



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 18.

An Act for altering and enlarging the Powers of several Acts for making and repairing the Roads from *Livingstone*, by the Kirk of *Shotts*, to the City of *Glasgow*; and other Roads and Bridges therein mentioned. [4th April 1811.]

WHEREAS by an Act passed in the Thirty-first Year of His present Majesty's Reign, intituled, *An Act to enlarge the Terms and Powers of several Acts made for repairing the Roads from Livingston, by the Kirk of Shotts, to the City of Glasgow, and by the Town of Hamilton to the Town of Strathaven; and for repairing and widening the Roads from the Confines of the County of Ayr, at or near Lochgate, to the Town of Strathaven; and for repairing the several Roads leading into the City of Glasgow, so far as the same relate to the Road leading from the Town of Airdrie towards the City of Glasgow, through the Village of Shettleston, till it falls into the great Road from Murriehall to the said City; and for repairing the Road by Drygate and Whitehill to Carntyne; and for repairing and widening several other Roads; and for building a Bridge over the River Clyde, at or near Theevesford; and for opening and making certain Streets in or near the City of Glasgow; and by another Act passed in the Thirty-second Year of His present Majesty's Reign, intituled, *An Act for making, amending, widening, and keeping in Repair the Roads from the new Bridge over the Water of Almond, on the Confines of the Counties of Edinburgh* 31 G. 3. c. 107.*

[Loc. & Per.] 32 G. 3. c. 120.

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burgh and Linlithgow, by the Town of Bathgate to Baillieston, in the County of Lanark; and for making, amending, widening, and keeping in Repair certain Branches of Road from the said Line of Road; and for building a Bridge over the Water of Avon at Torphichen Mill; and for discharging the Trustees for executing Two Acts passed in the Twenty-sixth and Twenty-seventh Years of the Reign of His late Majesty King George the Second, and Two Acts passed in the Fourteenth and Thirty-first Years of the Reign of His present Majesty, from the Care of such Part of the Road from Newhouse Inn to Glasgow as leads from the Confines of the Parishes of Monkland and Shotts to the East Boundary of Baillieston aforesaid, and putting the same under the Power of the Trustees appointed by this Act; certain Persons were named and appointed Trustees for making and repairing the Roads therein mentioned; and certain Powers were granted for those Purposes during the Terms specified in the said Acts; and by another Act passed in the Thirty-ninth Year of His present Majesty's Reign, intituled, *An Act for explaining and amending Two Acts passed in the Thirty-first and Thirty-second Years of the Reign of His present Majesty, for repairing the Roads from Livingston, by the Kirk of Shotts, to the City of Glasgow, and other Roads therein mentioned*, certain Exemptions from Toll Duties, as enacted in the former Acts, were repealed, and other Regulations enacted with regard to the said Roads, and the Funds thereof: And whereas, in pursuance of the said Acts, the Trustees thereby appointed have borrowed certain Sums of Money, which, together with the Tolls and Duties by the said Acts made payable, have been applied in making and repairing the said Roads, and carrying into Execution the other Purposes of the said Acts; but whereas the said Roads are exposed to great Waste and Decay by the Increase of Commerce and Intercourse betwixt different Parts of the Country, and particularly betwixt the Cities of *Edinburgh* and *Glasgow*, and by the increasing Use of long Coaches, and other Diligences carrying great Numbers of Passengers, and of Waggons and Carts carrying heavy Loads, while the Expence of repairing and keeping in Repair the said Roads is also much increased by the Rise in the Price of Labour, and otherways, whereby the Tolls and Duties granted by the said Acts are insufficient for repairing and keeping in Repair the said Roads, and fulfilling the other Purposes of the Trust created by the said Acts; and the said Roads cannot be effectually made, amended, repaired, and kept in Repair, nor the Monies borrowed and owing as aforesaid, with the Interest thereof, be repaid, unless the Rates of the Toll Duties granted by the said Acts be increased, the said Trustees empowered to borrow a farther Sum of Money on the Credit of the said Tolls, and the Powers of the said recited Acts otherwise altered, amended, and enlarged: 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 from and after the First Day of *June* which shall be in the Year One thousand eight hundred and eleven, the several Tolls and Duties granted by the said recited Acts shall cease, and be, and the same are hereby repealed; and that from and after the said First Day of *June* One thousand eight hundred and eleven, and during the Continuance of this Act, the said Trustees, or their Quorum, or any Person or Persons whom they may from Time to Time appoint, shall be and they are hereby authorized

