ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 63.

An Act for altering, amending, and enlarging the Powers of ſeveral Acts for making and repairing certain Roads leading into the City of *Glaſgow*, ſo far as they relate to that Part of the Road from the City of *Glaſgow* to the Town of *Dumbarton*, which leads from *Yoker Bridge* to the Town of *Dumbarton*.

[1ſt *May* 1813.]

WHEREAS, by an Act paſſed in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing ſeveral Roads leading into the City of* Glaſgow, ſundry Roads are directed to be repaired, and particularly the Road leading from the City of *Glaſgow* to the Town of *Dumbarton*: 26 G. 2.

And whereas by another Act, paſſed in the Twenty-ſeventh Year of His ſaid late Majeſty's Reign, intituled, *An Act to explain, amend, and render more effectual, an Act paſſed in the Twenty-ſixth Year of the Reign of His preſent Majeſty*, intituled, 'An Act for repairing ſeveral Roads leading into the City of Glaſgow,' additional Truſtees were appointed for ordering, repairing, and keeping in Repair, the ſaid Road leading from the City of *Glaſgow* to the Town of *Dumbarton*; and the ſaid former Act, in ſo far as reſpects the ſaid Road, is further explained and amended: 27 G. 2.

And whereas by another Act, paſſed in the Twelfth Year of the Reign of His preſent Majeſty, intituled, *An Act to continue the Term, and alter and enlarge the Powers of ſo much of Two Acts, made in the Twenty-ſixth and Twenty-ſeventh Years of King* George *the Second, for repairing* 12 G. 3.

ſeveral Roads leading into the City of Glaſgow, *as relates to that Part of the Road from the City of* Glaſgow *to the Town of* Dumbarton, *which leads through the County to the Town of* Dumbarton, the above recited Acts were further continued, and that Part of the Road from the City of *Glaſgow* to the Town of *Dumbarton*, which leads through the County to the Town of *Dumbarton*, was made a ſeparate Diſtrict, and a ſeparate Truſt; and the ſeveral Perſons therein named were appointed Truſtees for ſurveying, ordering, and keeping in Repair, that Part of the ſaid Road above deſcribed, and for putting in Execution all the other Powers and Authorities by the ſaid Three recited Acts given and granted, in ſo far as
28 G. 3. reſpects the ſaid Road: And whereas by another Act, paſſed in the Twenty-eighth Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing the Term, and altering and enlarging the Powers of Three Acts paſſed in the Twenty-ſixth and Twenty-ſeventh Years of the Reign of His late Majeſty, and in the Twelfth Year of the Reign of His preſent Majeſty, for repairing ſeveral Roads leading into the City of* Glaſgow, *ſo far as relates to that Part of the Road from the City of* Glaſgow *to the Town of* Dumbarton, *which leads through the County to the Town of* Dumbarton; the Three Acts before recited were further continued, and Power was given to the Truſtees therein appointed, to levy at each of the Two Toll Bars on ſaid Road the ſame Tolls and Duties which were previouſly exacted for paſſing through both: And whereas that Part of the ſaid Road from the City of *Glaſgow* to the Town *of Dumbarton*, which leads through the County to the Town of *Dumbarton*, extending from *Yoker Bridge* to the ſaid Town, has been made, and a conſiderable Sum of Money has been borrowed on the Credit of the ſaid Tolls, but the ſaid Road cannot be kept in ſufficient Repair or improved in the Manner intended by the ſaid recited Acts, nor can the ſaid Debt be paid off unleſs the Term granted by the ſaid recited Acts ſhall be further continued, and unleſs the Powers and Authorities thereby given ſhall be altered, amended, and enlarged, the Tolls and Duties increaſed, and other neceſſary Powers granted: And whereas it is expedient, that the ſaid recited Acts, with ſuch enlarged and amended Powers, ſhould be conſolidated into One Act, in ſo far as regards the ſaid Road from *Yoker Bridge* to the Town of *Dumbarton:* May it therefore pleaſe Your Majeſty, That it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts ſhall, from and after the paſſing of this Act be, and the ſame are hereby repealed, in ſo far as the ſame reſpect the ſaid Road from *Yoker Bridge* to the Town of *Dumbarton*, and inſtead thereof this Act ſhall commence and be put in Execution for and during the Term hereinafter mentioned, for the Purpoſe of more effectually repairing, widening, altering, keeping in Repair, and improving the ſaid Road, and that this Act, and all the Tolls which are hereby authorized to be levied upon the ſaid Road, ſhall be, and are hereby made ſubject and liable to the Payment of the Money now owing on the Credit of the ſaid Road, and to the Payment of all Sums of Money which may hereafter be borrowed on the Credit of the ſaid Road, and of the Intereſt due and to become due for the ſame reſpectively.

Truſtees. II. And be it further enacted, That in place of the Truſtees named and appointed by the ſaid recited Acts, every Perſon who is or ſhall be in his own Right, or that of his Wife, in the actual Poſſeſſion and Enjoyment of

the Life Rent or Fee of the *dominium utile* of Lands in the County of *Dunbarton*, valued in the Cefs Rolls of the County at or exceeding One hundred Pounds *Scots*, *per Annum*; and the eldeft Son of every fuch Perfon being the Heir Apparent to fuch Property, in the Abfence of his Father, the Member of Parliament of the County for the Time being, the Sheriff Depute of the County for the Time being, and the Provoft or eldeft Magiftrate of the Town of *Dumbarton* for the Time being, refident within the County, fhall be, and they are hereby nominated and appointed Truftees for furveying, making, repairing, keeping in Repair, widening, and altering the faid Road from *Yoker Bridge* to the Town of *Dumbarton*, and for repairing the Bridges on faid Road, or erecting new Bridges where neceffary, and for putting in Execution all the Powers and Authorities by this Act given or granted regarding the faid Road: Provided always, that if any Perfon not being qualified or defcribed as aforefaid, fhall prefume to act as a Truftee under this Act, fuch Perfon fhall, for every fuch acting, forfeit and pay the Sum of Ten Pounds Sterling, to be recovered and applied as hereinafter directed, and the Proof of Qualification fhall lie on the Perfon complained of.

Penalty on acting, if not qualified.

III. And be it enacted, That in all Cafes Three or more of the faid Truftees fhall be a Quorum, and when affembled, fhall be held to conftitute a General Meeting.

Quorum.

IV. And be it enacted, That the faid Truftees fhall meet in *Dumbarton* on the Second *Tuefday* after the paffing of this Act, or as foon after the faid Day as conveniently may be; and alfo on the fame Day on which the Commiffioners of Supply meet to affefs the Land Tax of the County, and on the Firft *Tuefday* of *October* in each Year, for putting this Act into Execution; and the faid Truftees may at fuch Meetings, and from Time to Time afterwards, adjourn themfelves to fuch Times and Places as they at their laft Meeting fhall think proper, without Prejudice to their meeting fooner, if there fhall be Occafion, upon Notice by the Clerk to the Truftees, fpecifying the Purpofes of the Meeting, advertifed in One or more *Glafgow* Newfpapers Ten Days at leaft before fuch Meeting; but no Determination of the Truftees at any Annual General Meeting fhall be annulled or altered at any Adjourned Meeting, unlefs fuch Meeting fhall be called, upon Notice of the Purpofes thereof, in Manner after fpecified.

Meetings of Truftees.

Determination of a General Meeting not to be altered, except after Notice given.

V. And be it enacted, That the Clerk of the Truftees, when required by a written Order, fpecifying the Purpofes for which a Meeting is defired to be held, figned by Three or more Truftees, fhall be obliged to call a General Meeting, at fuch Times and Places as fhall be thought proper, by Advertifements as aforefaid, in which fuch Purpofes fhall be fpecified; and all Acts and Deeds done at fuch Special Meetings fhall be valid, provided fuch Acts or Deeds relate to the fpecial Purpofes for which fuch Meetings were held.

