



ANNO TERTIO

GEORGIIV. REGIS.

Cap. cx.

An Act for making certain Roads in the Counties of *Lanark, Stirling, and Dumbarton.*

[26th July 1822.]

WHEREAS the making and maintaining a Road from *Kirkintulloch* by *Oxgang, Merkland, Gartshore, Drum, Westfield, and Balloch*, to join the Turnpike Road between *Glasgow* and *Cumbernauld*, all in the Parishes of *Kirkintulloch* and *Cumbernauld*, and a Road from thence by *Auchinkilns Hill* and *Lenzie Mill*, in the Parish of *Cumbernauld*, to join the *Lanark* and *Stirling* new Road; a Road from *Queenzie* or *Queeny Toll Bar*, on the Turnpike Road between *Kilsyth* and *Kirkintulloch*, across the River *Kelvin* to *Twechar* Drawbridge on the *Forth* and *Clyde* Canal, and from *Twechar* through the Lands of *Barr, Shirva, Gartshore, Drum, Banheath* or *Badenheath*, across the River *Luggie*, to join near the *Mollinburn* the Turnpike Road between *Glasgow* and *Condorrat*, all which Places are situated within the Parishes of *Kilsyth, Kirkintulloch, Cumbernauld, and New Monkland*; and a Road from *Kilsyth*, by the Drawbridge, across the *Forth* and *Clyde* Canal at *Auchinstarry*, through the Lands of *Auchinstarry, Auchinvole, Cuilmuir, Gartshore, by Stockbridge*, and from thence through the Lands of *Smythston, Toddhills, Drum, and Westfield*, to join the Turnpike Road between *Cumbernauld* and *Glasgow* at or near *Condorrat*, all of which Parishes are situated in the Counties of *Lanark, Stirling, and Dumbarton*, would be of Benefit to the Counties and Districts through which the same pass, and to

[Local.] 40 O the

Trustees
appointed.

the Public at large ; but as this cannot be accomplished without the Aid and Authority of Parliament, may it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who in his own Right, or in the Right of his Wife, is or shall be in the Possession, as Proprietor or Life-renter of the *Dominium Utile* of Lands lying within any of the Parishes in or through which the said Roads or any of them are situated or pass, valued in the Cess Books of the respective Counties in which such Lands lie at One hundred Pounds *Scots* of valued Rent or upwards, and all and every the eldest Sons of such Persons, being the Heirs apparent of such Property, and the Factors of such Persons in their Absence, as also the Persons after-mentioned and described ; (*videlicet*) Sir *Patrick Murray* of *Ochertyre*, Baronet, Sir *Samuel Stirling* of *Glorat*, Baronet, Sir *James Stewart Denham* of *Coltness* and *Westshield*, Baronet, *William Murray*, eldest Son of Sir *Patrick Murray* of *Ochertyre*, *James Glassford* of *Dougalston*, *John Kincaid* of *Kincaid*, *John Lennox Kincaid* the Younger of *Kincaid*, *Alexander Gartshore Stirling* of *Craigbarnet*, Captain *George Stirling*, Son of the late Sir *John Stirling* of *Glorat*, *John Buchanan* of *Carbeth*, *Robert Brown*, Factor to His Grace the Duke of *Hamilton* and *Brandon*, 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, making, maintaining, keeping, and repairing the Roads aforesaid, for building and repairing Bridges on the same, and for executing all the Powers given and granted by this present Act.

Maps may
be inspected.

II. And be it further enacted, That every or any Person being an Owner or Occupier of any Lands or Tenements upon the Line of the said Roads shall at all seasonable Times have Access to the Maps or Plans of the said Roads and Books of Reference relating thereto, which have been deposited with the several Clerks of the Peace of the said Counties of *Lanark*, *Stirling*, and *Dumbarton*, and shall be entitled to examine and make Extracts from or Copies of the same, paying to the said respective Clerks for such Copies of or Extracts from the same after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Trustees not
to deviate
more than
One hun-
dred Yards.

III. And be it further enacted, That in making or repairing the said Roads it shall not be lawful for the said Trustees, or any Person or Persons employed by them, to deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in Writing of the Owner and Occupier of the Ground through which such Deviation is to be made first had and obtained thereto.

Qualification
of Trustees.

IV. Provided always, That no Person other than a Proprietor or Life-renter of Lands of the Valuation and situated as aforesaid, or the eldest Sons of such Proprietors, shall be capable of acting as
a Trustee

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 and 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,

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 Enjoyment of Lands or Heritages of the clear yearly Value of Fifty Pounds Sterling, 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 Sterling. So help me GOD.

V. And be it further enacted, That if any Person not qualified as aforesaid (except the said Persons above particularly specified) 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 recovered with full Costs of Suit, by summary Complaint at the Suit of any Heritor of any of the Parishes through which any of the said Roads pass, before the Justices of the Peace, at their General or Adjourned Sessions of the Peace; and the Money recovered shall be paid to the Trustees appointed by this Act, or their Treasurer or Collector, to be applied to the Reparation of the said Roads and Bridges thereon, in such Manner as the said Trustees respectively at any General Meeting assembled shall direct and appoint; and in all Cases where such Complaint shall be made, the Proof of Qualification shall lie upon the Person complained of.

Penalty upon acting if not qualified.

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

Trustees not to hold Places of Profit.

VII. And be it further enacted, That for the Purpose of carrying this Act into Execution the said Trustees, or any Three or more of them, shall meet at *Kilsyth* upon the First *Friday* in the Month of *September* One thousand eight hundred and twenty-two, 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 *Kilsyth* 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 *Kilsyth* as aforesaid,

First and other General Meetings.

or

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 authorize the Clerk, appointed as aftermentioned to subscribe an Advertisement announcing such Adjournment, which Advertisement and every succeeding Advertisement relative to the after Proceedings of the said Trustees, shall be and the same is 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; and the Trustees at all Meetings shall defray their own Charges.

Special
General
Meeting
may be
called.

VIII. Provided always, and be it enacted, That any Two or more Trustees may, at any Time, authorize 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.

Quorum.

