

Balquharrage House aforesaid, and passing over *Pow-Bank Bridge* to *Calder Bridge*, and for building and repairing the Bridges on the same; and sundry Powers were thereby granted to the said Trustees for borrowing Money, levying Tolls, and other Purposes in the said Act specified: And whereas under the Authority of the said Act the Roads and Bridges therein and herein-before mentioned have been maintained and repaired, and considerable Sums of Money have been advanced or borrowed upon the Credit of the Tolls and Duties thereby authorised to be levied, which Sums of Money are still owing: And whereas the said Act has lately expired, and the said Roads and Bridges cannot be repaired and kept in repair, nor the Sums of Money advanced or borrowed as aforesaid, and the Interest thereof still owing be repaid, unless the Term and Powers granted by the said Act be prolonged and continued, and further and other Powers be granted for repairing the said Roads and Bridges, and unless Powers be given to levy increased Tolls and Duties thereon: And whereas it is expedient that the before mentioned Road at or near *Balquharrage-House* aforesaid, and passing over *Pow-Bank Bridge* to *Calder Bridge* should from *Calder Bridge* across the River *Kelvin* to the Junction with the *Inchbelly* Turnpike Road at or near the Fifth Mile Stone from *Glasgow*, be repaired and kept in Repair under the Powers and Provisions of the present Act: 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 all Monies raised by Authority of this Act, and all the Tolls and Duties which are by this Act authorised to be levied, shall be and the same are hereby made subject and liable to the Payment of all Sums of Money which were due and remaining on the Credit of the said recited Act of the Thirty-eighth Year of the Reign of His late Majesty, and of all Interest due and that may become due for the same; and shall also be liable to the Payment of all Sums of Money which may hereafter be borrowed on the Credit of this Act, and of all Interest that may become due for the same.

Former Act
repealed.

Trustees.

II. And be it enacted, That every Person who is at present, or hereafter shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor or Life-renter of the *Dominium Utile* of Lands lying within any of the Parishes of *Baldernock*, *Campsie*, *Strathblane*, *Drymen*, *Killearn*, *Balfron*, and *Fintry*, in the County of *Stirling*, of *Kippen* in the Counties of *Stirling* and *Perth*, of *Kilmarnock* in the County of *Dumbarton*, and *Easter Kilpatrick* in the Counties of *Dumbarton* and *Stirling*, and in the Parish of *Cadder* in the County of *Lanark*, valued in the Cess Books of the respective Counties in which such Lands do lie at the Sum of One hundred Pounds *Scots* or upwards, and all and every the eldest Sons of such Persons being the Heirs Apparent of such Property, also the Persons after-mentioned and described; *viz.*, *Archibald Stirling* of *Kenmuir*, *Charles Stirling* of *Craighead*, *William Gray* of *Oxgang*, *Sir James Montgomery* of *Stanhope* Baronet, *George Stirling* Second Son of the late *Sir John Stirling* of *Glorat*, *Thomas*

Dunmore eldest Son of the late *Robert Dunmore* of *Ballendalloch*, *John Guthrie* of *Carbeth*, *William Watt* or the Factor for the Duke of *Montrose* for the Time being, in the Absence of the Duke, *James Davidson* or the Factor for the Time being upon the Estate of *Duntreath*, in the Absence of the Proprietor thereof, and One of the Guardians or Trustees of any Minor whose Estate, within any of the Parishes aforesaid stands valued in the Cess Books at Four hundred Pounds *Scots*, of valued Rent, or upwards, shall be and they are hereby nominated and appointed Trustees for surveying, amending, widening, maintaining, repairing and keeping in Repair the Raods aforesaid; for building and repairing Bridges on the same; and for executing all the Powers given and granted by this present Act; and that from and after the passing of this Act, the said Road at or near *Balquharrage House*, passing over *Pow-Bank Bridge* to *Calder Bridge*, shall, from *Calder Bridge* across the River *Kelvin*, to the Junction with the *Inchbelly* Turnpike Road, at or near the Fifth Mile Stone from *Glasgow* be repaired, and kept in Repair, under the Powers and Provisions of this Act, and be deemed Part of the Roads included in this Act.

III. Provided always, and be it enacted, That no Person, other than a Proprietor or Life-renter of Lands of the Valuation and situated as aforesaid, or the eldest Son of such Proprietor, 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 Fifty Pounds Sterling, or be possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Five hundred Pounds Sterling, nor 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,)

Qualifica-
tion of cer-
tain Trus-
tees.

‘ I do swear, that I truly and *bonâ fide* am in my
‘ own Right, [or, in the Right of my Wife, as the Case may be,] in the
‘ actual Possession or Receipt of the Rents and Profits of Lands or
‘ Heritages of the clear Yearly Value of Fifty Pounds, or possessed
‘ of or entitled to a Personal Estate alone, or Real and Personal
‘ Estate together, of the Amount or Value of Five hundred Pounds.
‘ So help me GOD.’

IV. And be it further enacted, That if any Person not qualified as aforesaid shall nevertheless presume to act as a Trustee under this Act, he shall for every such acting forfeit and pay the Sum of Twenty Pounds Sterling, to be applied to the Reparation of the said Roads and Bridges, in such Manner as the said Trustees at any general Meeting assembled shall direct and appoint, and in all Cases the Proof of Qualification shall be upon the Person complained of.

Penalty
upon acting
if not quali-
fied.

V. Provided always, and be it further enacted, That all Acts and Proceedings which shall have been done by any such Person touching the

Acts of un-
qualified
Trustees.

previous to
Conviction
valid.

the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees,
&c. not to
hold Places
of Profit.

VI. Provided also, and be it enacted and declared, That if any Person or Persons hereby appointed or to be appointed under the Authority of this Act as a Trustee or Trustees for putting this Act into Execution shall have or accept of any Place or Profit, or shall be concerned or interested in any Contract or Contracts under this Act, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Enjoyment of such Place of Profit, and while interested in such Contract 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
may act as
Justices.

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

First and
other Gene-
ral Meet-
ings.

VIII. And be it enacted, That for the Purpose of carrying this Act into Execution, the said Trustees, or any Three or more of them, shall meet at *Glasgow* upon the Third *Saturday* after the passing of this Act, or as soon thereafter as conveniently may be, at the Hour of Twelve Mid-day, and may from Time to Time adjourn to meet at *Glasgow* or elsewhere within any of the Parishes aforesaid, at such Time as the said Trustees at the last Meeting assembled shall think proper; and in the Event of a smaller Number of Trustees than Three attending at the First Meeting so to be held at *Glasgow* as aforesaid, or at any subsequent Meeting, it shall be in the Power of the said smaller Number of Trustees so assembled to adjourn the said General Meeting to a Day not earlier than Ten Days from and after such former Meeting as aforesaid; and the Trustees fewer in Number than Three (who shall so adjourn the Meeting as aforesaid) shall authorise the Clerk, appointed as aftermentioned, to subscribe an Advertisement announcing such Adjournment, which Adjournment, and every succeeding Advertisement, relative to the after Proceedings of the said Trustees, shall be and are hereby appointed to be published in any Two of the *Glasgow* Newspapers: Provided always, that a Space not less than Ten free Days shall elapse between the Publication of each and every of the said Advertisements and the Day or Days appointed for holding such Meeting or Meetings as aforesaid; and in case of such Space of Ten Days as aforesaid not elapsing between the Publication of such Advertisements, one or more, and the Day or Days of Meeting, the Failure of the elapsing of that Space shall operate as a Nullity of all Proceedings at such Meeting or Meetings;

Meetings; and the Trustees at all Meetings shall defray their own Charges.

IX. Provided always and be it enacted, That any Three or more Trustees may at any Time authorise the Clerk to call a special General Meeting for the Purposes of this Act, upon at least Ten Days previous Notice being given in the Newspapers aforesaid of the Time and Place of such Meeting, and the special Purposes thereof. Special General Meeting may be called.

X. And be it further enacted, That at all General Meetings of Trustees under this Act Three Trustees shall be a Quorum. Quorum.

XI. And be it enacted, That no Determination of the said Trustees at a General Meeting assembled of or concerning any Matter or Thing relative to the Execution of this Act shall be annulled, varied, or altered by any subsequent General Meeting, unless such subsequent General Meeting shall be called by public Advertisement, as hereinbefore provided, on a Requisition to the Clerk, subscribed by not less than Five in Number of the said Trustees, and unless such Requisition, and subsequent Advertisements, shall contain a Specification of such former Resolution of the Trustees, and the Time, Place, and Purpose of the Meeting at which it is to be brought under Review. Determination of a former Meeting not to be altered but on previous Notice.

