ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 29.

An Act for continuing the Term and altering the Powers of so much of Two Acts, made in the Twelfth and Thirty-second Years of His present Majesty, as relate to the Road from *Inglistoun Bridge* by *Biggar*, to *Leadhills*, and to the Confines of the County of *Lanark*; and for making and maintaining a Continuation of the said Road from *Dolphinton* to the Confines of the County of *Edinburgh*.

[17th *May* 1805.]

WHEREAS by an Act, passed in the Twelfth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening several Roads, leading through the County of* Lanark, *and for building a Bridge over the River* Clyde, *at or near a Place called the* Howford *in the said County*, certain Tolls or Duties were granted and made payable, for repairing and widening the Roads in the said Act, particularly mentioned and described; and by another Act, made in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term and altering the Powers of so much of an Act made in the Twelfth Year of the Reign of His present Majesty, as relates to the repairing and widening several Roads leading through the County of* Lanark, the Term and Powers granted by the former Acts were altered and continued: And

12 G. 3.

32 G. 3.

Truſtees have proceeded in the Execution of the Act.

And whereas the Truſtees nominated and appointed in and by virtue of the ſaid Acts, for the Line of Road from *Ingliſton Bridge*, by *Biggar*, *Leadhills*, and towards *Memnock* and *Enterkin*, have proceeded in the Execution thereof, and have borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls thereby granted; but in conſequence of the Inadequacy thereof, and the Length of the ſaid Road, the ſame has fallen into Diſrepair, and the Money borrowed cannot be repaid, nor the Roads effectually amended and kept in Repair, unleſs the Terms of the foreſaid Acts be, in ſo far as reſpects the ſaid Line of Road, further continued, and the Powers thereof altered and enlarged:

Continuation of Road.

And whereas, if the ſaid Road was continued from the Confines of the County of *Lanark*, at or near *Dolphinton*, to the Confines of the County of *Edinburgh*, through the Pariſhes of *Linton* and *Newlands*, in the County of *Peebles*, towards the Pariſh of *Penicuik* in the ſaid County of *Edinburgh*, it would be advantageous to the Public, and to all Perſons reſiding in the Neighbourhood thereof: 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

Truſtees.

by the Authority of the ſame, That every Perſon who is at preſent or ſhall be at any Time, after the Commencement of this Act, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment as a Proprietor or Life-renter, of the full Property or *Dominium utile* of Lands, lying in the Pariſhes of *Dolphinton*, *Biggar*, *Coulter*, *Lamington*, *Roberton*, *Crawfordjohn*, and *Crawford*, in the County of *Lanark*, valued in the Tax Rolls of the ſaid County at One hundred Pounds *Scots* of valued Rent, and every the eldeſt Son of ſuch Perſon, the Managers for the Proprietors and Tackſmen of the Mines of *Leadhills* and *Wanlochhead*, and the Baillie of the Town of *Biggar*, all for the Time being, ſhall be and they are hereby nominated and appointed Truſtees for the ſurveying, ordering, making, widening, amending, repairing, and keeping in Repair, and for cauſing to be ſurveyed, ordered, made, widened, amended, and repaired, the ſaid Road from *Ingliſton Bridge*, by *Biggar*, *Leadhills*, and towards *Memnock* and *Enterkin*; and for repairing the Bridges on the ſaid Road, or erecting new ones where the ſame ſhall be found neceſſary thereon, and for putting in Execution all the other Powers in and by this Act given in relation to the ſaid Road; and that every Perſon who is at preſent, or ſhall be, at any Time after the Commencement of this Act, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, as a Proprietor or Life-renter, of the full Property or *Dominium utile* of Lands lying in the County of *Peebles*, valued in the Tax Rolls of the ſaid County at One hundred Pounds *Scots* of valued Rent, and every the eldeſt Son of ſuch Perſon, the Sheriff Depute of the County of *Peebles*, the Provoſt or eldeſt Magiſtrate of the Burgh of *Peebles*, and the Proprietor of the Eſtate of *Penicuik*, all for the Time being, ſhall be, and they are hereby nominated and appointed Truſtees for ſurveying, ordering, making, widening, amending, repairing, and keeping in Repair, and for cauſing to be ſurveyed, ordered, made, widened, amended, and repaired, the Continuation of the ſaid Road from the Confines of the County of *Lanark*, at or near *Dolphinton*, to the Confines of the County of *Edinburgh*, through the Pariſhes of *Linton* and *Newlands*, in the ſaid County of *Peebles*, towards the Pariſh of *Penicuik*, in the ſaid County of *Edinburgh*, and for building, erecting, and keeping

ing in Repair, Bridges on the ſaid Continuation of Road, where the ſame ſhall be found neceſſary thereon, and for putting in Execution all the other Powers in and by this Act given in regard to the ſaid Continuation of Road.

