ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. CXLVI.

An Act for vesting the Stock of the Court of Session in *Scotland* in Trustees, for the erecting Buildings for the better Accommodation of the College of Justice, and a Publick Gaol, in the City of *Edinburgh*, and for other Purposes therein mentioned.

[2d *July* 1808.]

WHEREAS by an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for augmenting and fixing the Salaries of the Lords of Session, Lords Commissioners of Justiciary and Barons of Exchequer, in that Part of* Great Britain *called* Scotland, a certain Fund called, *The Stock of the Court*, which was raised by Grants before the Union of the Kingdoms of *England* and *Scotland*, and amounted at the Period of the passing of the said Act to Twenty-two thousand seven hundred Pounds, together with the Sum of One thousand one hundred thirty-five Pounds, being One Year's Interest thereon, was directed to be paid in to the then Receiver General of His Majesty's Land Rents in *Scotland*, in order to be by him remitted to the Exchequer of *England*: And whereas the said Sums of Money were accordingly paid to the said Receiver General, who died before accounting for the same to the Public, and which Sums so unaccounted for by the said Receiver General, did, on the Twenty-first Day of *January* One thousand eight hundred and two, amount to the Sum of Twenty-seven thousand seven hundred sixty-six Pounds Four Shillings and Eightpence, including Interest to that Date, which has been or is in course of being recovered from the Representative of the said Receiver General, 26 G. 3. c. 46.

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and have been, ſo far as recovered, lodged with Banks or Bankers in *Scotland*: And whereas by another Act, paſſed in the Forty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for taking down the preſent Building in which the Treaſury Chambers and Offices of the Court of Exchequer in* Scotland *were ſituated, and erecting new Buildings in lieu thereof*, certain Sums of Money therein mentioned, ariſing from certain forfeited Eſtates in *Scotland*, were directed to be paid to the King's Remembrancer in Exchequer in *Scotland*, or to his Deputy, to be by them applied with all convenient Speed towards erecting and completing the ſaid new Buildings, according to ſuch Inſtructions as ſhould from Time to Time be given by the Chief Baron and Barons of the ſaid Court of Exchequer: And whereas additional Accommodation is required for carrying on the Buſineſs of the Courts of Seſſion and Juſticiary in *Scotland*, and for the Uſe and Convenience of the Judges, and of the Clerks and Officers thereof, and the Buildings neceſſary and proper for this Purpoſe may be erected ſo as to be connected with the Buildings now uſed for the Courts of Seſſion and Juſticiary, and with the Buildings now erecting for the ſaid Court of Exchequer, and alſo in ſuch Manner as to give further Accommodation to the Library of the Faculty of Advocates, which has always been depoſited in thoſe Edifices, being of the greateſt Service to the Courts of Juſtice, and accordingly encouraged by Parliament: And whereas the preſent Priſon or Gaol in the City of *Edinburgh* has been employed, not only for confining Debtors and for the local Service of the City of *Edinburgh* and County of *Edinburgh*, but as a National Gaol for confining Perſons accuſed of Crimes, who are brought from all Parts of *Scotland* for the Purpoſe of being tried before the Lords of Juſticiary, and Criminals who have been convicted before them and ſuffer Impriſonment for the Purpoſe of their Sentence, and the ſame is not only too ſmall, incommodious and unſuitable for a Priſon for ſuch Purpoſes, but is alſo decayed and not ſufficiently ſecure: And whereas it is therefore neceſſary that a new Gaol ſhould be erected for the Purpoſes of a National Gaol as aforeſaid, which may be combined with the Gaol for the City of *Edinburgh* and County of *Edinburgh*, and towards the Expence of which the ſaid City and County may and ought to contribute; 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 Lord Clerk Regiſter of *Scotland*, the Lord Preſident of the Court of Seſſion, the Lord Advocate of *Scotland*, the Lord Juſtice Clerk, the Lord Chief Baron of the Court of Exchequer in *Scotland*, the Lord Provoſt of the City of *Edinburgh*, the Dean of the Faculty of Advocates, the Solicitor General of *Scotland*, and the Members of Parliament for the City and for the County of *Edinburgh*, all for the Time being, ſhall be and they are hereby appointed Truſtees for the Purpoſes of this Act, and any Three or more of the ſaid Truſtees ſhall be ſufficient for doing any Matter or Thing which the ſaid Truſtees are authorized to do by this Act.

46 G. 3. c. 154.

Truſtees.

Stock of the Court of Seſſion to be paid to the King's Remembrancer

II. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby empowered and required to order the ſaid Sum of Twenty-ſeven thouſand ſeven hundred ſixty-ſix Pounds four Shillings and Eight-pence (in ſo far as the ſame has been recovered or ſhall be recovered from the Repreſentatives of the ſaid Receiver General

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as aforesaid; together with all the Interest which has accrued and may accrue thereon, after deducting therefrom the Expences incurred or to be incurred in recovering the same) to be paid to the King's Remembrancer, of the Court of Exchequer in *Scotland* or his Deputy. in Exchequer for the Purposes of this Act.