XII. And be it enacted, That the said Trustees assembled at such First General Meeting after the passing of this Act, or at any subsequent General Meeting, shall and may and they are hereby empowered to choose and appoint a fit Person or 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 Duties 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, 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, as they shall see Occasion, and to appoint new ones in Case of Death, Resignation, or Removal; and all and every Person or Persons who is, are, or shall be liable to pay the Tolls and Duties by this Act granted is and are hereby required to pay the same to the said Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, so from Time to Time to be appointed as aforesaid, and the said Trustees at a General Meeting assembled shall and may and they are hereby authorised and empowered out of the Money to be vested in them by this Act, to make such Allowances to the several Officers so by them appointed, for and in Consideration of their Care and Pains taken in the Execution of their respective Offices, as the said Trustees at a General Meeting assembled shall think fit. Appointment of Officers.

XIII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Proceedings to be entered in a Book.

Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Preses of each Meeting, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings touching or concerning any Thing done in pursuance of this Act; and that such Book or Books shall at all the said Meetings be open and liable to the Inspection of all and every the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in Proportion for any greater Number of Words.

Accounts to be kept of Receipts and Disbursements which shall be open to the Inspection of the Trustees and Creditors.

XIV. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on Account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all the Meetings of the said Trustees be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Officers to account.

XV. And be it further enacted, That all such Officers and Persons so to be chosen and appointed as aforesaid shall from Time to Time when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing, under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands, to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise, and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts in Manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Three Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody
or

or Power relating to the Execution of this Act, then in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Trustees, and such Justices are hereby authorised and required by Warrant or Warrants under their Hands to cause such Officer or Officers, Person or Persons to be brought before them, and upon his, her, or their appearing or not being found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, (which Oath or Oaths such Justices are hereby empowered and required to administer,) or upon Inspection of the said Accounts if produced, it shall appear to such Justices that any of the Monies which shall have been collected and received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorised and required, upon Nonpayment thereof, by Warrant or Warrants under their Hands to cause such Money to be levied by Distress and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons shall not appear before the said Justices, unless for some sufficient Excuse alleged, at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in his, her, or their Custody or Power relating to the Execution of this Act, then and in either of the Cases aforesaid such Justices may and they are hereby authorised and required by Warrant or Warrants under their Hands to commit such Officer or Officers, Person or Persons to the Common Gaol or House of Correction of the County or Place where such Offender shall be or reside, there to remain until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, and which Composition the said Trustees are hereby empowered to make, or until he shall have delivered up such Books, Papers and Writings as aforesaid, or made Satisfaction in respect thereof, to the said Trustees: Provided always, that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

XVI. 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, and for their faithfully accounting for all the Monies to be received by them in

Treasurer or
Collector to
find Security.

in virtue of their said Offices, as to the said Trustees shall appear just and reasonable.

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

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, 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 by virtue of 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 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 by summary Complaint before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute or Substitute of the County where the Offender may reside.

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

XVIII. And be it further enacted, 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 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, by virtue of this Act, shall abate by the Death or Removal of any such Clerk, but that the Clerk 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.

Turnpikes to be continued and erected.

XIX. And be it further enacted, That the said Trustees shall and may continue if already erected, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, upon or across any Part or Parts of the said Roads, and such Number of Toll Houses, with proper Gardens adjoining to such Toll Houses as to them shall seem proper and appear to be expedient, and from Time to Time shall and may alter the Situation of such Gates or Turnpikes, and Toll Houses and Gardens; and the said Trustees, or some Person or Persons by them to be appointed, shall be and they are hereby authorised and empowered, except as hereinafter mentioned, 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 as aforesaid, a Sum not exceeding the Rates and Duties hereinafter specified, for any Carriage, Horse, or other Cattle passing through the said Gates or Turnpikes on the said Roads, and before Passage be permitted; that is to say,

Tolls.

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Barouche, Hearse, Chariot, Chaise, or other such Carriage, One Shilling :

For every Horse, Mule, or other Beast whatsoever, drawing any Chaise, Chair, Taxed Cart, or other such Carriage, One Shilling :

For every Horse, Mule, Ox, or other Beast whatsoever, if more than

Four in Number, drawing any Waggon, Wain, Cart, or other such Carriage, One Shilling and Four-pence :

For every Horse, Mule, Ox, or other Beast whatsoever, if not more nor less than Four in Number, drawing any Waggon, Wain, Cart, or other such Carriage, Ten-pence Halfpenny :

For every Horse, Mule, Ox, or other Beast whatsoever, if not more nor less than Three in Number, drawing any Waggon, Wain, Cart, or other such Carriage, Eight-pence :

For every Horse, Mule, Ox, or other Beast whatsoever, if not more than Two in Number, drawing any Waggon, Wain, Cart, or other such Carriage, Nine-pence :

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

For every Ass, loaded or not loaded, One Halfpenny :

For every Head of Oxen or Neat Cattle, One Penny :

For every Head of Calves, Hogs, Sheep, Lambs, or Goats, One Halfpenny.

XX. Provided always, and be it enacted, That for all Horses, Mules, Oxen, or other Beasts, drawing all Waggon, Wains, Carts, or other such Carriages, which shall have broad Wheels of the Description after specified, there shall only be demanded and taken One Half of the Tolls and Duties hereinbefore charged on such Horses, Mules, Oxen, or other Beasts, drawing Waggon, Wains, Carts, and other Carriages respectively, provided every such Waggon, Wain, Cart, or other Carriage, with Two Wheels, shall have the Soles or Bottoms of the Fellies of all the Wheels thereof, of the Breadth of Five Inches at least, and be cylindrical, that is to say, of the same Diameter on the Inside next the Carriage as on the Outside, and in every intermediate Part between the Inside and Outside, so that when such Wheels shall be rolling on a flat or level Surface the whole Breadth thereof shall bear equally on such flat or level Surface; and provided that the opposite Ends of the Axletrees of such Waggon, Wain, Cart, or other Carriage, so far as the same shall be inserted in the respective Naves of the Wheels thereof, shall be horizontal, and in the Continuance of one straight Line, without forming any Angle with each other, and so that in each Pair of Wheels belonging to such Carriage, the lower Parts, when resting 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 provided every such 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, at least, on each Side of such Waggon, Wain, Cart, or Carriage; provided also that every Person claiming the Privilege so granted to Broad-wheeled Carriages, shall permit the same to be examined and measured by any Person appointed by the said Trustees, or concerned in the Collection of the said Tolls or Duties.

XXI. And be it further enacted, That it shall be lawful for the said Trustees at their aforesaid stated General Meetings assembled, Tolls may be reduced and raised again.

[Local.]

to diminish and lessen any or all of the aforesaid Tolls or Duties as they shall see fit, and from Time to Time to advance the same again, so as that the same shall not at any Time exceed the Tolls or Duties made payable by this Act.

Limitation
of Tolls in
Campsie
Parish.

XXII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to demand or take or to authorise any Person or Persons to demand or take at any Turnpike Gate or Toll Bar erected, or to be erected, within the Parish of *Campsie*, from any Owner or Occupier of the Lands of *Hayston*, *Balquharrage*, *Balgrochans*, *Watshod*, *Kinkell*, *Redmoss*, and *Temple*, situated in the said Parish of *Campsie*, nor from any Part of the Families or Servants of any such Owners or Occupiers resident on any of the said Lands, nor for any Horse, Cattle, Carriage, or Article going or carried to or from these Lands, any higher Rate of Toll than the following Rates; that is to say,

For every Horse, Mule, or other Beast whatsoever, if more than Four in Number, drawing any Coach, Barouche, Hearse, Chariot, Chaise, or other such Carriage, Ten-pence:

For every Horse, Mule, or other Beast whatsoever, if not more nor less than Four in Number, drawing any Coach, Barouche, Hearse, Chariot, Chaise, or other such Carriage, Nine-pence:

For every Horse, Mule, or other Beast whatsoever, if not more nor less than Three in Number, drawing any Coach, Barouche, Hearse, Chariot, Chaise, or other such Carriage, Eight-pence:

For every Horse, Mule, or other Beast whatsoever, if not more than Two in Number, drawing any Coach, Barouche, Hearse, Chariot, Chaise, or other such Carriage, Sixpence:

For every Horse, Mule, Ox, or other Beast whatsoever, if not more than Two in Number, drawing any Waggon, Wain, Cart, or other such Carriage, Four-pence.

Side Gates
to be con-
tinued or
erected.

XXIII. And be it enacted, That it shall and may be lawful to and for the said Trustees to continue if already erected, or cause to be erected, one or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and across any Way or Lane leading out of the same, and there to take and receive such Tolls as are by this Act granted and made payable, but declaring that any Person or Persons paying the Toll Duty exigible at such Side Gate or Turnpike, shall be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment at such Side Gate or Turnpike, of the Toll Duty exigible thereat, and the Gates or Turnpikes freed by such Payment; which Note or Ticket, Notes or Tickets, shall entitle the Person or Persons having so paid the Toll Duty exigible at such Side Gate or Bar, to pass through the next Gate or Bar, upon the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night,) if within the Distance of Six Statute Miles, Toll free.

