



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 198.

An Act for more effectually repairing and maintaining certain Roads and Bridges in the County of Perth. [26th June 1811.]

WHEREAS by an Act passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for repairing certain Roads in the County of Perth; and for explaining and amending an Act made in the Twenty-fifth Year of the Reign of His present Majesty, for repairing the Highways, Bridges, and Ferries in the County of Perth*; and by another Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for explaining amending, and rendering more effectual an Act passed in the Twenty-ninth Year of His present Majesty's Reign, for repairing certain Roads in the County of Perth, and for making and repairing the Road from Crieff towards Stirling and Alloa, and other Roads in the said County*; and by another Act passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for amending and rendering more effectual Two Acts made in the Twenty-ninth and Thirty-third Years of the Reign of His present Majesty, for repairing certain Roads in the County of Perth*; and by another Act passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled, *An Act for amending and rendering more effectual so much of Two Acts made in the Twenty-ninth and Thirty-third Years of the Reign of His present Majesty, for making and repairing certain Roads in the County of Perth, as relates to the Road from Perth to Crieff, and the Branches thereof*; and by another Act passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act for making and repairing the Road from Dunkeld to Coupar of Angus by the Bridge of Isla, and the Road leading out of the Road between Dunkeld and Perth to the Boat at Caputh,*

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by or through the Village of Stanley in the County of Perth, to continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament; and by another Act passed in the Forty-seventh Year of the Reign of His present Majesty, intituled, *An Act for repairing and keeping in Repair several Roads in the County of Perth*; certain Persons were appointed Trustees for making, repairing, and keeping in Repair the several Roads and Bridges in the said Acts mentioned, with Power to levy Toll and Pontage Duties on the same, and to borrow Money on the Credit thereof, and for other Purposes in the said Acts specified: And whereas, under the Authority of the said Acts, the Bridges and several of the Roads therein mentioned, or considerable Portions thereof, have been made, and considerable Sums of Money have been advanced or borrowed on the Credit of the Tolls and Duties thereby authorized to be levied, which Sums of Money are still owing; but the said Roads and Bridges cannot be effectually repaired and kept in Repair, nor the Sums of Money so advanced or borrowed, and Interest thereof still owing be repaid, unless the Terms and Powers of the said Acts, so far as relates to the said Roads and Bridges, be continued and enlarged, and unless Powers be given to levy increased Tolls and Duties thereon: And whereas it is expedient that the said recited Acts, with more extensive Powers and Authorities, should be consolidated and reduced into One Act; and that in such Act, Powers and Authorities should also be given for building, repairing, and keeping in Repair, the Bridges already erected, or that may be erected on the Roads therein mentioned, and for levying a Pontage on a Bridge to be erected over the River *Ula*, at or near *Crathie's Boat*: 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 passing of this Act, the said recited Acts of the Twenty-ninth, Thirty-third, Thirty-sixth, Thirty-seventh, Thirty-ninth, and Forty-seventh Years of the Reign of His present Majesty, shall be and the same are hereby repealed, and instead thereof this Act shall commence and be put in Execution for and during the Term herein-after mentioned; and this Act and all the Tolls, Pontages, and Duties which are hereby authorized to be levied shall (under the Conditions and Provisions herein-after contained) be and the same are hereby made subject and liable to the Payment of all Sums of Money which have been advanced, whether by Loan, Subscription, or otherwise, or are now due and owing on the Credit of the said Acts hereby repealed; and the said Tolls, Pontages, and Duties shall also be subject and liable to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this Act, and of all Interest due or that may become due for the several Sums of Money aforesaid respectively.

Acts repealed.

Trustees.

II. And be it enacted, That the Justices of the Peace, Commissioners of Supply, and Heritors of the County of *Perth*, being in the actual Possession and Enjoyment of the *Dominium utile* as Proprietors or Life-renters of Lands, valued in the Cess Books of the said County at One hundred Pounds *Scots* or upwards, either in their own Right or in the Right of their Wives; and the Heritors of that Part of the Parish of *Logie*, which is not situated in the County of *Perth*, being in the actual Possession and Enjoyment of the *Dominium utile* as Proprietors or Life-renters of Lands valued

valued as aforesaid in the Cess Books of the County or Counties in which such Part of the Parish of *Logie* may be situated; and the eldest Sons of all such Heritors in the Absence of their Fathers, as also one of the Guardians or Trustees of Minors, and one of the Curators of fatuous and furious Persons, as also one of the Commissioners of Heritors forth of *Scotland*, such Minors, fatuous and furious Persons, and Heritors forth of *Scotland* having Lands of the Valuation of One hundred Pounds *Scots* as aforesaid, such Guardians, Trustees, Curators, or Commissioners, severally producing at each Meeting due Authority to act; as also the Chief Magistrate of the City of *Perth*, and the Chief Magistrate of the Royal Burgh of *Culross* for the Time being, and the Sheriff Depute of the said County of *Perth*, and the Sheriffs Substitute of the same for the Time being, shall be and they are hereby appointed Trustees for surveying, making, repairing, and keeping in Repair the several Roads and Bridges herein-after mentioned; that is to say, the Road from *Perth* towards *Stirling*, by *Auchterarder* and *Blackford* and *Greenloaning*; the Road from *Perth* to *Crieff*, on the North Side of the *Pow*, with its Branch to the Bridge of *Dollarie*, over the *Pow*; the Road from *Perth* towards *Dundee*, by *Inchture*, to the Confines of the County of *Perth*, with the Branches thereof, to the Harbours of *Polgavie*, *Erroll*, and *Inchyra*; the Road from *Perth* to *Cupar*, or the Neighbourhood thereof, towards *Glamis*, as far as the Confines of the County of *Perth*; the Road from the Confines of the County of *Clackmanan* near *Blairngone*, through *Gleneagles*, and from thence to *Muthill* to the Bridge of *Kinkell*, and by the Bridge of *Auchlone*, or the Bridge of *Dollary*, to the aforesaid Road from *Perth* to *Crieff*, and from the Bridge of *Kinkell* by the *Abbey* Bridge to the said Road; the Road from *Crieff* towards *Stirling* and *Alloa*, as far as the long Causeway of *Stirling* near *Spittal*; the Road from *Dunkeld* to *Perth*; the Road leading out of the Road between *Dunkeld* and *Perth* to the Boat at *Caputh*, by or through the Village of *Stanley*; the Road from *Perth* towards *Meikleour*, passing near *Stone* and *Byres*, by the New Bridge over the River *Isla*, till it joins the Road on the North of the River *Isla* from *Blairgowrie* to the Ferry across the *Tay* at *Kinclaven*; the Road from *Dunkeld* to *Coupar of Angus* by the Bridge over the River *Isla*; the Road from *Locheearnhead* towards *Perth* by *Comrie*, *Monievairst*, *Strowan*, *Hesh*, *Monzie*, and *Crieff*; the Road from *Loch Tay* towards *Dunblane* by *Glenlednaig*, *Comrie*, *Glenlichhorn*, *Ardoch*, and *Kinbuck*; the Road from *Crieff* to the Bridge of *Dollarie*; and for repairing the Bridges and necessary Works on the same; for erecting the said Bridge over the River *Isla*, near *Cratbie's Boat*, and other new Bridges, where such shall be requisite, and for making the necessary Avenues to the same; and for putting in Execution all the other Powers and Authorities in and by this Act given and granted.

III. Provided always, and be it enacted, That no such Justice of the Peace, Commissioner of Supply, Sheriff Depute, Sheriff Substitute or Magistrate respectively, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear Yearly Value of One hundred Pounds Sterling *per Annum*, or be possessed of and entitled to a Personal Estate alone, or Real and Personal Estate together, of the Value of Five hundred Pounds Sterling; nor shall any such last-mentioned Person be capable of acting

Qualification
of particular
Trustees.

ing in the Execution of this Act, until he shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; that is to say,

‘ I do swear, That I truly and *bona fide* am, in
 ‘ my own Right, or in the Right of my Wife (*as the Case may be*), in
 ‘ the actual Possession or Enjoyment of Lands or Heritages of the clear
 ‘ yearly Value of One hundred Pounds Sterling, or possessed of or en-
 ‘ titled to a Personal Estate alone, or Real and Personal Estate together,
 ‘ of the Amount or Value of Five hundred Pounds Sterling,
 ‘ So help me GOD.’

Penalty on
 any Trustee
 acting if not
 qualified, &c.

IV. Provided also, That if any Person not qualified as aforesaid, shall nevertheless presume to act as a Trustee, every such Person shall for every such acting forfeit and pay the Sum of Twenty Pounds Sterling over and above the Expence of Prosecution; which Penalty shall be recovered by Complaint in a summary Way, at the Suit of any Person or Persons being a Trustee or Trustees under this Act, before the Justices of the Peace for the said County as herein-after mentioned, the One Half of which Penalty shall be paid to the Person or Persons suing for the same, and the other Half to the Clerk or Treasurer of the General Meetings of the Trustees; if incurred by acting at a General Meeting to be applied to the Reparation of the said Roads, in such Manner as shall be allocated by a General Meeting of Trustees; but if incurred at any Meeting of Trustees for the Purpose of surveying, making, repairing, and keeping in Repair any of the said Roads for which the Tolls arising at any Gates or Turnpikes erected or to be erected on the said Roads shall be particularly directed to be applied in Manner herein-after mentioned, such Half of the Penalty shall be paid to the Clerk or Treasurer of the Meetings for those special Purposes, to be applied to the Reparation of the Roads, for the surveying, making, repairing, and keeping in Repair of which the said Trustees were assembled; and in case of any such Complaint being brought the Proof of Qualification shall lie upon the Person complained of; and any Vote given or Act done in the Character of a Trustee, by any Person not qualified as aforesaid, shall be held to be altogether null and void, but such Nullity shall not affect any Act done, or Determination made by any General or other Meeting, unless the same shall have been done or made by and through the Means of such Vote of a Person not qualified to act as a Trustee.

Meetings of
 Trustees.

V. And be it further enacted, That the First General Meeting of the Trustees under this Act shall be held at *Pertb* on the Fourth *Monday* after the passing of this Act, or as soon thereafter as conveniently may be; and their Second General Meeting on the Day on which the First of the General stated Meetings herein-after appointed shall be held, and thereafter the said Trustees shall hold Two stated General Meetings at *Pertb* in each Year, during the Continuance of this Act, One upon the Day on which the Commissioners of Supply shall meet for assessing the Land Tax on the said County, and the other on the Day of the *Michaelmas* Meeting of the Freeholders of the said County: Provided always, that it shall be lawful for any Two or more of the said Trustees to summon a General Meeting at any Time they may think requisite, and to appoint a Day upon which it shall be held, provided that Notice of such Meeting be given by
 Advertisement

Advertisement in Manner before mentioned, in which Advertisement particular Mention shall be made of the Names of the Persons by whom the Meeting is called, and of the Business which they mean to bring before the same; and provided that the Trustees calling such General Meeting shall by a Writing under their Hands give Notice thereof at least Three Weeks before such Meeting to the Clerk of the said Trustees; and all such General Meetings shall have Power to adjourn to such Times and Places as they shall think proper and convenient, and as often as shall be necessary; and at all such General Meetings, Five Trustees shall be a Quorum; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting, it shall be in the Power of any One or more Trustees who may attend, to adjourn the Meeting to be held, to any lawful Day, not less than Fourteen Days nor more than Three Weeks from the Day appointed for the last Meeting; and in case no Trustee shall attend, then and in such Case the Clerk to the said Trustees shall by Advertisement in Manner before mentioned, at least Ten Days before the next Meeting, appoint the said Trustees to meet on the Fourteenth Day from that on which the last Meeting of the said Trustees was appointed to be held; and the said Trustees, at any General or Adjourned Meeting, shall have Power to name Committees of their Number, to have the more immediate Care and Management of such particular Roads, or Parts of Roads, and to give their Committees such Instructions and Powers as they shall think fit and expedient, not being inconsistent with the Powers by this Act given; and at all Meetings of Trustees to be held under the Authority of this Act, the said Trustees shall defray their own Expences.

Quorum of
General
Meetings.

Trustees to
pay their
Expences.

VI. And be it enacted, That if the said Trustees at their General Meetings shall determine in any Matter, or appoint and order any Thing to be done, with respect to the amending and repairing the said Roads, building and repairing the said Bridges, or levying Tolls, Duties, or Pontages, or of or concerning any other Powers, hereby committed to them, it shall not be in the Power of any subsequent General Meeting to alter, vary, or annul such Determination, or give any Orders contrary and in opposition to the Orders formerly given, unless Notice shall be given of such subsequent General Meeting by Advertisement in the Newspapers to be appointed by the Trustees as before mentioned, at least Fourteen Days and not more than Three Weeks before the Day of such Meeting, expressly setting forth such Resolutions of a former General Meeting, as are to be taken under Review.

Orders not to
be revoked
without
Notice.

VII. And be it further enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting assembled as aforesaid, as also to the Committees of Trustees respectively appointed as aforesaid, when assembled at their respective Meetings, at which last-mentioned Meetings Three shall be a Quorum, to choose and appoint fit Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the said Trustees, for receiving the Tolls and Pontages granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads and Bridges, or such other Officers as they shall think proper, and from Time to Time to remove such Treasurers, Receivers, Collectors, Clerks, Surveyors, or other Officers, or any of them, and to appoint new ones in case of the Death or Removal

Officers to
be appointed.

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of

To account.

of them or any of them; and all and every Person or Persons who is, are, or shall be liable by this Act to pay the said Tolls and Pontages, is and are hereby required to pay the same to the said Collector or Collectors, or Receiver or Receivers, so from Time to Time to be appointed as aforesaid; and such Collector or Collectors, Receiver or Receivers, or Person or Persons to be appointed as aforesaid for receiving the said Tolls and Pontages, shall, on the First *Monday* of every Month, or at any other Time or Times to be appointed by the said Trustees during the Continuance of this Act, give in a true, particular, exact and perfect Account in Writing under their respective Hands, in such Form and Manner as the said Trustees shall appoint, with their respective Vouchers, of all Money which they, every, or any of them have received or paid and disbursed by virtue of this Act, by reason of their respective Offices, and shall verify the same upon Oath if required (which Oath any one Justice of Peace is hereby authorized to administer); and in case any Overplus Money so received shall remain in their or any of their Hands, they shall, when thereto required, pay the same to the said Trustees, or to such Person or Persons as they shall authorize and appoint to receive the same, to be applied for the Purposes of this Act; and the said Trustees shall and may, and they are hereby authorized and empowered, out of the Money arising out of the said Tolls and Pontages, to make such Salaries or Allowances to the Officers so appointed by them, for and in Consideration of their Care and Pains in the Execution of their respective Offices, and to such other Person or Persons who shall have been or may be assisting in making or repairing the said Roads or Bridges, by advancing and laying out Money, or otherwise, as to them shall seem good, over and above the necessary Disbursements made by them; and it shall and may be lawful for any Two or more Trustees appointed to take charge of any particular Road, to call a Meeting of the whole Trustees so appointed to take charge of that Road, at any Time in a similar Manner, and with similar Notices as are herein-before directed in calling a General Meeting of the Trustees by this Act appointed.

