ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 31.

An Act for more effectually making and repairing the *Great North Road* leading from the *North Queensferry*, in the County of *Fife*, to the City of *Perth*, and to the Town of *Dumfermline*.

[28th *April* 1809.]

WHEREAS by an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from the* North Queensferry *through the Towns of* Inverkeithing *and* Kinross *to the Town of* Perth; *and also the Road from the said* Queensferry *to the Towns of* Dumfermline, Torryburn, *and* Culross; *and also the Road from the said* Queensferry *through* Inverkeithing *to* Bruntisland *and* Kirkaldie; and by another Act, passed in the Twelfth Year of His present Majesty's Reign, intituled, *An Act to continue and render more effectual an Act passed in the Twenty-sixth Year of the Reign of His late Majesty, for repairing the Road from the* North Queensferry *through the Towns of* Inverkeithing *and* Kinross *to the Town of* Perth; *and also the Road from the said* Queensferry *to the Towns of* Dumfermline, Torryburn, *and* Culross; *and also the Road from the said* Queensferry *through* Inverkeithing *to* Bruntisland *and* Kirkaldie; and by another Act passed in the Thirty-sixth Year of the Reign of His

26 G. 2. c. 91.

12 G. 3. c. 83.

36 G. 3. c. 134. present Majesty, intituled, *An Act for continuing and enlarging the Term and Powers of Two Acts made in the Twenty-sixth Year of the Reign of His late Majesty King* George *the Second, and the Twelfth Year of His present Majesty, in as far as respects the Road from* North Queensferry *in the County of* Fife *to the Town of* Perth, *and more effectually making, repairing, and keeping in Repair the said Road, and the Landing Places at the* Queensferry; certain Persons were appointed Trustees for making and repairing the said Roads, with Power to levy Tolls on the same, and to borrow Money on the Credit thereof, and for other Purposes in the said Acts mentioned: And whereas, under the Authority of the said Acts, the said Road from *North Queensferry* to the City of *Perth*, known by the Name of the *Great North Road*, and also the Road from the said *Queensferry* to the Town of *Dunfermline*, have been made; and considerable Progress hath also been made in laying out the new Line of Road directed to be made by the said last-recited Act, between the said *Queensferry* and the City of *Perth*; and a considerable Sum of Money has been borrowed on the Credit of the Tolls and Duties thereby authorized to be levied, and is still owing; but the said Roads are still in Want of Repair, and cannot be effectually repaired and kept in Repair, or the said new Line completed, or the Money so owing repaid, unless the Term and Powers of the said Acts, so far as relate to the said Roads, be continued and enlarged; and it is expedient that the said recited Acts, with more extensive Powers and Authorities, should be reduced and consolidated into One Act, in so far as the same relate to the said *Great North Road* leading from the *North Queensferry* to the City of *Perth*, and to the Road from the said *Queensferry* to the Town of *Dunfermline*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts of the Twenty-sixth Year of the Reign of *George* the Second, and of the Twelfth and Thirty-sixth Years of the Reign of His present Majesty, shall be and the same are hereby repealed, in so far as the same relate to the said *Great North Road* leading from the *North Queensferry* to the City of *Perth*, and to the Road from the said *Queensferry* to the Town of *Dunfermline*; and instead thereof, this Act shall commence and be put in Execution for and during the Term herein-after mentioned; and this Act, and all the Tolls and Duties which are hereby authorized to be levied, shall be and are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said Acts hereby repealed; and the said Tolls and Duties shall be liable to the Payment of all Money which shall or may hereafter be borrowed on the Credit of this Act, and of all Interest due and to become due for the same respectively.

Former Acts repealed.

II. And be it further enacted, That the Justices of the Peace and Commissioners of Supply for the Counties of *Perth*, *Fife*, and *Kinross*, and the Heritors of those Counties, being in the actual Possession of the *Dominium utile* of Lands valued in the Cess-Books at One hundred Pounds *Scots*, or upwards, either in their own Right or in the Right of their Wives, and the eldest Sons of such Heritors, as also One of the Guardians or Trustees of Minors, and the Factor or Baron Baillie for the Time being of each non-resident Heritor, such Minors and Heritors having One hundred

Nomination and Qualification of Trustees.

hundred Pounds *Scots* of Valuation as aforesaid, as also the Chief Magistrate of the City of *Perth* and of the Royal Burgh of *Inverkeithin* for the Time being, and the Sheriff Depute for each of the said Counties, and in the Absence of the Sheriff Depute the Sheriff Substitute of the same, shall be, and they are hereby appointed Trustees for surveying, making, repairing, and keeping in Repair, the said Roads, and altering the present Course thereof where necessary, and repairing the Bridges or necessary Works on the same, or erecting new ones where requisite; and for making and completing the said new Line of Road between *Queensferry* and *Perth*, as surveyed and approved of pursuant to the said in Part recited Act, passed in the Thirty-sixth Year of the Reign of His present Majesty; and for putting in Execution all the other Powers given and granted by this Act.

Qualification of Factors, &c.

III. Provided always, and be it enacted, That no such Baron Baillie, Chief Magistrate, or Factor, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be qualified to act as a Commissioner of Supply for the said County, or unless he shall be in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Fifty Pounds *per Annum*; or be possessed of and entitled to a Personal Estate alone, or Real and Personal Estate together, of the Value of One thousand Pounds; nor shall any such Baron Baillie or Factor not qualified to be a Commissioner of Supply be capable of acting in the Execution of this Act, until he shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; that is to say,

'I do swear, That I truly and *bona fide* am, in my own 'Right, [*or*, in the Right of my Wife, *as the Case may be*,] in the 'actual Possession or Enjoyment of Lands or Heritages of the clear yearly 'Value of Fifty Pounds; or possessed of or entitled to a Personal Estate 'alone, or Real and Personal Estate together, of the Amount or Value of 'One thouland Pounds. 'So help me GOD.'

Penalty for acting if not duly qualified.

IV. Provided also, That if any Person not qualified or described as aforesaid, shall nevertheless presume to act as a Trustee, he shall for every such acting forfeit and pay the Sum of Twenty Pounds Sterling, over and above the Expence of Prosecution; which Penalty shall be recovered by a Complaint, in a summary Way, at the Suit of any Heritor within any of the said Counties, or of the Procurator Fiscall appointed by the Justices of the Peace, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute or his Substitute, in that County in which such Person shall pretend to have a Qualification, and shall be paid to the said Trustees, or to their Clerk or Treasurer; and in case any such Complaint shall be brought, the Proof of Qualification shall lie upon the Defendant.

Meetings of Trustees.

V. And be it further enacted, That the First Meeting of the Trustees under this Act shall be held at *Kinross* on the Fourth *Wednesday* after the passing of this Act; and that an annual General Meeting of the Trustees shall be held on the Third *Wednesday* in *April* in all succeeding Years during the Continuance of this Act: Provided always, that if it is the Intention

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of any of the ſaid Truſtees to propoſe, at ſuch annual General Meeting, any Alteration of the preſent Toll Bars, or the Duties to be collected thereat, or the Erection of any new Toll Bar, he or they ſhall give ſufficient Notice thereof in Writing to the Clerk of the ſaid Truſtees, to enable him to give Fourteen Days Notice thereof in any Two Newſpapers publiſhed at *Edinburgh*; and it ſhall and may be lawful for any Two or more of the Truſtees to ſummon a General Meeting at any Time when they may think it requiſite, and to appoint a Day when it ſhall be held, provided that Notice be given of ſuch Meeting by an Advertiſement to be publiſhed in any Two Newſpapers publiſhed at *Edinburgh*, at leaſt Fourteen Days previous to the Day upon which ſuch Meeting ſhall be appointed to be held, in which Advertiſement particular Mention ſhall be made of the Names of the Perſons by whom the Meeting is called, and of the Buſineſs which they mean to bring before the ſame; and provided that the ſaid Truſtees calling ſuch General Meeting do and ſhall likewiſe, by a Writing under their Hands, give Notice thereof Fourteen Days at leaſt before ſuch Meeting, to the Clerk of the ſaid Truſtees, which ſaid Clerk ſhall give Notice thereof in Writing under his Hand, to be affixed on all the Turnpikes on the ſaid Roads Ten Days at leaſt before the Day appointed for ſuch Meeting; and the ſaid General Meetings ſhall have Power to adjourn to ſuch Times and Places as they ſhall think proper or convenient, and as often as it ſhall be neceſſary for putting this Act into Execution; and at all ſuch annual and ſpecial General Meetings, Six Truſtees ſhall be a Quorum, Two of thoſe preſent being of the County of *Perth*, Two of the County of *Fife*, and Two of the County of *Kinroſs*; and if it ſhall happen that there ſhall not appear at any Meeting, or at any adjourned Meeting which ſhall be appointed to be held by the ſaid Truſtees, a ſufficient Number of Truſtees to act at ſuch Meeting, and to adjourn to another Day, then and in ſuch Caſe the Clerk to the ſaid Truſtees by Notice in Writing under his Hand, to be affixed on all the ſaid Turnpike Gates, and alſo by an Advertiſement in the Newſpapers above mentioned, at leaſt Ten Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Place where the laſt Meeting of the ſaid Truſtees was appointed to be held, or at ſome other convenient Place, on that Day Fourteen Days on which the laſt Meeting of the ſaid Truſtees was appointed to be held, and that the ſaid Truſtees, at their Firſt and all their ſubſequent Meetings ſhall defray their own Charges.

Quorum of Truſtees.

Officers to be appointed.