and empowered to demand and take, at each and every of the Turnpikes or Toll Gates erected or to be erected by virtue of the said recited Acts, Tolls and Duties not exceeding the Sums of Money following; *videlicet*,

For Carriages carrying Passengers for Hire; <i>videlicet</i> ,	Rate of Tolls.
For Stage Coaches, Long Coaches, or other Diligences of the like Kind, licensed to carry, or kept or employed for carrying Passengers for Hire, as under:	
Drawn by not more than Two Horses or Beasts of Draught,	
If licensed to carry not more than Six Inside, and having no Outside Passengers, One Shilling and Sixpence:	
But if there be Outside Passengers at any Time, or for any Part of the Journey, while travelling on the said Roads, One Shilling and Ten-pence:	
If more than Six Inside Passengers, then the above Rates for Six, and for each additional Inside Passenger which such Carriage is licensed or employed to carry, Two-pence:	
Drawn by Three or more Horses or other Beasts of Draught,	
If licensed to carry more than Four Inside Passengers, and having not more than Two Outside Passengers, Two Shillings:	
If more than Two, and not more than Five Outside Passengers, Three Shillings:	
If more than Five Outside Passengers, Five Shillings:	
If licensed to carry not more than Six Inside Passengers, and having not more than Two Outside Passengers, Two Shillings and Four-pence:	
If there be more than Two, and not more than Five Outside Passengers, Three Shillings and Eight-pence:	
If more than Five Outside Passengers, Six Shillings:	
If licensed to carry not more than Eight Inside Passengers, and having not more than Two Outside Passengers, Three Shillings and Eight-pence:	
If more than Two, and not more than Five Outside Passengers, Four Shillings and Four-pence:	
If more than Five Outside Passengers, Seven Shillings:	
If licensed to carry not more than Ten Inside Passengers, and having not more than Two Outside Passengers, Four Shillings:	
If more than Two, and not more than Five Outside Passengers, Five Shillings:	
If more than Five Outside Passengers, Eight Shillings:	
If licensed to carry more than Ten Inside Passengers, and not having more than Two Outside Passengers, Four Shillings and Eight-pence:	
If more than Two, and not exceeding Five Outside Passengers, Five Shillings and Four-pence:	
If more than Five Outside Passengers, Nine Shillings:	
For each Outside Passenger, exclusive of the Coachman and Guard, in any of the above Cases; over and above the preceding Rates, at each Turnpike Gate, One Penny:	

For

For other Carriages; *videlicet*,

For every other Coach, and for every other Berlin, Barouch, Landau, Chariot, Chaise, Chair, or such other Carriage,

If drawn by One Horse or Beast of Draught, Sixpence:

By Two Horses or other Beasts of Draught, One Shilling and Sixpence:

By Three Horses or Beasts of Draught, One Shilling and Tenpence:

By Four Horses or Beasts of Draught, Two Shillings and Fourpence:

By Six or more Horses or Beasts of Draught, Three Shillings:

For Waggon; *videlicet*,

For every Waggon or other Carriage, with more than Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, or other like Purpose,

If drawn by One Horse or Beast of Draught, Sixpence:

By Two Horses or Beasts of Draught, Ninepence:

By Three Horses or Beasts of Draught, Three Shillings:

By Four Horses or Beasts of Draught, Four Shillings:

By Five Horses or Beasts of Draught, Six Shillings:

By Six or more Horses or Beasts of Draught, Eight Shillings:

For Carts; *videlicet*,

For every Cart, Wain, or other Carriage, with only Two Wheels, used for the Purposes of Trade, Commerce, Husbandry, or other like Purpose,

