



ANNO QUADRAGESIMO TERTIO

# GEORGI III. REGIS.

\*\*\*\*\*  
*Cap. 96.*  
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An Act for making and repairing the Road from *Greenock* to *Kelly-Bridge* in the County of *Renfrew*, and a Road branching out of the same to *Ailly Miln* in the same County. [24th June 1803.]

**W**HEREAS the Road from *Greenock* to *Kelly-Bridge* by *Fancy-Farm* and by *Gourock* and the *Clough*, and a Road branching therefrom to *Ailly Miln*, passing through the Parishes of *Greenock* and *Innerkip*, in the County of *Renfrew*, cannot be made and kept in Repair by the ordinary Course of Law, and it would be of Advantage to the Country that the said Road should be effectually made and repaired; 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 Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who is, or hereafter shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor of the *dominium utile* of Lands lying in the County of *Renfrew*, valued in the Cels Books of the said County, at One Hundred Pounds Scots of valued Rent, and all and every the Eldest Sons of such Persons, being the Heirs apparent to such Property, and also the Sheriff-Depute of the said County of *Renfrew* and his Substitute for the Time being, and the Two Magistrates of *Greenock* for the Time being, shall be, and they are hereby nominated and appointed Trustees for surveying, making, repairing, widening, and keeping in Repair, the Roads from *Greenock* to *Kelly-Bridge* by *Fancy-Farm*, and by *Gourock* and the *Clough*, and the Road branching out of the same from *Gourock* to *Ailly Miln*.

Nomination of Trustees.

Quorum.

II. And be it enacted, That in all Cases Three or more of the said Trustees shall be a Quorum, and when assembled shall be held to constitute a general Meeting.

Penalty on  
Persons not  
qualified  
acting as  
Trustees.

III. And be it enacted, That if any Person not qualified as aforesaid, shall nevertheless presume to act as a Trustee under this Act, he shall for every such Acting, forfeit and pay the Sum of Twenty-Pounds Sterling, to be recovered with full Costs of Suit, by summary Complaint at the Suit of any Heritor in the County of *Renfrew* before the Justices of the Peace at their Quarter-Sessions, and the Money recovered shall be paid to the Trustees appointed by this Act, or their Treasurer or Collector, to be applied to the Reparation of the said Roads; and in all Cases where such Complaint shall be made, the Proof of Qualification shall lie upon the Person complained of.

First General  
Meeting of  
the Trustees.

IV. And be it enacted, That the said Trustees or any Three or more of them, shall meet at *Greenock* on the First Monday which shall happen next after the Expiration of Three Weeks from the passing of this Act, and shall proceed to the Execution of this Act, and that the said Trustees shall thereafter meet annually at *Renfrew*, in the Court Hall, on the last Tuesday of October, for putting this Act into Execution, which Meetings or either of them may be adjourned from Time to Time, as the Trustees present thereat shall judge necessary, and if a Quorum of the Trustees shall not attend any General or Adjourned Meeting such Meeting shall be virtually adjourned, and shall be held at the same Place on that Day Fortnight, and so on from Fortnight to Fortnight, until a Quorum shall attend; and that all Advertisements for Meetings or Adjourned Meetings of the said Trustees shall be inserted by the Clerk of the Trustees Ten Days, at least before each Meeting, in One of the Newspapers published at *Glasgow* or *Greenock*, as the Trustees at their First General Meeting, or Annual General Meeting shall appoint.

Meetings  
necessary to  
be advertised  
in the *Glas-*  
*gow* or  
*Greenock*  
Newspapers  
only.

Clerk to call  
Meetings  
when re-  
quired.

V. And be it enacted, That the Clerk to the said Trustees when required by a written Order, specifying the Purposes for which a Meeting is desired to be held, signed by any Two Trustees shall be obliged to call a General Meeting of the Trustees at such Times and Places as shall be thought proper, by Advertisements as aforesaid, in which such Purposes shall be specified, and no other Person than the said Clerk shall have Power to call such Meetings, and all Acts and Deeds done at such Meeting called by the Clerk, shall be as valid as if they had been done at a General or Adjourned Meeting: Provided always, that nothing shall be done or Matter discussed at such Special Meetings but what relates to the special Purposes for which such Meetings are held.

Tolls.

VI. And be it enacted, That the said Trustees, pursuant to a Resolution made at a General Meeting assembled, or at any other Meeting called as aforesaid, after the passing of this Act, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, or or across all or any of the aforesaid Roads, and also such Number of Toll-Houses as they shall think fit upon the same, and demand and take the Tolls or Duties following, at each of the Turnpikes or Gates to be erected by them, upon the respective Roads aforesaid, before any Coach, Chariot, Berlin, Landau, Curricule, Calash, Chaise, Chair, Waggon, Cart or other Carriage whatsoever, or any Horse, Mare, Gelding, or Cattle whatsoever

