



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 22.

An Act for making and maintaining a Road leading from the Limits of the Counties of *Edinburgh* and *Lanark* to the Burgh of *Lanark* in the County of *Lanark*.
[10th April 1805.]

WHEREAS the making and maintaining a Road beginning at the Limits of the Counties of *Edinburgh* and *Lanark*, near *Woodmuir*, in the County of *Edinburgh*, and running Westward from the said Limits through the County of *Lanark*, by or near the Town of *Wilsons town*, through the Forths to *Cleghorn Bridge*, and onwards to the Burgh of *Lanark*, all in the Parishes of *Carnwath*, *Carstairs*, and *Lanark*, in the said County of *Lanark*; and also a Branch or Line from the said Road towards *Ravenstruther*, in the Parish of *Carstairs* and County of *Lanark* aforesaid, would be of great Benefit to the Public, but the same cannot be effectually made, maintained, and kept in Repair by the Funds and Means provided and prescribed by the Laws now in force, nor unless further Powers are given and Regulations made for that Purpose by 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 most Honourable *Alexander Hamilton*, commonly called Marquis of *Douglas* and *Clydesdale*, *George Ferguson* of *Herrmand*, one of the Senators of the College of Justice, Sir *William Honyman*,
[Loc. & Per.] 5 P

Honyman of Armadale, another of the Senators of the College of Justice, *John Wilson Senior*, *John Wilson Junior*, *Robert Wilson*, *William Wilson*, and *James Wilson*, the present Partners of the *Wilsontown Iron Works Company*, and the Partners of the said Company for the Time being, *George Crawford of Climpy*, *William Elliot of Borthwick Brae*, *Thomas Stewart of West Forth*, *Alexander Young of Hayfield*, *Thomas Gloag of Chapelton*, *Robert Owen of New Lanark*, *James Hare of Calderball*, and *Richard Vary Provost of Lanark*, or the Provost of *Lanark* for the Time being, and also every Person who, in his own Right or in the Right of his Wife, now is or hereafter shall be in the actual Possession and Enjoyment, as Proprietor or Liferenter, of the full Property or *Dominium utile* of Lands in the Counties of *Lanark* or *Edinburgh*, valued on the Cess Books of the said Counties at One hundred Pounds Scots of valued Rent and upwards, and who already has or hereafter shall subscribe and pay the Sum of Fifty Pounds and upwards, towards making and repairing the Roads above mentioned, and the eldest Son or Heir-apparent of every Person so qualified, being of lawful Age, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, making, amending, widening, repairing, and keeping in Repair, the Roads herein-before mentioned, and for executing all the other Powers by this Act given and granted.

Penalty upon acting, if not qualified.

II. And be it enacted, That if any Person (other than those herein-before named) not qualified as aforesaid, shall notwithstanding presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Pounds Sterling, besides the Expence of Prosecution, to be levied by summary Complaint, at the Suit of any Trustee for the said Roads, before the Justices of the Peace for the County of *Lanark*, at their Quarter Sessions, or before the Sheriffs Depute or Substitute, of the said County, and to be paid to the said Trustees, or their Treasurer, to be applied for the Purposes of this Act; and the Proof of Qualification shall lie upon the Person complained of.

Trustee not to hold a Place of Profit.

No Person holding a Place of Profit to sell Wine, Ale, or Spirituous Liquors, by Retail.

III. And be it enacted, That if any of the Trustees shall accept or hold any Place of Profit arising out of this Act, by Reason of any Tolls hereby granted, he shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; 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.

First and subsequent General Meetings;

with Power to adjourn;

IV. And be it further enacted, That the said Trustees, or any Three or more of them, shall hold their First stated or General Meeting, by virtue of this Act, at *Wilsontown*, upon the First Monday of June One thousand eight hundred and five, or as soon after as conveniently may be; their Second stated General Meeting upon the First Monday of August following; and their Third stated General Meeting upon the First Monday of November thereafter, and shall thereafter hold Four stated General Meetings in each Year, during the Continuance of this Act, upon the First Monday of April, the First Monday of June, the First Monday of August, and the First Monday of November, with Power to the said Trustees, or Majority of those present at the said stated or other General Meetings, to adjourn to such other Time and Place as they shall think convenient, and also

to fix the Place at which such next stated General Meeting shall be held; and also with Power to the said Trustees, in their said General or Adjourned Meetings, to appoint Clerks, Cashiers, Collectors, Surveyors, Overseers, and other Officers, with reasonable Salaries; all of whom, appointed to Offices of Trust, shall find Security for the due Execution of their Offices, and shall account on Oath to the said Trustees, once every Twelve Months, or oftener (if required), for all Monies received by them, and pay over the Balance to the Trustees, or their Order; and in case of Default in accounting or Payment, it shall be lawful for any Two or more Justices of the Peace, or the Sheriff Depute or Substitute, at the Suit of the said Trustees, to commit the Defaulter to Prison, till a faithful Account be rendered, or until he shall have compounded with the said Trustees for the Balance due by him as aforesaid; which Composition the said Trustees are hereby authorized and empowered to make.

and with Power to appoint Clerks, &c. who shall find Security, &c.

How to be proceeded against in case of Default in accounting, &c.