If drawn by One Horse or Beast of Draught, Eightpence:

If drawn by Two or more Horses or Beasts of Draught, Tenpence:

For Horses; *videlicet*,

For every Saddle Horse, Mare, Gelding, or Mule, with or without a Rider, Threepence:

For every other Horse, Mare, Gelding, or Mule, laden or unladen and not drawing, Twopence:

For every Ass loaded or unloaded, One Penny:

For Cattle; *videlicet*,

For every Ox or Neat Cattle, One Penny:

For every Calf, Hog, Sheep, Lamb, or Goat, a Halfpenny:

Provided always, that no more than One Half of the Tolls and Duties before specified shall be demanded or taken for the Passage of any Cart, Waggon, or Carriage, having Two Wheels of the Breadth of Six Inches of Tread, and not drawn by more than Three Horses; or for Waggon having the Tread of the Wheels of the Breadth of Nine Inches, although drawn by more than Three Horses: And further providing, that Carts or Waggon with Two Wheels, loaded with Coals, coming to *Glasgow*, and drawn by One Horse, shall not pay higher Rates of Toll than the following, according to the Breadth of their respective Wheels:

If the Wheels be of the ordinary Breadth, and the Loading, of Coals do not exceed Eight hundred and fifty Pounds Weight, Twopence:

If the Coals do not exceed Twelve hundred and fifty Pounds Weight, and the Wheels be of the ordinary Breadth, Threepence:

But

But if the Tread of the Wheels be Four and a Half Inches in Breadth, no more than, Two-pence :

If the Coals do not exceed One thousand eight hundred and fifty Pounds Weight, and the Wheels be of the ordinary Breadth, Four-pence :

But if the Tread of the Wheels be Four Inches and a Half, no more than Three-pence :

If the Coals do not exceed Two thousand four hundred and fifty Pounds Weight, and the Wheels be of the ordinary Breadth, Eight-pence :

But if the Tread of the Wheels be Four Inches and a Half broad, no more than Four-pence :

And if the Tread of the Wheels be Six Inches broad, although drawn by Two Horses, no more than Four-pence :

II. And be it further enacted, That if any Person, being the Driver, Guard, or Owner, of any Coach or other Diligence, passing along the said Roads, shall be convicted before the Sheriff Depute or his Substitute, or before any Justice of Peace of the County of *Lanark*, or of the County where the Offender may be apprehended or reside, either on his own Confession or by the Oath of One credible Witness, of having directly or indirectly evaded the Payment of any of the foresaid Tolls or Rates, either by concealing or refusing to reveal the Number of Inside or Outside Passengers or otherwise, such Person, so convicted, shall on each Conviction be adjudged to pay the highest Rates of Tolls on such Carriage for One Week backward from the Date of the Default, to be recovered by Distress and Sale of the Offender's Goods and Effects, by Warrant under the Hand of the said Sheriff Depute or Substitute, or Justice of the Peace, the Sale to be conducted and the Penalties to be applied in the Manner in which any Penalty for Evasion of the said Tolls and Duties, or for any Offence against this Act may be applied.

Penalty for
Evasion of
Tolls.

III. And be it further enacted, That from and after the passing of this Act all the Exemptions from Payment of Toll granted by the said recited Acts or either of them shall cease and determine, and in lieu thereof, that no Toll or Duty shall be demanded or taken for any Horse or other Beast of Draught, or any Cart or Carriage, passing through any of the Turnpikes erected or to be erected on the said Roads, and carrying Stones or other Materials for repairing the said Roads, and the Bridges thereon, or carrying Dung or other Manure, or Hay or Corn in the Straw, or returning empty after having conveyed the same; provided such Dung or other Manure, or Hay or Corn in the Straw, shall only pass or be carried along the said Roads from the Steading of any Farm to any of the Fields thereto belonging, or from such Fields to the Farm Steading, or carrying only Ploughs, Harrows, or other Implements of Husbandry, or otherwise to be used in the Grounds adjoining to the said Roads, or returning empty after having carried the same; nor shall Toll be payable for Horses or Cattle going to or returning from Pasture or Watering Places, or any Smithy, for the Purpose of being shod or farried, or for any Cart, Carriage, Horse, or Beast, which shall only cross such Roads, and shall not pass above One hundred Yards thereon; nor shall any Toll be demanded or taken from any Minister or Clergyman going to or returning from Church or other Place

