



ANNO PRIMO

# GEORGIIV. REGIS.

\*\*\*\*\*

## *Cap. lxxxiv.*

An Act for making and maintaining certain Roads  
and Bridges in the Counties of *Lanark* and *Dum-*  
*barton.* [15th July 1820.]

**W**HEREAS the Formation and Maintenance of a Road branch-  
ing off from the *Glasgow* and *Carlisle* Road, at or near  
*Duneton*, and passing by or near *Lanark*, *Carluk*, *Gillhead*,  
*Newmains*, *Pollockshill* or *New House*, and *Airdrie*, to the *Glasgow* and  
*Stirling* Road, at or to the West of *Cumbernauld*; and also a Road from  
the *Edinburgh* Road by *West Calder*, at or near the Bridge over *Breich*  
*Water*, to pass by or near *Allanton New Mains*, *Garion Bridge*, and by  
or near *Canderdikehead*, *Stonehouse*, and *Sandford*, to *Ayrshire*, at or near  
*Loudonhill*, with a Branch from such last Road, at or near *Crumbaugh*  
through *Strathaven* to the *Muirkirk* Road, will be of great public Ad-  
vantage, by opening a direct and easy Communication from *Carlisle* and  
the West of *England* to *Stirling* and the central Highlands, and from  
*Stirling* to *Ayr* and the South-west of *Scotland*, and also from *Edinburgh*  
to these last-mentioned Parts: And whereas considerable Sums of Mo-  
ney have been expended in making Parts of the said Roads for the  
Purposes of intermediate Communication, from which no general Bene-  
fit can be derived until the Whole of the aforesaid Lines are completed  
And whereas the Erection of a Bridge over the River *Mouse* at *Carl-*  
*land Craigs* is necessary for the above Purposes, and it will be necessary  
for the better defraying the Expence of completing and maintaining the  
same and the Approaches thereto, to levy Rates or Duties of Pontage  
thereon; and it will also be expedient for the above Purposes, that so  
[Local.] 27 B. much

much of an Act passed in the Fifty-fourth Year of the Reign of His late Majesty, intituled *An Act for more effectually repairing and maintaining certain Roads and Bridges in the County of Lanark*; and also so much of another Act passed in the Fifty-fourth Year of the Reign of His said Majesty, intituled *An Act for repealing several Acts passed for making and repairing the Road from Livingstone by the Kirk of Shotts, to the City of Glasgow, and certain Roads connected therewith, and for making further and other Provisions for maintaining and repairing the said Roads*, as relates to the said Roads or Bridges, or Parts of the Roads intended to be made and maintained as aforesaid, should be repealed; and it will be necessary, in order to defray the Expences of making and maintaining the said Roads, to levy Tolls on the same; but as these Purposes cannot be accomplished without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That as soon as conveniently may be, the said Roads, with the necessary Bridges in the Line thereof, and the said Bridge over the River *Mouse*, shall be made, erected, and completed; and the same when made, erected, and completed, shall be maintained and kept in Repair in the Manner hereinafter mentioned.

II. And whereas the Commissioners for the Issue of Exchequer Bills under Two Acts of the Fifty-seventh Year of the Reign of his late Majesty, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in Manner therein mentioned*; and *An Act to amend an Act made in the present Session of Parliament, for authorising the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor*, are to contribute from the Fund provided by the said last-mentioned Acts, towards the making of the said Roads in Manner herein-after provided; and it is expedient that the Monies so to be advanced by them, as well as the other Monies to be raised under the Provisions of this Act, should be applied at the Sight and under the Controul of the Commissioners appointed by or pursuant to an Act passed in the Forty-third Year of the Reign of His late Majesty, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and Bridges in the Highlands of Scotland; and for enabling the Proprietors of Lands in Scotland to charge their Estates in Scotland with a Proportion of the Expence of making and keeping in Repair Roads and Bridges in the Highlands of Scotland*; be it therefore enacted, That the whole of the said Roads hereby authorized to be made and completed shall be so made and completed by the Order and Authority of the said last-mentioned Commissioners, according to the Maps or Plans thereof, and the Estimates made and deposited, or to be deposited as after mentioned: Provided always, that no Part of the said Road shall be commenced by the said Commissioners unless and until the Land on which it is to be made shall have been previously acquired by the Trustees herein-after named, who are hereby empowered to purchase Lands, and to do all other Acts and Deeds necessary towards the making and completing the said Roads and building the said Bridge; and that

Roads to be completed under the Authority of the Commissioners mentioned in recited Act. Trustees to purchase the Lands.

that when and as soon as the Whole or any Part of the said Roads are completed, it shall and may be lawful for the said Commissioners to deliver over such completed Roads or Parts of Roads to the Trustees herein-after appointed of the Districts respectively in which such Roads or Parts of Roads shall be situated, and such Trustees shall be obliged to maintain and keep the same in Repair in the Manner by this Act directed.

III. And whereas a Survey of the said Roads, and an Estimate or Estimates of the Expence of making and completing the same, have been made by *Thomas Telford* Civil Engineer, and Maps or Plans of the said Roads, together with a Book of Reference containing the Names of the Owners and Occupiers of the Lands in and through which such Roads are to be made and carried, have been deposited with the Clerks of the Peace of the said County of *Lanark* and County of *Dumbarton*; be it therefore enacted, That such Estimate, Plan, and Book of Reference authenticated by the said Commissioners of Highland Roads and Bridges, or any Three of them, shall be delivered to the Clerk to the Trustees appointed by this Act, in whose Custody the same shall remain, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and obtain Copies and Extracts thereof, paying to the Clerk of the said Trustees the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and if in making and completing the said Roads it shall appear necessary or proper to deviate from the Line laid down in such Map or Plan, it shall and may be lawful for the said Commissioners of Highland Roads and Bridges to direct such Deviation to be made; provided that such Deviation shall not exceed One Hundred Yards, unless the Consent of the Proprietors of the Lands through which such Deviation is to be made, be had and obtained thereto; and that a Plan shewing such Deviation shall be deposited with the Clerk of the said Trustees authenticated as aforesaid.

Estimate,  
Plan of the  
Roads, and  
Book of Re-  
ference con-  
taining the  
Names of  
Owners of  
Lands  
through  
which the  
Roads pass,  
to be deli-  
vered to the  
Clerk of the  
Trustees.

Inspection  
allowed.

IV. And be it further enacted, That the Right Honourable Lord *Archibald Hamilton*, Sir *James Steuart Denham* of *Coltness* and *Westshield*, Baronet, Sir *Charles Macdonald Lockhart* of *Lee* and *Carnwath*, Baronet, the Honourable Sir *Alexander Inglis Cochrane* of *Murdieston*, Sir *Henry Steuart* of *Allanton*, Baronet, the Honourable *William Fullerton Elphinstone* of *Carberry*, the Honourable Admiral *Charles Fleming* of *Biggar* and *Cumbernauld*, General *John Hamilton* of *Dalziel*, *William Elliot Lockhart* of *Cleghorn*, *Kirkman Finlay*, *Henry Monteith* of *Carstairs*, *Archibald Nisbet* of *Carfin*, *John M'Queen* of *Hardington*, *Norman Lockhart* of *Grenaton*, *Robert Lockhart* of *Castlehill*, *Hugh Mossman* of *Auchtyfardle*, *Robert Owen* of *New Lanark*, *Maurice Carmichael* of *Eastend*, *George Millar* of *Frankfield*, *Thomas Gordon* of *Harperfield*, the Convener of the County of *Lanark* for the Time being, the Sheriff Depute thereof for the Time being, the Lord Provost and Dean of Guild of *Glasgow* for the Time being, the Provost and Dean of Guild of *Lanark* for the Time being, the Provost and Treasurer of *Hamilton* for the Time being, the Baron Baillie of *Strathaven* for the Time being, the Baron Baillie of *Airdrie* for the Time being, and the Baron Baillie of *Lee* and *Carnwath* for the Time being, and also all and every Person who in his own Right or in the Right of his Wife, and any one of the Guardians or Trustees of every Person, and the Factor or Baron Baillie of every Person in his Absence, who shall be possessed of the *dominium utile* of Lands lying in any of the Parishes through

Trustees  
appointed.

through or into which any of the said Roads pass, rated in the Cess Books at One hundred Pounds *Scots*, or upwards; or who shall have subscribed or become bound for the Payment of, or acquired the Right of One hundred Pounds Sterling of the Expence of making any Part of the said Roads, as also the eldest Son of every such Person, shall be and they are hereby appointed Trustees for the maintaining, keeping, and repairing the said Roads, in the Districts after mentioned in which the Lands of such Persons lie, or in which the Road to which such Person shall have subscribed is situated.

Qualification  
of Trustees,  
&c.

V. Provided always, That no such Guardian, Trustee, Factor, Baron Baillie, Provost, or Baillie, or Person subscribing as aforesaid, 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 the said Counties, or unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of One hundred Pounds Sterling *per Annum*, or be possessed of and entitled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Two thousand five hundred Pounds; nor shall any such Guardian, Trustee, Factor, Baron Baillie, Provost, or Baillie, or Person subscribing as aforesaid, not qualified to be a Commissioner of Supply, be capable of acting in the Execution of this Act, until he shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, being Justices of the Peace, who are hereby authorized and required to administer the same; that is to say,

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

Penalty upon  
acting if not  
qualified.

VI. And be it enacted, That if any Person not qualified as aforesaid (except the said Persons above particularly specified) shall nevertheless presume to act as a Trustee under this Act, he shall for every such acting forfeit and pay the Sum of Fifty 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 at their General or Adjourned Sessions of the Peace, and the Money recovered shall be paid 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 respectively, 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 a 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,

VII. And

VII. And be it further enacted, That at all the General Meetings of the said Trustees the Majority of Trustees present shall decide as to all Matters and Things to be done or ordered by the said Trustees in the Execution of this Act, the whole Number present not being less than Three; and that at all such Meetings the said Trustees shall chuse a Chairman, who in case of Equality of Votes on any Question shall, in Addition to his own Vote, have the decifive or casting Vote.

Quorum of Trustees.