IX. And be it further enacted, That at all General Meetings of Trustees under this Act the said Trustees shall appoint a Chairman, who in case of an Equality of Votes upon any Question arising at such Meeting shall besides his Vote as a Trustee have a casting Vote; and at all such Meetings Three Trustees shall be a Quorum.

Orders not
to be re-
voked with-
out Notice.

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

Appoint-
ment of
Officers.

XI. And be it further 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

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 other Persons to such Offices, 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 authorized 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.

XII. 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 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 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.

Proceedings
to be entered
in a Book.

XIII. 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

Accounts to
be kept of
Receipts and
Disburse-
ments.

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.

XIV. And be it further enacted, That all 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, shewing 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 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 authorized 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 authorized 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, 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

the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power, relating to the Execution of this Act, then and in any of the Cases aforesaid such Justices may and they are hereby authorized 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.

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

Treasurer or Collector to find Security.

XVI. 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 for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer for the said Purposes, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every such 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 with full Costs of Suit in any of His Majesty's Courts in *Scotland*, by summary Complaint.

Same Person not to be Treasurer and Clerk.

XVII. And be it further enacted, That the said Trustees when assembled at their respective Meetings shall and may erect or cause to be erected in and across the said Roads such Number of Gates or Turnpikes, and such Number of Toll Houses, with proper Stables and Gardens adjoining to such Toll Houses as to them shall appear to be expedient; the Scite of each such Toll House, Stable, and Garden not exceeding One Eighth of an Acre; provided, that One Quarter of an Acre may, with the Consent of the Proprietors; or on Common or Waste Lands, be taken for such Purpose, and from Time to Time to alter the Situation of such Gates or Turnpikes and Toll Houses,

Turnpikes to be erected.

Houses, Stables and Gardens; and the said Trustees, or some Persons or Persons by them to be appointed shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at the several and respective Gates or Turnpikes which may be erected upon the said Roads, before Passage be permitted, the Tolls following; (that is to say)

Tolls.

For every Horse or Beast of Draught drawing any Coach, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, One Shilling; and for any Number of Horses or Beasts of Draught exceeding Five drawing any such Carriage, Six Shillings; and if the said Trustees shall think proper for every Horse or Beast of Draught, not more than Six in Number, drawing any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, any Sum in addition to the aforesaid Rates, not exceeding One Half more thereof:

For every Horse, Ox, or Beast of Draught, if more than Three in Number, drawing any Waggon, Wain or Cart, or other such Carriage, One Shilling:

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

For every Horse, Ox, or Beast of Draught, if not more nor less than Two in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, Sixpence:

For every Horse, Ox, or Beast of Draught, where not more than One is drawing any Waggon, Wain, or Cart, or other such Carriage, Eight-pence:

For every Saddle Horse or Mule, with or without a Rider, Four-pence:

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

For every Ass, loaded or unloaded, Two-pence:

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

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Ten-pence; and so in Proportion for any greater or less Number:

For every Drove of Horses or Fillies, unshod, Two Shillings and Sixpence Sterling *per* Score; and so in Proportion for any greater or less Number.

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

XVIII. 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 of the Gate at which a Ticket shall have been delivered, and also 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

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; provided always, that such Note or Ticket shall not entitle such Person or Persons having paid at one Bar on one Line of the said Roads to pass Toll free at any second or other Bar on another Line of the said Roads if such Person or Persons shall, after paying at such first Bar, have left the said Roads and arrived at such second or other Bar by travelling upon any Road or Roads not contained in this Act.

XIX. Provided always, and be it enacted, That in case any Wagon, Wain, Cart, or Carriage of the like Description, 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.

Tolls to be taken for new Loading.

XX. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the Table of Tolls; and the said Trustees shall also cause a List of all the Penalties imposed by this Act to be so affixed; together with the various Regulations which are by this Act made for the Regulation of those who may travel or drive Carriages or Carts, or who may ride along the said Roads.

Table of Tolls to be put up.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to erect or cause to be erected one or more Gate or Gates, Bar or Bars on the Side or Sides of the said Roads, or across any Part of any Lanes or Ways leading out of or into the same, and also a Toll House, with a proper Stable and Garden, (not exceeding the Extent of Ground above provided,) adjoining to each such Toll House at such Bar or Gate, and from Time to Time to alter the Situation of such Side Gates or Bars and Toll Houses, Stables and Gardens, and there to demand, take, and receive such Tolls as are by this Act granted and made payable; but so as that a Ticket received at any such Side Gate or Bar shall entitle the Receiver thereof to pass through the next Gate or Bar on the same Day, and on the same Road, if within Four Statute Miles Toll free: Provided always, that the Space between such Bar and the Main Road be repaired and maintained out of the Tolls levied at such Side Bar.

Trustees may erect Side Bars.

XXII. And be it further enacted, That if any Person or Persons having paid the Tolls or Duties by this Act imposed, and being possessed of a Note or Ticket, Notes or Tickets, denoting or signifying the Payment thereof, shall give or dispose of the same to any

Penalty on fraudulent Disposal of Tickets.

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other

other Person or Persons in order to avoid the Payment of the said Tolls or Duties, every such Person so giving or disposing thereof and the Person receiving the same, being convicted thereof upon Oath by One or more credible Witness or Witnesses, or his own Confession, before any One or more Justice or Justices of the Peace of the County where the Offence shall be committed, or where the Offender shall reside, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, to be levied and recovered by Distress and Sale of the Offender's Effects.

Weighing
Engines to
be erected.

XXIII. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Waggon, Wain, Cart, and other Carriages which shall pass along the said Roads, and receive and take, over and above the Tolls hereby granted, the following Sums of Money as additional Toll for every Hundred Weight of One hundred and twelve Pounds to the Hundred which any Waggon, Wain, Cart, or any such Carriage, together with its Loading, shall weigh at any of the said Weighing Engines over and above the Weights which such Waggon, Wain, Cart, or such Carriage is allowed to weigh, without paying additional Toll; (that is to say),

For the First and Second Hundred Weight of such Overweight, the Sum of Three-pence for each Hundred :

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

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

For every Hundred of such Overweight, above One Thousand and not exceeding One thousand five hundred, the Sum of Five Shillings.