Exemptions.

of Divine Worship upon *Sundays* or any other Days on which Divine Worship shall be celebrated by Authority; nor from any Persons going to or returning from Church, Chapel, or any other Place of Religious Worship usually attended or frequented by them upon *Sundays* or any other Days on which Divine Worship is by Authority ordained to be celebrated; nor from any Person attending upon or returning from the Funeral of any Person who shall die and be buried in his or her own Parish; nor from any Persons, nor for Horses or Carriages employed or to be employed in carrying, conveying, and guarding the Mails with the Letters or Expresses under the Authority of His Majesty's Postmaster General, or in returning from carrying, conveying, and guarding the same; nor for any Waggon, Wain, Cart, or other Carriage whatever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for the Horses or Carriages of Officers or Soldiers upon their March, or upon any Duty, nor for any Horses, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, 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 shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps respectively; nor for Carts, Carriages, or Waggon travelling with or conveying Criminals sent with legal Passes.

Stores.

IV. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, or Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Those claiming Exemption, and not entitled thereto, to be fined.

V. And be it further enacted, That if any Person shall claim and take 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, besides the Money of which the said Trustees or their Tacksmen shall have been defrauded, and whole Costs of Suit.

VI. And

VI. And be it enacted, That it shall and may be lawful for the said Trustees assembled at any of their General Meetings, over and above and in addition to the Sums which they are authorized and empowered to borrow by the said recited Acts, to borrow and take up on the Credit of the Tolls and Duties hereby granted, at any Interest not exceeding the legal Interest for the Time, any Sum or Sums of Money not exceeding Five thousand Pounds Sterling.

Power to borrow Money.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees assembled at any of their Half-yearly General Meetings, to assign and make over the Whole or any Part of the said Tolls and Duties, as a Security or Securities to the Person or Persons who shall advance such Sum or Sums of Money, their Heirs, Executors, and Assigns, for the Monies so to be lent and advanced, with Interest for the same; and Copies of all such Assignments shall be entered into a Book or Books, to be kept by the Clerk or Treasurer for the said Roads, and which Book or Books may, at all reasonable Times, be inspected by the said Trustees, or any of them, without Fee or Reward; and every Assignment under the Authority of this Act, or of any of the said recited Acts, whether already granted or to be granted hereafter, shall be transferrable by simple Indorsement duly subscribed by the Party transferring, in the Presence of Two subscribing Witnesses, agreeable to the Manner and Form following;

Power to assign the Tolls in Security of Loans.

‘ I The within designed *A. B.* do hereby transfer this Assignment, with all my Right and Title to the Principal Sum and Interest thereby secured, and now due to *C. D.* and his Heirs, Executors, or Assigns. In Witness whereof I have subscribed this Indorsement, written by *E. F.* [or myself, *as the Case may be*] at the Day of in the Year before these Witnesses *G. H.* and *J. K.* or in Words to the same Effect.’

Form of Transfer.

And which Indorsement shall be intimated to the Clerk or Cashier of the said Trustees, and a Minute thereof entered in the Trustees Books, and no farther Intimation or Form shall be necessary.

VIII. And be it further enacted, That out of the Monies and other Effects which the said Trustees or any Treasurer or other Person in their Behalf are or is possessed of by virtue of the said former Acts, and out of the Monies to arise from the said Tolls and Duties hereby granted or to be borrowed on the Credit of the same, the said Trustees shall in the first Place, and they are hereby authorized and required to pay and discharge all Costs, Charges, and Expences, incident to or attending the passing of this Act; in the second Place such Monies and Effects shall be applied towards the Payment of the Interest of the Money borrowed or to be borrowed by the Trustees, and the repairing and keeping in Repair the said Roads, and other Purposes of the Trust; in the third Place, to the Payment and Extinction of the Capital of such Sums of Money as have already been borrowed; and, in the last Place, to the regular Payment and Discharge of the Capital of all such Sums of Money as shall hereafter be borrowed on the Credit of the said Tolls and Duties aforesaid, and to the other Purposes directed by the said recited Acts.

