



ANNO QUADRAGESIMO QUINTO

GEORGI. III. REGIS.

· *Cap. 108.*

An Act for erecting Toll Bars and levying Toll Duties on the Road from *Dunfermline* to *Nivingstone*, in the Counties of *Fife* and *Kinross*; and for making a new Turnpike Road from *Saline*, towards the North *Queensferry Road* in the said County of *Fife*.

[10th July 1805.]

WHEREAS the Road leading from *Dunfermline* Northwards by *Balmule Gask* and *Nivingston*, till it joins the *Alloa* Turnpike Road a little to the West of *Tillibole*, and till it joins the North *Queensferry Road* at the Bridge of *Kinross*, situated in the several Parishes of *Dunfermline* and *Beath*, in the County of *Fife*, and in the Parishes of *Cleish*, *Kinross*, *Fossaway*, and *Tillibole*, in the County of *Kinross*, is at present in a very bad State of Repair, and dangerous and incommodious to Travellers and Passengers, and if the same was made Turnpike, and proper Powers given to erect Toll Bars; and levy Toll Duties thereon, and to amend, widen, and improve the same, it would be of great Advantage to the said Counties, and of publick Utility; but which cannot be accomplished without the Aid of Parliament: And whereas the making and maintaining of a Road in a Line running Eastwards from the high Road, near the Village of *Saline*, by the Lands of *Bandrum*, *Tunnygask*, and *Rescobie*, to the new Road, known by the Name of *The Stone Road*, which leads by the Lands of *Cocklaw*, and joins the great Turnpike Road leading from *Queensferry* to *Perth*, to the South

[*Loc. & Per.*]

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of

Trustees.

of the Village of *Kelty*, situated in the several Parishes of *Saline*, *Dunfermline*, and *Beath*, in the County of *Fife*, would be of great publick Utility, but cannot be effected without the Aid and Authority of Parliament; 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 Heritors of the Counties of *Fife* and *Kinross*, and in the Parishes aforesaid, being in the actual Possession of Lands valued in the Cess Books at One hundred Pounds *Scots* or upwards, either in their own Right or the Right of their Wives, and the Heirs Apparent of such Heritors, shall be and they are hereby appointed Trustees for surveying, making, repairing, and keeping in Repair the said Road leading from *Dunfermline* Northwards by *Balmule Gask* and *Nivingston*, and the said Road running Eastward from the high Road near the Village of *Saline*, by the Lands of *Bandrum*, *Tunnygask*, and *Roscobie*, to the new Road, known by the Name of *The Stone Road*, which leads by the Lands of *Cocklaw*, and joins the great Turnpike Road from *Queensferry* to *Perth*, to the South of the Village of *Kelty*.

Trustees not to act without being qualified.

II. Provided always, That if any Person not qualified, or described as aforesaid, shall nevertheless presume to act as a Trustee in the Execution of this Act, he shall, for every such acting, forfeit and pay the Sum of Twenty Pounds, over and above the Expence of Prosecution, which Penalty shall be recovered by a Complaint in a summary Way at the Suit of any Heritor within any of the said Counties, or of the Procurator Fiscal, appointed by the Justices of Peace, before the Justices of Peace at their Quarter Sessions, or before the Sheriff Depute, or his Substitute, in the County in which such Person pretends to have a Qualification, and shall be paid to the said Trustees, or to their Clerk or Treasurer; and in case any such Complaint shall be brought, the Proof of Qualification shall lie upon the Defendant.

First Meeting of Trustees.

III. And be it further enacted, That the First Meeting of the Trustees under this Act shall be held at *Dunfermline*, on the Second *Monday* next after the passing of this Act, or as soon thereafter as conveniently may be, and that an Annual General Meeting of the Trustees shall be held on the Fifteenth Day of *September* in all succeeding Years, during the Continuance of this Act, and at these Meetings Five of the said Trustees shall be a Quorum; and it shall and may be lawful for any Two or more of the Trustees to summon a General Meeting at any Time when they think it requisite, and to appoint a Day when it shall be held at *Dunfermline*, provided that Notice be given of such Appointment by an Advertisement to be published in the Newspapers published at *Edinburgh*, at least Fourteen Days previous to the Day upon which such Meeting shall be appointed to be held, in which Advertisement particular mention shall be made of the Names of the Persons by whom the Meeting is called, and of the Business which they mean to bring before the same, and provided the said Trustees calling such General Meeting do and shall likewise by Writing under their Hands give Notice thereof, Ten Days at least before such Meeting, to the Clerk or Clerks of the said Trustees, which said Clerk or Clerks shall give Notice thereof in Writing under his or their Hand or Hands, to be affixed on all the Turnpike Gates which shall be then erected

erected by virtue of this Act, Ten Days at least before the Day appointed for such Meeting; and the said General Meetings shall have Power to adjourn to such Times and Places as they shall think proper or convenient, and as often as it shall be necessary for putting this Act in Execution; and at all Meetings, other than the Annual General Meeting, Four Trustees shall be a Quorum, Two of the County of *Fife*, and Two of the County of *Kinross*; and if it shall happen that there shall not appear at any Meeting, or at any adjourned Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting and to adjourn to another Day, then and in such Case the respective Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands to be affixed on all the said Turnpike Gates, and also by an Advertisement in the Newspapers above mentioned at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the last Meeting of the said Trustees was appointed to be held, or at some other convenient Place on that Day Three Weeks on which the last Meeting of the said Trustees was appointed to be held; and that the said Trustees at their First and all their subsequent Meetings shall defray their own Charges.

IV. And be it further enacted, That the said Trustees shall and may erect, or cause to be erected, across the said first mentioned Road leading from *Dunfermline* Northwards by *Balmule Gask* and *Nivingston*, till it joins the *Alloa* Turnpike Road a little to the West of *Tillibole*, and till it joins the North *Queensferry* Road at the Bridge of *Kinross*, one or more Gate or Gates, Turnpike or Turnpikes, and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken the Tolls or Duties following; (that is to say),

Turnpikes to be erected on the Road from Dunfermline Northwards;

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Sixpence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine-pence: And for every Chaise or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Sixpence: And for every Waggon, Wain, Cart, or Carriage, drawn by Six Horses, Oxen, or other Beasts, the Sum of Three Shillings; and drawn by Five Horses, Oxen, or other Beasts, the Sum of Two Shillings and Three-pence; and drawn by Four Horses, Oxen, or other Beasts, the Sum of One Shilling and Two-pence; and drawn by Three Horses, Oxen, or other Beasts, the Sum of Nine-pence; and drawn by Two Horses, Oxen, or other Beasts, the Sum of Four-pence; and drawn by One Horse, Ox, or other Beast, the Sum of Three-pence:

Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing in any Carriage, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Three-pence *per* Score; and so in Proportion for any greater or less Number.