VI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees at a General Meeting aſſembled as aforeſaid, to chooſe and appoint fit Perſons to be Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks, to the ſaid Truſtees, for receiving the Tolls or Duties granted or 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, Receivers, Collectors, Clerks, Surveyors, or other Officers, or any of them, and to appoint new ones in caſe of Death or Removal; and all and every Perſon or Perſons who is, are, or ſhall be liable by this Act, to pay the ſaid Tolls or Duties, are hereby required to pay the ſame in to the ſaid Collector or Collectors, or Receiver or Receivers, ſo from Time to Time to be appointed, after the Rates aforeſaid; and the Perſon appointed as aforeſaid for receiving the Tolls or Duties, and alſo ſuch Surveyor or Sur-

veyors, ſhall on the Firſt *Tueſday* of every Month, or at any other Time to be appointed by the ſaid Truſtees during the Continuance of this Act, give in a true, particular, exact, and perfect Account in Writing, under their reſpective Hands, with their reſpective Vouchers, of all Money which he or they, every or any of them, have received, paid, and diſburſed, by virtue of this Act, by Reaſon of their reſpective Offices, and verify the ſame upon Oath, if required; and in caſe any overplus Money ſo received ſhall remain in their or any of their Hands, they ſhall pay the ſame in to the ſaid Truſtees, or to ſuch Perſon or Perſons as they at a General Meeting aſſembled ſhall authorize and appoint to receive the ſame, to be laid out and applied for the Purpoſes of this Act; and the ſaid Truſtees, at a General Meeting aſſembled, ſhall and may, and they are hereby authorized and empowered, out of the Money ariſing out of the ſaid Tolls or Duties, to make ſuch Allowances unto the Officers ſo appointed by them, for and in Conſideration of their Care and Pains in the Execution of their reſpective Offices, and to ſuch other Perſon or Perſons who ſhall have been or may be aſſiſting in making or repairing the ſaid Roads as aforeſaid, by advancing and laying out any Monies or otherwiſe relating thereto, as unto them ſhall ſeem good, over and above the neceſſary Diſburſements made by them; and in caſe the ſaid Collector or Collectors, Receiver or Receivers, or any other Perſon or Perſons concerned in the Collection or Receipt of the aforeſaid Tolls or Duties, or any of them, ſhall not make any ſuch Account and Payment as to ſuch Perſon or Perſons according to the Orders and Directions of the ſaid Truſtees at a General Meeting aſſembled, that then it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid Counties to make Enquiry of and concerning ſuch Default, as well by the Confeſſion of the Parties themſelves, as by the Teſtimony of one or more credible Witneſs or Witneſſes upon Oath, (which Oath any one of the ſaid Juſtices is hereby empowered to adminiſter,) or by other legal Evidence; and if any Perſon or Perſons ſhall be convicted of the Offence aforeſaid by the Juſtices, they the ſaid Juſtices ſhall, and they are hereby empowered to impoſe and levy a Sum of Money from or upon ſuch Perſon or Perſons, not exceeding Double the Sum of Money unduly detained or miſapplied; and in caſe ſuch Perſon or Perſons ſhall refuſe or be unable to pay the ſaid Sum of Money ſo detained or miſapplied by them or him, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Juſtices to commit ſuch Perſon or Perſons to one of the common Gaols of the ſaid Counties, there to remain until he, ſhe, or they ſhall have made and rendered a true and particular Account and Payment as aforeſaid, or until he, ſhe, or they, ſhall have compounded and agreed with the ſaid Truſtees, or any Three or more of them, (which Compoſition they or any Three or more of them, are hereby empowered to make), and have paid ſuch Compoſition to the Treaſurer or Treaſurers for the Time being, or ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint: Provided always, that no ſuch Officer or Perſon who ſhall be committed for Want of ſufficient Diſtreſs, ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Six Calendar Months.

To account.

Penalty for not accounting.

VII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſuch Security from the Treaſurer or Collector to be appointed for the Purpoſes of this Act, for the due Execution of his ſaid Office, as to the ſaid Truſtees or a Quorum of them ſhall ſeem meet.

Treaſurer to find Security.

Truſtees not to accept a Place of Profit.

VIII. Provided always, and be it further enacted and declared, That no Perſon or Perſons appointed by this Act a Truſtee or Truſtees for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of or by Reaſon of any Tolls or Duties by this Act allowed to be levied, but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting ſuch Place of Profit as aforeſaid; and that no Perſon who ſhall keep a Public Houſe for the ſelling or retailing of Beer, Ale, or Spirituous Liquors, ſhall be capable to act as a Truſtee, or to be appointed an Officer for the Execution of any of the Truſts or Powers of this Act.

Scite of the firſt Turnpike and other Turnpikes to be erected, and Tolls to be levied.

IX. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby empowered and required to erect the firſt Turnpike or Gate at the Side of and acroſs the ſaid Great North Road neareſt the *North Queensferry*, in a Situation North of the Point where the Road leading from *Inverkeithing* by *Aberdour* joins the ſaid Road; and the ſaid Truſtees, at a General Meeting aſſembled as aforeſaid, ſhall and may erect or cauſe to be erected acroſs and at the Sides of the ſaid Great North Road and the ſaid Road to *Dunfermline* one or more other Gate or Gates, Turnpike or Turnpikes, and from Time to Time to alter the Situation of the ſaid Gates or Turnpikes, provided nevertheleſs that the Scite of the ſaid firſt Gate ſhall be North of the Point aforeſaid; and the ſaid Truſtees or ſome Perſon or Perſons by them appointed, are hereby authorized and empowered to demand and take, or cauſe to be demanded and taken at ſuch firſt Gate, and at the ſeveral and reſpective Toll Gates and Turnpikes already ſet up and erected, or which may hereafter be ſet up and erected upon the ſaid Road, the Tolls or Duties following; that is to ſay,

For every Coach, Barouche, Chariot, Landau, Chaiſe, Hearſe, or any other Four-wheeled Carriage, drawn by Six or more Horſes, Mares, Geldings, or Mules, a Sum not exceeding Nine Shillings Sterling; and drawn by Four Horſes, Mares, Geldings, or Mules, a Sum not exceeding Six Shillings Sterling; and drawn by Three Horſes, Mares, Geldings, or Mules, a Sum not exceeding Four Shillings and Sixpence Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two Shillings Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, a Sum not exceeding Nine-pence Sterling: And,

For every Perſon who ſhall be ſitting upon any Coach Box, Barouche Seat, or other Seat on the Outſide of any Four-wheeled Carriage, not being a Stage Coach, and not driving the ſame, if drawn by Six Horſes, Mares, Geldings, or Mules, a Sum not exceeding Sixpence Sterling; if drawn by Four Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two-pence Sterling; if drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding One Penny Sterling:

For every Chaiſe, Curricle, Chair, or other ſuch like Carriage, with Two Wheels, drawn by Two Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two Shillings Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, a Sum not exceeding Nine-pence Sterling:

For every Taxed Cart drawn by One Horſe, a Sum not exceeding Six-pence Sterling:

And in addition to the ſaid Rates reſpectively, there ſhall be paid,

For every Stage Coach, Long Coach, or other Diligence or Carriage of the

the like Kind, drawn by Two Horſes, and licenſed or employed to carry not more than Six Inſide Paſſengers, and having no Outſide Paſſengers, a Sum not exceeding One Penny; and having Outſide Paſſengers, at any Time or for any Part of the Journey, for every ſuch Outſide Paſſenger, a Sum not exceeding One Halfpenny:

For every Stage Coach, and ſimilar Carriage as aforeſaid, and drawn by Three or more Horſes, and licenſed or employed to carry not more than Four Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding Five-pence:

If not more than Four Inſide Paſſengers, and having not leſs than Two nor more than Five Outſide Paſſengers, a Sum not exceeding Eight-pence Halfpenny; and for every Outſide Paſſenger above Five, a Sum not exceeding One Penny:

If more than Four and not more than Six Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding Ten-pence:

If more than Four and not more than Six Inſide, and having not leſs than Two nor more than Five Outſide Paſſengers, a Sum not exceeding One Shilling and Two-pence; and for every Outſide Paſſenger above Five, a Sum not exceeding One Penny Halfpenny:

If licenſed or employed to carry more than Six and not more than Eight Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding One Shilling and Two-pence:

If more than Six and not more than Eight Inſide Paſſengers, and having not leſs than Two nor more than Five Outſide Paſſengers, a Sum not exceeding One Shilling and Nine-pence; and for every Outſide Paſſenger more than Five, a Sum not exceeding Two-pence:

If more than Eight and not more than Ten Inſide Paſſengers, and having not more than Two Outſide Paſſengers, a Sum not exceeding One Shilling and Eleven-pence:

If more than Eight and not more than Ten Inſide Paſſengers, and having not leſs than Two and not more than Five Outſide Paſſengers, a Sum not exceeding Two Shillings and Eight-pence Halfpenny; and for every Outſide Paſſenger more than Five, a Sum not exceeding Two-pence Halfpenny:

If more than Ten Inſide Paſſengers, and having not more than Two Outſide, a Sum not exceeding Two Shillings and Ten-pence; and for every additional Inſide Paſſenger above Ten, having Two Outſide, a Sum not exceeding Four-pence; and for every additional Outſide Paſſenger above Two, and licenſed to carry Ten Inſide Paſſengers, a Sum not exceeding Three-pence:

For every Waggon, Wain, Cart, or other ſuch like Carriage, where any ſuch Carriage and the Loading thereof taken together ſhall not exceed Sixteen hundred Weight, a Sum not exceeding Four-pence Sterling; and where ſuch Carriage and Loading ſhall exceed Sixteen hundred Weight, and ſhall not exceed Twenty hundred Weight, a Sum not exceeding Sixpence Sterling; and where ſuch Carriage and Loading ſhall exceed Twenty hundred Weight and ſhall not exceed Twenty-two hundred Weight, a Sum not exceeding Eight-pence Sterling; and where ſuch Carriage and Loading ſhall exceed Twenty-two hundred Weight and ſhall not exceed Twenty-five hundred Weight, a Sum not exceeding Ninepence Sterling; and in Addition to the ſaid Tolls there ſhall be levied and taken in all Caſes where ſuch Carriage and Loading exceed Twenty-

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five hundred Weight and ſhall not exceed Thirty hundred Weight, a Sum not exceeding One Penny Sterling for every One hundred Weight which ſuch Carriage and Loading ſhall weigh above Twenty-five hundred Weight; and for every One hundred Weight which ſuch Carriage and Loading ſhall weigh above Thirty hundred Weight and not Forty hundred Weight, a Sum not exceeding Two-pence Sterling; and for every Hundred Weight which ſuch Carriage and Loading ſhall weigh above Forty hundred Weight, a Sum not exceeding One Shilling Sterling:

And in Addition to the above Rates upon every ſuch Waggon, Wain, Cart, or other ſuch Carriage, there ſhall be paid for every Horſe, Mare, Gelding, Mule, or other Beaſt of Draught that ſhall be employed in drawing the ſame, a Sum not exceeding One Penny Sterling:

For every Saddle Horſe, Mare, Gelding, or Mule, a Sum not exceeding Three-pence Sterling:

For every other Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, a Sum not exceeding Two-pence Halfpenny Sterling:

For every Drove of Oxen or neat Cattle, a Sum not exceeding One Shilling and Eight-pence Sterling *per* Score, and ſo in proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, a Sum not exceeding Ten-pence Sterling *per* Score, and ſo in proportion for any greater or leſs Number:

And that on every *Sunday*, after the Commencement of this Act, there ſhall be demanded and taken at the Toll Gates reſpectively in Addition to the Tolls herein-before made payable, before any Horſe, Mare, Gelding, Mule, Aſs, Cart, Carriage, or Cattle ſhall be permitted to paſs through the ſame, Double the Tolls before directed to be taken on any other Day of the Week; excepting always Medical Men going to or returning from viſiting ſick Perſons.

