ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. lii.

An Act for more effectually repairing the Road from the Bridge of *Dee*, ſouthward, through the County of *Kincardine*, to *Stonehaven*, and from thence, by *Inverbervie* and by *Laurencekirk*, to the Lower and Upper Bridges over the River *North Eſk*, and for making and repairing other Roads in the ſaid County. [16th *June* 1817.]

WHEREAS by an Act, paſſed in the Thirty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for making and repairing the Roads from the Bridge of* Dee, *ſouthward, through the County of* Kincardine, *to or near to the Town of* Stonehaven; *and from thence, by* Inverbervie *and by* Laurencekirk, *to the Lower and Upper Bridges over the River* North Eſk; *and for making effectual the Statute Labour in the ſaid County, and levying Converſion Money, in lieu of Labour, in certain Caſes; and otherways regulating, making, and repairing High Roads and Bridges, in the ſaid County of* Kincardine; certain Perſons were appointed Truſtees for ſurveying, ordering, making, altering, repairing, and keeping in Repair, the Roads therein mentioned, and for building and maintaining Bridges thereon; and they were empowered to levy Tolls upon certain Parts of the ſaid Roads, and to borrow Money on the Credit thereof, and had various other Powers conferred upon them: And whereas the greater Part of the Turnpike Roads ſpecified in the ſaid Act, has been made and put in Repair, and ſundry Sums of Money have been ſubſcribed and borrowed for that Purpoſe, upon the Credit of the Tolls by the ſaid Act granted; but it is found, that the ſaid Roads cannot be completely made and kept in Repair, and the Money ſo ſubſcribed and borrowed repaid, unleſs the Term and Powers granted by the 36 G. 3. c. 132.

the ſaid Act be repealed, and other Powers granted in lieu thereof: And whereas the Road leading from *Bervie*, branching off from the preſent Turnpike Road between *Stonehaven* and *Bervie*, to the Northward of *Bervie* Bridge, and extending Weſtward through the Pariſhes of *Arbuthnot*, *Fordon*, and *Laurencekirk*, to the preſent Turnpike Road between *Stonehaven* and *Laurencekirk*, at or near the Lands of *Redmire*, joining the ſame by Two Branches; and alſo the Road leading from *Johnſhaven*, branching off from the Turnpike Road between *Bervie* and the Lower Bridge over the River *North Eſk*, near the Mains of *Brotherton*, and extending Weſtward through the Pariſhes of *Benholm*, *Garvoch*, and *Laurencekirk*, to the Turnpike Road between *Stonehaven* and *Laurencekirk*, at or near *Polburn*, are not in good Repair, and cannot be effectually repaired and kept in Repair by the Means afforded by the preſent Laws; and it would be of great Advantage to the Public if the ſaid Roads were effectually repaired; which 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

Recited Act repealed.

Authority of the ſame, That the ſaid recited Act, in ſo far as the ſame reſpects the Turnpike Roads therein deſcribed, ſhall be and the ſame is hereby, from and after the Twenty-eighth Day after the paſſing of this Act, repealed; and from that Day this Act ſhall commence, and be put in Execution for and during the Term hereinafter 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 Tolls granted by the ſaid recited Act; and to the Payment of all Money which ſhall or may be ſubſcribed or borrowed, or which may become due on the Credit of this Act, and of all Intereſt due and to become due for the ſame.

Commencement of this Act; Tolls ſubject to Sums due on the Credit of former Act.

Truſtees for Road from Bridge of Dee to Stonehaven.

II. And be it further enacted, That the Provoſt, Magiſtrates, and other Individuals, Members of the Town Council of the City of *Aberdeen*, for the Time being, the Repreſentatives in Parliament for the County of *Kincardine* and the Town of *Aberdeen*, for the Time being, the Sheriff Depute of the County of *Kincardine* for the Time being, and all and every other Perſon and Perſons who are or ſhall be in the actual Poſſeſſion and Enjoyment as Proprietor or Life-Renter of the *Dominium Utile* of Lands within the Pariſhes of *Feteresſo*, *Banchory-Devinick*, *Mary Culter*, and *Nigg*, whoſe Property extends to Four hundred Pounds *Scots* of valued Rent, according to the Ceſs Books of the County, and all and every the eldeſt Sons and Heirs Apparent of ſuch Heritors, being of Age at the Time, and one Guardian or Truſtee of any Minor poſſeſſing Lands to the Extent and ſituated as aforeſaid, ſhall be and they are hereby nominated and appointed Truſtees, for the ſurveying, ordering, altering, repairing, and keeping in Repair, the Road from the Bridge of *Dee*, ſouthward, through the County of *Kincardine*, to the Centre of the Middle Arch of the Bridge over the Water of *Carron*, at *Stonehaven*, which Roads ſhall be and be accounted as a Diſtrict by itſelf, and for building and maintaining Bridges on the ſaid Road, where the ſame ſhall be neceſſary; and that all and every Perſon or Perſons who in their own Right, or in the Right of their Wives, now are or hereafter ſhall be in the actual Poſſeſſion and Enjoyment, as Proprietor or Life-Renter of the

Truſtees for Second Diſtrict.

Dominium Utile of Lands in the County of *Kincardine*, valued in the Ceſs Books thereof at or above One hundred Pounds *Scots*, and all and every the eldeſt Sons of ſuch Perſons, and One Guardian or Truſtee of each Minor poſſeſſed of Lands to that Extent; the Sheriff Depute of the ſaid County and his Subſtitute for the Time being, the Provoſt of *Aberdeen* for the Time being, and the Chief reſident Magiſtrate of the Burgh of *Inverbervie* for the Time being, ſhall be and they hereby are nominated and appointed Truſtees for ſurveying, ordering, making, and repairing, and keeping in Repair, the Remainder or Continuation of the ſaid Road, from the Centre of the middle Arch of the Bridge over the Water of *Carron*, at *Stonehaven*, and the Branches thereof by *Inverbervie*, to the Lower Bridge over the River *North Eſk*; and by *Laurencekirk* to the Upper Bridge over the ſaid River, and alſo the ſaid Road leading from *Bervie* extending through the ſaid Pariſhes of *Arbuthnot*, *Fordon*, and *Laurencekirk*, to the preſent Turnpike Road at or near the Lands of *Redmire*, and alſo the ſaid Road leading from *Johnshaven*, through the Pariſhes of *Benholm*, *Garvoch*, and *Laurencekirk*, to the Turnpike Road between *Stonehaven* and *Laurencekirk*, at or near *Polburn*, (which Roads ſhall be and be accounted as a Second and ſeparate Diſtrict;) and for building and maintaining Bridges on the ſaid Roads where the ſame are, or ſhall be neceſſary.

Applying Tolls in the Second Diſtrict.

III. And be it further enacted, That the ſaid Truſtees of the Second Diſtrict ſhall have Power to apply the Tolls and Duties hereby authorized to be levied on the ſaid Road between *Stonehaven* and the Upper Bridge over the ſaid River *North Eſk*, in making and completing the whole of the ſaid Line of Road.

Quorum.

IV. And be it enacted, That Five of the ſaid Truſtees, in the reſpective Diſtricts aforeſaid, aſſembled, ſhall be a Quorum, for executing the Powers hereby committed to them, ſeverally, and be able to act in all Caſes, unleſs when it is otherways herein provided.

Penalty for acting if not qualified.

V. And be it enacted, That if any Perſon not qualified as aforeſaid, in the reſpective Diſtricts, ſhall nevertheleſs preſume to act as a Truſtee under this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds Sterling, to be recovered at the Suit of any Perſon whomſoever, by a ſummary Application to the Sheriff Depute of the ſaid County, and applied by the ſaid Truſtees for the Purpoſes of this Act; and the Proof of Qualification ſhall lie upon the Perſon complained of.

First and Yearly Meetings of Truſtees.

VI. And be it enacted, That the ſaid Truſtees of the Firſt Diſtrict ſhall meet at *Aberdeen* on the Twenty-eighth Day after the paſſing of this Act, or as ſoon thereafter as conveniently may be; and the ſaid Truſtees of the Second Diſtrict ſhall meet at *Stonehaven* on the Twenty-eighth Day after the paſſing of this Act, or as ſoon after as conveniently may be, and ſhall proceed to execute this Act in their reſpective Departments; and thereafter they ſhall meet Yearly on the Day that is appointed for the Meeting of the Commiſſioners of Supply for aſſeſſing the Land-Tax, and on the Day on which the Freeholders of the ſaid County ſhall hold their *Michaelmas* Head Court as hereafter mentioned at the ſaid Places reſpectively, with Power to them at their aforeſaid Meetings reſpectively

tively to adjourn themſelves to ſuch Times and Places as they ſhall think proper, 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, a Quorum or 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, of which Adjournment Notice ſhall be given by the Clerk, as to Meetings of the Truſtees of the Firſt Diſtrict, by Advertiſement in the *Aberdeen* Newſpapers; and as to Meetings of the Truſtees of the Second Diſtrict, by Advertiſement in One or more of the *Aberdeen*, *Montroſe*, and *Edinburgh* Newſpapers, at leaſt Ten Days previous to the Day of Meeting; and in caſe no Truſtee ſhall attend, the Clerk to the ſaid Truſtees, by Advertiſement as aforeſaid, 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, Three Weeks after the Day on which ſuch laſt Meeting was appointed to be held; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Charges and Expences.

One Truſtee may adjourn;

Clerk may call a new Meeting.