Penalty on acting if not qualified.

II. Provided always, and it is hereby expreſsly provided and declared, That if any Perſon not qualified as aforeſaid, ſhall nevertheleſs preſume to act as a Truſtee on his Qualification, every ſuch Perſon ſhall, for every ſuch acting, forfeit the Sum of Twenty Pounds Sterling for every Time he ſhall act as a Truſtee in the Execution of this Act, to be recovered by Action, Complaint, or Petition, in a ſummary Way, at the Suit of any Heritor, within the ſaid Counties of *Lanark* or *Peebles* reſpectively, before the Juſtices of the Peace, at their Quarter Seſſions, or before the Judge Ordinary; the One Half thereof to be paid to the Proſecutor, and the other Half to the Truſtees aforeſaid, to be applied by them for the repairing of the ſaid Roads; and in caſe any Complaint or Suit ſhall be entered before any of the Courts aforeſaid, the Perſon complained of ſhall be obliged to prove that he is qualified as aforeſaid, or otherwiſe ſhall forfeit the ſaid Sum of Twenty Pounds, without any Proof or Evidence to be brought on the Part of the Purſuer, other than that the Perſon complained of had acted as a Truſtee under this Act.

Meetings of Truſtees.

III. And be it enacted, That the ſaid Truſtees for repairing the *Leadhills* Road, or any Five or more of them, ſhall meet at *Biggar* on the Third *Thurſday* after the paſſing of this Act, and at *Leadhills* on the Firſt *Thurſday* of *September* One thouſand eight hundred and five, and yearly thereafter at *Biggar* on the laſt *Thurſday* of *April*, and at *Leadhills* on the Firſt *Thurſday* of *September*, and the ſaid Truſtees for making and maintaining the Continuation of the ſaid Road, or any Five or more of them, ſhall meet at ſuch Times and Places, as General or Adjourned Meetings of Truſtees for Turnpike Roads in the County of *Peebles* are held, under certain Acts of Parliament, paſſed in the Twenty ſixth Year of the Reign of His late Majeſty, the Eleventh, Fifteenth, and Thirty-ſecond Years of the Reign of His preſent Majeſty, in ſo far as concerns the *Linton* or Weſt Diſtrict of Turnpike Roads in the County of *Peebles*, in which Weſt Diſtrict the ſaid Continuation of Road is hereby included, with Power to the ſaid reſpective Truſtees at their aforeſaid Meetings, to adjourn to ſuch Times and Places as they ſhall think proper or convenient, as often as it ſhall be neceſſary for putting this Act into Execution, in Terms of the Powers and Authorities for that Purpoſe, in the ſaid Acts relative to the ſaid *Leadhills* Road, and the ſaid Acts relative to the ſaid *Linton* or Weſt Diſtrict of Turnpike Roads in the County of *Peebles* reſpectively (in ſo far as the ſame are ſubſiſting or capable of taking Effect, and not hereby altered) and in this preſent Act contained.

Truſtees may erect Turnpike Gates.

IV. And be it enacted, That, from and after the paſſing of this Act, it ſhall and may be lawful for the ſaid Truſtees, for the *Leadhills* Road, and they, or any Five or more of them, aſſembled at a General or Adjourned Meeting, held in Manner before directed, or ſuch Perſon or Perſons as they, or any Five or more of them, ſo aſſembled, ſhall authorize and appoint, are hereby empowered to erect or cauſe to be erected a Gate or Gates, Turnpike or Turnpikes, in or acroſs any Part or Parts of the ſaid *Leadhills* Road, at a Diſtance not under Six Miles from each other; and alſo to

to erect and build, or cauſe to be erected and built, ſuch Number of Toll-houſes as they, or any Five or more of them, at a General or Adjourned Meeting aſſembled as aforeſaid, ſhall think fit, which Gates, Turnpikes, and Toll-houſes, ſhall be veſted in the ſaid Truſtees, as the ſame are by the ſaid recited Acts, or either of them, in regard to the ſaid *Leadhills* Road, directed to be veſted in the Truſtees thereby appointed, and to demand and take, or authorize and appoint to be demanded and taken, at the Toll Bars already erected or to be erected by virtue of this Act, the ſeveral Tolls herein-after mentioned, to be levied in the Manner directed by the ſaid recited Acts, or either of them, in regard to the ſaid *Leadhills* Road, and by this Act, before any Coach, Chariot, Berlin, Landau, Calaſh, Chaiſe, Waggon, Cart, or other Carriage whatſoever, or any Horſe, Mare, Gelding, or other Cattle whatſoever, ſhall be permitted to paſs through the ſame; (that is to ſay,)

