ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lix.

An Act for continuing, altering, and enlarging the Terms and Powers of several Acts for making and maintaining certain Roads in the Counties of *Lanark*, *Ayr*, and *Renfrew*, and building a Bridge over the River *Clyde* at *Dalmarnock*, and for making and maintaining a Road from the Confines of the County of *Ayr* towards *Sanquhar*, in the County of *Dumfries*. [14th *June* 1819.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled *An Act for making and repairing the Road from the City of* Glasgow, *in the County of* Lanark, *to* Muirkirk, *in the County of* Ayr, *and from thence to the Confines of the said County of* Ayr, *towards* Sanquhar, *in the County of* Dumfries, *and other Roads communicating therewith*; and another Act was passed in the Thirty-first Year of the Reign of His present Majesty, intituled *An Act for amending an Act made in the Twenty-ninth Year of the Reign of His present Majesty, for making and repairing the Road from the City of* Glasgow, *in the County of* Lanark, *to* Muirkirk, *in the County of* Ayr, *and from thence to the Confines of the said County of* Ayr, *towards*

29 G. 3. c. 79.

31 G. 3. c. 95.

towards Sanquhar, *in the County of* Dumfries, *and other Roads communicating therewith; and for the more effectually repairing the said Roads, and the Road from the Village of* Gorbals *and New Bridge of* Glasgow, *to the Chapel of* Cambuslang, *in the said County of* Lanark, *and Branches thereof; and for making and repairing the Road from the said Chapel of* Cambuslang, *till it joins the High Road leading from* Hamilton *by* Burnbank *towards* Eaglesham, *in the County of* Renfrew; and another Act was passed in the
38 G. 3. c. 20. Thirty-eighth Year of His said Majesty's Reign, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering the Powers of Two Acts passed in the Twenty-ninth and Thirty-first Years of His present Majesty's Reign, for making and repairing the Road from the City of* Glasgow *by* Muirkirk *to the Confines of the County of* Ayr, *and other Roads communicating therewith; and the Road from the Village of* Gorbals *and New Bridge of* Glasgow *by the Chapel of* Cambuslang, *till it joins the Road from* Hamilton *by* Burnbank *towards* Eaglesham, *in the County of* Renfrew; *and for building a Bridge over the River* Clyde *at* Dalmarnock *or* Farme Ford; by which several Acts certain Persons were appointed Trustees for putting the same in Execution; and Powers were given to them for levying Tolls and Pontage, borrowing Money, and other Purposes, for the more effectually making and repairing the Roads comprehended in the said Acts, and for building the said Bridge: And whereas the Trustees appointed by the said recited Acts, whereof the Term is about to expire, have proceeded in the Execution thereof, and have borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which, with other Sums arising from the Tolls levied under the Authority of the said Acts, have been laid out in making and maintaining the said Roads, and carrying the Purposes of the said Acts into Effect; but the said Roads being still in want of Repair, and the said Bridge not being yet erected, such Purposes cannot be effected, nor the Money borrowed in virtue of the said Acts be repaid, unless the Terms and Powers thereof be further continued, and the Tolls, Pontage, and Rates thereby authorized to be levied be increased; and it is expedient that the said Acts be also in other Respects farther altered, amended, and enlarged: And whereas it would be for the Advantage of the Public if the Line of Road from the Confines of the County of *Ayr*, where the present Trust terminates, were continued towards *Sanquhar*, in the County of *Dumfries*, and put under the Management of the Trustees by this Act appointed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Proprietors or Heritors of Lands in the Counties of *Lanark*, *Ayr*, *Renfrew*, and *Dumfries*, who are or may be entitled by the Property which they hold to be Commissioners of Supply in the said Counties, who shall be possessed of the *Dominium utile* of Lands in one or other of the Parishes through which one or other of the said Roads do pass, to the Extent of One hundred Pounds *Scots* of valued Rent, or the eldest Sons or Heirs Apparent of such Heritors and Proprietors, as also one of the Trustees or Guardians of Minors, one of the Trustees of each Estate held under Trust, the Factor or Baron Bailie for the Time being of each Heritor in his Absence, and the Factor, Baron Bailie, or other Person au horized by and in behalf of any Proprietrix, such Minor or Proprietrix having, and such Trust Estate being

Nomination of Trustees.

of the Valuation of One hundred Pound *Scots* in the County Tax Roll, upon Lands ſituated as aforeſaid; as alſo the Lord Provoſt, Bailies, Dean of Guild, and Deacon Convener of the City of *Glaſgow*, the Provoſt and eldeſt Bailie of the Burgh of *Rutherglen*, the Chief Magiſtrate of the Town of *Hamilton*, the Provoſt and eldeſt Bailie of the Burgh of *Sanquhar*, and the Baron Bailie of the Town of *Strathaven*, all for the Time being; and every Subſcriber to the ſaid Bridge at *Dalmarnock Ford*, to the Extent of Two hundred Pounds; and Lieutenant General *John Spens* of *Stonelaw*, Profeſſor *George Jardine* of *Hallſide*, *Hutton* of *Calderbank*, *Colin Dunlop* of *Clyde* Iron Works, *Henry Monteith* Merchant in *Glaſgow*, *William Monteith* Merchant there, *John Jardine* younger, of *Hallſide*, *James Ewing* Merchant, *Glaſgow*, *Robert Yule* Merchant there, and the Manager of the *Muirkirk* Iron Works for the Time, or in his Abſence the Manager of the ſaid Iron Works reſiding in *Glaſgow*, *William Lindſay* of *Oatlands*, Writer in *Glaſgow*, *Robert Brown* at *Hamilton*, *Henry Wardrop* of *Blackfaulds*, *William Broom* of *Panbreck*, or the Proprietor of the Lands of *Panbreck* for the Time, *Walter Whyte* of *Bankhead*, *Robert Gray* of *Blairbeth*, the Provoſt of the Burgh of *Calton* for the Time, *William Falconer* reſiding at *Muirkirk*, and the Reverend *Alexander Brown* Miniſter of *Muirkirk*, ſhall be and they are hereby nominated and appointed Truſtees for making, amending, widening, repairing, and keeping in Repair the whole of the aforeſaid Roads, and erecting and maintaining the ſaid Bridge, and for making and maintaining the ſaid Road from the Confines of the County of *Ayr* towards *Sanquhar*, in the County of *Dumfries*, and for carrying into Execution all the Purpoſes of the ſaid Acts and of this Act: Provided always, that no ſuch Guardian, Truſtee, Factor, Baron Bailie, Provoſt, Bailie, Dean of Guild, or Deacon Convener, ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be qualified to act as a Commiſſioner of Supply for one or other of the ſaid Counties, or unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Fifty Pounds Sterling *per Annum*, or be poſſeſſed of and entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of One thouſand Pounds; nor ſhall any ſuch Guardian, Truſtee, Factor, Baron Bailie, Provoſt, Bailie, Dean of Guild, or Deacon Convener, not qualified to be a Commiſſioner of Supply, be capable of acting in the Execution of this Act, until he ſhall have taken and ſubſcribed the Oath following before any Two or more of the ſaid Truſtees, being Juſtices of the Peace, who are hereby authorized and required to adminiſter the ſame; that is to ſay, Qualification of Factors.

'I do ſwear, that I truly and *bonâ fide* am, in my own Right, *or* in the Right of my Wife (*as the Caſe may be*), in the actual Poſſeſſion or Enjoyment of Lands or Heritages of the clear yearly Value of Fifty Pounds Sterling, or poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal together, of the Amount or Value of One thouſand Pounds Sterling.

'So help me GOD.'

II. And be it further enacted, That if any Perſon or Perſons not qualified as aforeſaid, or not coming within the Deſcription aforeſaid (except the ſaid *John Spens*, *George Jardine*, *Hutton*, *Colin Dunlop*, *Henry Monteith*, Penalty for acting if not qualified.

Monteith, *William Monteith*, *John Jardine*, *James Ewing*, *Robert Yule*, *William Lindſay*, *Robert Brown*, *Henry Wardrop*, *William Broom*, *Walter Whyte*, *Robert Gray*, *William Falconer*, and *Alexander Brown*), ſhall nevertheleſs preſume to act as Truſtees, contrary to the true Intent and Meaning of this Act, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds Sterling; to be recovered and applied in Manner herein-after directed.

Quorum of Truſtees.

III. And be it further enacted, That in all Meetings of Truſtees for the Purpoſes of the ſaid Acts or of this Act, Five of the ſaid Truſtees aſſembled ſhall have Power to act, and be deemed a Quorum.

Firſt Meeting of Truſtees.

IV. And be it further enacted, That the ſaid Truſtees ſhall meet at *Glaſgow* on the Fourth *Tueſday* after the paſſing of this Act, or as ſoon thereafter as conveniently may be; and they, or any Five or more of them, at ſuch Meeting aſſembled, ſhall proceed to the Execution of this Act, and may then, and afterwards from Time to Time, adjourn to meet at ſuch Times, and at ſuch Places in or near and not more than Two Miles diſtant from ſome one or other of the ſaid Roads, as the ſaid Truſtees, at the laſt Meeting aſſembled, ſhall think proper, without Prejudice to their Meeting ſooner, if there be Occaſion, upon Notice from the Clerk of ſuch laſt Meeting, advertiſed Once at leaſt in Two of the Newſpapers publiſhed at *Glaſgow*, Ten Days at leaſt before the Time fixed for ſuch Meetings; and in caſe that at any Time appointed for a Meeting of the Truſtees, Five in Number ſhall not aſſemble, the Truſtees actually aſſembled ſhall have Power to adjourn, though not to do any other Buſineſs relative to the Truſt; and the ſaid Truſtees ſhall, at all their Meetings, defray their own perſonal Expences.

Two Yearly General Meetings of Truſtees.

V. And be it further enacted, That from and after the paſſing of this Act the ſaid Truſtees ſhall hold Two ſtated General Meetings in the Year, at *Glaſgow*, for the Application of the Money ariſing from the Tolls, Duties, and Penalties impoſed by this Act; (*videlicet*), on the Firſt *Wedneſday* of *March*, and the Firſt *Wedneſday* of *September* yearly; at which Meetings, and at no others, all Orders for iſſuing or borrowing Money, or aſſigning the Tolls in Security thereof, ſhall be given; and the Firſt of the ſaid General Meetings ſhall be held on the Firſt *Wedneſday* of *September* next after the Commencement of the preſent Act, with Power to the ſaid Truſtees at that and at each of their ſaid ſubſequent General Meetings aforeſaid, to adjourn their next Meeting, for the Purpoſes of executing this Act, to any Place they ſhall think proper, within the Diſtance of Two Miles and no further from ſome Part of the ſaid Roads comprehended in this Act; and if there ſhall not appear at the ſaid Firſt or any ſubſequent General Meeting a ſufficient Number of Truſtees to act at ſuch Meeting according to the Powers hereby granted, then and in that Caſe the next ſubſequent Meeting, for the Purpoſe above mentioned, ſhall be held at the ſaid Place where the laſt effective Meeting was held for the ſame Purpoſe; and that the Clerk or Clerks to the ſaid Truſtees ſhall cauſe to be inſerted in Two of the Newſpapers publiſhed at *Glaſgow* One Advertiſement of ſuch General Meeting Two ſeveral Times, the Firſt Advertiſement whereof to be at leaſt Ten Days before the Day hereby appointed for the holding of ſuch reſpective General Meeting.