How to obtain an Alteration of the Proceedings of 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 of any ſuch intended Alteration be publiſhed in One or more of the *Edinburgh*, *Aberdeen*, and *Montroſe* Newſpapers, at leaſt Three Weeks previous to ſuch ſtated General Meeting, nor unleſs a greater Number of Truſtees than were preſent when ſuch Rule or Regulation was made, ſhall be preſent at ſuch ſubſequent Meeting, and conſent to ſuch Annullment or Alteration.

Truſtees may appoint Committees.

VIII. And be it further enacted, That the Truſtees, in a General Meeting aſſembled, may authorize and appoint, from Time to Time, as many of their own Number as they ſhall think proper, a Committee or Committees, to ſuperintend and direct the making, repairing, and keeping in Repair, of any Parts or Diviſions of the Roads hereinbefore deſcribed, which Truſtees ſo appointed are hereby authorized and empowered to give ſuch Orders and Directions for the making and Repairs of ſuch Parts or Diviſions of the ſaid Roads, as they ſhall be reſpectively authorized to ſuperintend, as to any Three or more of them at any Meetings 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 Meetings; and for that Purpoſe all Committees of Truſtees appointed to the Management of the particular Parts of the foreſaid Roads ſhall, at the Annual General Meetings hereinbefore appointed to be held for the reſpective Diſtricts, lay before the ſaid Meeting a full and particular State of their Accounts, 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 of the County, or his Subſtitute, who ſhall grant Warrant for ſummoning the Perſon or Perſons to whom the Failure or Neglect is imputed; and on Proof thereof, ſhall compel Production of the ſaid Accounts, and fine him or them in a Sum not exceeding Ten Pounds Sterling, to be paid

Committee to render their Accounts to General Meeting.

paid to the ſaid Truſtees, and to be applied by them to the Repair of the ſaid Roads, and the Proſecutors ſhall Yearly report to the Firſt General Meeting the Iſſue of ſuch Proſecutions.

Second Diſtrict to be divided.

IX. And be it enacted, That the Truſtees of the ſaid Second Diſtrict ſhall have Power, at their Firſt or any ſtated General Meeting within Twelve Months after, on Three Weeks previous Notice to be publiſhed as aforeſaid, to divide the ſaid Diſtrict into Diviſions, and to make ſuch Regulations as to them ſhall ſeem proper, for keeping ſeparate the Funds of the ſaid Diviſions.

Truſtees to elect Officers, &c.;

X. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, at a General Meeting aſſembled, to chooſe 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 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 Receivers, Collectors, Clerks, Surveyors, or other Officers, or any of them, as they ſhall ſee Occaſion, and to 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 to the ſaid Collector or Collectors, Receiver or Receivers, to be appointed from Time to Time as aforeſaid, after the Rates hereinafter mentioned; and the Perſon or Perſons, Receiver or Receivers, Collector or Collectors appointed as aforeſaid for receiving the ſaid Tolls and Duties, and alſo ſuch Surveyor or Surveyors ſhall, on the Firſt *Tueſday* in every Month, or at ſuch other Time as ſhall be appointed by the ſaid Truſtees, during the Continuance of this Act, give in a true, particular, and exact Account, in Writing, under their reſpective Hands, with the reſpective Vouchers of all Money which they or any of them have received, paid out, or diſburſed by virtue of this Act, by reaſon of their reſpective Offices; and in caſe any Overplus Money ſo received ſhall remain in their or any of their Hands, they ſhall pay the ſame to the ſaid Truſtees, or to ſuch Perſon or Perſons as they, at a General Meeting aſſembled, ſhall authorize and appoint to receive the ſame, to be diſburſed and laid out in amending and repairing the ſaid Roads and Bridges, and not otherwiſe; and the ſaid Truſtees, or the Perſon or Perſons ſo authorized to receive the ſaid Money, ſhall lodge it, in ſo far as it is not required for immediate Expenditure, retaining for that Purpoſe not more than Twenty Pounds Sterling, in the neareſt Branch of the Bank of *Scotland*, in Name of the ſaid Truſtees, the ſaid Money ſo lodged to be drawn out by ſuch Perſon or Perſons, and in ſuch Manner as the ſaid Truſtees ſhall direct; and the ſaid Truſtees, at their General Meeting aſſembled, ſhall and may, and they are hereby authorized and empowered, out of the Money ariſing from the ſaid Tolls or Duties, to make ſuch Allowance to their Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officers appointed by them, for and in conſideration of their Trouble 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 or laying out Money, or otherwiſe relating thereto, as unto them ſhall ſeem good,

Officers to account monthly upon Oath, if required;

Overplus Money in their Hands to be paid to the Truſtees;

to be lodged in a Bank;

Allowance to Clerks, &c.

Penalty for failing to account;

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 Payments unto ſuch Perſon or Perſons, in Manner hereinbefore directed, that then it ſhall be lawful for the Sheriff, or 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, or by other legal Evidence; and if any Perſon or Perſons ſhall be convicted of the Offences aforeſaid, the ſaid Sheriff or 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 Sheriff or 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, 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 they the ſaid Truſtees ſhall appoint: Provided always, that no Perſon who ſhall be committed for any ſuch Offence ſhall be detained in Priſon, for Want of ſufficient Diſtreſs, longer than Six Calendar Months.

Same Perſon not to be Clerk and Treaſurer.

XI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon, who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon, being the Partner of any ſuch Clerk, ſhall act as Treaſurer for the ſaid Purpoſes, or being the Partner of ſuch Treaſurer, ſhall act as Clerk in the Execution of this Act, every Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts in *Scotland*, by ſummary Complaint.

Securities to be taken from Officers.

XII. And be it enacted, That the ſaid Truſtees ſhall, and they are hereby required to take ſuch Securities from the Receiver or Receivers, Collector or Collectors, or other Perſons appointed to ſuch Offices of Truſt, for the due Execution of their Offices, as to the ſaid Truſtees ſhall ſeem meet; and no ſuch Perſon or Perſons, ſo appointed, ſhall enter on the Execution of their Offices until they ſhall have lodged ſuch Securities with the ſaid Truſtees, or with the Preſes of the Meeting at which they may be elected.

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

XIII. 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 Execu-

 tion

tion 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 of Peace.

XIV. 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 *Kincardine*, shall and may, nevertheless, act as a Justice or Justices of the Peace, within their respective Jurisdictions, except when personally interested, for the more effectually putting in Execution the several Authorities and Powers in this present Act contained.

No Trustee to act who may have an Office under this Act.

XV. Provided always, and be it further enacted, That if any Trustee or Trustees, appointed to put this Act in Execution, shall have or accept of any Place or Profit arising out of it, by reason of any Tolls or Duties by this Act granted, or shall be concerned or interested in any Contract under this Act, he or they shall be incapable of acting as a Trustee or Trustees, from the Time of accepting, and during the Enjoyment of such Place of Profit, as aforesaid: Provided also, that no Person shall be capable of being a Trustee, or of holding any Place of Profit under this Act, who shall sell Ale, Wine, or Spirituous Liquors by Retail.

Book of Accounts to be kept.

XVI. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time, to cause to be entered in a Book or Books to be kept by the Clerk to the said Trustees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby or by the said former Act granted, without any Fee or Reward; and the said Trustees or Creditors shall and may take Copies of or Extracts from such Book or Books without paying any Thing for the same; and in case such Clerk shall refuse to permit the said Trustees or Creditors, or any of them, to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit any Sum not exceeding Ten Pounds.

Toll-gates and Houses to be erected.

XVII. And be it further enacted, That the said Trustees, at a General Meeting assembled, shall and may continue and erect, or cause to be continued and erected, a Gate or Gates, Turnpike or Turnpikes, on or across any Part or Parts of the said Roads, and continue or erect and build, or cause to be continued or erected and built, a Toll-house or Toll-houses at the said Gate or Gates, with such other Accommodation to the Toll-keeper as they shall think fit; and that the Toll-houses and Gates, and other Accommodations, of whatever Kind, for the Toll-keepers or others, which have already been erected or provided by the Trustees, under the Act hereby repealed, and which are now in Use, shall be considered on the same footing as if they had been all erected and provided after the passing and under the Authority of this Act.

XVIII. And

Map of New Roads to be attended to in making Road.

XVIII. And whereas a Map or Plan, describing the Line of the said Road leading from *Bervie* through the said Parishes of *Arbuthnot*, *Fordon*, and *Laurencekirk*, to the said present Turnpike Road at or near the Lands of *Redmire*, and the Lands, Hereditaments, and Premises through or over which the same is to be made and carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands and Premises, and a Map or Plan, describing the Line of the said Road leading from *Stonehaven* through the Parishes of *Benholm*, *Garvock*, and *Laurencekirk*, to the Turnpike Road between *Stonehaven* and *Laurencekirk* at or near *Polbore*, and the Lands, Hereditaments, and Premises through or over which the same is to be made and carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands and Premises have been severally deposited at the Office of the Clerk of the Peace for the said County of *Kincardine*: Be it therefore enacted, that the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerk of the Peace of the said County, to the end that all Persons 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 One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees, on making the said Two respective Roads, shall not deviate more than One hundred Yards, of Three Feet each, from the Line described in the said respective Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Road may be made through lands omitted in Book of Reference.

XIX. Provided always, and be it enacted, That it shall be lawful for the said Trustees to make the said respective Roads into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are set out in the said several Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or misstated in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by a Writing under his or their Hands, that such Error or Omission proceeded from Mistake.

