



ANNO SEXTO

GEORGIIV. REGIS.

Cap. cxxvi.

An Act to amend Two Acts for building a Bridge over the River *South Esk*, at or near the Town of *Montrose*, in the County of *Forfar*.

[10th June 1825.]

WHEREAS by an Act passed in the Thirty-second Year of the Reign of His late Majesty, King *George the Third*, intituled *An Act for building a Bridge over the River South Esk, at or near the Town of Montrose, in the County of Forfar, and for making suitable Approaches thereto*, the Persons therein named and described were constituted and appointed Commissioners for the designing, erecting, and building a Bridge or Bridges in One or more Divisions, so as to complete the Communication across the River *South Esk*, at or near the Town of *Montrose*, in the County of *Forfar*, with necessary and convenient Ramparts, and other Works for the Support and Preservation thereof, and keeping the same in Repair; and sundry Powers were thereby given to the said Commissioners, and particularly to levy certain Tolls or Duties, and to borrow Money on the Credit thereof: And whereas, by another Act passed in the Fiftieth Year of the Reign of His late Majesty, intituled *An Act to amend an Act passed in the Thirty-second Year of His present Majesty for building a Bridge over the River South Esk at or near Montrose*, the Powers of the said Act were further enlarged: And whereas, under the Authority of the said recited Acts, Two Bridges of Communication have been built and erected, the larger one being partly of Wood and partly of Stone, and the lesser one being entirely of Stone; but from the Nature of the Materials of which the larger one is constructed, and from the Changes occasioned

[Local.]

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Powers of former Acts extended to this Act.

sioned by the Current, it has required great and expensive Repairs; notwithstanding which it is still in a very decayed State, under which Circumstance it is expedient that the Means of Communication should be kept up at a less Expence: And whereas the Erection of a Bridge constructed of more durable and substantial Materials would not only be of great local Benefit and Convenience, but also of public Utility; but as these Ends cannot be accomplished without the Authority and Aid of Parliament, and an Extension of the Powers of the said recited Acts; 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 Powers, Privileges, Articles, Matters, and Things therein contained, (save and except such as are altered, varied, or repealed,) shall be and remain in full Force and Virtue, and shall extend to and be deemed and taken to be as good, valid, and effectual for carrying this Act and the several Purposes thereof into Execution, as if all such Powers, Provisions, Articles, Matters, and Things were repeated and re-enacted in the Body of this Act.

Commissioners.

II. And be it enacted, That the Persons named and constituted Commissioners in the Act first above recited, and the Survivors and Survivor of them, and those Persons who have been already assumed, or may be hereafter assumed, in virtue of the Powers of the said recited Acts, shall be, and they are hereby constituted and appointed Commissioners for the Purpose of carrying the Provisions of the present Act into Effect.

Commissioners may contract for building a Bridge or Bridges.

III. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorised and empowered to make such Contracts and Agreements, as they shall think proper, with any Artificers, Workmen, or other Persons, for removing the present Bridge, partly of Wood and partly of Stone, and for erecting, constructing, building, or making a Bridge or Bridges across the River *South Esk*, at or near the Town of *Montrose*, either on the Scite of the said present Bridge, or within Fifty Yards East or West of the same, with suitable Ramparts, Wings, Walls, Banks, Ways, and other Works, or any Part or Parts thereof; and that all such Artificers and others who shall make any such Contracts or Agreements with the said Commissioners, or any Seven or more of them, for building or finishing all or any Part of the said Bridge or Bridges, or other Works intended to be built or made by virtue of the Powers given in and by this Act, and by the said recited Acts, shall give such Security as may be approved of by the said Commissioners, or any Seven or more of them, regarding the Execution of the Work.

Commissioners to cause Bridge or Bridges to be built.