whatsoever pass through the same; that is to say, For every Coach, Berlin, Landau, Curricule, Calash, Chaise, Chair, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Six Shillings Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Five Shillings Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Two Horses, Mares, Geldings or Mules, the Sum of Three Shillings Sterling; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Shilling and Six-pence Sterling; for every Waggon, Wain, Cart, or other Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Eight-pence Sterling; for every Sledge without Wheels, the Sum of Six-pence Sterling; for every Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of Four-pence Sterling; for every Ass, laden or unladen, and not drawing, the Sum of Two-pence Sterling; for every Horse or Fillic unshod, the Sum of One Penny Sterling; for every Ox or neat Cattle, the Sum of One Penny Halfpenny Sterling; and for every Calf, Sheep, Hog, or Lamb, the Sum of One Farthing Sterling: Provided always, that whatever Number of Toll Bars may be erected on the said Roads, no more than the Amount of the aforesaid Tolls and Duties shall be levied once a Day on the whole Line of Road, for which Purpose the Person or Persons paying Toll at any Turnpike Gate so to be erected shall receive a Pass Ticket, which shall entitle such Person or Persons to pass through every Turnpike or other Gate to be erected on the said Roads without Payment of the Tolls and Duties for which such Ticket shall have been given.

VII. And in order to prevent Evasion of the Payment of the said Tolls and Duties, be it further enacted, That it shall and may be lawful to and for the said Trustees, pursuant to a Resolution made at a General Meeting assembled; or at any other Meeting called as aforesaid, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of all or any of the aforesaid Roads, and across any Lane leading into or out of the same; and there to take and receive such Tolls as are by this Act granted and made payable, on such Part thereof as the Trustees shall think reasonable; and the Person or Persons paying Toll at any Side Bar so to be erected shall receive a Pass Ticket, which shall entitle him, her, or them, on the same Day, to pass through every other Side Bar and every Turnpike Gate to be erected on the said Roads, without paying the Tolls or Duties for which such Ticket shall have been given.

VIII. And be it further enacted, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes, to be erected by virtue of this Act, and who shall return the same Day through the same Turnpike or Turnpikes before Twelve of the Clock at Night, with the same Coach or Cart, or other Wheel Carriage, drawn by the same Horses, or with the same Horse, Ass, or other Cattle, shall be liable, or compelled to pay the Tolls or Duties more than once, but shall on Demand be furnished

furnished with a Note or Ticket, signifying the Payment of such Toll or Duty; which Note or Ticket shall give Access to the said Person or Persons, returning the same Day as aforesaid, to repass the said Turnpike or Turnpikes Toll-free; but in case the same Coach, Cart, or other Wheel Carriage; Horse, Ass, or other Beast, or Cattle, shall return or pass the Turnpike with a new Loading; a Second or more Times in the same Day, they shall in that Case be subjected to pay the Tolls for each Time they shall so pass, in the same Manner as for the First Time.

To prevent evading Tolls.

IX. And be it further enacted, That if any Person or Persons having paid the Tolls or Duties by this Act imposed, and having a Note or Ticket, or Notes or Tickets, signifying the Payment thereof, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person so giving or disposing thereof, and the Person receiving the same, being convicted thereof upon Oath, by One or more credible Witness or Witnesses, or his own Confession, before any One or more Justice or Justices of the Peace of the County of *Renfrew*, or where the Offender shall reside, shall for every such Offence, forfeit and pay a Sum not exceeding Three Pounds, nor less than Ten Shillings Sterling, to be levied and recovered in Manner herein after directed.

Persons and Things exempted from Tolls.

X. Provided always, and it is hereby further enacted, That no Toll shall be demanded for and in respect of Carriages, Horses, or Cattle, employed in carrying Materials for making or repairing the said Roads, or for building Bridges where necessary thereupon, or Toll-Houses that may be necessary to be built thereon, or Cattle, Horses, or Carriages, laden or unladen, passing from one Part of a Farm to another, or any Implement of Husbandry, or Carriages returning empty after carrying the same, or carrying any Person to or from Church, Chapel, or any Place of religious Worship, or attending the Funeral of any Person who shall die and be buried within the Parish, or for Horses, or Cattle, going to or returning from their usual Places of Pasture, or watering on going to Smithies for the Purpose of being shod, or returning therefrom, or for Horses or Carriages of whatsoever Description employed, or to be employed, in conveying the Mails or Expresses, under the Authority of His Majesty's Postmaster-General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same, nor for the Horses of Officers or Soldiers who are upon their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in conveying any such wounded or disabled Officers or Soldiers, nor for Carts or Carriages or Waggon's travelling with Vagrants, sent with legal Passes; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person, shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds nor less than Ten Shillings Sterling.

Weighing Machines to be erected.

