ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 30.

An Act for maintaining and repairing the Road leading from the City of *Glaſgow*, through *Cowcaddens*, to that Part of the River of *Kelvin* called *The Milnford of Garſcube*. [28th *April* 1809.]

WHEREAS by an Act, made in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing ſeveral Roads leading into the City of* Glaſgow; and by another Act made in the Twenty-ſeventh Year of the Reign of His ſaid late Majeſty King *George* the Second, intituled, *An Act to explain, amend, and render more effectual, an Act paſſed in the Twenty-ſixth Year of His preſent Majeſty, intituled,* 'An Act for repairing ſeveral 'Roads leading into the City of Glaſgow;' and by an Act, made in the Fourteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to enlarge the Terms and Powers of Two Acts, made in the Twenty-ſixth and Twenty-ſeventh Years of the Reign of His late Majeſty King* George *the Second, for repairing ſeveral Roads leading into the City of* Glaſgow, *ſo far as the ſame relate to the Road leading from the ſaid City of* Glaſgow *through* Cowcaddens *to that Part of the Water of* Kelvin *called* The Milnford of Garſcube; and by another Act paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for enlarging the Terms and Powers of an Act paſſed in the Twenty-ſixth Year of the Reign of His late*

26 G. 2. c. 90.

27 G. 2. c. 25.

14 G. 3. c. 102.

33 G. 3. c. 174.

late Majeſty King George *the Second, intituled,* ‘ *An Act for repairing* ‘ *ſeveral Roads leading into the City of* Glaſgow ;’ *and of another Act paſſed in the Twenty ſeventh Year of the Reign of His ſaid late Majeſty, to explain, amend, and render more effectual the ſaid Act ; and of another Act paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, for enlarging the Term and Powers of Two Acts made in the Twenty-ſixth and Twenty-ſeventh Years of the Reign of His late Majeſty King* George *the Second, for repairing ſeveral Roads leading into the City of* Glaſgow, *ſo far as the ſame relate to the Road leading from the City of* Glaſgow, *through* Cowcaddens, *to that Part of the Water of* Kelvin *called* The Milnford of Garſcube ; certain Truſtees were appointed for ſurveying, ordering, widening, and keeping in Repair the Road leading from the City of *Glaſgow*, through *Cowcaddens*, to that Part of the Water of *Kelvin* called *The Milnford of Garſcube*, and ſundry Powers were thereby granted to the ſaid Truſtees for borrowing Money, levying Tolls, and other Purpoſes in the ſaid Acts mentioned : And whereas the ſaid Ford does not now exiſt as a Part of the ſaid Road, but a Stone Bridge has been built over the River *Kelvin* at that Part, and which Bridge was widened and repaired under the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty : And whereas a conſiderable Sum of Money has been borrowed, in purſuance of the Powers granted by the ſaid Acts, upon the Credit of the Tolls levied on the ſaid Road from *Glaſgow* to the *Milnford of Garſcube*, which is ſtill due, and conſiderable Debts have alſo been contracted, in making, repairing, and widening the ſaid Road ; but the ſame cannot be maintained and kept in repair, nor can the ſaid Debts be diſcharged, unleſs the Term and Powers granted by the ſaid Acts be prolonged and continued, and further and other Powers be granted for that Purpoſe ; and it is further expedient that the ſaid ſeveral Acts with ſuch further Powers ſhould be reduced and conſolidated into one Act in ſo far as they relate to the ſaid Road ; 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 Acts ſhall be and the ſame are hereby repealed, in ſo far as they relate to the ſaid Road leading from the ſaid City of *Glaſgow*, through *Cowcaddens*, to that Part of the Water of *Kelvin*, formerly called *The Milnford of Garſcube* ; and inſtead thereof this Act ſhall commence and be put in Execution, for and during the Term hereinafter-mentioned ; and that this Act, and the Tolls which are hereby authorized to be levied, ſhall be and are hereby made ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the ſaid Road, and of all Sums of Money which ſhall or may hereafter be borrowed on the Credit thereof, and of Intereſt due and to become due for the ſame reſpectively.

Former Acts repealed.

Nomination and Qualification of Truſtees.

II. And be it further enacted, That every Perſon being in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment as Proprietor of the *Dominium utile* of Lands ſituated in any one or more of the following Pariſhes, *videlicet*, the Barony Pariſh of *Glaſgow*, in the County of *Lanark*, the Pariſh of *Old Kilpatrick*, in the County of *Dumbarton*, and the Pariſh of *New Kilpatrick*, in the Counties of *Dumbarton* and *Stirling*, valued in the Ceſs Books of the ſaid reſpective Counties

at One hundred Pounds *Scots*, or upwards, of valued Rent, and all and every the eldeſt Sons of ſuch Perſons, being the Heirs Apparent of ſuch Property; and alſo the Sheriff Depute of the Shire of *Lanark*, and alſo the Provoſt, Dean of Guild, and Deacon Convener, of the City of *Glaſgow* for the Time being; the Baron Baillie or the Factor for the Time being of His Grace the Duke of *Montroſe*; and the Baron Baillie or Factor for the Time being upon the Eſtate of *Duntreath*, in the Abſence of their reſpective Conſtuants, and one of the Guardians or Truſtees of Minors, ſuch Minors having Property ſituated as aforeſaid, to the Extent of Two hundred Pounds *Scots*, or upwards, of valued Rent, ſhall be and are hereby nominated and appointed Truſtees, for ſurveying, making, amending, widening, maintaining, repairing, and keeping in Repair, and for cauſing to be made, amended, widened, maintained, repaired, and kept in Repair, the aforeſaid Road leading from the ſaid City of *Glaſgow*, through *Cowcaddens*, to the North End of the Bridge at the Place formerly called *The Milnford of Garſcube*, and for executing all the Powers given and granted by this preſent Act.

Qualification of particular Truſtees.

III. Provided always, and be it enacted, That no Perſon, other than ſuch Proprietors, or their eldeſt Sons being their Heirs Apparent as aforeſaid, ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of One hundred Pound Sterling *per Annum*, or be poſſeſſed of and entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Value of Five hundred Pounds Sterling, nor ſhall any ſuch laſt mentioned Perſon, 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 *bonâ fide* am 'in my own Right, (or in the Right of my Wife, *as the Caſe may be*,) 'in the actual Poſſeſſion or Enjoyment of Lands or Heritages, of the clear 'yearly Value of One hundred Pounds Sterling, or poſſeſſed of or entitled 'to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, 'of the Amount or Value of Five hundred Pounds Sterling.

'So help me GOD.'

Penalty on acting if not qualified.

IV. And be it enacted, That if any Perſon not qualified as aforeſaid, ſhall nevertheleſs preſume to act as a Truſtee under this Act, he ſhall, for every ſuch acting, forfeit the Sum of Twenty Pounds Sterling, to be applied to the Reparation of the ſaid Road; and in all Caſes the Proof of Qualification ſhall lie on the Defendant.

First Meeting and ſubſequent Meetings.

V. And be it enacted, That for the Purpoſe of carrying this Act into Execution, the ſaid Truſtees or any Three or more of them ſhall meet at *Glaſgow*, on the Third *Wedneſday* after the paſſing of this Act, or as ſoon thereafter as conveniently may be; and may from Time to Time adjourn to meet at ſuch Time and Place as the ſaid Truſtees, at the laſt Meeting aſſembled, ſhall think proper, without Prejudice to their meeting

ing at other Times, at *Glaſgow* or elſewhere, within any of the ſaid Three Pariſhes, upon Notice from the Clerk of the ſaid Truſtees advertiſed Once at leaſt in One of the Newſpapers publiſhed at *Glaſgow*, Ten Days at leaſt before the Time fixed for ſuch Meeting; and in caſe at any Time appointed for a Meeting of the Truſtees, Three in Number ſhall not aſſemble, the Truſtees actually aſſembled ſhall have Power to adjourn, though not to do any other Buſineſs relative to the Truſt; and the ſaid Truſtees ſhall, at all their Meetings, defray their own Charges.

