ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. II.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts paſſed in the Thirtieth and Thirty-ſeventh Years of His preſent Majeſty, for making and repairing certain Roads in the County of *Fife*, and for making and keeping in repair ſeveral other Roads in the ſaid County.

[9th *April* 1807.]

WHEREAS by an Act paſſed in the Thirtieth Year of the Reign of His preſent Majeſty, intituled, "An Act for making and "repairing the Road from *Newmiln Bridge* by *Foodie's Mill*, "*Inverkeithing*, *Aberdour*, *Kirkcaldy*, *Gallatown*, and *Cameron Bridge*, to "*Crail*;" and other Roads in the County of *Fife*:" and by another Act paſſed in the Thirty-ſeventh Year of the Reign of His preſent Majeſty, intituled, "An Act for enlarging the Term and Powers of an Act "paſſed in the Thirtieth Year of His preſent Majeſty's Reign, intituled, "*An Act for making and repairing the Road from* Newmiln Bridge *by* "Foodie's Mill, Inverkeithing, Aberdour, Kirkcaldy, Gallatown, *and* "Cameron Bridge, *to* Crail, *and other Roads in the County of* Fife; and "for making and repairing other Roads in the ſaid County," certain Perſons were appointed Truſtees for making and repairing, and keeping in repair the Roads in the ſaid ſeveral Acts particularly mentioned, and they were thereby authorized to levy certain Tolls and Duties, and to borrow certain Sums of Money on the Credit thereof, and other Powers were granted to them for the Purpoſe of making and repairing the ſaid Roads, during the Term therein mentioned: And whereas, the ſaid Truſtees have proceeded in the Execution of the ſaid Acts, and conſiderable