For every Hundred of such Overweight above One thousand five hundred, the Sum of Twenty Shillings.

And that before they respectively shall be permitted to pass through such Gate or Turnpike; and the same shall be applied as the other Tolls are by this Act respectively directed to be applied; and every Person travelling with any Waggon, Wain, Cart, or other such Carriage shall when required thereto by any Collector of Tolls or Duties permit the same to be weighed, and shall assist in weighing the same; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, or shall refuse to assist in weighing the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Weight of
Carriages
which shall
be permitted
to pass with-
out paying
additional
Tolls.

XXIV. And be it further enacted, That every Waggon, Wain, Cart, or other such Carriage shall be allowed to pass without paying any additional Toll, provided it with its Loading does not weigh more than the Weight following; *videlicet*,

Every Waggon, Wain, Cart, or other such Carriage, drawn by One Horse, Ox, or Beast of Draught, One Ton five hundred Weight; and

and drawn by Two Horses, Oxen, or Beasts of Draught, One Ton and a Half; and drawn by Three Horses, Oxen, or Beasts of Draught, One Ton one thousand five hundred Weight; and drawn by Four Horses, Oxen, or Beasts of Draught, Two Tons; and drawn by Five Horses, Oxen, or Beasts of Draught, Two Tons one thousand five hundred Weight, and drawn by Six Horses, Oxen, or Beasts of Draught, Three Tons Five hundred Weight; and drawn by Seven Horses, Oxen, or Beasts of Draught, Three Tons one thousand five hundred Weight; and drawn by Eight Horses, Oxen, or Beasts of Draught, Four Tons Five hundred Weight.

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

Carriage with a Wheel of a certain Description chargeable with less Toll.

XXVI. And be it further enacted, That the aforesaid Tolls shall be payable for or in respect of all Horses or other Beasts drawing Post Chaises or other Carriages travelling for Hire for every Time of passing and repassing the same Turnpike or Toll Gate on the same Day (to be computed from Twelve o'Clock at Night to Twelve o'Clock in the succeeding Night) with a fresh Hiring; provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike or Gate erected on the said Roads shall, on returning without a fresh Hiring at any Time before Nine o'Clock before Noon of the immediately succeeding Day, be permitted to pass at such Turnpike Toll free.

Return Post Horses.

XXVII. 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 Authority of this Act when employed in carrying Stones or other Materials for the

Exemption from Tolls.

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 to which their Owner's Lands are astricted or thirled; nor for any Carriage or Cattle or Produce passing or re-passing 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, Prisoners, or Criminals sent with legal Passes, or returning from conveying the same.

Exemption
of Carriages
with Mili-
tary Stores,
&c.

XXVIII. 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

belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of 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.

XXIX. Provided always, and be it enacted, That if any Person shall claim and take the Benefit of any of the Exemptions from Toll hereinbefore 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 Exemptions illegally.

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to suppress and shut up any Bye Roads that do not appear to be of Importance to the Public, and to build Fences across the same so as to prevent any Person or Persons travelling on the Roads hereby authorised to be made and repaired from avoiding any of the Tolls by this Act imposed: Provided always, that Notice of the Resolution to shut up such Roads be given by Advertisement affixed to the Toll Gate or Turnpike nearest the Road proposed to be shut up, and to the Doors of the Two nearest Parish Churches for Two consecutive *Sundays*; One Calendar Month at least before the Roads shall be actually shut up; and that any Person or Persons who shall think himself, herself, or themselves injured by such Resolution may apply to the Sheriff Depute of the County of *Lanark*, or of the Counties of *Stirling* and *Dumbarton*, or One of their Substitutes, who if he see Cause is hereby empowered to suspend the Execution thereof until the next General Meeting of the said Trustees, who shall then determine therein, subject to an Appeal to the Justices of the Peace in Manner hereinafter mentioned.

Power to suppress Bye Roads.

XXXI. And be it further enacted, That if any Owner or Occupier of any inclosed Lands near to any Gate or Turnpike to 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 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, whereby the Payment of the said Tolls shall be evaded, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by the Testimony of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace for the said County, shall each, for every such Offence respectively, forfeit and pay to the said Trustees, a Sum not exceeding Five Pounds Sterling; One Half thereof to be paid to the

Penalty for evading the Tolls.

Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

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

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

Penalty for taking off Horses, &c.

XXXIII. And be it further enacted, That if any Person or Persons shall at any Time during the Continuance of this Act unload or cause to be unloaded any sort of Goods or Merchandizes, or other Articles whatever, or shall take off or cause to be taken off any Horse or Horses or any Beasts of Draught from any Coach, Chaise, Chariot, Barouche, Landau, Calash, Chair, 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 for the Purpose of avoiding paying any Tolls or 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.

Settling Disputes concerning Tolls.

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

Composition for Tolls.

XXXV. And be it further enacted, That the said Trustees shall be and they are hereby authorized to compound and agree, by the Year or otherwise, with any Person or Persons living near any Gate or Turnpike erected or to be erected by virtue of this Act, for any reasonable Sum or Sums of Money, to be paid quarterly, from Time to Time,

Time, and in advance for and in lieu of Payment of the Tolls by this Act granted.

XXXVI. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered by Public Roup to let the said Tolls in whole or in Parcels, from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such 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 at a General Meeting assembled.

Tolls may be let.

XXXVII. And be it further enacted, That the said Trustees shall be and they are hereby empowered with the Consent in Writing of Two Thirds in Value of the Creditors on the Tolls for the Time being to diminish or lessen the said Tolls, or such Parts thereof, as they shall see cause, and to raise the same again; so as the same shall not at any Time exceed the Tolls granted by this Act.

Tolls may be lessened.

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

Turnpikes, &c. vested in Trustees.

