ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. XXXIV.

An Act for more effectually repairing the Road from *Stirling* to *Dumbarton*, and ſeveral other Roads in the Counties of *Stirling*, *Dumbarton*, and *Perth*.

[2d *May* 1815.]

WHEREAS by an Act paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act for repairing the Road from* Stirling *to* Dumbarton, *and ſeveral other Roads in the Counties of* Stirling, Dumbarton *and* Perth, certain Perſons were appointed Truſtees for ſurveying, ordering, repairing and keeping in repair the Roads following; *videlicet*, the Road from the Royal Burgh of *Stirling* by *Drymen Bridge* to the Royal Burgh of *Dumbarton*, together with the following Branches; a Branch to *Killearn*, *Balfron*, and *Denny*; a Branch to the River *Leven* at *Balloch*; and a Branch from a Place called *Barr*, to *Dumbuck*, paſſing through the Pariſh and Royalty of the Burgh of *Stirling*, through certain Allodial Lands forming a Part of the Conſtabulary of the Caſtle of *Stirling*, alſo through the Pariſhes of *Saint Ninians*, *Gargunnock*, *Kippen*, *Drymen*, *Killearn*, *Balfron*, *Fintry*, and *Denny*, in the County of *Stirling*; of *Kippen* in the County of *Perth*; and of *Kilmaronock*, *Bonhill*, *Dumbarton*, and *Weſter Kilpatrick*, in the County of *Dumbarton*; and for building and repairing the Bridges on the ſame, with Power to levy Tolls and Duties; and to borrow Money on the Credit thereof, and for other Purpoſes in the ſaid Act ſpecified: And whereas under the Authority of the ſaid Act the Roads and Bridges therein and herein-before mentioned have been made, and conſiderable Sums of Money have been advanced or borrowed on the Credit of the Tolls and Duties thereby authorized

34 G. 3. recited.

thorized to be levied, which Sums of Money are ſtill owing, but the ſaid Roads and Bridges cannot be effectually repaired and kept in Repair, nor the Sums of Money ſo advanced or borrowed, and the Intereſt thereof ſtill owing, be repaid unleſs further Powers be granted for repairing the ſaid Roads and Bridges, and unleſs Powers be given to levy increaſed Tolls and Duties thereon: And whereas it would be of Advantage to the Public if the preſent Line of Road leading from *Stirling* to *Dumbarton* was altered at or near *Redhall* and made to paſs Weſtward through *The Kerſe*, joining the preſent Line of Road at or near a Pigeon Houſe on the Lands of *Killorn*: And whereas it is expedient that the ſaid recited Act ſhould be repealed, and that more extenſive Powers and Authorities ſhould be given in relation to the ſame and the Purpoſes aforeſaid; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act the ſaid recited Act of the Thirty-fourth Year of the Reign of His preſent Majeſty ſhall be and the ſame is hereby repealed, and this Act ſhall commence and be put in Execution during the Term herein-after mentioned; and all the Tolls and Duties which are hereby authorized to be levied ſhall (under the Conditions and Proviſions herein-after mentioned) be and the ſame are hereby made ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the ſaid Act hereby repealed, and ſhall alſo be liable to the Payment of all Sums of Money which may hereafter be borrowed on the Credit of this Act, and of all Intereſt due or that may become due thereon, and all Contracts and Agreements entered into by the Truſtees under the Authority of the ſaid recited Act hereby repealed, ſhall continue in full Force and Effect; and all Tolls and Duties due, and Penalties and Forfeitures incurred in virtue of the ſaid recited Act hereby repealed, previous to the Firſt General Meeting of Truſtees to be holden under this Act, ſhall be held to be due, incurred and exigible by the Truſtees under this Act, any Thing herein contained to the contrary notwithſtanding.

Former Act repealed.

Truſtees.

II. And be it enacted, That every Perſon who is at preſent or hereafter ſhall be in his own Right or in the Right of his Wife in the actual Poſſeſſion and Enjoyment as Proprietor or Life-renter of the *dominium utile* of Lands lying within any of the Pariſhes of *Saint Ninians*, *Gargunnock*, *Kippen*, *Drymen*, *Killearn*, *Balfron*, *Fintry*, and *Denny*, in the County of *Stirling*; of *Kippen* in the County of *Perth*; and of *Kilmaronock*, *Bonhill*, *Dumbarton*, and *Weſter Kilpatrick*, in the County of *Dumbarton*; valued in the Ceſs Books of the reſpective Counties in which ſuch Lands do lie at the Sum of One hundred Pounds *Scots* or upwards; as alſo the eldeſt Son and Heir Apparent, in the Abſence of his Father, of each and every Perſon who ſhall be in the actual Poſſeſſion and Enjoyment, in Manner aforeſaid, of Lands lying as aforeſaid, valued at Four hundred Pounds *Scots* or upwards; alſo the Perſons after named and deſcribed; *videlicet*, Sir *James Colquhoun* of *Luſs*, Baronet, *James Denniſtoun* of *Colgrain*, *John Graham* of *Gartur*, and *Robert Hill* Writer to the Signet, the Military Governor of *Stirling Caſtle* for the Time being, the eldeſt Reſident Magiſtrate of each of the Royal Burghs of *Stirling* and *Dumbarton* for the Time being, and the Factors for the Time being of the Duke of *Montroſe*, of Sir *Charles Edmonſtone* of *Duntreath*,

Duntreath, Baronet, of *John Campbell* of *Stonefield*, and of *William Cuningham Cuningham Graham* of *Gartmore*, and of their reſpective Heirs and Succeſſors in their reſpective Lands ſituated as aforeſaid, ſuch Factors to have Votes only in the Abſence of their Conſtituents, ſhall be and they are hereby nominated and appointed Truſtees for ſurveying, ordering, repairing and keeping in Repair the Roads aforeſaid, for building and repairing Bridges on the ſame, and for the other Purpoſes of this Act.

Qualification of Factors, &c.

III. Provided always, That no ſuch Factor ſhall be capable of acting as a Truſtee in the Execution of this Act unleſs he ſhall be qualified to act as a Commiſſioner of Supply for 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 Enjoyment of Lands or Heritages of the clear Yearly Value of Fifty Pounds Sterling, or be poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together of the Amount or Value of Five hundred Pounds.

Penalty upon acting if not qualified.

IV. And be it enacted, That if any Perſon not qualified as aforeſaid ſhall nevertheleſs preſume to act as a Truſtee under this Act, he ſhall for every ſuch acting forfeit and pay the Sum of Twenty Pounds Sterling, to be recovered with full Coſts of Suit by ſummary Complaint at the Suit of any Heritor of any of the Pariſhes through which any of the ſaid Roads do paſs, before the Juſtices of the Peace for the County in which ſuch Perſon ſhall reſide, at their General or Adjourned Seſſions of the Peace, and the Money recovered ſhall be paid One Half to the Perſon ſuing for the ſame, and the other Half to the Truſtees appointed by this Act, or their Treaſurer or Collector to be applied to the Reparation of the ſaid Roads and Bridges, in ſuch Manner as the ſaid Truſtees at any General Meeting aſſembled, ſhall direct and appoint; and in all Caſes where ſuch Complaint ſhall be made, the Proof of Qualification ſhall lie upon the Perſon complained of; and any Vote given or Act done in the Character of Truſtee by any Perſon not qualified as aforeſaid ſhall be and be held to be altogether null and void, but ſuch Nullity ſhall not affect any Act done or Determination made by any General or other Meeting, unleſs the ſame ſhall have been done or made by and through the Means of ſuch Vote of a Perſon not qualified to act as a Truſtee.

Quorum of Truſtees.

V. And be it enacted, That at all General Meetings of Truſtees under this Act Five Truſtees ſhall be a Quorum.

Truſtees not to hold Places of Profit.

VI. Provided always, and be it enacted and declared, That if any Perſon or Perſons appointed or to be appointed by this Act as a Truſtee or Truſtees for putting this Act into Execution ſhall have or accept of any Place of Profit ariſing out of or by reaſon of any Tolls or Duties by this Act laid or granted, ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting and during the Enjoyment of ſuch Place of Profit as aforeſaid; and no Perſon who ſhall keep a Public Houſe for the ſelling or retailing of Beer, Ale, or Spirituous Liquors, ſhall be capable to act as a Truſtee, or to hold or enjoy any Office or Situation of Truſt or Profit under this Act.

VII. And

Meetings of Truſtees.

