ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 110.

An Act for continuing the Term, and consolidating into One Act, several Acts relating to the Road from *Glasgow* to *Redburn Bridge*; and for making and repairing the Road therein mentioned. [4th *July* 1803.]

WHEREAS an Act was passed 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, whereby the said Roads were divided into several Districts or Divisions, and certain Persons therein named were appointed Trustees for surveying, ordering, repairing, and keeping in Repair the said several Districts or Divisions; and the Roads leading from *Inchbelly Bridge* to the said City of *Glasgow*, and from the said City to *Redburn Bridge*, are comprized in and directed to be made Part of the said Districts or Divisions, and certain Tolls were thereby directed to be taken on the said Parts of the said Districts or Divisions of Roads: And whereas an Act was passed in the Twenty-seventh Year of the Reign of His said late Majesty, for explaining, amending, and rendering more effectual the said Act: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act to enlarge the Term and Powers of an Act, made in the Twenty-sixth Year of the Reign of King* George *the Second, for repairing several Roads leading into the City of* Glasgow, *so far as the same relates to the Districts of Roads from* Inchbelly Bridge *to* Glasgow, *and from* Glasgow *to* Redburn Bridge, *and for alter-*

26 Geo. 2.

27 Geo. 2.

6 Geo. 3.

ing and aſcertaining the Courſe of the laſt mentioned Diſtrict of Road: And
27 Geo. 3. whereas an Act was paſſed in the Twenty-ſeventh Year of the Reign of His ſaid preſent Majeſty, for continuing the Term, and altering and enlarging the Powers of the ſaid laſt mentioned Act; and alſo for repairing the Road from *Redburn Bridge* to *Bonny Water*, and from thence to or near *Loanhead*, in the County of *Stirling*, there to join the Turnpike Road leading from *Falkirk* to *Kilſyth*; which ſaid laſt mentioned Road was by the ſaid Act directed to be included in the ſaid Diſtrict or Diviſion: And whereas the Truſtees appointed under or by virtue of the ſaid recited Acts, have proceeded to put the ſame in Execution, as far as reſpects the Roads in the ſaid Diſtrict or Diviſion, and have borrowed a conſiderable Sum of Money on the Credit thereof, which ſtill remains due and cannot be repaid, and the ſaid Roads properly amended, improved, and kept in Repair, unleſs the Term of the ſaid Acts is continued; and the Powers and Proviſions thereof being found in many Reſpects defective and inſufficient, it would be more convenient to the Truſtees of the ſaid Diſtrict or Diviſion of Roads, and the ſame might be more effectually repaired, improved, and maintained, if the ſaid Acts, in ſo far as reſpects the ſaid Road from *Glaſgow* to *Redburn Bridge* and *Bonny Water*, and to or near *Loanhead*, were wholly repealed, and all the Powers and Authorities neceſſary to be granted or continued, for repairing and keeping in Repair the ſaid laſt mentioned Roads, were conſolidated in One Act: And whereas the Road from *Glaſgow*, by or near *Poſſil* and *Balmullie Bridge*, to or near the Bridge acroſs the *Alander* at *Longbank Farm*, and from thence to join the Turnpike Roads from *Glaſgow* to *Strathblane* and *Inchbelly Bridge*, is very much out of Repair, narrow, circuitous, and incommodious, and cannot be amended, widened, improved, and kept in Repair, by the ordinary Courſe of Law: 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 the ſaid ſeveral Acts herein-before mentioned ſhall, from and after the Third *Wedneſday* next after the paſſing of this Act, be and the ſame are hereby declared to be repealed, in ſo far as reſpects the ſaid Road from *Glaſgow* to *Redburn Bridge* and *Bonny Water*, and to or near *Loanhead*, and inſtead thereof this Act ſhall commence and take Effect, and ſhall continue in Force and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of making, repairing, widening, altering, improving, and keeping in Repair the Roads herein-after mentioned; that is to ſay, the Road from the City of *Glaſgow* to *Redburn Bridge* and *Bonny Water*, and from thence to or near *Loanhead* in the County of *Stirling*; and the Road from *Glaſgow* by or near *Poſſil* and *Balmullie Bridge*, to or near the Bridge acroſs the River *Alander* at *Longbank Farm*, and from thence to its Junction with the ſaid Roads from *Glaſgow* to *Inchbelly Bridge* and *Strathblane*, and for building and repairing the Bridges on the ſame; and that this Act, and the Term hereby granted, and all the Tolls hereby authorized to be collected on the ſaid Roads, from *Glaſgow* to *Redburn Bridge*, and from *Redburn Bridge* to *Bonny Water*, and to or near *Loanhead*, ſhall be and are hereby declared to be charged with and ſubject to the Payment of all Money now due and owing upon the Credit or on Account of the ſaid Acts, in ſo far as relates to the Roads with reſpect to which the ſaid Acts are hereby repealed as aforeſaid, and of all Intereſt

Former Acts repealed, and this Act to take place inſtead thereof.

reſt due and to grow due thereon, as fully, to all Intents and Purpoſes, as if ſuch Monies had been borrowed, and become due and owing on the Credit of this Act.

Truſtees.

II. And be it further enacted, That the Honourable *William Elphinſtone*, the Honourable *Charles Elphinſtone Fleming*, *George Smith* Writer in *Glaſgow*, *William Gray* of *Condorrat*, *Peter Spiers* of *Culcreach*, *John Dunmore Napier* of *Ballikinrain*, *James Glaſford* Advocate, *James Finlay* of *Bogſide*, *George Menzies* Chamberlain to his Grace the Duke of *Montroſe*, *James Davidſon* Factor for Sir *Archibald Edmonſtone* of *Duntreath*, Baronet, and every Perſon who, after the paſſing of this Act, ſhall be inſeft and poſſeſſed as Proprietor or Life-renter, or by Courteſy in Right of his Wife, of the *Dominium Utile* of Lands valued in the Ceſs Books of the reſpective Counties at One hundred Pounds *Scots* or upwards of valued Rent, and ſituated within any One or more of the Pariſhes under mentioned, (*videlicet*), *Strathblaine*, *Killearn*, *Campſie*, *Baldernock*, *Kilſyth*, and *Denny*, in the County of *Stirling*; *Eaſter Kilpatrick*, partly in the County of *Stirling*, and partly in the County of *Dumbarton*; *Kirkintullock* and *Cumbernauld*, in the County of *Dumbarton*, Barony of *Glaſgow* and *Cadder*, in the County of *Lanark*; and all and every the eldeſt Sons of ſuch Perſons being the Heirs Apparent of ſuch Property, ſhall be and they are hereby appointed Truſtees for making, repairing, widening, altering, improving, and keeping in Repair the ſeveral Roads herein-before deſcribed, and for building and repairing Bridges on the ſame, and for otherwiſe putting this Act in Execution.