Double Tolls to be paid where Name of Owner not on Carriage.

X. And be it further enacted, That in caſe the Owner of any Waggon, Wain, Cart, or other Carriage, ſhall fail to have his Name and Place of Abode, painted in legible Characters upon ſome conſpicuous Part of ſuch Waggon, Wain, or Cart, the ſaid Truſtees ſhall order and direct the Taxman of the Tolls or the Tollgatherer, or other Perſon employed to collect any of the Tolls or Duties leviable under this Act, and ſuch Taxman or Tollgatherer is hereby expreſsly authorized and required to levy, demand, and take, at the ſaid Turnpike Gate or Gates, before any ſuch Waggon, Wain, Cart, or any other ſuch Carriage on which the Owner's Name ſhall not be ſo painted, paſs through the ſame, Double the Tolls and Duties by this Act authorized to be levied and taken.

Penalty on Toll Gatherers guilty of Malverſation.

XI. And be it further enacted, That if any Taxman, Tollgatherer, or other Perſon employed to collect the ſaid Tolls, ſhall permit any Waggon, Wain, Cart, or other ſuch like Carriage on which the Name and Place of Abode of the Owner ſhall not be painted as herein-before directed, to paſs any of the ſaid Toll Bars without exacting Double Tolls as before mentioned, or ſhall abſent himſelf from the Turnpike Gate, ſo as to occaſion Delay to Travellers, or ſhall knowingly exact any higher Rate of Toll than what is hereby authorized to be taken, he ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, One

Moiety thereof to be paid to the Informer, the other to the Purposes of this Act.

Carriages with Wheels of a certain Description chargeable with less Toll.

XII. Provided always, and be it further enacted, That every Waggon, Wain, Cart, or other such like Carriage as aforesaid, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, and being cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, and in every intermediate Part between the Inside and Outside, so that, when rolling on a flat Surface, the whole Breadth of such Fellies shall bear equally on such flat Surface, and that the opposite Ends of the Axletrees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of One straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of the said Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels, shall be chargeable with only Two Third Parts of the Toll herein-before granted upon Waggons, Wains, Carts, or other such like Carriages; and that every Waggon, Wain, Cart, or such like Carriage with Four Wheels, having the Fellies thereof of the Breadth of Six Inches or upwards, and being cylindrical, and the Nails sunk level with the Ring, as particularly before specified, shall be chargeable with only Half of the Toll herein-before granted upon Waggons, Wains, Carts, or similar Carriages: Provided also, that every Person claiming the Privileges granted to broad-wheeled Carriages shall permit the same to be examined and measured by any Person employed in the Collection of the said Tolls.

Weighing Engines to be erected.

XIII. And be it further enacted, That the said Trustees may, and they are hereby required, within Twelve Months after the passing of this Act, to erect or cause to be erected Weighing Engines at every Turnpike erected or which shall be erected upon the said Roads, for weighing all Carts and similar Carriages which shall pass along the said Roads, in order to ascertain the Toll to be taken for such Carriage or Carriages, and that before they respectively shall be permitted to pass through such Gate or Turnpike; and for the more effectually ascertaining the Weights of all Carts as aforesaid, with the least possible Interruption to the Passengers and others travelling along the said Roads, the said Trustees are further required to erect, or cause to be erected, at the Side of every Gate or Turnpike erected or which may be erected, and in a Line with the same, a Second Gate or Turnpike, and to place One of the said Weighing Machines in the Centre of such Second Gate; and that all Carts as aforesaid, when laden, shall pass through the said Second Gate, and over the said Weighing Machine; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, such Person or Persons shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Ground for Toll-Houses.

XIV. And be it further enacted, That the said Trustees shall be and they are hereby empowered to purchase, feu, or lease such Pieces of Ground as they shall judge most convenient for the Purpose of erecting Toll-houses, and for no other Purpose, and, when the same shall be no longer used for such Purpose, to dispose of the same, and to remove the Ma-

terials, not exceeding One Eighth Part of an Acre for each Toll-houſe, which every Proprietor is hereby required and empowered to convey, feu, or leaſe, notwithſtanding any Entail, Settlement, or other legal Bar to the contrary; and in caſe ſuch Proprietor and the Truſtees cannot agree as to the Price to be paid for ſuch Ground, then the Value thereof ſhall be determined by a Jury in Manner herein directed.

Tolls to be levied only once in Six Miles,

XV. Provided always, and be it enacted, That in caſe there are or ſhall be erected upon the ſaid Roads any Turnpikes at leſs Diſtance from one another than Six Statute Miles, then any Perſon or Perſons, producing a Ticket to ſhew that the Toll has been paid at one of ſuch Gates, ſhall not pay any Toll at the other, which ſhall be within Six Statute Miles of the former at which the Toll denoted by ſuch Ticket ſhall have been paid; ſave and except at the Second Turnpike or Gate on the ſaid Road neareſt the *North Queensferry*, at which the Tolls or Duties hereby granted are hereby directed to be levied, although the ſame ſhall not be Six Statute Miles diſtant from the ſaid Firſt Gate, provided ſuch Second Turnpike or Gate ſhall be Six Miles diſtant from the *North Queensferry*, and alſo ſave and except the Tolls and Duties at the Bridge of *Earn*.

Except at the firſt Toll near the North Queensferry.

Exemptions from Toll,

XVI. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be liable to pay any Toll or Duty at any of the Gates or Turnpikes at preſent erected or to be erected by virtue of this Act, for any Carriage laden with or going empty for or returning empty after having been laden with Stones or other Materials for repairing the ſaid Roads or any other public Roads, or Stones for paving the Streets of any Town ſituated on the ſaid Roads, or the Bridges and the Cauſeways belonging to the ſame, nor for any Carriage or Cattle paſſing from one Part of a Farm to another, nor for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, Corn in the Straw, or any other Produce of a Farm, or returning empty after having carried the ſame, to be laid up in the Houſes, Outhouſes, Barns, or Yards, belonging thereto (without Prejudice nevertheleſs to the ſaid Tolls or Duties being paid for Hay, Corn in the Straw, or any other Produce of a Farm when carried for Sale, or for Delivery after being ſold), nor for Horſes or Cattle going to or returning from Paſture, or to or from Watering Places, being within the Farm to which they reſpectively belong, or going to be ſhod or farried or returning therefrom; nor ſhall any Toll or Duty be demanded from any Perſon or Perſons who ſhall paſs through the ſaid Turnpikes to Church or Chapel, or any other Place of Religious Worſhip, in the Pariſh within which the Perſon reſides, upon *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Perſons attending the Funeral of any Perſon or Perſons who ſhall die and be buried within the Pariſh in which ſuch Perſon reſides; nor from any Clergyman going to or returning from viſiting any Sick Perſon, or upon other his Parochial or Miniſterial Duty; nor for any Horſes or Carriages employed in carrying or conveying the Mails of Letters, or Expreſſes, under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying the ſame, or in returning after having conveyed the ſame; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores

of

of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages, employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers, or Seamen, or in carrying any Sick, Wounded, or Disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps respectively; nor for Carts, Carriages, or Waggons, travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same; and if any Person shall claim and take the Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Penalty of claiming Exemption where not entitled.

Exempting Carriages with Stores.

XVII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by Reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Tolls to be paid only once a Day.

Pass Ticket to be given.

XVIII. And be it further enacted, That no Person or Persons having paid the Tolls or Duties herein directed to be levied, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night) be subject or liable to pay the said Tolls or Duties for the same Coach, Barouche, Chariot, Landau, Chaise, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, for which such Tolls or Duties shall have been paid; and the Person paying such Tolls or Duties shall, on Demand, receive a Ticket or Note signifying the Payment thereof, on producing of which he shall be allowed to pass without further Payment; but in case the same Cart or other such Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall pass with a new Loading, they shall in that Case be subject to pay the said Tolls or Duties for each Time they shall so pass, in the same Manner they did the first Time.

Penalty on fraudulent Disposal of Tickets.

XIX. And be it further enacted, That if any Person or Persons shall have paid the Toll or Duty by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of any Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the

the Payment of the ſaid Toll or Duty, every ſuch Perſon ſo diſpoſing or giving of ſuch Note or Ticket, Notes or Tickets, and the Perſon receiving the ſame being convicted thereof, upon the Oath of One or more credible Witneſs or Witneſſes, or otherwiſe, before any One or more Juſtices of Peace for any of the ſaid Counties, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

To prevent Evaſion of the Tolls.

XX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, to build Fences, and to erect Side Bars, and levy at the ſame the ſaid ſeveral Tolls and Duties in this Act above mentioned, ſo as to prevent any Perſon or Perſons, travelling the Roads hereby directed to be made or repaired, from evading the Payment of any Tolls or Duties granted by this Act.

For ſhutting up Bye Roads.

XXI. And be it further enacted, That it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Counties, upon the Application of the ſaid Truſtees, to cauſe any unneceſſary Bye-Road immediately connected with and leading with the Roads hereby directed to be repaired, to be ſhut up as they ſhall judge not to be of Importance to the Public: Provided always, that Notice of the Reſolution to ſhut up ſuch Roads be given by Advertiſements affixed to the neareſt Toll Bar, and to the Doors of the Three neareſt Pariſh Churches, on Two following *Sundays*, One Month at leaſt before ſuch Reſolution ſhall be taken into Conſideration, and that Three Fourths of the Truſtees preſent ſhall decide in favour of the Meaſure propoſed.

Penalty for evading the Tolls.