30 G. 3. c. 93.

37 G. 3. c. 180.

ſiderable Progreſs has been made in making and repairing the Roads ſpecified in the ſaid recited Acts, and ſeveral Sums of Money have been borrowed, and applied, together with the Tolls for the ſaid Purpoſes, but it is found by Experience, that the ſaid Roads cannot be completely made and kept in Repair, and the Money ſo borrowed repaid, unleſs the Mode of levying the Tolls is altered, and the Tolls increaſed, and a further Sum is authorized to be borrowed on the Credit thereof, and the Terms and Powers granted by the ſaid recited Acts enlarged and altered: And whereas, ſeveral other Roads and Lines of Communication in the ſaid County, herein-after mentioned, are in bad Repair, and inconvenient for Travellers; and it would be of great Advantage to the Public, if the Truſtees, appointed by the ſaid recited Acts, were alſo authorized to make and repair the ſaid Roads and Lines of Communication; and, for that Purpoſe, to levy Tolls thereupon, and to borrow Money on the Credit thereof; and that the Powers granted to the ſaid Truſtees by the ſaid recited Acts, and by this Act, ſhould be extended to the ſaid Roads, that is to ſay; the Road from *Brackmont Mill* to the River *Tay*, at or near *Ferry Port-on Craig*, running through the Pariſhes of *Leuchars*, *Ferry*, and *Forgan*; the Road from *Saint Andrew*'s to *Crail* by *Kingsbarns*, leading through the Pariſhes of *Saint Andrew's*, *Crail*, and *Kingsbarns*; the Road from *Saint Andrew*'s by *Lathons*, to join the Turnpike Road to *Balcarras* at *Largo Ward*, with a Branch by *Higham Loan*, leading through the Pariſhes of *Saint Andrew's*, *Cameron*, and *Kilconquhar*; the Road from *Cupar* to *Largo-burn-Mouth* by *Teaſſes*, leading through the Pariſhes of *Cupar*, *Ceres*, and *Largo*; the Road from *Balcarras-mill* to *Elie* Harbour by *Kilconquhar*, leading through the Pariſhes of *Kilconquhar* and *Elie*; the Road branching off the Turnpike Road at or near *Balchryſtie*, by *Elie* to *Pittenweem*, leading through the Pariſhes of *Kilconquhar*, *Elie*, *Pittenweem*, *Newburn*, and *Saint Monance*; the Road from *Fawfield* through the Lands of *New Guilſton*, *Teaſſes*, *Teuchats*, *Greenſiae*, and *Pratis*, to *Pratis-muir*, or thereabouts, connecting the Turnpike Road to *Collinſburgh* with that from *Cupar* to *Windygates*, leading through the Pariſhes of *Scoonie*, *Ceres*, *Kilconquhar*, and *Largo*; the Road from *Saint Andrew*'s by *Denino* to *Anſtruther* Harbour, with a Branch by *Nether Carnbee* to *Pittenweem* Harbour, leading through the Pariſhes of *Saint Andrew's*, *Denino*, *Carnbee*, *Kilrenny*, and *Anſtruther*; the Continuation of the Road from the Eaſt End of *Balcarras* Dykes by *Kellie* and *Balhouffie*, to join the Road from *Saint Andrew*'s to *Anſtruther* at *Pitkeerie*, and the propoſed Branch, leading by the Back of *Balhouffie*, to *Crail* through the Pariſhes of *Carnbee*, *Kilrenny*, and *Crail*; the Road from *Saint Andrew*'s by *Balone* to the Turnpike at *Drumcarro*, and the Road from *Saint Andrew*'s to the Village of *Ceres* through *Magus-muir*, and from thence to the Turnpike Road at or near *Struthers*, leading through the Pariſhes of *Saint Andrew's*, *Cameron*, *Kemback*, *Ceres*, and *Scoonie*; a Branch of Road from the Weſt Corner of *Pitlour* Planting, to paſs *Balvaird Caſtle* towards *Paris* Bridge till it joins the *Perth* Turnpike Road, leading through the Pariſhes of *Strathmiglo*, *Arngaſk*, and *Abernethy*, in *Fife*, *Perth*, and *Kinroſs* Shires; the Road ſtriking off from the great Turnpike Road from *Kirkcaldy* to *Cupar* by *New Inn*, at or near *Thornton*, and running Weſt by *Strathore* and *Clunie*, until it join the Kirk of *Beath* Road, leading through the Pariſhes of *Dyſart*, *Kinglaſſie*, *Auchterderran*, and *Beath*; a Road from *Callange* to *Pitſcottie* Bridge, through *Dura Den* to *Dairſie* Bridge, or *Rumgay Ford*, ſo as to join the propoſed Road from *Oſnaburgh* to *Ceres* Muir, leading through the Pariſhes of *Ceres*, *Kemback*, and *Dairſie*; the Road from the Turnpike Road

New Roads deſcribed.

Road at the Foot of the *Boreland* Loan above *Dyſart*, by *Eaſt Wemys*, *Mooredge*, and the *Sawmill* Ford, or thereby, till it join the Turnpike Road near to *Scoonie* Bridge, leading through the Parishes of *Dyſart*, *Wemys*, *Markinch*, and *Scoonie*; but as theſe Purpoſes cannot be accompliſhed without the Aid of Parliament: May it therefore pleaſe your Majeſty, That it may be enacted, and be it enacted, by the KING's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts, and all the Powers Proviſoes, Matters, and Things therein contained, (except ſuch as relate, to Exemptions from Stamp Duties, and as are hereby varied or repealed), ſhall be and continue in full Force, and ſhall be executed for and during the Term hereafter-mentioned, as well for the Purpoſe of repairing, improving, and keeping in Repair the Roads therein-mentioned, and all the other Purpoſes in the ſaid Acts mentioned, as for making, repairing, and maintaining the ſeveral Roads herein before particularly deſcribed, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re enacted in the Body of this Act; and as if the ſaid additional Roads had been included in the ſaid Acts; and the additional Term hereby granted ſhall be, and is hereby declared to be, ſubject and liable to the Payment of all the reſpective Sums of Money now due and owing on the ſaid Roads, and of ſuch other Sum or Sums of Money as ſhall or may be borrowed for the Purpoſes of the ſaid Acts, or of this Act, and of all Intereſt now due and to grow due for the ſame reſpectively.