V. And

Turnpikes to be erected on the Road running Eastward from Saline to Kelty.

V. And be it further enacted, That the said Trustees shall and may erect, or cause to be erected, across the said second mentioned Road, running Eastward from the high Road near the Village of Saline, by the Lands of *Bandrum*, *Tunnygask*, and *Roscobie*, to the new Road, known by the Name of *The Stone Road*, which leads by the Lands of *Cocklaw*, and joins the great Turnpike Road leading from *Queensferry* to *Perth*, to the South of the Village of *Kelty*, One or more Gate or Gates, Turnpike or Turnpikes, and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, the Tolls and Duties following; (that is to say),

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Sixpence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine-pence: And for every Chaise or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Sixpence: And for every Waggon, Wain, Cart, or Carriage, drawn by Six Horses, Oxen, or other Beasts, the Sum of Three Shillings: And drawn by Five Horses, Oxen, or other Beasts the Sum of Two Shillings and Three-pence; and drawn by Four Horses, Oxen, or other Beasts the Sum of One Shilling and Two-pence; and drawn by Three Horses, Oxen, or other Beasts, the Sum of Nine-pence; and drawn by Two Horses, Oxen, or other Beasts, the Sum of Four-pence; and drawn by One Horse, Ox, or other Beast, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing in any Carriage, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per Score*; and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Three-pence *per Score*; and so in Proportion for any greater or less Number.

Trustees may erect Side Bars and take Tolls thereat.

VI. And be it further enacted, That it shall be lawful for the said Trustees to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes on the Side or Sides of any of the said Roads, and across any Lane or Way leading into or out of the same, and there to take and receive such Tolls as are by this Act respectively granted and made payable at the Turnpikes on the principal Roads into or out of which the said Side Roads or Lanes may lead, but so that a Ticket received at each Side Bar shall entitle the Receiver to pass through the next Turnpike on the Principal Road with which it is connected, which Note or Ticket the Keeper or Keepers of such Side Gate or Side Gates is and are hereby required to deliver *gratis* on Receipt of such Tolls respectively; provided that no Toll shall be taken at any such Side Bar, unless the Person entering at such Side Bar shall travel the Space of Twenty Yards on the said Road.

Tolls to be taken at no less Distance than Six Miles.

VII. Provided always, and be it further enacted, That in case there shall be erected upon any of the said Roads Turnpikes at less Distance from one another than Six Statute Miles, then any Person or Persons producing

producing a Ticket to shew that the Toll has been paid at one of such Gates, shall not pay any Toll at the other which is within Six Statute Miles from the Gate at which they have already paid upon the said Roads.

VIII. And be it further enacted, That any Person or Persons producing a Ticket to shew that the Toll has been paid at the Gate to be erected to the North of *Dunfermline* on the said Road, shall not pay at the Gate known by the Name of the *Lady's Mill Toll Bar*, or at any other Bar which may hereafter be erected at any Place between *Dunfermline* and Lime Kilns, in place of the said last-mentioned Toll Bar.

IX. And be it further enacted, That any Person or Persons producing a Ticket to shew that Toll has been paid at the Gate known by the Name of the *Lady's Mill Toll Bar*, or at any Bar which shall hereafter be erected between *Dunfermline* and Lime Kilns, in place of this last-mentioned Toll Bar, shall not pay at the Gate to be erected North of *Dunfermline* on the said Road leading from *Dunfermline* to *Ni-vingston*.

X. Provided also, That every Cart drawn on Wheels of the Breadth of Nine Inches or upwards in the Tread or Fellies, and every Waggon with Wheels of the said Breadth, when the Hind Wheels roll in the same Track with the Fore Wheels, so as to roll at least Nine Inches on each Side, shall be suffered to pass on paying Two-thirds of the Sum which would otherwise be payable for such Carriage; and that every Waggon drawn on Wheels of the said Breadth of Nine Inches, with the Hind Wheels rolling in a different Track from the Fore Wheels so as to roll at least Fourteen Inches on each Side, shall be suffered to pass on Payment of One Half of the Sum which would otherwise be payable for such Waggon; but no Carriage shall be entitled to any of these Exemptions except such as have the Tier of their Wheels countersunk in placing the same on the Fellies in such Manner that the Nails shall not rise above the Surface, and the Sole or Surface of the Wheel shall be quite flat.

Carts with
Nine Inches
to pay Two-
thirds Toll,

and Waggon
to pay One-
Half of the
Toll

XI. And be it further enacted, That the Money to be raised and collected as aforesaid shall and is hereby declared to be vested in the said Trustees, and the same and every Part thereof shall be paid, applied, and disposed of and assigned to and for the several Uses and Purposes by this Act directed, and to no other Purpose whatsoever; and it shall be lawful for the said Trustees, or such Person or Persons as they shall 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 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 Goods, upon which Tolls or Duties are by this Act imposed, or by Distress and Sale of any other of the Goods and Chattels of such Persons so refusing to pay the said Tolls and Duties, and to keep such Goods and Chattels so distrained until such Toll or Duty, with the reasonable Charges of such Distress, shall be paid; and it shall be lawful

Tolls vested in
the Trustees.

for the Person or Persons so distraining, after the Space of Six Days after such Distress shall be made and taken, to appraise and sell the Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owners thereof, after such Tolls or Duties, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Penalty on
evading the
Tolls.

XII. And be it further enacted, That if any Person or Persons liable to pay Toll, shall in a forcible Manner pass through any of the Turnpike Gates on the said Road without paying Toll thereat, and shall be thereof convicted before One or more Justice or Justices of the Peace for the County in which the Offence shall be committed, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds, besides making Payment of the Tolls to which he was liable.

Tolls may be
leased.

XIII. And be it further enacted, That the said Trustees, at a General Meeting assembled, are hereby authorized and empowered by publick Roup to let the said Tolls or Duty in Whole or in Parcels from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for paying thereof as shall be approved of by the said Trustees or Quorum of them as aforesaid.