Application
of the Tolls
levied at
Side-Gates.

XXIV. Provided always, and be it enacted, That wherever such Gate or Gates, Turnpike or Turnpikes, shall be erected on the Side or Sides of the said Roads, and across any Lane, Way, or Side Road, leading

leading into or out of the same, One Half at least of the Tolls and Duties which shall be taken or received at every such Gate or Turnpike, shall be annually laid out and applied for the repairing of the respective Way, Lane, or Side Road, across which such Gate or Turnpike shall be erected.

XXV. Provided also, and be it enacted, That nothing herein contained shall entitle or authorise the Trustees to erect any Side Bars or Gates on the Road leading East and West through the Parish of *Campsie*, and crossing the Line of Road hereby authorised to be maintained and repaired.

No Side-Bars on the Road through *Campsie* Parish.

XXVI. And be it enacted, That if any Waggon, Wain, Cart, or other such Carriage shall travel or pass on the said Roads without having the Name of the Owner in distinct and legible Characters of One Inch each in Length on some conspicuous Part thereof, Double Tolls shall be demanded and taken for every such Waggon, Wain, Cart, or other such Carriage passing through any Gate or Gates, Turnpike or Turnpikes on the said Roads, and before they shall be allowed to pass through the same.

Waggons without Owners Names to pay Toll.

XXVII. And be it enacted, That if any Person or Persons liable in Payment of the Tolls and Duties by this Act granted, or any Part thereof, shall neglect or refuse to pay the same to the Person or Persons appointed by the said Trustees to levy and collect the same when demanded, it shall be lawful for the Collector or Toll-gatherer, in the Event of such Neglect or Refusal as aforesaid, to seize and detain the Carriages, Horses or other Cattle upon which such Tolls and Duties are hereby imposed, with the Goods in or upon the same, and if such Tolls and Duties or any Part thereof, together with the reasonable Charges and Expences of such Seizure or Detention, shall not be paid or discharged within the Space of Twenty-four Hours from and after such Seizure and Detention, it shall and may be lawful for the said Collector or Toll-gatherer, being authorised so to do by Warrant under the Hand of any One or more Justice or Justices of the Peace of any of the said Counties respectively within which the Seizure or Detention may be made, to have the said Horses, Cattle, Carriages, or Goods so seized or detained as aforesaid appraised and sold by public Roup, at the Gate or Turnpike where the said Seizure or Detention was made, for Payment and Satisfaction of the said Tolls and Duties, with the necessary Costs of the said Seizure, Detention, Appraisalment, and Sale, and that over and above the other Penalties hereinafter imposed, on the Neglect or Refusal of the Payment of the said Tolls and Duties, by Persons liable in the same, returning the Overplus (if any) to the Owner when demanded.

How Payment of Tolls may be enforced.

XXVIII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof until the Amount of the Tolls, or the Charges of the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County wherein the Cause of Dispute shall

For settling Disputes concerning Tolls.

shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, (which Oath such Justice is hereby authorised to administer,) and shall determine the Amount of the Tolls due, and shall assess and award such Costs to be paid by either Party to the other of them as to the said Justice shall appear just and reasonable; all which Costs and Charges shall and may be levied and recovered, by Distress and Sale of the Goods and Effects of the Party liable to pay the same, 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 have been so distrained and sold.

Tolls to be paid but Once a Day at any Turnpike within Four Miles from where the First Payment was made.

XXIX. And be it further enacted, That upon Payment of the Tolls by this Act granted the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name or Names of the Gate or Gates freed by such Payment; which Note or Ticket, Notes or Tickets, shall entitle the same Person or Persons, with the same Carriages or Horses, or other Cattle, to pass through any other Turnpike Gate or Turnpike Gates placed on the said Roads at a Distance not exceeding Four Miles from the Turnpike Gate where such Note or Ticket was delivered, without being liable to pay the said Tolls more than Once for passing through such Turnpike Gate or Turnpike Gates, and returning the same Day before Twelve of the Clock at Night with the same Carriages or Horses or other Cattle, (except upon the *Blane* Road as hereinafter mentioned).

Tolls to be taken for new Loading, and on the *Blane* Road.

XXX. Provided always, and be it enacted, That in case the same Carriage shall pass through such Turnpike Gate or Turnpike Gates with a new Loading, a Second or more Times in the same Day, the Tolls by this Act granted shall be paid for each Time they shall so pass, in the same Manner as for the first Time: Provided always, that nothing under One Hundred Weight shall be reckoned a new Loading in any such Carriage: Provided also, that the said Trustees shall have full Power and Authority to continue the Turnpike Gates already erected or to erect others upon any Part of the *Blane* Road or District, and to demand and take or cause to be demanded and taken upon the said *Blane* Road, and also at the next Turnpike Gate on the *Stockymuir* and *Killearn* and *Strathblane* Roads, the Tolls by this Act granted, although any such Toll Gate on the *Blane* Road may be placed within Four Miles, or at any less Distance, from any of the Turnpike Gates on the *Stockymuir*; and *Killearn*, and *Strathblane* Roads, called the Second and Third Districts.

Penalty on fraudulent Disposal of Tickets.

XXXI. and for preventing Frauds and Abuses in the Payment of the Tolls and Duties hereby granted, be it further enacted, That if any Collector of the said Tolls and Duties shall sell or fraudulently dispose of any Note or Ticket, Notes or Tickets, to any Person or Persons, or if any Person or Persons having paid the Tolls and Duties by this Act imposed, and being possessed of a Note or Ticket, Notes
or

or Tickets, denoting or signifying the Payment thereof, shall give or dispose of the same to any other Person or Persons for the Purpose of enabling such Person or Persons to avoid Payment of the said Tolls and Duties, every such Collector or other Person so giving and disposing thereof, being convicted thereof by Confession, or upon the Oath or Oaths of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace of the County where the Offence shall have been committed, or where the Offender shall reside, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

XXXII. And be it further enacted, That if any Person or Persons owning or occupying inclosed Lands near to any Gate or Turnpike already erected, or which shall be erected in pursuance of this Act, shall knowingly or wilfully permit any Person or Persons, not being his, her, or their Servant or Servants, or in his, her, or their employ, or of any of his, her, or their Family, to pass through the same, or through any Gate, Passage, or Way with any Coach, Cart, or other Carriage, or with any Horse, Ass, or Cattle for the Purpose of evading the Payment of the said Tolls, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, shall each, for every such Offence, respectively forfeit and pay to the said Trustees, 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.

To prevent Evasion by private Passage.

XXXIII. And be it further enacted, That the said Trustees may levy or cause to be levied, demanded, and taken, at the several Gates or Turnpikes erected or to be erected on or across the said Roads, for any Waggon, Wain, Cart or other such Carriage, drawn by One or more than One Horse or Mule, and before they shall be allowed to pass through the same, the Weight of which Carriage with the Burden or Loading thereof shall amount to Twenty Hundred Weight, and shall not exceed Twenty-five Hundred Weight, and the Fellies of the Wheels of which shall not be of a flat Surface, and measure Five Inches at least in Breadth if drawn by One and Seven Inches in Breadth if drawn by more than One Horse or Mule, One Half more in addition to the Tolls and Duties authorised to be levied by this Act; and if the Weight of the same shall exceed Twenty Hundred Weight and shall not exceed Twenty-five Hundred Weight, and the Fellies of the Wheels of such Carriages shall not measure and be as above mentioned, Double the Tolls and Duties granted by this Act; and if the Weight exceed Thirty Hundred Weight and the Fellies of the Wheels of such Carriage shall not measure and be as above mentioned, Treble the Tolls and Duties granted by this Act: And the Toll or Duty on such Carriages is hereby expressly declared not to be a Penalty, but the just and fair Toll Duty leviable on such Carriages.

Tolls on Overweight.

XXXIV. And be it further enacted, That no Tolls shall be demanded or taken for any Carriage or Horse, or other Beast passing through any Gate or Turnpike already erected or to be erected by

Exemption from Tolls.

[Local.]

