ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

## *Cap.* 121.

### An Act for more effectually repairing the Roads in the County of *Forfar*. [24th *May* 1810.]

WHEREAS by an Act passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for repairing the Roads in the County of* Forfar, *and for regulating the Statute Labour within the same*; and by another Act passed in the Thirty-fourth Year of His present Majesty's Reign, intituled, *An Act to continue the Term and enlarge the Powers of an Act made in the Twenty-ninth Year of the Reign of His present Majesty, intituled,* 'An Act for repairing the Roads in the County 'of Forfar, *and for regulating the Statute Labour within the same; and for* 'repairing *several other Roads in the said County, and for building a Bridge* 'over the River South Esk *near* Finhaven,' certain Trustees were appointed for ordering, repairing, and keeping in Repair, the Roads therein mentioned, who were empowered to levy certain Tolls upon the said Roads, and to borrow Money on the Credit thereof, and various other Powers were granted to them: And whereas great Progress has been made in repairing the Turnpike Roads specified in the said recited Acts, and sundry Sums have been subscribed and borrowed for that Purpose upon the Credit of the Tolls by the said Acts granted; but it is found by Experience that many of the said Roads cannot be completely made and kept in Repair, and the Money so subscribed and borrowed repaid, unless the Tolls are increased, further Sums 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 in the said

29 G. 3. c. 20.

34 G. 3. c. 100.

County of *Forfar* herein-after mentioned, that is to say, the Road leading from *Dundee* to *Broughty Ferry*, passing through the Parish of *Dundee*; the Road from near the Bridge of *Dean* until it join the Turnpike Road from *Forfar* to *Brechin*, near to *Quilkoe*, passing through the Parishes of *Meigle Ruthven*, *Eassie*, *Airly*, *Glammis*, *Kerrymuir*, *Forfar*, and *Rescobie*; the Road from the *Westhaven*, to the Turnpike Road from *Dundee* to *Ferryden*, and from that Road to *Forfar*, passing through the Parishes of *Panbride*, *Carmyllie*, *Guthrie*, *Monikie*, *Dunnichen*, *Inverarity*, and *Forfar*; with its Branch leading from the said Turnpike Road between *Dundee* and *Ferryden* to *Pitmowiesmill*, passing through the Parishes of *Panbride*, *Carmyllie*, and *Kirkden*; the Road within the Parishes of *Kirkden* and *Dunnichen*, passing through the Lands of *Idvies*, until it join (at or near to *Dunnichen*) the Road from *Forfar* to *Arbroath*, described in the said Act of the Thirty-fourth Year of His present Majesty; the Road from near to the Toll-bar at *Pitkerro* to *Dundee* passing through the Parish of *Dundee*, and the united Parishes of *Mains* and *Strathmartin*, are in bad Repair, and inconvenient for Travellers, and the said Roads cannot be effectually repaired by the present Modes prescribed by Law; 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 Two recited Acts shall, from and after the Second *Monday* after the passing of this Act, be and the same are hereby repealed, in so far as the same respect the Turnpike Roads herein-after described; and that from thenceforth this Act shall commence and be put in Execution for and during the Term herein-after-mentioned; and this Act, and 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 recited Acts, or either of them, under the Limitations herein-after expressed, and to the Payment of all Money which shall or may be subscribed or borrowed and become due on the Credit of this Act, and of all Interest due and to become due for the same respectively.

Acts repealed.

Trustees.

II. And be it enacted, That every Person who, from and after the Commencement of this Act, shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Life-renter, of the full Property or *Dominium Utile* of Lands in the County of *Forfar*, valued in the Cess Books of the said County to the Extent of One hundred Pounds *Scots*; and all and every the eldest Sons of such Persons, and One Guardian or Trustee of Minors possessed of Lands to that Extent, and all Persons in the Commission of the Peace of the said County, who shall have qualified accordingly; the Provost and senior Magistrate, and in the Absence of one of them, the next senior Magistrate; and in the Absence of both of them, the Two next senior Magistrates, for the Time being of each of the Royal Boroughs in the said County; and the Sheriff Depute and Sheriff Substitute of the said County for the Time being, shall be and they are hereby nominated and appointed Trustees for surveying, ordering, making, altering, repairing, and keeping in Repair the several Roads herein-after mentioned, that is to say; the Road from *Dundee* to *Forfar*, and the Branch to *Kerriemuir* by *Glammis*, passing through

through the Parishes of *Dundee*, *Mains*, *Murroes*, *Tealing*, *Inverarity*, *Kinnettles* and *Forfar*, *Strathmartin*, *Glammis* and *Kerriemuir*; from *Dundee* to *Coupar*, with its Branch to *Meigle*, through *Newtyle*, passing through the Parishes of *Dundee*, *Liff*, *Lundie*, *Kittins*, *Coupar*, *Strathmartin*, *Auchterhouse*, and *Newtyle*; from *Meigle* to the Bridge over the *North Esk* by *Brechin*, passing through the Parishes of *Meigle*, *Eassie* and *Nevay*, *Glammis*, *Kinnettles*, *Forfar*, *Rescobie*, *Oathlaw*, *Tannadice*, *Carriston*, *Brechin*, and *Stracathro*; from *Dundee* to *Ferryden*, with its Branch, to the *South Esk* Bridge, until it joins the Road from *Brechin* to *Montrose*, passing through the Parishes of *Dundee*, *Mains*, *Murroes*, *Moneyfeith*, *Monikie*, *Barrie*, *Panbride*, *Arbirlot*, *Saint Vigeans*, *Arbroath*, *Inverkeillar*, *Lunan*, *Craig*, *Marytown* and *Dun*; from *Montrose* to the old Bridge over the *North Esk*, with its two Branches, the one to the new *North Esk* Bridge, the other to the Ford of *Marykirk*, passing through the Parishes of *Montrose* and *Logie* and *Pert*; from *Arbroath* to *Brechin* by *Pitmuis Mill*, with its Branches from *Templehall* to *Loggieston*, and from *Loggieston* to where it joins the Road from *Dundee* to *Ferryden*, and from *Pitmuis Mill* to *Forfar*, passing through the Parishes of *Arbroath*, *Saint Vigeans*, *Inverkeillar*, *Kirkden*, *Farnwell*, and *Kinnaird*, *Brechin*, *Aberlemno*, *Rescobie*, *Forfar*, *Monyfieth*, *Monikie* *Carmyllie*, *Kinniel*, *Marytown* and *Craig*; from *Brechin to Kirriemuir*, with its Branch from *Kirriemuir* to *Forfar*, passing through the Parishes of *Brechin*, *Carraldston*, *Fearn*, *Tannadice*, *Oathlaw*, *Kirriemuir*, *Glammis*, and *Forfar*; from *Dundee* towards *Perth*, to the Borders of the County of *Forfar*, passing through the Parishes of *Dundee* and *Liff*, from *Dundee* to *Arbroath* by the Coast, with its Branches from *Baldovie* to *Brechin*, and, from *Baldovie* to the Ferry, passing through the Parishes of *Dundee*, *Moneyfieth*, *Monikie*, *Barrie*, *Panbride*, *Arbirlot*, *Arbroath*, *Mains*, *Murroes*, *Guthrie*, *Dunnichen*, *Kirkden*, *Rescobie*, *Aberlemno*, and *Breckin*; the Road leading from the Landing-place at *Moneyfieth*, to the Post Road between *Dundee* and *Arbroath*, passing through the Parishes of *Moneyfieth* and *Monikie*; the Road leading from the *East Haven* to the Post Road between *Dundee* and *Arbroath*, passing through the Parish of *Panbride*; the Road leading from *Forfar* to *Arbroath*, by *Dunnichen*, passing through the Parishes of *Forfar*, *Dunnichen*, *Rescobie*, *Kirkden*, *Carmeyllie*, *Inverkeillar*, *Saint Virgeans*, *Arbirlot* and *Arbroath*; the Road leading from *Duntroon* and *Wedderburn* to the Post Road between *Dundee* and *Forfar*, passing through the Parishes of *Dundee*, *Murroes*, and *Mains*; the Road leading from *Strathmartin* and the Foot of *Sidlaw*, to the Post Road between *Dundee* and *Forfar*, passing through the Parishes of *Strathmartin*, *Tealing*, *Mains*, and *Dundee*; a Road from the Head of the Hill of *Dundee* to *Strathmartin*, and Foot of *Sidlaw*, passing through the Parishes of *Dundee*, *Mains*, *Tealing*, and *Strathmartin*; the Road leading from the Bridge of *Dean* upon the West Extremity of the County, to *Brechin*, and passing through the Parishes of *Airly*, *Kirriemuir*, *Oathlaw*, and *Tannadice*; the Road from the West Water Bridge, by the *Hillhead* of *Strachathro* and *Ballachie*, to *Montrose*, passing through the Parishes of *Strachathro*, *Logie*, *Pert*, *Dun*, and *Montrose*; the Road leading from *Dundee* to *Broughty Ferry*, passing through the Parish of *Dundee*; the Road from near the Bridge of *Dean* until it join the Turnpike Road from *Forfar* to *Brechin*, near to *Quilkoe*, passing through the Parishes of *Meigle*, *Eassie*, *Airly*, *Glammis*, *Kirrymuir*, *Forfar*, and *Rescobie*; the Road from the *West Haven* to the Turnpike Road from *Dundee* to *Ferryden*, and from that Road to *Forfar*, passing through the Parishes of *Panbride*, *Carmyllie*, *Guthrie*, *Monikie*,

*kie*, *Dunnichen*, *Inverarity*, and *Forfar*, with its Branch leading from the ſaid Turnpike Road between *Dundee* and *Ferryden*, to *Pitmowiesmill*, paſſing through the Pariſhes of *Panbride*, *Carmyllie*, and *Kirkden*; the Road within the Pariſhes of *Kirkden* and *Dunnichen*, paſſing through the Lands of *Idvies*, by the Bridge of *Bracktullo*, until it join (at or near to *Dunnichen*) the Road from *Forfar* to *Arbroath*, deſcribed in the ſaid Act of the Thirty-fourth Year of His preſent Majeſty; the Road from near the Toll-bar at *Pitkerro* to the public Road on the Lands of *Wallace Craigie*, paſſing through the Pariſh of *Dundee*, and the united Pariſhes of *Mains* and *Strathmartin*; and for repairing the Bridges on the ſaid ſeveral Roads, and building new ones where the ſame ſhall be found neceſſary, and for putting in Execution all the other Powers in and by this Act given and granted.

Branches of Roads.

III. And be it further enacted, That the following Roads, (*videlicet*), the Road from the Landing-place at *Moneyfieth* to the Poſt Road between *Dundee* and *Arbroath*; the Road from the *Eaſt Haven* leading to the ſaid Poſt Road between *Dundee* and *Arbroath*, and the Road from the *Weſt Haven* leading to the ſaid Turnpike Road from *Dundee* to *Ferryden*, and from that Road to *Forfar*, with its Branch leading from the ſaid Turnpike Road between *Dundee* and *Ferryden* to *Pitmowieſmill*; and that the Road from *Forfar* to *Arbroath* by *Dunnichen*, be conſidered as a Branch of the Line of Road from *Arbroath* to *Brechin*; and that the Road within the Pariſhes of *Kirkden* and *Dunnichen*, paſſing through the Lands of *Idvies* until it join (at or near to *Dunnichen*) the Road from *Forfar* to *Arbroath*, be conſidered as a Branch of the laſt-mentioned Branch of Road from *Forfar* to *Arbroath*, and that the Road from *Duntroon* and *Wedderburn* be conſidered as a Branch of the ſaid Road between *Dundee* and *Forfar*; that the Road from the Bridge of *Dean* to *Brechin* be conſidered as a Branch of the ſaid Road from *Meigle* by *Brechin*, to the *North Eſk* Bridge; and it ſhall and may be lawful for the ſaid Truſtees to exact and take, or cauſe to be exacted and taken, at Toll Bars erected or to be erected on any Part of the ſaid Branches or Parts thereof, the ſame Tolls which ſhall be exacted on the principal Roads, and to exerciſe, with reſpect to the ſaid Branches or Parts thereof, all the Powers granted by this Act, in the ſame Manner as on the principal Roads.