Penalty for not accounting.

VIII. And be it enacted, That in case the said Collector or Collectors, Receiver or Receivers, or any other Person or Persons concerned in the Collection or Receipt of the aforesaid Tolls and Pontages, or any of them shall not make such Account and Payment as aforesaid, or shall misapply the Monies received, then it shall be lawful for any One or more Justice or Justices of the Peace for the said County to make Enquiry of and concerning such Offence, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witnesses or Witnessess upon Oath (which Oath any One of the said Justices is hereby empowered to administer) or by other legal Evidence; and if any Person or Persons shall be convicted of any of the Offences aforesaid before such Justice or Justices, the said Justice or Justices shall be and they are hereby empowered to levy a Sum or Sums of Money from such Person or Persons, not exceeding Treble the Amount of the Sum or Sums not accounted for, or unduly detained or misapplied as aforesaid; and in case such Person or Persons shall delay, refuse, or be unable to pay the same, then and in such Case it shall and may be lawful to and for the said Justice or Justices to commit such Person or Persons to the Common Gaol of the said County, there to remain until he, she or they shall have rendered a true and particular Account, and made Payment as aforesaid, or until he, she, or they shall have compounded and agreed for the same with the said Trustees, or any Five or more of them, (which Com-
position

position they or any Five or more of them are hereby empowered to make) and have paid such Composition to the Treasurer or Treasurers of the said Trustees for the Time being, or such Person or Persons as the said Trustees shall have appointed to receive the same: Provided always, that no Officer or Person who shall be committed for such Offence as aforesaid, shall be detained in Prison by virtue of this Act, for any longer Space of Time than Six Calendar Months, without Prejudice to the Recovery of the Sums due, by other legal Proceedings or Diligence.

IX. And be it further enacted, That the said Trustees shall be and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors to be appointed for the Purposes of this Act, for the due Execution of their Offices as to the said Trustees shall seem meet, or failing to take any Security, the Trustees making such Appointment shall be individually responsible for the Default of the Persons by them so appointed.

Treasurer or Collector to find Security.

X. Provided always, and be it further enacted and declared, That no Person or Persons appointed by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of any Toll or Pontage by this Act granted, or at least such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting such Place of Profit as aforesaid; and no Person who shall keep a Public House, for the selling or retailing of Beer, Ale, or Spirituous Liquors, shall be capable to act as a Trustee, or to hold or enjoy any Office or Situation of Trust or Profit under this Act.

Trustees not to accept Places of Profit, &c.

XI. And be it enacted, That the said Trustees at a General Meeting assembled, as also the Trustees respectively appointed by General Meetings to take Charge of each or any of the Roads in this Act mentioned, when assembled at their respective Meetings, shall and may continue or erect, or cause to be erected in and across the said Roads, such Number of Gates or Turnpikes, and such Number of Toll Houses, with proper Stables and Gardens adjoining to such Toll Houses, as to them shall appear to be expedient; and from Time to Time to alter the Situation of such Gates or Turnpikes, and Toll Houses, Stables, and Gardens; and the said Trustees or some Person or Persons by them to be appointed, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken at the several and respective Gates or Turnpikes already erected, or which may hereafter be erected upon the said Roads, before Passage be permitted, the Tolls following; that is to say,

Turnpikes to be continued and erected.

For every Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, drawn by One Horse, or Beast of Draught, One Shilling and Sixpence :

Tolls. Coaches, &c.

And drawn by Two Horses or Beasts of Draught, Three Shillings :

And drawn by Three Horses or Beasts of Draught, Four Shillings and Sixpence :

And drawn by Four Horses or Beasts of Draught, Six Shillings :

And drawn by Five Horses or Beasts of Draught, Seven Shillings and Sixpence :

And drawn by Six or more Horses or Beasts of Draught, Nine Shillings :

Stage
Coaches, &c.

For every Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, the above Toll Duties; and if the said Trustees shall think proper, any Sum in addition thereto, not exceeding One Half more of the above Toll Duties:

Waggons,
&c.

For every Waggon, Wain, Cart, or other such Carriage, drawn by One Horse, Ox, or Beast of Draught, One Shilling and Sixpence:

And drawn by Two Horses, Oxen, or Beasts of Draught, Three Shillings:

And drawn by Three Horses, Oxen, or Beasts of Draught, Four Shillings and Sixpence:

And drawn by Four Horses, Oxen, or Beasts of Draught, Six Shillings:

And drawn by Five Horses, Oxen, or Beasts of Draught, Seven Shillings and Sixpence:

And drawn by Six Horses, Oxen, or Beasts of Draught, Nine Shillings:

And drawn by Seven Horses, Oxen, or Beasts of Draught, Nine Shillings and Sixpence:

And drawn by Eight Horses, Oxen, or Beasts of Draught, Ten Shillings:

Horses, &c.

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

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

For every Ass loaded or unloaded, Three-pence:

Cattle, &c.

For every Score of Oxen or Neat Cattle, Three Shillings and Fourpence; and so in Proportion for any greater or smaller Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, One Shilling and Eightpence; and so in Proportion for any greater or smaller Number:

Waggons,
&c. without
Owner's
Name and
Number, to
pay Double
Toll.

And that for every Waggon, Wain, or Cart, without the Owner's Name, and the Number required by Law, there shall be demanded and taken at the Toll Gates or Turnpikes respectively, instead of the Tolls herein-before mentioned, Double the Amount of the said Tolls before Passage be permitted:

And wherever, from the Length of any of the respective Lines of Road before mentioned, the said Trustees shall be entitled to erect Two or Three several Toll Gates at the Distance of Six Statute Miles from each other, and shall erect only One or Two Toll Gates thereon, it shall be lawful to the said Trustees if they shall erect One Toll Gate where they are entitled to erect Two Toll Gates, to demand and take Double Toll at such Gate; and if they shall erect Two Toll Gates where they are entitled to erect Three, to demand and take at each of such Two Toll Gates or Turnpikes, the several Tolls above mentioned, and Half as much more.

On Branches
Half Toll of
principal
Roads to be
levied.

XII. Provided always, and be it enacted, That the said Trustees shall be entitled to levy upon each of the Branches of Road herein-before mentioned, One Half of the Tolls and Duties which they shall be entitled to levy upon the principal Roads to which such Branches belong.

Tolls not to
be levied un-
til Roads
repaired.

XIII. Provided always, and be it enacted, That it shall not be lawful to, nor in the Power of the said Trustees, to impose or levy the Tolls hereby granted upon any Line of Road, upon which Gates or Turnpikes are not already erected, until sufficient Security shall be granted by responsible Persons, that such Line of Road shall be put into a State of complete Repair,

pair, within a reasonable Time to be fixed, and the Securities be approved at a General Meeting: Provided nevertheless, that it shall and may be lawful to and for the said Trustees, and they are hereby empowered, in case Security be so given for completing in Manner above directed any Part of the said Roads, not being of less Extent than Three Statute Miles, to cause a Toll Gate or Turnpike, or Toll Gates or Turnpikes, to be erected thereon, and such Part of the Tolls to be levied thereat, as they shall judge reasonable.

XIV. Provided always, and be it enacted, That in case there are or shall be erected in the Course of any one of the said Roads, any Gate or Gates, Turnpike or Turnpikes, at less Distance from each other than Six Statute Miles, then any Person or Persons producing a Ticket to shew that the Toll has been paid at one of such Gates, shall not pay any Toll at the other, on the same Road, which shall be within Six Statute Miles of the former, at which the Toll denoted by such Ticket shall have been paid.

Toll to be paid only once in Six Miles.

XV. And be it enacted, That when the Toll Duties exigible under this Act shall have been paid on passing any Gate or Turnpike erected or to be erected under the Authority of the same, the said Toll Duties shall not on the same Day (to be computed from Twelve of the Clock at Night to the like Hour in the succeeding Night) be again exigible on repassing the same Gate or Turnpike, in respect of the same Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, Saddle Horse, Mare, Gelding, Ass, or Mule, Oxen or Neat Cattle, Calves, Hogs, Sheep, Lambs, or Goats, for which they had been so paid on passing; in such Manner, that within the Period of One Day, (computed as aforesaid), the said Toll Duties shall be paid and payable only once for one passing and repassing, and so on once for each Time such Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, Saddle Horse, Mare, Gelding, Ass, or Mule, Oxen or Neat Cattle, Calves, Hogs, Sheep, Lambs, or Goats, shall pass and repass; and the Person paying Toll on passing, shall be entitled on Demand to receive a Ticket or Note, signifying the Payment thereof, the Production of which Ticket or Note at the same Gate, shall, under the Exceptions after specified, give a Right to repass without Payment: Provided always, that if the same Carriage, drawn by another Horse or Horses, or the same Horse or Horses, drawing a different Carriage, shall repass the same Gate or Turnpike within the same Day, (to be computed as aforesaid), the said Duties shall be again payable and paid for such repassing; and when the Toll Duties have been paid for any Waggon, Wain, Cart, or other such Carriage, or the same Horse or other Beast of Draught or Burthen, not being a Saddle Horse, Mare, Gelding, Ass, or Mule, the said Toll Duties shall not be again exigible in the same Day, until such Waggon, Wain, Cart, or other such Carriage, shall have passed and repassed twice; but Carriages let and travelling for Hire, shall not be charged with the said Duties when repassing even on the next Day, provided they be empty in so repassing, and that they be drawn by the same Horse or Horses with which they passed.

Tolls to be paid only once on passing and repassing.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to continue and erect, or cause to be erected, One or more Gate or Gates, Bar or Bars, on the Side or Sides of the said Roads, and

May erect Side Bars

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across

across any Part of any Lane or Way leading out of the same, and also a Toll House with a proper Stable and Garden adjoining to each such Toll House at each such Bar or Gate, and there to take and receive such Tolls as are by this Act granted and made payable, but so as that a Ticket received at any such Side Gate or Bar shall entitle the Receiver thereof to pass through the next Gate or Bar on the same Day, and on the same Road, if within Six Statute Miles, Toll free.

Penalty on
fraudulent
Disposal of
Tickets.

XVII. And be it further enacted, That if any Person or Persons having paid the Tolls by this Act imposed, and having received a Note or Ticket, Notes or Tickets, signifying the Payment of any such Toll, shall dispose of or give the same to any other Person or Persons, in order to enable him or them to avoid the Payment of the said Tolls; every such Person or Persons so disposing of or giving such Note or Ticket, Notes or Tickets, and the Person or Persons receiving the same, being convicted thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, or otherwise, before One or more Justice or Justices of Peace for the said County, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Application
of the Tolls.

XVIII. And be it further enacted and declared, That at any of the stated General Meetings of the said Trustees, it shall be lawful for them to direct the Tolls arising at the Gates or Turnpikes erected or to be erected on the said Roads to be applied towards the making, repairing, and upholding of the aforesaid Roads, and the Bridges thereon respectively in such Manner as the said Trustees shall think fit; and as soon as the same shall be so adjusted; the Clerk of the said Trustees shall be and he is hereby authorized and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Time thereafter during the Continuance of this Act it shall not be in the Power of the said Trustees, or of any Number of them, to vary or alter the final Determination or Allocation so made; and the Produce of the said Tolls and Duties shall be applied in the first Place, to the Payment of the Expence of procuring and passing this Act, and in the next Place towards the making, repairing, and upholding the said Roads and Bridges thereupon, and paying the Interest of the Money borrowed, advanced, and owing at the Time; and the Surplus shall be appropriated annually to extinguish the Principal of the Money so borrowed, advanced, and owing, and to no other Purpose whatsoever.

For repairing
Glenlednaig
Road, if
made under
43 Geo. 3.

XIX. And be it enacted, That if the Part of the said Road from *Loch Tayside* towards *Dunblain*, by *Glenlednaig*, *Comrie*, *Glenlichorn*, *Ardoch*, and *Kinbuck*, which lies between *Loch Tayside* (through *Glenlednaig*) and *Comrie*, shall be made, and the Bridges thereon built under the Provisions of an Act passed in the Forty-third Year of His present Majesty, intituled, *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and building Bridges in the Highlands of Scotland; and for enabling the Proprietors of Land in Scotland to charge their Estates with a Proportion of the Expence of making and keeping in Repair Roads and Bridges in the Highlands of Scotland*, the Produce of the Tolls and Duties arising at the Toll Gates or Turnpikes erected or to be erected thereon, shall, after being applied to the Payment of a Proportion of the Expence of procuring and passing this Act (to be settled in Manner

herein-after

herein-after mentioned) be applied solely to the repairing and upholding the said Road and the Bridges thereon, and Works therewith connected, and the necessary Expences of Management, and no Part of the Produce of the said Tolls and Duties shall be applied to the Payment of the Interest of any Monies advanced, contributed, or expended in regard to the making of the said Road and Bridges thereon, and Works therewith connected, under the Provisions of the said recited Act of the Forty-third Year of His present Majesty, nor to the Repayment of the Principal of such Monies so advanced, contributed, or expended as aforesaid; and the Tolls and Duties hereby authorized to be levied on the said Road shall in such Case be by the said Trustees from Time to Time so diminished and lessened, and if necessary again encreased as to be as nearly as possible adequate only to the necessary Expence of repairing and upholding the said Road and the Bridges thereon, and Works therewith connected; and in case any Surplus shall at any Time accrue or exist over and above such necessary Expences of repairing and upholding the said Road and Bridges thereon, and Works therewith connected, such Surplus shall from Time to Time as the same shall accrue be lodged by the said Trustees, their Treasurer, Collector, or other proper Officer upon account of the said Road in the Hands of the Collector of the Cefs in the County of *Perth* for the Time being, who is hereby authorized and empowered from Time to Time upon Demand to examine the Accounts of the said Trustees, and of their Treasurer, Collector, Surveyor, or other Officers, with the Vouchers thereof, in so far as respects the said Road, and also from Time to Time to examine in the same Manner the Accounts of the Superintendant of the said Road with the Vouchers thereof; and the Monies so lodged with the said Collector of the Cefs shall from Time to Time when necessary be drawn out by the said Trustees, or any Three or more of them, and be by them applied to the repairing and upholding the said Road and Bridges thereon, and Works therewith connected, and Expence of Management thereof, and to no other Use or Purpose whatsoever.