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Authority

Authority of this Act, when employed in carrying any Stones or other Materials for the Repair of the aforesaid Roads and Bridges, or of any Highways made and repaired under the Authority of any Statute Labour Act; nor for Carriages or Horses carrying off the Earth, Mud, or Road Stuff from the aforesaid Turnpike Roads or Highways; nor for Horses or Cattle going to or returning from Pasture or Watering Places, or going to or returning from Smithies for the Purpose only of being shod or returning therefrom; nor for any Horses, Cattle, or Carriages going to or returning from Kiln and Miln; nor for any Carriage or Cattle or Produce passing or repassing between one Part of a Farm to another Part of the same Farm; nor for any Carriages or Horses carrying any Person to or from Church, Chapel, or his or her usual Place of religious Worship on a *Sunday*, or on any other Day on which Divine Service is ordered by Public Authority to be celebrated; nor for Persons attending the Funeral of any Person who shall die and be buried in his or her own Parish; nor for any Horses or Carriages attending His Majesty, or any of the Royal Family; nor for any Horses or Carriages employed in carrying or conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or in returning after having conveyed the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls or Duties by virtue of an Act made in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels conveying 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 such Tolls*; nor shall any Toll be demanded or taken 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 March 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 or Soldiers, or returning from carrying or conveying the same; nor for any Horse 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 such Corps respectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals sent with legal Passes or returning from conveying the same.

Exemption
of Carriages
with Military
Stores, &c.

XXXV. 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,

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 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.

XXXVI. Provided always, and be it enacted, That if any Person shall claim and take the Benefit of any of the Exemptions from Toll herein-before mentioned, not being legally entitled to the same, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on claiming Exemption.

XXXVII. Provided always and be it enacted, That no Waggon, Wain, Cart, or other such Carriage, shall be entitled to any of the Exemptions from the Payment of Tolls and Duties granted by this Act, if the Weight of such Carriage, with the Burden or Loading thereon, shall exceed Twenty Hundred Weight or upwards, unless the Fellies of the Wheels of such Carriages shall measure Five Inches in Breadth, at least, if drawn by One Horse or Mule, and Seven Inches if drawn by Two or more Horses or Mules, excepting always Carriages carrying His Majesty's Mails or Expresses, Carriages belonging to His Majesty, or carrying Stores as aforesaid, Carriages attending Soldiers who are upon their March, or on Duty, or attending any Corps of Yeomanry or Volunteers as aforesaid, and Carts or Waggons travelling with Vagrants, with legal Passes, which in no Case whatever shall be liable to any Toll or Duty.

Carriages of heavy Weights not entitled to Exemption unless they have broad Wheels.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to erect and build, or cause to be erected and built, on or across the said Roads, or on the Side or Sides thereof, Cranes, Machines, or Engines proper for weighing Carts, Waggons or Carriages, conveying any Goods, Merchandise, Corn ground or unground, Coal, Lime, Stones for building or any other Thing whatsoever, and to order and cause all and every or any such Carriage or Carriages to be weighed together with the Loading thereof, before allowing the same to pass through any such Gate or Gates, and if any Person or Persons shall refuse to allow the same to be so weighed, then it shall and may be lawful for the said Trustees to levy or order to be levied Treble the Tolls or Duties hereby directed to be paid for such Carriages before allowing the same to pass through such Gate or Gates.

For erecting Weighing Machines.

XXXIX. And be it enacted, That the said Tolls and Duties hereby granted and made payable, and also all Sums of Money borrowed on the Security thereof, in manner hereinafter mentioned, together with the Right and Property of every Bridge, Gate, or Turnpike, Toll-House, and Garden, Rail, Post, Fence, Mile-stone, and whole Premises erected on the said Roads, or to be erected and acquired, whether

Tolls and Toll-Houses vested in Trustees.

whether by Purchase, or in Feu, or Lease, by Authority of this Act, as also all Materials for building or repairing the same, as also all Tools, Implements, Stones, Gravel or Sand, gotten or had for making, amending, repairing, and improving the said Roads, are and shall be vested in the said Trustees.

Regulation
as to Toll
Collectors.

XL. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees, for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected by virtue of the said recited Act, or hereafter to be erected by virtue of this Act, shall, and he is hereby required to place his Christian and Surname, with the Name of the Toll Gate painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls, or coming on Duty; each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted in white Letters upon a black Ground, or black Letters upon a white Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or 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 demand and take a greater or less Toll from any Person than he shall be authorised to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in Pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and shall claim such Exemption; or shall refuse to permit or suffer, or shall in any way hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and 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 Ticket, denoting the Payment of the Tolls, and naming and specifying the Toll Gate or Toll Gates freed by such Payment; or upon the legal Toll paid or tendered shall unnecessarily detain or wilfully obstruct, hinder or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate; or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; 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 to whom the Complaint shall be made shall adjudge, to be recovered and applied in Manner hereinafter directed.

Penalty for
refusing to
pay Tolls,
forcible
Evasion of
the Tolls, or
assaulting
Officers.

XLI. And be it enacted, That if any Person or Persons liable to pay the Tolls and Duties, authorised to be levied by this Act, shall refuse to pay the same, or shall in a fraudulent or forcible Manner, pass through any of the Gates or Turnpikes on the said Roads, without paying the Tolls and Duties leviable thereat, or shall assault any Collector of Tolls, or any other Person acting under the Authority of this Act, or of the said Trustees, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls to which such Person was liable.

XLII. And be it 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 Merchandise, or other Articles whatever, or shall take off or cause to be taken off any Horse or Horses, or any Beast of Draught from any Coach, Chaise, Chariot, Barouche, Landau, Calash, Chair, Taxed Cart, or Hearse, or from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected or to be erected on the said Roads by virtue of this Act, with Intent to avoid paying any Tolls and Duties hereby imposed, each and every Person so offending in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Five Pounds 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 for taking off Horses.

XLIII. And be it further enacted, That the said Trustees at a General Meeting assembled, or any Three or more of them, may and they are hereby authorised and empowered to compound and agree by the Year or otherwise with any Person or Persons living near any Gate or Gates, Turnpike or Turnpikes erected or to be erected by virtue of this Act, for any reasonable Sum or Sums of Money, to be paid Quarterly in Advance, from Time to Time, and in lieu of the Payment of the Tolls or Duties by this Act granted, and Copies of all such Compositions or Agreements to be made by the said Trustees shall be entered at Length, by the Clerk to the said Trustees, in a Book or Books to be kept for that Purpose, which shall be open to the Perusal of any Person or Persons having Interest, at all seasonable Times, without Fee or Reward.

Trustees may compound for Tolls.

XLIV. Provided always, and be it enacted, That if any Composition Money agreed to be paid for passing through the said Gates or Turnpikes erected in virtue of the said recited Act, or to be erected by virtue of this Act, shall not be paid within Fourteen Days next after the same shall become due and payable, according to such Composition or Agreement, it shall and may be lawful for any Two or more Justices of the Peace for the County where the Person liable for such Composition resides, by Warrant under their Hands, to empower the Person authorised by the Trustees to receive such Composition, (Oath being first made that the same has been demanded and remains unpaid,) to levy such Composition by Distress and Sale of the Goods and Effects of the Person or Persons so refusing or neglecting to pay the same, in Manner hereinafter mentioned.

In Case of Nonpayment of Composition Money.

XLV. And be it further enacted, That the said Trustees, or any Three or more of them, shall be and they are hereby authorised and empowered by public Roup to let the said Tolls and Duties, in Whole or in Parcels, from Time to Time during the Continuance of this Act, by Lease or otherways, for any Time not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for Payment thereof as shall be approved of by the said Trustees, or any Three or more of them, as aforesaid.

Tolls may be let.

[*Local.*]

21 Y

XLVI. And

Power to
borrow
Money.

XLVI. And be it enacted, That it shall and may be lawful for the said Trustees at a General Meeting assembled, and they are hereby authorised and empowered to borrow upon the Credit of the Tolls and Duties to be levied and collected by virtue of this Act, any Sum or Sums of Money not exceeding Five hundred Pounds for each Mile of the said Roads; and if at any Time any Part of the Sums already borrowed or to be borrowed as aforesaid shall be paid off and discharged, it shall and may be lawful to and in the Power of the said Trustees to borrow other and further Sums of Money, and to burden the said Tolls and Duties with the Payment of the same: Provided always, that such further Loan or Loans shall not upon the Whole exceed the said Amount of Five hundred Pounds for each Mile of the foresaid Roads; and it shall be in the Power of the said Trustees at a General Meeting assembled (and they are hereby authorised) to assign and make over the Whole or such Part of the Tolls and Duties, to be levied and collected in Manner aforesaid, as they shall think proper, for a Security to the Person or Persons who shall lend such Sums or Sums of Money to be borrowed as aforesaid, or who shall become Sureties for the Re-payment of the same; and Copies of all such Assignments shall be entered by the Clerk to the said Trustees in a Book or Books to be kept for that Purpose, which shall at all reasonable Times be open to the Perusal of any Person or Persons having Interest without Fee or Reward.

Heirs of Entail may charge their entailed Estates to a certain Extent.