VI. And

Truſtees may order the making of the ſaid Roads, &c.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any of their Meetings held at the Times fixed or advertiſed as aforeſaid, ſhall have Power to iſſue their Orders for ſurveying, making, and repairing the ſaid Road from the Confines of the County of *Ayr* towards *Sanquhar*, in the County of *Dumfries*, according to the Line delineated in the Maps or Plans lodged with the Clerk of the Peace of the ſaid County of *Dumfries*, and otherwiſe to proceed and act in the Execution of the Truſts hereby committed to them.

Power to build Toll Houſes and Turnpikes.

VII. And be it further enacted, That the ſaid Truſtees on the ſaid Roads ſhall be and they are hereby authorized and empowered to build and erect, or cauſe to be built and erected, ſuch Number of Toll Houſes near or upon all and every or any one of the Roads, or upon the ſaid Bridge, and to place Turnpike Gates in, upon, or acroſs the ſaid Roads, or to continue to uſe ſuch Toll Houſes and Turnpike Gates as are already erected in virtue of the ſaid former Acts.

Toll Houſes, &c. veſted in Truſtees.

VIII. And be it further enacted, That the Right, Intereſt, and Property of all and every the ſaid Roads, Toll Houſes, Turnpike Gates, and Premiſes, erected or to be erected by virtue of the ſaid recited Acts or of this Act, ſhall be veſted in the ſaid Truſtees; and they or any Five or more of them are hereby empowered, at a General Meeting aſſembled, to diſpoſe of the ſaid Houſes, Turnpike Gates, and Premiſes, as they ſhall think proper: Provided always, that if a Toll Houſe or Bar ſhall be abandoned or removed by the Order of the ſaid Truſtees, ſuch Houſe, if ſtanding, and the Ground whereon it was ſituated, ſhall be ſold to the Proprietor on whoſe Ground the ſame was built, at a fair Valuation, or in his Option the Ground alone, the Truſtees in that Caſe being at liberty to diſpoſe of and carry away the Materials of the Toll Houſe and clear the Ground of the ſame; but if ſuch Proprietor ſhall not agree to buy, and actually buy ſuch Ground, the ſaid Truſtees may diſpoſe of ſuch Ground and Building in ſuch way as they ſhall judge proper.

Power to erect Side Bars.

IX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees aſſembled at any General Meeting advertiſed as aforeſaid, to erect, or cauſe to be built and erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the ſaid Roads, or acroſs any Lane or Way leading into or from the ſame, at any Diſtance from the ſaid Turnpike Roads not exceeding Sixty Yards, and alſo a Toll Houſe for each Gate, and there to take and receive ſuch Tolls as are by this Act granted and made payable; but a Ticket received at each Side Bar ſhall entitle the Receiver to paſs through the next Turnpike on the ſaid Road Toll-free, which he ſhall have Occaſion to paſs through that ſame Day, ſo that Toll ſhall not on the ſame Day be payable a Second Time at ſuch adjacent Turnpike.

Paſs Tickets to Perſons paying Toll at Stoney Meadow, Greenlees, and Cambuſlang Bars.

X. Provided always, That where any Toll is paid by any Perſon or Perſons at the Side Bar at *Stoney Meadow*, paſſing either by the *Flemington Pariſh Road* or by the *Crooked Sheil Pariſh Road*, ſuch Perſon or Perſons ſhall be entitled to a Paſs Ticket or Tickets which ſhall exempt ſuch Perſon or Perſons from paying Toll at the *Cambuſlang* and *Greenlees* Bars, or at any Bars which may be erected in their Stead; and in the like Manner, any Perſon or Perſons paying Toll at the *Greenlees* and *Cambuſlang* Bars,

Bars, or at any Bars which may be erected in their Stead, shall be entitled to a Ticket or Tickets which shall exempt such Person or Persons from paying Toll at the said *Stoney Meadow* Side Bar.

Exemption at Greenlees.

XI. And provided further, and be it enacted, That if the said Trustees shall find it necessary to place a Side Bar on the Parish Road leading from the Village of *Carmunnock* to the aforesaid Turnpike Road from *Glasgow* to *Muirkirk*, as they are hereby authorized to do, with the Consent of the Parish Statute Labour Trustees, for the Purpose of protecting the *Greenlees* Toll Bar from Evasion, a Ticket delivered at such Side Bar shall exempt the Person receiving the same from the Payment of Toll at the Turnpike at *Greenlees* only: Provided nevertheless, that any Person or Persons coming from or going to the City of *Glasgow*, or to or from any Place upon the said Road nearer thereto than the said Turnpike at *Greenlees*, shall be entitled to receive a Ticket in the usual Manner.

Power to Justices to shut up useless Roads.

XII. And be it further enacted, That it shall and may be lawful for the Justices of Peace of the said Counties of *Lanark*, *Renfrew*, *Ayr*, and *Dumfries*, on an Application of Seven Trustees, to suppress and shut up any Bye-Roads that are not of Importance to the Public, or to the Proprietors of adjacent Grounds, or Roads that have been or may be rendered unnecessary to the Public, from new Lines of Roads being made and repaired: Provided always, that Notice of such Application to the said Justices shall be given, by Advertisement to be inserted in any Two of the *Glasgow* Newspapers, Twenty-one Days at least previous to the Meeting of such Justices for taking such Application into Consideration; and that the like Notice in Writing be given to the Proprietors or Occupiers of the Grounds through which the Roads so to be shut up do pass; and if any Person or Persons shall be dissatisfied with the Order of such Justices, made upon Consideration of such Application, it shall and may be lawful for such Person or Persons to complain thereof, by Appeal to the next Quarter Sessions of the Peace to be held for the County in which such Order shall be so made; and the Decision to be made at such Quarter Sessions shall be final and conclusive, and not subject to Review by Suspension, Advocation, Reduction, or otherwise.

Rates of Toll.

XIII. And be it further enacted, That from and after the passing of this Act, instead of the Tolls and Duties granted by the said recited Acts, or any of them, it shall and may be lawful for the said Trustees, or their Tacksmen, or other Person or Persons appointed by them, to demand, levy, and take at each and every of the Turnpike or Toll Gates erected or to be erected by virtue of the said recited Acts or of this Act, the Tolls and Duties following; *videlicet*,

For Carriages carrying Passengers for Hire; *videlicet*,

For Stage Coaches, Long Coaches, or other Diligences of the like Kind, licensed to carry, or kept or employed for carrying Passengers for Hire, and drawn by not more than Two Horses or other Beasts of Draught;

If licensed to carry not more than Six Inside, and having no Outside Passengers, One Shilling and Sixpence; but if there shall be Outside Passengers at any Time, or for any Part of the Journey, while travelling on the said Roads, One Shilling and Ten-pence:

If licenſed to carry more than Six Inſide Paſſengers, then the above Rates for Six; and for each additional Inſide Paſſenger which ſuch Carriage is licenſed or employed to carry, a further Sum of Two-pence:

Drawn by Three or more Horſes or other Beaſts of Draught;

If licenſed to carry not more than Four Inſide Paſſengers, and having not more than Two Outſide Paſſengers, Two Shillings; if having more than Two, and not more than Five Outſide Paſſengers, Three Shillings; if having more than Five Outſide Paſſengers, Five Shillings:

If licenſed to carry more than Four and not more than Six Inſide Paſſengers, and having not more than Two Outſide Paſſengers, Two Shillings and Four-pence; if having more than Two and not more than Five Outſide Paſſengers, Three Shillings and Eight-pence; if having more than Five Outſide Paſſengers, Six Shillings:

If licenſed to carry more than Six but not more than Eight Inſide Paſſengers, and having not more than Two Outſide Paſſengers, Three Shillings and Eightpence; if having more than Two and not more than Five Outſide Paſſengers, Four Shillings and Four-pence; if having more than Five Outſide Paſſengers, Seven Shillings:

If licenſed to carry more than Eight and not more than Ten Inſide Paſſengers, and having not more than Two Outſide Paſſengers, Four Shillings; if having more than Two and not more than Five Outſide Paſſengers, Five Shillings; if having more than Five Outſide Paſſengers, Eight Shillings:

If licenſed to carry more than Ten Inſide Paſſengers, and not having more than Two Outſide Paſſengers, Four Shillings and Eight-pence; if having more than Two and not exceeding Five Outſide Paſſengers, Five Shillings and Four-pence; if having more than Five Outſide Paſſengers, Nine Shillings:

For each Outſide Paſſenger, excluſive of the Coachman and Guard, in any of the above Caſes, over and above the preceding Rates, at each Turnpike Gate, One Penny:

For other Carriages; *videlicet*,

For every other Coach, Berlin, Landau, Barouche, Chariot, Chaiſe, Chair, or ſuch other Carriage, if drawn by One Horſe or Beaſt of Draught, Nine-pence; by Two Horſes or other Beaſts of Draught, One Shilling and Sixpence; by Three Horſes or Beaſts of Draught, Two Shillings; by Four or Five Horſes or Beaſts of Draught, Two Shillings and Six-pence; by Six or more Horſes or Beaſts of Draught, Three Shillings:

For Waggons; *videlicet*,

For every Waggon or other Carriage with more than Two Wheels, uſed for the Purpoſes of Trade, Commerce, Huſbandry, or other like Purpoſe;

If drawn by One Horſe or Beaſt of Draught, Sixpence; by Two Horſes or Beaſts of Draught, One Shilling; by Three Horſes or Beaſts of Draught, Two Shillings; by Four Horſes or Beaſts of Draught, Three Shillings; by Five Horſes or Beaſts of Draught, Four Shillings and Six-pence; by Six Horſes or Beaſts of Draught, Six Shillings:

For

For Carts; *videlicet*,

For every Cart, Wain, or other Carriage with only Two Wheels, uſed for the Purpoſes of Trade, Commerce, Huſbandry, or other like Purpoſes;

If drawn by One Horſe or Beaſt of Draught, Sixpence; if drawn by Two or more Horſes or Beaſts of Draught, One Shilling.

For every Hurly, Wheelbarrow, or other Carriage of that Deſcription, drawn by Man or Beaſt, not loaded, or not weighing with its Loading above One Hundred Weight, One Halfpenny; and for every additional Hundred Weight, or Part of a Hundred Weight, ſuch Hurly or Wheelbarrow drawn as aforeſaid may weigh, with its Loading, One Halfpenny:

For Horſes; *videlicet*,

For every Saddle Horſe, Mare, Gelding, or Mule, with or without a Rider, Three-pence:

For every other Horſe, Gelding, or Mule, laden or unladen, and not drawing, Two-pence:

For every Aſs, loaded or unloaded, One Penny:

For Cattle; *videlicet*,

For every Ox or Neat Cattle, One Penny:
For every Calf, Hog, Sheep, Lamb, or Goat, One Halfpenny:
For every Horſe or Filly, unſhod, One Penny.

XIV. Provided always, and be it enacted, That Carts or Waggons with Two Wheels, drawn by One Horſe or other Beaſt of Draught, loaded with Coals or Dung, paſſing any of the Toll Bars erected or to be erected under the ſaid recited Acts or this Act, within Six Miles of *Glaſgow*, ſhall not pay higher Rates of Toll than the following, according to their Weight, (reckoning One hundred and twelve Pounds for every Hundred Weight);

If ſuch Load of Coals or Dung, excluſive of the Cart or Waggon, ſhall not exceed Eight Hundred Weight and One Quarter, the Sum of Two-pence; if the ſame ſhall exceed Eight Hundred Weight and One Quarter, and not exceed Twelve Hundred Weight and One Half, Three-pence; if the ſame ſhall exceed Twelve Hundred Weight and One Half, and not exceed Eighteen Hundred Weight and Three Quarters, Four-pence; and if the ſame ſhall exceed Eighteen Hundred Weight and Three Quarters, and not exceed Twenty-four Hundred Weight and Three Quarters, Sixpence:

And that for all Carts loaded with Coals or Dung paſſing through any Bars ſituated on the ſaid Roads, at a greater Diſtance than Six Miles from *Glaſgow*, no more than Three-pence for each Cart drawn by One Horſe or Beaſt of Draught ſhall be levied:

And provided further, that a Cart loaded only with Milk and Butter, and drawn by One Horſe or Beaſt of Draught, ſhall pay at each Toll Bar erected or to be erected under this or the ſaid recited Acts, not more than Four-pence.