Fences to be
erected on
Side of the
Road to pre-
vent evading
Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to build Fences and suppress any Bye-Roads that do not appear to be of Importance to the Publick, so as to prevent any Person or Persons travelling the Roads hereby directed to be repaired, from evading the Payment of any Tolls or Duties granted by this Act; provided always, that Notice of the Intention to shut up such Roads be given by Advertisements affixed to the nearest Toll Bar, and to the Doors of the Three nearest Parish Churches, Two consecutive *Sundays*, One Calendar Month at least before the Roads shall be actually shut up; and that any Person or Persons who shall think themselves injured by such Intention may apply to the Sheriff Depute, or Substitute, of the County where such Road is intended to be shut up, who, if he sees Cause, is hereby empowered to suspend the Execution thereof until the next General Meeting of the Trustees, who shall determine thereon; but such Determination shall be subject to Appeal to the Quarter Sessions in Manner herein-after mentioned.

Land to be
purchased for
erecting a Toll
House.

XV. And, for the better enabling of the said Trustees to erect the Toll Houses necessary for collecting the said Tolls; be it further enacted, That the said Trustees shall be and they are hereby empowered to purchase such Pieces of Ground for that Purpose as they shall judge most convenient, not exceeding One-eighth of an Acre for each Toll House, which the Proprietor is hereby required and empowered to convey to them notwithstanding any Entail or other Settlement; and in case the Proprietor shall not be satisfied with the Price offered to him by the said Trustees, or shall refuse to treat with them, the same shall be fixed and determined in Manner herein-after mentioned.

XVI. And

XVI. And be it further enacted, That the said Trustees may exact such Part of the Tolls hereby made payable as they shall think reasonable; and in case they erect more Gates than One on the said Roads, it shall be in their Power to fix and ascertain, in such Manner as they shall judge reasonable, what Part of the Tolls hereby made payable shall be levied at each of the said Gates.

Trustees to direct what Part of the Tolls shall be collected at each Gate.

XVII. Provided always, and be it further enacted, That no Person or Persons having paid the Tolls or Duties herein-before granted, or lessened or reduced, either as aforesaid or as after mentioned, at any of the said Gates or Turnpikes, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) be subject or liable to pay the said Tolls or Duties again at the same Gate or Turnpike for the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, for which such Tolls or Duties shall have been paid, and the Person who pays the Toll shall on Demand receive a Ticket or Note signifying the Payment thereof, on producing of which he shall be allowed to pass without further Payment; but in case the same Cart or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall pass the Turnpike or Turnpikes with a new Loading a Second or more Times, they shall in that Case be subject to pay the Tolls for each Time they shall so pass, in the same Manner as they did the first Time.

Tolls to be paid but once a Day at the same Gate.

XVIII. And be it further enacted, That if any Person or Persons who shall have paid the Toll or Duty by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being convicted thereof upon the Oath of One or more credible Witnesses or Witnesses, or otherwise, before any One of more Justice or Justices of Peace for the County where the Offence shall be committed, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling, to be levied and received in Manner herein-after directed.

Penalty on disposing of Tickets.

XIX. Provided always, and be it further enacted and declared, That no Person or Persons shall be liable to pay any Toll or Duty at any of the Gates or Turnpikes to be erected by virtue of this Act, for any Carriage laden with or going empty for, or returning empty after having been laden with Stones or other Materials for repairing any of the Roads before mentioned, or the Bridges and the Causeways belonging to the same; or for any Carriage or Cattle passing from one Part of a Farm to another; or for any Carts, Wains, Waggons, or other Carriages carrying any Manure of any Sort (except Lime), or carrying any Hay, Corn in the Straw, or any other Produce of a Farm to be laid up in the Houses, Out-houses, Barns, or Yards belonging thereto (without Prejudice nevertheless to the said Tolls or Duties being paid for Hay, Corn in the Straw, or any other Produce of a Farm when carried for Sale along any of the said Roads, or for Delivery after being sold); nor shall any Toll or Duty be demanded from any Person or Persons who shall pass through the said

Exemptions from Tolls.

Turnpikes to Church or Chapel, or any other Place of religious Worship upon *Sunday*; nor for Persons attending the Funeral of any Person or Persons who shall die and be buried in any of the Parishes in which the Roads hereby directed to be repaired do lie; nor for Horses, Geldings, or Cattle going to or returning from Pasture, or to or from Watering Places, or going to Smithies for the Purpose of being shoed, or returning therefrom; nor for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying or guarding the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, 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 the Carriages attending upon them, nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor for Carts, Carriages, or Waggon's travelling with Vagrants sent with legal Passes.

Treasurer,
Clerk, and
other Officers
to be appointed,

XX. And be it further enacted, That it shall be lawful for the said Trustees, at a General Meeting assembled as aforesaid, to choose and appoint fit Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks 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, and such other Officers as they shall think proper, and from Time to Time to remove such Treasurers, Receivers, Collectors, Clerks, Surveyors, and other Officers, or any of them, and to appoint new Ones, in case of Death or Removal; 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 unto the said Collector or Collectors, or Receiver or Receivers, so from Time to Time to be appointed after the Rates aforesaid; and the Person appointed as aforesaid for receiving the Tolls or Duties, and also such Surveyor or Surveyors, shall, on the first *Tuesday* of every Month, or at any other Time to be appointed by the said Trustees during the Continuance of this Act, give in a true, particular, exact, and perfect Account in Writing under their respective Hands, with their respective Vouchers, of all Money which he or they, every or any of them have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices, and verify the same upon Oath, if required; and in case any Overplus Money so received shall remain in their or any of their Hands, they shall pay the same in to the said Trustees, or to such Person or Persons as they at a General Meeting assembled shall authorize and appoint to receive the same, to be laid out and applied for the Purposes of this Act; and the said Trustees at a General Meeting assembled, shall and may, and they are hereby authorized and empowered, out of the Money arising from the said Tolls or Duties, to make such Allowances unto the Officers so appointed by them for and in Consideration of their Care and Pains in the Execution of the said respective Offices, and to such other Person or Persons who shall have

who are to
account.