XLVII. And be it enacted, That all Bonds and Obligations for Money borrowed and applied for the Purposes of the said recited Act, or which it may hereafter be necessary to borrow for the Purposes of this Act, granted or to be granted by any Proprietor of an entailed Estate through which the said Roads respectively pass, or are intended to pass, or the Tutors, Curators, or Guardians of any such Proprietors, shall be held to bind such Proprietors, and their Heirs of Entail, in such Estates for the Re-payment of such Money, and such Bonds and Obligations shall be valid and effectual against the Granters of the same, and also against the Heirs of Entail succeeding to them in such entailed Estates, and such Sums shall be and continue to be a Burden on such Estates till repaid out of the Tolls and Duties hereby granted: Provided always, that the Share or Proportion of such Sum or Sums of Money borrowed or to be borrowed, in so far as they shall affect such entailed Estate, shall not exceed One Year's free Rent of such Estate: Provided also, that the Heir of Entail in Possession of such entailed Estate shall be liable to pay the Yearly Interest of such Sum or Sums, or the Proportion thereof corresponding to the Debt for which such Proprietor shall have become liable, failing Payment of the same out of the Tolls and Duties, but it shall not be lawful to the Creditor or Creditors in the Right of any such Debt to adjudge or otherwise evict the entailed Estate for Payment thereof, or any Part thereof, but it shall and may be competent to such Creditor or Creditors to prosecute such Remedy or Remedies against the Rents thereof as are given and allowed by the Law of *Scotland* to Heritable Creditors: Provided always, that no Trustee shall be held or adjudged to have rendered himself personally liable for the Re-payment of any Money borrowed or to be borrowed, or Interest thereof, by reason

Trustees, not personally liable.

reason of having signed any Assignment of the Tolls for Money borrowed 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.

XLVIII. And be it enacted, That at the First or any other General Meeting of the said Trustees to be called by Advertisement in the *Glasgow* Newspapers in Manner before directed, specifying the Time, Place, and Purpose of such Meeting, it shall be lawful for the said Trustees to divide the said Roads into so many Districts as they shall think proper, and to allocate and apportion the Money already borrowed under the said former Act amongst the respective Districts, and to allocate and apportion the Produce of such Turnpikes or Toll-bars already erected or to be erected within each District of the said Roads, towards the making, repairing, and upholding of such Districts or Divisions of the aforesaid Roads, and paying the Principal and Interest of the Money already borrowed or to be borrowed for the Use of such District as the said Trustees shall think fit, and as soon as the said Divisions and Allocations shall be adjusted, the Clerk to the said Trustees is hereby authorised and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Times hereafter, during the Continuance of the said Trust, it shall not be in the Power of the said Trustees, or any Number of them, to revise, vary, or alter the aforesaid Divisions and Allocations so entered and recorded as aforesaid.

Dividing the Roads into Districts and allocating the present Debt.

XLIX. And be it further enacted, That after the said Trustees shall have allocated and apportioned the Produce of the said Turnpikes and Toll Bars to the respective Districts as aforesaid, then the Tolls and Duties to be levied and collected in each of the Districts shall be under the particular Charge of such of the Trustees as are chiefly interested therein, and shall be applied by them for the Purposes of the Roads therein contained, and for discharging its own Proportion only of the Sums already borrowed or to be borrowed in virtue of the said recited Act or this Act, so that each of these Districts shall receive its own Produce, and be liable for its own Proportion only of the borrowed Money, without having any Claim upon the Funds of any of the other Districts; nor shall the said Trustees, by acting in any one of the said Districts, incur thereby any Responsibility for the Money borrowed or to be borrowed for the Use of the other Districts.

Each District to be liable for its own Debts only.

L. And be it further enacted, That it shall be in the Power of the Trustees for any particular District of the said Roads, or any Three or more of them, with Consent of such Individuals as have become personally liable, by signing Bonds for borrowed Money, in the said District, from Time to Time to direct such Parts of the Tolls and Duties levied or to be levied in the same District, as they shall think proper, not exceeding One-fifth Part of the annual Produce thereof in any One Year, to be laid out and applied for repairing the Roads in the other Districts contained in this Act: Provided always, that no Money shall in any case be so applied, or be authorised to be so applied, for such Roads, except at a General Meeting of the Trustees

A Fifth Part of the Produce in One District may be laid out in another District.

Trustees of the District from which such Allowance is proposed to be given, called by Advertisement in such *Glasgow* Newspapers as aforesaid Ten Days at least before the Day of Meeting, in which Advertisement shall be stated that a Proposal for granting such Allowance is to be laid before the Meeting.

Footpaths
may be
made, and
Bridges and
Drains.

LI. And be it enacted, That it shall be lawful to and for the said Trustees to cause Footpaths to be made on the Side or Sides of the said Roads, and to erect Posts to prevent any Person from riding or driving Horses, Carriages, or Cattle on the same; and if any Person shall ride or drive or cause any Horse or Carriage to be ridden or driven along any of such Footpaths, such Person or Persons shall for each Offence forfeit and pay any Sum not exceeding Forty Shillings, and it shall be lawful for the said Trustees to cause to be built or erected Arches or Bridges of Stone, Brick, Iron, or Timber, or to take down unnecessary and decayed Bridges, and to dispose of the Materials thereof, and to apply the Produce thereof to the Purposes of this Act, and to cause Conduits and Drains to be made through any Grounds adjoining to the said Roads; and in all Time subsequent to the making of the said Conduits and Drains it shall be lawful for any Person or Persons appointed by the said Trustees in Manner aforesaid to have Access to and repair, secure, and preserve the said Conduits and Drains without any Impediment or Obstacle whatsoever.

For widen-
ing or alter-
ing the
Roads, &c.

LII. And be it enacted, That in case the said Trustees shall think proper to widen, turn, or alter any Part or Parts of the said Roads for the better Accommodation of the Public, it shall be lawful to the said Trustees, and they are hereby authorised and empowered from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Heritages that may be necessary for these Purposes, and for the Loss or Damage which the Owners or Occupiers thereof or any of them shall or may in any wise sustain by such widening, turning, or altering such Roads, and to pay out of the Monies hereby vested in the said Trustees for the Purposes of this Act such Sum or Sums of Money as shall be agreed upon between the said Trustees and such Owners or Occupiers as aforesaid, which Roads when widened, turned, or altered by virtue of this Act, shall not be more than Forty Feet in Width, exclusive of the Footpaths and Ditches; and such Lands and Grounds when so purchased as aforesaid shall by Order and Direction of the said Trustees be laid into and made Part of the said Roads, in such Manner as the said Trustees shall see expedient, with proper Drains, Ditches, and Fences, and shall from thenceforth be deemed and taken as Part or Parts of the Roads to be repaired by virtue of this Act; and for these Purposes it shall be lawful for the said Trustees, and for Persons authorised by them, with Workmen, Carriages, and Cattle, to enter into and upon any Private Lands, Grounds, or Heritages through which or whereupon any of the said Roads hereby authorised to be altered, turned, or widened are or is intended to pass, and to stake out and make the same in such Manner as the said Trustees or their Committees shall think necessary or proper, without being subject to be deemed a Trespasser or Trespassers,

ers, or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part of such Lands, Grounds, or Heritages for any of the Purposes of this Act, first making or tendering to the Owners and Occupiers thereof, and Persons interested therein, a Recompence for the Damage they may thereby sustain: Provided always, that it shall not be lawful for the said Trustees to alter or vary the present Line of Road through the Village of *New Birbieston* to *Balgrochan Head Dyke*, without the Consent in Writing of the Proprietor of the said Village of *New Birbieston* for the Time being.

LIII. 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 said Roads to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be effected by any such Diversion or Alteration.

Trustees not to deviate more than 100 Yards from the Line of the Road without Consent, &c.

LIV. Provided always, and be it further enacted, That in making, widening, turning, or altering the said Roads, full Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, Houses, or other Buildings and Fences taken for the Use of the same, and for all Damage done to such Lands, Grounds, Houses, or other Buildings and Fences, and for that Purpose the Trustees shall before entering on any such Lands, Grounds, Houses, Buildings, or Fences or injuring the same, give Notice, in Manner hereinafter mentioned, to the Owners and Occupiers thereof, and make an Offer to them of what the Trustees considered to be the Value or a just Compensation for the same.

Compensation to be made for Ground taken or Heritages damaged.

LV. And be it further enacted, That if in making, widening, turning, or altering the said Roads the said Trustees shall not come to an Agreement with the respective Owner or Owners, and Occupier or Occupiers of the Lands, Grounds, Houses, Buildings, and Fences, taken for the Use of such Roads, or for the Damage done to the same respectively, or in case such Owners or Occupiers shall refuse to treat with the said Trustees for the same, or in case the Claim of Damages which may be thence incurred shall not have been renounced in Manner hereinafter mentioned, Application shall be made to the Sheriff-Depute of the County within which the Premises are situated, or his Substitute, to summon a Jury, to consist of not fewer than Fifteen Persons, in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses or other Buildings necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing of Fences; and the said Sheriff-Depute, or his Substitute is hereby empowered and required, upon such Application, to order Notice thereof to be given to the Owner or Owners, and Occupier or Occupiers of such Ground, Houses, or Premises, and afterwards to issue a Summons in the usual Manner for calling together a Jury, who being duly sworn, the said Sheriff-Depute or his Substitute shall proceed to examine upon Oath in his Presence (which Oath such Sheriff-Depute or Substitute is hereby authorised and empowered to administer) such Witnesses as shall be summoned by either

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

County within which the Premises are situated.