Qualification of particular Truſtees.

IV. Provided always, and be it enacted, That no ſuch Juſtice of the Peace, Sheriff Depute, Sheriff Subſtitute, or Magiſtrate reſpectively, ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands or Heritages of the clear Yearly Value of One hundred Pounds Sterling *per Annum*, or be poſſeſſed of and entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Value of Five hundred Pounds Sterling, nor ſhall any ſuch laſt mentioned Perſon be capable of acting in the Execution of this Act, until he ſhall have taken and ſubſcribed the Oath following, before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; that is to ſay,

Oath.

'I do ſwear, That I truly and *bonâ fide* am 'in my own Right, or in the Right of my Wife (*as the Caſe may be*) 'in the actual Poſſeſſion or Enjoyment of Lands or Heritages, of the 'clear

'clear Yearly Value of One hundred Pounds Sterling, or poſſeſſed of or 'entitled to a Perſonal Eſtate alone, or Real or Perſonal Eſtate together, 'of the Amount or Value of Five hundred Pounds Sterling.

'So help me GOD.'

Penalty on acting if not qualified.

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

Time and Place of Truſtees Meeting.

VI. And be it further enacted, That the ſaid Truſtees ſhall meet at *Forfar* upon the Second *Monday* after the paſſing of this Act, and ſhall afterwards meet at the ſame Place upon the Firſt *Tueſday* after the Twenty-ninth Day of *September* One thouſand eight hundred and ten, and thereafter yearly on the ſame Day and at the ſame Place that is appointed for the Meeting of the Commiſſioners of Supply for laying on the Ceſs, and on the Firſt *Tueſday* after *Michaelmas*, or Twenty-ninth Day of *September* yearly, with Power for them at their aforeſaid Meetings reſpectively to adjourn themſelves to ſuch Times and Places as they ſhall think proper or convenient, as often as it ſhall be neceſſary for putting this Act in Execution; 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, it ſhall be in the Power of any One or more Truſtees attending, to adjourn the Meeting, to be held at the ſame or any other convenient Place any lawful Day within Three Weeks thereafter: And in caſe no Truſtee ſhall have attended, the Clerk to the ſaid Truſtees by Advertiſement in Two or more of the *Edinburgh* Newſpapers at leaſt Ten Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Place where the Meeting of the ſaid Truſtees was appointed to be held, or at ſome other convenient Place, on that Day Three Weeks on which ſuch 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 and Expences.

If not a Quorum.

Notice to be given of Meeting.

Determinations not to be altered but at ſtated Meetings.

VII. And be it enacted, That no Determination of nor any Rule or Regulation eſtabliſhed by the ſaid Truſtees at any of their ſtated Meetings ſhall be annulled or altered until their next ſtated Meeting, nor then unleſs Notice of the Motion or any ſuch intended Alteration be publiſhed in the County Newſpaper at leaſt Three Weeks previous to ſuch ſtated Meeting.

Quorum of Truſtees.

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

Truſtees to nominate Officers, &c.

IX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, at a General Meeting aſſembled, to chuſe and appoint fit Perſons to be Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the ſaid Truſtees in their reſpective Diſtricts, for receiving the

the Tolls or Duties granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads and Bridges; or such other Officers as they shall think proper; and from Time to Time to remove such Clerks, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in case of Death or Removal; and all and every Person and Persons who 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, Receiver or Receivers, so from Time to Time to be appointed as aforesaid; and the Person or Persons, Receiver or Receivers, Collector or Collectors, appointed as aforesaid for receiving the said Toll or Duty, and also such Surveyor or Surveyors, 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 present Act, give in a true, particular, exact and perfect Account in Writing, under their respective Hands, with the 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 authorise and appoint to receive the same; to be disbursed and laid out in mending and repairing the said Roads and Bridges, and not otherwise: And the said Trustees, at a General Meeting assembled, shall and may, and they are hereby authorised and empowered, out of the Money arising by the said Tolls or Duties, to make such Allowances to their Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors, or other Officers appointed by them, for and in Consideration of their Care and Pains taken in the Execution of the said respective Offices, and to such other Person or Persons who shall have been or may be assisting in making and repairing the said Roads and Bridges as aforesaid, by advancing and laying out any Money, 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 Tolls or Duties, or any of them, shall not make such Account and Payment into such Person or Persons, according to the Order and Direction of the said Trustees at a General Meeting assembled, that then it shall be lawful for any Two or more Justices for the said County 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 Offences aforesaid by the said Justices, they the said Justices shall, and they are hereby empowered to impose and levy a Sum of Money from and 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 him or them, then and in such Case it shall and may be lawful to and for the said Justices to commit such Person or Persons to the Common Gaol of the County, there to remain till 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, which Composition they, at a General Meeting assembled,

and appoint new ones in case of their Removal or Death.

Officers to account upon Oath, &c.

Trustees to allow Officers Salaries.

Officers not making Account and Payment,

to forfeit Double the Sum detained or misapplied;

and on Non-payment to be committed.

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are hereby empowered to make, and ſhall 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 Perſon who ſhall be committed for any ſuch Offence ſhall be detained in Priſon for any longer Space of Time than Six Calendar Months.

Truſtees to take Security from Officers.

X. And be it enacted, That the ſaid Truſtees ſhall, and they are hereby required to take ſuch Securities from their Receiver or Receivers, Collector or Collectors, or other Perſons appointed to Offices of Truſt, for the due Execution of their Office, as to the ſaid Truſtees ſhall ſeem meet; and, in caſe of Neglect or Failure ſo to do, the Truſtees appointing any ſuch Officer or Officers, without taking Securities, ſhall be perſonally reſponſible and liable in the Payment of all Loſs, Damages, and Expences that ſhall or may happen by or through his or their Default or Inſolvency.

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

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

Truſtees may act as Juſtices.

XII. And be it further enacted and declared, That any Truſtee or Truſtees appointed to put this Act in Execution, who is, are, or ſhall be, in the Commiſſion of the Peace for the County of *Forfar*, ſhall and may nevertheleſs act as a Juſtice or Juſtices of the Peace within their reſpective Juriſdictions, for the more effectually putting in Execution the ſeveral Authorities and Powers in this preſent Act mentioned and contained.

Truſtees not to hold any Place of Profit under this Act.

XIII. Provided always, and be it further enacted and declared, That if any Truſtee or Truſtees, appointed to put this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of it by reaſon of any Tolls or Duties by this Act laid or granted, he or they ſhall be incapable of being as a Truſtee or Truſtees from the Time of accepting, and during the Enjoyment of ſuch Place of Profit as aforeſaid; and that no Victualler or Retailer of Beer, Ale, or Spirituous Liquors, ſhall be capable of holding or enjoying any Office or Place of Truſt or Profit under this Act; and that no Perſon who ſhall keep a Toll-houſe, whether under the ſaid Truſtees, or their Tackſman or Tackſmen, ſhall have Power to ſell or retail any Spirituous Liquors, without a Special Licenſe from the Truſtees firſt had and obtained for that Purpoſe.

Truſtees to continue or erect Gates.

XIV. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall and may direct and cauſe to be continued or erected, a Gate or Gates, Turnpike or Turnpikes, in or acroſs any Part or Parts of the ſaid Roads; and alſo may direct and cauſe to be erected and built, in or upon the ſame, ſuch Number of Toll-houſes, with a proper Stable adjoining thereto, and alſo a Yard or Garden for the ſame, as they ſhall think fit; and may demand and take, or cauſe to be demanded and

and take the following

taken, the Tolls and Duties following, before any Coach or other Carriage, Horſe or other Cattle, ſhall be permitted to paſs through any or each of the ſeveral Gates or Turnpikes to be erected in virtue of this Act; that is to ſay,

Tolls. For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Hearſe, or any other ſuch Four-wheel Carriage, drawn by Six or more Horſes, Mares, Geldings, or Mules, the Sum of Six Shillings Sterling; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of One Shilling Sterling:

For every Chaiſe, Curricle, Chair, or other ſuch like Carriage with Two Wheels, drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Nine-pence Sterling:

For every Waggon, Wain, Cart, Sledge, or other ſuch like Carriage, drawn by Six or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Seven Shillings Sterling; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Four Shillings Sterling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling Sterling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Eight-pence Sterling:

For every Horſe, Mare, Gelding, or Mule, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence Sterling:

For every Aſs, laden or unladen, and not drawing, the Sum of Two-pence Sterling:

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

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

Provided always, that no more than One Half of the aforeſaid Rates of Toll ſhall be collected and taken on the aforeſaid Road leading from *Dundee* towards *Perth*.

Weighing Engines to be erected.

Additional Tolls for Overweight.

XV. And be it further enacted, That the ſaid Truſtees ſhall, if they find it neceſſary, cauſe Weighing Engines to be erected upon ſuch Parts of the ſaid Roads as they ſhall think fit, for weighing all Carriages that ſhall paſs along the ſaid Roads; and to receive and take, over and above the Tolls hereby granted, the following Sums of Money, as additional Tolls for every Hundred Weight (of One hundred and twelve Pounds to the Hundred), which any Waggon, Cart, or Carriage, together with the Loading thereof, ſhall weigh at any of the ſaid Weighing Engines, over and above the Weight which ſuch Waggon, Cart, or Carriage, is allowed to weigh, without paying additional Toll; (that is to ſay),

For the Firſt and Second Hundred, the Sum of Three-pence Sterling for each Hundred:

For

For every Hundred of ſuch Overweight above Two Hundred, and not exceeding Five Hundred, the Sum of Sixpence Sterling:

For every Hundred of ſuch Overweight above Five Hundred, and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling:

For every Hundred of ſuch Overweight above Ten Hundred, and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling:

And for every Hundred of ſuch Overweight above Fifteen Hundred, the Sum of Twenty Shillings Sterling:

And that before they reſpectively ſhall be permitted to paſs through ſuch Gate or Turnpike; and the ſame ſhall be applied as the other Tolls are by this Act directed to be applied: And in caſe any Perſon or Perſons ſhall hinder or obſtruct the weighing of any ſuch Carriage as aforeſaid, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings Sterling.

Waggons and Carts not to pay additional Tolls, if the Wheels are of a certain Breadth.

XVI. And be it further enacted, That every Waggon, Cart, or Carriage, ſhall be allowed to paſs without paying any additional Toll, provided ſuch Waggon, Cart, or Carriage, with its Loading, does not weigh more than the Weights following; (*videlicet*), Every Waggon or Four-wheeled Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven in Winter: Every Waggon or Wain, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons and a Half in Winter: To every Cart, having the Fellies Nine Inches, Three Tons in Summer, and Two Tons Fifteen Hundred Weight in Winter: To every Waggon, having the Fellies Six Inches, Four and One-fourth Tons in Summer, and Three and Three-quarters Tons in Winter: To every Cart, having the Fellies of the Wheels Six Inches, Two Tons Twelve Hundred Weight in Summer, and Two Tons Seven Hundred Weight in Winter: To every Waggon, having the Fellies leſs than Six Inches, Three and an Half Tons in Summer, and Three Tons in Winter: And for the aforeſaid Purpoſes, it ſhall be deemed Summer from *May* the Firſt to *October* the Thirty-firſt, and Winter from *November* the Firſt to *April* the Thirtieth, both incluſive: To every Cart, having the Fellies of the Wheels leſs than Six Inches, and drawn by Two Horſes, Two Tons both in Summer and Winter: And for every ſuch Cart, drawn by One Horſe, One and an Half Ton both in Summer and Winter.