XI. And be it enacted, That the said Trustees may cause Weighing Machines to be erected on such Parts of the said Roads, or on the Sides of the same as they shall think proper, at which all Persons travelling with Carts or other Carriages, shall be obliged to weigh the same when required by the Collector of the Tolls; and the said Trustees, from and after the passing

passing of this Act may levy, or cause to be levied, demanded and taken, at the several Turnpike Gate or Gates, erected or to be erected on or across all or any of the Roads hereby intended to be made or kept in Repair, before any Waggon, Wain, Cart, or other Wheel Carriage not upon Springs, drawn by One or more than One Horse, Mare, Gelding, or Mule, pass through the same, the Weight of which Carriage, with the Burden or Draught therein, shall exceed Twenty Hundred Weight, and the Fellies of the Wheels of which shall not measure Four Inches at least, if drawn by One, and Nine Inches in Breadth if drawn by Two or more Horses, Mares, Geldings, or Mules, one Half more in addition to the Tolls and Duties authorized to be levied by this Act; and if the Weight of the same shall exceed Twenty-five Hundred Weight, and the Fellies of the Wheels of such Carriage shall not measure as above-mentioned, double the Tolls and Duties authorized to be levied as aforesaid, and if the same shall exceed Thirty Hundred Weight, and the Fellies of the Wheels of such Carriage shall not measure as aforesaid, one Half more in Addition to double the Tolls and Duties authorized to be levied as aforesaid; and the Toll or Duty on such Carriages is hereby expressly declared not to be a Penalty, but the just and fair Toll Duty leviable on such Carriages, excepting always Carriages carrying the Mail, or Soldiers who are on their March, or their Baggage, and Carriages with Vagrants travelling with legal Passes.

Tolls of Carriages of certain Weights.

XII. And be it enacted, That it shall and may be lawful for the said Trustees, or such Person or Persons as they shall from Time to Time nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable; and if any Person or Persons shall neglect, or refuse to pay the same, the said Trustees are hereby empowered by themselves or such other Person or Persons as they shall authorize and appoint to levy each and every of the said Tolls and Duties, by Distress and Sale of any Horse or Horses, or other Cattle or Carriage, upon which such Duty is by this Act imposed, and to keep such Horse or other Cattle or Carriage so distrained, until the said Tolls, with reasonable Charges of such Distress shall be paid; and it shall and may be lawful to and for the Person or Persons so distraining, after the space of Four Days after such Distress shall be made, to appraise and sell the Horse, Cattle, or Carriage, so distrained, by public Auction, at the Turnpike or Toll-House where the Toll ought to have been paid, returning the Overplus (if any be) to the Proprietors of such Horse, Cattle, or Carriage so distrained, after deducting such Toll or Duty, and the reasonable Charges of distraining, appraising, and selling the same.

Tolls to be levied by Distress and Sale.

XIII. And be it further enacted, That the said Trustees at a General Meeting assembled, shall, and they are hereby authorized and empowered to compound or agree by the Year or otherwise, with any Person or Persons living near any Turnpike or Turnpikes, erected or to be erected by virtue of this Act, for any reasonable Sum or Sums of Money to be paid quarterly, from Time to Time, for and in lieu of Payment of the Tolls or Duties by this Act directed to be paid, and Copies of all such Compositions and Agreements to be made by the said Trustees, shall be entered at Length in a Book or Books to be kept for that Purpose, which shall be open to the Perusal of any Person or Persons whatsoever, at all seasonable Times, without Fee or Reward.

Trustees may compound with Travelers.

Composition  
in lieu of  
Tolls, how  
to be re-  
covered.

XIV. Providing always, and be it enacted, That in case any Composition agreed to be paid for passing through any Turnpike Gate or Gates erected or to be erected by virtue of this Act, shall not be paid within Fourteen Days next after the same shall become due, it shall and may be lawful for any One or more Justice or Justices of the Peace for the County where the Person liable for such Composition resides, by Warrant under their Hands, to empower the Person authorized by the Trustees to receive such Composition, and Oath having been first made that the same has been demanded and remains unpaid, to levy such Composition on the Person or Persons so refusing or neglecting to pay the same, in Manner herein-after mentioned: Provided always that no Person or Persons to whom any of the Turnpike Gates erected or to be erected on the said Roads shall be let, shall compound or take a lower Rate of Toll than what shall be fixed by the said Trustees at the Routs or Auctions of the respective Turnpike Gates; and if he or they shall act contrary hereto, directly or indirectly, he or they shall be liable in a Penalty not exceeding Three Pounds nor less than Ten Shillings to the said Trustees, to be recovered and applied in the same Manner as is directed with regard to the Penalty for evading the Toll as before mentioned.

Tolls may  
be dimi-  
nished.

XV. And be it enacted, That during the Term of this Act, the said Trustees, at a General Meeting assembled for that Purpose, may, and they are hereby empowered, with Consent of Five-sixths of the Person or Persons who shall have lent or advanced, any Sum or Sums of Money, upon the Credit of the said Tolls, to diminish or lessen the said Tolls or Duties hereby granted, as they shall see Cause, but such Tolls shall not be diminished, unless such Meeting and the Purposes thereof shall be advertised in One of the *Glasgow* or *Greenock* Newspapers, at least Ten Days before such Meeting.

Trustees  
may let  
the Tolls.

XVI. And be it further enacted, That the said Trustees at a General Meeting assembled, may, and they are hereby authorized and empowered by Public Auction, to let the said Tolls or Duties hereby granted and vested in them respectively, in whole or in Lots or Parcels, from Time to Time, during the Continuance of this Act, for any Term not exceeding Three Years, for the highest Rate or Rates they can obtain for the same, to such Person or Persons as shall give good and sufficient Security for Payment of the Sums for which the Tolls shall be so let, and be approved of by the said Trustees.