VIII. And be it enacted and declared, That no Person appointed by this Act a Trustee for putting the same into Execution, shall have or accept of any Place of Profit arising out of or by reason of any Toll or Pontage by this Act granted, or at least such Person shall be incapable of acting as a Trustee from the Time of accepting 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.

Trustees not to accept of Places of Profit.

IX. And whereas with a view to the more convenient Management of the said Roads, when completed in Manner herein-before mentioned, and the Payment of the Interest to arise upon the Sums advanced or to be advanced towards the making of the same as after-mentioned, and the Repayment also of the Principal Monies so advanced and to be advanced, it may be advisable and necessary that the said Roads should be divided into Districts as herein-after mentioned; be it therefore enacted, That One of the said Districts shall include and comprehend the Road authorized to be made under the said recited Act of the Fifty-fourth Year of the Reign of His late Majesty, intituled *An Act for more effectually repairing and maintaining certain Roads and Bridges in the County of Lanark*, so far as the same forms a Part of the Line of Road hereby authorized to be made; and the said Trustees shall, if they see proper, at the first Meeting to be held in virtue of this Act, and which Meeting may be continued by Adjournment from Time to Time once, but not oftener, divide the rest of the said Roads into such Districts or Divisions as they see fit, which Divisions being approved of by the Commissioners of Highland Roads and Bridges, shall thereafter be final and unalterable without the Consent of all the Creditors who may have lent or advanced Money on any Part or Portion of such Part of the Roads proposed to be divided; and the said Trustees shall act only in the Districts in which they are respectively Trustees by virtue of their Qualification in such Districts; and the Trustees having the Superintendence and Management of any one of the said Districts shall not be answerable for the Conduct or Management of or upon any other Portion or District of the said Roads upon which they do not act as Trustees.

Roads to be divided into Districts.

54G.3.c.215.

X. And be it enacted, That the said Trustees, or a Quorum of them, shall meet at *Lanark* on the Fourth Friday after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to make Arrangements for the Acquisition and Purchase of Land necessary for making and completing the Line of Road directed to be made and completed by this Act; and the said Trustees shall thereafter meet Twice a Year in their said several Districts at *Lanark* and *Airdrie*, or such other Places and on such other Days as may be fixed at the Meeting to be

Meetings of Trustees.

[Local.]

[ 27 C ]

held

held as aforesaid for executing the Powers hereby committed to them, which Meetings, or either of them, may be adjourned from Time to Time, as the Trustees present thereat shall judge necessary; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting, it shall be in the Power of any One or more Trustees who may attend, to adjourn the Meeting to be held to any lawful Day, not less than Fourteen, nor more than Twenty-one from the Day appointed for the last Meeting; and in case no Trustee shall attend, then and in such Case the Clerk to the said Trustees by Advertisements, at least Eight Days before the next Meeting, in such of the *Edinburgh* or *Glasgow* Newspapers as the said Trustees shall from Time to Time direct and appoint, shall appoint the said Trustees to meet on the Fourteenth Day from that on which the last Meeting of the said Trustees was appointed to be held; and the said Trustees in their Districts as aforesaid, at any General or Adjourned Meeting, shall have full Power to name Committees of their Number to have the more immediate Care and Management of particular Roads after the same shall have been completed in Manner before mentioned, and to give their Committees such Instructions and Powers as they shall think fit and expedient, not being inconsistent with this Act; and at all Meetings of Trustees to be held under the Authority of this Act the said Trustees shall bear their own Expences.

Trustees to defray their own Expences.

Special Meetings.

XI. And be it enacted, That the Clerk or Clerks to the said Trustees, when required by a written Order, specifying the Purposes for which and the Place where a Meeting is desired to be held, signed by any Three or more Trustees, shall be and is hereby required to call a General Meeting of the Trustees of any of the said Districts, at such Times and Places as shall be thought proper by the Trustees making such Requisition, by Advertisements in such Newspapers, and in such Manner as aforesaid, in which the Purposes and Place of Meeting shall be specified; and all Acts and Deeds done at such Meetings called by the Clerk shall be as valid and effectual as if they had been done at a General or Adjourned Meeting: Provided always, that nothing shall be done, nor any Matter discussed, at such Special Meetings, but what relates to the special Purposes for which such Meetings are called.

Orders not to be revoked without Notice.

XII. And be it enacted, That if the said Trustees at their respective General Meetings shall determine in any Matter, or appoint and order any Thing to be done with respect to the making, amending, or repairing the said Roads, building or repairing the said Bridge, or levying Tolls, Duties, or Pontage, or of or concerning any other Powers hereby committed to them, it shall not be in the Power of any subsequent General Meeting to alter, vary, or annul such Determination, or give any Orders contrary and in opposition to the Orders formerly given, unless Notice shall be given of such subsequent General Meeting, by Advertisements published in such Newspapers as aforesaid, at least Fourteen Days and not more than Twenty-one Days before the Day of such Meeting, expressly setting forth such Resolutions of a former General Meeting as are to be taken under Review.

Officers to be appointed.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting of any of the said Districts assembled  
as

as aforesaid, as also to the Committees of Trustees respectively to be appointed as aforesaid, when assembled at their respective Meetings, at which last-mentioned Meetings Three shall be a Quorum, to choose and appoint fit Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Accountant or Accountants, and Clerk or Clerks to the said Trustees for receiving the Tolls and Pontage granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads and Bridges, or such other Officers as they shall think proper; and from Time to Time remove such Treasurers, Receivers, Collectors, Accountants, 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 Pontage is and are hereby required to pay the same to the said Collector or Collectors, Accountant or Accountants, Receiver or Receivers, so from Time to Time to be appointed as aforesaid; and such Collector or Collectors, Accountant or Accountants, Receiver or Receivers, or Person or Persons to be appointed as aforesaid for receiving the said Tolls and Pontage, shall on the First *Wednesday* 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 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 Pontage, 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 repairing or keeping in Repair 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; and it shall and may be lawful for any Three or more Trustees appointed to take Charge of any particular Road, to call a Meeting of the whole Trustees so appointed to take Charge of that Road, at any Time in a similar Manner, and with similar Notices as are herein before directed in calling a General Meeting of the Trustees by this Act appointed.

Quorum of  
Committees,

to account.

XIV. 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.

Treasurer or  
Collector to  
find Security.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been

Same Person  
not to be  
Treasurer  
and Clerk.

been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer for the said Purposes, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts in *Scotland*, by summary Complaint.

Turnpikes to  
be continued  
and erected.

XVI. And be it enacted, That the said Trustees, at a General Meeting of the District of such Trustees, as also the Trustees respectively appointed by General Meetings to take Charge of each or any of the Roads to be made or completed and delivered over to the said Trustees in Manner in this Act mentioned, when assembled at their respective Meetings, shall and may continue or erect or cause to be erected in and across the said Roads such Number of Gates or Turnpikes and such Number of Toll Houses, with proper Stables and Gardens adjoining to such Toll Houses, as to them shall appear to be expedient, the Scite of each such Toll House, Stable, and Garden, not exceeding One Eighth of an Acre; provided that One Quarter of an Acre may, with the Consent of the Proprietor, or on Common or Waste Lands, be taken for such Purpose, and from Time to Time to alter the Situation of such Gates or Turnpikes, and Toll Houses, Stables, 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, upon the said Roads, before Passage be permitted, the Tolls following; that is to say,

Tolls.

For every Horse or Beast of Draught, drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, One Shilling; and for any Number of Horses or Beasts of Draught exceeding Five, drawing any such Carriage, Six Shillings; and if the said Trustees shall think proper, for every Horse or Beast of Draught, not more than Six in Number, drawing any Stage Coach, Long Coach, or Diligence or Carriage of the like Kind, any Sum in Addition to the aforesaid Rates, not exceeding One Half more thereof:

For every Horse, Ox, or Beast of Draught, if more than Three in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, One Shilling:

For every Horse, Ox, or Beast of Draught, if not more nor less than Three in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, Ten-pence:

For every Horse, Ox, or Beast of Draught, if not more nor less than Two in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, Sixpence:



For every Horse, Ox, or Beast of Draught, where not more than One is drawing any Waggon, Wain, or Cart, or other such Carriage, Eight-pence.

For every Saddle Horse, or Mule, with or without a Rider, Four-pence:

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

For every Ass, loaded or unloaded, Two-pence:

For every Score of Oxen or Neat Cattle, Two Shillings and Sixpence; and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Ten-pence; and so in proportion for any greater or less Number:

For every Drove of Horses or Fillies, unshod, Two Shillings and Sixpence Sterling *per* Score; and so in proportion for any greater or less Number.

XVII. Provided always, and be it further enacted, That in case there are or shall be erected, in the Course of any one of the said Roads from *Duneton* to *Cumbernauld*, or from *Edinburghshire* to *Ayrshire*, (other than the Gate at *Cartland Craigs* after specified), any Gate or Gates, Turnpike or Turnpikes, at less Distance from each other than Five Statute Miles, then any Person or Persons producing a Ticket to show that the Toll has been paid at any one of such Gates, shall not for the same Carriage or Horse, or other Cattle, on the same Day, pay any Toll at any other Gate on the same Road, which shall be within Five Statute Miles of the former, at which the Toll denoted by such Ticket shall have been paid.

Toll to be paid only once in Five Miles.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or the Committees of Trustees respectively to be appointed as aforesaid, 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 Lanes or Ways leading out of or into the same, and also a Toll-house, with a proper Stable and Garden (not exceeding the Extent of Ground above provided) 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 Five Statute Miles, Toll-free; provided always, that the Space between such Bar and the Main Road be repaired and maintained out of the Tolls levied at such Side Bars.

Trustees may erect Side Bars.

XIX. And be it further enacted, That no Person or Persons having Occasion to pass through any Gate or Turnpike erected and continued, or to be erected by virtue of this Act, and who shall return through the same Gate or Turnpike on the same Day, to be computed from Twelve of the Clock at Night to the like Hour in the succeeding Night, with the same Coach or Cart, or other Wheel Carriage, drawn by the same Horses, or with the same Horse, Ass, or other Cattle, shall be liable or compelled to pay the Tolls or Duties more than once, but shall on Demand be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, which Note or Ticket, Notes or Tickets, shall give Liberty and Access to such Person or Persons, returning the same Day as aforesaid, to repass the said Gate or Turnpike, Toll-free.