V. And be it further enacted, That the Quorum or Number of Trustees necessary to do Business in General Meetings shall be Three; except in the Case of borrowing Money as hereinafter mentioned; but if only Two or One shall be present at any of the stated or other General Meetings, such Trustees or Trustee shall have Power to adjourn the Meeting; and in that Case, Notice shall be given of the Day, Place, and Purpose of such adjourned Meeting, by Advertisements in One *Edinburgh* and One *Glasgow* Newspaper, at least Fourteen Days before the Day of such adjourned Meeting; and the Clerk of the said Trustees shall have Power, and he is hereby required, when directed (by a Writing under the Hands of any Two or more Trustees) to call at any Time a General Meeting, giving the like previous Notice of the Time, Place, and Purpose of the Meeting; and at such Meeting no Business shall be entered into or decided upon other than what is specified in the Notices given as aforesaid; and it shall not be in the Power of any stated or General Meeting to rescind, alter, or vary the Determination of any former stated or General Meeting, unless previous Notice of the Intention of so doing, and the Time and Place of the Meeting be given, by Advertisements in One *Edinburgh* and One *Glasgow* Newspaper, as aforesaid: Provided always, that at all Meetings the Trustees shall defray their own Expences.

Quorum of General Meetings appointed

Trustees to defray their own Expences.

VI. And be it further enacted, That all the Proceedings of the said Trustees, and an exact Account of all the Money received or to be received by virtue of this Act, and of the Application of the same, shall be entered in a Book or Books, to be kept by the Clerk appointed by the said Trustees, whose Duty it shall be regularly to enter and record all their Proceedings and Accounts, and in case of his neglecting so to do, he shall forfeit and pay a Sum not exceeding a Year's Salary, which Book or Books shall be open to the Inspection of every Person qualified to act as a Trustee, without Fee or Reward.

Their Proceedings to be entered in a Book.

VII. And be it enacted, That the said Trustees, at their First Meeting, or at any of the stated General Meetings assembled, or at a Meeting advertised as aforesaid for that special Purpose, may direct and authorize Gates and Turnpikes to be erected across any Part of the said Roads, and such Number of Toll Houses as they shall think fit; provided that no Toll Bar be erected on the said Road to the Westward of the Toll Bar

Trustees may authorize Gates, &c. to be erected.

Bar now erected at *Woodmuir*, in the County of *Edinburgh*, at a less Distance than Three Miles from the said Toll Bar, and may authorize their Collectors, or Tacksmen under their Authority, to take and levy at each of the said Gates, before any Passage be permitted, a Sum or Sums of Money not exceeding the following Rates; that is to say,

		<i>Sterling.</i>		
		£.	s.	d.
Tolls.	For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Curricle, Gig, or other such Carriage,			
	Drawn by Six or more Horses, or other Beasts of Draught	0	2	0
	Drawn by Four Horses or other Beasts of Draught	—	0	1 9
	Drawn by Three Horses or other Beasts of Draught	—	0	1 3
	Drawn by Two Horses or other Beasts of Draught	—	0	0 6
	Drawn by One Horse or other Beast of Draught	—	0	0 3
	For every Waggon, Wain, Cart, or other like Carriage,			
	Drawn by Six or more Horses, Oxen, or other Beasts of Draught	0	6	0
	Drawn by Five Horses, Oxen, or other Beasts of Draught	0	5	0
	Drawn by Four Horses, Oxen, or other Beasts of Draught	0	2	0
	Drawn by Three Horses, Oxen, or other Beasts of Draught	0	1	6
	Drawn by Two Horses, Oxen, or other Beasts of Draught	0	0	4 ¹ / ₂
	Drawn by One Horse, Ox, or other Beast of Draught	—	0	0 3
	For every Saddle Horse, Mare or Gelding	—	0	0 1 ¹ / ₂
	For every other Horse, Mare, or Gelding, and for every Mule, laden or unladen, and not drawing	—	0	0 0 ¹ / ₄
	For every Drove of Oxen, Neat Cattle, Asses, Horses or Fil- lies, unshod, <i>per Score</i>	—	0	0 7 ¹ / ₂
	And so in Proportion for any greater or less Number.			
For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, <i>per Score</i>	—	0	0 5	
And so in Proportion for any greater or less Number.				

Trustees may lessen the Tolls, and raise them again to their former Rates.

VIII. And be it enacted, That the said Trustees shall be, and they are hereby empowered to diminish or lessen all or any of the said Rates, upon the said Roads, or any Part thereof, with the Consent of the Persons entitled to Five-Sixths of the Money then due and owing on the Credit of the said Tolls, but not otherwise; and also to raise the Rates again, if they shall see Cause, but so as not at any Time to exceed the Rates authorized as aforesaid by this Act.

Trustees may cause Weighing Engines to be erected,

and take additional Tolls for Carriages of certain Weights

IX. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Carriages that shall pass along the said Roads, and shall receive and take (over and above the Tolls hereby granted) the following Tolls: If such Carriage with its Loading shall exceed Twenty hundred Weight, of One hundred and twelve Pounds to the Hundred, and shall be under Thirty-four hundred Weight, One Half Toll in addition to those above granted; and if such Carriage with its Loading shall weigh Thirty-four Hundred Weight or upwards, Double Toll shall be paid for the same; which additional Tolls so authorized to be levied shall not be held to be Penalties, but the just and fair Tolls payable for such Carriages as aforesaid, and the same shall be applied as the other Tolls are by this Act directed to be applied; and in case any Person or

Persons

Persons shall hinder or obstruct the weighing of such Carriage as aforesaid, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling, besides all necessary Expences.

Penalty on obstructing the Weighing of any Carriage.

