ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 28.

An Act for altering, amending, and consolidating several Acts for repairing Turnpike Roads in the County of *Ayr*; for repairing other Roads therein; and for making more effectual the Statute Labour in the said County. [17th *May* 1805.]

WHEREAS by an Act, passed in the Seventh Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening several Roads in the County of* Ayr: Act 7 G. 3.
And whereas by another Act, passed in the Fourteenth Year of the Reign of His said Majesty, intituled, *An Act to enlarge the Term of an Act, made in the Seventh Year of the Reign of His present Majesty, for repairing and widening several Roads leading from the Town of* Ayr, *and other Roads therein mentioned in the County of* Ayr, *and for repairing and widening certain other Roads within the said County of* Ayr; certain Persons were appointed Trustees for making, repairing, and keeping in Repair, the Roads therein mentioned, and were empowered to levy certain Tolls upon the said Roads, and to borrow Money on the Credit thereof: And whereas great Progress has been made in making many of the said Roads, and large Sums of Money have been borrowed, and are still owing upon the Credit of the Act 14 G. 3.

Tolls leviable by the ſaid Acts; but the ſaid Roads cannot be properly repaired and kept in Repair, unleſs the Terms and Powers of the ſaid Acts are enlarged, and further Tolls authoriſed to be levied on the ſame Roads:

New Roads. And whereas it would be of Advantage to the Public, that the aftermentioned Roads in the ſaid County of *Ayr*, *videlicet*, a Road to lead from the Road from *Irvine* to *Stewarton*, at the Girdle, and to paſs by at or near *Doura* and *Mountgreenan*, and alongſt the *Lugton* to the Extremity of *Ayrſhire*, near *Loch Libo*, paſſing through the Pariſhes of *Irvine*, *Kilwinning*, *Stewarton*, *Dunlop*, and *Beith*; a Road from *Largs* to *Dalry* by *Haily*, *Redhall*, and *Knockſide*, and a Branch from that Road, at or near *Howrat*, to the Bridge of *Kilbirny*, paſſing through the Pariſhes of *Largs*, *Kilbirny*, and *Dalry*; a Road leading from at or near *Kilwinning*, by *Auchenmaid*, *Marſhland Bridge*, and *Beith*, to the Confines of the County at or near *Kerrſland Bridge*, paſſing through the Pariſhes of *Kilwinning* and *Beith*; a Road from the Road from *Ayr* to *Cumnock*, at a Point near *Bellſton*, acroſs the Water of *Ayr* at *Enterkine Tar Kilns*, and from thence until it joins the Road from *Gadgirth Bridge* to *Tarbolton*, paſſing through the Pariſhes of *Coylton* and *Tarbolton*; a Road from the Village of *Old Cumnock*, leading paſt *Benſton Limework*, till it joins the Road between *Dalmellington* and *New Cumnock*, paſſing through the Pariſhes of *Old* and *New Cumnock*; a Road from near *Stair Bridge* by *Dalmore*, and the Old Bridge of *Kyle*, till it joins the Road from *Ayr* to *Cumnock*, paſſing through the Pariſhes of *Stair* and *Coylton*; a Road which leaves the Road from *Mauchline* to *Cumnock*, at the Farm of *Clews*, by the Farms of *Catrine*, *Daldorch*, *Smiadyſhaw*, and *Barr's Parks*, till it joins the Road from *Ayr* to *Muirkirk*, near the Coal Ford of *Gilminſcroft* in the Pariſh of *Sorn*; a Road from *Riccarton*, either in the preſent Line or through *Riccarton Moſs* by *Trees Woodhead Fiveway Houſes* near *Cairnhill*, and by *Longhouſe* to the Junction of the Line of Road from *Galſton* towards *Stairbridge* through *Park Muir*, paſſing through the Pariſhes of *Riccarton*, *Craigie*, and *Tarbolton*; a Road from the New Bridge of *Ayr*, by the Back of the Town, until it joins the Road from *Ayr* to *Dalmellington*, within the Pariſh of *Ayr*; a Road from the Sea Shore of *Ayr*, between *Black Burn* and *Cunning Park*, around the Race Courſe, and by *Shawfield*, *Whinmuir*, *Fiſherton*, *Sandyford*, *Dupbold*, and *Holmſton*, to the Water of *Ayr*, at the *Overmills* of *Ayr*, within the Pariſh of *Ayr*; a Road from the South End of *Mauchline* Village, by *Graſſinillees* and *Ballamyle* Smythy to *Catrine*, and from thence towards *Sorn*, by the Back of the Chapel of Eaſe, paſſing through the Pariſhes of *Sorn* and *Mauchline*; a Road from *Monkton* through the Lands of *Preſtick*, by *Saint Evox* to *Coylton*, paſſing through the Pariſhes of *Monkton*, *Saint Evox*, and *Coylton*; a Road from *Little Mill* to the *Weel Foot* of *Dalharco*, leading to *Straiton*, paſſing through the Pariſhes of *Dalrymple* *Dalmellington*, and *Straiton*; a Road from *Aſtonpople* Eaſt of *Newmills* to *Overmuir* in the Road to *Eagleſham*, paſſing through the Pariſhes of *Loudoun* and *Fenwick*; a Road from *Sornhill* Toll Bar, by the Farm of *Bank* to *Newmills*, where it joins the Road to *Edinburgh* and *Glaſgow*, by *Eagleſham*; and alſo the Road from *Sornhill* Toll Bar to *Catrine*, and from thence till it joins the Road from *Kilmarnock* to *Old Cumnock*, at the Village of *Auchinleck*, which Two laſt-mentioned Roads paſs though the Pariſhes of *Loudoun*, *Galſton*, *Mauchline*, and *Auchinleck*; a Road from *Ochiltree* by the Ford in the Water of *Lugar*, at *Loganſton*, and from thence to the Village of *Auchinleck*, by the preſent Road from *Auchinleck* Houſe to the Church, where it joins the Road from *Mauchline*,

to

to *Cumnock*, paſſing through the Pariſhes of *Ochiltree* and *Auchinleck*; a Road from *Ochiltree* by the aforeſaid Ford, and from thence by *Blackſall-head*, *Drumfork*, and *Brackenhill*, where it joins the Road from *Mauchline* to *Cumnock*, paſſing through the Pariſhes of *Ochiltree* and *Auchinleck*; a Road from *Catrine* through *Whiteflat* to the aforeſaid Road from *Mauchline* to *Cumnock*, and from thence through the Farms of *Clews*, *Willockſtone*, *Syke*, *Martinſhill*, *Turnerhill*, and *Willockſhill*, to the *Daljore-ford* in the Water of *Lugar*, near *Barſkimming*, and from the ſaid Ford, by *Roadinglaſt*, till it joins the Road from *Mauchline* to *Stair*, and from thence continued through a Hollow till it joins the *Stair Bridge* Road, paſſing through the Pariſhes of *Sorn*, *Mauchline*, *Auchinleck*, *Ochiltree*, and *Stair*; a Road leading from the Town or Village of *Ochiltree* to the Town or Village of *Mauchline* through the *Broom Farm*, *Muir's Mailling*, *Carwhallan*, and by *Barturk* and *Auchenbay*, all Parts of the Eſtate of *Ochiltree*, in the Pariſh of *Ochiltree*, and the Lands of *Roadinglaſt*, belonging to Sir *William Miller* of *Glenlee*, where it falls into the Road to *Mauchline*, already made; a Road (Part of which is already made) beginning at the Toll Bar on the Road from *Dalmellington* to *Stair Bridge*, on the Lands of *Bonnyton*, where there is a Croſs Bar, near *Bonnyton* Houſe, and by it, along the New Bridge acroſs *Bonnyton* Burn, through the Lands of *Polquhairn*, by the Loch, the Lands of *Drumjoan*, and the Eſtate of *Ochiltree*, till it terminates at the Village of *Ochiltree*, and all lying in the Pariſh of *Ochiltree*; a Branch, or other Road, to go off from the Road laſt deſcribed on the Eſtate of *Ochiltree*, through Part of that Eſtate, then through the Lands of *Burnockſton*, and acroſs the Water of *Burnock*, through another Part of the Eſtate of *Ochiltree*, all in the ſaid Pariſh of *Ochiltree*, till it joins a Road made by the late Earl of *Dumfries* on his Eſtate on the March of the Pariſh of *Old Cumnock*, leading to the ſaid Earl's Limework, and the Village of *New Cumnock*, where it terminates and falls into the great Turnpike Road between *Ayr* and *Dumfries*; a Road from *Maybole* to *Ayr*, by *Monkwood Bridge*, and the Foot of *Barrhill*, near to the March with *Doonholm*, through the Lands of *John Hunter* Eſquire, and the Lands belonging to the Counteſs of *Crawford*, and from thence through the Lands of *Finnickland*, and ſo on through the *Burough Acres*, until it joins the Road from *Ayr* to the Old Bridge of *Doon*, near *Culroſs Burn*, paſſing through the Pariſhes of *Maybole* and *Ayr*; a Road from the inland Road between *Maybole* and *Girvan*, from a Point between *Dalquharran* and *Bargany*, paſſing near or through the Farms of *Blair*, *Threave*, *Chapelton*, *High Park*, and ſo on in the beſt Line to the Sea Shore at *Douglaſton*, lying in the Pariſhes of *Dailly* and *Kirkoſwald*; a Road from *Kierhill*, to join the Road between *Kirkmichael* and *Maybole*, paſſing through the Pariſhes of *Straiton* and *Kirkmichael*; a Road from *Little Mill* to *Maybole* paſſing through the Pariſhes of *Dalrymple*, *Straiton*, *Kirkmichael*, and *Maybole*; a Road from *Brae* Toll Bar, through *Ballochtoul* by *Piedmont*, to where it joins the preſent Poſt Road to *Ballantrae*, and to make a Branch of the Toll Road on the South Side of the Water of *Girvan*, paſſing through the Pariſh of *Girvan*; a Road from the Water of *Girvan*, from a Point at or near *Loveſton*, to the Village of *Bar*, by *Knockgirran*, paſſing through the Pariſhes of *Daily* and *Bar*; a Road from *Girvan* to *Ballintrae*, through *Balkeuchy*, *Knockdaw*, *Carlton Mains*, and *Corſclays*, paſſing through the Pariſhes of *Girvan*, *Colmonell*, and *Ballintrae*; a Branch of Road from *Killantringan* by *Balmeanoch*, and *Glendriſhock*, to the Poſt Road which paſſes the *Finnart* at the Mouth of

Glenap, passing through the Parish of *Ballintrae*; a Road from *Colmonell Bridge*, on the South Side of the Water of *Stinchar*, passing near *Pinwherry*, and from thence along the Valley of *Duſk*, to the March of the County, towards *Newton-Stewart*, passing through the Parishes of *Colmonell* and *Bar*; a Road from the New Road from *Ayr* to *Maybole*, by *Woodſton*, or near it, to *Kirkmichael*; and another Branch to be continued, to interſect the Road from *Maybole* to *Garpen Bridge*, and join the Road from *Maybole* to *Girvan* by *Drummellan*, on the New Line, passing through the Parishes of *Maybole* and *Kirkmichael*, which are in bad Repair, and inconvenient for Travellers, ſhould likewiſe be made and repaired, and a Fund raiſed for that Purpoſe: And whereas it is neceſſary that the Application of the Statute Work within the ſaid County ſhould be regulated, and the Amount of the Converſion thereof, and alſo the Sum to be levied in the Name of Bridge Money, purſuant to an Act of the Parliament of *Scotland*, made in the Year One thouſand ſix hundred and ſixty-nine, being the Sixteenth Act of the Second Parliament of King *Charles* the Second, ſhould be increaſed; and it is expedient that the ſaid ſeveral Acts, with more extenſive Powers and Authorities, ſhould be reduced and conſolidated into One Act: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Twenty-ſeventh Day of *May*, One thouſand eight hundred and five, the ſaid recited Acts of the Seventh and Fourteenth Years of His preſent Majeſty's Reign ſhall be, and the ſame are hereby repealed; and inſtead thereof, this Act ſhall commence, and be put in Execution, for and during the Term herein-after mentioned; and that this Act, and all the Tolls which are hereby authoriſed to be levied, and the Converſion Money in lieu of Statute Labour hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Roads contained in the ſaid Acts hereby repealed; and that the ſaid Tolls only ſhall be liable to the Payment of all Money which ſhall or may hereafter be borrowed on the Credit of the Roads contained in this Act, and of Intereſt due and to become due for the ſame reſpectively.