XXII. And be it further enacted, That if any Perſon or Perſons occupying incloſed Lands near to any Turnpike which ſhall be erected in purſuance of this Act, ſhall knowingly or willingly permit 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 Cattle, whereby the Payment of the Tolls or Duties by this Act impoſed ſhall be evaded, 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 the Teſtimony of one or more credible Witneſs or Witneſſes before any one or more of the Juſtices of the Peace for the County where the Offence was committed, ſhall for every ſuch Offence reſpectively forfeit and pay to the ſaid Truſtees a Sum not exceeding Forty Shillings Sterling.

Penalty for forcible Evaſions of the Toll or aſſaulting Officers.

XXIII. And be it further enacted, That if any Perſon or Perſons liable to pay Toll ſhall in a forcible Manner paſs through any of the Gates on the ſaid Roads without paying Tolls thereat, or ſhall aſſault any Collector of the Tolls or any other Perſon acting under the Authority of the Truſtees, and ſhall be convicted of any ſuch Offence before one or more Juſtice or Juſtices of the Peace for the County in which the Offence is committed, every Perſon ſo offending ſhall forfeit and pay a Sum not exceeding Five Pounds Sterling, beſides making Payment of the Tolls to which ſuch Perſon was liable.

Penalty on taking off Horſes.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time, during the Continuance of this Act, unload, or cauſe to be unloaded, any Sort of Goods or Merchandize, or ſhall take off, or cauſe to

be taken off, any Horſe or Horſes, or any Beaſts of Draught from any Coach, Chaiſe, Chariot, Barouche, Landau, Calaſh, Chair, or Litter, or from any Waggon, Wain, Cart, or other Carriage, at or before the ſame ſhall come to any of the Gates or Turnpikes erected by virtue of this Act, with Intent to avoid paying any Tolls or Duties hereby impoſed, each and every Perſon ſo offending in any of the Caſes aforeſaid, ſhall forfeit and pay a Sum not exceeding Forty Shillings Sterling, one Moiety thereof to be paid to the Informer, the other to be applied to the Purpoſes of this Act: Provided always, that nothing herein contained ſhall be conſtrued or underſtood to hinder any Perſon from leaving Parcels at any Houſe or Place on the ſaid Roads.

Penalty for Outſide Paſſengers evading Toll.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall get off from the Top of any Stage Coach, Long Coach, or other ſimilar Carriage, for the Purpoſe of avoiding the Tolls granted and made payable by this Act; and if any Coachman, or other Perſon driving the ſame, ſhall in any Manner permit ſuch Perſon ſo to get off from ſuch Carriage for the Purpoſe of avoiding the Tolls, or if any Collector at any of the Gates erected or to be erected, ſhall connive at the ſame, they ſhall each of them reſpectively forfeit and pay a Sum not exceeding Forty Shillings for each Offence, One Moiety thereof to be paid to the Informer, the other to be applied to the Purpoſes of this Act.

Compoſition for Tolls.

XXVI. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, and they are hereby empowered, as they ſhall ſee convenient or think fit, to compound or agree by the Year or otherwiſe with any Perſon or Perſons uſing to travel through the Turnpikes, and living within Three Miles of any Turnpike or Turnpikes to be erected on the ſaid Roads, with any Coach, Barouche, Landau, Chariot, Chaiſe, Waggon, Wain, Cart, or other Carriage, Horſe, Gelding, or Mule, or any other Beaſt of Draught, for any Sum or Sums to be paid Quarterly or Monthly from Time to Time after ſuch Agreement is made; and that Copies of all ſuch Agreements or Compoſitions ſo to be made by the ſaid Truſtees as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by their Clerk or Clerks, Treaſurer or Treaſurers, which ſaid Books ſhall be ſeen and peruſed by any Perſon or Perſons whatſoever, at all ſeaſonable Times, without paying any Fee or Reward.

Compoſition not allowed unleſs for Carriages of a certain Deſcription.

XXVII. And be it further enacted, That no Compoſition ſhall be made for Tolls for or in reſpect of any Waggon, Cart, or ſuch like Carriage, or of any Horſe or Beaſt drawing the ſame, where ſuch Carriage or Carriages ſhall, with its Lading, exceed Twenty-five hundred Weight, unleſs ſuch Carriage or Carriages have the Fellies of the Wheels thereof of the Breadth or Gauge and Conſtruction in this Act before ſpecified, and unleſs the Nails in ſuch Fellies are counterſunk, ſo as not to riſe above the Surface.

Compoſition how to be recovered.

XXVIII. Provided always, and be it further enacted, That in caſe any Compoſition Money agreed to be paid for paſſing through the ſaid Turnpikes or Gates, ſhall not be paid within Fifteen Days next after the ſame ſhall become due or payable according to ſuch Compoſition or Agreement, that then it ſhall and may be lawful for any Two of the Juſtices of the Counties of *Perth*, *Fife*, and *Kinroſs*, upon Oath made before them that the

ſame has been demanded and remains unpaid (which Oath the ſaid Juſtices are authorized to adminiſter), to iſſue a Warrant under their Hands, empowering the Perſon authorized by the ſaid Truſtees to receive ſuch Compoſition Money to levy what remains unpaid thereof, on the Perſon or Perſons ſo refuſing or neglecting to pay the ſame, in Manner herein-after mentioned.

Tolls may be let.

XXIX. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, are hereby authorized and empowered, by public Roup, to let the ſaid Tolls or Duties and Pontage reſpectively, in Whole or in Parcels, from Time to Time during the Continuance of this Act, by Leaſe or otherwiſe, for any Term not exceeding Two Years, 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 paying thereof as ſhall be approved of by the ſaid Truſtees at a General Meeting, as aforeſaid, and the ſaid Magiſtrates reſpectively.

Tolls may be leſſened.

XXX. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, and they are hereby empowered, with the Conſent of the Perſons entitled to Five Sixth Parts of the Money due upon the Credit of the ſaid Tolls, to diminiſh or leſſen the ſaid Tolls as they ſhall ſee Cauſe, and to raiſe the ſaid Tolls again, ſo as the ſame ſhall not at any Time exceed the Tolls granted by this Act.

When Tolls to ceaſe.

XXXI. And be it further enacted, That if at any Time before the Expiration of this Act, the ſaid Road ſhall be ſufficiently amended and repaired, and ſo adjudged by the ſaid Truſtees, or a Quorum of them as aforeſaid, at a General Meeting aſſembled, that then and after ſuch Adjudication made, and the Sums ſo borrowed as aforeſaid paid off, the Tolls and Duties hereby granted ſhall ceaſe in Whole, or be diminiſhed in ſuch Proportions as the ſaid Truſtees or a Quorum of them as aforeſaid ſhall determine.

Application of Tolls and Duties,

XXXII. And be it further enacted, That the Money to be raiſed and collected as aforeſaid, ſhall, and is hereby declared to be veſted in the ſaid Truſtees, and the ſame and every Part thereof ſhall be paid, applied, and diſpoſed of, and aſſigned to and for the ſeveral Uſes and Purpoſes by this Act directed, and to no other Purpoſe whatſoever; and it ſhall and may be lawful to and for the ſaid Truſtees, or a Quorum of them, or ſuch Perſon or Perſons as they ſhall appoint, to demand and take the Tolls and Duties hereby granted and made payable; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, the ſaid Truſtees are hereby empowered, by themſelves, or ſuch Perſon or Perſons as they, or a

which may be levied by Diſtreſs.

Quorum of them as aforeſaid, ſhall authorize and appoint, to levy each and every of the ſaid Tolls and Duties, by Diſtreſs and Sale of any Horſe or Horſes, or other Cattle or Goods, upon which Tolls or Duties are by this Act impoſed, or by Diſtreſs and Sale of any other of the Goods and Effects of ſuch Perſon ſo refuſing to pay the ſaid Tolls and Duties, and to keep and detain ſuch Goods and Effects ſo diſtrained, until ſuch Toll or Duty, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and it ſhall and may be lawful to and for the Perſon or Perſons ſo diſtraining, after the Space of Six Days after ſuch Diſtreſs ſhall be made and taken, to appraiſe and ſell the Goods ſo diſtrained, returning the

Overplus (if any there be) upon Demand, to the Owners thereof, after ſuch Tolls or Duties, and the reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Money to be borrowed.

XXXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, at any of their Annual General Meetings, or at a General Meeting called for that Purpoſe, to borrow ſuch Sums of Money on the Credit of the Tolls, for altering or repairing the ſaid Roads, as they ſhall judge neceſſary for that Purpoſe, (including the Sums already owing on the Credit of the ſaid Tolls), not exceeding ſuch Amount as the Tolls or Duties aforeſaid ſhall be ſufficient to pay the Intereſt thereof, and to ſet apart yearly and every Year, a certain Proportion thereof for a Sinking Fund, in Manner after mentioned, excluſive of the Sum of Three thouſand Pounds by the ſaid laſt recited Act authorized to be borrowed for the Purpoſe of building a Bridge over the River *Earn*, in a more convenient Situation, if that ſhall be judged expedient.

Tolls may be aſſigned.

XXXIV. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered to aſſign and make over the Whole or any Part of the Tolls or Duties and Pontage reſpectively, to be levied and collected upon the ſaid Roads, to the Perſon or Perſons from whom the ſaid reſpective Sums as aforeſaid ſhall be borrowed, as a Security for the Payment of the Sum or Sums of Money ſo lent by them, with the Intereſt thereupon.

Sinking Fund eſtabliſhed.

XXXV. And be it further enacted, That for every Sum or Sums of Money which ſhall hereafter be borrowed by the ſaid Truſtees, on the Credit of the ſaid Tolls or Duties as aforeſaid, the ſaid Truſtees ſhall ſet aſide and apportion a certain annual Sum ariſing out of the Produce of the ſaid Tolls, as a Sinking Fund for the Redemption of the Sums ſo borrowed, over and above the Intereſt payable for the Sums ſo borrowed as aforeſaid; and that the ſaid Sum ſo ſet aſide as a Sinking Fund ſhall not be in a leſs Proportion to the Sum or Sums ſo borrowed than Three *per Centum per Annum*, nor in a greater Proportion than Five *per Centum per Annum*.

Notice of borrowing and Entry of Aſſignments.

XXXVI. Provided always, and it is hereby declared, That no Money ſhall be borrowed by the ſaid Truſtees, on the Credit of the ſaid Tolls or Duties after their Firſt Meeting, unleſs Notice for that Purpoſe ſhall be publiſhed in Two *Edinburgh* Newſpapers, at leaſt Fourteen Days before the borrowing of ſuch Money; and the Aſſignment of the Toll Duties for all or any Sum or Sums of Money ſo borrowed, ſhall be entered in a Book to be kept by the ſaid Truſtees and Magiſtrates reſpectively, or ſuch Perſon or Perſons as they ſhall appoint; which Book may be ſeen and peruſed at all ſeaſonable Times, by any Perſon or Perſons, without Fee or Reward.