Tolls how often to be paid.

XV. And be it further enacted, That no Perſon or Perſons having Occaſion to paſs through any Gate or Turnpike erected and continued, or to

to be erected by virtue of this Act, and who shall return through the same Gate or Turnpike on the same Day, to be computed from Twelve of the Clock at Night to the like Hour in the succeeding Night, with the same Coach or Cart or other Wheel Carriage, drawn by the same Horses, or with the same Horse, Ass, or other Cattle, shall be liable or compelled to pay the Tolls or Duties more than Once; but shall on Demand be furnished *gratis* with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, and having printed thereon the Name or Names of the Gate or Gates freed by such Payment, which Note or Ticket, Notes or Tickets, shall give Liberty and Access to such Person or Persons, returning the same Day as aforesaid, to repass the said Gate or Turnpike Toll-free; but such Coach, Cart, or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, in case the same shall return or pass such Gate or Turnpike with a new Loading a Second Time or oftener in the same Day, shall in that Case be severally liable to pay the Tolls for each successive Time, in the same Manner as the First Time.

Power to diminish the Tolls.

XVI. And be it further enacted, That the said Trustees are hereby empowered to diminish or lessen the said Tolls and Duties, or such Parts thereof as they shall see Cause, such Diminution not being objected to by One Third of the Creditors in Value upon the said Roads, and afterwards again to raise the same, so as not at any Time to exceed the Tolls and Pontage granted by this Act.

Provision as to Broad Wheels.

XVII. Provided always, and be it enacted, That no more than One Half of the Tolls and Duties before specified shall be demanded or taken by virtue of this Act for any Cart, Waggon, or Carriage having Two Wheels of the Breadth of Four and a Half Inches in the Tread, and drawn by One Horse; or for any Cart, Waggon, or Carriage having Two Wheels of the Breadth of Five Inches in the Tread, and drawn by Two Horses; or for any Cart, Waggon, or Carriage having Wheels of the Breadth of Six Inches of Tread, and drawn by not more than Three Horses; or for Waggons having the Tread of the Wheels of the Breadth of Nine Inches, although drawn by more than Three Horses: Provided farther, that in order to be entitled to such Abatements, the Wheels of every Cart, Waggon, or Carriage, for or in respect of which the same shall be claimed shall be cylindrical; that is to say, of the same Diameter on the Inside next to the Carriage and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear equally on such flat Surface; and that the opposite Ends of the Axletrees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages, the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Part of such Pair of Wheels; and further, that the Nails shall be sunk level with the Rings on the Wheels.

Penalty against Evasion by Stage Coaches.

XVIII. And be it further enacted, That if any Person, being the Driver, Guard, or Owner of any Coach or other Diligence passing along the said Roads, shall be convicted before the Sheriff Depute or his Substitute, or before any Justice of the Peace for the County of *Lanark* or other County where the Offence is committed, or of the County where the Offender may be apprehended or reside, either on his own Confession or

by the Oath of One credible Witneſs, of having directly or indirectly evaded the Payment of the foreſaid Tolls or Rates, either by concealing or refuſing to reveal the Number of Inſide or Outſide Paſſengers or otherwiſe, ſuch Perſon ſo convicted ſhall on each Conviction be adjudged to pay a Penalty not exceeding Five Pounds Sterling, to be recovered by Diſtreſs and Sale of the Offender's Goods and Effects, by Warrant under the Hand of the ſaid Sheriff Depute or Subſtitute, or Juſtice of the Peace, in ſuch Manner as any Sale may, under the ſaid recited Acts or this Act, be conducted; and the Penalties ſo received ſhall be applied in the Manner in which any Penalty for Evaſion of the ſaid Tolls and Duties, or for any Offence againſt the ſaid recited Acts or this Act, may be applied.

Weighing Machines to be erected; and Rate of Overweight.

XIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, to cauſe Weighing Machines to be erected upon ſuch Parts of the Lines of the ſaid Roads as lead from *Glaſgow* by *Cambuſlang* to *Hamilton*, and from *Glaſgow* by *Muirkirk* towards *Sanquhar*, as they ſhall think fit, for weighing all Carts or Carriages and Waggons which ſhall paſs along the ſame; and to demand and take, or cauſe to be demanded and taken, at the Toll Bars or Turnpike Gates erected or to be erected on the ſaid Roads by virtue of the ſaid Acts or this Act, for all ſuch Carts or Carriages and Waggons which together with the Loading thereof ſhall exceed Twenty-ſeven Hundred Weight (of One hundred and twelve Pounds to the Hundred Weight), the following Tolls and Duties in addition to the Tolls and Duties by this Act before authorized to be taken; *videlicet*, for every Hundred Weight or Part of a Hundred Weight by which ſuch Cart, or Carriage, or Waggon, with its Loading, ſhall exceed Twenty-ſeven Hundred Weight, the Sum of One Penny; provided that if the Sole or Tread of the Wheels of ſuch Cart be made or conſtructed ſo as to have the Sole or Tread of the Wheels reſting or moving upon the Road of the Breadth of Four and a Half Inches at leaſt, only the One Half of the Tolls for ſuch Overweight ſhall be levied: And in caſe any Perſon or Perſons ſhall hinder or obſtruct the Weighing of any ſuch Cart or Carriage, or Waggon as aforeſaid, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit the Sum of Five Pounds Sterling; and the ſame ſhall be applied as the other Penalties of this Act are directed to be applied.

Tolls to be paid only once in Five Miles.

XX. And be it further enacted, That in caſe there ſhall be erected in the Courſe of any one of the ſaid Roads, any Gate or Gates, Turnpike or Turnpikes, at leſs Diſtance from each other than Five Statute Miles, then any Perſon or Perſons producing a Ticket to ſhew that the Toll has been paid at any one of ſuch Gates, ſhall not on the ſame Day pay any Toll at any other Gate on the ſame Road which ſhall be within Five Statute Miles of the Gate at which the Toll denoted by ſuch Ticket ſhall have been paid, excepting where Toll Bars are already erected within ſuch Diſtance, at which the Tolls leviable by this Act ſhall continue to be collected in the ſame Manner and as often as Tolls have been heretofore collected in virtue of the ſaid recited Acts; and alſo excepting the Toll Bar at *Burnbank* near *Hamilton*, in regard whereof a ſpecial Proviſion is herein-after made.

XXI. And

Exemption from Toll.

XXI. And be it further enacted, That no Toll or Duty shall be demanded or taken for any Horse or Carriage attending His Majesty or any of the Royal Family, or for any Horse or other Beast of Draught, or any Carts or Carriages passing through any of the Turnpikes erected or to be erected on the said Roads, and carrying Stones or other Materials for repairing the said Roads and Bridges thereon, or the Statute Labour Roads, or carrying Dung or other Manure, or Hay or Corn in the Straw, or returning empty after having conveyed the same, provided that such Dung or other Manure, or Hay, or Corn in the Straw, shall only pass and be carried along the said Roads from the Steading of any Farm to any of the Fields thereto belonging, or from such Fields to the Farm Steading, or carrying only Ploughs, Harrows, or other Implements of Husbandry to be used in the Grounds adjoining to the said Roads, or returning empty after having carried the same; nor shall Toll be payable for Horses or Cattle going to or returning from Pasture or Watering Places, or any Smithy for the Purpose of being shod or farried; nor shall any Toll be demanded or taken from any Minister or Clergyman or other Person or Persons going to or returning from Church, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, upon *Sundays* or any other Days upon which such Worship shall be celebrated; nor for any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, within the respective Parish of such Clergyman; nor for any Horses or Carriages employed in carrying or conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster 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 of Postage, as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls;* or for any Waggon, Wain, Cart, or other Carriage, 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 any Duty; nor for 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 furnished by, or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them to or returning from the Place appointed for and on the Day 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 or conveying Criminals sent with legal Passes, or returning from conveying the same.

Penalty on unlawfully claiming Exemptions.

XXII. And be it further enacted, That if any Person or Persons shall claim and take the Benefit of any of the Exemptions by this Act granted, not

not being legally entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds Sterling, beſides the Money of which the ſaid Truſtees or their Tackſman ſhall have been defrauded, and whole Coſts of Suit.

Power to build Dalmarnock Bridge.

XXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to erect or cauſe to be erected the ſaid Bridge, by the ſaid recited Act of the Thirty-eighth Year of the Reign of His preſent Majeſty authorized to be built at the Ford called *Dalmarnock* or *Farme Ford*, and that on the Scite by the ſaid Act directed, or as near thereto as the Nature of the Ground renders it practicable to lay the Foundations of the ſaid Bridges; provided that the ſame ſhall not be removed to or upon the Lands of any Perſon or Perſons other than the Lands upon which the ſaid Bridge is ſo authorized to be built by the ſaid recited Act, and that the Scite ſhall not be changed without the Conſent in Writing of the Proprietors of the Lands on which the ſame was ſo authorized to be built firſt had and obtained thereto; and to make and maintain the Roads and Avenues to and from the ſame, in manner authorized by the ſaid recited Act, till the ſame join the preſent Turnpike Road from *Rutherglen*, by the Chapel of *Cambuſlang*, to *Burnbank* and *Hamilton*.

If Barrowfield Lands divided, Tolls not to be taken there.

XXIV. Provided always, and be it enacted, That if the Road leading from the propoſed Bridge at *Dalmarnock* towards *Glaſgow* ſhall be altered, ſo as that the Lands of *Barrowfield*, belonging to *James Nimmo*, ſhall be ſeparated or divided, it ſhall not be lawful for the ſaid Truſtees to aſk or demand any Toll Duty for or in reſpect of any Carriage, or any Horſe or Beaſt paſſing along ſuch Road ſo altered, from one Part of ſuch Lands to another Part thereof; but ſuch Exemption ſhall not extend to any Carriage, Horſe, or Beaſt carrying any Article or Articles to Market, if ſuch Carriage, Horſe, or Beaſt ſhall paſs along or uſe ſuch Road more than One hundred Yards.

Valued Rent of Land not to be affected.

XXV. And be it further enacted, That in every Caſe where it may be neceſſary to exchange or take Ground for the Purpoſes of this Act, as allowed by the ſaid recited Acts or this Act, the ſame ſhall not affect, alter, or diminiſh the valued Rent of the Lands from which ſuch Grounds ſhall be ſo taken or exchanged.

Pontage Tolls.

XXVI. And be it further enacted, That inſtead of the Tolls and Duties, or Pontage, authorized to be levied by the ſaid recited Act of the Thirty-eighth Year of the Reign of His preſent Majeſty, upon Horſes, Cattle, Carts, and other Carriages, paſſing the ſaid Bridge to be erected at *Dalmarnock* or *Farme Ford*, the ſaid Truſtees, or their Tackſman or other Perſons appointed by them, ſhall be and are hereby authorized and empowered to demand and take, at the Turnpike or Toll Gate to be erected upon or at either End of the ſaid Bridge, or near thereto, ſuch and the like Toll Duties, or Pontage, as are or may be by virtue of this Act levied on the ſaid Roads at the neareſt Toll Bar to *Glaſgow*, or ſuch lower Rates as the ſaid Truſtees may think proper, and again to raiſe the ſame, but ſo as never to exceed the Tolls granted by this Act: And the ſaid Truſtees are alſo hereby empowered to demand and take the Sum of One Penny for every Perſon paſſing the ſaid Bridge on Foot, and that every Time each Foot Paſſenger

paſſes the ſame: Provided always, that after the ſaid Pontage Duties ſhall have been once fixed, it ſhall not be in the Power of the ſaid Truſtees to diminiſh the ſame, if ſuch Diminution ſhall be objected to by One-third of the Creditors in Value upon the ſaid Bridge; and provided further, that no ſuch Diminution ſhall be allowable, unleſs agreed on at the General Half-yearly Meeting in *March*, previous to letting the ſaid Pontage Duties.