Regulation of Statute Labour.

Former Acts repealed.

II. And be it enacted, That every Perſon who at preſent is or ſhall be, during the Continuance of this Act, in his own Perſon, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, as Proprietor or Liferenter, of the *Dominium utile* of Lands lying in the ſaid County of *Ayr*, valued in the Ceſs Books of the County, to the Extent of One hundred Pounds *Scots per Annum*; and all and every the Heirs Apparent of Perſons poſſeſſed of the *Dominium utile* of ſuch Lands, to the Extent of Two hundred Pounds *Scots* of valued Rent; and where Lands are not valued, the Proprietors of ſuch Lands yielding Two hundred Pounds Sterling of real Rent, and likewiſe the Sheriff Depute of the County of *Ayr*, and his Subſtitute for the Time being, and the Chief Magiſtrates of the Boroughs of *Ayr* and *Irvine*, and of the Towns of *Kilmarnock*, *Maybole*, and *Newton upon Ayr*, for the Time being, and *William Macadowall* of *Garthland*, *David Boyle* of *Marres*, *William Bowie* of *Camſiſcan*, *Richard Campbell* of *Helenton Mains*, Lieutenant Colonel *John Hughs* of *Milrig*, *Alexander Gairdner* of *Trolong*, and *Archibald Buchanan* of *Catrine*, ſhall be, and they hereby are nominated

Nomination and Qualification of Truſtees.

General Powers to the Trustees, by the Act granted.

nominated and appointed Trustees, for making, repairing, widening, or altering and keeping in Repair, the Roads following, *videlicet*, the Road from *Irvine* by *Saltcoats*, *Kilbride*, and *Largs*, to *Kellybridge*, with a Cut from *Stevenson*, by *Cross-craigs* to *Ardrossan*, passing through the Parishes of *Irvine*, *Kilwinning*, *Stevenson*, *Ardrossan*, *Kilbride*, and *Largs*; the Road leaving the above mentioned Road at *Kilwinning*, by *Dalry* and *Beith*, to *Clarks-bridge*, and the Road from *Dalry* to *March-bridge*, passing through the Parishes of *Kilwinning*, *Dalry*, *Beith*, and *Kilbirnie*; the Road from *Irvine* to *Kilmarnock*, passing through the Parishes of *Irvine*, *Dreghorn*, *Kilmaurs*, and *Kilmarnock*; the Road from *Kilmarnock* to *Stewarton*, through *Kilmaurs*, with a Line or Cut from *Kilmaurs* by or near *Lochrigg*, passing through the Parishes of *Kilmarnock*, *Kilmaurs*, and *Stewarton*; the Road from *Irvine* by *Stewarton*, towards *Glasgow*, till it joins the County of *Renfrew*, passing through the Parishes of *Irvine*, *Dreghorn*, and *Stewarton*; the Road from *Stewarton* to *Beith*, by the Village of *Dunlop*, passing through the Parishes of *Stewarton*, *Dunlop* and *Beith*; the Road which departs from the Road between *Stewarton* and *Pollocktoun*, to the March of the Shire, towards *Neilston*, passing through the Parishes of *Stewarton* and *Dunlop*; the Road from *Stewarton*, to a Place called *Whitehouse*, passing through the Parishes of *Stewarton*, *Dunlop*, and *Beith*; the Road from *Kilmarnock* by *Hurlford-bridge*, *Galston*, *Newmilns*, *Darvel*, and towards the Extremity of the County towards *Lanarkshire*, passing through the Parishes of *Kilmarnock*, *Riccarton*, *Galston* and *Loudoun*; the Road leaving that last mentioned at Waterside of *Loudoun* till it joins the Road from *Kilmarnock* to *Kingswell*, passing through the Parishes of *Loudoun*, *Kilmarnock*, and *Fenwick*; the Road from *Kilmarnock* by *Romeford-bridge*, till it joins the Road from *Irvine* to *Dalmellington*, at or near *Dundonald*, passing through the Parishes of *Kilmarnock*, *Kilmaurs*, and *Dundonald*; the Road from *Kilmarnock*, by *Fenwick*, and *Kingswell*, to *Flock-bridge*, leading to *Glasgow*, and the Road from *Kingswell*, leading towards *Eaglesham*, as far as the same are in *Ayrshire*, passing through the Parishes of *Kilmarnock* and *Fenwick*; the Road from *Ayr* to *Irvine*, passing through the Parishes of *Newton*, *Prestwick*, *Monkton*, and *Dundonald*; the Road from *Ayr* to *Kilmarnock*, passing through the Parishes of *Newtoun*, *Saint Evox*, *Monkton*, *Symington*, *Craigie*, *Dundonald*, and *Riccarton*, or through such of them as may be necessary; the Road through the Parishes of *Ayr*, *Coylton*, *Stair*, *Ochiltree*, *Old* and *New Cumnock*, to the March of the County towards *Dumfries*; the Road from *Ayr*, through the Parishes of *Saint Evox*, *Tarbolton*, *Craigie*, *Galston*, and *Loudoun*, to the March of the County towards *Strathaven*; the Road from *Ayr* by *Muirkirk*, to the March of the County, passing through the Parishes of *Saint Evox*, *Tarbolton*, *Mauchline*, *Sorn*, *Auchinleck*, and *Muirkirk*; the Road from *Kilmarnock* to *Old Cumnock* by *Mauchline*, passing through the Parishes of *Riccarton*, *Mauchline*, *Auchinleck*, and *Old Cumnock*; the Road from *Galston* by *Sorn*, to *Old Cumnock*, passing through the Parishes of *Galston*, *Sorn*, *Auchinleck*, and *Old Cumnock*; the Road from *Irvine* to *Dalmellington*, passing through the Parishes of *Dundonald*, *Symington*, *Craigie*, *Tarbolton*, *Stair*, *Coylton*, *Dairymple*, and *Dalmellington*; the Road from *Fail* to *Kilmarnock*, passing through the Parishes of *Tarbolton*, *Craigie*, and *Riccarton*; the Road from *Coylton* to *Galston*, by *Gadgirth-bridge* and *Tarbolton*, till it joins the Road from *Kilmarnock* to *Cumnock*, near *Lawer's-bridge*, passing through the Parishes of *Coylton*, *Tarbolton*, *Craigie*, and *Galston*; the Road from *Coylton*, by *Saint Evox*, to *Monkton*, passing through the Parishes of *Coylton*, *Saint Evox* and *Monkton*;

Monkton; the Road from *Mauchline*, by *Millburn* to *Craigie Caſtle*, paſſing through the Pariſhes of *Mauchline*, *Tarbolton*, and *Craigie*; the Road from *Monkton* to *Tarbolton*, paſſing through the Pariſhes of *Monkton*, *Craigie* and *Tarbolton*; the Road from *Old Cumnock* by *Muirkirk* to the Confines of the County towards *Douglas*, paſſing through the Pariſhes of *Old Cumnock*, *Auchinleck*, and *Muirkirk*; the Road from *Ayr* to *Dalmellington*, and from thence to the March of the County, paſſing through the Pariſhes of *Ayr*, *Dalrymple*, and *Dalmellington*; the Road from *Dalmellington* to *New Cumnock*, paſſing through the Pariſhes of *Dalmellington* and *New Cumnock*; the Road from *Dalrymple-bridge*, till it joins the Road from *Ayr* to *Cumnock* near *Coylton*, paſſing through the Pariſhes of *Dalrymple* and *Coylton*; the Road from the Road from *Ayr* to *Cumnock*, at a Point near *Belſton*, acroſs the Water of *Ayr* at *Enterkine Tar-Kilns*, and from thence till it joins the Road from *Gadgirth-bridge* to *Tarbolton*, paſſing through the Pariſhes of *Coylton* and *Tarbolton*; the Road from *Ayr* by *Maybole* to *Girvan*, paſſing through the Pariſhes of *Ayr*, *Maybole*, *Kirkoſwald*, *Kirkmichael*, *Dailly*, and *Girvan*, which Road divides at the *Red Brae* near *Maybole* into Two Branches, one of which goes by *Kirkoſwald*, *Dalwhat*, *Drumbeg*, *Curra*, and *Chapeldonnan*, where it joins the Old Shore Road between *Ayr* and *Girvan*, and the other Branch by *Garpin* Bridge and *Dailly*; the Road from *Ayr* by the New Bridge of *Doon* at *Greenan*, *Dunduff*, *Thomeſton*, and *Drumbeg*, where it falls into the Great Road from *Maybole* to *Girvan*, having a Branch leading to *Maybole*, through the Farm of *Enoch*, paſſing through the Pariſhes of *Ayr*, *Maybole*, *Kirkoſwald*, and *Girvan*; the Road from *Girvan* to the Confines of the County beyond *Glenap*, leading to *Stranraer*, which Road conſiſts of Two Branches, One of them going by *Ballantrae*, and the other by *Colmonell*, paſſing through the Pariſhes of *Girvan*, *Colmonell*, and *Ballantrae*; the Road from the *Garpin* Bridge by the *Balloch* to the Confines of the County, towards *Wigton*, paſſing through the Pariſhes of *Kirkmichael*, *Dailly*, and *Bar*, having a Branch ſtriking off from near *Auchalton* by *Ladyburn* and *Kilkerran* Bridges, to join the Road from *Maybole* to *Girvan*, near *Dalziellely* on the North Side of the Water of *Girvan* paſſing alſo through the Pariſh of *Kirkoſwald*; the Road from *Balloch* by the Bar upon the South Side of the Water of *Stincher*, and by the Bridge of *Pinmore*, till it joins the Road from *Girvan* by *Colmonell*, to the Confines of the County towards *Stranraer*, paſſing through the Pariſhes of *Bar*, *Colmonell*, and *Ballantrae*; the Road from *Maybole* to *Girvan*, upon the new Line by *Drummellan*, *Dalquharran*, and *Killochan*, with a Branch paſſing the River *Girvan* from near the Head of *Killochan Glen*, to the Road on the South Side of the Water at *Old Dailly*, and another Branch paſſing between theſe Roads by the Bridge of *New Dailly*, paſſing through the Pariſhes of *Maybole*, *Kirkoſwald*, *Dailly*, and *Girvan*; the Road from *Old Dailly* by *Penkill* down the Glen of *Aſsle* until it joins the Branch of the Road from *Girvan* to the Confines of the County by *Colmonell*, paſſing through the Pariſhes of *Dailly* and *Girvan*; the Road from *Maybole* to *Dalrymple* Bridge, and the Road from *Dalrymple* Bridge to *Kirkmichael*, paſſing through the Pariſhes of *Maybole* and *Kirkmichael*; the Road from *Maybole* to *Straiton* by *Kirkmichael*, paſſing through the Pariſhes of *Maybole*, *Kirkmichael*, and *Straiton*; the Road from *Croſshill* to *Straiton*, paſſing through the Pariſhes of *Kirkmichael* and *Straiton*; the Road from *Croſshill* by *Kirkmichael* Bridge, till it joins the Road from *Maybole* to *Straiton*, paſſing through the Pariſh of *Kirkmichael*; the Road from *Straiton* to *Dalmellington*, paſſing through the Pariſhes of *Straiton* and *Dalmellington*; and

alſo the ſeveral and reſpective new Roads herein-before deſcribed; and for repairing the Bridges on the ſaid Roads, or for erecting new ones, where the ſame ſhall be found neceſſary thereon; and for executing the Laws relative to the Croſs and Bye Roads, and the Application of the Statute Work within the ſaid County, and for putting in Execution all the other Powers in and by this Act given.

Penalty of acting, if not qualified.

III. And be it further enacted, That if any Perſon not qualified, or appointed as aforeſaid, ſhall nevertheleſs preſume to act as a Truſtee, every ſuch Perſon ſhall, for every ſuch acting, forfeit the Sum of Twenty Pounds Sterling, beſides the Expence of Proſecution, to be recovered by Complaint in a ſummary Way, at the Suit of any Heritor in the ſaid County, before the Juſtices of the Peace, at their Quarter Seſſions; which Penalty ſhall be paid to the Truſtees aforeſaid, to be applied by them for repairing the ſaid Roads; and in caſe any ſuch Complaint ſhall be brought, the Proof of Qualification ſhall be upon the Defendant.