Tolls. For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, or Hearſe, drawn by Six or more Horſes, Mares, Geldings, or Mules, the Sum of Eight Shillings; and drawn by Four Horſes, Mares Geldings, or Mules, the Sum of Five Shillings and Four-pence; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of Four Shillings; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings and Eight-pence; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of One Shilling and Four-pence:

For every Waggon, Wain, Cart, Taxed Cart, or other Carriage drawn by Six or more Horſes, Oxen, or Beaſts of Draught, the Sum of Six Shillings; and drawn by Five Horſes, Oxen, or Beaſts of Draught, the Sum of Five Shillings; and drawn by Four Horſes, Oxen, or Beaſts of Draught, the Sum of Four Shillings; and drawn by Three Horſes Oxen, or Beaſts of Draught, the Sum of Three Shillings; and drawn by Two Horſes, Oxen, or Beaſts of Draught, the Sum of Two Shillings; and drawn by One Horſe, Ox, or Beaſt of Draught, the Sum of One Shilling and Four-pence:

For every ſaddled Horſe, Mare, Gelding, Mule, or Aſs, with or without a Rider and for every Horſe, Mare, Gelding, Mule or Aſs, with a Rider, or carrying a Burden, and not drawing, the Sum of Eight-pence; and for every Horſe not ſaddled, or drawing, or carrying a Burden, and without a Rider, the Sum of Four-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five Shillings *per* Score of Twenty, and ſo on in Proportion for any greater or leſs Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of One Shilling *per* Score of Twenty, and ſo on in Proportion for any greater or leſs Number.

V. And be it further enacted, That, from and after the Time when the Continuation of the *Leadhills* Road, leading from the Confines of the County of *Lanark*, at or near *Dolphinton*, to the Confines of the County of *Edinburgh*, through the Pariſhes of *Linton* and *Newlands* in the County of *Peebles*, towards the Pariſh of *Penicuik* in the ſaid County of *Edinburgh*, ſhall be fully completed and repaired, it ſhall and may be lawful for the Truſtees, for the ſaid Continuation of Road, and they, or any Five or more of them, aſſembled at a General or Adjourned Meeting,

Meeting, held in Manner before-mentioned, in regard to Meetings of Truſtees for the ſaid *Linton* or Weſt Diſtrict of Turnpike Roads in the County of *Peebles*, by virtue of the before mentioned Acts relative to the Turnpike Roads in that County, or ſuch Perſon or Perſons as they or any Five or more of them, ſo aſſembled, ſhall authorize and appoint, are hereby empowered to erect, or cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, in or acroſs any Part or Parts of the ſaid Continuation of Road, at a Diſtance not under Six Miles from each other; and alſo to erect and build, or cauſe to be erected and built, ſuch Number of Toll Houſes as they, or any Five or more of them, at a General or Adjourned Meeting, aſſembled as aforeſaid, ſhall think fit; which Gates, Turnpikes, and Toll-Houſes ſhall be veſted in the ſaid laſt mentioned Truſtees, as Gates, Turnpikes, and Toll-Houſes are by the before mentioned Acts, relative to Turnpike Roads in the County of *Peebles*, veſted in the Truſtees thereby appointed, and to demand and take, or authorize and appoint to be demanded and taken, at each of the Toll-Bars to be erected by virtue of this Act, One-Fourth Part of the Tolls herein-before mentioned, to be levied and recovered in the Manner directed by the before mentioned Acts, relative to Turnpike Roads in the County of *Peebles*, before any Coach, Chariot, Berlin, Landau, Calaſh, Chaiſe, Waggon, Cart, or other Carriage whatſoever, or any Horſe, Mare, Gelding, or other Cattle whatſoever, ſhall be permitted to paſs through the ſame.

Carriages with Wheels of the Breadth of 9 Inches to pay Half Tolls.

