ANNO SEPTIMO

GEORGII IV. REGIS.

***

Line of Road which passes through the Parishes of *Aberlemno*, *Guthrie*, *Kinnell*, *Farnwell*, *Maryton*, and *Craig*, until it joins the Turnpike Road from *Dundee* to *Ferryden*, is in a bad State of Repair, and dangerous for the Public and for Travellers: And whereas it is expedient that so much of the said first-recited Act as relates to the Road from *Montrose* to *Brechin* and the said second-recited Act should be repealed, and that other and further Powers be granted in lieu thereof; but as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on and after the Third *Monday* after the passing of this Act the said recited Act of the Twenty-ninth Year of the Reign of His late Majesty King *George* the Third, in so far as regards the said Line of Road from *Montrose* to *Brechin*, and the said recited Act of the Forty-fourth Year of the Reign of His said late Majesty, shall be and the same are hereby repealed; and instead thereof this Act shall commence and have Effect, and shall continue in force during the Time hereinafter mentioned.

Recited Acts of 29 G. 3. and 44 G. 3. repealed, and this Act to take effect.

Powers of 4 G. 4. applied to this Act.

II. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act,) shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

Tolls and Duties liable to Payment of Sums due under the repealed Acts.

III. Provided nevertheless, and be it enacted, That all the Tolls and Duties which are hereby authorized to be levied shall be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said Acts hereby repealed, and shall also be liable to the Payment of all Sums of Money which may hereafter be borrowed on the Credit of this Act, and of all Interest due or that may become due thereon, as fully and effectually to all Intents and Purposes as if such Money had been borrowed or become due on the Credit or on Account of this Act; and that all and every Person or Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts hereby repealed, or either of them, shall be liable to the Payment thereof to the Trustees under this Act.

All Covenants and Agreements under former Acts to have full Force and Effect.

IV. And be it enacted, That all Conveyances, Covenants, Agreements, Contracts, or Securities entered into by any Person or Persons to or with the Trustees for executing the said recited Acts hereby repealed, so far as relates to the said Road, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed on Account and for the Benefit of the Roads and necessary Bridges of Communication under this Act; and all Mortgages, Bonds, Conveyances, Lettings of Tolls, Orders, Contracts, and Agreements duly made or entered into by the said Trustees for executing the said Acts hereby repealed, or either of them, so far as relates to the said Roads, shall, so far as the same are not altered

or

or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act according to the Terms and Stipulations thereof respectively; and all Tolls and Duties due, and Penalties and Forfeitures incurred in virtue of the said recited Acts hereby repealed, or either of them, so far as relates to the said Roads, shall be held to be due and incurred, and shall be exigible by the Trustees under this Act; any thing herein contained to the contrary notwithstanding.

Books under former Acts may be given in Evidence.

V. And be it enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed and made Evidence thereby shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Acts had not been repealed.

Former Officers to continue until removed.

VI. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the Trustees hereby appointed, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Trustees appointed.

VII. And be it enacted, That the Sheriff-Depute and Sheriff-Substitute of the County of *Forfar*, the Provost and Senior Magistrate, and in the Absence of One of them the next Senior Magistrate, and in the Absence of both of them the Two next Senior Magistrates for the Time being, of each of the Royal Burghs of *Brechin* and *Montrose*, and the Deans of Guild and Conveners of the Trades of the Royal Burghs of *Brechin* and of *Montrose*, together with every Person who from and after the Commencement of this Act shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Liferenter, of the full Property or *Dominium utile* of Lands in the County of *Forfar*, valued in the Cess Books of the said County to the Extent of One hundred Pounds Scots; and all and every the eldest Sons of such Persons; and One Guardian or Trustee of Minors in Possession of Lands to that Extent; and all Persons in the Commission of the Peace of the said County who shall have qualified accordingly, shall be and they are hereby appointed Trustees for making, widening, altering, and repairing the said Road from *Montrose* to *Brechin*, and the said Roads passing through the Parishes of *Aberlemno*, *Guthrie*, *Kinnell*, *Farnwell*, *Maryton*, and *Craig*, until it joins the Turnpike Road from *Dundee* to *Ferryden*, in the said County of *Forfar*.