VII. And be it enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at *Stirling* upon the Third *Saturday* after the paſſing of this Act, at the Hour of Twelve Mid-Day, or as ſoon thereafter as conveniently may be, and proceed to carry this Act into Execution; and the ſaid Truſtees ſhall in each and every Year poſterior to the preſent, during the Currency of this Act, hold One Annual General Meeting in each of the reſpective Counties of *Stirling* and *Dumbarton* on the laſt *Wedneſday* of *Auguſt*, at ſuch Place within any of the Pariſhes aforeſaid, as to the ſaid Truſtees aſſembled at the ſaid General Meeting at *Stirling* aforeſaid ſhall ſeem proper; and ſuch Firſt Meeting or any ſubſequent Meeting of Truſtees under this Act may be adjourned from Time to Time as the Truſtees preſent thereat ſhall judge neceſſary; and in the Event of a ſmaller Number of Truſtees than Five or of only One Truſtee attending at the Firſt Meeting ſo to be held at *Stirling* as aforeſaid, or at any ſubſequent Meeting, it ſhall be in the Power of the ſaid ſmaller Number of Truſtees ſo aſſembled or ſuch One Truſtee, to adjourn the ſaid General Meeting to a Day not earlier than Fifteen Days, nor more diſtant than Twenty-one Days from and after ſuch former Meeting as aforeſaid, and the Truſtees fewer in Number than Five or One Truſtee (who ſhall ſo adjourn the Meeting as aforeſaid) ſhall authorize the Clerk and Treaſurer appointed as aftermentioned to ſubſcribe an Advertiſement announcing ſuch Adjournment, which Advertiſement, and every ſucceeding one relative to the after Proceedings of the ſaid Truſtees, ſhall be and they are hereby appointed to be publiſhed in Two of the *Edinburgh* and One of the *Glaſgow* Newſpapers: Provided always, that a Space not leſs than Ten free Days ſhall elapſe between the Publication of each and every of the ſaid Advertiſements, and the Day or Days appointed for holding ſuch Meeting or Meetings as aforeſaid; and in Default of ſuch Space of Ten Days as aforeſaid not elapſing between the Publication of ſuch Advertiſements one or more and the actual Day or Days of Meeting, ſuch Failure ſhall operate as a Nullity of all Proceedings at ſuch Meeting or Meetings; and the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences.

Truſtees to defray their own Expences.

Special General Meetings may be called.

VIII. Provided always, and be it enacted, That any Five or more Truſtees may at any Time authorize the Clerk and Treaſurer to call a Special General Meeting for the Purpoſes of this Act, upon Ten Days previous Notice being given in ſuch Newſpapers as aforeſaid, of the Time and Place of ſuch Meeting and the Special Purpoſes thereof.

Appointment of Officers.

IX. And be it enacted, That the ſaid Truſtees aſſembled at ſuch Firſt General Meeting after the paſſing of this Act, or at any ſubſequent General Meeting, ſhall and may and they are hereby empowered to chuſe and appoint fit Perſons to be Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the ſaid Truſtees for receiving the Tolls and Duties granted and made payable by this Act; and alſo one or more fit Perſon or Perſons to be Surveyor or Surveyors of the ſaid Roads, or ſuch other Officers as they ſhall think proper; and from Time to Time to remove ſuch Treaſurers, Receivers, Collectors, Clerks, Surveyors, or other Officers, or any of them, and to appoint new ones in caſe of the Death or Removal of them, or any of them; and all and every Perſon or Perſons who is, are, or ſhall be liable by this Act to pay the ſaid Tolls and Duties is and are hereby required to pay the ſame to the ſaid Collector or Collectors, Receiver or Receivers, ſo from Time to Time to be

appointed as aforeſaid; and ſuch Collector or Collectors, Receiver or Receivers, or Perſon or Perſons to be appointed as aforeſaid, for receiving the ſaid Tolls and Duties, ſhall on the Firſt *Monday* of every Month, or at any other Time or Times to be appointed by the ſaid Truſtees, during the Continuance of this Act, give in a true, particular, exact, and perfect Account in Writing, under their reſpective Hands, in ſuch Form and Manner as the ſaid Truſtees ſhall appoint, with their reſpective Vouchers, of all Money which they, every, or any of them have received or paid or diſburſed by virtue of this Act, by reaſon of their reſpective Offices, and ſhall verify the ſame upon Oath when required, which Oath any one Juſtice of the Peace is hereby authorized to adminiſter; and in caſe any overplus Money ſo received ſhall remain in their or any of their Hands, they ſhall, when thereto required, pay the ſame to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall authorize and appoint to receive the ſame, to be applied for the Purpoſes of this Act; and the ſaid Truſtees ſhall and may and they are hereby authorized and empowered, out of the Money ariſing out of the ſaid Tolls and Duties, to make ſuch Salaries or Allowances to the Officers ſo to be appointed by them, for and in conſideration of their Care and Pains in the Execution of their reſpective Offices, and to ſuch other Perſon or Perſons who ſhall have been or may be aſſiſting in making or repairing the ſaid Roads or Bridges, by advancing or laying out Money or otherwiſe as to them ſhall ſeem good, over and above the neceſſary Diſburſements made by them.

Treaſurer or Collector to find Security.

X. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Collector or Collectors, to be appointed for the Purpoſes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them in virtue of their ſaid Offices, as to the ſaid Truſtees ſhall ſeem meet, or failing to take any Security, the Truſtees making ſuch Appointment ſhall be individually reſponſible for the Default of the Perſons by them ſo appointed.

Turnpikes to be continued and erected.

XI. And be it enacted, That the ſaid Truſtees ſhall and may continue or erect or cauſe to be erected a Gate or Gates, Turnpike or Turnpikes, upon or acroſs any Part or Parts of the ſaid Roads, or of any Lanes or Roads which ſhall branch off from the ſame, at their Junction, and ſuch Number of Toll Houſes, with proper Gardens adjoining to ſuch Toll-Houſes, as to them ſhall appear to be expedient, the Scite of each ſuch Toll Houſe and Garden not exceeding One-eighth Part of an Acre, and from Time to Time ſhall and may alter the Situation of ſuch Gates or Turnpikes, and Toll Houſes and Gardens; and the ſaid Truſtees, or ſome Perſon or Perſons by them to be appointed, ſhall be and they are hereby authorized and empowered to demand and take, or cauſe to be demanded and taken, at the ſeveral and reſpective Gates or Turnpikes already erected, or which may hereafter be erected as aforeſaid, a Sum not exceeding the Rates and Duties herein-after ſpecified, before any Carriage, Horſe, or other Cattle ſhall paſs through any Gate or Turnpike to be erected on the ſaid Roads; (that is to ſay),

Tolls.

For every Coach, Barouche, Hearſe, Chariot, Chaiſe, or other ſuch Carriage, drawn by Six or more Horſes or Beaſts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horſes, or Beaſts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horſes,

or Beasts of Draught, the Sum of Four Shillings Sterling; and drawn by Three Horses, or Beasts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by Two Horses, or Beasts of Draught, the Sum of Two Shillings Sterling:

For every Chaise, Chair, Taxed Cart, or other such Carriage, drawn by One Horse or Beast of Draught, the Sum of One Shilling Sterling:

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

For every Horse, Mare, Gelding, or Mule, loaded or not loaded, and not drawing, the Sum of Three-pence Sterling:

For every Ass, loaded or not loaded, the Sum of One Halfpenny Sterling:

For every Score of Oxen, or Neat Cattle, the Sum of One Shilling and Eight-pence Sterling; and so in Proportion for any greater or less Number:

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

Exception in favour of Carron Company.

XII. Provided always, and be it enacted, That all Carts and Carriages going for and returning loaded with Ironstone, raised in Lands situated in the Parish of *Denny* aforesaid, belonging to or in the Occupation of the *Carron Company*, as Tacksmen of the Minerals, drawn by One Horse or Beast of Draught, where the Weight of the Lading exclusive of the Carriage shall not exceed One Ton Avoirdupoise, shall only be chargeable with and pay One Half of the Rates of Toll by this Act granted, or One Half of the Tolls for the Time authorized, to be levied at the Toll Gate or Side Bar already erected, or to be erected at the Place called *Browster Burn*, on the Branch of Road aforesaid, to *Killearn*, *Balfron*, and *Denny*.

Waggons, &c. without Names to pay Double Toll.

XIII. And be it enacted, That if any Waggon, Wain, Cart, or other such Carriage shall travel or pass on the said Roads, without having the Name of the Owner in distinct and legible Characters of One Inch each in Length, on some conspicuous Part thereof, Double Tolls shall be demanded and taken before such Waggon, Wain, Cart, or other Carriage shall be allowed to pass through any Gate or Gates, Turnpike or Turnpikes, on the said Roads.

Toll to be paid only once in Six Miles.

XIV. Provided always, and be it enacted, That in case there are or shall be erected, in the Course of any of the said Roads, any Gate or Gates, Turnpike or Turnpikes, at less Distance from each other than Six Statute Miles, then any Person or Persons producing a Ticket to show that the Toll has been paid at any one of such Gates, shall not, except as herein-after

herein-after provided, for the ſame Carriage or Horſe, or other Cattle, on the ſame Day, pay any Toll at any other on the ſame Road which ſhall be within Six Statute Miles of the former, at which the Toll denoted by ſuch Ticket ſhall have been paid.

Truſtees may erect Side Bars.

XV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to continue and erect, or cauſe to be erected, One or more Gate or Gates, Bar or Bars, on the Side or Sides of the ſaid Roads, or acroſs any Part of any Lane or Way leading out of the ſame; and alſo a Toll Houſe, with a proper Garden adjoining to each ſuch Toll Houſe at ſuch Bar or Gate; and there to take and receive ſuch Tolls as are by this Act granted and made payable, but ſo as that a Ticket received at any ſuch Side Gate or Bar ſhall entitle the Receiver thereof to paſs through the next Gate or Bar on the ſame Day, and on the ſame Road, if within Six Statute Miles, Toll-free.