Tolls to be paid only once a Day, except with new Loading.

[Local.]

[ 27 D ]

XX. And

Penalty on  
fraudulent  
Disposal of  
Tickets.

XX. 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, to be levied and recovered by Distress and Sale of the Offender's Effects.

Commissioners for the Issue of Exchequer Bills may make a Loan to Trustees.  
57 G. 3. c. 34.

57 G. 3. c. 124.

XXI. And whereas by the aforesaid Act made in the Fifty-seventh Year of His late Majesty's Reign, intituled *An Act to authorise the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in Manner therein mentioned*, certain Commissioners therein named and appointed are authorised and empowered to issue and advance Exchequer Bills, under the Restrictions and Regulations therein specified, for the carrying on of Public Works in *Great Britain*; and by the said Act passed in the said Fifty-seventh Year of His late Majesty's Reign, intituled *An Act to amend an Act made in the present Session of Parliament, for authorising the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor*, the Powers of the said first-mentioned Act are enlarged and extended: And whereas the making of the said Roads will not only be of great public Utility, by opening shorter and more convenient Communications between various populous Districts, and also by giving Access to large Tracts of Country highly capable of Cultivation and Improvement, but will also be of essential and immediate Advantage by giving Occupation to a large Proportion of the numerous unemployed Poor of the said County of *Lanark*: And whereas the said Trustees have applied for an Advance of Money for the Purpose of making and completing the said Roads and Improvements, but the said Commissioners have been unable to grant such Application by reason that the said Trustees cannot give such Security as is required by the said Acts: And whereas it is highly expedient that the said Commissioners should be authorised and empowered to make the said Advance, in the Manner and upon the Terms herein-after mentioned: Be it therefore enacted, That it shall and may be lawful for the said Commissioners for the Issue of Exchequer Bills, and they are hereby authorised and required to advance to the said Commissioners of Highland Roads and Bridges, any Sum not exceeding the Sum of Fifty-one thousand four hundred and seventy-five Pounds, being Part of the Sum hereby authorized to be borrowed, any thing in the said recited Acts, or either of them, to the contrary notwithstanding; which Sum the said last-mentioned Commissioners are hereby authorized and required to lay out and expend in Manner before mentioned, on the making and completing the said Roads; and the said Trustees of the said several Districts, or any Three or more of them, assembled as aforesaid, are hereby authorized, empowered, and required, as soon as any Part or Portion of the said Roads shall be made or completed, and delivered over to the said Trustees to be thereafter maintained

maintained and kept in Repair, by any Writing or Instrument under the Hands of any Three or more of them present at any such Meeting as aforesaid, and in such Manner and Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, to bargain, sell, and assign, in the Manner and to the Effect herein-after mentioned, the Tolls, Rates, and Duties hereby leviabie in the District to which such Trustees may belong, as a Security for Repayment of any Sum or Sums of Money to be borrowed from the said Commissioners as aforesaid, and received by, or expended upon the Roads of such District, after Payment of the Expences of maintaining the said Roads and collecting the said Rates, Tolls, and Duties, and also after Payment of Interest, at the Rate of Five Pounds *per Centum per Annum*, or such Part of the principal Sum to be borrowed from the said Commissioners for the Purposes aforesaid, as shall from Time to Time remain due; and also after Payment of Interest, at the Rate of Five Pounds *per Centum*, on such other Sums of Money as shall be borrowed under the Provisions and Authority of this Act.

XXII. And be it further enacted, That upon Receipt of the said Exchequer Bills by the said Commissioners of Highland Roads and Bridges from the said Commissioners for the Issue of Exchequer Bills as aforesaid, the said Commissioners of Highland Roads and Bridges, or a Quorum of them, shall execute an Instrument in Writing, in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, in which Instrument the said Commissioners of Highland Roads and Bridges shall acknowledge the Receipt of the said Exchequer Bills, and shall undertake to apply the Produce thereof in the Manner directed by this Act, and also to procure from the Trustees of the several Districts of Roads in this Act mentioned and referred to, from Time to Time as the said Districts of Roads shall be made and completed, so that Tolls may be demanded and received thereon, and before any Road or any Part of any Road shall be delivered over by the said Commissioners of Highland Roads and Bridges to the Trustees of any of the Districts aforesaid, an Assignment of the Tolls, Rates, and Duties leviabie by this Act in the said Districts respectively, in such Manner and Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, as a Security for Repayment of the said Exchequer Bills, in the Manner and to the Extent mentioned in this Act, and the Expence of such Instrument from the said Commissioners of Highland Roads and Bridges, and of the Assignments of the said Rates, Tolls, and Duties, from Time to Time as aforesaid, shall be a Charge on the Exchequer Bills advanced to the said last-mentioned Commissioners as aforesaid, and shall be allowed to them in account accordingly.

Roads not to be delivered over to Trustees till Assignments be granted.

XXIII. And whereas it is expedient and proper to provide for the due Application of such Money; be it therefore enacted, That the said Commissioners for the Issue of Exchequer Bills shall and they are hereby directed and required as aforesaid to issue and advance to the said Commissioners of Highland Roads and Bridges, and the said last-mentioned Commissioners are hereby authorized and directed to receive, the aforesaid Sum of Fifty-one thousand four hundred and seventy-five Pounds of Exchequer Bills, and therewith to establish an Account in the Bank of *Scotland*, to be opened in their Name for the Purposes of this Act; and when and as often as the Trustees hereby appointed shall

Application of the Money borrowed.

shall produce to such Commissioners of Highland Roads and Bridges, or their Agent, or other Person authorized by them, an Estimate, made and signed and authenticated by the Surveyor or Engineer to be employed by the said last-mentioned Commissioners, of the Expence of completing any Portion of any of the Roads hereby authorized to be made, and shall also deposit in the same Bank, in Name of the said Commissioners, a Sum equal to One Third of the estimated Expence of such Portion or Division of the said Roads, or applicable to the general Expence to be incurred in carrying this Act into Execution, the said last-mentioned Commissioners shall from Time to Time draw and apply towards the making or completing such Portion of the said Roads, for or on account of which such Deposit shall have been made, the Sum so deposited, and also a Sum equal to Two Thirds of the Amount so deposited as aforesaid: Provided always nevertheless, that the Amount of such Payments to be made by the said last-mentioned Commissioners shall not exceed the Amount of the Produce of the Exchequer Bills hereby directed to be issued as aforesaid; and provided farther, that Security shall be given to the Satisfaction of the said Commissioners of Highland Roads and Bridges, that the Persons who shall make such Deposit as aforesaid to account of any Portion or Division of the said Roads, shall also bear and defray all such farther Expence, beyond the estimated Expence as aforesaid, as shall be necessary to make and complete such Portion or Division of the said Roads.

Money already advanced to be imputed as Part of Expence of making the Roads.

XXIV. And whereas considerable Sums of Money must be expended in the Acquirement of Land before the said Commissioners of Highland Roads and Bridges can proceed to make and complete the Roads and Bridges herein-before described: And whereas considerable Sums of Money advanced by the Trustees and others, in several Districts or Parts of the said County of *Lanark*, have been expended and are now in the Course of being expended towards the making certain Parts and Portions of Roads which will form Parts of the Line of Roads hereby directed to be made or completed, whereby Employment has been given to great Numbers of the Poor of the said County, and the making of the said Lines of Roads hereby authorized has been materially promoted; be it therefore enacted, That such Sums of Money which shall have been expended within Fourteen Months before the passing of this Act, upon the Expenditure thereof being authenticated and vouched to the Satisfaction of the said Commissioners of Highland Roads and Bridges to have been properly made, shall be held and taken to be a Payment or Payments *pro tanto* of the One Third Part of the estimated Expence of making the said Roads required to be advanced by the said Trustees or other Persons for the Purposes of this Act; and upon the Whole of such One Third Part being completed or made up by the Advance or Deposit of the said Trustees, or otherwise, to the Satisfaction of the said last-mentioned Commissioners, such Commissioners may and shall advance and apply towards the making or completing such Parts or Portions of the said Roads, for or on account of which such Sums shall have been advanced by the said Trustees and others, the other Two Third Parts of the estimated Expence of making the same.

Application of the Tolls.

XXV. And be it further enacted, That the Trustees of any District of the said Roads in which any Sums of Money shall have been advanced and expended

expended as aforesaid, or in which such Trustees or any other Person shall have undertaken or subscribed for One Third Part of the Expence of making any Portion of the Roads of such District, or their Committees aforesaid, shall (after such Road or any Part thereof made and completed as aforesaid, shall have been delivered over or given in charge by the said last-mentioned Commissioners to such Trustees) have the Superintendence and Management of such Districts and Portions of such Roads, and of the Tolls arising thereon; and such Tolls shall always be applied by them as follows; namely, in the first Place, towards the annual Maintenance and Repair of the Roads of such District, and the Expence of collecting the said Tolls, and putting this Act into Execution; and in the second Place, the net Residue or Surplus of the said Tolls shall be appropriated to the Payment *pari passu* of the Interest falling due upon the said Two Third Parts of the estimated Expence of making the said Roads in such District, to be advanced by the said Commissioners for the Issue of Exchequer Bills, and of the One Third Part of such estimated Expence to be advanced by the said Trustees, or other Persons, Creditors for such Third Part; and in the third Place, if there shall be an Excess arising from the said Tolls after the Maintenance and Payment of such Expences, and Interest at the Rate of Five Pounds *per Centum per Annum* to the said last-mentioned Commissioners and Trustees, or other Creditors aforesaid, such Excess shall be paid over and applied *pari passu* towards the Extinction of the Debts due by the said District in which such Excess shall occur, to the said Commissioners for the Issue of Exchequer Bills, and to the said Trustees or other Persons Creditors on the Tolls of such District.