Broad Wheels to pay only Half Toll.

XVII. Provided always, That all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Four Inches or more, and drawn by not more than Three Horſes, or other Beaſts of Draught; and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches or more, and drawn by not more than Four Horſes, or other Beaſts of Draught; and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches or more, ſhall paſs upon any of the ſaid Roads, and through any Gate or Turnpike thereon, upon paying only ſo much of the Tolls and Duties as aforeſaid, as ſhall be equal to One Half of the Toll or Duty payable or intended to be paid by this Act, for any Carriage, or for the Horſes, or other Beaſts drawing the ſame, and not drawn on Wheels of the Breadth or Dimenſions herein-before ſet forth; and that for the Term of Seven Years after paſſing this Act, with Power to the ſaid

Truſtees, after the Expiration of the ſaid Term, to continue ſuch Abatement in favour of Carriages drawn on broad Wheels as aforeſaid as they ſhall think expedient.

Tolls veſted in the Truſtees.

XVIII. And be it enacted, That the Money ſo 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 it ſhall and may be lawful to and for the ſaid Truſtees, at a General Meeting aſſembled, or ſuch Perſon or Perſons as they ſhall from Time to Time nominate and 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 by ſuch other Perſon or Perſons as they, at a General Meeting aſſembled, ſhall authoriſe 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 ſuch Toll or Duty is by this Act impoſed, and to keep ſuch Horſe or Horſes or other Goods ſo diſtrained or pounded, until the ſaid Toll or Duty, with the reaſonable Charges of ſuch Diſtreſs or Pounding, ſhall be paid; and it ſhall and may be lawful to and for the Perſon or Perſons ſo diſtraining or pounding, after the Space of Four Days after ſuch Diſtreſs or Pound ſhall be made and taken, to appraiſe and ſell the Goods ſo diſtrained, by publick Roup, at the Turnpike or Toll-houſe, or where the Toll ought to have been paid, returning the Overplus (if any be, and demanded) to the Proprietor of ſuch Goods and Chattels ſo diſtrained, after deducting ſuch Toll or Duty, and the reaſonable Charges for diſtraining, keeping, appraiſing and ſelling the ſame.

May appoint Collectors.

Tolls may be levied by Diſtreſs.

Toll Gates and Houſes veſted in the Truſtees.

XIX. And be it further enacted, That the Right, Intereſt, and Property of all and every the ſaid Turnpikes, Toll-houſes, and Premiſes, erected, or to be erected by virtue of the ſaid recited Acts or of this Act, ſhall be veſted in the ſaid Truſtees by this Act appointed; and the ſaid Truſtees are hereby authoriſed and empowered to diſpoſe thereof as they ſhall think proper.

Truſtees may purchaſe or take in Leaſe Ground for erecting Toll-houſes.

XX. And, for the better enabling the ſaid Truſtees to erect the Toll-houſes neceſſary for collecting the ſaid Tolls, be it enacted, That the ſaid Truſtees ſhall be and they are hereby empowered to purchaſe, with the Conſent of the Proprietor, or to take in Leaſe, ſuch Pieces of Ground for that Purpoſe as they ſhall judge moſt convenient, not exceeding for each Toll-houſe One Acre of cultivated Ground, or Three Acres if the Ground be uncultivated; and in caſe the Truſtees cannot agree with the Proprietor or Occupier for the annual Rent of ſuch Ground, they ſhall apply to the Quarter Seſſions of the County, who ſhall have Power to oblige the ſaid Proprietor or Occupier to give a Leaſe of the ſaid Ground for any Term not exceeding Twenty-one Years, and to fix the Rent of the ſame.

Tolls not to be laid out but by Order of the Truſtees at a General Meeting.

XXI. And be it further enacted, That no Sum or Sums of Money ariſing on, or levied by or upon account of the ſaid Tolls or Duties, ſhall 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 ſhall authoriſe and appoint.

XXII. And

Application of the Tolls.

XXII. And be it further enacted, That the Produce of the ſaid Tolls and Duties ariſing on each of the ſaid Lines of Road or Branch ſhall be applied by the ſaid Truſtees towards upholding and repairing the Line of Road or Branch on which ſuch Tolls or Duties ſhall reſpectively be collected, or to the building new Bridges thereupon, where the ſame ſhall be found neceſſary, ſo as each particular Line of Road may have its own Produce reſpectively.

Tolls not to be levied until Roads repaired.

XXIII. Provided always, and be it enacted, That it ſhall not be lawful to nor in the Power of the ſaid Truſtees to impoſe or levy any higher Tolls or Duties than thoſe mentioned in and granted in and by the ſaid recited Acts, or either of them, upon any Line of Road, until ſufficient Security ſhall be granted by reſponſible Perſons, that ſuch Line of Road ſhall be put into a State of complete Repair, within a reaſonable Time, to be fixed, as well as the Securities approved of, at a General Meeting to be called for thoſe Purpoſes, by public Notice to be inſerted in one Newſpaper publiſhed in the ſaid County, or in Two *Edinburgh* Newſpapers, at leaſt Fourteen Days previous to ſuch Meeting.

Truſtees may erect Side Bars.

XXIV. And be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to erect or cauſe to be continued or erected one or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the ſaid reſpective Roads, and acroſs any Lane or Way leading out of the ſame, and alſo the Toll Houſe or Toll Houſes at each ſuch Gate or Turnpike, and there to take or receive ſuch Tolls or Duties as are by this Act granted and made payable, but ſo as that a Ticket received at any ſuch Side Gate ſhall entitle the Receiver thereof to paſs Toll-free through the next Gate or Turnpike if within Six Miles, on the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night; excepting that, in the Caſe of Horſes travelling Poſt and their Carriages arriving at the End of a Stage ſo late in the Evening, as to prevent the Return of the Horſes and Carriages by Twelve of the Clock of the ſame Night, ſuch Carriages and Horſes ſhall (if the Carriages return empty) be allowed to re-paſs Toll-free, until Six of the Clock of the following Morning.

Penalty on Perſons permitting or going through private Grounds to avoid Payment of the Tolls.

XXV. And be it further enacted, That if any Perſon or Perſons occupying any Lands near to any Turnpikes, which are or ſhall be erected in purſuance of the ſaid recited Acts, or of this Act, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons to paſs through the ſame, or through any Gate, Paſſage, or Way, with any Coach, Cart, or other Carriage, or with Horſe, Aſs, or other Cattle, whereby the Payment of Toll or Duty by this Act impoſed ſhall be avoided, every ſuch Perſon ſo offending, and the Perſon or Perſons riding or driving ſuch Cart or other Carriage, Horſe, Aſs, or other Cattle, with or without the Knowledge or Conſent of ſuch Occupier of Land, being thereof convicted by the Teſtimony of One or more credible Witneſs or Witneſſes before any One or more of the Juſtices of Peace of the ſaid County, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or their Collector or Collectors, any Sum not exceeding Five Pounds Sterling.

Penalty on taking off Horſes from any Carriage,

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall at any Time during the Continuance of this Act, take off, or cauſe to be taken off, any Horſe or Horſes, Mares, or Geldings, from any Coach, Chaiſe, Chariot,

&c. to avoid the Tolls.

Chariot, Berlin, Landau, Calaſh, Chair, or Litter, or any Horſe or Horſes, Ox or Oxen, or other Beaſts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the ſame ſhall come to any of the Gates or Turnpikes erected or to be erected by virtue of the ſaid recited Acts or of this Act, with an Intent to avoid paying any Tolls or Duties hereby impoſed; or ſhall put and leave in any Houſe or Place, any Waggon, Wain, Cart, or any other Carriage, Horſe, Mare, Gelding, or other Cattle chargeable with or liable to pay the ſaid Tolls and Duties, with ſuch Intent as aforeſaid; each and every Perſon or Perſons ſo offending in any of the Caſes aforeſaid, and being thereof convicted in Manner above-mentioned, ſhall forfeit and pay to the ſaid Truſtees, or their Collector or Collectors, any Sum not exceeding Five Pounds Sterling.

For preventing the Evaſion of the Tolls.

XXVII. And be it enacted, That it ſhall be lawful for the ſaid Truſtees to cauſe Side Bars to be erected at the Extremities of the Old Lines of Road, or where it ſhall appear to them to be moſt proper and neceſſary, to prevent thoſe Old Lines from becoming Thoroughfares for the Evaſion of the Tolls upon the ſaid New Lines of Road, and to charge and levy the ſame Tolls at theſe Side Bars as are granted by this Act: Provided always, that they do not in any Manner thereby interrupt the Common Intercourſe of the Country connected with the ſaid Old Line of Road, which it is hereby declared ſhall be left as free and open to thoſe immediately connected with it, as if no ſuch Side Bars were erected upon it by virtue of this Act.

Penalty on paſſing through Bye Roads to evade Tolls.

XXVIII. And be it further enacted, That if any Perſon or Perſons riding or driving any Coach, Cart, or other Carriage, Horſe, Aſs, or other Cattle, ſhall paſs through any Private, Bye, or other Road, whereby the Payment of the Toll or Duty by this Act impoſed, ſhall be avoided, ſuch Perſon or Perſons, being thereof convicted by the Teſtimony of One or more credible Witneſs or Witneſſes, before any One or more of the Juſtices of Peace of the ſaid County, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees, or their Collector or Collectors, any Sum not exceeding Forty Shillings Sterling.

How Tolls are to be paid.

XXIX. And be it further enacted, That no Perſon or Perſons having paid the Tolls or Duties herein-before granted at any of the ſaid Gates or Turnpikes, ſhall, on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), be ſubject or liable to pay the ſaid Tolls or Duties for Once afterwards paſſing and repaſſing at any Gate or Turnpike, for the ſame Coach, Cart, or other Wheel Carriage, or for the ſame Horſe, Aſs, or other Beaſt or Cattle for which ſuch Tolls or Duties ſhall have been paid; but this Exemption ſhall extend only to paſſing and repaſſing Twice for Once Payment of Toll, and ſhall apply to Carts only, and not to any other Carriage, or to Horſes or other Beaſts without Carriages (though in the Courſe of the ſame Day).

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

XXX. And, for preventing Frauds and Abuſes in the ſaid Tolls or Duties, be it further enacted, That if any Perſon or Perſons, having paid the Toll or Duty by this Act impoſed, and having a Note or Ticket, Notes or Tickets, ſignifying the Payment of ſuch Toll or Duty, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons in order to avoid the Payment of the ſaid Toll or Duty, every ſuch Perſon ſo giving or diſpoſing

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

Exemptions from Tolls.