Tolls to be paid at certain Gates, though within leſs Diſtance than Six Miles.

XVI. Provided always, and be it enacted, That until the ſaid improved Line of Road from or near *Redhall*, leading Weſtward through *The Kerſe* to or near *Killorn Pigeon Houſe*, ſhall have been made, it ſhall and may be lawful to and for the ſaid Truſtees to move the preſent Gate or Turnpike at *Kippen* to an Extent not exceeding Two hundred Yards Eaſtward or Weſtward of its preſent Scite, and to levy Tolls thereat, although the ſame ſhould not be Six Miles diſtant from any other Gate or Turnpike erected or to be erected in purſuance of this Act; and when the ſaid improved Line of Road ſhall have been made, it ſhall and may be lawful to and for the ſaid Truſtees to move Weſtward the Gate or Turnpike already erected near the Village of *Kippen*, and to place and erect a Gate or Gates, Turnpike or Turnpikes, and levy Tolls thereat, at or near the Junction of the ſaid new Line of Road with the preſent Road near to *Killorn Pigeon Houſe* aforeſaid, although the ſame ſhall not be Six Miles diſtant from the Turnpike Gate already erected at *Caſhlie*; and likewiſe it ſhall and may be lawful to and for the ſaid Truſtees to erect or continue erected Three Gates or Turnpikes and Toll Houſes on the Road leading from *Drymen* Bridge to *Dumbarton*, or upon the Branch of Road leading to the River *Leven*, and to take Tolls thereat, although the ſaid Turnpikes may not be Six Miles diſtant from each other; and alſo to erect a Turnpike Gate and Toll Houſe on the Branch of Road leading to *Killearn*, *Balfron*, and *Denny*, and take Tolls thereat, although the ſame may not be Six Miles diſtant from any other Gate or Turnpike erected or to be erected in purſuance of this Act; and all Tickets given under the Authority of this Act to ſhew the Payment of Toll, ſhall name and ſpecify the Gates or Turnpikes through which the Receivers thereof ſhall be enttiled to paſs Toll-free.

Tolls to be levied only once a Day for going and returning with the ſame Load.

XVII. And be it enacted, That no Perſon or Perſons having occaſion to paſs through any Gate or Gates, Turnpike or Turnpikes, already erected or to be erected by virtue of this Act, and who ſhall return the ſame Day through the ſame Gate or Gates, Turnpike or Turnpikes, before Twelve of the Clock at Night, with the ſame Coach, Cart, or other Wheel Carriage drawn by the ſame Horſes, or Beaſts of Draught, or with the ſame Horſe, Aſs, or other Beaſt or Cattle, ſhall be liable or compelled to pay the Tolls or Duties more than once, except as herein-after mentioned, but ſhall on Demand be furniſhed with a Note or Ticket, Notes or Tickets,

Tickets, ſignifying the Payment of ſuch Toll or Duty; which Note or Ticket, Notes or Tickets, ſhall give acceſs to the ſame Perſon or Perſons, returning the ſame Day as aforeſaid, to return through the ſame Gate or Gates, Turnpike or Turnpikes, Toll-free; but in caſe any Cart, or other ſuch Wheel Carriage, ſhall paſs Two or more Times in the ſame Day with a freſh Load, the Tolls or Duties by this Act impoſed ſhall be paid for each Time they ſhall paſs, in the ſame Manner as for the Firſt Time: Provided always, that nothing under One Hundred Weight ſhall be reckoned a freſh Load.

Penalty on frauduient Diſpoſal of Tickets.

XVIII. And be it further enacted, That if any Perſon or Perſons having paid the Tolls or Duties by this Act impoſed, and being poſſeſſed of a Note or Ticket, Notes or Tickets, denoting or ſignifying the Payment thereof, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons, in order to avoid the Payment of the ſaid Tolls or Duties, every ſuch Perſon ſo giving or diſpoſing thereof, and the Perſon receiving the ſame, being convicted thereof, upon Oath by One or more credible Witneſs or Witneſſes, or his own Confeſſion, before any One or more Juſtice or Juſtices of the Peace of the County where the Offence ſhall be committed, or where the Offender ſhall reſide, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

Tolls may be let.

XIX. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby authorized and empowered by public Roup to let the ſaid Tolls and Duties in Whole or in Parcels, from Time to Time during the Continuance of this Act, by Leaſe or otherwiſe, for any Term not exceeding Three Years, for the higheſt Rate or Rates they can get for the ſame, to ſuch Perſon or Perſons as ſhall from Time to Time give ſuch good and ſufficient Security for Payment thereof as ſhall be approved of by the ſaid Truſtees at a General Meeting aſſembled.

Tolls and Toll Houſes veſted in Truſtees.

XX. And be it enacted, That the ſaid Tolls and Duties hereby granted and made payable, together with the Right and Property of every Gate or Turnpike, Toll Houſe and Garden, and whole Premiſes erected or to be erected and acquired or to be acquired by Authority of this Act, are and ſhall be veſted in the ſaid Truſtees; and the ſaid Tolls and Duties, and every Part thereof, ſhall be paid over, applied, and aſſigned to and for the ſeveral Uſes, Intents, and Purpoſes by this Act directed.

Compelling Payment of Tolls.

XXI. And be it enacted, That if any Perſon or Perſons liable in Payment of the Tolls and Duties by this Act granted or any Part thereof, ſhall neglect or refuſe to pay the ſame unto the Perſon or Perſons appointed by the ſaid Truſtees, to levy and collect the ſame, when demanded, it ſhall be lawful for the Collector or Toll Gatherer in the Event of ſuch Neglect or Refuſal as aforeſaid, to ſeize and detain the Carriages, Horſes, or other Cattle, upon which ſuch Tolls and Duties are hereby impoſed, with the Goods in or upon the ſame, and if ſuch Tolls and Duties or any Part thereof, together with the reaſonable Charges and Expences of ſuch Seizure or Detention, ſhall not be paid or diſcharged within the Space of Twenty-four Hours from and after ſuch Seizure and Detention, it ſhall and may be lawful for the ſaid Collector or Toll Gatherer (being authorized ſo to do by Warrant under the Hand of any One or more Juſtice or Juſtices of the Peace of any of the ſaid Counties reſpectively within which

which the Seizure or Detention may be made) to have the ſaid Horſes, Cattle, Carriages, or Goods ſo ſeized or detained as aforeſaid, appraiſed and ſold by public Roup at the Gate or Turnpike where the ſaid Seizure or Detention was made, for Payment and Satisfaction of the ſaid Tolls and Duties, with the neceſſary Coſts of the ſaid Seizure, Detention, Appraiſement and Sale, returning the Overplus (if any) to the Owner when demanded.

Exemptions from Toll.

XXII. And be it further enacted, That no Tolls ſhall be demanded or taken for any Carriage or Horſe, or other Beaſt paſſing through any Gate or Turnpike already erected or to be erected by Authority of this Act, when employed in carrying any Stones or other Materials for the Repair of the aforeſaid Roads and Bridges, or of any Highways made and repaired under the Authority of any Statute Labour Act; nor for Carriages or Horſes carrying off the Earth, Mud, or Road Stuff from the aforeſaid Turnpike Roads or Highways; nor for Horſes or Cattle going to or returning from Paſture or Watering Places, or going to or returning from Smithies; nor for any Carriage or Cattle or Produce paſſing from one Part of a Farm to another Part of the ſame Farm; nor for any Carriages or Horſes carrying any Perſon to or from Church, Chapel, or other their accuſtomed Place of Religious Worſhip within their own Pariſh on a *Sunday*, or on any other Day on which Divine Service is ordered by Public Authority to be celebrated; 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 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 or Duties by virtue of an Act made in the Fifty-third Year of the Reign of His preſent Majeſty, intituled *An Act to repeal the Exemption from Toll granted for or in reſpect of Carriages with more than Two Wheels carrying the Mail in* Scotland, *and for granting a Rate for Poſtage as an Indemnity for the Loſs which may ariſe to the Revenue of the Poſt Office from the Payment of ſuch Tolls*; nor ſhall any Toll be demanded for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for the Horſes or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horſes, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded or diſabled Officers or Soldiers, or returning from carrying or conveying the ſame; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided always, that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations appointed for each Corps reſpectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals ſent with legal Paſſes, or returning from conveying the ſame.

Exempting Carriages with Stores.

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

Exemptions in regard to Coal and Lime.

XXIV. Provided always, That no Carriage or Horſe paſſing upon the ſaid Roads loaded with Coal or with Lime, or going empty or unloaded for either of the ſpecific Articles before mentioned, ſhall be obliged to pay for the ſame Load oftener than Once in Two Days at each Turnpike Gate through which the ſaid Carriage or Horſe empty or loaded ſhall paſs.

Penalty on claiming Exemptions where not entitled thereto.

XXV. Provided always, and be it enacted, That if any Perſon ſhall claim and take the Benefit of any of the Exemptions from Toll hereinbefore mentioned, not being legally entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Apportioning the Tolls.