Weighing Machine may be erected.

XXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to erect a Weighing Machine at or near the ſaid Bridge, and to levy or cauſe to be levied, from all Carriages, Carts, or Waggons paſſing the ſaid Bridge, the ſame Rates of Toll Duty or Pontage for Overweight as are hereby authorized to be levied at the other Bars on ſaid Roads; *videlicet*, For every Hundred Weight or Part of a Hundred Weight which each Cart, Waggon, or Carriage with its Loading, paſſing the ſaid Bridge, ſhall weigh above Twenty-ſeven Hundred Weight, the Sum of One Penny.

Same Exemptions at Bridge Toll as others.

XXVIII. And be it enacted, That the Duty aforeſaid, in Name of Pontage, ſhall be payable each and every Time the ſaid Bridge is paſſed, excepting that Carts or Carriages, which have paid on paſſing loaded, ſhall not pay on returning empty, or with the ſame identical Loading; and Carts or Carriages, which have paid on paſſing empty, ſhall not pay on returning loaded the ſame Day, in the ſame Manner as is herein-before provided with regard to the other Tolls on the ſaid Roads; nor ſhall any Horſe or other Beaſt, for which Toll has been paid on paſſing the ſaid Bridge, be liable to pay on returning the ſame Day.

Exemption.

XXIX. And be it further enacted, That all and every Perſon or Perſons, paſſing or repaſſing at the Gate or Gates to be erected upon or near the ſaid Bridge, ſhall be entitled to the like Exemption from the Toll Duties or Pontage thereat, for or in reſpect of any Horſe, Cattle, Cart, or other Carriage, to which any Perſon or Perſons, paſſing at any other of the Turnpike Gates on the ſaid Roads, are or may be entitled by virtue of this Act: Provided always, that Carriages, Carts, or Waggons with Broad Wheels ſhall not be entitled to any Exemption or Abatement from Pontage; nor ſhall any Perſon or Perſons going to Church, Chapel, or other Place of Public Worſhip be entitled to ſuch Exemption from Pontage.

Penalty againſt Evaſion by Foot Paſſengers.

XXX. And be it further enacted, That all and every Perſon or Perſons, paſſing at the Gate or Gates to be erected at or near the ſaid Bridge, ſhall be liable in Payment of the Toll Duty or Pontage payable by Foot Paſſengers, notwithſtanding that ſuch Perſons may be carried in or upon any Waggon, Wain, Cart, or other ſuch Carriage, or on Horſeback, or otherwiſe riding; and that over and above the Pontage Duties payable for every ſuch Waggon, Wain, Cart, or other ſuch Carriage, and for every Horſe, Mule, or Aſs, excepting always the proper Driver or Drivers of every ſuch Waggon, Wain, Cart, or other ſuch Carriage, and the Perſon or Perſons for whoſe proper Uſe every ſuch Waggon, Wain, Cart, or other ſuch Carriage may be *bonâ fide* employed, when ſo paſſing, and excepting alſo One Rider upon every Horſe, Mule, or Aſs not drawing; and if any Perſon ſhall claim Exemption from the Payment of the ſaid Toll Duty or

Pontage, not being entitled thereto, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings Sterling for every such Offence.

Settling Disputes concerning Tolls.

XXXI. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls or Pontage due for the Passage of any Horse, Cattle, or Carriage on the said Roads or Bridge, pursuant to the said recited Acts and this Act, 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 some Justice of the Peace for the County in which such Dispute shall arise, who, upon 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 Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand of such 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.

No Fords or Ferries to be used between Rutherglen Bridge and Clyde Iron Works.

XXXII. And be it further enacted, That as soon as the said Bridge at *Dalmarnock* or *Farme Ford*, and the Roads and Avenues leading to and from the same are completed and opened for Passengers, the Passage thereof shall be the only public Road or Passage across the said River *Clyde* between *Rutherglen Bridge* and the Place where *Battlesburn* falls into the *Clyde*; and it shall not be lawful for any Person or Persons to keep or use any Ford or Ferry for Hire across the said River at any Place between the said *Rutherglen Bridge* and *Battlesburn*; and in case any Person or Persons shall within the said Space keep or use any such Ford or Ferry, or shall cross or permit to cross, or convey or be conveyed across, at such Ford or Ferry, any Beast, Carriage, or any other Article whatever for Hire, such Person or Persons shall forfeit the Sum of Forty Shillings for every Person, Beast, Carriage, or other Article so passing, or ferried or conveyed across the said River, which Penalties shall be recovered, levied, and applied in the same Manner as other Penalties and Forfeitures are directed by the said former Acts and by this Act to be recovered, levied, and applied: Provided always, that nothing herein contained shall impair, injure, or take away any Rights or Privileges which the Burgh of *Rutherglen* or others have or may have in regard to the Navigation up and down the River *Clyde*, or of fishing in the said River, or of landing for the Purposes thereof.

Application of Funds of Roads.

XXXIII. And be it further enacted, That from and after the passing of this Act, instead of the Appropriation and Application directed by the said recited Acts of the Tolls thereby granted, the Money arising from the Tolls and Duties at the Bars of *Shawfield*, *Barrowfield Bridge*, and *Rutherglen Loan*, or others that may be erected in their Place, on the Roads between *Rutherglen* and *Glasgow*, either by *Rutherglen Bridge* or *Gorbals*, or on the Road from *Glasgow* to the proposed new Bridge (except the Pontage Duties), shall in the

the first Place, in preference to all other Claims, be applied in upholding the Roads from *Glasgow* to *Rutherglen* by *Gorbals* and *Rutherglen Bridge*, and from *Barrowfield Bridge* to *Hamilton Farm*, by the Ford or proposed Bridge at *Dalmarnock* or *Farme Ford*; and also for upholding the *Cambuslang* Road to the Distance of Three Miles from the East End of *Rutherglen*, where the *Cambuslang* and *Muirkirk* Roads branch off from one another; and also for upholding the *Muirkirk* Road to the Distance of Three Miles to the South of the East End of *Rutherglen* from the same Point; and also for altering, widening, and improving the said Road from *Barrowfield Bridge* to *Hamilton Farm*, by the Ford or proposed Bridge at *Dalmarnock* or *Farme Ford*; and likewise for making and upholding a Road of Communication betwixt these Two Roads, as authorized to be made by the foresaid recited Act of the Thirty-eighth of His present Majesty's Reign; and for making and maintaining, if the said Trustees shall see proper, the Road from the East End of *Rutherglen* till it joins the Road from the proposed Bridge at *Dalmarnock* or *Farme Ford*, save and except such Portion of the Statute Labour Funds of the Parish of *Rutherglen* as have been applied heretofore to that Road, which shall remain applicable thereto as formerly; and also for upholding One Half of the Main Street of *Rutherglen*, from the Junction of the *Muirkirk* Road therewith on the East, to the Turn of the Street towards *Shawfield*, at the West End of the said Town of *Rutherglen*; and the Residue or Surplus of the Produce of the above-mentioned Bars, after making and upholding the Roads above specified, shall be equally divided betwixt the Funds of the *Muirkirk* and *Cambuslang* Roads, *videlicet*, the One Half of such Residue, and also the Revenue of the other Bars on the *Cambuslang* Road to the East of *Rutherglen*, shall be applied in upholding the Remainder of that Road from the Termination of the Three Miles to the East of *Rutherglen* to *Hamilton* or *Burnbank*, and in Payment of the Interest and Principal of the Debts still remaining on that Road; and the other Half of the Residue of the first-mentioned Bars, after making and upholding the Roads above specified, and also the Revenue levied at all the other Bars on the *Muirkirk* Road to the South of *Rutherglen*, and on the Cross Road from *Hamilton* or *Burnbank* by *Kirkland Bridge* to *Eaglesham*, shall be applied in upholding the Remainder of the *Muirkirk* Road from the Termination of the Three Miles to the South of *Rutherglen*, and the said Cross Road by *Kirkland Bridge*, and in Payment of the Interest and Principal of the Debt still remaining on these last Roads: Provided always, that nothing herein contained shall be construed to impair, diminish, or to extend the Claims of Creditors on the Funds of the said respective Roads previous to the passing of this Act.

Application of Pontage Tolls.

XXXIV. And be it further enacted, That the Money arising from the Toll Duty or Pontage to be levied at the said Bridge at *Dalmarnock* or *Farme Ford* shall be applied to and for the upholding the said Bridge and Toll House thereat, and for paying the Interest of the Money advanced or borrowed, or to be advanced or borrowed, to pay the Expence of the said Bridge, and the Surplus of the said Toll or Pontage Duty, after these Purposes are answered, shall be applied to pay off the Principal of the Money so advanced or borrowed; after which a sufficient Sum arising from the said Toll Duty, or Pontage, shall be set aside and appropriated for the future Support and Maintenance of the said Bridge; and upon such

ſuch Sum being ſo ſet aſide, the ſaid Pontage Duty ſhall thereafter ceaſe, and the Paſſage of the Bridge become free.

Separate Accounts to be kept.