Acts further continued.

II. And be it enacted, That all Acts, Proceedings, Orders, Matters, and Things, relative to the Execution of the ſaid recited Acts, and this Act, may be done and executed by any Three or more of the Truſtees appointed under this and the before recited Acts, except only in the Caſes ſpecially directed to be done and executed by any greater or leſs Number of them.

Quorum of Truſtees.

III. And be it enacted, That the Firſt General Meeting of the Truſtees for putting in Execution the before recited Acts, and this Act, ſhall be held on the Firſt *Tueſday* of *May* One thouſand eight hundred and ſeven, or as ſoon thereafter as conveniently may be, and a like General Meeting ſhall be held on the Firſt *Tueſday* of *May* Annually thereafter; and that the Firſt General Meeting of the ſaid Truſtees for the reſpective Diſtricts of the ſaid County for putting in Execution the before recited Acts, and this preſent Act, ſhall be held on the Days following in the preſent Year One thouſand eight hundred and ſeven, or as ſoon after as conveniently may be in the ſaid Year, and on the ſame Days annually in Time coming; that is to ſay, the Truſtees for the Diſtrict of *Saint Andrew*'s, on the Firſt *Tueſday* of *April*, the Truſtees for the Diſtrict of *Cupar* on the *Wedneſday* after the Firſt *Tueſday* of *April*; the Truſtees for the Diſtrict of *Kirkcaldy* on the *Thurſday* after the Firſt *Tueſday* of *April*; and the Truſtees for the Diſtrict of *Dunfermline* on the *Friday* after the Firſt *Tueſday* of *April*; with Power to adjourn themſelves to meet at ſuch Times as the ſaid Truſtees at their laſt Meeting ſhall think proper, without prejudice to their meeting ſooner, if there ſhall be Occaſion; upon Notice by the Clerk to the laſt Meeting, adverti ſed once at leaſt in any Two *Edinburgh* Newſpapers publiſhed for the Time, Ten Days at leaſt previous to the Day of Meeting.

Annual General Meeting of the County,

and of the Diſtricts.

IV. And

Power to borrow Money for making the Roads.

IV. And be it further enacted, That, for the more ſpeedy and effectual Reparation of Roads, deſcribed in this preſent Act, intended to be made and repaired, it ſhall and may be lawful for the ſaid Truſtees, or a Quorum of them, at any of their General Meetings aſſembled, and they are hereby empowered to grant Authority to a Quorum of Truſtees, for the reſpective Diſtricts within which the Roads recited in this Act reſpectively lie, or to whoſe particular Charge the making and repairing thereof may be committed, at a regular Meeting aſſembled for the ſpecial Purpoſe, to borrow, on the Credit of the Tolls or Duties to be collected upon the ſaid Roads deſcribed in this Act, at any Time or Times, any Sum or Sums of Money that may be found neceſſary for making and repairing the ſaid Roads, building Bridges thereon, and for defraying all other Charges and Expences attending the procuring and Execution of this Act; but for no other Purpoſe or Uſe whatſoever: Provided, that no new Road ſhall be begun to be made or repaired, or any Money borrowed on the Credit of the Tolls ariſing thereon, or any Expence incurred concerning the ſame, until a fair and proper Eſtimate of the whole Expence of making or repairing the ſame ſhall have been obtained, and the whole of the Money neceſſary for completing the ſaid Roads ſhall be ſubſcribed, and One-half thereof actually paid, and lodged in the Bank of *Scotland*, or Royal Bank of *Scotland*, for that ſpecial Purpoſe.

Former Tolls repealed, and New Tolls granted.