X. And be it further enacted, That no Waggon, Cart, or other Carriage shall be charged or chargeable with additional Toll for or in respect of its Weight, if the Fellies of the Wheels thereof shall be of the Breadth of Six Inches or upwards; provided always, that the Fellies of such Wheels shall be cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, and every intermedjare Part, so that, when rolling on a flat Surface, the whole Breadth of the Fellies shall bear equally thereon; and every Person claiming the Privilege so granted to Waggon, Carts, or Carriages with Broad Wheels, shall permit the same to be examined and measured by any Person concerned in the Collection of the said Tolls, if required, before such Privilege shall be allowed.

Carriages with Broad Wheels not subject to those additional Tolls.

XI. And be it enacted, That the Money so to be raised and collected as aforesaid shall be and is hereby declared to be vested in the said Trustees, and shall be strictly applied to and for the Uses and Purposes by this Act directed, nor shall any Part thereof be expended without their Orders or the Orders of Persons authorized by them; and in case of the Misapplication thereof, or of any Part thereof, all and every Person who shall so misapply the same, or by whose Authority the Misapplication shall be made, shall forfeit and pay Double the Sum so misapplied, with Costs of Suit, to be recovered at the Suit of any Two or more Trustees, by a summary Process before the Court of Session, without abiding the Course of any Roll; out of which Sum, when recovered, the Sum so misapplied shall be paid to the Trustees, for the Purposes of this Act; and the Remainder shall be divided into Two Moieties, One to be paid to the Trustees, for the like Purposes, and the other to the Persons suing for the same; but if any such Suit shall after Trial be found groundless and vexatious, the Prosecutors shall be liable to pay Double Costs of Suit.

Money raised and collected vested in the Trustees.

Penalty on misapplying the same.

XII. And be it enacted, That if any Person or Persons subject to the Payment of Tolls hereby granted, shall, after Demand made, neglect or refuse to pay the same, the said Trustees shall be, and are hereby empowered, by themselves or such other Person or Persons as they shall appoint, to levy the same by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Toll is imposed, and to keep such Cattle or Carriage, until the Toll and Charges of the Distress be paid, and after the Expiration of Six Days, to sell the Cattle or Carriage distrained by public Roup, at the Toll House where the Toll should have been paid, returning the Overplus (if any be) to the Owner on Demand, after Deduction of such Toll, and all Charges for distraining, keeping, appraising, and selling the same.

If Tolls refused to be paid, the same may be levied by Distress and Sale

XIII. And be it enacted, That the Right and Property of all and every the said Turnpikes, Toll Houses, and Premises, to be erected in virtue of this Act, and Materials thereof, with the Materials that shall be collected and dug up for making and repairing the said Roads, shall be

Turnpikes, Toll Houses, &c. vested in the Trustees.

vested in the said Trustees, who may and are hereby authorized to dispose of them as they shall think proper, for the Purposes of this Act only.

Ground to be acquired for Toll Houses, and on Refusal of the Proprietors, a Lease to be ordered by the Justices of the County.

XIV. And, for the better enabling 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 or take on Lease such Pieces of Ground as they shall judge most convenient, not exceeding One-fourth of an Acre for each House; and if they cannot agree with the Proprietor and Occupier of the Ground, they may apply to the Justices of the Peace of the said County of *Lanark*, assembled at their Quarter Sessions, who shall have Power, and are hereby required to oblige such Proprietor or Occupier to give a Lease of the said Ground, for any Term, not exceeding the Continuation of this Act, and to fix a Rent for the same.

Side Bars, &c. to be erected.

XV. 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 on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same; and also a Toll House at each such Gate, and there to receive and take such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate or Cross Bar shall entitle the Receiver thereof to pass Toll free through the next Gate or Turnpike, if within Six Miles Distance, in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night: Provided always, that it shall not be in the Power of the Trustees hereby appointed to erect any Gate or Turnpike across the Road herein-after mentioned, called the *Carlukie Turnpike Road*, or levy any Tolls thereon, except from Persons who shall have travelled the Distance of Two hundred Yards on the Road hereby authorized to be made.

The Carlukie and Carnwath Trustees not to erect Side Bars on this Road.

XVI. And whereas the before mentioned Road from the Confines of the Counties of *Edinburgh* and *Lanark* to the Burgh of *Lanark*, may cross the Turnpike Road in the said County, known by the Name of the *Carlukie Turnpike Road*, and the said Branch of Road to *Ravenstruther* may join the Turnpike Road from *Edinburgh* by *Carnwath* to *Lanark*, known by the Name of the *Carnwath Turnpike Road*, at or near *Ravenstruther* aforesaid; be it enacted and declared, that it shall not be lawful to nor in the Power of the Trustees on the said *Carlukie* or *Carnwath* Turnpike Roads respectively, to erect any Side Bar across the Roads hereby put under Turnpike, or to levy any Tolls or Duties thereat.

Penalty on permitting a private Passage, &c.

XVII. And be it further enacted, That if any Person occupying any Lands or other Premises, near to any of the said Roads, shall assist or be accessory in permitting any Person to pass over the same, or through any Gate or Passage, with any Horse, Beast, or Carriage, liable to pay Toll by virtue of this Act, or shall forcibly pass through or assist any Person in passing through any Turnpike Gate, erected or to be erected on the said Roads, whereby the Payment of such Toll may be evaded, such Person or Persons so assisting or permitting, and the Person or Persons riding or driving such Horse, Beast, or Carriage, through such Grounds or private Passage; and any Person or Persons riding or driving any Horse, Beast, or Carriage, through any private Road, whereby the Payment of the Toll

may be avoided, or forcibly passing through any Turnpike Gate, being convicted thereof by the Testimony of One or more credible Witnesses or Witnesses, before the Sheriff Depute or Substitute; or any One or more of the Justices of the Peace for the said County of *Lanark*, shall, for every such Offence, forfeit and pay to the said Trustees or their Collector or Collectors, any Sum not exceeding Five Pounds Sterling, nor less than Ten Shillings Sterling:

XVIII. And be it further enacted, That if any Person or Persons shall take off or cause to be taken off, any Horse or Horses, Ox or Oxen, or other Beast of Draught, from any Carriage, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, with an Intent to evade the Payment of any of the Tolls hereby imposed, or any Part thereof, or shall leave or cause to be left upon or near any Part of the said Roads, any Carriage, or any Horse, Beast, or Cattle, with such Intent as aforesaid, and being convicted thereof in Manner above-mentioned, such Person or Persons shall forfeit to the said Trustees, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling:

Penalty on taking off any Horse, &c. to evade the Tolls.

XIX. And be it further enacted, That no Person or Persons having paid the Tolls or Duties herein-before granted 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 liable to pay the said Tolls or Duties at any Gate or Turnpike through which they shall have passed, for the same Coach, Cart, or other Wheel Carriage, drawn by the same Horses or other Beasts of Draught, or for the same Horse or other Beast, or Cattle, for which any such Toll shall have been paid, unless only in the Case that the said Cart or Wheel Carriage shall return with a different Loading.

Tolls to be paid only Once a Day.

XX. And, for preventing Frauds and Abuses in the said Tolls or Duties, be it further enacted, That if any Person or Persons having paid the Toll by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll, shall give or dispose of the same to any other Person or Persons, in order to avoid Payment of the said Toll, 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 Oath of one or more credible Witnesses or Witnesses, or otherwise, before the Sheriff Depute or Substitute, or before any One or more Justice or Justices of the Peace of the County of *Lanark*, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling, to the said Trustees or their Collector or Collectors, to be applied to the purposes of this Act.

Penalty on fraudulently disposing of Tickets.

XXI. Provided always, and it is hereby enacted and declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid for passing through any of the Turnpikes to be erected by virtue of this Act, for any Horses or Carriages carrying or conveying Stones, or other Materials, for making or repairing the said Roads, or the Bridges thereon, or for any other Works or Buildings carried on under the Authority of the Trustees hereby appointed, nor carrying any Hay,

Exemptions from Toll.

Hay, Corn, or Pulse in the Straw, Potatoes, Turnips, or other Vegetables, Flax, Hemp, or Wool, to be laid up in the Houses, Out houses, Barns or Yards, of any Heritor or Tenant, by whom the same were raised, and not being for Sale; nor for carrying any Dung or other Manure, for the improving and manuring of Land, not bought, sold, or disposed of, nor for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Outhouses or other Repositories, or on the Lands of the Owner thereof, who shall not have bought the same; nor for any Ploughs, Harrows, or other Implements of Husbandry, carried, nor for any Work Horses and Cattle, passing from one Part of a Farm to another Part of the same Farm, or from the Yards or Offices of the Inhabitants of Towns or Villages, within the said County of *Lanark*, to Burgh Roods or Fields adjoining to any such Town or Village, occupied by such Inhabitants, where there are no Yards or Offices; nor for any Horses or other Cattle going to or returning from Pasture or Watering Places, or any Smithy in the same or adjoining Parish; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass or return through the said Turnpikes to or from their Parish Church, Chapel, or other Place of religious Worship, tolerated by Law, belonging to or situated within the Parish where such Person resides, upon *Sunday* or any other Day, on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person who shall die, and be buried within the Parish, or carrying any Clergyman going to or returning from visiting of any sick Person, or upon other his Parochial or Ministerial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Carriages or Horses of whatever Description employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Post Master General, or in returning back from conveying the same; nor for any Horses belonging to Officers or Soldiers upon their March, or upon Duty, nor for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded or disabled Officers or Soldiers; nor for any Horses furnished by or for any Persons 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 that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulation provided for such Corps respectively, at the Time of claiming such Exemption; nor for any Waggons, Carts, or Carriages, travelling with Vagrants or Criminals, under legal Passes; and if any Person shall claim or take the Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling.

Toll to be
paid only
Once in Six
Miles.

XXII. And be it further enacted, That if any Turnpikes shall be erected under the Authority of this Act, within a less Distance of each other than Six Miles, any Person or Persons producing a Ticket to shew that he, she, or they have paid the Tolls at One Gate, shall not pay any further Tolls or Duties till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they shall have paid: Provided always, that the

said

said Exemption shall only take place in the Case of any Person or Persons continuing to travel on the same Line of Road or Branch thereof; and shall not be applicable to the Tolls leviable at any Toll Bars or Gates erected or to be erected under the Authority of any other Act or Acts for the said County of *Lanark*, or for any of the adjoining Counties, which may be exacted without regard to the Distance from any Toll Bars established under the Authority of this Act.

XXIII. And be it further enacted, That the said Trustees, at a General Meeting assembled, may and they are hereby authorized and empowered, by public Rous, to let the said Tolls or Duties; in Whole or by 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.