XXXV. And be it further enacted, That for the Purpoſe of ſuch ſeparate Appropriation and Application of the Funds of the ſaid ſeveral Diſtricts of Roads and Bridge, the Funds ariſing from the Tolls and Duties on each ſhall be kept ſeparate and diſtinct from one another, and ſeparate and diſtinct Account Books ſhall be kept therefor; for which Purpoſe Four ſeparate Accounts ſhall be kept, the Firſt ſhewing the Application of the Funds of the Tolls next *Glaſgow* at *Shawfield*, *Barrowfield*, and *Rutherglen Loan* Bars, in Manner before directed; the Second ſhewing the Application of the One-half of the Reſidue of the Funds of theſe Bars, and of the other Tolls and Duties on the *Cambuſlang* Line of Road to the Eaſt of *Rutherglen*; the Third ſhewing the Application of the other Half of the above Reſidue, and of the other Tolls and Duties on the *Muirkirk* Line of Road to the South of *Rutherglen*, as well as of thoſe on the Croſs Road to *Eagleſham*; and the Fourth ſhewing the Application of the ſaid Pontage Duties, all as in Manner before directed: Provided always, that that Part of the ſaid Roads from *Hamilton* to the Separation of the Road by *Cambuſlang* to *Glaſgow*, and of the Road by *Kilbride* to *Eagleſham* at or near *Burnbank*, belonging in common to theſe reſpective Roads, ſhall be repaired and upheld to the Extent of Two Fourths of the Expence thereof from the Tolls on the *Cambuſlang* Line of Road; to the Extent of One Fourth thereof from the Tolls on the *Muirkirk* and *Eagleſham* Roads; and to the Extent of the remaining One Fourth of that Expence from the Statute Labour Funds of the Town or Pariſh of *Hamilton*, in reſpect a great Part of that Piece of Common Road is ſituated within the Town or Burgh of *Hamilton*; and in caſe of the Truſtees on the Statute Labour Funds of the Town or Pariſh of *Hamilton* declining to be at the Expence of the above Fourth Share, for upholding the ſaid Piece of Common Road, the ſaid Truſtees hereby appointed ſhall be and they are hereby empowered and authorized to place a Toll Bar on ſuch Part thereof as they may think moſt proper, and to levy thereat the ſame Rates of Toll for Carts, Carriages, Horſes, and Cattle, that they are authorized to do at the other Bars on the Line of Road between *Hamilton* and *Glaſgow*; but in which Caſe, any Perſon or Perſons going to or from *Hamilton* by the *Cambuſlang* Road, or by the *Eagleſham* Road, ſhall be entitled to receive a Paſs Ticket or Paſs Tickets at the preſent Bars on theſe Roads neareſt to *Hamilton*; *videlicet*, the *Blantyre* Cotton Works Bar, and the *Blantyre* and *Stoney Meadow* Bars, (which Two laſt ſhall be held as One Bar), to entitle ſuch Perſon or Perſons to paſs ſuch Bar at or near *Hamilton* free of Toll; and in like Manner ſuch Perſon or Perſons ſhall receive a Paſs Ticket or Paſs Tickets at this laſt Bar to entitle ſuch Perſon or Perſons to paſs the preſent Bars above-mentioned neareſt to *Hamilton*, on the above ſeveral Roads, free of all Toll Duty; and the Proceeds or Tolls of the Bar ſo to be erected between *Burnbank* and *Hamilton* ſhall be divided between the Funds of the ſaid Two Diſtricts of Roads, in the Proportion of Two Thirds to the *Cambuſlang* Road, and One Third to the *Muirkirk* and *Eagleſham* Roads, and applied in the ſame Manner as before directed in regard to the other Tolls and Duties on the ſaid ſeveral Roads; and in caſe of the Failure of the Truſtees on the Statute Labour Funds of the Town or Pariſh of *Hamilton* to contribute their Proportion of One Fourth before mentioned, for upholding

Proviſion for Burnbank Road.

holding the ſaid Piece of Common Road, the Deficiency thereby occaſioned ſhall be made up from the Funds of the ſaid Two Diſtricts of Roads, in the Proportions before mentioned; *videlicet*, One Third from the Funds of the *Muirkirk* and *Eagleſham* Roads, and Two Thirds from thoſe of the *Cambuſlang* Road; and provided alſo, that the Branch Road of Communication between the *Muirkirk* Road and the *Cambuſlang* Road by *Weſt Greenlees*, ſhall be repaired and upheld from the Funds and Tolls leviable on theſe Two Roads equally. Proviſion for Weſt Greenlees Road.

XXXVI. 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 or Clerks to the ſaid Truſtees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of the ſaid Acts and 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 recited Acts granted, without any Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take any Copies or Extracts from ſuch Book or Books, without paying any thing for the ſame; and in caſe ſuch Clerk or Clerks ſhall refuſe to permit ſuch Truſtees or Creditors, or any of them, to inſpect or take Copies or Extracts as aforeſaid, ſuch Clerk or Clerks ſhall forfeit and pay any Sum of Money not exceeding Five Pounds. Books of Accounts to be kept.

XXXVII. And whereas by the ſaid ſeveral Acts before recited the Truſtees thereby appointed were empowered to borrow, upon the Credit of the Tolls of the ſaid ſeveral Roads, a Sum or Sums of Money not exceeding Twenty-two thouſand Pounds, for the Purpoſes of making and repairing the ſaid Roads, which Sum was ſo authorized to be borrowed for the Uſe of the whole Roads therein contained, *in cumulo*, without Diſtinction; and it being proper now to aſcertain and fix what Sums may be borrowed on the Credit of the Funds of the ſaid ſeveral Roads, and appropriated to the upholding or improving of each, or the Payment of the reſpective Debts affecting the ſame; be it therefore enacted, That it ſhall and may be lawful for the ſaid Truſtees, at their Firſt General Meeting, or at any of their General Half-yearly Meetings, to borrow and take up at Intereſt, upon the Credit of the Tolls and Duties leviable at *Shawfield*, *Barrowfield Bridge*, and *Rutherglen Loan*, or any others that may be erected in their Place, any Sum or Sums of Money for the Purpoſe of making and upholding the ſaid ſeveral Roads from *Glaſgow* to *Rutherglen* by *Gorbals* and *Rutherglen Bridge*, and alſo for making, widening, altering, and upholding the Road from *Barrowfield* to *Hamilton Farm*, and for upholding the Road from *Rutherglen* to the Diſtance of Three Miles Eaſt on the *Cambuſlang* Road, and upholding the *Muirkirk* Road Three Miles South of *Rutherglen*, any Sum or Sums of Money not exceeding Ten thouſand Pounds Sterling in whole, and to borrow and take up at Intereſt any Sum or Sums of Money including the Sum already owing on the *Cambuſlang* Road on the Credit of the Tolls leviable at *Cambuſlang* and *Blantyre* Cotton Works, or any other Bars that may be erected in their Place, not exceeding Six thouſand Pounds, for upholding, altering, and improving the *Cambuſlang* Road from the Three Miles to the Eaſt of *Rutherglen* till it joins the *Eagleſham* Road at *Burnbank*; and Power to borrow Money;

that it ſhall be lawful to the ſaid Truſtees at ſuch General Meetings aforeſaid to borrow and take up at Intereſt, upon the Credit of the Tolls and Duties leviable upon the other Parts of the ſaid *Muirkirk* and *Kirkland Bridge* Roads, *videlicet*, the Toll Bars at *Greenlees*, *Kilbride*, *Rutheran*, *Balgreen*, *Avon Bridge*, and *Muirkirk*, and the Toll Bar between *Muirkirk* and the Confines of the County of *Dumfries*, and other Toll Bars on the ſaid Road leading towards *Sanquhar*, and alſo the Toll Bars at *Blantyre*, *Stoney Meadow*, and *Jackton*, or any other Bars that may be erected in their Place, any Sum or Sums of Money, excluſive of the Sums already borrowed and applied to the Uſe of theſe Roads, not exceeding Eleven thouſand Pounds in whole, with Power to the Truſtees on the ſaid ſeveral Roads to aſſign the ſaid Toll Duties, during the Continuance of this Act, in Security of the Sums ſo authorized to be borrowed by them on the Tolls of the ſaid Roads reſpectively, and Intereſt thereof, in the Manner provided by the ſaid former Acts; and it ſhall likewiſe be lawful to and for the ſaid Truſtees, at any of their ſaid General Meetings, to borrow and take up at Intereſt, upon the Credit of the ſaid Toll Duty or Pontage, any Sum or Sums of Money, not exceeding Twelve thouſand Pounds, including the Sum of Six thouſand Pounds authorized to be borrowed on the Credit thereof by the ſaid recited Act of the Thirty-eighth Year of the Reign of His preſent Majeſty, for building the ſaid Bridge, and to aſſign and make over the ſaid Toll Duty or Pontage, during the Continuance of this Act, in Security of the Sums ſo to be borrowed: Provided always, that no Perſon executing ſuch Aſſignments, or doing any other Act in the Character of Truſtee appointed by the ſaid recited Acts and this Act, and in performance of the Duties thereby or hereby impoſed upon him, ſhall be held thereby to ſubject himſelf perſonally to the Payment of any Money borrowed or to be borrowed on account of any of the foreſaid Roads, or of the ſaid Bridge, unleſs he ſhall have ſubſcribed the Bond or Obligation ſigned or executed for the ſame.

and to aſſign over Toll Duties in Security for Sums borrowed.

Same Perſon not to be Treaſurer and Clerk.

XXXVIII. 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 ſo offending 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.

Truſtees may make Arches, cut Drains, pull down old Bridges, and widen or alter

XXXIX. And be it further enacted, That the ſaid Truſtees or any Five or more of them, ſhall and they are hereby empowered to make or cauſe to be made and repaired from Time to Time, by Contract or otherways, the whole of the foreſaid Roads, in ſuch Way and Manner as they ſhall direct, by cauſewaying or laying the ſame with ſmall or broken Metal, and to form and make Footpaths along the ſaid Roads, and to cut and make

Drains through any Grounds lying contiguous to the ſaid Roads, and to make and erect Arches and Bridges of Brick, Timber, or Stone upon the ſaid Roads, and pull down any old Bridges that are uſeleſs by the Roads being turned about or otherways, and apply the Materials to the building of new ones, or as they ſhall ſee proper for repairing the ſaid Roads, and alſo where they find any Part of the ſaid Roads are not of ſufficient Breadth, according to the legal Rate and Standard of Twenty-five Feet, including the Ditches or Water Runs at the Side of the Road, they ſhall and are hereby empowered to widen and extend the ſame to the Breadth of the ſaid legal Standard, without giving any Compenſation to the adjoining Proprietors on that account; and where it ſhall appear neceſſary to the ſaid Truſtees to widen the ſame beyond the legal Standard, then they or any Five or more of them ſhall and they are hereby empowered to widen and extend the ſame to ſuch Breadth as they or any Five or more of them ſhall think proper, not exceeding Fourteen Yards; and where they find it neceſſary for ſhortening or ſtraightening, or otherways altering the ſaid Roads, or for making them more acceſſible and convenient, they ſhall and are hereby empowered to alter the Situation of the ſame accordingly, and for that Purpoſe to pull down and demoliſh any Houſes or Buildings, and to remove any other Obſtructions, paying ſuch Damages to the Owners and Occupiers reſpectively whoſe Grounds or Houſes ſhall be prejudiced or damaged by the making ſuch Roads, Drains, Arches, or Bridges, or by ſuch Alterations or widening, as ſhall be fixed or aſcertained under the Authority of the Sheriff of the County as aftermentioned; and where the ſaid Roads ſhall be ſo ſhortened, ſtraightened, or altered, the ſaid Truſtees are hereby authorized to apply to the Juſtices of the Peace for the County to have thoſe Parts of the old Road that ſhall by ſuch Alteration be rendered unneceſſary to the Public ſhut up, which the ſaid Juſtices or any Two of them are hereby empowered to do; and the ſaid Truſtees ſhall thereafter be and are hereby authorized and empowered to ſell ſuch Parts of the ſaid old Road as they ſhall think proper to ſuch Perſon and at ſuch Price as they ſhall judge right, the adjoining Proprietors, upon equal Terms, being entitled to a Preference in ſuch Sale; provided that if any Perſon or Perſons ſhall be diſſatisfied with any Order made by any ſuch Juſtices ſhutting up any ſuch Road, it ſhall and may be lawful for ſuch Perſon or Perſons to appeal againſt the ſame at the next General Quarter Seſſions of the Peace of the County, whoſe Deciſion thereupon ſhall be final and concluſive, without being ſubject to Advocation, Suſpenſion, or Reduction.

Roads, on paying Damages.

XL. Provided always, and be it enacted, That no Houſe or Building ſhall be prejudiced, of which the Side Walls are above Twenty Feet in Height from the Surface of the adjoining Ground, nor any Garden, Orchard, Planted Walk, Avenue, Lawn, or Pleaſure Ground, or Plantation of Trees, planted prior to the paſſing of this Act, without the Conſent in Writing of the Owner or Owners thereof firſt had and obtained.

No Houſe or Orchard, &c. to be prejudiced.