Map or Plan, &c. to remain with Clerks of the Peace, and be open to Inspection.

VIII. And whereas a Map or Plan describing the Line of the said new Roads, and of the intended Approach to *Brechin*, and the Lands through which the same leads, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited in Duplicate at the Office of the Clerks of the Peace for the County of *Forfar* at *Brechin* and *Montrose*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerks of the Peace or of their Deputies at the Places aforesaid,

to

to the end that all Persons may at all seasonable Times have Access to the said Plans and Book of Reference, and shall be entitled to examine and make Extracts thereof at their Will and Pleasure, paying to the said Clerks of the Peace the Sum of One Shilling for each Inspection, and for Copies at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Trustees not to deviate more than 100 Yards from Plan.

IX. And be it further enacted, That the said Trustees, in making the said Roads and Approach shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees to make the Roads, &c. notwithstanding Error in Description of Owner or Occupier.

X. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Roads and Approach in, to, through, across, or over the several Lands or Grounds of any Person or Persons who is, or are, or may be, Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, or in the Schedule to this Act annexed, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, or in the said Schedule, in case it shall appear to any Two or more Justices of the Peace for the said County of *Forfar*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to enter upon Lands for making Roads.

XI. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the Land and Premises through which or whereupon any of the said Roads hereby authorized to be made, altered, or repaired, is or are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Roads or any of them, and to cut and make any Drains, or Ditches, or Arches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands, (not being a Garden, Yard, Orchard, Park, Paddock, Planted Walk, or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees,) as the said Trustees shall think fit, without being subject or liable to any Fine, Penalty, or Punishment for entering and continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages being ascertained and settled, in case of Dispute concerning the same, in the Manner that the Value of Land to be purchased or used by virtue of this Act is by the said recited Act of the Fourth Year of the Reign of His present Majesty directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used, or the Fences made in laying out any Part of such Roads, every Person so offending shall forfeit and pay for eevry such Offence any Sum not exceeding Twenty Shillings Sterling.

XII. Pro-

Houses, &c not to be taken except those in the Schedule.

XII. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to the taking down of any Dwelling House or other Building, or taking in the Site of any Garden, Orchard, Yard, Park, Paddock, inclosed Shrubbery, or planted Walk, or Avenue to a House, without the Consent of the Owners thereof respectively, save and except the several Heritages and Premises mentioned and described in the Schedule annexed to this Act.

Property not to be taken after Five Years.

XIII. Provided always, and be it enacted, That in case the said Trustees shall not purchase the said Heritages and Premises within the Space of Five Years from the passing of this Act, then and in such Case all the Powers hereby granted for purchasing the same shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Meetings of Trustees.

XIV. And be it further enacted, That the said Trustees shall meet at *Brechin* on the Third *Monday* after the passing of this Act, and shall hold other Meetings at such Times and Places as they shall think proper and convenient; and in the Event of their failing, at any Meeting, to fix the Time and Place for a subsequent Meeting, the Clerk or Treasurer to the said Trustees, by Advertisement in One Newspaper published in the said County, if such there be, or in case of no Newspaper being so published, then in One Newspaper which may be published in the nearest adjoining County, at least Ten Days before the Day of Meeting, shall appoint the said Trustees to meet; and the said Trustees at their First and all subsequent Meetings shall defray their own Charges and Expences.

Quorum.

XV. And be it enacted, That all Acts, Proceedings, Orders, Matters, and Things relative to the Execution of this Act may be done and executed by any Three or more of the said Trustees.

Treasurer and Clerk not to be the same Person.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person or Persons who may have been or may be appointed Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act; or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of this Act; or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue or prosecute for the same, to be recovered with Expences by summary Action before the Sheriff of the said County of *Forfar*, whose Decision shall be final, and not subject to Review by any Court whatever.

Trustees may erect Turnpikes or Gates; and Toll-Houses.

XVII. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered to continue all or any of the Gates or Turnpikes now erected, or to remove the same to any other Part of the Road under their Charge they shall think proper; and to erect, or cause to be erected, other Turnpike or Turnpikes with Toll House or Toll Houses adjoining, with proper Gardens adjacent thereto, as to them shall appear to be expedient, and the Site of such Toll Houses and Gardens not exceeding One Eighth Part of an Acre, and from Time to Time to alter the Situation of such Gates or Turnpikes, and Toll Houses and Gardens.

