff shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party; and upon their Depositions and other competent Evidence such Jury shall determine the Price to be paid by the said Commissioners, and their Verdict shall be final and conclusive on all Parties, without being subject to review or stay by Advocation, Suspension, or Reduction, or in any other Manner whatsoever; and the Sheriff Depute or his Substitute shall thereupon order Payment of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said

said Commissioners to take Possession of the said Grounds as their Property.

XVI. Provided always, and be it further enacted, That if such Jury shall by their Verdict adjudge the said Premises to be of greater Value than the said Commissioners shall have offered for the same, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury shall be borne and discharged by such Commissioners, and such Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers the Sum required, or any greater Sum, the Whole of the said Expence shall be paid by the said Commissioners; and in case the said Jury shall award the Sum so offered by the said Commissioners, or any less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided also, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Expences shall be borne by the said Commissioners in Manner aforesaid.

Expences of Jury how to be paid.

XVII. And be it further enacted, That all Lands and Premises which may be acquired by the said Commissioners in pursuance of this Act shall be vested in the said Commissioners, by the simple Discharge for the agreed on Price, or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of the said County of *Forfar*; whereupon the said Commissioners shall be entitled to take and use the said Land and Premises, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their favour regular Dispositions of the same, and Infeftments had followed thereupon.

How Ground is to be vested in Commissioners.

XVIII. And be it further enacted, That it shall be lawful to the Provost, Magistrates and Council of the Burgh of *Forfar*, notwithstanding the Provisions in the Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs of Scotland*, to sell and alienate to the said Commissioners by private Bargain and without the Necessity of Public Roup or Auction the Piece of Ground belonging to them before-mentioned, with the Buildings thereon; and that either for a Sum of Money or for such other equivalent as the said Magistrates and Council shall consider to be just and equitable; and which Sale by private Bargain, with the Deeds of Conveyance and Alienation following thereon, shall be equally valid and effectual to the said Commissioners, as if the said Ground and Buildings thereon had been acquired by them from the said Magistrates and Council, at a Public Roup or Auction, in Terms of the said Act passed in the Third Year of the Reign of His present Majesty.

Magistrates of Forfar may sell by private Bargain, notwithstanding 3G.4. c.91.

XIX. 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 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

Application of Compensation when amounting to 200l.

ried Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to 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*, or Bank of the *British Linen Company*, 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 authorise 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 Intents, Uses, 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 meantime, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

XX. 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 hereinbefore 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 therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable.

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XXI. 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 Heritages so purchased, taken, or used for the Purposes of 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.

Application where the Money is less than 20l.

XXII. 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 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, 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*, or Bank of the *British Linen Company*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them,) subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, 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 Treasurer or Treasurers, Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, 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 Sum or Sums of Money into the Banks as aforesaid.

In case of not making out Title, Purchase Money to be paid into the Banks, subject to the Order of the Court of Session.

XXIII. 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 Pos-

Where Question shall arise touching the Right to such Money.

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session, 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.

Buildings to be kept in Repair.

XXIV. And be it enacted, That the Buildings hereby authorized to be erected, and the Furniture for the same, shall be kept in Repair and insured against Fire in all Time coming by the said Commissioners, out of the County Fund called the Bridge and Rogue Money of the said County, which Fund is hereby charged and chargeable with the Expence of such Repairs, Insurance, and incidental Expences, including a reasonable Allowance to a Person to be appointed by the said Commissioners to take the Charge of the Buildings.

Expences of the Act how to be paid.

XXV. And be it enacted, That the whole Expence of preparing, procuring, and passing this Act, and all other Expences attending the same, shall be paid and defrayed out of the first and readiest of the Monies to be collected by virtue of this Act.

Account of Expences of Works to be deposited with Sheriff Clerk.

XXVI. And be it further enacted, That when the whole of the said Works authorized and directed by this Act shall be finished, an accurate Account of the total Expence laid out shall be made up and certified by any Three or more of the Commissioners or of their Committee, which Account, with the Books, Papers, Receipts, and other Writings and Vouchers, Plans, Drawings, and Designs, relative to the Execution of the Works, shall be deposited with the Sheriff Clerk of the said County, on his Receipt, for the Information of all concerned; and if any free Balance shall remain in the Hands of the said Treasurer of the Monies raised by the aforesaid Assessments, the same shall be laid out and disposed of at the Sight of the said Commissioners, or any Three of them, as a Fund for assisting to keep in Repair the said Court Room, Record Rooms, and other Offices, and the Furniture thereof, and the Avenues leading to the same, in all Time coming.

Interest in Sheriff's Court Room, &c. to be vested in the Commissioners.

XXVII. And be it further enacted, That any Right and Interest competent to the Freeholders, Justices of the Peace, Commissioners of Supply, and Heritors of the said County, or any of them, in the present Sheriff's Court Room, Sheriff Clerk's Office, and Record Rooms, or any of them, or the Pertinents thereof, be hereby reserved entire, and that all such Right and Interest shall henceforth be vested in the Commissioners by this Act appointed; and it shall and may be lawful to the said Commissioners, or a Quorum of them, in consideration of such Equivalent as may be agreed upon between them and the Provost, Magistrates, and Council of the said Burgh of *Forfar*, to grant, dispoise, assign, and convey to the said Magistrates and Council, the whole Right and Interest in the said Court Room, Clerk's Office, and Record Rooms, and Pertinents, or any Part thereof, and to execute a Disposition, Assignation, or other Deed for that Purpose, which shall be good, valid, and effectual to the said Magistrates and Council: Provided nothing in this Act contained shall be held or construed to prejudice any Right or Claim competent

competent to the Magistrates and Town Council of the said Burgh, to the Property and Possession of the said Sheriff Court Room, Sheriff Clerk's Office and Record Rooms, and Pertinents thereof: Provided also, that nothing in this Act contained, shall prejudice any Right of Property or Possession competent to the said Freeholders, Justices of the Peace, Commissioners of Supply, or any of them in the present Town and County Hall, or any Right competent to the said Magistrates and Council, to the exclusive Property and Possession thereof.

XXVIII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Proceeding to be had in the Execution of this Act, for which no Relief is hereby provided, it shall and may be lawful for such Person or Persons, within Six Calendar Months after the Matter complained of shall be done, but not afterwards, to lodge an Appeal to the Justices of the Peace at the Quarter Sessions of the said County of *Forfar*, the Appellant giving Fourteen Days Notice of such Appeal to the Defender or Defenders, and to the Clerk to the said Commissioners, and to the Clerk of the Justices of the Peace, and lodging with such Appeal a Bond with sufficient Caution for implementing the Sentence to be finally pronounced by the said Justices; and such Justices shall have Authority to hear and determine the Matters in Dispute, and their Judgment therein shall be final and conclusive, and not subject to review by Advocation, Suspension, Reduction, or otherwise, any Law or Practice to the contrary notwithstanding. Appeal.

XXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance or by virtue of this Act, after Six Calendar Months next after the Fact committed, or cause of Action accrued, for which such Action or Suit shall be so brought; and the Defender or Defenders in any such Action or Suit may deny the Libel, and give this Act and the special Matter in Evidence. Limitation
of Actions.

XXX. And be it 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. Public Act.