ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 72.

An Act for more effectually making and repairing certain Roads in the Counties of *Fife*, *Kinroſs*, *Perth*, and *Clackmannan*. [18th *May* 1810.]

WHEREAS an Act was paſſed in the Forty-fifth Year of His preſent Majeſty's Reign, intituled, *An Act for erecting Toll Bars and levying Toll Duties on the Road from* Dunfermline *to* Niving-ſtone, *in the Counties of* Fife *and* Kinroſs, *and for making a new Turnpike Road from* Saline *towards the* North Queensferry *Road in the ſaid County of* Fife; and another Act was paſſed in the Thirtieth Year of the Reign of His preſent Majeſty, intituled, *An Act for making and repairing the Road from* New Miln *Bridge by* Foodies Miln, Inverkeithing, Aberdour, Kirkaldy, Gallatown, *and* Cameron *Bridge to* Craill, *and other Roads in the County of* Fife; and another Act was paſſed in the Thirty-ſeventh Year of His preſent Majeſty, intituled, *An Act for enlarging the Term and Powers of an Act paſſed in the Thirtieth Year of His preſent Majeſty's Reign*, intituled, *An Act for making and repairing the Road from* New Miln *Bridge by* Foodie's Miln, Inverkeithing, Aberdour, Kirkaldy, Gallatown, *and* Cameron *Bridge to* Craill, *and other Roads in the County of* Fife, *and for making and repairing other Roads in the ſaid County*; and another Act was paſſed in the Forty-ſeventh Year of His preſent Majeſty, intituled, *An Act for continuing the Term and altering and enlarging the Powers of Two Acts paſſed in the Thirtieth and Thirty-ſeventh Years of His preſent Majeſty, for making and repairing certain Roads in the County of* Fife, *and for making and keeping in Repair ſeveral other Roads in the ſaid County*: And whereas, under the Authority of the ſaid Acts, the Roads from *Dun-*

45 G. 3. c. 108.

30 G. 3. c. 93.

37 G. 3. c. 180.

47 G. 3. c. 11. Seſſ. 1.

fermline by *Nivingſtone* to the North *Queensferry* Road at the Bridge of *Kinroſs*, and to the *Alloa* Road Weſt of *Tillibole*, the Road from *Saline* towards the *Queensferry* Road, and the Road from the Great North Road to *Cupar* by *Auchtermuchty*, have been made; and a conſiderable Sum of Money has been borrowed on the Credit of the Tolls and Duties thereby authorized to be levied, and is ſtill owing; but the ſaid Roads are ſtill in want of Repair, and cannot be effectually repaired and kept in Repair, or the Money ſo owing repaid, unleſs the Term and Powers of the ſaid Acts, ſo far as relate to the ſaid Roads, be continued and enlarged: And whereas certain other Roads, to wit, the Continuation of the ſaid Road from *Saline* towards the *Queensferry* Road, commonly called *The Stone Gang Road*, Eaſt, till it ſhall join the Road leading from the *Plaiſterers* to the Kirk of *Beath*, at or near *Pitcairn Mill*; the Road from the *Nivingſtone* Road at or near *Burt*'s Coal Hill, by *Lochend*, *Red Craigs*, *Outh*, *Hillſide*, and the *Powmill*, towards *Auchterarder* as far as the *Yetts of Muckart*; the Road from the *Town Hill* Road near the Towngreen of *Dunfermline*, by *Bellyeoman*, *Kingſeat*, and North of *Meikle Beath*, until it ſhall join the preſent Line of the Great North Road South of the Kirk of *Beath*; with that Branch of Road leading by *Laſſodie Miln*, acroſs the preſent Line of the Great North Road, North of *Cantſdam*, until it ſhall join the new Line of the Great North Road, North of the *Nethertown*; the Road leading from the new Line of the Great North Road, known by the Name of *The White Raſhes Road*, by the Lands of *Cullelo*, *Templehall*, and *Dunearn*, to the Harbour of *Burntiſland*; the Road leading from the *Dunfermline* and *Saline* Turnpike Road, at or near *Bambo Bridge*, through the Lands of *Carnock*, *Comrie*, *Weſt Grange*, and *Bruceſield*, until it ſhall join the Turnpike Road, leading from the Town of *Kincardine* to the Town of *Alloa*, at or near the Village of *Kennet*; the Road leading from the ſaid *Dunfermline* and *Saline* Turnpike Road, near *Weſt Luſcar*, by *Clune*, *Drumtuthil*, *Coaltown*, *Lochend*, to the *Dunfermline* and *Nivingſtone* Turnpike Road, near *Meldrumſmiln*; with that Branch of Road, leading from the laſt mentioned Road, by *Craigluſcar* and *Myrie Hall* to the *Saline* or *Stone Gang* Road; the Road leading from the *Hill Foot* Road, at a Point a Mile Weſt of *Dollar*, by *Upper Sheardale*, *Melloch*, the *Forreſt Miln*, *Hareſhaw Miln*, South, to or near *Whitehills*, *Burwen* or *Rantray Wood*, Weſtward, until it ſhall join the Turnpike Road from *New Miln* to *Kincardine*; the Road from the *Hillfoot* Road by *Carnbo* and *Thomanean* to the Great North Road; with a Branch from the ſame until it ſhall join the *Kinroſs* and *Alloa* Road, at or near *Tilliebole*; the Road from *Auchtermuchty* by *Moniefred*, *Lumquhat Miln*, *Pitcairley*, and *Denmill*, to *Newburgh*; with a Branch from *Pitcairley*, by *Wedderſbrae Den*, to the ſaid Road leading from the Great North Road to *Cupar*, near *Roſſie*; with the Branch of Road from *Pitcairly* by *Macduff's Croſs* to the Road from *Abernethy* to *Newburgh*; the Road from the Great North Road, at or near *Blairathort*, by *Kinneſwood* and *Scotland Well* to the Town of *Leſlie*, with the Branches thereof to *Milnathort* and *Kinroſs*, by *Burleigh* and *Lethangie*; the Road leading from the ſaid Road, by *Kinneſwood* and *Scotland Well* to *Leſlie*, acroſs the *Gullet Bridge*, Eaſt of *Kirkneſs* to *Kingloſſie*; the Road from *Leſlie* to *Nivingſtone*, by *Balbedie*, *Kirkneſs*, the *Brackleys*, the *Shanks* of *Navity*, the *Binn* and *Barns*; owing to the Increaſe of Travellers thereon, are in a very bad State of Repair, and are dangerous and incommodious; and if the ſame were made Turnpike, with Power to erect Toll Bars and levy Toll Duties thereon, and to amend, widen, and

improve the ſame, it would be of great Advantage to the ſaid Counties and the Country at large; and it is expedient that the ſaid recited Acts, with more extenſive Powers and Authorities, ſhould be reduced and conſolidated into one Act, and that one general Syſtem of Management and Controul ſhould be extended over the Whole of the ſaid Roads: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, the ſaid recited Act of the Forty-fifth Year of His preſent Majeſty ſhall be and the ſame is hereby repealed; and alſo ſo much of the ſaid recited Act paſſed in the Thirtieth, Thirty-ſeventh, and Forty-ſeventh Years of the Reign of His preſent Majeſty, as relate to the ſaid Road leading from the Great North Road to *Cupar* 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 hereinafter mentioned; and all the Tolls and Duties which are hereby authorized to be levied upon the Roads leading from *Dunfermline* by *Nivingſtone* to *Kinroſs* and *Tillicbole*, and from *Saline* to the *Queenſferry* Road, and upon the Road leading from the Great North Road to *Cupar*, ſhall be and are hereby made ſubject to the Payment of all Sums of Money now due and owing upon the Credit of the ſaid Acts reſpectively; and the ſaid Tolls and Duties ſhall be liable to the Payment of all Money which ſhall or may hereafter be borrowed on the ſaid ſeveral Roads under the Authority of this Act, and of all Intereſt due and to become due for the ſame reſpectively, and in the Manner hereinafter directed. Former Acts repealed.

II. And be it further enacted, That the Juſtices of the Peace, and the Commiſſioners of Supply for the Counties of *Perth*, *Fife*, *Kinroſs* and *Clackmannan*, and the Heritors of thoſe Counties, being in the actual Poſſeſſion of the *Dominium utile* of Lands valued in the Ceſs Books, at One hundred Pounds *Scots* or upwards, either in their own Right, or in the Right of their Wives, and the eldeſt Sons of ſuch Heritors, as alſo one of the Guardians or Truſtees of Minors, and the Factor or Baron Baillie for the Time being of each non-reſident Heritor, ſuch Minors and Heritors having One hundred Pounds *Scots* of Valuation as aforeſaid, as alſo the Chief Magiſtrate of the Royal Burghs of *Dunfermline* and *Cupar* for the Time being, and the Sheriff Depute for each of the ſaid Counties, and in the Abſence of the Sheriff Depute, the Sheriff Subſtitute of the ſame, ſhall be, and they are hereby appointed Truſtees for ſurveying, making, repairing, and keeping in Repair the ſeveral Roads herein-before particularly mentioned and deſcribed, and altering the preſent Courſe thereof where neceſſary, and repairing the Bridges or neceſſary Works on the ſame, or erecting new ones where requiſite. Nomination and Qualification of Truſtees.

III. Provided always, and be it enacted, That no ſuch Baron Baillie, Chief Magiſtrate or Factor ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be qualified to act as a Commiſſioner of Supply for the ſaid County, or unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Fifty Pounds *per Annum*; or be poſſeſſed of and entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Value of One thouſand Qualification of Factors, &c.

thouſand Pounds, nor ſhall any ſuch Baron Baillie, or Factor, not qualified to be a Commiſſioner of Supply, be capable of acting in the Execution of this Act until he ſhall have taken and ſubſcribed the Oath following, before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; that is to ſay,

'I do ſwear, That I truly and *bona fide* am, 'in my own Right, (*or*, in the Right of my Wife, *as the Caſe may be*), 'in the actual Poſſeſſion or Enjoyment of Lands or Heritages of the clear 'yearly Value of Fifty Pounds, or poſſeſſed of or entitled to a Perſonal 'Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or 'Value of One thouſand Pounds. 'So help me GOD.'

Penalty for acting if not duly qualified.

IV. Provided alſo, That if any Perſon not qualified or deſcribed as aforeſaid, ſhall, nevertheleſs, preſume to act as a Truſtee, he ſhall for every ſuch acting forfeit and pay the Sum of Twenty Pounds Sterling, over and above the Expence of Proſecution; which Penalty ſhall be recovered by a Complaint, in a ſummary Way, at the Suit of any Heritor within any of the ſaid Counties, or of the Procurator Fiſcal appointed by the Juſtices of the Peace, before the Juſtices of the Peace at their Quarter Seſſions, or before the Sheriff Depute or his Subſtitute, in that County in which ſuch Perſon ſhall pretend to have a Qualification, and ſhall be paid to the ſaid Truſtees, or to their Clerk or Treaſurer; and in caſe any ſuch Complaint ſhall be brought, the Proof of Qualification ſhall lie upon the Defendant.

Meetings of Truſtees.

V. And be it further enacted, That the Firſt Meeting of the Truſtees under this Act ſhall be held at *Kinroſs* on the Fourth *Wedneſday* after the paſſing of this Act, and that an annual General Meeting of the Truſtees ſhall be held on the Third *Wedneſday* in *April* in all ſucceeding Years during the Continuance of this Act: Provided always, that if it is the Intention of any of the ſaid Truſtees to propoſe at ſuch annual General Meeting, any Alteration of the preſent Toll Bars, or the Duties to be collected thereat, or the Erection of any new Toll Bar, he or they ſhall give ſufficient Notice thereof in Writing to the Clerk of the ſaid Truſtees, to enable him to give Fourteen Days Notice thereof in any Two Newſpapers publiſhed at *Edinburgh*; and it ſhall and may be lawful for any Two or more of the Truſtees to ſummon a General Meeting at any Time when they may think it requiſite, and to appoint a Day when it ſhall be held, provided that Notice be given of ſuch Meeting by an Advertiſement to be publiſhed in any Two Newſpapers publiſhed at *Edinburgh*, at leaſt Fourteen Days previous to the Day upon which ſuch Meeting ſhall be appointed to be held; in which Advertiſement particular Mention ſhall be made of the Names of the Perſons by whom the Meeting is called, and of the Buſineſs which they mean to bring before the ſame; and provided that the ſaid Truſtees calling ſuch General Meeting do and ſhall likewiſe, by a Writing under their Hands, give Notice thereof Fourteen Days at leaſt before ſuch Meeting, to the Clerk of the ſaid Truſtees, which ſaid Clerk ſhall give Notice thereof in Writing under his Hand, to be affixed on all the Turnpikes on the ſaid Roads, Ten Days at leaſt before the Day appointed for ſuch Meeting; and the ſaid General Meetings ſhall have Power to adjourn to ſuch Times and Places as they ſhall think proper or convenient, and as often as it ſhall be neceſſary for putting this Act into Execution; and at all ſuch annual and ſpecial General Meetings Three Truſtees ſhall be a Quorum of Truſtees.

Quorum;

Quorum; and if it ſhall happen that there ſhall not appear at any Meeting, or at any adjourned Meeting which ſhall be appointed to be held by the ſaid Truſtees, a ſufficient Number of Truſtees to act at ſuch Meeting, and to adjourn to another Day, then and in ſuch Caſe the Clerk to the ſaid Truſtees, by Notice in Writing under his Hand, to be affixed on all the ſaid Turnpike Gates, and alſo by an Advertiſement in the Newſpapers above mentioned, at leaſt Ten Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Place where the laſt Meeting of the ſaid Truſtees was appointed to be held, or at ſome other convenient Place, on that Day Fourteen Days, on which the laſt Meeting of the ſaid Truſtees was appointed to be held, and that the ſaid Truſtees, at their firſt and all their ſubſequent Meetings ſhall defray their own Charges.

Truſtees to appoint Committees.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at their Firſt General Meeting, Annual General Meeting, or any General Meeting, ſummoned as aforeſaid, to appoint a Committee or Committees, with Authority to execute the ſaid ſeveral Powers granted by this Act or any Part thereof, and that the ſaid ſeveral Powers of the ſaid Committees ſhall (unleſs they be re-appointed) ceaſe and determine at the next Annual General Meeting; provided always, that the ſaid Committees ſhall be bound in their Proceedings by all the Regulations by this Act enacted, and ſhall report their Proceeding to the Annual General Meeting to be approved of by them.

Officers to be appointed.

VII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees at a General Meeting aſſembled as aforeſaid, to continue or to chooſe and appoint fit Perſons to be Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the ſaid Truſtees, for receiving the Tolls or Duties granted or made payable by this Act; and alſo one or more fit Perſon or Perſons to be Surveyor or Surveyors of the ſaid Roads, or ſuch other Officers as they ſhall think proper, and from Time to Time to remove ſuch Treaſurers, Receivers, Collectors, Clerks, Surveyors or other Officers, or any of them, and to appoint new ones in caſe of Death or Removal; and all and every Perſon or Perſons who is, are, or ſhall be liable by this Act to pay the Tolls or Duties hereby granted, are hereby required to pay the ſame unto the ſaid Collector or Collectors, or Receiver or Receivers, ſo from Time to Time to be appointed, and the Perſons appointed as aforeſaid for receiving the Tolls or Duties, and alſo ſuch Surveyor or Surveyors, and other Officers, ſhall on the Firſt *Tueſday* of every Month, or at any other Time to be appointed by the ſaid Truſtees during the Continuance of this Act, give in a true, particular, exact, and perfect Account in Writing, under their reſpective Hands, with their reſpective Vouchers, of all Money which he or they, every or any of them, have received, paid and diſburſed by virtue of this Act, by Reaſon of their reſpective Offices, and verify the ſame upon Oath, if required; and in caſe any overplus Money ſo received ſhall remain in their or any of their Hands, they ſhall pay the ſame unto the ſaid Truſtees, or to ſuch Perſon or Perſons as they at a General Meeting aſſembled ſhall authorize and appoint to receive the ſame, to be laid out and applied for the Purpoſes of this Act; and the ſaid Truſtees at a General Meeting aſſembled, ſhall and may, and they are hereby authorized and empowered, out of the Money ariſing out of the ſaid Tolls or Duties, to make ſuch Allowances unto the Officers ſo appointed by them, for and in Conſideration of their Care and Pains in the

To account.

Execution of their reſpective Offices, and to ſuch other Perſon or Perſons who ſhall have been or may be aſſiſting in making or repairing the ſaid Roads as aforeſaid, by advancing and laying out any Monies or otherwiſe relating thereto, as unto them ſhall ſeem good, over and above the neceſſary Diſburſements made by them; and in caſe the ſaid Collector or Collectors, Receiver or Receivers, or any other Perſon or Perſons concerned in the Collection or Receipt of the aforeſaid Tolls or Duties, or any of them, ſhall not make any ſuch Account and Payment to ſuch Perſon or Perſons according to the Orders and Directions of the ſaid Truſtees at a General Meeting aſſembled, that then it ſhall be lawful for any Two or more Juſtices of the Peace for either of the ſaid Counties, to make Inquiry of and concerning ſuch Default, as well by the Confeſſion of the Parties themſelves, as by the Teſtimony of one or more credible Witneſs or Witneſſes upon Oath, (which Oath any one of the ſaid Juſtices is hereby empowered to adminiſter), or by other legal Evidence; and if any Perſon or Perſons ſhall be convicted of the Offence aforeſaid by the Juſtices, they the ſaid Juſtices ſhall, and they are hereby empowered to impoſe and levy a Sum of Money from or upon ſuch Perſon or Perſons not exceeding Double the Sum of Money unduly detained or miſapplied; and in caſe ſuch Perſon or Perſons ſhall refuſe or be unable to pay the ſaid Sum of Money ſo detained or miſapplied by them or him, then, and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Juſtices to commit ſuch Perſon or Perſons to one of the Common Gaols of the ſaid Counties, there to remain until he, ſhe or they ſhall have made and rendered a true and particular Account and Payment as aforeſaid, or until he, ſhe or they ſhall have compounded and agreed with the ſaid Truſtees, or any Three or more of them, (which Compoſition they or any Three or more of them, are hereby empowered to make), and have paid ſuch Compoſition to the Treaſurer or Treaſurers for the Time being, or ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint: Provided always, that no ſuch Officer or Perſon who ſhall be committed for Want of ſufficient Diſtreſs, ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Six Calendar Months.

Penalty for not accounting.

Treaſurer to find Security.

VIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſuch Security from the Treaſurer or Collector to be appointed for the Purpoſes of this Act, for the due Execution of his ſaid Office, as to the ſaid Truſtees or a Quorum of them ſhall ſeem meet.

Truſtees not to accept a Place of Profit.

IX. Provided always, and be it further enacted and declared, That no Perſon or Perſons appointed by this Act a Truſtee or Truſtees for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of or by Reaſon of any Tolls or Duties by this Act allowed to be levied, but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting and during the holding of ſuch Place of Profit as aforeſaid; and that no Perſon who ſhall keep any Houſe for the ſelling or retailing of Beer, Ale, or Spirituous Liquors, ſhall be capable to act as a Truſtee, or to be appointed an Officer for the Execution of any of the Truſts or Powers of this Act.

Scite of the firſt Turnpike and other

X. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled as aforeſaid, ſhall and may erect or continue or cauſe to be

be erected or continued acroſs and at the Sides of the ſaid Roads, (excepting on the before mentioned Road from *Carnock* to *Clackmannan*, the firſt Turnpike Gate on which from the Eaſtward ſhall be placed to the Weſtward of the road leading to *Tangburn* through the Lands belonging to *Thomas Mill* Eſquire of *Blair*), one or more other Gate or Gates, Turnpike or Turnpikes, and from Time to Time to alter the Situation of the ſaid Gates or Turnpikes under the aforeſaid Exception; and the ſaid Truſtees, or ſome Perſon or Perſons by them appointed, are hereby authoriſed and empowered to demand and take, or cauſe to be demanded and taken, at ſuch Firſt Gate, and at the ſeveral and reſpective Toll Gates and Turnpikes already ſet up and erected, or which may hereafter be ſet up and erected upon the ſaid Road, the Tolls or Duties following; that is to ſay, Turnpikes to be erected, and Tolls to be levied.

For every Coach, Barouche, Chariot, Landau, Chaiſe, Hearſe, or any other Four-wheeled Carriage, drawn by Six or more Horſes, Mares, Geldings, or Mules, a Sum not exceeding Nine Shillings Sterling; and drawn by Four Horſes, Mares, Geldings or Mules, a Sum not exceeding Six Shillings Sterling; and drawn by Three Horſes, Mares, Geldings, or Mules, a Sum not exceeding Four Shillings and Sixpence Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two Shillings Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, a Sum not exceeding Nine-pence Sterling: Tolls.

And for every Perſon who ſhall be ſitting upon any Coach Box, Barouche Seat, or other Seat on the Outſide of any Four-wheeled Carriage, not being a Stage Coach, and not driving the ſame, if drawn by Six Horſes, Mares, Geldings or Mules, a Sum not exceeding Sixpence Sterling; if drawn by Four Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two-pence Sterling; if drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding One Penny Sterling:

For every Chaiſe, Curricle, Chair, or other ſuch like Carriage, with Two Wheels, drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two Shillings Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, a Sum not exceeding Nine-pence Sterling.

For every Taxed Cart drawn by One Horſe, a Sum not exceeding Sixpence Sterling.