Proviſo.

IV. Provided always, That it ſhall be a ſufficient Qualification to the Sheriff Depute of the County of *Ayr*, and his Subſtitutes, and to the Chief Magiſtrates of the Boroughs of *Ayr* and *Irvine*, and of the Towns of *Kilmarnock*, *Maybole*, and *Newton upon Ayr*, that they are inveſted for the Time being with the ſaid Offices.

First General Meeting.

Quarterly General Meetings

V. And be it enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall hold their firſt General Meeting at *Ayr*, on the Third *Wedneſday* after the paſſing of this Act, and, during the Continuance of this Act, ſhall hold Four ſtated Meetings in the Year, at the ſaid Place, upon the Firſt *Wedneſday* of *January*, the Firſt *Wedneſday* of *April*, the Firſt *Wedneſday* of *Auguſt*, and the Firſt *Wedneſday* of *November*; and it ſhall and may be lawful for the ſaid Truſtees, or the Majority of thoſe preſent at the ſaid firſt or other General Meetings, to adjourn to ſuch other Times as they ſhall think fit; and the ſaid Truſtees ſhall enter all their Proceedings in a Book, to be kept by their Clerk, whom they are hereby empowered to chooſe, and to allow him ſuch a Salary for his Trouble, out of the Converſion Money for the Statute Labour of the ſaid County, as they ſhall think reaſonable (ſuch Book to be patent to Inſpection as herein after-mentioned); and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Proceedings to be entered in a Book.

Notice of Adjournment to be given.

VI. Provided always, That where the Number preſent at ſuch firſt or other General Meetings ſhall not be ſufficient to act and proceed, and that ſuch Truſtees as are preſent ſhall think fit to adjourn the Meeting, which they are hereby empowered to do, then, and in that Caſe, Fourteen Days previous Notice of the Day, and Purpoſe of the next adjourned Meeting, ſhall be given by Advertiſement in any Newſpaper publiſhed in the County of *Ayr*, and alſo by a printed Circular Letter from the Clerk of the ſaid Truſtees ſent, by Poſt, to each Truſtee: And provided alſo, That upon the Requiſition of any Five Truſtees, the ſaid Clerk ſhall be obliged at any Time to call a General Meeting at *Ayr*, giving like previous Notice thereof, and of the Purpoſe and Buſineſs of ſuch Meeting: Provided always, That nothing ſhall be done at ſuch ſpecial Meetings but what

Five Truſtees may call a General Meeting.

what relates to the ſpecial Purpoſes for which ſuch Meetings are called.

Truſtees to ſettle the Direction of Roads.

VII. And be it enacted, That the ſaid Truſtees, at a General Meeting, ſhall have Power to ſettle the particular Direction of any of the ſaid Roads, where the ſame is not ſpecially deſcribed and ſettled by this Act, and to alter the ſame where it may appear neceſſary, Three Weeks previous Notice being given to each Truſtee on the Road propoſed to be altered, by a Circular Letter from the Clerk to the ſaid Truſtees, and alſo by Advertiſement affixed on the Church Door of each Pariſh through which the ſame paſſes, which ſhall further be inſerted in any Newſpaper publiſhed in the County of *Ayr*; and it ſhall and may be lawful for the ſaid Truſtees to erect, or order to be erected, or continue to uſe, if already erected in virtue of the ſaid former Acts, One or more Toll Gate or Gates, Turnpike or Turnpikes, Toll Houſe or Toll Houſes, on or acroſs any of the ſaid Roads.

Appointment of Truſtees on each Road to be made at a General Meeting.

VIII. And, for the more ſpeedy and effectual repairing and keeping in repair the ſaid Roads, and in furtherance of the Remedies and Proviſions hereby intended, be it enacted, That the ſaid Truſtees, or any Seven or more of them, at their ſaid Firſt General Meeting or at any Quarterly or adjourned General Meeting aſſembled, ſhall, and they are hereby authorized to nominate and appoint ſuch of their Number as they may think proper for the Care and Management of each of the Roads in this Act; and from Time to Time, at any ſtated or adjourned Meeting, to ſupply any Vacancies that may happen in any of the ſaid Liſts, by Death or otherwiſe; or to make ſuch Additions thereto, or Alterations thereof, as they find neceſſary: And the Firſt Perſon named in the Liſt of Truſtees for each Road, nominated and appointed, ſhall be the Convener, for the Purpoſe of calling the Firſt Meeting of ſuch Truſtees with whom he is ſo conjoined, at ſuch Time and Place as he ſhall think proper; with Power to ſuch Meeting, or the Majority of thoſe preſent thereat, either to continue him as Convener of their future Meetings, or to chooſe a new Convener from Time to Time; and alſo with Power to adjourn themſelves from Time to Time, as they ſhall think proper.

Their Convener.

Power of adjourning.

Two Truſtees may call a Committee Meeting.

IX. And be it further enacted, That, upon a ſigned Application by any Two of the Truſtees on any particular Road, to the Convener for the Time being, deſiring the ſame, the ſaid Convener ſhall be obliged, by Circular Letter addreſſed to each Truſtee on ſuch Road, to call a Meeting of the Truſtees on ſuch Road, within Ten Days thereafter, allowing Five Days' Notice thereof from the Date of the Letter, and in caſe of his Refuſal or Delay to call ſuch Meeting, when required in Manner aforeſaid, or in the Event of there being no Convener for the Time, it ſhall be lawful for any Two Truſtees, to call a Meeting of their fellow Truſtees, by Circular Letters upon ſimilar Notice.

Five or more Truſtees a legal Meeting.

X. And be it further enacted, That any Five or more of the Truſtees named on any particular Road, ſhall be deemed to conſtitute a legal Meeting of ſuch Truſtees; as alſo, that the Truſtees to be appointed for each Road ſhall have no Power to act in any of the Matters or Things reſpecting the ſaid Roads, and the Tolls and Produce of the ſame, otherwiſe than at a Meeting regularly called or adjourned as aforeſaid, and where Five

Five or more are preſent: Provided always, that it ſhall be lawful for any ſuch Five Truſtees ſo aſſembled, to appoint from among the Truſtees on ſuch Roads, Sub-committees, of ſuch Number as they may think proper, for the better Execution of the Powers hereby granted to ſuch Truſtees, which Sub-committees ſhall from Time to Time report their Proceedings to the Meetings of the Truſtees on ſuch Road; and every Act, Matter, and Thing, to be ordered, done, or performed by ſuch Sub-committee, ſhall, upon being approved by ſuch Meeting, be equally valid and ſufficient, as if ordered, done, or performed by ſuch Meeting, and the ſaid Truſtees on each Road, and every Sub-committee to be appointed by them, ſhall defray their own Expences.

Powers of Truſtees on each Road.

XI. And be it enacted, That the Truſtees ſo to be appointed for each particular Road, or any Five or more of them, at their Firſt Meeting, or at any adjourned Meeting, ſhall have Power to ſettle the particular Direction of the Road allotted to them, where the ſame has not been previouſly deſcribed and ſettled by the General Meeting; and ſhall or may erect, or order to be erected, or continue to uſe, if already erected in virtue of the ſaid former Acts, One or more Toll Gate or Gates, Turnpike or Turnpikes, in or acroſs ſuch Road; and alſo erect or build ſuch Number of Toll Houſes as they ſhall think fit, in and upon the ſame, or employ thoſe already built.

To be accountable to the General Meetings.

XII. Provided always, That the ſaid Truſtees for each of the aforeſaid Roads, ſhall be accountable to the General Meetings of the Truſtees by this Act appointed, for their Proceedings in the Matters committed to them; and for that Purpoſe ſhall, on or before the Firſt *Wedneſday* of *Auguſt* yearly, lay before the General Meeting a State of their Accounts and all other Tranſactions for the Year preceding the Eleventh Day of *November* then laſt, and that under a Penalty not exceeding Five Pounds Sterling, nor leſs than Twenty Shillings Sterling, as the General Meeting ſhall determine; which Penalty, ſo fixed by the General Meeting ſhall be paid by the Clerk of the Truſtees on ſuch Road, and in caſe of Refuſal ſhall be ſued for by the Clerk of the General Meeting by way of ſummary Complaint before any Juſtice of the Peace within the ſaid County, which Clerk of the General Meeting ſhall be perſonally liable for the Amount thereof, in the Event of his not ſuing for the ſame; and the General Meeting ſhall not have Power to remit the ſaid Fine; and the ſame when recovered ſhall be applied to ſuch of the general Purpoſes of this Act as the General Meeting ſhall think proper; and all ſuch Accounts, ſo to be laid before the General Meeting, ſhall be remitted to a Committee of their Number, who ſhall audit and examine the ſame, and report to the General Meeting, by whom the ſame ſhall be finally ſettled.

Truſtees empowered to impoſe Toll Duties.

XIII. And be it further enacted, That, from and after the Twenty-ſeventh Day of *May* One thouſand eight hundred and five, the ſaid Truſtees, appointed and authorized to carry this preſent Act into Execution, ſhall be, and they are hereby empowered, purſuant to a Reſolution made at any of the ſaid ſtated or adjourned General Meetings, to erect, or cauſe to be erected, Toll Bars acroſs or on the Sides of each of the Roads contained in this Act; and may levy thereat the following Tolls and Duties; *videlicet*,

Tolls.

For every Coach, Chariot, Berlin, Landau, Calaſh, Chaiſe, Chair, Hearſe, or other ſuch Carriage, drawn by Six Horſes, Mares, Geldings, or Mules, a Sum not exceeding the Rate of Eight-pence Sterling *per* Mile;

Mile; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Sixpence Sterling *per* Mile; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of Five-pence Sterling *per* Mile; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Three-pence Sterling *per* Mile; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of One Penny Halfpenny Sterling *per* Mile:

For every Waggon, Wain, Cart, or other Wheel Carriage, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling Sterling *per* Mile; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Ten-pence Sterling *per* Mile; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight-pence Sterling *per* Mile; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Four-pence Sterling *per* Mile; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Two-pence Sterling *per* Mile; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of One Penny Sterling *per* Mile; and where there are more than Six Horſes, Oxen, or other Beaſts of Draught drawing any Waggon, Wain, Cart, or other Wheel Carriage, there ſhall be further paid, at the Rate of Two-pence Sterling *per* Mile, for every additional Beaſt:

For every Sledge, without Wheels, the Sum of One Penny Sterling *per* Mile:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Halfpenny Sterling *per* Mile:

For every Drove of Oxen, or Neat Cattle, the Sum of Two-pence Sterling *per* Score *per* Mile; and ſo in Proportion for any greater or leſs Number:

For every Drove of Horſes or Fillies unſhod, the Sum of Four-pence Sterling *per* Score *per* Mile; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Sheep, Lambs, Hogs, or Goats, the Sum of One Penny Sterling, *per* Score *per* Mile; and ſo in Proportion for any greater or leſs Number:

And which Rates of Tolls and Duties may be collected at ſuch Places, and in ſuch Proportions, as ſhall appear to the ſaid Truſtees moſt proper and expedient on each of the above Roads.

No Toll Bar to be erected near Irvine.

XIV. Provided always, and be it enacted, That it ſhall not be lawful for the ſaid Truſtees, without the Conſent of the Magiſtrates and Town Council of the Borough of *Irvine* for the Time being, to erect any Toll Bar, or to levy any Tolls and Duties upon the Bridge of *Irvine*, or at either End thereof, nor on the Road between the ſaid Bridge and the Harbour of *Irvine*: Provided nevertheleſs, that the ſaid Magiſtrates and Town Council ſhall maintain and keep the ſaid Bridge and Road in Repair.

Tolls on each Road veſted in its own Truſtees.

Collectors of Tolls authoriſed to ſeize and diſtrain for Payment thereof.