Tolls to be taken.

XVIII. And be it enacted, That the said Trustees shall take or cause to be demanded and taken the Tolls and Duties following, before any Coach or other Carriage, Horse or other Cattle, shall be permitted to pass through any or each of the several Gates or Turnpikes to be erected in virtue of this Act; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, or any other such Four-wheeled Carriage, if drawn by Six or more Horses or Mules, the Sum of Six Shillings Sterling; if drawn by Four Horses or Mules, the Sum of Four Shillings Sterling; if drawn by Three Horses or Mules, the Sum of Three Shillings Sterling; if drawn by Two Horses or Mules, the Sum of Two Shillings Sterling; if drawn by One Horse or Mule, the Sum of One Shilling Sterling:

For every Horse or other Beast drawing any Chaise, Curricle, Chair, or other such like Carriage with Two Wheels, if drawn by Two Horses or Mules, the Sum of One Shilling and Sixpence Sterling; if drawn by One Horse or Mule, the Sum of Nine-pence Sterling:

For every Horse, Ox, or other Beast, drawing any Waggon, Wain, Cart, Sledge, or other such like Carriage, if drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Seven Shillings Sterling; and if drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings Sterling; and if drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings Sterling; and if drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and if drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling Sterling; and if drawn by One Horse, Ox, or other Beast of Draught, the Sum of Eight-pence Sterling:

For every Horse or Mule, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence Sterling:

For every Ass, laden or unladen, and not drawing, the Sum of Two-pence Sterling:

For every Drove of Oxen, Cows, or Neat Cattle, Horses, or Fillies unshod, the Sum of One Shilling and Eight-pence Sterling *per* Score; and so on in Proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Ten-pence Sterling *per* Score; and so on in Proportion for any greater or less Number.

Additional Tolls for Overweight.

XIX. And be it further enacted, That the said Trustees shall, if they find it necessary, receive and take, over and above the Tolls hereby granted, the following Sums of Money as additional Tolls for every Hundred

Hundred Weight (of One hundred and twelve Pounds to the Hundred), which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any of the said Weighing Engines over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh without paying additional Toll; *videlicet*,

For the First and Second Hundred the Sum of Three-pence Sterling for each Hundred:

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

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

For every Hundred of such Overweight above Ten Hundred, and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling:

And for every Hundred of such Overweight above Fifteen Hundred, the Sum of Twenty Shillings Sterling:

And that before they respectively shall be permitted to pass through such Gate or Turnpike; and the same shall be applied as the other Tolls are directed by this Act to be applied; 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 every such Offence forfeit the Sum of Forty Shillings Sterling.

Waggons and Carts not to pay additional Tolls if the Wheels are of a certain Breadth.

XX. And be it further enacted, That every Waggon, Cart, or Carriage shall be allowed to pass without paying any additional Toll, provided such Waggon, Cart, or Carriage, with its Loading, does not weigh more than the Weights following; *videlicet*, Every Waggon or Four-wheeled Carriage having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven in Winter; every Waggon or Wain, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons and a Half in Winter; to every Cart having the Fellies Nine Inches, Three Tons in Summer, and Two Tons Fifteen Hundredweight in Winter; to every Waggon having the Fellies Six Inches, Four and One Fourth Tons in Summer, and Three and Three Fourth Tons in Winter; to every Cart having the Fellies of the Wheels Six Inches, Two Tons Twelve Hundred Weight in Summer, and Two Tons Seven Hundred Weight in Winter; to every Waggon having the Fellies less than Six Inches, Three and a Half Tons in Summer, and Three Tons in Winter: And for the aforesaid Purposes it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both inclusive: To every Cart having the Fellies of the Wheels less than Six Inches, and drawn by Two Horses, Two Tons both in Summer and Winter; and for every such Cart drawn by One Horse, One Ton and a Half both in Summer and Winter:

Broad Wheels to pay Half-Toll.