The Clerk to call Meetings on the Requifition of the Truftees.

VI. And be it enacted, That at all Meetings of the Truftees under this Act, they fhall defray their own Expences.

Truftees to defray their own Expences.

VII. And be it further enacted, That the faid Truftees in General Meeting affembled, may either appoint the Turnpike Gates and Toll-houfes at

Power to erect Turnpikes.

at present on the Line of the said Road, to continue at *Yoker* and *Bowling*, where the same were originally erected, in virtue of said recited Acts, or, if thought expedient by any General Meeting called as aforesaid, they may alter the Situation of One or both of the said Gates, and may erect, or cause to be erected, other Gates or Turnpikes, not exceeding Two on the whole Line of Road, (exclusive of Side Gates) on or across any other Parts of the said Road, with sufficient Toll-houses upon the same, or on the Sides of the same at each Turnpike, and shall and may demand and take, or cause to be demanded and taken, the Tolls and Duties after specified, before any Horse, Mare, Gelding, Mule, Ass, or any Cattle whatsoever; Coach, Landau, Chariot, Berlin, Curricle, Chaise, Hearse, Calash, Chair, Waggon, Wain, Cart, Sledge, or other Carriage whatsoever, shall be permitted to pass through any such Gate or Turnpike, erected or to be erected on said Road, namely,

Tolls.

For every Coach, Landau, Chariot, Berlin, Curricle, Chaise, Hearse, Calash, Chair, or other such Carriage, drawn by Six or more Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Three Shillings Sterling; drawn by Five or Four Horses, Mares, Geldings, Mules, or other Beasts of Draught, Two Shillings; and drawn by Three Horses, Mares, Geldings, Mules, or other Beasts of draught, One Shilling and Sixpence; and drawn by Two Horses, Mares, Geldings, Mules, or other Beasts of Draught, One Shilling; and drawn by One Horse, Mare, Gelding, Mule, or other Beast of Draught, Sixpence:

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

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny Half-penny

For every Drove of Horses or Fillies unshod, One Shilling *per* Score; and so in Proportion for any greater or lesser Number:

For every Drove of Oxen, or neat Cattle, One Shilling *per* Score; and so in Proportion for any greater or lesser Number:

For every Drove of Calves, Sheep, Lambs, Hogs, or Goats, Sixpence *per* Score; and so in Proportion for any greater or lesser Number.

Tolls on over Weight.

VIII. And whereas much Injury is done to the said Road by Carriages carrying great Weights, drawn on narrow Wheels, and it is reasonable that such Carriages when drawn by less than Three Horses or other Beasts of Draught, should pay Toll in Proportion to their Weight; Be it therefore enacted, That the said Trustees, from and after the passing of this Act, may levy or cause to be levied, demanded, and taken at the several Gates or Turnpikes already erected, or to be erected as aforesaid, before any Waggon, Wain, Cart, or other like Carriage pass through the same, the Weight of which Carriage, with the Burden or Draught thereon, shall amount to

Twenty

Twenty hundred Weight, of One hundred and twelve Pounds each Hundred Weight, and be under Twenty-five hundred Weight, the Sum of Sixpence, if drawn by One, and Nine-pence if drawn by Two Horſes, or other Beaſts of Draught; and where the Weight ſhall amount to Twenty-five hundred Weight, and be under Thirty hundred Weight, Nine-pence, if drawn by One, and One Shilling if drawn by Two Horſes or other Beaſts of Draught; and where the Weight ſhall amount to Thirty hundred Weight, and be under Thirty-five hundred Weight, One Shilling, if drawn by One, and One Shilling and Three-pence if drawn by Two Horſes or other Beaſts of Draught; and where the Weight ſhall be or exceed Thirty-five hundred Weight, One Shilling and Sixpence, whether drawn by One or Two Horſes or other Beaſts of Draught; and all ſuch Carriages drawn by more than Two Horſes or other Beaſts of Draught, ſhall be chargeable according to the Number of Horſes or other Beaſts drawing the ſame, in Manner hereinbefore enacted.

Carriages to be weighed, &c.

IX. And be it enacted, That every Perſon travelling the ſaid Road with any Waggon, Wain, Cart, or other ſuch Carriage, drawn by leſs than Three Horſes or other Beaſts of Draught, ſhall, when required by any Perſon authorized by the Truſtees, or concerned in the Collection of the Tolls, permit the ſame to be weighed, and aſſiſt in weighing the ſame, at any of the Weighing Machines to be erected by the Truſtees on the ſaid Road, or Sides thereof, and which they are hereby empowered to erect; and, on Refuſal, the Truſtees, or the ſaid Perſon authorized by them, or concerned in the Collection of the Tolls, are hereby empowered to levy for ſuch Carts or Carriages, and the ſame ſhall be held to be chargeable with the higheſt Rate of Toll Duty impoſed by this Act in reſpect of Weight, being One Shilling and Sixpence.

Carriage with broad Wheels to pay Half Toll.

X. And be it further enacted, for the Encouragement of the Uſe of broad Wheels, That all Waggons, Wains, Carts, or ſuch like Carriages, the Fellies of the Wheels of which ſhall preſent a flat Surface to the Ground, and meaſure not leſs than Five Inches in Breadth if drawn by One, and Seven Inches if drawn by Two or more Horſes or other Beaſts of Draught, ſhall paſs through all Gates or Turnpikes already erected on ſaid Road, or to be erected by virtue of this Act, on Payment of One Half of the Toll Duties to which they would otherwiſe have been liable under the Proviſions of this Act; and all Perſons claiming the Privilege granted to Broad wheeled Carriages ſhall permit the ſame to be examined and meaſured, and in caſe of Refuſal, they ſhall forfeit the ſaid Privilege, and be chargeable with the Toll Duties on ſuch Carriages, without regard to the Breadth of the Wheels.

Stores, &c. exempted in full.

XI. 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 over Weight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage to put any

Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Exemption.

XII. Provided always, and be it further enacted and declared, That no Toll or Duty ſhall be demanded or taken at any of the Turnpikes or Gates erected or to be erected on ſaid Road, for or in reſpect of any Horſes or Carriages which ſhall be ſolely employed in carrying Materials for making, altering, or repairing the ſaid Road or Bridges or Toll Houſes thereon, or going empty to carry, or returning empty after carrying the ſame; nor for carrying through any of the ſaid Turnpikes or Gates from any Part of a Farm to any other Part of the ſame Farm Dung or other Manure, Ploughs, Harrows, or other Implements of Huſbandry, Carts, Wains, or other Carriages, laden with Hay, Corn, or Straw, Stones, or other Materials, for the Uſe of the Farm, or going empty to carry, or returning empty after carrying the ſame; nor for Horſes, Geldings, or Cattle of any Kind going to or returning from the Watering Places of the ſame Farm, or going to Smithies for the Purpoſe of being ſhod or returning therefrom; nor for any Horſes or Carriages carrying any Clergyman going to or returning from viſiting any ſick Perſon, or from any other his Parochial or Miniſterial Duty, on a *Sunday* or on any Day on which Divine Service is ordered by legal Authority to be celebrated, or carrying any Perſon to or from any Church or Place of Religious Worſhip, belonging to or ſituated in the Pariſh in which ſuch Perſon reſides on a *Sunday* or other Day on which Divine Service is ſo ordered to be performed; nor for any Horſes or Carriages of any Deſcription employed in carrying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter-General, or in returning back from conveying the ſame, nor for the Horſes of Officers or Soldiers who are on their March or on Duty, or for any Horſes, Cattle, or Carriages employed in conveying wounded or diſabled Officers or Soldiers, or their Arms or Baggage, or any Ordnance, Barrack, Commiſſariat, or other Public Stores of or belonging to His Majeſty or for the Uſe of His Majeſty's Forces, nor for any Horſes furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry and rode by them in going to and returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſon be dreſſed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps at the Time of claiming ſuch Exemption; nor for Carts, Carriages, or Waggons travelling with Vagrants or Criminals ſent with legal Paſſes: And if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid not being legally entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay to the Truſtees or Perſons levying the Toll, a Sum not exceeding Forty Shillings.