XXVI. And be it enacted, That at any General Meeting of the ſaid Truſtees to be called by Advertiſement in the *Edinburgh* and *Glaſgow* Newſpapers in Manner before directed, ſpecifying the Time, Place, and Purpoſe of ſuch Meeting, and to be held within Twelve Months from and after the paſſing of this Act and not afterwards, it ſhall be lawful for the ſaid Truſtees to allocate and apportion the Produce of ſuch Turnpikes or Toll Bars already erected or to be erected upon the ſaid ſeveral Roads, towards the making, repairing, and upholding of ſuch Diſtricts or Sections of the aforeſaid Roads as the ſaid Truſtees ſhall think fit; and as ſoon as the aforeſaid Allocation and Apportionment ſhall be ſo adjuſted, the Clerk and Treaſurer of the ſaid Truſtees is hereby authorized and required to enter and record the ſame in a Book to be kept for that Purpoſe: Provided always, that in all Time hereafter during the Continuance of the ſaid Truſt it ſhall not be in the Power of the ſaid Truſtees, or of any Number of them, to reverſe, vary, or alter the aforeſaid Allocation and Apportionment ſo entered and recorded as aforeſaid.

Truſtees may lower or raiſe the Tolls.

XXVII. And be it enacted, That it ſhall be in the Power of the ſaid Truſtees at a General Meeting aſſembled (ſuch Meeting being called by Advertiſement in the *Edinburgh* and *Glaſgow* Newſpapers, ſpecifying the Time, Place, and Purpoſe of ſuch Meeting as aforeſaid), with the Conſent of Five Sixths in Value of the Creditors at the Time, to lower generally or particularly the Tolls and Duties hereby granted, and to raiſe them again as they ſhall ſee expedient: Provided always, that the

Amount of the ſame ſhall not exceed the full Tolls and Duties by this Act authorized to be levied and collected.

Penalty for evading the Tolls.

XXVIII. And be it further enacted, That if any Perſon or Perſons owning or occupying encloſed Lands near to any Gate or Turnpike already erected or which ſhall be erected in purſuance of this Act, ſhall knowingly or wilfully permit any Perſon or Perſons not being his, her, or their Servant or Servants, to paſs through the ſame, or through any Gate, Paſſage, or Way with any Coach, Cart, or other Carriage, or with any Horſe, Aſs, or Cattle, for the Purpoſe of evading the Payment of the ſaid Tolls, every ſuch Perſon ſo offending, and the Perſon or Perſons riding or driving ſuch Cart or other Carriage, Horſe, Aſs, or other Cattle, ſhall each for every ſuch Offence reſpectively forfeit and pay to the ſaid Truſtees a Sum not exceeding Forty Shillings Sterling; One Half thereof to be paid to the Informer, and the other Half to the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Penalty for forcible Evaſion of the Tolls, or aſſaulting Officers.

XXIX. And be it enacted, That if any Perſon or Perſons liable to pay the ſaid Tolls ſhall in a fraudulent or forcible Manner paſs through any of the Gates or Turnpikes on the ſaid Roads without paying Tolls thereat, or ſhall aſſault any Collector of Tolls, or any other Perſon acting under the Authority of this Act, or of the ſaid Truſtees, every Perſon ſo offending ſhall forfeit and pay a Sum not exceeding Five Pounds Sterling, beſides making Payment of the Tolls, to which ſuch Perſon was liable.

Penalty for taking off Horſes, &c.

XXX. And be it enacted, That if any Perſon or Perſons ſhall at any Time during the Continuance of this Act, unload or cauſe to be unloaded any Sort of Goods or Merchandize or other Articles whatever, or ſhall take off or cauſe to be taken off any Horſe or Horſes, or any Beaſt of Draught, from any Coach, Chaiſe, Chariot, Barouche, Landau, Calaſh, Chair, Taxed Cart, or Hearſe, or from any Waggon, Wain, Cart, or other Carriage, at or before the ſame ſhall come to any of the Gates or Turnpikes erected or to be erected on the ſaid Roads by virtue of this Act, with Intent to avoid paying any Tolls, or Duties, hereby impoſed, each and every Perſon ſo offending in any of the Caſes aforeſaid ſhall forfeit and pay a Sum not exceeding Forty Shillings Sterling; one Half thereof to be paid to the Informer, and the other Half to the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Truſtees may compound for the Tolls.

XXXI. And be it enacted, That the ſaid Truſtees at a General Meeting aſſembled may and they are hereby authorized and empowered to compound and agree by the Year or otherwiſe, with any Perſon or Perſons living near any Gate or Gates, Turnpike or Turnpikes erected, or to be erected by virtue of this Act, for any reaſonable Sum or Sums of Money, to be paid Quarterly, in advance from Time to Time, and in lieu of the Payment of the Tolls or Duties by this Act granted; and Copies of all ſuch Compoſitions or Agreements to be made by the ſaid Truſtees ſhall be entered at length in a Book or Books to be kept for that Purpoſe, which ſhall be open to the Peruſal of any Perſon or Perſons whatever, at all ſeaſonable Times, without Fee or Reward.

For Recovery of Composition.

XXXII. Provided always, and be it enacted, That if any Compoſition Money agreed to be paid for paſſing through the ſaid Gates or Turnpikes erected or to be erected by virtue of this Act, ſhall not be paid within Fourteen Days next after the ſame ſhall become due or payable, according to ſuch Compoſition or Agreement, it ſhall and may be lawful for any Two or more of the Juſtices of the Peace for the County where the Perſon liable for ſuch Compoſition reſides, by Warrant under their Hands, to empower the Perſon authorized by the Truſtees to receive ſuch Compoſition, (Oath being firſt made that the ſame has been demanded and remains unpaid), to levy ſuch Compoſition on the Perſon or Perſons ſo refuſing or neglecting to pay the ſame in Manner herein-after mentioned.

For borrowing Money.

XXXIII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, at a General Meeting aſſembled, and they are hereby authorized and empowered to borrow, upon the Credit of the Tolls and Duties to be levied and collected by virtue of this Act, any Sum or Sums of Money not exceeding upon the Whole at any Time the Sum of One thouſand Pounds Sterling, for each Mile of the Roads already made under the before recited Act, or to be made by virtue of this Act; and if at any Time any Part of the Sums already borrowed, or to be borrowed as aforeſaid, ſhall be paid off and diſcharged, it ſhall and may be lawful to and in the Power of the ſaid Truſtees to borrow other and farther Sums of Money, and to burden the ſaid Tolls and Duties with the Payment of the ſame: Provided always, that ſuch after Loan or Loans ſhall not upon the Whole exceed the ſaid Amount of One thouſand Pounds Sterling for each Mile of the Roads as aforeſaid; and it ſhall be in the Power of the ſaid Truſtees, at a General Meeting aſſembled, (and they are hereby authorized) to aſſign and make over the Whole or ſuch Part of the Tolls and Duties to be levied and collected in Manner aforeſaid, as they ſhall think proper, for a Security to the Perſon or Perſons who ſhall lend ſuch Sum or Sums of Money ſo to be borrowed as aforeſaid, or ſhall become Sureties for the Re-payment of the ſame; and Copies of all ſuch Aſſignments ſhall be entered by the Clerk and Treaſurer in a Book or Books to be kept for that Purpoſe.

If Money be paid off, more may be borrowed again.

Heirs of Entail may charge their entailed Eſtates to a certain Extent.

XXXIV. And be it enacted, That all Bonds and Obligations for Money borrowed and applied for the Purpoſes of the ſaid recited Act, or which it may hereafter be neceſſary to borrow for the Purpoſes of this Act, granted or to be granted by any Proprietor of an entailed Eſtate through which the ſaid Roads reſpectively paſs or are intended to paſs, or the Tutors, Curators, or Guardians of any ſuch Proprietors, ſhall be held to bind ſuch Proprietors and their Heirs of Entail in ſuch Eſtates for the Repayment of ſuch Money; and ſuch Bonds and Obligations ſhall be valid and effectual againſt the Granters of the ſame, and alſo againſt the Heirs of Entail ſucceeding to them in ſuch entailed Eſtates, and ſuch Sums ſhall be and continue to be a Burden on ſuch Eſtates till repaid out of the Tolls and Duties hereby granted: Provided always, that the Share or Proportion of ſuch Sum or Sums of Money, borrowed or to be borrowed, affecting ſuch Heirs of Entail, ſhall not exceed One Year's free Rent of ſuch Eſtate: Provided alſo, that the Heir of Entail in Poſſeſſion of ſuch entailed Eſtate ſhall be obliged to keep down the Intereſt upon ſuch Sum or Sums ſo borrowed; but it ſhall not be lawful to the Creditor or Creditors in the Right of any ſuch Debt to adjudge or otherwiſe evict the entailed

entailed Eſtate for Payment thereof, or any Part thereof: Provided always, that it ſhall and may be competent to ſuch Creditor or Creditors to proſecute ſuch Remedy or Remedies againſt the Rents thereof as are given and allowed by the Law of *Scotland* to heritable Creditors.

Truſtees not perſonally liable.

XXXV. Provided always, That no Truſtee ſhall be held or adjudged to have rendered himſelf perſonally liable for the Re-payment of any Money borrowed or to be borrowed, or Intereſt thereof, by reaſon of having ſigned any Aſſignment of the Tolls for Money borrowed as aforeſaid, or for Payment of any Sum which he ſhall not have bound himſelf to pay perſonally as an Individual, independent of his Office as a Truſtee under this Act.