XXVI. And be it further enacted, That if by reason of the said Trustees, or other Persons not advancing to the said Commissioners of Highland Roads and Bridges, or depositing as aforesaid, the One Third Part of the estimated Expence of finishing any Part or Portion of the said Roads as aforesaid, any Part of the Monies arising by the said Exchequer Bills to be received by such Commissioners of Highland Roads and Bridges shall remain for a Time exceeding Seven Years unappropriated and unapplied to the making or completing of the said Roads, such Monies shall be by the said Commissioners of Highland Roads and Bridges repaid to the said Commissioners for the Issue of Exchequer Bills; and for the Exoneration of the said Commissioners of Highland Roads and Bridges, it shall and may be lawful for them, and they are hereby directed from Time to Time as they shall think fit, or when they shall be required by the Barons of the Court of Exchequer in *Scotland*, to render Accounts to the said Barons or the Application of the Monies to be received, deposited, and applied by the said Commissioners as aforesaid, which Accounts the said Barons are hereby authorized and required to audit and examine, and upon finding the same to be correct, to docket and discharge accordingly.

Money not expended on Roads to be repaid to Exchequer Bill Commissioners.

XXVII. And whereas the Trustees under the last of the said recited Acts of the Fifty-fourth Year of the Reign of His late Majesty, intituled *An Act for repealing several Acts passed for making and repairing the Road from Livingstone by the Kirk of Shotts to the City of Glasgow, and certain Roads connected therewith, and for making further and other Provisions for maintaining and repairing the said Roads*, have, under the Powers con-

Last recited Act of 54G.3.c.202. in part repealed.

[Local.]

[ 27 E ]

tained

tained in the said Act, made certain Parts of the Roads in the said Act mentioned, which will now form a Part of the Line of Road hereby authorized to be made; be it therefore enacted, That from and after the passing of this Act, so much of the said Act as relates to such Parts of the Line of Road hereby authorized to be made or completed, shall be and the same is hereby repealed; and such Parts of the said Roads shall thereafter be under the Charge and Management of the Trustees by this Act appointed.

First recited  
Act of 54 G. 3.  
c. 215. in  
Part re-  
pealed.

XXVIII. And whereas the Trustees under the First of the said recited Acts of the Fifty-fourth Year of the Reign of His late Majesty, intituled *An Act for more effectually repairing and maintaining certain Roads and Bridges in the County of Lanark*, have, under the Powers thereby conferred, proceeded in making certain Parts of the Roads therein mentioned, which will now form Part of the Line of Road hereby authorized to be made, and have also contracted for the building a Bridge over the River *Mouse* at *Cartland Craigs*, also in the said Line of Road; be it further enacted, That from and after the passing of this Act, so much of the said recited Act as relates to the said Parts of the Line of Road hereby authorized to be made or completed, and to the said Bridge, shall be, and the same is hereby repealed; and such Parts of the said Roads, and the said Bridge, shall as soon as such Parts of the said Road and the said Bridge shall be completed by the said Commissioners of Highland Roads and Bridges be under the Charge and Management of the Trustees by this Act appointed.

Pontage on  
Bridge at  
Cartland  
Craigs.

XXIX. And be it enacted, That the said last-mentioned Commissioners shall be and they are hereby authorized and empowered to erect or complete the Erection of the said Bridge; and as soon as the same shall be finished and passable, it shall and may be lawful for the Trustees appointed by this Act to take the several Rates of Pontage following, at each Time of passing and repassing, before Passage be permitted, *videlicet*.

For every Horse or Beast of Draught not exceeding Six in Number, drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, Three-pence:

For every Horse, Ox, or Beast of Draught, not exceeding Three in Number, drawing any Waggon, Wain, Cart, or other Carriage, Two-pence:

For every Horse, Ox, or Beast of Draught exceeding Three in Number, drawing any Waggon, Wain, Cart, or other Carriage, Three-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence Sterling *per* Score; and so in Proportion for any greater or less Number:

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

For every Person on Foot, the Sum of One Halfpenny Sterling:

Provided always, that Horses or Beasts of Draught drawing Carts going for and returning the same Day with Coals, Lime, or Manure, shall only be liable for the Duties following, *viz*:

For One Horse or Beast of Draught drawing any such Cart, One Penny Sterling:

For Two Horses or Beasts of Draught drawing any such Cart, Twopence Sterling for each Time of passing and repassing.

XXX. And be it enacted, That all Persons passing over the said Bridge shall be liable in the Pontage Duty hereby granted, notwithstanding such Person may be carried in or upon any Waggon, Wain, Cart, or other such Carriage, or on Horseback, or otherwise riding; and that over and above and besides the Pontage Duties hereby made payable for every such Waggon, Wain, Cart, or other such Carriage, and for every Horse, Mule, or Ass; excepting always the proper Driver or Drivers of every such Waggon, Wain, Cart, or other such Carriage, and excepting also One Rider upon every Horse, Mule, or Ass not drawing; and if any Person shall claim Exemption from the Payment of the said Pontage Duties, not being entitled thereto, every such Person shall forfeit and pay any Sum not exceeding Five Pounds Sterling for every such Offence.

To prevent Evasion of Pontage Duty.

XXXI. And be it enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, at a General Meeting assembled, or such other Person or Persons as they shall appoint, to destroy or shut up any Ford or Fords across the River *Mouse*, and any Access to and from the same as they shall think necessary, to prevent the Evasion of the said Rates of Pontage: Provided always, that nothing in this Act contained shall extend to empower the said Trustees to destroy or shut up any Ford at any greater Distance than One Mile and a Half, according to the Course of the River above or below the said Bridge.

Trustees to shut up Fords within One Mile and a Half of the Bridge.

XXXII. And be it enacted, That the Money arising from the Rates of Pontage on the said Bridge shall be applied, in the first Place, to and for Payment of the Proportion of the Expence of obtaining and passing this Act, to be fixed as herein-after mentioned; and in the next Place, to and for the upholding the said Bridge, and the Toll Gates and Toll Houses thereon, and Roads therewith connected, and for paying the Interest of the Money already subscribed or borrowed or to be subscribed or borrowed relative to the same; and the Surplus of the said Tolls or Pontage shall be applied to pay off the Money so subscribed or borrowed or to be subscribed or borrowed in Manner herein-before directed regarding the Money to be borrowed and received from the said Commissioners under the Acts of the Fifty-seventh Year of the Reign of His late Majesty, and after such Debts shall be paid off the said Pontage Duty shall cease.

Application of Pontage.

XXXIII. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, and on the said Bridge for weighing all Waggons, Wains, Carts, and other Carriages, which shall pass along the said Roads and over the said Bridge, and receive and take, over and above the Tolls and Pontage hereby granted, the following Sums of Money as additional Toll and Pontage for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Wain, Cart, or any such Carriage, together

Weighing Engines to be erected.

witn.

with its Loading, shall weigh at any of the said Weighing Engines over and above the Weights which such Waggon, Wain, Cart, or such Carriage is allowed to weigh without paying additional Toll; that is to say,

Additional Tolls and Pontage on heavy Carriages.

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

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

For every Hundred of such Overweight above Five hundred and not exceeding One thousand, the Sum of Two Shillings and Sixpence:

For every Hundred of such Overweight above One thousand and not exceeding One thousand five hundred, the Sum of Five Shillings:

For every Hundred of such Overweight above One thousand five hundred, the Sum of Twenty Shillings:

And that before they respectively shall be permitted to pass through such Gate or Turnpike, or over the said Bridge, and the same shall be applied as the other Tolls and Pontage are by this Act respectively directed to be applied; and every Person travelling with any Waggon, Wain, Cart, or other such Carriage shall, when required thereto by any Collector of Tolls or Pontage, permit the same to be weighed, and shall assist in weighing the same; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, or shall refuse to assist in weighing the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Weight of Carriages which shall be permitted to pass without paying additional Tolls and Pontage.

XXXIV. And be it further enacted, That every Waggon, Wain, Cart, or other such Carriage, shall be allowed to pass without paying any additional Toll or Pontage, provided it, with its Loading, does not weigh more than the Weights following; *videlicet*,

Every Waggon, Wain, Cart, or other such Carriage, drawn by One Horse, Ox, or Beast of Draught, One Ton Five Hundred Weight; and drawn by Two Horses, Oxen, or Beasts of Draught, One Ton and a Half; and drawn by Three Horses, Oxen, or Beasts of Draught, One Ton One thousand five hundred Weight; and drawn by Four Horses, Oxen, or Beasts of Draught, Two Tons; and drawn by Five Horses, Oxen, or Beasts of Draught, Two Tons One thousand five hundred Weight; and drawn by Six Horses, Oxen, or Beasts of Draught, Three Tons Five hundred Weight; and drawn by Seven Horses, Oxen, or Beasts of Draught, Three Tons One thousand five hundred Weight; and drawn by Eight Horses, Oxen, or Beasts of Draught, Four Tons Five hundred Weight.

Carriage with Wheels of a certain Description chargeable with less Toll or Pontage.

XXXV. Provided always, and be it further enacted, That it shall be in the Power of the said Trustees, at a General Meeting assembled, and they are hereby authorized, if they shall think fit, to exempt from Payment of any Part of the said additional Tolls and Pontage Duties for Overweight, not exceeding One Half thereof, every Waggon, Wain, Cart, or other such Carriage as aforesaid, with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Five Inches or upwards, and being cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear equally on such flat Surface,



Surface, and that the opposite Ends of the Axletrees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of such Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels; and every Waggon, Wain, Cart, or Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Seven and a Half Inches or upwards, and being cylindrical as before-mentioned: Provided also, that every Person claiming the Privileges granted to Carriages with Wheels so constructed as aforesaid, shall permit the same to be examined or measured by any Person employed in the Collection of the said Tolls or Pontage.

XXXVI. And be it enacted, That where any Drag Iron or other Instrument shall be affixed under the Bottom or Sole of the Wheel or Wheels of any Coach, Waggon, or other Carriage passing along the said Roads, to make the Passage of such Coach, Waggon, or Carriage more safe down steep Hills, every such Drag Iron or other Instrument shall be flat at the Bottom or Sole thereof, and shall not be of less Breadth than the Fellies of the Wheels under which the same shall be affixed, on Pain of the Owner of every such Coach, Waggon, or other Carriage forfeiting any Sum not exceeding Five Pounds Sterling, at every Gate or Turnpike on the said Roads or Bridge through which such Coach, Waggon, or other Carriage shall pass.

Drag Iron of same Breadth with Fellies of Wheels.