XX. And whereas a considerable Expence has been incurred in building the said New Bridge over the River *Illa*, on the said Road from *Perth* towards *Meikleour*, and a considerable Expence will be incurred by the said Trustees in building the said Bridge over the River *Illa* at or near *Crathie's Ford* or *Boat*, and in making Compensation to the Proprietors of the Ferries near the said Two Bridges; be it enacted, That the said Trustees or any Person or Persons whom they shall appoint for that Purpose, shall be and they are hereby authorized and empowered to demand and take at each of the said Bridges the Pontage Duties following, each Time of passing and re-passing before Passage be permitted; that is to say,

Pontages at
the Bridges
over the
River *Illa*.

For every Foot Passenger, Three Halfpence:

For every Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, drawn by One Horse or Beast of Draught, One Shilling;

And drawn by Two Horses or Beasts of Draught, if with Four Wheels, Two Shillings and Sixpence:

And drawn by Three Horses or Beasts of Draught, Three Shillings:

And drawn by Four or Five Horses or Beasts of Draught, Four Shillings and Sixpence:

And drawn by Six Horses or Beasts of Draught, Seven Shillings:

For

For every Chaise, Calash, Chair, Taxed Carr, or other such Carriage with Two Wheels drawn by Two Horses, One Shilling and Sixpence:

For every Waggon, Wain, Cart, or other such Carriage drawn by One Horse, Ox, or Beast of Draught, Eight-pence:

And drawn by Two Horses, Oxen, or Beasts of Draught, One Shilling:

And drawn by Three Horses, Oxen, or Beasts of Draught, Three Shillings:

And drawn by Four Horses, Oxen, or Beasts of Draught, Six Shillings:

And drawn by Five Horses, Oxen, or Beasts of Draught, Seven Shillings:

And drawn by Six or more Horses, Oxen, or Beasts of Draught, Eight Shillings:

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, Three-pence:

For every Score of Oxen or neat Cattle, Two Shillings and Sixpence:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, One Shilling and Three-pence; and so in Proportion for any greater or smaller Number.

To prevent
Evasion of
the Pontage
Duty.

XXI. And be it enacted, That all Persons passing over the said Bridges, shall be liable in Payment of the Pontage Duties hereby granted, notwithstanding such Person may be carried in or upon any Waggon, Wain, Cart, or other such Carriage, or on Horseback, or otherwise riding, and that over and above and besides the Pontage Duties payable for every such Waggon, Wain, Cart, or other such Carriage, and for every Horse, Mare, Gelding, Mule, or Ass, excepting always the proper Driver or Drivers of every such Waggon, Wain, Cart, or other such Carriage, and the Person or Persons for whose proper Use every such Waggon, Wain, Cart, or other such Carriage, may be *bona fide* employed when so passing; and excepting also One Rider upon every Horse, Mare, Gelding, Mule, or Ass, not drawing; and if any Person shall claim Exemption from the Payment of the said Pontage Duties, not being entitled thereto, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings Sterling for every such Offence.

No Ford or
Ferry to be
used within
certain Dis-
tances of the
Bridges.

XXII. And be it enacted, That the Passage over the said new Bridge over the River *Issa* on the said Road from *Perth* towards *Meikleour*, shall be the only publick Road or Passage across the said River *Issa*, within Three Miles of the said Bridge; and that as soon as the said Bridge across the said River *Issa* near *Crathie's Boat*, and the Roads and Avenues leading to and from the same are completed and opened for Passengers, the Passage over the said Bridge shall be the only publick Road or Passage across the said River *Issa* near *Crathie's Boat*, within One Mile of the said Bridge; and it shall not be lawful for any Person or Persons to pass the said River, or to use any Ferry for the conveying any Person, Cattle, or Carriages across the said River within the respective Spaces from the said Bridges above mentioned; and in case any Person or Persons shall pass the said River, or cause any Cattle or Carriage to pass within the said respective Spaces at any Ford, or Ferry, he, she, or they shall forfeit the Sum of Twenty Shillings Sterling for every Person, Beast, or Carriage passing or ferried or conveyed across the said River; and the said Trustees are hereby authorized and empowered to stop or shut up any Fords or Ferries on the said River *Issa*, within the respective Distances from the said Bridges before mentioned, and for that Purpose to order and direct the Channel of the said

said River to be deepened, Embankments to be made on either Side of such Fords, and Posts and Rails or other Fences to be erected thereon, the more effectually to prevent any Person from evading Payment of the Pontage Duties hereby authorized to be demanded and taken: Provided always, that the said Trustees shall make Compensation to the Proprietors of such Ferries for the Damage thereby occasioned, where such Compensation shall be demanded by such Proprietors, and in case of any Difference such Compensation shall be settled and ascertained by a Jury, and ordered to be paid by the Sheriff of the said County, in Manner as herein-after mentioned, with regard to the ascertaining and ordering Payment of the Value of the Lands and Houses to be taken for the Purposes of this Act.

XXIII. And be it enacted, That the Money arising from the Tolls or Pontages on the said Bridges shall be applied to and for the upholding the Bridges, Toll Gates, and Toll Houses thereon, and Roads therewith connected respectively, for making Compensation to the Proprietors of such Ferries as aforesaid, and for paying the Interest of the Money to be borrowed relative to the same; and the Surplus of the said Tolls or Pontages shall be applied to pay off the Money so borrowed, and afterwards in such Manner towards the Purposes of this Act as the said Trustees at any General Meeting shall think proper and direct.

Application
of Money.

XXIV. 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, and on the said Bridges, for weighing all Waggon, Wain, Cart, and other such Carriages which shall pass along the said Roads and over the said Bridges, and receive and take over and above the Tolls and Pontages, hereby granted, the following Sums of Money as additional Toll and Pontage for every One hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Wain, Cart, or other such Carriage, together with the Loading thereof, shall weigh; at any of the said Weighing Engines, over and above the Weights which such Waggon, Wain, Cart, or such Carriage, is allowed to weigh without paying additional Toll; that is to say,

Weighing
Engines to be
erected.

For the First and Second Hundred of such Overweight, the Sum of Three Pence Sterling for each Hundred:

For every Hundred of such Overweight above Two Hundred, and not exceeding Five Hundred, the Sum of Sixpence Sterling:

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

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

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

Additional
Tolls and
Pontage on
heavy Car-
riages.

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

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XXV. And

Weight of Carriages, &c. which shall be permitted to pass without paying additional Tolls and Pontage.

XXV. And be it enacted, That every Waggon, Wain, Cart or other such Carriage, shall be allowed to pass without paying any additional Toll or Pontage, provided it with its Loading does not weigh more than the Weights following; *videlicet*, Every Waggon, Wain, Cart, or other such Carriage, drawn by one Horse, Ox, or other Beast of Draught, One Ton Weight; and drawn by Two Horses, Oxen, or other Beasts of Draught, One Ton Five Hundred Weight; and drawn by Three Horses, Oxen, or other Beasts of Draught, One Ton Ten Hundred Weight; and drawn by Four Horses, Oxen, or other Beasts of Draught, One Ton Fifteen Hundred Weight; and drawn by Five Horses, Oxen, or other Beasts of Draught, Two Tons and a Half; and drawn by Six Horses, Oxen, or other Beasts of Draught, Three Tons; and drawn by Seven Horses, Oxen, or other Beasts of Draught, Three Tons and a Half; and drawn by Eight Horses, Oxen, or other Beasts of Draught, Four Tons.

Carriages with Wheels of a certain Description chargeable with less Toll and Pontage.

XXVI. Provided always, and be it further enacted, That it shall be in the Power of the said Trustees, at a General Meeting assembled, and they are hereby authorized, if they shall think fit, to exempt from Payment of any Part of the said additional Tolls and Pontage Duties for Overweight, not exceeding One Half thereof, every Waggon, Wain, Cart, or other such Carriage as aforesaid, with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof, of the Breadth of Five Inches or upwards, and being cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage and on the Outside, and in every intermediate Part between the Inside and Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear equally on such flat Surface, and that the opposite Ends of the Axletrees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of One straight Line; so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of such Pair of Wheels, and further having the Nails sunk level with the Rings on the Wheels; and every Waggon, Wain, Cart, or Carriage, with Four Wheels, the Wheels thereof being cylindrical as before-mentioned, and having the Axletrees thereof of such different Lengths that the fore and hind Wheels shall roll only one single Surface or Path of Seven Inches and a Half wide on each Side of such Waggon, Wain, Cart, or Carriage: Provided also, that every Person claiming the Privileges granted to Carriages with Wheels so constructed as aforesaid, shall permit the same to be examined or measured by any Person employed in the Collection of the said Tolls or Pontages.

Drag Irons of same Breadth with Fellies of Wheels.

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

XXVIII. And

XXVIII. And be it further enacted, That if any Person employed to collect the said Tolls and Pontages shall wilfully permit any Waggon, Wain, Cart, or other such Carriage on which the Name and Place of Abode of the Owner shall not be painted or affixed as herein-before directed, or driven otherwise than according to the Regulations by Law established to pass through any of the said Gates or Turnpikes or over the said Bridges without exacting Double Tolls and Pontage as before mentioned, or shall absent himself from the Turnpike Gate or Bridge where his Duty may be, so as to occasion Delay to Travellers, or shall knowingly exact any higher Rate of Toll or Pontage than what is hereby authorized to be taken, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, One Half thereof to be paid to the Informer, the other Half to the said Trustees for the Purposes of this Act.

Penalty on Tollgatherers guilty of Malversation.

XXIX. Provided also, and it is hereby further enacted, That no Person or Persons shall be liable to pay any Toll or Pontage at any of the Gates or Turnpikes at present erected or to be erected by virtue of this Act, or at the said Bridges, for any Carriage laden with or going empty for, or returning empty after having been laden with Stones or other Materials for repairing the said Roads or any other Public Roads, or Stones for paving the Streets of any Town situated on the said Roads or the Bridges and the Causeways belonging to the same; nor for any Carriage or Cattle passing from one Part of a Farm to another; nor for any Carts, Wains, Waggons, or other Carriages carrying any Hay, Corn in the Straw, or any Produce of a Farm, or going empty for or returning empty, after having carried the same to be laid up in the Houses, Outhouses, Barns or Yards belonging to such Farm, (without Prejudice nevertheless to the said Tolls and Pontages being paid for Hay, Corn in the Straw, or any other Produce of a Farm when carried for Sale or for Delivery after being sold); nor for Horses or Cattle going to or returning from Pasture, or to or from watering Places being within the Farm to which they respectively belong, or going to be shod or farried at any Smith's Shop within the Distance of Half a Mile from the Place where they are usually kept, or returning therefrom; nor shall any Toll or Pontage be demanded from any Person or Persons who shall pass through the said Turnpikes or over the said Bridges to Church or Chapel or any other Place of Religious Worship within the Parish which such Person or Persons usually attend upon *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Persons attending the Funeral of any Person or Persons who shall die and be buried within the Parish in which such Person resides; nor from any Clergyman going to or returning from visiting any sick Person or upon other his Parochial or Ministerial Duty; nor for any Horses or Carriages employed in carrying or conveying the Mails of Letters or Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying the same, or in returning after having conveyed the same; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, 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 Match or upon 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

Exemptions from Toll and Pontage.

or

or Soldiers, or in returning from carrying or conveying the same; nor for any Horse, Mare, or Gelding, furnished by or for any Persons 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 each Corps respectively; nor for Carts, Carriages, or Waggon travelling with and conveying Vagrants or Criminals sent with legal Passes or returning from conveying the same; and if any Person shall claim and 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 a Sum not exceeding Forty Shillings Sterling.

Penalty of claiming Exemption where not entitled.

Exempting Carriages with Stores.

XXX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or 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, 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 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 Act contained to the contrary notwithstanding.

Bye Roads to be shut up.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to suppress and shut up any Bye Roads that do not appear to be of Importance to the Publick, and to build Fences across the same, so as to prevent any Person or Persons travelling on the Roads hereby authorized to be made and repaired, from avoiding any of the Tolls or Pontages by this Act imposed: Provided always, that Notice of the Resolution to shut up such Roads be given by Advertisement affixed to the Toll Gate or Turnpike nearest the Road proposed to be shut up, and to the Doors of the Three nearest Parish Churches for Two consecutive *Sundays*; One Month at least before the Roads shall be actually shut up; and that any Person or Persons who shall think himself, herself, or themselves injured by such Resolution, may apply to the Sheriff Depute of the County of *Perth*, or one of his Substitutes, who, if he sees Cause, is hereby empowered to suspend the Execution thereof, until the next General Quarter Sessions of the Peace for the said County; and the Determination of the Justices at such Quarter Sessions shall be final and conclusive, without being subject to Review in any Court by Advocation, Suspension, Reduction or otherwise.

Penalty for evading the Tolls or Pontages.

XXXII. And be it further enacted, That if any Person or Persons occupying inclosed Lands near to any Turnpike which shall be erected in pursuance of this Act, or near to the said Bridges over the River *Isa*, shall knowingly or willingly permit any Person or Persons to pass through the same, or through any Gate, Passage, or Way, with any Coach, Cart, or other

other Carriage, or with any Horse, Ass, or Cattle, whereby the Payment of the Tolls and Pontages by this Act imposed shall be evaded, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by the Testimony of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace for the said County, shall each for every such Offence respectively, forfeit and pay to the said Trustees a Sum not exceeding Forty Shillings Sterling.

XXXIII. And be it enacted, That if any Person or Persons liable to pay the said Tolls or Pontages, shall in a fraudulent or forcible Manner pass through any of the Gates or Turnpikes on the said Roads, without paying Tolls thereat, or over the said Bridges, without paying the Pontages, or shall assault any Collector of the Tolls or Pontages, or any other Person acting under the Authority of the said Trustees, and shall be convicted of any such Offence, before any One or more Justice or Justices of the Peace for the said County, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls or Pontages to which such Person was liable.