Trustees may let the Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, over and above the Money subscribed or to be subscribed, to borrow at legal Interest such Sum or Sums of Money as they shall judge to be necessary, on the Credit of the Tolls leviable at all or any of the Turnpike Gates to be erected by virtue of this Act, to be laid out for the Purposes thereof; provided that the whole Amount of the Money so borrowed shall not at any one Time exceed One thousand five hundred Pounds Sterling, which Money so borrowed shall be applied and disposed of by the said Trustees at General Meetings assembled, in making and repairing the said Roads, erecting Toll Houses, and defraying the other Expences of carrying this Act into Execution; and if at any Time the principal Monies to be borrowed as aforesaid, or any Part thereof, shall be paid off, it shall be lawful for the said Trustees, at General Meetings assembled, from Time to Time, to borrow again any Sum or Sums of Money in like Manner as aforesaid, so that the Whole of the Money which shall be due and owing upon the Credit of the said Tolls do not exceed at any one Time the original Sum herein-before authorized to be borrowed upon the Credit of the Tolls herein-before granted and made payable: Provided always, that Five Trustees at least shall be personally present at all Meetings relative to the borrowing of Money.

Trustees may borrow Money on the Tolls,

to the Extent of 1500*l*.

On paying off may borrow again.

XXV. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby empowered to assign the Whole or any Part of the Tolls by this Act imposed to the Person or Persons from whom the Money 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 the Assignments of the Tolls for Money so borrowed shall be entered in a Book to be kept by the said Trustees, or such Persons as they shall appoint, which Book may be seen and perused at all reasonable Times by any Trustee or Subscriber without Fee or Reward; and the Securities to be granted by the said Trustees for the Purposes aforesaid shall be transferrable by Indorsement duly subscribed by the Party transferring, in the Presence of One or more subscribing Witnesses or Witnesses.

Trustees may assign the Tolls in Security of Money borrowed.

Assignments to be entered in a Book.

Securities to be transferrable by Indorsement.

Notices to be given of borrowing Money.

XXVI. Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees, on the Credit of the said Tolls, unless a written Notice of such Purpose, under the Hand of the Clerk of the said Trustees, shall be affixed on every Turnpike Gate to be erected by virtue of this Act, at least Fourteen Days before the Meeting at which such Money is to be borrowed; and unless such Notice shall also be published in One *Edinburgh* and also in One *Glasgow* Newspaper, Fourteen Days previous to the Meeting at which such borrowing is to take place.

Upon Neglect or Refusal to pay the Subscription Money, the same may be recovered by Suit at Law.

XXVII. And be it further enacted, That if any Person or Persons who has or have subscribed, or who shall subscribe towards the making and repairing of the Roads by this Act intended to be made and repaired, shall, after Fourteen Days Notice, given by any Person or Persons authorized by the said Trustees to receive and recover the Subscription Money, neglect or refuse to pay the same, by him, her, or them subscribed, to the Person or Persons so authorized, it shall be lawful to such Person or Persons and he, she, or they are hereby required to sue for and recover the said Subscription Money, in any Court competent in *Great Britain*.

Trustees not personally liable.

XXVIII. And be it enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Re-payment of the Money borrowed, or Interest thereof, by Reason of having signed the Securities, which Securities are to be held and considered as granted upon the sole Credit and Security of the Tolls, unless specially expressed to the contrary; nor shall any Trustee or Subscriber be held personally liable upon any Pretext, for Payment of any Sum which he shall not have bound himself to pay personally, as an Individual, independent of his Office as a Trustee under this Act.

The Payment of the Principal and Interest of the Sums subscribed postponed

XXIX. And be it enacted, That no Interest shall be paid on the Money subscribed, nor shall the principal Sum be demanded, till the Produce of the Tolls be, in the Opinion of the Trustees, at a General Meeting assembled, sufficient to defray the Expence of Repairs, and other necessary Charges on the said Roads, to pay the Interest on the Debt that may be incurred, and of the Sums subscribed; and that when it shall appear to the said Trustees at a General Meeting assembled, that the Produce of the Tolls is sufficient for those Purposes, it shall and may be lawful for them to apply such Part of the Produce of the Tolls as they shall judge expedient, in Payment of the Sums subscribed, with Interest thereof from the respective Periods at which they may have been advanced.

Trustees may cause the Roads to be altered and repaired, &c.

XXX. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered to cause the said Roads to be made, altered, amended, widened, and repaired, in such Manner as they shall think proper, (provided the Width thereof, exclusive of the Foot-paths herein-after mentioned, does not exceed Forty Feet) to settle the particular Direction of the same, and also to cause to be built Arches and Bridges of Stone, Brick, or Timber, on the said Roads, and to cause to be taken down old Arches and Bridges become unnecessary, and to apply the Materials thereof as they shall see proper for the Purposes of this Act; and to employ Engineers, Surveyors, and other Persons,

with suitable Allowance for their Trouble, for all or any of the Purposes aforesaid.

XXXI. And be it enacted, That it shall be lawful for the said Trustees to take the Grounds necessary for these Purposes, and to cause all Dwelling Houses, Office Houses, or other Buildings falling within the Line of Road, the Side Walls whereof shall not exceed Twenty Feet in Height, to be taken down and removed, after giving to the Owners or Occupiers of such Houses Six Months Notice to remove from the Premises.

And may take the Grounds necessary for these Purposes.