Accounts to be kept by the Truſtees.

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

XXXVIII. And

No Money to be paid without the Order of the Truſtees.

XXXVIII. And be it further enacted, That all and every Sum and Sums of Money ariſing and levied by virtue of this Act ſhall not be laid out or expended without the Order of the ſaid Truſtees, at a General Meeting aſſembled, or of ſuch Perſon or Perſons as they, or a Quorum of them, as aforeſaid, ſhall authorize and appoint.

Application of Money.

XXXIX. And be it further enacted, That the Money which ſhall be levied in virtue of this Act ſhall be applied in repairing, altering, and amending the ſaid Roads, and in erecting and repairing Bridges thereon.

Penalty for Miſapplication.

XL. And be it further enacted, That in caſe of any Miſapplication of the Money collected, received, or levied by virtue of this Act, all and every Perſon or Perſons who ſhall ſo miſapply, or by whoſe Authority the ſame ſhall be miſapplied, ſhall forfeit and pay Double the Sums ſo miſapplied, to be recovered from him or them, at the Suit of any Three or more Heritors within the ſaid Counties of *Perth*, *Fife*, and *Kinroſs*, poſſeſſed of Two hundred Pounds *Scots* of valued Rent, who are hereby authorized to ſue for and recover the ſame, in a ſummary Action before the Judge Ordinary, with Coſts of Suit; One Moiety of which Forfeiture ſhall belong to the Perſons who ſue for the ſame, and the other Moiety ſhall be paid to the ſaid Truſtees, to be applied by them, as aforeſaid, for the repairing of the Roads by this Act directed to be repaired; but if any ſuch Proſecution ſhall, after Trial, be found vexatious and groundleſs, the Proſecutor or Proſecutors ſhall be liable to pay Double Coſts.

Roads may be widened to legal Standard.

XLI. And be it further enacted, That where any Part of the ſaid Roads is not of a ſufficient Breadth, according to the loweſt legal Rate and Standard of Twenty-five Feet, including the Ditches or Water-runs at the Side of the Roads, it ſhall and may be lawful for any Two of the ſaid Truſtees to widen and extend the Breadth of the ſaid Roads to the ſaid legal Standard, without giving any Compenſation to the adjoining Proprietors on that Account.

Power to alter and widen the Great North Road.

XLII. And be it further enacted, That where it ſhall appear neceſſary or convenient to the ſaid Truſtees to alter the Courſe or Situation of the ſaid Great North Road, at an Annual or General Meeting called for that Purpoſe by Public Advertiſement, or to widen the ſame beyond the ſaid legal Standard, then the ſaid Truſtees ſo aſſembled, ſhall and they are hereby empowered to alter the Courſe or Direction of the ſaid Roads or any Part thereof, or to extend the ſame to ſuch Breadth as they ſhall think proper, not exceeding Fifty Feet, including Ditches as aforeſaid, and for that Purpoſe to pull down any Houſe, the outſide Walls of which do not exceed Twelve Feet in Height; provided that in any ſuch Alteration of the ſaid Roads, the ſame or any Part thereof be not brought nearer than Two hundred Yards to the Manſion Houſe or ordinary Reſidence of the Proprietor of the Lands through which ſuch Roads ſhall be made, and ſo as that the ſame do not paſs through any Garden, Orchard, Park, planted Walk, or any Avenue to any ſuch Houſe, nor any Piece or Parcel of incloſed Ground which before the paſſing of this Act ſhall have been uſed and ſet apart as a Nurſery for Trees; and that the ſaid Truſtees ſhall pay ſuch Damages to the Owners and Occupiers reſpectively of any Lands, Grounds, or Houſes which ſhall be damaged

damaged by altering or widening the ſaid Roads, or any Part thereof, beyond the legal Standard, or by pulling down any Houſe or Houſes as the ſaid Truſtees ſhall judge fair and reaſonable, but if any ſuch Owners or Occupiers ſhall not be ſatisfied with the Offer made to them by the ſaid Truſtees, or ſhall refuſe to treat with them, they ſhall apply to the Sheriff of the County in which the Ground is ſituated, who upon ſuch Application is hereby authorized and required to ſummon a competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, being either Owners or Occupiers of Land within the County, not leſs than Thirty nor more than Forty, to come and appear before him at ſuch Time and Place as by his Warrant and Precept ſhall be directed, Intimation of Fifteen Days being given by the Truſtees of ſuch Appointment, to the Party or his known Agent; and the Number of the Perſons who ſhall attend ſhall then be reduced to Fifteen by the Truſtees and the Proprietors ſtriking off one alternately, beginning on the Part of the Proprietor, or in caſe both Parties ſhall not appear, by the Sheriff Depute ſtriking off until it be ſo reduced; and the remaining Fifteen 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 Price to be paid by the ſaid Truſtees, and their Verdict ſhall be final and concluſive on all Parties, without being ſubject to Review or Stay by Advocation, Suſpenſion, or Reduction, or in any Manner whatſoever; and the Sheriff ſhall thereupon order Payment to be made of the Sums awarded by the Jury, and ſhall ordain the Owners and Occupiers of the Grounds, 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.

Expences of Jury by whom to be paid.

XLIII. Provided always, and be it enacted, That if ſuch Jury ſhall, by their Verdict, adjudge the ſaid Premiſes to be of greater Value than the ſaid Truſtees ſhall have offered for the ſame, but leſs than the Owner or Owners, Occupier or Occupiers, ſhall have required, the Expence of ſuch Jury ſhall be borne and defrayed by ſuch Truſtees and ſuch Owner or Occupier equally; but in caſe the ſaid Jury ſhall award to ſuch Owner or Owners, Occupier or Occupiers, the Sum required or any greater Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid Truſtees; and in caſe the ſaid Jury ſhall award the Sum ſo offered by the ſaid Truſtees or any leſs Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid Owner or Owners, Occupier or Occupiers: Provided alſo, that in all Caſes where any Perſon or Perſons ſhall, by Reaſon of Abſence, have been prevented from treating, ſuch Expences ſhall be borne by the ſaid Truſtees in Manner aforeſaid.

How Lands are to be veſted in the Truſtees of this Act.

XLIV. 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 appraized Value thereof, or by Conſignation of the ſaid Price or Value in the Bank of *Scotland*, or Royal Bank thereof, in Manner herein directed, as the Caſe may be; and it ſhall be ſufficient to record the Diſcharge, or the Voucher of Conſignation, in the Sheriff Court Books of any of the ſaid Counties reſpectively wherein ſuch Lands or Houſes ſhall be ſituated, whereupon the Truſtees ſhall be entitled to take and uſe the ſaid Lands

and Houſes and ſhall hold the ſame as validly and effectually, to all Intents and Purpoſes, as if the reſpective Owners thereof had executed in their Favour regular Diſpoſitions of the ſame, and Infeoftments had followed thereupon.

Incorporated Perſons empowered to convey.

XLV. And be it further enacted, That the ſaid Truſtees ſhall be, and they are hereby empowered to take and acquire, and all Bodies Politic, 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, feu, let, and convey, all ſuch Lands 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 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 in the Manner herein-before directed.

Application of Compenſation exceeding 200l.

XLVI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages 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, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or ſuch other Bank as the ſaid Court ſhall direct, 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 Heritages, 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 Heritages, or affecting other Lands, Tenements, or Heritages, 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 Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Heritages 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 Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when Compensation less than 200l. but exceeds 20l.

XLVII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person 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 Lands, Tenements, or Heritages 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 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 when Money less than 20l.

XLVIII. Provided also, and be it further enacted, That where such Mone 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 Lands, Tenements, or Heritages 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 where Persons cannot be found.

XLIX. 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 Heritages 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 Premisses, 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 Heritages, 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*, or such other Bank as the said Court shall direct, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (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 said Court shall seem meet,

meet, to order the ſame to be laid out and inveſted in the Public 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 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*, or ſuch other Bank as the ſaid Court ſhall direct, 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 ſuch Sum or Sums of Money into the Banks as aforeſaid.

In caſe of queſtionable Title.

L. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the ſaid Banks in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Heritages, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Heritages to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Heritages at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Heritages according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Seſſion; and ſuch Money, and the Intereſt thereof, ſhall be paid, applied, and diſpoſed of accordingly; unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Heritages, or to ſome Eſtate or Intereſt therein.

Court may order Expences of Purchaſes to be paid.

LI. Provided always, and be it further enacted, That, where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Heritages, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, 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 ſaid 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.

Truſtees enabled to maintain the preſent as well as the new Line.

LII. And be it further enacted, That after the Alteration of the ſaid Road ſhall have been completed, it ſhall and may be lawful for the ſaid Truſtees, if they ſhall ſee fit, to keep and maintain the preſent Line of Road, or any Part thereof, for the Uſe and Accommodation of the Public, as well as the new Line, and that they ſhall be at Liberty to collect thereon the ſaid ſeveral Duties by this Act granted: Provided always, that if any Perſon driving any Cattle of whatever Deſcription, ſhall prefer uſing or travelling along the ſaid old Line of Road, they ſhall receive a Deduction from the Duties leviable under the Authority

of

of this Act, at the Rate of a Sum not exceeding Eight-pence *per* Score; and if any Perſon driving any Calves, Hogs, Sheep, Lambs, or Goats, ſhall prefer the ſaid old Line of Road, they ſhall be entitled to a Deduction from the Duties leviable under the Authority of this Act, at the Rate of a Sum not exceeding Four-pence *per* Score; and the ſaid Truſtees may and they are hereby empowered to lay out and expend from Time to Time a reaſonable Sum upon the Repair of the ſaid old Line of Road ſo uſed by Perſons driving Cattle as aforeſaid.

Old Road may be ſold.