VI. And be it enacted, That no more than One-Half of the Tolls herein-before ſpecified, ſhall be demanded or taken for the Paſſage of any Cart, or other Carriage, drawn upon Wheels, the Fellies whereof ſhall be of the Breadth of Nine Inches or upwards, and of an even or level Surface, and cylindrical, and the oppoſite Ends of the Axle Trees of which ſhall not form an Angle with each other.

Truſtees may erect Side Bars.

VII. And be it further enacted, That it ſhall and may be lawful for the ſaid reſpective Truſtees, or any Five or more of them, at a General or Adjourned Meeting aſſembled, to erect and cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the Roads aforeſaid, or acroſs any Lane or Way leading out of the ſame, or upon any Road leading parallel to the ſaid Turnpike Roads, which ſhall and may be uſed to evade Payment of the Tolls by this Act authorized to be taken and levied as aforeſaid, and there to take and receive ſuch Tolls as are by this Act granted and made payable, but a Ticket ſhall be given at ſuch Bar, which ſhall entitle the Receiver to paſs the ſame Day through the next Turnpike, in the ſame County, and on the ſame Line of ſuch Road, if within Six Miles of ſuch Croſs Bar, Toll free; and it alſo ſhall and may be lawful for the ſaid reſpective Truſtees to build Fences, to prevent any Perſon or Perſons travelling the ſaid reſpective Roads from evading the Payment of any of the Tolls granted by this Act.

Tolls veſted in Truſtees.

VIII. And be it enacted, That the Tolls by this Act directed to be raiſed, levied, and collected, ſhall be and the ſame are hereby declared to be veſted in the ſaid reſpective Truſtees; and ſuch Part thereof as ſhall be levied and collected on the ſaid *Leadhills* Road, ſhall be paid, applied, and diſpoſed of to and for the ſeveral Uſes and Purpoſes by the ſaid recited Act and by this Act directed in regard to the ſaid *Leadhills* Road; and ſuch

ſuch Part thereof as ſhall be levied and collected on the ſaid Continuation of Road, ſhall be paid, applied, and diſpoſed of to and for the ſeveral Uſes and Purpoſes expreſſed and contained in this Act in regard to the ſaid Continuation of Road, and in the before mentioned Act of the Thirty-ſecond Year of the Reign of His preſent Majeſty, in regard to the *Linton* or Weſt Diſtrict of Turnpike Roads in the ſaid County of *Peebles*.

Tolls to be paid only Once a day.

IX. And be it enacted, That no Perſon or Perſons having Occaſion to paſs through any Turnpike or Turnpikes where the Tolls herein-before mentioned ſhall be demanded and taken, and ſhall return the ſame Day through the ſaid Turnpike or Turnpikes before Twelve of the Clock at Night, with the ſame Coach, Berlin, Chariot, Landau, Calaſh, Chaiſe, Chair, Hearſe, Litter, Wain, Waggon, Cart, or other Carriage, Horſe, Gelding, Mare, Mule, Aſs, or any other Sort of Cattle for which ſuch Tolls ſhall have been paid, ſhall be liable or compelled the ſame Day to pay the ſaid Tolls more than Once on the ſaid Roads.

Exemptions in former Acts repealed except the following

X. And be it further enacted, That all the Exemptions from Tolls in the before recited Acts, or either of them contained, in ſo far as regards the ſaid *Leadhills* Road, ſhall, from and after the paſſing of this Act, ceaſe and determine.

Exemptions.