XXXVII. Provided also, and it is hereby further enacted, That no Person or Persons shall be liable to pay any Toll or Pontage at any of the Gates or Turnpikes at present erected or to be erected by virtue of this Act, or at the said Bridge, for any Carriage laden with or going empty for or returning empty after having been laden with Stones or other Materials for repairing the said Roads or any other public Roads, or Stones for paving the Streets of any Town situated on the said Roads or the Bridges and the Causeways belonging to the same; nor for any Carriage or Cattle passing from one Part of a Farm to another Part of the same Farm, or to or from the Yards or Offices of the Inhabitants of any Town or Village within the Limits of the said Roads to Borough Roods or Fields adjoining to any such Town or Village occupied by such Inhabitants, where there are no Yards or Offices; or any Horse or other Cattle going to or returning from Pasture or Watering Places, or any Smithy in the same or next adjoining Parish; nor for any Carts, Wains, Waggons, or other Carriages carrying any unbought Dung, or any Produce of a Farm not sold or not going to Market, or Implement of Husbandry, where the same shall not travel above One Mile on any of the said Roads, without Prejudice nevertheless to the said Article paying Toll when carried farther than One Mile; nor for any Waggons, Wains, Carts, or Horses, or other Beasts of Burden carrying to or from any Mill any Corn, Flour, or Meal belonging to any of the Inhabitants of the Parish in which any such Mill is situated, or going empty for, or returning empty after having carried the same; nor shall any Toll or Pontage be demanded from any Person or Persons who shall pass through the said Turnpikes or over the said Bridge to Church or Chapel or any other Place of religious Worship within the same Parish, which

Exemption from Toll and Pontage.

[Local.]

[ 27 F ]

such

such Person or Persons usually attend, upon *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Persons attending the Funeral of any Person or Persons who shall die and be buried within the Parish in which such Person resides; nor from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty; nor for any Horses or Carriages attending His Majesty or any of the Royal Family; nor for any Horses or Carriages employed in carrying or conveying the Mails of Letters or Expresses, under the Authority of His Majesty's Post-Master General, either when employed in conveying, 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 His late 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 or Pontage 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; and if any Person shall claim and take the Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

Penalty of claiming Exemption where not entitled.

Exempting Carriages with Stores.

XXXVIII. 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.

XXXIX. And

XXXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or the Committees of Trustees respectively to be appointed as aforesaid, and they are hereby authorized and empowered to suppress and shut up any Bye Roads that do not appear to be of Importance to the Public, and to build Fences across the same, so as to prevent any Person or Persons travelling on the Roads hereby authorized to be made and repaired, from avoiding any of the Tolls or Pontage by this Act imposed: Provided always, that Notice of the Resolution to shut up such Roads be given by Advertisement affixed to the Toll Gate or Turnpike nearest the Road proposed to be shut up, and to the Doors of the Two nearest Parish Churches for Two consecutive *Sundays*, One Calendar Month at least before the Roads shall be actually shut up; and that any Person or Persons who shall think himself, herself, or themselves injured by such Resolution, may apply to the Sheriff Depute of the County of *Lanark*, or one of his Substitutes, who, if he sees Cause, is hereby empowered to suspend the Execution thereof, until the next General Meeting of the said Trustees, who shall then determine therein, subject to an Appeal to the Justices of the Peace, in Manner herein-after mentioned.

Power to  
suppress  
Bye-roads.

XL. And be it further enacted, That if any Owner or Occupier of any enclosed Lands near to any Gate or Turnpike already erected, or which shall be erected in pursuance of this Act, or near to the said Bridge, shall knowingly or wilfully permit any Person or Persons, not being his, her, or their Servant or Servants, or any of his, her, or their Family, 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, whereby the Payment of the said Tolls and Pontage shall be evaded, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by the Testimony of One or more credible Witness or Witnesses before any One or more of the Justices of the Peace for the said County, shall each for every such Offence respectively forfeit and pay to the said Trustees a Sum not exceeding Five Pounds 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  
evading the  
Tolls or  
Pontage.

XLI. And be it enacted, That if any Person or Persons liable to pay the said Tolls or Pontage shall in a fraudulent or forcible Manner pass through any of the Gates or Turnpikes on the said Roads without paying Tolls thereat, or over the said Bridge without paying the Pontage, or shall assault any Collector of Tolls or Pontage, or any other Person acting under the Authority of this Act, or of the said Trustees, or Committees of Trustees respectively to be appointed as aforesaid, and shall be convicted of any such Offence before any One or more Justice or Justices of the Peace for the said County, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls or Pontage to which such Person was liable, to be applied by the Committee of Trustees on the Road where the Offence is committed to the Purposes of this Act.

Penalty for  
forcible Eva-  
sion of the  
Tolls or  
Pontage, or  
assaulting  
Officers.

XLII. And be it further 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 Beasts of Draught from any Coach, Chaise, Chariot, Barouche, Landau, Calash, Chair,

Penalty for  
taking off  
Horses, &c.

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, or to the said Bridge, with Intent to avoid paying any Tolls, Duties, or Pontage hereby imposed, each and every Person so offending in any of the Cases aforesaid, shall forfeit and pay a Sum not exceeding Five Pounds 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.

Settling Disputes concerning Tolls.

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

Composition for Tolls and Pontage.

XLIV. And be it further enacted, That the said Trustees shall be 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 Turnpike erected or to be erected by virtue of this Act, or near to the said Bridge, for any reasonable Sum or Sums of Money, to be paid quarterly, from Time to Time, and in advance for and in lieu of Payment of the Tolls or Pontage by this Act granted.

Tolls and Pontages may be let.

XLV. And be it further enacted, That the said Trustees or their Committees aforesaid, shall be and they are hereby authorized and empowered, by public Roup, to let the said Tolls and Pontage in the respective Districts in which they act, 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 Pontage may be lessened.

XLVI. And be it further enacted, That the said Trustees or their Committees aforesaid, shall be and they are hereby empowered to exact such Parts of the said Tolls and Pontage as they shall think reasonable, and with the Consent in Writing of Two Thirds in Value of the Creditors thereon for the Time being, and to diminish or lessen the said Tolls and Pontage, or such Parts thereof as they shall see Cause, and to raise the same again, so as the same shall not at any Time exceed the Tolls and Pontage granted by this Act.

XLVII. And be it further enacted, That the said Trustees or their Committees aforesaid shall be, and they are hereby empowered to purchase or to take on Lease for the Purpose of erecting Toll-houses, with suitable Offices and Gardens thereto, such Pieces of Ground as they shall think most convenient, not exceeding One-eighth or One-fourth of an Acre, as the Case may be, in Manner before provided; for each such Toll House, Offices, and Garden; and in case the said Trustees or their Committees aforesaid cannot agree with the Proprietors and Occupiers for the Prices and Value, or for the yearly Rent of such Ground, it shall be lawful for the Trustees or their Committees aforesaid, to apply to the Sheriff of the County to summon a Jury in Manner herein-after mentioned, in order to value the Ground, or fix the yearly Rent of the same, and the Right, Interest, and Property of and in all and every the Gates or Turnpikes, Toll Houses, Weighing Engines, and Premises, continued, erected, or to be erected by virtue of this Act; and the Money to be raised and collected by the said Tolls and Pontage as aforesaid shall be and the same is hereby declared to be vested in the said Trustees; and the same and every Part of the Money to be raised and collected as aforesaid shall be paid, applied, disposed of, and assigned to and for the several Uses and Purposes by this Act directed, and to no other Purpose whatsoever.

Turnpikes,  
&c. vested in  
Trustees.

XLVIII. And be it enacted, That if any Person or Persons liable in Payment of the said Tolls and Pontage, or any of them, shall neglect or refuse to pay the same, when demanded, the said Trustees are hereby empowered, by themselves or such Person or Persons as they shall authorize or appoint for that Purpose, to levy such Tolls and Pontage by Distress and Sale of any Horse or Horses, or other Cattle, upon which Tolls or Pontage are hereby imposed; or by Distress and Sale of any other of the Goods and Effects of the Person so neglecting or refusing to pay the said Tolls and Pontage, and to keep and detain such Goods and Effects so distrained until such Tolls or Pontage, with the reasonable Charges of such Distress, shall be paid: Provided always, that it shall not be lawful in making such Distress to take any Bridle or Halter off any Horse or other Cattle; and it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Ten Days after such Distress shall be made and taken, if such Tolls or Pontage shall not be sooner paid, to appraise and sell the Goods so distrained, returning the Overplus, if any there be, upon Demand, to the Owners thereof, after such Tolls or Pontage, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls and  
Pontage how  
to be levied  
and reco-  
vered.

XLIX. And be it further enacted, That all and every Toll Collector appointed either by the Trustees for executing the said Acts and this Act, or any Three or more of them, or by any Lessee or Lessees under them, to collect the Tolls or the Pontage payable at any Turnpike or Toll Gate erected by virtue of the said Acts or this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming upon Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls or Pontage shall not place such Board

Toll Collec-  
tors to put  
up their  
Names.

[Local.]

[ 27 G ]

as

as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll or Pontage from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said Acts and this Act, or shall demand or take a Toll or Pontage from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or Pontage, or any of them; or shall give a false Name or Names on such Demand; or shall refuse or neglect to give a Ticket denoting the Payment of the Toll or Pontage, and naming and specifying the several Gates to be freed by such Payment; or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads; or shall without sufficient Cause detain or delay any Person or Persons travelling thereon; then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Persons subscribing may assign their Securities.

Heirs of Entail may bind their Successors.

L. And be it also enacted, That it shall and may be lawful for all or any Persons or Corporations, who shall become bound for or who shall advance any Sum or Sums of Money on account of the said Roads, or any Part of them, to borrow the Amount of all or any Part of his or their Subscriptions or Advances, and to assign the Whole or any Part of his or their Interest in the aforesaid Tolls and Duties in Security for the Sums so to be borrowed; and that it shall and may be lawful for any Heir of Entail who may have advanced or become bound for any Sum or Sums of Money on account of the said Roads, to borrow any such Sum or Sums of Money, and to bind himself or herself, and the Heirs of Entail succeeding to him or her for the same, and to burden the entailed Estate of which he or she is in the Possession for such Sum or Sums, but to the Extent only of One Year's Free Rent of such Part of the said entailed Estate which shall be within any Parish through or into which any Part of the said Roads pass, and all or any Sum or Sums for which any Heir of Entail may have so become bound, and also any Sum for which any Proprietor of an Estate in Fee Simple may have become bound for the Purposes of this Act, shall be a Charge or Burden on such entailed or Fee Simple Estate respectively until paid.