Factors, and Guardians of Eſtates of certain Value, may be appointed Truſtees.

III. And be it enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, at a General Meeting aſſembled, to nominate and appoint as Truſtees under this Act, the Factors for the Time being of ſuch Perſons inſeft and poſſeſſed as aforeſaid, of Lands valued in the Ceſs Books of the ſaid Counties at Four hundred Pounds *Scots* of Valuation or upwards, and ſituated within any One or more of the ſaid Pariſhes, and the Guardians of Minors whoſe Eſtates are ſo valued and ſituated; and alſo to nominate and appoint other Truſtees in the room of ſuch Truſtees as may die or refuſe to act; Notice of any ſuch intended Nomination and Appointment being always given by Advertiſement in One *Glaſgow* Newſpaper, at leaſt Ten Days previous to ſuch General Meeting.

Qualification of Truſtees.

IV. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be inſeft in Property as Proprietor or Life-renter, or by Courteſy in Right of his Wife, of Lands ſituated in ſome One or more of the Pariſhes aforeſaid, valued in the Tax Roll of the ſaid Counties of *Stirling*, *Dumbarton*, or *Lanark*, to the Extent of One hundred Pounds *Scots*, or unleſs he be poſſeſſed of a Perſonal Eſtate amounting to Five hundred Pounds Sterling at leaſt; and if any Perſon or Perſons, not qualified as aforeſaid, ſhall nevertheleſs preſume to act, contrary to the Intent and Meaning of this Act, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds Sterling, to be recovered, levied, and applied, in ſuch Manner as is herein-after directed; and every Vote given by any ſuch unqualified Perſon, ſhall be held as altogether null and void; and in all Caſes the Proof of Qualification ſhall lie upon the Perſon complained of.

V. And

Trustees Meetings.

V. And be it further enacted, That the said Trustees so qualified, or any Three or more of them, at their First General Meeting which is to be held at *Glasgow* upon the Third *Wednesday* next after the passing of this Act, or as soon thereafter as may be convenient, or at any other adjourned or General Meeting as herein-after directed, shall fix and determine the Repairs necessary to be made on the said Roads and Bridges thereon, and also the Alterations to be made in the Lines of Direction of the said Roads; and they shall and may alter and erect, or cause to be altered and erected, any Gate or Gates, Turnpike or Turnpikes, in or across any Part or Parts of the said Roads; and also alter and erect and build such Number of Toll Houses as they, or any Three or more of them, shall think proper, upon or adjoining to the same, and to demand and take at each Gate or Turnpike any Sum not exceeding the Tolls and Duties herein-after mentioned, before any Coach or other Carriage, Horses or other Cattle, shall pass through any Gate or Turnpike erected or altered, or to be erected or altered, on the said Roads; that is to say,

Tolls and Duties to be levied.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, or other such Carriage, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Six Shillings Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Shillings Sterling.

For every Chaise, Calash, Chair, or other such Carriage, drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Shilling Sterling:

For every Waggon, Wain, Cart, or other such Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of One Shilling Sterling; and drawn By One Horse, Ox, or other Beast of Draught, the Sum of Sixpence Sterling, except such Carts or Carriages as shall be drawn upon Wheels the Fellies whereof shall be Six Inches broad at the least, which shall be charged with and pay One Half of the Rates and Duties exigible as aforesaid, unless in the Case where such Carriages are drawn by more than Eight Horses, in which Case such partial Exemption shall cease, and the full Rates and Duties herein-before appointed shall be levied and chargeable:

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: And

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

VI. And

Truſtees may erect Side Bars.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, to erect or cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the ſaid reſpective Roads, and acroſs any Lane or Way leading into or out of the ſame; and alſo a Toll Houſe or Toll Houſes at each ſuch Gate or Turnpike, and there to take or receive ſuch Tolls or Duties as are by this Act granted and made payable, but ſo as that a Ticket received at any ſuch Side Gate, ſhall entitle the Receiver thereof to paſs Toll-free through the next Gate or Turnpike, if within Four Miles, on the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night: Provided always, that wherever ſuch Gate or Gates, Turnpike or Turnpikes, ſhall be erected on the Side or Sides of the ſaid Roads, and acroſs any Lane, Way, or Side Road leading into or out of the ſame, One Half at leaſt of the Tolls and Duties which ſhall be taken or received at every ſuch Gate or Turnpike, ſhall be annually laid out and applied for the repairing of the reſpective Way, Lane, or Side Road, acroſs which ſuch Gate or Turnpike ſhall be ſo erected.

Tolls, &c. veſted in the Truſtees.

VII. And be it further enacted, That the ſaid Tolls and Duties hereby granted and made payable, and the Right, Intereſt, and Property, of all and every Turnpike, Toll Houſe, and Premiſes, already erected or to be erected by the Authority of this preſent Act, are and ſhall be veſted in the ſaid Truſtees, and the ſame, and every Part thereof, ſhall be paid, applied, and diſpoſed of, or aſſigned to and for the ſeveral Uſes, Intents, and Purpoſes, by this Act directed, the reaſonable Charges expended, or that ſhall be paid in and by reaſon of the paſſing of this Act, firſt deducted; and it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, or ſuch other Perſon or Perſons as they, or any Three or more of them as aforeſaid, ſhall from Time to Time nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable.

Truſtees may purchaſe, or take in Leaſe Ground for erecting Toll Houſes and Bridge Keepers Houſes.