been

been or may be assisting in making and repairing the said Roads as aforesaid, by advancing or laying out any Monies, or otherwise relating thereto, as unto them shall seem good, over and above the necessary Disbursements made by them; and in case the said Collector or Collectors, Receiver or Receivers, or any other Person or Persons concerned in the Collection or Receipt of the aforesaid Tolls or Duties, or any of them, shall not make such Account and Payment according to the Orders and Directions of the said Trustees at a General Meeting assembled, that then it shall be lawful for any Two or more Justices of the Peace for the said County, to make Inquiry of and concerning such Default, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath any One of the said Justices is hereby empowered to administer) or by other legal Evidence; and if any Person or Persons shall be convicted of the Offence aforesaid by the Justices, they the said Justices shall, and they are hereby empowered to impose and levy a Sum of Money from or upon such Person or Persons, not exceeding Double the Sum of Money unduly detained or misapplied; and in case such Person or Persons shall refuse or be unable to pay the said Sum of Money so detained or misapplied by them or him, then and in such Case it shall be lawful for the said Justices to commit such Person or Persons to one of the Common Gaols of the County, there to remain until he, she, or they shall have made and rendered a true and particular Account and Payment as aforesaid, or until he, she, or they shall have compounded and agreed with the said Trustees (which Composition they are hereby empowered to make) and have paid such Composition to the Treasurer or Treasurers for the Time being, or such Person or Persons as the said Trustees shall appoint.

XXI. And be it further enacted, That the said Trustees shall and they are hereby required to take such Security from the Treasurer or Treasurers, or Collector or Collectors to be appointed for the Purposes of this Act, for the due Execution of his and their said Office or Offices, as to the said Trustees shall seem meet.

Treasurer to give Security.

XXII. And be it further enacted, That the said Trustees for the Roads aforesaid, shall keep, or cause to be kept, an exact Account of the Money received by virtue of this Act, and the Application thereof, and all other their Proceedings, and enter, or cause to be entered, the same in a Book or Books to be kept for that Purpose, to which Book or Books any of the Trustees above mentioned shall at all reasonable Times be at liberty to resort and to inspect the same without any Fee or Reward.

Accounts and Proceedings to be entered in Books.

XXIII. And be it further enacted, That no Sum of Money arising and levied by or upon account of the said Impositions, shall be laid out or expended without the Order of the said Trustees at a General Meeting assembled, or of such Person or Persons as they shall authorize and appoint.

Money to be laid out by order of Trustees at a General Meeting.

XXIV. And be it further enacted, That the Money which shall be levied by virtue of this Act, shall be paid, applied, and disposed of or assigned to and for the several Uses, Intents, and Purposes by this Act directed.

Application of Tolls.

[Loc. & Per.]

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XXV. And

Money mis-
applied to be
recovered at
the Suit of the
Heritors of
Fife and
Kinross.

XXV. And be it further enacted, That in Case of any Misapplication of the 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 from him or them at the Suit of any Three or more Heritors, within the said Counties of *Fife* and *Kinross*, and in the Parishes aforesaid, possessed of Two Hundred Pounds *Scots* of valued Rent, who are hereby authorized to sue for and recover the same in a summary Action before the Judge Ordinary, with Costs of Suit, One Moiety of which Forfeiture shall belong to the Persons who sue for the same, and the other Moiety shall be paid to the said Trustees to be applied by them for the Purposes of this Act; but if any such Prosecution shall after Trial be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Double Costs.

Penalty on
destroying
Turnpikes
and Toll
Houses.

XXVI. And be it further enacted, That if any Person or Persons shall maliciously break down, pull up, or otherwise destroy, injure, or damage any of the said Gates or Turnpikes, or any Posts, Rails, Chains, Bars, or other Works, or any of the Toll Houses to be erected in pursuance of this Act, or shall rescue any Person being in Custody for any of the said Offences, every Person offending in any of the Cases aforesaid, and being thereof convicted by the Oath of One or more credible Witnesses or Witnesses before any Two or more Justices of the Peace for the County where the Offence was committed, every such Person shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also be imprisoned for any Time not exceeding Three Calendar Months, or pay a Fine not exceeding Ten Pounds; and if any Person shall be convicted as aforesaid a Second Time of the like Offence, it shall be lawful for the said Justices to adjudge such Person to be imprisoned for any Time not exceeding Six Calendar Months, or to pay a Fine not exceeding Twenty Pounds Sterling, besides paying the whole Damages and Expences sustained by the said Trustees.

Weighing
Engines to
be erected if
thought neces-
sary by the
Trustees.

XXVII. And be it further enacted, That the said Trustees shall, if they find it necessary or expedient, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Carriages which shall pass along the said Roads, and to receive and take, over and above the Tolls hereby granted, the following Sums of Money as additional Tolls for every Hundred Weight of One Hundred and Twelve Pounds to the Hundred, which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any of the said Weighing Engines, over and above the Weights which such Waggon, Cart, or Carriage is allowed to weigh, without paying additional Toll; (that is to say),

Additional
Tolls to be
taken for
Over-weights.

For the First and Second Hundred of such additional Overweight, the Sum of Three-pence Sterling for each Hundred:
For every Hundred of such Overweight, above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence Sterling:
For every Hundred of such Overweight, above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling:

For

For every Hundred of such Overweight, above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling: And,

For every Hundred of such Overweight, above Fifteen Hundred, the Sum of Ten Shillings Sterling:

And that before they respectively shall be permitted to pass through such Gate or Turnpike, and that the same shall be applied as the other Penalties are by this Act directed to be applied; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, such Person or Persons shall for every such Offence forfeit a Sum not exceeding Ten Shillings Sterling.

XXVIII. And be it further enacted, That every Waggon, Cart, or Carriage shall be allowed to pass without paying any additional Toll, provided with its Loading it does not weigh more than the Weights following; (*videlicet*),

Waggons, &c. allowed to pass without additional Tolls if rolling Sixteen Inches.