And in Addition to the ſaid Rates, reſpectively, there ſhall be paid,

For every Stage Coach, Long Coach, or other Diligence or Carriage of the like Kind, drawn by Two Horſes, and licenſed, or employed to carry not more than Six Inſide Paſſengers, and having no Outſide Paſſengers, a Sum not exceeding One Penny; and having Outſide Paſſengers, at any Time or for any Part of the Journey, for every ſuch Outſide Paſſenger, a Sum not exceeding One Halfpenny:

For every Stage Coach and ſimilar Carriage as aforeſaid, and drawn by Three or more Horſes, and licenſed or employed to carry not more than Four Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding Five-pence:

If not more than Four Inſide Paſſengers, and having not leſs than Two, nor more than Five Outſide Paſſengers, a Sum not exceeding Eight-pence Halfpenny; and for every Outſide Paſſenger above Five, a Sum not exceeding One Penny:

If more than Four and not more than Six Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding Ten-pence:

If more than Four and not more than Six Inſide, and having not leſs than Two nor more than Five Outſide Paſſengers, a Sum not exceeding One Shilling and Two-pence; and for every Ouſide Paſſenger above Five, a Sum not exceeding One Penny Halfpenny:

If licenſed or employed to carry more than Six and not more than Eight Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding One Shilling and Two-pence:

If more than Six and not more than Eight Inſide Paſſengers, and having not leſs than Two nor more than Five Outſide Paſſengers, a Sum not exceeding One Shilling and Nine-pence; and for every Outſide Paſſenger more than Five, a Sum not exceeding Two-pence:

If more than Eight and not more than Ten Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding One Shilling and Eleven-pence:

If more than Eight and not more than Ten Inſide Paſſengers, and having not leſs than Two and not more than Five Outſide Paſſengers, a Sum not exceeding Two Shillings and Eight-pence Halfpenny; and for every Outſide Paſſenger more than Five, a Sum not exceeding Two-pence Halfpenny:

If more than Ten Inſide Paſſengers, and having not more than Two Outſide, a Sum not exceeding Two Shillings and Ten-pence; and for every additional Inſide Paſſenger above Ten, having Two Outſide, a Sum not exceeding Four-pence; and for every additional Outſide Paſſenger above Two, and licenſed to carry Ten inſide Paſſengers, a Sum not exceeding Three-pence:

For every Waggon, Wain, Cart, or other ſuch like Carriage, where any ſuch Carriage and the Loading thereof taken together, ſhall not exceed Twenty Hundred Weight, a Sum not exceeding Four-pence Sterling; and where ſuch Carriage and Loading ſhall exceed Twenty Hundred Weight, and ſhall not exceed Twenty-two Hundred Weight, a Sum not exceeding Eight-pence; and where ſuch Carriage and Loading ſhall exceed Twenty-two Hundred Weight, and ſhall not exceed Twenty-five Hundred Weight, a Sum not exceeding Nine-pence Sterling: And in Addition to the ſaid Tolls, there ſhall be levied and taken in all Caſes where ſuch Carriage and Loading exceed Twenty-five Hundred Weight, and ſhall not exceed Thirty Hundred Weight, a Sum not exceeding One Penny Sterling for every One Hundred Weight which ſuch Carriage and Loading ſhall weigh above Twenty-five Hundred Weight; and for every One Hundred Weight which ſuch Carriage and Loading ſhall weigh above Thirty Hundred Weight, and not Forty Hundred Weight, a Sum not exceeding Two-pence Sterling; and for every Hundred Weight which ſuch Carriage and Loading ſhall weigh above Forty Hundred Weight, a Sum not exceeding One Shilling Sterling:

And in Addition to the above Rates upon every ſuch Waggon, Wain, Cart, or other ſuch Carriage, there ſhall be paid,

For every Horſe, Mare, Gelding, Mule, or other Beaſt of Draught more than One that ſhall be employed in drawing the ſame, a Sum not exceeding Two-pence Sterling:

For every Saddle Horſe, Mare, Gelding, or Mule, a Sum not exceeding Three-pence Sterling:

For

For every other Horſe, Mare, Gelding, Mule, or Aſs laden or unladen, and not drawing, a Sum not exceeding Two-pence Halfpenny Sterling:

For every Drove of Oxen or neat Cattle, a Sum not exceeding One Shilling and Eight-pence Sterling per Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, a Sum not exceeding Ten-pence Sterling per Score; and ſo in Proportion for any greater or leſs Number:

And that on every *Sunday*, after the Commencement of this Act, there ſhall be demanded and taken at the Toll Gates reſpectively, in Addition to the Tolls herein-before made payable, before any Horſe, Mare, Gelding, Mule, Aſs, Cart, Carriage, or Cattle, ſhall be permitted to paſs through the ſame, Double the Tolls before directed to be taken on any other Day of the Week; excepting always Medical Men going to or returning from viſiting ſick Perſons.

Double Tolls to be paid where Name of Owner not on Carriage.

XI. And be it further enacted, That in caſe the Owner of any Waggon, Wain, Cart, or other ſuch Carriage, ſhall fail to have his Name and Place of Abode painted in legible Characters upon ſome conſpicuous Part of ſuch Waggon, Wain, or Cart, the ſaid Truſtees ſhall order and direct the Tackſman of the Tolls, or the Toll-gatherer, or other Perſon employed to collect any of the Tolls or Duties leviable under this Act, and ſuch Tackſman or Toll-gatherer is hereby expreſsly authorized and required, after Intimation ſhall have been given as herein directed, to levy, demand, and take, at the ſaid Turnpike Gate or Gates, before any ſuch Waggon, Wain, Cart, or any other ſuch like Carriage, on which the Owner's Name ſhall not be ſo painted, paſs through the ſame, Double the Tolls and Duties by this Act authorized to be levied and taken; provided that a legible written or printed Notice of the Intention of the ſaid Truſtees to cauſe ſuch Double Tolls or Duties to be levied in virtue hereof, ſhall be affixed and kept upon the Toll Bars, Gates, or Houſes, where ſuch Double Tolls and Duties are to be exacted and taken, for the Space of One Month previous to the Commencement of levying ſuch Double Tolls and Duties.

Penalty on Tollgatherers guilty of Malverſation.

XII. And be it further enacted, That if any Tackſman, Toll Gatherer, or Perſon employed to collect the ſaid Tolls, ſhall permit any Waggon, Wain, Cart, or other ſuch like Carriage, on which the Name and Place of Abode of the Owners ſhall not be painted as herein before directed, to paſs any of the ſaid Toll Bars without exacting Double Tolls, as before mentioned, or ſhall abſent himſelf from the Turnpike Gate, ſo as to occaſion Delay to Travellers, or ſhall knowingly exact any higher Rate of Toll than what is hereby authorized to be taken, he ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, one Moiety thereof to be paid to the Informer, the other to the Purpoſes of this Act.

Carriages with Wheels of a certain Deſcription chargeable with leſs Toll.

XIII. Provided always, and be it further enacted, That every Waggon, Wain, Cart, or other ſuch like Carriage as aforeſaid, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, and being cylindrical, that is to ſay, of the ſame Diameter on the Inſide next to the Carriage and on the Outſide, and in every intermediate Part between the Inſide and Outſide, ſo that, when rolling on a flat Surface, the whole Breadth

of such Fellies shall bear equally on such flat Surface, and that the opposite Ends of the Axle-trees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of the said Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels, shall be chargeable with only Two-third Parts of the Toll herein-before granted upon Waggons, Wains, Carts, or other such like Carriages; and that every Waggon, Wain, Cart, or such like Carriage, with Four Wheels, having the Fellies thereof of the Breadth of Nine Inches or upwards, and being cylindrical, and the Nails sunk level with the Ring, as particularly before specified, shall be chargeable with only Half the Toll herein-before granted upon Waggons, Wains, Carts, or similar Carriages: Provided also, that every Person claiming the Privileges granted to Broadwheeled Carriages shall permit the same to be examined and measured by any Person employed in the Collection of the said Tolls.

Weighing Engines to be erected.

XIV. And be it further enacted, That the said Trustees may, and they are hereby authorized, if they shall think it fit, to erect or cause to be erected Weighing Engines at every Turnpike erected or which shall be erected upon the said Roads, for weighing all Carts and similar Carriages which shall pass along the said Roads, in order to ascertain the Toll to be taken for such Carriage or Carriages, and that before they respectively shall be permitted to pass through such Gate or Turnpike: And for the more effectually ascertaining the Weights of all Carts as aforesaid, with the least possible Interruption to the Passengers and others travelling along the said Roads, the said Trustees are further required to erect, or cause to be erected, at the Side of every Gate or Turnpike erected or which may be erected, and in a Line with the same, a second Gate or Turnpike, and to place one of the said Weighing Machines in the Centre of such second Gate; and that all Carts as aforesaid, when laden, shall pass through the said Second Gate, and over the said Weighing Machine; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, such Person or Persons shall, for ever such Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Ground for Toll Houses.

XV. And be it further enacted, That the said Trustees shall be and they are hereby empowered to purchase, feu, or lease such Pieces of Ground not exceeding One-eighth Part of an Acre, as they shall judge most convenient for the Purpose of erecting Toll Houses, and for no other Purpose; and when the same shall be no longer used for such Purpose, to dispose of the same, and to remove the Materials, which every Proprietor is hereby required and empowered to convey, feu, or lease, notwithstanding any Entail, Settlement, or other legal Impediment to the contrary; and in case such Proprietor and the Trustees cannot agree as to the Price to be paid for such Ground, then the Value thereof shall be determined by a Jury in Manner herein directed; and the Right and Property of such Pieces of Ground, and of the Turnpikes, Gates, and Toll Houses, and of the Weighing Machines to be erected and provided, and of the Materials thereof, shall be, and they are hereby vested in the said Trustees; and they or any Five or more of them are hereby empowered from Time to Time to bring

or

or cauſe to be brought Actions in their own Name, or in the Name of their Treaſurers or Clerks, againſt any Perſon who ſhall injure the ſame or diſturb them in the Poſſeſſion thereof.

Tolls to be levied only once in Six Miles.

XVI. Provided always, and be it enacted, That in caſe there are or ſhall be erected upon any of the ſaid Roads, any Turnpikes at leſs Diſtance from one another than Six Statute Miles, then any Perſon or Perſons, producing a Ticket to ſhew that the Toll has been paid at one of ſuch Gates, ſhall not pay any Toll at any other Turnpike upon the ſame Road, which ſhall be within Six Statute Miles of the former, at which the Toll denoted by ſuch Ticket ſhall have been paid.

Exemptions from Toll.

XVII. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be liable to pay any Toll or Duty at any of the Gates or Turnpikes at preſent erected or to be erected by virtue of this Act, for any Carriage laden with or going empty for or returning empty after having been laden with Stones or other Materials for repairing the ſaid Roads, or any other public Roads, or Stones for paving the Streets of any Town ſituated on the ſaid Roads, or the Bridges and the Cauſeways belonging to the ſame, nor for any Carriage or Cattle paſſing from one Part of a Farm to another, nor for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, Corn in the Straw, or any other Produce of a Farm, or returning empty after having carried the ſame, to be laid up in the Houſes, Outhouſes, Barns, or Yards belonging thereto, (without Prejudice nevertheleſs to the ſaid Tolls or Duties being paid for Hay, Corn in the Straw, or any other Produce of a Farm when carried for Sale, or for Delivery after being ſold) nor for Horſes or Cattle going to or returning from Paſture, or to or from Watering Places, being within the Farm to which they reſpectively belong, or going to be ſhod or farried or returning therefrom; nor ſhall any Toll or Duty be demanded from any Perſon or Perſons who ſhall paſs through the ſaid Turnpikes to Church or Chapel, or any other Place of Religious Worſhip, in the Pariſh within which the Perſon reſides, upon *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Perſons attending the Funeral of any Perſon or Perſons who ſhall die and be buried within the Pariſh in which ſuch Perſon reſides; nor from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty; nor for any Horſes or Carriages employed in carrying or conveying the Mails of Letters, or Expreſſes, under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying the ſame, or in returning after having conveyed the ſame; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for the Horſes or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horſes, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or in returning from carrying or conveying the ſame; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the

Place appointed for and on the Days of Exercise: Provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps respectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same; and if any Person shall claim and take the Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Penalty of claiming Exemptions where not entitled.

Exempting Carriages with Stores.

XVIII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls to be paid only Once a Day.

Pass Ticket to be given.

XIX. And be it further enacted, That no Person or Persons having paid the Tolls or Duties herein directed to be levied, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night) be subject or liable to pay the said Tolls or Duties for the same Coach, Barouche, Chariot, Landau, Chaise, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, for which such Tolls or Duties shall have been paid; and the Person paying such Tolls or Duties shall on Demand, receive a Ticket or Note signifying the Payment thereof, on producing of which he shall be allowed to pass without further Payment; but in case the same Cart or other such Wheel Carriage, Horse, Ass, or other Beast or Cattle shall pass with a new Loading, they shall in that Case be subject to pay the said Tolls or Duties for each Time they shall so pass, in the same Manner as they did the First Time.

Penalty on fraudulent Disposal of Tickets.

XX. And be it further enacted, That if any Person or Persons shall have paid the Toll or Duty by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of any Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person so disposing of or giving such Note or Ticket, Notes or Tickets, and the Person receiving the same being convicted thereof, upon the Oath of one or more credible Witness or Witnesses, or otherwise, before any one or more Justices of the Peace for any of the said Counties, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

XXI. And

To prevent Evaſion of the Tolls.

XXI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to build Fences, and to erect Side Bars, and levy at the ſame the ſaid ſeveral Tolls and Duties in this Act above-mentioned, ſo as to prevent any Perſon or Perſons travelling the Roads hereby directed to be made or repaired, from evading the Payment of any Tolls or Duties granted by this Act.

For ſhutting up Bye Roads.

XXII. And be it further enacted, That it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Counties, upon the Application of the ſaid Truſtees, to cauſe any unneceſſary Bye Road immediately connected with and running parallel with the Roads hereby directed to be repaired, as they ſhall judge not to be of Importance to the Public to be ſhut up in Whole or in Part: Provided always, that Notice of the Reſolution to ſhut up ſuch Roads be given by Advertiſements affixed to the neareſt Toll Bar, and to the Doors of the Three neareſt Pariſh Churches, on Two following *Sundays*, One Month at leaſt before ſuch Reſolution ſhall be taken into Conſideration, and that Three-fourths of the Truſtees preſent ſhall decide in favour of the Meaſure propoſed.

Penalty for evading the Tolls.

XXIII. And be it further enacted, That if any Perſon or Perſons occupying incloſed Lands near to any Turnpike which ſhall be erected in purſuance of this Act, ſhall knowingly or willingly permit any Perſon or Perſons to paſs through the ſame, or through any Gate, Paſſage, or Way with any Coach, Cart, or other Carriage, or with any Horſe, Aſs, or Cattle, whereby the Payment of the Tolls or Duties by this Act impoſed ſhall be evaded, every ſuch Perſon ſo offending, and the Perſon or Perſons riding or driving ſuch Cart or other Carriage, Horſe, Aſs or other Cattle, being thereof convicted, by the Teſtimony of one or more credible Witneſs or Witneſſes before any one or more of the Juſtices of the Peace for the County where the Offence ſhall be committed, ſhall for every ſuch Offence reſpectively forfeit and pay to the ſaid Truſtees a Sum not exceeding Forty Shillings Sterling.

Penalty for forcible Evaſions of the Toll, or aſſaulting Officers.

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

Penalty on taking off Horſes.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time, during the Continuance of this Act, unload or cauſe to be unloaded, any Sorts of Goods or Merchandize, or ſhall take off, or cauſe to be taken off, any Horſe or Horſes, or any Beaſts of Draught from any Coach, Chaiſe, Chariot, Barouche, Landau, Calaſh, Chair, or Litter, or from any Waggon, Wain, Cart, or other Carriage, at or before the ſame ſhall come to any of the Gates or Turnpikes erected by virtue of this Act, with Intent to avoid paying any Tolls or Duties hereby impoſed, each and every Perſon ſo offending in any of the Caſes aforeſaid, ſhall forfeit and pay a Sum not exceeding Forty Shillings Sterling, one

Moiety thereof to be paid to the Informer, the other to be applied to the Purpoſes of this Act: Provided always, that nothing herein contained ſhall be conſtrued or underſtood to hinder any Perſon from leaving Parcels at any Houſe or Place on the ſaid Roads.

Penalty for outſide Paſſengers evading Toll.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall get off from the Top of any Stage Coach, Long Coach, or other ſimilar Carriage, for the Purpoſe of avoiding the Tolls granted and made payable by this Act; and if any Coachman, or other Perſon driving the ſame, or any Collector at any of the Gates erected or to be erected, ſhall connive at the ſame, they ſhall each of them reſpectively, upon legal Conviction thereof, or of ſuch Connivance, forfeit and pay a Sum not exceeding Forty Shillings Sterling for each Offence, One Moiety thereof to be paid to the Informer, the other to be applied to the Purpoſes of this Act.

Compoſition for Tolls.

XXVII. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, and they are hereby empowered, as they ſhall ſee convenient or think fit, to compound or agree by the Year or otherwiſe with any Perſon or Perſons uſing to travel through the Turnpikes, and living within Three Miles of any Turnpike or Turnpikes to be erected on the ſaid Roads, with any Coach, Barouche, Landau, Chariot, Chaiſe, Waggon, Wain, Cart or other Carriage, Horſe, Gelding, or Mule, or any other Beaſt of Draught, for any Sum or Sums to be paid Quarterly or Monthly, from Time to Time after ſuch Agreement is made; and that Copies of all ſuch Agreements or Compoſition ſo to be made by the ſaid Truſtees as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by their Clerk or Clerks, Treaſurer or Treaſurers, which ſaid Books ſhall be ſeen and peruſed by any Perſon or Perſons whatſoever, at all ſeaſonable Times, without paying any Fee or Reward.

Compoſition not allowed unleſs for Carriages of certain Deſcription.

XXVIII. And be it further enacted, That no Compoſition ſhall be made for Tolls for or in reſpect of any Waggon, Cart, or ſuch like Carriage, or of any Horſe or Beaſt drawing the ſame, where ſuch Carriage or Carriages ſhall, with its lading, exceed Twenty-five hundred Weight, unleſs ſuch Carriage or Carriages have the Fellies of the Wheels thereof of the Breadth or Gauge and Conſtruction in this Act before ſpecified, and unleſs the Nails in ſuch Fellies are counterſunk, ſo as not to riſe above the Surface.

Compoſition, how to be recovered.

XXIX. Provided always, and be it further enacted, That in caſe any Compoſition Money agreed to be paid for paſſing through the ſaid Turnpikes or Gates, ſhall not be paid within Fifteen Days next after the ſame ſhall become due or payable according to ſuch Compoſition or Agreement, that then it ſhall and may be lawful for any Two of the Juſtices of the Peace of the Counties of *Perth*, *Fife* *Kinroſs*, and *Clackmannan*, upon Oath made before them that the ſame has been demanded and remains unpaid (which Oath the ſaid Juſtices are authorized to adminiſter) to iſſue a Warrant under their Hands empowering the Perſon authorized by the ſaid Truſtees to receive ſuch Compoſition Money to levy what remains unpaid thereof, on the Perſon or Perſons ſo refuſing or neglecting to pay the ſame, in Manner herein-after mentioned.

XXX. And

Tolls may be let.

XXX. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, are hereby authorized and empowered by public Roup, to let the ſaid Tolls or Duties, in Whole or in Parcels, from Time to Time during the Continuance of this Act, by Leaſe or otherwiſe, for any Term not exceeding Two Years, for the higheſt Rate or Rates they can get for the ſame, to ſuch Perſon or Perſons as ſhall from Time to Time give ſuch good and ſufficient Security for paying thereof, as ſhall be approved of by the ſaid Truſtees at a General Meeting, as aforeſaid.

Tolls may be leſſened.

XXXI. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, and they are hereby empowered, with the Conſent of the Perſons entitled to Five Sixth Parts of the Money due upon the Credit of the ſaid Tolls to diminiſh or leſſen the ſaid Tolls, as they ſhall ſee Cauſe, and to raiſe the ſaid Tolls again, ſo as the ſame ſhall not at any Time exceed the Tolls granted by this Act.

When Tolls to ceaſe.

XXXII. And be it further enacted, That if at any Time before the Expiration of this Act, the ſaid Roads ſhall be ſufficiently amended and repaired, and ſo adjudged by the ſaid Truſtees, or a Quorum of them as aforeſaid, at a General Meeting aſſembled, that then and after ſuch Adjudication made, and the Sums ſo borrowed as aforeſaid paid off, the Tolls and Duties hereby granted ſhall ceaſe in Whole, or be diminiſhed in ſuch Proportion as the ſaid Truſtees or a Quorum of them as aforeſaid ſhall determine.

Application of Tolls and Duties;

which may be levied.

XXXIII. And be it further enacted, That the Money to be raiſed and collected as aforeſaid, ſhall, and is hereby declared to be veſted in the ſaid Truſtees, and the ſame and every Part thereof ſhall be paid, applied and diſpoſed of, and aſſigned to and for the ſeveral Uſes and Purpoſes by this Act directed, and to no other Purpoſe whatſoever; and it ſhall and may be lawful to and for the ſaid Truſtees, or a Quorum of them, or ſuch Perſon or Perſons as they ſhall appoint, to demand and take the Tolls and Duties hereby granted and made payable; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, the ſaid Truſtees are hereby empowered, by themſelves, or ſuch Perſon or Perſons as they, or a Quorum of them as aforeſaid, ſhall authorize and appoint, to levy each and every of the ſaid Tolls and Duties by Diſtreſs and Sale of any Horſe or Horſes, or other Cattle or Goods, upon which Tolls or Duties are by this Act impoſed, or by Diſtreſs and Sale of any other of the Goods and Effects of ſuch Perſon ſo refuſing to pay the ſaid Tolls and Duties, and to keep and detain ſuch Goods and Effects ſo diſtrained, until ſuch Toll or Duty, with the reaſonable Charges of ſuch Diſtreſs ſhall be paid; and it ſhall and may be lawful to and for the Perſon or Perſons ſo diſtraining, after the Space of Six Days after ſuch Diſtreſs ſhall be made and taken, to appraiſe and ſell the Goods ſo diſtrained, returning the Overplus (if any there be) upon Demand, to the Owners thereof, after ſuch Tolls or Duties and the reaſonable Charges of diſtraining, keeping and ſelling the ſame, ſhall be deducted and paid.