IV. And be it further enacted, That the said Commissioners, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall be, and they are hereby authorised and empowered to remove or cause to be removed the present Bridge, partly of Wood and partly of Stone, or such
Parts

Parts thereof as they shall think proper, and to erect, construct, and make, or cause to be erected, constructed, and made of such Materials or Construction as they shall think fit, a Bridge or Bridges across the said River *South Esk*, either in the Room and Scite of the present Bridge or Bridges, or within Fifty Yards East or West of the same, at or near the Town of *Montrose*, in the County of *Forfar*, and to dig and make proper Foundations in the said River, and on the Lands on each Side, for the Piers, Abutments, and Landings and Fixtures of the said Bridge or Bridges, and to cut and level the Banks of the said River in such a Manner as shall be necessary and proper for the said Bridge or Bridges and each of them, and to cut, remove, and take away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediments whatever, which may any Ways hinder the erecting and completing the said Bridge or Bridges, and to erect and make in and over the said River, and the Lands adjoining, or near the same, any Campsheds, Trenches, and Landing Places, and to make such Roads and Avenues to and from such Bridge or Bridges in One or more Divisions, so as to complete the Communication across the River *South Esk*, as may be necessary, and from Time to Time, and at all Times hereafter, to do all other Matters and Things necessary or convenient for erecting, maintaining, or supporting the said Bridge or Bridges, and for executing the Purposes of this Act; they the said Commissioners, or such Person as they shall appoint, doing no unnecessary Damage to the Property of any Person, and making Satisfaction in the Manner provided by the said recited Acts, to the respective Owners and Occupiers of such Lands and Grounds as shall be made Use of, or altered, or that shall be in any Ways prejudiced or damaged by the Execution of any of the Powers of this Act.

V. And be it further enacted, That the said Commissioners shall and they are hereby directed and required to cause a Drawbridge or opening of at least Twenty Feet wide to be made in the said Bridge, where the said River is deepest at High Water, or as near thereto as conveniently may be, and to cause the same to be so constructed that the same may be drawn up, or otherwise opened for the Passage of Ships, Sloops, Brigs, or other Vessels, with standing Rigging, navigating upon the said River; and the said Commissioners shall and they are hereby also required to employ One or more proper Person or Persons who shall attend at the said Bridge, and cause the said Drawbridge to be drawn up or otherwise opened without delay, as often as required so to do by the Owners or other Person or Persons navigating or having the Care of any Ship, Sloop, Brig, or other Vessel which shall have occasion to pass through the said Bridge, so that such Sloop, Brig, or other Vessel may pass through the same with standing Rigging without Interruption, Fee, or Reward; any Thing in this Act contained to the contrary hereof notwithstanding.

Drawbridge
to be made.

VI. And be it further enacted, That during the Time the said Bridge or Bridges are in the Course of Erection, or in the Event of any Accident happening to the said Bridge or Bridges after their being erected, whereby the same may be rendered impassable, it shall and

Commission-
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during the
Erection of
Bridge or
Bridges.

may be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorised and empowered to direct the Ferry of *Ferryden* to be opened and used as formerly, or to open, use, and ply the Ferry across the said River *South Esk*, by Means of Boats or Vessels, at any Place or Places that shall be deemed most convenient by the said Commissioners; and during the Time the said Ferry or Ferries shall be so worked and used, the said Commissioners are hereby authorised and empowered to levy or cause to be levied at the said Ferry or Ferries, such Rates, Tolls, or Fares as they shall think proper, not exceeding the Tolls or Duties which are authorised to be levied by the Act of the Fiftieth Year of His late Majesty above recited; such Tolls and Duties being applicable in the same way as the Tolls for passing the Bridge are directed to be applied by the said recited Acts, and by this present Act, and for purchasing and maintaining the necessary Passage Boats, while such Ferry or Ferries are so used, and for no other Purpose: Provided always, that as soon as the Bridge or Bridges to be erected in virtue of this Act shall become passable, and be opened for the Public, and as long as the same shall continue passable, the said Ferry or Ferries shall cease to be worked.

Commission-
ers may
erect Gates
and take
Tolls, as
authorised
by former
Act.