Tolls to be veſted in Truſtees.

XIII. And be it further enacted, That the ſaid Tolls and Duties, Tollhouſes and whole other Premiſes erected or acquired by the Truſtees in virtue of this or the ſaid recited Acts, ſhall be veſted in the Truſtees, and ſhall be applied or diſpoſed of, for the Uſes and Purpoſes of this Act, as the ſaid Truſtees ſhall think proper.

XIV. And

Power to let the Tolls.

XIV. And be it enacted, That it ſhall be lawful for the Truſtees at a General Meeting aſſembled, or any of their Number duly authorized by the Truſtees at a General Meeting, to let the ſaid Tolls and Duties by Public Auction in Whole or in Parcels, from Time to Time, during the Continuance of this Act, for any Period not exceeding Three Years, for the higheſt Rate they can obtain for the ſame, to ſuch Perſon or Perſons as ſhall give good and ſufficient Security, to the Satisfaction of the Truſtees, for Payment of the Rents for which the Tolls ſhall be ſo let, on the Conditions fixed by the Truſtees, and who ſhall be approved of by them.

Tolls to be levied by Diſtreſs.

XV. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, or ſuch Perſon or Perſons as they or any of their Number duly authorized as aforeſaid, ſhall appoint by Leaſe or otherwiſe, to collect, demand, and take the Tolls and Duties hereby granted and made payable; and if any Perſon or Perſons ſhall refuſe or neglect to pay the ſame, the ſaid Truſtees are hereby empowered by themſelves, or the Leſſee or Collector of the Tolls, or any other Perſon whom the Truſtees ſhall appoint, to levy ſuch Tolls and Duties by Diſtreſs and Sale of any Horſe or Horſes, or other Cattle or Carriages upon which ſuch Tolls or Duties are by this Act impoſed, or the Harneſs or Accoutrements of any ſuch Horſe, Cattle, or Carriage, and to ſeize and detain ſuch Horſe or other Cattle, Carriage, or Harneſs, or any of them, until the ſaid Tolls, with the reaſonable Charges of ſuch Diſtreſs ſhall be paid, ſave and except that it ſhall not be lawful to ſeize and detain the Bridle of any ſuch Horſe, without alſo ſeizing and detaining the Horſe; and it ſhall and may be lawful for the Perſon ſo diſtraining, after the Lapſe of Four Days after ſuch Diſtreſs ſhall be made, (having firſt obtained a Warrant under the Hand of any One Juſtice of Peace of the County) to appraiſe and ſell ſuch Horſes, Cattle, Carriages, or Harneſs, or any of them, by public Auction, at the Turnpike or Toll Houſe where the Duty ought to have been paid, returning the Overplus (if any) on Demand, to the Proprietors, after deducting the Toll Duty, and the reaſonable Charges of ſuch diſtraining, keeping, appraiſing, and ſelling the ſame: And further, all ſuch Perſons refuſing or neglecting to pay the Tolls and Duties authorized to be levied by this Act, at paſſing through any Turnpike, or who ſhall paſs the ſame without Payment, ſhall forfeit a Sum not exceeding Forty Shillings, recoverable at the Suit of the Truſtees or Perſons levying the Toll, from ſuch Perſon or Perſons, or the Owner or Owners of any ſuch Cattle or Carriages.

Penalty on refuſing to pay Tolls.

Truſtees may erect ſide Bars.

XVI. And, in order to prevent the Evaſion of Turnpikes on the ſaid Road, be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, purſuant to a Reſolution made at any General Meeting, or other Meeting called as aforeſaid, to erect or cauſe to be erected One or more Gates or Turnpikes on the Side or Sides of the ſaid Road, and acroſs any Lane or Road leading out of or into the ſame, and there to take and receive the Toll Duties aforeſaid, or ſuch Part thereof as the Truſtees may appoint; and any Perſon or Perſons having Occaſion to paſs through any Side Bar, and any One other Turnpike next thereto, on ſaid Road, ſhall, on paying the Toll Duty, at whichever of theſe he or they ſhall firſt come to, receive a Paſs Ticket, entitling him or them to paſs through the other, Toll-free, ſo as that no Perſons ſhall be liable to Second Payment for once paſſing on

the ſame Day through ſuch Side Bar and through ſuch Turnpike next thereto.

Tolls to be paid but once for going and returning on the ſame Day.

XVII. And be it further enacted, That any Perſon or Perſons paſſing through any Turnpike or Turnpikes already erected on ſaid Road, or to be erected by virtue hereof, and paying Toll thereat, may and ſhall on Demand receive a Note or Ticket, Notes or Tickets, ſignifying the Payment of the Toll Duty; which Note or Ticket, Notes or Tickets, ſhall entitle ſuch Perſon or Perſons returning the ſame Day, (computing in all Caſes from Twelve of the Clock at Night to the ſame Hour on the following Night) to repaſs the ſaid Turnpike or Turnpikes Toll-free, with the ſame Horſe, Aſs, or other Cattle, and with the ſame Coach, Cart, or other Carriage drawn by the ſame Horſes or Cattle; but in caſe the ſame Stage Coach or other Carriage travelling for hire, or the ſame Waggon, Wain, Cart, or other ſuch Carriage, or Horſe, Aſs, or other Cattle ſhall return or paſs with a new Loading a Second or more Times in the ſame Day, or that the ſame Coach, Cart, or other Carriage not drawn by the ſame Horſes, ſhall ſo paſs as aforeſaid, they ſhall in theſe Caſes be ſubjected to pay the Tolls for each Time they ſhall ſo paſs in the ſame Manner as for the Firſt Time.

Penalty on diſpoſing of Tickets.

XVIII. And for preventing Frauds, be it further enacted, That if any Collector of the ſaid Tolls or Duties ſhall ſell or fraudulently diſpoſe of any Note or Ticket to any Perſon or Perſons, or if any Perſon or Perſons having paid the Toll Duties by this Act impoſed, and having received a Note or Ticket ſignifying ſuch Payment, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons in order to avoid the Payment of the ſaid Toll Duties, every ſuch Collector or other Perſon giving or diſpoſing thereof, and the Perſon receiving the ſame being convicted thereof, ſhall for every Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on the Evaſion of Tolls.

XIX. And be it further enacted, That if any Perſon or Perſons owning or occupying Lands near any Turnpike erected on ſaid Road, or to be erected by virtue of this Act, ſhall knowingly and willingly permit or ſuffer any Perſon or Perſons to paſs over or through the ſame, or through any Gate, Paſſage, or Way therein, with any Coach, Cart, or other Carriage, or with any Horſe, Aſs, or other Cattle, in order to avoid Payment of the Toll, every ſuch Perſon or Perſons ſo offending, and the Perſon or Perſons driving ſuch Cart or other Carriage, Horſe, Aſs, or other Cattle, being convicted thereof, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees or the Collector of the Toll Duties a Sum not exceeding Five Pounds.

Penalty on taking off Horſes, &c. to avoid Payment of Tolls.