VIII. And, for the better enabling the ſaid Truſtees to erect any new Toll Houſes that may be thought neceſſary for collecting the ſaid Tolls, and alſo Houſes for Bridge Keepers, or for keeping up thoſe already erected; be it enacted, That the ſaid Truſtees, or any Three or more of them, ſhall be and they are hereby empowered to purchaſe or to take in Leaſe ſuch Pieces of Ground for that Purpoſe as they ſhall judge moſt convenient, not exceeding One Fourth Part of an Acre for each Toll Houſe or Bridge Keeper's Houſe; and in caſe the Truſtees cannot agree with the Proprietor or Occupier for the Price or annual Rent of ſuch Ground, they ſhall apply to any Two or more Juſtices of the Peace within the County, who ſhall have full Power to oblige the ſaid Proprietor or Occupier to grant a Leaſe of the ſaid Ground to the ſaid Truſtees, for any Term not exceeding Twenty-one Years, and to fix the Rent of the ſame.

Tolls and Duties to be levied by Diſtreſs.

IX. 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, or any Three or more of them, are hereby empowered, by themſelves or ſuch other Perſon or Perſons as ſhall be the Collector or Tackſman of the Toll for the Time being, to ſeize every Horſe, Ox, or

other Cattle or Carriage, so passing the Toll without Payment, and to detain them till Payment of the Toll Duty; and failing its being paid within Five Days thereafter, to apply to the next Justice of the Peace or other Magistrate within the County, who is hereby authorized to grant a summary Warrant to sell the said Horse or other Cattle at the nearest Village for Payment of the Toll Duty, aud all other necessary Charges, rendering the Overplus, (if any be), to the Owner, when required, Intimation of the Sale being always made at the said Village Three Hours previous thereto.

Trustees not to hold Places of Profit.

X. Provided always, and be it further enacted and declared, That if any Person or Persons, appointed or to be appointed by virtue of this Act as 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 may act as Justices.

XI. And be it further enacted and declared, That the said Trustees, who are or may be in the Commission of the Peace for the said Counties of *Stirling*, *Dumbarton*, and *Lanark*, or any of them, may nevertheless act as Justices of the Peace for the more effectually putting in Execution the several Matters and Powers in this present Act mentioned and contained.

Tolls to be paid only Once a Day at any Turnpike within Four Miles from where the First Payment was made.

XII. And be it further enacted, That every Person or Persons having Occasion to pass through any Turnpike already erected or to be erected in the said Counties where the Tolls and Duties are or shall be taken by virtue of this Act, may and shall on Demand be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, which Note or Ticket, Notes or Tickets, shall give Liberty to the said Person or Persons to pass through any other Turnpike or Turnpikes placed on the said Roads, not exceeding the Distance of Four Miles from the Turnpike where the said Person or Persons got the Note or Ticket, Notes or Tickets as aforesaid, without being liable or compelled to pay the said Tolls or Duties more than Once for passing through the aforesaid Turnpike or Turnpikes, and returning the same Day before Twelve of the Clock at Night with the same Coach, Cart, or other Wheel Carriage, or with the same Horse, Ass, or other Beast or Cattle.

Exception.

XIII. Provided also, and it is hereby further specially provided, declared, and enacted, That in case the said Trustees, or any Three or more of them, shall at any Time order and direct different Tolls or Duties to be taken at any of the said Turnpikes, then and in every such Case any Person having paid the Toll or Duty exigible at any Turnpike, and gotten a Note or Ticket signifying the Payment thereof, and afterwards passing through any other Turnpike within the Distance aforesaid, where any greater Toll or Duty may be exigible than what such Person has already paid at such First Turnpike, shall, on producing such Note or Ticket, be exempted only from paying so much of the Toll or Duty exigible at such other Turnpike, as by such Note or Ticket he shall have appeared to have paid at such First Turnpike; any Thing herein-before contained to the contrary hereof notwithstanding.

XIV. And,

Penalty on Persons giving or receiving Tickets to avoid Payment of Toll.

XIV. And, for preventing Frauds or Abuſes in the Payment of the ſaid Tolls or Duties hereby granted, be it further enacted, That if any Perſon or Perſons having paid the Toll or Duty by this Act impoſed, and having a Note or Ticket, Notes or Tickets, ſignifying the Payment of ſuch Toll or Duty, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons in order to avoid the Payment of the ſaid Toll or Duty, every ſuch Perſon ſo giving, diſpoſing of, or receiving ſuch Note or Ticket, Notes or Tickets, being convicted thereof upon the Oath of One or more credible Witneſs or Witneſſes, or otherwiſe, before any One or more of the Juſtices of the Peace for the ſaid Counties, or for any other County in which the ſaid Delinquents may reſide, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings Sterling, to be levied and recovered in Manner herein-after directed.

Perſons and Things exempted.

XV. Provided always, and it is hereby further enacted and declared, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid, for paſſing through any of the Turnpikes already erected or to be erected by virtue of this Act, and carrying any Quantities of Stones, Wood, or other Materials whatſoever, for repairing or altering the ſaid Roads or Bridges, or any of the Cauſeways within or belonging to the ſame; nor for carrying through any of the Turnpikes, Dung or other Manure, Ploughs, Harrows, or other Implements of Huſbandry, Carts, Wains, or other Carriages, laden with Hay, Corn, or Straw, or other Produce of the Ground; nor for Horſes, Geldings, or Cattle, going to or returning from Watering Places; nor 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; nor for the Horſes of Soldiers who are upon their March or on Duty, or the Carriages attending upon them; nor for Carts, Carriages, or Waggons, travelling with Vagrants ſent with legal Paſſes, or returning therefrom if empty; nor ſhall any Toll or Duty be demanded or taken from any Perſon or Perſons who ſhall paſs through any Turnpike to their own Pariſh Church, or to their uſual Place of Divine Worſhip upon *Sundays* and Faſt Days, nor any other Day on which Divine Worſhip is ordered by Authority to be celebrated; nor for Perſons attending the Funeral of any Perſon who ſhall die and be buried in his or her own Pariſh.