Application of Funds.

IX. And

Tolls to be collected as directed by this Act.

IX. And be it further enacted, That it shall not be lawful for any Tacksmen of the Tolls, or Toll Gatherer, or other Person employed to collect any of the said Tolls or Duties, to take or receive directly or indirectly any lesser or other Tolls or Duties, than what are granted by this and the before recited Acts, unless in the Case where a General Meeting of the Trustees shall have authorized any of the said Tolls or Duties to be lessened; nor shall it be lawful for any such Tacksmen or Toll Gatherer to return or compromise, or cause to be returned or compromised, directly or indirectly any of the Tolls or Duties so to be levied, or to absent himself from the Turnpike Gate, so as to occasion Delay or Inconvenience to Travellers: And every Person offending in any of the Particulars aforesaid shall, for every such Offence, forfeit and pay a Fine not greater than Five Pounds and not less than Twenty Shillings.

No Houses to be built within 30 Feet of the Centre of the Road.

X. And be it further enacted, That no Person shall make or erect any House or other Building, excepting only Fences or Walls, not exceeding Six Feet in Height, within Thirty Feet from the Centre of any of the said Roads; and any Person so offending shall be obliged, when ordered to do so by any Two or more of the Trustees, immediately to remove every such House or Building, and upon their failing so to do within Thirty Days from the Time that a Notification in Writing has been given by any Two Trustees of the Encroachment, it shall be lawful for the Trustees or their Surveyor to cause the said Building to be removed, and to charge the Offender with the Expence of doing so, to be recovered and applied in the same Manner as other Penalties and Forfeitures, are directed by the said Acts, or as the Trustees shall think proper to direct.

To prevent Nuisances on the Roads.

XI. And be it further enacted, That from and after Two Months from the Commencement of this Act, no Person shall build any Steam Engine, or Windmills, or Kilns for burning Lime or Bricks, upon any of the said Roads, or within Twenty Yards of the same, or to lay down or leave Manure or any other Substance that may be deemed offensive or a Nuisance to Travellers, either upon or within Five Yards of the said Roads, upon the pain of forfeiting for every such Offence the Sum of Five Pounds Sterling, besides being obliged, at their own Expence, to remove the Matter complained of, the said Penalty to be applied as the said Sheriff Depute or Substitute, or Justices, shall direct; or where any such Erections have already been made within the aforesaid Distance, the Proprietor or Occupier thereof shall be obliged to build, erect, and maintain a Wall of the Height of Eight Feet opposite to such Works, and not nearer to the Centre of the Road than Thirty Feet, so as to prevent Travellers being annoyed with the same.

Grounds may be taken for Toll Houses, and for Depots for keeping Materials for repairing the Roads.

XII. And for the better enabling the Trustees to erect the Toll Houses necessary for collecting the said Tolls, and Depots for keeping Materials for repairing the Roads, be it farther enacted, That the said Trustees are hereby empowered to purchase, feu, or take on Lease, such Pieces of Ground as they shall judge most convenient, not exceeding One-fourth Part of an Acre for each House or Depot: Provided always, that the Ground so to be taken shall not be from any Garden, Orchard, Planted Walk, Lawn, or Pleasure Ground, or Fields inclosed with Walls above Six Feet high, without the express Consent in Writing of the Owner thereof;

and the said Trustees shall have Power, from Time to Time, as they shall think fit, to alter the Situation of the present or any future Bars, Houses, or Depots, and to make new ones in lieu thereof, but so as not to have any Bar within Five Miles of another, without giving Free or Pass Tickets for One of them, excepting where the present Bars are, if any of them be, within that Distance.