Money to be borrowed.

XXXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, at any of their annual General Meetings, or at a General Meeting called for that Purpoſe, to borrow or order to be borrowed ſuch Sums of Money on the Credit of the Tolls, for altering or repairing the ſaid

Roads respectively, as they shall judge necessary for that Purpose; provided always, that the whole Sums so to be borrowed, together with the Money already due and owing on the Credit of the said Tolls, shall not in Amount exceed a Sum the Interest whereof the Tolls and Duties hereby granted shall be sufficient to pay.

Tolls may be assigned.

XXXV. And be it further enacted, That the said Trustees may, and they are hereby empowered to assign and make over the Whole or any Part of the Tolls or Duties, to be levied and collected upon the said Roads, to the Person or Persons from whom the said respective Sums as aforesaid shall be borrowed, as a Security for the Payment of the Sum or Sums of Money so lent by them, with the Interest thereupon.

Trustees not to be individually liable.

XXXVI. Provided always, and be it enacted, That no Trustee under this Act shall upon any Pretext be held personally liable for Payment of any Sum or Sums borrowed or to be borrowed under the Authority of this Act, or Interest of such Sum or Sums, which he shall not have bound himself to pay personally as an Individual, independent of his Office of a Trustee.

Notice of borrowing and Entry of Assignments.

XXXVII. Provided always, and it is hereby declared, That no Money shall be borrowed or ordered to be borrowed by the said Trustees, on the Credit of the said Tolls or Duties after their first Meeting, unless Notice for that Purpose shall be published in Two *Edinburgh* Newspapers, at least Fourteen Days before the borrowing of such Money; and the Assignment of the Toll Duties for all or any Sum or Sums of Money so borrowed, shall be entered in a Book to be kept by the said Trustees and Magistrates respectively, or such Person or Persons as they shall appoint; which Book may be seen and perused at all seasonable Times, by any Person or Persons without Fee or Reward.

Form of Assignment.

XXXVIII. And be it enacted, That the Assignation to be granted for the Sums of Money so to be borrowed shall be agreeable to the following Form, or in Words to the same Act; that is to say,

'BY virtue of an Act made in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [*here insert the Title of the Act*], we, the Trustees for putting the said Act into Execution, assembled at a General Meeting called agreeably to the aforesaid Act, in Consideration of the Sum of advanced by *A. B.* for the Purpose of making and repairing the Roads in the Parish of or the Line of Road from to [*as the Case may be*], do hereby assign to the said *A. B.* his Executors and Assignees, such Proportion of the Funds appropriated for making and repairing the Roads in the said Parish of , or the Line of Road from to , as the said Sum of doth or shall bear to the whole Sum borrowed or to be borrowed; to be held by the said *A. B.* his Executors or Assignees, from the Day of in the Year of our Lord until the aforesaid Sum of with Interest at the Rate of *per Centum per Annum*, shall be repaid. In Witness whereof we have subscribed this Assignation, written by *C. D.* Clerk to the said Trustees (or any other Person) at the Day of in Presence of and .'

XXXIX. And

Assignment may be transferred.

XXXIX. And be it enacted, That all Bonds and Assignations to be granted for Security of Money to be borrowed in virtue of this Act, shall be transferrable from Time to Time by a simple Indorsation by the Creditor on the Back thereof, in the following Words, or Words to the same Purport, without the Necessity of any other Conveyance; that is to say,

'I DO hereby transfer this Assignation, with all my Right and Title to the Principal and Interest thereby secured and now due, unto *E. F.* his Executors and Assignees. Witness my Hand at the Day of in the Year before these Witnesses, *G. H.* and *I. K.*'

Accounts to be kept by the Trustees.

XL. And be it enacted, That the said Trustees shall keep an exact Account of the Money received by virtue of this Act, and the Application thereof, and all other their Proceedings, and enter the same in a Book or Books to be kept for that Purpose; to which Book or Books any of the Trustees above-mentioned shall, at all reasonable Times, be at Liberty to resort and to inspect the same without Fee or Reward.

No Money to be paid without the Order of the Trustees.

XLI. And be it further enacted, That all and every Sum and Sums of Money arising and levied by virtue of this Act, shall not be laid out or expended without the Order of the said Trustees at a general Meeting assembled, or of such Person or Persons as they, or a Quorum of them as aforesaid shall authorize and appoint.

Application of Money.

XLII. And be it further enacted, That the Money which shall be levied in virtue of this Act shall be applied in repairing, altering and amending the said Roads, and in erecting and repairing Bridges thereon.

Penalty for Misapplication.

XLIII. And be it further enacted, That in case of any Misapplication of the Money collected, received or levied by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sums so misapplied, to be recovered from him or them, at the Suit of any Three or more Heritors within either of the said Counties of *Perth*, *Fife*, *Kinross*, and *Clackmannan*, possessed of Two hundred Pounds *Scots* of valued Rent, who are hereby authorized to sue for and recover the same, in a summary Action before the Judge Ordinary, with Costs of Suit; one Moiety of which Forfeiture shall belong to the Persons who sue for the same, and the other Moiety shall be paid to the said Trustees, to be applied by them as aforesaid, for the repairing of the Roads by this Act directed to be repaired; but if any such Prosecution shall, after Trial, be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay double Costs.

Roads may be widened to legal Standard.

XLIV. And be it further enacted, That where any Part of the said Roads is not of a sufficient Breadth, according to the lowest legal Rate and Standard of Twenty-five Feet, including the Ditches or Water-runs at the Side of the Roads, it shall and may be lawful for any Two of the Trustees to widen and extend the Breadth of the said Roads to the said legal Standard, without giving any Compensation to the adjoining Proprietors on that Account.

Power to alter and widen the Roads.

XLV. And be it further enacted, That where it ſhall appear neceſſary or convenient to the ſaid Truſtees to alter the Courſe or Situation of the ſaid Roads, at an Annual or General Meeting, called for that Purpoſe by Public Advertiſement, in the *Edinburgh* Newſpapers as herein-before directed, which Advertiſement ſhall expreſsly ſet forth the propoſed Alteration or Alterations as a Subject for the Conſideration of ſuch General Meeting, or to widen the ſame beyond the ſaid legal Standard, then the ſaid Truſtees ſo aſſembled, ſhall and they are hereby empowered to alter the Courſe or Direction of the ſaid Roads, or any Part thereof, or to extend the ſame to ſuch Breadth as they ſhall think proper, not exceeding Fifty Feet, including Ditches as aforeſaid; and for that Purpoſe to pull down any Houſe, the outſide Walls of which do not exceed Twelve Feet in Height: Provided, that in any ſuch Alteration of the ſaid Roads, the ſame or any Part thereof be not brought nearer than Two hundred Yards to the Manſion Houſe or ordinary Reſidence of the Proprietor of the Lands through which ſuch Roads ſhall be made, and ſo as that the ſame do not paſs through any Garden, Orchard, Park, planted Walk, or any Avenue to any ſuch Houſe, nor any Piece or Parcel of incloſed Ground which before the paſſing of this Act ſhall have been uſed and ſet apart as a Nurſery for Trees; and that the ſaid Truſtees ſhall pay ſuch Damages to the Owners and Occupiers reſpectively of any Lands, Grounds, or Houſes which ſhall be damaged by altering or widening the ſaid Roads, or any Part thereof beyond the legal Standard, or by pulling down any Houſe or Houſes, as the ſaid Truſtees ſhall judge fair and reaſonable; but if any ſuch Owners or Occupiers ſhall not be ſatisfied with the Offer made to them by the ſaid Truſtees, or ſhall refuſe to treat with them, they ſhall apply to the Sheriff of the County in which the Ground is ſituated, who, upon ſuch Application, is hereby authorized and required to ſummon a competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, being either Owners or Occupiers of Land within the County, not leſs than Thirty nor more than Forty, to come and appear before him at ſuch Time and Place as by his Warrant and Precept ſhall be directed, Intimation of Fifteen Days being given by the Truſtees of ſuch Appointment, to the Party or his known Agent; and the Number of the Perſons who ſhall attend ſhall then be reduced to Fifteen, by the Truſtees and the Proprietors ſtriking off one alternately, beginning on the Part of the Proprietors; or in caſe both Parties ſhall not appear, by the Sheriff Depute ſtriking off until it be ſo reduced; and the remaining Fifteen being duly ſworn, the Sheriff ſhall proceed to examine upon Oath, in their Preſence, ſuch Witneſſes as ſhall be ſummoned by either Party; and upon their Depoſitions and other competent Evidence, ſuch Jury ſhall determine the Price to be paid by the ſaid Truſtees, and their Verdict ſhall be final and concluſive on all Parties, without being ſubject to Review or Stay by Advocation, Suſpenſion, or Reduction, or in any Manner whatſoever; and the Sheriff ſhall thereupon order Payment to be made of the Sums awarded by the Jury, and ſhall ordain the Owners and Occupiers of the Grounds, or their Truſtees, Tutors, Curators, or Adminiſtrators, upon Payment or lawful Tender thereof, quietly to permit and ſuffer the ſaid Truſtees to take Poſſeſſion of the Grounds; and the ſaid Jury ſhall (and they are hereby empowered ſo to do), in fixing the Price or Value to be awarded and given to ſuch Owners and Occupiers for their Grounds as aforeſaid, take into Conſideration the Benefit or Advantage of which the Repairs or Alteration

of

of the Road to be repaired or altered ſhall be to the Eſtate or Poſſeſſion of ſuch Owner or Occupier reſpectively.

Expences of Jury, by whom to be paid.

XLVI. Provided always, and be it enacted, That if ſuch Jury ſhall, by their Verdict, adjudge the ſaid Premiſes to be of greater Value than the ſaid Truſtees ſhall have offered for the ſame, but leſs than the Owner or Owners, Occupier or Occupiers, ſhall have required, the Expence of ſuch Jury ſhall be borne and defrayed by ſuch Truſtees and ſuch Owner or Occupier equally; but in caſe the ſaid Jury ſhall award to ſuch Owner or Owners, Occupier or Occupiers, the Sum required, or any greater Sum, the whole of the ſaid Expence ſhall be paid by the ſaid Truſtees; and in caſe the ſaid Jury ſhall award the Sum ſo offered by the ſaid Truſtees, or any leſs Sum, the whole of the ſaid Expence ſhall be paid by the ſaid Owner or Owners, Occupier or Occupiers: Provided alſo, That in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating, ſuch Expences ſhall be borne by the ſaid Truſtees in Manner aforeſaid.

Lands to be veſted in the Truſtees of this Act.

XLVII. And be it further enacted, That all Lands and Houſes which may be acquired by the ſaid Truſtees in purſuance of this Act, ſhall be veſted in the ſaid Truſtees by the ſimple Diſcharge for the agreed Price or appraiſed Value thereof, or by Conſignation of the ſaid Price or Value in the Bank of *Scotland*, or Royal Bank thereof, in Manner herein directed, as the Caſe may be; and it ſhall be ſufficient to record the Diſcharge or the Voucher of Conſignation, in the Sheriff Court Books of any of the ſaid Counties reſpectively wherein ſuch Lands or Houſes ſhall be ſituated, 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 Infeoftments had followed thereupon.

Incorporated Perſons empowered to convey.

XLVIII. And be it further enacted, That the ſaid Truſtees ſhall be, and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Truſtees, Tutors and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, are hereby empowered and required to ſell, feu, let and convey all ſuch Lands or Houſes as may be neceſſary for the making, altering or widening the ſaid Roads or any of them, and erecting any Toll-bar or Toll-houſe, or for ſtoring Materials or otherwiſe, where Ground is neceſſary for the Purpoſes of this Act, upon ſuch Satisfaction being made 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, Oecupier 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 in the Manner hereinbefore directed.

Application of Compenſation exceeding 2col.

XLIX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Heritages purchaſed, taken or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Life Rents, Annuities or other Incumbrances, or ſhall belong to any Corporation, married Woman, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch

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*, or such other Bank as the said Court shall direct, to the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Heritages in the Purchase or Redemption 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 Heritages, or affecting other Lands, Tenements or Heritages standing settled therewith to the same or the like Uses, Intents or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Heritages which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements and Heritages which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the 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 Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when Compensation less than 200l. but exceeds 20l.

L. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Heritages purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person 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 Heritages so purchased, taken or used, or of his, her or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and placed to his or their Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such principal Money and the Interest arising thereon, may be applied in Manner hereinbefore directed, as far as the Case be applicable.

Application when Money less than 20l.

LI. 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 Heri-

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

In caſe of not making out Titles, or where Perſons cannot be found.

LII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements or Heritages to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements or Heritages, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or ſuch other Bank as the ſaid Court ſhall direct, to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Heritages (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion, which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money or any Part thereof, by Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or ſuch other Bank as the ſaid Court ſhall direct, 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 ſuch Sum or Sums of Money into the Banks as aforeſaid.

In caſe of queſtionable Title.

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

Court may order Expences of Purchaſes to be paid.

LIV. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Heritages, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Old Roads may be ſold.

LV. Provided always, and be it further enacted, That the ſaid Truſtees aſſembled at a General Meeting as aforeſaid, ſhall, and they are hereby authoriſed and empowered, as ſoon as the ſaid new Roads ſhall be completed and made paſſable and convenient for Carriages, to ſell the Grounds compriſed in or through which ſo much of the old or former Roads did lead, as ſhall not be kept up or maintained by the ſaid Truſtees, to ſuch Perſon or Perſons as ſhall be willing to become Purchaſers thereof, for the beſt Price that can be reaſonably gotten for the ſame, the Perſon through whoſe Grounds the old Roads paſſed having always the Preference of Purchaſe; and in caſe the ſaid Truſtees and ſuch Perſon ſhall not agree as to the Price to be paid therefor, then the ſame ſhall be aſcertained by a Jury in Manner herein directed; and Affidavit ſhall be made by the Clerk to the Truſtees of ſuch Offer of Preference having been made, and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for amending the ſaid Roads; and the Sale and Conveyance and Conveyances to be made of ſuch Lands and Grounds compriſed in the ſaid old Roads, being executed by the ſaid Truſtees or a Quorum of them, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever: Provided always, that the ſaid Truſtees in treating with the Perſon or Perſons entitled to ſuch Preference, and in fixing the Price ſo to be paid by him or them for ſuch old Road, or the Jury to be appointed as aforeſaid for aſcertaining the ſame, may and they are hereby empowered to take into Conſideration the Loſs, if any, which ſuch Perſon or Perſons may ſuſtain by the Direction of the Road being altered or removed through or from his or their Property or any Part thereof.

Perſons liable in the Repair of the Roads to continue ſo.

LVI. Provided always, and be it further enacted, That all and every Perſon or Perſons, who are by any particular Law or Cuſtom chargeable towards repairing and amending any particular Part of the ſaid Roads hereby intended to be repaired, ſhall remain chargeable as he or they were before the paſſing of this Act; and the ſaid Truſtees ſhall be, and they are hereby declared to be empowered to treat and agree for any Sum of Money to be paid yearly, or otherwiſe, with any Perſon or Perſons, Bodies Politic or Corporate, or others, chargeable with the Repairs of any Part of the Roads directed to be repaired by this Act, or any Bridge upon the ſame, in lieu of ſuch Repairs, and alſo for the Payments of any Sum out of the Tolls granted by this Act, by the Year or otherwiſe, to any Perſon or Perſons, Bodies Politic or Corporate, entitled to any Toll or Duty at any Place upon the ſaid Roads, by Reaſon of any Uſage or otherwiſe.

Truſtees of the County of Kinroſs to contribute eventually from the Statute Labour Fund.

LVII. And be it further enacted, That in caſe any Sum or Sums of Money ſhall be given or applied by the Truſtees of the ſaid Roads for the County of *Fife*, from the Funds raiſed by the Converſion of the Statute Labour of that County to the Purpoſe of this Act, the Truſtees for the County of *Kinroſs* ſhall be obliged to contribute for the like Purpoſes from the Statute Labour Funds of the ſaid County of *Kinroſs*, a Sum not leſs than One Fifth Part of the Sum ſo given by the Truſtees of the ſaid County of *Fife*.

For erecting Parapet Walls.

LVIII. And be it further enacted, That the ſaid Truſtees ſhall for the Accommodation of the Public, erect or cauſe to be erected, good and ſufficient Parapet Walls on the Sides of all the Bridges, and upon the Sides of the Road where the ſame ſhall be dangerous for Perſons paſſing along the ſaid Roads, and they ſhall from Time to Time repair and keep in proper Repair the ſaid Walls or Parapets along the whole of the ſaid Roads, for the Purpoſes aforeſaid.

Footpaths to be made.

LIX. And be it enacted, That it ſhall be lawful for the ſaid Truſtees to make and maintain along the whole of the Road now made or to be made, a ſafe and convenient Footpath or Footpaths, for the Accommodation of Foot Paſſengers; and that if any Perſon ſhall ride upon the Paths made, or which may be made, along the Sides of any Part of the ſaid Roads, for the Benefit of Foot Paſſengers, or ſhall in any way wantonly hurt or injure the ſame, he ſhall for every ſuch Offence, forfeit a Sum not exceeding Forty Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Directions for the Repair of the Roads.

LX. And be it further enacted, That the ſaid Truſtees ſhall, after the paſſing of this Act, keep and maintain conſtantly in their Service, as many Labourers as to them may ſeem proper, being however, in a Proportion not leſs than Two Labourers for every Three Miles, for the Purpoſe of keeping the ſaid Road in conſtant and effectual Repair, by filling up the different Holes and Inequalities as often as they appear, filling up the Ruts made in the Summer Road, preventing the Summer Road from being worn away from the gravelled Part of the Road, and letting off the ſtagnant Water; and that for theſe Purpoſes the ſaid Labourers ſhall be provided with proper and fit Wheelbarrows and Tools.

Mud to be ſcraped off the Roads.

LXI. And be it enacted, That the ſaid Truſtees ſhall provide the above-mentioned Labourers with a proper Set of Scraping Tools, and that they take Care for the future that the ſaid Road be kept properly cleanſed as aforeſaid, and the Mud be laid up in proper Heaps, and removed thence from Time to Time, and the ſaid Truſtees may contract for the ſelling the ſaid Scrapings of the Road with any Perſon willing to buy the ſame, ſuch Contract not to endure for any Period greater than Twelve Months.

Materials for repairing the Roads.

LXII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors appointed by the ſaid Truſtees, or for ſuch Perſons as he or they ſhall appoint, by an Order of any Two or more of the Truſtees, to dig, gather, take, and carry away any Gravel, Sand, Stones, Furze, Heath, or other Materials for making or repairing the ſaid Roads, out of any Waſte or Common in the ſaid Counties, without paying

paying any Conſideration on that Account, and alſo out of the Property or Lands of any Perſon or Perſons where ſuch Materials are and may be found (paying for the ſame) not within Two hundred Yards of the Manſion Houſe or ordinary Reſidence of the Proprietor of the Ground qualified as aforeſaid, nor out of any Garden, Orchard, Park, or Ground ſet apart and uſed as a Nurſery or Plantation for Trees before the paſſing of this Act; but it ſhall not be in the Power of any Proprietor or Occupier of ſuch Lands, by any Operations he may carry on, to deprive the Truſtees of the Right of reſorting to ſuch Quarries and Gravel Pits as they have been in uſe to work for that Purpoſe, and have actually worked at any Time within Three Years preceding; but the ſaid Truſtees ſh ll pay to the Owners and Occupiers of the ſaid Grounds reſpectively, from whence Stones, Gravel, or other Materials have been taken away, or over which the ſame ſhall have been carried, ſuch Damage as they ſhall ſuſtain thereby, the Amount of which ſhall be ſettled by any Two or more Juſtices of the Peace living in the Neighbourhood from whence the ſame Materials are taken; and in caſe of any Difference between ſuch Owners and Occupiers and the ſaid Truſtees, touching ſuch Damages as aforeſaid, the ſaid Juſtices ſhall and may judge and determine the ſame; but ſuch Diſputes or Differences ſhall not, in the mean Time, hinder the uſing or carrying off the ſaid Materials, and applying the ſame towards the repairing the Roads.

Notice to be given.

LXIII. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons under the Authority of this Act, to dig, gather, take, and carry away, Materials for making or repairing the ſaid Roads, to or from any incloſed Lands or Grounds, without Authority in Writing from the ſaid Truſtees, and until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two or more of them, or Two Juſtices of the Peace acting for the Counties of *Fife*, *Kinroſs*, *Perth*, and *Clackmannan*, or either of them, to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Two or more of them, or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſons to dig, take, and carry away, ſuch Materials, at ſuch Time or Times as to ſuch Truſtees, or any Two or more of them, or to ſuch Juſtices, ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear, by himſelf or his Agent, the ſaid Truſtees, or any Two or more of them, or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Places for depoſiting Materials.