XX. And be it further enacted, That if any Perſon or Perſons ſhall take off or cauſe to be taken off any Horſe or Horſes, Mares or Geldings, from any Coach, Chaiſe, Chariot, Berlin, Landau, Calaſh, Chair, Hearſe, or other ſuch Carriages, or any Horſe or Horſes, or other Beaſts of Draught, from any Waggon, Wain, Cart, or other Carriage, before the ſame ſhall come to any of the Gates or Turnpikes erected on ſaid Road, or to be erected by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby impoſed, or ſhall put and leave in any Houſe or Place, any Waggon, Wain, Cart, or other Carriage, Horſe, Mare, Gelding,

ing, or other Cattle, chargeable with or liable to pay the ſaid Tolls or Duties with ſuch Intent as aforeſaid, each and every Perſon or Perſons ſo offending in any of the Caſes aforeſaid, ſhall for every Offence forfeit and pay to the ſaid Truſtees or the Collector of the Toll Duties a Sum not exceeding Five Pounds.

Power to diminiſh the Tolls.

XXI. And be it enacted, That the ſaid Truſtees at any of their General Meetings may and they are hereby empowered, with Conſent of Four Fifths of the Perſons who have already lent, or ſhall hereafter lend any Sum or Sums of Money upon the Credit of the Tolls, to diminiſh or leſſen from Time to Time all or any of the ſaid Tolls and Duties hereby granted as they ſhall ſee Cauſe; and they may reſume the levying the ſaid Tolls and Duties in Whole or in Part, when they ſhall think it neceſſary; but ſuch Tolls ſhall not be diminiſhed nor again increaſed unleſs ſuch Meetings, and the ſaid Purpoſes thereof, ſhall be advertiſed as aforeſaid in One or more of the *Glaſgow* Newſpapers, at leaſt Ten Days before ſuch Meetings.

On Notice given.

Truſtees may compound with Travellers.

XXII. And be it further enacted, That the ſaid Truſtees at a General Meeting aſſembled ſhall, and they are hereby authorized to compound or agree by the Year or otherwiſe with any Perſon or Perſons living near any Turnpike or Turnpikes already erected on ſaid Road, or to be erected by virtue of this Act, for any reaſonable Sum or Sums of Money, to be paid Quarterly, from Time to Time, for and in lieu of Payment of the Tolls or Duties by this Act directed to be paid; and Copies of all ſuch Compoſitions or Agreements 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 whomſoever at all ſeaſonable Times without Fee or Reward.

Compoſition Money how to be recovered.

XXIII. Provided always, and be it enacted, That in caſe any Compoſition Money agreed to be paid for paſſing through any Turnpike or Turnpikes already erected on ſaid Road, or to be erected by virtue of this Act, ſhall not be paid within Ten Days after the ſame ſhall become due, it ſhall and may be lawful for any One or more of the Juſtices of the Peace of the County where the Perſon liable for ſuch Compoſition reſides, to grant Warrant under his or their Hands, (Oath having been firſt made that ſuch Compoſition Money has been demanded and remains unpaid) for levying ſuch Compoſition on the Perſon or Perſons ſo refuſing or neglecting to pay the ſame, in the Manner hereinafter directed, with regard to the levying the Penalties and Forfeitures hereby impoſed.

Collectors not to take lower or higher Rate of Tolls than the Act allows.

XXIV. And be it further enacted, That if any Leſſee or Collector of any of the ſaid Toll Duties, ſhall compound or take a lower Rate of Toll Duty than what is granted by this Act, unleſs ſuch compounding is made with Conſent of the Truſtees, or unleſs the Rates be reduced by them, or if ſuch Leſſee or Collector ſhall in any Caſe demand or take a higher Duty than the Act allows, or the Truſtees have authorized him to levy, he ſhall for every Offence forfeit a Sum not exceeding Ten Pounds; without Prejudice always to the Party defrauded, proſecuting the ſaid Collector for Reſtitution and Puniſhment.

Power to appoint Officers.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting assembled, to appoint fit reason or Persons to be Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, 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 Road or any Part thereof, or such other Officers as they shall think proper; and from Time to Time to remove such Officers, or any of them, as they shall see Occasion, and appoint new ones in case of Removal, Resignation, or Death; and all and every Person or Persons who is, are, or shall be liable by this Act to pay the said Tolls and Duties, are hereby required to pay the same to the said Treasurer or Collector, or the Persons to be from Time to Time appointed under him for that Purpose, according to the Rates aforesaid; and the said Trustees at a General Meeting assembled, may and they are hereby authorized and empowered out of the Money arising from the said Tolls and Duties vested in them, to make such Allowances to the several Officers by them appointed, and to such other Person or Persons as shall have been or may be assisting in making and repairing the said Road, as the said Trustees shall think fit.

Officers to account.

XXVI. And be it further enacted, That the said Treasurer and other Officers to be appointed as aforesaid, shall at such Time or Times in each Year as the said Trustees shall appoint, give in a true and particular Account in Writing under their respective Hands, accompanied with the Vouchers, of all Monies which they or any of them have received and expended by reason of their Offices, and verify the same on Oath, if required, and shall pay and apply whatever Money shall remain in their Hands respectively as the said Trustees shall direct for the Purposes of this Act.

Penalty on Misapplication of Monies received.

XXVII. And be it further enacted, That in case the said Treasurer or other Officer aforesaid shall fail to make such Account, or shall unduly detain or misapply any Money collected, levied, or received by him, by virtue of this Act, it shall be lawful for any Two or more Justices of the Peace of the County, on the Application of any Two or more of said Trustees, to inquire into such Default, and if any Person or Persons shall be convicted of such undue Detention or Misapplication they shall forfeit and pay a Sum not exceeding double the Sum unduly detained or misapplied as aforesaid; and every Person by whose Authority such Misapplication has been made, shall be liable to Payment of the same Penalty, which Penalties shall be applied to the Reparation of the said Road; but if any such Prosecution shall, after Trial, be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay double Costs.

Treasurer to give Security.

XXVIII. And be it enacted, That the said Trustees shall take such Security from the Treasurer or Treasurers to be appointed by virtue of this Act, for the faithful Execution of their Office, as to the said Trustees shall appear just and proper.

Trustees may appoint any of their Number to execute their Order.

XXIX. And be it enacted, That the said Trustees in General Meeting assembled, may appoint from Time to Time such of their Number as they may think proper to give the necessary Orders and Directions relative to the making and repairing the said Road, in Execution of any Powers com-

committed to them by the ſaid Truſtees, and to order Payment of the Money requiſite for thoſe Purpoſes, the Perſons ſo appointed being accountable to any General Meeting, and reporting their Accounts and other Tranſactions to be thereat examined, audited, and approved.

No Money to be paid without Order of the Truſtees.

XXX. And be it enacted, That no Part of the Tolls which ſhall ariſe and be levied by virtue of this Act, or of the Monies which ſhall be borrowed upon the Credit of ſuch Tolls or Duties, ſhall be applied, laid out, or appropriated without the Order of the ſaid Truſtees or of ſuch Perſon or Perſons as they ſhall authorize and appoint.

Accounts to be kept.

XXXI. And be it further enacted, That the ſaid Truſtees ſhall keep an exact Account of the Monies received by virtue of this Act, and the Application thereof, and all their Proceedings, and ſhall enter the ſame in a Book or Books to be kept for that Purpoſe, which the Heritors in the Pariſhes through which ſaid Road paſſes ſhall at all reaſonable Times be at Liberty to inſpect without Fee or Reward.

Power to borrow Money.

XXXII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees in a General Meeting aſſembled called for the Purpoſe, and they are hereby authoriſed and empowered to borrow on the Credit of the Tolls granted by this Act, any Sum or Sums not exceeding Five thouſand Pounds including the Sums already borrowed, which Sum or Sums ſo to be borrowed, and alſo all the Monies that ſhall be raiſed by virtue of this Act, ſhall be applied by the Truſtees in making and repairing, altering and widening the ſaid Road, building and repairing Bridges thereon, and keeping the ſame in Repair, under the Powers conferred by this Act, and other neceſſary Charges of carrying the ſame into Execution, and in the Re-payment of the Monies ſo borrowed, and Intereſt thereon, and to no other Purpoſe whatever, excepting the Payment of the Expences incurred in obtaining this Act.