XXXI. Provided always, and it is hereby enacted and declared, That no Tolls shall be demanded or taken for or in respect of Carriages, Horses, or Cattle, employed in carrying Stones or other Materials for making or repairing any of the great or cross Roads within the said County of *Forfar*, or the Bridges thereon, or any Causeways within or belonging to the same, or for any other Works or Buildings carried on under the Authority of the said Trustees, or going empty to carry or convey or returning empty after carrying the same; or carrying Hay, Grass, Grain, or Pulse in the Straw, Potatoes, Turnips, or other Vegetables, Flax, Hemp, or Wool, to be laid up in the Houses, Outhouses, Barns, or Yards of any Heritor, Tenant or Inhabitant of the said County, by whom the same were raised, and not being for Sale; or Dung or other Manure, for the improving and manuring of Land not bought, sold, or disposed of or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Outhouses or Onsteads, or on the Lands of the Owner thereof who shall not have bought the same; and all Ploughs, Harrows, or other Implements of Husbandry, and all Work-Horses and Cattle passing from one Part of a Farm to another Part of the same Farm, or from the Yard or Offices of the Inhabitants of Towns or Villages within the County, to Burghroods or Fields adjoining to any such Town or Village occupied by such Inhabitant, where there are no Yard or Offices; or Horses and other Cattle going to or returning from Pasture or Watering-Places, or any Smithy in the same or next adjoining Parish; nor for any Carriages or Horses for passing through any of the Turnpikes to be erected or continued by virtue of this Act, which shall not have travelled or necessarily must travel above Two hundred Yards on any of the said Roads; but this Exemption shall not extend to Carriages, Horses, or Cattle travelling to or from the old *Cupar* Road from or to the Side Bar on the *Feuars* Road, leading out of the Road from *Dundee* to *Cupar*, with its Branch to *Meigle*; nor shall any Toll or Duty be demanded from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, nor from any Person or Persons who shall pass or return through any of the said Turnpikes in going or returning to or from their Parish Church, Chapel, or any other Place of religious Worship, within the Parishes where they severally reside, upon *Sunday* or any other Day on which Divine Service is ordered by Authority to be celebrated; nor from Persons who shall pass or return on attending the Funeral of any Person or Persons who shall die in any of the Parishes in which the Roads hereby directed to be repaired do lie, and be buried in the Parish where they shall respectively die; nor for Carriages and Horses of whatever Description employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; as also all Waggons, Wains, Carts, or other Carriages whatsoever, and all Horses or other Cattle drawing the same, which shall be employed in 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, as also all Horses belonging to Officers or Soldiers upon their March or upon Duty, and all Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded or disabled Officers or Soldiers; nor for any Horses furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons 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 at the Time of claiming such Exemption; nor for Carts, Carriages, or Waggons travelling with Vagrants or Criminals under legal Passes; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or any other Exemption granted by this Act, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling, besides the Money of which the said Trustees or their Tacksmen have been defrauded.

Stores exempted.

XXXII. 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.

When Toll-bars may be erected.

XXXIII. Provided always, and be it enacted, That no Toll bars shall be erected, nor Tolls levied upon any of the said Roads to be made after the passing of this Act, until at least One Half of the Sum estimated for making such Road shall be subscribed and paid to a Treasurer appointed by the said Trustees in a General Meeting assembled, and not until sufficient Security be granted by responsible Persons, and such Security lodged with the Clerk and approved of by a General Meeting of the Trustees, that such Line of Road shall be completely made within a reasonable Time to be fixed by the Trustees, and not until One Half of the Road be completely made.

Tolls to be paid only Once in Six Miles.

XXXIV. Provided always, That if the said Trustees shall continue or erect Turnpikes within a less Distance of one another than Six Statute Miles, then any Person or Persons, upon producing a Ticket to shew that they have paid the said Tolls at one Gate, shall not pay any further Tolls or Duties till the Distance exceeds Six Statute Miles from the Gate at which they shall have paid; but such Exemption shall only take place in the Case of a Person or Persons continuing to travel on the same Line of Road, or any Branch thereof; and every Person or Persons travelling on different

Lines

Lines of Road, ſhall pay the Tolls and Duties by this Act impoſed at every Turnpike Gate through which he, ſhe, or they ſhall paſs, though the Diſtance be leſs than Six Statute Miles: Provided always, that it ſhall and may be lawful to and for the ſaid Truſtees to erect or cauſe to be erected a Toll-bar and Toll-houſe upon the Road from *Dundee* to the Confines of the County towards *Perth*, and upon the Road from *Montroſe* to the Ford or intended Bridge acroſs the River *North Eſk*, near to *Marykirk*, and upon the Road from *Montroſe* to the *Lower* or *Kinnaber* Bridge acroſs the ſaid River *North Eſk*, although none of theſe Lines are Six Miles in Length, declaring that only One Half of the Rates of Toll hereby eſtabliſhed ſhall be exacted upon either of the Two Lines of Road from *Dundee* to the Confines of the County, and from *Montroſe* to the Bridge near *Kinnaber*, and declaring that the Payment of Toll upon any of theſe Roads ſhall not exempt Travellers from paying at the Toll-bars on other Lines of Roads being under ſeparate Truſts.

Collectors to be competent Witneſſes.

XXXV. 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 the Authority of the ſaid Truſtees, ſhall not, by Reaſon thereof, be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

Owners Names to be painted on Waggons, &c.

XXXVI. And be it further enacted, That from and after the Firſt Day of *January* One thouſand eight hundred and eleven, in caſe the Owner of any Waggon, Wain, Cart, or other Carriage of that Deſcription, ſhall fail to have his Name and Place of Abode painted in legible Characters upon ſome conſpicuous Part of ſuch Waggon, Wain, or Cart, or where there are not Bridles and proper Halters or Leading Reins in the Head of each of the Horſes employed in the ſaid Waggons, Wains, or Carts, it ſhall, in both or either of theſe Caſes, be lawful for the ſaid Truſtees to order and direct the Tackſmen of the Tolls, or the Toll-gatherer or other Perſon employed to collect any of the Tolls or Duties leviable under this Act, and ſuch Tackſmen or Toll-gatherers are hereby expreſsly authoriſed 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, or where there are not Bridles, with proper Halters or Leading Reins, paſs through the ſame, Double the Tolls and Duties by this Act authoriſed 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 directed to be recovered and applied.

Puniſhing Toll-gatherers miſbehaving.

XXXVII. 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, or where each of the Horſes have not in their Heads Bridles, with proper Halters or Leading Reins, 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 authoriſed to be taken, he ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Carriages to keep to the near Side of the Road.

XXXVIII. And be it enacted, That if the Drivers of Carts or Carriages of any Kind, on meeting other Carriages upon any of the ſaid Roads, ſhall neglect or fail each of them to conduct the Carriage or Carriages they are ſeverally driving to their own Left Hands, or to hold to the near Side of the Road, and in the Caſe of a Carriage being overtaken by another, the Foremoſt ſhall keep to the Left Hand Side of the metalled Part of the Road, and the Carriage overtaking or paſſing ſhall keep to the Right Hand Side, and ſhall wait behind until there be a ſafe and proper Opportunity for paſſing, ſo as in every ſuch Occurrence the Carriages may paſs the more ſafely, without interfering with each other, every Driver or Drivers ſo offending, and being thereof lawfully convicted by the Oath of One or more credible Witneſs or Witneſſes, or by his or their own Confeſſion, before any One or more Juſtice or Juſtices of the Peace, at the Suit of the other Driver or Drivers, or of any other Perſon or Perſons, ſhall be adjudged to pay not only the Whole of the Damages and Expences ſuſtained, but alſo a Penalty not exceeding Twenty Shillings Sterling; and in caſe the ſaid Penalty, Damages, and Expences ſo adjudged ſhall not be inſtantly paid, the ſaid Juſtice or Juſtices is and are hereby empowered and required to commit ſuch Perſon or Perſons ſo convicted to the neareſt Priſon, there to remain for any Time not exceeding Fourteen Days, unleſs ſuch Penalty, Damages, and Expences ſhall be ſooner paid and ſatisfied.

Truſtees may lower the Tolls, and raiſe them again.

XXXIX. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, and they are hereby empowered to diminiſh or leſſen any or all the ſaid Tolls and Duties upon any One or more of the ſaid Roads, with Conſent of the Perſons entitled to Five Sixth Parts of the Money due thereon, and not otherways; and alſo to raiſe them again as they ſhall ſee Cauſe, ſo that the ſame do not exceed the Tolls and Duties granted by this Act.

Truſtees may let the Tolls;

XL. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, are hereby authoriſed and empowered, by public Roup, to let the ſaid Tolls or Duties upon each Line of Road reſpectively, in Whole or by Parcels, from Time to Time, during the Continuance of this Act, by Leaſe or otherwiſe, for any Term not exceeding Three 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 by the ſaid Truſtees.

And continue or erect a Toll Bar on the Bridge over the River Southeſk.

XLI. And whereas, in purſuance of the ſaid recited Act of the Thirty-fourth Year of the Reign of His preſent Majeſty, a Bridge has been built over the River *Southeſk* near *Finhaven*, and a conſiderable Expence has been incurred in building the ſame; be it enacted, That it ſhall and may be lawful for the ſaid Truſtees to erect, or continue, or cauſe to be erected or continued, a Toll Bar upon or near the ſaid Bridge, and to demand or take a Duty or Pontage in the Nature of a Toll, to be paid before any Paſſage over the ſaid Bridge ſhall be permitted; which Toll ſhall be the ſame and equal with the Rates mentioned in this Act for paſſing

passing through any other Turnpike, but shall not entitle the Person passing the Bridge to pass free at the next Toll, though within Six Miles; and which said Toll, Duty, or Pontage, by this Act granted, shall be, and is hereby made subject and liable to the Payment of all Sums of Money now due and owing for building the said Bridge, and the Interest due and to become due thereon.

To be under the same Regulations as any other Turnpike;

XLII. And be it enacted, That the said Toll Bar shall be regulated in the same Manner as any other Turnpike under this Act; and all concerned shall be liable in the same Penalties, and subject to all the other Clauses in this Act contained.

and the Toll to continue until the Expence is paid.

XLIII. And be it further enacted, That the said Toll shall continue upon the said Bridge until such Time as the whole Expence for erecting the same, and the Interest of the Money borrowed for that Purpose, shall be paid.

Fords to be shut up to prevent evading Tolls on Bridge.

XLIV. And, for preventing the evading of the Tolls and Pontage granted by this Act, be it further enacted, That it shall and may be lawful for the said Trustees, at a General Meeting assembled, or such Person or Persons as they shall appoint, to destroy or shut up any Ford or Fords across the River *Southesk*, as they shall think necessary, to prevent the Evasion of the said Tolls and Pontage; any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that nothing in this Act contained shall extend to empower the said Trustees to stop up any Ford at any greater Distance than One Mile and an Half according to the Course of the River, above or below the said Bridge.

Trustees may borrow Money.

XLV. And, for the more effectual and speedy Reparation of the said Roads be it enacted, That it shall and may be lawful to and for the said Trustees, at a General Meeting assembled (which Meeting shall be called by public Advertisement and Notice, to be inserted in One Newspaper published in the said County, or in Three *Edinburgh* Newspapers, One Month at the least previous to the Meeting), to borrow any Sum or Sums of Money as to them shall seem fit: Provided always, that One Half of the Proceeds of the Tolls shall (in Preference to any Payment of Interest) be applied in repairing and keeping the Roads in Repair, unless General Meetings of the Trustees shall, from Year to Year, authorize any Part of that Half of the Tolls to be applied towards paying Interest, or towards liquidating the Debts, which Money so borrowed shall be applied and disposed of for repairing the said Roads, and erecting the Turnpikes and Toll-houses on the said Roads, by virtue of this Act, or defraying the other Expences of carrying this Act into Execution, and for no other Use or Purpose whatsoever.

On paying off Money, may borrow a gain

XLVI. Provided always, and be it further enacted and declared, That if at any Time the principal Monies to be borrowed as aforesaid, or any Part thereof, shall be paid off, it shall be lawful for the said Trustees, from Time to Time, at any of their General Meetings, called by Advertisement and Notice as next before mentioned, to borrow again any Sum or Sums of Money in like Manner as aforesaid.

Trustees may assign Tolls.