Power to  
borrow  
Money  
on the Cre-  
dit of the  
Tolls.

XVII. And be it enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting assembled, and they are hereby authorized and empowered, to borrow any Sum of Money, not exceeding Six Thousand Pounds upon the Credit of the Tolls to be levied on the said Roads at any Interest not exceeding Five Pounds *per Centum per Annum*, which Sum to be borrowed as aforesaid, shall be applied by the Trustees aforesaid, in the First Place towards Payment of the Charges and Expences incurred in obtaining this present Act, and the Remainder of the Sum to be borrowed as aforesaid, shall be applied and disposed of for making and repairing the said Roads and Bridges to be made and repaired by virtue of this Act, under the Direction of the said Trustees, in such Proportions as they shall determine at an Annual or other General Meeting, and to no other Use or Purpose whatsoever.

XVIII. Provided

XVIII. Provided always, and be it further enacted, That when the said Sums aforesaid shall in Whole or in Part be applied and accounted for to the respective Trustees at a General Meeting assembled, and by their Order paid to the Person or Persons advancing or lending the same, it shall and may be lawful to and for the said Trustees at a General Meeting assembled, and they are hereby authorized to borrow another Sum of Money, equal to that by them so paid as aforesaid, but the Sum or Sums so to be borrowed shall not at any Time exceed in the Whole the Sum allowed to be borrowed by the Trustees as aforesaid, on the Credit of the Tolls to be levied on the Roads aforesaid.

When said Monies are paid, Trustees may borrow another Sum equal thereto.

XIX. And be it enacted, That the said Trustees, at a General Meeting assembled, may, and they are hereby empowered to assign and make over the several Tolls and Duties to be levied on the Roads aforesaid, to any Person or Persons from whom the Money shall or may be borrowed for the Use of the said Roads, as a Security for Repayment of the same; which several Assignments of the Tolls as aforesaid, shall be entered in a Book to be kept for that Purpose, and shall at all reasonable Times be open to the Perusal of any of the Trustees and the Heritors of the County of *Renfrew*.

Power to assign Tolls.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at a General Meeting assembled, to chuse and appoint a fit Person or Persons to be Treasurer, Collector, and Clerk to the said Trustees, for receiving the Tolls or Duties granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads or such other Officers as they shall think proper, and from Time to Time to remove such Officers or any of them as they shall see Occasion, and appoint new ones in case of Removal or Death, and all and every Person or Persons who is, are, or shall be liable by this Act to pay the said Tolls or Duties, are hereby required to pay the same to the said Treasurer or Collector, or the Persons to be from Time to Time appointed under him for that Purpose, according to the Rates aforesaid; and the said Trustees at a General Meeting assembled, may, and they are hereby authorized and empowered, out of the Money arising from the said Tolls or Duties vested in them, to make such Allowances to the several Officers by them appointed, and to such other Person or Persons as shall have been or may be assisting in making and repairing the said Roads, as the said Trustees shall think fit.

Power to appoint Officers.

XXI. And be it enacted, That the said Trustees shall take such Security from their Treasurers, to be appointed for the Purpose of this Act, for the due Execution of their Offices, as to the said Trustees shall seem meet.

Treasurer to find Security.

XXII. And be it further enacted, That the said Trustees shall keep an exact Account of all Monies received by virtue of this Act, and the Application thereof, and all other their Proceedings, and shall enter the same in a Book or Books to be kept for that Purpose, which the said Trustees and Heritors of the County of *Renfrew* may and shall, at all reasonable Times, be at Liberty to inspect without Fee or Reward.

Trustees for the respective Districts to keep Accounts of the Monies received and applied by them, &c.

XXIII. And

Persons mis-  
applying any  
of the Mo-  
nies to for-  
feit double  
of the Sum.

XXIII. And be it further enacted, That in case of Misapplication of any Money collected, received or levied, by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sums so misapplied to be recovered against him or them, at the Suit of any Three or more Heritors within the County aforesaid, possessed of One Hundred Pounds Scots each of valued Rent, who are hereby authorized to sue for and recover the same, on a summary Complaint to the Justices of Peace at their Quarter Sessions, One Moiety of such Forfeiture, when recovered, to be paid to the Person or Persons who shall sue for the same, and the other Moiety to the said Trustees, to be applied by them for repairing the Roads by this Act directed to be repaired; but if any such Prosecution shall, after Trial, be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Double Costs.

Trustees not  
to hold Pla-  
ces of Profit,  
and act as  
Trustees.

XXIV. And be it further enacted, That all Persons appointed Trustees for putting in execution this Act, shall be incapable of holding any Office or Place of Profit arising or to arise from any of the Tolls or Duties aforesaid, during the Time they shall Act as Trustees; and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Beer, Ale, or Spirituous Liquors by Retail.

Roads to be  
made in the  
best Direc-  
tion.