Loans being paid, further Sums may be borrowed.

XXXIII. Provided always, and be it further enacted, That when the Sums borrowed as aforeſaid ſhall in Whole or in Part be applied and accounted for to the ſaid Truſtees, and by their Order paid to the Perſon or Perſons advancing or lending the ſame, it ſhall and may be lawful to the ſaid Truſtees at a General Meeting aſſembled, called for the Purpoſe, and they are hereby authoriſed to borrow any other Sum or Sums of Money equal to thoſe ſo paid by them as aforeſaid; but the Sum or Sums ſo to be borrowed ſhall not at any Time exceed in whole the Sums allowed to be borrowed by the Truſtees as aforeſaid on the Credit of the ſaid Tolls.

aſſigned.

XXXIV. And be it further enacted, That the ſaid Truſtees in a General Meeting aſſembled, called for the Purpoſe, may, and they are hereby empowered, to aſſign and make over the Whole or any Part of the Tolls and Duties by this Act impoſed, by way of Security to any Perſon or Perſons who ſhall lend or who ſhall become Sureties for the Payment of the Sum or Sums of Money ſo to be borrowed as aforeſaid, and Intereſt thereon; and ſuch Aſſignments of the Tolls ſhall be entered in the Sederunt Book of the Truſtees, and ſhall at all reaſonable Times be open to the Peruſal of any Perſon or Perſons having Intereſt without Fee or Reward.

XXXV. And

Truſtees not to hold Places of Profit.

XXXV. And be it further enacted, That all Perſons appointed Truſtees for putting this Act into Execution, ſhall be incapable of holding any Office or Place of Profit ariſing out of or from any of the Tolls or Duties by this Act impoſed during the Time they ſhall act as Truſtees.

Juſtices may act, though Truſtees.

XXXVI. And be it further enacted, That it ſhall be no Objection to any Perſon acting as a Juſtice of Peace in any Matter or Thing relative to this Act, that he is hereby appointed a Truſtee.

Power to take Materials for the Roads.

XXXVII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, or the Surveyor or Surveyors, or any Perſon having an Order from the ſaid Truſtees, to open Quarries, and to dig, gather, and carry away, any Stones or Gravel, Sand, or other Materials, (Timber excepted) out of any Grounds in the County of *Dumbarton*, (not being the Ground whereon any Houſes ſtand, nor a Garden, Orchard, Yard, planted Walk, Lawn, or Avenue to any Houſe, or any Piece of Ground uſed as a Nurſery for Trees, previous to the paſſing of this Act), where the ſaid Materials can be found, for the Purpoſe of making or repairing the ſaid Road or Bridges or Foot Paths on the ſaid Road, Ten Days Notice in Writing being given to the Proprietor or Occupier of ſuch Ground, (except where the ſame ſhall have been previouſly uſed for theſe Purpoſes) and paying ſuch Damages for the ſame to ſuch Owner or Occupier, and the Owner or Occupier of the Ground over which the ſame may be carried away, as ſhall be aſcertained, on the Application of either of the Parties, (if they cannot previouſly agree) by any Two Juſtices of the Peace of the ſaid County, 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, and ſubject to no Advocation, Reduction, or Suſpenſion; and any Diſpute with regard to ſaid Damages ſhall not prevent the ſaid Truſtees or the Perſons authorized as aforeſaid from uſing and carrying away the ſaid Materials and applying them to making and repairing the ſaid Roads and Bridges.

Power to make, widen, and alter the Road, and remove Obſtructions, &c.

XXXVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees at any of their Meetings, to order and direct the ſaid Road or any Part thereof, to be made or repaired, and to be extended to ſuch Breadth as they ſhall think proper, not exceeding Fifty Feet, excluſive of Ditches, and to alter or vary the Direction or Line of the ſaid Road or any Part thereof, and to cauſe the ſame to be carried in the Direction that ſhall be deemed beſt and moſt beneficial for the Public; and for theſe Purpoſes to pull down or remove any Houſes, Buildings, Encloſures, or other Obſtructions, and to make Cauſeways, and make, erect, and repair Arches or Bridges with Brick, Timber, or Stone, and to cut and make Drains, Ditches, Trenches, or other Outlets for Water through any Grounds lying contiguous to the ſaid Road for the Purpoſe of carrying off the Water from the ſame, or from any Weighing Machine, Toll Houſe, or Turnpike, on or adjoining the ſaid Road; the ſaid Truſtees always paying ſuch Damage to the Owners or Occupiers reſpectively whoſe Grounds or Houſes ſhall be prejudiced or damaged by ſuch Alteration or widening of the ſaid Road, as the ſame ſhall be aſcertained in Manner hereinafter directed: Provided always, that the ſaid Road ſhall not be carried in any Direction ſo as to occaſion the Demolition of any Houſe the Side Walls of which are of the Height of Eighteen Feet, or to injure

Exception.

any Garden exceeding One Acre, and inclosed with a Wall of the Height of Six or more Feet, or any Avenue to any House or Plantation of Trees adjoining the same, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

Power to make certain Alterations of the Road.

XXXIX. And whereas several Improvements of the said Road have been prevented from being made by reason that it was provided by the first before recited Act that in altering or widening the said Road nothing should be done which might any ways prejudice or damage any House or Building or any Garden, Orchard, Yard or planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground used as a Plantation or Nursery for Trees; and by reason that for the Purpose of such Improvements it was necessary to pass through certain Gardens and Plantations after mentioned, but it being desirable that such Improvements should be made, be it therefore enacted, That it shall and may be lawful for the said Trustees at a General Meeting assembled, to order and direct the Course of the said Road to be altered so as to avoid *Dalnotter Hill*, at the East End of the Village of *Old Kilpatrick*, by opening up and making (and thereafter keeping in Repair under the Powers herein granted) a new Line of Road, not exceeding Fifty Feet in Breadth, exclusive of Ditches, leaving the present Line of Road at the West End of said Hill, opposite or nearly opposite to *Dalnotter* Corn Mill, and passing through a Strip of Planting and small Garden, the Property of the *Dalnotter* Iron Company, and through the Lands of *Dalnotter*, the Property of the Hon. *Archibald Campbell* of *Succoth*, one of the Senators of the College of Justice, and again joining the present Road at the East March of these Lands; and further to direct the said Road to be altered so as to avoid a considerable Rise at the West End of *Little Miln* of *Auchintorlie*, by opening up, making, and repairing as aforesaid a new Line of Road not exceeding said Breadth, leading off from the present Road at and passing through, the North West Corner of the Garden Grounds at *Frisky Hall*, the Property of *William Aitken*, and through the Property of *Walter Allan*, Shipmaster, and Two small Gardens, and Two Fields, the Property of *Archibald Buchanan*, Esquire, of *Auchintorlie*, and again joining the present Line to the East of *Dunglass Inn*.

Plans and Book of Reference.

XL. And whereas Plans describing the said new Lines of Road and the Lands and Premises through which the same are to be carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed Owners or Occupiers of said Lands, have been deposited at the Office of the Clerk of the Peace of the County of *Dumbarton*, be it enacted, That such Plans and Book of Reference shall remain there for Behoof of all interested, on paying reasonable Fees for Inspection, Extracts, or Copies; and the said Trustees in making said new Line or any Part thereof along the *Dalnotter Hill*, shall be entitled to deviate to any Distance within Three hundred Yards of the Line described in the said Plans, so as to carry the Road in any proper and safe Direction nearer to the *Forth* and *Clyde* Canal Bank, and if necessary or expedient to extend the said Line eastward, under the general Powers of this Act.