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

Party, and upon their Depositions, or other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Trustees, and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Premises as aforesaid, and in making up their Verdict, the said Jury shall have Right and they are hereby empowered to take under their Consideration all Circumstances, particularly the Advantages arising to the Owners and Occupiers by new or altered Roads; and in ascertaining the Value of the Fences which it may be necessary to pull down the Jury shall also have Power to direct such Fences as may thereby become useless to be taken down and removed by the said Trustees upon Payment of such Allowance for the same as the said Jury may determine; and it shall be optional to the Owners and Occupiers either to accept of the Allowance so awarded or to retain the Materials of the said Fences to their own private Use; and after a Verdict is pronounced as aforesaid the said Sheriff-Depute or his Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto, and upon Payment being made by the said Trustees out of the Money raised by virtue of this Act of the Sum awarded to the Party or Parties interested, or Consignation of the said Sum in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, in Manner by this Act directed, the said Trustees shall from thenceforth have a Right to take and use the Ground, and to take down the Houses and other Buildings and Fences, or Parts of Houses and other Buildings and Fences so valued, as fully and effectually ever after to all Intents and Purposes, as if the Owner or Owners, and Occupier or Occupiers of the Grounds, Houses, and other Buildings and Fences had executed regular Dispositions of the same, and thereupon Infestment had followed; and the said Proceedings and Orders of the said Sheriff-Depute or his Substitute shall be final and not removable by Bills or Letters of Advocation or Suspension, or by Reduction to or by any Court whatever, any Law or Usage to the contrary notwithstanding.

Expences of
the Proceed-
ings how to
be paid.

LVI. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Trustees; and the said 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 so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and on the other Hand, if the said Jury shall 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: Provided always, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, that after having paid or offered to the Owner or Owners, Occupier or Occupiers of any Lands or Houses or Premises such Sum as shall have been agreed on between such several Owners and Occupiers and the said Trustees, or as shall have been awarded in Manner aforesaid, or on depositing the
same

same in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company of Scotland*, in Manner by this Act directed, there to remain at such Interest as the said Banks may allow, at the Peril of such Owner or Owners, Occupier or Occupiers; it shall and may be lawful for the said Trustees to enter into or upon such Lands, Houses, or Premises for the Purposes of this Act, and no Stop shall, in the Meantime, 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; and in case any Person interested shall apply for and obtain from any Judge competent a Warrant for stopping the Execution of the Purposes aforesaid, the said Judge is hereby directed to recal such Warrant, and remove any Sist obtained as aforesaid, provided sufficient Caution shall be found by the Trustees therein named for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in Manner hereinbefore mentioned.

Any Warrant for stopping the Work to be recalled on Caution found.

LVII. And be it enacted, That if any Person summoned as a Juryman or 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 shall refuse to give Evidence after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, such Sheriff-Depute or his Substitute is hereby empowered to fine every such Person for every such Offence, in any Sum not exceeding Five Pounds.

If Jurymen, &c. refuse to act.

LVIII. And be it enacted, That it shall and may be lawful for the said Trustees, or their Committees, and any Person or Persons having an Order from them to open Quarries, and dig, gather, and take and carry away any Stones or Gravel, or other Materials, out of any Waste or Common, Burn or River, within any Parish or Place in which any Part of any of the said Roads do lie, or in any adjoining Parish or Place, for making and repairing, altering or widening the said Roads, and the Bridges thereon, or any of them, or Toll Houses or other Buildings connected therewith, without paying for the same; and to dig, gather, and carry away all such Materials from Quarries already opened, and from any Grounds within any Parish or Place in which any Part of any of the said Roads do lie, provided the same can be done with Safety to the Passage of the said Roads, and without injuring any Public Building, the said Trustees paying such Damages for the same, and for the Value of the Materials to the Owner or Occupier thereof, as the said Trustees shall judge reasonable, or in Case of Difference as shall be ascertained by any Two Justices of the Peace of the County within which such Quarries or Grounds are situated, with Power to the said Proprietor or Occupier to appeal from the Decision of such Justices to the next Quarter Sessions, whose Decision shall be final; and in all Cases the said Trustees or Persons acting under them shall be bound and obliged, if required by the Owner or Occupier of the Ground, to level such Pits and Quarries when no longer required for the Use of the said Roads and Bridges; and in the Meantime, where necessary, to surround such Pits and Quarries with sufficient Fences while they are kept open.

Trustees, &c. empowered to take Materials.

Notices to be given before Materials are taken.

LIX. Provided nevertheless, and be it further enacted, That no Surveyor or any other Person or Persons acting under the Authority of this Act, shall begin to dig, gather, or carry away any Materials for making or repairing the said Roads out of or from any inclosed Land, until notice in Writing, signed by the said Surveyor, or other Person or Persons, shall have been first given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owners or Occupiers usual Place of Residence, to appear before any Two Justices of the Peace acting for the County in which the same shall be situated, at any Time not sooner than Ten Days after giving such Notice to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice and shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorise such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, at the Time and Place appointed, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended; and the Order of such Justices shall be final and conclusive to and upon all Parties.

No House or Orchard, &c. to be prejudiced.

LX. Provided always, That in altering, widening, or making any of the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced of which the Side Walls are above Twenty Feet in Height from the Surface of the adjoining Ground; nor any Orchard, Garden, Yard, Planted Walk, Avenue, Lawn or Pleasure Ground, or Plantation of Trees, without the Consent in Writing of the Owner or Owners thereof first had and obtained; and that no Dwelling House shall be pulled down or removed without Notice in Writing given to the Owner or Occupier of such Dwelling House, Six Months previous to the then next Term of *Whitsunday*; nor any Outhouse, without Three Months Notice in Writing given to the Owner or Occupier thereof previous to the then next Term of *Whitsunday*; nor shall any Lands inclosed or uninclosed be entered upon or taken Possession of without Four Months such Notice previous to the putting in of the then next Crop, if under Culture, and if in Grass, Three Months previous to the then First Day of *March*, to the Owners or Occupiers of such Lands.

Toll Houses, Places for depositing Materials, &c. to be provided.

LXI. And be it further enacted, That it shall and may be lawful for the said Trustees to give Orders for purchasing or taking in Feu or Lease such Pieces of Ground adjacent to the said Roads (each not exceeding One-eighth Part of an Acre in inclosed Ground, and One-fourth Part of an Acre in any open or uninclosed Ground, except with the Consent of the Owner or Owners of such Ground) as shall be adjudged most convenient for erecting Toll Houses with Stables and Gardens to the same, or for Repositories wherein the Mud that may be raked off the Roads may be deposited, and the Stones or other Materials for repairing the said Roads may be broken or kept, so as to be laid as little as possible upon the said Roads until they

they are immediately to be used for repairing or amending the same, and each such Repository not exceeding Thirty Square Yards in Extent; and in case the said Trustees or their Surveyor cannot agree with the Owner or Occupier as to the Price, Feu Duty, Rent, or Damages to be paid for the same, such Price, Feu Duties, Rent, or Damages shall be settled and determined by a Jury in Manner as hereinbefore mentioned.

LXII. Provided always, That it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, to give up and renounce every Claim of Damage or otherwise competent to them in regard to the whole Matters aforesaid which shall not amount in Value to the Sum of Twenty Pounds; and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

Proprietors under Entail or not may renounce Claims of Damage.

LXIII. 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, 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 to sell, feu, let, and convey all such Lands or Houses as the said Trustees are by this Act enabled to purchase, take, or make use of 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 or Occupiers as shall be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers, or as shall be awarded in Manner aforesaid.

Incorporated Persons, &c. empowered to convey.

LXIV. And be it further enacted, That all Lands, Tenements, or Heritages which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company 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's Court Books of the County in which such Lands, Tenements, or Heritages are situated, 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.

How Lands are to be vested in Trustees.

LXV. 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

Application of Compensation when amounting to 200l.

[Local.] 22 A Life-rents,

Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall in case the same shall amount to 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*, or Bank of the *British Linen Company 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 Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorise 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, and 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 Meantime 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 said Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

LXVI. 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 and not less than the Sum of Twenty Pounds; then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used; or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid in order to be applied in Manner 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 Three 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 may be applicable.