Carriages exempted reſtricted to 1800 *wt.* unleſs the Wheels are Six Inches broad in the Fellies.

XVI. Provided further, and be it enacted, That no Cart, Wain, or other Carriage, loaded with Articles or Commodities exempted, and for which Exemption from Toll Duties as before mentioned is claimed (except Carriages with the Mail, or with the Baggage of Soldiers upon their March) ſhall exceed One thouſand eight Hundred Weight, including the Weight of the Carriage, unleſs ſuch Articles and Commodities are carried or tranſported in Carriages whoſe Wheels are at leaſt Six Inches broad in the Fellies, otherwiſe the Owner of ſuch Carriage or Carriages ſhall forfeit any Sum not exceeding Forty Shillings nor leſs than Ten Shillings Sterling, to be levied and recovered in manner herein-after directed.

XVII. And

Carriages above 1800 *cwt.* to pay increased Tolls.

XVII. And whereas much Hurt and Damage has been done to the said Roads by Carriages of great Weight, the Fellies of the Wheels of which are not broader than the Fellies of the Wheels of ordinary Carriages, and therefore it is reasonable that such Carriages should pay a higher Toll or Duty than other Carriages; be it therefore enacted, That the said Trustees shall be and they are hereby authorized and empowered, from and after the Commencement of this Act, to levy or cause to be levied, demanded, and taken, at the several Turnpike or Turnpikes, Gate or Gates, erected or to be erected on or across the aforesaid Roads, before any Waggon, Wain, Cart, or other Wheel Carriage, drawn by One or more Horses, Mares, Geldings, or Mules, shall pass through the same, the Weight of which Carriage, with the Burden or Loading thereon, shall exceed One thousand eight Hundred Weight, and the Fellies of the Wheels of which shall not be of a flat Surface, and measure Six Inches in Breadth at least, if drawn by One, and Seven Inches if drawn by Two or more Horses, Mares, Geldings, or Mules, any Sum not less than Five Shillings Sterling nor more than Two Pounds Sterling, over and above the Tolls or Duties which the said Trustees are herein-before empowered to levy for such Carriages.

For erecting Weighing Machines.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, to erect and build, or cause to be erected and built, on or across the said Roads, 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, Limestones for building, or any Thing whatever; and to order and cause all or any of such Carts, Waggons, or other Carriages, passing loaded through any such Gate or Gates, or travelling upon any of the said Roads, to be weighed, together with the Loading thereof.

Trustees may let the Tolls for any Time not exceeding Three Years.

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

Trustees to appoint Officers.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at a General Meeting assembled, to choose and appoint a fit Person or Persons to be Treasurer or Treasurers, Collector or Collectors, and Clerk or Clerks, to the said Trustees, for receiving the Tolls or Duties granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, or such other Officers as they shall think proper; and from Time to Time to remove such Treasurers, Collectors, Clerks, Surveyors, and other Officers, or any of them, and appoint new ones in case of Death or Removal; and all and every Person or Persons who is or shall be liable by this Act to pay the said Tolls or Duties, is and are hereby required to pay the same into the Hands of the said Treasurer or Treasurers

furers, Collector or Collectors, Officer or Officers, so from Time to Time to be appointed as aforesaid; and the said Trustees, or any Three or more of them as aforesaid, at a General Meeting assembled, shall and may, and they are hereby authorized and empowered, out of the Monies arising from the said Tolls or Duties, to make such Allowance unto their Treasurers, Collectors, Surveyors, or other Officers appointed by them, for and in Consideration of the Time and Pains taken in the Execution of the said respective Offices, and to such other Person or Persons who shall have been and may be assisting in making and repairing the said Roads as aforesaid, by advancing or laying out any Monies, or otherwise relating thereunto, as unto them shall seem proper, over and above the necessary Disbursements made by them.

To take Security from the Treasurer, &c.

XXI. And be it further enacted, That the said Trustees, or any Three or more of them, shall and they are hereby required to take such Security from their Treasurers, Receivers, and Collectors, to be appointed for the Purposes of this present Act, for the due Execution of their Offices, as the said Trustees, or any Three or more of them, at a General Meeting assembled, shall think necessary.

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

XXII. And be it further enacted and declared, That the said Trustees, as a Body Corporate, may sue or be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders, in the Name of their Clerk or Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or Treasurer to the said Trustees for the Time being, shall be deemed to be the Pursuer or Defender (as the Case may be), in every such Action.

No Resolution of the Trustees to be altered at a subsequent Meeting, without previous Notice.

XXIII. Providing and declaring, as it is hereby expressly provided, That no Resolution adopted by the Trustees or their said Quorum, at a General Meeting assembled, shall be reviewed, reversed, or altered, by any subsequent General Meeting, except where there is a previous Notice regularly intimated in One of the *Glasgow* Newspapers, Ten Days prior to the Day of Meeting, pointing out such Resolutions of a former General Meeting as are to be taken under Review.

No Money to be laid out but by Order of Three Commissioners at a General Meeting.

XXIV. And be it further enacted, That no Sum or Sums of Money arising or levied by virtue of this Act, shall be laid out or expended without the Order of the said Trustees, or any Three or more of them, at a General Meeting assembled, or of such Person or Persons as they, or any Three or more of them, shall authorize and appoint.

Trustees may raise or lower the Tolls.

XXV. And be it further enacted and declared, That it shall be in the Power of the said Trustees, or any Three or more of them, in a General Meeting assembled, to raise or to lower the Tolls and Duties to be levied and collected in virtue of this Act: Provided always, that the Amount of the same shall not exceed the full Rates and Duties by this Act authorized to be levied and collected: Provided also, that no such Reduction shall be made without the Consent of the Person or Persons for the Time being entitled to Five Sixth Parts of the Money then due on the Credit of such Tolls.

Trustees may compound with Travellers.

XXVI. And be it further enacted, That the said Trustees, at a General Meeting assembled, or any Three or more of them, may and they are hereby authorized and empowered to agree by the Year or otherwise, with any Person or Persons, for any reasonable Sum or Sums of Money, to be paid Quarterly in advance from Time to Time, in lieu of the Payment of any of the Tolls and Duties by this Act directed to be paid; and Copies of all such Compositions or Agreements to be made by the said Trustees, shall be entered at Length in the Trustees Sederunt Book, which shall be open to the Perusal of any Person having Interest at all reasonable Times.