V. And be it further enacted, That the ſeveral Tolls granted and made payable in and by the ſaid recited Acts, or any of them, ſhall, from and after the Eleventh Day of *November*, in the preſent Year One thouſand eight hundred and ſeven, ceaſe and be diſcontinued, and in lieu and inſtead thereof, the ſeveral Tolls and Duties hereinafter mentioned ſhall, during the Continuance of this Act, be collected and taken by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from time to time appoint to receive the ſame 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 Roads, deſcribed in the ſaid recited Acts, and this Act, or acroſs any Lanes or Ways leading into the ſame, (not being private Roads), before any Cattle or Carriage ſhall be permitted to paſs through the ſame, *viz.*

For every Coach, Berlin, Chariot, Landau, Chaiſe, Calaſh, Hearſe, or any other Four-wheeled Carriage, drawn by Six or more Horſes, Mares, Geldings, or Mules, a Sum not exceeding Six Shillings Sterling; and drawn by Four Horſes, Mares, Geldings, or Mules a Sum not exceeding Four Shillings Sterling; and drawn by Three Horſes, Mares, Geldings, or Mules, a Sum not exceeding Two 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:

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 Sixpence Sterling:

For every Waggon, Wain, Cart, or other ſuch like Carriage, drawn by One Horſe, or other Beaſt of Draught, where any ſuch Carriage, and the Loading thereof, taken together, ſhall not exceed Twenty Hundred Weight,

Weight, a Sum not exceeding Four-pence Sterling; and where such Carriage and Loading shall exceed Twenty Hundred Weight, and shall not exceed Twenty-five Hundred Weight, a Sum not exceeding Sixpence Sterling; and where such Carriage and Loading shall exceed Twenty-five Hundred Weight, and shall not exceed Thirty Hundred Weight, a Sum not exceeding Eight-pence Sterling; and in addition to the said Tolls, there shall be levied and taken in all Cases, where such Carriage and Loading shall exceed Thirty Hundred Weight, and shall not exceed Thirty-five Hundred Weight, a Sum not exceeding One Penny Sterling for every One Hundred Weight which such Carriage and Loading shall weigh above Thirty Hundred Weight, and for every One Hundred Weight which such Carriage and Loading shall weigh above Thirty-five 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 for every Horse, Mare, Gelding, or Mule, or other Beast of Draught, that shall be employed in drawing any of the said Waggons, Wains, Carts, or other Carriages, more than one, a Sum not exceeding Two-pence Sterling:

For every Horse, Mare, Gelding, Mule, or Ass, whereon any Person shall ride, a Sum not exceeding Three-pence Sterling:

For every Horse, Mare, Gelding, or Mule, 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, Cattle, or Carriage, shall be permitted to pass through the same, double the Tolls before directed to be taken on any other Day in the Week.

Limitation in favour of Broad Wheels.

VI. 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, that the opposite Ends of the Axle-trees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages, the lower Parts which shall rest on the Ground, shall be at the same Distance from each other as the upper Part of the said Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels, shall be chargeable with only Two-third Parts of the Toll hereinbefore 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 hereinbefore granted upon Waggons, Wains, Carts, or other ſuch like Carriages: Provided alſo, That every Perſon claiming the Privilege hereby granted to broad-wheeled Carriages, ſhall permit the ſame to be examined and meaſured by any Perſon concerned in the Collection of the ſaid Tolls.

Tolls to be paid at Gates although within Six Miles of any other Gates.

VII. And be it further enacted, That the Tolls levied, and to be levied upon the Lines of Road deſcribed in the ſaid former Act, ſhall be paid, notwithſtanding that the Gate or Gates at which the ſame are demanded or levied, are or may be ſituated within Six Miles of a Gate or Gates erected upon any of the ſaid other Roads deſcribed in this preſent Act, and that the Tolls and Duties leviable upon the ſaid Roads deſcribed in this Act, but not comprehended in the ſaid former Acts, ſhall be demandable and paid notwithſtanding the Gate or Gates at which the ſame may be demanded, may be ſituated within Six Miles of a Gate erected, or to be erected upon any of the Roads deſcribed in the ſaid former Act.