Rate of Tolls.

XX. And be it enacted, That it shall and may be lawful for the said Trustees, in the said respective Districts, to demand, levy, and take, or cause to be demanded, levied, and taken, at each Turnpike Gate, erected or to be erected upon the said Roads, the Tolls and Duties hereinafter mentioned, before any Coach or other Carriage, Horse, or other Cattle, as hereinafter enumerated, be permitted to pass through the same: That is to say,

For every Coach, Berlin, Landau, Chariot, Chaise, or Calash, with Four Wheels, if drawn by Six or more Horses, or Beasts of Draught, the Sum of Six Shillings Sterling; and if drawn by Four Horses, or Beasts of Draught, the Sum of Three Shillings Sterling; and if drawn by Two or Three Horses, or Beasts of Draught, the Sum of One Shilling and Sixpence Sterling; and if drawn by One Horse, or Beast of Draught, the Sum of Eight-pence Sterling:

For

For every Chaiſe, with Two Wheels, if drawn by Two Horſes, or Beaſts of Draught, the Sum of One Shilling Sterling; and if drawn by One Horſe or Beaſt of Draught, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, or other ſuch Wheel Carriage, if drawn by Six or more Horſes, or Beaſts of Draught, the Sum of Seven Shillings Sterling; and if drawn by Five Horſes, or Beaſts of Draught, the Sum of Five Shillings Sterling; and if drawn by Four Horſes, or Beaſts of Draught, the Sum of Three Shillings Sterling; and if drawn by Three Horſes, or Beaſts of Draught, the Sum of One Shilling and Sixpence Sterling; and if drawn by Two Horſes or Beaſts of Draught, the Sum of One Shilling Sterling; and if drawn by One Horſe, or Beaſt of Draught, the Sum of Sixpence Sterling:

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

For Aſſes, Oxen, or Neat Cattle, Horſes, or Fillies unſhod, the Sum of Ten-pence Sterling *per* Score, and ſo in Proportion for any greater or leſſer Number:

For Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling *per* Score, and ſo in Proportion for any greater or leſſer Number.

Broad wheeled Carriages to pay Toll.

XXI. Provided always, That all and every Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Five 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 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 the ſaid Road and through any Gate or Turnpike thereon, upon paying only ſo much of the Tolls and Duties as aforeſaid, as ſhall be equal to 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 hereinbefore ſet forth; and that for the Term of Seven Years after the paſſing of this Act, with Power to the 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: Providing always, that the Wheels of ſuch Carriages ſhall be ſo formed, that the whole Breadth of the Fellies ſhall bear on the Road.

Weighing Machines to be erected.

XXII. And be it enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, if they find 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:

And additional Tolls taken for Extra Weight of Carriages and Loading.

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 of ſuch Waggon, Cart, or Carriage, as hereinafter expreſſed is allowed to weigh, without paying additional Toll, that is to ſay:

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

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 One thousand, the Sum of Two Shillings and Sixpence Sterling:

For every Hundred of such Overweight, above One thousand 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 Carriages, as aforesaid, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings Sterling:

Penalty for hindering the weighing of Carriages.

Carriages of a certain Weight and Dimensions not subject to additional Tolls.

XXIII. And be it further enacted, That every Waggon, Cart, or Carriage, shall be allowed to pass without paying 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 Tons 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 in Winter:

To every Cart having the Fellies of the Wheels of the Breadth of Nine Inches, Three Tons in Summer, and Two Tons Fifteen Hundred-weight in Winter:

To every Waggon having the Fellies of the Wheels of the Breadth of Six Inches Four and One-half Tons in Summer, and Three and Three-quarters Tons in Winter:

To every Cart having the Fellies of the Wheels of the Breadth of Six Inches, Two Tons Twelve Hundred-weight in Summer, and Two Tons Seven Hundred-weight in Winter:

To every Waggon having the Fellies of the Wheels of a Breadth less than Six Inches Three and One-half Tons in the Summer, and Three Tons in Winter:

To every Cart having the Fellies of the Wheels of a Breadth less than Six Inches, and drawn by Two or more Horses, One and One-half Tons in Summer, and One Ton Seven Hundred-weight in Winter:

And for the aforesaid Purpose it shall be deemed Summer from the First of *May* to the Thirty-first of *October*; and Winter from the First of *November* to the Thirtieth of *April*, both inclusive: Provided always, that the Wheels of such Carriages shall be so formed that the whole Breadth of the Fellies shall bear on the Road.

Trustees may lessen Tolls.

XXIV. 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 of the said Tolls and Duties upon the aforesaid Roads,

with Consent expressed verbally, or in Writing, of the Persons entitled to Five-sixth Parts of the Money due thereon, and not otherwise; 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. and raise them again.

XXV. And be it enacted, That the Money to be raised and collected as aforesaid in the said respective Districts, shall and is hereby declared to be vested in the Trustees of the District, 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 if any Person or Persons liable shall neglect or refuse to pay the said Tolls and Duties, the said Trustees are hereby empowered, by themselves, or by such Person or Persons as they, at a General Meeting assembled, authorize and appoint, to levy each and every of the said Tolls by Distress and Sale of any Horse or Horses, or other Cattle or Carriage upon which such Toll or Duty is by this Act imposed, or by Distress or Pounding of any other of the Goods and Chattels of such Person or Persons so refusing to pay the said Toll or Duty, and to keep such Goods or Chattels 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 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 public Roup, at the Turnpike or Toll-House, or where the Toll ought to have been paid, and returning the Overplus (if any be) to the Proprietors of such Goods and Chattels so distrained, after deducting such Toll or Duty, and the reasonable Charge for distraining, keeping, appraising, and selling the same. Money vested in Trustees, and how to be applied. Tolls to be levied by Distress.

XXVI. And be it enacted, That the Right, Interest, and Property of all and every the Turnpikes, Toll-Houses, and Premises continued or erected, or to be erected by virtue of this Act, shall be vested in the said Trustees hereinbefore appointed; and the said Trustees are hereby authorized and empowered to dispose thereof as they think proper, and to purchase, with Consent of the Proprietor, or take in Lease such Pieces of Ground as they shall judge most convenient for the Site and Erection for Toll-Houses and other necessary Accommodation, not exceeding One-eighth Part of a Scots Acre for each Toll-House: and in case the Trustees cannot agree with the Proprietor or Occupier for the annual Rent of such Ground, they shall apply to the Sheriff of the County, who shall have Power to oblige the 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. Toll-houses, &c. vested in the Trustees, who may purchase or rent Ground for Toll-houses.

XXVII. 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 Persons as they, being so assembled, shall authorize and appoint; and the Produce of the said Tolls and Duties arising on each of the said Lines of Road shall be applied by the said Trustees to the Payment of the Money borrowed, and to be borrowed on the Credit of the Duties authorized to be levied by the said former Act and by this Act, and Interest of the same till paid, and towards upholding and repairing the Line of Road on which such Tolls and Duties shall respec- Money not to be expended without the Order of the Trustees.

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.

Toll-gates to be erected on Sides of Roads.

XXVIII. And be it enacted, That it shall and may be lawful to and for the said Trustees to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same; and also a Toll-House or Toll-Houses at each such Gate or Turnpike, and there to take and receive such Tolls and 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.

Penalty for Evasion of Tolls.

XXIX. And be it further enacted, That if any Person or Persons occupying any Lands near to any Turnpike erected in pursuance of this Act, shall knowingly and willingly permit or suffer any Person or Persons, not being his or their Servant or Servants, or of his or their Family, 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, with Intent to evade the Payment of the Toll or Duty by this Act imposed shall be avoided, every such Person so offending, and the Person or Persons so 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 the Sheriff, or any One or more of the Justices of the Peace, of the said County, shall, for every such Offence, forfeit and pay to the said Trustees or their Collector or Collectors, a Sum not exceeding Five Pounds Sterling.

Penalty for passing forcibly through the Gates or assaulting Toll-keepers.

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

Penalty for taking off Horses;

XXXI. 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, from any Coach, Chaise, Chariot, Berlin, Landau, Calash, Chair, or Litter, or any 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 by virtue of this Act, with an Intent to evade any of the Tolls or Duties hereby imposed; or shall put and leave in any House or Place any Waggon, Wain, Cart, or any other Carriage, Horse, or other Cattle chargeable with or liable to pay the said Tolls or 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

or leaving Carriages.

above

above mentioned, ſhall forfeit and pay to the Truſtees appointed to put this Act in Execution, or to their Collector for the Time being, a Sum not exceeding Five Pounds Sterling.

Tolls payable only once a Day.

XXXII. And be it enacted, That no Perſon or Perſons, having paid the Tolls or Duties impoſed by virtue of this Act, at any of the ſaid Gates or Turnpikes, and being poſſeſſed of a Ticket or Tickets, to prove ſuch Payment, ſhall on the ſame Day be ſubject or liable to pay the ſaid Tolls or Duties for again paſſing at the ſaid Gates or Turnpikes, for the ſame Coach, Cart, or other wheeled Carriage, or for the ſame Horſe, Aſs, or other Beaſts, or Cattle, for which ſuch Tolls or Duties ſhall have been paid, the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the ſucceeding Night, excepting that in caſe of Poſt Chaiſes or Coaches 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 repaſs Toll-free, until Six of the Clock of the following Morning.

Tickets.