Every Waggon or Four-wheeled Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer and Seven in Winter:

For every Waggon or Wain, having the Axletrees thereof of such different Lengths that the Distance from Wheel to Wheel of the nearer Pair of the said Wheels be no more than Four Feet and Two Inches, to be measured at the Ground, and that the Distance from Wheel to Wheel of the other Pair thereof be such that the Fore and Hind Wheels of such Waggons and Wains shall roll only one single Surface or Path of Sixteen Inches wide at the least on each Side of the said Waggons or Wains, and having the Fellies thereof of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof, Six Tons Ten Hundred Weight in Summer, and Six Tons in Winter:

For every Waggon or Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons Ten Hundred in Winter:

For every Cart, having the Fellies of the same Dimensions, Three Tons in Summer, and Two Tons Fifteen Hundred in Winter:

For every Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, Four Tons Five Hundred in Summer, and Three Tons Fifteen Hundred in Winter:

For every such Waggon, so constructed as to roll and actually rolling a Surface of Eleven Inches by the Wheels thereof, Five Tons Ten Hundred in Summer, and Five Tons in Winter:

For every Cart, having the Fellies of the Wheels of the same Dimensions, Five Tons Twelve Hundred in Summer, and Two Tons Seven Hundred in Winter:

For every Waggon, having the Sole or Bottom of the Fellies of less Breadth than Six Inches, Three Tons Ten Hundred in Summer, and Three Tons in Winter: And,

For every Cart, having the Fellies of the Wheels of the same Dimensions, One Ton Ten Hundred in Summer, and One Ton Seven Hundred in Winter:

And that for the several Purposes aforesaid it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive;

inclusive; and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive.

Drag Irons to be fast at the Bottom, and to be of the same Breadth as the Wheels.

XXIX. And be it further enacted, That where any Drag Iron or other Instrument shall be affixed under the Sole or Bottom of the Wheel or Wheels of any Waggon or other Carriage passing along the said Roads, to make the passage of such Waggon or Carriage more safe down steep Hills, every such Drag Iron or other Instrument shall be flat at the Bottom or Sole thereof, and shall not be of less Breadth than the Fellies of the Wheels under which the same shall be affixed, on Pain of the Owner of every such Waggon or other Carriage forfeiting any Sum not exceeding Ten Shillings Sterling, at every Turnpike through which such Waggon or other Carriage shall pass.

Timber to be drawn on Wheel Carriages.

XXX. And be it further enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, or any Plough, Harrow, or any Thing whatsoever, otherwise than upon Wheel Carriages, or shall suffer any of the Things abovementioned or any other Thing whatsoever, which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Roads to the Injury thereof, every Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling.

Penalty on permitting private Passage.

XXXI. And be it further enacted, That if any Person or Persons occupying inclosed Lands near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly or willingly permit any Person or Persons to pass through the same, or through any Gate, Passage, or Way, with any Coach, Cart, or other Carriage, or with any Horse, Ass, or Cattle, whereby the Payment of the Tolls or Duties by this Act imposed shall be evaded, every such Person so offending, and the Person or Persons driving such Cart or other Carriage, or riding or leading such Horse, Ass, or other Cattle, and being thereof convicted by the Testimony of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace of the County where the Offence was committed, shall, for every such Offence respectively, forfeit and pay to the said Trustees, or their Collector or Collectors, any Sum not exceeding Twenty Shillings Sterling.

Penalty on unloading Goods and taking off Horses to avoid the Tolls.

XXXII. And be it further enacted, That if any Person or Persons shall unload, or cause to be unloaded, any Sort of Goods or Merchandize, or shall take off, or cause to be taken off, any Horse or Horses, or other Beasts from any Coach, Chaise, Chariot, Berlin, Landau, Calath, Chair, or Litter, or from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with 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 other Cattle, chargeable with or liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay to the said Trustees appointed to put this Act in Execution, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling.

XXXIII. And

XXXIII. And be it further enacted, That where any Part of the said Roads is not of a sufficient Breadth, according to the lowest legal Rate and Standard of Twenty-five Feet, including the Ditches or Water Runs at the Side of the Road, it shall be lawful for the said Trustees to widen and extend the Breadth of the said Road to the said legal standard, without making any Compensation to the Proprietor or Proprietors of the Land adjoining on that Account, and where it shall appear to the said Trustees necessary or expedient to alter the Course and Situation of the said Road, at an Annual or General Meeting called for that Purpose by publick Advertisement in Manner aforesaid, or to widen the same beyond the said legal Standard, then the said Trustees to assembled shall, and they have hereby full Power to alter the Course or Situation of the said Road, or any Part thereof, or to extend the same to such Breadth as they shall think proper, not exceeding Fourteen Yards, including Ditches as aforesaid, and for that Purpose to take down any House; provided that in any such Alteration of the said Road, the same or any Part thereof be not brought nearer than Two hundred Yards to the Mansion House or ordinary Residence of the Proprietor of the Lands through which such Road shall be made, where such Proprietor is qualified to act as a Trustee in the Execution of this Act, in Manner above mentioned, nor pass through any Garden, Orchard, Planted Walk, or Avenue of such House; and that the said Trustees shall pay such Damages to the Owners or Occupiers respectively of any Houses which shall be so taken down, and any Lands or Grounds which shall be taken, prejudiced, or damaged, by altering or widening the said Road, or any Part thereof, beyond the legal Standard, as the said Trustees shall judge fair and reasonable; but if any such Owners or Occupiers shall not be satisfied with the Offer made to them by the said Trustees, or shall refuse to treat, or shall alledge that the Grounds which it is proposed to occupy by the Road, are such as cannot be broken in upon, then and in any of the Cases aforesaid, the Amount of the Damages, and the Propriety of taking down such Houses, or going through such Ground, shall, previous to taking down such Houses, or any Alteration or breaking in upon the Ground as aforesaid, be determined by a Jury constituted and reduced, and Intimation being given in Manner herein-after directed, and the Expence shall be defrayed in the same Manner; and where the Question is, whether or not the Ground can be broken in upon, the Jury shall not determine without viewing the Ground.

Read to be
witnessed and
the Course
thereof may
be altered.

XXXIV. And be it further enacted, That before any Grounds are inclosed for Gardens, Orchards, Walks, or Avenues along the Sides of the said Roads, or Buildings erected thereupon, the Proprietors or Tenants to intending to inclose or build shall lodge an Intimation in Writing of such being their Intention with the Clerk to the said Trustees, Forty Days at least before beginning the Work, and that under a Penalty of Forty Shillings Sterling, to be prosecuted for and recovered by the Procurator of the Road, or any of the Trustees the Penalty to be applied One Half to the Procurator, and the other Half to the Use of the Road; which Penalties shall be recovered and levied in the same Manner as any other Penalty and Forfeiture is directed to be recovered and levied; and in case any Building is erected without such Notice being given, the Trustees shall have Power to cause the same to be taken down at the Expence of the Person who shall have erected the same.

Notice to be
given before
Lands are
inclosed.

[Loc. & Per.]

23 N

XXXV. And

Trustees em-
powered to
purchase and
Proprietors
required to
sell Land and
Houses for
the Purposes
of this Act.