XLVII. And be it enacted, That the said Trustees, at a General Meeting assembled, are hereby empowered to assign and make over the whole

whole Free Tolls and Duties by this Act impoſed, after deducting the Sums neceſſary for keeping the Roads in Repair, to the Perſon or Perſons from whom the Money as aforeſaid ſhall be ſo borrowed, as a Security for Payment of the Sum or Sums of Money ſo lent by them, with the Intereſt thereupon; and the Aſſignment of the Tolls for all and any Sum of Money ſo borrowed, ſhall be entered in a Book to be kept by the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall appoint; which Book ſhall be ſeen and peruſed at all reaſonable Times by any Perſon or Perſons, without Fee or Reward; and the Bonds and Securities ſo to be granted by the ſaid Truſtees ſhall and may be transferable from One Perſon to another by Indorſement, duly ſubſcribed by the Party transfering, in the Preſence of Two ſubſcribing Witneſſes.

Aſſignments to be entered in a Book.

Truſtees not perſonally liable.

XLVIII. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge or ſubject the ſaid Truſtees, or any Perſons appointed to receive the ſaid Money ſo to be borrowed as aforeſaid, or any Part thereof, to any Payment of the ſame, by reaſon of their or any of their ſigning of the ſaid Entries, or ſigning ſuch Mortgages or Aſſignments, or any or either of them.

Money ſubſcribed not to be demanded till Tolls ſufficient to repair Roads and pay Intereſt.

XLIX. And be it enacted, That no Intereſt ſhall be paid on the Money ſubſcribed towards making and repairing the ſaid Roads, nor ſhall the Principal Sums be demanded, till the Produce of the Tolls and Duties be, in the Opinion of the ſaid Truſtees at a General Meeting aſſembled, ſufficient to defray the Expence of Repairs and other neceſſary Charges on the ſaid Roads, and to pay the Intereſt on the Debts which have been or may be incurred, and for which the Truſtees or any Quorum or more of them have, at the Time the Debts were incurred, granted or may hereafter for future Sums grant Bonds, interpoſing their perſonal Credit for the Security of the Lenders; and that when it ſhall appear to the ſaid Truſtees, at a General Meeting aſſembled, that the Produce of the Tolls and Duties is ſufficient for theſe Purpoſes, and alſo ſufficient for Payment of Intereſt upon the Sums ſubſcribed, it ſhall and may be lawful for them to apply ſuch Part of the Produce of the Tolls and Duties as they ſhall judge expedient in Payment of the Sums ſubſcribed and Intereſt thereof, from the reſpective Periods at which they may have been advanced.

Money ſubſcribed to be a Lien on the Tolls.

L. And be it enacted, That all Sums of Money which, ſince the Commencement of the ſaid recited Acts, have been voluntarily ſubſcribed and paid by Individuals, and expended in making or repairing any Part or Parts of the ſaid Roads, and which ſhall be proved to a General Meeting to have been ſo ſubſcribed, paid, and expended, ſhall be and continue a Lien upon the Tolls and Duties by this Act granted; and it ſhall be lawful to the ſaid Truſtees, and they are hereby empowered to aſſign the ſaid Tolls and Duties hereby granted to the Perſon or Perſons who ſhall have ſo ſubſcribed, paid, and expended ſuch Sum or Sums of Money, as a Security for the Repayment of ſuch Sum or Sums, with the legal Intereſt thereon, from the Time of their being ſo ſubſcribed, paid, and expended till Repayment; declaring always, that notwithſtanding ſuch Aſſignments, the Repayment of ſuch Sums ſo ſubſcribed, paid, and expended, ſhall, in ſo far as regards Sums ſubſcribed by Truſtees, or others, be poſtponed until the Repayment of any Sum or Sums of Money to be borrowed in

virtue

virtue of the Powers of this Act; but that such Person or Persons who have interposed their Credit by having subscribed, and granted their personal Bonds, and thereby become Sureties for Money borrowed, shall remain secured *pari passu* with those who shall lend or become Sureties for Money to be borrowed for the Purposes of this Act, in Time coming, and that only the Subscription Monies shall be postponed: Provided always, that nothing in this Act contained shall affect or be construed to affect a Submission and Reference entered into by the Trustees on the *Cupar* and *Dundee* Districts of Roads to *Archibald Campbell*, formerly of *Clathick*, now *Archibald Colquhoun*, Lord Advocate of *Scotland*, dated the Twenty-eighth *July* and First *August* One thousand eight hundred and one, and prorogated from Time to Time, nor the Claims and Matters thereby submitted and referred.

Trustees to make Roads.

LI. And be it further enacted, That the said Trustees, in General Meeting assembled, shall and they are hereby authorized to cause the aforesaid Roads to be amended, widened, and repaired in such Manner as they shall think proper, and to settle the Direction of any of the said Roads, and to make or cause to be made Causeways, and to cut and make Drains, Ditches, or Trenches through any Grounds lying contiguous to the said Roads, and to make Passages for the Water where it shall be found necessary from such Ditches or Trenches through the Ground of any adjacent Proprietor; and also to keep clear such Drains, Ditches, Passages, or Outlets, and the Workmen authorized by them may go upon the said Lands for that Purpose: Provided always, that reasonable Satisfaction be made to the Owner or Occupier of such Lands for the Damage to be done thereby; and if the said Owner or Occupier shall not be satisfied with the Allowance offered by the said Trustees, he shall be at Liberty to apply to the Quarter Sessions, who shall have Power finally to settle the same.

Proprietors to keep Drains open.

Trustees not to deviate more than 100 Yards from the Line described in the Plan.

LII. And whereas a Map or Plan describing the Line of the said new Roads and the Lands through which the same leads, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Forfar*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Road, shall not deviate more than One hundred Yards of Three Feet each, from the Line described in the said Map or Plan, without the Consent and Approbation in Writing, of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Roads.

LIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road in, to, through, across, or over the several Lands or Grounds of any Person or

Persons

Persons who is or are or may be Owner or Owners of Land, over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Forfar*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to erect Arches and Bridges; or pull down old ones.

LIV. And be it further enacted, That the said Trustees at a General Meeting assembled, shall and are hereby authorized and empowered to cause new Arches and Bridges of Stone, Brick, or Timber, to be made and erected upon the said Roads; and any old Bridges which may become useless or unnecessary, by changing the Course of the Roads, or otherwise, to be pulled down, and the Materials thereof to be applied in building new Arches, or for repairing the said Roads, as they shall see proper; and also to cause such Parts of the said Roads as are not of a sufficient Breadth, to be widened and made of such Breadth as they shall think proper, not exceeding Forty Feet, free of Ditches; and also to cause the Course of such Part or Parts of the said Roads as they shall think proper to be changed or altered for shortening the same, or for making them more accessible; and to carry the same through and over such Grounds and Fences as to the said Trustees may appear most proper, accessible and convenient; and along or through any Bye or other Roads which may be more convenient than the old Course of any of the said Roads; in which Case the said Bye Road, as far as it is joined by any of the said Roads, shall be considered as Part of them; and for these Purposes, if necessary, to cause remove Fences or pull down any Houses, the Side Walls of which are not more than Twelve Feet high, upon giving the Occupiers of such Houses legal Notice or Intimation of Removal; and the Road so altered shall from thenceforth be deemed and taken to be a publick Highway, and shall be repaired and amended and kept in Repair in the same Manner as the Roads directed to be repaired by this present Act.

May widen Roads not exceeding 40 Feet.

May alter Roads and pull down Houses.

Land taken for Roads not to diminish the valued Rent.

LV. Provided always, and be it declared, That in every Case where Grounds have been or shall be taken under the said Acts or this Act, as therein and herein allowed, for the Purposes of making new Lines of Road, the same shall not affect, alter, or diminish, the valued Rent of the Lands from which such Grounds have been or shall be so taken.

Sheriff to summon a Jury for fixing the Value of Land, Houses, &c. necessary for altering or widening Roads;

LVI. And be it further enacted, That in altering or widening the said Roads, or in making such new Course of the Roads, or such Roads of Communication or in pulling down any House or Houses, or Part or Parts of any House or Houses, by the Authority of this Act, in case no Agreement shall have been made with the Owner or Owners, Occupier or Occupiers of the Lands where the Roads are to be so altered, or widened, or such new Course of Roads made, or whose Fences are to be altered or removed, or with the Owner or Owners, Occupier or Occupiers of any House or Houses, or Part or Parts of any House or Houses, which are to be pulled down, Application shall be made to the Sheriff Depute, or his Substitute, to summon a Jury, in order to value the Ground necessary to be taken and used, or Houses necessary to be pulled down, and the Loss or Damage ensuing from the altering or removing of Fences; and the said Sheriff Depute, or his Sub-

ſtitute, is hereby impowered and required, upon ſuch Application, to order Intimation thereof to be made to the Owner or Owners, Occupier or Occupiers of ſuch Ground or Houſes, and afterwards to iſſue a Summons in the uſual Manner for calling together and impannelling a Jury, to conſiſt of Fifteen Perſons in Number, to examine into, and after ſuch Examination to return a Verdict upon Oath as to the Value of ſuch Lands, Fences, or Houſes; and in making up their Verdict to be pronounced as herein directed, and in eſtimating the Sums to be paid to the Owners or Occupiers of Lands or Houſes as aforeſaid, the ſaid Jury ſhall be, and they are hereby empowered, to take under their Conſideration all Circumſtances, with the Advantages or Diſadvantages ariſing to ſuch Owners, Occupiers, or Property, by the making of the new Roads; and, after a Verdict is pronounced as aforeſaid, the ſaid Sheriff Depute, or his Subſtitute, is hereby required to adjudge Payment of the Value and Amount of the Loſs or Damage ſo aſcertained to the Owner or Owners, Occupier or Occupiers thereof; and upon Payment being made by the ſaid Truſtees out of the Money collected by the Tolls impoſed by virtue of this Act of the Sum awarded to the Party or Parties intereſted, or Conſignation of the ſaid Sum in the Hands of the Sheriff Clerk of the County, the ſaid Truſtees ſhall from thenceforth be at Liberty to take and uſe the Ground, and to pull down the Houſes or Fences ſo valued, for the Purpoſe of altering, widening, and extending the Highways aforeſaid, and making ſuch new Courſe of Roads, and Roads of Communication, as fully and effectually ever after, to all Intents and Purpoſes, as if the Owner or Owners of ſuch Grounds had executed regular Diſpoſitions of the ſame, and thereupon Infeftments had followed; and the ſaid Proceedings and Orders of the Sheriff Depute, or his Subſtitute, ſhall be final, and not removeable or queſtionable by Bills or Letters of Advocation or Suſpenſion to or by any other Court whatſoever; any Law or Uſage to the contrary notwithſtanding.

and to adjudge Payment to the Owners;

upon which to become the Property of Truſtees.

LVII. And be it further enacted, That in altering the Courſe of the ſaid Roads, or widening the ſame, and making new ones by virtue of this Act, it ſhall be in the Power of the ſaid Truſtees, to make the ſame through any Miniſter's Glebe, provided always that Damages are paid to the Miniſter or Miniſters, and that ſuch Quantity of Ground ſhall be added to the Glebe lying moſt contiguous and convenient thereto, as ſhall be deemed a ſufficient Compenſation for that taken for the ſaid Roads, which the ſaid Truſtees ſhall have Power to purchaſe from the contiguous Owner or Owners, Occupier or Occupiers of Land; and in caſe of any Difference with regard to the Damages to be paid to ſuch Miniſter or Miniſters, or the Addition to be made to ſuch Glebe, or the Price to be paid to ſuch Owner or Owners, Occupier or Occupiers of Land, Application ſhall be made to the Sheriff Depute of the ſaid County, or his Subſtitute, who ſhall proceed to ſummon a Jury, and to determine and adjudge the Amount thereof in Manner as herein-before in ſimilar Caſes is directed; and upon Payment being made by the ſaid Truſtees of ſuch Damages to the Miniſter or Miniſters, and of ſuch Price to the Owner or Owners, Occupier or Occupiers of Land, or Conſignation thereof in the Hands of the Sheriff Clerk of the County, the ſaid Truſtees ſhall from thenceforth have Right to be at Liberty to take and uſe that Part of the Glebe for the Purpoſe of altering or widening the ſaid Roads, or making new ones by virtue of this Act, fully and effectually ever after to all Intents and Purpoſes; and the

Roads may be altered and widened through Miniſter's Glebe.

