



ANNO PRIMO

GEORGIIV. REGIS.

Cap. xxvii.

An Act to enlarge the Term and Powers of an Act passed in the Thirty-ninth and Fortieth Years of His late Majesty, for making and repairing the Road from the Town of *Stonehaven*, through the *Slug Mount* to the *New Bridge* over the River *Dee*, at *Cobleheugh*, in the County of *Kincardine*.

[22d June 1820.]

WHEREAS by an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George the Third*, intituled *An Act for making and repairing the Road from the Town of Stonehaven, through the Slug Mount to the New Bridge over the River Dee, at Cobleheugh, in the County of Kincardine*, certain Persons, Heritors or Tacksmen of Lands in the Parishes, and of an Extent therein mentioned, with others therein described, were appointed Trustees for making and repairing a Road from the Harbour and Town of *Stonehaven*, or near the same, by or near the Bridge over *Carron*, through the *Hollow*, Westward of the Links of *Arduthie*, and a little to the Eastward of the present Road as it leads toward *Ury*, and by the Bridge of *Finlayson*, through the *Slug Mount* or *Slug Month*; the Farms of *Darnford*, *Balladrum*, *Auchwynach* and *Balbredies*, and along or near the present Road on the South Side of the *Dee*, through the Farms of *Maryfield*, *Baldcraigs* and *Mionie* by the lower Bridge over the River *Feugh* to the said Bridge over the *Dee* at *Cobleheugh*; and Powers were given to the said Trustees to levy Tolls on the said

[Local.] Road,

39 & 40.
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Act conti-
nued.

Road, to borrow Money on the Credit of the Tolls, and various other Powers, for effectuating the Purposes of the said Act: And whereas, in pursuance of the said Act, the said Road has been made, and certain Sums of Money borrowed on the Credit of the Tolls levied thereon, which are still owing, but the said Road cannot be kept in Repair, and the Money borrowed repaid, unless the Term of the said Act is enlarged, and the Powers and Provisions thereby given and made be continued and amended: And, as these Purposes cannot be obtained without the Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Tolls, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever therein contained (except such Parts thereof as are repealed, varied, or altered) shall be, continue and remain in full Force and Effect, and the same are hereby further continued, and together with the present Act shall be executed for and during the Term hereinafter mentioned, in as full and ample a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Provisions, Alterations, and Amendments in this Act contained; and that this Act, and the additional Term hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said recited Act, or hereafter to be borrowed on the Credit of the said Act and this Act, and of all Interest due or to grow due for the same.

Quorum of
Trustees.

II. And be it further enacted, That all Acts, Matters, and Things hereby or by the said recited Act directed to be done and executed by the said Trustees, may be done and executed by the Majority of such Trustees present at their respective Meetings (the whole Number present not being less than Three); and all Acts, Matters, and Things so done by such Majority, shall be as valid and effectual as if the same had been done by all the Trustees for executing the said Act and this Act.

Book of Ac-
counts to be
kept.

III. 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 principal 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 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, or shall not 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 Ten Pounds.

IV. 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 who by virtue of the said recited Act or of this Act may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act and the said recited Act, or to continue or appoint the Person who has been or may be appointed their Treasurer, by virtue of the said recited Act or of this Act, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act or this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the recited Act or this Act, every Person so offending 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* competent.

Offices of Clerk and Treasurer not to be held by the same Person.

V. And be it further enacted, That upon Payment of any of the Tolls by the said recited Act and this Act authorised to be taken on the said Road, the Collector or Receiver shall, and he is hereby required to deliver, *gratis*, to the Person paying such Toll, a Note or Ticket denoting such Payment, which Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates (if any) which such Ticket shall free.

Tickets to be printed.

VI. And be it further enacted, That this Act, or the said recited Act, shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty, or any of the Royal Family.

Exempting the Royal Family from Toll.