Penalty for forcible Evasions of the Tolls or Pontages, or assaulting Officers.

XXXIV. And be it further enacted, That if any Person or Persons shall at any Time during the Continuance of this Act, unload or cause to be unloaded any Sort of Goods or Merchandize or other Articles whatsoever, or shall take off or cause to be taken off any Horse or Horses, or any Beasts of Draught, from any Coach, Chaise, Chariot, Barouche, Landau, Calash, Chair or Taxed Cart, or from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Toll Gates or Turnpikes erected or to be erected on the said Roads by virtue of this Act, or to the said Bridges over the River *Isle*, with Intent to avoid paying any Tolls or Pontages hereby imposed, each and every Person so offending in any of the Cases aforesaid, shall forfeit and pay a Sum not exceeding Forty Shillings Sterling, One Half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

Penalty on taking off Horses, &c.

XXXV. And be it further enacted, That the said Trustees shall be and they are hereby empowered, as they shall see convenient or think fit, to compound or agree by the Year or otherwise with any Person or Persons using to travel the said Roads or any of them, or over the said Bridges, and living within Three Miles of any Gate or Turnpike erected or to be erected on the said Roads, or of the said Bridges over the River *Isle*, with any Coach, Barouche, Chariot, Landau, Chaise, Taxed Cart, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, or Mule, or any other Beast of Draught, for any Sum or Sums of Money to be paid Yearly, Quarterly or Monthly, from Time to Time after such Agreement is made; and Copies of all such Agreements and Compositions so to be made by the said Trustees as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose by their Clerk or Clerks, Treasurer or Treasurers, which said Book or Books shall be seen and perused by any Person or Persons whatsoever at all seasonable Times, without paying any Fee or Reward: Provided always, that such Composition shall be paid in Advance, otherwise the full Rate of Toll shall be exacted.

Composition for Tolls and Pontages.

Tolls and
Pontages may
be let.

XXXVI. And be it further enacted, That the said Trustees and Committees of Trustees to be respectively appointed as aforesaid, shall be and they are hereby authorized and empowered by public Roup, to let the said Tolls and Pontages respectively, in Whole or in Parcels, from Time to Time, during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such Security for paying thereof as shall be approved of by the said Trustees.

Tolls and
Pontages may
be lessened.

XXXVII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to exact such Parts of the said Tolls and Pontages as they shall think reasonable, and to diminish or lessen the said Tolls or Pontages or such Parts thereof as they shall see Cause, and to raise the same again so as the same shall not at any Time exceed the Tolls and Pontages granted by this Act.

Turnpikes,
&c. vested in
the Trustees.

XXXVIII. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to purchase, or to take in Lease, for the Purpose of erecting Toll Houses, with suitable Offices and Gardens thereto, such Pieces of Ground as they shall think most convenient, not exceeding One Quarter of an Acre for each Toll House, Office, and Garden; and in case the said Trustees cannot agree with the Proprietors and Occupiers for the Prices and Value, or for the yearly Rent of such Ground, it shall be lawful for the Trustees to apply to the Sheriff of the County to summon a Jury in Manner herein-after mentioned, in order to value the Ground, or fix the yearly Rent for the same; and the Right, Interest, and Property of and in all and every the Gates or Turnpikes, Toll Houses, Weighing Engines, and Premises erected or to be erected in the said County of Perth by virtue of this Act, and the Money to be raised and collected by the said Tolls and Pontages as aforesaid, shall be and the same are hereby declared to be vested in the said Trustees, and the same and every Part of the Money to be raised and collected as aforesaid, shall be paid, applied, and disposed of and assigned to and for the several Uses and Purposes by this Act directed, and to no other Purposes whatsoever.

Tolls and
Pontages how
to be levied
and recovered.

XXXIX. And be it enacted, That if any Person or Persons liable in Payment of the said Tolls and Pontages, or any of them, shall neglect or refuse to pay the same when demanded, the said Trustees are hereby empowered, by themselves or such Person or Persons as they shall authorize or appoint for that Purpose, to levy such Tolls and Pontages by Distress and Sale of any Horse or Horses or other Cattle upon which Tolls or Pontages are by this Act imposed, or by Distress and Sale of any other of the Goods and Effects of such Person so neglecting or refusing to pay the said Tolls and Pontages, and to keep and detain such Goods and Effects so distrained until such Tolls or Pontages with the reasonable Charges of such Distress shall be paid; and it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Six Days after such Distress shall be made and taken, if such Tolls or Pontages shall not be sooner paid, to appraise and sell the Goods so distrained, returning the Overplus (if any there be) upon Demand to the Owners thereof after such Tolls or Pontages and the reasonable Charges of distraining, keeping, and selling the same shall be deducted and paid: Provided always, that Persons so neglecting or refusing

Refusing Payment, shall over and above such Toll or Pontage Duties forfeit and pay a Sum not exceeding Five Pounds Sterling, to be recovered and applied in Manner herein-after mentioned.

XL. And be it further enacted, That it shall and may be lawful for the said Trustees at any of their Annual General Meetings, or at a General Meeting called for that Purpose, as also to the Trustees respectively appointed by General Meetings, to take charge of each or any of the Roads and Bridges in this Act mentioned, when assembled at their respective Meetings, to borrow such Sums of Money on the Credit of the said Tolls and Pontages respectively for the Purposes of this Act as they shall judge necessary (including the Sums already owing on the Credit thereof) not exceeding such Amount as that the Tolls or Pontages aforesaid shall be sufficient to pay the Interest of the Sums borrowed. Money to be borrowed.

XLI. And be it further enacted, That the said Trustees shall be and they are hereby empowered to assign and make over the Whole or any Part of the Tolls and Pontages to the Person or Persons from whom the said respective Sums as aforesaid shall be borrowed, as a Security for the Payment of the Sum or Sums of Money so lent by them with the Interest thereof. Tolls and Pontages may be assigned.

XLII. And be it enacted, That the Assignments to be granted for the Sums of Money so to be borrowed shall be in the following Form, or in other Words to the same Purport; (that is to say,) Form of Assignment.

BY virtue of an Act made in the Year of the Reign of His Majesty King George the Third, intituled, *An Act* [here insert the Title of this Act] We, the Trustees thereby appointed, assembled at a General Meeting (or at a Meeting of Trustees for superintending the Roads from _____ to _____ or, Bridge at _____ as the Case may be), called agreeably to the Directions of the aforesaid Act, in Consideration of the Sum of _____ advanced by *A. B.* for the Purpose of making and repairing the Road from _____ to _____ [or, Bridge at _____, as the Case may be] do hereby assign to the said *A. B.* his Executors and Assignees, the annual Sum of _____ arising out of the Tolls and Duties leviable at the Gates or Turnpikes on the said Road [or, Pontage on the said Bridge, as the Case may be], to be held by the said *A. B.* his Executors and Assignees, from the Day of _____ in the Year of our Lord _____ until the said principal Sum of _____ with Interest at the Rate of _____ per Centum per Annum shall be paid; and we hereby authorize *C. D.* our Clerk, (Treasurer, Collector, or other Officer appointed for that Purpose), and his Successors in Office, to pay the said Sum of _____ to the said *A. B.* and his aforesaid, or to any Person duly authorized by him or them to receive the same, until the said principal Sum and Interest shall have been fully paid, for which this shall be a sufficient Authority to our said Clerk, (Treasurer, Collector, or other Officer), and his Successors in Office. In Witness whereof these Presents, written by the said *C. D.* [or any other Person], are subscribed by our Preses in our Presence, at _____ the Day of _____ also in Presence of these Witnesses, the said *C. D.* and *E. F.* of _____

XLIII. Provided

Entry of
Assignments.

XLIII. Provided always, and it is hereby declared, That the Assignments of the Tolls or Pontages for all or any Sum or Sums of Money so borrowed shall be entered in a Book or Books to be kept by the said Trustees authorized to borrow Money as aforesaid, or such Person or Persons as they shall appoint; which Book or Books may be seen and perused at all seasonable Times by any Person or Persons interested, without Fee or Reward.

Trustees not
personally
liable.

XLIV. And be it declared, That no Trustee shall be held or adjudged to have rendered himself personally liable for the Re-payment of the Money borrowed or Interest thereof by reason of having signed such Assignments as aforesaid, or 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.

Assignments
to be trans-
ferable by
Indorsement.

XLV. And be it enacted, That the Assignments to be granted in Security of the Money to be borrowed in virtue of the Powers contained in this Act; shall be transferable by Indorsement, in the following Form of Words, or in any other Words to the same Purport, without the Necessity of any other Conveyance; that is to say,

“ I Do hereby transfer this Assignment with all my Right and Title to the principal Sum and Interest thereby secured, and now due, unto G. H. his Executors and Assignees. Witness my Hand at
the Day of in the Year of Our Lord
before these Witnesses I. K. of and L. M. of

Provided always, that every such Transfer by Indorsement shall, on being presented by or on Behalf of the Indorsee to the Clerk (Treasurer, Collector, or other Officer of the said Trustees appointed for that Purpose) be by him recorded in the Book kept for the Purpose of having Assignments engrossed therein.

For calling
Meetings for
making Roads
by Assessment.

XLVI. And be it enacted, That in case the Money required for making or repairing the said Roads, or any of them, or any Branches or Portions thereof, and for building the Bridges and other Works, or paying the Price of any Lands taken, or the Compensation for Damage done, or other Compensation relative thereto cannot be raised, or in case it shall be inexpedient to raise the same upon the Credit of the Tolls and Duties by this Act granted, or by the Voluntary Subscriptions, Contributions, or Obligations of Credit of Persons interested therein, it shall and may be lawful to and for the Proprietors, or Life-renters vested with the Right of Property, or Enjoyment of the *dominium utile* of Lands within the County of Perth, and qualified to vote at the Meetings herein-after mentioned, or the Guardians, Trustees, or Commissioners of any such Proprietors or Life-renters, which Lands in their Opinion would be benefited by the making or repairing of any of the said Roads, or of any Branches or Portions thereof, or by building the Bridges thereon; and they or any Three or more of them, are hereby authorized and empowered to call a Meeting of the whole Proprietors and Life-renters of all such Lands as in their Opinion will be benefited by the making or repairing of such Roads, for the Purpose of ascertaining, by Estimate or otherwise, the probable Ex-
pence

penance of the Purposes aforesaid, and of considering and determining the Expediency of providing for the same by Assessment, and of proceeding (if so-determined) to the further Measures herein-after directed to be taken for causing such Assessment to be made; and all such Meetings shall be called by Advertisements, describing the particular Road or Roads, or Branches or Portions thereof; and the Bridges proposed to be made, repaired, or built, and the Place of Meeting (which shall be at some convenient Place within one of the Parishes through which the Road or Roads, Branch or Branches, or Portions thereof runs or run, or in which the Bridge or Bridges is or are situated, or is or are intended to be situated) and the Day and Hour of Meeting (which shall not be earlier than Ten of the Clock in the Forenoon, nor later than Two o'Clock in the Afternoon) which Advertisements shall be inserted once a Week for Three consecutive Weeks, immediately preceding the Week in which such Meeting shall be appointed to be held, in such Newspaper or Newspapers as the said Trustees shall have directed and appointed for the Publication of Notices of Meetings to be held for borrowing Money, and failing of such Direction and Appointment, in any one Newspaper published and in Circulation within the County of *Pertb*, and by affixing Copies of such Advertisements on the principal Door of the Church of each of the Parishes within which any Lands proposed to be assessed are situated.

XLVII. And be it enacted, That at any such First Meeting, and at all Adjournments thereof, and at all subsequent Meetings every Proprietor or Life-renter at the Time legally vested with the Right of Property, or Enjoyment of the *Dominium utile* of any of the Lands proposed to be assessed, and one Guardian, Trustee, or Commissioner of every Proprietor or Life-renter having Guardians, Trustees, or Commissioners to act for their Behoof shall have a Vote *viva voce* if personally present at such Meeting, or if not personally present either by a Mandatory appointed by written Mandate, or by Letter under their respective Hands to any Person specially authorized therein to act for them; provided always, that no Person shall be entitled to vote at any such Meeting unless such Person or his Constituent shall be qualified to act as a Trustee under this Act; and at all Meetings or Adjournments thereof, where the Question is whether there shall be any Assessment or not, or for apportioning an Assessment, no Act or Determination thereof shall be valid or effectual unless Two-thirds of the Persons entitled to vote at such Meetings, and possessing at the least Two-thirds of the Amount of the Valuation in the Cess Books of the County of *Pertb*, of the whole Lands proposed to be assessed, shall by themselves or in Writing concur in such Act or Determination, and at all other Meetings all Acts and Determinations thereof shall be decided by the Majority of Votes so expressed, and in case of Equality the Preses of the Meeting shall besides his original Vote as an Individual, be also entitled to a casting or decisive Vote, and such Meetings shall have Power to adjourn from Time to Time as they shall think fit.

Right of voting at first and subsequent Meetings.

