



ANNO QUINQUAGESIMO SEPTIMO

GEORGI II. REGIS.

Cap. xliii.

An Act to continue and amend an Act made in the Forty-second Year of His present Majesty, for repairing the Road from *Causeway Head* near *Stirling*, through the County of *Clackmannan*, towards *Queen's Ferry*, and certain Roads branching out of the same. [16th June 1817.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for making and repairing the Road from Causeway Head near Stirling, through the County of Clackmannan by the Foot of the Ochil Hills, and by West Saline and Crossford towards Queen's Ferry, and certain Roads branching out of the same, and for converting the Statute Labour in the said County of Clackmannan*: And whereas the Trustees appointed by the said Act for making and repairing the said Roads, have proceeded in the Execution of the Powers thereby committed to them, for which Purpose they have borrowed considerable Sums of Money on their own personal Security, and on the Credit of the Tolls thereby granted, but the said Roads cannot be properly and effectually amended and kept in repair, nor the Money so borrowed repaid, unless the Term of the said Act be enlarged, the Tolls encreased, and further and other Powers granted: And whereas, in consequence of making the Branch of Road from the Village of *Dollar* in the County of *Clackmannan* to the River *Devon*, it will be expedient that the old circuitous Roads leading from the *Nethermains* of *Dollar* to the Village of *Dollar*, and to the *Rackmill* should be shut up, and that a Road should be made from *Nethermains* in an easterly Direc-

[Local.]

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Act further
continued.

tion to join the said Branch of Road : May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained, in so far as the same extend to the making and repairing of the said Turnpike Roads, and levying Tolls thereupon, (except such Parts thereof as are hereby varied, altered, or repealed,) shall be, and remain in full Force and Effect, and together with this present Act shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term hereinafter mentioned, as fully and effectually in all Respects, and to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this present Act, which said Term hereby granted shall be, and is hereby declared to be, subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Act, or which shall or may hereafter be borrowed or become due on the Credit of the said recited Act and of this Act and all Interest due, and to become due for the same respectively.

Trustees.

II. And be it further enacted, That every Person who in his own Right or in the Right of his Wife is possessed of the *Dominium utile*, or Property of Lands lying in the Western District of the County of *Fife*, of the annual real Rent of Three hundred pounds Sterling or upwards, and the Heirs apparent of such Persons (being qualified according to the Directions of the said recited act) shall be and are hereby added to and joined with the surviving and remaining Trustees appointed by or in pursuance of the said recited Act, for putting the said recited Act and this Act into Execution, and shall have the like Powers for that Purpose as if they had been named and appointed Trustees in or by virtue of the said recited Act: Provided always, that nothing in the said recited Act, or in this Act contained, shall require the Trustees appointed by this Act to subscribe any Sum of Money towards the Expence of making, repairing, and keeping in Repair the said Roads.

Same Person
not to act as
Clerk and
Treasurer.

III. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act and this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Act and this Act, and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Act and this Act, or if any Person, being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said Act and this Act, every Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts in *Scotland* by summary Complaint.

IV. And

IV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book to be kept by the Clerk to the said Trustees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of the said Act and this Act, and of the several Articles, Matters, and Things, for which such Sums of Money shall have been disbursed, laid out, and paid; which Book shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby or by the said recited Act granted, without any Fee or Reward; and the said Trustees and Creditors shall and may take any Copies or Extracts from such Book, without paying any Thing for the same; and in case such Clerk shall refuse to permit such Trustees or Creditors, or any of them, to inspect the same, or take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Book of Accounts to be kept.

V. And be it further enacted, That the several Tolls granted and made payable in and by the said recited Act shall, from and after the passing of this Act, cease and be discontinued, and in lieu and Stead thereof, the several Tolls hereinafter mentioned, shall, during the Continuance of this Act, be collected and taken by such Person or Persons, as the said Trustees shall from Time to Time appoint to receive the same, at the several respective Toll Gates and Turnpikes already set up and erected, or which may hereafter be set up and erected upon the said Roads, or across any Lanes or Ways leading into the same, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

Tolls repealed, and others granted.