Victuallers not to hold Places of Profit.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee, or of holding any Place of Profit under this Act, who ſhall ſell Wine, Ale, Beer, or Spirituous Liquors by Retail, in any Public Houſe, Inn, or Tavern.

Power and Quorum of Truſtees.

VII. And be it enacted, That the ſaid Truſtees, or any Three or more of them, at any of their Meetings held as aforeſaid, ſhall have Power to iſſue their Orders for ſurveying, making, and repairing the ſaid Road, and otherwiſe to proceed and act in the Execution of the Truſt hereby committed to them.

To appoint Officers.

VIII. And be it further enacted, that it ſhall and may be lawful for the ſaid Truſtees at any ſuch General Meeting to chuſe and appoint a fit Perſon or Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, to the ſaid Truſtees; and alſo One or more fit Perſon or Perſons, to be Surveyor or Surveyors of the ſaid Road, or ſuch other Officers, as they ſhall think proper; and from Time to Time to remove ſuch Officers, or any of them, as they ſhall ſee Occaſion, and appoint new ones, in caſe of Death, Reſignation, or Removal; and all Perſons who are or ſhall be liable to pay the Tolls or Duties granted by this Act, are hereby required to pay the ſame to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, ſo from Time to Time to be appointed as aforeſaid, who ſhall pay and apply the ſame in ſuch Manner as the ſaid Truſtees ſhall direct or appoint; and all Perſons receiving the ſaid Tolls and Duties, or any Money on account of or by the Authority of the ſaid Truſtees, ſhall at ſuch Times and in ſuch Manner as the ſaid Truſtees ſhall direct, give an Account, in Writing under their reſpective Hands, with their reſpective Vouchers, of all Monies which he or they, or any of them, have received, paid, and diſburſed, by reaſon of their reſpective Offices, and verify the ſame upon Oath if required, under a Penalty not exceeding Twenty Pounds Sterling for each Offence over and above Payment and Performance; and the ſaid Truſtees, at a General Meeting aſſembled, ſhall and may, and they are hereby authorized and empowered, out of the Money veſted in them by this Act, to make ſuch Allowances to the ſeveral Officers ſo by them appointed, for and in Conſideration of their Care and Pains taken in the Execution of their reſpective Offices, as the ſaid Truſtees at a General Meeting aſſembled, ſhall think fit.

Officers to account.

Treaſurer to give Security.

IX. And be it enacted, That the ſaid Truſtees ſhall, and they are hereby required, to take ſuch Security from the Clerk or Clerks, Collector or Collectors, Treaſurer or Treaſurers to be appointed by virtue of this Act, for the faithful Execution of their reſpective Offices, as to the ſaid Truſtees ſhall appear juſt and reaſonable.

X. And

X. And be it enacted, That if any Perſon or Perſons appointed or to be appointed a Truſtee or Truſtees for putting this Act into Execution, ſhall have or accept of any Place of Profit, ariſing out of or by reaſon of any Tolls or Duties by this Act laid or granted, ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting and during the Enjoyment of ſuch Place of Profit as aforeſaid. Truſtees ſhall not accept Places of Profit.

XI. And be it enacted, That the ſaid Truſtees may, and they are hereby authorized and empowered to build and erect, or cauſe to be built and erected, ſuch Number of Toll Houſes near or upon the ſaid Road, and Turnpike Gates in, upon, or acroſs the ſaid Road, as the ſaid Truſtees ſhall find neceſſary or proper to erect, and ſhall and may make Fences to prevent any Perſon or Perſons travelling the ſaid Road from evading the Payment of the Tolls and Duties to be impoſed and levied by virtue of this Act; and the Right and Property of the ſeveral Turnpike Gates and Toll-Houſes already erected or to be erected and provided, and the Materials thereof, ſhall be, and they are hereby veſted in the ſaid Truſtees, and they are hereby empowered, from Time to Time, to bring, or cauſe to be brought, Actions in their own Names, or in the Names of any of their Treaſurers or Clerks, againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion thereof. To erect Toll Houſes, Gates, &c.

XII. And be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the ſaid Road, and acroſs any Way or Lane leading out of the ſame, and there to take and receive ſuch Tolls as are by this Act granted and made payable, but ſo as that a Ticket received at ſuch Side Bar ſhall entitle the Receiver to paſs through ~~other~~ Turnpikes on the ſaid Road Toll-free, in the ſame Manner as if he had paid Toll at any Gate or Gates erected acroſs the ſaid Road. To erect Side Gates.

XIII. 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 as they ſhall judge moſt convenient for the Purpoſe of erecting Toll Houſes not exceeding One Fourth Part of an Acre for each Toll Houſe, which every Proprietor is hereby required and empowered to convey, feu, or leaſe, notwithſtanding any Entail, Settlement, or other legal Bar 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. Ground for Toll Houſes.

XIV. Provided always, and be it enacted, That ſo long as the Truſtees upon the Turnpike Road leading to *Port Dundas*, from the ſaid Road to the North End of the Bridge of *Garſcube*, appointed by an Act paſſed in the Thirty-Third Year of the Reign of His preſent Majeſty, intituled, *An Act for completing, repairing, and maintaining the Road leading from the City of* Glaſgow *to* Port Dundas, *and from* Port Dundas *to the High Road leading from the City of* Glaſgow *to* Garſcube Bridge *by* Dobbies Loan, *in the County of* Lanark, ſhall maintain and keep in Repair ſo much of the ſaid laſt-mentioned Road as lies between the City of *Glaſgow* and the No Toll to be levied between the City of Glaſgow and Part of Port Dundas.

Place where the ſaid Road to *Port Dundas* branches off from the ſame near the Turnpike Gate at preſent erected on the ſaid *Garſcube* Road, between *Cowcaddens*, and *Glaſgow*, it ſhall not be lawful for or in the Power of the Truſtees appointed by this Act, to ſet up any Turnpike Gate or Gates, or to levy any Toll or Tolls on that Part of the ſaid Road, maintained and kept in Repair by the ſaid Truſtees on the Road to *Port Dundas* as aforeſaid.

Tolls to be levied.

XV. And be it enacted, That the ſaid Truſtees may, and they are hereby empowered and authorized to demand and take or to cauſe to be demanded and taken at the Turnpikes or Gates erected; or to be erected by them upon the aforeſaid Roads, Ways, or Lanes, a Sum not exceeding the Rates and Duties herein-after ſpecified, before any Coach, Chariot, Barouche, Landau, Calaſh, Chaiſe, Waggon, Wain, Cart, or other Carriage whatever, or any Horſe, Mare, Gelding, or other Cattle whatever, paſs through the ſame; (that is to ſay),

For every Coach, Chariot, Barouche, Landau, Calaſh, Chaiſe, Chair or Hearſe, or other ſuch like Carriage or taxed Cart, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings Sterling; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, or other ſuch Wheel Carriage, drawn by Six or more Horſes, or other Beaſts of Draught, the Sum of Four Shillings Sterling; and drawn by Five Horſes, or other Beaſts of Draught, the Sum of Three Shillings and Sixpence Sterling; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of Three Shillings Sterling; and drawn by Three Horſes, or other Beaſts of Draught, the Sum of Two Shillings Sterling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of One Shilling Sterling; and drawn by One Horſe, or other Beaſt of Draught, the Sum of Sixpence Sterling:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Three-pence Sterling:

For every Drove of Oxen or neat Cattle, the Sum of One Shilling and Eight-pence Sterling per Score; and ſo in Proportion for any greater or leſs Number:

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

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

If there ſhall be Two or more Turnpikes, Tolls to be apportioned.