XXXIII. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by this Act, the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment, and which Notes or Tickets ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon the Names of the ſeveral or reſpective Gates which ſuch Tickets ſhall free, or which ought under the Proviſions of this Act to be paſſed Free for one Payment of Toll.

Penalty for diſpoſing of Tickets.

XXXIV. And 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 evade 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 or Perſons receiving the ſame, being convicted thereof, upon the Oath of One or more credible Witneſs or Witneſſes, before the Sheriff or any One or more Juſtice or Juſtices of the Peace for the County, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Collectors of Tolls may give Evidence.

XXXV. And be it further enacted, That in caſe any Diſpute, Suit, Litigation, or Appeal ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls or any of them, the Leſſee or 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 be diſqualified from giving Evidence in any ſuch Diſpute, Suit, Litigation or Appeal, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or acting under ſuch Authority as aforeſaid.

Regulations in order to prevent Collectors from taking undue Tolls, &c.

XXXVI. And be it further enacted, That all and every Toll-Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees or by any ſuch Leſſee or Leſſees to collect the Tolls payable at any of the Turnpike or Toll-Gates to be continued or erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a

Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll-Houſe or Toll-Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer or ſhall in any ways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall, in anſwer to ſuch Demand, give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or, upon the legal Toll being paid or tendered, ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll-Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll-Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Malverſation of Toll-Keepers.

XXXVII. And be it enacted, That if any Tackſman, Toll-Keeper, or other Perſon concerned in the Collection of the Tolls and Duties payable at any of the ſaid Gates, ſhall abſent himſelf therefrom, ſo as to occaſion Delay or Inconvenience to Travellers, or ſhall compound, tranſact, or connive with any Perſon or Perſons paſſing through any of the ſaid Gates, with Horſes or Carts, or other Beaſts or Carriages, or ſhall uſe any other Means whereby the Tackſman or Keeper of any other Gate or Turnpike erected under this Act ſhall be defrauded, or unjuſtly deprived of the Payment of the Toll or Duty, which ought to be paid at the ſame; every ſuch Tackſman, Toll-Keeper, or other Perſon ſo offending in any of the ſaid Particulars, and the Perſon or Perſons ſo conniving with him ſhall, upon Conviction by the Oath of One or more Witneſs or Witneſſes before the Sheriff or any One or more Juſtice or Juſtices of the Peace of the County, forfeit for each Offence a Sum not exceeding Five Pounds Sterling.

Exemptions from Toll.

XXXVIII. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be liable to pay any Toll or Duty at any of the Gates or Turnpikes at preſent erected or to be erected by virtue of this Act, for any Carriage laden with or going empty for or returning empty after having been laden with Stones or other Materials for repairing the ſaid Roads, or any other public Roads, or the Bridges and the Cauſeways belonging to the ſame, nor for any Carriage or Cattle paſſing from one Part of a Farm to another, nor for any Carts, Wains, Waggons, or other

Carriages, carrying any Hay, Corn in the Straw, or any other Produce of a Farm, or returning empty after having carried the ſame, to be laid up in the Houſes, Outhouſes, Barns, or Yards belonging thereto, (without Prejudice nevertheleſs to the ſaid Tolls or Duties being paid for Hay, Corn in the Straw, or any other Produce of a Farm when carried for Sale, or for Delivery after being ſold,) nor ſhall any Occupier of Fields or Borough Roods, on which no Offices or Barn-Yards are erected, be liable to pay Toll for any Horſes or Carts carrying Manure to the ſaid Fields or Roods, from the Yard or Place where ſuch Manure is made, for the Uſe of the ſaid Fields or Roods, nor for Horſes or Cattle going to or returning from Paſture, or to or from Watering-places, being within the Farm to which they reſpectively belong, or going to be ſhod or farried, or returning therefrom; nor ſhall any Toll or Duty be demanded from any Perſon or Perſons who ſhall paſs through the ſaid Turnpikes to Church or Chapel, or any other Place of Religious Worſhip, in the Pariſh within which the Perſon reſides, upon *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Perſons attending the Funeral of any Perſon or Perſons who ſhall die and be buried within the Pariſh in which ſuch Perſon reſides; nor from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty; nor for any Horſes or Carriages employed in carrying or conveying the Mails of Letters, or Expreſſes, under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying the ſame, or in returning after having conveyed the ſame, except in ſo far as ſuch Horſes or Carriages are ſpecially made liable to the Payment of Tolls by virtue of an Act made in the Fifty-third Year of the Reign of His preſent Majeſty, intituled, *An Act to repeal the Exemption from Toll granted for or in reſpect of Carriages with more than Two Wheels carrying the Mail in* Scotland, *and for granting a Rate for Poſtage as an Indemnity for the Loſs which may ariſe to the Revenue of the Poſt-Office from the Payment of ſuch Tolls;* nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for the Horſes or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horſes, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or in returning from carrying or conveying the ſame; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe: Provided always, that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations appointed for ſuch Corps reſpectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals ſent with legal Paſſes, or returning from conveying the ſame; and if any Perſon ſhall claim and take the Benefit of any of the ſaid Exemptions, not being legally entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling.

Penalty of claiming Exemptions where not entitled.

And

Exempting Carriages with Stores.

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

Tolls to be paid only once in ſix Miles.

XL. Provided always, and be it enacted, That if the ſaid Truſtees ſhall erect Turnpikes within a leſs Diſtance of one another than Six Statute Miles, then any Perſon or Perſons producing a Ticket to ſhew that they have paid the ſaid Tolls at One Gate, ſhall not pay further Tolls or Duties upon the ſame Day, till the Diſtance exceeds Six Statute Miles, from the Gate at which they ſhall have already paid, declaring that this Proviſion ſhall not extend to Perſons who may travel to or from *Stonehaven* or to or from *Laurencekirk* by One Branch of the ſaid Roads and Return by another Branch, in which Caſe they ſhall be liable to pay Half Toll at the Firſt Gate on the Road by which they return, although ſuch Gate ſhall be at a leſs Diſtance than Six Miles from the Gate at which they have previouſly paid on the other Branch of the Road.

Toll to be taken at only Two Gates between Bridge of Dee and Stonehaven.

XLI. And be it further enacted, That the Number of Turnpike-Gates or Toll-Bars to be erected on the ſaid Road from the Bridge of *Dee* to *Stonehaven* (being the Firſt Diſtrict) at which Toll ſhall be collected ſhall not at any Time exceed Two in Number.

Settling Diſputes concerning Tolls.

XLII. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector, or Perſon diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, (as the Caſe may happen,) until the Amount of the Tolls due, and of the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, (as the Caſe ſhall happen,) ſhall be aſcertained by the Sheriff or ſome Juſtice of the Peace for the County, where ſuch Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Sheriff or Juſtice ſhall appear right and proper, all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Nonpayment thereof, forthwith, by Warrant under the Hand and Seal of ſuch Sheriff or Juſtice, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

XLIII. Pro-

XLIII. Provided always, and be it enacted, That no Turnpike or Toll-Bar shall be erected on the said Road, from the Bridge of *Dee* to *Stonehaven*, so as to affect Carriages, Horses, or Cattle travelling or passing the Road along the South Side of the River *Dee*, although they pass by the Bridge of *Dee*, unless they do at the same Time use or travel upon the High or Post Road from the said Bridge towards *Stonehaven* to the Southward of the Place where the same is joined by the said Road along the River *Dee*.

No Toll Bar to be erected to affect Carriages, &c. travelling along on the South Side of the River Dee.

XLIV. Provided also, and be it enacted, That no Toll-Bar to be placed on the Road from the Bridge of *Dee* to *Stonehaven* shall affect Carriages, Horses, or Cattle travelling or passing the Road from the Bridge over the *Cowie* towards *Polbore*, *Netherby*, and *Deeside*, unless they at the same Time travel on the said Turnpike Road, from the Bridge of *Dee* to *Stonehaven*, to the North of the Place where the said Road towards *Polbore* joins the said Turnpike Road.

Toll-Bars not to effect Carriages, &c. on certain Part of Road.

XLV. Provided likewise, and be it enacted, That in case any Complaint shall be made by the Trustees of the Second District at a General Meeting assembled, that the said Road, comprehended in the First District, is not properly executed and kept in repair, the Matter shall be referred to the Representatives in Parliament for the County of *Kincardine*, and the Town of *Aberdeen*, and Sheriffs Depute of *Kincardine* and *Aberdeen*, all for the Time being, (any Three of them being a Quorum,) and if the Majority of them or of the said Quorum, shall, by a Writing under their Hands, declare that they are not satisfied with the Execution and State of the Repair of the Road or the Materials used, it shall not be lawful for the said Trustees to levy or cause to be levied any Tolls or Duties on the said Road, any Thing in this Act to the contrary notwithstanding, until the Defects shall be remedied to the Satisfaction of the Referees.

Complaints against Trustees of First District, how to be settled.

XLVI. And be it further enacted, That the said Trustees, or any Five of them, in the several Districts at a General Meeting assembled, are hereby empowered and authorized to set by Public Roup the said Tolls or Duties, in Whole or by Parcels, from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Time 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.

Tolls may be set by Roup.

XLVII. And be it enacted, That all Sums of Money which have been borrowed or subscribed in virtue of, and conformably to the before-recited Act, for making and repairing the Roads before-mentioned, shall be and continue a Lien on the Tolls and Duties by this present Act granted, until the Whole of such Sums, and all Interest due thereon, shall be duly paid and discharged, and the said Trustees are hereby empowered to assign the said Tolls and Duties hereby granted, to the Person or Persons who shall have so subscribed and paid such Sum or Sums of Money, or who shall have a Right to such Subscription as a Security for the same, and the legal Interest thereof, from the Time of their being subscribed and paid till Repayment: Declaring always, That notwithstanding such Assignments thereof, Repayment of such Sums, so

Sums subscribed or borrowed a Lien on the Tolls.