LXIV. And be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, or their Contractor, for the Purpoſe of repairing the ſaid Roads, or any other Perſon whatever, to lay any Stones, broken or unbroken Gravel, or any other Obſtruction whatever upon the Sides of the ſaid Roads, but the Truſtees and their Overſeers, or Perſons contracting with them, are hereby required to provide proper Places as Repoſitories along the whole Line of the ſaid Roads, for the Materials for repairing the ſame, and they are hereby empowered to purchaſe ſuch Ground for the

the ſaid Purpoſes, and the Proprietors are required to ſell the ſame in Manner aforeſaid, or to pay for any Damages occaſioned by the Ground being occupied by ſuch Repoſitories; and if the ſaid Contractor, or any Perſon or Perſons ſhall, nevertheleſs, lay any ſuch Stones or other Things upon the Sides of the Roads, the Perſon ſo offending ſhall, for every Offence, forfeit a Sum not exceeding Forty Shillings Sterling, One Moiety payable to the Informer, the other Moiety to the Purpoſes of this Act: Provided alſo, that after the ſaid Truſtees ſhall have made and completed any Part of the ſaid new Line of Road, and before the ſame ſhall be opened for the Uſe of the Public, they ſhall and are hereby directed to ſee that a proper and ſufficient Quantity of Materials for keeping in Repair the ſaid Roads, is placed in the ſaid ſeveral Repoſitories, and that the Truſtees or their Overſeers do from Time to Time ſee that a ſufficient Quantity of ſuch Materials be kept ſo depoſited for that Purpoſe.

Buildings not to be within a certain Diſtance of the Middle of the Road.

LXV. And be it further enacted, That after the paſſing of this Act, no Houſe or other Building, nor any Wall or Fence of Stone, Brick, or Wood, of any greater Height than Six Feet, ſhall be built within the Diſtance of Twenty Feet from the Center of the ſaid Roads, and where the ſaid Roads ſhall be Fifty Feet wide, within the Diſtance of Twenty-five Feet from the Center thereof, under the Penalty of Five Pounds Sterling for every Offence, and the Expence of demoliſhing ſuch Houſe or Edifice; and it ſhall be lawful for any One or more of the ſaid Truſtees to ſtop the building or erecting of every ſuch Houſe or Building as he or they ſhall apprehend to be within the ſaid Diſtance from the Side of the ſaid Roads, by an Order in Writing, under his or their Hand or Hands, until ſuch Time as ſufficient Evidence ſhall be given, that ſuch Building ſhall be built or erected beyond the Diſtance aforeſaid; and if ſuch Proof ſhall not be adduced at or before the next General Quarter Seſſions for the County, it ſhall and may be lawful for any Two or more of the ſaid Truſtees, to order ſuch Building to be pulled down and removed at the Expence of the Erector, or of the Occupier of the Ground, and to grant a Warrant for levying the ſaid Penalty in the Manner as herein-after mentioned.

Notice of building to be given.

LXVI. And be it further enacted, That before any Grounds are incloſed for Gardens, Orchards, Walks, or Avenues, along the Sides of the ſaid Roads, or Buildings erected thereupon, the Proprietors or Tenants ſo intending to incloſe or build, ſhall lodge an Intimation in Writing of ſuch being their Intention, with the Clerk to the Truſtees Twenty Days at leaſt before beginning the Work, and that under a Penalty not exceeding Five Pounds Sterling; to be proſecuted for and recovered by the Procurator Fiſcal, or any of the Truſtees; the Penalty to be applied One-Half to the Informer, and the other Half to the Purpoſes of this Act; which Penalties ſhall be recovered and levied in the ſame Manner as any other Penalty and Forfeiture is hereby directed to be recovered and levied; and in caſe any Building is erected without ſuch Notice being given, the Truſtees ſhall have Power to cauſe the ſame to be demoliſhed or pulled down at the Expence of the Perſon who ſhall have erected the ſame.

Trees not to be planted within a certain Diſtance of the Roads.

LXVII. And be it further enacted, That no Perſon ſhall plant any Trees within Twenty Feet from the Center of the ſaid Roads, or where the ſaid Roads are Fifty Feet wide, within Twenty-five Feet from the Center thereof,

thereof, under the Penalty of Five Pounds for every ſuch Offence, and the Expence of removing the ſaid Trees; and it ſhall and may be lawful for any One or more of the ſaid Truſtees to ſtop the planting of the ſaid Trees which ſhall be within the ſaid Diſtance from the Side of the ſaid Roads, by an Order in Writing under his or their Hand or Hands, until ſuch Time as ſufficient Evidence ſhall be given to the Satisfaction of any Two Juſtices of the Peace that ſuch Trees ſhall be planted beyond the Diſtance aforeſaid; and if ſuch Evidence ſhall not be given before the next General Quarter Seſſions of the Peace, for the County in which the Trees are planted, it ſhall and may be lawful for any Two or more of the ſaid Truſtees to order the ſaid Trees to be taken up and removed at the Expence of the Perſon who planted the ſame, and to grant a Warrant for levying the ſaid Penalty in the Manner as herein-after mentioned.

Roads to be meaſured.

LXVIII. And be it enacted and declared, That the ſaid Truſtees ſhall and may cauſe the ſaid Roads to be meaſured, and Stones of Whin or Granite, or Poſts denoting the Diſtance, to be erected upon the ſaid Roads, or near the Sides thereof, at the End of each Mile, or ſuch other Diſtance as they ſhall think convenient; and that they ſhall alſo cauſe proper Direction Poſts to be erected where they ſhall judge it neceſſary.

Penalty for Offences againſt this Act.

LXIX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, deſtroy, damage, pull up, or remove any ſuch Stones or Poſts, or alter, obliterate, or deface any Letters or Figures that ſhall be made, inſcribed, or put thereon, or ſhall deſtroy, injure, or damage the Parapets, or any other Parts of the ſaid Bridges, on the ſaid Roads, or any of the ſaid Gates or Turnpikes, or any of the ſaid Toll Houſes erected or to be erected, or any other Works belonging to the ſaid Truſtees, or ſhall be aiding or aſſiſting thereto, or ſhall reſcue any Perſon in Cuſtody for any of the ſaid Offences, and ſhall be thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County in which the Offence is committed, or where the Offender reſides, ſuch Perſon or Perſons ſo offending ſhall pay the whole of the Damages and Expences ſuſtained by the Truſtees in the ſaid Roads, and ſhall reſpectively forfeit and pay a Sum not exceeding Five Pounds Sterling for every ſuch Offence; to be levied and recovered in the ſame Manner as other Penalties are by this Act directed to be levied and recovered; and ſuch Forfeitures ſhall be applied, one Moiety thereof to the Informer, and the other Moiety in repairing the Stones, Poſts, Parapets, Gates, Turnpikes, Toll Houſes, or other Works ſo broken, pulled up, damaged, or defaced, or in ſupplying new ones in their Stead; and if there ſhall be any Overplus of ſuch Forfeitures, the ſame ſhall be laid out in repairing ſuch Roads as aforeſaid; and it ſhall 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.

Drag Irons to be flat.

LXX. And be it further enacted, That where any Drag Iron, or other Inſtrument ſhall be affixed under the Sole or Bottom of the Wheel or Wheels of any Waggon or other Carriage paſſing along the ſaid Roads, to make the Paſſage of ſuch Waggon or Carriage more ſafe down ſteep Hills, every ſuch Drag Iron, or other Inſtrument ſhall be flat at the Bottom or Sole thereof, and ſhall not be of leſs Breadth than the Fellies of the Wheels under

under which the ſame ſhall be affixed, on Pain of the Owner of every ſuch Waggon or other Carriage forfeiting a Sum not exceeding Twenty Shillings Sterling.

Trees and Hedges to be dreſſed.

LXXI. And be it further enacted, That all Perſons having Hedges or Trees on the Sides of the ſaid Roads, ſhall be obliged to dreſs and lop the ſame at a proper Seaſon of the Year, in ſuch a Manner that the ſaid Hedges ſhall not exceed the Height of Five Feet from the level of the Roads, and ſo that no Part of any of the ſaid Hedges or Trees ſhall overhang the Roads or Drains at the Sides thereof; and if they ſhall refuſe or neglect ſo to do within Twenty-one Days after Notice given in Writing by the ſaid Truſtees, or any Two of them, it ſhall be lawful for the ſaid Truſtees to order the ſame to be dreſſed and lopped in a proper Manner, and at a proper Seaſon, at the Charge and Expence of the Owner of ſuch Trees and Fences, to be recovered in the ſame Manner as other Penalties by this Act impoſed.

Ditches to be ſcoured.

LXXII. And be it further enacted, That all Ditches or Drains which have been already made, or which ſhall hereafter be made, along the Sides of the ſaid Roads, ſhall be ſcoured, cleaned, and kept in Repair, at the joint Expence of the ſaid Truſtees, and the Proprietor or Occupier of the Lands through which any ſuch Ditches or Drains are or ſhall be made; and it ſhall be lawful to and in the Power of the ſaid Truſtees to call upon the Proprietors and Occupiers of Land, or either of them for the Time being, to perform the whole Work neceſſary for keeping the ſaid Ditches and Drains clean, and in good Order, upon Payment, making a lawful Tender to them of the One Half of the Expence thereof, to be aſcertained when the Work is finiſhed; and in caſe the Proprietor or Occupier for the Time, ſhall neglect or refuſe to clean and repair the ſaid Ditches or Drains, after Ten Days Intimation to that Effect, the ſaid Truſtees or any Two or more of them, ſhall be and they are hereby authorized and empowered to cauſe the ſaid Ditches and Drains to be cleaned and put in Repair, at the joint Expence of the Proprietor and Occupier; or either of them, and the Truſtees as aforeſaid; and the ſaid Proprietor and Occupier; or either of them, ſhall be liable to the ſaid Truſtees for the One Half of the Expence diſburſed by them in cleaning and ſcouring the ſaid Ditches and Drains, to be recovered in Manner herein-after directed: Provided always, that it ſhall and may be lawful for the ſaid Proprietor or Occupier to apply in the ſame Manner to the ſaid Truſtees for One Half of the Expence diſburſed by them in cleaning and ſcouring the ſaid Ditches and Drains; and that the ſaid Proprietor or Occupier ſhall and he is hereby empowered to proceed againſt the ſaid Truſtees in the ſame Manner, and to the ſame Extent, as the Truſtees are herein-before authorized and empowered to proceed againſt him.

Paſſages and Drains into Fields to be made ſo as not to prejudice the Road.

LXXIII. And be it further enacted, That when any Paſſage ſhall be made for Cattle or Carriages from any of the ſaid Roads, for the Convenience of any Proprietor or Occupier into whoſe Ground it paſſes, ſuch Proprietor or Occupier ſhall always cover the Drains croſſing the Sides of the ſaid Roads with ſufficient Stone Work, in ſuch a Manner as the Courſe of the Water in the Drains may not be interrupted, or the Roads thereby prejudiced; and that no Occupier of Lands ſhall turn any Water upon the Sides of any of the ſaid Roads, nor conduct any Water acroſs

any of the ſaid Roads for the meliorating of his Fields, or other Purpoſes until he ſhall have applied for and obtained the Conſent of any Two of the ſaid Truſtees; and every ſuch Proprietor or Occupier ſhall be obliged to carry the Water acroſs the Roads in a covered Drain of ſuch Depth and Conſtruction as that the Water may not prejudice the Roads; and in caſe the ſaid Owner or Occupier ſhall neglect or refuſe to do the ſame after Ten Days previous Notice given to that Effect, the ſaid Truſtees ſhall be, and they are hereby empowered to execute and perform the ſaid ſeveral Matters and Things hereby ordered and directed to be done, and to charge and levy the Expence of doing the ſame on the ſaid Proprietor or Owner in Manner herein-after directed.

Drains may be made through adjoining Land.

LXXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors, and for ſuch Perſon or Perſons as they ſhall appoint, by Order of the ſaid Truſtees or any Two or more of them, to make ſuch Trenches, Ditches, or Drains, with proper Paſſages and Outlets for the ſame, through any Lands contiguous to the ſaid Roads, not being an Orchard, Garden, Park, planted Walk, or Avenue to a Houſe, as they ſhall judge neceſſary for the better repairing and upholding the ſaid Roads, and for conveying away the Water from the Ditches which are or hereafter ſhall be made along the Sides of the ſaid Roads; and after ſuch Paſſages and Outlets have been ſo made, the Proprietor or Occupier of ſuch Ground ſhall be obliged, in all Times thereafter, to keep clear ſuch Outlets and Paſſages from the ſaid Trenches and Ditches, from Time to Time, as they ſhall be required by the ſaid Truſtees or any Two or more of them, ſo as the Outlets may not be ſtopped or made to reſtagnate in the ſaid Ditches or Trenches, but may have free Paſſage through the ſaid Proprietors or Occupiers Grounds; and in caſe of the Proprietor or Occupier neglecting or refuſing to clear or cleanſe ſuch Outlets, when duly required by the Surveyor or Surveyors of the ſaid Roads, or any Two of the Truſtees, then and in that Caſe ſuch Truſtees ſhall have Power to cleanſe ſuch Outlets and Paſſages, and levy the Expences thereof on the Owner or Proprietor of ſuch Grounds in Manner herein-after mentioned.

Horſes and Cattle not to be left on the Road.

LXXV. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, paſture or leave, or allow to be paſtured and left on the ſaid Roads any Horſes, Sheep, Cows, or other Beſtial, it ſhall and may be lawful for any one or more of the Juſtices of the Peace for the County in which the ſame ſhall be committed, upon Application made to him by any Heritor or Occupier in the ſaid County, or by any Perſon or Perſons having Authority from the ſaid Truſtees, to iſſue his or their Warrant for apprehending the Perſon or Perſons ſo offending as aforeſaid, and to bring him before him or them for Examination, and upon ſuch Offender or Offenders being convicted of ſuch Offence by the Oath of one or more credible Witneſs or Witneſſes, or the Oath or Confeſſion of the Party ſo offending, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace to fine ſuch Offender or Offenders ſeverally in any Sum not exceeding Forty Shillings Sterling for each and every Offence, one Moiety to be paid to the Informer, the other Moiety to the Proſecutor.

LXXVI. And

Carriages not to be left on the Roads.

LXXVI. And be it alſo enacted, That it ſhall not be lawful for any Perſon or Perſons to put, or allow to remain, unneceſſarily, and excepting in caſe of Accident, any Carts or Carriages, whether loaded or unloaded, upon any Part of the ſaid Roads, under a Penalty not exceeding Forty Shillings Sterling for each Offence, one Moiety being payable to the Informer, and the other Moiety to the Purpoſes of this Act.

Rubbiſh not to be laid on the Roads.

LXXVII. And be it enacted, That no Perſon ſhall lay or cauſe to be laid any Timber, Stones, Lime, Dung, Soil, Compoſt, or Aſhes, except in Time of Froſt for preventing Accidents, or any Rubbiſh, or other Matter upon any Part of the ſaid Roads, or upon any of the Streets of any of the Towns or Villages through which the ſaid Roads paſs, or within Ten Feet of the ſame, not being within a Wall or Fence ſeparating the Ground on which ſuch Matter is laid from the Roads; and every Perſon ſo offending ſhall forfeit a Sum not exceeding Forty Shillings Sterling for each Offence, One Half to the Informer, and the other Half to the Purpoſes of this Act.

Head Ridges to be made, and Gates to open inwards.

LXXVIII. And, for the further preventing Annoyances in or upon the ſaid Roads, be it enacted, That from and after the paſſing of this Act, every Perſon, in ploughing any Field contiguous to the ſaid Roads, ſhall always make Head Ridges along the Sides of the ſaid Roads, of the Breadth of Eight Feet at leaſt; and all Gates upon Incloſures next to any of the ſaid Roads ſhall be made to open Inwards to the Field; and no Perſon or Perſons whatever ſhall lay any dead Horſe or other Carrion upon any of the ſaid Roads, or within Twenty Yards of the Sides of any of the ſaid Roads, (except in caſe of Accident, when the ſame ſhall be removed as ſoon as the Owners or Perſons having the Charge thereof reaſonably can) under the Penalty of any Sum not exceeding Forty Shillings Sterling.

Timber, &c. not to be dragged upon the Roads.

LXXIX. And be it further enacted, That if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, or any Plough, Harrow, or any Thing whatſoever, otherwiſe than upon Wheel Carriages, or ſhall carry or cauſe to be carried any Tree, Log, or Piece of Timber, exceeding Twenty-four Feet in Length, otherwiſe than on Four Wheels, or ſhall ſuffer any of the Things above mentioned, or any other Thing whatſoever, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of the ſaid Roads, every Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling, one Moiety thereof to be paid to the Informer, the other to the Purpoſes of this Act.

Subſcriptions to be paid.

LXXX. And be it further enacted, That if any Perſon or Perſons who has or have ſubſcribed towards making and repairing the Roads hereby intended to be made and repaired, ſhall neglect or refuſe to pay his, her, or their Subſcription Money at the Time and Place to be appointed by the ſaid Truſtees, or any Three or more of them, it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to ſue for and recover the ſame in any Court competent, declaring that the Subſcription Money actually paid ſhall be a preferable Lien and Burden upon the Tolls collected upon the Roads for the Uſe whereof the Money was

subscribed in Favour of the Person or Persons paying, and his, her, or their Heirs, Executors, or Assigns, until Repayment thereof.

Trustees may act as Justices.

LXXXI. And be it further enacted, That any Trustee appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the Counties of *Perth*, *Fife*, *Kinross*, or *Clackmannan* respectively, shall and may act as a Justice of the Peace within his respective Jurisdiction, for the more effectually putting in Execution the several Authorities and Powers in this present Act mentioned and contained, notwithstanding such Justice of the Peace is or shall be a Trustee as aforesaid, or a Creditor upon the Tolls.

Toll-gatherers may give Evidence.

LXXXII. And be it enacted, That in all Cases where any Dispute, Suit or Litigation shall arise, touching, concerning, or in anyways relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Recovery of Penalties.

LXXXIII. And be it further enacted, That all Tolls, Duties, Penalties, and Forfeitures by this Act imposed (if not otherwise directed to be levied by this Act) shall be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hands of any Two or more Justices of the Peace of the County in which the same might have been exacted, or where the Offence was committed; and the Persons distraining for the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the Overplus Money (if any there be) upon Demand to the Owners of such Goods or Effects, after such Tolls, Duties, Penalties, and Forfeitures, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out in the Repair of the said Roads; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace of the County where such Deficiency or Default shall happen, 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.

Appeal.

LXXXIV. And be it further enacted, That if any Person or Persons shall think him or themselves aggrieved by any Order or other Proceedings of the said Trustees, it shall and may be lawful for him or them (except in the Cases which are already otherwise provided for) to appeal to the said Justices of the Peace of the County in which the same shall have taken place, in their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in Dispute, and whose Order therein shall be final and conclusive; and the Proceedings of the Trustees and the Justices on Appeal shall not be subject to Suspension or Advocation, or challengeable by Process of Reduction.

LXXXV. And

Table of Tolls and Duties to be made and publiſhed.

LXXXV. And be it further enacted, That the ſaid Truſtees ſhall, within Twelve Months after the paſſing of this Act, direct a Table of Tolls payable by virtue of this Act, to be printed in large and legible Characters, and affixed on ſome conſpicuous Place of every Toll Bar on the ſaid Roads; and the ſaid Truſtees ſhall in like Manner direct a Liſt of all the Penalties directed by this Act to be printed and affixed in the ſame Manner; and the ſaid Truſtees ſhall alſo print, or cauſe to be printed, the various Regulations which are by this Act enacted, for the Regulation of thoſe who may travel or drive Carriages or Carts, or who may ride along the ſaid Roads, and circulate and publiſh the ſame for the Uſe of the ſaid Travellers as aforeſaid, in order that the ſaid Regulations may be made as public as poſſible, ſo that no one may plead Ignorance of the ſame.

Convictions to be affixed on Toll Bars.

LXXXVI. And be it further enacted, That the ſaid Truſtees, or their Clerks or any other Perſon acting under them, ſhall affix or cauſe to be affixed a Copy of every Conviction which may or ſhall take place under the Authority of this Act, upon the Two neareſt Toll-bars to the Place where the Offence was committed, and upon the Church Doors of the Pariſhes in which the Offence was committed, and the Conviction took place.

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

LXXXVII. And be it further enacted, That the ſaid Truſtees may ſue or be ſued for or concerning any Thing done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees in the Name of their Treaſurer or Clerk, ſhall fall or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the Truſtees; but that the Treaſurer or Clerk to the ſaid Truſtees for the Time being ſhall be deemed to be Purſuer or Defender, as the Caſe may be, in every ſuch Action or Suit.

To enforce the obſervance of 12 G. 3. c. 45.

LXXXVIII. And for the better Obſervance of the Rules preſcribed by an Act paſſed in the Twelfth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Regulation of Carters, Carriages, and loaded Horſes, and for removing Obſtructions and Nuiſances upon the Streets and Highways, within that Part of* Great Britain *called* Scotland; be it enacted, That the ſaid Truſtees ſhall, and they are hereby required at the firſt General Meeting to be held purſuant to this Act, and thereafter from Time to Time as Occaſion may require, to give ſuch Directions to the Collectors and other Officers appointed by the ſaid Truſtees as ſhall appear to them proper for enforcing the Obſervance of the ſaid in Part recited Act.

For enforcing the Execution of this Act.