XXXIX. And be it enacted, That if any Person or Persons liable in Payment of the said Tolls or any of them shall neglect or refuse to pay the same when demanded, the said Trustees are hereby empowered, by themselves or such Person or Persons as they shall authorize or appoint for that Purpose, to levy such Tolls by Distress and Sale of any Horse or Horses, or other Cattle, upon which Tolls are hereby imposed, or by Distress and Sale of any other of the Goods and Effects of the Person so neglecting or refusing to pay the said Tolls; (but it shall not be lawful to seize or distrain the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast,) and to keep and detain such Goods and Effects so distrained, until such Tolls with the reasonable Charges of such Distress shall be paid; and it shall and may be lawful to and for the Person or Persons so distraining,

Tolls how to be levied and recovered.

distraining, after the Space of Ten Days after such Distress shall be made and taken, if such Tolls shall not be sooner paid, to appraise and sell the Goods so distrained, returning the Overplus, if any there be, upon Demand, to the Owners thereof, after such Tolls and the reasonable Charges of distraining, keeping and selling the same, shall be deducted and paid.

Tolls how to
be applied.

XL. And be it further enacted, That the Tolls and Duties to be collected by virtue of this Act shall after the Expences of procuring and passing the same shall have been paid be appropriated and applied by the said Trustees, first, in making and maintaining the said Roads generally, or such several Lines and Districts thereof respectively as the said Trustees shall think fit and appoint; secondly, in Payment of the Interest of the Sum or Sums to be advanced or borrowed in respect of the said Roads generally, or in respect of any Line or District thereof severally and respectively; and, thirdly, in Repayment of such Principal Sum or Sums so advanced or borrowed, and to no other Purpose whatever.

Regulation
as to Toll
Collectors.

XLI. 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 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 Two Inches in Length, and of a Breadth in Proportion, and painted either 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 such 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 authorized 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 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.

XLII. And

XLII. And be it further enacted, That it shall and may be lawful for the said Trustees at a General Meeting assembled, and they are hereby authorized and empowered to borrow upon the Credit of the Tolls and Duties to be levied and collected by virtue of this Act, at legal or less Interest, any Sum or Sums of Money not exceeding in all the Sum of Ten thousand Pounds Sterling.

Power to borrow Money.

XLIII. And be it further enacted, That all Bonds and Obligations for Money which it may be necessary to borrow for the Purposes of this Act, 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 Repayment 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 Estate, 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 be adjudged to have rendered himself personally liable for the Repayment of any Money borrowed or to be borrowed, or Interest thereof, by 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 independently of his Office as a Trustee under this Act.

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

Trustees not personally liable unless personally bound.

XLIV. And be it further enacted, That for the Monies advanced by Individuals for the Purposes of this Act they shall receive or be entitled to receive Securities of and over the Tolls applicable to their Payment as aforesaid; which Securities being in the Words following, or others to the same Effect, shall be valid and effectual to all Intents and Purposes:

Form of Security

AT the Day of
 We, the undersigned Trustees under the Act
 passed in the Third Year of the Reign of King *George* the Fourth,
 intituled *An Act for making certain Roads in the Counties of*
Lanark, Stirling, and Dumbarton, at a General Meeting assembled,
 do hereby, in consideration of the Sum of
 advanced by *A. B.*, for making the Road from to

[Local.]

40 S

‘ , in Security thereof, bargain, sell, and transfer
 ‘ to the said *A. B.* and his Heirs, Executors, and Assignees, the Tolls
 ‘ and Duties upon the said Road, so far as applicable to the said Sum,
 ‘ and the legal Interest falling due thereon in Terms of the said
 ‘ Act;’ [*and where any Heir of Entail or other Person shall intend to*
 ‘ *bind himself personally for Payment of such Sum, there shall be added:*]
 ‘ And whereas the said Sum was advanced at request of *C. D.*, Pro-
 ‘ prietor of _____, therefore, I the said *C. D.*, bind and
 ‘ oblige myself and my Successors in these Lands, and our Repre-
 ‘ sentatives whatsoever, all jointly and severally with and for the said
 ‘ Tolls, to advance and pay the said Sum and Interest aforesaid to
 ‘ the said *A. B.* on Demand; and I do hereby charge the said Lands
 ‘ with the Payment thereof in Terms of the said Act, as my Subscrip-
 ‘ tion to the said Road accordingly; consenting to the Registration
 ‘ hereof in the Books of any competent Court for Preservation and
 ‘ Execution, and thereto constituting _____ Procurators.
 ‘ Witness the Hands of us the said Trustees, in Presence of each
 ‘ other, at the Place and Date of Meeting first above written, and
 ‘ of me the said *C. D.* at _____ in Presence, &c.’

Entry of As-
signments.

XLV. Provided always, and it is hereby declared, That all the Bonds
 and Assignments of the Tolls for all or any Sum or Sums of Money
 to be borrowed or raised as aforesaid for the Purposes of the Roads
 specified in this Act, shall be entered in a Book or Books to be kept
 by the said Trustees or such Person or Persons as they shall appoint,
 which Book or Books may be seen and perused at all seasonable
 Times by any Person or Persons interested, without Fee or Reward.

Assignments
to be trans-
ferable.

XLVI. And be it further enacted, That the Assignments to be
 granted in Security of the Money to be borrowed in virtue of the
 Powers contained in this Act shall be transferable by the simple In-
 dorsation of the last Creditor.

Assignments
to be re-
corded.

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

Roads may
be widened,
altered, &c.

XLVIII. And be it further enacted, That it shall and may be lawful
 for the said Trustees, at any of their Meetings, to order and direct the
 said Roads hereinbefore mentioned, or any of them, to be made
 and repaired, and to be extended to such Breadth as they shall think
 proper, not exceeding Sixty Feet exclusive of the Ditches or
 Water Runs at the Side of the Roads, and to alter and vary the
 Directions or Lines of the said Roads, or any of them, according to
 the Limitations aforesaid; and for that Purpose to pull down or
 remove any Houses not exceeding Twenty Feet High in the Side
 Walls, Buildings, Inclosures, or other Obstructions; and to cut and
 make Drains, Ditches, Trenches, and Outlets for Water through
 any Grounds lying contiguous to the said Roads for the Purpose of
 carrying

carrying off the Water from the same, or from any Weighing Machine to be erected on the said Roads.