ſubſcribed, paid, and expended, ſhall be poſtponed until the Repayment of any Sum or Sums of Money borrowed in virtue of the Powers of the former Act now repealed and of the preſent Act; and that the Securities granted therefore ſhall remain in full Force during the Continuance of this Act, in the ſame Manner as if the former Act had not been repealed, or the Period for which it was granted had not expired:

Power to borrow Money;

And further, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered to borrow any Sum of Money not exceeding in the Firſt Diſtrict the Sum of Two hundred Pounds Sterling, over and above the Sums already ſubſcribed, and due on the ſaid Road in the Firſt Diſtrict, nor in the Second Diſtrict more than the Sum of Three hundred Pounds Sterling, for each Statute Mile of Road, under the Care of the reſpective Truſtees, including always in the ſaid Sums the Money already borrowed under the Act before recited, and the Money ſo borrowed in ſo far as not already applied, ſhall be applied and diſpoſed of for repairing or making the Road, on Account of which it was borrowed, and erecting Toll-Houſes and Turnpikes thereon, or for defraying the other Expences of carrying this Act into Execution in the reſpective Diſtricts, and for no other Uſe or Purpoſes whatever; and if at any Time the Principal Monies borrowed or any Part thereof ſhall be paid off, it ſhall be lawful for the ſaid Truſtees, from Time to Time at their General Meetings, to borrow again any Sum or Sums of Money in like Manner as aforeſaid, ſo that the Whole of the Money which ſhall be due and owing, upon the Credit of the ſaid Tolls or Duties to be collected in virtue of this Act, do not exceed at any One Time the original Sum hereinbefore authorized to be borrowed upon the Credit of the ſaid Tolls or Duties in the reſpective Diſtricts; and the ſaid Truſtees, at a General Meeting aſſembled, are hereby empowered to aſſign and make over the Whole or any Part of the Tolls or Duties by this Act impoſed, to the Perſon or Perſons from whom the Money as aforeſaid has been or ſhall be ſo borrowed as a Security for the Payment of the Sum or Sums of Money ſo lent by them, and the Intereſt thereupon; and the Aſſignment of the Tolls, for all or any of the Sums 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 may be ſeen and peruſed, at all reaſonable Times, by any Perſon or Perſons without Fee or Reward.

and aſſign Tolls in Security.

Notice of borrowing to be given.

XLVIII. Provided always, and it is hereby declared, That no Money ſhall be borrowed by the ſaid Truſtees, unleſs Notice for that Purpoſe ſhall be publiſhed in an *Aberdeen* Newſpaper, with reſpect to the Firſt Diſtrict, and in an *Aberdeen*, a *Montroſe*, and an *Edinburgh* Newſpaper, with reſpect to the Second Diſtrict, and at leaſt One Month before borrowing of ſuch Money, and that nothing herein contained, ſhall extend, or be conſtrued to extend to charge, or ſubject the Truſtees perſonally on account of their executing the Aſſignments.

Mode of borrowing Money.

XLIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, if they ſhall think proper, at any General Meeting or Meetings, or at any Adjournment thereof, to be for that Purpoſe made, to purſue the Method hereinafter mentioned of borrowing and ſecuring Money upon the Credit of the ſaid Tolls;

Tolls; that is to ſay, the ſaid Truſtees, at ſuch General Meeting or Meetings, or Adjournment thereof as aforeſaid, ſhall and may reſolve on and declare what Part of the aforeſaid Money they ſhall think requiſite to borrow and take up at Intereſt on the Security of the Tolls hereby granted and made payable for the aforeſaid ſeveral Diſtricts of Road, or for any Part or Diviſion of the ſaid Roads, and what Part thereof ſhall be raiſed and paid in and into whoſe Hands, and what Rate of Intereſt ſhall be allowed for the ſame; which Reſolution and Declaration ſhall at the ſame Meeting be entered by the Clerk to the ſaid Truſtees in a Book to be provided for that Purpoſe, and ſhall at the ſame Meeting be ſigned by the ſaid Truſtees, and upon ſuch Entry being made, the ſaid Truſtees ſhall direct the Clerk to inſert a Notice in the Newſpapers aforeſaid, for the reſpective Diſtricts, mentioning the Time and Place of the Meeting of the ſaid Truſtees for that Purpoſe; which Notice ſhall be publiſhed as above at leaſt One Month previous to the borrowing of ſuch Money; and the ſaid Truſtees, aſſembled in conſequence of ſuch Notice, are hereby authorized and empowered to mortgage or aſſign over the Tolls or Duties ariſing upon the aforeſaid Roads or any Part or Diviſion thereof, and alſo the Toll-Houſes and Toll-Gates erected on, or at the Sides of the ſaid Roads, or any Part or Diviſion thereof, for which ſuch Money ſhall be borrowed as aforeſaid, to any Perſon or Perſons lending the ſame, as a Security or Securities for the ſeveral Sums of Money that ſhall be borrowed, and the Intereſt thereof as aforeſaid, by the following Words of Aſſignment under the Hands of the ſaid Truſtees ſo aſſembled, or by any other proper Words for that Purpoſe; that is to ſay,

Form of Aſſignment.

‘ BY virtue of an Act made in the Fifty-ſeventh Year of the Reign of His Majeſty *George* the Third, intituled [*here ſet forth the Title of this Act*]; We, the Truſtees for putting the ſaid Act in Execution, aſſembled at a General Meeting called agreeably to the aforeſaid Act, in conſideration of the Sum of do aſſign unto *A. B.* his Executors and Aſſignees, ſuch Proportion of the Tolls ariſing by virtue of the Act, upon that Part of the Roads therein mentioned, leading from to as the ſaid Sum of ſhall be to the whole Sum advanced on the Credit of the ſame, to hold to the ſaid *A. B.* his Executors and Aſſignees, from this Day of in the Year of our Lord until ſuch Sum of Pounds, with Intereſt, at the Rate of Five Pounds *per Centum per Annum*, ſhall be repaid. In Witneſs whereof we have ſubſcribed this Aſſignment, written by *C. D.* Clerk to the Truſtees, at the Day of and Year
in Preſence of the ſaid *C. D.*, *T. K* of

To be entered in a Book,

And the ſaid Truſtees, aſſembled as aforeſaid, ſhall, at the Time of iſſuing ſuch Aſſignment, or any of them, ſet and affix their Hands thereto, which Signing ſhall be atteſted by the Clerk to the ſaid Truſtees, and by One other Witneſs; and thereupon the Clerk of the ſaid Truſtees ſhall make Entry in the ſaid Book or Books wherein ſuch Reſolution and Declaration ſhall have been entered as aforeſaid, of the reſpective Dates of ſuch Aſſignments, and the Names of the Perſon or Perſons to whom ſuch Aſſignments ſhall be made as aforeſaid, and by whom they are ſigned and atteſted, and ſhall mark the ſaid Aſſignments in this Manner: “ Entered, “ No. 1.;” (and ſo on, as they ſtand in the Courſe of the Book) “ *C. D.* “ Clerk

to be marked and numbered;

" Clerk of the Truſtees for Turnpikes in the County of *Kincardine*;" and, after ſuch Entries ſhall have been made in the ſaid Book, the ſaid Truſtees at ſuch Meeting, or any Two or more of them, ſhall ſign their Names to ſuch reſpective Entries; and the ſaid Truſtees, at any ſubſequent General Meeting or Meetings, or at any Adjournment thereof reſpectively to be made for that Purpoſe, ſhall obſerve the ſame Method in raiſing the Reſidue of the Money determined by them to be neceſſary for the reſpective Purpoſes aforeſaid, or any Part thereof, which ſaid Sum or Sums of Money, ſo to be borrowed, ſhall be laid out and applied in and for the making, repairing, altering, or widening, ſuch Parts or Diviſions of the aforeſaid Roads for which ſuch Sums ſhall be ſo borrowed reſpectively, as aforeſaid, and erecting Toll-Bars and Toll-Houſes thereon, and to and for no other Uſe, Intent, or Purpoſe whatever; and all and every Perſon or Perſons to whom ſuch Aſſignments ſhall be made, as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may, from Time to Time, aſſign and transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured to any Perſon or Perſons whatſoever, by indorſing on the Back of ſuch Security, before Two or more credible Witneſſes, by the following Words written upon the aforeſaid Aſſignment, or Words to the like Effect:

Application of borrowed Money;

Aſſignment may be transferred.

'I DO transfer this Aſſignment, with all my Right and Title to the Principal and Intereſt thereby ſecured, and now due, unto *C. D.* his Executors and Aſſignees. Witneſs my Hand, at the , Day of in the Year before theſe Witneſſes *E. F.* and *G. H.*'

Which ſaid Transfer or Aſſignment muſt be produced and notified to the ſaid Clerk at a General Meeting of the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignment, for which the ſaid Clerk ſhall be entitled to a Fee of Two Shillings and Sixpence and no more; and after ſuch Entry made (but not till then) every ſuch Aſſignment ſhall entitle ſuch Aſſignee, his, her, or their Executors and Aſſigns to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may, in like Manner, aſſign and transfer it again, and ſo *toties quoties*, and all ſuch Transfers and Aſſignments ſhall entitle ſuch Aſſignee his, her, or their Executors and Aſſigns to the Benefit thereof and Payment thereon, and it ſhall not be in the Power of the Perſon or Perſons who ſhall make ſuch Aſſignments reſpectively, to make void or diſcharge the ſame, or any Monies thereby due or any Part thereof.