XVI. Provided always, and be it enacted, That if there ſhall be Two or more Turnpikes or Toll Bars erected on or acroſs the aforeſaid Road, then and in ſuch Caſe or Caſes the Tolls and Duties hereby granted may be levied at any of the ſaid Turnpikes in Whole or in Part, provided that the total Tolls and Duties ſo levied upon the whole Line of the ſaid Road ſhall not exceed the Amount of the Tolls and Duties hereby granted.

XVII. And

Tolls to be paid only Once in the same Day.

XVII. And be it enacted, That no Person or Persons, having Occasion to pass through any Turnpike or Turnpikes on the said Road, and who shall return the same Day through the same Turnpike or Turnpikes, before twelve of the Clock at Night with the same Coach, Chaise, or other such Carriage or with the same Horse, Ass, or other Beast or Cattle, or with the same Waggon, Cart or other such Carriage if empty, shall be liable to pay the said Tolls or Duties upon such Return as aforesaid; and every Person passing through any such Turnpike shall, on Demand, be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Tolls or Duties, which Note or Ticket, Notes or Tickets, shall, upon the Delivery thereof, enable the said Person or Persons returning the same Day as aforesaid, to repass the said Turnpike Toll-free.

Penalty on disposing of Pass Tickets.

XVIII. And be it enacted, That if any Collector of the said Tolls or Duties shall sell, or fraudulently dispose of any Note or Ticket, Notes or Tickets, to any Person or Persons; or if any Person or Persons, having paid the Tolls or Duties by this Act imposed, and having received a Note or Ticket, Notes or Tickets, signifying the Payment thereof, shall give or dispose of the same, to any other Person or Persons, in order to avoid Payment of the said Tolls and Duties, every such Collector, or other Person giving or disposing thereof, and the Persons receiving the same, being convicted thereof by voluntary Confession, or upon the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace of the County where the Offender shall be or reside, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Exemptions from Toll.

XIX. And be it enacted, That no Toll or Duty shall be demanded or taken at any of the Turnpikes erected or to be erected on the aforesaid Road, for or in respect of any Horses or Carriages which shall be employed in carrying Stones or other Materials for repairing the Roads or Bridges by this Act directed to be made, repaired, or built, or in respect of any Horses, Cattle, Sheep, or Carriages, loaded or otherwise passing or repassing between One Part of a Farm, and another Part of the same Farm contiguous or near to the said Road; nor for Horses, Geldings, or Cattle, going to Smithies for the Purpose only of being shod, or returning therefrom; nor for Horses or Carriages of any Description, carrying any Person or Persons attending the Funeral of any Person who shall die and be buried within any of the said Parishes, or carrying any Clergyman going to or returning from visiting any sick Person, or upon any other his Parochial or Ministerial Duty upon a *Sunday*, or on any Day on which Divine Service is ordered by Authority to be performed; or carrying any Person to or from Church, Chapel, or any Place of religious Worship, belonging to or situated within the Parish where such Person resides, on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be performed; or for any Horses or Carriages of whatever Description, employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Waggons, Wains, Carts, or other Carriages whatsoever, or any Horses or other Cattle drawing the same, which shall be employed in conveying

veying any Ordnance, Barrack or Commiſſariat, or other public Stores, of or belonging to His Majeſty, for the Uſe of His Majeſty's Forces; nor ſhall any Toll or Duty be demanded or taken for the Horſes of Officers or Soldiers upon their March, or on Duty; or for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in conveying any wounded or diſabled Officers or Soldiers, or for any 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 or on the Days of Exerciſe, provided that ſuch Perſons be dreſſed in the Uniforms 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; or for Carts, Carriages, or Waggons travelling with Vagrants ſent with legal Paſſes; nor ſhall more than One Half of the Tolls and Duties levied under the Authority of this Act be paid for Horſes or Carriages which ſhall be employed in carrying Dung from *Glaſgow* or elſewhere for manuring Lands in any of the Pariſhes aforeſaid: And if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, 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.

Carriages of heavy Weight not entitled to Exemption unleſs they have broad Wheels.

XX. Provided always, and be it enacted, That no Waggon, Wain, Cart, or other ſuch Carriage, ſhall be entitled to any of the Exemptions from the Payment of Tolls and Duties granted by this Act, if the Weight of ſuch Carriage, with the Burden or Loading thereon, ſhall amount to Twenty Hundred Weight or upwards, unleſs the Fellies of the Wheels of ſuch Carriages ſhall meaſure Five Inches in Breadth at leaſt, if drawn by One Horſe, Mare, Gelding, or Mule, and Seven Inches if drawn by Two or more Horſes, Mares, Geldings, or Mules, and alſo, unleſs the Fellies of the Wheels of every ſuch Carriage ſhall be 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 Part of the ſaid Pair of Wheels, and further have the Nails ſunk Level with the Rings on the Wheels; excepting always Carriages carrying His Majeſty's Mails or Expreſſes, Carriages belonging to His Majeſty, or carrying Stores as aforeſaid, Carriages attending Soldiers who are upon their March or on Duty, or any Corps of Yeomanry or Volunteers as aforeſaid, and Carts or Waggons travelling with Vagrants with legal Paſſes, which in no Caſe whatever ſhall be liable to any Toll or Duty.

Tolls on Carriages of heavy Weight.

XXI. And be it enacted, That the ſaid Truſtees may levy or cauſe to be levied, demanded, and taken at the ſeveral Turnpike Gate or Gates erected or to be erected on or acroſs the ſaid Roads, before any Waggon, Wain, Cart, or other ſuch Carriage, drawn by One or more than One Hor ſe

Horſe, Mare, Gelding, or Mule, paſs through the ſame, the Weight of which Carriage with the Burden or Loading thereon ſhall amount to Twenty hundred Weight and ſhall not exceed Twenty-five hundred Weight, and the Fellies of the Wheels of which ſhall not meaſure Five Inches in Breadth at leaſt if drawn by One, and Seven Inches in Breadth if drawn by more than One Horſe, Mare, Gelding, or Mule, and moreover the Fellies of which Wheels as well as the Wheels and Axle-trees of ſuch Carriages ſhall not be of the Deſcription aforeſaid, One Half more in Addition to the Tolls and Duties authorized to be levied by this Act; and if the Weight of the ſame ſhall exceed Twenty-five hundred Weight and ſhall not exceed Thirty hundred Weight, and the Fellies of the Wheels of ſuch Carriage ſhall not meaſure as above-mentioned, and ſuch Carriage ſhall not in other Reſpects be of the Deſcription aforeſaid, Double the Tolls and Duties granted by this Act; and if the Weight ſhall exceed Thirty hundred Weight, and the Fellies of the Wheels of ſuch Carriage ſhall not meaſure as above-mentioned, and the Carriage ſhall not in other Reſpects be of the Deſcription aforeſaid, Treble the Tolls and Duties granted by this Act; and the Toll or Duty on ſuch Carriages is hereby expreſsly declared not to be a Penalty, but the juſt and fair Toll Duty leviable on ſuch Carriages.

For erecting Weighing Machines.