XLIX. Provided always, and be it enacted, That full Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, Houses, Walls, and Fences taken for the Use of the said Roads, and for all Damage done to the same; and for that Purpose the Trustees shall before entering on any such Lands, Grounds, Houses, Walls, or Fences, or injuring the same, give One Month's Notice at the least to the Owners and Occupiers thereof, and make an Offer to them of what the Trustees consider to be the Value or a just Compensation for the same, unless such Owners or Occupiers renounce all Claim to Damages or Compensation in Manner hereinafter mentioned.

Compensation to be made for Ground taken, or Heritages damaged

L. And be it further enacted, That in taking the necessary Ground for making, altering, or widening the said Roads, or for any Toll House, Garden, or Stable, or Place of Deposit for Materials for any of the Purposes of this Act, if the said Trustees shall not come to an Agreement with the Owner or Owners, and Occupier or Occupiers of the Lands where the Roads are to be so made, altered, or widened, or whose Fences are to be altered or removed, or with the Owner or Owners, Occupier or Occupiers of any Ground taken for such Toll House, Garden, and Stable, or any House or Houses, or any Part or Parts of any House or Houses, or other Buildings, which are to be taken down as aforesaid; or in case such Owners or Occupiers shall refuse to treat with the said Trustees; or in case the claim of Damages which may be thence incurred has not been renounced in Manner hereinafter mentioned, Application shall be made to the Sheriff Depute of the County in which such Land or other Property is situated, or his Substitutes, to summon a Jury in order to value the Ground necessary to be taken and used, or House 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 Fences; and the said Sheriff Depute or his Substitutes are hereby empowered and required, upon 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 and impannelling a Jury, consisting of Twelve Persons in Number, who being duly sworn the said Sheriff Depute or his Substitute shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party; and upon their Depositions and other competent Evidence such Jury shall determine 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 the said Roads; and in ascertaining the Value of the Fences which it may be necessary to pull down in making new Roads the Jury shall also have Power to direct such Fences as may thereby become useless to be taken down

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

Sheriff to
adjudge Pay-
ment of the
Sum award-
ed by Jury.

down and removed by the said Trustees, upon Payment of such Allowances 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 Substitutes are 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*, Royal Bank of *Scotland*, or *British* Linen Company, 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 for the Purposes of making, altering, widening, and extending the said Roads, 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 Sheriff Depute, or his Substitutes, 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
Proceedings
how to be
paid.

LI. 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 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; and all such Expences shall be ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall have arisen not interested in the Matter in question, (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested to attend for that Purpose); and when such Expences are awarded against the said Trustees, the same shall be paid by the Treasurer or Treasurers to the said Trustees, in such Manner as the said Trustees shall direct, out of any Money which shall then be in his or their Hands, or out of any Monies to be received by virtue of this Act; and in default of Payment thereof by the said Treasurer, within Five Days after the said Costs shall be so settled, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Treasurer by Warrant under the
Hand

Hand and Seal of such Justice; and when such Expences shall be awarded against the said Owner or Owners, Occupier or Occupiers, the same shall be levied and applied in Manner hereinafter provided; 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 the said Trustees shall think reasonable, or which shall have been awarded in Manner aforesaid, or in case of his, her, or their Refusal to accept of such Sum, (the Offer being instructed by an Instrument under the Hands of a Notary Public and Witnesses,) the Money shall be afterwards lodged in the Bank of *Scotland*, Royal Bank of *Scotland*, or *British Linen Company*, there to remain at such Interest as the said Banks may allow, at the Peril of such Owner or Owners, Occupier or Occupiers; and 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.

LII. And be it further enacted, That if any Person summoned as a Juryman or Witness under the Authority of the said Sheriff Depute or his Substitutes in any Matter arising out of this Act shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, the said Sheriff Depute or his Substitutes is and are hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

If Jurymen,
&c. refuse
to act.

LIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads, out of or from any Waste or Common in any Parish or Place in which any Part of the said Roads lie, or in any adjoining Parish or Place, and to haul or carry away any such Materials when got over any Common or Waste Lands without paying any Thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for the said Surveyor or Surveyors and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish or Place in which the said Roads or any of them lie or are situate, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for such Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land

Power to
get Mate-
rials;

and to land
Materials,
and carry
same over
Lands ad-
joining any
River, &c.

on and carry through or over any inclosed Lands or Grounds, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House) or on, through, or over any open Land or Common any Stone or other Materials for making or repairing the said Roads, brought on any River, Stream or Canal, in any Parish or Place in which any Part of the said Roads lie, paying or tendering for the Damages done in landing on or going through or over any inclosed Lands or Grounds, for or with such Materials, such Sum or Sums as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining of the same.

Notice to be
given before
Materials
taken from
inclosed
Grounds.

LIV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any inclosed Land or Ground until Three Days Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace acting in and for the County where the Lands from whence such Materials are intended to be taken shall lie, 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, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) 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.

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

LV. Providing 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 taken down of which the Side Walls are above Twenty Feet in Height from the Surface of the adjoining Ground, nor any Garden, Orchard, planted Walk, Avenue, Lawn, or Pleasure Ground, or Plantation of Trees planted prior to the passing of this Act, infringed on, except such as shall be set out and described in the Maps or Plans deposited as aforesaid, without the
Consent

Consent in Writing of the Owner or Owners thereof first had and obtained.

LVI. And be it further enacted, That it shall and may be lawful for the said Trustees to give Orders for purchasing or taking in Lease such Pieces of Ground adjacent to the said Roads, not exceeding One Eighth of an Acre each, as shall be judged most convenient for Repositories, not being a Garden, Orchard, Yard, Park, Avenue to a House or Nursery set apart for the Growth of Trees, 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 not to be laid upon the said Roads until they are immediately to be used for repairing or amending the same; and in case the said Trustees or their Surveyor cannot agree with the Owner or Occupier as to the Price, Rent, or Damages to be paid for the same, such Price, Rent, or Damages shall be settled and determined by any Two or more Justices of the Peace of the County in which the Ground to be taken shall be situated.

Places for depositing Materials to be provided.