Accounts to be kept.

XXXVI. And be it further enacted, That regular Accounts of all Monies borrowed, collected, received, and diſburſed, of all Contracts and Agreements made by the ſaid Truſtees, and of every Proceeding of the ſaid Truſtees in the Execution of this Act, ſhall be duly entered and recorded by the Clerk and Treaſurer of the ſaid Truſt, in a Book or Books to be provided for that Purpoſe, and which Book or Books may be inſpected by any Heritor of the Pariſhes aforeſaid, to the Amount of Fifty Pounds Scots of valued Rent and upwards, without Fee or Reward.

Determinations of a former Meeting not to be altered but on previous Notice.

XXXVII. And be it enacted, That no Determination of the ſaid Truſtees in a General Meeting aſſembled, of or concerning any Matter or Thing relative to the Execution of this Act, ſhall be annulled, varied, or altered by any ſubſequent General Meeting, unleſs ſuch ſubſequent General Meeting ſhall be called on a Requiſition to the Clerk and Treaſurer ſubſcribed by not leſs than Five in Number of the ſaid Truſtees, and unleſs ſuch Requiſition and ſubſequent Advertiſements ſhall contain a Specification of ſuch former Reſolution of the Truſtees, and the Time, Place, and Purpoſe of the Meeting at which it is to be brought under Review.

Foot Paths, may be made and Bridges and Drains.

XXXVIII. And be it enacted, That it ſhall be lawful to and for the ſaid Truſtees to cauſe Footpaths to be made on the Side or Sides of the ſaid Roads, and to erect Poſts to prevent any Perſon from riding or driving Horſes, Carriages, or Cattle on the ſame; and if any Perſon or Perſons ſhall ride or drive, or cauſe any Horſe or Carriage to be ridden or driven along any of ſuch Footpaths, ſuch Perſon or Perſons ſhall for each Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling; and it ſhall be lawful for the ſaid Truſtees to cauſe to be built or erected Arches or Bridges of Stone, Brick, or Timber, and to cauſe Conduits and Drains to be made through any Grounds adjoining to the ſaid Roads; and in all Time ſubſequent to the making of the ſaid Conduits and Drains, it ſhall be lawful for any Perſon or Perſons appointed by the ſaid Truſtees in Manner aforeſaid, to have Acceſs to and repair, ſecure, and preſerve the ſaid Conduits and Drains, without any Impediment or Obſtacle whatſoever.

Truſtees may widen or alter the Roads, &c.

XXXIX. And be it enacted, That in caſe the ſaid Truſtees ſhall think proper to widen, turn, or alter any Part or Parts of the ſaid Roads for the better Accommodation of the Public, it ſhall be lawful to the ſaid Truſtees, and they are hereby authorized and empowered from Time to Time, to treat, contract, and agree with any Perſon or Perſons for the Purchaſe of any Lands, Grounds, or Heritages that may be neceſſary for theſe Purpoſes, and for the Loſs or Damage the Owners or Occupiers thereof, or any of them,

them, ſhall or may in anywiſe ſuſtain, by ſuch widening, turning, or altering ſuch Roads, and to pay out of the Monies hereby veſted in the ſaid Truſtees for the Purpoſes of this Act, ſuch Sum or Sums of Money as ſhall be agreed upon between the ſaid Truſtees and ſuch Owners or Occupiers as aforeſaid; which Roads, when widened, turned, or altered by virtue of this Act, ſhall be and remain, not leſs than Twenty-four Feet at the leaſt, excluſive of the Footpaths and Ditches; and ſuch Lands and Grounds when ſo purchaſed as aforeſaid ſhall, by Order and Direction of the ſaid Truſtees, be laid into and made Part of the ſaid Roads, in ſuch Manner as the ſaid Truſtees ſhall ſee expedient, with proper Drains, Ditches, and Fences, and ſhall from thenceforth be deemed and taken as Part or Parts of the Roads to be repaired by virtue of this Act.

Alteration to be made of the preſent Line of Road.

XL. And be it further enacted, That it ſhall and may be lawful to the ſaid Truſtees, and they are hereby authorized and empowered to alter the preſent Line of Road from a Point at or near *Redhall*, and to make in lieu thereof a new Road not leſs than Twenty-four Feet in Width, (excluſive of the Footpaths and Ditches), paſſing Weſtward through the *Kerſe* joining the preſent Line of Road at or near a Pigeon Houſe on the Eſtate of *Killorn*: Provided always, that it ſhall not be in the Power of the ſaid Truſtees to turn, vary, or alter any Part of the ſaid Road which leads through the Eſtates of *Touch*, *Gargunnock*, *Boquhan*, and *Leckie*, without the Conſent in Writing of the Proprietor or Proprietors of the ſaid Eſtates reſpectively, or of the Truſtees or Guardians of ſuch of them as may be Minors, or incapable to act, or Commiſſioners of ſuch as may be abſent; and it ſhall be in the Power of the ſaid Truſtees to conſtruct proper Ditches, Drains, and Sewers on the Sides of the ſaid new Line of Road, as they ſhall ſee expedient, and the ſame ſhall thenceforth be taken as Part of the Roads to be repaired by virtue of this Act.

Maps, &c. to be delivered to the Clerk of the Truſtees.

XLI. And whereas a Map or Plan of the ſaid propoſed new Line of Road from a Point at or near *Redhall*, paſſing Weſtward through the *Kerſe*, joining the preſent Line of Road at or near a Pigeon Houſe on the Eſtate of *Killorn*, and the Lands through which the ſame leads, together with a Book of Reference containing Liſts of the Names of the Owners and Occupiers of ſuch Lands has been depoſited with the Clerks of the Peace for each of the Counties of *Stirling* and *Perth*; be it therefore enacted, That the ſaid Maps or Plans, and Books of Reference, ſhall, on the paſſing of this Act, be delivered by the ſaid Clerks of the Peace to the Clerk of the ſaid Truſtees, and the ſame ſhall remain in the Cuſtody of the Clerk to the ſaid Truſtees, to the end that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and obtain Copies or Extracts thereof, paying the Clerk of the ſaid Truſtees at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts; and that in any ſuch Alteration of the Courſe or Direction of the ſaid Road, it ſhall not be in the Power of the ſaid Truſtees to deviate more than One hundred Yards from the Lines deſcribed in ſuch Map or Plan reſpectively, without the Conſent in Writing of the Owners of the Ground through which any ſuch Alteration of the Line ſhall paſs: Provided always, that it ſhall and may be lawful to and for the ſaid Truſtees to make the ſaid propoſed new Line of Road into, through, acroſs, or over the ſeveral Lands or Grounds of any Perſon or Perſons who is or are or may be Owner or Owners of Lands over which the ſame is ſet out and deſcribed in the ſaid Map or

Miſnomers not to prevent the Execution of this Act.

Plan

Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be mistaken or omitted in the said Book of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the said County of *Stirling* or *Perth* respectively, in which ever of such Counties such Lands may be, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Compensation to be made for Ground taken or Heritages damaged.

XLII. Provided always, and be it enacted, That in making the said proposed new Line of Road full Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, Houses, Walls, and Fences taken for the Use of the same, and for all Damage done to the same, and for that Purpose the Trustees shall, before entering on any such Lands, Grounds, Houses, Walls, or Fences, or injuring the same, give Three Months Notice at the least to the Owners and Occupiers thereof, and make an Offer to them of what the Trustees consider to be the Value or a just Compensation for the same, unless such Owners or Occupiers shall renounce all Claim for Damages, or Compensation, in Manner herein-after mentioned.

Sheriff to summon a Jury to fix Value of Lands and Houses.

XLIII. And be it further enacted, That if, in widening, turning, or altering the said Roads, or in making the said proposed new Line of Road, the said Trustees shall not come to an Agreement with the respective Owner or Owners, and Occupier or Occupiers of the Lands, Grounds, Houses, Walls, and Fences taken for the Use of such new Line of Road, or for the Damage done to the same respectively; or in case such Owners or Occupiers shall refuse to treat with the said Trustees or Committees for the same, or in case the Claim of Damages which may be thence incurred shall not have been renounced in Manner herein-after mentioned, Application shall be made to the Sheriffs Depute of the said Counties of *Stirling*, *Dumbarton*, or *Perth* respectively, as the Subjects in Dispute may be situated within these respective Jurisdictions, or their Substitutes, to summon a Jury in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses or other Buildings necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing Fences; and the said Sheriff Depute or his Substitutes are hereby empowered and required upon Application to order Notice thereof to be given to the Owner or Owners, and Occupier or Occupiers of such Ground, Houses, or Premises, and afterwards to issue a Summons in the usual Manner for calling together a Jury consisting of not more than Nine nor less than Seven Persons in Number, who, being duly sworn, the said Sheriff Depute or his Substitutes shall proceed to examine upon Oath in their Presence, such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence such Jury shall determine the Price or Damages to be paid by the said Trustees; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Premises as aforesaid, and in making up their Verdict, the said Jury shall have Right, and they are hereby empowered, to take under their Consideration all Circumstances, particularly the Advantages arising to the Owners and Occupiers by the said new Line of Road; and in ascertaining the Value of the Fences which may be necessary to pull down, the Jury shall also have Power to direct such Fences as may thereby become useless, to be taken down and removed by the said Trustees, upon Payment of such Allowance for the same as the said Jury may determine, and it shall be optional to the Owners and Occupiers