Lanark and Airdrie may borrow.

LI. And be it further enacted, That the Magistrates and Town Council of the Towns of *Lanark, Airdrie, Cumbernauld*, or any Town in the County of *Lanark*, shall be and they are hereby empowered to borrow on the Credit of their respective Common Good or Revenues, or any Heritable or Personal Property belonging to the said Towns respectively, the Amount of the Subscriptions which such Towns may respectively make; and for any Sum or Sums of Money so borrowed it shall be lawful for the Magistrates of such Towns respectively to grant Bond, which may be assigned by Indorsement thereon; any Law or Practice to the contrary notwithstanding.



by the said Trustees, or such Person or Persons as they shall appoint; which Book or Books may be seen and perused at all seasonable Times by any Person or Persons interested without Fee or Reward.

Rights of  
Creditors not  
prejudiced.

LV. And be it further enacted, That nothing herein contained shall diminish or prejudice the Rights or Securities of any Creditor upon any Part or Parts of the said Roads already made, and hereby made Turnpike, or committed to the Trustees appointed by this Act, as a Part of the Line of Road hereby empowered to be completed.

Trustees not  
personally  
liable.

LVI. And be it further enacted, That no Trustee shall be held or adjudged to have rendered himself personally liable for the Re-payment of the Money borrowed, or Interest thereof, by reason of having attended any of the Meetings of the said Trustees, or his having acted and voted at any such Meetings, or of his having signed such Bonds or Assignments as aforesaid, or for Payment of any Sum borrowed or Debt contracted under the Authority of this Act, unless he shall have expressly bound himself individually in addition to the Security of the said Tolls and Pontage hereby directed to be given.

Assignments  
to be trans-  
ferrable by  
Indorsement.

LVII. And be it further enacted, That the Assignments to be granted in Security of the Money to be borrowed in virtue of the Powers contained in this Act shall be transferrable by the simple Indorsation of the last Creditor: Provided always, that every such Transfer by Indorsement shall, on being presented by or on Behalf of the Indorsee to the Clerk, (Treasurer, Collector, or other Officer of the said Trustees appointed for that Purpose) be by him recorded in the Book kept for the Purpose of having a Minute or Entry of Assignments made therein.

Accounts to  
be kept by  
the Trustees.

LVIII. And be it further enacted, That the said Trustees shall keep an exact Account not only of all the Money to be received by virtue of this Act and the Application thereof, but also of all their Proceedings, and shall enter the same in a Book or Books to be kept for that Purpose, to which Book or Books any of the said Trustees, as well as the Creditors on the said Tolls or Persons authorized by them, shall at all reasonable Times be at Liberty to resort and to inspect the same without Fee or Reward.

No Money to  
be paid with-  
out the Order  
of the Com-  
missioners of  
Highland  
Roads and  
Bridges.  
Penalty for  
Misapplica-  
tion.

LIX. And be it further enacted, That the Sums of Money to be raised and expended for making the said Roads by virtue of this Act shall not be laid out or expended without the Order of the said Commissioners of Highland Roads and Bridges, or of such Person or Persons as they or a Quorum of them as aforesaid shall authorize and appoint.

LX. And be it further enacted, That in case of any Misapplication of the Money collected, received, or levied by the said Trustees by virtue of this Act, all and every Person and Persons who shall so misapply the same, or by whose Authority the same shall be so misapplied, shall forfeit and pay double the Sums so misapplied, to be recovered from him or them at any Suit of Three or more Heritors within the said County of *Lanark*, possessed of One hundred Pounds *Scots* of valued Rent each, who are hereby authorized to sue for and recover the same in a summary Action before the Judge Ordinary, with Expences of such Action, One Half of which Forfeiture shall belong to the Persons who shall sue for the same, and the other Half shall



shall be paid to the said Trustees, to be applied by them as aforesaid for the Purposes of this Act; but if any such Prosecution shall after Trial be found vexatious and groundless, the Prosecutors shall be liable to pay double Costs.

LXI. And be it further enacted, That it shall and may be lawful for the said last-mentioned Commissioners, or the said Trustees of the said several Districts respectively, or their Committees aforesaid, at any of their Meetings, to order and direct all the said Roads herein-before-mentioned, or any of them, to be made or repaired, and to be extended to such Breadth as they shall think proper, not exceeding Sixty Feet exclusive of the Ditches or Water-runs at the Side of the Roads, and to alter and vary the Directions or Lines of the said Roads or any of them, according to the Limitations aforesaid, and for that Purpose to pull down or remove any Houses not exceeding Twenty Feet high in the Side Walls, Buildings, Inclosures or other Obstructions; and to cut and make Drains, Ditches, Trenches, and Outlets for Water through any Grounds lying contiguous to the said Roads for the Purpose of carrying off the Water from the same, or from any Weighing Machine to be erected on the said Roads.

Roads may be widened, altered, &c.

LXII. Provided always, and be it enacted, That full Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, Houses, Walls, and Fences, taken for the Use of the said Roads, 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 One Month's Notice, at the least, to the Owners and Occupiers thereof, and make an Offer to them of what the Trustees, or Committees of Trustees respectively to be appointed as aforesaid, consider to be the Value or a just Compensation for the same, unless such Owners or Occupiers renounce all Claim to Damages or Compensation in Manner herein-after mentioned.

Compensation to be made for Ground taken or Heritages damaged.

LXIII. And be it further enacted, That in taking the necessary Ground for making, altering, or widening the said Roads, or for any Toll House, Garden, or Stable, or Place of Deposit for Materials, as herein-after mentioned, or for any other Purpose under the Authority of this Act, if the said Trustees or their Committees shall not come to an Agreement with the Owner or Owners, and Occupier or Occupiers of the Lands where the Roads are to be so altered or widened, or whose Fences are to be altered or removed, or with the Owner or Owners, Occupier or Occupiers of any Ground taken for such Toll House, Garden, and Stable, or any House or Houses, or any Part or Parts of any House or Houses, or other Buildings, which are to be taken down as aforesaid; 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 has not been renounced in Manner herein-after mentioned, Application shall be made to the Sheriff-Depute of the said Counties of *Lanark* or *Dumbarton* respectively, or his 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 and impannelling a Jury, consisting

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

sisting of Twelve 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 Roads; and in ascertaining the Value of the Fences which it may be necessary to pull down in making new Roads, 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 or Committees aforesaid, 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 or Committees aforesaid 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, Royal Bank of Scotland, or British Linen Company, 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, for the Purposes of altering, widening, and extending the said Roads, 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 Pay-  
ment of the  
Sum awarded  
by Jury.

Expences of  
Proceedings  
how to be  
paid.

LXIV. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Trustees or Committees of Trustees respectively to be appointed as aforesaid 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 Committees aforesaid, 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 or Committees aforesaid, such Costs and Expences shall be borne and paid by the said Trustees or Committees aforesaid: Provided also, that after having paid or offered to the Owner or Owners, Occupier or Occupiers of any Lands, of  
Houses

Houses or Premises, such Sum as the said Trustees or Committees aforesaid 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*, Royal Bank of *Scotland*, or *British Linen Company*, 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 or Committees aforesaid, 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 or Committees aforesaid, 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 any of the Purposes aforesaid, to be carried on under the Authority of this Act, the said Judge is hereby directed to recall such Warrant, and remove any Sist obtained as aforesaid, provided sufficient Caution is found, by the respective Trustees therein named, for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in Manner herein-before mentioned.

Any Warrant for stopping the Work, to be recalled on Caution found.

LXV. And be it enacted, That if any Person summoned as a Juryman or Witness under the Authority of the said Sheriff-Depute, or his 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, the said Sheriff-Depute, or his Substitutes, is and are hereby empowered to fine every such Person for every such Offence, in any Sum not exceeding Five Pounds Sterling.

If Jurymen, &c. refuse to act.

LXVI. And be it further enacted, That in making and completing any of the said Roads or widening the same, it shall be in the Power of the said Commissioners of Highland Roads and Bridges, or the said Trustees, or Committees of Trustees respectively, to be appointed as aforesaid, to cause the same to be carried through any Minister's Glebe under the Limitations herein-before mentioned: Provided always, that such Quantity of Ground taken also under the like Limitations, shall be added to the Glebe lying most contiguous and convenient thereto, as shall be by the said Trustees or Committees aforesaid deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees or Committees aforesaid shall have Power to purchase from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be under Entail or otherwise; and in case of Difference with regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, similar Proceedings shall be had under similar Regulations, as are herein-before directed, with regard to the ascertaining the Value of Grounds, Houses, and other Premises taken for the Purposes of this Act, for ascertaining the Addition to be made to such Glebe, and the Price to be paid for the Ground taken for that Purpose; whereupon and upon Payment being made by the said Trustees or Committees aforesaid of such Price, to the Owner or Owners, Occupier or Occupiers of the Ground, or Consignation thereof in the Bank of *Scotland*, Royal Bank of *Scotland*, or *British Linen Company*, the said Trustees or Committees aforesaid shall from thenceforth

Roads may pass through a Minister's Glebe.

have

have a Right to cause the said Addition to be made to the Glebe, and in the meantime to take and use such Part of the Glebe as shall be necessary for the Purpose of altering or widening such Roads.

Trustees, &c.  
empowered  
to take  
Materials.

LXVII. And be it enacted, That it shall and may be lawful for the said Commissioners of Highland Roads and Bridges, or Committees of Trustees respectively to be appointed as aforesaid, and any Person or Persons having an Order from them, or either of them, to open Quarries, and dig, gather, take, and carry away any Stones or Gravel or other Materials out of any Waste or Common within any Part of the said 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, or, with the Consent of the Proprietor, out of the Bed of any Burn or River, on paying Damages as after mentioned, and from any other Ground within any Parish or Place in which any Part of the said Roads shall lie or be situated, or in any adjoining Parish or Place, Ten Days Notice in Writing being in this Case given to the Proprietor or Occupier of such Ground, and paying such Damages for the same as shall be ascertained 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 any Dispute with respect to the Amount of such Damages shall not prevent the said Trustees or Committees aforesaid, or those empowered by them, from using and carrying away the said Materials and applying them to making and repairing the said Roads or Bridges on the same; provided always, that the same Price shall be paid by the said Trustees or Committees aforesaid for Stones taken from Quarries wrought for Sale for making and repairing any of the said Roads, which shall be paid or payable by other Persons purchasing Stones from the Quarries at the same Time.