Misnomers not to prevent Execution of the Act.

XLI. Provided always, and be it enacted, That if any Lands, Gardens, or other Premises herein mentioned or laid down or described in the said Plans and Book of Reference, or any of the Persons in whose Possession or Occu-

Occupation the ſame or any Part thereof are or is ſtated to be, ſhall happen to be miſnamed or inaccurately deſcribed, ſuch Miſnomer or Inaccuracy ſhall not prevent the Execution of ſaid Alterations, provided it ſhall appear to any Two or more Juſtices of the Peace of the ſaid County, and be certified in Writing under their Hands, that ſuch Miſnomer or Inaccuracy proceeded from Miſtake.

Subſcriptions to be paid.

XLII. And be it further enacted, That if any Perſon who has ſubſcribed towards making the Alteration hereby intended to be made on the ſaid Road ſhall neglect to pay his or her Subſcription Money, at the Time and Place to be appointed by the ſaid Truſtees, or any Three or more of them, it ſhall and may be lawful for the ſaid Truſtees, or any Three or more of them, to ſue for and recover the ſame: Provided always, that the Subſcription Money actually paid ſhall be a Lien and Burthen upon the Tolls collected upon the ſaid Road, in favour of the Perſon or Perſons paying his, her, or their Subſcription Money, and his, her, or their Heirs, Executors, or Aſſigns, until Re-payment thereof.

Drains to be covered and Outlets from Trenches kept clear, &c.

XLIII. And be it enacted, That when any Perſon ſhall make a Paſſage from any Field to any Part of the ſaid Road, he ſhall be obliged to cover the Side Drains of the Road where ſuch Paſſage is made with ſufficient Stone Work in ſuch Manner as that the Courſe of the Water in the Drain may not be interrupted or the Road prejudiced; and no Perſon ſhall turn any Water upon the Sides of the ſaid Road nor conduct Water acroſs the ſame for any Purpoſe whatever until he ſhall have applied for and obtained the Conſent of the Truſtees in Writing, and he ſhall then be obliged to carry the Water acroſs the Road in a covered Drain of ſuch Depth and Conſtruction as to keep the Road free from Injury; and where it ſhall be found neceſſary to make Outlets from the Ditches or Drains acroſs or along the ſaid Road or any Part thereof, through any adjoining Grounds, the Proprietor or Occupier of ſuch Grounds ſhall be thenceforth obliged to make and keep clear ſuch Outlets from Time to Time, ſo as the ſame may not be ſtopped nor the Water allowed to ſtagnate in them or flow on the ſaid Road, but have a free Paſſage from the ſaid Ground; and in caſe ſuch Proprietor or Occupier ſhall refuſe or neglect to cleanſe ſuch Outlets when required by any One or more of the Truſtees, or the Surveyor, or any Perſon having the written Authority of any Two Truſtees, ſuch Truſtees or other Perſons ſhall after the Lapſe of Ten Days from ſuch Requiſition be, and they are hereby authorized to cleanſe the ſaid Outlets, and levy the Expenſe thereof from ſuch Proprietor or Occupier who has been required and has refuſed or neglected to cleanſe the ſame; ſuch Expenſe to be levied in the Manner after directed with regard to the levying of Penalties and Forfeitures by this Act impoſed; and further, every Perſon, Proprietor, or Occupier, failing or offending in any of the above Particulars, ſhall forfeit and pay a Sum not exceeding Twenty Shillings.

Ditches not to be made next the Road.

XLIV. And be it further enacted, That where Fences ſhall be made on the Sides of the Road the Fence ſhall be on the Side next the Road, and the Ditch, where practicable, next the Field, and proper Conduits ſhall be made for carrying the Water from the Road under the ſaid Fence into the Ditch.

XLV. And

remove Obstructions, &c.

Kiln, Brick Kiln, or other Nuisance by Fire, within Twenty Yards of the Side of the said Road, or any Pits or Holes within Five Yards thereof, unless the same shall be fenced off in such Manner as to prevent any Danger or Detriment to Persons travelling on the Road; nor make such Pits or Holes so near as to endanger the Road; nor shall lay down or leave any Dung, Lime, or any other Matter for manuring Land, or any other Purpose, on the said Road, or within Five Yards of the same, unless sufficiently fenced off therefrom, (excepting Materials for building or inclosing, which may be laid within said Space but not on the Road or Ditches); neither shall any Person or Persons turn or drag their Ploughs on the said Road, nor lay down Trees or other Matter, nor leave Carts, Waggons, Wains, or Carriages loaded or unloaded standing on said Road, nor draw along the same any Timber, Iron Bar, or other Material whatsoever, otherwise than on a Wheel Carriage, nor (being on such Carriage) shall suffer the same to touch or drag on said Road, nor to project over the Road beyond the Breadth of such Carriage; nor shall any Person or Persons do any Thing whereby the said Road or Street of any Village through which the same passes shall be hindered or obstructed; and every Person offending in any of these Particulars shall pay the whole Damages thereby sustained, and shall also forfeit a Sum not exceeding Five Pounds for every Offence, besides being obliged to remove all such Nuisances and Obstructions, and to fill up such Pits or Holes, or to pay the Expence of so doing; and One Half of such Penalties shall go to the Informer and the other Half to the said Trustees; and the said Damages and Expences shall be recovered and levied in the Manner after directed with regard to recovering and levying the Penalties or Forfeitures by this Act imposed.

Power to make Foot-paths.

L. And be it enacted, That the said Trustees may and they are hereby empowered to order and direct Foot-paths to be made on the Sides of all or any Part of said Road.

Penalty for riding on Foot-paths.

LI. And be it enacted, That no Person shall be allowed to ride or drive any Horses, Cattle, Carts, or Carriages, on the said Foot-paths, and if any Person shall notwithstanding presume to do so such Person being convicted thereof shall forfeit and pay a Sum not exceeding Five Pounds, One Half whereof shall go to the Informer and the Remainder to the said Trustees, and it shall and may be lawful for any Person, *brevi manu*, to seize and carry any Person so transgressing as aforesaid before the nearest Justice of the Peace for the Purpose of Conviction.

Roads to be measured.

LII. And be it further enacted, That the said Trustees may at any Time cause the Road to be measured and Stones or Posts to be erected thereon or at the Sides thereof, denoting the Distance of each Mile, as well as Guide or Direction Posts where necessary.

Penalties for sundry Offences.

LIII. And be it further enacted, That if any Person or Persons shall break down or attempt to break down, pluck up, injure, deface, or destroy, any Mile Stone or Post on the said Road or Sides thereof, or the Figures or Letters thereon, or any Posts or Boards set up by Order of the Trustees, with Notices or Regulations regarding said Road or Foot-paths or Tables of Tolls, or any Turnpike-gate, Post, Chain, Bar, or other Works whatever, or the Houses erected for the Use of the Turnpikes or Weighing Engines on the said Road; or break down or attempt to break down

Gates not to open to the Road.

XLV. And be it enacted, That the Gates to all Incloſures or Roads on the Side of the ſaid Road ſhall open to the Fields where the Ground will admit, and not on the Road; and all Occupiers of Lands ſhall be obliged to alter their Gates which at preſent open on the Road, ſo as to make them to open to the Fields, when required by the Truſtees or Surveyor.

Buildings not to be erected within 25 Feet of the Centre of the Road.