For every Coach, Berlin, Chariot, Landau, Chaise, Calash, Hearse, or any other Four Wheel Carriage, drawn by Six or more Horses, or Mules, Six Shillings; and drawn by Four Horses, or Mules, Four Shillings; and drawn by Three Horses, or Mules, Three Shillings; and drawn by Two Horses, or Mules, Two Shillings; and drawn by One Horse, or Mule, One Shilling:

For every Chaise, Curricule, Chair, or other such like Two Wheel Carriage, drawn by Two Horses, or Mules, Two Shillings; and drawn by One Horse, or Mule, One Shilling:

For every Taxed Cart, drawn by One Horse, or Mule, Nine-pence:

For every Waggon, Wain, Cart, or other such like Carriage, where such Carriage and the Loading thereof taken together shall not exceed Fifteen hundred Weight, Sixpence; and where such Carriage and Loading shall exceed Fifteen hundred Weight, and shall not exceed Two thousand Weight, Eight-pence; and where such Carriage and Loading shall exceed Two thousand Weight, and shall not exceed Two thousand four hundred Weight, Ten-pence; and where such Carriage and Loading shall exceed Two thousand four hundred Weight, and shall not exceed Two thousand seven hundred Weight, One Shilling; and where such Carriage and Loading shall exceed Two thousand seven hundred Weight, and shall not exceed Three thousand Weight, One Shilling and Three-pence; and for every Hundred Weight which such Carriage and Loading shall weigh above Three thousand Weight, and not exceeding Three thousand five hundred Weight, Two-pence; and for every Hundred Weight which such Carriage and Loading shall weigh above Three thousand

five

five hundred Weight, Three-pence ; and where such Carriage shall be drawn by more than One Horse, then an additional Sum of Three-pence Sterling for each Horse above One :

For every Horse or Mule, laden or unladen, and not drawing, Three-pence :

For every Score of Oxen or Neat Cattle, Three Shillings and Four-pence ; and so on in Proportion for any greater or less Number :

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

VI. Provided always, That every Waggon, Wain, Cart, or such like Carriage as aforesaid, having the Fellies of the Wheels thereof of the Breadth of not less than Five Inches, shall only be chargeable with Two-third Parts of the Tolls before mentioned ; provided also, that such Wheels shall be so constructed as to roll on a flat Surface, in such Manner as that both Sides of the Wheels shall bear equally on such flat Surface ; provided also, that every Person claiming the Privilege hereby granted to Broad-wheel Carriages, shall permit the same to be examined and measured by any Person concerned in the Collection of the said Tolls.

Exempting
Carts with
Coals.

VII. Provided also, and it is hereby enacted and declared, That any Cart loaded with Coal, or going empty for receiving a Loading, or returning empty after having delivered a Loading of Coal, shall not pay more than at One Toll Bar, unless it shall have travelled either when loaded with Coal, or when going empty for receiving a Loading of Coal, more than Five Miles upon the said Turnpike Road.

Exemption in
Favour of
Carts with
Coals and
Lime going
to Glendovan
repealed.

VIII. And be it enacted, That so much of the said recited Act as directs that at any Turnpike Gate or Gates erected upon or across the said Road leading from the Village of *Dollar*, to the Junction with the present Turnpike Road from *Alloa* to *Kinross*, by the Crock of *Devon*, no more than One-half of the Tolls or Duties permitted to be taken by the said recited Act, should be demandable from any Carts coming from *Glendovan*, or any Part of the Country to the North thereof for Coal or Lime, or returning with Coal or Lime to *Glendovan*, or any Part of the Country to the North thereof, shall be and the same is hereby repealed.

Repealing
Part of the
Act for mak-
ing a certain
Piece of the
Road.

IX. And be it further enacted, That so much of the said recited Act as authorizes the making and repairing the Road by *West Saline* and *Crossford*, towards *Queen's Ferry*, in so far as the same is applicable to the said Line of Road after it joins the *Dunfermline* and *Torryburn* Road at *Crossford*, shall be and the same is hereby repealed.

Exemptions
granted by
recited Act
repealed ;
and others
given.