LXVII. 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 Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit, or in case of Infancy or Lunacy then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20l.

LXVIII. 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 this Act shall refuse to accept the same, or shall not be able to make out 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 Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company 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*, or Bank of the *British* Linen Company 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 aforesaid.

In case of not making out Titles, &c.

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

LXIX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements,

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

or

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.

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

LXX. 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 to 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.

For shutting up Roads.

LXXI. And be it enacted, That when the Direction of any Part or Parts of the said Roads shall be altered as aforesaid, it shall be lawful to and for the said Trustees to shut up, and also to sell and dispose of such Part or Parts of the said Roads, and the Materials of such Bridges as shall in consequence of such Alteration be no longer of Use, or whereby any Gate or Turnpike may be avoided; and in case any Proprietor or Proprietors, Occupier or Occupiers, or Inhabitants of the adjacent Lands, shall be deprived of any necessary Passage or Communication, or shall be prejudiced by the shutting up and disuse of such Part or Parts of the said Road, it shall be lawful to and for the said Trustees, and they are hereby directed to give new and convenient Passages to and from the aforesaid Roads to such Proprietors, Occupiers, or Inhabitants, and for that Purpose to purchase such Pieces of Ground as they shall judge most proper.

Old Road to be allotted to Owner of adjoining Lands.

LXXII. And be it further enacted, That in case the Road so altered as aforesaid, or New Road, and the Road to be shut up, or Old Road, shall both pass through the Grounds of the same Proprietor, and that the Ground occupied by the New Road is of equal or greater Value than the Ground occupied by the Old Road, the said Ground occupied by the Old Road shall be allotted to the said Proprietor, and its Value shall be deducted from the Value of the Ground occupied by the New Road in making Payment for the same; and in case the New Road and the Old Road do not both pass through the Grounds of the same Proprietor, the said Trustees are hereby empowered to sell such Old Road for the best Price that can be got for the same, giving the Proprietor or Proprietors of the Ground through which the Old Road passed the first Offer of the same; and Oath shall be made by the Clerk to the said Trustees or by some other fit Person of such Offer of Preference having been made; and if any Dispute shall arise about the Value of the Ground occupied by the

the Old Road, the same shall be determined by a Jury, to be summoned in Manner before mentioned; and if the Situation of any Toll Gate, Toll House, and Premises or Place for depositing Materials, or either of them, shall be changed, and the same be no longer requisite for the Purposes of the Trust, the said Trustees are hereby empowered in like Manner to sell the same, giving the Proprietor or Proprietors of the Grounds from which such Piece or Pieces of Ground have been originally taken the First Offer of the same; and failing of any Agreement about the Value of such Ground, the same shall be determined in Manner as before mentioned with regard to Places of Deposit, and the Money arising from such Sales shall be applied to the Purposes of this Act; and the Sales and Conveyances to be made of the Ground comprised in the said Old Roads, Situations of Old Toll Gates, Toll Houses, and Premises and Places for depositing Materials, being executed by a Quorum of the said Trustees, shall be good and effectual in Law to all Intents and Purposes.

LXXIII. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground as hereinbefore allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent or old Extent of the Land from which such Grounds should be taken. Ground taken not to diminish valued Rent, &c.

LXXIV. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of the said Roads, or any Part thereof; or shall wilfully or negligently damage or destroy any of the Fences, Walls, or Gates on the Sides of the said Roads and belonging thereto; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the Footpaths or Causeways belonging thereto; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Roads or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Roads to the Prejudice or Injury thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads so as wilfully to damage the said Roads, or any Part thereof; or if any Person or Persons shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone, (otherwise than upon Wheeled Carriages,) or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon a Wheeled Carriage to drag upon any Part of the said Roads to the Prejudice or Injury thereof; or if any Person or Persons 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, or shall draw and transport on any Part of the said Roads, upon any Cart or other Carriage with less than Four Wheels, any Timber or other Matter exceeding Twenty-four Feet in For Prevention of Nuisances.

Length, or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever, in going up any Hill or Rising Ground, leave, or suffer, or permit to be and remain on any Part of the said Roads, the Stone or other Thing used in such blocking or stopping; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up or damage the said Roads or any Part thereof, or the Fences or Hedges on either Side thereof; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Beast, Pig, or Swine to graze, or to be and remain loose on the said Roads; or if any Person driving any Coach, Chaise, or Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the said Roads, or if any Person or Persons shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his or their Care, or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set Fire to, let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever within Sixty Yards of the Centre of the said Roads, or play at Football, or any other Game or Games whatsoever on any Part of the said Roads to the Annoyance of Persons travelling thereon; or if any Person or Persons shall leave on any Part of the said Roads any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, without some reasonable Cause, to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed in order to his or her Conviction; and save and except with regard to such Waggon, Wain, Cart, or other Carriage during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the Road as conveniently may be, in, upon, or on the Side of the Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person or Persons shall lay any Piece of Timber or any Stones, Bricks, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever; or make any Pit or Hole on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hindrance, or Prejudice of any Person or Persons travelling thereon; or shall do any other Damage or Injury to the said Roads or any Part thereof; every Person so offending shall, besides removing the Nuisance, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Gates not to swing into the Road.

LXXV. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Roads shall be made and hung to open and swing inwards towards such Field or Ground and not towards the Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected or may hereafter be erected and open and swing outward towards the said Roads to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Roads, shall (after Ten Days, Notice from the

Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alterations, or after such Alterations shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling.

LXXVI. And be it enacted, That if any Person or Persons shall break down, damage, destroy, or deface, or attempt to break down, damage, destroy, or deface any Turnpike Gate, Toll House, Direction or other Post, Chain or Bar, or any of the Bridges, Parapets, Ledges, or other Erections whatsoever on the Line of the Roads aforesaid, or vested in the said Trustees, or any Part or Parts thereof, or shall strike, maltreat, or threaten any of the Toll Gatherers or any Person or Persons of their Family, employed in levying the said Tolls and Duties, or shall rescue or attempt to rescue any Person guilty of any of the Offences aforesaid, such Person or Persons offending as aforesaid shall be obliged to pay for all Damages incurred, and shall also forfeit and pay a Sum not exceeding Ten Pounds Sterling, and in Default of making Satisfaction of the said Damages, and paying the Fine as aforesaid, such Person or Persons shall be imprisoned in the Common Bridewell or Gaol of the County where the Offence was committed for any Time not exceeding Three Calendar Months.

Persons destroying the Turnpikes, Ledges, Bridges, &c. to be punished.

LXXVII. And be it enacted, That it shall not be in the Power of any Person or Persons to erect or cause to be erected any Dwelling House or other Building nearer to the Centre of any Part of the Roads aforesaid than Twenty Feet, nor to plant Trees adjoining to the said Roads or to any Part thereof nearer to the Centre thereof than Twenty Feet; and in case any Person or Persons shall nevertheless presume so to build any Dwelling House or other Building nearer, or to plant contrary to the Enactment aforesaid, it shall be in the Power of the said Trustees to procure an Interdict against such Offenders or Offender, and to cause an Action to be brought against them for having the said Houses and Buildings so erected or Trees planted removed; and it shall be in the Power of the Judge or Judges before whom the said Action shall be so brought to order the said Houses or Buildings to be removed, or to fine or amerciate such Offender or Offenders when convicted as aforesaid in a Sum not exceeding Five Pounds Sterling, as the Case may be, over and above the Expense of removing the Encroachments so made as aforesaid.

Houses not to be built within a certain Distance of the Centre of the Roads.

LXXVIII. And be it enacted, That at proper Seasons of the Year all Hedges growing upon the Sides of any Part or Parts of the said Roads shall be lopped and kept at a Height not exceeding Four Feet from the Root of the said Hedges, and all and every Tree or Trees growing upon the Sides of the said Roads, and which shall shadow and overhang the said Roads, shall have their Branches properly lopped and cut, and in case the Owner of such Hedges or Trees shall refuse or delay when required, upon Notice of Three Weeks, at any Time between the First Day of *October* and the last Day of *April* in every Year, so to lop and cut the same, then it shall be lawful for and the said Trustees, or any Two of them, are hereby authorised and empowered

Hedges and Trees to be lopped.

powered to cause the same to be lopped, pruned, or cut as the same may require, and the Expences attending the same shall be levied on the said Owner or Owners so refusing as aforesaid in the same Manner as other Penalties and Forfeitures imposed by this Act are directed to be levied, and such Owners and Occupiers shall be obliged to carry the Brushwood or Branches of Trees which may be so lopped or cut off the Roads and out of any Drains or Ditches adjoining thereto, within Three Days after being so lopped or cut, under a Penalty not exceeding Forty Shillings Sterling for each Offence.

Roads to be measured, and Mile Stones to be erected.