LIII. Provided always, and be it further enacted, That the ſaid Truſtees aſſembled at a General Meeting as aforeſaid, ſhall, and they are hereby authorized and empowered, as ſoon as the ſaid new Roads ſhall be completed and made paſſable and convenient for Carriages, to ſell the Grounds comprized in or through which ſo much of the old or former Roads did lead, as ſhall not be kept up and maintained by the ſaid Truſtees, to ſuch Perſon or Perſons as ſhall be willing to become Purchaſers thereof, for the beſt Price that can be reaſonably gotten for the ſame, the Perſon through whoſe Grounds the old Roads paſſed having always the Preference of Purchaſe; and in caſe the ſaid Truſtees and ſuch Perſon ſhall not agree as to the Price to be paid therefore, then the ſame ſhall be aſcertained by a Jury in Manner therein directed; and Affidavit ſhall be made by the Clerk to the Truſtees of ſuch Offer of Preference having been made, and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for amending the ſaid Roads; and the Sale and Conveyance and Conveyances to be made of ſuch Lands and Grounds comprized in the ſaid old Roads being executed by the ſaid Truſtees or a Quorum of them, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

Road for ſupplying Town of Kinroſs with Coal.

LIV. And be it further enacted, That if the ſaid Truſtees ſhall think proper to alter the preſent Courſe of the ſaid Road between *Kellybridge* and *Cautſdam*, by carrying it further to the Eaſtward, they ſhall be bound to make a Branch of Communication between the new and preſent Road, or to keep in Repair Part of the preſent Road, in ſuch Manner as they ſhall judge moſt convenient for ſupplying with Coals the Town of *Kinroſs* and Parts adjacent.

Perſons liable in the Repair of the Roads to continue ſo.

LV. Provided always, and be it further enacted, That all and every Perſon or Perſons, who are by any particular Law or Cuſtom chargeable towards repairing and amending any particular Part of the ſaid Roads hereby intended to be repaired, ſhall remain chargeable as he or they were before the paſſing of this Act; and the ſaid Truſtees ſhall be, and they are hereby declared to be empowered to treat and agree for any Sum of Money to be paid yearly, or otherwiſe, with any Perſon or Perſons, Bodies Politic or Corporate, chargeable with the Repairs of any Part of the Roads directed to be repaired by this Act, or any Bridge upon the ſame in lieu of ſuch Repairs, and alſo for the Payments of any Sum out of the Tolls granted by this Act, by the Year or otherwiſe, to any Perſon or Perſons, Bodies Politic, or Corporate, entitled to any Toll or Duty at any Place upon the ſaid Roads, by Reaſon of any Uſage or otherwiſe.

For erecting Parapet Walls.

LVI. And be it further enacted, That the ſaid Truſtees ſhall before they open any Part of the ſaid new Line of the ſaid North Road for the Accommodation

modation of the Public, erect or cauſe to be erected, good and ſufficient Parapet Walls on the Sides of all the Bridges, and upon the Sides of the Road where the ſame ſhall be dangerous for Perſons paſſing along the ſaid Road, and they ſhall from Time to Time repair and keep in proper Repair the ſaid Walls or Parapets along the Whole of the ſaid Road for the Purpoſes aforeſaid.

Foot Paths to be made.

LVII. And be it enacted, That it ſhall be lawful for the ſaid Truſtees, to make and maintain along the Whole of the Road now made or to be made, a ſafe and convenient Footpath or Footpaths, for the Accommodation of Foot Paſſengers; and that if any Perſon ſhall ride upon the Paths made, or which may be made, along the Sides of any Part of the ſaid Road, for the Benefit of Foot Paſſengers, or ſhall in any way wantonly hurt or injure the ſame, he ſhall for every ſuch Offence, forfeit a Sum not exceeding Forty Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Directions for the Repair of the Road.

LVIII. And be it further enacted, That the ſaid Truſtees ſhall, after the paſſing of this Act, keep and maintain conſtantly in their Service, as many Labourers as to them may ſeem proper, being, however, in a Proportion not leſs than Two Labourers for every Three Miles, for the Purpoſe of keeping the ſaid Road in conſtant and effectual Repair, by filling up the different Holes and Inequalities as often as they appear, filling up the Ruts made in the Summer Road, preventing the Summer Road from being worn away from the gravelled Part of the Road, and letting off the ſtagnant Water; and that for theſe Purpoſes the ſaid Labourers ſhall be provided with proper and fit Wheelbarrows and Tools.

Mud to be ſcraped off the Road.

LIX. And whereas great Part of the Expence incurred in repairing the ſaid Road, eſpecially that Part thereof which is uſed by Carts carrying Coals along the ſame, is occaſioned by a Want of due Attention on the Part of the ſaid Truſtees and the Perſons employed under them, in having the Mud properly ſcraped off the ſaid Road, be it enacted, That the ſaid Truſtees ſhall provide the above mentioned Labourers with a proper Set of ſcraping Tools, and that they take Care for the future that the ſaid Road be kept properly cleaned as aforeſaid, the Mud to be laid up in proper Heaps, and to be removed thence from Time to Time, and the ſaid Truſtees may contract for the ſelling the ſaid Scrapings of the Road with any Perſon willing to buy the ſame, ſuch Contract not to endure for any Period greater than Twelve Calendar Months.

Materials for repairing the Road.

LX. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors appointed by the ſaid Truſtees, or for ſuch Perſons as he or they ſhall appoint, by an Order of any Two or more of the Truſtees, to dig, gather, take, and carry away, any Gravel, Sand, Stones, Furze, Heath, or other Materials, for making or repairing the ſaid Roads, out of any Waſte or Common in the ſaid Counties, without paying any Conſideration on that Account, and alſo out of the Property or Lands of any Perſon or Perſons where ſuch Materials are and may be found (paying for the ſame), not within Two hundred Yards of the Manſion Houſe or ordinary Reſidence of the Proprietor of the Ground qualified as aforeſaid, nor out of any Garden, Orchard, Park, or Ground, ſet apart and uſed as a Nurſery or Plantation for Trees before the paſſing of this Act; but it ſhall not be in the

the Power of any Proprietor or Occupier of such Lands, by any Operations he may carry on, to deprive the Trustees of the Right of resorting to such Quarries and Gravel Pits as they have been in use to work for that Purpose, and have actually worked at any Time within Three Years preceding; but the said Trustees shall pay to the Owners and Occupiers of the said Grounds respectively, from whence Stones, Gravel, or other Materials have been taken away, or over which the same shall have been carried, such Damage as they shall sustain thereby, the Amount of which shall be settled by any Two or more Justices of the Peace living in the Neighbourhood from whence the same Materials are taken; and in case of any Difference between such Owners and Occupiers and the said Trustees, touching such Damages as aforesaid, the said Justices shall and may judge and finally determine the same; but such Disputes or Differences shall not, in the mean Time, hinder the using or carrying off the said Materials, and applying the same towards the repairing the Roads.

Notice to be given.

LXI. Provided always, 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 or repairing the said Roads, to or from any inclosed Lands or Grounds, without Authority in Writing from the said Trustees, and until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Two or more of them, or Two Justices of the Peace acting for the Counties of *Fife*, *Kinross*, and *Perth*, or either of them, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Two or more of them, or such Justices shall, if they think proper, authorise such Surveyor or other Persons to dig, take and carry away, such Materials at such Time or Times, as to such Trustees, or any Two or more of them, or to such Justices shall seem proper, and if such Occupier shall neglect or refuse to appear, by himself or his Agent, the said Trustees, or any Two or more of them, or such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his Agent had attended.

Places for depositing Materials.

LXII. And be it further enacted, That it shall not be lawful for the said Trustees or their Contractor, for the Purpose of repairing the said Roads, or any other Person whatever, to lay any Stones, broken or unbroken Gravel, or any other Obstruction whatever upon the Sides of the said Roads, but the Trustees and their Overseers, or Persons contracting with them, are hereby required to provide proper Places as Repositories along the whole Line of the said Roads, for the Materials for repairing the same, and they are hereby empowered to purchase such Ground for the said Purposes, and the Proprietors are required to sell the same in Manner aforesaid, or to pay for any Damages occasioned by the Ground being occupied by such Repositories; and if the said Contractor, or any Person or Persons, shall, nevertheless, lay any such Stones or other Things upon the Sides of the Roads, the Person so offending, shall, for every Offence, forfeit a Sum not exceeding Forty Shillings Sterling; one Moiety payable to the Informer, the other Moiety to the Purposes of this Act: Provided

also, that after the said Trustees shall have made and completed any Part of the said new Line of Road, and before the same shall be opened for the Use of the Public, they shall and are hereby directed to see that a proper and sufficient Quantity of Materials for keeping in Repair the said Roads, is placed in the said several Repositories, and that the Trustees or their Overseers, do from Time to Time see that a sufficient Quantity of such Materials be kept so deposited for that Purpose.

Buildings not to be within a certain Distance of the Middle of the Road.

LXIII. And be it further enacted, That in case any Houses, after the passing of this Act, be built near the Sides of the said Roads, or in any Villages, or in case any Houses or other Buildings of any Kind, shall be erected at or near the Outlets of any Town where Houses have not formerly been built or erected, no such House or other Building, nor any Wall or Fence of Stone, Brick, or Wood, of a greater Height than Six Feet, shall be built within the Distance of Twenty-five Feet from the Centre of the said Roads, under the Penalty of Five Pounds Sterling, for every Offence, and the Expence of demolishing such House or Edifice; and it shall be lawful for any One or more of the said Trustees, to stop the building or erecting of every such House or Building as he or they shall apprehend to be within the said Distance from the Side of the said Roads, by an Order in Writing, under his or their Hand or Hands, until such Time as sufficient Evidence shall be given, that such Building shall be built or erected beyond the Distance aforesaid; and if such Proof shall not be adduced at or before the next General Quarter Sessions for the County, it shall and may be lawful for any Two or more of the said Trustees, to order such Building to be pulled down and removed at the Expence of the Erector, or of the Occupier of the Ground, and to grant a Warrant for levying the said Penalty in the Manner as herein-after mentioned.

Notice of building to be given.

LXIV. And be it further enacted, That before any Grounds are inclosed for Gardens, Orchards, Walks, or Avenues, along the Sides of the said Roads or Buildings erected thereupon, the Proprietors or Tenants so intending to inclose or build, shall lodge an Intimation in Writing of such being their Intention, with the Clerk to the Trustees, Twenty Days at least before beginning the Work, and that under a Penalty not exceeding Five Pounds Sterling, to be prosecuted for and recovered by the Procurator Fiscal, or any of the Trustees, the Penalty to be applied one Half to the Informer, and the other Half to the Purposes of this Act; which Penalties shall be recovered and levied in the same Manner as any other Penalty and Forfeiture is hereby directed to be recovered and levied; and in case any Building is erected without such Notice being given, the Trustees shall have Power to cause the same to be demolished or pulled down at the Expence of the Person who shall have erected the same.

