ANNO QUADRAGESIMO QUARTO

# GEORGII III. REGIS.

## *Cap.* 65.

An Act for repealing an Act, passed in the Forty-third Year of His present Majesty, intituled, *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*; and for granting other Powers for the Amendment and Repair of the said Roads. [29th *June* 1804.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His present Majesty, intituled, *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*; whereby so much of an Act 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; and also so much of an Act passed in the Twenty-seventh Year of His said late Majesty, for explaining, amending, and rendering more effectual the said Act; and also so much of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled, *An Act to enlarge the Term and Powers of an Act made in the Twenty-sixth Year of the* 43 G. 3.

*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 altering and aſcertaining the Courſe of the laſt mentioned Diſtrict of Road*; and alſo ſo much of an Act 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*, as related to the ſaid Road from *Glaſgow* to *Redburn Bridge* and *Bonny Water*, and to or near *Loanhead*; was repealed: And whereas the Powers and Proviſions of the ſaid Act of the Forty-third Year of the Reign of His preſent Majeſty have been found in ſeveral Reſpects defective and inſufficient, and it would tend to the more complete Amendment and Repair of the Roads therein comprized, if the ſaid Act (except ſo much thereof as repeals the ſeveral Acts therein and herein-before mentioned) were wholly repealed, and new and further Powers were granted for the Amendment and Repair of the ſaid Roads: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act paſſed in the Forty-third Year of the Reign of His preſent Majeſty (except ſo much thereof as repeals the ſeveral Acts therein and herein-before mentioned) ſhall, from and after the Third *Wedneſday* in *July* One thouſand eight hundred and four, be and the ſame is hereby declared to be repealed, 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 *Langbank Farm*, and from thence till it joins the Turnpike Roads from *Glaſgow* to *Inchbelly Bridge* and to *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 Road 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 thereof, and of all Intereſt 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.

Said Act repealed, and this Act to take place inſtead thereof

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 Speirs* of *Culcreuch*, *John Dunmore Napier* of *Ballikinrain*, *James Glaſsford* 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

and every Perſon who, after the paſſing of this Act, ſhall be infeft and poſſeſſed as Proprietor or Liferenter, 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*, *Strathblane*, *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; (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 *Bulmullie Bridge*, to or near the Bridge acroſs the River *Aiander* at *Langbank Farm*, and from thence till it joins the Turnpike Roads from *Glaſgow* to *Inchbelly Bridge* and to *Strathblane*, 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 Perſons infeft 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 ſo 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 infeft in Property as Proprietor or Liferenter, 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.

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* in *July* One thouſand eight hundred and four, or as ſoon thereafter as may be convenient, or at any other adjourned or General Meeting as herein-after directed, ſhall and may

may 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 otherwiſe proceed to the Execution of this Act; 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 demand and take, or cauſe to be demanded and taken 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 Snillings 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 other 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.

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

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.

VII. 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 such Side Gate or 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 Side Gate or 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 Side Gate or Turnpike; any Thing herein-before contained to the contrary hereof notwithstanding.

Tolls, *etc.* vested in the Trustees.

VIII. 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.

IX. 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 for any Term not exceeding Twenty-one Years, 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, the same shall be fixed and determined in Manner herein-after pointed out.

Tolls and Duties to be levied by Distress.

X. 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 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 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 or Carriage, at the nearest Village for Payment of the Toll Duty, and 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.

XI. 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.

XII. 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 Act mentioned and contained.

Toll to be paids Once a Day.

XIII. And be it further enacted, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes erected or to be erected in the said Counties where Tolls or Duties are or shall be taken by virtue of this Act, and who shall return the same Day through the same Turnpike or Turnpikes before Twelve of the Clock at Night, with the same Coach or Cart, or other Wheel Carriage drawn by the same Horses, or with the same Horse, Ass, or other Cattle, shall be liable or compelled to pay the Tolls or Duties more than Once, but 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 Access to the said Person or Persons, returning the same Day as aforesaid, to repass the said Turnpike or Turnpikes Toll-free; but in case the same Coach, Cart, or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall return or pass such Turnpike with a new Loading a second or more Times in the same Day, they shall in that Case be subjected to pay the Tolls for each Time they shall so pass, in the same Manner as for the first Time.

Penalty on Persons giving or receiving

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

er 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 be liable in a Penalty not exceeding Forty Shillings Sterling, to be levied and recovered in Manner herein-after directed.

Tickets to avoid Payment of Toll.