Trustees may borrow a further Sum of Money.

XXVII. And whereas the Trustees on the aforesaid Road from *Glasgow* to *Redburn Bridge*, *Bonny Water*, and to or near *Loanhead*, have already borrowed and expended thereon the Sum of Eleven thousand Pounds Sterling, which has proved insufficient for the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, from Time to Time, at any General Meeting assembled, to borrow on the Credit of this Act, for the Purposes of the said Road, and of the Road from *Glasgow*, by or near *Possil* and *Balmullie Bridge* to or near the Bridge across the *Alander* at *Langbank Farm*, and from thence to join the Turnpike Roads from *Glasgow* to *Inchbelly Bridge*, and to *Strathblane*, any further Sum not exceeding Three hundred Pounds Sterling *per* Mile.

Application of the Tolls on the different Roads.

XXVIII. And it is hereby further enacted and declared, That at any General Meeting of the said Trustees, that may be held on or before the Thirtieth Day of *June* One thousand eight hundred and six (the Purpose of the said Meeting being specially announced by publick Advertisement in One of the *Glasgow* Newspapers, at least Fourteen Days previous to the said Meeting), it shall be lawful for them, or any Three or more of them, to direct the Tolls arising at the Turnpikes or Toll Bars erected or to be erected on the said Roads, to be applied towards the making, repairing, and upholding of the aforesaid Roads, and towards Payment of the Money borrowed or to be borrowed in virtue of this Act, in such Manner as the said Trustees shall think fit; and as soon as the same shall be so adjusted, the Clerk of the said Trustees is hereby authorized and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Times thereafter, during the Continuance of this Act, it shall not be in the Power of the said Trustees, or of any Number of them, to vary or alter the final Determination or Allocation so made.

If Money be paid off, more may be borrowed again.

XXIX. And be it further enacted, That if at any Time the said Trustees, or any Three or more of them, shall pay or cause to be paid off and discharged any Part of the Sums so borrowed or to be borrowed as aforesaid, then it shall be lawful to and in the Power of the said Trustees to borrow other Sums in lieu thereof, equal in Amount to what shall be so paid off as aforesaid, and to burden the said Tolls and Duties with the Payment of the same: Provided also, that it shall be in the Power of the said Trustees, or any Three or more of them, at a General Meeting assembled, (and they are hereby authorized), to assign and make over the Whole, or such Part of the Tolls and Duties to be levied and collected in Manner aforesaid, as they shall think proper, for a Security

or

or Securities to such Person or Persons as shall have lent or shall lend, or have or shall become Sureties for the Payment of such Sum or Sums of Money already borrowed or to be borrowed as aforesaid; and Copies of all such Assignments shall be entered and kept by the Treasurer and Clerk, in a Book or Books to be kept for that Purpose: Provided always, that nothing shall be done therein which may prove inconsistent with any Allotment of the Tolls that may have been fixed as before mentioned, at any General Meeting held on or before the Thirtieth Day of *June* One thousand eight hundred and six.

Accounts to be kept.

XXX. And be it further enacted, That regular Accounts of all Monies received and disbursed, Contracts and Agreements entered into, and of every other Proceeding of the said Trustees, or their legal Quorum aforesaid, in the Execution of this Act, shall be duly entered and recorded by the Clerk or Treasurer to the said Trustees, in a Book or Books to be kept for that Purpose, and which Book or Books shall be open and patent at all reasonable Times to any of the Trustees, without Fee or Reward.

For getting Materials.

XXXI. And be it further enacted, That it shall and may be lawful for any Person or Persons whom the said Trustees, or any Three or more of them, shall appoint, to dig, gather, and carry away any Stones, Gravel, Sand, or other Materials, (excepting only Timber and Limestone), from any Grounds they shall think most proper (excepting as after mentioned), for the Use of the Roads and Bridges aforesaid; and also to provide proper Places adjacent to the said Roads, for depositing Materials for repairing the same; and he and they are hereby authorized and empowered to enter any Part of the said Grounds, (other than Gardens, Orchards, planted Walks, Deer Parks, Grounds set apart and used as a Nursery for Trees or Pleasure Grounds), and there to dig, gather, and carry away Sand, Stone, Gravel, or other Materials, (Timber and Limestone excepted), for making and repairing the Roads and Bridges aforesaid, and for the other Purposes of this Act, making full and ample Satisfaction to the Owner or Occupier of the said Grounds for the Surface Damage done to her, him, or them, and also for the Value of any Stones that may be taken from Freestone Quarries, in use to be wrought for Sale, the Amount of which shall be ascertained in Manner herein after mentioned: Provided always, that such Dispute or Difference aforesaid, shall not in any way stop, delay, or prevent the digging or carrying off of the said Materials; and that nothing in this Act contained shall authorize or empower any Person or Persons as aforesaid, to dig or carry off any Materials from any Place nearer than Three hundred Yards to the Dwelling House or ordinary Residence of any Proprietor of an Estate, the Valuation of which shall exceed One hundred Pounds *Scots*, without the Consent of the Proprietor thereof.

Value of Ground damaged how to be ascertained.

XXXII. And be it further enacted, That in all Cases where the Owner or Occupier of such Grounds cannot agree with the said Trustees concerning the Amount of Damages done or to be done by digging, gathering, and carrying away any such Stones, Sand, Gravel or other Materials necessary to be taken for making and repairing the said Roads, the same shall be determined by a Jury, to be called by the Sheriff Depute of the County where such Grounds shall lie, or his Substitutes, who, upon Application to him or them made, is and are hereby required to summon

mon a Number of discreet and substantial Persons being Owners and Occupiers of Lands, entitled to be Commissioners of Supply within such County, not less than Twenty-four in Number, to come and appear before him or them at such Time and Place as by their Warrant or Precept shall be directed, Intimation of Ten Days being given by the said Trustees, or any Three or more of them, of such Appointment to the Party concerned, or his or her Agent; and the Number of Persons who shall attend shall then be reduced to Eleven by the said Trustees and the Proprietors striking off One alternately, beginning on the Part of the Proprietor; or in case both Parties shall fail to appear, by the Sheriff striking off until the Number be so reduced, and the remaining Eleven being duly sworn, the Sheriff shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence, such Jury shall determine the Damages to be paid by the said Trustees, and their Verdict shall be final and conclusive to all Parties, without any Power of Appeal whatsoever; and the Sheriff shall thereupon order Payment to be made of the Sums awarded by the said Jury, and shall ordain the Owner or Occupier of the Grounds or other Subjects, or their Trustees, Tutors, Curators, or Administrators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the Grounds or other Subjects.