XIII. And be it enacted, That as the said Roads have in many Places become dangerous to Travellers, in consequence of the Ditches at the Sides thereof being made too large and deep, the said Trustees shall be and hereby are empowered, at the Expence of the Trust, to cause the Ditches along the Sides thereof to be in so far filled up as not to exceed One Foot in Depth beyond the Level of the lower Side of the Side or Summer Road, and Eighteen Inches in Width.

Regulations respecting Ditches for carrying off Water.

XIV. And, to prevent the said Ditches being flooded, be it further enacted, That the Proprietors or Occupiers of the Grounds adjoining to the Roads are hereby forbidden and prohibited from allowing Water to come from their Grounds into the said Road or Ditches at the Side thereof, and when required by the Trustees or their Surveyor, shall be obliged to make, or cause to be made, such Ditches or Drains, at the Expence of such Proprietor or Occupier, within their own Grounds, or Fences, as may be necessary for carrying off the Water from their Grounds, and to make such Openings or Communications therewith as the Trustees shall think proper, at the Expence of the Trust, for conveying the Water from the Side Drains of the Roads into such inner Ditches, which shall be kept clean, and scoured when necessary, at the Expence of such Proprietor or Occupier.

XV. And be it further enacted, That in all Cases wherein Fines or Penalties are by this Act, or by the said recited Acts, enacted for the Commission of any Offences, the Prosecution for such Offence may be carried on by the private Party aggrieved, or by the Trustees, or their Clerk or Surveyor, in their or his Name, by Application or Complaint to any One or more of the Justices of the Peace where the Offender shall reside or be apprehended, or to the Sheriff Depute or Substitute, or the said Trustees, or private Party injured may lodge Information of such Offence with the Procurator Fiscal of the County where the Offence shall have been committed, or where the Offender shall reside or be apprehended, who is hereby required, as he shall be answerable, to prefer a summary Complaint to any One or more Justice or Justices of the Peace, or to the Sheriff Depute or Substitute of such Counties respectively, and either the said Justice or Justices, or Sheriff Depute or Substitute, shall grant summary Warrant for summoning Evidence if necessary, and thereupon proceed against the Offender or Offenders in a summary Way; and in all Cases the said Justice or Justices, and Sheriff Depute or Substitute, may convict upon the Confession of the Offender, or on the Oath of one or more credible Witness or Witnesses; and in case of Conviction, and that if the Fine or Penalty be not instantly paid, the Offender may be committed to any Gaol within the County where the Conviction takes place, until the Expiration of any Time, not exceeding Two Calendar Months, from the Period of the Commitment, or the Goods or Effects of the

Rules with regard to recovering Fines.

[Loc. & Per.]

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Offender

Offender may be distrained and sold by Warrant of the said Justice or Justices, or Sheriff Depute or Substitute, for Payment of the Sums awarded; and the Persons so distraining are hereby authorized to sell the Goods or Effects so distrained, in such Manner as shall be directed by such Justice or Justices, or Sheriff Depute or Substitute, and to return the Overplus, after deducting all Charges and Expences, to the Owner, with Liberty nevertheless to any Person conceiving himself to be aggrieved by the Sentence of such Justice or Justices to appeal to the next General Quarter Sessions of the Peace, but not afterwards.

Power to
appeal.

XVI. And be it further enacted, That if any Person or Persons thinking him or herself or themselves aggrieved by any Act or Proceeding of the said Trustees or their Officers, or Persons acting under their Authority, shall have complained to any Justice or Justices of the Peace for Redress; and that such private Party or Trustees shall be dissatisfied with the Sentence, Order, or Proceeding of the said Justice or Justices, such Party or the Trustees may appeal to the next Quarter Sessions of the Peace of the County where the Complaint shall have been preferred; and whose Determination shall be final, without being subject to Advocation, Suspension, or Reduction.

Five to be a
Quorum of
the Trustees.

XVII. And be it enacted, That for putting all and every the Purposes of the said recited Acts and of this present Act into Execution, any Five of the said Trustees shall be a Quorum; any Thing in the said recited Acts to the contrary notwithstanding.