VII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, and they are hereby authorised and empowered to continue all or any of the Gates or Turnpikes now erected, or to remove the same to any other Part of the Road under their Charge they shall think proper; and to erect or cause to be erected other Turnpike or Turnpikes, with Toll House or Toll Houses adjoining: Provided always, that the same be upon or at the South End of the said Bridge or Bridges; and that the several Tolls or Pontage Duty authorised to be levied by the Act passed in the Fiftieth Year of the Reign of His late Majesty shall and may be demanded and taken by such Person or Persons as the said Commissioners, or any Seven or more of them, shall from Time to Time appoint for that Purpose at the said Turnpike, before any Passage over the said Bridge or Bridges, or through the said Turnpike, shall be permitted; all which Tolls and Duties shall be, and are hereby vested in the said Commissioners, and shall be applied for the Purposes mentioned in the said former Acts and this Act.

Commission-
ers to put
up a Table
of Tolls.

VIII. And be it further enacted, That within One Calendar Month after any Toll Gate shall be erected by virtue of this Act, the said Commissioners shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll Gate a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls to be paid by virtue of the said Acts and this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated; and also a List of the several Gates which shall be cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and in case there shall at any Time or Times be more than One Gate the said Commissioners

missioners shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Ticket; One of which Tickets shall be delivered *gratis* to the Person paying the Toll, and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further additional Toll.

IX. Provided always, and be it enacted, That it shall not be lawful for the said Commissioners to demand or take, or cause to be demanded or taken, any Tolls for or in respect of any Passenger, Horse, Mule, Ass, or other Beast at any Toll Gate but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

Tolls only payable while Board remains.

X. And be it further enacted, That every Toll Collector shall, and he is hereby required to place his Christian and Surname painted on a Board, in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll from any Persons than he shall be authorised to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Commissioners made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in Answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Preventing Toll Collectors from taking undue Tolls.

XI. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll, or the Charges of keeping or selling any Distress,

Settling Disputes concerning Tolls.

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then and in every such Case such Dispute shall be heard and determined by any Justice or Justices of the Peace for the County in which the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice or Justices is and are hereby authorised and empowered to administer,) and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties; and may also award such Costs to be paid by either Party to the other, as to such Justices or Justice shall seem reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant every Justice or Justices is and are hereby empowered to issue); and the Overplus (if any), after Payment of such Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

Power to
compound.

XII. And be it further enacted, That the said Commissioners or their Lessee or Collector, with the Consent of the said Commissioners, shall be and they are hereby empowered, as they shall see convenient or think fit, to compound or agree by the Year or otherwise with any Person or Persons using to travel through the Turnpike to be erected on the said Bridge, and living within Three Miles of such Turnpike, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, or any other Beast of Draught or Burden; and for any Stage Coaches travelling along the said Bridge, for any Sum or Sums of Money to be paid One Quarter in Advance from Time to Time after such Agreement is made; and that Copies of all such Compositions or Agreements so to be made by the said Commissioners or their Lessee or Collector as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose, which said Book or Books shall and may be seen and perused by any Person or Persons whatever at all seasonable Times without paying any Fee or Reward.

Exemptions.

XIII. Provided always, That no Toll shall be demanded or taken for any Horse or Beast of Draught passing through any of the Turnpikes or Toll Gates erected or to be erected in virtue of this and the said recited Acts, carrying or conveying Stone, Bricks, Lime, Timber, Iron, Wood, Heath, Chalk, Gravel, or other Materials to be used on or about the said Bridge or Bridges, or the Approaches leading to and from the same.

Exemption
on attending
Church, &c.