Provided always, that all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Four Inches or more, and drawn by not more than Three Horses or other Beasts of Draught, and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches or more, and drawn by not more than Four Horses or other Beasts of Draught, and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches or more, shall pass upon any of the said Roads,

Roads, and through any Gate or Turnpike thereon, upon paying only so much of the Tolls and Duties as aforesaid as shall be equal to One Half of the Toll or Duty payable or intended to be paid by this Act for any Carriages, or for the Horses or other Beasts drawing the same, and not drawn on Wheels of the Breadth or Dimensions hereinbefore set forth, and that for the Term of Three Years after passing this Act, with Power to the said Trustees, after the Expiration of the said Term, to continue such Abatement in favour of Carriages drawn on broad Wheels as aforesaid as they shall think expedient.

Tolls not to be laid out but by Order of Trustees at General Meetings; and shall be applied in repairing the Road on which they are collected.

XXI. And be it further enacted, That no Sum or Sums of Money arising on or levied by or upon Account of the said Tolls or Duties shall be laid out or expended without the Order of the said Trustees at a General Meeting assembled; and that the Produce of the said Tolls and Duties arising on each of the said Lines of Road shall be applied by the said Trustees towards making, altering, widening, improving, upholding, and repairing the Line of Road on which such Tolls or Duties shall respectively be collected, or to the building new Bridges thereupon, where the same shall be found necessary, so as each particular Line of Road may have its own Produce respectively.

Increased Rate of Tolls not to be levied until Roads repaired.

XXII. Provided always, and be it enacted, That it shall not be lawful to nor in the Power of the said Trustees to impose or levy any higher Tolls or Duties than those mentioned in and granted in and by the said recited Acts or either of them, upon the Line of Road passing through the Parishes of *Aberlemno*, *Guthrie*, *Kinnell*, *Farnwell*, *Maryton*, and *Craig*, until sufficient Security be granted by a responsible Person or Persons that such Line of Road shall be put into a State of complete Repair, within a reasonable Time to be fixed, as well as the Securities approved of, at a General Meeting to be called for those Purposes by Public Notice, to be inserted in One of the Newspapers published in the said County, or in Two *Edinburgh* Newspapers, at least Fourteen Days previous to such Meeting.

Side-Bars.

XXIII. And be it enacted, That it shall and may be lawful to and for the said Trustees to erect or cause to be continued or erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said respective Roads, and also the Toll-House or Toll-Houses at each such Gate or Turnpike, and there to take or receive such Tolls or Duties as are by this Act granted and made payable, but so as that a Ticket received at any such Side-Gate shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night.

How Tolls are to be paid.

XXIV. And be it further enacted, That no Person or Persons having paid the Tolls or Duties herein above granted at any of the said Gates or Turnpikes shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) be subject or liable to pay the said Tolls or Duties for once afterwards repassing at any Gate or Turnpike for the same Coach, Cart, or other Wheel Carriage, or for the same Horse, Ass, or other Beast or Cattle for which such Tolls or Duties shall have been paid; but an Exemption

shall

shall extend to Carts passing and repassing twice for once Payment of Toll, whether drawn by the same or other Horses.

No Person to pay Toll more than once in Six Miles.

XXV. Provided always, and be it further enacted, That if the said Trustees shall continue or erect Turnpikes within a less Distance of one another than Six Statute Miles, then any Person or Persons, upon producing a Ticket to show that they have paid the said Tolls at One Gate, shall not pay any further Tolls or Duties till the Distance exceeds Six Statute Miles from the Gate at which they shall have paid; but such Exemption shall only take place in the Case of any Horse, Ass, or other Beast continuing to travel in the same Line of Road or any Branch thereof.

No Erections within 30 Feet of Centre of Roads.

XXVI. And be it further enacted, That from and after the passing of this Act no House or other Building exceeding Ten Feet in Height shall be erected within Thirty Feet of the Centre of any of the said Roads.

Certain Exemptions in General Turnpike Acts not altered.

XXVII. Provided always, and be it enacted, That nothing herein contained shall limit or alter the Enactments of the said Act of the Fourth Year of the Reign of His present Majesty relative to Exemptions from Toll-Duty, in certain Cases of Horses travelling for Hire under the Post-horse Duties Acts, or the Carriages drawn by such Horses.

Tolls, &c. vested in Trustees.