XLVI. And be it further enacted, That from and after the paſſing of this Act, no Houſes ſhall be built or rebuilt, or any Building commenced or erected within Twenty-five Feet from the Centre of the ſaid Road or of the Street of any Village or Town through which the ſame ſhall paſs, under a Penalty not exceeding Ten Pounds for every Offence, and the Expence of demoliſhing ſuch Houſe or Building; and any One Juſtice of the Peace of the County, by a Writing under his Hand, is hereby authorized to ſtop the Erection of ſuch Houſe or Building within the ſaid Diſtance; and if any Buildings ſhall be erected hereafter within ſaid Diſtance, whether on an old or new Foundation, any Two or more Juſtices of the Peace of the County, upon Application by any One or more of the Truſtees, ſhall, on Proof, order ſuch Building to be pulled down and removed at the Expence of the Erector or of the Proprietor or Occupier of the Ground on which the ſame ſhall ſtand, and grant Warrant for levying ſuch Penalty as well as the ſaid Expence in Manner after mentioned; and ſuch Space of Twenty-five Feet ſhall in all Caſes be left unincloſed betwixt the Centre of the ſaid Road and any Building to be hereafter erected on the Side thereof, under the like Penalty and Expence, in caſe of erecting any Fence for incloſing any Part of the ſaid Space; and the Erection of any ſuch Fence may be ſtopped and the ſame removed in Manner aforeſaid.

Trees and Hedges to be lopped.

XLVII. And be it enacted, That where Hedges or Trees are planted on the Sides of the ſaid Road the Proprietors or Occupiers of the Lands wherein ſuch Hedges and Trees grow ſhall be obliged to keep them properly lopped and dreſſed, at the proper Seaſon of the Year, ſo as they ſhall not overhang any Part of the Road, and ſo as ſuch Hedges ſhall not be allowed to grow higher than Four Feet from the Ground; and in caſe of their Failure ſo to do, (at the proper Seaſon) after being required by an Order from any Two or more Truſtees, the ſaid Truſtees or any of the Juſtices of the Peace ſhall cauſe the ſame to be done at the Expence of ſuch Proprietors or Occupiers, and grant Warrant for levying the ſame in Manner after directed with regard to levying any Penalty or Forfeiture by this Act impoſed.

Horſes not to be paſtured on the Roads.

XLVIII. And be it enacted, That if any Perſon or Perſons ſhall from and after the paſſing of this Act, paſture or leave or allow to be paſtured or left on the ſaid Road any Horſes, Sheep, Cows, or other Cattle, it ſhall and may be lawful for any One or more of the ſaid Juſtices of the Peace, upon the Application of any Heritor in ſaid County, or of any Perſon authorized by the Truſtees, to grant Warrant for apprehending the Perſon or Perſons ſo offending, and to bring them before him or them for Examination, and on Conviction to fine and amerciate ſuch Offenders in any Sum not exceeding Five Pounds for every Offence.

Penalty to prevent Nuiſances, and

XLIX. And be it enacted, That from and after the paſſing of this Act, no Perſon or Perſons ſhall erect or cauſe to be erected or made any Lime Kiln,

down or injure any Cope-ſtone, Ledge, Parapet, or other Part of any of the Bridges on ſaid Road, or the Cope-ſtones, or any Part of the Walls on the Side of the Road, or pull up or deſtroy the Fences or Palings thereon, or wilfully interrupt the weighing of Carriages, or ſhall ſtrike or maltreat any of the Toll Collectors or any Perſon or Perſons employed in levying the ſaid Tolls, or ſhall reſcue or attempt to reſcue any Perſon in Cuſtody for any of the ſaid Offences, or by Force paſs through any Gate or Turnpike, without paying the proper Toll Duties, or ſhall be aiding and aſſiſting in any of theſe Offences, every ſuch Perſon ſo offending in any of theſe Particulars and being thereof convicted in manner aftermentioned, ſhall, beſides being liable to all Damages or other Recompence to which the Toll Collectors may by Law be entitled for ſuch Aſſault, not only forfeit and pay the whole Damages and Expences ſuſtained by the Truſtees, to be recovered and levied in the ſame Manner as any other Damage or Expences are hereby directed to be recovered and levied, but it ſhall be lawful for any One or more of the Juſtices of the Peace of the County to adjudge ſuch Perſon or Perſons to be impriſoned in the County Gaol for any Time not exceeding Three Calendar Months, or to pay a Fine not exceeding Twenty Pounds; and the ſaid Juſtice or Juſtices in the latter Caſe may either immediately on impoſing the ſaid Fine, or after a Return ſhall be made that ſufficient Goods cannot be found whereon to levy ſuch Damage, Expence, and Forfeiture grant Warrant of Impriſonment againſt the Offender as aforeſaid for any Period not exceeding Three Calendar Months, unleſs the Damages, Expences, and Forfeitures ſhall be ſooner paid.

Power to purchaſe Ground, &c.

LIV. And be it enacted, That the ſaid Truſtees ſhall be and they are hereby empowered to take and acquire, and all Bodies Politic or Corporate, Heirs of Entail, Huſbands, Truſtees, Tutors, and Curators, and all and every Perſon and Perſons whomſoever, though under legal Diſability or Incapacity, are hereby empowered and required to contract and agree with the Truſtees, and to ſell, let, and convey to them, all ſuch Lands or Houſes, or other Premiſes as may be neceſſary for the making, altering, or widening the ſaid Road, or erecting any Toll Bar or Toll Houſe thereon, or for ſtoring Materials or otherwiſe, where Grounds are neceſſary for the Purpoſes of this Act, upon ſuch Satisfaction being made to the Proprietor or Proprietors, Occupier or Occupiers, as can be agreed upon between the ſaid Truſtees and ſuch Proprietor or Proprietors, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of ſuch Sum or Sums of Money as ſhall be awarded by a Jury of Fifteen Perſons, ſummoned and choſen by the Sheriff of the County of *Dumbarton*, in ſuch Manner as Juries are ſummoned and choſen by the Sheriffs of Counties in *Scotland*, whoſe Determination is hereby declared to be final and not ſubject to Advocation, Suſpenſion, or Reduction; and the Sheriff, upon the Petition of either Party ſtating the Circumſtances of the Caſe, is hereby required within a reaſonable Time to ſummon and chooſe ſuch Jury; and in the Event the Jury ſhall award a greater Compenſation than the Truſtees ſhall have offered, but leſs than the Owner or Occupiers ſhall have required, the Expence of ſuch Jury ſhall be defrayed by the ſaid Truſtees, and the Owners or Occupiers, equally; but in caſe the ſaid Jury ſhall award to ſuch Owners or Occupiers the Sum ſo required or any greater Sum, the Whole of the ſaid Expence ſhall be paid by the Truſtees; and on the other Hand, if the Jury ſhall award the Sum offered

by the Truſtees, or any leſs Sum, the whole of the Expence ſhall be paid by ſuch Owners or Occupiers: Provided always, that when any Perſon or Perſons ſhall by reaſon of Abſence be prevented from treating with the Truſtees, ſuch Expences ſhall be paid by the Truſtees, and the ſaid Sheriff ſhall give Decree for all ſuch Expences: Provided alſo, that after having offered to ſuch Owners or Occupiers ſuch Sum as the Truſtees ſhall think reaſonable, it ſhall be lawful for them to enter upon ſuch Lands, Houſes, or Premiſes, for the Purpoſes aforeſaid, and no Stop ſhall be put to their Operations, on Pretence of ſettling ſaid Damage, or that they have not been ſatisfied and paid; and if any Warrant or Siſt ſhall be obtained at the Suit of any Perſon intereſted, to ſtop theſe Operations, the Judge granting the ſame ſhall be and is hereby directed to recall ſuch Warrant or Siſt, provided ſufficient Caution be found by the Truſtees therein named for the Amount of ſuch Damage as may ultimately be awarded in Manner hereinbefore preſcribed.

To be veſted in Truſtees.