XXII. And be it enacted, That it may and ſhall be lawful to and for the ſaid Truſtees to erect and build, or cauſe to be erected and built, on or acroſs the ſaid Road, or at ſuch Diſtance therefrom as ſhall be thought proper by the ſaid Truſtees, Cranes, Machines, or Engines proper for weighing Carts, Waggons, or Carriages conveying any Goods, Merchandize, Corn ground or unground, Coal, Lime, Stones for building, or any Thing whatſoever; and to order and cauſe all and every or any ſuch Carriage or Carriages, to be weighed, together with the Loading thereof, before allowing the ſame to paſs through any ſuch Gate or Gates; and if any Perſon or Perſons ſhall refuſe to allow the ſame to be ſo weighed, then it ſhall and may be lawful for the ſaid Truſtees to levy or order to be levied Treble the Tolls or Duties hereby directed to be paid for ſuch Carriages before allowing the ſame to paſs through ſuch Gate or Gates.

Stores.

XXIII. Provided always, and be it 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 ſuch Toll Duty or 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.

To prevent paſſing without paying Tolls.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall neglect or refuſe to pay the Tolls and Duties hereby granted, the ſaid Truſtees

Truſtees or any Three of them, are hereby empowered by themſelves, or any Perſon authorized by them, to ſeize every Horſe, Ox, or other Cattle, or Carriage, ſo paſſing the Toll Bar without Payment, and to detain them till Payment of the Toll Duty; and failing its being paid within Five Days thereafter to apply to any Juſtice of the Peace within the County, who is hereby authorized to grant a ſummary Warrant, to ſell the ſaid Horſe or other Cattle or Carriage for Payment of the Toll Duty, and all other neceſſary Charges, rendering the Overplus (if any be) to the Owner when required.

Penalty for refuſing to pay Toll.

Taking off Horſes, &c.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall refuſe to pay the Tolls and Duties authorized to be levied by this Act, or ſhall paſs through any Toll Bar, without paying the Tolls and Duties leviable thereat, or ſhall take off or cauſe to be taken off, any Horſe, Mare, Gelding, or Mule, from any Coach, Chaiſe, Chair, or other ſuch like Carriage, or any Horſe, Ox, or other Beaſt of Draught, from any Waggon, Wain, Cart, or other ſuch like Carriage, before the ſame ſhall come to any of the Gates, or Turnpikes erected, or to be erected by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby impoſed, or ſhall put or leave in any Houſe, or Place, any Waggon, Wain, Cart, or other Carriage, Horſe, Mare, Gelding, Mule, or Cattle, chargeable with or liable to pay the ſaid Tolls or Duties, with ſuch Intent as aforeſaid, each and every Perſon ſo offending in any of the Caſes aforeſaid, and being duly convicted thereof, in the Manner directed by this Act, ſhall be liable in a Penalty not exceeding Five Pounds Sterling, for each Offence.

Penalty for Aſſaults, and Penalty for deſtroying Turnpike Gates, &c.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall aſſault any Collector of the ſaid Tolls or Duties, or by Force paſs through any of the ſaid Gates or Turnpikes, without paying the Tolls or Duties which ſuch Perſon or Perſons ought to pay; or ſhall maliciouſly break down, or attempt to break down, pluck up, damage, or otherwiſe deſtroy, any Turnpike Gate, Poſt, Chain, Bar, or other Works whatever, or any Houſe erected for the Uſe of ſuch Turnpikes, or any weighing Engine erected on the Sides of the ſaid Road, or ſhall ſtrike or maltreat any of the Collectors, Toll-Gatherers, or any Perſon or Perſons of their Family employed in levying the ſaid Tolls or Duties, or ſhall reſcue or attempt to reſcue any Perſon in Cuſtody for any of the ſaid Offences or any Offence againſt this Act; every Perſon or Perſons ſo offending in any of the Premiſes, and being thereof convicted in Manner directed by this Act, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds Sterling over and above the whole Damages and Expences which ſhall be ſuſtained by the ſaid Truſtees, Collectors, Toll-gatherers, or other Perſon aforeſaid by reaſon of any ſuch Offence.

To prevent Evaſion of Tolls.

XXVII. And be it further enacted, That if any Perſon or Perſons owning, renting, or occupying any Lands or other Premiſes, ſhall knowingly and willingly permit and ſuffer any Perſon or Perſons to paſs over the ſame, or through any Gate, Paſſage, or Way, with any Coach, Cart, or other Carriage, or with any Horſe, Ox, or other Cattle, for the Purpoſe of evading Payment of the ſaid Tolls or Duties, ſuch Perſon or Perſons ſo offending, and the Perſon or Perſons driving ſuch Coach, Cart, or other Carriage, Horſe, Ox, or other Cattle, being convicted thereof in Manner directed

directed by this Act, shall, for every such Offence, forfeit and pay to the said Trustees a Sum not exceeding Forty Shillings Sterling.

Tolls may be reduced.

XXVIII. Provided always, and be it enacted, That the said Trustees at any of their General Meetings, may, and they are hereby authorized and empowered, from Time to Time, with the Consent of the Person or Persons who shall have lent Five-sixth Parts of the Money then due solely on the Credit of the same, to lessen and reduce such Tolls or Duties from Time to Time as they shall think fit, and may also from Time to Time raise the said Tolls or Duties again, so as not to exceed the Tolls or Duties herein-before granted.

Tolls may be let.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, at a General Meeting assembled, if they shall think fit, to let by public Auction the Tolls or Duties hereby granted, in Whole or in Part, for any Term not exceeding Three Years, for the highest Rate that can be got for the same, to such Person or Persons as shall give good and sufficient Security for Payment of the Rents for which the said Tolls shall be let, to be approved by the said Trustees.

Composition for Tolls.

XXX. 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 erected or to be erected on the said Roads, with any Coach, 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 in Advance, from Time to Time after such Agreement is made; and that Copies of all such Agreements or Compositions 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 having Interest at all seasonable Times, without paying any Fee or Reward.

Tolls and Duties to be applied in repairing of Road, and in repairing Garscube Bridge.

XXXI. And be it further enacted, That the Tolls and Duties hereby granted shall be applied by the said Trustees in improving, maintaining, and keeping in Repair the aforesaid Road, and also in keeping and maintaining the Bridge at the said *Milnford* of *Garscube* in sufficient Repair, and for widening the same, if that shall be deemed necessary; and in carrying all other the Trusts and Purposes of this Act into Execution, including the Repayment of the Money borrowed on the Credit of the said Tolls.

Power to repair branching Roads.

XXXII. And be it further enacted, That it shall be lawful to and in the Power of the said Trustees, or any Three or more of them at a General Meeting assembled from Time to Time, to direct such Part of the Tolls and Duties by this Act granted as they shall think proper, not exceeding One-fourth Part of the Annual Produce thereof in One Year, to be laid out and applied for the repairing other Roads within any of the Counties of *Lanark*, *Stirling*, or *Dumbarton*, branching out of or leading into the said Road from the City of *Glasgow* to the North End of the Bridge of *Garscube*.

XXXIII. Provided

Addition to Money applied to branching Roads not to be made unless at a Special General Meeting.

XXXIII. Provided always, and be it enacted, That no Addition shall be made to such Part of the said Tolls and Duties as shall have been in any Year applied to any such other Road, unless at a General Meeting held in some one or other of the Months of *August*, *September*, or *October*, called by Advertisement inserted at least in One Newspaper published at *Glasgow*, and at least Ten Days before the Day of Meeting, in which Advertisement the Road for which any Addition is meant to be made shall be specified.

Power to borrow Money.

XXXIV. And be it further enacted, That for the Purposes aforesaid it shall and may be lawful for the said Trustees at a General Meeting assembled, and they are hereby authorized and empowered to borrow upon the Credit of the Tolls and Duties granted by this Act, any Sum or Sums of Money, not exceeding upon the Whole at any one Time Eight thousand Pounds Sterling, including the Sums already borrowed by the said Trustees under the said recited Acts, and to assign and make over such Part of the said Tolls or Duties as they shall think proper, by Way of Security, to such Person or Persons who shall lend or who shall become Sureties for the Payment of such Sum or Sums of Money so to be borrowed as aforesaid; and Copies of all such Assignments shall be entered by the Clerk or Clerks, Treasurer or Treasurers, in a Book or Books to be kept for that Purpose, which shall at all reasonable Times be open to the Perusal of any Person or Persons having Interest, without Fee or Reward.