Transfer muſt be notified to the Clerk and entered in a Book.

L. And be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered to accept Subſcriptions for ſuch Sum or Sums of Money as may be requiſite for the Amendment of any particular Part or Parts of the ſaid Roads, and for ſecuring the Repayment thereof with Intereſt, to grant Mortgages or Aſſignments of the Toll hereby empowered and allowed to be levied; and to contract and agree with the Perſon or Perſons lending Money, as aforeſaid, for the Amendment of any Part of the ſaid Roads, to apply the ſame towards amending ſuch Road or Parts of a Road; and they are hereby required to lay out and employ the Money ſo lent to that expreſs Purpoſe

Subſcriptions may be taken for particular Part of Roads.

Purpoſe accordingly: Provided that no ſuch Subſcription ſhall be received or Agreement entered into for a Space of Road leſs than Six Miles in Length, and that no Turnpike or Toll-Bar ſhall be erected or Tolls taken on any ſuch particular Space or Portion of Road, until Four Miles of the Six Miles neareſt to the Place where ſuch Turnpike or Toll-Bar ſhall be erected, ſhall have been well and ſufficiently made, amended, or repaired.

Penalty for miſapplying Money.

LI. And be it 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 triple 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 *Kincardine*, poſſeſſed of One Hundred Pounds Scots each, of valued Rent, who are hereby authorized to ſue for and recover the ſame in an Action, ſummarily, before the Court of Seſſion, without abiding the Courſe of the Roll, with Coſts of Suit, Half of which Forfeiture ſhall belong to the Perſons who ſhall ſue for the ſame, and the other Half ſhall be paid to the ſaid Truſtees, to be applied by them for 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;

Compoſitions to be entered in Books.

LII. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, ſhall, and they are hereby empowered (but only with Conſent of Three-Fourths in value, of the Perſons who have lent or ſubſcribed Money on the Security of Tolls and Duties, and for which they ſhall be Creditors at the Time) to compound and agree, by the Year or otherwiſe, with any Perſon or Perſons uſing to travel through the Turnpikes with any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, Horſe, 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, 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 reaſonable Times, without paying any Fee or Reward.

Truſtees of the Firſt Diſtrict to account to Truſtees of the Second Diſtrict.

LIII. And be it enacted, That the ſaid Truſtees on the Road from the Bridge of *Dee* to *Stonehaven*, or the Firſt Diſtrict, ſhall be liable to account for their Acts and Management, to the Truſtees hereby appointed of the Second Diſtrict, or the other Roads on which Turnpikes are hereby intended to be erected Annually, on the Day that is appointed for the Meeting of the Commiſſioners of Supply for aſſeſſing the Land Tax.

Payment of Subſcription Money to be enforced.

LIV. 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 and repaired, and Turnpikes thereupon erected, ſhall neglect or refuſe to pay his, her, or their Subſcription Money at ſuch Time and 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 in that Part of *Great Britain* called *Scotland*, declaring that the ſaid Subſcription Money or any Part thereof actually paid, together with Intereſt for the ſame at the higheſt Rate allowed by Law from the Time of Payment or the Advance thereof, ſhall be a Lien and Burden upon the Tolls collected upon the ſaid Roads for the Uſe whereof the Money was ſubſcribed, in Favour of the Perſon or Perſons, or Bodies Politic or Corporate, paying, and their Executors, Succeſſors, or Aſſigns.

Truſtees to make Drains, Ditches, &c.

LV. And be it further enacted, That the ſaid Truſtees, at their General Meetings reſpectively aſſembled, or at the Meetings of Truſtees for managing the Roads in particular Diſtricts, who ſhall be duly authorized, in Terms of this Act, are hereby empowered to cauſe to be made Cauſeways, and to cut and to make Drains, Ditches, or Trenches through any Ground lying contiguous to the ſaid Roads already made or to be made, and to make Paſſages for the Water, where it ſhall be found neceſſary, through the Ground of any adjacent Proprietor; and alſo to keep clear ſuch Drains, Ditches, Paſſages, or Outlets; and the Workmen

to make new Bridges, &c.

authorized by them may go upon the ſaid Lands for that Purpoſe; and the ſaid Truſtees ſhall, and are hereby authorized and empowered to cauſe new Arches and Bridges, of Stone, Brick, or Timber, to be made

to pull down Old Bridges.

and erected upon the ſaid Roads; and any old Bridges, which may become uſeleſs and 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, or otherwiſe diſpoſed of as they ſhall ſee proper; and alſo to cauſe the ſaid Roads, or

to widen Roads;

ſuch Parts thereof as are not of a ſufficient Breadth to be widened, and made of ſuch Breadth as they ſhall think proper, not exceeding Forty

to alter Roads;

Feet, including the 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 for theſe Purpoſes, to carry the ſaid Roads, or any Part or Parts thereof, through and over ſuch Grounds or Fences as to them 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 or other Roads, as far as they are joined by the Roads herein before mentioned, ſhall be conſidered as a Part thereof, to all Intents and Purpoſes;

to remove Fences and pull down Houſes.

and 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 removing; and the Road ſo altered ſhall from thenceforth be deemed, and taken to be a Public Highway, and ſhall be repaired, and mended, and kept in Repair, in the ſame Manner as the Roads directed to be repaired by this preſent Act.

Valued Rent not to be affected by taking Ground for Roads.

LVI. Provided always, and be it declared, That in every Caſe where Grounds have been or ſhall be taken under the ſaid Act before recited, or this preſent 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.

LVII. And

Bye-Roads may be ſhut up.

LVII. And be it further enacted, That it ſhall be lawful to the ſaid Truſtees to cauſe any Bye-Roads, connected with any of the Roads which are directed or intended by this Act to be made or repaired, and which are uſeleſs to the Public, to be ſhut up, but with Liberty to any Perſon intereſted to appeal from any ſuch Order to the Juſtices of the Peace for the ſaid County at their next Quarter Seſſions, whoſe Deciſion ſhall be final.

Houſes may be pulled down.

LVIII. And be it enacted, That in making Acceſſes into Towns and Villages, it ſhall be in the Power of the ſaid Truſtees at a general Meeting aſſembled, to cauſe to be pulled down Houſes, the Side-Walls of which do not exceed Twenty-four Feet in Height, but ſo as not to make the Road more than Forty Feet in Width, and making Reparation for Injury done to the Proprietors and Occupiers of the Houſes demoliſhed, in the Manner herein directed.

Roads may be widened to legal Standard.

LIX. And be it further enacted, That where any Part of the ſaid Roads, paſſing through open and uncultivated Lands is not of a ſufficient Breadth according to the loweſt legal Rate and Standard of Twenty-five Feet, including the Ditches or Water-Runs at the Side of the Roads, it ſhall and may be lawful for any Five of the ſaid Truſtees to widen and extend the Breadth of the ſaid Roads to the legal Standard, without giving any Compenſation to the adjoining Proprietors on that Account; and that when ſuch Roads ſhall paſs through any incloſed or private Grounds, where the ſame are not of the legal Width, then full Recompence and Satisfaction ſhall be made for the Land or Ground to be taken for the above Purpoſe in Manner hereinafter mentioned.

Heirs of Entail, &c. may give up Claims for Damage, &c.

LX. Provided always, and be it further enacted, That it ſhall be in the Power of all Owners and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwiſe, competent to them by this Act, for ſuch Grounds as any of the ſaid Roads when ſtraightened, widened, or altered as aforeſaid, may occupy, or for the Materials required for making the ſaid Roads, where the ſame does not exceed the Value of One hundred Pounds Sterling, and ſuch Renunciations ſhall be equally binding on the Heirs of ſuch Owners and Occupiers.

On Difference with the Owners, &c. Value to be aſcertained, &c.

LXI. And be it enacted, That if in the taking Poſſeſſion of the Ground neceſſary for ſtraightening, widening, or altering the ſaid Roads, or for other the Purpoſes of this Act, or if in removing any Fence, Houſe, or other Building, or other Impediment under the Authority of this Act, the reſpective Owners or Occupiers of ſuch Grounds, Fences, Lands, Houſes, Buildings, or other Impediments ſhall allege that the ſame ought not to be taken as being protected under any Clauſe herein contained, or ſhall not come to a voluntary Agreement with the ſaid Truſtees for the Value thereof, or for the Damage ſuſtained by and the Recompence to be made to ſuch Owners or Occupiers, or in caſe the Claim of Damages or otherwiſe which may be thence incurred has not been renounced in Manner aforeſaid, it ſhall be lawful for either Party to apply to the Sheriff Depute of the County of *Kincardine*, or One of his Subſtitutes, who upon ſuch Application is and are hereby authorized and required to ſummon a Competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, being either Owners or Occupiers of Lands within the County, to come and appear

appear before them at such Time and Place as by their Warrant and Precept shall be directed, Intimation of Fifteen Days being given by the Trustees of such Appointment to the Parties or their known Agents, and the Number of Persons who shall attend shall then be reduced to Fifteen, by the Trustees and the Proprietors striking off One alternately, beginning on the Part of the Proprietors, or in case both Parties shall not appear by the Sheriff Depute or his Substitute, until it be so reduced, and the remaining Fifteen being duly sworn, the Sheriff Depute or his Substitute shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence, such Jury shall determine as to the Relevancy of the Facts alleged against taking such Ground, and if such Facts shall be found irrelevant, shall determine the Price to be paid by the said Trustees, and the said Sheriff Depute or his Substitute shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds; and the Proceedings of the said Sheriff Depute or his Substitutes, and the Verdict of the said Jury, shall be final and conclusive on all Parties, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

Expence of ascertaining Value by whom to be paid.