LXXXIX. And be it further enacted, That if the ſaid Truſtees ſhall neglect to repair or keep in repair the ſaid Roads as aforeſaid, or to enforce or cauſe to be enforced the various Regulations, or to execute the different Works, Duties and Truſts, by this Act enacted, it ſhall and may be lawful for any Perſon or Perſons uſing and travelling along the ſaid Road, and having paid any of the ſaid ſeveral Tolls or Duties at any of the Gates erected or which ſhall be erected acroſs or at the Side of the ſaid Roads, upon finding Security to pay Coſts if they ſhall be nonſuited, to proſecute the Truſtees or their Treaſurer or Clerk as before directed, before either of the Diviſions of the Court of Seſſion, who are hereby authoriſed and required to judge and determine

termine therein in a ſummary Manner, and without abiding the Courſe of the Roll; and upon finding the ſaid Roads or any Part thereof not to be in proper Repair, or any of the ſaid Regulations not enforced, or any of the ſaid Works, Duties, or Truſts, not executed, the ſaid Court may and they are hereby empowered to oblige the ſaid Truſtees to repair or amend the ſaid Roads in a proper Manner, to enforce the ſaid Regulations, or to execute the ſaid Works, Duties, and Truſts, within a ſhort Space of Time, to be limited by the ſaid Court, who ſhall award and decree full Expences of Proceſs to the Proſecutor againſt ſuch Truſtees or their Treaſurer or Clerk, and which Judgment ſhall be final and concluſive; and if any ſuch Proſecution ſhall after Trial be found to have been vexatious and groundleſs, the Proſecutor or Proſecutors ſhall be liable in Treble Coſts: Provided always, that nothing herein contained ſhall deprive or be conſtrued to deprive any ſuch Perſon or Perſons as aforeſaid from having and maintaining an Action for Damages for any Loſs or Injury which he or they may have ſuffered from the Truſtees neglecting to repair the ſaid Roads, to enforce the ſaid Regulations, or to execute the ſaid Works, Duties, or Truſts as aforeſaid.

Expences of this Act.

XC. And be it further enacted, That the Expences of procuring and paſſing this Act ſhall be paid out of the firſt Monies levied or borrowed by virtue of this Act for making and repairing the ſaid Roads hereby directed and intended to be made and repaired.

Public Act.

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

Commencement and Continuance of this Act.

XCII. And be it further enacted, That the Powers by this Act granted ſhall commence from and after the paſſing of this Act, and ſhall continue from thence during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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Table of Tolls and Duties to be made and published.

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Convictions to be affixed on Toll Bars.

LXXXVI. And be it further enacted, That the ſaid Truſtees, or their Clerks or any other Perſon acting under them, ſhall affix or cauſe to be affixed a Copy of every Conviction which may or ſhall take place under the Authority of this Act, upon the Two neareſt Toll-bars to the Place where the Offence was committed, and upon the Church Doors of the Pariſhes in which the Offence was committed, and the Conviction took place.

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

LXXXVII. And be it further enacted, That the ſaid Truſtees may ſue or be ſued for or concerning any Thing done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees in the Name of their Treaſurer or Clerk, ſhall fall or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the Truſtees; but that the Treaſurer or Clerk to the ſaid Truſtees for the Time being ſhall be deemed to be Purſuer or Defender, as the Caſe may be, in every ſuch Action or Suit.

To enforce the obſervance of 12 G. 3. c. 45.

LXXXVIII. And for the better Obſervance of the Rules preſcribed by an Act paſſed in the Twelfth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Regulation of Carters, Carriages, and loaded Horſes, and for removing Obſtructions and Nuiſances upon the Streets and Highways, within that Part of* Great Britain *called* Scotland; be it enacted, That the ſaid Truſtees ſhall, and they are hereby required at the firſt General Meeting to be held purſuant to this Act, and thereafter from Time to Time as Occaſion may require, to give ſuch Directions to the Collectors and other Officers appointed by the ſaid Truſtees as ſhall appear to them proper for enforcing the Obſervance of the ſaid in Part recited Act.

For enforcing the Execution of this Act.

LXXXIX. And be it further enacted, That if the ſaid Truſtees ſhall neglect to repair or keep in repair the ſaid Roads as aforeſaid, or to enforce or cauſe to be enforced the various Regulations, or to execute the different Works, Duties and Truſts, by this Act enacted, it ſhall and may be lawful for any Perſon or Perſons uſing and travelling along the ſaid Road, and having paid any of the ſaid ſeveral Tolls or Duties at any of the Gates erected or which ſhall be erected acroſs or at the Side of the ſaid Roads, upon finding Security to pay Coſts if they ſhall be nonſuited, to proſecute the Truſtees or their Treaſurer or Clerk as before directed, before either of the Diviſions of the Court of Seſſion, who are hereby authoriſed and required to judge and determine

ſubſcribed in Favour of the Perſon or Perſons paying, and his, her, or their Heirs, Executors, or Aſſigns, until Repayment thereof.

Truſtees may act as Juſtices.

LXXXI. And be it further enacted, That any Truſtee appointed to put this Act in Execution, who is or ſhall be in the Commiſſion of the Peace for the Counties of *Perth*, *Fife*, *Kinroſs*, or *Clackmannan* reſpectively, ſhall and may act as a Juſtice of the Peace within his reſpective Juriſdiction, for the more effectually putting in Execution the ſeveral Authorities and Powers in this preſent Act mentioned and contained, notwithſtanding ſuch Juſtice of the Peace is or ſhall be a Truſtee as aforeſaid, or a Creditor upon the Tolls.

Toll-gatherers may give Evidence.

LXXXII. And be it enacted, That in all Caſes where any Diſpute, Suit or Litigation ſhall ariſe, touching, concerning, or in anyways relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not by reaſon thereof be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

Recovery of Penalties.

LXXXIII. And be it further enacted, That all Tolls, Duties, Penalties, and Forfeitures by this Act impoſed (if not otherwiſe directed to be levied by this Act) ſhall be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under the Hands of any Two or more Juſtices of the Peace of the County in which the ſame might have been exacted, or where the Offence was committed; and the Perſons diſtraining for the ſame are hereby authorized and empowered to ſell the Goods and Effects ſo diſtrained, and to return the Overplus Money (if any there be) upon Demand to the Owners of ſuch Goods or Effects, after ſuch Tolls, Duties, Penalties, and Forfeitures, and the reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid; and all Penalties and Forfeitures, if not otherwiſe directed to be applied by this Act, ſhall be paid to the ſaid Truſtees, and ſhall be laid out in the Repair of the ſaid Roads; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any Juſtice or Juſtices of the Peace of the County where ſuch Deficiency or Default ſhall happen, 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.

Appeal.

LXXXIV. And be it further enacted, That if any Perſon or Perſons ſhall think him or themſelves aggrieved by any Order or other Proceedings of the ſaid Truſtees, it ſhall and may be lawful for him or them (except in the Caſes which are already otherwiſe provided for) to appeal to the ſaid Juſtices of the Peace of the County in which the ſame ſhall have taken place, in their General Quarter Seſſions aſſembled, who are hereby authorized and empowered to hear and determine the Matter in Diſpute, and whoſe Order therein ſhall be final and concluſive; and the Proceedings of the Truſtees and the Juſtices on Appeal ſhall not be ſubject to Suſpenſion or Advocation, or challengeable by Proceſs of Reduction.

LXXXV. And

Carriages not to be left on the Roads.

LXXVI. And be it alſo enacted, That it ſhall not be lawful for any Perſon or Perſons to put, or allow to remain, unneceſſarily, and excepting in caſe of Accident, any Carts or Carriages, whether loaded or unloaded, upon any Part of the ſaid Roads, under a Penalty not exceeding Forty Shillings Sterling for each Offence, one Moiety being payable to the Informer, and the other Moiety to the Purpoſes of this Act.

Rubbiſh not to be laid on the Roads.

LXXVII. And be it enacted, That no Perſon ſhall lay or cauſe to be laid any Timber, Stones, Lime, Dung, Soil, Compoſt, or Aſhes, except in Time of Froſt for preventing Accidents, or any Rubbiſh, or other Matter upon any Part of the ſaid Roads, or upon any of the Streets of any of the Towns or Villages through which the ſaid Roads paſs, or within Ten Feet of the ſame, not being within a Wall or Fence ſeparating the Ground on which ſuch Matter is laid from the Roads; and every Perſon ſo offending ſhall forfeit a Sum not exceeding Forty Shillings Sterling for each Offence, One Half to the Informer, and the other Half to the Purpoſes of this Act.

Head Ridges to be made, and Gates to open inwards.

LXXVIII. And, for the further preventing Annoyances in or upon the ſaid Roads, be it enacted, That from and after the paſſing of this Act, every Perſon, in ploughing any Field contiguous to the ſaid Roads, ſhall always make Head Ridges along the Sides of the ſaid Roads, of the Breadth of Eight Feet at leaſt; and all Gates upon Incloſures next to any of the ſaid Roads ſhall be made to open Inwards to the Field; and no Perſon or Perſons whatever ſhall lay any dead Horſe or other Carrion upon any of the ſaid Roads, or within Twenty Yards of the Sides of any of the ſaid Roads, (except in caſe of Accident, when the ſame ſhall be removed as ſoon as the Owners or Perſons having the Charge thereof reaſonably can) under the Penalty of any Sum not exceeding Forty Shillings Sterling.

Timber, &c. not to be dragged upon the Roads.

LXXIX. And be it further enacted, That if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, or any Plough, Harrow, or any Thing whatſoever, otherwiſe than upon Wheel Carriages, or ſhall carry or cauſe to be carried any Tree, Log, or Piece of Timber, exceeding Twenty-four Feet in Length, otherwiſe than on Four Wheels, or ſhall ſuffer any of the Things above mentioned, or any other Thing whatſoever, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of the ſaid Roads, every Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling, one Moiety thereof to be paid to the Informer, the other to the Purpoſes of this Act.

Subſcriptions to be paid.

LXXX. And be it further enacted, That if any Perſon or Perſons who has or have ſubſcribed towards making and repairing the Roads hereby intended to be made and repaired, ſhall neglect or refuſe to pay his, her, or their Subſcription Money at the Time and Place to be appointed by the ſaid Truſtees, or any Three or more of them, it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to ſue for and recover the ſame in any Court competent, declaring that the Subſcription Money actually paid ſhall be a preferable Lien and Burden upon the Tolls collected upon the Roads for the Uſe whereof the Money was

any of the ſaid Roads for the meliorating of his Fields, or other Purpoſes until he ſhall have applied for and obtained the Conſent of any Two of the ſaid Truſtees; and every ſuch Proprietor or Occupier ſhall be obliged to carry the Water acroſs the Roads in a covered Drain of ſuch Depth and Conſtruction as that the Water may not prejudice the Roads; and in caſe the ſaid Owner or Occupier ſhall neglect or refuſe to do the ſame after Ten Days previous Notice given to that Effect, the ſaid Truſtees ſhall be, and they are hereby empowered to execute and perform the ſaid ſeveral Matters and Things hereby ordered and directed to be done, and to charge and levy the Expence of doing the ſame on the ſaid Proprietor or Owner in Manner herein-after directed.

Drains may be made through adjoining Land.

LXXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors, and for ſuch Perſon or Perſons as they ſhall appoint, by Order of the ſaid Truſtees or any Two or more of them, to make ſuch Trenches, Ditches, or Drains, with proper Paſſages and Outlets for the ſame, through any Lands contiguous to the ſaid Roads, not being an Orchard, Garden, Park, planted Walk, or Avenue to a Houſe, as they ſhall judge neceſſary for the better repairing and upholding the ſaid Roads, and for conveying away the Water from the Ditches which are or hereafter ſhall be made along the Sides of the ſaid Roads; and after ſuch Paſſages and Outlets have been ſo made, the Proprietor or Occupier of ſuch Ground ſhall be obliged, in all Times thereafter, to keep clear ſuch Outlets and Paſſages from the ſaid Trenches and Ditches, from Time to Time, as they ſhall be required by the ſaid Truſtees or any Two or more of them, ſo as the Outlets may not be ſtopped or made to reſtagnate in the ſaid Ditches or Trenches, but may have free Paſſage through the ſaid Proprietors or Occupiers Grounds; and in caſe of the Proprietor or Occupier neglecting or refuſing to clear or cleanſe ſuch Outlets, when duly required by the Surveyor or Surveyors of the ſaid Roads, or any Two of the Truſtees, then and in that Caſe ſuch Truſtees ſhall have Power to cleanſe ſuch Outlets and Paſſages, and levy the Expences thereof on the Owner or Proprietor of ſuch Grounds in Manner herein-after mentioned.

Horſes and Cattle not to be left on the Road.

LXXV. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, paſture or leave, or allow to be paſtured and left on the ſaid Roads any Horſes, Sheep, Cows, or other Beſtial, it ſhall and may be lawful for any one or more of the Juſtices of the Peace for the County in which the ſame ſhall be committed, upon Application made to him by any Heritor or Occupier in the ſaid County, or by any Perſon or Perſons having Authority from the ſaid Truſtees, to iſſue his or their Warrant for apprehending the Perſon or Perſons ſo offending as aforeſaid, and to bring him before him or them for Examination, and upon ſuch Offender or Offenders being convicted of ſuch Offence by the Oath of one or more credible Witneſs or Witneſſes, or the Oath or Confeſſion of the Party ſo offending, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace to fine ſuch Offender or Offenders ſeverally in any Sum not exceeding Forty Shillings Sterling for each and every Offence, one Moiety to be paid to the Informer, the other Moiety to the Proſecutor.

LXXVI. And

under which the ſame ſhall be affixed, on Pain of the Owner of every ſuch Waggon or other Carriage forfeiting a Sum not exceeding Twenty Shillings Sterling.

Trees and Hedges to be dreſſed.

LXXI. And be it further enacted, That all Perſons having Hedges or Trees on the Sides of the ſaid Roads, ſhall be obliged to dreſs and lop the ſame at a proper Seaſon of the Year, in ſuch a Manner that the ſaid Hedges ſhall not exceed the Height of Five Feet from the level of the Roads, and ſo that no Part of any of the ſaid Hedges or Trees ſhall overhang the Roads or Drains at the Sides thereof; and if they ſhall refuſe or neglect ſo to do within Twenty-one Days after Notice given in Writing by the ſaid Truſtees, or any Two of them, it ſhall be lawful for the ſaid Truſtees to order the ſame to be dreſſed and lopped in a proper Manner, and at a proper Seaſon, at the Charge and Expence of the Owner of ſuch Trees and Fences, to be recovered in the ſame Manner as other Penalties by this Act impoſed.

Ditches to be ſcoured.

LXXII. And be it further enacted, That all Ditches or Drains which have been already made, or which ſhall hereafter be made, along the Sides of the ſaid Roads, ſhall be ſcoured, cleaned, and kept in Repair, at the joint Expence of the ſaid Truſtees, and the Proprietor or Occupier of the Lands through which any ſuch Ditches or Drains are or ſhall be made; and it ſhall be lawful to and in the Power of the ſaid Truſtees to call upon the Proprietors and Occupiers of Land, or either of them for the Time being, to perform the whole Work neceſſary for keeping the ſaid Ditches and Drains clean, and in good Order, upon Payment, making a lawful Tender to them of the One Half of the Expence thereof, to be aſcertained when the Work is finiſhed; and in caſe the Proprietor or Occupier for the Time, ſhall neglect or refuſe to clean and repair the ſaid Ditches or Drains, after Ten Days Intimation to that Effect, the ſaid Truſtees or any Two or more of them, ſhall be and they are hereby authorized and empowered to cauſe the ſaid Ditches and Drains to be cleaned and put in Repair, at the joint Expence of the Proprietor and Occupier, or either of them, and the Truſtees as aforeſaid; and the ſaid Proprietor and Occupier, or either of them, ſhall be liable to the ſaid Truſtees for the One Half of the Expence diſburſed by them in cleaning and ſcouring the ſaid Ditches and Drains, to be recovered in Manner herein-after directed: Provided always, that it ſhall and may be lawful for the ſaid Proprietor or Occupier to apply in the ſame Manner to the ſaid Truſtees for One Half of the Expence diſburſed by them in cleaning and ſcouring the ſaid Ditches and Drains; and that the ſaid Proprietor or Occupier ſhall and he is hereby empowered to proceed againſt the ſaid Truſtees in the ſame Manner, and to the ſame Extent, as the Truſtees are herein-before authorized and empowered to proceed againſt him.

Paſſages and Drains into Fields to be made ſo as not to prejudice the Road.

LXXIII. And be it further enacted, That when any Paſſage ſhall be made for Cattle or Carriages from any of the ſaid Roads, for the Convenience of any Proprietor or Occupier into whoſe Ground it paſſes, ſuch Proprietor or Occupier ſhall always cover the Drains croſſing the Sides of the ſaid Roads with ſufficient Stone Work, in ſuch a Manner as the Courſe of the Water in the Drains may not be interrupted, or the Roads thereby prejudiced; and that no Occupier of Lands ſhall turn any Water upon the Sides of any of the ſaid Roads, nor conduct any Water acroſs

thereof, under the Penalty of Five Pounds for every ſuch Offence, and the Expence of removing the ſaid Trees; and it ſhall and may be lawful for any One or more of the ſaid Truſtees to ſtop the planting of the ſaid Trees which ſhall be within the ſaid Diſtance from the Side of the ſaid Roads, by an Order in Writing under his or their Hand or Hands, until ſuch Time as ſufficient Evidence ſhall be given to the Satisfaction of any Two Juſtices of the Peace that ſuch Trees ſhall be planted beyond the Diſtance aforeſaid; and if ſuch Evidence ſhall not be given before the next General Quarter Seſſions of the Peace, for the County in which the Trees are planted, it ſhall and may be lawful for any Two or more of the ſaid Truſtees to order the ſaid Trees to be taken up and removed at the Expence of the Perſon who planted the ſame, and to grant a Warrant for levying the ſaid Penalty in the Manner as herein-after mentioned.

Roads to be meaſured.

LXVIII. And be it enacted and declared, That the ſaid Truſtees ſhall and may cauſe the ſaid Roads to be meaſured, and Stones of Whin or Granite, or Poſts denoting the Diſtance, to be erected upon the ſaid Roads, or near the Sides thereof, at the End of each Mile, or ſuch other Diſtance as they ſhall think convenient; and that they ſhall alſo cauſe proper Direction Poſts to be erected where they ſhall judge it neceſſary.

Penalty for Offences againſt this Act.

LXIX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, deſtroy, damage, pull up, or remove any ſuch Stones or Poſts, or alter, obliterate, or deface any Letters or Figures that ſhall be made, inſcribed, or put thereon, or ſhall deſtroy, injure, or damage the Parapets, or any other Parts of the ſaid Bridges, on the ſaid Roads, or any of the ſaid Gates or Turnpikes, or any of the ſaid Toll Houſes erected or to be erected, or any other Works belonging to the ſaid Truſtees, or ſhall be aiding or aſſiſting thereto, or ſhall reſcue any Perſon in Cuſtody for any of the ſaid Offences, and ſhall be thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County in which the Offence is committed, or where the Offender reſides, ſuch Perſon or Perſons ſo offending ſhall pay the whole of the Damages and Expences ſuſtained by the Truſtees in the ſaid Roads, and ſhall reſpectively forfeit and pay a Sum not exceeding Five Pounds Sterling for every ſuch Offence; to be levied and recovered in the ſame Manner as other Penalties are by this Act directed to be levied and recovered; and ſuch Forfeitures ſhall be applied, one Moiety thereof to the Informer, and the other Moiety in repairing the Stones, Poſts, Parapets, Gates, Turnpikes, Toll Houſes, or other Works ſo broken, pulled up, damaged, or defaced, or in ſupplying new ones in their Stead; and if there ſhall be any Overplus of ſuch Forfeitures, the ſame ſhall be laid out in repairing ſuch Roads as aforeſaid; and it ſhall 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.

Drag Irons to be flat.

LXX. And be it further enacted, That where any Drag Iron, or other Inſtrument ſhall be affixed under the Sole or Bottom of the Wheel or Wheels of any Waggon or other Carriage paſſing along the ſaid Roads, to make the Paſſage of ſuch Waggon or Carriage more ſafe down ſteep Hills, every ſuch Drag Iron, or other Inſtrument ſhall be flat at the Bottom or Sole thereof, and ſhall not be of leſs Breadth than the Fellies of the Wheels under

the ſaid Purpoſes, and the Proprietors are required to ſell the ſame in Manner aforeſaid, or to pay for any Damages occaſioned by the Ground being occupied by ſuch Repoſitories; and if the ſaid Contractor, or any Perſon or Perſons ſhall, nevertheleſs, lay any ſuch Stones or other Things upon the Sides of the Roads, the Perſon ſo offending ſhall, for every Offence, forfeit a Sum not exceeding Forty Shillings Sterling, One Moiety payable to the Informer, the other Moiety to the Purpoſes of this Act: Provided alſo, that after the ſaid Truſtees ſhall have made and completed any Part of the ſaid new Line of Road, and before the ſame ſhall be opened for the Uſe of the Public, they ſhall and are hereby directed to ſee that a proper and ſufficient Quantity of Materials for keeping in Repair the ſaid Roads, is placed in the ſaid ſeveral Repoſitories, and that the Truſtees or their Overſeers do from Time to Time ſee that a ſufficient Quantity of ſuch Materials be kept ſo depoſited for that Purpoſe.

Buildings not to be within a certain Diſtance of the Middle of the Road.

LXV. And be it further enacted, That after the paſſing of this Act, no Houſe or other Building, nor any Wall or Fence of Stone, Brick, or Wood, of any greater Height than Six Feet, ſhall be built within the Diſtance of Twenty Feet from the Center of the ſaid Roads, and where the ſaid Roads ſhall be Fifty Feet wide, within the Diſtance of Twenty-five Feet from the Center thereof, under the Penalty of Five Pounds Sterling for every Offence, and the Expence of demoliſhing ſuch Houſe or Edifice; and it ſhall be lawful for any One or more of the ſaid Truſtees to ſtop the building or erecting of every ſuch Houſe or Building as he or they ſhall apprehend to be within the ſaid Diſtance from the Side of the ſaid Roads, by an Order in Writing, under his or their Hand or Hands, until ſuch Time as ſufficient Evidence ſhall be given, that ſuch Building ſhall be built or erected beyond the Diſtance aforeſaid; and if ſuch Proof ſhall not be adduced at or before the next General Quarter Seſſions for the County, it ſhall and may be lawful for any Two or more of the ſaid Truſtees, to order ſuch Building to be pulled down and removed at the Expence of the Erector, or of the Occupier of the Ground, and to grant a Warrant for levying the ſaid Penalty in the Manner herein-after mentioned.