XIV. And be it further enacted, That no Toll shall be demanded or taken at any Turnpike erected or to be erected by virtue of the said recited Acts or this Act from any Person or Persons going to or returning from his, her, or their Parish Church on *Sundays*, or on any other Day on which Divine Service is by Authority ordered to be celebrated; nor from any Clergyman going to or returning from visiting any sick Parishioner, or on other his parochial Duty within his Parish; nor shall any Toll be exacted from any Person resident within the Parish while

while attending or returning from having attended the Funeral of any Person who shall die and be buried within the Parish: Provided nevertheless, that all Persons going to or returning from Church or Funerals in Four-wheeled Carriages shall on all Occasions pay the Tolls granted by the said recited Acts or either of them: Provided always, that the Fishermen of *Ferryden* and *Usan* shall be at full Liberty to land from Sea with Fish on the *Montrose* Side, or to cross in Boats the River *South Esk*, at all Times when engaged in bringing Fish to *Montrose* Market, and without being liable in Toll Duty, and also to take over such of the Members of their Families and others as are going to *Montrose*, and are engaged in selling and disposing of Fish; but if any of the said Fishermen shall be convicted of ferrying or carrying over, either *gratis* or for Money, Individuals not engaged in selling Fish, they and each Person so ferried over, and not entitled to Exemption, shall forfeit and pay any Sum not exceeding Five Pounds Sterling, to be recovered and applied in Manner provided by the said recited Acts or either of them.

Proviso in favour of Fishermen of *Ferryden* and *Usan*.

XV. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, from Time to Time, upon the Credit of the Tolls above specified, to borrow and take up at any Interest not exceeding legal Interest, any Sum or Sums of Money they shall think needful, not exceeding Twenty-five thousand Pounds, including the Sum already borrowed and owing, and may and are hereby authorised and empowered to assign over the said Tolls, or any Parts thereof, to any Person or Persons as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid, Copies of all which Assignments or Securities, or Abstracts thereof, shall be recorded in a Book or Books to be kept for that Purpose; and all Sums of Money so to be borrowed shall be applied in such Manner as the Tolls above specified are directed to be applied by the above recited, and by this present Act, and for no other Purpose whatever.

Power to borrow Money.

XVI. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to infringe the Right of any Person or Persons who have lent Money under the said former Acts upon the Security of the Tolls and Duties thereby authorised to be levied; but such Securities, (save and except the Securities to the Commissioners for the Issue of Exchequer Bills hereinafter mentioned,) shall attach upon the Tolls and Duties authorised to be continued by this Act to the same Extent, and according to the same Priority in Payment.

Prior Securities not to be affected.

XVII. Provided always, and be it enacted, That no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any Tolls granted by this Act, or either of the said recited Acts, or receiving Interest thereout for the same, shall by reason thereof be deemed unqualified or disabled from acting as a Commissioner in the Execution of this Act.

Mortgagees not disqualified from acting as Commissioners.

XVIII. And

3 G. 4. c. 86.
for Issue of
Exchequer
Bill.

Exchequer
Bills Loan
Commis-
sioners may
advance
25,000*l.* to
the Commis-
sioners for
the Execu-
tion of this
Act.