XLVIII. And be it enacted, That if the Determination of any such First Meeting shall be against the proposed Assessment, no further Proceedings for that Purpose shall then be had, but it shall be in the Power of any Three or more of the Persons so interested in Lands as aforesaid, and entitled to vote at such Meetings to call other Meetings for the Consideration of the same Question at any after Period, upon similar Notice being given

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of

of such Meetings; but in case the Determination of any such First Meeting shall be in favour of the proposed Assessment, then such Meeting shall forthwith or at any adjourned Meeting or Meetings (of the Time and Place whereof, Six Days previous Notice in Writing shall be given to all Persons entitled to vote thereat, either personally, or at their respective dwelling Places if within the said County, and if they have no such dwelling Places within the said County, then to their known Factor or Agent, and to the Occupiers of the Lands proposed to be assessed) proceed to make up and adjust a Schedule of all the Lands which in the Opinion of such Meeting would be benefited by the making or repairing of the Road, or Branch, or Portion of Road, or by building the Bridge or Bridges, in respect of which such Lands are proposed to be assessed (those Persons, if there shall have been any such, who opposed the Determination of the Meeting in favour of the Assessment, being nevertheless entitled to be present and assisting at the making up and Adjustment of such Schedule, without Prejudice to their Right of Appeal in Manner after-mentioned, against such Determination or other Proceedings) and shall appoint a Second Meeting for the Purpose of receiving, considering, and determining upon all Objections or Amendments which may and shall be stated or proposed in regard to such Schedule; which Second Meeting shall not be held sooner than One Fortnight, nor later than One Calendar Month from and after the Date of the First Meeting or Adjournment thereof, at which such Schedule shall have been completed, and of which Second Meeting, and of the Time and Place thereof, Ten Days previous Notice in Writing signed by the Clerk of the First Meeting, shall forthwith be given by such Clerk to all such Proprietors and Life-renters, or to one of their Guardians, Trustees, or Commissioners as aforesaid, of any Lands included or proposed to be included in such Schedule in Manner as before directed, of which Delivery or Transmission the Oath of the Person serving such Notice (which Oath any one Justice of the Peace for the County of Perth is hereby empowered to administer) shall be held sufficient Evidence, and each such Notice shall in each Case be accompanied by a Copy of such Schedule, and the Schedule so to be made up shall distinctly set forth by their ordinary Names or proper Descriptions all the Lands proposed to be assessed, together with the Names and Descriptions, or Designations of the respective Owners and Occupiers, or reputed Owners or Occupiers thereof, as also the valued Rent, and in such Cases, in which it shall be necessary, the Annual Value of the said Lands (as the same shall be ascertained or estimated in Manner after-mentioned) together with the precise Sums proposed to be assessed on such Lands respectively, and the Total Amount of the said Assessment; and of the ascertained or estimated Expence for defraying which the Assessment is proposed to be made.

Schedule to
be made up.

Second and
other Meet-
ings.

Lands to be
included in
the Schedule.

XLIX. And be it enacted, That in order to ascertain the Lands which will be benefited, and the Proportions according to, and in which the said Lands ought respectively to be assessed, all Lands shall be accounted to be benefited in the Sense of this Act, to the Effect of being for that Reason subjected to Assessment on account of any of the said Roads, or Branches, or Portions thereof, or of the said Bridges, the Occupier or Occupiers of which Lands, whether such Occupancy be had under a Right of Property or of Lease, or under any other Right or Tenure, either must from Necessity, (there being no other Road or Roads), or will from manifest Convenience (the proposed Road or Branch, or Portion of Road, being shorter,
leveller,

levelled, safer, or in any other Respect better and preferable to any other Road in the same Direction connected with such Lands) use the same as their Road or Line of Communication of ordinary Resort to or with those Places with which such Occupier or Occupiers then have, or with which (after the proposed Road, Branch, or Portion thereof, or Bridge, shall be made, repaired, or built) they will have the greatest or a considerable Intercourse: Provided always, that in case any Lands in the Neighbourhood of the Road, or Branch, or Portion of Road, or of the Bridge or Bridges proposed to be made, repaired, or built, are so situated as not to be capable of thence deriving any Benefit whatever, or any such Benefit as ought in Equity to subject them to any, or to the full Rate of Assessment; as also in case any such Lands already possess the Advantage of other Communications with those Places with which the Occupiers thereof have the greatest or a considerable Intercourse, independently of the Road, Branch, or Portion of Road, or of the Bridge or Bridges proposed to be made, repaired or built (such Communications being as convenient, safe, and beneficial or nearly so as that which will be opened by the proposed Works) it shall and may be lawful to and for the Persons making up the Schedule aforesaid, and to and for the Trustees making the Assessment, as also to and for the Arbitrators and Sheriff Depute amending the same upon an Appeal in Manner after mentioned, and they are hereby authorized and empowered, if they shall see good and sufficient Cause, either wholly to exempt from Assessment such Lands, or to subject them only to such abated and lower Rate of Assessment as to them shall appear just and reasonable, due Regard being had to all the Circumstances of each particular Case.

L. And be it enacted, That in order to ascertain the Value of Lands according to which such Assessment shall be rated and charged, such Value shall, at the Discretion of the Meeting making up the Schedule aforesaid, be estimated either according to the valued Rent of the Lands proposed to be assessed as the same shall appear from the Cess Books of the County of *Perth*, or may by Calculation be justly inferred from the real Rent or the annual Value of such Lands compared with that of other Lands with which they stand valued *in cumulo* in the said Cess Books, or by the annual Value which shall be taken and accounted to be the yearly Rent, at which the Lands are at the Time actually let, or (when that cannot be ascertained, or shall appear to be inadequate), at which they may then be worth to be let on a Lease of ordinary Endurance, as the same shall be ascertained by the Report upon Oath (which Oath any One Justice of the Peace for the County of *Perth* is hereby authorized to administer) of One or more skilful and impartial Person or Persons whom the Meeting engaged in making up the Schedule aforesaid, are hereby empowered for that Purpose to appoint and employ; and the said Meeting, as also the General Meeting in making the Assessment, and the Arbitrators and Sheriff Depute in determining Appeals in Manner after mentioned, is and are hereby authorized and empowered according to their Judgment and Discretion, and according to the Equity of the Case, to estimate and charge the Assessment and the Apportionment thereof, either according to the said valued Rent or according to the said annual Value, and to estimate the said annual Value, either by the Rents at which the Lands are then let, or at which they may then be worth to be let on a Lease of ordinary Endurance, ascertained in Manner above mentioned: Provided.

Lands how to
be valued and
rated.

Provided always, that all the Lands contained in any One Schedule as aforesaid, shall be valued and assessed in one and the same Manner, either wholly according to the valued Rent, or according to the annual Value of such Lands.

Mines,
Woods, &c.
to be included
in the Value.

LI. Provided also, and be it enacted, That whether the valued Rent or the annual Value of Lands as aforesaid, be assumed as the Rule according to which the said Assessment is to be rated and charged, the said Assessment shall attach and be rated and charged, not only on the valued Rent, or the annual Value of the Lands benefited, but also on the annual Value of all Mines, Minerals, Woods, and other Things, being Parts and Portions of such Lands, or connected therewith, and yielding a Profit to the Owners or Occupiers thereof.

Notice to be
given to Proprietors of
Lands.

LII. And be it enacted, That so soon as the Second Meeting or Adjournment thereof shall have finally adjusted and completed the said Schedule, the Clerk of the Meeting shall deliver or transmit, or cause to be delivered or transmitted to each and every Person legally vested or reputed to be legally vested with the Property or Right of Management of any of the Lands included in such Schedule, or to his or her known Factor, Agent, Trustee, Commissioner, or Guardian, a full and correct Copy thereof, together with a Notice in Writing that Application will be made to the Trustees by this Act appointed at their next stated General Meeting, to cause an Assessment to be by them made according to the said Schedule; and such Notice shall be truly dated at the least One Calendar Month before the Day of such General Meeting of Trustees, and be delivered forthwith after being so dated in such Manner as herein-before directed with regard to Notices, and shall be proved in like Manner by the Oath of the Person delivering the same.

Application
to a General
Meeting of
Trustees.

LIII. And be it enacted, That the Clerk to the said Meeting of Proprietors and Life-renters as aforesaid shall make Application to the next stated General Meeting of Trustees in the Names of the Persons applying for such Assessment, to have the same completed in Manner herein-after mentioned; and in case any Person or Persons who would be affected by such Assessment shall be of Opinion that no Assessment whatever ought to be made, or shall be dissatisfied in any Respect or on any Account with the said Schedule, it shall be competent to every such Person or Persons to apply by Petition or otherwise to such General Meeting of Trustees for Redress; and the said Trustees at such General Meeting or Adjournment thereof assembled, after having duly considered and determined upon the said Application for Assessment and the Schedule presented therewith, together with all the Objections or Amendments proposed in relation thereto, are hereby authorized and empowered then and there to make an Assessment according to such Schedule as approved or amended by them to the Amount of such Sum or Sums as by Estimate or Contract shall to their Satisfaction appear to be requisite for making or repairing the Road, Branch, or Portion of Road, or building the Bridge or Bridges, on Account of which the Application for the Assessment is made, and for defraying the Expences of all necessary Works, Compensations, Indemnifications, Damages, and other Expenditure therewith connected, which Assessment shall be leviable and be levied at the same Time and in the same Manner in which the Land Tax is or shall be leviable and levied, and shall be paid

over.

over by the Collector or Collectors thereof, (who shall be allowed for Trouble in relation thereto such Rate or *per Centage* as is allowed for the Collection of the Land Tax) to the Treasurer or other Person to be appointed by the said Trustees; and such Assessment when paid shall be and continue a Lien upon the Rates and Duties by this Act granted in relation to such Road, Branch, or Portion of Road, or Bridge or Bridges respectively; and the said Trustees are hereby required, on Application being made to them for that Purpose at a General Meeting assembled, to grant Assignments of the said Rates and Duties to the Person or Persons applying for and entitled to obtain the same in the Form by this Act directed, in Security for the Repayment of the Sums so assessed and paid, together with the legal Interest thereof, from the Time of their being levied until the Time of their Repayment, except in so far as the said Interest or any Part or Portion thereof may and shall be recovered from the Tenants of the Lands assessed as herein-after mentioned.

LIV. And be it enacted and declared, That the Persons paying such Assessment, or granting their legal Obligation for Payment thereof, shall be and they are hereby expressly authorized and entitled to charge on the Tenants of all such Lands whose Leases shall have commenced before the making of such Assessment One Half of the legal Interest of the Sums assessed and paid, (in the Proportion of the real Rent or of the annual Value estimated in Manner above mentioned, of the Lands contained in such Leases respectively) during the Time that such Assessment shall not be repaid, or of such Part thereof as shall not be repaid out of the said Rates and Duties, and all Persons being Proprietors of entailed Lands so assessed shall be entitled to borrow, and charge the Sums assessed on the Credit and Security of the said Lands, and the Sums so borrowed shall become and continue a Charge or Burthen on the said Lands until repaid in Manner before-mentioned.

Part of Interest on Sums levied to be charged on Tenants.

Entailed Estates to be charged.

LV. And be it enacted, That in case any Person or Persons whose Interests are or may be affected by the Determination of any General Meeting of Trustees in regard to the said Assessment, or in regard to the said Schedule as approved, amended, or altered by such General Meeting, shall in any Respect or on any Account be dissatisfied with such Determination, it shall and may be lawful to and for such Person or Persons at any Time within Three Calendar Months, from and after the Day of such General Meeting (but not afterwards), to apply by Petition to the Sheriff Depute of the County of *Perth*, setting forth the Matter of Dissatisfaction or Complaint, and praying Redress; and the said Sheriff Depute, after causing a Copy of such Petition to be served in ordinary Form on the Clerk of the Meeting on whose Application the Assessment was made, who shall forthwith notify the same to all the Persons entitled to vote at such Meeting, and after having received and considered, or allowed sufficient Time for receiving Answers on the Part of such Clerk or Meeting, or any of the Members of the same shall require the Party petitioning, and the said Clerk, or the said Meeting, or Members thereof, who may have given in Answer to the said Trustees, and the other Persons then before him, mutually to appoint one or more Arbitrator or Arbitrators for determining the Matter complained of, or in Dispute who shall determine the same accordingly; and in case the said Arbitrators, if there shall be more than one, cannot agree, they are hereby authorized and required, and failing their

Appeal from Assessment and Proceedings in Relation thereto.

so doing, the said Sheriff Depute is hereby authorized and required to appoint an Oversman or Umpire to determine between the said Arbitrators, and failing the Determination of such Umpire, the said Sheriff Depute shall determine therein; and in case the said Parties shall neglect or refuse to appoint such Arbitrator or Arbitrators, or in case the Arbitrator or Arbitrators so to be appointed as aforesaid shall refuse or neglect to accept such Appointment, or to give their final Award within such Time as to the said Sheriff Depute shall appear reasonable, the said Sheriff Depute is hereby required on the Application of the Petitioner, or of the other Party or Parties interested in levying the Assessment, to appoint one or more skilful and impartial Person or Persons to enquire into and report upon Oath (which Oath the said Sheriff Depute is hereby authorized and required to administer) the Truth of the Facts set forth in the Petition, together with their Opinion or Opinions thereupon; and the said Sheriff Depute, after having caused Copies of such Reports to be served on the several Parties, and after receiving such Observations and Arguments as they shall within a reasonable Time to be fixed by the said Sheriff Depute make thereupon, shall give Judgment upon the whole Circumstances of the Case, and shall alter and amend the Schedule complained of in such Manner as the said Arbitrators or Oversman if they shall have acted, shall have awarded, or as the said Sheriff Depute shall decree; and the Determination of the General Meeting of Trustees making the Assessment, unless appealed to from the Sheriff Depute within the Period of Three Calendar Months as before mentioned, and in the Case of such Appeal, the Award of the said Arbitrators or Oversman, if they shall have acted, shall be final and conclusive as to all the Parties concerned in said Schedule, and to all Intents and Purposes whatsoever, without being liable to Review by Advocation, Suspension, Reduction, or otherwise, in any Court whatsoever; but if the said Sheriff Depute failing any Award in the Matter aforesaid by such Arbitrators or Oversman shall have proceeded to act therein upon the Report of Persons appointed by him in Manner aforesaid, it shall be lawful to any Person or Persons who may consider himself, herself, or themselves aggrieved by the Judgment of the said Sheriff Depute to appeal from or bring the same under Review of any competent Court in due Course of Law: Provided always, that the Judgment of the said Sheriff Depute shall be so appealed from or brought under Review within One Calendar Month from the Date thereof, otherwise the same shall be final and conclusive as to all the Parties concerned, without being liable to Review by Advocation, Suspension, Reduction, or otherwise in any Court whatsoever; and the Assessment complained of in such Appeal shall be either confirmed, abated, augmented, or vacated, as determined by such final and conclusive Determination, Award, or Judgment; and in case of such Assessment being so abated, augmented, or vacated, a proportional and equivalent Abatement or Augmentation shall be made by the said Trustees in the other Sums assessed in the said Schedule.

Assessment
not to be re-
trospective.

LVI. Provided always, That nothing in this Act contained shall extend or be construed to extend to authorize such Assessment to be made for the Recovery or new Distribution of any Money raised before the passing of this Act on account or in respect of any Road or Roads or Bridges herein mentioned, which before the passing of this Act are or shall have been made, repaired, or built under the Authority of any former or other Act or Acts of Parliament.

LVII. And

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

Accounts to be kept by the Trustees.

LVIII. And be it enacted, That the Sums of Money arising and to be levied by virtue of this Act shall not be laid out or expended without the Order of the said Trustees, or of such Person or Persons as they or a Quorum of them as aforesaid shall authorize and appoint.