VII. And be it further enacted, That no Toll shall be demanded or taken for any Horses, Cattle, or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Post-Master-General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom, except in so far as such Horses, Cattle, 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 late 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 for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post-office from the Payment of Tolls*; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying

General Exemptions from Toll.

carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or 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, 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, or returning empty from having been so employed; nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review (provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption;) nor from any Clergyman going to or returning from his own Parish Church, or other Place of Divine Worship, or on other his Parochial or Ministerial Duty, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel; or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sunday*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or going to or returning from the Funeral of any Person who shall die and be buried in any of the Parishes or Places in which the said Road lies; nor for any Horses, Beasts, Cattle, or Carriages, used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Commissioner to serve in Parliament for the said County of *Kincardine*, during the Time of such Elections; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay or Straw, or Corn in the Straw only, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Barns, Outhouses, or Yards, or in the Lands of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, from one Part of a Farm to another Part of the same Farm, or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Land other than Lime; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or to or from Water or Pasture, or going to be or returning from being shod or farried; or for any Horse, Beast, or Cattle, or for any Waggon, Wain, Cart, or other Carriage, used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Gravel, Furze, Heath, Sand, Stones, or other Materials for making and repairing the said Road, or any other Highway or public Road, within any Parish or Place in which any Part of the

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the said Road lies; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on fraudulently taking benefit of Exemptions.

VIII. Provided always, 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, 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, or the Horse or Horses or other Cattle drawing the same, while so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage for drawing the same; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Carriages for His Majesty's Service not to pay for Overweight.

IX. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the said County of *Kincardine*, who upon Application to him made for that Purpose shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorised and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties; and also assess the Charges of such Distress, keeping, and Sale; and also of the Attendance of any Person or Persons for that Purpose on such Justice; and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Disputes concerning Tolls to be settled by a Justice of the Peace.

X. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the Tolls on the said Road, or appointed or to be appointed either under the said recited Act or this Act, by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls or Duties payable at any Turnpike or Toll-gate

For preventing Toll Collectors from misbehaving, &c.

[Local.]

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on the said Road, shall, and he is hereby required, on each and every Day, previous to his entering on Duty for the Collection of the said Tolls, to place his Christian and Surname painted on a Board in legible Characters, on the Front or on some other conspicuous Part of the Toll House, or Toll Gate; 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 either 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 same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, 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, in Answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate or Gates freed by such Payment, or shall unnecessarily detain, or, upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle, from passing through any Turnpike or Toll Gate, or shall make Use of any scurrilous or abusive Language to any Passenger or Passengers; then, and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, levied, and applied, in Manner hereinafter directed: Provided also, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector, who shall or may be employed, by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Collectors.

Trustees not to divert Roads more than One Hundred Yards.

XI. And be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Road, shall not deviate more than One hundred Yards, of Three Feet each from the present Line thereof, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

For getting Materials to repair the Road.

XII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for making, amending, altering, improving, or repairing the said Road, out of any Waste or Common, or out of any common River or Brook, in any Parish or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish or Place, without paying any thing for the same, they, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the
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the Ground, or sloping down the Bank, where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such case the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the County or Place in which such Lands, Tenements, or Heritages shall lie or be situate, (as the case may be,) to be made upon the Application of the said Trustees, search for, dig, gather, get, and take away any such Materials, in and out of the Lands, Fields, or Grounds of any Person or Persons in any Parish or Place in which any Part of the said Road shall lie or be situate, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, or Grounds, where and from whence the same shall be dug, gathered and carried away, or over which the same or any other Materials for amending, altering, improving, or repairing the said Road shall be carried, as shall be agreed upon between them and such Owner or Occupier, or, in case of their not agreeing, then as any One or more Justice or Justices of the Peace acting in and for such County or Place as aforesaid, (as the case may be,) shall adjudge and determine to be reasonable; which Judgment or Order of such Justice or Justices shall be final and conclusive on all Parties.