LXXIX. And be it enacted, That the said Trustees shall be and they are hereby empowered to cause the said Roads to be measured, and Stones or Posts to be erected near the Sides thereof, denoting the Distance of each Mile, as also Guide or Direction Posts to be placed at the Cross-Roads or Lanes branching from the Main-Roads; and if any Person or Persons shall break, destroy, damage, pull up, or remove any such Stones, Posts, or Way Posts, or obliterate or deface any Letters or Figures that shall be made, inscribed, or put thereon, such Person or Persons shall besides repairing the Damage respectively forfeit and pay a Sum not exceeding Five Pounds Sterling, over and besides the Expences of the Procedure, or (in the Option of the Judge or Judges) shall be imprisoned in the Bridewell or Gaol of the County in which the Offence shall be committed for such Number of Days, not exceeding Twenty, as to him or them shall appear proper.

Headridges to be made, and Gates on the Sides of the Road to open inwards.

LXXX. And be it enacted, That from and after the passing of this Act every Person ploughing any uninclosed Land contiguous to any of the said Roads shall make Headridges along the Sides of the said 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 Lands so ploughed without Headridges having been made, to be levied, recovered, and applied in Manner hereinafter directed.

Drains may be made, &c.

LXXXI. And be it enacted, That the said Trustees, or any Three or more of them, may cause to be made Trenches, Ditches, Conduits, or Drains, with proper Passages and Outlets for the same, through any Lands contiguous to the said Roads, not being an Orchard, Yard, Garden, Paddock, planted Walk, or Avenue to a House, as they shall judge necessary for the better repairing and upholding the said Roads, and for conveying away the Water from Ditches which are or hereafter shall be made along the Sides of the said Roads, and to scour and preserve the Conduits or Drains without any Impediment whatever; and when any Passage for Cattle or Carriages across the Sides of the said Roads shall be made for the Conveniency of the Occupier or Occupiers of the Grounds through which the said Roads pass, he, she, or they shall cover the Drains crossing the Sides of such Roads with sufficient Stones in such Manner as that the Course of the Water in the Drains may not be interrupted, or the Roads thereby prejudiced: Provided always, that no Owner or Occupier of Lands shall turn any Water upon the Sides of the said Roads, nor conduct any

any Water across the said Roads for meliorating of his Fields, or other Purposes, until he shall have applied and obtained the Consent of Two or more of the said Trustees in Writing to that Effect; and every such Owner or Occupier shall be obliged to carry the Water across the Road in a covered Drain of such Depth or Construction as that the Water may not prejudice the Road, and in such Manner as shall have been directed by the said Trustees, or any Two or more of them; any Person offending in any of the above Particulars, and being convicted thereof in the Manner directed by this Act, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings, besides the Amount of any Damages thereby occasioned.

LXXXII. And be it enacted, That the Owners or Occupiers of all Houses built or to be built on the Sides of the said Roads shall be obliged to keep the Drains in front of such Houses at all Times properly cleaned and cleared out, so that the Water shall not be allowed to stagnate on the Road, and failing thereof, after Three Days Notice given to them for that Purpose, it shall be in the Power of the Trustees, or any Two of them, to cause such Drains to be cleaned and cleared out at the Expence of the Occupiers of such Houses respectively.

Drains in
Front of
Houses to be
kept clean.

LXXXIII. And be it further enacted, That where Fences shall henceforth be made on the Sides of the said Roads, the Hedge shall be on the Side next the Road, and the Ditch next the Field, unless Three or more of the said Trustees, at a General Meeting assembled, shall give a Consent in Writing that it may be otherwise; also that proper Conduits shall be made in different Places for carrying the Water from the Road under the said Fence or Bank into the Ditch.

Ditches not
to be made
next the
Road.

LXXXIV. And be it enacted, That it shall be in the Power of any Three or more Justices of the Peace for the said respective Counties within which the said Roads or any Part or Parts thereof are situated, upon the Application of a Quorum of the Trustees hereby appointed, to cause any unnecessary Bye Roads or Fords to be shut up, or such as they shall judge of little Consequence to the Public Intercourse, due Notice being always given of the Intention to make such Application by Publication at the Church Doors of the Parish or Parishes in which such Roads or Fords shall be situated, on a *Sunday*, at dismissing of the Congregation from Divine Service, thereby intimating to every Person interested that they may be heard why the said Bye Roads or Fords should not be shut up or stopped; and in case any Person or Persons shall think himself, herself, or themselves aggrieved by the shutting up of any such Bye Road or Ford, it shall and may be lawful for him, her, or them to apply to the Justices of the Peace for the said respective Counties in General Quarter Sessions assembled, who shall hear and determine the Matter in Dispute, and whose Judgment shall be final and conclusive.

Power to
suppress un-
necessary
Bye Roads
or Fords.

LXXXV. And be it further enacted, That if any Person or Persons who hath or have become Subscribers towards defraying the Expence of passing this Act, and carrying the Purposes thereof or any of them into Execution, shall neglect or refuse to pay the Whole

Compelling
Payment of
Subscrip-
tions.

or any Part of such Subscription Money when required so to do, by a written Notice subscribed by the Clerk or Treasurer of the said Trustees, delivered to such Subscriber or Subscribers, or left at the Dwelling House or ordinary Residence of such Subscriber or Subscribers aforesaid, and that within Three Calendar Months from and after the Notice to be left as aforesaid, then and in every such Case it shall be competent for the said Trustees to cause to be brought in the Name of their Clerk or Treasurer aforesaid an Action or Actions for Recovery thereof, in any Court competent within that Part of *Great Britain* called *Scotland*: Provided nevertheless, that the Money so subscribed and paid as aforesaid shall be repaid with the legal Interest thereof out of the Monies allowed to be borrowed in virtue of this Act, or out of the Tolls and Duties allowed to be levied and collected by Authority of the same; and until such Re-payment as aforesaid the Monies so advanced by the Subscribers, with the legal Interest thereof, shall be a Lien and Burden on such Tolls and Duties.

Toll Gatherers may give Evidence.

LXXXVI. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching or in any ways relating to the said Tolls and Duties, 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.

LXXXVII. And be it enacted, That all Compositions for Tolls, and all Expences, Penalties, and Forfeitures by this Act imposed, the Recovery whereof is not otherwise provided for, may be recovered by summary Complaint, at the Instance of any One of the said Trustees, or of their Clerks, Treasurers, Collectors, or Surveyors, or other Person or Persons, before the Judge Ordinary of the District, or before any One or more of the Justices of the Peace for the said Counties within which the Matter of Complaint may arise; and the Fact or Facts being verified or proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Judge or Judges Ordinary or Justices are hereby authorised to administer,) or by other satisfactory Evidence, the said Judge or Judges Ordinary, or Justice or Justices, is and are hereby authorised and required to grant a Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender; and the Persons distraining the same are hereby authorised and empowered to sell the Goods or Effects so distrained, and to return the overplus Money (if any there be) upon Demand, to the Owner of such Goods or Effects, after such Compositions, 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 Compositions, Expences, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Judge or Judges Ordinary, or Justice or Justices, and he and they is and are hereby authorised and required by Warrant under his or their Hand

Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders to be committed to the Common Gaol of the County within which he or they may reside, there to remain for any Time not exceeding Six Calendar Months, unless the said Compositions, Expences, Penalties, and all reasonable Charges shall be sooner paid and satisfied.

LXXXVIII. And be it enacted, That if any Person or Persons shall Appeals. think himself, herself, or themselves aggrieved by the Sentence of any Justices not assembled in Quarter Sessions in the Manner aforesaid, it shall and may be lawful for him, her, or them, to appeal to the Justices of the Peace for the said County of *Stirling, Dumbarton, Lanark,* and *Perth* respectively, within which the Cause of Appeal may arise, in their General Quarter Sessions assembled within Three Calendar Months of the Date of the said Sentence; and such Justices at their General Quarter Sessions assembled are hereby authorised and empowered to hear and determine the Matters in Dispute, and their Decision shall be final and conclusive; and the Proceedings of the Justices so in Quarter Sessions assembled shall not be subject to Review by any Court by Advocation, Suspension, Reduction, or otherwise: Provided always, that all Actions for all and every the Penalties and Forfeitures imposed by this Act, or for any Thing done Limitation of Actions. in the Execution thereof, shall be commenced within Six Calendar Months after the Fact was done or committed, and not afterwards.

LXXXIX. And be it further enacted, That all Costs and Charges Charges of this Act how to be defrayed. expended in and about the procuring or passing the present Act, and all Monies already due or which shall hereafter become due or owing upon Account or by Reason of putting this present Act in Execution, shall be paid out of the first Monies already collected and borrowed or to be collected and borrowed in virtue of this present Act.

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

XCI. And be it enacted, That the Powers by this Act granted shall Commence- ment and Continuance of Act. 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.

1977
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