XXV. And be it enacted, That it shall be lawful to the said Trustees to cause the said Roads to be carried in the Direction that shall be deemed best, and most beneficial to the Public, on paying all Damages done to the Proprietors and Occupiers of the Ground: Provided that the said Roads shall not be carried so as to occasion the Demolition of any House, the side Walls of which are of the Height of Twelve Feet, or to injure any Garden, of the Extent of Half an Acre or upwards, or any Avenue to any House, or any Plantation or Nursery of Trees planted prior to the passing of this Act, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

Power to  
widen Roads,  
remove Ob-  
structions,  
&c.

XXVI. And be it further enacted, That it shall and may be lawful for the said Trustees, at any of their Meetings, to order and direct the said Roads, to be made or repaired, and to be extended to such Breadth as they shall think proper, not exceeding Forty Feet, and to alter or vary the Directions or Lines of the said Roads, or any of them, and for that Purpose, to pull down or remove any Houses, not exceeding Twelve Feet high in the Side Walls, Buildings, Inclosures, or other Obstructions, to make or cause to be made Causeways, to make and erect Arches or Bridges of Brick, Timber, or Stone, and to cut and make Drains, Ditches, Trenches, or other Outlets for Water, through any Grounds lying contiguous to the said Roads, for the Purpose of carrying off the Water from the same, or from any weighing Machine, erected or to be erected on the said Roads, the said Trustees always paying such Damage to the Owners or Occupiers respectively, whose Grounds or Houses shall be prejudiced or damaged by such Alteration or widening of the said Roads, as the same shall be ascertained, in Manner hereinafter directed.

Outlets from  
Trenches to  
be kept  
clear.

XXVII. And be it enacted, That if any Person shall make a Passage from any Field to any of the said Roads, he shall be obliged to cover the side Drains of the Road, where such Passage is made, with an Arch or Pen of sufficient Stone Work, so that the Course of the Water in the Drain may



not be impeded; and where it shall be found necessary to make Outlets from the Ditches or Drains, along the Sides of the said Roads or any of them through the Ground of any adjacent Proprietor, the Proprietor or the Occupier of such Ground, after such Outlets have been so made, shall be obliged from thenceforth, to make and keep clear such Outlets from the said Ditches or Drains from Time to Time, as they shall be required by the said Trustees, so as that the said Outlets may not be stopped, nor the Water be allowed to stagnate in them, nor to flow on the said Roads or any of them, but may have a free Passage from the said adjacent Ground; and in case the Proprietor or Occupier shall refuse or neglect to cleanse such Outlets, when duly required by One or more Trustees, or a Person or Persons appointed by an Order signed by Two of the said Trustees, such Trustees or Persons appointed by them respectively, shall, after Ten Days previous Intimation, be authorized to cleanse the said Outlets and levy in Manner herein after-directed the Expence thereof, from the Proprietors or Proprietor, or Occupiers or Occupier of such Ground, who have or has been required as aforesaid and have or has refused or neglected to cleanse the same.

XXVIII. And be it enacted, That where Hedges and Trees are planted on the Sides of any of the said Roads, the Occupiers and Occupier of the Lands on which such Hedges and Trees grow, shall be obliged to keep them properly dressed and trimmed, so as not to injure the said Roads, by overhanging the same; and in case of their Failure so to do, it shall be in the Power of any One of the Justices of the Peace of the said County of *Renfrew*, upon Application made to him by any One of the Trustees, or by their Surveyor, and upon Cause shewn, to order the Occupiers or Occupier of the Ground on which such Hedges or Trees grow, to cut and dress the same properly; and in case the said Occupiers or Occupier fail to comply with the said Order, within Ten Days after the same has been intimated to them or him, then it shall and may be lawful for the said Trustees to appoint proper Persons to cut the said Hedges at the Height of four Feet, and to dress and trim them, and also to cut the Branches of such Trees as may overhang the said Roads as aforesaid, at the Expence of the said Occupiers or Occupier, and to grant Warrant for levying the Expences thereof with Costs, in Manner hereinafter directed; reserving to the said Occupiers or Occupier any Right of Recourse which they may have against the Proprietor of the Lands on which such Hedges or Trees grow, for the said Expences; and providing, that no Person shall be obliged to cut or trim Hedges and Trees between the First Day of *March* and the First Day of *November* in any Year.

Hedges on the Sides of the High-Roads to be pruned, &c.

XXIX. And be it enacted, That the said Trustees may, and they are hereby empowered to make or cause to be made, Foot-paths on the Sides of all or any of the aforesaid Roads.

Power to make Foot-Paths.

XXX. And be it enacted, That no Person shall be allowed to ride or drive any Horses, Cattle, Carts, or Carriages, upon the said Foot-paths; and if any Person shall, notwithstanding, presume so to do, such Person being convicted by the Oath of any One credible Witness or on his own Confession before any One or more Justice or Justices of the Peace for the said County, or where the Offender resides, shall, for every such Offence,  
[*Loc. & Per.*]

Penalty for riding on Foot-Paths.

forfeit and pay to the said Trustees on the Roads aforesaid or their Collector, a Sum not exceeding Three Pounds nor less than Twenty Shillings Sterling; and it shall and may be lawful for any Person, *brevi manu*, to seize and carry any Person so transgressing as aforesaid, before the nearest Justice of the Peace, for the Purpose of Conviction as aforesaid.