LVII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let, and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads, or any of them, and erecting any Gate or Turnpike, or Toll House with a Stable and Garden adjoining thereto, or for storing Materials or otherwise where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as can be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded and determined in the Manner hereinbefore directed; and all such Bodies, Corporations, Heirs of Entail, and other Persons above-mentioned shall be entitled to give up without Value or equivalent all such Houses, Grounds, or Inclosures belonging to them, or any of them respectively, or under their respective Administration, as may be necessary for the Purposes specified in this Act.

Incorporated Persons, &c. empowered to convey.

LVIII. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, in Manner herein directed, with regard to Consignations as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of the said Counties of *Lanark*, *Stirling*, or *Dumbarton*, as the Case may be; whereupon the said Trustees shall be

How Lands are to be vested in the Trustees.

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 Infestments had followed thereupon.

Application
of Com-
pensation
where ex-
ceeding
200l.

LIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Incorporation, married Woman, Infant, Lunatic, or Person or Persons under Disability or Incapacity, such Money shall in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same 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, 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 Lands, Tenements, and Heritages, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
where the
Compensa-
tion does not
exceed 200l.
nor less than
20l.

LX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages, so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the 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

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 under this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such principal Money and the Interest arising therefrom may be applied in any Manner hereinbefore directed, so far as the Case be applicable.

LXI. 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 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.

LXII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it 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*, Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to any 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*, Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, &c.

[*Local.*]

40 U

LXIII. And

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

LXIII. 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, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession until the contrary shall be shown 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 reasonable Expences of Purchases to be paid by Trustees.

LXIV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under Authority of 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; and all such Sums of Expences of Purchases and Proceedings and otherwise, which the said Trustees may by the said Court be ordered to pay, may be paid by the said Trustees out of the Monies committed to them for the Purposes of this Act as aforesaid.

For shutting up Roads.

LXV. 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 Roads, 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; and in case they cannot agree with the Proprietor or Proprietors, Occupier or Occupiers thereof, the Price shall be fixed by a Jury, to be summoned in Manner before mentioned; and in case any Person or Persons shall

shall think himself, herself, or themselves aggrieved by the shutting up of such Part or Parts of the said Roads, it shall and may be lawful for him, her, or them to apply to the Justices of the Peace of the Counties of *Lanark, Stirling, or Dumbarton* (as the Case may require) in General Quarter Sessions assembled, who shall hear and determine the Matter in Dispute, and whose Judgment shall be final and conclusive.

LXVI. 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 Affidavit 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 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, Situation 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.

Old Road to be allotted to Owner of adjoining Lands, &c.

LXVII. 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 shall be so taken.

Ground taken not to diminish valued Rent, &c.

LXVIII. And be it further enacted, That no House or other Building of any Description shall be erected within Thirty Feet of the Centre of any of the said Roads under a Penalty not exceeding Ten Pounds Sterling for each Offence, and the Expence of taking down and removing such House or other Building; and it shall be lawful for any Justice of the Peace to stop the Erection of every such House or Building which shall be within the said Distance from the Centre of any of the

Regulations respecting the erecting of Houses, Fences, &c.

the said Roads; and if any House or Building shall hereafter be erected within the said Distance from the Centre of any of the said Roads, it shall and may be lawful for any One or more Justice or Justices of the Peace upon Application made to him or them by any one Trustee, and upon Proof being adduced that such House or other Building is within the Distance aforesaid from the Centre of any of the said Roads, to order and direct the Person or Persons erecting such House, or other Building, to take down or remove the same; and upon their failing so to do within Thirty Days after such Order or Direction notified to such Person or Persons in Writing under the Hand or Hands of such Justice or Justices of the Peace, it shall and may be lawful for such Justice or Justices to order such House or other Building to be taken down and removed at the Expence of the Erector or of the Proprietor of the Ground, and to grant Warrant for levying and recovering the Expences thereof, together with the said Penalty.

Farther Regulations of Fences.

LXIX. And be it further enacted, That when any Fences shall in Time coming be made on the Side of any of the said Roads by means of a Hedge and Ditch, the Ditch shall be placed on the Inside next the Field, so as the Hedge may be between the Road and the Ditch, and the plain Surface of the Bank shall be next to the Road, and the Hedges on the Sides of all the said Roads, shall never be allowed to exceed Five Feet in Height from the Surface of the Ground on which the same are standing; and all Persons having Hedges and Trees on the Sides of the said Roads shall be obliged to keep the same properly dressed and pruned so as not to overhang the Road; and if they shall refuse or neglect so to do within Ten Days after Notice being given them in Writing by the Surveyor, or by any Two Trustees, it shall be lawful for a Quorum of the said Trustees to order the same to be properly dressed and pruned at the Charge and Expence of the Owner of such Hedges and Trees, to be recovered in the same Manner as other Penalties by this Act imposed, as hereinafter-mentioned; and it shall not hereafter be lawful to plant any Tree or Trees within Forty Feet of the Centre of the said principal Roads: Provided always, that no Person shall be required to dress or prune any Hedge or Tree, nor shall the said Trustees be entitled to order the same to be done, between the First Day of *May* and the First Day of *November* in any Year.

Trustees may make Footpaths;

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

and Passages for Water, and

LXXI. And be it further enacted, That the said Trustees may where they shall judge it necessary order Passages for the Water from the