Notice of building to be given.

LXVI. And be it further enacted, That before any Grounds are incloſed for Gardens, Orchards, Walks, or Avenues, along the Sides of the ſaid Roads, or Buildings erected thereupon, the Proprietors or Tenants ſo intending to incloſe or build, ſhall lodge an Intimation in Writing of ſuch being their Intention, with the Clerk to the Truſtees Twenty Days at leaſt before beginning the Work, and that under a Penalty not exceeding Five Pounds Sterling; to be proſecuted for and recovered by the Procurator Fiſcal, or any of the Truſtees; the Penalty to be applied One-Half to the Informer, and the other Half to the Purpoſes of this Act; which Penalties ſhall be recovered and levied in the ſame Manner as any other Penalty and Forfeiture is hereby directed to be recovered and levied; and in caſe any Building is erected without ſuch Notice being given, the Truſtees ſhall have Power to cauſe the ſame to be demoliſhed or pulled down at the Expence of the Perſon who ſhall have erected the ſame.

Trees not to be planted within a certain Diſtance of the Roads.

LXVII. And be it further enacted, That no Perſon ſhall plant any Trees within Twenty Feet from the Center of the ſaid Roads, or where the ſaid Roads are Fifty Feet wide, within Twenty-five Feet from the Center thereof,

paying any Conſideration on that Account, and alſo out of the Property or Lands of any Perſon or Perſons where ſuch Materials are and may be found (paying for the ſame) not within Two hundred Yards of the Manſion Houſe or ordinary Reſidence of the Proprietor of the Ground qualified as aforeſaid, nor out of any Garden, Orchard, Park, or Ground ſet apart and uſed as a Nurſery or Plantation for Trees before the paſſing of this Act; but it ſhall not be in the Power of any Proprietor or Occupier of ſuch Lands, by any Operations he may carry on, to deprive the Truſtees of the Right of reſorting to ſuch Quarries and Gravel Pits as they have been in uſe to work for that Purpoſe, and have actually worked at any Time within Three Years preceding; but the ſaid Truſtees ſh ll pay to the Owners and Occupiers of the ſaid Grounds reſpectively, from whence Stones, Gravel, or other Materials have been taken away, or over which the ſame ſhall have been carried, ſuch Damage as they ſhall ſuſtain thereby, the Amount of which ſhall be ſettled by any Two or more Juſtices of the Peace living in the Neighbourhood from whence the ſame Materials are taken; and in caſe of any Difference between ſuch Owners and Occupiers and the ſaid Truſtees, touching ſuch Damages as aforeſaid, the ſaid Juſtices ſhall and may judge and determine the ſame; but ſuch Diſputes or Differences ſhall not, in the mean Time, hinder the uſing or carrying off the ſaid Materials, and applying the ſame towards the repairing the Roads.

Notice to be given.

LXIII. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons under the Authority of this Act, to dig, gather, take, and carry away, Materials for making or repairing the ſaid Roads, to or from any incloſed Lands or Grounds, without Authority in Writing from the ſaid Truſtees, and until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two or more of them, or Two Juſtices of the Peace acting for the Counties of *Fife*, *Kinroſs*, *Perth*, and *Clackmannan*, or either of them, to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Two or more of them, or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſons to dig, take, and carry away, ſuch Materials, at ſuch Time or Times as to ſuch Truſtees, or any Two or more of them, or to ſuch Juſtices, ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear, by himſelf or his Agent, the ſaid Truſtees, or any Two or more of them, or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Places for depoſiting Materials.

LXIV. And be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, or their Contractor, for the Purpoſe of repairing the ſaid Roads, or any other Perſon whatever, to lay any Stones, broken or unbroken Gravel, or any other Obſtruction whatever upon the Sides of the ſaid Roads, but the Truſtees and their Overſeers, or Perſons contracting with them, are hereby required to provide proper Places as Repoſitories along the whole Line of the ſaid Roads, for the Materials for repairing the ſame, and they are hereby empowered to purchaſe ſuch Ground for the

LVII. And be it further enacted, That in caſe any Sum or Sums of Money ſhall be given or applied by the Truſtees of the ſaid Roads for the County of *Fife*, from the Funds raiſed by the Converſion of the Statute Labour of that County to the Purpoſe of this Act, the Truſtees for the County of *Kinroſs* ſhall be obliged to contribute for the like Purpoſes from the Statute Labour Funds of the ſaid County of *Kinroſs*, a Sum not leſs than One Fifth Part of the Sum ſo given by the Truſtees of the ſaid County of *Fife*.

Truſtees of the County of Kinroſs to contribute eventually from the Statute Labour Fund.

LVIII. And be it further enacted, That the ſaid Truſtees ſhall for the Accommodation of the Public, erect or cauſe to be erected, good and ſufficient Parapet Walls on the Sides of all the Bridges, and upon the Sides of the Road where the ſame ſhall be dangerous for Perſons paſſing along the ſaid Roads, and they ſhall from Time to Time repair and keep in proper Repair the ſaid Walls or Parapets along the whole of the ſaid Roads, for the Purpoſes aforeſaid.

For erecting Parapet Walls.

LIX. And be it enacted, That it ſhall be lawful for the ſaid Truſtees to make and maintain along the whole of the Road now made or to be made, a ſafe and convenient Footpath or Footpaths, for the Accommodation of Foot Paſſengers; and that if any Perſon ſhall ride upon the Paths made, or which may be made, along the Sides of any Part of the ſaid Roads, for the Benefit of Foot Paſſengers, or ſhall in any way wantonly hurt or injure the ſame, he ſhall for every ſuch Offence, forfeit a Sum not exceeding Forty Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Footpaths to be made.

LX. And be it further enacted, That the ſaid Truſtees ſhall, after the paſſing of this Act, keep and maintain conſtantly in their Service, as many Labourers as to them may ſeem proper, being however, in a Proportion not leſs than Two Labourers for every Three Miles, for the Purpoſe of keeping the ſaid Road in conſtant and effectual Repair, by filling up the different Holes and Inequalities as often as they appear, filling up the Ruts made in the Summer Road, preventing the Summer Road from being worn away from the gravelled Part of the Road, and letting off the ſtagnant Water; and that for theſe Purpoſes the ſaid Labourers ſhall be provided with proper and fit Wheelbarrows and Tools.

Directions for the Repair of the Roads.

LXI. And be it enacted, That the ſaid Truſtees ſhall provide the above-mentioned Labourers with a proper Set of Scraping Tools, and that they take Care for the future that the ſaid Road be kept properly cleanſed as aforeſaid, and the Mud be laid up in proper Heaps, and removed thence from Time to Time, and the ſaid Truſtees may contract for the ſelling the ſaid Scrapings of the Road with any Perſon willing to buy the ſame, ſuch Contract not to endure for any Period greater than Twelve Months.

Mud to be ſcraped off the Roads.

LXII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors appointed by the ſaid Truſtees, or for ſuch Perſons as he or they ſhall appoint, by an Order of any Two or more of the Truſtees, to dig, gather, take, and carry away any Gravel, Sand, Stones, Furze, Heath, or other Materials for making or repairing the ſaid Roads, out of any Waſte or Common in the ſaid Counties, without paying

Materials for repairing the Roads.

Court may order Expences of Purchases to be paid.

LIV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Old Roads may be sold.

LV. Provided always, and be it further enacted, That the said Trustees assembled at a General Meeting as aforesaid, shall, and they are hereby authorised and empowered, as soon as the said new Roads shall be completed and made passable and convenient for Carriages, to sell the Grounds comprised in or through which so much of the old or former Roads did lead, as shall not be kept up or maintained by the said Trustees, to such Person or Persons as shall be willing to become Purchasers thereof, for the best Price that can be reasonably gotten for the same, the Person through whose Grounds the old Roads passed having always the Preference of Purchase; and in case the said Trustees and such Person shall not agree as to the Price to be paid therefor, then the same shall be ascertained by a Jury in Manner herein directed; and Affidavit shall be made by the Clerk to the Trustees of such Offer of Preference having been made, and the Money arising by such Sale shall be applied and disposed of for amending the said Roads; and the Sale and Conveyance and Conveyances to be made of such Lands and Grounds comprised in the said old Roads, being executed by the said Trustees or a Quorum of them, shall be good and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that the said Trustees in treating with the Person or Persons entitled to such Preference, and in fixing the Price so to be paid by him or them for such old Road, or the Jury to be appointed as aforesaid for ascertaining the same, may and they are hereby empowered to take into Consideration the Loss, if any, which such Person or Persons may sustain by the Direction of the Road being altered or removed through or from his or their Property or any Part thereof.

Persons liable in the Repair of the Roads to continue so.

LVI. Provided always, and be it further enacted, That all and every Person or Persons, who are by any particular Law or Custom chargeable towards repairing and amending any particular Part of the said Roads hereby intended to be repaired, shall remain chargeable as he or they were before the passing of this Act; and the said Trustees shall be, and they are hereby declared to be empowered to treat and agree for any Sum of Money to be paid yearly, or otherwise, with any Person or Persons, Bodies Politic or Corporate, or others, chargeable with the Repairs of any Part of the Roads directed to be repaired by this Act, or any Bridge upon the same, in lieu of such Repairs, and also for the Payments of any Sum out of the Tolls granted by this Act, by the Year or otherwise, to any Person or Persons, Bodies Politic or Corporate, entitled to any Toll or Duty at any Place upon the said Roads, by Reason of any Usage or otherwise.

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

In case of not making out Titles, or where Persons cannot be found.

LII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Heritages, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or such other Bank as the said Court shall direct, to the Credit of the Parties interested in the said Lands, Tenements or Heritages (describing them), subject to the Order, Controul, and Disposition, of the Court of Session, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or such other Bank as the said Court shall direct, 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 such Sum or Sums of Money into the Banks as aforesaid.

In case of questionable Title.

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

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*, or such other Bank as the said Court shall direct, to the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Heritages in the Purchase or Redemption 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 Heritages, or affecting other Lands, Tenements or Heritages standing settled therewith to the same or the like Uses, Intents or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Heritages which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements and Heritages which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the 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 Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when Compensation less than 200*l.* but exceeds 20*l.*

L. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Heritages purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person 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 Heritages so purchased, taken or used, or of his, her or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and placed to his or their Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such principal Money and the Interest arising thereon, may be applied in Manner hereinbefore directed, as far as the Case be applicable.

Application when Money less than 20*l.*

LI. 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 Heri-

of the Road to be repaired or altered shall be to the Estate or Possession of such Owner or Occupier respectively.

Expences of Jury, by whom to be paid.

XLVI. Provided always, and be it enacted, That if such Jury shall, by their Verdict, adjudge the said Premises to be of greater Value than the said Trustees shall have offered for the same, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of such Jury shall be borne and defrayed by such Trustees and such Owner or Occupier equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum required, or any greater Sum, the whole of the said Expence shall be paid by the said Trustees; and in case the said Jury shall award the Sum so offered by the said Trustees, or any less Sum, the whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided also, That in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, such Expences shall be borne by the said Trustees in Manner aforesaid.

Lands to be vested in the Trustees of this Act.

XLVII. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, or Royal Bank thereof, in Manner herein directed, as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation, in the Sheriff Court Books of any of the said Counties respectively wherein such Lands or Houses shall be situated, 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 Infeoftments had followed thereupon.

Incorporated Persons empowered to convey.

XLVIII. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let and convey all such Lands or Houses as may be necessary for the making, altering or widening the said Roads or any of them, and erecting any Toll-bar or Toll-house, or for storing Materials or otherwise, where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made 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 in the Manner hereinbefore directed.

Application of Compensation exceeding 2col.

XLIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Heritages purchased, taken or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such

Power to alter and widen the Roads.

XLV. And be it further enacted, That where it ſhall appear neceſſary or convenient to the ſaid Truſtees to alter the Courſe or Situation of the ſaid Roads, at an Annual or General Meeting, called for that Purpoſe by Public Advertiſement, in the *Edinburgh* Newſpapers as herein-before directed, which Advertiſement ſhall expreſsly ſet forth the propoſed Alteration or Alterations as a Subject for the Conſideration of ſuch General Meeting, or to widen the ſame beyond the ſaid legal Standard, then the ſaid Truſtees ſo aſſembled, ſhall and they are hereby empowered to alter the Courſe or Direction of the ſaid Roads, or any Part thereof, or to extend the ſame to ſuch Breadth as they ſhall think proper, not exceeding Fifty Feet, including Ditches as aforeſaid; and for that Purpoſe to pull down any Houſe, the outſide Walls of which do not exceed Twelve Feet in Height: Provided, that in any ſuch Alteration of the ſaid Roads, the ſame or any Part thereof be not brought nearer than Two hundred Yards to the Manſion Houſe or ordinary Reſidence of the Proprietor of the Lands through which ſuch Roads ſhall be made, and ſo as that the ſame do not paſs through any Garden, Orchard, Park, planted Walk, or any Avenue to any ſuch Houſe, nor any Piece or Parcel of incloſed Ground which before the paſſing of this Act ſhall have been uſed and ſet apart as a Nurſery for Trees; and that the ſaid Truſtees ſhall pay ſuch Damages to the Owners and Occupiers reſpectively of any Lands, Grounds, or Houſes which ſhall be damaged by altering or widening the ſaid Roads, or any Part thereof beyond the legal Standard, or by pulling down any Houſe or Houſes, as the ſaid Truſtees ſhall judge fair and reaſonable; but if any ſuch Owners or Occupiers ſhall not be ſatisfied with the Offer made to them by the ſaid Truſtees, or ſhall refuſe to treat with them, they ſhall apply to the Sheriff of the County in which the Ground is ſituated, who, upon ſuch Application, is hereby authorized and required to ſummon a competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, being either Owners or Occupiers of Land within the County, not leſs than Thirty nor more than Forty, to come and appear before him at ſuch Time and Place as by his Warrant and Precept ſhall be directed, Intimation of Fifteen Days being given by the Truſtees of ſuch Appointment, to the Party or his known Agent; and the Number of the Perſons who ſhall attend ſhall then be reduced to Fifteen, by the Truſtees and the Proprietors ſtriking off one alternately, beginning on the Part of the Proprietors; or in caſe both Parties ſhall not appear, by the Sheriff Depute ſtriking off until it be ſo reduced; and the remaining Fifteen being duly ſworn, the Sheriff ſhall proceed to examine upon Oath, in their Preſence, ſuch Witneſſes as ſhall be ſummoned by either Party; and upon their Depoſitions and other competent Evidence, ſuch Jury ſhall determine the Price to be paid by the ſaid Truſtees, and their Verdict ſhall be final and concluſive on all Parties, without being ſubject to Review or Stay by Advocation, Suſpenſion, or Reduction, or in any Manner whatſoever; and the Sheriff ſhall thereupon order Payment to be made of the Sums awarded by the Jury, and ſhall ordain the Owners and Occupiers of the Grounds, or their Truſtees, Tutors, Curators, or Adminiſtrators, upon Payment or lawful Tender thereof, quietly to permit and ſuffer the ſaid Truſtees to take Poſſeſſion of the Grounds; and the ſaid Jury ſhall (and they are hereby empowered ſo to do), in fixing the Price or Value to be awarded and given to ſuch Owners and Occupiers for their Grounds as aforeſaid, take into Conſideration the Benefit or Advantage of which the Repairs or Alteration

of

XXXIX. And be it enacted, That all Bonds and Assignations to be granted for Security of Money to be borrowed in virtue of this Act, shall be transferrable from Time to Time by a simple Indorsation by the Creditor on the Back thereof, in the following Words, or Words to the same Purport, without the Necessity of any other Conveyance; that is to say, Assignment may be transferred.

'I DO hereby transfer this Assignation, with all my Right and Title to the Principal and Interest thereby secured and now due, unto *E. F.* his Executors and Assignees. Witness my Hand at the Day of in the Year before these Witnesses, *G. H.* and *I. K.*'

XL. And be it enacted, That the said Trustees shall keep an exact Account of the Money received by virtue of this Act, and the Application thereof, and all other their Proceedings, and enter the same in a Book or Books to be kept for that Purpose; to which Book or Books any of the Trustees above-mentioned shall, at all reasonable Times, be at Liberty to resort and to inspect the same without Fee or Reward. Accounts to be kept by the Trustees.

XLI. And be it further enacted, That all and every Sum and Sums of Money arising and levied by virtue of this Act, shall not be laid out or expended without the Order of the said Trustees at a general Meeting assembled, or of such Person or Persons as they, or a Quorum of them as aforesaid shall authorize and appoint. No Money to be paid without the Order of the Trustees.

XLII. And be it further enacted, That the Money which shall be levied in virtue of this Act shall be applied in repairing, altering and amending the said Roads, and in erecting and repairing Bridges thereon. Application of Money.

XLIII. And be it further enacted, That in case of any Misapplication of the Money collected, received or levied by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sums so misapplied, to be recovered from him or them, at the Suit of any Three or more Heritors within either of the said Counties of *Perth*, *Fife*, *Kinross*, and *Clackmannan*, possessed of Two hundred Pounds *Scots* of valued Rent, who are hereby authorized to sue for and recover the same, in a summary Action before the Judge Ordinary, with Costs of Suit; one Moiety of which Forfeiture shall belong to the Persons who sue for the same, and the other Moiety shall be paid to the said Trustees, to be applied by them as aforesaid, for the repairing of the Roads by this Act directed to be repaired; but if any such Prosecution shall, after Trial, be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay double Costs. Penalty for Misapplication.

XLIV. And be it further enacted, That where any Part of the said Roads is not of a sufficient Breadth, according to the lowest legal Rate and Standard of Twenty-five Feet, including the Ditches or Water-runs at the Side of the Roads, it shall and may be lawful for any Two of the Trustees to widen and extend the Breadth of the said Roads to the said legal Standard, without giving any Compensation to the adjoining Proprietors on that Account. Roads may be widened to legal Standard.

Roads respectively, as they shall judge necessary for that Purpose; provided always, that the whole Sums so to be borrowed, together with the Money already due and owing on the Credit of the said Tolls, shall not in Amount exceed a Sum the Interest whereof the Tolls and Duties hereby granted shall be sufficient to pay.

Tolls may be assigned.

XXXV. And be it further enacted, That the said Trustees may, and they are hereby empowered to assign and make over the Whole or any Part of the Tolls or Duties, to be levied and collected upon the said Roads, to the Person or Persons from whom the said respective Sums as aforesaid shall be borrowed, as a Security for the Payment of the Sum or Sums of Money so lent by them, with the Interest thereupon.

Trustees not to be individually liable.

XXXVI. Provided always, and be it enacted, That no Trustee under this Act shall upon any Pretext be held personally liable for Payment of any Sum or Sums borrowed or to be borrowed under the Authority of this Act, or Interest of such Sum or Sums, which he shall not have bound himself to pay personally as an Individual, independent of his Office of a Trustee.

Notice of borrowing and Entry of Assignments.

XXXVII. Provided always, and it is hereby declared, That no Money shall be borrowed or ordered to be borrowed by the said Trustees, on the Credit of the said Tolls or Duties after their first Meeting, unless Notice for that Purpose shall be published in Two *Edinburgh* Newspapers, at least Fourteen Days before the borrowing of such Money; and the Assignment of the Toll Duties for all or any Sum or Sums of Money so borrowed, shall be entered in a Book to be kept by the said Trustees and Magistrates respectively, or such Person or Persons as they shall appoint; which Book may be seen and perused at all seasonable Times, by any Person or Persons without Fee or Reward.

Form of Assignment.

XXXVIII. And be it enacted, That the Assignation to be granted for the Sums of Money so to be borrowed shall be agreeable to the following Form, or in Words to the same Act; that is to say,

'BY virtue of an Act made in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [*here insert the Title of the Act*], we, the Trustees for putting the said Act into Execution, assembled at a General Meeting called agreeably to the aforesaid Act, in Consideration of the Sum of advanced by *A. B.* for the Purpose of making and repairing the Roads in the Parish of or the Line of Road from to [*as the Case may be*], do hereby assign to the said *A. B.* his Executors and Assignees, such Proportion of the Funds appropriated for making and repairing the Roads in the said Parish of , or the Line of Road from to , as the said Sum of doth or shall bear to the whole Sum borrowed or to be borrowed; to be held by the said *A. B.* his Executors or Assignees, from the Day of in the Year of our Lord until the aforesaid Sum of with Interest at the Rate of *per Centum per Annum*, shall be repaid. In Witness whereof we have subscribed this Assignation, written by *C. D.* Clerk to the said Trustees (or any other Person) at the Day of in Presence of and '

XXXIX. And

XXX. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, are hereby authorized and empowered by public Roup, to let the ſaid Tolls or Duties, in Whole or in Parcels, from Time to Time during the Continuance of this Act, by Leaſe or otherwiſe, for any Term not exceeding Two Years, for the higheſt Rate or Rates they can get for the ſame, to ſuch Perſon or Perſons as ſhall from Time to Time give ſuch good and ſufficient Security for paying thereof, as ſhall be approved of by the ſaid Truſtees at a General Meeting, as aforeſaid. Tolls may be let.

XXXI. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, and they are hereby empowered, with the Conſent of the Perſons entitled to Five Sixth Parts of the Money due upon the Credit of the ſaid Tolls to diminiſh or leſſen the ſaid Tolls, as they ſhall ſee Cauſe, and to raiſe the ſaid Tolls again, ſo as the ſame ſhall not at any Time exceed the Tolls granted by this Act. Tolls may be leſſened.