Power to  
take Mate-  
rials for the  
Roads.

XXXI. And be it enacted, That it shall and may be lawful for the said Trustees, and any Person or Persons having an Order from them, to open Quarries, and dig, gather, take, and carry away any Stones or Gravel, or other Materials, out of any Waste or Common in the County of *Renfrew*, for making and repairing the said Roads or Foot Paths, or any of them, without paying for the same, and to dig, gather, and carry away all such Materials from Quarries already opened, on paying Damages as after mentioned, and from any other Ground in the said County, (not being the Ground where any Houses stand, or a Garden, Orchard or Yard, or any Plantation of Trees, which may have been planted prior to the passing of this Act), One Week's Notice in Writing being in that Case given to the Proprietor or Occupier of such Ground, and paying such Damages for the same, as shall be ascertained by any Two Justices of the Peace of the said County of *Renfrew*, with Power to the said Proprietor or Occupier to appeal from the Decision of the said Justices to the next Quarter Sessions, whose Decision shall be final; and any Dispute with regard to the said Damages, shall not prevent the said Trustees, or those employed by them, from using and carrying away the said Materials, and applying them to making and repairing the said Roads and Bridges.

Damage  
how to be  
ascertained.

XXXII. And be it enacted, That when the said Trustees have taken or resolved to take into their Possession for the Benefit of the said Roads, or any of them, any Lands or Houses, or have done any Damage to the same, by making, altering, or widening the said Roads, or any of them, the Owners or Owner of such Lands and Houses, are and is required to state in Writing the Compensation he, she, or they will accept for the Purchase of the said Land or Houses, or for the Damage done to the same as aforesaid; and in case the said Trustees shall think his, her, or their Demand unreasonable; they shall, and they are hereby required to offer to such Owner or Owners, the Compensation which they are willing to give for such Lands and Houses, or Damage done as aforesaid; and in case such Owner or Owners shall refuse to accept of the Compensation offered by the said Trustees, then and in that Case, such Owner or Owners may apply for Redress to the Justices of Peace of the said County at their next Quarter Sessions, Fourteen Days' previous Notice of such Application being duly notified to the said Trustees; and the said Justices of Peace shall, after due Enquiry, then adjudge, assess, and finally determine what Compensation shall be given to the said Owner or Owners, and order the same to be paid by the said Trustees occasioning such Damages, out of the Money arising from the said Toll Duties; but no Stop shall in the mean Time, be put to the Operations of the said Trustees, on Pretence of settling the said Damages, or that they are not satisfied and paid; and in case the Justices shall award a greater Compensation than the Trustees have offered, but less than the Owners have required, the respective Parties shall bear their respective Expences; but in Case the said Justices shall award to such Owner or Owners the Sum

so

so required, or a greater Sum, the whole Expence of the said Application or Procedure shall be paid by the said Trustees; and on the other Hand, if the Justices shall award the Sum so offered by the Trustees, or a less Sum, the whole Expence of the Application and Procedure shall be paid by the said Owner or Owners.

XXXIII. Provided always, That no Trustee, who is a Justice of the Peace, and has been concerned in taking Possession of the said Lands or Houses, or in doing the said Damage, or has advanced Money or interposed his Credit on the Tolls or Duties leviable on the Roads on Account of the said Lands or Houses were taken, or Damage done as aforesaid, shall act as a Justice of the Peace, or sit in Judgment on such Application.

No Trustee to act as a Justice upon Applications for Damages.

XXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments 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 Liferents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, 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, 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 Hereditaments, in the Purchase or Redemption of the Land-Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorise to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, 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 Messuages, Lands, Tenements, or Hereditaments, 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 Messuages, Lands, Tenements, and Hereditaments 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 Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money for entailed Property, &c. when exceeding 200l.

XXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall,

If under 200l. and above 20l.

at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments 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 One or more Trustee or 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 thereon, may be applied in any Manner hereinbefore directed, as far as the Case be applicable.

Where under  
20l. Sterling.

XXXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments 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.

Penalty on  
Persons  
breaking  
Turnpike-  
Gates, &c.

XXXVII. And be it further enacted, That if any Person or Persons shall maliciously break down, or otherwise injure any Turnpike Gates, Posts, Chains, Rails or Bars, Weighing Machines, or the Houses erected for the Use of such Turnpikes, or any Bridge on the said Roads, or Parapet Wall, Pailing, or Fence on the Sides of the said Roads or Bridges, or shall maltreat any of the Toll Gatherers, or shall be aiding and assisting thereto, or forcibly pass through or assist any Person in forcibly passing through any Turnpike Gate, or shall rescue any Person in Custody for the said Offences, or any of them, every Person or Persons so offending, and being thereof lawfully convicted, in any Prosecution ordered by the said Trustees, by the Oath of One or more credible Witness or Witnesses, or his own Confession, before any One or more of the Justices of the Peace of the said County, shall not only pay the Double of the Damages and Expences sustained by the said Trustees, but shall be subject and liable to pay a Fine not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling.