XXXII. And be it further enacted, That in taking the necessary Ground for making, altering, or widening the said Roads, or in taking down any House or Houses, or Part or Parts of any House or Houses, by Authority of this Act, if the said respective Trustees shall not come to an Agreement with the Owners or Occupiers of the Houses or Lands where the Roads are to be so altered or widened, or whole Fences are to be altered or removed, such Owners or Occupiers shall, on being thereto required; set forth in Writing, the Price or Recompence, which he, she, or they shall be willing to accept for the same from the said Trustees; and if the said Trustees shall think the same unreasonable, they are hereby required to set out in Writing the Price or Recompence which they are willing to give for the same; and if such be not accepted, the said Trustees shall be and are hereby empowered and required to make Application to the Sheriff Depute of the said County, or his Substitute, to summon a Jury, in order to value the Houses or Ground necessary to be taken and used, and the Damage ensuing from the altering or removing of Fences; and the said Sheriff is hereby empowered and required, upon such Application, to order Notice to be given to the Owners and Occupiers of such Ground or Houses, and afterwards to issue a Summons, in the usual Manner, for impannelling a Jury, consisting of Fifteen Persons in Number, to examine into and return a Verdict, upon Oath, as to such Damage, taking under their Consideration the Evidence of Witnesses to be adduced by either Party, upon Oath, and all Facts and Circumstances, and to adjourn from Time to Time, as Necessity may require; and after a Verdict is pronounced as aforesaid, a Copy thereof shall be signed by the Foreman of the Jury and the said Sheriff, and shall be entered in the Records of the said Sheriff Court, and the same, or an Extract thereof, shall be deemed and taken as good and lawful Evidence in all Courts of Law and Equity whatsoever; and after recording such Evidence, the said Sheriff is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a right thereto, and upon Payment of the Sum awarded to the Party or Parties interested, or Consignment of the said Sum in any of the Banks of *Scotland*, the said Trustees shall from thenceforth have Right, to take and use the Ground, and to take down the Houses and Fences so valued, as fully and effectually, ever after, to all Intents and Purposes, as if the Owner or Owners, and Occupier or Occupiers of such Grounds, Houses, or Fences, had executed regular Dispositions of the same, and the said Proceedings and Orders of the Sheriff Depute, or his Substitute, shall be final, and not removeable or questionable, by Advocation, Suspension, Reduction, or otherwise, to or by any other Court whatsoever; any Law or Usage to the contrary notwithstanding.

Sheriff to summon a Jury to fix the Value of Lands and Houses.

Sheriff to adjudge Payment of the Sum awarded by the Jury.

XXXIII. And

Penalty on Jurors and Witnesses for Non attendance, &c.

XXXIII. And be it enacted, That if any Person or Persons being lawfully summoned and returned on such Jury, shall not appear, or shall refuse to be sworn thereon, or being so sworn, shall refuse to give his or their Verdict; or if any Person or Persons, being lawfully summoned to give Evidence before such Jury, shall not attend, or shall refuse to be sworn, (or, if a Quaker, to give his, her, or their solemn Affirmation) or shall refuse to give Evidence touching any of the Matters aforesaid, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling.

How the Expences of the Jury are to be paid.

XXXIV. And be it further enacted, That if the Sum awarded by the Verdict of such Jury shall not exceed that previously offered as aforesaid, by the said Trustees, the Expences incurred in and about the obtaining of such Verdict, shall be settled, defrayed, and paid, by the Person or Persons with whom the said Trustees shall have had the Controversy or Dispute; but if the Sum awarded by the Verdict of such Jury shall amount to or exceed that demanded by such Person or Persons, such Expences shall be settled, defrayed, and paid, by the said Trustees; and if the Sum awarded by the Verdict of a Jury shall exceed that offered by the said Trustees, but shall not amount to that demanded from them, such Expences shall be paid equally by both Parties.

Application of Compensation Money where exceeding 100 l.

XXXV. 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 Incorporation, 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 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 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 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

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.

XXXVI. 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 Person or 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 Lands, Tenements, and 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 Hand of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable.

Application where the Compensation does not exceed 200 £. nor less than 20 £.

XXXVII. 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 such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and 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.

Application where the Money is less than 20 £.

XXXVIII. 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

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.

making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such 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 be deemed entitled there-to according to such Possession.

XXXIX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or 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 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.

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

XL. 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.

Trustees may take Materials, &c.

XLI. And be it further enacted, That the said Trustees, or any Three or more of them, or such Person or Persons as they shall appoint, may dig, gather, take, and carry away, Gravel, Furze, Fleath, Stones, or such other like Materials, for the making, amending, and repairing of the said Roads, and for building Arches and Bridges as aforesaid, out of any Grounds where the same may be found (such Materials not having been

dig or raised for the private Use of the Proprietor of such Grounds), the Places from whence the said Materials shall be proposed to be taken being first marked out, after Notice in Writing given to the Proprietor of such Grounds, or his or her Factor, and to the Occupier thereof, Six Days previous to marking out the same; the Trustees making reasonable Satisfaction, if demanded, to the Owner and Occupier of such Grounds respectively, from which the Materials shall be taken, or over which the line may be carried, for the Damages to be done thereby, and for the Value of such Materials.

on paying Damages.

XLII. 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 and repairing the said Roads, from any inclosed Lands or Grounds, until either the Consent of the Proprietor is obtained, or 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 Two Justices of the Peace acting for the said County of *Lanark*, 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 Person, 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.

Notice to be given to Occupiers of Lands before Materials are taken.

XLIII. Provided always, That in altering, widening, or making any of the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced, of which the Side Walls are above Twenty Feet high from the Surface of the Ground adjoining, nor any Garden, Orchard, or planted Walk, Lawn, or Pleasure Ground, appertaining to such House, without the express Content of the Owner thereof.

No House or Orchard to be prejudiced.