XXXII. And be it further enacted, That if at any Time before the Expiration of this Act, the ſaid Roads ſhall be ſufficiently amended and repaired, and ſo adjudged by the ſaid Truſtees, or a Quorum of them as aforeſaid, at a General Meeting aſſembled, that then and after ſuch Adjudication made, and the Sums ſo borrowed as aforeſaid paid off, the Tolls and Duties hereby granted ſhall ceaſe in Whole, or be diminiſhed in ſuch Proportion as the ſaid Truſtees or a Quorum of them as aforeſaid ſhall determine. When Tolls to ceaſe.

XXXIII. And be it further enacted, That the Money to be raiſed and collected as aforeſaid, ſhall, and is hereby declared to be veſted in the ſaid Truſtees, and the ſame and every Part thereof ſhall be paid, applied and diſpoſed of, and aſſigned to and for the ſeveral Uſes and Purpoſes by this Act directed, and to no other Purpoſe whatſoever; and it ſhall and may be lawful to and for the ſaid Truſtees, or a Quorum of them, or ſuch Perſon or Perſons as they ſhall appoint, to demand and take the Tolls and Duties hereby granted and made payable; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, the ſaid Truſtees are hereby empowered, by themſelves, or ſuch Perſon or Perſons as they, or a Quorum of them as aforeſaid, ſhall authorize and appoint, to levy each and every of the ſaid Tolls and Duties by Diſtreſs and Sale of any Horſe or Horſes, or other Cattle or Goods, upon which Tolls or Duties are by this Act impoſed, or by Diſtreſs and Sale of any other of the Goods and Effects of ſuch Perſon ſo refuſing to pay the ſaid Tolls and Duties, and to keep and detain ſuch Goods and Effects ſo diſtrained, until ſuch Toll or Duty, with the reaſonable Charges of ſuch Diſtreſs ſhall be paid; and it ſhall and may be lawful to and for the Perſon or Perſons ſo diſtraining, after the Space of Six Days after ſuch Diſtreſs ſhall be made and taken, to appraiſe and ſell the Goods ſo diſtrained, returning the Overplus (if any there be) upon Demand, to the Owners thereof, after ſuch Tolls or Duties and the reaſonable Charges of diſtraining, keeping and ſelling the ſame, ſhall be deducted and paid. Application of Tolls and Duties; which may be levied.

XXXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, at any of their annual General Meetings, or at a General Meeting called for that Purpoſe, to borrow or order to be borrowed ſuch Sums of Money on the Credit of the Tolls, for altering or repairing the ſaid Money to be borrowed.

Moiety thereof to be paid to the Informer, the other to be applied to the Purpoſes of this Act: Provided always, that nothing herein contained ſhall be conſtrued or underſtood to hinder any Perſon from leaving Parcels at any Houſe or Place on the ſaid Roads.

Penalty for outſide Paſſengers evading Toll.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall get off from the Top of any Stage Coach, Long Coach, or other ſimilar Carriage, for the Purpoſe of avoiding the Tolls granted and made payable by this Act; and if any Coachman, or other Perſon driving the ſame, or any Collector at any of the Gates erected or to be erected, ſhall connive at the ſame, they ſhall each of them reſpectively, upon legal Conviction thereof, or of ſuch Connivance, forfeit and pay a Sum not exceeding Forty Shillings Sterling for each Offence, One Moiety thereof to be paid to the Informer, the other to be applied to the Purpoſes of this Act.

Compoſition for Tolls.

XXVII. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, and they are hereby empowered, as they ſhall ſee convenient or think fit, to compound or agree by the Year or otherwiſe with any Perſon or Perſons uſing to travel through the Turnpikes, and living within Three Miles of any Turnpike or Turnpikes to be erected on the ſaid Roads, with any Coach, Barouche, Landau, Chariot, Chaiſe, Waggon, Wain, Cart or other Carriage, Horſe, Gelding, or Mule, or any other Beaſt of Draught, for any Sum or Sums to be paid Quarterly or Monthly, from Time to Time after ſuch Agreement is made; and that Copies of all ſuch Agreements or Compoſition ſo to be made by the ſaid Truſtees as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by their Clerk or Clerks, Treaſurer or Treaſurers, which ſaid Books ſhall be ſeen and peruſed by any Perſon or Perſons whatſoever, at all ſeaſonable Times, without paying any Fee or Reward.

Compoſition not allowed unleſs for Carriages of certain Deſcription.

XXVIII. And be it further enacted, That no Compoſition ſhall be made for Tolls for or in reſpect of any Waggon, Cart, or ſuch like Carriage, or of any Horſe or Beaſt drawing the ſame, where ſuch Carriage or Carriages ſhall, with its lading, exceed Twenty-five hundred Weight, unleſs ſuch Carriage or Carriages have the Fellies of the Wheels thereof of the Breadth or Gauge and Conſtruction in this Act before ſpecified, and unleſs the Nails in ſuch Fellies are counterſunk, ſo as not to riſe above the Surface.

Compoſition, how to be recovered.

XXIX. Provided always, and be it further enacted, That in caſe any Compoſition Money agreed to be paid for paſſing through the ſaid Turnpikes or Gates, ſhall not be paid within Fifteen Days next after the ſame ſhall become due or payable according to ſuch Compoſition or Agreement, that then it ſhall and may be lawful for any Two of the Juſtices of the Peace of the Counties of *Perth*, *Fife* *Kinroſs*, and *Clackmannan*, upon Oath made before them that the ſame has been demanded and remains unpaid (which Oath the ſaid Juſtices are authorized to adminiſter) to iſſue a Warrant under their Hands empowering the Perſon authorized by the ſaid Truſtees to receive ſuch Compoſition Money to levy what remains unpaid thereof, on the Perſon or Perſons ſo refuſing or neglecting to pay the ſame, in Manner herein-after mentioned.

XXX. And

To prevent Evaſion of the Tolls.

XXI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to build Fences, and to erect Side Bars, and levy at the ſame the ſaid ſeveral Tolls and Duties in this Act above-mentioned, ſo as to prevent any Perſon or Perſons travelling the Roads hereby directed to be made or repaired, from evading the Payment of any Tolls or Duties granted by this Act.

For ſhutting up Bye Roads.

XXII. And be it further enacted, That it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Counties, upon the Application of the ſaid Truſtees, to cauſe any unneceſſary Bye Road immediately connected with and running parallel with the Roads hereby directed to be repaired, as they ſhall judge not to be of Importance to the Public to be ſhut up in Whole or in Part: Provided always, that Notice of the Reſolution to ſhut up ſuch Roads be given by Advertiſements affixed to the neareſt Toll Bar, and to the Doors of the Three neareſt Pariſh Churches, on Two following *Sundays*, One Month at leaſt before ſuch Reſolution ſhall be taken into Conſideration, and that Three-fourths of the Truſtees preſent ſhall decide in favour of the Meaſure propoſed.

Penalty for evading the Tolls.

XXIII. And be it further enacted, That if any Perſon or Perſons occupying incloſed Lands near to any Turnpike which ſhall be erected in purſuance of this Act, ſhall knowingly or willingly permit any Perſon or Perſons to paſs through the ſame, or through any Gate, Paſſage, or Way with any Coach, Cart, or other Carriage, or with any Horſe, Aſs, or Cattle, whereby the Payment of the Tolls or Duties by this Act impoſed ſhall be evaded, every ſuch Perſon ſo offending, and the Perſon or Perſons riding or driving ſuch Cart or other Carriage, Horſe, Aſs or other Cattle, being thereof convicted, by the Teſtimony of one or more credible Witneſs or Witneſſes before any one or more of the Juſtices of the Peace for the County where the Offence ſhall be committed, ſhall for every ſuch Offence reſpectively forfeit and pay to the ſaid Truſtees a Sum not exceeding Forty Shillings Sterling.

Penalty for forcible Evaſions of the Toll, or aſſaulting Officers.

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

Penalty on taking off Horſes.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time, during the Continuance of this Act, unload or cauſe to be unloaded, any Sorts of Goods or Merchandize, or ſhall take off, or cauſe to be taken off, any Horſe or Horſes, or any Beaſts of Draught from any Coach, Chaiſe, Chariot, Barouche, Landau, Calaſh, Chair, or Litter, or from any Waggon, Wain, Cart, or other Carriage, at or before the ſame ſhall come to any of the Gates or Turnpikes erected by virtue of this Act, with Intent to avoid paying any Tolls or Duties hereby impoſed, each and every Perſon ſo offending in any of the Caſes aforeſaid, ſhall forfeit and pay a Sum not exceeding Forty Shillings Sterling, one

Place appointed for and on the Days of Exercise: Provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps respectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same; and if any Person shall claim and take the Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Penalty of claiming Exemptions where not entitled.

Exempting Carriages with Stores.

XVIII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls to be paid only Once a Day.

Pass Ticket to be given.

XIX. And be it further enacted, That no Person or Persons having paid the Tolls or Duties herein directed to be levied, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night) be subject or liable to pay the said Tolls or Duties for the same Coach, Barouche, Chariot, Landau, Chaise, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, for which such Tolls or Duties shall have been paid; and the Person paying such Tolls or Duties shall on Demand, receive a Ticket or Note signifying the Payment thereof, on producing of which he shall be allowed to pass without further Payment; but in case the same Cart or other such Wheel Carriage, Horse, Ass, or other Beast or Cattle shall pass with a new Loading, they shall in that Case be subject to pay the said Tolls or Duties for each Time they shall so pass, in the same Manner as they did the First Time.

Penalty on fraudulent Disposal of Tickets.

XX. And be it further enacted, That if any Person or Persons shall have paid the Toll or Duty by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of any Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person so disposing of or giving such Note or Ticket, Notes or Tickets, and the Person receiving the same being convicted thereof, upon the Oath of one or more credible Witness or Witnesses, or otherwise, before any one or more Justices of the Peace for any of the said Counties, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

XXI. And

or cauſe to be brought Actions in their own Name, or in the Name of their Treaſurers or Clerks, againſt any Perſon who ſhall injure the ſame or diſturb them in the Poſſeſſion thereof.

Tolls to be levied only once in Six Miles.

XVI. Provided always, and be it enacted, That in caſe there are or ſhall be erected upon any of the ſaid Roads, any Turnpikes at leſs Diſtance from one another than Six Statute Miles, then any Perſon or Perſons, producing a Ticket to ſhew that the Toll has been paid at one of ſuch Gates, ſhall not pay any Toll at any other Turnpike upon the ſame Road, which ſhall be within Six Statute Miles of the former, at which the Toll denoted by ſuch Ticket ſhall have been paid.

Exemptions from Toll.

XVII. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be liable to pay any Toll or Duty at any of the Gates or Turnpikes at preſent erected or to be erected by virtue of this Act, for any Carriage laden with or going empty for or returning empty after having been laden with Stones or other Materials for repairing the ſaid Roads, or any other public Roads, or Stones for paving the Streets of any Town ſituated on the ſaid Roads, or the Bridges and the Cauſeways belonging to the ſame, nor for any Carriage or Cattle paſſing from one Part of a Farm to another, nor for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, Corn in the Straw, or any other Produce of a Farm, or returning empty after having carried the ſame, to be laid up in the Houſes, Outhouſes, Barns, or Yards belonging thereto, (without Prejudice nevertheleſs to the ſaid Tolls or Duties being paid for Hay, Corn in the Straw, or any other Produce of a Farm when carried for Sale, or for Delivery after being ſold) nor for Horſes or Cattle going to or returning from Paſture, or to or from Watering Places, being within the Farm to which they reſpectively belong, or going to be ſhod or farried or returning therefrom; nor ſhall any Toll or Duty be demanded from any Perſon or Perſons who ſhall paſs through the ſaid Turnpikes to Church or Chapel, or any other Place of Religious Worſhip, in the Pariſh within which the Perſon reſides, upon *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Perſons attending the Funeral of any Perſon or Perſons who ſhall die and be buried within the Pariſh in which ſuch Perſon reſides; nor from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty; nor for any Horſes or Carriages employed in carrying or conveying the Mails of Letters, or Expreſſes, under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying the ſame, or in returning after having conveyed the ſame; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for the Horſes or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horſes, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or in returning from carrying or conveying the ſame; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the

of such Fellies shall bear equally on such flat Surface, and that the opposite Ends of the Axle-trees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of the said Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels, shall be chargeable with only Two-third Parts of the Toll herein-before granted upon Waggons, Wains, Carts, or other such like Carriages; and that every Waggon, Wain, Cart, or such like Carriage, with Four Wheels, having the Fellies thereof of the Breadth of Nine Inches or upwards, and being cylindrical, and the Nails sunk level with the Ring, as particularly before specified, shall be chargeable with only Half the Toll herein-before granted upon Waggons, Wains, Carts, or similar Carriages: Provided also, that every Person claiming the Privileges granted to Broadwheeled Carriages shall permit the same to be examined and measured by any Person employed in the Collection of the said Tolls.

Weighing Engines to be erected.

XIV. And be it further enacted, That the said Trustees may, and they are hereby authorized, if they shall think it fit, to erect or cause to be erected Weighing Engines at every Turnpike erected or which shall be erected upon the said Roads, for weighing all Carts and similar Carriages which shall pass along the said Roads, in order to ascertain the Toll to be taken for such Carriage or Carriages, and that before they respectively shall be permitted to pass through such Gate or Turnpike: And for the more effectually ascertaining the Weights of all Carts as aforesaid, with the least possible Interruption to the Passengers and others travelling along the said Roads, the said Trustees are further required to erect, or cause to be erected, at the Side of every Gate or Turnpike erected or which may be erected, and in a Line with the same, a second Gate or Turnpike, and to place one of the said Weighing Machines in the Centre of such second Gate; and that all Carts as aforesaid, when laden, shall pass through the said Second Gate, and over the said Weighing Machine; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, such Person or Persons shall, for ever such Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Ground for Toll Houses.

XV. And be it further enacted, That the said Trustees shall be and they are hereby empowered to purchase, feu, or lease such Pieces of Ground not exceeding One-eighth Part of an Acre, as they shall judge most convenient for the Purpose of erecting Toll Houses, and for no other Purpose; and when the same shall be no longer used for such Purpose, to dispose of the same, and to remove the Materials, which every Proprietor is hereby required and empowered to convey, feu, or lease, notwithstanding any Entail, Settlement, or other legal Impediment to the contrary; and in case such Proprietor and the Trustees cannot agree as to the Price to be paid for such Ground, then the Value thereof shall be determined by a Jury in Manner herein directed; and the Right and Property of such Pieces of Ground, and of the Turnpikes, Gates, and Toll Houses, and of the Weighing Machines to be erected and provided, and of the Materials thereof, shall be, and they are hereby vested in the said Trustees; and they or any Five or more of them are hereby empowered from Time to Time to bring

or

For every other Horſe, Mare, Gelding, Mule, or Aſs laden or unladen, and not drawing, a Sum not exceeding Two-pence Halfpenny Sterling:

For every Drove of Oxen or neat Cattle, a Sum not exceeding One Shilling and Eight-pence Sterling per Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, a Sum not exceeding Ten-pence Sterling per Score; and ſo in Proportion for any greater or leſs Number:

And that on every *Sunday*, after the Commencement of this Act, there ſhall be demanded and taken at the Toll Gates reſpectively, in Addition to the Tolls herein-before made payable, before any Horſe, Mare, Gelding, Mule, Aſs, Cart, Carriage, or Cattle, ſhall be permitted to paſs through the ſame, Double the Tolls before directed to be taken on any other Day of the Week; excepting always Medical Men going to or returning from viſiting ſick Perſons.

Double Tolls to be paid where Name of Owner not on Carriage.

XI. And be it further enacted, That in caſe the Owner of any Waggon, Wain, Cart, or other ſuch Carriage, ſhall fail to have his Name and Place of Abode painted in legible Characters upon ſome conſpicuous Part of ſuch Waggon, Wain, or Cart, the ſaid Truſtees ſhall order and direct the Tacksman of the Tolls, or the Toll-gatherer, or other Perſon employed to collect any of the Tolls or Duties leviable under this Act, and ſuch Tackſman or Toll-gatherer is hereby expreſsly authorized and required, after Intimation ſhall have been given as herein directed, to levy, demand, and take, at the ſaid Turnpike Gate or Gates, before any ſuch Waggon, Wain, Cart, or any other ſuch like Carriage, on which the Owner's Name ſhall not be ſo painted, paſs through the ſame, Double the Tolls and Duties by this Act authorized to be levied and taken; provided that a legible written or printed Notice of the Intention of the ſaid Truſtees to cauſe ſuch Double Tolls or Duties to be levied in virtue hereof, ſhall be affixed and kept upon the Toll Bars, Gates, or Houſes, where ſuch Double Tolls and Duties are to be exacted and taken, for the Space of One Month previous to the Commencement of levying ſuch Double Tolls and Duties.

Penalty on Tollgatherers guilty of Malverſation.

XII. And be it further enacted, That if any Tackſman, Toll Gatherer, or Perſon employed to collect the ſaid Tolls, ſhall permit any Waggon, Wain, Cart, or other ſuch like Carriage, on which the Name and Place of Abode of the Owners ſhall not be painted as herein before directed, to paſs any of the ſaid Toll Bars without exacting Double Tolls, as before mentioned, or ſhall abſent himſelf from the Turnpike Gate, ſo as to occaſion Delay to Travellers, or ſhall knowingly exact any higher Rate of Toll than what is hereby authorized to be taken, he ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, one Moiety thereof to be paid to the Informer, the other to the Purpoſes of this Act.

Carriages with Wheels of a certain Deſcription chargeable with leſs Toll.

XIII. Provided always, and be it further enacted, That every Waggon, Wain, Cart, or other ſuch like Carriage as aforeſaid, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, and being cylindrical, that is to ſay, of the ſame Diameter on the Inſide next to the Carriage and on the Outſide, and in every intermediate Part between the Inſide and Outſide, ſo that, when rolling on a flat Surface, the whole Breadth

If more than Four and not more than Six Inside Passengers, and having not more than Two Outside Passengers, a Sum not exceeding Ten-pence:

If more than Four and not more than Six Inside, and having not less than Two nor more than Five Outside Passengers, a Sum not exceeding One Shilling and Two-pence; and for every Ouside Passenger above Five, a Sum not exceeding One Penny Halfpenny:

If licensed or employed to carry more than Six and not more than Eight Inside Passengers, and having not more than Two Outside Passengers, a Sum not exceeding One Shilling and Two-pence:

If more than Six and not more than Eight Inside Passengers, and having not less than Two nor more than Five Outside Passengers a Sum not exceeding One Shilling and Nine-pence; and for every Outside Passenger more than Five, a Sum not exceeding Two-pence:

If more than Eight and not more than Ten Inside Passengers, and having not more than Two Outside Passengers, a Sum not exceeding One Shilling and Eleven-pence:

If more than Eight and not more than Ten Inside Passengers, and having not less than Two and not more than Five Outside Passengers, a Sum not exceeding Two Shillings and Eight-pence Halfpenny; and for every Outside Passenger more than Five, a Sum not exceeding Two-pence Halfpenny:

If more than Ten Inside Passengers, and having not more than Two Outside, a Sum not exceeding Two Shillings and Ten-pence; and for every additional Inside Passenger above Ten, having Two Outside, a Sum not exceeding Four-pence; and for every additional Outside Passenger above Two, and licensed to carry Ten inside Passengers, a Sum not exceeding Three-pence:

For every Waggon, Wain, Cart, or other such like Carriage, where any such Carriage and the Loading thereof taken together, shall not exceed Twenty Hundred Weight, a Sum not exceeding Four-pence Sterling; and where such Carriage and Loading shall exceed Twenty Hundred Weight, and shall not exceed Twenty-two Hundred Weight, a Sum not exceeding Eight-pence; and where such Carriage and Loading shall exceed Twenty-two Hundred Weight, and shall not exceed Twenty-five Hundred Weight, a Sum not exceeding Nine-pence Sterling: And in Addition to the said Tolls, there shall be levied and taken in all Cases where such Carriage and Loading exceed Twenty-five Hundred Weight, and shall not exceed Thirty Hundred Weight, a Sum not exceeding One Penny Sterling for every One Hundred Weight which such Carriage and Loading shall weigh above Twenty-five Hundred Weight; and for every One Hundred Weight which such Carriage and Loading shall weigh above Thirty Hundred Weight, and not Forty Hundred Weight, a Sum not exceeding Two-pence Sterling; and for every Hundred Weight which such Carriage and Loading shall weigh above Forty Hundred Weight, a Sum not exceeding One Shilling Sterling:

And in Addition to the above Rates upon every such Waggon, Wain, Cart, or other such Carriage, there shall be paid,

For every Horse, Mare, Gelding, Mule, or other Beast of Draught more than One that shall be employed in drawing the same, a Sum not exceeding Two-pence Sterling:

For every Saddle Horse, Mare, Gelding, or Mule, a Sum not exceeding Three-pence Sterling:

For

be erected or continued acrofs and at the Sides of the ſaid Roads, (excepting on the before-mentioned Road from *Carnock* to *Clackmannan*, the firſt Turnpike Gate on which from the Eaſtward ſhall be placed to the Weſtward of the road leading to *Tangburn* through the Lands belonging to *Thomas Mill* Eſquire of *Blair*), one or more other Gate or Gates, Turnpike or Turnpikes, and from Time to Time to alter the Situation of the ſaid Gates or Turnpikes under the aforeſaid Exception; and the ſaid Truſtees, or ſome Perſon or Perſons by them appointed, are hereby authoriſed and empowered to demand and take, or cauſe to be demanded and taken, at ſuch Firſt Gate, and at the ſeveral and reſpective Toll Gates and Turnpikes already ſet up and erected, or which may hereafter be ſet up and erected upon the ſaid Road, the Tolls or Duties following; that is to ſay, Turnpikes to be erected, and Tolls to be levied.