XLI. Provided always, and be it enacted, That it ſhall not be lawful to or in the Power of the ſaid Truſtees, in making the new Road from the Confines of the County of *Ayr*, towards *Sanquhar*, in the County of *Dumfries*, to deviate more than One hundred Yards from the Line laid down on the Map or Plan lodged with the Clerk or Clerks of the Peace as aforeſaid,

Truſtees not to deviate more than 100 Yards from the Line laid down for the new Road

towards Sanquhar.

aforeſaid, or in altering or making the Roads already made or authorized to be made by the ſaid recited Acts, to deviate more than the like Diſtance from the Line of the Roads exiſting or authorized to be made as aforeſaid, without the Conſent in all ſuch Caſes of the Owner or Owners of the Land through which ſuch Deviation is intended to be made, firſt had and obtained thereto.

Paſſages for Water, and Ditches and Drains.

XLII. And be it further enacted, That the ſaid Truſtees may, where they ſhall judge it neceſſary, order Paſſages for the Water, from the Ditches on the Sides of the Roads, to be made through the Grounds of any adjacent Proprietor, and alſo may order ſufficient Drains or Ditches to be made within the Fences parallel to the ſaid Roads; and the Occupiers of the Grounds ſhall be obliged thereafter to keep the ſaid Paſſages, Ditches, and Drains always clear and open to the original Depth; and where any Ditch or Drain runs along the Side of any Part of the ſaid Roads, or leads from the Sides of the ſaid Roads, the Occupiers of the adjacent Grounds ſhall be and they are hereby required to keep the ſame clear and open, ſo as to allow a free Paſſage to the Water as well by the Road Side as into and acroſs the adjacent Grounds; and if they ſhall fail therein, after Six Days Notice previouſly given to ſuch Occupiers, ſuch Occupiers ſhall forfeit and pay a Penalty of Ten Shillings for each Offence, or One Penny for each Foot in Meaſure of ſuch Ditches and Drains ſo neglected to be cleared and opened, if the Penalty ſo eſtimated ſhall amount to a larger Sum than Ten Shillings; and the Truſtees ſhall be and they are hereby empowered to order the ſaid Paſſages, Ditches, and Drains to be cleared from Time to Time, and to recover the Expence thereof (to be aſcertained by the Account of the Overſeer or other Perſon employed to do the ſame, certified by Two or more Juſtices of the Peace for the County wherein the ſame ſhall be ſituated) from the Occupiers of ſuch adjacent Grounds in Manner herein mentioned; and if any Occupier of Land, through which ſuch Paſſages, Ditches, and Drains are or ſhall be made, ſhall wilfully obſtruct or fill up any of them, ſo as to be injurious to the ſaid Roads, the Perſon or Perſons ſo offending ſhall forfeit and pay Treble the Expence of repairing and ſcouring the ſame; to be recovered in manner herein-after mentioned; and the ſaid Occupier ſhall be deemed the Tranſgreſſor, unleſs it ſhall be made to appear that ſuch Occupier was not in fault; and where any Paſſage for Cattle or Carriages ſhall be made, communicating with any Part of the ſaid Roads acroſs the Paſſages, Ditches, or Drains along the Sides of ſuch Roads, for the Convenience of the Occupier of the Ground through which they reſpectively paſs, ſuch Occupier ſhall cover ſuch Paſſages, Ditches and Drains with a Bridge of Stones or other proper Materials, which Bridge ſhall be conſtantly kept free and clear, that the Water may paſs freely through below the ſame; and in caſe any Occupier of Ground adjacent to any Part of the ſaid Roads ſhall omit or fail ſo to do, it ſhall be competent for any Juſtice of the Peace, by an Order ſubſcribed by him, to order the ſame to be performed at the Expence of ſuch Occupier; and the Expence thereof (to be aſcertained by the Account of the Surveyor or other Perſon employed to do the ſame) ſhall and may be recovered from ſuch Occupier in manner herein-after mentioned; and no Occupier of Land ſhall turn any Water upon the Side of any Part of the ſaid Roads, or conduct it acroſs any Part thereof, until he ſhall have obtained the Conſent in Writing of Two Juſtices of the Peace of the County wherein the ſame ſhall be ſituated, who

ſhall

ſhall have previouſly examined the Place; and ſuch Conſent ſhall be depoſited with the Clerk of the Road acroſs which the Water is to be carried; and every ſuch Occupier ſhall be obliged to carry the Water acroſs the ſaid Roads in a covered or arched Paſſage, or Drain, of ſuch Depth and Conſtruction as may prevent the Water from being of prejudice to the ſame; and in making any ſuch covered or arched Paſſage or Drain acroſs any Part of the ſaid Roads, a ſafe and eaſy Paſſage along One Half of ſuch Roads ſhall be left, without any Obſtruction either by breaking the Road or laying down the Materials; and ſuch covered Paſſage or Drain ſhall be made acroſs and finiſhed on the One Half of the ſaid Road before the other Half ſhall be broken or opened; and the Whole, or at leaſt the open Part, ſhall, if practicable, be completed in one Day, or otherwiſe ſuch open Part, and the Materials for executing the Work, ſhall be ſo well fenced off that Paſſengers may ſuffer no Injury thereby, which Precaution and Manner of executing covered Drains as aforeſaid ſhall be ſtrictly obſerved by all Perſons whatſoever employed in directing or executing the ſame; and every Perſon neglecting to uſe ſuch Precaution, and ſo to execute ſuch Drains, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds over and above the Damage ſuſtained and Expences incurred, to be levied and recovered in manner herein-after directed, One Half thereof to be paid as a Reward to the Informer, and the other Half to be applied to the making and repairing the Portion of the ſaid Road whereon the ſame ſhall have happened; and every Surveyor, Overſeer, Contractor, or other Perſon employed in the Execution of this Act, ſhall be expreſsly prohibited from digging Pits within Twelve Feet of the Sides of the ſame, unleſs ſuch Surveyor, Overſeer, Contractor, or other Perſon employed as aforeſaid, ſhall erect a ſufficient Fence between the Side of the ſaid Roads and the Pit which it may be found neceſſary to dig for the Purpoſes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

Surveyors may dig Gravel on any Ground, on paying Surface Damage.

XLIII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors named or to be named by the Truſtees, or ſuch Perſon or Perſons as he or they ſhall appoint, by Order of any Five or more of the Truſtees, of which at leaſt Three Days Notice in Writing ſhall be given to the Proprietor or Occupier, to open Stone Quarries or other Pits, and to dig, gather, take, and carry away any Stones, Gravel, Sand, or other Materials fit for making of Roads, in the ſeveral Grounds of any Perſon or Perſons (not being the Ground whereon any Houſes ſtand, or a Garden, Orchard, Yard, Planted Walks, or Avenue to any Houſe, or where ſuch Stones, Gravel, Sand, or other Materials ſhall be obliged to paſs through the ſame, nor any Piece or Parcel of Ground ſet apart and uſed as a Nurſery of Trees) where ſuch Materials are or may be found, within One Mile and a Half from the Centre of any Part of the ſaid Roads, and from Time to Time to cauſe the ſame to be taken away, or ſo much thereof as the ſaid Surveyor or Surveyors ſhall judge neceſſary for repairing, making, or amending the Roads aforeſaid, paying the Value of the ſame in manner herein-after directed.

Materials not to be taken from incloſed Lands without Notice to

XLIV. And be it enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of the ſaid Acts or 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

the Occupier.

previous Notice in Writing ſhall be given to the Owner and Occupier of the Premiſes from which ſuch Materials are intended to be taken, and alſo to the Owner and Tenant of ſuch Materials in caſe the Land and Minerals ſhall belong to different Proprietors, or left for ſuch Owner and Occupier of Lands and Materials as aforeſaid, at his uſual Place of Reſidence, to appear before Two Juſtices of the Peace acting for the County in which ſuch Materials are ſituated, 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 Owner and 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 Owner and Occupier, or his Agent, had attended.

Value of Materials to be aſcertained.

XLV. And be it enacted, That where any Stones or other Materials ſhall be ſo taken for the Uſe of the ſaid Roads, the Value thereof ſhall be aſcertained and paid for as the ſame ſhall be agreed upon between the Proprietor or Proprietors thereof and any Three of the ſaid Truſtees; and in caſe of any Difference of Opinion between the ſaid Parties, relative to the Value of the ſame, ſuch Value ſhall be aſcertained by Two or more Juſtices of the Peace of the County in which ſuch Materials are ſituated: Provided always, that any Perſon who ſhall think himſelf or herſelf aggrieved, by any Order, Judgment, or Determination of ſuch Juſtices as aforeſaid, may, within Three Calendar Months after ſuch Order, Judgment, or Determination ſhall have been made or given (firſt giving Fourteen Days Notice to the Perſon or Perſons againſt whom ſuch Complaint is intended to be made), complain to the Juſtices of the Peace at the General Quarter Seſſions to be held for the ſaid County, who ſhall in a ſummary Way hear and determine ſuch Complaint; and the Determination of the Juſtices of Peace at ſuch Quarter Seſſions ſhall be final, and not liable to Review by Suſpenſion or Advocation, any Law or Statute to the contrary notwithſtanding; but ſuch Diſpute or Difference ſhall not in the mean Time hinder the uſing or carrying off the ſaid Materials towards the making or repairing of the ſaid Roads: Provided nevertheleſs, that in the Caſe of any Quarry that ſhall be worked by any Perſon or Perſons at the Time, the Truſtees ſhall be ſupplied, and be entitled to be ſupplied, with Stones or other Materials required for the ſaid Roads, at ſuch Market Price or Prices as ſuch Perſon or Perſons working ſuch Quarry ſhall furniſh at the Time to any other Purchaſer or Purchaſers.

Ground may be taken for Toll Houſes, Workmen's Houſes, and for Depots for keeping Materials for repairing ſaid Roads.

XLVI. And for the better enabling the Truſtees to erect Toll Houſes neceſſary for collecting the ſaid Tolls, and alſo Houſes for the Workmen employed on the ſaid Roads, and Depots for keeping Materials for repairing the Roads; be it further enacted, That the ſaid Truſtees are hereby empowered to purchaſe, feu, or take on Leaſe ſuch Pieces of Ground as they ſhall judge moſt convenient, not exceeding One Eighth Part of a *Scots* Acre for each Houſe or Depot: Provided always, that the Ground ſo to be taken ſhall not be from any Garden, Orchard, Planted Walk, Lawn, or Pleaſure Ground, without the expreſs Conſent in Writing of the Owner thereof;

thereof; and the ſaid Truſtees ſhall have Power from Time to Time, as they ſhall think fit, to alter the Situation of the preſent or any future Bars, Houſes, or Depots, and to make new ones in lieu thereof.

Sheriff Depute or Subſtitute, in caſe of Difference between Truſtees and Owners or Occupiers, to ſummon a Jury to aſcertain Value of Ground, Damages, &c.

XLVII. And be it further enacted, That if the ſaid Truſtees ſhall not ſatisfy the Owners or Occupiers of the Grounds or Subjects which may be taken Poſſeſſion of, damaged, or otherwiſe injured, either in making the ſaid new Line of Road from the Confines of the County of *Ayr*, towards *Sanquhar*, in the County of *Dumfries*, or in altering or widening the ſaid Roads, or in erecting Toll and other Houſes as aforeſaid, and in making Depots or Magazines along the Sides of the ſaid Roads, or in whatever manner of way ſuch Damage may be occaſioned; then and in ſuch Events, the ſaid Truſtees or ſuch Owners or Occupiers ſhall or may apply to the Sheriff Depute or Subſtitute of the County in which the Lands are ſituated, to have a Value put upon ſuch Lands or other Subjects, or the Damages aſcertained and ſettled by the Verdict of a Jury of Fifteen Perſons, to be ſummoned and choſen by the Sheriff of the ſaid County, and which ſuch Sheriff is hereby required to ſummon and chooſe in the Manner in which Juries are or may be ſummoned and choſen by Sheriffs of Counties in *Scotland*; and the ſaid Sheriff may order and authorize the ſaid Jury, or any Ten or more of them, to viſit the Place or Places, or Matter or Matters in queſtion; which Jury, upon their Oath, (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Sheriff is hereby called to adminiſter), ſhall inquire, aſſeſs, and aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Grounds, or the Recompence to be made for the ſame, or for the Damages ſuſtained or to be ſuſtained; and the ſaid Sheriff ſhall give Judgment for ſuch Purchaſe Monies or Recompence or Damages ſo to be aſſeſſed by ſuch Jury, which ſaid Verdict, and the Judgment pronounced thereupon as aforeſaid, ſhall be ſigned by the ſaid Sheriff, and ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all Bodies Politic, Corporate, or Collegiate, and all other Perſons, and ſhall not be liable to Review, by Advocation, Suſpenſion, Reduction, or otherways, any Law or Statute to the contrary notwithſtanding.