No Money to be paid without the Order of the Trustees.

LIX. And be it further enacted, That in case of any Misapplication of the Money collected, received, or levied by virtue of this Act, all and every Person or Persons who shall so misapply the same, or by whose Authority the same shall be so misapplied, shall forfeit and pay Double the Sums so misapplied, to be recovered from him or them at the Suit of any Three or more Heritors within the said County of *Perth*, possessed of Two hundred Pounds *Scots* of valued Rent, who are hereby authorized to sue for and recover the same in a summary Action before the Judge Ordinary with Expences of such Action, One Half of which Forfeiture shall belong to the Persons who shall sue for the same, and the other Half shall be paid to the said Trustees, to be applied by them as aforesaid for the Purposes of this Act; but if any such Prosecution shall after Trial be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Double Costs.

Penalty for Misapplication.

LX. And be it further enacted, That where any Part of the said Roads is not of a sufficient Breadth according to the lowest legal Rate and Standard of Twenty-five Feet, including the Ditches or Water Runs at the Side of the Roads, it shall and may be lawful for any Two of the said Trustees to widen and extend the Breadth of the said Roads to the legal Standard, without giving any Compensation to the adjoining Proprietors on that Account.

Roads may be widened to legal Standard.

LXI. And be it further enacted, That where the Advantage or Accommodation of the Publick shall render it necessary or expedient to straighten or to alter the Course or Situation of Parts or Portions of any of the said Roads where the present Course thereof shall be evidently inconvenient and improper, or to widen the same beyond the legal Standard, it shall be competent to the said Trustees assembled at an Annual General Meeting, or a General Meeting called for that Purpose by Advertisement in Manner hereinbefore mentioned, and they are hereby empowered to alter the Course or Direction of such Parts or Portions of the said Roads, or to extend the same to such Breadth as they shall think proper, not exceeding Forty Feet including Ditches as aforesaid, and for these Purposes to take the Ground requisite for such Alterations and Extensions, and if necessary to remove Fences and Houses and other Buildings or other Impediments, Six Months Notice being always given to the Owners or Occupiers of such Fences, Houses, or other Buildings or other Impediments before the same are removed, and Satisfaction being always made to such Owners and Occupiers, for the Fences, Houses, and other Buildings and Impediments that shall be removed, and for the Ground

Power to alter and widen beyond the legal Standard.

Ground taken for such Alteration, and for so much Ground as shall be taken for widening the said Roads above Twenty-five Feet inclusive of the Drains on each Side thereof: Provided always, that in any such Alteration of the Course or Direction of any Parts or Portions of any of the said Roads, for the Purpose of straightening or rendering the same more level and convenient for Passengers, it shall not be in the Power of the said Trustees to deviate more than Three hundred Yards from the existing Line of the Road, without the Consent in Writing of the Owners of the Grounds through which such Alteration of the Line shall pass; and that in any such Alteration of the Course or Direction of any of the said Roads, or in digging or taking Materials in Manner hereinafter mentioned, no Dwelling House of a Landholder shall be prejudiced, the Side Walls of which, except those in the Villages of *Kinnoul* and *Bridgend of Perth*, exceed Twelve Feet in Height; nor any Garden, Orchard, Planted Walk, or any Avenue, Lawn, or Pleasure Ground adjoining to any such House, without the special Leave in Writing of the Proprietor of the same.

Order of
Proceeding
therein.

LXII. Provided always, and be it enacted, That no Alteration in the Line, Direction, or existing Breadth of any of the said Roads shall be made, except on the Application in Writing of some Person having Interest therein, to some Meeting of Trustees for the Purpose of superintending the Road proposed to be altered or widened, and such Meeting shall appoint a Committee of at least Three Trustees, Two of whom shall be Justices of the Peace for the said County, to inspect such Road, and to report their Opinion of what is proposed to be done to the next or any subsequent Meeting of Trustees for superintending such Road, and shall also order Intimation of the Meeting of such Committee, and of the Purpose of such Meeting, to be given One Calendar Month previous to its Meeting, to inspect the Roads so proposed to be straightened, widened, changed, or altered, to the Owners of the Grounds through which the Roads proposed to be altered lead, and through which, when changed or altered, they are proposed to be carried, either personally or at their Dwelling Places, if they reside within the County, or if they do not, to their Agent or Factor, and to the Occupiers of the Grounds, by public Advertisements to be affixed on the principal Door of the Church or Churches of the Parish or Parishes in which the Grounds lie, for at least Two consecutive *Sundays* previous to the Meeting of such Committee; and upon such Report being made to such subsequent Meeting, they shall hear all Parties having Interest therein, and they are hereby empowered, if they shall see just Cause, to ordain such Roads to be straightened, widened, changed, or altered, unless any Person or Persons having Interest shall object thereto, in which Case the whole Matter shall be laid before the next stated annual General Meeting of Trustees, who shall determine therein, subject to an Appeal to the Justices of the Peace for the said County of *Perth*, at their then next Quarter Sessions assembled in Manner hereinafter mentioned.

Heirs of
Entail, &c.
may give up
Claims for
Damage, &c.

LXIII. Provided always, and be it further enacted, That it shall be in the Power of all Owners and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwise, competent to them by this Act, for such Grounds as any of the said Roads, when straightened, widened, or altered as aforesaid, may occupy, or for the Materials required for making the said Roads, where the same does not

exceed

exceed the Value of One hundred Pounds Sterling, and such Renunciations shall be equally binding on the Heirs of such Owners and Occupiers.

LXIV. And be it enacted, That if in the taking Possession of the Ground necessary for straightening, widening, or altering the said Roads, or for other the Purposes of this Act, or if in removing any Fence, House, or other Building, or other Impediment under the Authority of this Act, the respective Owners or Occupiers of such Grounds, Fences, Lands, Houses, Buildings, or other Impediments shall alledge that the same ought not to be taken as being protected under any Clause herein contained, or shall not come to a voluntary Agreement with the said Trustees for the Value thereof, or for the Damage sustained by and the Recompence to be made to such Owners or Occupiers; or in case the Claim of Damages or otherwise which may be thence incurred, has not been renounced in Manner aforesaid, it shall be lawful for either Party to apply to the Sheriff Depute of the County of *Perth*, or one of his Substitutes, who upon such Application is and are hereby authorised and required to summon a competent Number of discreet, substantial, and disinterested Persons, being either Owners or Occupiers of Lands within the County, to come and appear before them at such Time and Place as by their Warrant and Precept shall be directed, Intimation of Fifteen Days being given by the Trustees of such Appointment to the Parties or their known Agents; and the Number of Persons who shall attend shall then be reduced to Fifteen, by the Trustees and the Proprietors striking off one alternately, beginning on the Part of the Proprietors, or in case both Parties shall not appear by the Sheriff Depute or his Substitute, until it be so reduced, and the remaining Fifteen being duly sworn, the Sheriff Depute or his Substitute shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence, such Jury shall determine as to the Relevancy of the Facts alledged against taking such Ground, and if such Facts shall be found irrelevant, shall determine the Price to be paid by the said Trustees, and the said Sheriff Depute or his Substitute shall thereupon order Payment to be made of the Sums awarded by the Jury; and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds; and the Proceedings of the said Sheriff Depute or his Substitutes, and the Verdict of the said Jury shall be final and conclusive on all Parties, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

On Difference with the Owners, &c. Value to be ascertained, &c.

LXV. Provided always, and be it enacted, That if such Jury shall by their Verdict adjudge the said Premises to be of greater Value than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury, and all Expences connected therewith, shall be defrayed and borne by the said Trustees, and such Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers the Sum required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and in case the said Jury shall

Expences of ascertaining Value by whom to be paid.

[*Loc. & Per.*]

V. 50 X

award

award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers; and in all Cases where any Person or Persons shall by reason of unavoidable Absence be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: And provided also, that after having offered and paid to the Owner or Owners, Occupier or Occupiers of any Lands, Houses, or other Premises, or to their Agents or Factors, such Sum as the said Trustees shall think reasonable, or which shall have been awarded in Manner aforesaid; or in case of his, her, or their Refusal to accept such Sum, the same shall be offered to them under Form of Instrument, and afterwards lodged in the Bank of *Scotland*, or Royal Bank of *Scotland*, in Manner by this Act directed, and from thenceforth it shall and may be lawful for the said Trustees to enter into, or upon such Lands, Houses, or other Premises for the Purposes of this Act; and no Stop shall in the mean Time be put to the Operations of the said Trustees on pretence of settling the said Damages, or that they have not been satisfied and paid.

Roads may
pass through
a Minister's
Glebe.

LXVI. And be it further enacted, That in altering the Course of any of the said Roads or widening the same, it shall be in the Power of the said Trustees to cause the same to be carried through any Minister's Glebe under the Limitations herein-before mentioned: Provided always, that such Quantity of Ground taken also under the like Limitations, shall be added to the Glebe lying most contiguous and convenient thereto, as shall be by the said Trustees deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees shall have Power to purchase from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be under Entail or otherwise; and in case of Difference with regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, similar Proceedings shall be had in Regard to the same, under similar Regulations, as are herein-before directed, with Regard to the ascertaining the Value of Grounds, Houses, and other Premises taken for the Purposes of this Act, for ascertaining the Addition to be made to such Glebe, and the Price to be paid for the Ground taken for that Purpose, the Expence of such Jury to be defrayed in Manner before-mentioned; whereupon and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Consignation thereof in the Bank of *Scotland*, or Royal Bank of *Scotland*, the said Trustees shall from thenceforth have a Right to cause the said Addition to be made to the Glebe, and in the mean Time to take and use such Part of the Glebe as shall be necessary for the Purpose of altering or widening such Road.

Surveyors im-
powered to
take Materials
and provide
Places of
Deposit.

LXVII. And be it further enacted, That the Surveyor or Surveyors to be appointed in Manner aforesaid, after having first obtained Warrant for so doing under the Hand of One or more Justice or Justices of the Peace of the County of *Perth*, which Warrant such Justice or Justices is and are hereby authorized and empowered to grant, and which shall contain a Certificate that the said Justice or Justices has or have in-
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spected

pected the Ground from which the Materials are to be taken, shall be, and he and they is and are hereby empowered to take out of any Lands, Rivers, Watercourses, or other Places that to him or them shall appear most convenient, Stone, Sand, Gravel, Furze, Heath, and other Materials for making and repairing the said Roads and Bridges, and to provide proper Places adjacent to the said Roads, for depositing Materials for repairing the same, and the Mud that may be raked off the same, Satisfaction being made to the Owners and Occupiers for any Land that may be so taken for Places of Deposit in the Manner above prescribed in the case of Land taken in the Alteration of Roads: Pro-

Trustees not to be deprived of the Right of resorting to Quarries, &c.

LXVIII. Provided always, That it shall not be lawful for any Justice of the Peace to grant Warrant to any Surveyor or Surveyors, to dig for or carry away any Materials for making or repairing the said Roads and Bridges, unless Fourteen Days previous Notice in Writing shall have been given to the Proprietor, or to his or her Factor, Agent, or Overseer, and to the Occupiers of the Lands from which such Materials are intended to be taken, by leaving the same at their respective Places of Residence, of which Notices the Return of any Constable shall be sufficient Evidence, and which Notice shall contain a Requisition for such Owner and Occupier, or some Person or Persons, on his, her, or their Behalf, to appear before any One or more Justice or Justices of the Peace for the County, to shew Cause why such Materials should not be taken as aforesaid; and in case such Owner or Occupier shall attend pursuant to such Notice, the said Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person to take such Materials at such Time or Times as to such Trustees or such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his Agent, had attended.

Notice to be given to Owners, &c.

LXIX. Provided always, That if the Cause assigned against digging or taking away such Materials, or making such Places of Deposit shall be that any such House as aforesaid, or any Garden, Orchard, Planted Walk, Avenue, Lawn, Pleasure Ground, would be thereby hurt or damaged, or if it shall be alledged by the Owner of Materials proposed to be taken, or by the Occupier of the Grounds where such Materials are situated, that the whole of the said Materials or any Part thereof, proposed to be taken, are or is necessary for the private Uses of such Owner or Occupier, it shall not be lawful to any Justice of the Peace to grant Warrant as above directed; but the Sheriff Depute of the said County, or One of his Substitutes, shall, on the Requisition of the Trustees or of the said Owner and Occupier, summon a Jury as directed in the Case of Lands taken for the Purposes of altering of Roads, the Expences of such Jury to be defrayed in Manner before-mentioned, which Jury shall proceed as therein directed, and shall determine as to the

In case of Damage to the House, &c.

Fact

Fact alledged by such Owners or Occupiers, as a Cause against digging or taking away such Materials, or making such Places of Deposit; and if the Causes assigned by such Owners or Occupiers shall by such Verdict be declared to be unfounded, the said Sheriff Depute or his Substitute shall grant Authority for digging and carrying away such Materials, and for making such Places of Deposit; but if the Causes assigned by such Owners or Occupiers shall by such Verdict be declared to be well founded, such Owners or Occupiers shall not be molested in the Enjoyment and Occupation of such Materials or proposed Places of Deposit; and the Proceedings of the said Sheriff Depute and his Substitutes, and Verdict of such Jury, shall be final and conclusive, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise: Provided always, that it shall be lawful to any One or more Justice or Justices of the Peace, to fix and determine the Amount of Recompence due to the Owners and Occupiers of any Lands from which Materials as aforesaid are taken for repairing the said Roads and Bridges, which Damage shall in all Cases be confined to the Surface Damage so ascertained, except in the Case of Stone Quarries, the Damage to which shall be ascertained by a Jury in Manner before mentioned.

If Jurymen
refuse to act.

LXX. And be it enacted, That if any Person summoned as a Juryman or a Witness under the Authority of the said Sheriff Depute, or his Substitute, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence, the said Sheriff Depute, or his Substitute, is hereby empowered to fine every such Person for every such Offence, in any Sum not exceeding Five Pounds Sterling.

How Lands
are to be
vested in the
Trustees.

LXXI. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland* or the Royal Bank of *Scotland*, in Manner herein directed, with regard to Consignations, as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of the said County, whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually, to all Intents and Purposes, as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

Incorporated
Persons, &c,
empowered
to convey.

LXXII. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads, or any of them, and erecting any Gate or Turnpike or Toll House, with a Stable and Garden adjoining thereto, or for storing Materials, or otherwise where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier

Occupier or Occupiers as can be agreed upon, by and between the said Trustees, and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded in the Manner herein-before directed.

LXXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid, for any Lands, Tenements, or Heritages, 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 Heritages, in the Redemption or 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 Heritages, or affecting other Lands, Tenements, or Heritages, 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 Heritages, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents, and Purposes, in the same Manner as the Lands, Tenements, and Heritages, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation where exceeding 200l.

LXXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, 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 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, be paid into either of the said Banks; and be placed to his or their Account as aforesaid, in order to

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

be applied in Manner hereinbefore 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 therefrom may be applied in any Manner hereinbefore directed, so far as the Case be applicable.

Application where the Money is less than 20l.

LXXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds Sterling, 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 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, &c.

LXXVI. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any 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, 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 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 any such Sum or Sums of Money into the Bank as aforesaid.

Purchase Money to be paid into the Bank; subject to the Order of the Court of Session.

Where any Question shall arise touching the Right to such Money.

LXXVII. 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

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.

LXXVIII. 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 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.

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

LXXIX. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground as herein-before allowed, for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent, or old Extent of the Lands from which such Grounds shall be so taken.

Ground taken not to diminish valued Rent or old Extent.

LXXX. And be it further enacted, That so soon as the said new Roads shall be completed and rendered conveniently passable for Carriages, the said Trustees shall be and they are hereby required to tender to the Proprietor or Proprietors of the adjacent Lands so much of the old or former Road or Roads as shall not be maintained by the said Trustees, at such reasonable Price or Prices as to them shall seem proper, which Tenders specifying such Price shall be made in Writing under the Hands of Two or more of the said Trustees, and if such Tender shall within Three Months from the Time of its being made be accepted by such Proprietor or Proprietors, they and the said Trustees shall be forthwith reciprocally bound, the latter to give up to the former such old Road or Roads, and the former to pay to the latter the Prices tendered and accepted of in Manner above mentioned; and in case the said Parties shall not agree as to the Price, it shall be competent to them, or to either or any of them, to apply to the Sheriff Depute of the County, or one of his Substitutes, to appoint one or more skilful and impartial Persons to report upon Oath, (which Oath the said Sheriff Depute or his Substitutes is and are hereby authorized and empowered to administer), the Value of such old Road or Roads to such adjacent Proprietors, at which Value, upon Payment thereof, the Property of such Road or Roads shall belong to such Proprietor or Proprietors, if he, she, or they be willing to take the Ground at that Price; and in case such Proprietor or Proprietors

Tenders of old Roads to be made to the adjacent Proprietors, &c.

Proprietors shall refuse to take such Road or Roads at such Valuation, it shall and may be lawful to the said Trustees, and they are hereby empowered to sell to the best Advantage, either publicly or privately the Grounds occupied by such old or former Road or Roads to such Person or Persons as may be willing to purchase the same, Affidavit being first made before any Justice of the Peace for the County of *Perth*, by the Clerk to the Trustees of such Tender or Offer of Preference, as is before mentioned, having been made to and refused by the Proprietor or Proprietors of the Grounds through which the said old Roads did pass; and the Price shall be applied to the Purposes of this Act, and to no other Purpose whatsoever, saving the reasonable Expence of the Proceedings above mentioned; and the Sale and Conveyance of such Lands or Grounds comprized in the said old Roads, being executed by the said Trustees, or any Three of them, shall be good and effectual in Law; to all Intents and Purposes whatsoever.

For erecting
Parapet
Walls.

LXXXI. And be it further enacted, That the said Trustees shall, before they open any new Line of Road for the Accommodation of the Public, erect or cause to be erected good and sufficient Parapet Walls on the Sides of all the Bridges, and upon the Sides of the Roads where the same shall be dangerous for Persons passing along the said Roads, and they shall from Time to Time repair and keep in Repair the said Walls or Parapets.

Trustees may
make Foot-
paths.

LXXXII. And be it further enacted, That the said Trustees may cause Footpaths of such Breadth as they shall think fit, not exceeding Five Feet, to be made along the Sides of the said Roads, in such Places as can conveniently admit of the same, and cause the same to be kept free and clear of all Obstructions, Nuisances, or Impediments whatsoever; and if any Person shall ride or drive any Carriage or Cattle upon any Foot Paths made or to be made, or shall in any Way wantonly or maliciously injure the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, together with the Expence of repairing the Damage done, to be levied in Manner herein-after directed.

And Passages
for Water,
and Ditches
and Drains.

LXXXIII. And be it further enacted, That the said Trustees may, where they shall judge it necessary, order Passages for the Water from the Ditches on the Sides of the Roads to be made through the Grounds of any adjacent Proprietor, and also may order sufficient Drains or Ditches to be made within the Fences parallel to the said Roads, and the Owners and Occupiers of the Grounds shall be obliged thereafter to keep the said Passages, Ditches, and Drains always clear and open; and where any Ditch or Drain runs along the Sides of any Part of the said Roads, or leads from the Sides of the said Roads, the Owners and Occupiers of the adjacent Grounds shall be and they are hereby required to keep the same clear and open, so as to allow a free Passage to the Water, as well by the Road Side as into and across the adjacent Grounds; and if they shall fail therein after Fourteen Days Notice previously given to such Owners or Occupiers, such Owners and Occupiers shall forfeit and pay a Penalty of Ten Shillings for each Offence, or One Penny for each Foot in Measure of such Ditches and Drains so neglected to be cleared and opened, if the Penalty so estimated shall amount to a larger Sum than Ten Shillings; and the said Trustees shall be and they are hereby empowered to order the said Passages, Ditches, and Drains to be cleared from Time to
Time,

Time, and to recover the Expence thereof (to be ascertained by the Account of the Overseer or other Person employed to do the same, certified by Two or more Justices of the Peace for the County of *Perth*) from the Owners or Occupiers of such adjacent Grounds, in Manner herein mentioned; and if any Occupier of Land through which such Passages, Ditches, and Drains are or shall be made, shall wilfully obstruct or fill up any of them, so as to be injurious to the Roads, the Person or Persons so offending shall forfeit and pay Treble 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 be made to appear to the Trustees, that such Occupier was not in Fault; and where any Passage for Cattle or Carriages shall be made communicating with any of the said Roads across the Passages, Ditches, and Drains along the Sides of such Roads, for the Convenience of the Occupier of the Ground through which it passes, such Occupier shall cover such Passages, Ditches, and Drains with a Bridge of Stones, or other proper Materials, which Bridge shall be constantly kept free and clear, that the Water may pass through below the same; and in case any Occupier of Ground adjacent to any of the said Roads, shall omit and fail so to do, it shall be competent for any Two of the said Trustees, One of them being a Justice of the Peace, by an Order subscribed by them, to ordain the same to be performed at the Expence of such Occupier, and to recover the Expence thereof (to be ascertained by the Account of the Surveyor or other Person employed to do the same), from such Occupier in Manner herein-after mentioned; 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 a Meeting of the said Trustees, and every such Occupier shall be obliged to carry the Water across the said Roads in a covered or arched Passage or Drain, of such Depth and Construction as may prevent the Water from being of Prejudice to the same; and in making any such covered or arched Passage or Drain across any of the said Roads, a safe and easy Passage along One Half of such Road shall be left without any Obstruction, either by breaking the Road or laying down the Materials, and such covered Passage or Drain shall be made across and finished on the One Half of the said Road before the other Half shall be broken or opened, and the whole, or at least the open Part, shall if practicable be completed in One Day, or otherwise such open Part, and the Materials for executing the Work, shall be so well fenced off, that Passengers may suffer no Injury thereby; which Precaution and Manner of executing covered Drains as aforesaid, shall be strictly observed by all Persons whatsoever employed in directing or executing the same; and every Person neglecting to use such Precaution, and so to execute such Drains, shall for every Offence forfeit and pay a Sum not exceeding Forty Shillings over and above the Damage sustained and Expences incurred, to be levied and recovered in Manner herein-after directed, One Half thereof to be paid as a Reward to the Informer, and the other Half to be applied to the making and repairing the said Roads; and every Surveyor, Overseer, Contractor, or other Person employed by the said Trustees for making, amending, widening, or repairing any of the said Roads, shall be expressly prohibited from digging Pits within Twelve Feet of the Sides of the same, unless such Surveyor, Overseer, Contractor, or other Person employed as aforesaid shall erect a sufficient Fence between

the Side of the said Road and the Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

No Fences,
&c. above
a certain
Height.

LXXXIV. And be it enacted, That from and after passing of this Act the Height of all Fences on the Sides of the said Roads shall not be greater than Six Feet above the Level of the Centre of the Roads, unless they shall be at a greater Distance from the Centre of the said Roads than is herein-after prescribed in making Fences after the passing of this Act, in which Case such Fences may exceed the Height of Six Feet by Half as much in Height as they are further in Distance from the Centre of the said Roads.

For removing
Fences, &c. of
an improper
Height, &c.

LXXXV. And be it enacted, That if after the passing of this Act any Fence be made, or any House or other Building be erected, or if any Tree or Trees, Hedge or Hedges, be planted nearer to the Centre of the Road than Twenty-five Feet, or so as to encroach on the Space herein-before allowed for making, or the Space occupied, or to be occupied, by Foot Paths on the Sides thereof, the Person or Persons making such Fences, erecting such Houses, or other Buildings, or planting such Trees or Hedges, shall respectively be liable in a Penalty not exceeding Forty Shillings Sterling, for each Offence over and above the Expence of demolishing such Fences, Houses, or Buildings, or removing such Trees or Hedges; and it shall be lawful for any Two or more of the said Trustees, being Justices of the Peace, by a Writing under their Hands, to stop the erecting of every such Fence, House, or other Building, and the Planting of such Trees or Hedges as shall be within the said Distance of the Centre of the said Roads; and if any Fence, House, or Building shall hereafter be erected of greater Height than that above prescribed, and the Erector thereof or Owner of the Ground shall fail to remove the same for the Space of Three Weeks after having been warned so to do by the said Trustees, or by any Person authorized by them, it shall and may be lawful for any Two Trustees, being Justices of the Peace, to order the Fences and Houses, or other Buildings, to be taken down and removed at the Expence of the Erector or Owner of the Ground: Provided always, that it shall be lawful for the Magistrates of Towns, and for a Meeting of the said Trustees, to permit and suffer the Erection of Fences, Houses, or other Buildings of greater Height, and the Planting of Trees or Hedges nearer to the Centre of the Road than as above prescribed, in case the Persons so erecting or planting, or desirous to erect or plant the same shall enter into a sufficient and valid Obligation to the Satisfaction of the said Trustees, binding themselves, their Heirs and Successors, to pay annually a Sum equal to the extra Expence of maintaining the Road opposite to such Fences, Houses, or other Buildings, or opposite to such Trees or Hedges, in complete Repair, either calculated on that particular Piece of Road or on the annual Expence of maintaining the whole Length of that Line of Road, at the Option of the said Trustees: Provided always, that where the said Trustees shall require any Fence, House, or other Building already made or erected, to be removed to such Distance from the Centre of any of the said Roads, or to be built or erected in such Manner that the Owner or Occupier of such Land shall be deprived of the Use of more of the Land than Twelve Feet and a Half from the Centre of the
said

said Roads; or if the said Trustees shall require Trees or Hedges already planted to be removed from the said Roads so as to prevent more than Twelve Feet and a Half of the said Roads distant from the Centre from being overhung by such Trees, or by the Branches thereof, the said Trustees shall be obliged to satisfy the Owners and Occupiers of the Land on which such Fences, Houses, or other Buildings or Trees or Hedges are made, erected, or planted, for so much of the Ground as shall exceed Twelve Feet and a Half from the Centre of the said Road, or if the said Owners and Occupiers are or shall be dissatisfied with the Offer made by the said Trustees, the Value of the Ground, and Recompence due, shall be fixed and determined in Manner above directed in the Case of Ground taken for the Alteration of any of the said Roads.

LXXXVI. And be it further enacted, That when the Ground on the Sides of any of the said Roads is enclosed or planted, the Owner or Occupier thereof shall be obliged to cut and dress up all Hedges to a Height not exceeding that before prescribed above the Level of the Centre of such Road, and to lop off all Branches of Trees or Parts of Hedges which shall hang over the Road, so as to give sufficient Air and Breadth to the same, and on failing so to do within One Calendar Month after being thereto required by the Surveyor, or other Person duly authorized by the said Trustees so to do, any Two or more of the said Trustees, being Justices of the Peace, may appoint Persons so to cut or lop such Hedges or Branches of Trees at the Expence of the Owner and Occupier of the Lands; and such Owner and Occupier shall be obliged forthwith to carry what Brushwood or Branches of Trees are so cut or lopped off the Road, and out of any Ditches or Drains adjoining thereto, under a Penalty not exceeding Twenty Shillings Sterling for each Offence; to be recovered, levied, and applied in Manner herein-after directed, besides the Expence of removing such Brushwood or Branches: Provided always, that no Person shall be compelled, nor any Person under the Direction of the said Trustees permitted, to cut or prune any Hedge at any other Time than between the last Day of *November*, and the last Day of *February*, and that no Person shall be obliged, nor any Person under the Direction of the said Trustees permitted, to fell any Trees growing in Hedges at any Time whatsoever, except where the Road shall be ordered to be enlarged as is herein-before directed; or to cut down, grub up, or lop Branches off any Oak Trees, except in the Months of *April*, *May*, *June*, or *July*, or off any Ash, Elm, or other Trees in any other Months than *December*, *January*, or *February*, and where Fences of any Kind shall have been previously made of a greater Height than that before prescribed, the Owners and Occupiers of the Lands upon which such Fences have been made, shall lower or cause to be lowered such Fences to the said Height, or shall pay a Sum equal to the Annual extra Expence of keeping up the said Roads, incurred by Occasion of the Height of such Fences, and on their failing so to do, within Three Weeks after being thereto required by the Surveyor, or other Person duly authorized by an Order of any Two or more of the said Trustees, any Two or more of the said Trustees being Justices of the Peace, may appoint Persons so to lower such Fences: Provided always, that where such Fences shall have been made previous to the passing of this Act, the same shall be lowered at the Expence of the said Trustees, and the Owners and Occupiers of the Lands on which such Fences

Hedges and
Trees to be
pruned and
lopped.