XXXV. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to take and acquire, and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person or Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, let, and convey all such Land or Houses as may be necessary for the making, altering, or widening the said Roads, or any of them, and erecting any Toll Bar or Toll House, or for storing Materials, or otherwise, where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made to the Proprietor or Proprietors, and Occupier or Occupiers, as can be agreed upon by and between the said Trustees and such Proprietor and Proprietors, Occupier or Occupiers, and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury of Fifteen Persons summoned and chosen by the Sheriff of any of the said Counties within which such Lands or Houses shall be situated, in such Manner as Juries are summoned and chosen by Sheriffs of Counties in *Scotland*, whose Determination is hereby declared to be final, without being subject to Suspension, Advocation, or Reduction; and in the Event that such Jury shall award a greater Compensation than the Trustees have offered, but less than the Owner or Owners, Occupier or Occupiers have required, the Expence of such Jury shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and on the other Hand, if the said Jury shall award the Sum so offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall by Reason of Absence be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, that after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Land or Houses such Sum as the said Trustees shall think reasonable, it shall and may be lawful for them to enter into and upon such Lands or Houses for the Purposes of this Act, and 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 have not been satisfied and paid.

Lands and
Houses vested
in the Trust-
tees.

XXXVI. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act shall be vested in the said Trustees by the simple Discharge for the agreed Price, or appraised Value thereof, or by Consignation of said Price or Value (in case of the Absence or Refusal of the Person or Persons entitled thereto) in the Bank of *Scotland*, or Royal Bank thereof, for the Use and Behoof of such Person or Persons; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of any of the said Counties respectively wherein such Land or Houses shall be situated, whereupon the Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually, to all Intents and Purposes, as if the respective Owners thereof had executed in their favour regular Dispositions of the same and Infeftments had followed thereupon.

XXXVII. 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 Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall in case the same shall amount to the Sum of Two hundred Pounds, 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 authorize 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 when exceeding 200 l.

XXXVIII. 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, 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 herein before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating

Application where the Compensation Money does not exceed 200 l. and 20 l. or 20 l.

and

and approving Parties) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, as far as the Case be applicable.

Application where less than 20 l.

XXXIX. 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 Tutor, or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Session.

XL. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of Scotland, or Royal Bank of Scotland, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the Court of Session; which said Court on the Application of any Person or Persons making claim to such Sum or Sums of Money or any part thereof, by Petition shall be and is hereby empowered, in a summary Way of proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of Scotland, or Royal Bank of Scotland, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall

XLI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Bank in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person

Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

be deemed entitled thereto, according to such Possession.

XLII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

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

XLIII. Provided always, and be it further enacted, That in case the Course of the said Roads shall be altered as aforesaid, the said Trustees assembled at a General Meeting as aforesaid shall, and they are hereby authorized and empowered, as soon as the said new Roads shall be completed and made passable and convenient for Carriages, to sell the Grounds which constituted the old or former Road to such Person or Persons as shall be willing to become Purchaser, thereof, for the best Price that can be reasonably had or gotten for the same, but the Person through whose Grounds the old Road passed shall be preferable to all others, if he be inclined to make the Purchase, and shall give Notice to the Clerk of the Trustees that he claims such Preference, at any Time before the new Road is completed, and shall at the same Time make offer of such Price as he is willing to give for the old Road, and if the Trustees do not think proper to accept that Offer, the Price to be paid by him shall be determined by a Jury, and the Expence defrayed in the Manner above directed, and the Money arising by such Sale shall be applied and disposed of for the Purposes of this Act; and the Sale and Conveyance and Conveyances to be made of such Lands and Grounds comprised in the said old Road being executed by the said Trustees, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Roads may be sold.

XLIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors appointed by the said Trustees, or for such Persons as he or they shall appoint by an Order of any Three or more of the Trustees, to dig, gather, take, and carry away any Gravel, Sand, Stones, Turfe, Heath, or other Materials, for making or repairing the said Road, out of any Waste or Common in the said Counties, without paying any Consideration on that Account; and also out of the Property Lands of any Person or Persons where such Materials are or may be found, not

Materials to be got for repairing the Road.

being such Lands as the Road could not be made through; and it shall not be in the Power of any Proprietor or Occupier of such Lands, by any Operations he may carry on, to deprive the Publick of the Right of resorting to such Quarries or Gravel Pits as they have been in use to work for that Purpose, and have actually worked at any Time within Three Years preceding, but the said Trustees shall pay to the Owners and Occupiers of the said Grounds respectively from whence Stone, Gravel, or other Materials have been taken away, or over which the same shall have been carried, such Damage as they shall sustain thereby, the Amount of which shall be settled by any Three or more of the Trustees living in the Neighbourhood from whence the same Materials are taken; and in case of any Difference between such Owners and Occupiers and the said Trustees, touching such Damages as aforesaid, any Two or more of the Justices of the Peace for the County or Place where such Land shall lie, shall and may judge and finally determine the same; but such Disputes or Differences shall not in the mean Time hinder the using or carrying off the said Materials, and applying the same towards repairing the Roads.

Surveyors not to take Materials out of inclosed Grounds until Notice is given to the Occupiers.

XLV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away Materials for making or repairing the said Roads, from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises, from which such Materials are intended to be taken or left for such Occupier at his usual Place of Residence, to appear before the said Trustees or any Three or more of them, or any Two Justices of the Peace acting for the said Counties of *Tife* and *Kinross*, or either of them, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Three or more of them, or such Justices shall, if they think proper, authorize such Surveyor, or other Persons, to dig, take, and carry away such Materials at such Time or Times as to such Trustees, or any Three or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Ditches and Trenches to be made.

XLVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and for such Person or Persons as he or they shall appoint, by Order of the said Trustees to make such Trenches, Ditches, or Drains, with proper Passages and Outlets from the same, through any Lands contiguous to the said Roads as they shall judge necessary for the better repairing and upholding the said Roads, and after such Passages and Outlets have been so made, the Proprietor or Possessor of such Ground shall be obliged in all Time thereafter to keep clear such Outlets and Passages from the said Trenches and Ditches from Time to Time as they shall be required by the said Trustees, so as the Outlets may not be stopped or made to stagnate in the said Ditches or Trenches, but may have free Passage through the said Proprietors Grounds; and in case of the Proprietor or Proprietors neglecting or refusing to clear or to cleanse

such Outlets, when duly required by the Surveyor or Surveyors of the said Roads, or the Trustees, then and in that Case such Trustees shall have Power to cleanse such Outlets and Passages, and levy the Expence thereof on the Owner or Proprietor of such Grounds in Manner herein-after mentioned.