XXVIII. And be it further enacted, That the said Tolls and Duties hereby granted and made payable, together with the Right of Property of every Gate or Turnpike, Toll-House and Garden, and whole Premises vested in the Trustees under the said Acts hereby repealed, but subject to the Debts affecting the said Roads generally, or any particular Part or Portion thereof, and the Right of Property of every Gate, Turnpike, Toll-House, Garden, or other Premises to be acquired by virtue of this Act, are and shall be vested in the said Trustees hereby appointed; and the said Tolls and Duties, and every Part thereof, shall be paid over and applied and assigned to and for the several Uses, Intents, and Purposes of this Act.

Application of Money.

XXIX. And be it further enacted, That the said Trustees in General Meeting assembled shall, out of the Tolls to arise at the Gates or Turnpikes continued and to be erected on the said Roads, direct the Costs and Expences relative to the obtaining of this Act to be paid, and the Remainder of all such Monies to be applied, first, towards the making, completing, widening, and repairing and keeping in repair the said Roads, and the other necessary Purposes of this Act relating thereto; and, secondly, towards the Payment of the Interest of the Sums already borrowed and advanced in virtue of the said Acts hereby repealed, or to be subscribed or borrowed by virtue of this Act, and thereafter to the Repayment of the Principal Sum so borrowed, advanced, or subscribed for the Purposes of the said Acts hereby repealed; and the Treasurer or Clerk to the said Trustees shall be and he is hereby authorized and required to record and enter all such Orders and Directions as regard the Applications of such Money in a Book to be kept for that Purpose.

Security of Creditors preserved.

XXX. Provided always, and be it enacted, That in the Application of such Monies as aforesaid nothing herein contained shall prejudice, impair, or affect the Security of any Creditor upon the Tolls granted by the said recited Acts hereby repealed; but the Interest to become due on any such Debt shall, after the Maintenance of the Road out of which such Debt is due, be, in the first Place, payable out of the Tolls levied upon the

Roads assigned in Security for such Debt; and the Money subscribed or borrowed shall be applied towards the making, repairing, or maintaining any of the Roads hereby authorized to be made, altered, or maintained, in respect and on behalf of which such Money was subscribed or borrowed.

Act of the Scots Parliament for planting and enclosing Ground, repealed as to the County of Forfar.

XXXI. And be it further enacted, That the Powers granted by the Act of the *Scots* Parliament *Anno* One thousand six hundred and sixty-one, intituled *An Act for planting and inclosing of Ground to Heritors, Wadsetters, and Liferenters*, at the Sight of the Sheriff Depute or Substitute, or Justices of the Peace of the said County, to cast about the Highways to their Conveniency, provided they do not remove them above Two hundred Ells on their whole Ground, shall be and the same is hereby repealed, so far as the same may extend to the County of *Forfar*.

Persons acting under Trustees not disqualified from giving Evidence.

XXXII. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching, concerning, or in any ways relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person 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.

Trustees to to make Improvements into the Town of Brechin.

XXXIII. And whereas the Magistrates and Town Council of *Brechin*, as representing and on behalf of the Community of *Brechin*, have consented and agreed to advance and pay to the Trustees under this Act the Sum of One thousand five hundred Pounds towards the Expence of the Improvements at the Entrance and Approach into the said Town or City of *Brechin*; be it enacted, That the said Trustees shall be authorized and hereby required to commence and proceed with the said Improvements as soon as the Magistrates and Council of *Brechin* shall pay the Sum of One thousand five hundred Pounds to the said Trustees, or shall give such Security for the Payment of the said Sum as shall be deemed good and sufficient to the said Trustees.

Additional Toll to be levied at the Gate near the Town of Brechin.

XXXIV. And whereas a larger Sum than the One thousand five hundred Pounds to be paid by the Magistrates and Town Council of *Brechin* towards the Expences to improve the said Entrance and Approach into the Town or City of *Brechin* may be required; be it enacted, That the said Trustees are hereby required to advance the Sums requisite to complete the said Improvements; and for all such Sums expended on the said Improvements within the Royalty of the said Town or City, the said Trustees are authorized and hereby required to levy such additional Rate or Toll on the Gate or Bar adjoining to the said Town or City of *Brechin*, and no other, as shall be considered by the said Trustees sufficient to pay the Interest or Annual Charge for the said Sum of Money so paid by them, and also such Sum towards the Liquidation of the said Capital Sum so advanced and expended by the Orders of the Trustees as they shall think fit annually to raise.