III. And be it enacted, That every such Sum and all such Sums of Money, upon being so received by the King's Remembrancer aforesaid, or his Deputy, shall forthwith be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, as the said Trustees shall direct, upon a deposit Account, bearing the highest Interest given or allowed by such Banks for Money therein deposited, until the same shall be applied for the Purposes of this Act; and the Account with each such Bank shall be closed and balanced at least once in every Year, and the Interest then due shall be added to the Principal, and bear Interest therewith, therefrom and thereafter. Money to be paid in the mean time into the Bank of Scotland, or Royal Bank, and to be accumulated.

IV. And be it enacted, That it shall and may be lawful for the Trustees appointed by this Act, and they are hereby empowered to order and direct the said Remembrancer, or his Deputy, to pay and apply so much of the Money so deposited from Time to Time, as may be required for the Purposes of this Act; and the said Remembrancer, or his Deputy, shall pay and apply the same accordingly. Money deposited to be applied for the Purposes of this Act.

V. And be it enacted, That it shall and may be lawful for the Trustees hereby appointed, and they are hereby empowered and required to cause to be built and erected, according to such Plans and Designs as they shall approve of, additional Buildings for the said Court of Session, with such Accommodation as shall appear to them necessary and proper, for the Use and Convenience of the Judges, and the Clerks and Officers of the Court; and also to afford such further Accommodation to the Advocates Library below or adjoining to the said Buildings, as the said Trustees shall think requisite, and may be granted, consistently with due Attention to the Accommodation of the Judges, and Clerks and Officers of the Court, as aforesaid. Additional Buildings for the Court of Session to be erected.

VI. And be it enacted, That after such Buildings shall be erected, and such Accommodation shall be given as aforesaid, or after the Expence thereof shall be ascertained, it shall and may be lawful for the Trustees appointed by this Act, and they are hereby empowered, to settle and agree with the said Magistrates and Council of the City of *Edinburgh* or County of *Edinburgh*, in regard to the Erection of a Gaol either in the Neighbourhood of the aforesaid Buildings, or in any other Situation which shall be deemed eligible, and according to such Plans and Designs as shall be mutually approved of; which Gaol, when erected, may serve the Purposes of a National Gaol and a proper Place of Confinement for Publick Criminals, and also as a Gaol for the City and the County of *Edinburgh*. National Gaol to be erected.

VII. And be it enacted, That, after paying and defraying the Expence necessary for erecting and completing the said Buildings, with such Accommodations as aforesaid, or setting apart such Sums for the Purposes aforesaid as the said Trustees shall deem sufficient, it shall and may be lawful for the Trustees appointed by this Act, and they are hereby empowered to order and direct so much of the Money so deposited as aforesaid as Money to be applied for that Purpose.

may remain after completing such Erections or Buildings, or after deducting the Sum set apart therefore as aforesaid, to be paid and applied by the said Remembrancer, or his Deputy, towards erecting the said Gaol, in such Proportions as shall have been agreed upon by and between the said Trustees and the said Magistrates and Council, or County aforesaid.

Bodies Politick, &c. may be admitted to join for the Purposes of erecting Offices or Halls, or Places of Meeting.

VIII. And whereas it may happen that in the Buildings so to be erected, or adjoining thereto, Publick Bodies (Politick or Corporate) may wish to erect Publick Offices or Halls, or Places of Meeting for the Use of such Publick Bodies, who may be willing and desirous to contribute to the Expence necessary for this Purpose, with Advantage to themselves and Benefit to the Purposes of this Act; be it therefore enacted, That it shall and may be lawful for the Trustees hereby appointed, and they are hereby empowered to settle and agree with all such Bodies Politic or Corporate, in regard to the Terms and Conditions upon which any such Publick Office, Hall, or Place of Meeting, may be erected, so as to form a Part of the Building or Buildings which the said Trustees are empowered to erect, or to agree in erecting as aforesaid, and also the Plans, Designs, and Dimensions thereof, and the Proportion of the Expence to be paid and defrayed by any such Body Politick or Corporate.

Trustees may purchase, and incapacitated Persons may convey, for the Purposes of this Act.

IX. And be it enacted, That it shall and may be lawful for the said Trustees to purchase and acquire, and for all Bodies Politic, Corporate, and Collegiate, married Women, Trustees, Tutors or Curators for Infants, Minors, Idiots, furious or other Persons, and for every Person or Persons whatsoever, to sell and convey all such Houses, Tenements, and Ground, as may be necessary for the Purposes of this Act; and all Contracts and Agreements, Sales, and Conveyances, made by any Body Politic, Corporate or Collegiate, or any such Person or Persons, shall be valid to all Intents and Purposes whatsoever; and all such Bodies Politic, Corporate, or Collegiate, and all such Persons, are and shall be indemnified for what they shall do in pursuance of this Act.

Act not to compel Persons to sell.

X. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to compel any Body or Bodies Politic, Corporate or Collegiate, or other Person or Persons whatsoever, to sell any Houses, Tenements, or Ground, for the Purposes of this Act.

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