Notice to be given to Occupiers of Lands, before Materials are taken for repairing the Roade.

XXXIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away Materials for making and repairing the said Roads, until Three Days Notice in Writing shall have been given to the Proprietors or Occupiers of the Premises from which such Materials are intended to be taken, or left for such Proprietors or Occupiers at their usual Places of Residence.

Charges of this Act.

XXXIV. And be it further enacted, That all Costs and Charges expended in and about the procuring or passing this present Act, and all Monies already due or which hereafter shall become due or owing upon Account or by reason of putting this present Act in Execution in the said Counties of *Stirling*, *Dumbarton*, and *Lanark*, or in prosecuting Offenders against this present Act, shall be paid out of the Monies already collected and borrowed, or to be collected and borrowed, in virtue of this present Act.

For preventing Timber, &c. being hauled on the Roads, or any Dung, &c. laid thereon.

XXXV. And be it further enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, any Tree or Piece of Timber, or any Stone or other Thing whatsoever, otherwise than upon a Wheel Carriage, upon the Surface of the said Roads, or shall suffer any Tree, Log, Piece of Timber, or Stone, or other Matter whatsoever, which shall be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads, or shall suffer any Part of such Loading to project or extend over the Sides of the Carriage; or shall turn a Plough upon any Part of the said Roads; or shall lay down or leave any Carrion, or any Lime, Dung, Rubbish, Carts, Waggons, or Carriages of any Kind, or any other Matter or Thing whatsoever, upon any Part of the said Roads, or within Three Yards thereof, all and every Person or Persons offending in Manner aforesaid, shall for each Offence, when convicted thereof in

Manner

Manner after mentioned, forfeit and pay any Sum not exceeding Forty Shillings nor less than Five Shillings Sterling; and the said Trustees, or any Two or more of them, are hereby authorized and empowered to sell by publick Roup all such Dung, Lime, Wood, Carts, or other Materials or Things aforesaid, as may be found so laid down or left upon any Part of the said Roads, or within Three Yards thereof, a Warrant for that Purpose being first obtained under the Hand or Hands of any One or more of the Justices of the Peace of any of the said Counties, and to apply the Proceeds of such Sale in Payment of the said Penalties and all Expences, rendering the Surplus, (if any be), upon Demand, to the Person proving his or her just Right to receive the same.

Punishing Persons for destroying the Bridges, Turnpikes, Milestones, &c.

XXXVI. And be it enacted and declared, That if any Person or Persons shall damage, destroy, or injure, any Bridge, or the Parapet Walls, Buildings, or other Parts of any Bridge, or shall break down or attempt to break down, damage, or destroy, any Turnpike Gate, Post, Chain, Bar, Milestone, or other Work on the aforesaid Roads, or any Toll House thereon, or any Part thereof, or shall threaten, strike, or maltreat, any of the Toll Gatherers appointed as aforesaid, or any Person or Persons of their Families employed in levying the said Tolls and Duties, or shall rescue or attempt to rescue any Person guilty of any of the Offences aforesaid, such Person or Persons offending as aforesaid, and being fully convicted thereof (in Manner after directed) shall be obliged to indemnify the said Trustees and their Toll Gatherers aforesaid, for all Damages incurred, and shall also for each Offence be fined and amerciated in a Sum not less than One Pound nor more than Ten Pounds Sterling; and in Default of making Satisfaction for the said Damages, and paying the Fine as aforesaid, such Person or Persons shall be imprisoned in the Common Bridewell or Gaol of the County where such Trespass was committed, for any Term not exceeding Six Calendar Months.

Penalty on permitting private Passages.

XXXVII. And be it further enacted, That if any Person or Persons occupying Lands near to any Turnpikes erected or to be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through the same, or through any Gate, Passage, or Way, with any Coach, Cart, or other Carriage, or with any Horse, Ass, or other Cattle, whereby the Payment of the Toll or Duty by this Act imposed shall be avoided, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by their own Confession, or by the Testimony of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace of the said respective Counties, or of any other County where the Delinquents reside, shall for every such Offence respectively forfeit and pay to the said Trustees, or their Collectors or Toll Gatherers, any Sum not exceeding Forty Shillings nor less than Ten Shillings Sterling, over and above the Toll.

Footpaths to be made and preserved, under a Penalty.

XXXVIII. And be it further enacted, That it shall be in the Power of any Three or more of the said Trustees, at a General Meeting assembled, to order Footpaths to be made upon all or any of the Sides of the said Roads, and that where Footpaths are or shall be so made along any Parts of the said Roads, no Person or Persons shall ride or drive, or cause any Horse, Cow, or other Cattle, or any Carriage, to be rode or driven

alongſt the ſame, otherwiſe ſuch Perſon or Perſons ſhall forfeit and loſe any Sum not exceeding Forty Shillings nor leſs than Five Shillings Sterling, for each Offence, to be recovered as herein-after directed; and the ſaid Truſtees or their Quorum ſhall have full Power to meaſure the aforeſaid Roads, and put in Mileſtones and erect Poſts upon the Sides thereof.

Head Ridges 24 Feet in Breadth to be left along the Sides of the Roads.

XXXIX. And be it further enacted, That, from and after the paſſing of this Act, every Perſon in ploughing any uninclоſed Ground contiguous to any of the ſaid Roads, ſhall always make Head Ridges along the Side of the Roads of the Breadth of Twenty-four Feet at leaſt; and all Gates upon Incloſures next to any of the ſaid Roads ſhall open inwards to the Fields, otherwiſe Perſons offending therein ſhall for each Offence forfeit and loſe any Sum not exceeding Forty Shillings nor leſs than Five Shillings Sterling, to be levied and applied as herein-after directed.