Exemptions from Toll.

VIII. And be it further enacted, That from and after the paſſing of this Act, the Exemptions from the Payment of Tolls allowed by the ſaid recited Acts, in all the Caſes therein mentioned, ſhall be continued during the preſent Act, except as hereinafter mentioned; and further, that no Toll ſhall be demanded or taken 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 or 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 and 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, 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 provided 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 or 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 any Sum not exceeding Twenty Shillings Sterling.

Conſtruction of the former Acts, where a Road is deſcribed as going by a Place.

IX. And be it enacted, That the ſaid recited Acts, and this preſent Act ſhall not be conſtrued to reſtrain the Truſtees from cauſing any Road to be carried in the Direction which to them ſhall ſeem beſt, on account of the Road being deſcribed as going by any particular Place, provided that it is made to paſs through ſome Part of the Pariſh in which the Place ſo named is ſituated.

Power to compound with Proprietors of Stone Quarries.

X. And be it enacted, That ſo much of the before-recited Act of the Thirtieth Year of His preſent Majeſty as exempts Carts, or other Carriages, loaded with Stones for building, from Payment of Toll from the Firſt Day of *May* to the Firſt Day of *October* in each Year, ſhall be, and the ſame is hereby repealed; but declaring, that where the Stones ſhall be taken from any Quarry ſituated within Three Miles of any Gate or

Gates

Gates erected or to be erected upon any of the ſaid Turnpike Roads contained in this, or the ſaid recited Acts, the Truſtees ſhall have Power to compound or agree with the Proprietor of the ſaid Quarries for Carriages for tranſporting the ſaid Stones, in the ſame manner as they are authorized by the ſaid recited Acts, to enter into Compoſitions for any Tolls and Duties.

No Compoſition or Exemption from Tolls on account of Overweight, unleſs in Broad-wheeled Carriages.

XI. And be it enacted, That no Compoſition ſhall be made for Tolls for, or in reſpect of any Waggon, Cart, or any ſuch like Carriage, or of any Horſe or other Beaſt drawing the ſame, where ſuch Carriage or Carriages ſhall, with its Loading, exceed Thirty-one 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; nor ſhall any Compoſition be made for Tolls for, or in reſpect of any ſuch Carriage or Carriages which, together with the Loading thereof, ſhall be of greater Weight than is allowed by this Act to ſuch Carriage or Carriages.

Toll-keepers to be competent Witneſſes.

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

Double Toll may be exacted from Carts, &c. on which the Owner's Name is not marked.

XIII. 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, it ſhall be lawful for the ſaid Truſtees to order and direct the Tackſman of the Tolls or the Toll-gatherer, or other Perſon employed to collect any of the Tolls or Duties leviable under this or the ſaid recited Acts, and ſuch Tackſman or Toll-gatherer 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, and which double Tolls ſhall be recovered and applied in the ſame Manner as the other Tolls and Duties are by this Act and the ſaid before recited Acts, directed to be recovered and applied.

Toll-gatherers regulated.

XIV. And be it further enacted, That if any Tackſman, Toll-gatherer or other Perſon employed to collect the ſaid Tolls, ſhall permit any Waggon, Wain, 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 or Inconvenience 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 any Sum not exceeding Five Pounds Sterling.

XV. And

Providing Repoſitories for Materials.

XV. And be it further enacted, That it ſhall not be lawful to the Contractor, for 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 for the Materials for the High Roads, Damages being always paid for the Ground occupied by ſuch Repoſitories; and if the ſaid Contractor, or other 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 the Sum of Twenty Shillings Sterling.

Penalty on Perſons leaving Carts and Carriages in the High Roads.

XVI. 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, in Time coming, whether loaded or unloaded, upon any Part of the ſaid High Roads, under a Penalty not exceeding Twenty Shillings Sterling, for each Offence, to be recovered from the actual Offender, One Half being payable to the Informer, and the other Half to the Proſecutor.