Proceedings and Order of the ſaid Sheriff Depute, or his Subſtitute, ſhall be final and concluſive.

Incapacitated Perſons empowered to ſell.

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

Satisfaction to be made.

LIX. And be it further enacted, That the ſaid Truſtees ſhall be obliged to ſatisfy and pay the Proprietors, or Owners and Occupiers, and other Perſons intereſted in any Lands, Tenements, Houſes or Heritages, required for the Purpoſes of this Act, the Value thereof, and of the Damages done, as ſhall be agreed upon between the ſaid Truſtees and ſuch Proprietor or Proprietors, Occupier or Occupiers, and other Perſons intereſted therein; and in the Event that they cannot agree, then the ſaid Truſtees ſhall be obliged to pay ſuch Sum or Sums of Money, as ſhall be awarded by a Jury of Fifteen Perſons ſummoned and choſen by the Sheriff of the County wherein ſuch Lands, Tenements, Houſes or Heritages ſhall be ſituated, in ſuch Manner as Juries are ſummoned and choſen by Sheriffs of Counties in *Scotland*, whoſe Determination is hereby declared to be final, without being ſubject to Advocation, Suſpenſion, or Reduction; and the Sheriff Depute of ſuch County or his Subſtitute, upon the Petition of either Party, ſetting forth the Circumſtances of the Caſe, is hereby required within a reaſonable Time thereafter, to ſummon and chooſe ſuch Jury; and in the Event that no Compenſation ſhall have been offered by the ſaid Truſtees, or if ſuch Jury ſhall award a greater Sum than ſhall have been offered by the ſaid Truſtees, the Expence of ſuch Jury ſhall be borne by the ſaid Truſtees, and in the Event that ſuch Jury ſhall award either the ſame or a leſs Sum than ſhall have been offered by the ſaid Truſtees, the Whole of the ſaid Expences ſhall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence be prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees: And provided alſo, that after having offered to the Owner or Owners, Occupier or Occupiers of any Lands or Houſes ſuch Sum as the ſaid Truſtees ſhall think reaſonable, it ſhall and may be lawful for them to enter into or upon ſuch Lands or Houſes for the Purpoſes of this Act, and no Stop ſhall in the mean Time be put to the Operations of the ſaid Truſtees on Preſence of ſettling the ſaid Damage, or that they have not been ſatisfied and paid; and in caſe any Perſon intereſted ſhall apply for and obtain from any Judge competent, a Warrant for ſtopping the Execution of any of the Purpoſes to be carried on under the Authority of this Act, the ſaid Judge ſhall be and is hereby empowered and directed to recall ſuch Warrant, or remove any Siſt obtained as aforeſaid, provided ſufficient Caution ſhall be found by the

Expences of Jury by whom to be paid.

Truſtees

Truſtees therein named for the Amount of ſuch Damages as may ultimately be awarded to the Perſon ſuing for the ſame, and aſcertained in Manner herein preſcribed.

Money payable to Perſons under Entail or Diſability, how to be diſpoſed of. If 200*l.* and upwards.

LX. And be it enacted, That whatever Money ſhall be paid as aforeſaid for Lands, Tenements, Houſes, or other Heretages ſo taken or uſed by the ſaid Truſtees, which were held under Entail, or ſubject to Life-rent Annuities or other Incumbrances, or belonging to any Corporation, married Woman, Minor, Lunatic, Idiot, or other Perſon under legal Diſability or Incapacity, ſuch Money, in caſe the ſame amount to Two hundred Pounds or upwards, ſhall be under the Authority and Direction of the Court of Seſſion, and ſhall without Delay be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or ſuch other Bank as the Court ſhall direct, upon the higheſt Intereſt that can be got, in order that it may be applied, with the Approbation and by the Authority of the ſaid Court, in the Purchaſe of Land Tax, or in the Diſcharge of any Debt or Incumbrance affecting the ſaid Lands, Houſes, or other Subjects, or affecting other Lands, Houſes, or Subjects belonging to the ſame Perſons, and ſettled to the ſame or like Uſes, or under the like Conditions and Limitations; and when ſuch Money cannot be applied to theſe or like Purpoſes, then the ſame ſhall be laid out in the Purchaſe or on the Security of other Lands, Houſes, and Subjects of the like Nature, and the Rights and Titles thereof ſhall be deviſed to the ſame Perſon or Perſons, or for their Benefit, to the ſame Series of Heirs, for the ſame Uſes and Purpoſes, and under the ſame Proviſions, Conditions, and Limitations, as the Lands, Houſes, and other Subjects taken and uſed for the Purpoſes of this Act, were deviſed and ſettled, or ſuch of them as ſhall be then exiſting and capable of taking Effect; and in the mean Time, until ſuch Purchaſe or Security can be effected, the Intereſt of ſuch Money ſhall be paid, by Authority of the ſaid Court, to the Perſon or Perſons who for the Time being would have been entitled to the Rents and Profits of the Lands, Houſes, or other Subjects ſo taken and uſed by the ſaid Truſtees.

If leſs than 200*l.* and above 20*l.*

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

If leſs than 20*l.*

LXII. 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,

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.

LXIII. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Houſes, or other Subjects, purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Houſes, or other Subjects, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Two or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be p id into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Houſes, or other Subjects (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order the Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Banks as aforeſaid.

Purchaſe Money to be paid into the Bank;

ſubject to the Order of the Court of Seſſion.

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

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

The Court may order reaſonable

LXV. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation,

entitled to any Lands, Houſes, or other Subjects, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Houſes, or other Subjects, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes, from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch 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.

Expences of Purchaſes to be paid by Truſtees.

LXVI. And be it further enacted, That all Lands and Houſes which may be acquired by the ſaid Truſtees in purſuance of this Act, ſhall be veſted in the ſaid Truſtees by the ſimple Diſcharge for the agreed Price or appraiſed Value thereof, or by Conſignation of the ſaid Price or Value (in caſe of the Abſence or Refuſal of the Perſon or Perſons entitled thereto) in the Bank of *Scotland*, or Royal Bank thereof; and it ſhall be ſufficient to record the Diſcharge, or the Voucher of the Conſignation, in the Sheriff Court Books of the ſaid County, whereupon the Truſtees ſhall be entitled to take and uſe the ſaid Lands and Houſes, and ſhall hold the ſame as validly and effectually, to all Intents and Purpoſes, as if the reſpective Owners thereof had executed in their Favour regular Diſpoſitions of the ſame, and Infeftments had followed thereupon.

How Lands to be veſted in the Truſtees.

LXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, in General Meeting aſſembled, to build Fences, and, with the Concurrence of Two Juſtices of the Peace of the ſaid County, to ſhut up and ſuppreſs any Roads within the ſaid County that appear uſeleſs or of little Importance to the Public; provided always, that Notice of the Reſolution to ſhut up any ſuch Road, be given by Advertiſement affixed to the Doors of the Churches of the Pariſhes through which the ſaid Road paſſes, and by having the ſame read over the Clerk or Precentor's Deſk immediately at diſſolving of the Congregation, for Two conſecutive *Sundays*, One Month at leaſt before the ſaid Road ſhall be actually ſhut up; and that any Perſon or Perſons who ſhall think himſelf or themſelves aggrieved by ſuch Reſolution, may apply to the Sheriff of the County, or his Subſtitute, who, if he ſees Cauſe, is hereby empowered to ſuſpend the Execution thereof until the next General Meeting of the Truſtees, who ſhall determine therein, ſubject to Appeal to the Quarter Seſſions as herein mentioned.

Uſeleſs Roads to be ſhut up.

LXVIII. And be it further enacted, That in caſe the Courſe of any of the ſaid Roads ſhall be altered as aforeſaid, the ſaid Truſtees as aforeſaid ſhall, and they are hereby authorized and impowered, as ſoon as the ſaid New Road ſhall be completed, and made paſſable and convenient for Carriages, to value by a Jury as aforeſaid, and to diſpoſe of and ſell the Grounds compriſed in or through which the old or former Road did lead; and the Money ariſing from ſuch Sale ſhall be applied and diſpoſed of for the mending the ſaid Roads; and the Sale and Conveyance or Conveyances to be made of ſuch Lands and Grounds compriſed in the ſaid Old Road being executed by the ſaid Truſtees, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever: Provided always, and be it enacted, that the ſaid Power ſhall only extend to and be exerciſed in the

Old Roads to be ſold.

Cases when the said Old Road can be shut up and suppreſt without Inconvenience, and is declared uſeleſs, according to the Forms herein-before mentioned and preſcribed.

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

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

Truſtees may take Materials, &c. on paying Damage.

LXX. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, or ſuch Perſon or Perſons as they ſhall appoint, may dig, gather, take, and carry away Gravel, Furze, Heath, Stones, or other ſuch like Materials, out of the ſeveral Grounds of any Perſon where ſuch Materials may be found, not being dug or raiſed for the private Uſe of the Proprietors of ſuch Grounds, for making, repairing, and amending the ſaid Roads, or for building Arches and Bridges as aforeſaid; and to open Acceſſes for carrying off the ſaid Materials, ſuch Acceſſes, and the Places from which the ſaid Materials ſhall be propoſed to be taken, being firſt marked out by any Three or more of the ſaid Truſtees, if ſo required, by the ſaid Proprietor of ſuch Grounds, or his or her Factor, or by the Occupier thereof, they the ſaid Truſtees making reaſonable Satisfaction, out of the Money ariſing by virtue of this Act, to the Owners or Occupiers of the Grounds reſpectively from which ſuch Materials ſhall be taken, or over which the ſame may be carried, for the Damages to be done thereby; but if ſuch Proprietor, Factor, or Occupier ſhall not be ſatisfied with the Compenſation offered by the ſaid Truſtees, the ſame

ſhall

ſhall be aſcertained by a Jury, to be impannelled by the Sheriff-depute, or his Subſtitute, in the ſame Manner as herein-before directed for determining the Value of the Houſes or Fences found neceſſary to be pulled down, or Ground to be taken, for altering or widening the ſaid Roads, or for valuing the old Roads, which Proceedings ſhall, in like Manner, be final; but ſuch Application ſhall not prevent the ſaid Truſtees from cauſing ſaid Materials to be carried off and uſed in the mean Time; and in caſe the ſaid Jury ſhall find that the Compenſation which had been offered by the ſaid Truſtees to the Perſon or Perſons applying to the Sheriff was adequate to the Damages they may have ſuſtained, then and in that Caſe ſuch Perſon or Perſons ſhall be liable in Payment to the Truſtees of ſuch a Sum in lieu of Coſts, as the ſaid Jury ſhall judge reaſonable.

No Houſe, above 12 Feet high, or Garden, &c. to be prejudiced.