Trees not to be planted within a certain Distance of the Road.

LXV. And be it further enacted, That no Person shall plant any Trees within Twenty-five Feet from the Centre of the said Roads under the Penalty of Five Pounds for every such Offence, and the Expence of removing the said Trees; and it shall and may be lawful for any one or more of the said Trustees to stop the planting of the said Trees which he or they shall apprehend to be within the said Distance from the Side of the said Roads, by an Order in Writing under his or their Hand or Hands, until such Time as sufficient Evidence shall be given to the Satisfaction of any Two Justices of the Peace that such Trees shall be planted beyond the Distance aforesaid,

aforeſaid, and if ſuch Evidence ſhall not be given before the next General Quarter Seſſions of the Peace for the County in which the Trees are planted, it ſhall and may be lawful for any Two or more of the ſaid Truſtees to order the ſaid Trees to be taken up and removed at the Expence of the Perſon who planted the ſame, and to grant a Warrant for levying the ſaid Penalty in the Manner as herein-after mentioned.

Roads to be meaſured.

LXVI. And be it enacted and declared, That the ſaid Truſtees ſhall and may cauſe the ſaid Roads to be meaſured, and Stones of Whin or Granite, or Poſts denoting the Diſtance, to be erected upon the ſaid Roads, or near the Sides thereof, at the End of each Mile, or ſuch other Diſtance as they ſhall think convenient; and that they ſhall alſo cauſe proper Direction Poſts to be erected where they ſhall judge it neceſſary.

Penalty for Offences againſt this Act.

LXVII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, deſtroy, damage, pull up, or remove any ſuch Stones or Poſts, or alter, obliterate, or deface any Letters or Figures that ſhall be made, inſcribed, or put thereon, or ſhall deſtroy, injure, or damage the Parapets or any other Parts of the ſaid Bridges on the ſaid Roads, or any of the ſaid Gates or Turnpikes, or any of the ſaid Toll Houſes erected or to be erected, or any other Works belonging to the ſaid Truſtees, or ſhall be aiding or aſſiſting thereto, or ſhall reſcue any Perſon in Cuſtody for any of the ſaid Offences, and ſhall be thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, before any one or more Juſtice or Juſtices of the Peace for the County in which the Offence is committed, or where the Offender reſides, ſuch Perſon or Perſons ſo offending ſhall pay the Whole of the Damages and Expences ſuſtained by the Truſtees in the ſaid Roads, and ſhall reſpectively forfeit and pay a Sum not exceeding Five Pounds for every ſuch Offence, to be levied and recovered in the ſame Manner as other Penalties are by this Act directed to be levied and recovered; and ſuch Forfeitures ſhall be applied One Moiety thereof to the Informer, and the other Moiety in repairing the Stones, Poſts, Parapets, Gates, Turnpikes, Toll Houſes, or other Works ſo broken, pulled up, damaged, or defaced, or in ſupplying new ones in their Stead; and if there ſhall be any Overplus of ſuch Forfeitures the ſame ſhall be laid out in repairing ſuch Roads as aforeſaid; and it ſhall be lawful for any Perſon *brevi manu* to ſeize and carry any ſuch Offender or Offenders in any of the above Particulars, before any Juſtice of the Peace, for the Purpoſe of Conviction.

Drag Irons to be flat.

LXVIII. And be it further enacted, That where any Drag Iron or other Inſtrument ſhall be affixed under the Sole or Bottom of the Wheel or Wheels of any Waggon or other Carriage paſſing along the ſaid Roads, to make the Paſſage of ſuch Waggon or Carriage more ſafe down ſteep Hills, every ſuch Drag Iron or other Inſtrument ſhall be flat at the Bottom or Sole thereof, and ſhall not be of leſs Breadth than the Fellies of the Wheels under which the ſame ſhall be affixed, on pain of the Owner of every ſuch Waggon or other Carriage forfeiting a Sum not exceeding Twenty Shillings Sterling.

Trees and Hedges to be drelled.

LXIX. And be it further enacted, That all Perſons having Hedges or Trees on the Sides of the ſaid Roads ſhall be obliged to dreſs and lop the ſame at a proper Seaſon of the Year, in ſuch a Manner that the ſaid Hedges

ſhall not exceed] the Height of Five Feet from the Level of the Roads, and ſo that no Part of any of the ſaid Hedges or Trees ſhall overhang the Roads or Drains at the Sides thereof, and if they ſhall refuſe or neglect ſo to do within Twenty-one Days after Notice given in Writing by the ſaid Truſtees, or any Two of them, it ſhall be lawful for the ſaid Truſtees to order the ſame to be dreſſed and lopped in a proper Manner, and at a proper Seaſon, at the Charge and Expence of the Owner of ſuch Trees and Fences, to be recovered in the ſame Manner as other Penalties by this Act impoſed.

Ditches to be ſcoured.

LXX. And be it further enacted, That all Ditches or Drains which have been already made, or which hereafter ſhall be made, along the Sides of the ſaid Roads, ſhall be ſcoured, cleaned, and kept in Repair, at the joint Expence of the ſaid Truſtees, and the Proprietor or Occupier of the Lands through which any ſuch Ditches or Drains are or ſhall be made; and it ſhall be lawful to, and in the Power of the ſaid Truſtees to call upon the Proprietors and Occupiers of Land, or either of them for the Time being, to perform the whole Work neceſſary for keeping the ſaid Ditches and Drains clean, and in good Order, upon Payment, making a lawful Tender to them of the One-half of the Expence thereof, to be aſcertained when the Work is finiſhed; and in caſe the Proprietor or Occupier for the Time ſhall neglect or refuſe to clean and repair the ſaid Ditches or Drains, after Ten Days Intimation to that Effect, the ſaid Truſtees or any Two or more of them ſhall be, and they are hereby authorized and empowered to cauſe the ſaid Ditches and Drains to be cleaned and put in repair, at the joint Expence of the Proprietor and Occupier or either of them, and the Truſtees as aforeſaid, and the ſaid Proprietor and Occupier or either of them ſhall be liable to the ſaid Truſtees for the One-half of the Expence diſburſed by them in cleaning and ſcouring the ſaid Ditches and Drains, to be recovered in Manner hereinafter directed: Provided always, that it ſhall and may be lawful for the ſaid Proprietor or Occupier to apply in the ſame Manner to the ſaid Truſtees for One-half of the Expence diſburſed by them in cleaning and ſcouring the ſaid Ditches and Drains, and that the ſaid Proprietor or Occupier ſhall and he is hereby empowered to proceed againſt the ſaid Truſtees in the ſame Manner and to the ſame Extent as the Truſtees are herein-before authorized and empowered to proceed againſt him.

Paſſages and Drains into Fields to be made ſo as not to prejudice the Road.

LXXI. And be it further enacted, That when any Paſſage ſhall be made for Cattle or Carriages from any of the ſaid Roads, for the Convenience of any Proprietor or Occupier into whoſe Ground it paſſes, ſuch Proprietor or Occupier ſhall always cover the Drains croſſing the Sides of the ſaid Roads with ſufficient Stone Work, in ſuch a Manner as the Courſe of the Water in the Drains may not be interrupted or the Roads thereby prejudiced; and that no Occupier of Lands ſhall turn any Water upon the Sides 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 of any Two of the ſaid Truſtees; and every ſuch Proprietor or Occupier ſhall be obliged to carry the Water acroſs the Roads in a covered Drain of ſuch Depth and Conſtruction as that the Water may not prejudice the Roads; and in caſe the ſaid Owner or Occupier ſhall neglect or refuſe to do the ſame, after Ten Days previous Notice given to that Effect, the ſaid Truſtees ſhall be, and they

are hereby empowered to execute and perform the ſaid ſeveral Matters and Things hereby ordered and directed to be done, and to charge and levy the Expence of doing the ſame on the ſaid Proprietor or Owner in Manner herein-after directed.

Drains may be made through adjoining Lands.

LXXII. And be it further enacted, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors, and for ſuch Perſon or Perſons as they ſhall appoint, by Order of the ſaid Truſtees, or any Two or more of them, to make ſuch Trenches, Ditches, or Drains, with proper Paſſages and Outlets for the ſame, through any Lands contiguous to the ſaid Roads, as they ſhall judge neceſſary for the better repairing and upholding the ſaid Roads, and for conveying away the Water from the Ditches which are or hereafter ſhall be made along the Sides of the ſaid Roads; and after ſuch Paſſages and Outlets have been ſo made, the Proprietor or Occupier of ſuch Ground ſhall be obliged, in all Times thereafter, to keep clear ſuch Outlets and Paſſages from the ſaid Trenches and Ditches, from Time to Time, as they ſhall be required by the ſaid Truſtees or any Two or more of them, ſo as the Outlets may not be ſtopped or made to reſtagnate in the ſaid Ditches or Trenches, but may have free Paſſage through the ſaid Proprietors or Occupiers Grounds; and in caſe of the Proprietor or Occupier neglecting or refuſing to clear or cleanſe ſuch Outlets, when duly required by the Surveyor or Surveyors of the ſaid Roads, or any Two of the Truſtees, then and in that Caſe ſuch Truſtees ſhall have Power to cleanſe ſuch Outlets and Paſſages, and levy the Expence thereof, on the Owner or Proprietor of ſuch Grounds in Manner herein-after mentioned.

Horſes and Cattle not to be left on the Road.

LXXIII. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, paſture, or leave, or allow to be paſtured and left, on the ſaid Roads, any Horſes, Sheep, Cows, or other Beſtial, it ſhall and may be lawful for any One or more of the Juſtices of the Peace for the County in which the ſame ſhall be committed, upon Application made to him by any Heritor or Occupier in the ſaid County, or by any Perſon or Perſons having Authority from the ſaid Truſtees, to iſſue his or their Warrant for apprehending the Perſon or Perſons ſo offending as aforeſaid, and to bring him before him or them for Examination, and upon ſuch Offender or Offenders being convicted of ſuch Offence by the Oath of One or more credible Witneſs or Witneſſes, or the Oath or Confeſſion of the Party ſo offending, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace to fine ſuch Offender or Offenders ſeverally in any Sum not exceeding Forty Shillings Sterling for each and every Offence, One Moiety to be paid to the Informer, the other Moiety to the Proſecutor.