Ditches and Drains to be in future cleaned at the Joint-Expence of the Truſtees and the Proprietor and Occupier.

XVII. And be it enacted, That in future all Ditches or Drains which have been already made, or which hereafter ſhall be made, along the Sides of any of the Roads ſpecified in this Act or the ſaid recited Acts, 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, or 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 ſhall be, and they are hereby authorized and empowered to cauſe the ſaid Ditches or 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 or 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 before directed by this and the before recited Acts, for levying the Tolls thereby granted.

Houſes to be built within Six Feet from the Side of the Road.

XVIII. And be it enacted, That, in conformity with the before recited Acts, in caſe any Houſes ſhall, after the paſſing of this Act, be built near any 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 within the ſaid County, no ſuch Houſe or other Building ſhall be built within Six Feet from the Side of the ſaid Roads, free of Ditches and Side-Drains, 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 Erection of every ſuch Houſe or Building as he or they ſhall apprehend to be within the ſaid Diſtance from the

Side

Side of the ſaid Roads, by an Order in Writing under his or their Hand or Hands.

No Horſes, &c. to be paſtured on Sides of the Roads.

XIX. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing this Act paſture or leave, or allow to be paſtured or left, on the aforeſaid Roads, or any of them, 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, 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 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 Five Pounds Sterling, for each and every Offence, to be levied and recovered in caſe of Non-payment, and to be applied in Manner directed in this and the before recited Acts for recovering Payment of the ſaid Tolls.

Lines of Road authoriſed by this Act to be made to be ſurveyed within Three Years.

XX. And be it further enacted, That all the Lines of Road herein-before deſcribed, and by this Act appointed to be made and repaired, ſhall be ſurveyed, and the particular Lines of Direction in which they are to run aſcertained and fixed, within Three Years after paſſing of this Act; and the ſaid Lines of Road, or ſuch of them as ſhall not be ſurveyed, aſcertained, and fixed, within that Period, ſhall be held and deemed to have been departed from, and ſhall not thereafter be made or repaired, or any Expence be incurred thereon, under the Authority of this Act.

Head-Ridges.

XXI. And, for the further preventing Annoyances in or upon the ſaid Roads, be it enacted, That from and after the paſſing this Act every Perſon in ploughing any Field contiguous to any of 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 Five Pounds Sterling.

Gates.

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

If 2col. and upwards.

XXII. And be it enacted, That whatever Money ſhall be paid by Agreement, or by Award as aforeſaid, for Lands, Tenements, Houſes, or other Subjects, ſo taken or uſed by the ſaid Truſtees, which were held under Entail, or ſubject to Liferent Annuities, or other Incumbrances, or belonging to any Corporation, Married Woman, Minor, Lunatic, Idiot, or other Perſon under legal Diſability or Incapacity, ſuch Money, in caſe the ſame amount to Two hundred Pounds or upwards, ſhall be under the Authority and Direction of the Court of Seſſion, and ſhall, without Delay, be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or ſuch other Bank as the Court ſhall direct, upon the higheſt Intereſt that can be

got, in order that it may be applied, with the Approbation, and by the Authority of the ſaid Court, in the Purchaſe of the Land-Tax, or in the Diſcharge of any Debt or Incumbrance affecting the ſaid Lands, Houſes, or other Subjects, or affecting other Lands, Houſes, or Subjects belonging to the ſame Perſons, and ſettled to the ſame or the like Uſes, or under the like Conditions and Limitations; and when ſuch Money cannot be applied to theſe or the like Purpoſes, then the ſame ſhall be laid out in the Purchaſe, or on the Security of other Lands, Houſes, and Subjects of the like Nature, and the Rights and Titles thereof ſhall be deviſed to the ſame Perſon or Perſons, or for their Benefit, to the ſame Series of Heirs, for the ſame Uſes and Purpoſes, and under the ſame Proviſions, Conditions, and Limitations, as the Lands, Houſes, and other Subjects, taken and uſed for the Purpoſes of the ſaid recited Acts, or this Act, were deviſed and ſettled, or ſuch of them as ſhall be then exiſting, and capable of taking Effect; and, in the mean time, until ſuch Purchaſe or Security can be effected, the Intereſt of ſuch Money ſhall be paid, by Authority of the ſaid Court, to the Perſon or Perſons who, for the Time, would have been entitled to the Rents and Profits of the Lands, Houſes, or other Subjects ſo taken and uſed by the Truſtees.