the Ditches on the Sides of the Roads to be made through the Grounds of any adjacent Proprietor; and also may order sufficient Drains or Ditches to be made within the Fences on the Field Side parallel to the said Roads, the Ground through which such Drains or Ditches are to be made not being a Garden, Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground; and the Occupiers of the Grounds shall be obliged thereafter to keep the said Passages, Ditches, and Drains always clear and open to the original Depth; and where any Ditch or Drain runs along the Side of any Part of the said Roads, or leads from the Sides of the said Roads, the Occupiers of the adjacent Grounds shall be and they are hereby required to keep the same clear and open, so as to allow a free Passage to the Water as well by the Road Side as into and across the adjacent Grounds; and if they shall fail therein, after Six Days Notice previously given to such Occupiers, such Occupiers shall forfeit and pay a Penalty of Ten Shillings for each Offence, or One Penny for each Foot in Length of such Ditches and Drains so neglected to be cleared and opened, if the Penalty so estimated shall amount to a larger Sum than Ten Shillings; and the said Trustees shall be and they are hereby empowered to order the said Passages, Ditches, and Drains to be cleared from Time to Time; and to recover the Expence thereof (to be ascertained by the Account of the Overseer or other Person employed to do the same, certified by One or more Justices of the Peace for the Counties of *Lanark, Stirling, or Dumbarton,*) from the Occupiers of such adjacent Grounds in Manner herein mentioned; and if any Occupier of Land through which such Passages, Ditches, and Drains are or shall be made shall wilfully obstruct or fill up any of them so as to be injurious to the said Roads, the Person or Persons so offending shall forfeit and pay Treble the Expence of repairing and scouring the same, to be recovered in Manner hereinafter mentioned; and the said Occupier shall be deemed the Transgressor, unless it shall be made to appear to any One or more Justices of the Peace that such Occupier was not in fault; and where any Passage for Cattle or Carriages shall be made communicating with any of the said Roads across the Passages, Ditches, or Drains along the Sides of such Roads for the Convenience of the Occupier of the Ground through which it passes, such Occupier shall cover such Passages, Ditches, and Drains with a Bridge of Stones, or other proper Materials, which Bridge shall be constantly kept free and clear that the Water may pass freely through below the same; and in case any Occupier of Ground adjacent to any of the said Roads shall omit or fail so to do, it shall be competent for any One or more Justices of the Peace, by an Order subscribed by him or them, to order the same to be performed at the Expence of such Occupier, and to recover the Expence thereof (to be ascertained by the Account of the Surveyor or other Person employed to do the same) from such Occupier in Manner hereinafter mentioned; and no Occupier of Land shall turn any Water upon the Side of any of the said Roads, or conduct it across any Part thereof until he shall have obtained the Consent in Writing of Two Trustees, being Justices of the Peace of the said County, who shall have previously examined the Place, and such Consent shall be deposited with the Clerk of the Road across which the Water is to be carried; and every such Occupier shall be obliged

to carry the Water across the said Roads in a covered or arched Passage or Drain, of such Depth and Construction as may prevent the Water from being of Prejudice to the same; and in making any such covered or arched Passage or Drain across any of the said Roads, a safe and easy Passage along One Half of such Roads shall be left without any Obstruction, either by breaking the Road or laying down the Materials; and such covered Passage or Drain shall be made across and finished on the Half of the said Road before the other Half shall be broken or opened, and the whole or at least the open Part shall if practicable be completed in one Day, or otherwise such open Part and the Materials for executing the Work shall be so fenced off that Passengers may suffer no Injury thereby; which Precaution and Manner of executing covered Drains as aforesaid shall be strictly observed by all Persons whatsoever employed in directing or executing the same; and every Person neglecting to use such Precaution, and so to execute such Drains shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, over and above the Damage sustained and Expences incurred, to be levied and recovered in Manner hereinafter directed, One Half thereof to be paid as a Reward to the Informer, and the other Half to be applied to the making and repairing the said Roads; and every Surveyor, Overseer, Contractor, or other Person employed by the said Trustees for making, amending, widening, or repairing any of the said Roads, shall be expressly prohibited from digging Pits within Twelve Feet of the Sides of the same, unless such Surveyor, Overseer, Contractor, or other Person employed as aforesaid, shall erect a sufficient Fence between the Side of the said Road and the Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

Cattle not to be pastured on the Sides of the Roads where inclosed.

LXXII. And be it further enacted, That if any Person or Persons shall from and after the passing of this Act pasture or leave or allow to be pastured or left on the aforesaid Roads, or any of them, where there are Fences on the Sides thereof, any Horses, Cows, Sheep, or other Cattle, it shall and may be lawful for any One or more of the Justices of the Peace of the County, upon Application made to him or them by any Heritor of the County, or by any Person or Persons having Authority from the said Trustees, to issue his or their Warrant for apprehending the Person or Persons so offending as aforesaid, and to bring them before him or them for Examination; and upon such Offender or Offenders being convicted of such Offence, by the Oath of One or more credible Witness or Witnesses, or by the Oath or Confession of the Party offending, it shall and may be lawful for such Justice or Justices of the Peace to fine and amerciate such Offender or Offenders severally, in any Sum not exceeding Five Pounds Sterling for each and every Offence, to be levied and recovered in Case of Nonpayment, and to be applied in Manner as after directed; and in the Event of such Offender not being found, to seize and detain such Cattle; and failing Payment of the said Penalty for the Space of Five Days to sell the same for Payment thereof and the Expence of keeping such Cattle, returning the Overplus, if any, to the Owner of the said Cattle.

LXXIII. And

LXXIII. And be it further enacted, That the said Trustees shall and may cause the said Roads to be measured, and Stones or Posts denoting the Distances to be erected upon the said Roads, or near the Sides thereof, at the End of each Mile, or such other Distance as they shall think convenient; and that they also shall cause proper Direction Posts to be erected where they shall judge it necessary; and if any Person or Persons shall break, destroy, damage, pull up, or remove any such Stones or Posts, or alter, obliterate or deface any Letters or Figures that shall be made, inscribed or put thereon, or shall destroy, injure, or damage the Parapets, or any other Parts of the Bridges on the said Roads, or any of the Gates or Turnpikes, or any of the Toll Houses erected or to be erected, or any of the Weighing Engines or other of the Works belonging to the said Trustees, or any Gate, Railing, or Fence upon the Side of any of the said Roads, or shall be aiding or assisting therein, or shall rescue any Person in Custody for any of the said Offences, and shall be thereof convicted by the Oath or Oaths of One or more credible Witness or Witnesses, before any One or more Justice or Justices of Peace for the said Counties of *Lanark, Stirling, or Dumbarton*, or of the County where the Offenders reside, such Person or Persons so offending, and being thereof convicted, shall pay the whole Expence of repairing the Damages sustained, and shall respectively forfeit and pay a Sum not exceeding Twenty Pounds Sterling for every such Offence; and failing Payment of such Sum, shall be liable to be imprisoned for any Space not exceeding Three Calendar Months; and such Forfeitures or such Part thereof as shall be recovered shall be paid to the Informer; and in case it shall happen from Indigence or other Causes that such Forfeiture, or a Part thereof to the Amount of Forty Shillings Sterling, shall not be recovered from the Offender or Offenders, then and in every such Event the Informer shall be entitled to and the said Trustees are hereby authorized to make Payment to him or them of the Sum of Forty Shillings out of the Trust Funds of the said Roads where the Offence or Offences shall or may be committed; and it shall be lawful for any Person *brevi manu* to seize and carry such Offender or Offenders in any of the above Particulars before any Justice of the Peace for the Purpose of Examination.