Compensation
to be made.

XVIII. And be it further enacted, That if the said Trustees shall proceed to take Materials for making or amending any of the said Roads from Grounds in which a Quarry shall at the Time be working for Sale, by any Owner or Occupier thereof, the Trustees shall pay for such Materials which they shall so take, and in the Event of the said Trustees not offering such Value as the Owner or Occupier of the Ground shall be satisfied with, for such Materials, or for the Ground that shall as aforesaid be taken for Toll Houses or Depots for Materials from the said Roads, then and in such Event the said Trustees, or such Owner or Occupier, shall or may apply to the Sheriff Depute or Substitute of the County of *Lanark*, to have the Value of such Materials or Ground ascertained and settled by the Verdict of a Jury of Fifteen Persons to be summoned and chosen by the Sheriff of the said County, and which Sheriff is hereby required to summon and choose, in the Manner in which Juries are or may be summoned and chosen by the Sheriffs of the Counties in *Scotland*, and the said Sheriff may order and authorize the said Jury, or any Ten or more of them, to view the Place or Places, or Matter or Matters in Question, which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby called upon to administer) shall enquire of, assess and ascertain the Sum or Sums of Money to be paid for the Purchase of such Materials, or the Recompence to be made for the same, or for the Damage to be done by taking away the same; and the said Sheriff shall give Judgment for such Purchase Monies, or Recompence or Damage so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding

ing and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate or Collegiate, and all other Persons, and shall not be liable to Review by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding.

XIX. And be it further enacted, That where a Verdict shall be given for more Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Grounds for Depots or Toll Houses as aforesaid, or as the Value or Consideration for such Materials or Damage occasioned by taking the same, than had been previously offered by or on Behalf of the said Trustees, either before or within Five Days after the Application to the Sheriff shall have been intimated to the Trustees, then and in all such Cases, all the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Trustees; but if any Verdict shall be given for the same Sum or Rent that had been so offered by or on Behalf of the said Trustees, or for a less Sum than had been so previously offered, or in case the Damages shall be given by the Verdict where the Dispute is for Damages only, the Costs and Expences of summoning such Jury and taking such Verdict, shall be settled in like Manner by the said Sheriff, and be borne and paid by the Person or Persons with whom the said Trustees shall have such Concerns, Controversies or Disputes; which said Costs and Expences having been settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged.

Expence of
Jury how
to be paid.

XX. 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, Lunatic, or Person or Persons under Disability or Incapacity, such Money, in case the same shall amount to the Sum of Two hundred Pounds, shall, 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 Heritages, 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 Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages,

Application
of Compensation
Money
when exceeding
200l.

Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Heritages, which shall be so purchased or taken 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 Heritages, so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200l.
and above 20l.

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any 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, or Heritages 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, to be paid into either of the said Banks, and be placed to his, her, 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 Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, as far as the Case may be applicable.

Where under
20l.

XXII. 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 Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five 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.

In case of
not making
out Titles, or
if Persons
cannot be
found, Pur-
chase Money
to be paid
into the
Bank.

XXIII. 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 Lands, Tenements, or Heritages, 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 Heritages be not known or discovered, then

then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five 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 Heritages (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 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 other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and 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 any such Sum or Sums of Money into the Banks as aforesaid.

XXIV. 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 Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages 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 Heritages, 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 Heritages, or to some Estate or Interest therein.

In Cases of questionable Title, Possessor to be deemed to have a Title until the contrary shall be shewn.

XXV. 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 Heritages, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into either of the said Banks and to be applied in the Purchase of other Lands, Tenements, or Heritages, 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 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.

Expences of Purchase may be allowed by the Court.

Public Act.

XXVI. And be it 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
Continuance
of this Act.

XXVII. And be it enacted, That the whole Powers, Clauses, and Stipulations enacted by this Act, and by the said recited Acts, or either of them, so far as not hereby altered, shall continue and be in force for and during the Term of Twenty-one Years from the passing of this Act, and from thence to the End of the then next Session of Parliament.

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