XI. Provided always, and be it further enacted and declared, That, from and after the paſſing of this Act, no Toll ſhall be demanded or taken at any of the Turnpikes, erected or to be erected, by virtue of this Act, nor ſhall any Perſon be liable to pay any Toll for carrying Stones or other Materials for making or repairing any Part of the ſaid Roads, or the Bridges thereon, or for any other Works or Buildings carried on under the Authority of the Truſtees; nor for Hay, Grain, or Pulſe in the Straw, Potatoes, Turnips, or other Vegetables, Flax, Hemp, or Wool, to be laid up in the Houſes, Outhouſes, Barns, or Farm Yards of any Heritor, Tenant, or Inhabitant of the Pariſhes along the Line of the ſaid Roads, or immediately adjacent thereto, by whom the ſame are raiſed, and not being for Sale; nor for Dung or other Manure, for the improving or manuring of Land not bought, ſold, or diſpoſed of, or carried for the Purpoſe of being ſold or diſpoſed of, but paſſing to be laid up in the Outhouſes, or Onſteads, or on the Lands of the Owners thereof, who ſhall not have bought the ſame; nor for Ploughs, Harrows, or other Implements of Huſbandry, nor for Work Horſes and Cattle paſſing from one Part of a Farm to another Part of the ſame Farm, or from the Yards or Offices of the Inhabitants of Villages, lying along the Line of the ſaid Road to Burgh Roods or Fields adjoining to any ſuch Village occupied by ſuch Inhabitant where there are no Yards or Offices; nor for Corn or Flour, or Meal, going to or returning from any Mill belonging to the Inhabitants of the Pariſh in which ſuch Mill is; nor for Horſes and other Cattle going to or returning from Paſture or Watering Places, or any Smithy in the ſame or next adjoining Pariſh; nor for Carriages going to or returning loaded with Peats from any Moſs, ſituated within the ſame Pariſh, the Peats not being for Sale; nor for Carriages or Horſes carrying any Perſon to or from Church, Chapel, or other Place of Religious Worſhip, belonging to or ſituated within the Pariſh where ſuch Perſon reſides, on *Sunday* or any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral

Funeral of any Perſon who ſhall die and be buried within the Pariſh, or carrying any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his parochial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Carriages and Horſes of whatever Deſcription, employed in conveying the Mails of Letters or Expreſſes under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying ſuch Mails or Expreſſes, or in returning back from conveying the ſame; nor for Horſes belonging to Officers or Soldiers upon their March, or upon Duty; nor for Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or carrying any wounded or diſabled Officers or Soldiers; nor for Horſes furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe; provided that ſuch Perſons be cloathed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; nor for Carts, Carriages, or Waggons travelling with Vagrants and Criminals, under legal Paſſes; and if any Perſon ſhall in any Manner claim and take the Benefit of any of the Exemptions hereby granted, not being entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding One Pound nor leſs than Ten Shillings; One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Truſtees may make Foot Paths, widen and alter the Roads, &c.

XII. And be it enacted, That the ſaid reſpective Truſtees may, and they are hereby empowered to make Foot Paths, on the Sides of the aforeſaid Roads, and where the ſaid Roads are not of the Breadth of Forty Feet, to widen the ſame to that Breadth, and to cut and make Ditches and Drains, through any Grounds lying contiguous to the ſaid Roads; and to make and erect Bridges or Arches of Brick, Timber, or Stone, upon or acroſs any Part of the ſaid Roads, and alſo where it ſhall be deemed expedient, to alter the Lines of the ſaid Roads and make new Lines for the ſame, in the Direction that ſhall be deemed beſt and moſt beneficial to the Public, on paying all Damages done to the Proprietors and Occupiers of Grounds; provided that the ſame ſhall be done, ſo as not to occaſion the Demolition of any Houſe, the Side Walls of which are of the Height of Eight Feet, or to injure any Garden, exceeding Half an Acre, or run within Two hundred Yards of any Manſion Houſe, without the Conſent of the Owner or Owners thereof firſt had and obtained, and the Scites of ſuch Part or Parts of the ſaid Roads as may be altered and diſcontinued ſhall and may be ſold by the ſaid reſpective Truſtees, and the Price or Prices thereof applied to the Purpoſes of this Act.

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

XIII. And be it further enacted, That the ſaid reſpective Truſtees ſhall be, and they are hereby empowered to take and acquire, and all Bodies Politick, Corporate, or Collegiate, Corporations, Heirs of Entail, Huſbands, Truſtees, Tutors and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, are hereby empowered and required to ſell, let, and convey, all ſuch Ground as may be neceſſary for the making, altering, and improving the ſaid reſpective Roads or any of them, and erecting the ſaid Toll Bars and Toll Houſes, or any of