XV. And be it further enacted, That the Money ſo to be raiſed and received upon each of the ſaid ſeveral Roads, ſhall be, and the ſame is hereby veſted in their reſpective Truſtees; and the ſame, and every Part thereof, ſhall be applied for the Purpoſes by this Act directed; and if any Perſons, ſubject to the Payment of the ſaid Tolls, ſhall refuſe to pay the ſame, it ſhall be lawful for the Perſons appointed to collect the ſaid Tolls, to ſeize and diſtrain any Horſe, or other Cattle, or any Carriage, in reſpect whereof ſuch Toll is by this Act impoſed, and to keep and detain the

the ſame for any Time not exceeding Four Days; and then, if ſuch Toll, together with the Charges, be not paid, the ſaid Horſe, Cattle, or Carriage may, by the Authority of One Juſtice of the Peace, be ſold by public Roup, or Auction, at the Toll Houſe where the Toll ought to have been paid, returning the overplus Money (if any be) upon Demand, to the Owner thereof, after ſuch Tolls and the neceſſary Charges ſhall be deducted.

Truſtees empowered to erect Weighing Machines, and to levy a higher Rate of Toll Duty upon Carriages, when exceeding a certain Weight.

XVI. And be it enacted, That the ſaid Truſtees, or any Five or more of them, may cauſe Weighing Machines to be erected on ſuch Parts of the Road as they ſhall think proper, for weighing all Carriages which ſhall paſs along the ſame; and the ſaid Truſtees, or any Five or more of them, or any Perſon appointed by them, may ſtop and cauſe to be weighed any Carriage paſſing along the ſame; and the ſaid Truſtees, or any Five or more of them, may, from and after the Twenty-ſeventh Day of *May* One thouſand eight hundred and five, levy, or cauſe to be levied, demanded, and taken at the ſeveral Turnpikes, or Turnpike Gates, erected or to be erected on or acroſs any of the Roads hereby intended to be made, repaired, or kept in Repair, before any Waggon, Wain, or Cart, or other Wheel Carriage, not upon Springs, paſs through the ſame, the Weight of which Carriage, with the Burden or Load therein or thereon, ſhall exceed Eighteen hundred Weight, and the Fellies of the Wheels of which ſhall not meaſure Four Inches in Breadth, if drawn by One Horſe, Mare, Gelding, or Mule, and Six Inches in Breadth if drawn by Two or Three Horſes, Mares, Geldings, or Mules, and Nine Inches if drawn by Four or more Horſes, Mares, Geldings, or Mules, Double the Tolls and Duties which the ſaid Truſtees are empowered to levy for ſuch Carriages upon the Roads aforeſaid; and if ſuch Waggon, Wain, or Cart, with the Burden or Load therein, ſhall exceed Two thouſand five hundred Weight, and the Fellies of the Wheels thereof ſhall not meaſure as above mentioned, Treble Toll or Duty; and if above Three thouſand Weight, Six Times the common Rate of Toll; excepting always Carriages carrying the Mail or Packet, Carriages carrying Soldiers who are upon their March, or carrying their Baggage; and Carts, Carriages, or Waggons travelling with Vagrants, ſent with legal Paſſes; and the Toll or Duty on ſuch Carriages is hereby expreſsly declared not to be a Penalty, but the juſt and fair Toll Duty leviable on ſuch Carriages.

Exception.

Toll-gatherers not to compound for a lower Rate of Toll Duty than what ſhall be fixed by the Truſtees.

XVII. And be it further enacted, That no Tackſman or Toll-gatherer at any Turnpike Gate within the ſaid County, ſhall compound or take a lower Rate of Turnpike Duty than what ſhall be fixed by the ſaid Truſtees, under a Penalty not exceeding Five Pounds Sterling, nor under Twenty Shillings Sterling for each Offence.

Exemption from Tolls.

XVIII. Provided always, and be it enacted, That no Tolls ſhall be levied for or in reſpect of Carriages, Horſes, or Cattle, employed in carrying Materials for making or repairing any of the Roads or Bridges in the ſaid County, or any Implement of Huſbandry, or carrying any Perſon to or from Church, or any Place of religious Worſhip belonging to or ſituated within the Pariſh where ſuch Perſon reſides, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or in carrying any Miniſter when in the Exercife of his Duty within the Pariſh, or carrying any Perſon attending the Funeral of any Perſon who

ſhall die and be buried within the Pariſh, or in conveying the Mails, Letters, or Expreſſes, under Authority of His Majeſty's Poſtmaſter General, or in returning back from conveying the ſame, or for the Horſes belonging to Officers or Soldiers on their March, or on Duty; or for Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers; or in conveying any ſick, wounded, or diſabled Officers or Soldiers; or for Carts, Horſes, or Carriages travelling with Vagrants ſent with legal Paſſes; or Horſes or Cattle going to or returning from their uſual Places of Paſture or Watering; or going to Smiths' Shops for the Purpoſe of being ſhoed, or returning therefrom, within the Pariſh, or neareſt Smith's Shop, if without the Pariſh; nor ſhall any Toll be taken for any Horſe or other Beaſt, Cart, or Carriage laden with or carrying Materials for paving the Streets of any Town, Borough, or Village within the ſaid County, or any Kind of Corn or Victual going to any Mill, or returning therefrom to the Granary of the Grower, or any Victual paid as Rent or Stipend, in its Paſſage to the Granary of any Heritor or Miniſter; nor ſhall any Toll be taken for any Horſe or other Beaſt, or any Carriage going unladen for any of the Particulars hereby exempted, or returning unladen after the Delivery thereof; and, in order to obviate fraudulent Pretences, that ſuch unladen Horſes, Beaſts, or Carriages, are going for any particular Lading hereby exempted, the Drivers of ſuch Horſes, Beaſts, and Carriages, before being allowed to paſs any Toll Bar erected upon any of the ſaid Roads, ſhall depoſit the Toll payable for ſuch Horſes, Beaſt, or Carriages reſpectively, which ſhall be repaid to the Driver or Drivers thereof at his or their Return with any Lading exempted from the Payment of Toll by this Act; and, in order that all Horſes, Beaſts, or Carriages, paſſing through any of the ſaid Toll Bars laden with any Goods or Materials hereby exempted from the Payment of Toll, may not be obliged to pay any Toll when they return unladen, the Drivers of ſuch Horſes, Beaſts, or Carriages, paſſing ſo laden, ſhall receive a Note or Ticket from the Collector of the Tolls, at the Bar through which ſuch Horſes, Beaſts, or Carriages ſhall ſo paſs, ſignifying that ſuch Horſes, Beaſts, or Carriages hath or have paſſed the ſaid Toll Bar laden as aforeſaid, in order that ſuch Horſes, Beaſts, or Carriages, when returning unladen, may be exempted from paying any Toll for the ſame; nor ſhall any Toll be taken for any Hay or Corn in the Straw, to be laid up in the Houſes or Yards of the Growers of the ſame; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling, nor leſs than Twenty Shillings Sterling.

Toll on Manure may be diminiſhed, or Manure may be altogether exempted.

XIX. Provided always, and be it enacted, That it ſhall and may be lawful for the ſaid Truſtees at any ſtated General or Adjourned Meeting, to authorize the Truſtees upon any of the ſaid Roads, to diminiſh the Rate of Toll upon Manure of every Kind, or to exempt the ſame from Payment of Toll altogether, upon its being made manifeſt to ſuch General or Adjourned Meeting, that ſuch Road may be kept in Repair by means of the other Tolls or Duties hereby granted, without levying the full Toll, or without levying any Toll upon Manure, as the Caſe may be; and again to increaſe or impoſe ſuch Toll upon Manure to any Amount, not

not exceeding the Toll Duties hereby granted, if the State of such Road shall again make the same necessary.

Trustees may erect Side Gates and Turnpikes, and receive Tolls thereat.

XX. And be it further enacted, That the said Trustees, on each of the above mentioned Roads, or any Five or more of them, may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the Road committed to them, and across any Lane leading out of or into the same, and there to take and receive such Tolls as are by this Act granted and made payable, or such Part thereof as the said Trustees shall think reasonable, but so as that a Ticket received at each Side Bar shall entitle the Receiver to pass through the next Turnpike, on the same Road Toll-free, in case he shall have Occasion to pass through such Turnpike the same Day.

Provision where Toll shall be levied at the Junction of Two or more Roads.

XXI. And be it further enacted, That in case of Two or more of the Roads, mentioned in this Act, uniting, and its appearing to the Trustees most convenient to levy the Toll on both Roads, or any Part of it at their Junction; it shall be in the Power of the said Trustees to allot such Part of the Tolls so levied, to each of the said Roads respectively as they shall think just.

Tolls to be paid but Once a Day.

XXII. And be it enacted, That no Person who shall have paid the Toll by this Act imposed, for passing through any of the Turnpikes, or being exempted from paying of such Toll, and having received a Note or Ticket signifying such Exemption, shall be subject to the Payment of any Toll for returning through such Turnpike or Turnpikes the same Day, before Twelve of the Clock at Night, with the same Horse or Horses, Cattle, Coach, Waggon, or other Carriage, but shall repass Toll-free, upon producing to the Collector or Collectors of the Toll, at such Turnpike or Turnpikes respectively, a Note or Ticket, which the Collector, to whom the said Toll shall have been paid, is hereby required to give *gratis*, upon Receipt of the Toll; but in case the said Horse or Horses, Cattle, Coach, Waggon, or other Carriage, after having repassed free, as aforesaid, shall repass the Turnpikes a Second or more Times in One Day, they shall, in that Case, be subject to pay the Tolls for each Time they shall so pass, or pass and repass, in the same Manner as they did the First Time.

The Turnpikes and Toll Houses vested in the Trustees.

XXIII. And be it enacted, That the Right and Property of all and every of the Turnpikes, Gates, and Toll Houses, which are already erected in pursuance of the said former Acts, and of those to be erected and built by virtue of this present Act, while they are applied to that Purpose, and after they shall cease to be so employed, the Materials of which the same shall be built, and also all Materials which shall be collected or dug up for repairing the said Roads, shall be, and they are hereby vested in the said Trustees for each particular Road; and they, or any Five or more of them, are hereby empowered, from Time to Time, to dispose thereof, as they shall think proper, and to bring, or cause to be brought, an Action, by way of summary Complaint, before the Justices of the Peace of the said County, assembled at their Quarter Sessions, within Six Months, in their own Name, or in the Name of any of their Cashiers or Clerks, against any Person who shall injure the same, or disturb them in the Possession thereof.

Roads to be completed within Seven Years.

XXIV. And be it further enacted, That no Toll Bar shall be erected, nor Toll levied on any of the Roads not hitherto made, and contained in this Act, until sufficient Security shall be found to the Satisfaction of the Trustees assembled at a General Meeting, that such Road shall be put in complete Repair within Seven Years after the Toll Bar or Bars shall have been erected thereon, and One-seventh Part thereof, at least, executed each Year.

Trustees on each Road to appoint their own Officers

Officers to find Security, &c.

XXV. And be it further enacted, That the said Trustees for each Road, or any Five or more of them, at their First Meeting, or at any Adjourned Meeting, may appoint fit Persons to be Clerks, Cashiers, Toll Gatherers, Surveyors, or other Officers, during their Pleasure, with reasonable Allowances out of the Tolls, for their Care and Pains; and such Cashiers or Toll Gatherers shall find Security for their good Behaviour and faithful accounting, and shall account monthly, or oftener if required, upon Oath, before any One Justice of the Peace of the said County, and pay over the Balance of such Accounts to the Order of the said Trustees; or in case of Default in such Accounting or Payment, each Defaulter may be committed by Warrant of the said Justice, to the common Gaol of the County, therein to remain until such Account and Payment be made, or his Person liberated in due Course of Law; and the Trustees appointing such Cashiers or Toll Gatherers, who shall omit to take such Security, shall be personally liable to pay any Deficiency in Money incurred by any such Cashier or Toll Gatherer.

Powers to make Foot Paths, take Grounds, &c.