XV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time during the Continuance of this Act, refuſe to pay the Tolls and Duties authorized to be levied by this Act, at paſſing through any Turnpike or Toll Bar, or ſhall paſs through the ſame without paying the Tolls and Duties leviable thereat, or ſhall take off, or cauſe to be taken off, any Horſe, Mare, Gelding, or Mule, or Horſes, Mares, Geldings, or Mules, from any Coach, Chaiſe, Chair, Chariot, Berlin, Landau, Calaſh, or other Carriage, or any Horſe or Horſes, Ox or Oxen, or other Beaſt or Beaſts of Draught, from any Waggon, Wain, Cart, or other 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, ſhall be liable in a Penalty not exceeding Five Pounds Sterling for each Offence, to be recovered, levied, and applied in Manner herein-after mentioned.

Penalty on taking off Horſes, *etc.*

XVI. Provided always, and it is hereby further enacted, That no Toll ſhall be demanded for and in reſpect of Carriages, Horſes, or Cattle, employed in carying Materials for making or repairing the Roads, Bridges, and Toll Houſes comprized within the Proviſions of this Act, or Cattle, Horſes, or Carriages, laden or unladen, paſſing from one Part of a Farm to another Part thereof, or laden with any Implements of Huſbandry, or Carriages returning empty after carrying the ſame, 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 celebrated, or attending the Funeral of any Perſon who ſhall die and be buried within the Pariſh, or carrying any Clergyman going to or returning from viſiting any ſick Perſon, or upon any other his parochial or miniſterial Duty on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for Horſes or Cattle going to or returning from their uſual Places of Paſture or watering, or going to Smithies for the Purpoſe of being ſhoed, or returning therefrom; or for Horſes or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails or Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying

Perſons and Things exempted from Tolls.

conveying the ſame; nor for the Horſes of Officers or Soldiers who are 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 ſuch wounded or diſabled Officers or Soldiers; nor for Carts, or Carriages, or Waggons travelling with Vagrants ſent with legal Paſſes; 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, be liable in a Penalty not exceeding Two Pounds Sterling.

Carriages exempted reſtricted to 1800 Pounds Weight, unleſs the Wheels are Six Inches broad in the Fellies.

XVII. 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 Pounds 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 loſe the Benefit of ſuch Exemption, and ſhall alſo be liable in a Penalty not exceeding Forty Shillings Sterling, to be levied and recovered in Manner herein-after directed.

Carriages above 1800 Pounds Weight to pay increaſed Tolls.

XVIII. And whereas much Hurt and Damage have 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, Mules, or other Beaſts of Draught, ſhall paſs through the ſame, the Weight of which Carriage, with the Burden or Loading thereof, ſhall exceed One thouſand eight hundred Pounds 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, Mules, or other Beaſts of Draught, any Sum not exceeding 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.

XIX. 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, and all Perſons travelling with ſuch Carts,

Carts, Waggons, or other Carriages, ſhall be obliged to weigh the ſame accordingly when required.

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

XX. And be it further 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.

XXI. 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, 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, *etc.*

XXII. 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.

XXIII. 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.

XXIV. 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 Truſtees at a General Meeting.

XXV. 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.

XXVI. 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.

Truſtees may compound with Travellers.

XXVII. 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.

XXVIII. And whereas the Truſtees on the aforeſaid Road from *Glaſgow* to *Redburn Bridge*, *Bonny Water*, and to or near *Leanhead*, 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.

XXIX. 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 eight (the Purpoſe of the ſaid Meeting being ſpecially announced by publick Advertiſement in

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.

XXX. 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 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 eight.

Accounts to be kept.

XXXI. 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.

XXXII. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons whom the ſaid Truſtees, or 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 is and are hereby authorized and empowered to enter any Part of the ſaid Grounds (other than Ground upon which any Houſes

ſtand,

ſtand, Gardens, Orchards, planted Walks, Deer Parks, Grounds ſet apart and uſed as a Nurſery for Trees or Pleaſure Grounds), unleſs with the Conſent of the Proprietor, 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 him, her, 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; 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 and fifty Yards to the Manſion Houſe of any Proprietor of a landed Eſtate, the Valuation of which ſhall exceed One hundred Pounds *Scots*, or the Rent of which ſhall exceed One hundred Pounds Sterling annually, without the Conſent of the Proprietor thereof.

Notice to be given before Materials are taken.

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.

Value of Grounds damaged, how to be aſcertained.

XXXIV. 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, in Manner herein-after mentioned: Provided always, that no Diſpute or Difference reſpecting any of the Matters aforeſaid ſhall in any way ſtop, delay, or prevent the digging or carrying away of the ſaid Materials.

Charges of this Act.