LXII. Providing always, and be it enacted, That if such Jury shall by their Verdict adjudge the said Premises to be of greater Value than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury and all Expences connected therewith shall be defrayed and borne by the said Trustees and such Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers the Sum required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and in case the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers; and in all Cases where any Person or Persons shall by reason of unavoidable 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 and paid to the Owner or Owners, Occupier or Occupiers of any Lands, Houses, or other Premises, or to their Agents or Factors, such Sum as the said Trustees shall think reasonable, or which shall have been awarded in Manner aforesaid, or on Consignation of the same in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, as the Case may be, in Manner by this Act directed, and from thenceforth it shall and may be lawful for the said Trustees to enter into, or upon such Lands, Houses, or other Premises for the Purposes of this Act, and no Stop shall in the meantime be put to the Operations of the said Trustees on pretence of settling the said Damages, or that they have not been satisfied and paid.

If Jurymen refuse to act.

LXIII. And be it enacted, That if any Person, summoned as a Juryman or a Witness, under the Authority of the said Sheriff Depute or his Substitute, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence, the said Sheriff Depute or his Substitute is hereby empowered to fine every such Per-

fon for every ſuch Offence in any Sum not exceeding Five Pounds Sterling.

How Lands are to be veſted in the Truſtees.

LXIV. 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 of the agreed Price or appraiſed Value thereof, or by Conſignation of the ſaid Price or Value in the Bank of *Scotland*, or the Royal Bank of *Scotland*, or Bank of the *Britiſh* Linen Company, in Manner herein directed with regard to Conſignations, as the Caſe may be; and it ſhall be ſufficient to record the Diſcharge or the Voucher of Conſignation in the Sheriff-Court Books of the ſaid County, whereupon the ſaid 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.

Incorporated Perſons, &c. empowered to convey.

LXV. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Truſtees, Tutors and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, are hereby empowered and required to ſell, feu, let, and convey all ſuch Lands or Houſes as may be neceſſary for the making, altering, or widening the ſaid Roads, or any of them, and erecting any Gate or Turnpike or Toll-Houſe, with a Stable and Garden adjoining thereto, and for ſtoring Materials, or otherwiſe, where Ground is neceſſary for the Purpoſes of this Act, upon ſuch Satisfaction being made to the Owner or Owners, and Occupier and Occupiers, as can be agreed upon by and between the ſaid Truſtees and ſuch Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of ſuch Sum or Sums of Money as ſhall be awarded in the Manner hereinbefore directed.

Application of Compenſation amounting to 200l.

LXVI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid, for any Lands, Tenements, or Heritages, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Life-Rents, Annuities, or other Incumbrances, or ſhall belong to any Incorporation, Married Women, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds under the Direction, and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *Britiſh* Linen Company, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Heritages, in the Redemption or Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, ſtanding ſettled therewith, to the ſame or the like Uſes,

Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, in the ſame Manner as the Lands, Tenements, or Heritages, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as, at the time of making ſuch Conveyance and Settlement, ſhall be exiſting undetermined and capable of taking effect; and in the Meantime, and until ſuch Purchaſe ſhall be made, the Intereſt or Annual Produce of ſuch Money ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than 200l. and not under 20l.

LXVII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Incorporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds Sterling, and not leſs than the Sum of Twenty Pounds Sterling, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Heritages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe the ſame ſhall be paid at the like Option of Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties,) in order that ſuch Principal Money, and the Intereſt ariſing therefrom, may be applied in any Manner hereinbefore directed, ſo far as the Caſe be applicable.

Application when the Money is leſs than 20l.

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

In caſe of not making out Titles, &c.

LXIX. 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, Tenements, or Heritages to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe

ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages, be not known or diſcovered, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the Bank of the *Britiſh* Linen Company, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages (deſcribing them), ſubject to the Order, Control, 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 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*, or Bank of the *Britiſh* Linen Company, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Seſſion.

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

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

LXXI. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Heritages to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes in purſuance of this Act; it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expence as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be

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

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.

First Offer of Ground not wanted for the Purpoſes of this Act to whom to be made.

LXXII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or, in caſe ſuch Ground ſhall be a Piece or Pieces of old Road, to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before One of His Majeſty's Juſtices of the Peace for the ſaid County (who is hereby empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the County or Place wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſion of the Peace to be held in and for the ſame County or Place next after ſuch Difference ſhall ariſe; and on Ten Days' clear Notice thereof, to be given by the ſaid Truſtees to ſuch Owner or Owners, Occupier or Occupiers, or be left at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Truſtees may take Materials for making Roads, &c.; on making Satisfaction to Owners or Occupiers of the Grounds.

LXXIII. And be it further enacted, That the ſaid Truſtees, 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 Proprietor of ſuch Grounds, for making, repairing, and amending the ſaid Roads, or for building Arches or 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 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

ried, 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 be ascertained by Two or more Justices of the Peace of the said County, which Compensation shall be levied and recovered in like Manner as any Penalties or Forfeitures are hereinafter authorized to be levied and recovered.

Materials not to be taken from Lands without Notice to Occupier.

LXXIV. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away Materials for making or repairing the said Roads, from any Lands or Grounds until Ten Days' previous Notice in Writing, shall be given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the said County of *Kincardine*, to shew cause why such Materials should not be had from such Lands or Grounds; and in case such Owner and Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyors or other Persons to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or any Three or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself, or his Agent, the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Houses of a certain Description, &c. Pleasure Grounds not to be injured

LXXV. 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 anyways prejudice any House or Building in the Country, the Side-Walls of which are above Twelve Feet high; or any House or Building in any Town or Village, the Side-Walls of which are above Twenty-four Feet high; or any Garden, Orchard, or Planted Walk, Lawn, or Pleasure-Grounds, or any Avenue to a House.

Ground may be rented as Repositories for Materials.

LXXVI. 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 making or repairing the same, or the Arches and Bridges thereof.

Regulations as to Ditches near the Sides of the Roads, Passages, &c.

LXXVII. And be it further enacted, That where any Ditches have been, or in Time coming shall be, made near the Sides of the said Roads, or through any Fields adjoining to 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 to do so, 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 of the Proprietors or Occupiers of the Fields through which those Ditches shall be made; and, upon their refusing Payment of such Costs, it shall and may be lawful for the Justices of the Peace of the said County,

or any Two or more of them, or the Sheriff Depute or his Substitute, to levy such Costs by Distress and Sale, in the same Manner as is herein 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 Justices 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 triple the Expence of repairing and scouring the same, to be recovered in Manner hereinafter mentioned; and the 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 by 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 Road thereby prejudiced:

No Water to be turned upon, or across the Roads without leave of Trustees.

Provided always, That no Owner or Occupier of Land shall turn any Water upon the Side of any of the said Roads, nor conduct any Water across any of the said Roads, for the meliorating of Fields or other Purposes, unless with Consent and at the Sight of Two of the said Trustees; and every such Proprietor or Occupier shall be obliged to carry the Water across the Road in a covered Drain, of such Depth and Construction as that the Water may not prejudice the Road.

Notice to be given of Inclosures along the Sides of the Roads.

LXXVIII. And be it further enacted, That where the Lands on One Side, or on both Sides, of any Part or Parts of any of the said Roads are not inclosed, the Proprietor or Occupier of the said Lands shall not make Inclosures along the Sides of the Road, without giving at least One Month previous Notice to the said Trustees, and if he fail so to do, he shall not be entitled to any Compensation for the Expences 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 the said Notice shall be given to the Trustees by a Letter addressed to their Clerk, who shall lay the same before the next General Meeting, or adjourned General Meeting, and the said Meeting is hereby required to insert a Copy of the said Letter in their Minutes.

Penalty for riding on Footpaths.

LXXIX. And be it enacted, That if any Person shall ride, or shall 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 hurt or injure the same, he shall for every such Offence forfeit a Sum not exceeding Five Shillings Sterling, to be recovered and levied in Manner hereinafter directed.

Trees and Hedges to be lopped.

LXXX. 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 the Trees or Hedges in a proper Manner, (save and except such as are an Ornament or Shelter to a House or other Building, or such as are growing in any Garden, Orchard, Yard, Park, Paddock, or planted Avenue to a House,) so as to give sufficient Breadth and Air to such Road; and in case they neglect so to do for Thirty Days 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 at the Defaulter's Expences, at ſuch Seaſons of the Year as are proper for doing the ſame.

Mile-Stones and Guide-Poſts to be erected.