XXVI. And be it enacted, That the said Trustees shall have Power to cause Foot Paths along the said Roads to be made and repaired, if deemed necessary; and also to cause Drains along the same, or through any contiguous Lands, to be made and repaired for the Use of the same; and to cause Fences to be made and repaired along the Side of or near the same, to render the same safe for Travellers, or to prevent Persons from evading the Toll Gates; and in case of any of the Roads in this Act mentioned being, in the Opinion of the Trustees, improperly laid out, to cause the same to be altered, and new Lines of Road, which may be useful to the Public to be opened in lieu of those so altered; and to cause any Road to be widened to a Breadth not exceeding Forty-two Feet clear within the Side Drains; and for these Purposes to cause any House or Building, not exceeding Eighteen Feet high in the Side Walls, to be pulled down, at or after any Term of *Whit Sunday*, upon Warning given to the Occupier Six Months at least previous to such Term; and also to cause Houses or other Buildings, the Side Walls whereof shall not exceed Eighteen Feet in Height, at the Entries to any Towns or Villages, to be taken down and removed, the Indemnification to be made to the Proprietor therefor, being to be paid out of the Funds of the particular Road or Roads whereon such shall be made, and to cause all other Obstructions to be removed; and to cause any Roads, which, by making new Lines of Road, or altering the Course of old Roads, shall have become useless to the Public, to be suppressed; and likewise to suppress or stop any Roads which are of no Importance to the Public, but which give an Opportunity, or Facility to Persons travelling any Road where Toll Gates shall have been erected, to avoid passing through such Gates; and to build or erect any Bridge on the said Roads; and to cause any old Bridges that shall be useless to be pulled down, and the Materials of such suppressed Roads and

Bridges

Bridges to be diſpoſed of, or uſed for the Purpoſes of this Act; and likewiſe to cauſe any Hedge within Twenty Feet of the Centre of any High Road to be lopped in the proper Seaſon, ſo as that it ſhall not overhang the Road, at the Expence of the Occupier of the Lands, in caſe ſuch Occupier does not do it himſelf after Six Months Notice; and alſo to cauſe the Branches of any Tree overhanging any Road, within Fifteen Feet of Height above the Road, to be lopped in the proper Seaſon, at the Expence of the Proprietor, after Notice to the Proprietor, and in the Time aforeſaid; and for ſurveying, and the other Purpoſes in the Execution of this Act, it ſhall be lawful for the ſaid Truſtees, or any Perſon authoriſed by them, to go through any private Property, doing as little Damage as poſſible, and paying for the Damage that may be done: Provided always, that in altering, widening, or making the Roads aforeſaid, nothing ſhall be done that may anyway prejudice any Houſe or Building, except as before mentioned, or any Garden, Orchard, or planted Walk, or any Avenue to any Houſe, or any Piece or Parcel of incloſed Ground, which before the paſſing of this Act has been ſet apart and uſed as a Plantation for Trees: Provided always, that previous Notice ſhall be given by the ſaid Truſtees or their Clerk, in their Name, to the Proprietor or Occupier of the Lands at leaſt Fourteen Days before any private Property is laid open or entered into, for the Purpoſes above mentioned.

Power to take Materials for the Roads.

XXVII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, and any Perſon or Perſons having an Order from them, to open Quarries, and dig, gather, take, and carry away any Stones or Gravel, or other Materials, out of any Waſte or Common in the County of *Ayr*, for making and repairing the ſaid Roads or Foot Paths, or any of them, without paying for the ſame; and to dig, gather, and carry away all ſuch Materials, from Quarries already opened, on paying Damages as after mentioned, and on any other Ground in the ſaid County (not being the Ground where any Houſes ſtand, or a Garden, Orchard, or Yard, or any Plantation of Trees which may have been planted prior to the paſſing of this Act) Ten Days Notice in Writing being in this Caſe given to the Proprietor or Occupier of ſuch Ground, and paying ſuch Damages for the ſame as ſhall be aſcertained by any Two Juſtices of the Peace of the County of *Ayr*, with Power to the ſaid Proprietor or Occupier to appeal from the Deciſion of the ſaid Juſtices to the next Quarter Seſſions, whoſe Deciſion ſhall be final; and any Diſpute, with regard to the ſaid Damages, ſhall not prevent the ſaid Truſtees, or thoſe empowered by them, from uſing and carrying away the ſaid Materials, and applying them to making and repairing the ſaid Roads and Bridges.

Truſtees empowered to purchaſe, and Proprietors required to ſell Lands for the Purpoſes of this Act.

XXVIII. 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, let, and convey all ſuch Land or Houſes as may be neceſſary for the making, altering, or widening the ſaid Roads, or any of them, and erecting any Toll Bar or Toll Houſe thereon, or for ſtoring Materials or otherwiſe, where Ground is neceſſary for the Purpoſes of this Act, upon ſuch Satisfaction being made

to

to the Proprietor or Proprietors, and Occupier or Occupiers, as can be agreed upon, by and between the ſaid Truſtees and ſuch Proprietor or Proprietors, 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 by a Jury of Fifteen Perſons ſummoned and choſen by the Sheriff of the ſaid County, in ſuch Manner as Juries are ſummoned and choſen by Sheriffs of Counties in *Scotland*, whoſe Determination is hereby declared to be final, without being ſubject to Suſpenſion, Advocation, or Reduction; and 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 ſuch Jury ſhall be defrayed and borne by the ſaid Truſtees, and the ſaid Owner or Owners, Occupier or Occupiers, equally; but in caſe the ſaid Jury ſhall award to ſuch Owner or Owners, Occupier or Occupiers, the Sum ſo required, or any greater Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid Truſtees; and, on the other Hand, if the ſaid Jury ſhall award the Sum offered by the ſaid Truſtees, or a leſs Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid Owner or Owners, Occupier or Occupiers: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by Reaſon of Abſence, be prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees: Provided alſo, that after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Lands or Houſes, ſuch Sum as the ſaid Truſtees ſhall think reaſonable, it ſhall and may be lawful for them to enter into and upon ſuch Lands or Houſes, for the Purpoſes of this Act; and no Stop ſhall in the mean Time be put to the Operations of the ſaid Truſtees, on Pretence of ſettling the ſaid Damage, or that they have not been ſatisfied and paid.

To be veſted in Truſtees.

XXIX. And be it enacted, That all Lands or 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 appriſed Value thereof, or by the Conſignation of the ſaid Price or Value (in caſe of the Abſence or Refuſal of the Perſon or Perſons entitled thereto) in the Bank of *Scotland*, or the Royal Bank thereof, for the Uſe and Behoof of ſuch Perſon or Perſons; and it ſhall be ſufficient to record the Diſcharge or the Voucher of Conſignation in the Sheriff Court Books of the ſaid County; whereupon the Truſtees ſhall be entitled to take and uſe the ſaid Lands and Houſes, and ſhall hold the ſame as validly and effectually, to all Intents and Purpoſes, as if the reſpective Owners thereof had executed in their Favour regular Diſpoſitions of the ſame, and Infeftments had followed thereupon.

Application of Compenſation where exceeding 200*l.*

XXX. 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 Life Rents, Annuities, or other Incumbrances, or ſhall belong to any Incorporation, married Woman, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Seſſion, be, with all convenient Speed, paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch

Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as, at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the Intereſt or annual Produce of ſuch Money ſhall, from Time to Time, be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

XXXI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe, the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing, under the Hands of the nominating and approving Parties), in order that ſuch principal Money and the Intereſt ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Seſſion.

Application where the Money is leſs than 20l.

XXXII. Provided alſo, and be it further enacted, That where ſuch Money, ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments

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

In caſe of not making out Titles,

XXXIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited Acts or 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 Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion, &c. ſhall be deemed entitled thereto.

XXXIV. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the ſaid Banks, in purſuance of the ſaid recited Acts or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Seſſion; and ſuch Money and the Intereſt thereof ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

XXXV. Provided

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

XXXV. Provided always, and be it further enacted, That where, by reaſon of any Diſabilityor Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, 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 or the ſaid Acts, 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 Sum or Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to remove certain Buildings.

XXXVI. And be it enacted, That, after the paſſing of this Act, no Houſe, or Building, or Erection whatever, other than a Wall, for the Purpoſes of Enclоſure, not exceeding Six Feet in Height, ſhall be erected within the Diſtance of Twenty-five Feet from the Middle of any of the ſaid publick Roads or Highways; and any Juſtice of the Peace may ſtop the building of every ſuch Houſe or Edifice; and if any Building ſhall be erected hereafter within the Diſtance aforeſaid, any Two Juſtices of the Peace upon Application made to them by any one of the Truſtees under this Act, and Proof given that the ſaid Building is within the Diſtance aforeſaid, may order ſuch Building to be pulled down, and the Materials removed, at the Expence of the Erector or of the Occupier of the Ground on which the ſame ſtands; and grant Warrant for levying, for every ſuch Offence, any Sum not exceeding Five Pounds Sterling, nor leſs than Twenty Shillings Sterling.

Ditch and Hedge to be on the Inſide next the Field.

XXXVII. And be it enacted, That when, in Time coming, any Fences ſhall be made on the Sides of any of the ſaid Roads, the Ditch and Hedge ſhall be on the Inſide next the Field, and the plain Face of the Fence or Bank ſhall be expoſed to the Road; and there ſhall be proper Conduits at different Places for carrying the Water from the Road under the ſaid Fence or Bank into the Ditch.

Ditch and Hedge may be altered to the Inſide next the Field.

XXXVIII. And be it enacted, That the ſaid Truſtees, or any Five or more of them, may order to be removed any Hedge facing any of the ſaid Roads, and the Ditch to be filled up, and in the Place thereof cauſe make a Ditch and Hedge, on the Inſide next the Field, ſo as the plain Face of the Fence or Bank ſhall be expoſed to the Road, with proper Conduits for carrying the Water from the Road as before mentioned; the Truſtees always paying the Proprietor of the Lands the Expence of removing the old Ditch and Hedge, and making the new Ditch and Hedge.

Penalty for evading the Tolls.

XXXIX. And, for preventing Frauds and Abuſes in or concerning the Tolls hereby granted, be it further enacted, That if any Perſon ſhall unload, or cauſe to be unladen, any Sort of Goods or Merchandize, or take off, or cauſe to be taken off, any Horſe, or other Beaſt, from any Carriage, at or before the ſame ſhall come to any of the Gates or Turnpikes continued or erected in virtue of this Act, whereby the Payment of any of the Tolls, or any Part thereof, ſhall be evaded; or ſhall leave, or cauſe

cauſe to be left, upon or near to any Part of the ſaid Roads, any Carriage, Horſe, Beaſt, or Cattle, with an Intent to evade the Payment of the ſaid Tolls, or any Part thereof; or ſhall refuſe to allow his Cart or other Carriage to be weighed by the Perſons appointed by the ſaid Truſtees, at any of the Weighing Machines erected for that Purpoſe; each Perſon ſo offending in any of the Caſes aforeſaid, and being thereof convicted, ſhall forfeit a Sum not exceeding Twenty Shillings Sterling for each Offence, to be paid to the Truſtees of the Road the Tolls whereof were intended to be evaded, or their Caſhier for the Time being; to be applied towards making and amending the ſaid Road, and to be levied in Manner herein-after directed.

Penalty for permitting or uſing private Paſſages.

XL. And be it enacted, That if any Perſon owning, renting, or occupying any Lands or other Premiſes near to any of the ſaid Turnpikes erected or to be erected as aforeſaid, ſhall knowingly and willingly permit any Perſon to paſs over the ſame, or through any Gate or Paſſage, with any Horſe, Beaſt, or Carriage; or ſhall open any new Road (without the Conſent of the Juſtices of the Peace of the ſaid County, obtained upon an Application made to the ſaid Juſtices convened at their Quarter Seſſions, which Application the ſaid Juſtices are hereby authoriſed and required to order to lie upon their Table till their next General Quarter Seſſions, and then, and not ſooner, to determine the Propriety of Opening the ſaid Roads), whereby the Payment of the ſaid Tolls may be evaded; ſuch Perſons ſo offending, and the Perſon or Perſons ſo availing themſelves of ſuch Paſſage, in order to avoid Payment of the ſaid Tolls, ſhall, for every ſuch Offence, forfeit and pay to the Truſtees of the Road on which the Turnpike moſt contiguous is erected, or to their Caſhier for the Time being, a Sum not exceeding Twenty Shillings Sterling for each Offence, to be recovered and levied in Manner herein-after directed.

Penalty on Perſons giving or receiving Tickets to avoid payment of the Tolls.