XXXV. 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, *etc.* laid thereon.

XXXVI. 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

the said Roads; or shall make any Pits or Holes, or shall wilfully 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 on the Side or Sides thereof, all and every Person or Persons offending in Manner aforesaid, shall, for each Offence, when convicted thereof in Manner after mentioned, be liable in a Penalty not exceeding Forty Shillings Sterling, and shall be obliged to fill up the said Pits and Holes; 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 on the Side or Sides 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, *etc.*

XXXVII. 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 any Sum not exceeding 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.

XXXVIII. 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 be liable in a Penalty not exceeding Forty Shillings Sterling, over and above the Toll.

Footpaths to be made and preserved, under a Penalty.

XXXIX. 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

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 along the ſame, otherwiſe ſuch Perſon or Perſons ſhall be liable in a Penalty not exceeding Forty 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.

XL. And be it further enacted, That, from and after the paſſing of this Act, every Perſon in ploughing any unincloſed 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 be liable in a Penalty not exceeding Forty Shillings Sterling, to be levied and applied as herein-after directed, beſides being obliged to comply with the ſaid Regulations.

Penalty on Perſons grazing Horſes, *etc.* on the Sides of the Road.

XLI. 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 Turnpike Roads, and be legally convicted thereof, ſuch Perſon or Perſons ſhall for every ſuch Offence be liable in a Penalty not exceeding Forty Shillings Sterling, for each Head of Cattle that ſhall be ſo found grazing thereon.

Bridges and Drains may be erected.

XLII. 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-five Feet in Width, including the Footpaths and the Ditches or Water Runs at the Side of the Road, and for that Purpoſe to pull down and demoliſh any Walls or Fences, or any Houſe or Buildings (the Side Walls of which ſhall not exceed Eighteen Feet in Height), and to remove any other Obſtructions, the ſaid Truſtees making Satisfaction to the Owners or Occupiers of the Premiſes aforeſaid, for ſuch Damages as may be occaſioned by widening any Part of the ſaid Roads, and the Amount of the Damages aforeſaid ſhall be adjuſted and determined in Manner herein-after directed.

Roads may be widened.

For altering the Courſe of the Roads.

XLIII. 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 order the Courſe and Direction of the ſaid Roads to be turned, varied, or altered in any Place or Places that they ſhall judge to be for the Advantage of Travellers, and for that Purpoſe to order to be taken down and demoliſhed any Walls or Fences, or any Building or Buildings,

ings, the Side Walls of which ſhall not exceed Eighteen Feet in Height, and to remove any other Obſtructions, the ſaid Truſtees making Satisfaction to the Owners or Occupiers reſpectively, whoſe Ground or Buildings ſhall be prejudiced or damaged by ſuch Turning, Variation, or Alteration as aforeſaid, and which Damage ſhall be aſcertained in Manner herein-after pointed out: Provided always, that in altering or widening the aforeſaid Roads, nothing ſhall be done which may anyways prejudice or damage, without the Conſent of the Proprietor, 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 Ground, ſet apart and incloſed as a Nurſery for Trees, prior to the paſſing of this Act.

Certain Portion of the Tolls may be applied in repairing branching Roads.

XLIV. And be it further enacted, That it ſhall be lawful to and in the Power of the ſaid Truſtees, or any Three or more 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.

XLV. 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 Owner or Occupier of the Ground through which they paſs, the ſaid Owner or Occupier ſhall always cover the Ditches or Drains on the Sides of ſuch Roads acroſs which the ſaid Paſſage is made, 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 Owner or 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 Fields, or other Purpoſes, until the Conſent in Writing of Three or more of the ſaid Truſtees ſhall have been previouſly applied for and obtained; 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 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 be liable in a Penalty not exceeding Forty Shillings Sterling, beſides the Expence of reſtoring the Road to its former State.

Truſtees empowered to purchaſe and Proprietors required to ſell Lands and Houſes for the Purpoſes of this Act.

XLVI. And be it further enacted, That the ſaid Truſtees, or their Quorum, ſhall be and they are hereby empowered to take and acquire, and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Truſtees, Tutors, and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, are hereby empowered and required to ſell, let,

and convey all such Land or Houses as may be necessary for the making, altering, or widening the said Roads, or any of them, and erecting any Toll Bar or Toll House or Bridge Keeper's House thereon, or for storing Materials or otherwise, where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made to the Proprietor or Proprietors, and Occupier or Occupiers, as can be agreed upon by and between the said Trustees and such Proprietor or Proprietors, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury of Fifteen Persons, summoned and chosen by the Sheriff of any of the said Counties within which such Lands or Houses 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 Suspension, Advocation, or Reduction; and in the Event that such Jury shall award a greater Compensation than the Trustees have offered, but less than the Owner or Owners, Occupier or Occupiers have required, the Expence of such Jury shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and on the other Hand if the said Jury shall award the Sum so offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said 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: Provided also, that after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Land or Houses such Sum as the said Trustees, or their Quorum, shall think reasonable, it shall and may be lawful for them to enter into and 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 Damages or that they have not been satisfied and paid.