XL. And be it further enacted, That if any Perſon or Perſons ſhall graze, or allow their Horſes, Cows, or other Cattle to graze upon the Sides or other Parts of the aforeſaid Turnpike Roads, and be convicted thereof in Manner aforeſaid, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Five Shillings Sterling, for each Head of Cattle that ſhall be ſo found grazing thereon.

Bridges and Drains may be erected.

XLI. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, may cauſe to be built or erected Arches or Bridges of Stone, Brick, or Timber, and may cauſe to be made Conduits or Drains or other Outlets for Water through any Grounds adjoining to the ſaid Roads; and in all Times ſubſequent to the making thereof, it ſhall be lawful for any Perſon or Perſons appointed by the ſaid Truſtees, or any Three or more of them, to ſcour and preſerve the ſaid Conduits and Drains or other Outlets for Water, without any Impediment whatſoever; and further the ſaid Truſtees or their Quorum aforeſaid, are hereby empowered to widen the ſaid Roads, or any Part or Parts thereof: Provided always, that the ſame ſhall not in any Place extend to more than Fifty Feet in Width, (Ditches and Drains excluſive), and for that Purpoſe to pull down and demoliſh any Walls or Fences, or any Houſe or Buildings, (whoſe Side Walls ſhall not exceed Twelve Feet in Height), the ſaid Truſtees paying ſuch Damages to the Owners or Occupiers of the Premiſes aforeſaid, as may be occaſioned by the widening any Part of the ſaid Roads above and beyond Twenty Feet of clear and paſſable Road, as the Truſtees, or any Three or more of them, ſhall think reaſonable; and in caſe of any Difference ariſing between the Owners or Occupiers and the ſaid Truſtees, as to the Amount of the Damages aforeſaid, then the ſame ſhall be adjuſted and determined in Manner aforeſaid.

For altering the Courſe of the Roads.

XLII. And be it further enacted, That it ſhall be in the Power of the ſaid Truſtees, or any Three or more of them, at a General Meeting aſſembled, to turn, vary, and alter the Courſe and Direction of the ſaid Roads in any Place or Places that they ſhall judge to be for the Advantage of Travellers, making Satisfaction to the Owners or Occupiers of the Ground through which ſuch Roads when ſo turned, varied, or altered, ſhall paſs, for the Damages which they or any of them may or ſhall ſuſtain by ſuch Turning, Variation, or Alteration as aforeſaid, and which

Damage

Damage ſhall be aſcertained in Manner before pointed out: Provided always, that in altering or widening the aforeſaid Roads, nothing ſhall be done which may any ways prejudice or damage any Houſe or Building, (except as aforeſaid), or any Garden, Orchard, planted Walk or Avenue to any Houſe, or any Pleaſure Ground, or any Piece or Parcel of incloſed Ground, ſet apart and incloſed as a Nurſery for Trees, prior to the paſſing of this Act.

Branching Roads.

XLIII. 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 General Meetings aſſembled, from Time to Time to direct ſuch Parts of the Tolls and Duties by this preſent Act granted, as they ſhall think proper, not exceeding One Fifth Part of the annual Produce thereof in any One Year, to be laid out and applied for repairing other Roads branching out of or leading into the aforeſaid Roads: Provided always, that no Money ſhall in any Caſe be allowed for ſuch branching Roads, unleſs at a General Meeting, called by Advertiſement in One of the *Glaſgow* Newſpapers, Ten Days before the Day of Meeting, in which Advertiſement it ſhall be ſtated that a Propoſal for granting ſuch Allowance is to be laid before the Meeting.

Paſſages into the Road to be covered.

XLIV. And be it further enacted, That when any Paſſage for Cattle or Carriages acroſs the Sides of any of the aforeſaid Roads, is made for the Conveniency of the Occupier of the Ground through which they paſs, he ſhall always cover the Drains croſſing the Sides of ſuch Roads with ſufficient Stones, in ſuch a Manner as that the Courſe of the Water in the Drains may not be interrupted, or the Roads thereby prejudiced: Provided always, that no Occupier of Land ſhall turn any Water upon the Side of any of the ſaid Roads, nor conduct any Water acroſs any of the ſaid Roads for the meliorating of his Fields or other Purpoſes, until he ſhall have applied for and obtained the Conſent in Writing of Three or more of the ſaid Truſtees; and every ſuch 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 every Perſon offending, and being thereof convicted as aforeſaid, before any One or more of the Juſtices of the Peace of the ſaid reſpective Counties, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Five Shillings Sterling, beſides the Expence of reſtoring the Road to its former State.

Money paid for Lands to be laid out to the ſame Uſes.

XLV. Provided always, and be it enacted, That the Prices or Values agreed to be paid for Grounds or other Property taken for any of the Purpoſes of this Act, which ſhall be held under Entail, or ſhall be burthened with Annuities, Liferents, Jointures, or other temporary Rights whatſoever, ſhall be inveſted, laid out, and ſecured, to the ſame Series of Heirs, and to the Uſes, Intents, or Purpoſes to which the Grounds or other Property ſtood ſettled and ſecured by and under the Direction of the Court of Seſſion in *Scotland*, or of the Sheriffs Depute of the Counties of *Stirling*, *Dumbarton*, or *Lanark*, (as the Juriſdiction may be), for the Time being, in caſe the Parties concerned ſhall not agree upon the Manner or Security in or upon which the ſame ought to be ſettled, inveſted, or ſecured.

XLVI. And

Application of Compensation Money when exceeding 200 *l.*

XLVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200 *l.* and above 20 *l.*

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

such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, as far as the Case be applicable.

Where under 20 *l.* Sterling.

XLVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Houses not to be built, or Trees planted, within a certain Distance of the Road.