either to accept of the Allowance ſo awarded, or to retain the Materials of the ſaid Fences to their own private Uſe; and after a Verdict is pronounced as aforeſaid, the ſaid Sheriff Depute or his Subſtitutes are hereby required to adjudge Payment of the Value and Amount of the Loſs or Damage thereby awarded to the Perſons having a Right thereto, and upon Payment being made by the ſaid Truſtees out of the Money raiſed by virtue of this Act, of the Sum awarded to the Party or Parties intereſted, or Conſignation of the ſaid Sum in the Bank of *Scotland* or Royal Bank of *Scotland*, the ſaid Truſtees ſhall from thenceforth have a Right to take and uſe the Ground, and to take down the Houſes and other Buildings and Fences, or Parts of Houſes and other Buildings and Fences ſo valued, as fully and effectually ever after to all Intents and Purpoſes as if the Owner or Owners and Occupier or Occupiers of the Grounds, Houſes, or other Buildings and Fences had executed regular Diſpoſitions of the ſame, and thereupon Infeftment had followed; and the ſaid Proceedings and Orders of the Sheriff Depute or his Subſtitutes ſhall be final, and not removeable by Bills or Letters of Advocation or Suſpenſion or by Reduction to or by any Court whatever, any Law or Uſage to the contrary notwithſtanding.

Sheriff to adjudge Payment of the Sum awarded by the Jury.

Expences of the Proceedings how to be paid.

XLIV. Provided always, and be it enacted, That in the Event that ſuch Jury ſhall award a greater Compenſation than the Truſtees ſhall have offered, but leſs than the Owner or Owners, Occupier or Occupiers ſhall have required, the Expence of the Proceedings ſhall be defrayed and borne by the ſaid Truſtees, and the ſaid Owner or Owners, Occupier or Occupiers equally; but in caſe the ſaid Jury ſhall award to ſuch Owner or Owners, Occupier or Occupiers, the Sum ſo required, or any greater Sum, the whole of the ſaid Expence ſhall be paid by the ſaid Truſtees; and on the other Hand, if the ſaid Jury ſhall award the Sum offered by the ſaid Truſtees, or a leſs Sum, the whole of the ſaid Expence ſhall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence be prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees: Provided alſo, that after having offered to the Owner or Owners, Occupier or Occupiers of any Lands or Houſes or Premiſes, ſuch Sum as the ſaid Truſtees ſhall think reaſonable, or which ſhall have been awarded in Manner aforeſaid; or in caſe of his, her or their Refuſal to accept of ſuch Sum, (the Offer being inſtructed by an Inſtrument under the Hands of a Notary Public and Witneſſes), the Money ſhall be afterwards lodged in the Bank of *Scotland*, or Royal Bank of *Scotland*, there to remain at ſuch Intereſt as the ſaid Banks may allow, at the Peril of ſuch Owner or Owners, Occupier or Occupiers; and it ſhall and may be lawful for the ſaid Truſtees to enter into or upon ſuch Lands, Houſes, or Premiſes, for the Purpoſes of this Act, and no ſtop ſhall in the mean Time be put to the Operations of the ſaid Truſtees, on Pretence of ſettling the ſaid Damages, or that they have not been ſatisfied and paid; and in caſe any Perſon intereſted ſhall apply for and obtain from any Judge competent, a Warrant for ſtopping the Execution of the Purpoſes aforeſaid, the ſaid Judge is hereby directed to recall ſuch Warrant, and remove any Siſt obtained as aforeſaid; provided ſufficient Caution ſhall be found by the Truſtees therein named, for the Amount of ſuch Damages as may be ultimately awarded

awarded to the Perſon ſuing for the ſame, and aſcertained in Manner hereinbefore mentioned.

If Jurymen, &c. refuſe to act.

XLV. And be it enacted, That if any Perſon ſummoned as a Juryman or Witneſs under the Authority of any of the ſaid Sheriffs Depute, or their Subſtitutes, in any Matter ariſing out of this Act, ſhall neglect or fail to appear, or ſhall refuſe to act as a Juryman, or to give Evidence after having been paid or tendered a reaſonable Sum for his, her or their Coſts, Charges, and Expences, ſuch Sheriffs Depute or their Subſtitutes is and are hereby empowered to fine every ſuch Perſon for every ſuch Offence in any Sum not exceeding Five Pounds Sterling.

Truſtees, &c. empowered to take Materials.

XLVI. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, and any Perſon or Perſons having an Order from them, to open Quarries, and dig, gather and take and carry away any Stones or Gravel or other Materials out of any Waſte or Common, Burn or River, within any Part of the reſpective Counties through which the ſaid Roads paſs, for making and repairing the ſaid Roads, or any of them, without paying for the ſame, and to dig, gather, and carry away all ſuch Materials from Quarries already opened, and from any Grounds within the ſaid reſpective Counties of *Stirling*, *Dumbarton*, and *Perth*, paying ſuch Damages for the ſame as the ſaid Truſtees ſhall judge reaſonable, or in caſe of Difference, as ſhall be aſcertained by any Two Juſtices of the Peace of the County within which ſuch Quarries or Grounds are ſituated, with Power to the ſaid Proprietor or Occupier to appeal from the Deciſion of the ſaid Juſtices to the next Quarter Seſſions, whoſe Deciſion ſhall be final.

Notices to be given to the Occupiers of Lands before Materials are got.

XLVII. Provided nevertheleſs, and be it further enacted, That no Surveyor or any other Perſon or Perſons acting under the Authority of this Act ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Roads out of or from any encloſed Land, until Notice in Writing ſigned by the ſaid Surveyor ſhall have been firſt given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at ſuch Owner's or Occupier's uſual Place of Reſidence, to appear before any Two Juſtices of the Peace acting for the County in which the ſame ſhall be ſituated, to ſhew Cauſe why ſuch Materials ſhall not be had therefrom; and in caſe ſuch Owner, Agent, or Occupier ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall if they think proper authorize ſuch Surveyor or other Perſon to dig, get, gather, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, 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 or Occupier or his or her Agent had attended; and the Order of ſuch Juſtices ſhall be final and concluſive to and upon all Parties.

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

XLVIII. Provided always, That in altering, widening, or making any of the ſaid Roads, or digging or taking Materials as aforeſaid, no Houſe or Building ſhall be prejudiced, of which the Side Walls are above Fifteen Feet in Height from the Surface of the adjoining Ground, nor any Orchard, Planted Walk, Avenue, Lawn, or Pleaſure Ground, or Plantation

of Trees planted prior to the paſſing of this Act, except ſuch as ſhall be ſet out and deſcribed in the Map or Plan depoſited as aforeſaid, without the Conſent in Writing of the Owner or Owners thereof firſt had and obtained.

Toll Houſes, Places for depoſiting Materials, &c. to be provided.

XLIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to give Orders for purchaſing or taking in Leaſe ſuch Pieces of Ground adjacent to the ſaid Roads (not exceeding One-eighth Part of an Acre) as ſhall be judged moſt convenient for erecting Toll Houſes and Gardens to the ſame, or for Repoſitories wherein the Mud that may be raked off the Roads may be depoſited, and the Stones or other Materials for repairing the ſaid Roads may be broken or kept, ſo as to be laid as little as poſſible upon the ſaid Roads, until they are immediately to be uſed for repairing or amending the ſame; and in caſe the ſaid Truſtees, or their Surveyor, cannot agree with the Owner or Occupier as to the Price, Rent, or Damages to be paid for the ſame, ſuch Price, Rent, or Damages ſhall be ſettled and determined by a Jury of the County within which ſuch Grounds are ſituated, in Manner as herein-before mentioned.

Proprietors under Entail or not may renounce Claims of Damage.

L. Provided always, That it ſhall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, Huſbands, Truſtees, Tutors, and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, 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.

Incorporate Perſons, &c. empowered to convey.

LI. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Truſtees, Tutors and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, are hereby empowered to ſell, feu, let and convey all ſuch Lands or Houſes as may be neceſſary for the making, altering, or widening the ſaid Roads, or any of them, and erecting any Gate or Turnpike, or Toll Houſe, with a Stable and Garden adjoining thereto, or for ſtoring Materials, or otherwiſe, where Ground is neceſſary for the Purpoſes of this Act, upon ſuch Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as ſhall be agreed upon by and between the ſaid Truſtees, and ſuch Owner or Owners, Occupier or Occupiers, or as ſhall be awarded in Manner aforeſaid.

How Lands are to be veſted in Truſtees.

LII. And be it further enacted, That all Lands, Tenements, or Heritages which may be acquired by the ſaid Truſtees in purſuance of this Act ſhall be veſted in the ſaid Truſtees by the ſimple Diſcharge for the agreed Price or appraiſed Value thereof, or by Conſignation of the ſaid Price or Value in the Bank of *Scotland*, or Royal Bank of *Scotland*, in Manner herein-directed with regard to Conſignations, as the Caſe may be; and it ſhall be ſufficient to record the Diſcharge, or the Voucher of Conſignation, in the Sheriff Court Books of the ſaid Counties of *Stirling*, *Dumbarton*, or *Perth*, as the Caſe may be, whereupon the ſaid Truſtees ſhall be entitled to take and uſe the ſaid Lands and Houſes, and ſhall hold the ſame as validly and effectually, to all Intents and Purpoſes, as if the reſpective Owners

Owners thereof had executed in their favour regular Diſpoſitions of the ſame, and Infeftments had followed thereupon.