LXXI. Provided always, That in altering, widening, or making the Roads aforeſaid, or in digging or taking away the aforeſaid Materials, nothing ſhall be done that may any way prejudice any Houſe or Building, the Side-walls of which are above Twelve Feet high; or any Garden, Orchard, or planted Walk, Lawn, or Pleaſure-grounds, appertaining and adjoining to ſuch Houſe.

Materials not to be taken until Notice given.

LXXII. And be it enacted, That it ſhall not be lawful for the ſaid Truſtees, or any Surveyor or other Officer appointed by them under the Authority of this Act, to dig, gather, take, or carry away Gravel, Furze, Heath, Stones, or other ſuch like Materials, or to take or ſet apart any Pieces or Parcels of Ground, to and for the Uſe of the ſaid Roads and Bridges, from any Lands and Grounds that may be incloſed, until Notice in Writing ſhall have been given to the Owners or Occupiers of the Premiſes from which ſuch Materials or Pieces or Parcels of Land are intended to be taken and ſet apart, or left for ſuch Owners or Occupiers at their uſual Places of Reſidence, to appear before the ſaid Truſtees, or any Seven or more of them, or any Two Juſtices of the Peace acting in and for the ſaid County of *Forfar*, to ſhew Cauſe why ſuch Materials, or Pieces or Parcels of Land ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owners or Occupiers ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or ſuch Juſtices, ſhall, if they think fit, authorize ſuch Surveyor or other Perſon or Perſons to dig, gather, carry away, and ſet apart ſuch Materials, and ſuch Pieces and Parcels of Lands at ſuch Time or Times as to ſuch Truſtees, or to ſuch Juſtices, ſhall ſeem proper; and if ſuch Owners or Occupiers ſhall neglect or refuſe to attend by themſelves or their Agents, the ſaid Truſtees, 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 Owners or Occupiers, or their Agents, had attended.

Repoſitories for Stone, &c.

LXXIII. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby empowered to rent any Piece or Pieces of Land or Ground on the Sides of the ſaid Roads, as Repoſitories for Stone, Gravel, and other Materials for repairing the ſame.

Poſſeſſors to clear Ditches made by them.

LXXIV. And be it further enacted, That where any Ditches have been, or in Time to come ſhall be made, near the Sides of the ſaid Roads, or through any Fields adjoining to any of the ſaid Roads, by the Proprietors or Occupiers of the ſaid Fields, then ſuch Proprietors or Occupiers ſhall and are hereby required to keep thoſe Ditches properly ſcoured, and not to allow the Water to ſtagnate therein; and in caſe of their failing ſo to do, after Ten Days Notice previouſly given, the Overſeers of the ſaid

Roads, being ſo ordered by any one of the ſaid Truſtees, may and are hereby required to order ſuch Ditches to be cleanſed, opened, and ſcoured at the Coſts and Expences of the Proprietors or Occupiers of the Fields through which thoſe Ditches ſhall be made; and upon their refuſing Payment of ſuch Coſts and Expences, it ſhall and may be lawful for the Juſtices of Peace for the ſaid County, or any Two or more of them, or the Sheriff-depute, or his Subſtitute, to levy ſuch Coſts and Expences, by Diſtreſs and Sale, in the ſame Manner as is herein-before directed for levying the Tolls and Duties granted by this Act: Provided always, that the Ditches and Drains which ſhall be made by Order of the ſaid Truſtees ſhall be ſcoured and kept in Repair out of the Money ariſing by virtue of this Act; and if any Proprietor or Occupier of Land, through which any ſuch Ditches or Drains are or ſhall be made, ſhall obſtruct or fill up any of them, the Perſon or Perſons ſo offending ſhall forfeit and pay Triple the Expence of repairing and ſcouring the ſame, and the ſaid Proprietor or Occupier ſhall be deemed the Tranſgreſſor, unleſs it ſhall be proved that the Tranſgreſſion was committed by ſome other Perſon; and where any Paſſage for Cattle or Carriages acroſs any Road, for the Convenience of the Occupier of the Ground through which it paſſes, ſhall be made, the Occupier of ſuch Ground ſhall always cover the Drains croſſing the Sides of ſuch Road with ſufficient Stones, in ſuch Manner as the Courſe of the Water in the Drains may not be interrupted, or the Roads thereby prejudiced: Provided always, that no Occupier of Land ſhall turn any Water upon the Side of any of the ſaid Roads, nor conduct any Water acroſs any of the ſaid Roads, for the meliorating of his Fields or other Purpoſes, until he ſhall have applied for and obtained the Conſent of the ſaid Truſtees in General Meeting aſſembled; and every ſuch Occupier ſhall be obliged to carry the Water acroſs the Road in a covered Drain, of ſuch Depth and Conſtruction as that the Water may not prejudice the Road.

Ditches and Drains made by Truſtees to be ſcoured at public Expence.

Water carried acroſs any Road, Manner thereof.

Notice to be given of new Incloſures upon Sides of Roads to Truſtees.

LXXV. And be it further enacted, That where the Lands on one Side, or on both Sides, of any Part or Parts of any the ſaid Roads, are not incloſed, the Proprietor or Occupier of ſuch Lands ſhall not make Incloſures along the Sides of the Road, without giving at leaſt Six Months previous Notice to the ſaid Truſtees; and if he fail ſo to do, he ſhall not be entitled to any Compenſation for the Expence of the Incloſures, in caſe the ſaid Truſtees ſhall at any future Time think it neceſſary to demoliſh the ſame for the Purpoſe of widening the Road; and that the ſaid Notice ſhall be given to the Truſtees by a Letter addreſſed to their Clerk at *Forfar*, who ſhall lay the ſame before the next General or adjourned General Meeting; and the ſaid Meetings are hereby required to inſert a Copy of the ſaid Letter in their Minutes,

Penalty for riding on Foot Paths.

LXXVI. And be it enacted, That if any Perſon ſhall ride or drive any Carriage upon the Paths made, or which may be made along the Sides of any of the ſaid Roads 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 Twenty Shillings Sterling.

Poſſeſſors to lop up the Trees and Hedges on Sides of Roads.

LXXVII. And be it further enacted, That where the Ground on the Side of any of the ſaid Roads is incloſed or planted, the Proprietor or Occupier of ſuch Ground, on each Side, ſhall be obliged to lop up the Trees and Hedges in a proper Manner, ſo as to give ſufficient Breadth and Air

to

to such Road; and in case they neglect so to do for Six Months after being required by an Order of any Three or more of the said Trustees, properly intimated to them, the said Trustees shall have Power to appoint the same to be done, on the Defaulter's Expence, at such Seasons of the Year as are proper for doing the same; but in the Case of Hedges being lopped by Order of the said Trustees, they shall not be cut lower than Two Feet from the Ground, if they be upon a Dike, or Four Feet from the Ground where the Hedge is not upon a Dike.

Penalty on breaking down Gates.

LXXVIII. And be it further enacted, That if any Person or Persons shall maliciously break down, pull down, or otherwise destroy any Turnpike Gates, Posts, Chains, Bars, or other Works whatsoever, or the Houses erected for the Use of such Turnpikes, or shall rescue any Person in Custody for any of the said Offences, every Person or Persons so offending in any of the Premises, and being thereof lawfully convicted in any Prosecution ordered by the said Trustees, in a General Meeting assembled, by the Oath of One or more credible Witness or Witnesses, before the Sheriff, or any Two or more of the Justices of the Peace of the said County, such Person or Persons so offending shall be condemned to pay any Sum, not exceeding Triple the Damages sustained by the said Trustees, and to be imprisoned for any Time not exceeding One Calendar Month, and thereafter until the Damages awarded shall be paid; and if any such Person shall offend a Second Time, and be thereof convicted as aforesaid, it shall be lawful to and for the Sheriff, or any Two or more Justices of the Peace for the said County, to condemn such Person or Persons to pay any Sum not exceeding Triple the Damages sustained by the said Trustees, and to be imprisoned for any Time not exceeding Six Calendar Months, and thereafter until the Damages awarded shall be paid.

Trustees may erect Mile Stones, &c.

LXXIX. And be it further enacted, That the said Trustees, or any Three or more of them, may cause any of the said Roads to be measured, and Stones or Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient; and also to order, or cause to be erected, Guide Posts, upon such Part of the said Roads where the Roads are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall break down, destroy, or deface any such Mile Stones or Guide Posts, or shall break down any Cape Stones on the Ledges or Parapet Walls on the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made as before directed, or shall be aiding and assisting therein, or shall rescue any Person apprehended for any such Offence, every Person offending in any of the Cases aforesaid, and being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses, before the Sheriff Depute of the said County, or his Substitute, or before Two or more Justices of the Peace for the said County, shall be not only adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds; and in case the said Penalty, Damages, and Expences, so adjudged, shall not be instantly paid, or sufficient Security given for the same, the said Sheriff or Justices are hereby empowered and required to commit such Person or Persons so convicted to Prison for any Term not exceeding Three Calendar Months.

Penalty on defacing these Stones, &c.
For breaking Parapet Walls or Bridges.

Truſtees to aſcertain Quotas of Roads.

LXXX. And be it further enacted, That where it may happen that the Tolls of Two or more Lines of Road are collected at One Gate, the ſaid Truſtees at a General Meeting aſſembled ſhall and they are hereby required to aſcertain the Quota or Quotas to be applied towards repairing and keeping in Repair each of the ſaid ſeveral Roads and the Bridges thereupon.

Truſtees may appoint a Committee to ſuperintend the Repair of the Roads;

but accountable to General Meeting.

LXXXI. And be it further enacted, That the ſaid Truſtees, in General Meeting aſſembled, may authoriſe and appoint, from Time to Time, as many of their own Number as they ſhall think proper, to ſuperintend and direct the Repair or keeping in Repair of any of the ſaid Lines of Road, or Parts of the ſame; which ſaid Truſtees ſo appointed are hereby authoriſed and impowered to give ſuch Orders and Directions for the Repair of the ſaid Roads as to any Three or more of them, at a General Meeting aſſembled for that Purpoſe, ſhall ſeem reaſonable, for the more effectually carrying this Act into Execution; but the ſaid Truſtees ſo appointed ſhall be accountable to the General Meeting, and for effectuating that Purpoſe, all Committees of Truſtees appointed to the Management of particular Turnpike Roads ſhall, at the Annual General Meeting by this Act appointed to be held on the ſame Day on which the Commiſſioners meet for aſſeſſing the Land Tax, lay before the ſaid Meeting a full and particular State of their Accounts, and all other their Tranſactions, to be by the ſaid General Meeting examined, audited, and approved; and in caſe of Failure or Neglect, the Clerk of the General Meeting ſhall, and he is hereby required to apply to the Sheriff Depute, or his Subſtitute, of the County, who ſhall grant Warrant for ſummoning the Clerk of the Committee ſo failing, or other Perſon or Perſons to whom the ſaid Failure or Neglect is imputed, and on Proof thereof, ſhall fine him and them in a Sum not exceeding Ten Pounds Sterling, to be paid to the ſaid Truſtees, and to be applied by them to the Repair of the ſaid Roads; and the Proſecutor ſhall yearly report to the Firſt adjourned General Meeting after the Thirtieth Day of *April* the Iſſue of ſuch Proſecutions; and the Committees of Truſtees upon all or any particular Lines of Road ſhall be, and they are hereby prohibited from applying any Part of the Toll-money collected for the Payment or Part Payment of the Intereſt of Money due to or advanced by the ſaid Truſtees, until the State of their Accounts for the preceding Year be rendered to a ſtated General Meeting, or an adjourned General Meeting, and Authority given by any ſuch Meeting for the Payment of ſuch Intereſt.

Truſtees to keep exact Account in each Diſtrict; open to Inſpection.