LXXXI. And be it enacted, That the ſaid Truſtees, or any Three or more of them, may cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be erected on the Sides thereof, denoting the Diſtance, at the End of 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 Parts of the ſaid Roads where the ſame are croſſed or joined with other Roads as they ſhall think proper; and if any Perſon or Perſons ſhall break down, deſtroy, or deface any ſuch Mile-Stones or Guide-Poſts, or ſhall break down or diſplace any Cope-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 break down, deſtroy, injure, or deface any Buildings or other Work made or erected by Authority of the ſaid Truſtees in virtue of this Act, or ſhall be aiding or aſſiſting therein, or ſhall reſcue or attempt to reſcue any Perſon apprehended for 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 County, or his Subſtitute, or before Two or more Juſtices of the Peace for the ſaid County, ſhall, beſides paying the Damages and Expences, pay a Penalty not exceeding Two Pounds Sterling; and in caſe the ſaid Penalty, Damages, and Expences ſo adjudged, ſhall not inſtantly be paid, or ſufficient Caution found therefor, 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 for deſtroying the ſame, or the Parapet Walls of Bridges, &c. or for turning any Streams of Water upon the Road; or for deſtroying Buildings.

Head-ridges to be left, and Gates to open inwards; no Soil, &c. to be removed from the Roads or Ditches; no Nuiſance to be laid on or near the Road; Rules for making Drains acroſs the Road.

LXXXII. And be it further enacted, That every Perſon, in ploughing any Field contiguous to the ſaid Roads, which is not ſufficiently incloſed, ſhall always make Head-ridges along the Sides of the Roads of a reaſonable Breadth; and all Gates upon Incloſures, next to any of the ſaid Roads, ſhall open inwards to the Field; and no Perſon or Perſons whatever ſhall remove any Stones, Earth, Soil, or other Manure, from the ſaid Roads, or the Ditches or Drains belonging thereto, without Leave of the ſaid Truſtees; nor ſhall lay any dead Horſe, or other Carrion, on any of the ſaid Roads, or within Twenty Yards of the Side thereof; or any Dung, Lime, Soil or Compoſt, or Matter whatſoever, either for manuring Land, or for any other Purpoſe, upon 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 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; and the ſaid covered Drain or Paſſage ſhall be made and completely finiſhed acroſs One-Half of the ſaid Road before the other ſhall be opened; and the Whole 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

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 Five Pounds Sterling for each Offence; One Half thereof to be paid to the Informer, and the other Half to be applied in making or repairing the said Roads.

Penalty for pasturing Cattle on Sides of the Roads.

LXXXIII. And be it further enacted, That if any Person or Persons shall pasture or leave, or allow to be pastured or left, on the aforesaid Roads, or any of them, any Horse, Sheep, Cow, or other Bestial, it shall and may be lawful for the Sheriff, or any One or more of the Justices of Peace for the County, to impound such Cattle, and 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 a Summons for bringing the Person or Persons so offending as aforesaid 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 on the Oath or Confession of the Party offending, it shall and may be lawful for the said Sheriff, or a Justice or Justices of the Peace, to fine such Offender or Offenders, severally, in any Sum not exceeding Twenty Shillings Sterling, for each and every Offence, to be levied or recovered by Imprisonment, not exceeding Seven Days, and to be applied for making or repairing the said Roads.

Penalty for dragging Trees, &c. on the Roads.

LXXXIV. And be it enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall suffer any Tree or other Matter whatsoever, which can be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads, to the Injury thereof, every such Person shall, for every such Offence, forfeit a Sum not exceeding Two Pounds Sterling.

Houses not to be built within 30 Feet of the Middle of the Roads.

LXXXV. And be it further enacted, That in case any Houses shall be built near the Sides of the said Roads, or in any Villages, or in case any Houses or other Buildings of any Kind shall be erected at or near the Outlet of any Town within the said County, no such House or other Building, shall be built within the Distance of Thirty Feet from the Middle of the said Roads, under the Penalty of Forty Shillings Sterling for every Offence, and the Expence of demolishing such House or Edifice, and also that in case any House shall be pulled down by the Proprietor, for the Purpose of rebuilding 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 same to be removed back to the Distance of Thirty 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 of every such House or Building, as he or they shall apprehend to be within the said Distance, from the Middle of any of the said Roads, by an Order under his or their Hand or Hands, until such Time as sufficient Security shall be found, 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 stated General Meeting of the said Trustees, it shall and may be lawful for any Two or more of the said Trustees to order such

Building

Building to be pulled down and removed, at the Expence of the Erector, or of the Occupier of the Ground, and to grant Warrant for levying the same as hereinafter mentioned.

Owner of Waggons, &c. to have his Name and Abode painted thereon.

LXXXVI. And be it further enacted, That 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, and the Number of such Waggon, Wain, Cart, or other Carriage painted in legible Characters upon some conspicuous Part of such Waggon, Wain, or Cart in Terms of Law, or where there is not a proper Bridle 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-Gatherers or other Persons employed to collect any of the Tolls or Duties leviable under this Act, and such Tacksmen or Toll-Gatherers are hereby expressly authorized and required to levy, demand, and take, at the said Turnpike-Gate, or Gates before any such Waggon, Wain, Cart, or any other Carriage, on which the Owner's Name shall not be painted, or Number marked, or where there are not proper Bridles or Halters, shall pass through the same, double Tolls and Duties by this Act authorized to be levied and taken, and which 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.

Carriage to keep the near Side of the Road;

Penalty for offending therein.

LXXXVII. And be it also enacted, That the Drivers of Carts and Carriages of any Kind on meeting other Carriages upon any of the said Roads, shall each of them conduct the Carriage or Carriages they are severally driving to their own left Hands or hold to the near Side of the Road, and in 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; and every Driver or Drivers offending in any of these cases, and being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses, or by his or their own Confession, before the Sheriff or One or more Justice or Justices of the Peace of the County, 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 Sheriff or 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.

Carriages when loading to be placed near the Side of the Road.

LXXXVIII. And be it enacted, That when Carriages are loading and unloading, the Person or Persons having the Charge thereof shall place the said Carriages as near the Side of the Road as may be, so as not to obstruct the Passage; and any Person or Persons acting otherwise shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling for every such Offence.

Transactions under former Act to continue in Force.

LXXXIX. And be it enacted, That all Deeds, Contracts, Agreements, Bonds and Securities, Submiſſions, Awards, Obligations, and other Writings entered into in virtue of and conformably to the before recited Act hereby repealed, ſhall be, and hereby are continued in full Force and Effect, in the ſame Manner as if the ſaid Act were ſtill in Force, or as if they were entered into and granted, in virtue of this preſent Act, and alſo that all Appointments of Officers and other Perſons acting under the Truſtees named in the ſaid recited Act, are hereby continued under the ſame Conditions on which they were made; and further, all Committees compoſed of Truſtees appointed under this Act are hereby continued for carrying into Effect the Purpoſes for which they were named until ſo altered; and all Actions and Proſecutions, and all other Proceedings whatſoever, under the ſaid recited Act, in ſo far as not inconſiſtent with the Proviſions of the preſent Act, are hereby continued and authorized to be proceeded with as if the ſaid Act were ſtill in Force and unrepealed.

Mode of recovering Penalties.

XC. And be it further enacted, That all Forfeitures and Penalties inflicted or authorized 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 be over and above Coſts of Suit, and ſhall, upon Proof of the Offence before the Sheriff Depute or Subſtitute, or Two or more Juſtices of the Peace for the County of *Kincardine*, 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 Sheriff or Juſtices, which Warrant is hereby authorized and required to be granted, and Oaths adminiſtered by the ſaid Sheriff or Juſtices *gratis*; ſuch Sale being always made by public Auction to the higheſt Offerer, at ſuch Place as ſhall be directed in the ſaid Warrant, within Six Weeks after ſuch Diſtreſs ſhall have been made, and Notice given at the neareſt Pariſh Church, 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 ſuch Penalties and Forfeitures, when recovered, ſhall be paid to the ſaid Truſtees, or their Collectors or Treaſurers for the Time being, and ſhall be laid out and applied in repairing of ſuch Parts of the Road upon and in reſpect whereof ſuch Penalties and Forfeitures ſhall be incurred; 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 the Sheriff Depute or Subſtitute, or any Two of the ſaid Juſtices, and they are hereby authorized and required, by Warrant under his or their Hands, to cauſe ſuch Offender or Offenders to be committed to any Houſe of Correction or common Gaol of the 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.

Proceedings may be appealed from.

XCI. 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

at their Quarter Seſſions for the County where the Cauſe of Appeal ſhall have ariſen, 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 Juſtices of the Peace, and lodging with him at the Time of entering ſuch Appeal, a Recognizance 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 authorized and required to take Cognizance of ſuch Complaints and Appeals, and to make ſuch Determination therein as they ſhall think proper, and ſuch Determination ſhall be final.

Limitations of Actions.

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

Expence of Act how to be defrayed.

XCIII. And be it enacted, That the Expence of this Act ſhall be paid as follows; *videlicet*, ſuch Sum as ſhall appear to be the Expence occaſioned by comprehending in this Act the ſaid Two Branches between the Road from *Stonehaven* to *Laurencekirk*, and the Road from *Stonehaven* to the Lower Bridge over the *North Eſk*, ſhall be paid from the Funds of the ſaid Two Branches equally, and the Balance of the Expence of this Act ſhall be paid from the Funds of the ſaid Two Diſtricts, proportionally, according to the average Produce of the Tolls and Duties levied therein reſpectively within the laſt Seven Years prior to the paſſing of this Act, according to the Accounts of the ſaid Diſtricts.

Public Act.

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

Continuance of Act.

XCV. And be it further enacted, That this Act ſhall continue in Force from and after the Twenty-eighth Day after the paſſing of the ſame, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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