Loans being paid, farther Sums may be borrowed.

XXXV. Provided always, and be it further enacted, That when the Sums aforesaid shall, in Whole or in Part, be applied and accounted for to the said Trustees, and by their Order paid to the Person or Persons advancing or bound for the same, it shall and may be lawful to and for the said Trustees, at a General Meeting assembled, and they are hereby authorised to borrow any other Sum or Sums of Money; but the said Sum or Sums so borrowed shall not at any Time exceed in the Whole the Sum allowed to be borrowed by the Trustees, as aforesaid, on the Credit of the said Tolls or Duties.

No Money to be paid without Order of the Trustees.

XXXVI. And be it further enacted, That no Part of the said Tolls or Duties, or of the Monies which shall be borrowed upon the Credit thereof, shall be applied, laid out, or appropriated without the Order of the said Trustees, or of such Persons as they shall authorise and appoint.

Accounts to be kept.

XXXVII. And be it further enacted, That the said Trustees shall keep, or cause to be kept, an exact Account of the Monies received by virtue of this Act, and the Application thereof, and all their Proceedings, and shall enter the same in a Book or Books to be kept for that Purpose, which any Trustee shall at all reasonable Times be at Liberty to inspect, without Fee or Reward.

Powers for making the Roads.

XXXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, at a General Meeting assembled, to make, or cause to be made, Causeways, on any Part of the said Road, and to make and erect Bridges of Stone, Brick, or Wood, for the Passage of Water under the same, or under any Part of the said Road, and across the same, and otherwise to make, maintain, and keep in Repair, the said Road; and the said Trustees are further hereby authorized and empowered by a Writing under their Hands, to order and direct the Course of the said Road to be

altered, or the ſaid Road to be extended to ſuch Breadth as they ſhall think proper, not exceeding Sixty Feet, excluſive of Ditches; and for theſe Purpoſes, to pull down and remove any Houſe or Building, the Side Walls of which ſhall not exceed Eighteen Feet in Height, and to remove all other Obſtructions, and to enter into and upon, and make uſe of all Lands, Grounds, and other Heritages, not being a Garden, Orchard, planted Walk, Lawn, or Avenue to any Houſe, or any Ground being a Nurſery for Trees, which had been ſo uſed prior to the paſſing of this Act.

Owners of Lands uſed in making new Road to have the firſt Offer of the old Road.

XXXIX. Provided always, and be it enacted, That wherever the Courſe of any Part of the ſaid Road ſhall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Perſon from whom the Part of ſuch old Road ſhall have been purchaſed, and if he refuſes then to the Owner of ſuch adjoining Land, which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Perſon ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Perſon ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury in ſuch and the like Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act, and ſuch Perſon ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by the Jury to be the Value thereof; and in caſe ſuch Perſon ſhall refuſe to pay ſuch Money, upon Demand made thereof by the Treaſurer or Clerk to the Truſtees, and upon an Offer in Writing being made to convey ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees by Action before the Court of Seſſion, together with Expences of Proceſs or Coſts of Suit; and in caſe any ſuch Perſon ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons (not intereſted in the Premiſes) to ſubſcribe a Statement in Writing, and to make Oath to the Truth thereof before One of His Majeſty's Juſtices of the Peace for the County where ſuch old Road ſhall be, ſtating that ſuch Offer has been made by or on the Behalf of the ſaid Truſtees, and that ſuch Perſon has not agreed or has refuſed to purcha[illegible]uch old Road, (as the Caſe may be), and ſuch Statement in Writing and Oath relating thereto, ſhall, in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or refuſed by ſuch Perſon; and it ſhall thereafter be lawful for the ſaid Truſtees to ſell and diſpoſe of the ſaid old Road as they ſhall think proper.

Incapacitated Perſons empowered to ſell.

XL. And be it enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, married Women, Truſtees, Heirs of Entail, Tutors or Curators for Infants, Minors, Idiots, furious or other Perſons, and to and for all and every other Perſon or Perſons whatſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in any Lands, Houſes, Tenements, or other Heritages, or any Part thereof, to ſell the ſame for the Purpoſes of this Act; and all Contracts, Agreements, Sales, or other Conveyances that ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other

Matter or Thing whatſoever, to the contrary thereof, notwithſtanding; and all ſuch Truſtees, Heirs of Entail, Tutors or Curators, Corporations, Proprietors or Incumbrancers, and all other Perſons, are and ſhall be indemnified for what they ſhall do by virtue or in purſuance of this Act.

Satisfaction to be made.

XLI. And be it further enacted, That the ſaid Truſtees ſhall be obliged to ſatisfy and pay the Proprietors, or Owners and Occupiers, and other Perſons intereſted in any Lands, Tenements, Houſes or Heritages, required for the Purpoſes of this Act, the Value thereof, and of the Damage done, as ſhall be agreed upon between the ſaid Truſtees and ſuch Proprietor or Proprietors, Occupier or Occupiers, and other Perſons intereſted therein; and in the Event that they cannot agree, then the ſaid Truſtees ſhall be obliged to pay ſuch Sum or Sums of Money, as ſhall be awarded by a Jury of Fifteen Perſons ſummoned and choſen by the Sheriff of the County wherein ſuch Lands, Tenements, Houſes, or Heritages ſhall be ſituated, 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 Advocation, Suſpenſion, or Reduction; and the Sheriff Depute of ſuch County or his Subſtitute, upon the Petition of either Party, ſetting forth the Circumſtances of the Caſe, is hereby required within a reaſonable Time thereafter, to ſummon and chooſe ſuch Jury; and in the Event that no Compenſation ſhall have been offered by the ſaid Truſtees, or if ſuch Jury ſhall award a greater Sum than ſhall have been offered by the ſaid Truſtees, the Expence of ſuch Jury ſhall be borne by the ſaid Truſtees,

Expences of Jury by whom to be paid.

and in the Event that ſuch Jury ſhall award a leſs Sum than ſhall have been offered by the ſaid Truſtees, the Whole of the ſaid Expences ſhall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence be prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees: And provided alſo, that after having offered to the Owner or Owners, Occupier or Occupiers of any Lands or Houſes ſuch Sum as the ſaid Truſtees ſhall think reaſonable, it ſhall and may be lawful for them to enter into or upon ſuch Lands or Houſes for the Purpoſes of this Act, and no Stop ſhall in the mean Time be put to the Operations of the ſaid Truſtees on Pretence of ſettling the ſaid Damage, or that they have not been ſatisfied and paid; and in caſe any Perſon intereſted ſhall apply for and obtain from any Judge competent, a Warrant for ſtopping the Execution of any of the Purpoſes to be carried on under the Authority of this Act, the ſaid Judge ſhall be and is hereby empowered and directed to recall ſuch Warrant, or remove any Siſt obtained as aforeſaid, provided ſufficient Caution ſhall be found by the Truſtees therein named for the Amount of ſuch Damages as may ultimately be awarded to the Perſon ſuing for the ſame, and aſcertained in Manner herein preſcribed.

Money payable to Perſons under Entail or Diſability, how to be diſpoſed of.

If 200 l. and upwards.