XIII. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road, out of or from any enclosed 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 Justice or Justices of the Peace acting in or for the County or Place in which such Lands, Tenements, or Heritages shall lie or be situate, to shew Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they shall think proper, authorise such Surveyor, or other Person or 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 he, they, or any of them, is and 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.

Notice to be given before Materials taken.

XIV. And

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Session.

XIV. And be it further enacted, That in Case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages, to be purchased by virtue of this Act, or the said recited Act, for the Purposes aforesaid, 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 the 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 be lawful for the said Trustees, 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*, or the Bank of the *British* Linen Company in *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 Motion or Petition, shall be, and is hereby empowered, in a summary Way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the 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 thereto, 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 said Banks respectively, 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 Sum or Sums of Money into such Bank as aforesaid.

In Case of disputed Titles.

XV. Provided always, 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, Title, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of the said recited Act or this Act, for the Purposes aforesaid, 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 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.

XVI. Pro-

XVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of the said recited Act or this Act, for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the said Court of Session, and 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 of Session 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 to the said Court shall seem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Act or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XVII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, to cause to be erected Guide Posts, upon such Parts of the said Road, where the same may be crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post erected or fixed or to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or if any Person shall ride upon any Causeway or Footpath upon or on the Side of or adjoining the said Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Causeway or Footpath, or shall leave or suffer any Horse, Beast, Cattle, Sheep, or Swine, to graze or be and remain loose on the said Road, or any Part thereof; or if any Person shall cause to be drawn upon any Part of the said Road, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages to drag upon the said Road, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage the said Road, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the said Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Road, or within Sixty Feet of the Centre thereof, or play at Foot-ball, or any other Game or Games on any Part of the said Road to the Annoyance of any Passenger or Passengers, or if any Person shall leave any Carriage, (except in Cases of Accident) upon or on the Side of the said Road longer than may be necessary to load or unload the

Preventing Nuisances.

[Local.]

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same,

same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Road as near as conveniently may be; or if any Person, having blocked or stopped any Waggon, Cart, or other Carriage, in going up any Hill or rising Ground, shall not immediately remove from the said Road, the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Grounds, and be carried away without being brought over any Part of the said Road, or that the same may be done at such Times, and under such Regulations as the Trustees or their Surveyor shall direct and order, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Gates to open
Inwards.

XVIII. And be it further enacted, That no Gate of any Park, Paddock, or Field shall be made to open towards the said Road, or shall be suffered to continue so to open, unless the Hanging Posts thereof shall be Thirty Feet at least from the Centre of the said Road; and the Occupier or Occupiers of every Park, Paddock, or Field, the Gate whereof shall open towards the said Road, shall after Ten Days Notice from the Surveyor or Surveyors of the said Road, cause such Gate to be altered in such a Manner as that no Part of the Gate, when open, shall project over any Part of the said Road; and in default thereof the said Surveyor or Surveyors is and are hereby authorised to cause such Gate to be taken down and afterwards fixed up in the Manner hereinbefore directed; and the Person or Persons making Default shall, upon Conviction thereof before any Justice of the Peace for the County or Stewartry where the Offence shall be committed, on the Oath of one credible Witness, pay to such Surveyor or Surveyors such Sum as the said Justice shall direct, for defraying the Expence of such Alteration, and shall also forfeit and pay any Sum not exceeding Forty Shillings for his or their Default therein.

Expences of
Act how to
be paid.

XIX. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining this Act shall be paid and satisfied by the said Trustees out of any Monies in their Hands, or out of the first Monies that shall be collected, borrowed or received by virtue of the said recited Act and this Act, in preference to all other Payments and Disbursements whatsoever.

XX. And

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

XXI. And be it further enacted, That the said recited Act (subject to the Alterations, Variations, and Additions herein contained), and this Act, shall continue in force, and be executed for and during the Residue of the Term now to come and unexpired of the said Act; and shall from thenceforth continue and be in force and be executed for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of the Act.

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