Roads to be measured.

Penalties on destroying or injuring Mile Stones.

LXXIV. And be it further enacted, That from and after the passing of this Act every Person in ploughing any uninclosed Land contiguous to any of the said Roads shall make Head Ridges along the Sides of the Roads of the Breadth of Eighteen Feet at least; and every Person neglecting or failing so to do shall for every such Neglect or Failure forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Sides of the said Roads of the Land so ploughed without Head Ridges having been made, to be levied and recovered and applied in Manner hereinafter directed.

Head Ridges to be made.

LXXV. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed that

Gates not to open into the Road.

no

no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing outward towards the said Roads, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing from the Clerk or Surveyor of the said Roads cause such Gate to be hung so that no Part of such Gate shall when open project over any Part of the said Roads, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default shall upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, upon Conviction upon the Oath of One credible Witness, pay to such Clerk or Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum not exceeding Five Pounds for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall be levied, recovered, paid, and applied in the same Manner as the other Penalties under this Act may be levied or recovered.

In erecting
Guide Posts,
&c.

LXXVI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be erected Guide Posts upon such Parts of the said Road where the same may be crossed or joined by other Roads as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post erected or fixed or to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or if any Person shall ride upon any Footpath formed by the said Trustees upon or on the Side of or adjoining the said Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon or cause any Damage to be done to any Footpath, or shall leave or suffer any Horse, Beast, Cattle, Sheep, or Swine to graze or be and remain loose on the said Road or any Part thereof, or if any Person shall cause to be drawn upon any Part of the said Road any Timber, Stone, or other Thing otherwise than upon Wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheeled Carriages to drag upon the said Road to the Prejudice thereof, or to project on either side of the said Carriages more than One Foot beyond the Wheels thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the said Road or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Road, and also keep on the same Side himself, or if any other Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her or any Carriage
under

under his or her Care upon the said Road; or if any Person leading or driving on the said Roads any Horse, Mule, Ass, or other Beast carrying any Rod or Bar of Iron, Basket or Pannier, or other Matter or Thing, so that the same or any of them shall project more than Thirty Inches beyond either Side of such Horse, Mule, Ass, or other Beast; or if any Person shall make, or assist in making, any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Road, or within Eighty Feet of the Centre thereof, or play at Football or any other Game or Games on any Part of the said Road to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage (except in case of Accident) upon or on the Side of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not, during such Time, be drawn up to the Side of the said Road as near as conveniently may be; or if any Person, after having blocked or stopped any Waggon, Cart, or other Carriage, in going up any Hill or rising Ground, shall not immediately remove from the said Road the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or if any Blacksmith or other Person occupying a Blacksmith's Shop situated near the said Roads shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof; or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Grounds, and be carried away without being brought over any Part of the said Roads, or that the same may be done at such Times and under such Regulations as the Trustees shall direct and order, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in the same Way as other Penalties are by this Act directed to be recovered and applied.

LXXVII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, Workmen, or other Persons appointed or employed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, Workmen, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County or

[*Local.*]

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Place,

For securing
transient
Offenders.

Place, or Judge Ordinary of the Bounds where the Offence or Offences shall be committed.

Subscriptions to be paid.

LXXVIII. And be it further enacted, That if any Person or Persons who has subscribed or shall subscribe any Money towards making and repairing the Roads hereby intended to be made and repaired, shall neglect or refuse to pay his, her, or their Subscription Money, at the Time and Place to be appointed by the said Trustees, it shall and may be lawful to and for the said Trustees to sue for and recover the same in any Court competent; and all Subscriptions of any Person or Persons made or to be made for such Purpose as aforesaid shall be a Charge on the Subscribers' Lands and Heritages, in the Parishes through which the said Roads pass, until Payment of such Subscription; any Law to the contrary notwithstanding.

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

LXXIX. And be it enacted, That the Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk or Treasurer for the Time being; and no Action or Suit, wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or Treasurer to the said Trustees for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Directing how Costs and Damages are to be recovered from Trustees.

LXXX. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by Way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees or their Treasurer for the Time being, as the Case may be.

LXXXI. And

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

Toll Gatherers may give Evidence.

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

Trustees may act as Justices.

LXXXIII. And be it enacted, That all Expences, Penalties, and Forfeitures by this Act imposed, the Recovery whereof is not otherwise herein provided for, may be recovered by summary Complaint at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of Peace for the Counties of *Lanark, Stirling, or Dumbarton*, 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, or by other satisfactory Evidence, the said Justice or Justices is and are hereby authorized 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 authorized and empowered to sell the Goods and Effects so distrained, and to return the overplus Money (if any there be) upon Demand to the Owner of such Goods or Effects, after such Tolls, 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 such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith, upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless such Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants, not being more than Seven Days from the Time of taking such Security; but if upon the Return of such Warrant or Warrants it shall appear that sufficient Distress cannot be found, or such Expences, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for the said Counties, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders, to be committed to the common Gaol of the said

Recovery of Tolls, Penalties, &c.

said Counties, there to remain for any Time not exceeding Six Months, unless the said Expences, Penalties, and all reasonable Charges shall be sooner paid and satisfied.

Appeal.

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

Limitation
of Actions.

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

Expences of
this Act.

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

Public Act.

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

Commence-
ment and
Continuance
of this Act.

LXXXVIII. And be it further enacted, That the Powers by this Act granted shall commence from and after the passing thereof, 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.