XLII. And be it enacted, That whatever Money ſhall be paid as aforeſaid, for Lands, Tenements, Houſes, or other Heritages ſo taken or uſed by the ſaid Truſtees, which were held under Entail, or ſubject to Life-rent Annuities or other Incumbrances, or belonging to any Corporation, married Woman, Minor, Lunatic, Idiot, or other Perſon under legal Diſability or Incapacity, ſuch Money, in caſe the ſame amount to Two hundred Pounds

Pounds or upwards, ſhall be under the Authority and Direction of the Court of Seſſion, and ſhall without Delay be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or ſuch other Bank as the Court ſhall direct, upon the higheſt Intereſt that can be got, in order that it may be applied, with the Approbation and by the Authority of the ſaid Court, in the Purchaſe of Land Tax, or in the Diſcharge of any Debt or Incumbrance affecting the ſaid Lands, Houſes, or other Subjects, or affecting other Lands, Houſes, or Subjects belonging to the ſame Perſons, and ſettled to the ſame or like Uſes, or under the like Conditions and Limitations; and when ſuch Money cannot be applied to theſe or like Purpoſes, then the ſame ſhall be laid out in the Purchaſe or on the Security of other Lands, Houſes, and Subjects of the like Nature, and the Rights and Titles thereof ſhall be deviſed to the ſame Perſon or Perſons, or for their Benefit, to the ſame Series of Heirs, for the ſame Uſes and Purpoſes, and under the ſame Proviſions, Conditions, and Limitations, as the Lands, Houſes, and other Subjects taken and uſed for the Purpoſes of this Act, were deviſed and ſettled, or ſuch of them as ſhall be then exiſting and capable of taking Effect; and in the mean Time, until ſuch Purchaſe or Security can be effected, the Intereſt of ſuch Money ſhall be paid, by Authority of the ſaid Court, to the Perſon or Perſons who for the Time would have been entitled to the Rents and Profits of the Lands, Houſes, or other Subjects ſo taken and uſed by the ſaid Truſtees.

If leſs than 200 l. and above 20 l.

XLIII. And be it enacted, That if ſuch Money be leſs than Two hundred Pounds, but ſhall exceed Twenty Pounds Sterling, then at the Option of the Perſon or Perſons who for the Time being would have been entitled to the Rents and Profits of the Lands, Houſes, and other Subjects conveyed to or taken by the Truſtees for the Purpoſes of this Act, to be ſignified in Writing under their reſpective Hands, or under the Hands of their Tutors, Curators, or Truſtees, in Caſes of Minority, Lunacy or Truſt, to be paid into one or other of the ſaid Banks, under the ſame Direction and Authority, to be applied in the Manner before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be named by the Perſon or Perſons making ſuch Option, and approved of by Two or more Truſtees under this Act, in order that ſuch Money, and the Intereſt ariſing thereon, may be applied in the Manner before directed, ſo far as the Circumſtances of the Caſe ſhall make it practicable.

If leſs than 20 l.

XLIV. And be it enacted, That where ſuch Money ſhall be leſs than Twenty Pounds Sterling, then the ſame ſhall be applied to the Uſe of the Perſon or Perſons who for the Time being would have been entitled to the Rents and Profits of the Lands, Houſes, and other Subjects ſo taken and conveyed for the Purpoſes aforeſaid, in ſuch Manner as the Truſtees, or any Two or more of them, ſhall think fit; or in caſe of Truſt to his or their Truſtees, or in caſe of Minority or Lunacy, to his, her, or their Tutors or Curators, for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c.

XLV. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Houſes, or other Subjects, purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title

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, Houſes, or other Subjects, 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 Two or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Houſes, or other Subjects (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order the Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Banks as aforeſaid.

Purchaſe Money to be paid into the Bank;

ſubject to the Order of the Court of Seſſion.

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

XLVI. 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, Houſes, or other Subjects, or of any Eſtate, Right, or Intereſt, in any Lands, Houſes, and other Subjects, to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in the Poſſeſſion of ſuch Lands, Houſes, and other Subjects, 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, Houſes, or other Subjects, 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, Houſes, or other Subjects, or to ſome Eſtate or Intereſt therein.

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

XLVII. 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, Houſes, or other Subjects, 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, Houſes, or other Subjects, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes, from Time to Time, to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch

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.

How Lands to be veſted in the Truſtees.

XLVIII. 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 caſe of the Abſence or Refuſal of the Perſon or Perſons entitled thereto) in the Bank of *Scotland*, or Royal Bank thereof; 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.

Power to take Materials for repairing the Roads;

XLIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees or ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, to open Stone Quarries, and to dig, gather, and carry away any Stones or Gravel, Sand, Furze, Heath, or other Materials (Timber excepted), out of or from any Ground, whether incloſed or not (not being the Ground whereon any Houſes ſtand, nor a Garden, Orchard, Yard, planted Walk, Lawn, or Avenue to any Houſe or any Piece or Parcel of Ground being a Nurſery for Trees, and which had been ſo uſed previous to the paſſing of this Act), where the ſaid Materials can be moſt conveniently found within any of the Pariſhes aforeſaid, for the Uſe of the ſaid Roads and Bridges aforeſaid.

Notice being firſt given;

L. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons under the Authority of this Act, to dig, gather, take and carry away any Materials for making or repairing the ſaid Roads and Bridges, from any incloſed Lands or Grounds, without an Order in Writing from Two or more of the ſaid Truſtees nor until at leaſt Three Days previous 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.

and not being taken from Quarries then working, unleſs refuſed at Cuſtomary Price.

LI. Provided further, That it ſhall not be lawful for any Perſon under the Authority of this Act, to dig, gather, take and carry away any Materials from any Quarry which ſhall be then working for Sale by any Owner or Occupier thereof, unleſs ſuch Owner or Occupier ſhall refuſe or hinder a ſufficient Supply thereof at the current Price or Prices at which the ſame ſhall at the Time be *bonâ fide* ſold to other Purchaſers.

Damage in digging for Materials.

LII. And be it enacted, That when any Damage ſhall be done by the ſaid Truſtees, or others having Power from them, in digging, gathering, or taking away Materials or otherwiſe, in repairing the ſaid Roads or Bridges, or in making the ſame, to any Perſon or Perſons whatſoever, the ſaid Truſtees ſhall be obliged to pay all ſuch Damages as well as the Value of ſuch Materials as the ſame ſhall be aſcertained (if the Parties

cannot agree) by any Two Juſtices of the Peace of the County wherein ſuch Damage ſhall have happened, ſubject nevertheleſs to appeal from the Deciſion of the ſaid Juſtices to the next Quarter Seſſions in the ſaid County, whoſe Deciſion ſhall be final, without being ſubject to Advocation, Suſpenſion, or Reduction: Provided always, that no Stop or Hindrance ſhall on any Event be put to the ſaid Truſtees, or thoſe employed by them, from uſing and carrying away the ſaid Materials, and applying them to making and repairing the ſaid Roads and Bridges.

Repoſitories for Materials.

LIII. And be it further enacted, That the ſaid Truſtees, or ſome Perſon or Perſons to be appointed by them, ſhall be, and they are hereby empowered to provide proper Places adjoining to the Sides of the ſaid Roads, as Repoſitories for Materials for making and repairing the ſame, and the Bridges aforeſaid, Damages being always paid for the Ground occupied by ſuch Repoſitories in the Manner herein laſt before directed.

Drains may be made.

LIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, to make or cauſe to be made ſuch Conduits or Drains or other Outlets for Water, through any Grounds (except a Garden, Orchard, Yard, Planted Walk, Lawn, or Avenue to any Houſe, or any Piece or Parcel of Ground, being a Nurſery for Trees, and which ſhall have been ſo uſed previous to the paſſing of this Act, unleſs with the Conſent of the Owner thereof,) adjoining to the ſaid Roads, as may be neceſſary for carrying off Water from the ſaid Roads, and to ſcour, cleanſe, and preſerve ſuch Conduits, Drains, or other Outlets, when made without any Hindrance or Impediment whatſoever, excepting as aforeſaid.