Notice being  
previously  
given.

No House or  
Orchard, &c.  
to be preju-  
diced.

LXVIII. 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 taken down, of which the Side Walls are above Twenty Feet in Height from the Surface of the adjoining Ground, nor any Garden, Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground, or Plantation of Trees, planted prior to the passing of this Act, infringed on, except such as shall be set out and described in the Maps or Plans deposited as aforesaid, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

Places for de-  
positing Ma-  
terials to be  
provided.

LXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or Committees of Trustees respectively to be appointed as aforesaid, to give Orders for purchasing or taking in Lease such Pieces of Ground, adjacent to the said Roads, (not exceeding One Eighth of an Acre each), as shall be judged most convenient for Repositories, not being a Garden, Orchard, Yard, Park, Avenue to a House, or Nursery set apart for the Growth of Trees, 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 not to be laid upon the said Roads, until they are immediately to be used for repairing or amending the same; and in case the said Trustees or Committees aforesaid, or their Surveyor, cannot agree with the Owner or Occupier as to the Price, Rent,  
or

or Damages to be paid for the same, such Price, Rent, or Damages shall be settled and determined by any Two or more Justices of the Peace of the Counties of *Lanark* or *Dumbarton* respectively as last before mentioned.

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

Incorporated Persons, &c. empowered to convey.

LXXI. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, Royal Bank of *Scotland*, or *British Linen Company*, in Manner herein directed, with regard to Consignations, as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of the said Counties of *Lanark* or *Dumbarton*, 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 thereof had executed in their Favour regular Dispositions of the same, and Infestments had followed thereupon.

How Lands are to be vested in the Trustees.

LXXII. 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*, Royal Bank of *Scotland*, or *British Linen Company*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or 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;

Application of Compensation where exceeding 200 l.

poses; 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 meantime and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

LXXIII. 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 Three or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising therefrom may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where the Money is less than 20*l.*

LXXIV. 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 Three 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.

LXXV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled

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

LXXVI. 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.

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

LXXVII. 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; and all such Sums of Expences of Purchases and Proceedings

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

ceedings and otherwise, which the said Trustees may by the said Court be ordered to pay, may be paid by the said Commissioners of Highland Roads and Bridges, out of the Monies committed to them for the Purposes of this Act as aforesaid.

For shutting  
up Roads.

LXXVIII. 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 Proprietor or Proprietors, Occupier or Occupiers thereof, the Price shall be fixed by a Jury, to be summoned 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 Counties of *Lanark* or *Dumbarton*, 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, &c.

LXXIX. 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 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 Affidavit 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



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.

LXXX. 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 so taken.

Ground taken not to diminish valued Rent, &c.

LXXXI. And be it enacted, That no House or other Building of any Description other than a Wall for the Purpose of Inclosure, not exceeding Six Feet in Height from the Surface of the Ground, shall be erected within Thirty Feet of the Centre of any of the said Roads under a Penalty not exceeding Ten Pounds Sterling for each Offence, and the Expence of taking down and removing such House or other Building; and it shall be lawful for any Justice of the Peace to stop the Erection of every such House or Building which shall be within the said Distance from the Centre of any of the said Roads; and if any House or Building shall hereafter be erected within the said Distance from the Centre of any of the said Roads, it shall and may be lawful for any One or more Justice or Justices of the Peace, upon Application made to him or them by any One Trustee, and upon Proof being adduced that such House or other Building is within the Distance aforesaid from the Centre of any of the said Roads, to order and direct the Person or Persons erecting such House or other Building, to take down or remove the same; and upon their failing so to do within Thirty Days after such Order or Direction notified to such Person or Persons in Writing under the Hand or Hands of such Justice or Justices of the Peace, it shall and may be lawful for such Justice or Justices to order such House or other Building to be taken down and removed at the Expence of the Erector or of the Proprietor of the Ground, and to grant Warrant for levying and recovering the Expence thereof, together with the said Penalty.

Regulations respecting the erecting of Houses, Fences, &c.

LXXXII. And be it further enacted, That when any Fences shall in Time coming be made on the Side of any of the said Roads by Means of a Hedge and Ditch, the Hedge and Ditch shall be placed on the Inside next the Field, and the plain Surface of the Bank shall be next to the Road, and the Hedges on the Sides of all the said Roads shall never be allowed to exceed Six Feet in Height from the Surface of the Road; and all Persons having Hedges and Trees on the Sides of the said Roads shall be obliged to keep the same properly dressed and pruned so as not to overhang the Road; and if they shall refuse or neglect so to do within Ten Days after Notice being given them in Writing by the Surveyor, or by any Two Trustees, it shall be lawful for a Quorum of the said Trustees to order the same to be properly dressed and pruned at the Charge and Expence of the Owner of such Hedges and Trees, to be recovered in the same Manner as other Penalties by this Act imposed, as herein-after mentioned, and it shall not hereafter be lawful to plant any Tree or Trees within Forty Feet of the Centre of the said principal Roads: Provided always, that no Person shall be required to dress or prune any Hedge or Tree, nor shall the said Trustees

Farther Regulations of Fences.

tees be entitled to order the same to be done between the First Day of May and the First Day of November in any Year.

For erecting  
Parapet  
Walls.

LXXXIII. And be it further enacted, That the said Commissioners of Highland Roads and Bridges, or the said Trustees, or their Committees aforesaid, shall, before they open any new Line of Road for the Accommodation of the Public, erect or cause to be erected good and sufficient Parapet Walls on the Sides of all the Bridges, and upon the Sides of the Roads where the same shall be dangerous for Persons passing along the said Roads, and they shall from Time to Time repair and keep in Repair the said Walls or Parapets.

Trustees may  
make Foot-  
paths;

LXXXIV. And be it further enacted, That the said last-mentioned Commissioners, or the said Trustees, or their Committees aforesaid, may cause Foot-paths of such Breadth as they shall think fit, not exceeding Eight Feet, to be made along the Sides of the said Roads in such Places as can conveniently admit of the same, and cause the same to be kept free and clear of all Obstructions, Nuisances, or Impediments whatsoever; and if any Person shall ride or drive any Carriage or Cattle upon any Footpaths made or to be made, or shall in any Way wantonly or maliciously injure the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, together with the Expence of repairing the Damage done, to be levied in Manner herein-after directed.

and Passages  
for Water,  
and Ditches  
and Drains.

LXXXV. And be it further enacted, That the said last-mentioned Commissioners, or the said Trustees, or their Committees aforesaid, may, where they shall judge it necessary, order Passages for the Water from the Ditches on the Sides of the Roads to be made through the Grounds of any adjacent Proprietor, and also may order sufficient Drains or Ditches to be made within the Fences on the Field Side parallel to the said Roads; and the Occupiers of the Grounds shall be obliged thereafter to keep the said Passages, Ditches and Drains always clear and open to the original Depth; and where any Ditch or Drain runs along the Side of any Part of the said Roads, or leads from the Sides of the said Roads, the Occupiers of the adjacent Grounds shall be and they are hereby required to keep the same clear and open, so as to allow a free Passage to the Water, as well by the Road Side as into and across the adjacent Grounds; and if they shall fail therein, after Six Days Notice previously given to such Occupiers, such Occupiers shall forfeit and pay a Penalty of Ten Shillings for each Offence, or One Penny for each Foot in Length of such Ditches and Drains so neglected to be cleared and opened, if the Penalty so estimated shall amount to a larger Sum than Ten Shillings; and the said last-mentioned Commissioners or the said Trustees, or Committees aforesaid, shall be and they are hereby empowered to order the said Passages, Ditches, and Drains to be cleared from Time to Time, and to recover the Expence thereof (to be ascertained by the Account of the Overseer or other Person employed to do the same, certified by One or more Justices of the Peace for the Counties of *Lanark* or *Dumbarton*) from the Occupiers of such adjacent Grounds, in Manner herein mentioned; and if any Occupier of Land through which such Passages, Ditches, and Drains are or shall be made, shall wilfully obstruct or fill up

any of them, so as to be injurious to the said Roads, the Person or Persons so offending shall forfeit and pay Treble the Expence of repairing and scouring the same, to be recovered in Manner herein-after mentioned; and the said Occupier shall be deemed the Transgressor, unless it shall be made to appear to any One or more Justices of the Peace that such Occupier was not in fault; and where any Passage for Cattle or Carriages shall be made communicating with any of the said Roads across the Passages, Ditches, or Drains along the Sides of such Roads, for the Convenience of the Occupier of the Ground through which it passes, such Occupier shall cover such Passages, Ditches, and Drains with a Bridge of Stones, or other proper Materials, which Bridge shall be constantly kept free and clear, that the Water may pass freely through below the same; and in case any Occupier of Ground adjacent to any of the said Roads shall omit or fail so to do, it shall be competent for any One or more Justices of the Peace, by an Order subscribed by him or them, to order the same to be performed at the Expence of such Occupier, and to recover the Expence thereof (to be ascertained by the Account of the Surveyor or other Person employed to do the same), from such Occupier in Manner herein-after mentioned; and no Occupier of Land shall turn any Water upon the Side of any of the said Roads, or conduct it across any Part thereof, until he shall have obtained the Consent in Writing of Two Trustees, being Justices of the Peace of the said County, who shall have previously examined the Place, and such Consent shall be deposited with the Clerk of the Road across which the Water is to be carried; and every such Occupier shall be obliged to carry the Water across the said Roads in a covered or arched Passage or Drain, of such Depth and Construction as may prevent the Water from being of Prejudice to the same; and in making any such covered or arched Passage or Drain across any of the said Roads, a safe and easy Passage along One Half of such Roads shall be left without any Obstruction, either by breaking the Road or laying down the Materials; and such covered Passage or Drain shall be made across and finished on the Half of the said Road before the other Half shall be broken or opened, and the Whole, or at least the open Part, shall, if practicable, be completed in One Day, or otherwise such open Part, and the Materials for executing the Work, shall be so well fenced off that Passengers may suffer no Injury thereby; which Precaution and Manner of executing covered Drains as aforesaid, shall be strictly observed by all Persons whatsoever employed in directing or executing the same; and every Person neglecting to use such Precaution, and so to execute such Drains, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, over and above the Damage sustained and Expences incurred, to be levied and recovered in Manner herein-after directed, One Half thereof to be paid as a Reward to the Informer, and the other Half to be applied to the making and repairing the said Roads; and every Surveyor, Overseer, Contractor, or other Person employed by the said last-mentioned Commissioners or the said Trustees or Committees aforesaid for making, amending, widening, or repairing any of the said Roads, shall be expressly prohibited from digging Pits within Twelve Feet of the Sides of the same, unless such Surveyor, Overseer, Contractor, or other Person employed as aforesaid, shall erect a sufficient Fence between the Side of the said Road and the Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