Expence of Jury how to be paid.

XLVIII. And be it further enacted, That when a Verdict ſhall be given for more Money, as a Recompence or Satisfaction for the abſolute Sale of any Grounds for Depots or Toll Houſes as aforeſaid, or as the Value or Conſideration of ſuch Damage occaſioned by the ſaid Truſtees as aforeſaid, than had been previouſly offered by or on behalf of the ſaid Truſtees, either before or within Ten Days after the Application to the Sheriff ſhall have been intimated to the Truſtees, then and in all ſuch Caſes the Expences of ſummoning ſuch Jury and taking ſuch Verdict ſhall be ſettled or aſcertained by the ſaid Sheriff, and be defrayed by the ſaid Truſtees; but if any Verdict ſhall be given for the ſame Sum or Rent that had been ſo offered by or on behalf of the ſaid Truſtees, or for a leſs Sum than had been previouſly ſo offered, or in caſe the Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict ſhall be ſettled in like Manner by the ſaid Sheriff, and be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Concern, Controverſies, or Diſputes; which ſaid Coſts and Expences having been ſettled,

ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, a Tender of the whole Sum or Sums ſo aſſeſſed or adjudged: Provided always, that the ſaid Truſtees ſhall not be entitled to make uſe of, or to take poſſeſſion of any Land, of which the Price ſhall be ſo fixed as aforeſaid, before Payment of ſuch Price ſhall be made or conſigned in manner herein-after directed; and that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, be prevented from treating with the ſaid Truſtees, all ſuch Coſts and Expences ſhall be borne and defrayed by the ſaid Truſtees.

Application of Compenſation Money if amounting to 200l.

XLIX. 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-rent Annuities, or other Incumbrances, or ſhall belong to any Corporation, married Woman, Infant, Lunatic, or Perſon or Perſons under Diſability or Incapacity, ſuch Money, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds ſhall, under the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Heritages, or upon a Petition from the Truſtees or Guardians of ſuch Perſons or of the ſaid Truſtees, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages ſtanding ſettled therewith to the ſame or the like Uſes, Intents, and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Heritages which ſhall be ſo purchaſed or taken 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.

If under 200l. and above 100l.

L. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed

exceed the Sum of One hundred Pounds, then and in all ſuch Caſes the ſame ſhall, upon the Application of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, or upon Application of the ſaid Truſtees, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his, her, or their Account or Names as aforeſaid, in order to be applied in manner herein-before directed; or otherwiſe the ſame ſhall, under the like Authority, be paid to Two Truſtees or Perſons to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees appointed by this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Intereſt ariſing thereon, may be applied in any Manner herein-before directed, as far as the Caſe may be applicable.

When under 100l.

LI. Provided alſo, and be it further enacted, That where ſuch Money agreed or awarded to be paid as next before mentioned, ſhall be leſs than One hundred 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 Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees appointed by this Act, or any Five or more of them, ſhall think fit, or in the 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, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

LII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of 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* at *Glaſgow*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion, which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or in either of the ſaid Banks, and to order Diſtribution thereof, or Payment of the Dividends thereof, or Intereſts ariſing therefrom, according to the reſpective Eſtate or Eſtates, Title or Intereſts 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 the Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of

Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and ſpecifying for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into either of the ſaid Banks as aforeſaid.

In caſe of queſtionable Titles, Poſſeſſor to be deemed to have a Title, until the contrary be ſhewn.

LIII. And be it further enacted, That when any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into either of 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, till 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 ſome Eſtate or Intereſt therein.

Expence of Purchaſe may be allowed by the Court.

LIV. 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 require to be paid into either of the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct: Provided always, that it ſhall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwiſe competent to them in regard to the whole Matters aforeſaid; and that ſuch Renunciation is and ſhall be equally binding on the Heirs of ſuch Proprietors.

Proprietors, under Entail or not, may renounce Claims of Damage.

Penalty on drawing Timber, &c. except on Wheel Carriages.

LV. And be it further enacted, That if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatſoever, otherwiſe than upon a Wheel Carriage, or ſhall allow any Timber, Iron, or other ſolid Matter, (excepting Machinery framed or put together, or any Article of Metal caſt in one Piece), to project or extend more than Two Feet over the Wheels of the Waggon, Cart, or other Carriage whereon the ſame ſhall be drawn and tranſported, ſo as to occupy above Two Feet more of the ſaid Roads in Breadth than is occupied by ſuch Waggon, Cart, or other Carriage, including the Wheels; or ſhall allow the Timber, Iron, or other Matter to drag or trail upon any Part of the ſaid Roads; or if any Perſon, after having blocked or ſtopped any Waggon, Cart, or other Carriage whatſoever, in going

or allowing ſame to drag on Road.

going up any Hill or rising Ground, shall leave on the said Road the Stone or other Thing wherewith such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or shall leave any Horse or other Beast, yoked or unyoked, or any Waggon, Cart, or other Carriage, or the loading thereof, upon any Part of the said Roads, or the Ditches or Drains on the Sides thereof, longer than may be necessary for loading or unloading the same, except in case of Accidents; or shall lay down or leave upon any Part of the said Roads, Ditches, or Drains, on the Sides thereof, or within Fifteen Feet thereof, (unless the same be sufficiently fenced off from the said Roads, Ditches, or Drains), any Timber, Stone, Lime, Hay, Straw, Manure, Soil, Dung, Rubbish, or other Matters whatsoever, (excepting always Stones, Wood, or other Materials for building Houses, which may occupy One Third Part of the Road only from one or other of the Sides thereof); or shall make any Saw Pits or other Pits, Holes or Hovels, or shall do any thing whereby the said Ditches or Drains may be damaged or unnecessarily encumbered; or shall lay or leave any dead Horse, (except in case of Accident, to be made out to the Satisfaction of the Justices before whom the Complaint shall be brought), or other Carrion upon or in any Part of the said Roads, Ditches, or Drains, or within Twenty Yards of the Sides thereof; every Person offending in any Case aforesaid, shall for every Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, besides filling up or removing the Subject or Matter of Annoyance, and repairing the Damage done to the Road, Ditches, or Drains, without Delay, at his or her own Expences; and in case of Failure or Neglect so to do, the said Trustees are hereby authorized and empowered to cause the Matter of Annoyance to be removed at the Expence of the Party offending.

To prevent Materials being laid on Roads.

LVI. And be it further enacted, That in all such Cases of depositing Stones, Wood, or other Materials on the Side of the said Roads for the Purpose of building or repairing Houses, or other Purposes, the Person or Persons carrying on or causing to be carried on such Building or other Operation, or those employed or concerned therein, shall, at his, her, or their Expence, cause a Lamp or Light to be put up close adjoining to such Stone, Wood, or other Materials, to be kept burning from Sun-setting to Sun-rising as long as such Materials continue on the Road; and in case of Failure or Neglect so to do, every Person so offending shall for such Offence, and for every Night such Offence is continued, forfeit and pay a Sum not exceeding Forty Shillings Sterling; and the Proprietors of such Stone or other Materials, or the Person depositing or causing them to be deposited, shall be liable for any Accident that may occur in consequence of laying down or leaving such Stone or other Materials for building, or Rubbish, on the said Roads, or by opening or making any Hole therein.

Cattle not to be pastured on the Sides of the Road where inclosed.

LVII. And be it further enacted, That if any Person or Persons shall pasture or leave, or allow to be pastured or left, on any Part of the aforesaid Roads, where there are Fences on the Sides thereof, any Horses, Cows, Sheep, Asses, or Swine, or other Cattle, every such Offender or Offenders shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling for each and every Offence; to be levied and recovered, in case of Non-payment, and to be applied in manner as after directed.

LVIII. And

Headridges to be made, and Gates on the Sides of Roads to open inwards.

LVIII. And be it enacted, That every Perſon in ploughing any unincloſed Land contiguous to any Part of the ſaid Roads, ſhall make Headridges along the Sides of the Roads of the Breadth of Eighteen Feet at leaſt; and every Perſon neglecting or failing ſo to do, ſhall for every ſuch Neglect or Failure forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Sides of the ſaid Roads of the Land ſo ploughed without Headridges having been made, to be levied and recovered and applied in manner herein-after directed; and all Gates upon Incloſures next to any Part of the ſaid Roads ſhall open inwards to the Field, if the Ground will permit, or be removed from the Side of the Road to a Diſtance equal at leaſt to the Length of the Gate, under a Penalty not exceeding Forty Shillings Sterling for each Offence, on the Occupier or Occupiers of ſuch Incloſures, beſides being obliged to alter ſuch Gates; and if ſuch Occupier or Occupiers ſhall fail ſo to do within Ten Days after being required thereto by the Overſeer or other Perſon duly authorized by the ſaid Truſtees, it ſhall be competent to any Two of the ſaid Truſtees to order the ſame to be done at the Expence of ſuch Occupier or Occupiers, and to recover the Expence thereof, to be aſcertained by the Account of the Overſeer or other Perſon employed to do the ſame.

No Houſes to be built within 21 Feet of the Centre of the Road.

LIX. And be it further enacted, That no Perſon ſhall make or erect any Houſe or Building, nor plant any Trees, within Twenty-one Feet of the Centre of any of the ſaid Roads; and every Perſon ſo offending ſhall be obliged, when deſired to do ſo by any Two or more of the ſaid Truſtees, immediately to remove any ſuch Houſe, Building, or Trees, and upon their failing ſo to do within Thirty Days from the Time that a Notification in Writing ſhall have been given by any Two Truſtees of the Encroachment, it ſhall be lawful for the Truſtees, or their Surveyor, to cauſe the ſaid Building or Trees to be removed, and to charge the Offender with the Expences of doing ſo, to be recovered and applied in the ſame Manner as other Penalties and Forfeitures are directed by this Act, as the Truſtees ſhall think proper to direct.

Perſons intending to build Houſes, or to plant Trees, to give Notice to the Clerk of the Truſtees;

or not to be entitled to Compenſation.

LX. And be it further enacted, That before any Grounds ſhall be incloſed along the Sides of the ſaid High Road, or Buildings erected thereon, or Trees planted, the Proprietors, Occupiers, or Tenants ſo intending to incloſe, build, or plant, ſhall give Forty Days Notice in Writing of ſuch being their Intention to the Clerk of the Truſt, who is hereby required to notify the ſame immediately to the Committee of Management elected by the Truſtees at their General Meetings; and in caſe ſuch Notice ſhall not be given, the ſaid Proprietors, Occupiers, or Tenants ſhall not be entitled to claim any greater Compenſation, on account of the Roads being afterwards widened, than they would have been entitled to if ſuch Fences or Plantations had not been made or ſuch Buildings erected.

For erecting Parapet Walls.