LXXXII. And be it further enacted, That the ſaid Truſtees for the ſaid Roads ſhall keep an exact Account of the Money received by virtue of this Act in their reſpective Diviſions, and the Application thereof, and all other their Proceedings, to which Books all Heritors of One hundred Pounds *Scots* valued Rent of the County of *Forfar*, and Magiſtrates of Royal Burghs, ſhall at all reaſonable Times be at Liberty to reſort, and to inſpect the ſame without any Fee or Reward.

Penalty on miſapplying Money;

at the Suit of any Three o more Heritors.

LXXXIII. And be it further enacted, That in caſe of any Perſon or Perſons applying any Money to be levied by this Act to any other Purpoſe or Purpoſes except as by this Act directed, 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 Sum ſo miſapplied, to be recovered againſt him or them at the Suit of any Three or more Heritors within the ſaid County of *Forfar*, poſſeſſed of One hundred Pounds *Scots*, each of valued Rent,

Rent, who are hereby authoriſed to ſue for and recover the ſame in an Action ſummarily before the Lords of Seſſion, without abiding the Courſe of the Roll, with Coſts of Suit, One Half of which Forfeiture ſhall belong to the Perſons who ſue for the ſame, and the other Half ſhall be paid to the ſaid Truſtees, to be applied by them for the Repair of the ſaid Roads; but if any ſuch Proſecution ſhall, after Trial, be found vexatious and groundleſs, the Proſecutor or Proſecutors ſhall be liable to pay Triple Coſts of Suit.

Truſtees may compound with Travellers, &c.

LXXXIV. 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 in the ſaid Roads, with any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, Horſe, Gelding, or Mule, or any other Beaſt of Draught, for any Sum or Sums of Money, to be paid Quarterly *per* Advance, after ſuch Agreement is made; and that Copies of all ſuch Compoſitions or Agreements 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 the reſpective Clerk or Clerks, Treaſurer or Treaſurers, which ſaid Book or Books ſhall and may be ſeen and peruſed by any Perſon or Perſons whatſoever, at all ſeaſonable Times, without paying any Fee or Reward.

Copies of Agreement to be entered at Length in a Book.

No Annoyances to be laid on the Roads, &c.

Head Ridges.

Gates.

LXXXV. And, for preventing Annoyances in the ſaid Roads, be it further enacted, That from and after the Firſt Day of *January* One thouſand eight hundred and eleven, every Perſon in plowing any Field contiguous to any of the ſaid Roads, ſhall always make Head Ridges along the Side of the Roads, of the Breadth of Twenty-four Feet at leaſt; and all Gates upon Incloſures next to any of the ſaid Roads ſhall open inwards to the Field; and no Perſon or Perſons whatſoever ſhall lay any dead Horſe or other Carrion upon any of the ſaid Roads (except in Caſes of Accident), or within Twenty Yards of the Sides of any of the ſaid Roads, or any Dung, Lime, Soil, or Compoſt, or Matter whatſoever, either for manuring Land or for any other Purpoſe, upon any of the ſaid Roads, or within Five Yards of the Side, unleſs within a Fence, of any Part of the ſaid Roads; and that in making any covered or arched Paſſage or Drain for Water acroſs any of the ſaid Roads, a ſafe and eaſy Paſſage along One Half of ſuch Road ſhall be left without any Obſtruction, either by breaking the Road or laying down Materials; but the ſaid covered Drain or Paſſage ſhall be made acroſs, and completely finiſhed acroſs One Half of the Road, before the other Half ſhall be opened, and the Whole, or the open Part thereof, ſhall, if practicable, be completed in One Day, or otherwiſe the Materials for executing the ſame ſhall be ſo well fenced off, that Paſſengers may ſuffer no Injury thereby; which Precautions and Manner of executing covered Drains as aforeſaid ſhall be ſtrictly obſerved by all Contractors or others employed in making or repairing the ſaid Roads; and every Perſon offending herein ſhall not only forfeit the Materials laid down, but alſo a Sum not exceeding Forty Shillings Sterling for every Offence, One Half thereof to be paid to the Informer, and the other Half to be applied for making or repairing the ſaid Roads.

Penalty.

Cattle not to be left on the Roads.

LXXXVI. 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 or left, on the aforeſaid Roads, or any of them, any Horſes, Sheep, Cows, or other Beaſtial, it ſhall and may be lawful for any One or more of the Juſtices of the Peace for the County, upon Application made 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 them 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 Shillings Sterling for each and every Offence, to be levied and recovered by Impriſonment, not exceeding Seven Days, and to be given to the Poor of the Pariſh where the Offence ſhall be committed.

Every Thing drawn on the Roads muſt be on a Wheel-Carriage.

Penalty.

LXXXVII. And be it further enacted, That if, after the paſſing of this Act, any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatſoever, otherwiſe than upon a Wheeled Carriage, or ſhall ſuffer any Tree or other Matter whatſoever, which can be conveyed upon a Wheeled Carriage, to drag upon any Part of the ſaid Roads, every ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Forty Shillings Sterling.

Drag Irons to be flat.

LXXXVIII. And be it enacted, That where any Drag Iron or other Inſtrument ſhall be affixed under the Bottom or Sole 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 any Sum not exceeding Ten Shillings Sterling, at every Turnpike Gate through which ſuch Waggon or other Carriage ſhall paſs.

Acceſſes into Towns and Villages to be made.

LXXXIX. And be it enacted, That in making Acceſſes into Towns or Villages, it ſhall be in the Power of the ſaid Truſtees, to pull down, or cauſe to be pulled down Houſes, the Side Walls of which do not exceed Twelve Feet in Height, the ſaid Truſtees making reaſonable Satisfaction and Compenſation in Manner herein directed.

Houſes not to be built within Twenty Feet from the Middle of the Road.

XC. And be it further enacted, That in caſe any Houſes ſhall, after the paſſing of this Act, be built near the Sides of 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 the Diſtance of Twenty Feet from the Middle of the ſaid Roads or Highways, under the Penalty of Five Pounds Sterling for every Offence, and the Expence of demoliſhing ſuch Houſe or Edifice; and alſo that in caſe of any Houſe being pulled down by the Proprietor, for the Purpoſe of

of re-building near the Sides of any of the ſaid Roads, or in any Village, or at or near the Outlets of any Town through which the ſaid Roads paſs, it ſhall be in the Power of the ſaid Truſtees to cauſe the Foundation of the ſame to be removed back to the Diſtance of Twenty Feet from the Middle of the ſaid Road; and it ſhall be lawful for any One or more of the ſaid Truſtees to ſtop the building or erecting, or the re-building of every ſuch Houſe or Building as he or they ſhall apprehend to be within the ſaid Diſtance from the Middle of the ſaid Roads or Highways, by an Order in Writing under his or their Hand or Hands, until ſuch Time as ſufficient Evidence ſhall be brought before him or them 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 ſaid 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 ſame as herein-after mentioned; and further, in the Caſe of any Houſe near the Sides of any of the ſaid Roads being under Repair, and either the Walls partly taken down, or the Houſe unroofed, it ſhall be in the Power of the ſaid Truſtees to cauſe ſuch Houſe to be entirely taken down, and the Foundation of the ſame to be removed back to the Line of any neighbouring Houſes, if ſuch other Houſes are further from the Middle of the Road, but not diſtant from the ſame more than Twenty Feet; or to be removed back to the Diſtance of Twenty Feet from the Middle of the ſaid Road, if there are no other Houſes adjoining or near to it; but, in this Caſe, the ſaid Truſtees ſhall be liable in the Value of what they ſhall ſo order to be taken down; and if upon an Offer made by the ſaid Truſtees, the Owner or Owners, Occupier or Occupiers, ſhall not be ſatisfied with the Compenſation offered, the ſame ſhall be aſcertained by a Jury to be impannelled by the Sheriff Depute, or his Subſtitute, in the ſame Manner as herein in other Caſes is before directed, and which Proceedings ſhall be final.

For compelling Payment of Subſcription Money.

XCI. And be it further enacted, That if any Perſon or Perſons who has or have ſubſcribed, or ſhall ſubſcribe towards making and repairing the Roads by this Act intended to be made or repaired, ſhall neglect or refuſe to pay his, her, or their Subſcription Money at ſuch Time or Place as ſhall be appointed by the ſaid Truſtees, it ſhall and may be lawful to and for the ſaid Truſtees to ſue for and recover the ſame in any Court competent.

Penalties and Forfeitures how to be levied and applied.

XCII. And be it further enacted, That all Forfeitures and Penalties inflicted or authoriſed to be impoſed in relation to any Matter or Thing in this Act contained, the Manner of levying and recovering whereof is not otherwiſe particularly directed, ſhall (beſides the Expence of Proſecution or Coſts of Suit), upon Proof of the Offence before Two or more Juſtices of the Peace, or the Sheriff Depute of the ſaid County, or his Subſtitute, either by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Poinding and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of ſuch Juſtices, or of the ſaid Sheriff Depute or his Subſtitute, (which Warrant is hereby authoriſed and required to be granted, and Oaths adminiſtered by the ſaid Juſtices or Sheriff Depute or

his Substitute *gratis*); such Sale being always made by public Auction to the highest Offerer, at such Places as shall be directed in the said Warrant, within Three Days after such Distress shall have been made, and the Overplus Money arising from such Sale (after the Penalties and Forfeitures are recovered, and the Charges thereof deducted) shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid, One Half to the Informer or Informers, and the other Half to the said Trustees, or their Clerk or Treasurer, to be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Forfeitures and Penalties shall not forthwith be paid, or sufficient Security given for Payment, it shall be lawful for any Two of the said Justices of the Peace, or for the Sheriff Depute of the said County, or his Substitute, together with One Justice of the Peace, and they are hereby authorised and required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to any House of Correction or Common Gaol in the said County, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

XCIII. Provided always, and be it further enacted, That if any Person shall think him or herself aggrieved by any of the Proceedings in the Execution of this Act, for which no particular Method of Relief has been 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 their Quarter Sessions for the said County, the Person or Persons appealing first giving Fifteen Days previous Notice of such Appeal to the Clerk of the said Trustees, and to the Clerk of the said Justices of the Peace, and lodging with him, at the Time of entering the said Appeal, a Recognizance in the Sum of Five Pounds Sterling to prosecute the same; and also giving legal Notice of such Appeal to the Defender or Defenders; then 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.

Limitation of Actions.

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

Act of the Scots Parliament, for planting and inclosing Ground, repealed so far as the same may extend to the County of Forfar.

XCV. And be it further enacted, That the Power granted by the Act of the *Scots* Parliament *Anno* One thousand six hundred and sixty-one, intituled, *Act for planting and inclosing of Ground*, to Heritors, Wadsetters, and Liferenters, at the Sight of the Sheriff Depute or Substitute, or Justices of the Peace of the said County, to cast about the Highways to their Conveniency, provided they do not remove them above Two hundred Ells on their whole Ground, shall be and the same is hereby repealed, so far as the same may extend to the Roads herein-before mentioned in the County of *Forfar*.



XCVI. And

XCVI. And be it enacted, That the Expence of procuring and paſſing this Act, as the ſame ſhall be ſettled and allowed at the Firſt Meeting of the ſaid Truſtees appointed to put the ſame in Execution, ſhall be defrayed and levied by a Tax upon the Heritors or Land Owners within the ſaid County of *Forfar*, to be impoſed at the ſaid Firſt Meeting, according to the Valuation of their reſpective Lands, and to be collected by the Collector of the Land Tax, or any other Perſon appointed by the General Meeting of the ſaid Truſtees to be holden as aforeſaid. Expences of the Act to be paid.

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

XCVIII. And be it enacted, That this Act ſhall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament. Commencement and Continuance of Act.

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