XLI. And be it further enacted, That if any Perſon having paid the ſaid Tolls, and having received a Note, or Ticket, ſignifying ſuch Payment, or being exempted from the Payment of ſuch Tolls, and having a Note, or Ticket, ſignifying ſuch Exemption, ſhall give, or diſpoſe of, ſuch Tickets, or each or any of them, to any other Perſon or Perſons, wherewith they may evade the Payment of the ſaid Tolls; and if any Perſon not having paid ſuch Tolls, ſhall receive and uſe ſuch Tickets; or if any Toll-gatherer ſhall ſell or diſpoſe of his Tickets to any Perſon who has not actually paſſed through his Bar, and paid the full Toll; or if any Perſon ſhall receive and uſe any ſuch Tickets; or if any Perſon ſhall forge or counterfeit any Note, or Ticket, whereby the Payment of the ſaid Tolls ſhall be evaded; every Perſon ſo offending, being thereof convicted by his own Confeſſion, or the Oath of One credible Witneſs, ſhall, for every ſuch Offence, forfeit and pay to the Truſtees on the Road the Tolls whereof were meant to be evaded, or to their Caſhier for the Time being, a Sum not leſs than Twenty Shillings, nor more than Five Pounds Sterling, to be recovered as herein-after directed, and to be applied to the Benefit of the Road ſo defrauded, or intended to be defrauded.

Penalty for injuring Roads, &c.

XLII. And be it enacted, That no Perſon ſhall drive a Carriage nor ride upon any of the Footpaths along the Side of any of the ſaid Roads; nor

nor ſhall plough any unincloſed Field contiguous to any of the ſaid Roads, without making a Head Ridge, or Ridges, along the Side of ſuch Road Twenty-four Feet at leaſt in Breadth; nor ſhall turn a Plough on any of the ſaid Roads; nor ſhall hang or place a Gate acroſs any of them, or along the Side of any of the ſaid Roads, in ſuch a Manner as that, when open, it ſhall lie upon or come over any Part of the ſaid Roads; nor ſhall lay or leave, or cauſe to be laid or left unneceſſarily, any Cart, Chaiſe, or Carriage, laden or unladen, or any Implement of Huſbandry, or any Timber, Lime, Mortar, Shells, Gravel, Stones, Carrion, Dung, Soil, or Compoſt, upon any of the ſaid Roads, or within Five Yards thereof, if there be no Fence betwixt ſuch Articles or Matter and ſuch Road, (except Materials for making or repairing Fences or Houſes adjoining to ſuch Road, which may remain for any Space of Time not exceeding Six Months, provided there be always left a ſafe and eaſy Paſſage along ſuch Road for Two Carriages abreaſt, and a free Courſe for the Water to and along the Side Drains); nor ſhall lay or leave any Sand or Aſhes on the ſaid Roads; nor ſhall graze or leave upon any of the ſaid Roads any Animal whatever; nor ſhall carry along the ſame, upon any Carriage, any Timber, Iron, or other Article, not placed, as nearly as may be, parallel with the Shafts of ſuch Carriage; nor ſhall draw, or cauſe to be drawn, on any of the ſaid Roads, any Piece of Timber, Stone, or other Thing whatſoever, otherwiſe than upon a Wheel Carriage; nor ſuffer any ſuch Thing, being upon a Wheel Carriage, to touch or drag on any of the ſaid Roads; nor ſhall drive along any of the ſaid Roads any Carriage, of which the Nails on the Tire of the Wheels are not ſunk ſo as to make the Sole that touches the Ground flat; nor ſhall make any Hole or Cut in any of the ſaid Roads, or ſhall do any Thing, whereby any of the ſaid Roads, or the Streets of Burghs, Towns, or Villages through which the ſame paſs, may be unneceſſarily injured or obſtructed; and every Perſon offending in any of the ſaid Particulars ſhall be liable to pay the whole Damage thereby ſuſtained, and to repair the Injury done to the Road or Street, and ſhall remove the Nuiſance, and deſiſt from the Encroachment; and ſhall alſo, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings Sterling for each Offence.

Perſons to cover Drains, &c.

XLIII. And be it enacted, That any Perſon who ſhall make a Way or Paſſage from any Land or Field to any Part of the ſaid Roads, ſhall be obliged to cover the Side Drain of ſuch Road at ſuch Part with an Arch or flat Paſſage for the Water, of ſufficient Stone Work, ſo as that the Courſe of the Water in the Drain may not be impeded; and any Perſon who conducts Water acroſs any of the ſaid Roads ſhall carry the ſame in the Drain, ſo deep and ſufficiently covered with Stone Work quite acroſs the whole Breadth of the Road, as that the Water or Drain may never prejudice the Road, and, while making ſuch Way or Drain, ſhall leave a ſafe and eaſy Paſſage along ſuch Road for Carriages, and ſhall do the Work as quickly, and with as little Inconvenience to the Paſſage of the Road as poſſible; and no Perſon ſhall obſtruct or fill up any Ditch or Drain made acroſs any Road, or through any Fence or Land adjoining to the ſaid Roads, by Authority of the ſaid Truſtees, or along the Side of any of the ſaid Roads, nor ſhall, by any Operation, cauſe any Water to flow upon or to injure any of the ſaid Roads; and every Perſon, being the Occupier of Land in which ſuch Ditch or Drain ſhall have been

so made, or in which such Water shall run, shall, when required by any Person authorized by any One of the said Trustees, clear the same, and allow a free Passage to the Water, so that it may not injure the Road; or, being the Occupier of any Land where any Fence encumbers any of the said Roads, shall, when so required, clear off the same; and every such Person so offending, or failing or neglecting to do as aforesaid, shall pay to the said Trustees the whole Expence of having the same done in the most sufficient Manner; and shall also pay any Damage that may have arisen thereby, and shall also forfeit and pay any Sum not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling, for each Offence.

Nuisances on the Roads, &c.

XLIV. And be it enacted, That no Person shall make any Cut or Excavation upon, or alongside, or within Five Yards of any of the said Roads, (excepting ordinary Ditches for inclosing or draining Land, being at least One Foot from the Side Drain of such Road), where there is not a substantial Fence betwixt such Places and the Road, or shall erect, or cause to be erected, any Lime Kiln or Steam Engine, or shall otherwise create any Nuisance by Fire or Smoke, or erect, or cause to be erected, any Saw Pit or Mill Wheel, or erect any new Wind Mill within Fifty Yards of any of the said Roads, or make any Tan Pit, where there is not a Wall or other Thing to prevent such Fire, or Sawing, or Wheels, or Sails of Wind Mills, being seen from such Road, or shall burn Heath or Whins within Fifteen Yards of any of the said Roads, every Person offending in any of the said Particulars, shall be liable to pay the whole Damages thereby sustained, besides removing or correcting the Nuisance; and shall also, for each Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling.

Penalty for assaulting a Collector, &c.

XLV. And be it enacted, That if any Person shall assault any Collector of the Tolls, or by Force pass through any Turnpike Gate, every Person so offending shall, for every such Offence, forfeit and pay to the Trustees whose Collector is so assaulted, or by whom such Turnpike so forcibly passed through was erected or continued, a Sum not exceeding Twenty Pounds Sterling, nor less than Forty Shillings Sterling, to be recovered as herein-after directed.

Trustees may measure the Roads, and erect Miles Stones and Guide Posts.

XLVI. And be it further enacted, That the said Trustees for the respective Roads, or any Five or more of them, may cause the said Roads to be measured, and Stones or Posts to be erected on the said Roads, or near the Sides thereof, denoting the Distance of each Mile, or such other Distance they shall judge convenient; and also may cause to be erected Guide Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, as they shall judge proper.

Penalty on destroying Turnpikes, Mile Stones, &c.

XLVII. And be it enacted, That if any Person shall maliciously break down or otherwise damage and destroy, any Turnpike Gate, Posts, Rails, Chains, Bars, or other Parts thereof, or the Weighing Machines, or Houses erected for such Turnpikes; or deface or destroy any Mile Stones, or Guide Posts, set up by Order of the Trustees; or shall break down the Cape Stones on the Ledges or Parapet Walls erected on the Sides of any of the Bridges on the said Roads, or shall be aiding or assisting thereto, or shall rescue any Person in Custody for any of the said Offences; every Person

Perſon ſo offending in any of the Premiſes, and being thereof convicted by his or her own Confeſſion, or the Oath of any One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace of the ſaid County, or where the Offender reſides, ſhall not only be condemned to pay the Whole of the Damages and Expences ſuſtained by the Truſtees on the ſaid Roads, but ſhall alſo pay a Penalty, not exceeding Five Pounds Sterling, nor leſs than Twenty Shillings Sterling; all which Penalties ſhall be applied by the Truſtees for the Uſe of the Road where ſuch Offence is committed, and ſhall be recovered and levied in Manner herein-after directed; and it ſhall and may be lawful for any Perſon, *brevi manu*, to ſeize and carry any ſuch Offender or Offenders in any of the above Particulars, before any Juſtice of the Peace, for the Purpoſe of Conviction.

Tolls may be let.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees for the reſpective Roads aforeſaid, or any Five or more of them, to let the ſaid Tolls and Duties, or any Part thereof, from Time to Time, by way of public Roup, for the beſt Price that can be got for the ſame, for any Term not exceeding Three Years; the Leſſee giving ſufficient Security to the Satisfaction of the Truſtees, or any Five or more of them, for Payment of the ſaid Rent or Price.

Application of Tolls.

XLIX. And be it further enacted, That the Tolls levied upon each particular Road above deſcribed, ſhall be applied to the making and repairing of the ſame reſpectively; and if the ſaid Truſtees, or any of them, ſhall apply the Tolls in any other Manner, the ſame ſhall be held and deemed a Miſapplication.

Commencement and Continuance of the Tolls.

L. And be it enacted, That the Tolls, Duties, and Powers, herein granted and given to the ſaid Truſtees, ſhall take place from and after the paſſing of this Act, and ſhall be paid and have Continuance during the Term and Duration thereof herein-after ſpecified, unleſs, before the Expiration of the ſaid Term, the Roads aforeſaid hereby directed to be repaired, ſhall be ſufficiently amended, and that the whole Debt contracted under this and the former Acts, and the Intereſt of the ſame, ſhall be fully paid and diſcharged; that is to ſay, as ſoon as any of the aforeſaid Roads ſhall be ſufficiently amended, and ſhall be ſo found and adjudged by the Truſtees at a General Meeting called for that Purpoſe, and the whole Debt contracted for ſuch Reparation, and Intereſt of the ſame, repaid, then and thereafter the Tolls on the ſaid Road ſhall ceaſe and determine, except in ſo far as ſhall be neceſſary to raiſe a Fund for keeping the ſame in Repair, in the Diſcretion of the ſaid Truſtees, or any Five or more of them, and to ſuch Extent, and in ſuch Manner, Parts, and Portions only as they ſhall think fit for that Purpoſe, the Toll on ſuch Road ſhall be continued, received, and taken.

Tolls when to be leſſened.

LI. And be it further enacted, That in caſe it ſhall appear expedient to the Truſtees for any of the ſaid Roads hereby intended to be repaired, or any Five or more of them, at a regular Meeting aſſembled, they may, and they are hereby authorized and empowered, from Time to Time, with the Conſent of Four-fifths in value of the Perſons who have already lent or advanced, or ſhall hereafter lend or advance any Sum or Sums of Money upon the Credit of the Tolls thereof, to leſſen the ſeveral Tolls

Tolls and Duties hereby granted and made payable as to ſuch Road reſpectively; and to order and direct the ſame ſo leſſened, to be collected and received in ſuch Manner, Parts, and Portions, as they ſhall think fit; and may raiſe the ſame again, from Time to Time, ſo as not to exceed the Tolls hereby granted; any Thing herein contained to the contrary notwithſtanding.

Truſtees may borrow Money upon the Tolls.

LII. And, for the more ſpeedy Reparation of the ſaid Roads, or any particular Parts of the ſame, be it further enacted, That it ſhall be lawful for the Truſtees, at a General Meeting, to authorize the Truſtees on any of the ſaid Roads to borrow upon the Credit of the Tolls to be levied at the ſeveral Gates to be continued or erected by them from Time to Time, any Sum or Sums of Money, not exceeding in the Whole what ſhall be equal to Four hundred Pounds *per* Mile *Engliſh* of each Road; and ſo as that any Sum or Sums already borrowed in virtue of the former Acts, on the Credit of the Tolls upon any of the Roads therein comprehended, and not paid off and diſcharged, ſhall be deemed to make a Part of, and be included in, the full Sum aforeſaid, hereby allowed to be borrowed upon each Road reſpectively; and to aſſign the Tolls of each reſpective Road, or any Parts thereof, as a Security for the ſeveral Sums of Money, Principal and Intereſt, that ſhall be borrowed upon each Road reſpectively; Copies of all which Aſſignments and Securities, or Abſtracts thereof, ſhall be entered in a Book or Books to be kept for that Purpoſe by the ſaid Truſtees; which Aſſignments and Securities ſhall be transferable by Indorſements on the Backs thereof, or in a ſeparate Writing; and every Sum ſo borrowed upon ſuch reſpective Road ſhall be applied in the ſame Manner only as the Tolls levied on each Road are hereby directed to be applied, and for no other Uſe or Purpoſe whatever; and when the Sum ſo borrowed ſhall in Whole or in Part be paid off to the Creditor or Creditors, the ſaid Truſtees, or any Five or more of them, are hereby empowered to borrow another Sum of Money equal to that paid off as aforeſaid.