Application of Compenſation where exceeding 200l.

LIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Heritages, purchaſed, taken or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which are held under Entail or are ſubject to Life-rents, Annuities, or other Incumbrances, or ſhall belong to any Incorporation, married Woman, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Seſſion, be, with all convenient Speed, paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Heritages, in the Redemption or Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements or Heritages, or affecting other Lands, Tenements or Heritages, ſtanding ſettled therewith to the ſame or the like Uſes, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Heritages, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the Intereſt or annual Produce of ſuch Money ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Heritages, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200l. nor leſs than 20l.

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

bation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Intereſt ariſing therefrom, may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable.

Application where the Money is leſs than 20l.

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

In caſe of not making out Titles, &c.

LVI. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements or Heritages 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 of Money, ſo awarded as aforeſaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank aforeſaid.

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

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

LVII. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the ſaid Banks in purſuance of this Act, for the Purchaſe of any Lands, Tenements or Heritages, or of any Eſtate, Right or Intereſt in any Lands, Tenements or Heritages to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements or Heritages at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons,

ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements or Heritages according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Seſſion; and ſuch Money, and the Intereſt thereof, ſhall be paid, applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Heritages, or to ſome Eſtate or Intereſt therein.

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

LVIII. 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 Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied to 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.

For ſhutting up Roads.

LIX. And be it enacted, That when the Direction of any Part or Parts of the ſaid Roads ſhall be altered as aforeſaid, it ſhall be lawful to and for the ſaid Truſtees to ſhut up, and alſo to ſell and diſpoſe of ſuch Part or Parts of the ſaid Roads, and the Materials of ſuch Bridges, as ſhall in conſequence of ſuch Alteration be no longer of Uſe, or whereby any Gate or Turnpike may be avoided; and in caſe any Proprietor or Proprietors, Occupier or Occupiers or Inhabitants of the adjacent Lands, ſhall be deprived of any neceſſary Paſſage or Communication, or ſhall be prejudiced by the ſhutting up and diſuſe of ſuch Part or Parts of the ſaid Roads, it ſhall be lawful to and for the ſaid Truſtees, and they are hereby directed to give new and convenient Paſſages to and from the aforeſaid Roads to ſuch Proprietors, Occupiers or Inhabitants, and for that Purpoſe to purchaſe ſuch Pieces of Ground as they ſhall judge moſt proper, and in caſe they cannot agree with the Owner or Owners, Occupier or Occupiers thereof, the Price ſhall be fixed by a Jury in Manner before mentioned; and in caſe any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by the ſhutting up of ſuch Part or Parts of the ſaid Roads, it ſhall and may be lawful for him, her or them, to apply to the Juſtices of the Peace of the County in which the ſame ſhall lie, in General Quarter Seſſions aſſembled, who ſhall hear and determine the Matter in Diſpute, and whoſe Judgment ſhall be final and concluſive.

Old Road to be allotted to Owner of adjoining Lands.

LX. And be it further enacted, That in caſe the Road ſo altered as aforeſaid, or new Road, and the Road to be ſhut up, or old Road, ſhall both paſs through the Grounds of the ſame Proprietor, and that the Ground occupied by the new Road is of equal or greater Value than the Ground occupied by the old Road, the ſaid Ground occupied by the old Road ſhall be allotted to the ſaid Proprietor, and its Value ſhall be deducted from the Value of the Ground occupied by the new Road in making Payment for the ſame; and in caſe the new Road and the old Road do not both paſs through the Grounds of the ſame Proprietor, the ſaid Truſtees are hereby

hereby empowered to ſell ſuch old Road for the beſt Price that can be got for the ſame, giving the Proprietor or Proprietors of the Ground through which the old Road paſſed the firſt Offer of the ſame, and Oath ſhall be made by the Clerk to the ſaid Truſtees, or by ſome other fit Perſon, of ſuch Offer of Preference having been made; and if any Diſpute ſhall ariſe about the Value of the Ground occupied by the old Road, the ſame ſhall be determined by a Jury to be ſummoned in Manner before mentioned; and if the Situation of any Toll Gate, Toll Houſe, and Premiſes, or Place for depoſiting Materials, or either of them, ſhall be changed and the ſame be no longer requiſite for the Purpoſes of the Truſt, the ſaid Truſtees are hereby empowered in like Manner to ſell the ſame, giving the Proprietor or Proprietors of the Grounds from which ſuch Piece or Pieces of Ground have been originally taken the firſt Offer of the ſame, and failing of any Agreement about the Value of ſuch Ground the ſame ſhall be determined in Manner as before mentioned, with regard to Places of Depoſit; and the Money ariſing from ſuch Sales ſhall be applied to the Purpoſes of this Act; and the Sales and Conveyances to be made of the Ground compriſed in the ſaid old Roads, Situations of old Toll Gates, Toll Houſes, and Premiſes and Places for depoſiting Materials, being executed by a Quorum of the ſaid Truſtees, ſhall be good and effectual in the Law, to all Intents and Purpoſes.

Ground taken not to diminiſh valued Rent, &c.

LXI. Provided always, and be it enacted, That in every Caſe where it may be neceſſary to exchange or take Ground as herein-before allowed for the Purpoſes of this Act, the ſame ſhall not affect, alter or diminiſh the valued Rent or old Extent of the Land from which ſuch Grounds ſhall be taken.

Houſes not to be built within a certain Diſtance of the Centre of the Road.

LXII. And be it enacted, That it ſhall not be in the Power of any Perſon or Perſons to erect or cauſe to be erected any Dwelling Houſe or other Building nearer to the Centre of any Part of the Roads aforeſaid than Twenty-five Feet; and in caſe any Perſon or Perſons ſhall nevertheleſs preſume ſo to build any Dwelling Houſe or other Building nearer to the Centre of any Part of the ſaid Roads, it ſhall be in the Power of the ſaid Truſtees to cauſe an Action to be brought againſt ſuch Offender or Offenders (in Manner after directed) for having the ſaid Houſes or Buildings removed; and it ſhall be in the Power of the Judge or Judges before whom the ſaid Action ſhall be ſo brought, to order the ſaid Houſes or Buildings to be removed, and to fine or amerciate ſuch Offender or Offenders, when convicted as aforeſaid, in a Sum not exceeding Five Pounds Sterling, as the Caſe may be, over and above the Expence of removing ſuch Houſes or Buildings as aforeſaid.

Roads to be meaſured, and Mile Stones to be erected and preſerved.

LXIII. And be it enacted, That the ſaid Truſtees ſhall, as far as not already done, cauſe the ſaid Roads to be meaſured, and Mile Stones to be erected, as alſo Guide or Direction Poſts to be placed at the Croſs Roads or Lanes branching from the main Roads; and in caſe any Perſon or Perſons ſhall break or deface the ſaid Mile Stones, or pull down, or break, or deface any of the ſaid Guide or Direction Poſts, ſuch Perſon or Perſons ſhall be adjudged to pay a Sum not exceeding Five Pounds Sterling, beſides the Expence of repairing the Damages and of the Procedure, or (in the Option of the Judge or Judges) ſhall be impriſoned in the Bridewell or Gaol of the County

County in which the Offence ſhall be committed, for ſuch Number of Days not exceeding Twenty as to him or them ſhall appear proper.

Preventing Timber, &c. being hauled on the Roads or Dung, &c. laid thereon.

LXIV. And be it enacted, That if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, any Tree or Piece of Timber, or any Stone, or other Thing whatſoever, upon the Surface of the ſaid Roads, otherwiſe than upon a Wheel Carriage or Cart, or if any Perſon or Perſons ſhall turn his Plough upon any Part or Parts of the Roads aforeſaid, or if any Perſon or Perſons ſhall lay down or leave any dead Horſe, or any Dung, Lime, Rubbiſh, or any other Matter or Thing whatſoever, upon any Part of the ſaid Roads, or within Three Yards thereof, each and every Perſon or Perſons offending in Manner aforeſaid, ſhall forfeit and pay a Sum not exceeding Forty Shillings, beſides forfeiting ſuch Dung, Lime, or other Matters aforeſaid.

Puniſhing Perſons deſtroying the Turnpikes, Ledges of Bridges, &c.

LXV. And be it enacted, That if any Perſon or Perſons ſhall break down, damage or deſtroy, or attempt to break down, damage or deſtroy any Turnpike Gate, Toll Houſe, Poſt, Chain or Bar, or any of the Bridges, Parapets, or Ledges, or other Erection whatſoever, on the Line of the Roads aforeſaid, or veſted in the ſaid Truſtees, or any Part or Parts thereof, or ſhall ſtrike, maltreat or threaten any of the Toll Gatherers, or any Perſon or Perſons of their Family, employed in levying the ſaid Tolls and Duties, or ſhall reſcue or attempt to reſcue any Perſon guilty of any of the Offences aforeſaid, ſuch Perſon or Perſons offending as aforeſaid, ſhall be obliged to pay for all Damages incurred, and ſhall alſo forfeit and pay a Sum not exceeding Ten Pounds Sterling, and in Default of making Satisfaction for the ſaid Damages, and paying the Fine as aforeſaid, ſuch Perſon or Perſons ſhall be impriſoned in the Common Bridewell or Gaol of the County where the Offence was committed, for any Time not exceeding Three Calendar Months.