Lands and Houses vested in the Trustees.

XLVII. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees, in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or apprized 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, for the Use and Behoof of such Person or Persons, 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 Land 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 Infeftments had followed thereupon.

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

XLVIII. 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

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.

Application of Compenſation when exceeding 200*l.*

XLIX. 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 Liferents, 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.

Application where Money does not amount to 200*l.* and ſhall exceed 20*l.*

L. 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

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

Application where the Money is leſs than 20 *l.*

LI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the 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.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

LII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*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 publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch 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 Bank as aforeſaid.

LIII. And

Where any Question shall arise touching such Money, the Person in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto.

LIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks, in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments, 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order Expences of Purchases to be paid.

LIV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements or Hereditaments, 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 Houses, Buildings, Lands, Tenements, or Hereditaments, 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 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.

Buildings erected within Thirty Feet from the Middle of Highways to be pulled down.

LV. And be it further enacted, That no Houses or Buildings of any Description, other than a Wall for the Purpose of Inclosure not exceeding Ten Feet in Height, to be erected near the Sides of any of the Roads comprized within the Provisions of this Act, shall be built within the Distance of Thirty Feet from the Middle of any Part of the said Roads, under a Penalty not exceeding Forty Shillings Sterling for every Offence, and the Expence of demolishing such House or Building; and it shall be lawful for any Justice of the Peace to stop the Erection of every such House or Buildings which shall be within the said Distance from the Middle of the said Roads; and if any Building shall be erected hereafter within the Distance aforesaid, any One or more Justice or Justices of the Peace, upon Application made to him or them by any One Trustee, and upon Proof being adduced that the said Building is within the Distance aforesaid, may order such Building to be pulled down and removed at the Expence of the Erector, or of the Proprietor of the Ground on which the same stands, and may grant Warrant for levying and recovering the said Penalty and Expences as aforesaid.

LVI. And

For lopping Hedges and Trees.

LVI. 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 Five Feet 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 overhang the ſame, ſhall have ſuch Branches lopped and cut off; and in caſe the Owner or Owners, Occupier or Occupiers of the Land upon which ſuch Hedges or Trees grow, ſhall delay or refuſe (when required upon Three Weeks Notice given to the ſaid Owner or Owners, Occupier or Occupiers, or left at his, her, or their uſual Place of Reſidence, at any Time between the Firſt Day of *October*, and the laſt Day of *April*), ſo to lop and cut the ſame, then it ſhall be lawful for 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, Occupier or Occupiers, 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.

LVII. 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.

What Number of Truſtees ſhall conſtitute a Quorum.

LVIII. And be it further enacted, That in all Caſes, except where herein otherwiſe expreſsly provided, Three or more of the ſaid Truſtees ſhall be a Quorum, and when aſſembled, ſhall be held to conſtitute a General Meeting.

For Recovery of Penalties.

LIX. 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 by the Oath of One or more credible Witneſs or Witneſſes, by Confeſſion or otherwiſe, 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

all Penalties and Forfeitures contained in this Act, ſhall be payable over and above all neceſſary Expences incurred in proſecuting for the ſame.

Penalties how to be levied.

LX. 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 Officers 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, or where the Offender ſhall reſide, to commit the Offender to the Common Gaol, there to remain for any Time not exceeding Six Calendar Months, unleſs the ſaid Penalties, Forfeitures, and all Expences, be ſooner paid.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXI. 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 him, her, 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 Notice thereof ſhall be given to the Defendant in Writing by the Perſon or Perſons ſo appealing, within Three Days after ſuch Appeal is lodged, and within Five Days after ſuch Notice the ſaid Appellant or Appellants ſhall lodge in the Hands of the Clerk to the ſaid Juſtices a Bond ſigned by him, her, or them (as the Caſe may be) with Two ſufficient Sureties, obliging him, her, or them to proſecute ſuch Appeal, and in caſe ſuch Appeal ſhall be diſallowed, to pay ſuch Coſts and Charges as may be awarded; and the ſaid Juſtices at their General Quarter Seſſions aſſembled, are hereby authorized and empowered to hear and determine 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.

Limitation of Actions.

LXII. 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.

Continuance of the Act.

Publick Act.

LXIII. And be it further enacted, That this Act ſhall commence and take effect from and after the paſſing thereof, 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.

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