XLVII. And be it further enacted, That where any Ditches have been, or shall in Time coming be made along the Side of the Water Channel of the said Roads, the Makers or Persons claiming the Right to the said Ditches, shall keep the same scoured, and failing their so doing when required, it shall be lawful for the said Trustees in their respective Districts, or any Two or more of them, and they are hereby required to apply to the Sheriff Depute, or his Substitute, or any Two Justices of the Peace for the respective Counties, in order to have proper Persons appointed to scour the said Ditches at the Expence of the said Maker or Person claiming the Right thereto, and upon Payment of the Expence thereby incurred being refused, it shall be lawful for the said Sheriff Depute, or his Substitute, or the said Justices of the Peace, to levy such Expence by Distress and Sale, besides the Costs occasioned by such an Application.

Ditches on the Sides of the Roads to be scoured.

XLVIII. And be it further enacted, That all Persons having Hedges or Trees on the Sides of the said Roads, shall dress and lop the same in such Manner that no Part thereof shall overhang the Roads or Drains at the Side thereof, and if they shall refuse or neglect so to do, within Twenty-one Days after a Notice given in Writing by the said Trustees, or their Surveyor, by their Order, it shall be lawful for the said Trustees to order the same to be dressed and lopped in a proper Manner, and at a proper Season, at the Charge and Expence of the Owner of such Trees and Fences, to be levied and recovered in the same Manner as other Penalties by this Act imposed are directed to be levied and recovered.

Hedges and Trees to be dressed and lopped.

XLIX. And be it further enacted, That if any Person shall ride upon the Paths which may be made along the Sides of any Part of the said Road for the Benefit of Foot Passengers, or shall in any Way wantonly injure the same, he shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Penalty on riding on the Foot-paths.

L. And be it further enacted, That no Person shall lay, or cause to be laid, any Timber, Stones, Lime, Dung, Soil, Compost, Ashes, Rubbish, or other Matter upon any Part of the said Roads, or within Ten Feet of the same, not being within a Wall or Fence separating the Ground on which such Matter is laid from the Road; and every Person offending in that respect shall forfeit not only the Materials so laid down, but likewise any Sum not exceeding Five Shillings Sterling for each Offence, One Half whereof shall be paid to the Informer, and the other Half shall be applied to the Purposes of this Act; which Penalties shall be levied and recovered in the same Way that other Penalties are by this Act directed to be levied and recovered.

Penalty on laying Rubbish on the Roads.

LI. And

Houses not to be built within Six Feet of the Road.

LI. And be it further enacted, That in case any Houses shall, after the passing of this Act, be built near the Sides of the said Roads, or in any Villages, or in case any Houses or other Buildings of any Kind shall be erected at or near the Outlets of any Town where Houses have not formerly been built or erected, no such House or other Building shall be built within the Distance of Six Feet from the Sides of the said Road, under the Penalty of Forty Shillings Sterling for every such Offence, and the Expence of taking down such House or Edifice; and it shall be lawful for any One or more of the said Trustees to stop the building or erecting of every such House or Building as he or they shall apprehend to be within the said Distance from the Side of the said Road, by an Order in Writing under his or their Hand or Hands, until such Time as sufficient Evidence shall be given that such Building shall be built or erected beyond the Distance aforesaid, and if such Proof shall not be adduced at or before the next General Quarter Session for the County, it shall be lawful for any Two or more of the said Trustees to order such Building to be taken down and removed at the Expence of the Erector or of the Occupier of the Ground, and to grant a Warrant for levying the same as herein-after mentioned.

Persons liable to Repair the Roads to continue so.

LII. Provided always, and be it further enacted, That all and every Person or Persons who are by any particular Law or Custom chargeable towards repairing and amending any particular Part of the said Roads hereby intended to be repaired, shall remain chargeable as he or they were before passing this Act, and the said Trustees shall be, and they are hereby declared to be empowered to treat and agree for any Sum of Money to be paid Yearly, or otherwise with any Person or Persons, Bodies Politick or Corporate, chargeable with the Repairs of any Part of the Highways directed to be repaired by this Act, or any Bridge upon the same in lieu of such Repairs, and also for the Payment of any Sum out of the Tolls granted by this Act, by the Year or otherwise, to any Person or Persons, Bodies Politick or Corporate entitled to any Toll or Duty at any Place upon the said Roads by reason of any Usage or otherwise.

Tolls may be compounded.

LIII. And be it further enacted, That the said Trustees at a General Meeting assembled, shall, 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 Turnpikes, and living within Three Miles of any Turnpike or Turnpikes to be erected on the said Roads, with any Coach, Berlin, Landau, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, or Mule, or any other Beast of Draught, for any Sum or Sums to be paid Quarterly or Monthly from Time to Time after such Agreement is made; and that Copies of all such Agreements or Compositions so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by their Clerk or Clerks, Treasurer or Treasurers, which said Book or Books shall be seen and perused by any Person or Persons whatsoever, at all reasonable Times; without paying any Fee or Reward.

Composition Money may be recovered.

LIV. Provided always, and be it further enacted, That in case any Composition Money agreed to be paid for passing through the said Turnpikes

pikes or Gates to be erected by virtue of this Act, shall not be paid within Fifteen Days next after the same shall become due or payable, according to such Composition or Agreement, that then it shall be lawful for any Two of the Justices of the Peace for the Counties of *Fife* and *Kinross*, or either of them, upon Oath made before them that the same has been demanded and remains unpaid (which Oath the said Justices are hereby authorized to administer) to issue a Warrant under their Hands empowering the Person authorized by the said Trustees to receive such Composition Money to levy the same, or what remains unpaid thereof, on the Person or Persons so refusing or neglecting to pay the same in Manner herein-after mentioned.

LV. And be it further enacted, That it shall be lawful for the said Trustees at any of their Annual Meetings, or at a General Meeting called for that Purpose, to borrow any Sum or Sums of Money, not exceeding Four thousand Pounds Sterling in the Whole, upon the Security of the Tolls to be levied as aforesaid, which Sum or Sums are to be applied in altering or repairing and making the said Roads, and other the Purposes of this Act, as they shall think proper.

Money to be borrowed.