of them; or for ſtoring Materials, or otherwiſe, where Ground is neceſſary in the Execution of the ſaid recited Acts, in regard to the ſaid *Leadhills* Road, or of this Act, ſo far as reſpects the ſaid *Leadhills* Road or the Continuation thereof as aforeſaid, making ſuch Satisfaction to the Proprietor or Proprietors, and Occupier or Occupiers, as can be agreed upon, by and between the ſaid Truſtees and ſuch Proprietor or Proprietors, Occupier or Occupiers, and in the Event that they cannot agree, then upon Payment of ſuch Sum or Sums of Money as ſhall be awarded by a Jury of Twelve Perſons, ſummoned and choſen by the Sheriff of the County, in ſuch Manner as Juries are ſummoned and choſen by Sheriffs of Counties in *Scotland*, whoſe Determination is hereby declared to be final, without being ſubject to *Suſpenſion*, Advocation, or Reduction; and in the Event that ſuch Jury ſhall award a larger Sum than may have been offered by the ſaid reſpective Truſtees, but leſs than the Owner or Owners, Occupier or Occupiers, ſhall have required, the Expence attending ſuch Jury ſhall be paid by the ſaid reſpective Truſtees and the ſaid Owner or Owners, Occupier or Occupiers equally; but in caſe ſuch Jury ſhall award the Sum ſo required, or any greater Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid reſpective Truſtees; and on the other Hand, if the ſaid Jury ſhall award the Sum offered by the ſaid reſpective Truſtees, or a leſs Sum, the Whole of ſuch Expence ſhall be defrayed and borne by the ſaid Owner or Owners, Occupier or Occupiers: Provided always, that in all Caſes where any Perſon ſhall, by reaſon of Abſence, be prevented from treating with the ſaid reſpective Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid reſpective Truſtees: Provided alſo, that, after having offered to any Proprietor or Proprietors of any Land, ſuch Sum as the ſaid reſpective Truſtees ſhall think reaſonable, it ſhall and may be lawful for them reſpectively to enter into and upon ſuch Lands, for the Purpoſes of this or the ſaid recited Acts.

Application of Compenſation where amounting to 200*l.*

XIV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heretages, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Liferents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, married Woman, Minor, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, under the Direction and by the authority of the Court of Seſſion, be, with all convenient Speed, paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Heretages, 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 authoriſe to be paid affecting the ſame Lands, Tenements, or Heretages, or affecting other Lands, Tenements, or Heretages, 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 or

other Lands, Tenements, or Heretages, 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 Heretages, which ſhall be ſo purchaſed as aforeſaid, ſhall be 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 or the Lands, Tenements, and Heretages, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Purchaſe Money when under 200l. and above 20l.

XV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heretages, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Heretages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid reſpective 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 any Manner herein-before directed, ſo far as the Caſe may be applicable.

Application of Purchaſe Money if under 20l.

XVI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as 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 Heretages ſo purchaſed, in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them, ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c. Purchaſe Money to be paid into the Bank of Scotland, or Royal Bank, ſubject to the Order of the Court of Seſſion.

XVII. 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 Heretages, to be purchaſed by virtue of the ſaid recited Acts or of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid reſpective 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 Heretages, be not known or diſcovered, then and in every ſuch Caſe, it ſhall and

and may be lawful to and for the ſaid reſpective Truſtees to order the Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *Scotland*, or the Royal Bank of *Scotland*, in the Name of ſome One of the principal Clerks of the Court of Seſſion, to be placed to his Account to the Credit of the Parties intereſted in the Lands, Tenements, or Heretages (deſcribing them) ſubject to the Order, Coatroul, and Diſpoſition of the ſaid Court of Seſſion, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, the ſaid Court ſhall be and is hereby empowered, in a ſummary Way of proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the publick Funds, or upon heretable Security, or to order Diſtribution thereof in Payment of the Dividends or Intereſt thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, and Royal Bank reſpectively, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into either of the ſaid Banks as aforeſaid.

Proviſion in caſe of queſtionable Title.

XVIII. Provided always, 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 Bank of *Scotland*, or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Seſſion, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Heretages, or any Eſtates, Right, or Intereſt, in any Lands, Tenements, or Heretages, to be purchaſed in purſuance of this Act, or to any Lands, Tenements, or Heretages, to be purchaſed with any ſuch Money, or to the Rents or Profits thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Heretages at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Heretages, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court; and the Rents and Profits of the Lands, Tenements, and Heretages to be purchaſed with ſuch Money, and alſo the Lands, Tenements, and Heretages ſo purchaſed, 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 Heretages, or to ſome Eſtate or Intereſt therein.

Expences of ſuch Purchaſe how to be paid.

XIX. 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 Heretages, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid unto the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Heretages, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable,

reasonable, to be paid out of the Tolls and Duties hereby granted, or the Monies authorized by this or the said recited Acts, to be borrowed by the said respective Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees may borrow Money.