X. And be it enacted, That the Exemptions granted by the said recited Act shall be and the same are hereby repealed, and that no Toll shall be demanded or taken for and in respect of Carriages, Horses, or Cattle, employed in carrying Materials for making and repairing Roads, Bridges, and Toll Houses in the said Counties, or Cattle, Horses, or Carriages, laden or unladen, passing from one Part of a Farm to another, or laden with Implements of Husbandry, or Carriages returning empty after carrying the same, or carrying any Person to or from Church, Chapel,

or other accustomed Place of religious Worship, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated, whether such Place of Worship be situated within the Parish where such Person resides or not, or attending the Funeral of any Person who shall die and be buried within the Parish, or carrying any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty, or for Horses or Cattle going to or returning from their usual Places of Pasture, or watering or going to Smithies for the Purpose of being shod or returning therefrom; or for Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails or Expresses under the Authority of His Majesty's Post-Master-General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls by virtue of an Act made in the Fifty-third Year of the Reign of His present Majesty, intituled, "*An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland, and for granting a Rate of Postage as an Indemnity for the Loss which may arise to the Revenue of the Post-Office from the Payment of such Tolls;*" nor for the Horses of Officers or Soldiers who are upon their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in conveying any sick, wounded, or disabled Officers or Soldiers; 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 any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Person be dressed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively; nor for any Carts or Carriages, or Waggon travelling with Vagrants sent with legal Passes; and no Person shall be liable to pay Toll at any Toll Gate erected or to be erected across or on the Side of any of the Roads before mentioned, or be subject to any Penalty for Evasion or Non-payment of any Toll for any Carriage, Horse, or Beast which shall only cross such Road, and shall not pass above One Hundred Yards thereon; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

XI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriages provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall, while so employed, be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other such Carriage, or the Horse or Horses drawing the same, be stopped or detained by reason of

[Local.]

any Weights 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 the 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.

Settling Disputes concerning Tolls.

XII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector, or Person distrained, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the County or Stewartry where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof, forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Toll Collectors to put up their Names, &c.

XIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected by virtue of the said Act or this Act, shall, and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said Act and this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket, denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or to any Person or Persons travelling upon the said Roads, or shall, without sufficient Cause,

Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said Act directed to be recovered and applied.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to cause to be made and kept in Repair a Junction Road from *Nethermains* aforesaid in any easterly Direction until it join the said Branch of Road leading from the Village of *Dollar* to the River *Devon*, and upon the same being made and completed to suppress and shut up the before mentioned old Roads leading from the *Nethermains* of *Dollar* to the Village of *Dollar* and *Rackmill*, or to sell or otherways dispose of the Scites of such old Roads in the same Manner and under the like Restrictions and Conditions as they are authorized and empowered to sell and dispose of the Scites of old Roads by the said recited Act: Provided always, that reasonable Satisfaction shall be made to the Owners or Occupiers of the Lands through which the said Junction Road is to be carried, for the Value of the Ground to be occupied for that Purpose, and for all Damages to be done thereby; and if the said Owners or Occupiers shall not be satisfied with the Allowance offered by the said Trustees, the Amount thereof shall be fixed and ascertained in the Manner provided and directed by the said recited Act.

XV. And whereas a Map or Plan describing the Line of the said New Road, and the Lands through which the same is to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Clackmannan*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and after the Rate of Nine-pence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference, and that the said Trustees in making the said New Road shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said New Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is, or are, or may be Owner or Owners of Lands over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously stated or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County wherein such Lands are situated, and be certified by Writing

Writing under their Hands that such Error or Omission proceeded from Mistake.

In diverting Roads not to deviate more than One hundred Yards.

XVII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in the said recited Act or this Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration, any Thing in the said recited Act or this Act contained to the contrary hereof in anywise notwithstanding.

Surveyors may dig Ground, &c.

in Waste Grounds, &c. without paying for it, but must level or fence the Pit.

And in private Grounds, Houses, &c. excepted,

making Satisfaction to the Owners.

Justices to settle Differences.

Notice to be given before Materials taken.

XVIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, gather, and carry away any Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials out of any Common River or Brook, or out of or from any Waste or Common, proper and convenient for repairing and amending the Roads aforesaid, without paying any Thing for the same, such Surveyor or Surveyors or other Persons levelling or causing to be levelled all such Holes and Pits where any Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a safe and sufficient Fence round all such Holes or Pits; and where a sufficient Quantity of Materials cannot be had from such Rivers, Brooks, Waters or Common, for repairing and amending the said Roads, it shall and may be lawful for such Surveyor or Surveyors, or other Persons as aforesaid, by Order of any Justice or Justices of the Peace for the said County to be made upon the Application of the said Trustees, to dig and gather such Materials in and carry the same out of and from the Lands or Grounds of any Person or Persons (not being the Ground whereon any House stands, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk, or Avenue to any House, or a Piece or Parcel of Ground set apart or used as a Nursery for Trees) where such Materials are or may be found, and from Time to Time to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Roads, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Lands or Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of any private Lands or Grounds over which such Materials gotten in any River, Brook, or Waste Ground shall be carried or conveyed, as the said Trustees shall adjudge reasonable; and in case of Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, then Two Justices of the Peace acting in and for the County wherein such Materials shall have been taken or carried, shall and may adjudge, assess, and finally determine the same.

XIX. And be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of the said Act or this Act, to dig, cut, gather, get, take, or carry away any Materials proper for repairing such Road out of or from any inclosed Land

Land or Ground, until Notice in Writing signed by the Surveyor shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any One or more Justice or Justices of the Peace, acting in and for the said County, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier or Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they or any of them are hereby empowered to administer) 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.

XX. 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, by virtue of the said recited Act or 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 to order the said Sum of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, 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*, or Bank of the *British* Linen Company, 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 whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of
not making
out Titles,
&c.

XXI. 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 the said recited Act or this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or

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

[Local.]

Interest, in any Lands, Tenements, or Heritages, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages, at the Time of such Purchase; and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, shall be 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.

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

XXII. 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 Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied to the Purchase of other Lands, Tenements, or Heritages to be settled to the like Uses in pursuance of the said recited Act or 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 the said recited Act or 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.

Power to borrow an additional Sum of Money.

XXIII. And be it further enacted, That it shall and may be lawful for the said Trustees at a General Meeting assembled, and they are hereby authorized and empowered to borrow, according to the Rules and Directions laid down and prescribed in the said former Acts, upon the Credit of the Tolls leviable upon the said Roads, any Sum or Sums of Money not exceeding Twenty thousand Pounds Sterling, over and above, and in Addition to the Sums of Money authorized to be borrowed by the said recited Act; and it shall and may be lawful for the said Trustees at a General Meeting assembled, to assign and make over the Whole or any Part of the said Tolls during the Continuance of this Act, as a Security or Securities to the Person or Persons who shall advance such Sum or Sums of Money, their Heirs, Executors, or Assignees for the Money so to be lent and advanced with Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*, without Prejudice to the Security.

Proprietors to scour the Ditches.

XXIV. And be it further enacted, That where any Ditches have been or hereafter shall be made near the Sides of the said Road, or through any Field adjoining thereto, by the Proprietors or Occupiers of the said Fields, such Proprietors or Occupiers shall and they are hereby required to keep such Ditches properly secured, and not to allow the Water to stagnate therein, so that the Road may be thereby damaged; and if they fail to do so after Seven Days' Notice previously given, the said Trustees, or the Overseers of the Road, by the Direction of any One of the

the Trustees, may and they are hereby required to order the said Ditches to be opened, scoured, and cleaned at the Costs of the said Proprietors or Occupiers, such Costs to be recovered by Distress and Sale of any of their moveable Effects, in the Manner directed by the said recited Act.

XXV. And be it enacted, That the Charges and Expences of passing this Act shall and may, in the first Place, be paid out of the Monies raised or to be raised by virtue of the said former Act or this present Act. Expences of Act.

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

XXVII. And be it enacted, That the Term granted by the said Act shall, from and after the passing of this Act, cease and determine, and that the said recited Act, (save and except such Parts thereof as are hereby altered or repealed,) in so far as the same extend to the making and repairing of the said Turnpike Roads, and this Act, shall from thenceforth continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Term of Act.

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
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