Roads to be meaſured and Mile Stones erected.

Penalty for defacing ſame.

Penalty for deſtroying Bridges.

LV. And be it further enacted, That the ſaid Truſtees, in a General Meeting aſſembled, ſhall be and are hereby empowered to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be erected near the Sides thereof, denoting the Diſtance of each Mile, and alſo Way Poſts at the Croſs Roads; and if any Perſon or Perſons ſhall wilfully break, deſtroy, damage, pull up, or remove any ſuch Stones, Poſts, or Way Poſts, or obliterate or deface any Letters or Figures that ſhall be made, inſcribed, or put thereon, and ſhall be thereof convicted in Manner directed by this Act, ſuch Perſon or Perſons ſo offending, ſhall, beſides repairing the Damage done, reſpectively forfeit and pay any Sum not exceeding Forty Shillings Sterling, for every Stone or Poſt ſo wilfully broken, deſtroyed, damaged, pulled up, removed, obliterated, or defaced; and if any Perſon or Perſons ſhall wilfully throw down, deſtroy, or damage any of the Bridges upon the ſaid Roads, or the Ledges or Parapet Walls, or other Parts thereof, and ſhall be convicted as aforeſaid of any ſuch Offence, every ſuch Perſon ſhall, beſides paying the Expence of repairing the Damage done, forfeit a Sum not exceeding Ten Pounds Sterling, for each Offence.

Foot Paths.

LVI. And be it further enacted, That it ſhall be in the Power of the ſaid Truſtees, at a General Meeting aſſembled, to order Foot Paths to be made upon the Sides of the ſaid Roads; and where ſuch Foot Paths ſhall be ſo made, no Perſon or Perſons ſhall ride, or drive, or cauſe any Horſe,

Horſe, Beaſt, Cattle, or Carriage, to travel along the ſaid Foot Paths, otherwiſe ſuch Perſon or Perſons ſo offending ſhall forfeit a Sum not exceeding Two Pounds Sterling for each Offence.

Houſes not to be erected wi hin a certain Diſtance of the Road.

LVII. And be it further enacted, That no Houſe or other Building ſhall, after the paſſing of this Act, be erected on either Side of the ſaid Road, within Thirty Feet from the Middle of the ſaid Road, (ſave and except a Wall along the Side of the ſaid Road for the Purpoſe of a Fence not exceeding Six Feet in Height) under a Penalty not exceeding Forty Shillings Sterling for every Offence, over and above the Expence of pulling down ſuch Houſe or other Building, and removing the Materials thereof, and it ſhall and may be lawful for the ſaid Truſtees, to apply to any Two Juſtices of the Peace of the County in which any ſuch Building ſhall be erected or begun to be erected, and the ſaid Juſtices ſhall thereupon grant Warrant for ſtopping or pulling down the ſaid Building, and for removing the Materials thereof, and for Payment of all Expences attending the ſame.

Trees on the Sides of the Roads to be lopped.

LVIII. And be it enacted, That where the Ground on the Sides of the aforeſaid Roads is or ſhall be planted with Trees, or is or ſhall be incloſed by Hedges, the Proprietors or Occupiers of ſuch Ground on each Side of the ſaid Roads ſhall, at a proper Seaſon of the Year, lop and prune the Trees, and cut and dreſs the Hedges in ſuch Manner, that no Part of the ſaid Trees or Hedges ſhall overhang any Part of the ſaid Roads, nor the Hedges be allowed to be of a Height exceeding Five Feet from the Surface of the Ground at the Bottom of the Hedge; and in caſe he, ſhe, or they neglect ſo to do, after being required by an Order from any Two or more of the ſaid Truſtees, the ſaid Truſtees, or any Perſon appointed by them, ſhall cauſe the ſame to be done, and levy and recover the Expence thereof from the Proprietors or Occupiers of the ſaid Ground in the ſame Manner as any Penalty may by this Act be levied and recovered.

Drains to be covered, &c.

LIX. And be it enacted, That when any Paſſage for Cattle or Carriages acroſs the Sides of the aforeſaid Roads ſhall be made for the Conveniency of the Occupier or Occupiers of the Grounds through which the ſaid Road paſſes, he, ſhe, or they ſhall cover the Drains croſſing the Sides of ſuch Roads with ſufficient Stones, in ſuch Manner as that the Courſe of the Water in the Drains may not be interrupted, or the Roads thereby prejudiced: Provided always, that no Owner or Occupier of Lands ſhall turn any Water upon the Sides of the ſaid Roads, nor conduct any Water acroſs the ſaid Roads for meliorating of his Fields, or other Purpoſes, until he ſhall have applied for and obtained the Conſent of Two or more of the ſaid Truſtees in Writing; and every ſuch Owner or Occupier ſhall be obliged to carry the Water acroſs the Road in a covered Drain, of ſuch Depth and Conſtruction as that the Water may not prejudice the Road, and in ſuch Manner as ſhall have been directed by the ſaid Truſtees at any General Meeting aſſembled; and every Perſon offending in any of the above Particulars, and being convicted thereof in the Manner directed by this Act, ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling, beſides the Amount of any Damages thereby occaſioned.

LX. And

Ditches not to be made next the Road.

LX. And be it further enacted, That where Fences ſhall henceforth be made on the Sides of the ſaid Roads, the Hedge ſhall be on the Side next the Road, and the Ditch next the Field, unleſs Three or more of the ſaid Truſtees at a General Meeting aſſembled, ſhall give a Conſent in Writing that it may be otherwiſe; and proper Conduits ſhall be made in different Places for carrying the Water from the Road under the ſaid Fence or Bank into the Ditch.

Gates not to open to the Road.

LXI. And be it enacted, That no Gate to any Incloſure, or Avenue, on the Sides of the ſaid Roads, ſhall open in ſuch Manner as that any Part of it when opened ſhall come upon or be within the Line of the ſaid Roads; and all Proprietors or Poſſeſſors of Lands ſhall be obliged to alter their Gates accordingly, whenever required by the ſaid Truſtees.

To prevent Nuiſances.

LXII. And be it enacted, That from and after the paſſing of this Act no Perſon or Perſons whatſoever ſhall erect or make, or cauſe to be erected or made, any Lime Kiln or Brick Kiln, or any Nuiſance by Fire, or otherwiſe within Twenty Yards of the Sides of any Part of the ſaid Roads, unleſs the ſame ſhall be fenced off in ſuch Manner as to prevent any Danger or Detriment to Perſons travelling on the ſame; or to make Pits or Holes, or lay down Lime, Dung, Compoſt, Rubbiſh, Dead Cattle, or other Matter whatever within Five Yards of the Sides of the ſaid Roads, unleſs the ſame be ſufficiently fenced off from the Road; neither ſhall any Perſon or Perſons turn their Plough on the ſaid Roads, or lay down Trees or other Matter, or leave longer than ſhall be neceſſary for the Purpoſe of loading and unloading, or for removing in caſe of Accident Carts, Waggons, or Wains, loaded or unloaded, ſtanding upon the ſaid Roads or Bridges, or do any Thing whatſoever, whereby the ſaid Roads or Bridges ſhall be unneceſſarily incumbered or damaged, under a Penalty not exceeding Twenty Shillings Sterling for each Offence, beſides being obliged immediately to remove all ſuch Nuiſances and Obſtructions, and to repair ſuch Damages.

Head Ridges to be made on the Sides of the Roads.