Sums borrowed on the Credit of the Tolls impoſed by the former Acts, ſecured by this.

LIII. Provided always, That any Sum or Sums of Money which have been borrowed and ſecured on the Credit of the Tolls impoſed by the ſaid Two former Acts, upon the Roads therein comprehended, ſhall remain ſecured and preferable on the Credit of the Tolls upon ſuch Roads by this preſent Act granted.

And further Sums advanced for the Uſe of the ſaid Roads to be preferable.

LIV. And whereas ſundry Sums of Money had, before the above mentioned Act of the Fourteenth of His preſent Majeſty was paſſed, been advanced towards making and repairing ſeveral Roads contained in the ſaid Act of the Fourteenth of His preſent Majeſty, and in this Act, but not in the Act of the Seventh of His preſent Majeſty, upon voluntary Converſions of the Statute Labour; be it enacted, That it ſhall be lawful for the ſaid Truſtees at a General Meeting aſſembled, and they are hereby ordained, when required, to grant a Security, in the Second Place, on the ſaid Tolls, in Favour of the Creditors reſpectively, to whom any Sum or Sums of Money is or are due for the making and repairing the ſaid Roads, over and above the Sums allowed to be borrowed by the former Acts; and which Securities or Aſſignments ſhall be transferable, and Copies or Abſtracts thereof entered in the Truſtees' Books, in Manner before ſet forth.

The Truſtees to aſcertain the Amount of the Debt contracted prior to this Act.

LV. And be it enacted, That the Truſtees at their Firſt General Meeting aſſembled, or at any adjourned Meeting, to be held by them within Six Months after the paſſing of this Act, ſhall, and they are hereby required to ſettle and aſcertain the Amount of all and any Debts that ſhall have been in conſequence of the ſaid former Acts contracted by them, or by the Truſtees for the Time being, for making and repairing the particular Roads put under their Care and Direction, and ſhall enter the ſame, with the Vouchers thereof, in the Book to be kept by them, for recording all their Proceedings under the Authority of this Act, as herein-after directed; which Debts ſo aſcertained, are to be ſecured and preferable upon the Tolls to be levied, and ſhall be entitled to an Aſſignment thereof in Security from the Truſtees upon the ſaid Roads reſpectively, in the Manner and Order herein-before ſet forth.

Proviſo.

LVI. Provided always, That any Aſſignments to be granted, as herein before directed, to Creditors in Sums already borrowed, or Debts already contracted, upon their being aſcertained in Manner aforeſaid, ſhall be without Prejudice to any other Creditors, whoſe Debts or Claims ſhall be in like Manner aſcertained, obtaining from the ſaid Truſtees the like Aſſignments, and which they are hereby ordained to grant when required; ſuch Aſſignments being transferable, and Copies or Abſtracts thereof, to be entered in the Truſtees' Books as aforeſaid.

Nothing herein contained to hurt Security by Aſſignments under former Acts.

LVII. And be it further enacted, That nothing herein contained ſhall any way infringe upon or hurt the Security, which any Creditor or Creditors have obtained by Aſſignment upon the Tolls of any of the aforeſaid Roads under the Authority of the ſaid former Acts.

Certain Clauſes in this Act extended to Roads not Turnpike.

LVIII. And be it enacted, That all the Clauſes in this Act, which relate to the altering the Courſe or Line of any Turnpike Road, to digging for, taking or carrying away Materials for the Uſe of the ſaid Roads, and aſcertaining Damages for the ſame; for removing Nuiſances from the ſaid Roads, or any of them, and to levying Penalties for Injury done to the ſaid Roads, or any of them, ſhall be and are hereby extended to the Roads not Turnpike within the ſaid County.

Truſtees may contract for making the Roads.

LIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid reſpective Truſtees for each Road, or any Five or more of them, to contract and agree with able, ſkilful, and reſponſible Perſons, for making and upholding all, or any Part or Parts of the ſaid Roads and Bridges hereby appointed to be made or repaired.

How Penalties are to be recovered,

LX. And be it further enacted, That all Forfeitures and Penalties by this Act inflicted, or authorized to be impoſed, in relation to the ſaid Turnpikes or Tolls, or in any Matter or Thing mentioned in this Act, the Manner of levying and recovering whereof is not otherwiſe particularly directed, ſhall, upon Proof of the Offence before any One or more Juſtice or Juſtices of the Peace for the ſaid County, either by the Confeſſion of the Party, or the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Effects of the Party or Parties ſo offending, by Warrant under the Hand or Hands of ſuch Juſtice or Juſtices of the Peace, (which Warrant, ſuch Juſtice or Juſtices is and are hereby empowered and required to grant

for theſe Purpoſes, and alſo to adminiſter Oaths *gratis*) ſuch Sale being always made by public Roup or Auction, to the higheſt Offerer, at ſuch Place as ſhall be directed in the ſaid Warrant, within Two Days after ſuch Diſtreſs ſhall have been made; and the overplus Money ariſing from ſuch Sale (after ſuch Penalties are recovered, and the Charges of levying and recovering the ſame are deducted) ſhall be returned on Demand, to the Owner or Owners of ſuch Goods and Effects; and all Penalties and Forfeitures, if not otherwiſe directed to be applied by this Act, ſhall, from Time to Time, be paid to the Truſtees of the Road, where, or touching which, the Offence is committed, or any Five or more of them, or to their Caſhier for the Time being, and ſhall be laid out and applied for the Benefit of the Road, touching which the Offence was committed; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County, and he and they is and are hereby authorized and required, by Warrant under his or their Hands, to cauſe ſuch Offender or Offenders to be committed to the Houſe of Correction, or common Gaol of the County, there to remain for any Time, not exceeding Three Calendar Months, unleſs the Penalties, or Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

and applied.

Perſons liable to Statute Services to continue ſo.

LXI. And be it further enacted, That all and every Perſon or Perſons, who by Law are chargeable towards repairing and amending the Highways of the County by Statute Service, ſhall ſtill remain chargeable with ſuch Statute Service, ſo as to be compellable by the ſaid Truſtees, either to perform Labour in the Manner preſcribed by the Laws in that Behalf made, or to pay a Converſion in Money, as herein-after mentioned.

What Perſons are chargeable therewith.

LXII. And be it further enacted, That all Perſons in the natural Poſſeſſion of their own Lands are, and ſhall be deemed chargeable with Statute Services, in the ſame Manner as Tenants occupying Lands; and that all Carters and Carriers, and other Perſons keeping Horſes for Hire or Labour, ſhall pay a Compoſition for themſelves, and for ſuch labouring Horſe or Horſes, as ſhall be employed by them reſpectively as herein after mentioned; and that all Houſeholders and reſident Inhabitants in Towns and Villages, Tradeſmen, and their Servants and Journeymen (Apprentices only excepted), and all Cotters and Day Labourers in the County, ſhall pay a Compoſition therefor, as after mentioned.

Rates may be compounded for by Perſons charged with Statute Services.

Labour converted in Money.

The Rates.

Occupiers of Lands, &c.

LXIII. And whereas it hath been found that a reaſonable Compoſition in Money in place of Labour, is more uſeful and effectual for the Purpoſe of repairing the Roads, as well as more eaſy and convenient for the Perſons liable by Law in Statute Services, than their being called out and obliged to perform the actual Labour exigible by the Laws now in force relative to Highways; be it therefore enacted, That all and every Perſon chargeable with ſuch Statute Services, ſhall hereafter pay a Converſion in Money, or Compoſition therefor, conformably to the Rates following; that is to ſay, all Occupiers of Land, whether Heritors or Tenants, ſhall, in the Event that their Statute Services ſhall not be ordered by the ſaid Truſtees at ſome General Meeting to be performed in Kind, be liable to pay yearly

yearly a Compoſition in Money for the Lands, occupied by them reſpectively, by the valued Rent of ſuch Lands, at the Rate of One Pound Ten Shillings Sterling for each One hundred Pounds *Scots* of valued Rent; which Compoſition in Money ſhall be paid by Two Moieties on or before the Twenty-ſixth Day of *March* and Twenty-ſixth Day of *September* in every Year; provided always, that the Occupiers of Lands, lying in the Pariſhes of *Ayr* and *Irvine*, and not valued, ſhall, in lieu of their Statute Service, pay a Compoſition at the Rate of One Pound Five Shillings Sterling for each One hundred Pounds Sterling of yearly Rent of Land reſpectively, and proportionally for more or leſs.

Innkeepers, &c.

LXIV. And be it further enacted, That all Innkeepers, Carters, Carriers, and all Perſons keeping or letting for Hire, Horſes for Riding, Draught, or Carriage, ſhall, in lieu of Statute Service, pay yearly to the ſaid Truſtees a Sum not exceeding the Rate of One Shilling Sterling *per* Day for ſuch Service, for each Horſe, and Sixpence Sterling for each Man.

Proviſo.

LXV. Provided always, That ſo far as the ſaid Innkeepers, Carters, Carriers, and all Perſons keeping or letting for Hire, Horſes for Riding, Draught, or Labour, ſhall rent any Lands, and be aſſeſſed in the Quality of Tenants for the Lands occupied by them reſpectively, they ſhall be ſubject and liable either for the Compoſition Money due for their Horſes, or, in the Option of the Truſtees, for the Compoſition in lieu of Statute Labour for the Land ſo occupied by them.

Houſeholders, &c.

LXVI. And be it further enacted, That all Houſeholders, reſident Inhabitants, Manufacturers, Mechanics, and Tradeſmen within the County, from the Age of Sixteen to the Age of Sixty (Apprentices being always excepted) not ſubject as aforeſaid, as Innkeepers, Carters, Carriers, or Perſons keeping and letting for Hire, Horſes for Riding, Draught, or Labour, ſhall, in lieu of Statute Service, be obliged to pay a Converſion for the ſame in Money, of Three Shillings Sterling yearly.

Truſtees may relieve indigent Perſons from Compoſition.

LXVII. Provided always, That it ſhall and may be lawful for the reſpective Truſtees in each Pariſh to relieve ſuch Perſons as they ſhall know to be in indigent Circumſtances from the Payment of all or any Part of the ſaid Compoſition.

Converſion Money not liable to Payment of Debts, nor Repair of Roads.

LXVIII. Provided always, and be it further enacted and declared, That no Part of the Converſion Money by this Act granted ſhall be applied to the Payment of any Debt to be hereafter contracted, on any of the Roads mentioned in this Act; neither ſhall it be applied to the making and repairing any of the aforeſaid Roads, until Tolls ſhall actually be levied thereon purſuant to this Act, but without Prejudice to all Debts contracted under the ſaid recited Acts hereby repealed, which ſhall remain on the ſame footing as before the paſſing of this Act; and the ſaid Tolls ſhall continue to be levied purſuant to this Act, upon all of the aforeſaid Roads, to which any Part of the ſaid Converſion Money ſhall be ſo appropriated, until the whole Debts thereon ſhall be extinguiſhed, ſubject to which Proviſions and Declarations, it ſhall be lawful for the ſaid Truſtees, to apply ſuch Part of the ſaid Converſion Money to the Turnpike Roads in this Act contained, in Aid of the Tolls levied thereon, as may be neceſſary to keep the ſame in Repair, until the

Produce

Produce of the ſaid Tolls, ſhall, beſides keeping the ſaid Roads in good and ſufficient Repair, annually pay the Intereſt of the Debts contracted thereon, and further yield an annual Sum equal to Five Pounds *per Centum* of the Principal thereof: Provided alſo, that the Statute Labour, if exacted, or Converſions therefor, ſhall be ſolely applicable to Roads within the Pariſh.

Rates of Compoſition may be abated by the Truſtees.