XX. And be it enacted, That it shall and may be lawful to and for the said Trustees on the said Continuation of Road, or any Five or more of them, at their General or Adjourned Meeting assembled, at any Time to borrow any Sum of Money not exceeding in the Whole the Sum of Two thousand Pounds, at an Interest, not exceeding Five Pounds Sterling *per Centum per Annum*, which Sum so to be borrowed shall be applied in making, and repairing the said Continuation of Road, in such Manner as the said Trustees, or any Five or more of them, shall think proper; and the said Trustees, or any Five or more of them, are hereby empowered to assign and make over the Whole or any Part of the Tolls hereby granted on the said Continuation of Road to the Person or Persons from whom the Money shall be borrowed, as a Security for the Re-payment of the Sum or Sums so to be borrowed as aforesaid, and Interest thereof.

Trustees may lessen the Tolls.

XXI. Provided always, and it is hereby enacted and declared, That the said respective Trustees, or any Five or more of them, at a General Meeting, called by a previous Advertisement in Two of the *Edinburgh* Newspapers, to consider the State of the Funds arising by virtue of this Act, and Expediency of diminishing the Tolls on the said *Leadhills* Road, and the said Continuation thereof respectively, may and they are hereby authorized and empowered from Time to Time to lessen the several Tolls hereby granted and made payable, on either of the said Roads, and to order and direct the same so lessened, to be collected and received, and taken in such Manner, Parts, and Portions, as they shall think fit, and may raise the same again, from Time to Time, so as not to exceed the Tolls hereby granted, any Thing herein contained to the contrary notwithstanding: Provided always, that, when the Tolls shall be assigned to Creditors in Security for Money borrowed, such Diminution shall not take Effect till the Consent of Five Sixths in Value of such Creditors be first had and obtained.

When Money borrowed paid off, Trustees may borrow an equal Sum.

XXII. Provided always, and be it further enacted and declared, That when the Sums borrowed on the said *Leadhills* Road, and to be borrowed by the said respective Trustees, in virtue of the before recited Acts, and this present Act, shall, in Whole or in Part, be by Order of the said respective Trustees paid off to the Person or Persons advancing or lending the same, it shall and may be lawful to and for the said respective Trustees, or any Five or more of them, at a General Meeting assembled, and they are hereby authorized to borrow another Sum of Money equal to that by them so paid off as aforesaid.

Expences of the Act to be paid.

XXIII. And be it further enacted, That the Charges and Expences of passing of this Act shall be paid and defrayed out of the First Monies raised or to be raised by virtue and in pursuance of the before recited Acts or this present Act, on the said *Leadhills* Road, and the said Continuation thereof, the Whole being at present to be defrayed by the Trustees on the said *Leadhills* Road, and when the said Continuation thereof is made, the Trustees thereon shall repay to the Trustees on the *Leadhills* Road,

Road, One Fourth Part of the Charges and Expences of paſſing of this Act.

Former Acts to continue in force where not altered.

XXIV. And be it enacted, That all and every the Powers, Proviſions, Penalties, Matters, and Things whatſoever in the ſaid recited Acts, or in either of them, enacted, provided, and declared, in regard to the ſaid *Leadhills* Roads, ſhall ſubſiſt and be effectual in regard to the ſaid Road (ſubject to the Variations, Alterations, and Additions herein contained) during the Term hereby granted, any Thing in the ſaid former Acts or either of them contained to the contrary notwithſtanding; and that all and every the Powers, Proviſions, Penalties, Matters, and Things whatſoever, in the ſaid Acts of the Twenty-ſixth Year of the Reign of His late Majeſty, and of the Eleventh, Fifteenth, and Thirty-ſecond Years of the Reign of His preſent Majeſty, or in any of them enacted, provided, and declared in regard to the Turnpike Roads in the *Linton* or Weſt Diſtrict of the ſaid County of *Peebles*, in ſo far as the ſame are ſubſiſting, and capable of taking Effect, ſhall ſubſiſt and be effectual in regard to the ſaid Continuation of Road, ſubject to the Variations, Alterations, and Additions herein contained, during the Term hereby granted, any Thing in the ſaid former Acts, or in any of them contained, to the contrary notwithſtanding.

Publick Act

XXV. And be it 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 Endurance of this Act.

XXVI. And be it enacted, That the Term granted by the ſaid recited Acts, or either of them, in regard to the ſaid *Leadhills* Road, ſhall, upon the paſſing of this Act, ceaſe and determine, and this Act ſhall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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