XVIII. And whereas by an Act passed in the Third Year of His present Majesty's Reign, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty, and the first Year of His present Majesty, for authorising the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorise a further Issue of Exchequer Bills for the Purposes of the said Acts*, certain Commissioners named and appointed in and by the said Act, and the Acts therein recited or referred to, were authorised and empowered to issue and advance Exchequer Bills under the Restrictions and Regulations therein specified for the carrying on of Public Works in *Great Britain*, and for other the Purposes in the said Acts particularly mentioned and referred to: And whereas the erecting and maintaining the said Bridge or Bridges across the River *South Esk* will not only greatly contribute to the Safety and Accommodation of the Public; and to the more convenient Communication between various populous Districts, but will also give Occupation to a large Proportion of the labouring Poor in the Neighbourhood thereof: And whereas it is highly expedient that the said Commissioners should be empowered to grant a Loan or Loans in Exchequer Bills for the Erection and Improvement of the said Bridges; in the Manner and upon the Security hereinafter mentioned; be it therefore enacted, That it shall and may be lawful for the said Commissioners for the Issue of Exchequer Bills, and they are hereby authorised and empowered, upon Application being made to them by the said Commissioners for the Execution of this Act, to advance to them any Sum or Sums of Money in Exchequer Bills, not exceeding in the Whole the Sum of Twenty-five thousand Pounds, upon the Security of an Assignment or Assignments of the Rates and Duties authorised to be levied by the said Two first recited Acts, and which Assignments respectively the said Commissioners for the Execution of this Act, or any Seven or more of them, are hereby authorised and directed to give and execute, in such Manner and Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint; and in the said Assignment or Assignments the said Commissioners for the Execution of this Act shall covenant, undertake, and agree for themselves and their Successors, with and to the said Commissioners for the Issue of Exchequer Bills, or as they may direct; to render a Yearly Account of the Produce of the said Rates and Duties to the Secretary for the Time being of the said Commissioners for the Issue of Exchequer Bills, or otherwise, as they may direct; and also to pay the Amount of such Produce in each and every Year from and after the Date of the said Assignments respectively, (after deducting all necessary Expences for managing and carrying on the said Bridges,) to the said Commissioners, or as they may direct, until the Whole of any Advance or Advances which may be made by the said Commissioners as aforesaid, shall be fully paid and satisfied, together with Interest thereon, at such Rate as shall be agreed upon with the said Commissioners.

Assignment
to the Com-

XIX. And be it further enacted, That the Assignment or Assignments so to be given and executed as aforesaid, shall be considered in all

all Respects as if given and executed under the Powers and Provisions of the said last recited Act, of the Fiftieth Year of the Reign of His late Majesty, and the Acts therein recited and referred to, and shall have Priority over, and shall precede all Mortgages, Assignments, or other Securities given, or which shall hereafter be given on the said Rates and Duties, in Consideration of any Sum or Sums advanced or contributed, or which may hereafter be advanced or contributed, for carrying on and completing the said Bridges, until the Whole of any Advance or Advances which shall be made by the said Commissioners as aforesaid, together with Interest thereon at the Rate aforesaid, shall be fully paid and satisfied, any Thing contained in the said recited Acts, or any of them, or this Act, or any other Act or Acts to the contrary, in anywise notwithstanding.

Commissioners
to have
Priority.

XX. And be it further enacted, That until the Whole of the Money borrowed or to be borrowed under the Authority of the said recited Acts or this Act, shall be paid off and discharged, the Power and Authority granted to the said Commissioners to lessen or reduce the Tolls, or to take off the Toll payable by Foot Passengers, shall not be exercised without the Consent of Four-Fifths in Value of the Creditors on the said Tolls.

Until Money
borrowed is
discharged,
Tolls on Foot
Passengers
not to be re-
duced.

XXI. And be it enacted, That so much of the said first recited Act as requires that the holding of any ordinary and extraordinary Meeting of the said Commissioners shall be preceded by a Notice of the Time and Place of such intended Meeting affixed on some public Place in the Town of *Montrose*, or by advertising the same in any Two of the *Edinburgh* Newspapers Ten Days at least before the holding of such Meeting, shall be and the same is hereby repealed.

Repeal of
first recited
Act as to
Notice of
Meetings.

XXII. And be it further enacted, That it shall be sufficient that Intimation of such intended Meetings shall be advertised once in any Newspaper which may be published in the Town of *Montrose*, or if no such Newspaper shall be published in *Montrose*, in any other Newspaper which may be published in the County of *Forfar*, Seven Days at least before such intended Meeting; and the Orders and Proceedings of the said Commissioners at Meetings so called shall be valid and effectual to all Intents and Purposes whatever.

Meetings.