LXIII. And be it further enacted, That from and after the paſſing of this Act, every Perſon ploughing any unincloſed Ground contiguous to the ſaid Roads, ſhall always make Headridges along the Sides of the ſaid Roads of the Breadth of Twenty-four Feet at leaſt, under the Penalty of a Sum not exceeding Forty Shillings for each Offence, beſides being obliged to make ſuch Headridges.

Penalty for grazing Horſes on the Sides of the Road.

LXIV. And be it further enacted, That if any Perſon or Perſons ſhall graze or allow any Horſes, Cows, or other Cattle, to graze upon the Sides or other Parts of the aforeſaid Roads, and be convicted thereof in the Manner directed by this Act, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit a Penalty not exceeding Forty Shillings Sterling for each Head of Horſes or Cattle that ſhall be found grazing thereon.

Nothing to be dragged on the Roads.

LXV. And be it further enacted, That no Perſon ſhall uſe any Sledge or Carriage without Wheels, or haul or draw, or cauſe to be hauled or drawn on any Part of the ſaid Roads, any Tree, Log, or Piece of Timber, or any Stone or other Thing whatſoever, otherwiſe than on a

Wheel Carriage; nor ſhall any Perſon ſuffer any Tree, Log, Piece of Timber, Stone, or other Thing conveyed on a Wheel Carriage, to drag upon any Part of the ſaid Roads, or to project on either Side of the ſaid Carriage more than One Foot beyond the Wheels thereof; and every Tree, or Log, or Piece of Timber exceeding Twenty Feet in Length ſhall be carried on Four Wheels, or on a double Carriage; and every Perſon offending in any of the above Particulars ſhall forfeit a Sum not exceeding Forty Shillings for each Offence.

Manner in which Timber ſhall be carried.

LXVI. And be it further enacted, That if any Perſon or Perſons ſhall ſuſtain any Damage by Reaſon of the Execution of any of the Powers hereby given for which no Remedy is herein-before provided, then and in every ſuch Caſe the Value thereof ſhall be aſcertained, if the Parties cannot agree, by any Two Juſtices of the Peace of the County wherein ſuch Damage ſhall have happened, ſubject nevertheleſs to appeal to the next Quarter Seſſions in the ſaid County, whoſe Deciſion ſhall be final, without being ſubject to Advocation, Suſpenſion or Reduction.

Remedy for Damages not particularly provided for.

LXVII. And be it further enacted, That all Penalties and Forfeitures impoſed by this Act, ſhall, unleſs herein otherwiſe directed, be ſued for and recovered by an Application for that Purpoſe, at the Inſtance of any One of the ſaid Truſtees, or of their Clerks, Treaſurers, Collectors, or Surveyors, before any One or more of His Majeſty's Juſtices of the Peace of the County where the Offence ſhall have been committed, or the Offender ſhall be or reſide, who is hereby authorized to hear and determine the ſame, and to fine the Offender or Offenders when convicted by the Oath of One or more credible Witneſs or Witneſſes by Confeſſion of the Party or otherwiſe, in any Sum not exceeding the Penalties impoſed by this Act.

Recovery of of Penalties.

LXVIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, ſhall be levied by pounding or Diſtreſs and Sale of the Offender's Goods and Effects (if not otherwiſe directed by this Act), by Warrant under the Hands of any One or more Juſtice or Juſtices of the Peace of the County where the Offender ſhall be or reſide; and the Perſon or Perſons diſtraining ſuch Goods and Effects, are hereby authoriſed and empowered, after the Space of Three Days after ſuch Diſtreſs ſhall be made and taken to ſell the Goods ſo diſtrained by public Roup or Auction, at the neareſt Turnpike or Toll-Houſe to the Place where ſuch Diſtreſs ſhall be made or taken, and return the overplus Money (if any be) upon Demand to the Owner or Owners of ſuch Goods and Effects, after ſuch Penalties and Forfeitures, with the reaſonable Charges of diſtraining, keeping, and ſelling the ſame ſhall be deducted and paid; and the ſaid Forfeitures, when recovered, if not directed to be otherwiſe applied by this Act, ſhall be applied One Moiety to the Informer, and the other Moiety towards carrying this Act into Execution, as the ſaid Truſtees ſhall direct; and all Penalties and Forfeitures contained in this Act, ſhall be payable over and above all neceſſary Expences incurred in proſecuting for the ſame, and where ſufficient Effects for Diſtreſs cannot be found, and the Money due ſhall not forthwith be paid, it ſhall be lawful for any Two Juſtices of the Peace of the County where the Offender ſhall be or reſide, to commit the Offender to the Com-

Levying and Application of Penalties.

mon Jail, there to remain for any Time not exceeding Three Calender Months, unleſs the ſaid Penalties, Forfeitures, and all Expences be ſooner paid.

Appeal to the Quarter Sellions.

LXIX. And be it further enacted, That in caſe any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Order, Sentence, or other Proceeding of the ſaid Truſtees, or by any Order or Sentence of any Juſtice or Juſtices not aſſembled in Quarter Seſſions, it ſhall and may be lawful for him, her, or them, to appeal to the Juſtices of the Peace, at the firſt Quarter Seſſions for the County wherein ſuch Cauſe of Complaint ſhall have ariſen; and in caſe the Cauſe of Complaint ariſe within Fifteen Days before ſuch Quarter Seſſions, then ſuch Appeal ſhall be made to the ſaid Juſtices at the Second Quarter Seſſions, who are hereby authoriſed and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Perſon or Perſons ſo aggrieved, and if they ſee Cauſe, ſhall and may, by Order of ſuch Meeting, mitigate at their Diſcretion, all or any of the ſaid Penalties or Forfeitures impoſed or incurred by the ſaid Party or Parties complaining, or vacate and ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Expences as to them in their Diſcretion may ſeem proper; and to levy, by their Order or Warrant, ſuch Expences ſo awarded by Diſtreſs and Sale of the Goods and Effects of any Perſon or Perſons who ſhall refuſe to obey the ſame; and for Want of ſufficient Diſtreſs to commit the Party to the Common Gaol of the County for any Time not exceeding Three Months, or until Payment of ſuch Expences ſhall be made; but the Perſon or Perſons ſo appealing ſhall, and they are hereby directed to give Notice in Writing to the Defender, of ſuch their Intention of bringing or proſecuting any Appeal, Ten Days before the Meeting of the ſaid Quarter Seſſions, and ſhall within Five Days after ſuch Notice lodge in the Hands of the Clerk to the ſaid Juſtices, a Bond ſigned by him, her, or them, to proſecute ſuch Appeal; and in caſe ſuch Appeal ſhall be diſallowed, the Appellant ſhall pay ſuch Expences and Charges as the ſaid Juſtices ſhall direct in that Behalf; and every ſuch Appeal ſhall, at the ſaid Quarter Seſſions, be heard and finally determined, without being ſubject to Advocation, Suſpenſion, or Reduction.

Limitation of Actions.

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

Truſtees may act as Juſtices.

LXXI. 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 *Lanark*, *Stirling*, or *Dumbarton* reſpectively, ſhall and may act as a Juſtice of the Peace within his reſpective Juriſdiction, for the more effectually putting this Act in Execution, notwithſtanding ſuch Juſtice of the Peace is or ſhall be a Truſtee as aforeſaid, or a Creditor upon the Tolls.

LXXII. And be it further enacted, That the reaſonable Charges and Expences paid or that ſhall be paid, in, about, or by reaſon of the paſſing of this Act, ſhall be paid out of the Tolls and Duties granted by the ſaid recited Acts or by this Act. Expences of this Act.

LXXIII. 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. Public Act.

LXXIV. And be it enacted, That this Act, and the Powers and Authorities, Articles, Clauſes, Rules, Forfeitures, and Penalties therein contained, ſhall commence from and after the paſſing thereof, and ſhall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament. Continuance of this Act.

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