LXI. And be it further enacted, That the ſaid Truſtees ſhall erect or cauſe to be erected good and ſufficient Parapet Walls on the Sides of the ſaid Bridge, and upon the Sides of the ſaid Roads where the ſame ſhall be dangerous for Perſons paſſing along the ſame; and the ſaid Truſtees ſhall from Time to Time repair and keep in Repair the ſaid Walls or Parapets.

LXII. And

LXII. And be it further enacted, That it shall not be lawful for any Tacksman of the Tolls, or Tollgatherers, or other Persons employed to collect any of the said Tolls or Duties, to take or receive, directly or indirectly, any greater or less Tolls or Duties than what are granted by this Act, unless in the Case where a General Meeting of the said Trustees shall have authorized any of the said Tolls or Duties to be lessened; nor shall it be lawful for any such Tacksman or Tollgatherer to return or compromise, or cause to be returned or compromised, directly or indirectly, any of the Toll Duties for or in respect of Overweights so to be levied, or to absent himself from the Turnpike Gate, so as to occasion Delay or Inconvenience to Travellers; and every Person offending in any of the Particulars aforesaid, shall for every such Offence forfeit and pay a Fine not greater than Five Pounds.

Penalty on Toll Gatherers compounding the Toll.

LXIII. And be it further enacted, That all and every Toll Collector, appointed either by the Trustees for executing the said Acts and this Act, or any Five or more of them, or by any Lessee or Lessees under them, to collect the Tolls or the Pontage payable at any Turnpike or Toll Gate erected by virtue of the said Acts or 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 Two Inches in Length and of a Breadth in proportion, and painted 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 said Tolls or Pontage 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 or Pontage from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said Acts and this Act, or shall demand or take a Toll or Pontage from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse or permit or suffer, or shall in anywise 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 Pontage, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll or Pontage, and naming and specifying the several Gates to be freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such 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 the said recited Acts directed to be recovered and applied.

Toll Collectors to put up their Names.

LXIV. And be it enacted, That if any Person or Persons shall maliciously break, injure, or otherwise deface any Turnpike Gate, Post, Chain, Bar, Mile Stone, Guide Post, Bridge Ledge or Parapet, or other Work whatsoever, or any House erected for the Use of such Turnpikes,

Penalty on Persons destroying Turnpike Gates, Mile Stones, &c.

Turnpikes, or ſhall reſcue any Perſon or Perſons in Cuſtody for any of the ſaid Offences, every Perſon or Perſons ſo offending in any of the Premiſes, and being thereof lawfully convicted in any Proſecution ordered by any Two Truſtees, by the Oath of One or more credible Witneſs or Witneſſes before any Two or more of the Juſtices of the Peace, or the Sheriff Depute of the County, or their Subſtitutes, ſuch Perſon or Perſons ſo offending ſhall not only be condemned to pay the whole Damages and Expences ſuſtained by the ſaid Truſtees, but alſo ſhall be fined by the ſaid Juſtices or Sheriffs Depute or Subſtitute, in any Sum not exceeding Ten Pounds Sterling, the Fine to be recovered by Diſtreſs and Sale, and in Default of Payment the Party convicted to be impriſoned for a Term not exceeding Three Calendar Months.

Penalty for Carters not having hold of their Horſes Heads, and driving upon the wrong Side of the Road.

LXV. And whereas great Inconvenience and Danger has ariſen to Travellers in Carriages and on Horſeback on the ſaid Turnpike Roads, particularly within Four Miles of the City of *Glaſgow*, owing to the great Number of Coal Carts, and other Carts and Waggons going into and returning from the ſaid City, by the Drivers of the ſaid Waggons and Carts not leading their Horſes, and allowing them to go on the Sides of the ſaid Roads, and not keeping one Direction on the Road in going into the City and a contrary Direction on the Road in returning therefrom, to the great Inconvenience, Riſk, and Danger of other Travellers; be it therefore enacted, That all Waggoners and Carters, whether their Carriages be loaded or unloaded, ſhall, for the Space of Four Miles from ſaid City, not ride on or ſit in their Carts, but ſhall walk by and take hold of their Horſes by the Halter or Reins, upon all the Roads under this Truſt, unleſs ſuch Carter or Waggoner ſhall have proper Blinders on his Horſe and Double Reins, and a proper Bit or Bridle in his Horſe's Mouth, and be ſeated with his Face to the Horſe upon a Seat fixed in the Front and Outſide of his Cart or Waggon; and in going to ſaid City, theſe and all other Carriages of every Deſcription, and Travellers on Horſeback, ſhall keep to the Left-Hand Side of the Road, and in returning therefrom, for ſaid Space, ſhall keep to the Left-Hand on the Cauſeway or Side Road; and in caſe any Waggoner or Carter ſhall be found abſent from his Horſes, or taking a different Direction from what is above pointed out, in going to or returning from ſaid City, or otherwiſe treſpaſſing as above, every Waggoner or Carter, or other Perſon, ſo offending, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds, to be recovered and paid as the other Forfeitures and Penalties directed to be recovered by this Act.

Penalty for Carters riding on their Carts.

LXVI. And whereas Numbers of Perſons ſit in their Carts and Waggons, and often in the Bottom thereof, with their Backs to the Horſes, claiming an Exemption to ride on the ſame on account of their having double Reins to their Horſes, whereby many Perſons have been rode over, and many Perſons endangered; be it enacted, That all Perſons ſitting on or riding on their Carts upon any of the Roads under this Truſt, within Four Miles of the City of *Glaſgow*, ſhall be liable to a Penalty not exceeding Twenty Shillings Sterling, to be recovered in the ſame Way and Manner as the other Penalties in this Act; excepting always ſuch Carts or Waggons as ſhall have Tilts, with a Seat before for the Driver, with his Face to the Horſe, and having double Reins.

LXVII. And

Carts not to be driven by Boys under Thirteen Years of Age.

LXVII. And whereas Numbers of Carts and Waggons, and ſometimes more than One, are driven by Boys who are unable to guide their Horſe; be it enacted, That no Cart or Waggon ſhall be driven by any Perſon or Perſons who is not of the full Age of Thirteen Years, nor ſhall any Perſon drive or take the Charge of more than Two Carts upon the ſaid Roads, under a Penalty not exceeding Ten Shillings, to be recovered from the Owner of ſuch Cart or Waggon as any other Penalty may be recovered by this Act.

Rules with regard to recovering Fines.

LXVIII. And be it further enacted, That in all Caſes wherever Fines or Penalties are by this Act impoſed for the Commiſſion of any Offence, the Proſecution for ſuch Offence may be carried on by the private Party aggrieved, or by the Truſtees or their Clerk or Surveyor, in their or his Name, by Application or Complaint to the Sheriff Depute or Subſtitute of the County where the Offender ſhall be or reſide, whoſe Determination ſhall be final, without being ſubject to Advocation, Suſpenſion, or Reduction, or by Application or Complaint to any One or more of the Juſtices of the Peace of the County where the Offender ſhall be or reſide, whoſe Determination ſhall and may be ſubject to Review by the next General Seſſions or Adjourned Seſſions of the Peace for ſuch County, and their Determination ſhall be final and concluſive, without being ſubject to Advocation, Suſpenſion, or Reduction; or it ſhall and may be lawful for the ſaid Truſtees or private Party injured to lodge Information of ſuch Offence with the Procurator Fiſcal of the County where the Offence ſhall have been committed, or where the Offender ſhall reſide or be apprehended, who is hereby required, as he ſhall be anſwerable, to prefer a ſummary Complaint to the Sheriff Depute or Subſtitute, or to ſome One or more of the Juſtices of ſuch Counties reſpectively as aforeſaid; and the ſaid Sheriff Depute or Subſtitute, or the ſaid Juſtice or Juſtices ſhall grant ſummary Warrant for ſummoning Evidence, if neceſſary, and thereupon proceed againſt the Offender or Offenders in a ſummary Way; and in all Caſes the ſaid Sheriff Depute or Subſtitute, and the Juſtice or Juſtices, may convict upon the Confeſſion of the Offenders, or on the Oath of One or more credible Witneſs or Witneſſes; and in caſe of Conviction, and if the Fine or Penalty be not inſtantly paid, the Goods or Effects of the Offender may be diſtrained and ſold by Warrant of the ſaid Sheriff Depute or Subſtitute, Juſtice or Juſtices, for Payment of the Sums awarded; and in caſe there ſhall not be found ſufficient Effects, the Offender may be committed to any Gaol within the County where the Conviction ſhall take place, until the Expiration of any Time not exceeding Two Calendar Months from the Period of Commitment; and the Perſons ſo diſtraining are hereby authorized to ſell the Goods or Effects ſo diſtrained in ſuch Manner as ſhall be directed by ſuch Sheriff Depute or Subſtitute, Juſtice or Juſtices, and to return the Overplus, after deducting all Charges and Expences, to the Owner; and for the more readily bringing to Conviction Offenders on the ſaid Roads, any Five of the ſaid Truſtees, being Juſtices of the Peace, are hereby authorized to appoint the Contractors for repairing the Roads, or the Workmen employed by them on the Roads, to act as Conſtables, but ſolely for the Purpoſes of the Truſt, under the Direction of ſuch of the Truſtees as ſhall be Juſtices of the Peace; and if any Perſon or Perſons ſhall think himſelf or themſelves aggrieved by the Judgment of any ſuch Juſtice or Juſtices, he or they ſhall or may, upon giving Security to make good

ſuch

ſuch Sentence, and to pay ſuch Coſts as may be ordered, in caſe ſuch Judgment ſhall be affirmed, appeal to the Juſtices of the Peace at the next General Quarter Seſſions for the County in which ſuch Judgment ſhall be given; and in caſe the Judgment ſhall be affirmed, it ſhall be lawful for ſuch Juſtices to order the Appellant to pay the Coſts of ſuch Appeal; and the Determination of ſuch Juſtices ſhall be final, and not liable to Suſpenſion, Advocation, or Reduction.

Toll Keeper may give Evidence.

LXIX. And be it enacted, That in all Caſes ariſing under this Act, the Perſon or Perſons appointed to collect the Tolls or Duties, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not by reaſon thereof be diſqualified from giving Evidence.

Proviſion that Accounts may be required to be rendered on Oath, repealed.

LXX. And be it further enacted, That ſo much of the ſaid recited Act, of the Twenty-ninth Year of the Reign of His preſent Majeſty, as enacts, that the Perſon or Perſons appointed to collect the Tolls and Duties thereby granted, may be required to render his, her, or their Account or Accounts upon Oath, may be, and the ſame is hereby repealed.

Powers of recited Acts, ſo far as not repealed, to extend to this Act.

LXXI. And be it further enacted, That the ſaid recited Acts, and all the Powers, Clauſes, Penalties, Proviſions, and Forfeitures thereby made, ſhall in ſo far as the ſame are not repealed, or not inconſiſtent with the Proviſions of this Act, be veſted in the Truſtees hereby appointed by this Act, and be continued in force, and conſtrued to extend to this Act as fully as if the ſame were hereby repeated and re-enacted, and ſhall be executed and enforced by the Truſtees hereby appointed, during the Term hereby granted.

Expences of paſſing Act.

LXXII. And be it further enacted, That the Charges and Expences of paſſing this Act ſhall and may be paid out of the Monies raiſed or to be raiſed by virtue of the ſaid former Acts or this Act.

Commencement and Continuance of Act.

LXXIII. And be it further enacted, That this Act ſhall commence and take Effect from and after the paſſing of the ſame, and ſhall continue from thence for and during the Space of Twenty-one Years, and thereafter to the End of the then next Seſſion of Parliament.

Public Act.

LXXIV. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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