XXIII. And for preventing the damaging the said Bridge or any Part thereof, or any Turnpike or Toll House, or hindering or interrupting the building of the same, be it further enacted, That if any Person or Persons shall accidentally damage the said Bridge or Bridges, or any Part thereof, or any Turnpike or Toll House erected in pursuance of this Act, or shall, without any Authority from the said Commissioners, or any Seven or more of them, remove or take away any Works thereunto belonging, or in any Way direct or procure the same to be done, or who shall be aiding or assisting therein, whereby the said Bridge or the Works thereof may be damaged, such Offender or Offenders being lawfully convicted thereof before any Two Justices of the Peace for the County of *Forfar*, or any Two of the Magistrates of the Town of *Montrose*, shall pay the whole of the Damages and Expences thereby sustained.

Punishing
Persons
damaging
Bridge.

[Local.]

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XXIV. And

Masters of
Vessels
made an-
swerable for
Damages
done by their
Crews.

XXIV. And for preventing Damage that may be done and committed by Persons rowing, navigating, or managing Boats or other Vessels in and upon the said River *South Esk*; and to the End that the Masters or Owners of such Boats, Barges, Lighters, and other Vessels may be more careful therein; be it further enacted, that the Master or Masters, Owner or Owners of any Boat or other Vessel shall be answerable and responsible for any Damage or Mischief that shall be done by his or their Boat or Vessel, or by any of the Boatmen, Bargemen, or Crew of or belonging to any such Boat or Vessel, to the said Bridge or Bridges, or any Part thereof, or to any of the Works which shall be erected by virtue of this Act, not exceeding the Value of such Boat or Vessel; and the said Master or Masters, Owner or Owners of every such Boat or Vessel shall and may be sued for such Trespass and Damage which shall be so done in any Court of Record whatsoever.

Treasurer
and Clerk
not to be the
same Person.

XXV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk, or of his Partner, the Treasurer for the Purposes of the said Acts and this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, the Clerk to the said Commissioners; or if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of his Partner, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall act as Clerk in the Execution of this Act; or if any Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered together with full Costs of Suit in any competent Court in *Scotland*.

Accounts to
be kept of
Receipts
and Dis-
bursements,
and to be
open to In-
spection of
Commission-
ers.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time, to order and direct a Book or Books to be provided and kept, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the Bridge or Bridges to be erected and made in pursuance of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, without Fee or Reward; and the said Commissioners, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the Person or
Persons

Persons appointed to keep such Book or Books shall refuse to permit, or shall not permit the said Commissioners, or any or either of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Person or Persons shall forfeit and pay any Sum of Money not exceeding Five Pounds Sterling; and the said Commissioners shall, upon Demand, give certified Copies or Extracts of the said Accounts to any Person requiring the same, upon Payment of a reasonable Fee or Reward, not exceeding the Sum of Sixpence for every One hundred Words contained in such certified Copies.

XXVII. Provided always, and be it enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the Tolls granted by the said Act of the Fiftieth Year of the Reign of His late Majesty, the Person or Persons appointed to collect the same shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his being appointed to collect such Tolls.

Collectors
not incompe-
tent Wit-
nesses.

XXVIII. 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 said 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 Corporation, married Woman, Pupil, Minor, furious or fatuous Person, or other 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*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company 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 Incumbrances, or Part thereof, as the said Court shall authorise to be paid affecting the said 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, or 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 Product 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
of Compens-
ation when
exceeding
200*l*.

XXIX. Pro-

When less
than 200%.
and above
20%.

XXIX. 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 Corporation, or to any Person or Persons under any 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, and Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Pupilarity, Minority, Fatuity, or Furiosity, to be signified in Writing under their respective Hands, under the like Direction and Authority to be paid into any of the said Banks, and be placed to his, her, or their Accounts 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 the said Commissioners or any Three or more of them (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 any Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Approbation and Direction of the said Court of Session.

When less
than 20%.

XXX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Commissioners shall think fit, or in case of Pupilarity, Minority, Fatuity, or Furiosity, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Expences.

XXXI. And be it enacted, That the Charges and Expences of procuring and passing this Act shall be paid out of the Tolls and Duties levied on the Money borrowed under the Authority thereof, and of the said recited Acts.

Public Act.

XXXII. 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.