If leſs than Two Hundred Pounds, and above Twenty Pounds.

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

If leſs than Twenty Pounds.

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

In caſe of not making out Titles, &c.

XXV. And be itfurther enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Houſes, or other Subjects, to be purchaſed by virtue of the ſaid recited Acts, or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Houſes, or other Subjects,

Purchaſe Money to be

iects, be not known or discovered; then, and in every such Case, it shall and may be lawful to and for the Trustees, or any Two or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Houses, or other Subjects, (describing them,) subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be, and is hereby empowered, in a summary Way of Proceeding, or otherways, as to the said Court shall seem 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 other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is, and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what, and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Paid into the Bank.

Subject to the Order of the Court of Session.

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

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

XXVII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Houses, or other Subjects, to be purchased under the Authority of the said recited Acts, or this Act, the Purchase-Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Houses, or other Subjects, to be settled to the like Uses, in pursuance of the said recited Act, or 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 the said recited Acts, or this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall, from time to time, pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXVIII. And

Appeal.

XXVIII. And be it enacted, That if any Perſon of Perſons ſhall think him,her, or themſelves aggrieved by any of the Proceedings in the Execution of the ſaid former Acts, or this Act, for which no particular Relief is thereby, or hereby provided, ſuch Perſon or Perſons may, within Six Months after the Matter complained of ſhall be done, (but not afterwards,) appeal to the Juſtices of the Peace at the Quarter Seſſions, for the ſaid County of *Fife*, the Perſon or Perſons appealing firſt giving Fifteen Days previous Notice of ſuch Appeal to the Clerk of the ſaid Truſtees, and alſo to the Clerk of the ſaid Juſtices, and lodging with him at the Time of the ſaid Appeal, a Recognizance to proſecute the ſame, and alſo giving legal Notice thereof to the Defender or Defenders; and the ſaid Juſtices of the Peace, are hereby authoriſed and required to take Cognizance of ſuch Complaints and Appeals, and to make ſuch Determination thereon as they ſhall think proper; and ſuch Determination ſhall be final, and the Proceedings of the Truſtees and the Juſtices on Appeal ſhall not be ſubject to Suſpenſion or Advocation, or be challengeable by Proceſs of Reduction.

Compelling Payment of Subſcription Money.

XXIX. 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, or any of them, 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 in that Part of *Great Britain* called *Scotland*, declaring that the Subſcription Money actually paid ſhall be a preferable Lien and Burthen upon the Tolls collected upon the Road, 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 Payment thereof.

Expence of the Act.

XXX. And be it enacted, that he Expences of procuring and paſſing this Act ſhall be paid out of the Money borrowed, or out of the Tolls and Duties levied in the ſeveral Diſtricts of the ſaid County of *Fife*, as the ſame ſhall be apportioned by a General Meeting of the Truſtees for the ſaid County.

Commencement and Continuance of the Act.

XXXI. And be it further enacted, That from and after the paſſing of this Act the Terms granted by the ſaid Acts ſhall ceaſe and determine, and that from thenceforth the ſaid recited Acts, (ſubject to the Alterations and Amendments herein contained,) ſhall continue in force, and be executed for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Public Act.

XXXII. And be it enacted, That this Act ſhall be deemed a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others whatſoever, without ſpecially pleading the ſame.

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