Penalty on  
the Evasion  
of Tolls.

XXXVIII. And be it further enacted, That if any Person or Persons occupying Lands near any Turnpike which shall be erected in pursuance of this Act, shall knowingly or willingly permit or suffer any Person or Persons whatsoever, to pass over or through the same, or through any Gate, Passage or Way therein, with any Coach, Cart, or other Carriage, or with any Horse, Ass, Ox, or other Cattle, with an Intention to avoid Payment of the Toll, every such Person or Persons so offending, and the Person or Persons driving such Cart or other Carriage, Horse, Ass, or other Cattle, being convicted thereof by the Oath of any One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace of the said County, shall for every such Offence forfeit and pay to the said Trustees

Trustees or their Collector or Collectors, a Sum not exceeding Five Pounds nor less than Twenty Shillings Sterling.

XXXIX. And be it further enacted, That if any Person or Persons shall, at any Time during the Continuance of this Act, take off, or cause to be taken off, any Horse, Mare, or Gelding, or Horses, Mares, or Geldings, from any Coach, Chaise, Chair, Chariot, Berlin, Landau, Calash, or Hearse, or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby imposed; or shall put and leave in any House or Place, any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, or Cattle, chargeable with, or liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person or Persons so offending in any of the Cases aforesaid, and being convicted thereof by the Oath of any One or more credible Witnesses or Witnesses, or his or their own Confession, before any One or more of the Justices of the Peace for the said County, shall forfeit and pay to the Trustees appointed to put this Act into Execution, or to their Collector for the Time being, a Sum not exceeding Three Pounds, nor less than Twenty Shillings Sterling.

Penalty on taking off Horses, &c.

XL. And be it enacted, That from and after the passing of this Act, no Person or Persons shall make any Pits or Holes, nor shall lay down Dung, Lime, Compost, Rubbish, or any other Matter whatsoever for manuring Land, or any other Purpose (excepting always Stones, Wood, or other Materials for building Houses, which may occupy One Third-part of the Road) on any of the said Roads, under a Penalty not exceeding Two Pounds, nor less than Ten Shillings Sterling, and One Moiety of such Penalties shall go to the Informer, and the other Moiety to the Trustees of the Road where such Offences shall be committed.

Penalty on laying Rubbish, &c. on the Highways.

XLI. And be it further enacted, that from and after the passing of this Act, no Person or Persons whatsoever shall have Carts, Waggons, Wains, or Carriages, loaded or unloaded, standing on any of the said Roads so as to interrupt or hinder the free Passage of any of His Majesty's Subjects, nor shall draw any Tree, Piece of Timber, or any Materials whatsoever upon the said Roads, otherwise than on a Wheeled Carriage, nor shall suffer any such Wood, or any Materials whatsoever, being on a Wheeled Carriage, to touch or drag on any of the said Roads, nor shall drive along any of the said Roads any Carriage of which the Nails on the Tire of the Wheels are not sunk so as to make the Sole that touches the Road perfectly flat; and all Timber, Iron Bars, and other Articles exceeding Twenty-five Feet, shall be conveyed and carried in such Manner that the said Timber or Logs of Wood, or other Articles shall not project or extend over the Sides of the Carriages on which they are loaded, nor occupy more of the said Roads than is occupied by the Carriage or Carriages on which they are placed, and that the Breadth within the Wheels of such Carriages shall not exceed Six Feet, nor shall do any Thing whereby any of the said Roads may be injured or obstructed; and every Person offending in any of the said Particulars shall pay the whole Damages thereby sustained, and repair the Injury done to

Penalty for Carriages standing on the Road, &c.

[Loc. & Per.]

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the said Roads, and shall also, for every such Offence, forfeit a Sum not exceeding Three Pounds, nor less than Twenty Shillings Sterling.

Roads to be measured, and Mile Stones erected.

Penalty on breaking or defacing Mile Stones, &c.

to be levied by Distress and Sale.

XLII. And be it further enacted, That the said Trustees at any General Meeting may cause the said Roads to be admeasured, and Stones or Posts to be erected thereon or near the Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall judge convenient, and also to cause Guide Posts to be erected where necessary; and if any Person or Persons shall wilfully break, destroy, damage, pull up or remove any such Stones or Posts, or obliterate or deface any Letters or Figures that shall be inscribed or put thereon, and shall be thereof convicted, by the Oath or Confession of the Party offending, or of One or more credible Witnesses, or Witnesses, before any One or more Justice or Justices of the Peace for the said County, such Person or Persons so offending shall respectively forfeit and pay any Sum not exceeding Five Pounds Sterling, nor less than Two Pounds Sterling, for every Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated or defaced, to be levied and recovered in the same Manner as other Penalties are by this Act directed to be recovered and levied, and such Forfeitures shall be applied, one Moiety to the Informer, and the other Moiety in repairing the Stones or Posts so broken or pulled up, damaged, or defaced, or in supplying new ones in their Stead, and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads.