Hedges and Trees to be lopped.

LXVI. And be it enacted, That at proper Seaſons of the Year all Hedges growing upon the Sides of any Part or Parts of the ſaid Roads ſhall be lopped, and kept at a Height not exceeding Four Feet from the Root of the ſaid Hedges, and all Trees growing upon the Sides of the ſaid Roads, and which ſhall ſhadow and overhang the ſaid Roads, ſhall have their Branches properly lopped and cut; and in caſe the Owner of ſuch Hedges or Trees ſhall refuſe or delay, when required, upon Notice of Three Weeks at any Time between the Firſt Day of *October* and the laſt Day of *April* in every Year, ſo to lop and cut the ſame, then it ſhall be lawful for, and the ſaid Truſtees are hereby authorized and empowered to cauſe the ſame to be lopped, pruned, or cut, as the caſe may require, and the Expence attending the ſame ſhall be levied on the ſaid Owner or Owners ſo refuſing as aforeſaid, in the ſame Manner as other Penalties and Forfeitures impoſed by this Act are directed to be levied; and ſuch Owners and Occupiers ſhall be obliged to carry the Bruſhwood or Branches of Trees, which may be ſo lopped or cut, off the Roads and out of any Drains or Ditches adjoining thereto, within Three Days after being ſo lopped or cut, under a Penalty not exceeding Forty Shillings Sterling for each Offence: Provided always, that nothing herein contained ſhall authorize the ſaid Truſtees to lop or cut any Trees of Ornament or Shelter to a Dwelling Houſe, or in any Orchard, Planted Walk, Avenue, Lawn, or Pleaſure Ground, or Plantation of Trees, planted prior to the paſſing of this Act.

LXVII. And

Cattle not to pasture on the Roads and Footpaths protected.

LXVII. And be it enacted, That if any Person or Persons shall allow their Horses, Cows or other Cattle, to graze upon the Sides or Parts of the said Roads, or in the Drains or Ditches adjoining thereto, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling, to be recovered and applied in Manner herein-after mentioned.

Drains may be made through adjoining Lands.

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

Drains in front of Houses to be kept clear.

LXIX. And be it enacted, That the Owners or Occupiers of all Houses built or to be built on the Sides of the foresaid Roads shall be obliged to keep the Drains in Front of such Houses at all Times properly cleaned and cleared out, and failing thereof after Three DaysNotice given them for that Purpose, it shall be in the Power of the Trustees to cause such Drains to be cleaned and cleared out at the Expence of the Occupiers of such Houses, the Amount of which shall be recovered as herein-after mentioned.

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

LXX. And be it enacted, That from and after the passing of this Act every Person ploughing any unincloſed Land contiguous to any of the said Roads shall make Headridges along the Sides of the said 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, recovered and applied in Manner herein-after directed; and all Gates made or to be made upon Inclosures next to any of the said Roads shall open inwards in the Field; and opposite to any Gate or Entry communicating with the said Roads, there shall be laid a covered Way or Bridge of Stones or other proper Materials over the Drain on the Side of the Road, which covered Way or Bridge shall be constantly kept free and clear, that the Water may pass through below the same; and in case any

Owner or Occupier of Ground adjacent to the said Roads shall omit and fail to perform any of the Matters above mentioned, it shall be competent for any Two of the Trustees by an Order subscribed by them, to ordain the same to be performed at the Expence of such Owner or Occupier as aforesaid; such Expence to be recovered by Application to and Warrant of any One of His Majesty's Justices of the Peace who shall also award against the Offender the Expences of the Application: Provided always, that no Occupier of Land shall turn any Water upon the Side of any of the said Roads, nor conduct any Water across any of the said Roads for the meliorating of his Fields or other Purposes, until he shall have applied for and obtained the Consent of the said Trustees at a General Meeting assembled; and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain of such Depth and Construction, as that the Water may not prejudice the Road, and shall thereafter be bound to keep up and maintain all such covered Drains as aforesaid.

Compelling Payment of Subscriptions.

LXXI. And be it further enacted, That if any Person or Persons who have become Subscribers towards defraying the Expence of passing this Act, and carrying the Purposes thereof into Execution, shall neglect or refuse to pay the Whole or any Part of such Subscription Money when required so to do, by a written Notice subscribed by the Clerk and Treasurer of the said Trustees, and left at the Dwelling House or ordinary Residence of such Subscriber or Subscribers aforesaid, and that within Fifteen Days from and after the Notice so to be left as aforesaid, then and in every such Case it shall be competent for the said Trustees to cause to be brought, in the Name of their Clerk and Treasurer aforesaid, an Action or Actions for Recovery thereof in any Court competent within that Part of *Great Britain* called *Scotland*: Provided nevertheless, that the Money so subscribed and paid as aforesaid shall be repaid with the legal Interest thereof, out of the Monies allowed to be borrowed in virtue of this Act, or out of the Tolls and Duties allowed to be levied and collected by Authority of the same; and until such Re-payment as aforesaid, the Monies so advanced by the Subscriber, with the legal Interest thereof, shall be a Lien and Burden on such Tolls and Duties.

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

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

Toll Gatherers may give Evidence.

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

Truſtees may act as Juſtices.

LXXIV. And be it further enacted, That any Truſtee appointed to put this Act into Execution, who is or ſhall be in the Commiſſion of the Peace for the Counties of *Stirling*, *Dumbarton*, and *Perth*, ſhall and may act as a Juſtice of the Peace within the ſame reſpectively, for the more effectually putting into Execution the ſeveral Authorities and Powers in this preſent Act mentioned and contained, notwithſtanding ſuch Juſtice of the Peace is or ſhall be a Truſtee as aforeſaid, or a Creditor upon the Tolls.

Recovery of Tolls, Penalties, &c.

LXXV. And be it enacted, That all Tolls and Duties, and all Expences, Penalties, and Forfeitures by this Act impoſed, the Recovery whereof is not otherwiſe herein provided for, may be recovered by ſummary Complaint, at the Inſtance of any of the ſaid Truſtees, or of any Perſon acting by their Orders, before any One or more of the Juſtices of Peace for the ſaid Counties of *Stirling*, *Dumbarton*, or *Perth*, within which the Matter of Complaint may ariſe; and the Fact or Facts being verified or proved by the Confeſſion of the Party, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes, (which Oath or Oaths ſuch Juſtices are hereby authorized to adminiſter), or by other ſatisfactory Evidence, the ſaid Juſtice or Juſtices is and are hereby authorized and required to grant a Warrant for diſtraining the readieſt moveable Goods or Effects of the Defaulter or Offender; and the Perſons diſtraining the ſame are hereby authorized and empowered to ſell the Goods and Effects ſo diſtrained, and to return the overplus Money (if any there be) upon Demand, to the Owner of ſuch Goods or Effects, after ſuch Tolls, Penalties, and Forfeitures, the Expence of the Warrant, and the reaſonable Charges of diſtraining, keeping, and ſelling ſuch Goods or Effects ſhall be deducted and paid; and all Penalties and Forfeitures, if not otherwiſe directed to be applied by this Act, ſhall be paid to the ſaid Truſtees, and ſhall be laid out for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Tolls, Expences, Penalties, and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required by Warrant under his or their Hand or Hands, to cauſe ſuch Defaulter or Defaulters, Offender or Offenders, to be committed to the Common Gaol of the County within which he or they may reſide, there to remain for any Time not exceeding Six Calendar Months, unleſs the ſaid Tolls, Expences, Penalties, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Appeals.

LXXVI. And be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by the Sentence of any Juſtices not aſſembled in Quarter Seſſions in the Manner aforeſaid, it ſhall and may be lawful for him, her, or them, to appeal to the Juſtices of the Peace for the ſaid Counties of *Stirling*, *Dumbarton*, and *Perth* reſpectively, within which the Cauſe of Appeal may ariſe, in their General Quarter Seſſions aſſembled, within Three Calendar Months of the Date of the ſaid Sentence; and ſuch Juſtices at their General Quarter Seſſions aſſembled are hereby authorized and empowered to hear and determine the Matters in Diſpute, and their Deciſion ſhall be final and concluſive; and the Proceedings of the Juſtices ſo in Quarter Seſſions aſſembled ſhall not be ſubject to Review in any Court by Advocation, Suſpenſion, Reduction or otherwiſe.

LXXVII. Provided,

LXXVII. Provided always, That all Actions for all and every the Penalties and Forfeitures impoſed by this Act, or for any Thing done in the Execution thereof, ſhall be commenced within Six Calendar Months after the Fact was done or committed, and not afterwards. Limitation of Actions.

LXXVIII. And be it enacted, That the Expences of preparing, procuring and paſſing this Act, ſhall be paid out of the firſt Monies levied or borrowed by virtue of this Act. Expences of the Act.

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

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

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