For every Coach, Barouche, Chariot, Landau, Chaiſe, Hearſe, or any other Four-wheeled Carriage, drawn by Six or more Horſes, Mares, Geldings, or Mules, a Sum not exceeding Nine Shillings Sterling; and drawn by Four Horſes, Mares, Geldings or Mules, a Sum not exceeding Six Shillings Sterling; and drawn by Three Horſes, Mares, Geldings, or Mules, a Sum not exceeding Four Shillings and Sixpence Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two Shillings Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, a Sum not exceeding Nine-pence Sterling: Tolls.

And for every Perſon who ſhall be ſitting upon any Coach Box, Barouche Seat, or other Seat on the Outſide of any Four-wheeled Carriage, not being a Stage Coach, and not driving the ſame, if drawn by Six Horſes, Mares, Geldings or Mules, a Sum not exceeding Sixpence Sterling; if drawn by Four Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two-pence Sterling; if drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding One Penny Sterling:

For every Chaiſe, Curricle, Chair, or other ſuch like Carriage, with Two Wheels, drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two Shillings Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, a Sum not exceeding Nine-pence Sterling.

For every Taxed Cart drawn by One Horſe, a Sum not exceeding Sixpence Sterling.

And, in Addition to the ſaid Rates, reſpectively, there ſhall be paid,

For every Stage Coach, Long Coach, or other Diligence or Carriage of the like Kind, drawn by Two Horſes, and licenſed, or employed to carry not more than Six Inſide Paſſengers, and having no Outſide Paſſengers, a Sum not exceeding One Penny; and having Outſide Paſſengers, at any Time or for any Part of the Journey, for every ſuch Outſide Paſſenger, a Sum not exceeding One Halfpenny:

For every Stage Coach and ſimilar Carriage as aforeſaid, and drawn by Three or more Horſes, and licenſed or employed to carry not more than Four Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding Five-pence:

If not more than Four Inſide Paſſengers, and having not leſs than Two, nor more than Five Outſide Paſſengers, a Sum not exceeding Eight-pence Halfpenny; and for every Outſide Paſſenger above Five, a Sum not exceeding One Penny:

Execution of their reſpective Offices, and to ſuch other Perſon or Perſons who ſhall have been or may be aſſiſting in making or repairing the ſaid Roads as aforeſaid, by advancing and laying out any Monies or otherwiſe relating thereto, as unto them ſhall ſeem good, over and above the neceſſary Diſburſements made by them; and in caſe the ſaid Collector or Collectors, Receiver or Receivers, or any other Perſon or Perſons concerned in the Collection or Receipt of the aforeſaid Tolls or Duties, or any of them, ſhall not make any ſuch Account and Payment to ſuch Perſon or Perſons according to the Orders and Directions of the ſaid Truſtees at a General Meeting aſſembled, that then it ſhall be lawful for any Two or more Juſtices of the Peace for either of the ſaid Counties, to make Inquiry of and concerning ſuch Default, as well by the Confeſſion of the Parties themſelves, as by the Teſtimony of one or more credible Witneſs or Witneſſes upon Oath, (which Oath any one of the ſaid Juſtices is hereby empowered to adminiſter), or by other legal Evidence; and if any Perſon or Perſons ſhall be convicted of the Offence aforeſaid by the Juſtices, they the ſaid Juſtices ſhall, and they are hereby empowered to impoſe and levy a Sum of Money from or upon ſuch Perſon or Perſons not exceeding Double the Sum of Money unduly detained or miſapplied; and in caſe ſuch Perſon or Perſons ſhall refuſe or be unable to pay the ſaid Sum of Money ſo detained or miſapplied by them or him, then, and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Juſtices to commit ſuch Perſon or Perſons to one of the Common Gaols of the ſaid Counties, there to remain until he, ſhe or they ſhall have made and rendered a true and particular Account and Payment as aforeſaid, or until he, ſhe or they ſhall have compounded and agreed with the ſaid Truſtees, or any Three or more of them, (which Compoſition they or any Three or more of them, are hereby empowered to make), and have paid ſuch Compoſition to the Treaſurer or Treaſurers for the Time being, or ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint: Provided always, that no ſuch Officer or Perſon who ſhall be committed for Want of ſufficient Diſtreſs, ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Six Calendar Months.

Penalty for not accounting.

Treaſurer to find Security.

VIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſuch Security from the Treaſurer or Collector to be appointed for the Purpoſes of this Act, for the due Execution of his ſaid Office, as to the ſaid Truſtees or a Quorum of them ſhall ſeem meet.

Truſtees not to accept a Place of Profit.

IX. Provided always, and be it further enacted and declared, That no Perſon or Perſons appointed by this Act a Truſtee or Truſtees for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of or by Reaſon of any Tolls or Duties by this Act allowed to be levied, but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting and during the holding of ſuch Place of Profit as aforeſaid; and that no Perſon who ſhall keep any Houſe for the ſelling or retailing of Beer, Ale, or Spirituous Liquors, ſhall be capable to act as a Truſtee, or to be appointed an Officer for the Execution of any of the Truſts or Powers of this Act.

Scite of the firſt Turnpike and other

X. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled as aforeſaid, ſhall and may erect or continue or cauſe to be

Quorum; and if it ſhall happen that there ſhall not appear at any Meeting, or at any adjourned Meeting which ſhall be appointed to be held by the ſaid Truſtees, a ſufficient Number of Truſtees to act at ſuch Meeting, and to adjourn to another Day, then and in ſuch Caſe the Clerk to the ſaid Truſtees, by Notice in Writing under his Hand, to be affixed on all the ſaid Turnpike Gates, and alſo by an Advertiſement in the Newſpapers above mentioned, at leaſt Ten Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Place where the laſt Meeting of the ſaid Truſtees was appointed to be held, or at ſome other convenient Place, on that Day Fourteen Days, on which the laſt Meeting of the ſaid Truſtees was appointed to be held, and that the ſaid Truſtees, at their firſt and all their ſubſequent Meetings ſhall defray their own Charges.

Truſtees to appoint Committees.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at their First General Meeting, Annual General Meeting, or any General Meeting, ſummoned as aforeſaid, to appoint a Committee or Committees, with Authority to execute the ſaid ſeveral Powers granted by this Act or any Part thereof, and that the ſaid ſeveral Powers of the ſaid Committees ſhall (unleſs they be re-appointed) ceaſe and determine at the next Annual General Meeting; provided always, that the ſaid Committees ſhall be bound in their Proceedings by all the Regulations by this Act enacted, and ſhall report their Proceeding to the Annual General Meeting to be approved of by them.

Officers to be appointed.

VII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees at a General Meeting aſſembled as aforeſaid, to continue or to chooſe and appoint fit Perſons to be Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the ſaid Truſtees, for receiving the Tolls or Duties granted or made payable by this Act; and alſo one or more fit Perſon or Perſons to be Surveyor or Surveyors of the ſaid Roads, or ſuch other Officers as they ſhall think proper, and from Time to Time to remove ſuch Treaſurers, Receivers, Collectors, Clerks, Surveyors or other Officers, or any of them, and to appoint new ones in caſe of Death or Removal; and all and every Perſon or Perſons who is, are, or ſhall be liable by this Act to pay the Tolls or Duties hereby granted, are hereby required to pay the ſame unto the ſaid Collector or Collectors, or Receiver or Receivers, ſo from Time to Time to be appointed, and the Perſons appointed as aforeſaid for receiving the Tolls or Duties, and alſo ſuch Surveyor or Surveyors, and other Officers, ſhall on the Firſt *Tueſday* of every Month, or at any other Time to be appointed by the ſaid Truſtees during the Continuance of this Act, give in a true, particular, exact, and perfect Account in Writing, under their reſpective Hands, with their reſpective Vouchers, of all Money which he or they, every or any of them, have received, paid and diſburſed by virtue of this Act, by Reaſon of their reſpective Offices, and verify the ſame upon Oath, if required; and in caſe any overplus Money ſo received ſhall remain in their or any of their Hands, they ſhall pay the ſame unto the ſaid Truſtees, or to ſuch Perſon or Perſons as they at a General Meeting aſſembled ſhall authorize and appoint to receive the ſame, to be laid out and applied for the Purpoſes of this Act; and the ſaid Truſtees at a General Meeting aſſembled, ſhall and may, and they are hereby authorized and empowered, out of the Money ariſing out of the ſaid Tolls or Duties, to make ſuch Allowances unto the Officers ſo appointed by them, for and in Conſideration of their Care and Pains in the

To account.

thouſand Pounds, nor ſhall any ſuch Baron Baillie, or Factor, not qualified to be a Commiſſioner of Supply, be capable of acting in the Execution of this Act until he ſhall have taken and ſubſcribed the Oath following, before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; that is to ſay,

'I ..... do ſwear, That I truly and *bona fide* am, 'in my own Right, (*or*, in the Right of my Wife, *as the Caſe may be*), 'in the actual Poſſeſſion or Enjoyment of Lands or Heritages of the clear 'yearly Value of Fifty Pounds, or poſſeſſed of or entitled to a Perſonal 'Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or 'Value of One thouſand Pounds. 'So help me GOD.'

Penalty for acting if not duly qualified.

IV. Provided alſo, That if any Perſon not qualified or deſcribed as aforeſaid, ſhall, nevertheleſs, preſume to act as a Truſtee, he ſhall for every ſuch acting forfeit and pay the Sum of Twenty Pounds Sterling, over and above the Expence of Proſecution; which Penalty ſhall be recovered by a Complaint, in a ſummary Way, at the Suit of any Heritor within any of the ſaid Counties, or of the Procurator Fiſcal appointed by the Juſtices of the Peace, before the Juſtices of the Peace at their Quarter Seſſions, or before the Sheriff Depute or his Subſtitute, in that County in which ſuch Perſon ſhall pretend to have a Qualification, and ſhall be paid to the ſaid Truſtees, or to their Clerk or Treaſurer; and in caſe any ſuch Complaint ſhall be brought, the Proof of Qualification ſhall lie upon the Defendant.

Meetings of Truſtees.

V. And be it further enacted, That the Firſt Meeting of the Truſtees under this Act ſhall be held at *Kinroſs* on the Fourth *Wedneſday* after the paſſing of this Act, and that an annual General Meeting of the Truſtees ſhall be held on the Third *Wedneſday* in *April* in all ſucceeding Years during the Continuance of this Act: Provided always, that if it is the Intention of any of the ſaid Truſtees to propoſe at ſuch annual General Meeting, any Alteration of the preſent Toll Bars, or the Duties to be collected thereat, or the Erection of any new Toll Bar, he or they ſhall give ſufficient Notice thereof in Writing to the Clerk of the ſaid Truſtees, to enable him to give Fourteen Days Notice thereof in any Two Newſpapers publiſhed at *Edinburgh*; and it ſhall and may be lawful for any Two or more of the Truſtees to ſummon a General Meeting at any Time when they may think it requiſite, and to appoint a Day when it ſhall be held, provided that Notice be given of ſuch Meeting by an Advertiſement to be publiſhed in any Two Newſpapers publiſhed at *Edinburgh*, at leaſt Fourteen Days previous to the Day upon which ſuch Meeting ſhall be appointed to be held; in which Advertiſement particular Mention ſhall be made of the Names of the Perſons by whom the Meeting is called, and of the Buſineſs which they mean to bring before the ſame; and provided that the ſaid Truſtees calling ſuch General Meeting do and ſhall likewiſe, by a Writing under their Hands, give Notice thereof Fourteen Days at leaſt before ſuch Meeting, to the Clerk of the ſaid Truſtees, which ſaid Clerk ſhall give Notice thereof in Writing under his Hand, to be affixed on all the Turnpikes on the ſaid Roads, Ten Days at leaſt before the Day appointed for ſuch Meeting; and the ſaid General Meetings ſhall have Power to adjourn to ſuch Times and Places as they ſhall think proper or convenient, and as often as it ſhall be neceſſary for putting this Act into Execution; and at all ſuch annual and ſpecial General Meetings Three Truſtees ſhall be a

Quorum of Truſtees.

Quorum;

improve the ſame, it would be of great Advantage to the ſaid Counties and the Country at large; and it is expedient that the ſaid recited Acts, with more extenſive Powers and Authorities, ſhould be reduced and conſolidated into one Act, and that one general Syſtem of Management and Controul ſhould be extended over the Whole of the ſaid Roads: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, the ſaid recited Act of the Forty-fifth Year of His preſent Majeſty ſhall be and the ſame is hereby repealed; and alſo ſo much of the ſaid recited Acts paſſed in the Thirtieth, Thirty-ſeventh, and Forty-ſeventh Years of the Reign of His preſent Majeſty, as relate to the ſaid Road leading from the Great North Road to *Cupar* 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 hereinafter mentioned; and all the Tolls and Duties which are hereby authorized to be levied upon the Roads leading from *Dunfermline* by *Nivingſtone* to *Kinroſs* and *Tilliebole*, and from *Saline* to the *Queensferry* Road, and upon the Road leading from the Great North Road to *Cupar*, ſhall be and are hereby made ſubject to the Payment of all Sums of Money now due and owing upon the Credit of the ſaid Acts reſpectively; and the ſaid Tolls and Duties ſhall be liable to the Payment of all Money which ſhall or may hereafter be borrowed on the ſaid ſeveral Roads under the Authority of this Act, and of all Intereſt due and to become due for the ſame reſpectively, and in the Manner hereinafter directed.

Former Acts repealed.

II. And be it further enacted, That the Juſtices of the Peace, and the Commiſſioners of Supply for the Counties of *Perth*, *Fife*, *Kinroſs* and *Clackmannan*, and the Heritors of thoſe Counties, being in the actual Poſſeſſion of the *Dominium utile* of Lands valued in the Ceſs Books, at One hundred Pounds *Scots* or upwards, either in their own Right, or in the Right of their Wives, and the eldeſt Sons of ſuch Heritors, as alſo one of the Guardians or Truſtees of Minors, and the Factor or Baron Baillie for the Time being of each non-reſident Heritor, ſuch Minors and Heritors having One hundred Pounds *Scots* of Valuation as aforeſaid, as alſo the Chief Magiſtrate of the Royal Burghs of *Dunfermline* and *Cupar* for the Time being, and the Sheriff Depute for each of the ſaid Counties, and in the Abſence of the Sheriff Depute, the Sheriff Subſtitute of the ſame, ſhall be, and they are hereby appointed Truſtees for ſurveying, making, repairing, and keeping in Repair the ſeveral Roads herein-before particularly mentioned and deſcribed, and altering the preſent Courſe thereof where neceſſary, and repairing the Bridges or neceſſary Works on the ſame, or erecting new ones where requiſite.

Nomination and Qualification of Truſtees.

III. Provided always, and be it enacted, That no ſuch Baron Baillie, Chief Magiſtrate or Factor ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be qualified to act as a Commiſſioner of Supply for the ſaid County, or unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Fifty Pounds *per Annum*; or be poſſeſſed of and entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Value of One thouſand

Qualification of Factors, &c.

fermline by *Nivingſtone* to the North *Queensferry* Road at the Bridge of *Kinroſs*, and to the *Alloa* Road Weſt of *Tillibole*, the Road from *Saline* towards the *Queensferry* Road, and the Road from the Great North Road to *Cupar* by *Auchtermuchty*, have been made; and a conſiderable Sum of Money has been borrowed on the Credit of the Tolls and Duties thereby authorized to be levied, and is ſtill owing; but the ſaid Roads are ſtill in want of Repair, and cannot be effectually repaired and kept in Repair, or the Money ſo owing repaid, unleſs the Term and Powers of the ſaid Acts, ſo far as relate to the ſaid Roads, be continued and enlarged: And whereas certain other Roads, to wit, the Continuation of the ſaid Road from *Saline* towards the *Queensferry* Road, commonly called *The Stone Gang Road*, Eaſt, till it ſhall join the Road leading from the *Plaiſterers* to the Kirk of *Beath*, at or near *Pitcairn Mill*; the Road from the *Nivingſtone* Road at or near *Burt*'s Coal Hill, by *Lochend*, *Red Craigs*, *Outh*, *Hillſide*, and the *Powmill*, towards *Auchterarder* as far as the *Yetts of Muckart*; the Road from the *Town Hill* Road near the Towngreen of *Dunfermline*, by *Bellyeoman*, *Kingſeat*, and North of *Meikle Beath*, until it ſhall join the preſent Line of the Great North Road South of the Kirk of *Beath*; with that Branch of Road leading by *Laſſodie Miln*, acroſs the preſent Line of the Great North Road, North of *Cantſdam*, until it ſhall join the new Line of the Great North Road, North of the *Nethertown*; the Road leading from the new Line of the Great North Road, known by the Name of *The White Raſhes Road*, by the Lands of *Cullelo*, *Templehall*, and *Dunearn*, to the Harbour of *Burntiſland*; the Road leading from the *Dunfermline* and *Saline* Turnpike Road, at or near *Bambo Bridge*, through the Lands of *Carnock*, *Comrie*, *Weſt Grange*, and *Bruceſield*, until it ſhall join the Turnpike Road, leading from the Town of *Kincardine* to the Town of *Alloa*, at or near the Village of *Kennet*; the Road leading from the ſaid *Dunfermline* and *Saline* Turnpike Road, near *Weſt Luſcar*, by *Clune*, *Drumtuthil*, *Coaltown*, *Lochend*, to the *Dunfermline* and *Nivingſtone* Turnpike Road, near *Meldrumſmiln*; with that Branch of Road, leading from the laſt mentioned Road, by *Craigluſcar* and *Myrie Hall* to the *Saline* or *Stone Gang* Road; the Road leading from the *Hill Foot* Road, at a Point a Mile Weſt of *Dollar*, by *Upper Sheardale*, *Melloch*, the *Forreſt Miln*, *Hareſhaw Miln*, South, to or near *Whitehills*, *Burwen* or *Rantray Wood*, Weſtward, until it ſhall join the Turnpike Road from *New Miln* to *Kincardine*; the Road from the *Hillfoot* Road by *Carnbo* and *Thomanean* to the Great North Road; with a Branch from the ſame until it ſhall join the *Kinroſs* and *Alloa* Road, at or near *Tilliebole*; the Road from *Auchtermuchty* by *Moniefred*, *Lumquhat Miln*, *Pitcairley*, and *Denmill*, to *Newburgh*; with a Branch from *Pitcairley*, by *Wedderſbrae*, *Den*, to the ſaid Road leading from the Great North Road to *Cupar*, near *Roſſie*; with the Branch of Road from *Pitcairly* by *Macduff's Croſs* to the Road from *Abernethy* to *Newburgh*; the Road from the Great North Road, at or near *Blairathort*, by *Kinneſwood* and *Scotland Well* to the Town of *Leſlie*, with the Branches thereof to *Milnathort* and *Kinroſs*, by *Burleigh* and *Lethangie*; the Road leading from the ſaid Road, by *Kinneſwood* and *Scotland Well* to *Leſlie*, acroſs the *Gullet Bridge*, Eaſt of *Kirkneſs* to *Kinglaſſie*; the Road from *Leſlie* to *Nivingſtone*, by *Balbedie*, *Kirkneſs*, the *Brackleys*, the *Shanks* of *Navity*, the *Binn* and *Barns*; owing to the Increaſe of Travellers thereon, are in a very bad State of Repair, and are dangerous and incommodious; and if the ſame were made Turnpike, with Power to erect Toll Bars and levy Toll Duties thereon, and to amend, widen, and

ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 72.

An Act for more effectually making and repairing certain Roads in the Counties of *Fife*, *Kinroſs*, *Perth*, and *Clackmannan*. [18th *May* 1810.]

WHEREAS an Act was paſſed in the Forty-fifth Year of His preſent Majeſty's Reign, intituled, *An Act for erecting Toll Bars and levying Toll Duties on the Road from* Dunfermline *to* Niving-ſtone, *in the Counties of* Fife *and* Kinroſs, *and for making a new Turnpike Road from* Saline *towards the* North Queensferry *Road in the ſaid County of* Fife; and another Act was paſſed in the Thirtieth Year of the Reign of His preſent Majeſty, intituled, *An Act for making and repairing the Road from* New Miln *Bridge by* Foodies Miln, Inverkeithing, Aberdour, Kirkaldy, Gallatown, *and* Cameron *Bridge to* Craill, *and other Roads in the County of* Fife; and another Act was paſſed in the Thirty-ſeventh Year of His preſent Majeſty, intituled, *An Act for enlarging the Term and Powers of an Act paſſed in the Thirtieth Year of His preſent Majeſty's Reign*, intituled, *An Act for making and repairing the Road from* New Miln *Bridge by* Foodie's Miln, Inverkeithing, Aberdour, Kirkaldy, Gallatown, *and* Cameron *Bridge to* Craill, *and other Roads in the County of* Fife, *and for making and repairing other Roads in the ſaid County*; and another Act was paſſed in the Forty-ſeventh Year of His preſent Majeſty, intituled, *An Act for continuing the Term and altering and enlarging the Powers of Two Acts paſſed in the Thirtieth and Thirty-ſeventh Years of His preſent Majeſty, for making and repairing certain Roads in the County of* Fife, *and for making and keeping in Repair ſeveral other Roads in the ſaid County*: And whereas, under the Authority of the ſaid Acts, the Roads from *Dun-*

45 G. 3. c. 108.

30 G. 3. c. 93.

37 G. 3. c. 180.

47 G. 3. c. 11. Seſſ. 1.