Fences to be
lowered.

stand, shall receive from the said Trustees such Sum as shall be awarded in the Name of Damages for so lowering such Fences by the Sheriff Depute of the County of *Perth*, or One of his Substitutes, after having ascertained the same in Manner before-mentioned, with respect to the Value of Ground or Fences taken or removed for straitening and widening the said Roads; but where such Fences shall hereafter be erected of a greater Height than is hereby allowed, the Expence of lowering the same, and of removing the Materials taken down shall be paid by the Owner or Owners of such Fences.

Roads to be measured.

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

Penalties for destroying or injuring Mile Stones, &c.

LXXXVIII. And be it further enacted, That if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any such Stones or Posts, or alter, obliterate, or deface any Letters or Figures that shall be made, inscribed, or put thereon, or shall destroy, injure, or damage the Parapets, or any other Parts of the Bridges on the said Roads, or any of the Gates or Turnpikes, or any of the Toll Houses erected or to be erected, or any of the Weighing Engines, or other of the Works belonging to the said Trustees, or any Gate, Railing, or Fence, upon the Side of any of the said Roads, or upon the Side of any of the Fords or Ferries hereby authorized to be stopped or shut up, or shall open or use any Ford or Fords, Ferry or Ferries stopped or shut up under the Authority of this Act, or shall be aiding or assisting therein, or shall rescue any Person in Custody for any of the said Offences, and shall be thereof convicted by the Oath or Oaths of one or more credible Witness or Witnesses before any one or more Justice or Justices of the Peace for the County in which the Offence is committed, or where the Offender resides, such Person or Persons so offending, and being thereof convicted, shall pay the Whole of the Expence of repairing the Damages sustained, and shall respectively forfeit and pay a Sum not exceeding Ten Pounds Sterling for every such Offence, and such Forfeitures shall be applied One Half thereof to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act; and it shall be lawful for any Person *brevi manu* to seize and carry such Offender or Offenders in any of the above Particulars before any Justice of the Peace for the Purpose of Examination.

Headridges to be made and Gates on Sides of Roads to open Inwards.

LXXXIX. And be it enacted, That from and after the passing of this Act, every Person in ploughing any unenclosed Land, contiguous to any of the said Roads, shall make Headridges along the Sides of the Roads, of the Breadth of Eighteen Feet at least, and every Person neglecting or failing so to do, shall for every such Neglect or Failure, forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Sides of the said Roads of the Land so ploughed without Headridges having been made, to be levied and recovered and applied in Manner herein-after directed; and all Gates upon Enclosures next to any of the said Roads, shall open inwards to the Field, or be removed from the Side of the Road to a
Distance

Distance equal at least to the Length of the Gate, under a Penalty not exceeding Forty Shillings Sterling for each Offence, on the Occupier or Occupiers of such Inclosures, besides being obliged to alter such Gates; and if such Occupier or Occupiers shall fail so to do within Fourteen Days after being thereto required by the Overseer or other Person duly authorized by the said Trustees, it shall be competent for any Two of the said Trustees by any Order subscribed by them, to ordain the same to be done at the Expence of such Occupier or Occupiers, and to recover the Expence thereof, to be ascertained by the Account of the Overseer or other Person employed to do the same.

XC. 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, Iron, Plough, Harrow or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall allow any Timber, Iron, or other solid Matter, (excepting Machinery framed or put together or any Article of Metal cast in one Piece), to project or extend more than One Foot over the Wheels of the Waggon, Cart or other Carriage, whereon the same shall be drawn and transported, so as to occupy above Two Feet more of the said Roads in Breadth than is occupied by such Waggon, Cart, or other Carriage including the Wheels, or shall allow the Timber, Iron, or other Matter to drag or trail upon any Part of the said Roads, or shall draw or transport on any Part of the said Roads, upon any Cart or Carriage with less than Four Wheels, any Timber or other Matter exceeding Twenty-four Feet in Length; or shall leave any Horse, or other Beast yoked or unyoked, or any Waggon, Cart, or other Carriage, or the Loading thereof, upon any of the said Roads or Ditches, or Drains on the Sides thereof, longer than may be necessary for loading or unloading the same, except in case of Accidents, or shall pasture, or leave or allow to be pastured or left on the aforesaid Roads, or the Ditches or Drains on the Sides thereof, any Horse, Sheep, Cow or other Bestial, or shall lay down or leave upon any of the said Roads, or Bridges, or Ditches or Drains on the Sides thereof, or within Nine Feet thereof, (unless the same be sufficiently fenced off from the said Roads, Bridges, Ditches or Drains), any Timber, Stone, Lime, Hay, Straw, Manure, Dung, Soil, Rubbish, or other Matters; or shall hammer, hew, or saw any Piece of Stone or Timber, or flake, mix or wet any Lime, or mix any Mortar upon or in any Part of the said Roads, Bridges, Ditches, or Drains, to the Prejudice of the same, or the Annoyance of Passengers, or shall make any Saw-pit or other Pits, Holes or Hovels, or shall do any Thing, whereby the said Roads, Bridges, Ditches, or Drains, may be damaged or unnecessarily encumbered; or shall lay or leave any dead Horse (except in cases of Accident, to be made out to the Satisfaction of the Sheriff or Justices before whom the Complaint shall be brought), or other Carrion, upon or in any of the said Roads, Bridges, Ditches, or Drains, or within Twenty Yards of the Sides thereof; every Person offending in any case aforesaid, shall for each Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, besides removing the Matter of Annoyance, and repairing the Damage done to the Roads, Bridges, Ditches, or Drains, without Delay, at his or her own Expences, and in case of Failure

Articles to be drawn on a Wheel Carriage.

For preventing Annoyances.

[Loc. & Per.]

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lure or Neglect so to do, forfeiting the Matter, causing the Nuisance or Annoyance, and paying the Expence of removing what is not of sufficient Value to defray the Expence of Removal, and also paying the Charges of repairing the Damage done to the said Roads, Bridges, Ditches, and Drains; which Matters of Nuisance and Annoyance the said Trustees are hereby authorized and empowered to cause to be removed on such Failure or Neglect, and the forfeited Matters to be sold, and the said Forfeitures and Expences shall be levied, recovered, and applied in Manner herein-after directed.

No Fair,
Market, &c.
to be held on
Roads.

XCI. And be it enacted, That from and after the passing of this Act, no Fair, Market, Race, or publick Meeting shall be held on any of the said Roads or Bridges, so as to obstruct the Passage of Travellers along the same, for which Purpose a sufficient Space shall at all Times be left, and in all Cases where it shall be practicable, all Fairs, Markets, Races, and publick Meetings shall, under the Direction and Authority of the Sheriff Depute or One of his Substitutes, or of any Two Justices of the Peace for the said County, be removed to some other Place, where the same can conveniently be held without obstructing the said Roads and Bridges.

Names of
Owners to be
affixed on
Waggon,
&c.

XCII. And be it further enacted, That from and after the passing of this Act, no Person whatsoever shall use or drive any Waggon, Cart, or other Carriage of the like Nature on any of the said Roads, unless there shall be affixed or inscribed on some conspicuous Part on the Right or off Side of the same in distinct Characters or Letters of at least One Inch in Length, the Name or Names, and Place or Places of Residence of the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature, or of the House or Farm where the same is generally used and kept, and also the Numbers (beginning with Number One and so upwards), where more of such Carriages than One belong to the same Person; and every Person who shall drive any such Waggon, Cart, or other Carriage of the like Nature upon any of the said Roads, without such Name, Place of Residence, and Number being so affixed or inscribed thereon, shall for each Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling, to be levied, recovered, and applied as herein-after directed, reserving to every such Person his Relief against the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature, if the want of such Name, Place of Residence, or Number shall have arisen from the Fault or Neglect of such Owner or Owners, and not from the Fault or Neglect of the Driver; and every Time that the Property of such Waggon, Cart, or other Carriage of a similar Nature shall be altered, the succeeding Owner or Owners shall always, within Fourteen Days next after he, she, or they shall have become Owner or Owners thereof, and shall have used the same, cause the Name or Names and Residence of the former Owner or Owners and Number thereof to be taken off, and the Name or Names, and Place of Residence of such succeeding Owner or Owners and Number thereof, where more of such Carriages than One belong to the same Person, to be affixed and inscribed in Manner before directed, under a similar Penalty of Twenty Shillings, on the Person driving the same without such Name, Place of Residence, and Number affixed or inscribed, to be applied in a similar Manner; reserving to such Driver his Relief in a similar Manner against the Owner

or Owners of such Waggon, Cart, or other Carriage of the like Nature; and if any Person or Persons shall affix or inscribe a false Name, Place of Residence, or Number upon any such Waggon, Cart, or other Carriage of the like Nature driven by or belonging to him, her, or them, the Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

XCIII. And be it enacted, That no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, whether loaded or unloaded, shall drive or permit the same to travel or pass upon the said Roads or any Part thereof, abreast or alongside of any other Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Roads or any Part thereof; and no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, shall drive or permit the same to travel or pass upon the said Roads without Check Reins; and every Person and Persons so offending shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

No Driver to drive Carriages, &c. abreast.

XCIV. And be it enacted, That the Driver of every Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, and the Rider or Driver of every Horse, Ass, Mule, or other Beast of Burden upon the said Roads, or any Part thereof, shall be obliged, upon meeting or upon being overtaken by another Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, to make way, by holding or driving to his own Left Hand, or what is commonly called holding to the near Side, and that without Distinction, whether the Coach, Chaise, Waggon, Cart, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, so meeting or overtaking one another, are loaded or unloaded; and every such Carriage, Horse, or other Beast of Burden, overtaking any other Carriage, Horse, or other Beast of Burden, shall pass on the Right Hand thereof; and every Person offending in the Premises shall for each Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

To drive to the Left Hand or near Side.

XCV. And be it further enacted, That if any Person or Persons who has or have subscribed, or shall hereafter subscribe towards making and repairing the Roads or Bridges hereby intended to be made and repaired, shall neglect or refuse to pay his, her, or their Subscription Money at the Time and Place to be appointed by the said Trustees, it shall and may be lawful to and for the said Trustees, and they are hereby required to sue for and recover the same in any Court competent.

Subscriptions to be paid.

XCVI. And be it enacted, That no Interest shall be paid on the Money subscribed, nor shall the Principal Sums be demanded till the Produce of the Tolls and Pontages be, in the Opinion of the Trustees at a General Meeting assembled, sufficient to defray the Expence of the 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 and Pontages is sufficient for those Purposes, it shall and may be lawful for them to apply such Part

Postponing Payment of Subscriptions.

Part of the Produce of the Tolls and Pontages as they shall judge expedient in Payment of the Sums subscribed, with Interest thereof, from the respective Periods at which these may have been advanced.

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

XCVII. And be it 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 or Treasurer for the Time being; and no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or the 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.

Trustees may act as Justices.

XCVIII. And be it further enacted, That any Trustee appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the County of *Perth*, shall and may act as a Justice of the Peace within the same, for the more effectually putting in Execution the several Authorities and Powers in this present Act mentioned and contained, notwithstanding such Justice of the Peace is or shall be a Trustee as aforesaid, or a Creditor upon the Tolls.

Tollgatherers may give Evidence.

XCIX. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching, concerning, or in any ways relating to the said Tolls or Pontages, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by Reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Recovery of Tolls, Penalties, &c.

C. And be it further enacted, That all Tolls and Pontages, and all Penalties and Forfeitures by this Act imposed, the Recovery whereof is not herein otherwise provided for, may be recovered by summary Complaint at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of the Peace for the County of *Perth*, and the Fact or Facts being verified and proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, or by other legal Evidence, the said Justice or Justices is and are hereby authorized and required to grant Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender, and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the Overplus Money (if any there be) upon Demand to the Owners of such Goods or Effects, after such Tolls, Pontages, Penalties, and Forfeitures, the Expence of the Warrant, and the reasonable Charges of distraining, keeping, and selling such Goods or Effects, shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Tolls, Pontages, Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for the said County, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands, to
cause

cause such Defaulter or Defaulters, Offender or Offenders to be committed to the House of Correction or Common Gaol of the said County, there to remain for any Time not exceeding Six Calendar Months, unless the said Tolls, Pontages, Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

CI. Provided always, and be it enacted, That any Person or Persons who shall think himself, herself, or themselves aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Six Months after the Matter complained of shall be done, but not afterwards, lodge an Appeal to the Justices of the Peace at the Quarter Sessions of the County of *Perth*, the Appellant giving Fourteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and to the Clerk of the Justices of Peace, and lodging, with such Appeal, a Bond with sufficient Caution for implementing the Sentence to be finally pronounced by such Justices, and for paying such Expences as may be ultimately awarded; and such Justices shall have Authority to hear and determine the Matters in Dispute, and their Judgments therein shall be final and conclusive, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise, except in the Case of Alterations of the Course or Direction of any Part or Portion of the said Roads, in which Case it shall be lawful for any Person or Persons thinking himself, herself, or themselves aggrieved by any Judgment of the Justices of the Peace at their Quarter Sessions, to appeal within One Month from the Date of such Judgment, but not afterwards, to any Court of Law competent.

Persons aggrieved may appeal to the Quarter Sessions.

CII. Provided always, That all Actions for all and every the Penalties and Forfeitures imposed by this Act, or for any Thing done in the Execution thereof, shall be commenced within Six Calendar Months after the Fact was done or committed, and not afterwards.

Limitation of Actions.

CIII. And be it further enacted, That the said Trustees shall, within Twelve Months after the passing of this Act, direct a Table of the Tolls and Pontages payable by virtue of this Act to be printed in large and legible Characters, and affixed on some conspicuous Place of every Toll Bar on the said Roads, and on the said Bridges respectively; and the said Trustees shall in like Manner direct a List of all the Penalties enacted by this Act to be printed and affixed in the same Manner; and the said Trustees shall also print or cause to be printed the various Regulations which are by this Act enacted for the Regulation of those who may travel or drive Carriages or Carts, or who may ride along the said Roads, and circulate and publish the same for the Use of the said Travellers as aforesaid, in order that the said Regulations may be made as public as possible.

Table of Tolls and Duties to be made and published.

CIV. And be it further enacted, That the Expence of procuring and passing this Act shall be paid out of the first Monies subscribed, levied, or borrowed by virtue of this Act; and be apportioned on the Toll and Pontage Duties hereby granted, in such Manner as the Trustees at a General Meeting assembled shall direct and appoint.

Expences of this Act.

Public Act.

CV. 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.

CVI. And be it further enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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