No Horses to be pastured on said Roads.

XLIII. And be it enacted, That if any Person or Persons shall, from and after the passing of this Act, pasture or allow to pasture on the aforesaid Roads, or any of them, any Horses, Sheep, Cows, or other Cattle, it shall and may be lawful for any One or more of the Justices of the Peace for the said County, upon Application made to him or them by any Heritor in the said County, or by any Person or Persons having Authority from the said Trustees, to issue his or their Warrant for apprehending the Person or Persons so offending as aforesaid, and to bring them before him or them for Examination; and upon such Offender or Offenders being convicted of such Offence by the Oath of One or more credible Witness or Witnesses, or the Oath or Confession of the Party offending, it shall and may be lawful for such Justice or Justices of the Peace to fine and amerciate such Offender or Offenders severally, in any Sum not exceeding Five Pounds, nor less than Five Shillings Sterling for each and every Offence, to be levied and recovered in case of Non-payment, and to be applied in Manner hereinafter directed.

Trustees to defray their own Expences.

XLIV. And be it enacted, That the Trustees of the said Roads, at their First and all other subsequent Meetings held in pursuance of this Act, shall defray their own Charges and Expences.

Actions to be commenced within One Year after the Offence is committed.

XLV. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrong done, or Injury suffered in any Matter relative hereto, in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of One Year after the Penalty or Forfeiture is incurred, or Wrong done, or Injury suffered, and not afterwards.

XLVI. And

XLVI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, if not directed by this Act to be otherwise levied, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands of any One or more Justice or Justices of the Peace of the said County in the Option of the Trustees, or of the Person or Persons authorized by them to levy such Distress, and the Persons distraining such Goods and Chattels, are hereby authorized and empowered, after the Space of Four Days after such Distress shall be made and taken, to sell the Goods so distrained by public Roup at the nearest Turnpike or Toll-House to the Place where such Distress shall be made, and return the overplus Money (if any be) upon demand, to the Owners of such Goods and Chattels, after such Penalties and Forfeitures, with the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid, and the said Forfeitures when recovered, if not otherwise directed to be applied by this Act, shall be applied, one Moiety to the Informer, and the other Moiety towards carrying this Act into Execution as the said Trustees shall direct; and where Money shall be payable for any Forfeiture or Penalty if the Officer shall report that sufficient Effects for distress cannot be found, and the Money due shall not forthwith be paid, it shall be lawful for any One Justice of the Peace for the said County to commit the Offender to the Common Gaol, there to remain for any Time not exceeding Three Calendar Months, unless such Money, with the reasonable Charges, be sooner paid.

Penalties  
how to be  
levied.

XLVII. And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already directed or appointed, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at the next Quarter-Sessions, for the said County, or in case the Cause of Complaint shall arise within Fifteen Days before such Quarter-Sessions, then such Appeal may be made to the said Justices at the second Quarter-Sessions, who are hereby authorized and required to take such Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, and if they see Cause, shall, and may, by Order of such Meeting, mitigate at their Discretion, all or any of the said Forfeitures or Penalties imposed or incurred by the said Party or Parties complaining, or vacate and set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion may seem proper, and to levy by their Order or Warrant, such Costs so awarded, by Distress and Sale of the Goods of any Person or Persons who shall refuse to obey the same, and for Want of sufficient Distress, to commit the Party to the Common Gaol of the said County, for any Time not exceeding Three Calendar Months, or until Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid, shall, and they are hereby directed, to give Notice in Writing to the Defendant of such Intention of bringing or prosecuting any Appeal, Fifteen Days before the said Quarter-Sessions, and shall within Five Days after such Notice given, lodge in the Hands of the Clerk to the said Justices, a Bond signed by him, her, or them, and two sufficient Securities, obliging him or them to prosecute such Appeal, and in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct

Persons ag-  
grieved may  
appeal to  
Quarter Ses-  
sions.

in

in that Behalf, and every such Appeal shall, at the said Quarter-Sessions, be there heard and finally determined.

Judgment of  
Quarter Ses-  
sions to be  
final.

XLVIII. And be it enacted, That in all Cases and Causes Subject by this Act to the Decision of the Justices of the Peace at their Quarter-Sessions assembled, the Judgment and Sentence of the said Justices shall be final and conclusive, and shall not be subject to Advocation, nor to any Suspension, Reduction, Appeal, or other Stay of Execution.

Expence of  
the Act to be  
paid.

XLIX. And be it enacted, That the Expence of procuring and passing this Act shall be paid from the Money to be borrowed, on the Credit of the Tolls and Duties authorized to be levied by this Act, and shall be made a Charge on the said Roads.

Public Act.

L. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken Notice of as such by all Judges and others whatsoever, without specially pleading the same.

Commence-  
ment and  
Continuance  
of the Act.

LI. And be it enacted, That this Act shall commence and take Place from and after the passing of the same, and shall remain in Force during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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