XLIV. And be it further enacted, That when in Time coming any Fences by Hedge and Ditch shall be made on the Side of the said Road, the Ditch and Hedge shall be on the Inside next the Field, and the plain Surface of the Bank shall be exposed to the Road, and the Hedge shall never be allowed to exceed in Height Five Feet from the Surface of the Ground at the Bottom of the Hedge, and where any Ditches have been or hereafter shall be made, near the Sides of the said Road, or through any Fields adjoining thereto, by the Proprietors or Occupiers of the said Fields, such Proprietors or Occupiers shall, and they are hereby required to keep the Ditches properly scoured, and not to allow the Water to stagnate therein, so that the Roads may be thereby damaged; and if they fail to do so, after Six Days Notice previously given, the said Trustees, or any Three or more of them, or the Overseers of the Roads, by the Direction of any one of the Trustees, may, and are hereby re-

Occupiers to scour the Ditches, &c.

quired

Occupiers to
make their
Drains along
the Road by
the Directions
of the Trus-
tees.

quired to order the said Ditches to be opened, scoured, and cleaned, at the Cost of the said Proprietors or Occupiers, such Costs to be recovered by Distress and Sale of any moveable Effects, in the same Manner as herein-before directed for levying the Tolls hereby granted; and if any Occupier of Land shall turn any Water across or upon the Side or Sides of the said Roads, he or she shall conduct such Water either in an open or covered Drain, of such Form and Dimensions as the said Trustees, in a General or Committee Meeting assembled, shall order and direct; and if such Occupier of Land shall, after Ten Days Notice, refuse or neglect to make such Drain, according to the Directions of the said Trustees as aforesaid, it shall be lawful for such Trustees, or any Three or more of them, to order and cause such Drain to be made; and the Person or Persons refusing or neglecting to make the same, agreeably to the Orders and Directions of the said Trustees as aforesaid, shall repay to the said Trustees all the Costs, Charges, and Expences, attending the making of such Drain, and shall likewise pay a Penalty of Triple the Amount of such Costs, Charges, and Expences; the said Costs and Penalty to be levied by Distress and Sale, in Manner herein-before directed, and to be applied for the Purposes of this Act.

Ditches and
Drains made
by Trustees to
be scoured at
the public Ex-
pence.

XLV. Provided always, That the Drains and Ditches to be made by Order of the said Trustees shall be scoured and kept in Repair out of the Money arising by virtue of this Act; and if any Occupier of Land through which such Drains or Ditches are or shall be made, shall obstruct or fill up any of them, the Person or Persons so offending shall forfeit and pay Triple the Expence of repairing and scouring the same, to be recovered in Manner herein-after mentioned; and the said Occupier shall be deemed the Transgressor, unless it shall appear to the Trustees that he was not in fault; and where any Passage for Cattle or Carriages across any Road for the Convenience of Occupiers of the Ground through which it passes shall be made, the Occupier of such Ground shall always cover the Drains crossing the Sides of such Roads with sufficient Stones, so as the Course of the Water may not be interrupted, or the Road thereby prejudiced; and no Occupier of Land shall turn any Water upon the Side of any of the said Roads, or conduct it across any Part thereof, until he shall have obtained the Consent of the said Trustees, in a General or Committee Meeting assembled.

Notice of new
Inclosures to
be given to
the Trustees.

XLVI. And be it further enacted, That where the Lands adjacent to any of the said Roads, or any Part or Parts thereof, are not inclosed, the Proprietor or Occupier of such Lands shall not make Inclosures along the Sides of the Roads, without giving at least Two Months previous Notice to the said Trustees, which Notice may be given by a Letter to the Clerk, and the said Trustees are hereby required to insert a Copy of the said Letter in their Minutes; and in case such Proprietor or Occupier shall fail to give such Notice as aforesaid, he shall not be entitled to any Compensation for the Expence of the Inclosures, in case the Trustees shall at any future Time think it necessary to demolish the same, for the Purpose of widening the Road, and making Footpaths thereon.

Trustees may
make Foot-
Paths.

XLVII. And be it further enacted, That the said Trustees may cause Foot-paths to the Breadth of Eight Feet to be made along the Sides of the

said Roads, in such Places as can conveniently admit of the same; and if any Person shall ride, or drive a Carriage or Cattle upon any Foot Paths made or to be made, or shall in any Way wantonly injure the same, every such Person shall for every such Offence forfeit a Sum not exceeding Ten Shillings Sterling, to be levied in Manner herein-after directed.

Penalties for riding on them.

XLVIII. And be it further enacted, That where the Ground on the Side of any of the said Roads is inclosed or planted, the Proprietors or Occupiers of such Ground shall be obliged, at the proper Season of the Year, to lop the Trees, Bushes, or Hedges in a proper Manner, so as to give sufficient Breadth and Air to the said Road; and in case they neglect or refuse to do so for Six Months after being required by an Order of any Three or more of the Trustees, the Trustees shall have Power to appoint the same to be done at a proper Season of the Year, at the Defaulter's Expence.

Possessors to lop Trees, Bushes, or Hedges.

XLIX. And be it further enacted, That the said Trustees may cause the said Roads to be measured, and Stones and Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient; and also to order, or cause to be erected, Guide Posts and Railings upon such Parts of the said Roads, where the Roads are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall break down, destroy, or deface, any such Mile Stones, Guide Posts, or Railings, or shall break down any Cape Stones on the Ledges or Parapet Walls, on the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made, as before directed, or shall be aiding or assisting therein, or shall rescue or attempt to rescue, any Persons apprehended for such Offence; every Person offending in any of the Cases aforesaid, and being thereof lawfully convicted, by the Oath of One or more credible Witness or Witnesses, before the Sheriff Depute of the County of *Lanark*, or his Substitute, or before Two or more Justices of the Peace of the said County, shall, for the First Offence, be not only adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling; and in case the said Penalty, Damages, and Expences so adjudged, shall not be instantly paid, or sufficient Security given for the same, the said Sheriffs or Justices are hereby empowered and required to commit such Person or Persons so convicted, to Prison for any Term not exceeding Three Calendar Months, nor less than One Calendar Month.