XLIX. And be it also enacted, That it shall not be in the Power of any Person or Persons from and after the Commencement of this Act, to plant Trees adjoining to the aforesaid Roads or any Part thereof, nearer to the Centre thereof than Fifty Feet; and in case any Person or Persons shall plant contrary to the Enactments aforesaid, then it is hereby provided and declared, that it shall be in the Power of any One or more of the said Trustees, or of their Managers for the Time being, to procure an Interdict against such Offender or Offenders, and to cause an Action to be brought against him, her, or them, (in Manner herein directed), for having the said Trees so planted as aforesaid, removed; and it shall be in the Power of the Judge or Judges before whom the said Action shall be so brought, to fine or amerciate the said Offender or Offenders when convicted as aforesaid, in a Sum not less than One Pound Sterling or more than Five Pounds Sterling, over and above the Expences of removing the Encroachments so made as aforesaid.

For lopping Hedges and Trees.

L. And it is hereby further enacted, That all Hedges growing upon the Sides of any Part of the said Roads, shall be lopped and kept at a Height not exceeding Four Feet and a Half from the Root of the said Hedges; and in like Manner all and every Tree or Trees growing upon the Sides of the said Roads, and which shall shadow and overhang the same, shall have such Branches lopped and cut off; and in case the Owner of such Hedges or Trees shall delay or refuse (when required upon Three Weeks Notice given him at any Time between the First of *October* and the last of *April*) so to lop and cut the same, then it shall be lawful for, and the said Trustees and their Managers are hereby authorized and empowered immediately after the Expiration of the said Three Weeks, to lop, prune, or cut the same, as the Case may require, and the Expence attending the same shall be levied on the said Owner or Owners so refusing or delaying as aforesaid, in the same Manner as the other Penalties and Forfeitures imposed by this present Act.

Manner of adjourning and calling Meetings.

LI. And be it further enacted, That the said Trustees or any Three or more of them, at their First General Meeting assembled may adjourn, and afterwards from Time to Time adjourn, to meet at such Times and at such Places as the said Trustees or any Three or more of them, at the last Meeting assembled, shall think proper, without Prejudice to their meeting at other Times at the same or other Places if necessary, previous Intimation thereof being made Once at least in One of the

Glaſgow Newſpapers Ten Days previous to the Day fixed for ſuch Meeting; and in caſe Three Truſtees ſhall not aſſemble at any Meeting, the Truſtee or Truſtees actually aſſembled ſhall have Power to adjourn, though not to do any other Buſineſs relative to the Truſt.

For Recovery of Penalties.

LII. And it is hereby further enacted and declared, That all Offences committed againſt, and Penalties or Forfeitures impoſed by this Act, ſhall, unleſs herein otherwiſe directed, be ſued for and recovered by an Action for that Purpoſe, at the Inſtance of any One of the ſaid Truſtees, or of their Treaſurers, Collectors, Clerks, Surveyors, or Tacksmen of the Tolls, before any One or more of His Majeſty's Juſtices of the Peace of the Counties aforeſaid, (according as ſuch Offences may have been committed) who is and are hereby authorized and empowered to hear and determine the ſame, and to fine or amerciate the Offender or Offenders, when convicted as aforeſaid, in any Sum not exceeding the Penalties by this Act impoſed; and (unleſs herein otherwiſe ordered) that One Moiety of all Penalties and Forfeitures to be incurred as aforeſaid, ſhall belong to the Informer or Perſon ſuing for the ſame, and the other Moiety thereof be laid out upon the Roads hereby made Turnpike; and all Penalties and Forfeitures contained in this Act, ſhall be payable over and above all neceſſary Expences incurred in proſecuting for the ſame.

Allowing an Appeal.

LIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, if not hereby directed to be otherwiſe levied, ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand or Hands of any One or more of the Juſtices of the Peace of the County where the Offence ſhall be committed, or where the Offender ſhall reſide, in the Option of the Truſtees, or of the Perſon or Perſons authorized to levy ſuch Diſtreſs; and the Perſons diſtraining ſuch Goods and Chattels are hereby authorized and empowered, after the Space of Three Days after ſuch Diſtreſs ſhall be made and taken, to ſell the Goods ſo diſtrained by publick Roup, at the neareſt Turnpike or Toll Houſe to the Place where ſuch Diſtreſs ſhall be made, and return the Overplus Money (if any) upon Demand to the Owners of ſuch Goods and Chattels, after ſuch Penalties and Forfeitures, with all Expences, ſhall be deducted and paid; and where the Officer ſhall report that ſufficient Effects for Diſtreſs cannot be found, and the Money due ſhall not forthwith be paid, it ſhall be lawful for any One Juſtice of the Peace for the County wherein the Offence ſhall be committed, to commit the Offender to the Common Gaol, there to remain for any Time not exceeding Six Calender Months, unleſs the ſaid Penalties, Forfeitures, and all Expences, be ſooner paid.

Perſons aggrieved may appeal to the Quarter Seſſions.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Order, Sentence, or other Proceedings of the ſaid Truſtees, or by the Order or Sentence of One or more Juſtice or Juſtices of the Peace not aſſembled in Quarter Seſſions, it ſhall be lawful for her, him, or them, to appeal to the Juſtices of the Peace of any of the ſaid Counties, at the Firſt General Quarter Seſſions thereafter, at which not fewer than Three Juſtices ſhall be preſent; and ſuch Appeal ſhall be lodged within Six Days after the Sentence complained of; and the ſaid Juſtices at their General Quarter Seſſions aſſembled, are hereby authorized and empowered to hear and detemine the

same; and the Judgement and Sentence of the said Justices shall be final and conclusive, and shall not be subject to Advocation, nor to any Suspension, Reduction, Appeal, or other Stay of Execution.

LV. And be it further enacted, That all and every Information, Suit, and Action, for any and every of the Penalties and Forfeitures imposed by this Act, shall be brought within the Space of Twelve Calendar Months after the Fact or Trespass was done or committed, and not afterwards. Limitation of Actions.

LVI. And be it further enacted, That this Act and the Powers thereof, from and after the passing hereof, shall commence, and shall endure and continue for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and that this Act shall be deemed a publick Act, and shall be judicially noticed as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Continuance of the Act. Publick Act.

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