LVI. And be it further enacted, That the whole Statute Labour in that Part of the United Parishes of *Fessaway* and *Tillibole*, which lies in the County of *Kinross*, shall, from and after the passing of this Act, be under the Charge of the Trustees for managing the Statute Labour, to be applied towards upholding and repairing the Roads in the said United Parishes and County of *Kinross*, and in the adjoining Parish of *Cleish*, other than the Roads mentioned in this Act; and that no Part thereof shall be applied in the Repair of any of the Roads to be amended under the Authority of this Act; any Thing herein contained to the contrary thereof in anywise notwithstanding.

LVII. And be it further enacted, That the said Trustees may, and they are hereby empowered to assign and make over, the Whole or any Part of the Tolls and Duties to be levied and collected upon the said Roads to the Person or Persons from whom the said respective Sums as aforesaid shall be borrowed, as a Security for Payment of the Sum or Sums of Money so lent by them, with the Interest thereupon; and when the Sums so borrowed shall be in the Whole or in Part paid to the Creditor or Creditors, the said Trustees, at a General Meeting assembled, are hereby empowered to borrow other Sums of Money, to be applied in Manner and under the Provisions aforesaid, and in like Manner to assign the Tolls in Security for the same, so that the whole Sums borrowed shall at no Time exceed Four thousand Pounds Sterling.

Tolls may be assigned for Money borrowed.

LVIII. Provided always, That no Money shall be borrowed by the said Trustees, on the Credit of the said Tolls or Duties, after their first Meeting, unless Notice for that Purpose shall be published in Three *Edinburgh* Newspapers, Fourteen Days at the least before the borrowing of such Money; and the Assignment of the Toll Duties for all or any Sum or Sums of Money so borrowed, shall be entered in a Book to be kept by the said Trustees, or such Person or Persons as they shall appoint, which Book may be seen and perused at all reasonable Times, by any Person or Persons, without Fee or Reward.

Notice to be given of borrowing Money.

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LIX. And

Mile Stones to
be erected.

LIX. And be it further enacted, That the said Trustees shall and may cause the said Roads to be measured, and Stones or Posts denoting the Distance, to be erected upon the said Roads or near the Sides thereof, at the End of each Mile, or such other Distance as they shall think convenient; and that they shall also cause proper Direction Posts to be erected where they shall judge it necessary or expedient.

Penalty on
destroying
Mile Stones
or Parapets of
Bridges.

LX. And be it further enacted, That if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any such Stones or Posts, or alter, obliterate, or deface any Letters or Figures that shall be made, inscribed, or put thereon, or shall destroy the Parapets or other Parts of any Bridge on the said Roads, and shall be thereof convicted by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the County in which the Offence shall be committed, such Person or Persons so offending, shall respectively forfeit and pay any Sum, not exceeding Twenty Shillings Sterling, for every such Offence, to be levied and recovered in the same Manner as other Penalties are by this Act directed to be levied and recovered, and such Forfeitures shall be applied, One Moiety thereof to the Informer, and the other Moiety for the Purposes of this Act; and in case the Persons so offending and convicted shall have no sufficient Goods or Chattels whereon such Forfeiture may be levied, then it shall be lawful for any One or more Justice or Justices of the Peace for the Counties of *Fife* or *Kinross*, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to one of the common Gaols in the County where the Offence shall have been committed, there to remain for any Space not exceeding Three Calendar Months, or until Payment of such Penalty as aforesaid.

Trustees may
act as Justices.

LXI. And be it further enacted, That every Trustee appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the Counties of *Fife* or *Kinross* respectively, shall and may act as a Justice of the Peace within his respective Jurisdiction, for the more effectually putting in Execution the several Authorities and Powers of this Act, notwithstanding such Justice of the Peace is or shall be a Trustee as aforesaid, or a Creditor upon the Tolls by this Act granted.

Trustee not
to hold Place
of Profit.

LXII. Provided always, and be it further enacted, That no Person or Persons appointed by this Act a Trustee for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of any Tolls or Duties by this Act allowed to be levied, but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting such Place of Profit as aforesaid; and that no Person who shall keep a Publick House for the selling or retailing of Beer, Ale, or Spirituous Liquors, shall be capable of being appointed an Officer for the Execution of any of the Trusts or Powers of this Act.

Tolls may be
lessened with
Consent of
Money
Lenders.

LXIII. And be it further enacted, That the said Trustees at a General Meeting assembled, shall and they are hereby empowered, with the Consent of Five Sixths of the Persons lending Money thereon, to diminish or lessen the said Tolls or Duties as they shall see Cause, and to raise the said Tolls or Duties again, so as at the same shall not any Time exceed the Tolls granted by this Act.

LXIV. And

LXIV. And be it further enacted, That all Tolls, Duties, Penalties, and Forfeitures by this Act imposed (if not otherwise directed to be levied by this Act) shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands of any Two or more Justices of the Peace of the County in which the same might have been exacted, or where the Offence was committed; and the Persons distraining for the same are hereby authorized and empowered to sell the Goods and Chattels so distrained, and to return the Overplus Money (if any there be) upon Demand, to the Owners of such Goods and Chattels, after such Tolls, Duties, Penalties, and Forfeitures, and the reasonable Charges of distraining, keeping, and selling the same shall be deducted and paid.

Penalties and Forfeitures how to be recovered.

LXV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or other Proceeding of the said Trustees, or any Thing done in pursuance of this Act, it shall be lawful for him, her, or them, (except in the Cases which are already otherwise provided for) to appeal to the said Justices of the Peace in their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in dispute, and whose Order therein shall be final and conclusive.

Appeal to the Quarter Sessions.

LXVI. And be it further enacted, That all and every Information, Suit, and Action, for any and every of the Penalties and Forfeitures imposed by this Act, shall be brought within the Space of Twelve Calendar Months after the Fact or Trepass was done or committed, and not afterwards.

Limitation of Actions.

LXVII. And be it enacted, That the Costs, Charges, and Expences of procuring and passing this Act shall be paid out of the first of the Monies levied or borrowed by virtue of this Act, for making and repairing the Roads hereby directed and intended to be made and repaired.

For paying the Expences of the Act.

LXVIII. And be it enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Publick Act.

LXIX. And be it further enacted, That the Powers granted by this Act for making and repairing the said Turnpike Roads, and levying Tolls thereon, shall commence immediately after the passing of this Act, and shall continue for the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.