LV. And be it enacted, That all Lands, Houſes, or other Premiſes, which may be acquired by the ſaid Truſtees under this Act, ſhall be veſted in them by the ſimple Diſcharge of the agreed Price or appriſed Value thereof or by Conſignation of the ſame, (in caſe of the Abſence or Refuſal to accept of the Perſon or Perſons entitled thereto,) in the Bank of *Scotland*, or the Royal Bank of *Scotland*, for the Uſe and Behoof of ſuch Perſon or Perſons; and ſuch Diſcharge or Voucher of Conſignation being recorded in the Sheriff Court Books of the ſaid County, ſhall entitle ſuch Truſtees to take, uſe, and hold the ſaid Lands, Houſes, and other Premiſes, as validly and effectually as if the reſpective Owners thereof had granted regular Diſpoſitions of the ſame, and Infeftments had followed thereupon; and all ſuch Lands, Houſes, or other Premiſes, when ſo acquired, ſhall be deemed and taken to be in the Nature of the King's Highway.

Application of Money payable to Heirs of Entail, or Perſons under Diſability.

If 200l. or upwards.

LVI. And be it enacted, That when any Money ſhall be agreed or awarded to be paid for any Lands, Houſes, or other Subjects, purchaſed, taken, or uſed by virtue of the Powers of this Act, which are held under Entail, or ſubject to Life Rents, Annuities, or other Incumbrances, or belonging to any Incorporation, married Woman, Minor, Lunatic, or other Perſon under any legal Diſability or Incapacity, ſuch Money, in caſe the ſame amount to Two hundred Pounds or upwards, ſhall be, under the Authority and Direction of the Court of Seſſion, with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, upon Intereſt, in order that it may be applied under the Direction and with the Approbation of the ſaid Court, in the Purchaſe of the Land Tax, or in the Diſcharge of any Debt or Incumbrance or Part thereof affecting the ſaid Lands, Houſes, or other Subjects, or affecting other Lands, Houſes, or Subjects belonging to the ſame Perſons, and ſettled to the ſame or like Uſes, or under the like Conditions and Limitations; and when ſuch Money cannot be applied to theſe or like Purpoſes, then the ſame ſhall be laid out in the Purchaſe of other Lands, Houſes, and Subjects of the like Nature, and the Rights and Titles thereof ſhall be deviſed to, for, and upon the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Houſes, and other Subjects, taken and uſed for the Purpoſes of this Act, ſtood ſettled and limited, or ſuch of them as ſhall be then exiſting and capable of taking Effect; and in the mean Time, and till ſuch Purchaſe can

can be effected, the Intereſt of ſuch Money ſhall be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time have been entitled to the Rents and Profits of the Lands, Houſes, or other Subjects, ſo taken and uſed by the ſaid Truſtees.

If leſs than 200l. and above 20l.

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

If leſs than 20l.

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

In caſe of not making out Titles, &c.

LIX. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Houſes, or other Subjects to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Houſes, or other Subjects be not known or diſcovered, then and in every ſuch caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Two or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Houſes, or other Subjects, (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or 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 Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and

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

rea-

reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

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

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

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

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

Actions may proceed in Name of Truſtees, their Treaſurer, Clerk, &c.

LXII. And be it enacted, That all Proſecutions under this Act, and for the Penalties and Forfeitures, Damages and Expences before ſpecified, may proceed and be carried on at the Suit of the Truſtees, or in the Name of their Treaſurer or Clerk, or other Perſon authorized by the Truſtees to ſue for the ſame, but without Prejudice to the Right of any other Perſon or Perſons who may be entitled by this Act to raiſe or carry on any ſuch Proſecutions.

Limitation of Actions.

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

Recovery and Application of Penalties.

LXIV. And be it further enacted, That all Penalties and Forfeitures impoſed by this Act, ſhall be proſecuted for before any One or more of the Juſtices of the Peace of the County of *Dumbarton* or of the County where the offending Party ſhall be or reſide, or with their Concurrence, and the Conviction ſhall proceed, on Proof, by the Confeſſion of the Party, or Oath of One or more credible Witneſs or Witneſſes, or other legal Evidence, and the ſaid Forfeitures and Penalties ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Effects, by Warrant under the Hand of ſuch Juſtice or Juſtices, directed to any Perſon whom they may think proper, and the Perſon or Perſons diſtraining ſuch Goods and Effects, are hereby authoriſed and empowered after the Space of Four Days after ſuch Diſtreſs ſhall be made and taken, to ſell the Goods ſo diſtrained by public Auction, at the neareſt Turnpike or Toll-houſe to the Place where ſuch Diſtreſs ſhall be made, unleſs otherwiſe directed, and return the Overplus (if any) on Demand, to the Owner of ſuch Goods, after deducting ſuch Penalties and Forfeitures, with the reaſonable Charges of diſtraining, keeping, conveying, and ſelling the ſame; and the ſaid Forfeitures when recovered, ſhall be applied One Half to the Informer and the Remainder towards carrying this Act into Execution, as the ſaid Truſtees ſhall direct; all Penalties and Forfeitures being payable over and above the neceſſary Expence of proſecuting for the ſame to be recovered as aforeſaid; and where the Officer ſhall report that ſufficient Effects for Diſtreſs cannot be found to cover any Penalty or Forfeiture, and the Money due ſhall not be forthwith paid, it ſhall be lawful for any One Juſtice or Juſtices of the Peace to commit the Offender to the common Gaol, there to remain for any Time not exceeding Three Calendar Months, unleſs ſuch Money with the reaſonable Charges be ſooner paid: Provided always, that ſuch Mode of Proſecution and Conviction, or levying, recovering, and applying the ſaid Penalties and Forfeitures ſhall only be followed in all or any Particulars where a different Mode is not otherwiſe herein-before directed.

Appeal to Quarter Seſſions.

LXV. And be it further enacted, That in caſe any Perſon or Perſons ſhall think themſelves aggrieved by any Thing done in purſuance of this Act, (and for which no particular Remedy or Method of Relief has been already directed) it ſhall and may be lawful to and for them, or any of them, to appeal to the Juſtices of the Peace at the Quarter Seſſions of the County, where the Cauſe of Complaint ſhall have ariſen, and in caſe the Cauſe of Complaint ſhall ariſe within Fifteen Days before ſuch Quarter Seſſions, then ſuch Appeal ſhall be made to the ſaid Juſtices at the ſecond Quarter Seſſions, who are hereby authoriſed and required to take Cognizance thereof, and to hear and determine the Matter of ſaid Appeal, and if they ſee Cauſe, they ſhall and may mitigate at their Diſcretion all or any of the ſaid Forfeitures and Penalties impoſed or incurred by the Party or Parties complaining, or vacate and ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them in their Diſcretion may ſeem proper, and may levy by their Order or Warrant the Coſts ſo awarded by Diſtreſs and Sale of the Goods of any Perſon or Perſons who ſhall refuſe to obey the ſame; and for want of ſufficient Diſtreſs to commit the Party to the common Gaol of the County for any Time not exceeding Three Calendar Months or until Payment of ſuch Coſts ſhall be made; but ſuch Appeal ſhall not be received or conſidered unleſs

less the Party or Parties appealing shall give written Intimation to the Defendant of such Intention of bringing and prosecuting said Appeal and the Matter thereof, Fifteen Days before the said Quarter Session, and unless the Party or Parties shall within Five Days after such Intimation, lodge with the Clerk to the said Justices a Bond signed by them, and Two sufficient Sureties, obliging them to prosecute such Appeal, and in case the Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct; and every such Appeal shall at the said Quarter Sessions be there heard and finally determined without being subject to Advocation, Suspension, or Reduction.

Expence of the Act.

LXVI. And be it further enacted, That the Expence attending the procuring and passing this Act shall be paid out of the Money borrowed on the Credit of the said Tolls or out of the Tolls and Duties levied by this Act.

Continuance of the Act.

LXVII. And be it further enacted, That this Act shall commence and take place from and after the passing of the same, and shall remain in Force during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

LXVIII. 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 and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1813.