LXIX. And be it further enacted, That when the whole Roads in any particular Pariſh ſhall be completely made, and the Debt contracted on the Faith of the Statute Work or Converſion thereof fully paid, it ſhall be in the Power of the Truſtees, at a General Meeting, to abate the Rate of Compoſition in ſuch Pariſh, to ſuch Sum as ſhall to the ſaid Truſtees appear to be ſufficient to keep the Roads in ſuch Pariſh in Repair, and to vary the ſaid Abatement, from Time to Time, as they ſhall ſee cauſe.

No Appeal, Suſpenſion, or Complaint to ſtop the Payment of Converſion Money.

LXX. Provided always, That no Appeal, Suſpenſion, or Complaint ſhall ſtop the Payment of the Converſion Money; reſerving to the Party, aggrieved Application for Redreſs, before the Juſtices of the Peace for the ſaid County, at their Quarter Seſſions, who may, and ſhall award Relief as they ſhall ſee Cauſe.

Converſion Money to be levied by Diſtreſs.

LXXI. And be it enacted, That if any Perſon, liable as above, ſhall refuſe or neglect, on or before the ſaid reſpective Days, to pay the aforeſaid Converſion, it ſhall be lawful for the Juſtices of the Peace of the ſaid County, or any one or more of the ſaid Juſtices, to grant ſummary Warrants for pointing the Effects of the Defaulters, for Payment of the converted Values before mentioned, and a third Part more, beſides the Expence of Execution; which Warrants ſhall be granted, and the Juſtices aforeſaid are hereby required to grant the ſame, upon an Application made by the Collector, and an Atteſtation ſigned by him, bearing that the Perſons complained of had been deficient in paying the Converſion above mentioned.

Juſtices to award Treble Value of the Damage.

LXXII. Provided always, and it is hereby expreſsly provided and declared, That it ſhall and may be lawful for the Juſtices of the Peace aforeſaid, or any one or more of them, to award Damages, to the Treble Value, to be paid to the Perſons aggrieved by ſuch Warrant or Warrants, by the Collector, if they ſhall find that the Collector has made a falſe and improper Accuſation of any Perſon liable as aforeſaid.

Arrears of Converſion Money, &c. to be leviable.

LXXIII. Provided always, That all Arrears of Converſion Money, or Toll Duties, Penalties, Forfeitures, and other Sums leviable under the aforeſaid former Statutes of the Seventh and Fourteenth of His preſent Majeſty, ſhall, notwithſtanding the Repeal of theſe Acts, continue to be due and leviable according to the Regulations, Enactments, and Proviſions of theſe former Acts.

No Order of the Truſtees to be ſet aſide but at a General Meeting, to be advertiſed for that Purpoſe.

LXXIV. And be it enacted, That if the ſaid Truſtees, or any Seven or more of them, at any of their General Meetings, ſhall determine any Matter or Thing hereby committed to them, it ſhall not be in the Power of any ſubſequent Meeting to alter, vary, or annul, ſuch Determination, or to give any Orders contrary and in Oppoſition to the Orders formerly given, unleſs ſuch General Meeting ſhall be called upon Fourteen Days previous Notice,

Notice, by Advertiſement in the Newſpapers and by Circular Letters, in Manner above directed, in Caſes of Adjourned Meetings, or Meetings called upon the Requiſition of any Five Truſtees, ſignifying the Time and Place, and the Intent and Purpoſe of calling ſuch General Meeting.

Truſtees accepting of Places of Profit rendered incapable to act.

LXXV. And be it further enacted, That if any of the ſaid Truſtees ſhall have or accept of any Place of Profit ariſing out of the ſaid Tolls or Duties, he ſhall be incapable of acting as a Truſtee during his Enjoyment of ſuch Place of Profit.

Truſtees on each Road to keep an Account, and enter their Proceedings in a Book; which may be inſpected by the Heritors of the County.

Perſons miſapplying Money forfeit Double the Sum.

Heritors may ſue for Miſapplication.

LXXVI. And be it further enacted, That the ſaid Truſtees for each of the ſaid reſpective Roads ſhall enter their Proceedings, and an exact Account of the Money received by virtue of this Act, and of the Application thereof, in a Book to be kept by their Clerk; which Book of Accounts and Proceedings, as well as the Books wherein the Proceedings of the General Meeting of Truſtees are entered as aforeſaid, all the Heritors of the ſaid County of *Ayr* ſhall, at all reaſonable Times, have Liberty to inſpect, without Fee or Reward; and in caſe of any Miſapplication of the Money borrowed, collected, received, or levied, by or under this Act, all and every Perſon or Perſons who ſhall ſo miſapply, or by whoſe Authority ſuch Miſapplication ſhall be made, ſhall forfeit and pay Double the Sum ſo miſapplied; to be recovered at the Suit of any One or more of the ſaid Heritors poſſeſſed of One hundred Pounds *Scots* each of valued Rent, by way of ſummary Complaint before the Juſtices of the Peace, at their Quarter Seſſions, whoſe Determination ſhall be final and concluſive, and ſhall not be ſubject to Advocation, nor to any Suſpenſion, Appeal, or any other Stay of Execution; One Moiety of which Forfeiture ſhall belong to the Perſons who ſhall ſue for the ſame, and the other Moiety ſhall be paid to the Truſtees of the Road, in relation to which ſuch Miſapplication ſhall be committed, or their Caſhier for the Time being, for the Uſe of the ſaid Road; but if any Proſecution ſhall, after Trial, be found to have been vexatious and groundleſs, the Proſecutor or Proſecutors ſhall be liable to pay Double Coſts.

Vexatious Proſecutors to pay Double Coſts.

Perſons aggrieved may appeal.

LXXVII. And be it further enacted, That it ſhall and may be lawful for any One or more of the Truſtees on any particular Road, or to any other Perſon or Perſons, diſſatisfied with, or finding themſelves aggrieved by any Act or Proceedings of any Meeting of the Truſtees of a particular Road, to complain thereof to the General Meeting of Truſtees at *Ayr*, in order to have ſuch Proceedings reverſed, altered, or amended, and which Complaint ſhall be taken within Three Calendar Months after the Date of ſuch Order, and heard and determined at the next General Meeting of Truſtees, a Week's previous Notice being given to the Parties; and in caſe either or both of the Parties in ſuch Complaint ſhall think him or themſelves aggrieved by ſuch Judgement of the General Meeting of Truſtees upon the Complaint, or in caſe any Truſtee acting under this Act, or any other Perſon, ſhall think him or themſelves aggrieved by any Act, Order, or Reſolution, of any General Meeting of Truſtees in the Firſt Inſtance, or by the Act of any Juſtice or Juſtices of the Peace not aſſembled at a General Quarter Seſſion, or Adjournment of the ſame, or by any Perſon in any Manner whatſoever, in conſequence of the ſeveral Powers granted to different Perſons by this Act, or by any Thing done in purſuance of this Act, and for which no particular Remedy or Method of Relief hath been already directed or appointed; it

it ſhall and may be lawful for ſuch Perſons, either directly or indirectly ſo aggrieved, to appeal and complain to the Juſtices of the Peace at their Firſt General Quarter Seſſions for the ſaid County; or in caſe the ſaid Cauſe of Complaint ſhall ariſe within Fifteen Days next before ſuch Firſt General Quarter Seſſions, then ſuch Appeal may be made to the ſaid Juſtices at the Second Quarter Seſſions for the ſaid County, who are hereby empowered and required to take Cognizance thereof; and if they ſee Cauſe, ſhall and may, by Order of ſuch Meeting, mitigate, at their Diſcretion, all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at liberty; or may reverſe or rectify any other Order, Reſolution, or Sentence, touching the Premiſes; or otherwiſe may ratify and confirm the ſame with ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable; and may levy, by their Order or Warrants, ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods of any Perſon or Perſons who ſhall refuſe to obey the ſame; and for Want of ſufficient Diſtreſs, may commit the Party to the common Gaol of the County, for any Time not exceeding Three Calendar Months, or until the Payment of ſuch Coſts ſhall be made; but the Perſon or Perſons ſo complaining as aforeſaid ſhall, and they are hereby directed to give Notice, in Writing, to the Caſhier for the Time being of the Tolls and Duties granted by this Act upon the Road where the Offence was committed, or concerning which the Order, Reſolution, or Sentence complained of, was made or given, or to any other Perſon who was, or ought to have been, or ſhould be the proper contradictory Party, of ſuch their Intention of bringing or proſecuting any ſuch Complaint, Fifteen Days before the Time of its being heard; and ſhall, within Five Days after ſuch Notice given, lodge in the Hands of the Clerk of the Juſtices of the Peace, a Bond ſigned by him, and Two ſufficient Securities, to proſecute ſuch Complaint; and in caſe ſuch Complaint ſhall be diſallowed, to pay ſuch Coſts as the ſaid Juſtices ſhall direct in that Behalf; and every ſuch Complaint ſhall, at the then next General Quarter Seſſions, be there heard and determined, and the Order and Sentence to be then given and pronounced ſhall be final and concluſive.

Diſtreſs may be made for Coſts.

Appeal to be intimated.

Truſtees may act as Juſtices.

LXXVIII. Provided always, That it ſhall be no Objection to any Perſon, acting as a Juſtice of the Peace in any Matter or Thing relative to this Act, that he is thereby appointed a Truſtee.

Limitation of Appeals.

LXXIX. Provided alſo, That no Complaint ſhall be competent in any Caſe whatſoever, after Six Calendar Months from the paſſing of any Order, Sentence, or Judgment, herein-before declared appealable.

Limitation of Actions.

LXXX. And be it enacted, That all Actions or Complaints for all and every the Penalties or Forfeitures impoſed by this Act, or for any Wrongs done or Injuries ſuffered in any Matter relative thereto, or in conſequence of any of the Powers by this Act given and granted, ſhall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury ſuffered, and not afterwards.

Sentences of the Juſtices of Peace to be final and concluſive.

LXXXI. And be it enacted, That the Judgements and Sentences of the Juſtices of the Peace of the ſaid County, at their Quarter Seſſions aſſembled, ſhall in all Caſes and Cauſes, by this Act ſubjected to their Deciſion, be final

final and concluſive, and ſhall not be ſubject to Advocation, nor to any Suſpenſion, Reduction, or Appeal, or to any other Stay of Execution whatſoever.

Truſtees empowered to aſſeſs the County in an annual Sum for the making and upholding of Bridges.

LXXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees of the Roads, along with the Commiſſioners of Supply for the ſaid County, at the annual Meeting for aſſeſſing the Land Tax, on the Thirtieth Day of *April* in Time coming, to aſſeſs the whole County in a Sum not exceeding Five Shillings Sterling upon every One hundred Pounds *Scots* of valued Rent yearly, as the Lands ſtand valued in the Ceſs Books of the ſaid County, or ſhall be valued in Manner aforeſaid, in lieu of the Aſſeſſment authorized by the Sixteenth Act of the Second Parliament of King *Charles* the Second herein-before recited; the Lands in the Pariſhes of *Ayr* and *Irvine* not valued, being aſſeſſed at the Rate of Five Shillings Sterling for every One hundred Pounds Sterling of real Rent; to be levied by the Collector of Supply at the ſame Time with the Land Tax of the ſaid County, and applied towards building, making, repairing, and upholding the Bridges in the ſaid County, where the ſaid Truſtees ſhall direct.

Expence of paſſing this Act.

LXXXIII. And be it enacted, that the Expence of paſſing this Act ſhall be defrayed and levied by an Aſſeſſment, which the ſaid Truſtees are hereby authorized to impoſe upon the Heritors or Land Owners within the ſaid County of *Ayr*, according to the Valuation of their reſpective Lands, the unvalued Lands in the Pariſhes of *Ayr* and *Irvine* paying in the Proportion of One hundred Pounds Sterling of real Rent, to One hundred Pounds *Scots* of Valuation.

This Act to be held a Publick Act.

LXXXIV. And be it enacted, That this Act ſhall be deemed a Publick Act, and ſhall be judicially taken Notice of by all Judges, Juſtices, and others whomſoever, without ſpecially pleading the ſame.

Commencement of Act.

LXXXV. And be it further enacted, That this Act ſhall commence upon the Twenty-ſeventh Day of *May* One thouſand eight hundred and five, and ſhall remain in force during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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