Public Act.

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

Commencement and Continuance.

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

The

The SCHEDULE to which this Act refers.

APPROACH TO BRECHIN.

Description of Property.	Owners.	Occupiers.
Garden Ground - -	Dr. James Shepherd Birse	Dr. James Shepherd Birse.
House and Garden -	David Aikenhead -	David Aikenhead.
Garden Ground - -	William Glen - -	William Glen.
Ditto - - -	David Smith - -	David Smith.
Ditto - - -	William Low - -	William Low.
Ditto - - -	James Towns - -	James Towns.
House and Green - -	Magistrates of Brechin, James Speid, Provost, Alexander Ritchie, Clerk	Fleshers of Brechin.
Nursery Ground - -	Ditto - - -	John Henderson.
Garden Ground - -	Mary Ritchie, or Bell, and Ritchie Bell and others, her Children - -	George Dowell.
Ditto - - -	Ditto - - -	Alexander Gordon
Ditto - -	Ditto - - -	James Anderson.
Ditto - - -	Ditto - -	William Reid.
Garden Ground - -	Alexander Mather -	Mrs. Susan Morris.
Ditto - - -	Ditto - - -	James Crabb.
Ditto - - -	Ditto - - -	William Peterkin.
Ditto - - -	Ditto - - -	John Anderson.
Ditto - - -	Ditto - - -	William Don.
Ditto - - -	Ditto - - -	William Sukley.
Ditto - - -	Ditto - - -	Peter Lawrence.
Ditto - - -	Ditto - - -	John Lickley.
Ditto - - -	Dr. James Shepherd Birse	Robert Bakers.
Ditto - - -	Ditto - - -	Charles Oswald.
Ditto - -	Ditto - -	Thomas Ogilvy.
Ditto - - -	Ditto - - -	William Sharp.
Ditto - - -	John Shires - -	John Shires.
House, Smithy, and Garden	James Don - -	James Don.
House and Garden -	Ditto - - -	David Dakers Block.
Garden - - -	David Dakers - -	David Dakers.
Ditto - - -	Dr. Alexander Guthrie -	Dr. Alexander Guthrie.
A Stable, Bake-house, Flour-cellar, and Joiner's Shop	Dr. Alexander Guthrie -	Dr. Alexander Guthrie, William Galloway, and William Morris.
Shop and Dwelling-house	William Robb - -	William Robb and Miss Jane Dakers.
Ditto - - -	David Dakers - -	David Dakers, and Messrs. Dove and Petrie.
Dwelling-house and Offices	John Strachon - -	William Galloway.
Dwelling-house - -	James Strachon - -	James Strachon.

Description of Property.	Owners.	Occupiers.
Dwelling-house - - -	George Stewart - -	George Stewart.
House - -	David Dakers - -	Anne M'Kenzie and James Bruce.
Dwelling-house and Shop	Dr. Alexander Guthrie -	Dr. Alexander Guthrie.
Shop - - -	Ditto - - -	John Nichol.
Two Dwelling-houses let out in Rooms to Tenants -	Ditto - - -	Alexander Glenroy, Widow Allan, Miss Aiken, William Gunn, Widow Grant, Margaret Bruce, Ann Tullo, and William Mather.
Garden Ground - -	Heirs of George Anderson	Heirs of George Anderson.
Ditto - - - -	Robert M'Kenzie's Heirs	Robert M'Kenzie's Heirs.
Granary - - -	John Ross - -	John Ross.
	ROAD BY CARCARY.	
Wood - - -	Horatio Ross - -	Horatio Ross.
House and Garden - -	Sir James Carnegie -	James Cargill.
Several Woods - -	Ditto - - -	Sir James Carnegie.
House and Garden -	Ditto - - -	Robert Lyall.
Garden - - -	Ditto - - -	Ditto.
Water - - -	Alexander Watson -	Alexander Watson.
Wood - -	James Dalgairns - -	James Dalgairns.

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