Trustees may erect Mile Stones, &c.

Penalty for defacing Mile Stones, &c.

L. And, for preventing Annoyances in or upon the said Roads, be it further enacted, That, from and after Two Months from the Commencement of this Act, every Person in ploughing any Fields contiguous to any of the said Roads, shall always make Head Ridges along the Sides of the said Roads, of the Breadth of Six Feet at least; and all Gates upon Inclosures next to any of the said Roads shall open inwards to the Field; and no Person or Persons whatsoever shall lay any dead Horses (except in Cases of Accident) or other Carrion, upon any of the said Roads, or within Twenty Yards of the Sides of any of the said Roads,

Head Ridges to be made on the Sides of the Road.

No Annoyances to be laid on the Road.

[Loc. & Per.]

5 T

Roads,

Roads, or any Dung, Lime, Soil, or Compost, or Matter whatsoever, either for manuring Land or any other Purpose; nor any Cart or Carriage, or the Load thereof, or other Obstruction whatever, upon any of the said Roads, or within Five Yards of the Side thereof; and that no Person or Persons whatsoever shall leave any Horses, Oxen, Cows, Sheep, Lambs, Hogs, or other Cattle, on the said Roads, or any Part thereof, or suffer them to graze upon the Sides thereof, or on the Drains or Ditches along the same.

Articles to be drawn on a Wheel Carriage, &c.

LI. And be it further enacted, That if after the passing of this Act, any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or any Plough or Harrow, otherwise than upon a Wheel Carriage or Sledge, or shall suffer any Tree or other Matter whatsoever which can be conveyed upon a Wheel Carriage to drag upon any Part of the said Roads, or shall permit such Tree or other Matter to project over the Side or Sides of such Wheel Carriage, or such Plough or Harrow over the Side or Sides of such Wheel Carriage or Sledge, every such Person shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Penalties and Forfeitures not particularly specified, how to be levied and applied.

If Penalties not paid, Offenders may be committed to Prison.

LII. And be it enacted, That all Forfeitures and Penalties by this Act imposed, the Manner of levying and recovering whereof is not particularly specified, shall, on Proof of the Offence before Two or more Justices of the Peace, or the Sheriff Depute of the County of *Lanark*, or his Substitute, either by the Confession of the Party, the Oath of One or more credible Witness or Witnesses, or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of such Justices or Sheriffs, (which Warrant they, or any of them, are hereby authorized and required to grant, and administer the Oaths *gratis*), such Sale being always made by public Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Six Days after such Distress shall have been made, and the Overplus Money arising from such Sale, after Deduction of the Penalties imposed and Charges in Recovery thereof, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid One Half to the Informer or Informers, and the other Half to the said Trustees or their Collectors, to be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, or sufficient Security given for Payment, it shall be lawful for any Two of the said Justices of the Peace, or the said Sheriffs, and they are hereby authorized and required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to Gaol, or to a House of Correction, for any Time not exceeding Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid.

Persons aggrieved may appeal to the Quarter Sessions.

LIII. And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pur-
suance

suance of this Act by the said Trustees, or any of them, or by the Order of One or more Justice or Justices to the Peace not assembled in Quarter Sessions, 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 County wherein the Cause of Complaint shall have arisen, 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 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 may 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, commit the Party to the Common Gaol of the County for any Time not exceeding Three 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 in that Behalf; and every such Appeal shall at the said Quarter Sessions be there heard and finally determined.

LIV. And be it enacted, That it shall be no Objection to any Person acting as a Justice of the Peace in any Thing relative hereto, that he is appointed a Trustee under this Act, except where he is personally interested; and in all Cases, the Decisions of the Sheriffs Depute or Substitute, or of the Justice or Justices of the Peace so acting respectively as aforesaid, shall be final and conclusive, and not subject to the Review of any other or superior Court by Advocation, Suspension, Reduction, Appeal, or otherwise howsoever, saving and reserving always the Right of Appeal from the said Trustees or one or more Justices to the General Quarter Sessions of the Peace, so often as such Appeal is permitted by this Act.

Trustees may
act as Justices.

LV. 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 Wrongs done or Injuries suffered in any Matter thereto relative, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Three Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury suffered, and not afterwards.

Limitation of
Actions.

LVI. And

Trustees may
sue and be
sued in the
Name of their
Clerk and
Treasurer.

LVI. And be it further enacted and declared, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk and Treasurer for the Time being; and that no Action or Suit wherein the said Trustees shall be concerned, as Pursuers or Defenders, in the Name of their Clerk and Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk and Treasurer to the said Trustees for the Time being shall be deemed to be the Pursuer or Defender (as the case may be) in every such Action: Provided always, that every such Clerk or Treasurer shall be repaid out of the Tolls hereby granted his reasonable Expences in prosecuting or defending any such Action.

Expences of
this Act, &c.
how to be
paid.

LVII. And be it enacted, That the whole Expences in advertising for, preparing, procuring, and passing this Act, the surveying and estimating the said Roads prior to the passing hereof, and all other Expences attending the same, shall be paid out of the first and readiest Money subscribed, borrowed, or collected by virtue of this Act.

Public Act.

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

Commence-
ment and
Endurance of
the Act.

LIX. And be it further enacted, That this Act shall commence and take place from and after the Fifteenth Day of *May* One thousand eight hundred and five, and shall have Continuance from thence for and during the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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