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

LXXXVI. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, pasture or leave, or allow to be pastured or left on the aforesaid Roads, or any of them, where there are Fences on the Sides thereof, any Horses, Cows, Sheep, or other Cattle, it shall and may be lawful for any One or more of the Justices of the Peace of the County, upon Application made to him or them by any Heritor of the County, or by any Person or Persons having Authority from the said Trustees, to issue his or their Warrant for apprehending the Person or Persons so offending as aforesaid, and to bring them before him or them for Examination; and upon such Offender or Offenders being convicted of such Offence, by the Oath of One or more credible Witness or Witnesses, or the Oath or Confession of the Party offending, it shall and may be lawful for such Justice or Justices of the Peace to fine and amercciate such Offender or Offenders severally, in any Sum not exceeding Five Pounds Sterling for each and every Offence, to be levied and recovered in case of Non-payment, and to be applied in Manner as after directed; and in the Event of such Offender not being found, to seize and detain such Cattle, and failing Payment of the said Penalty for the Space of Five Days, to sell the same for Payment thereof and of the Expence of keeping such Cattle, returning the Overplus, if any, to the Owner of the said Cattle.

Roads to be measured.

Penalties on destroying or injuring Milestones, &c.

LXXXVII. And be it further enacted, That the said Trustees, or their Committees aforesaid, shall and may cause the said Roads to be measured, and Stones or Posts denoting the Distances to be erected upon the said Roads, or near the Sides thereof, at the End of each Mile; or such other Distance as they shall think convenient, and that they also shall cause proper Direction Posts to be erected where they shall judge it necessary; and if any Person or Persons shall break, destroy, damage, pull up, or remove any such Stones or Posts, or alter, obliterate, or deface any Letters or Figures that shall be made, inscribed, or put thereon, or shall destroy, injure, or damage the Parapets, or any other Parts of the Bridges on the said Roads, or any of the Gates or Turnpikes, or any of the Toll Houses erected or to be erected, or any of the Weighing Engines, or other of the Works belonging to the said Trustees, or any Gate, Railing, or Fence upon the Side of any of the said Roads, or upon the Side of any Ford hereby authorized to be stopped or shut up, or shall open or use any such Ford stopped or shut up by Authority of this Act, or shall be aiding or assisting therein, or shall rescue any Person in Custody for any of the said Offences, and shall be thereof convicted by the Oath or Oaths of One or more credible Witness or Witnesses before any One or more Justice or Justices of Peace for the said Counties of *Lanark* or *Dumbarton*, or of the County where the Offenders reside, such Person or Persons so offending and being thereof convicted, shall pay the whole Expence of repairing the Damages sustained, and shall respectively forfeit and pay a Sum not exceeding Twenty Pounds Sterling for every such Offence; and failing Payment of such Sum shall be liable to be imprisoned for any Space not exceeding Three Calendar Months; and such Forfeitures, or such Part thereof as shall be recovered, shall be paid to the Informer; and in case it shall happen, from Indigence or other Causes, that such Forfeitures, or a Part thereof, to the Amount of Forty Shillings Sterling, shall not be recovered from the Offender or Offenders, then and in every such Event the Informer shall be entitled to, and the said Trustees or their Committees aforesaid, are hereby authorized to  
make

make Payment to him or them of the Sum of Forty Shillings out of the Trust Funds of the District of Roads where the Offence or Offences shall or may be committed; and it shall be lawful for any Person *brevi manu* to seize and carry such Offender or Offenders in any of the above Particulars, before any Justice of the Peace for the Purpose of Examination.

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

Head Ridges to be made, and Gates on the Sides of Road to open inwards.

LXXXIX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, to cause to be erected Guide Posts upon such Parts of the said Road where the same may be crossed or joined by other Roads as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures or Marks inscribed thereon, or if any Person shall ride upon any Footpath formed by the said Trustees upon or on the Side of or adjoining the said Road, or shall drive any Horse, Beasts, or Swine, or any Carriage upon or cause any damage to be done to any Footpath, or shall leave or suffer any Horse, Beast, Cattle, Sheep, or Swine to graze or be and remain loose on the said Road or any Part thereof; or if any Person shall cause to be drawn upon any Part of the said Road any Timber, Stone, or other Thing otherwise than upon Wheeled Carriages, or shall suffer any Timber, Stone, or other Thing, which shall be carried upon Wheeled Carriages to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the said Road or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Road, and also keep on the same Side himself, or if any other Person shall in any other manner wilfully prevent any other Person or Persons from passing him or her or any Carriage under his or her Care upon the said Road; or

In erecting Guide Posts, &c.

[Local.]

[ 27 L.]

if

if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent or Fire-work whatsoever on any Part of the said Road, or within Eighty Feet of the Centre thereof, or play at Football or any other Game or Games on any Part of the said Road, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage (except in cases of Accident) upon or on the Side of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Road as near as conveniently may be; or if any Person after having blocked or stopped any Waggon, Cart or other Carriage in going up any Hill or rising Ground shall not immediately remove from the said Road the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost or Manure from the Sides thereof, except such as may be lying in his own Grounds and be carried away without being brought over any Part of the said Road, or that the same may be done at such Times and under such Regulations as the Trustees shall direct and order, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as by this Act is directed.

Subscriptions  
to be paid.

XC. And be it further enacted, That if any Person or Persons who has subscribed or shall subscribe any Money towards making and repairing the Roads hereby intended to be made and repaired, shall neglect or refuse to pay his, her, or their Subscription Money at the Time and Place to be appointed by the said Trustees, it shall and may be lawful to and for the said Trustees to sue for and recover the same in any Court competent, and all Subscriptions of any Person or Persons made or to be made for such Purpose as aforesaid, shall be a Charge on the Subscriber's Lands and Heritages in the Parishes through which the said Roads pass until Payment of such Subscription; any Law to the contrary notwithstanding.

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

XCI. 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-gather-  
ers, &c. may  
give Evi-  
dence.

XCII. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching, concerning, or in any ways relating to the said Tolls or Pontage, 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.

XCIII. 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 *Lanark* or *Dumbarton*, shall and may act as a Justice of the Peace within the same, 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.

Trustees may act as Justices.

XCIV. And be it enacted, That 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 Counties of *Lanark* or *Dumbarton*; 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, or by other satisfactory Evidence, the said Justice or Justices is and are hereby authorised 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 authorised 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, Pontage, 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 Expences, Penalties, and Forfeitures, shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for the said Counties, 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 said Counties, there to remain for any Time not exceeding Three Months, unless the said Expences, Penalties, and all reasonable Charges, shall be sooner paid and satisfied.

Recovery of Tolls, Penalties, &c.

XCV. Provided always, That any Person or Persons who shall think himself, herself, or themselves aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may within Three Months after the Matter complained of shall be done, but not afterwards, lodge an Appeal to the Justices of the Peace at the Quarter Sessions of the County in which the Matter complained of originated, the Appellant giving Ten free Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and to the Clerk of the Justices of the Peace, and lodging with such Appeal a Bond with sufficient Caution for implementing the Sentence to be finally pronounced by such Justice, and for paying such Expences as may be ultimately awarded; and such Justices shall have Authority to

Appeal.

hear

hear and determine the Matters in Dispute, and their Judgments therein shall be final and conclusive, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise, except in the Case of Alterations of the Course or Direction of any Part or Portion of the said Roads, in which Case it shall be lawful for any Person or Persons, thinking himself, herself, or themselves aggrieved by any Judgment of the Justices of the Peace at their Quarter Sessions, to appeal within Twenty Days from the Date of such Judgment, but not afterwards, to any Court of Law competent.

Limitation of Actions.

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

Table of Tolls and Duties to be made and published.

XCVII. And be it further enacted, That the said Trustees, or Committees of Trustees respectively to be appointed as aforesaid, shall as soon as the said Roads or any Part thereof shall be made and completed, and delivered to the Care and Management of the said Trustees, direct a Table of the Tolls and Pontage payable by virtue of this Act to be printed or painted in large and legible Characters, and affixed to some conspicuous Part of every Toll Bar on the said Roads, and on the said Bridge, respectively; and the said Trustees shall in like Manner direct a List of all the Penalties enacted by this Act to be printed and affixed in the same Manner; and the said Trustees or Committees aforesaid shall also print, or cause to be printed, the various Regulations which are by this Act enacted for the Regulation of those who may travel or drive Carriages or Carts, or who may ride along the said Roads, and circulate and publish the same by affixing them on the Toll Houses or Gates for the Use of the said Travellers as aforesaid, in order that the said Regulations may be made as public as possible.

Expences of this Act.

XCVIII. And be it enacted, That the Expence of procuring and passing this Act shall be paid out of the first Monies subscribed, levied, or borrowed by virtue of this Act, and be apportioned on the Tolls or Pontage Duties hereby granted, in such Manner as the said Trustees at a General Meeting assembled, shall direct and appoint.

Public Act.

XCIX. And be it further 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.

Commencement and Continuance of this Act.

C. And be it further enacted, That the Powers by this Act granted shall commence from and after the passing thereof, 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.