Carriages not to be left on the Road.

LXXIV. And be it alſo enacted, That it ſhall not be lawful for any Perſon or Perſons to put, or allow to remain, unneceſſarily, any Carts or Carriages, whether loaded or unloaded, upon any Part of the ſaid Roads, under a Penalty not exceeding Forty Shillings Sterling for each Offence, One Moiety being payable to the Informer, and the other Moiety to the Purpoſes of this Act.

Rubbiſh not to be laid on the Roads.

LXXV. And be it enacted, That no Perſon ſhall lay or cauſe to be laid any Timber, Stones, Lime, Dung, Soil, Compoſt, Aſhes, Rubbiſh, or other Matter

Matter upon any Part of the ſaid Roads, or upon any of the Streets of any of the Towns or Villages through which the ſaid Roads paſs, or within Ten Feet of the ſame, not being within a Wall or Fence ſeparating the Ground on which ſuch Matter is laid from the Roads; and every Perſon ſo offending ſhall forfeit a Sum not exceeding Forty Shillings Sterling for each Offence, One Half to the Informer, and the other Half to the Purpoſes of this Act.

Head Ridges to be made and Gates to open inwards.

LXXVI. And, for the further preventing Annoyances in or upon the ſaid Roads, be it enacted, That from and after the paſſing of this Act every Perſon, in ploughing any Field contiguous to the ſaid Roads, ſhall always make Head Ridges along the Sides of the ſaid Roads, of the Breadth of Eight Feet at leaſt; and all Gates upon Incloſures next to any of the ſaid Roads ſhall be made to open Inwards to the Field; and no Perſon or Perſons whatever ſhall lay any dead Horſe or other Carrion upon any of the ſaid Roads, or within Twenty Yards of the Sides of any of the ſaid Roads, (except in caſe of Accident, when the ſame ſhall be removed as ſoon as the Owners or Perſons having the Charge thereof reaſonably can), under the Penalty of any Sum not exceeding Forty Shillings Sterling.

Timber, &c. not to be dragged upon the Road.

LXXVII. And be it further enacted, That if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, or any Plough, Harrow, or any Thing whatſoever, otherwiſe than upon Wheel Carriages, or ſhall carry or cauſe to be carried any Tree, Log, or Piece of Timber, exceeding Twenty-four Feet in Length, otherwiſe than on Four Wheels, or ſhall ſuffer any of the Things above mentioned, or any other Thing whatſoever, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of the ſaid Roads, every Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling, One Moiety thereof to be paid to the Informer, the other to the Purpoſes of this Act.

Subſcriptions to be paid.

LXXVIII. And be it further enacted, That if any Perſon or Perſons who has or have ſubſcribed towards making and repairing the Roads hereby intended to be made and repaired, ſhall neglect or refuſe to pay his, her, or their Subſcription Money at the Time and Place to be appointed by the ſaid Truſtees, or any Three or more of them, it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to ſue for and recover the ſame in any Court competent, declaring that the Subſcription Money actually paid ſhall be a preferable Lien and Burthen upon the Tolls collected upon the Roads for the Uſe whereof the Money was ſubſcribed in Favour of the Perſon or Perſons paying, and his, her, or their Heirs, Executors, or Aſſigns, until Repayment thereof.

Truſtees may act as Juſtices.

LXXIX. And be it further enacted, That any Truſtee appointed to put this Act in Execution, who is or ſhall be in the Commiſſion of the Peace for the Counties of *Perth*, *Fife*, or *Kinroſs* reſpectively, ſhall and may act as a Juſtice of the Peace within his reſpective Juriſdiction, for the more effectually putting in Execution the ſeveral Authorities and Powers in this preſent Act mentioned and contained, notwithſtanding ſuch Juſtice of

the

the Peace is or ſhall be a Truſtee as aforeſaid, or a Creditor upon the Tolls.

Toll Gatherers may give Evidence.

LXXX. And be it enacted, That in all Caſes where any Diſpute, Suit, or Litigation ſhall ariſe, touching, concerning, or in anyways relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not by Reaſon thereof be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

Recovery of Penalties.

LXXXI. And be it further enacted, That all Tolls, Duties, Penalties, and Forfeitures by this Act impoſed (if not otherwiſe directed to be levied by this Act) ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands of any Two or more Juſtices of the Peace of the County in which the ſame might have been exacted, or where the Offence was committed; and the Perſons diſtraining for the ſame are hereby authorized and empowered to ſell the Goods and Effects ſo diſtrained, and to return the overplus Money (if any there be) upon Demand, to the Owners of ſuch Goods or Effects, after ſuch Tolls, Duties, Penalties, and Forfeitures, and the reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid; and all Penalties and Forfeitures, if not otherwiſe directed to be applied by this Act, ſhall be paid to the ſaid Truſtees, and ſhall be laid out in the Repair of the ſaid Roads; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any Juſtice or Juſtices of the Peace of the County where ſuch Deficiency or Default ſhall happen, and he and they is and are hereby authorized and required by Warrant under his or their Hands to cauſe ſuch Offender or Offenders to be committed to the Houſe of Correction or common Gaol of the County, there to remain for any Time not exceeding Three Calendar Months, unleſs the Penalties or Forfeitures and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

Appeal.

LXXXII. And be it further enacted, That if any Perſon or Perſons ſhall think him or themſelves aggrieved by any Order or other Proceedings of the ſaid Truſtees, it ſhall and may be lawful for him or them (except in the Caſes which are already otherwiſe provided for) to appeal to the ſaid Juſtices of the Peace of the County in which the ſame ſhall have taken place, in their General Quarter Seſſions aſſembled, who are hereby authorized and empowered to hear and determine the Matter in Diſpute, and whoſe Order therein ſhall be final and concluſive; and the Proceedings of the Truſtees and the Juſtices on Appeal ſhall not be ſubject to Suſpenſion or Advocation, or challengable by Proceſs of Reduction.

Table of Tolls and Duties to be made and publiſhed.

LXXXIII. And be it further enacted, That the ſaid Truſtees ſhall, within Twelve Months after the paſſing of this Act, direct a Table of the Tolls payable by virtue of this Act, to be printed in large and legible Characters and affixed on ſome conſpicuous Place of every Toll Bar on the ſaid Roads; and the ſaid Truſtees ſhall in like Manner direct a Liſt of all the Penalties enacted by this Act to be printed and affixed in the ſame Manner; and the ſaid Truſtees ſhall alſo print or cauſe to be printed the various Regulations which are by this Act enacted for the Regulation of thoſe who may travel

or drive Carriages or Carts, or who may ride along the ſaid Roads, and circulate and publiſh the ſame for the Uſe of the ſaid Travellers as aforeſaid, in order that the ſaid Regulations may be made as public as poſſible, ſo that no one may plead Ignorance of the ſame.

Convictions to be affixed on Toll Bars.

LXXXIV. And be it further enacted, That the ſaid Truſtees, or their Clerks, or any other Perſon acting under them, ſhall affix or cauſe to be affixed a Copy of every Conviction which may or ſhall take place under the Authority of this Act, upon the Two neareſt Toll Bars to the Place where the Offence was committed, and upon the Church Doors of the Pariſhes in which the Offence was committed, and the Conviction took place.

To enforce the Obſervance of 12 G. 3. c. 45.

LXXXV. And, for the better Obſervance of the Rules preſcribed by an Act paſſed in the Twelfth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Regulation of Carters, Carriages, and loaded Horſes, and for removing Obſtructions and Nuiſances upon the Streets and Highways, within that Part of* Great Britain *called* Scotland; be it enacted, That the ſaid Truſtees ſhall, and they are hereby required at the Firſt General Meeting to be held purſuant to this Act, and thereafter from Time to Time as Occaſion may require, to give ſuch Directions to the Collectors and other Officers appointed by the ſaid Truſtees as ſhall appear to them proper for enforcing the Obſervance of the ſaid in Part recited Act.

For enforcing the Execution of this Act.

LXXXVI. And be it further enacted, That if the ſaid Truſtees ſhall neglect to repair, or to keep in Repair, the ſaid Roads as aforeſaid, or to enforce or cauſe to be enforced the various Regulations, or to execute the different Works, Duties, and Truſts, by this Act enacted, it ſhall and may be lawful for any Perſon or Perſons, uſing and travelling along the ſaid Road, and having paid any of the ſaid ſeveral Tolls or Duties by this Act granted to be levied, or who ſhall be liable to pay any of the ſaid Tolls or Duties at any of the Gates erected, or which ſhall be erected acroſs or at the Side of the ſaid Roads, upon finding Security to pay Coſts if they ſhall be nonſuited, to proſecute the Truſtees or any Six or more of them, before either of the Diviſions of the Court of Seſſion, who are hereby authorized and required to judge and determine therein, in a ſummary Manner, and without abiding the Courſe of the Roll; and upon finding the ſaid Roads, or any Part thereof, not to be in proper Repair, or any of the ſaid Regulations not enforced, or any of the ſaid Works, Duties, or Truſts, not executed, the ſaid Court may, and they are hereby empowered to oblige the ſaid Truſtees, or any Six or more of them, to repair or amend the ſaid Roads in a proper Manner, to enforce the ſaid Regulations, or to execute the ſaid Works, Duties, and Truſts, within a ſhort Space of Time, to be limited by the ſaid Court, who ſhall award and decree full Expences of Proceſs to the Proſecutor againſt ſuch Truſtees, and which Judgement ſhall be final and concluſive; and if any ſuch Proſecution ſhall, after Trial, be found to have been vexatious and groundleſs, the Proſecutor or Proſecutors ſhall be liable in Treble Coſts: Provided always, that nothing herein contained ſhall deprive, or be conſtrued to deprive any ſuch Perſon as aforeſaid from having and maintaining an Action for Damages for any Loſs or Injury which he or they may have ſuffered from the Truſtees neglecting to repair the ſaid Roads, to enforce the ſaid Regulations, or to execute the ſaid Works, Duties, or Truſts, as aforeſaid.

LXXXVII. And

Expences of this Act.

LXXXVII. And be it further enacted, That the Expence of procuring and passing this Act shall be paid out of the First Monies levied or borrowed by virtue of this Act for making and repairing the said Roads hereby directed and intended to be made and repaired.

Public Act.

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

Commencement and Continuance of this Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1809.