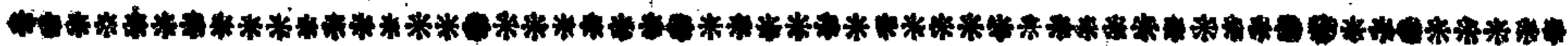




ANNO PRIMO

GEORGIIV. REGIS.



Cap. xlvii.

An Act for maintaining and repairing The Military Roads in the County of *Perth*, and the several Branches or Roads of Communication therewith connected. [30th *June* 1820.]

WHEREAS certain Roads passing through and pervading great Part of the County of *Perth* in different Directions, and to the Confines of the respective Counties of *Inverness*, *Argyle*, and *Aberdeen*, together with certain Branches intersecting the same or therewith connected, and the Bridges upon each Line having been originally made for the Purpose of Military Communication, and ever since maintained, altered, amended, and repaired at the Public Expence until within these few Years past, and known and described by the general Denomination of 'The Military Roads:' And whereas within these few Years last past the Annual Grant of Money, whereby the said Military Roads, and some of the Branches or Roads of Communication therewith connected, were so maintained, altered, amended and repaired, as aforesaid, having been withdrawn, those Roads are now so dilapidated that in a short Time they will become ruinous and utterly impassable: And whereas there being no Funds applicable to the Maintenance, Alteration, Amendment, and Repair of the said Roads and Bridges herein-after mentioned, *videlicet*, the Road from *Dunkeld* Bridge, by *Blair* and *Dalnacardoch*, to the Confines of the County of *Inverness*; the Road

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from the *Crieff* Turnpike, by *Glenalmond* to *Amul-ree*, with a Branch from that Road to *Buchanty*, and from thence by *Fowlis Water* to the *Crieff* Turnpike; the Road from *Amul-ree*, through *Strath Braan*, to *Inver* and *Dunkeld*; the Road from *Amul-ree* to *Tay* Bridge; the Road from *Tay* Bridge to *Tummel* Bridge; the Road from *Tummel* Bridge to *Dalnacardoch*; the Road from *Kenmore* to *Killin* on the Side of *Loch Tay*; the Road from *Larigalie* where it joins the *Callender* Road, by *Tyndrum*, to the Confines of the County of *Argyle*, with a Branch to *Killin*; the Road from *Crianlarig* to *Inverernan* in *Glenfalloch*; the Road from *Callender* to *Larigalie*, or the Confines of the Parish of *Balquhidder*; the Road from *Coupar Angus* by *Blairgowrie* to the Confines of the County of *Aberdeen*, being Military Roads, and the Road from the *Gleneagles* Turnpike, near the Mill of *Tullibardine* by the Bridge of *Knappelands*, and the Ford of *Dalpatrick* through the Water of *Earn*, up to the *Crieff* Turnpike near the Road to *Amul-ree*; the Road from *Muthill* to the Parks of *Dupplin* by the Bridge of *Kinkell*, *Trinity Gask*, and *Gask*; the Road from *Callender* to *Arnprior*; and the Road from *Dunkeld* by *Inver* to *Aberfeldie* and *Kenmore*, being Communications connected with the said Military Roads, the same can only be done by Authority being given to erect Turnpikes thereon, and to levy and collect Tolls, and to borrow Money on the Credit of the said Tolls, and other Purposes therewith connected, as necessary for such Maintenance, Alteration, Amendment, and Repair: And whereas these several Purposes cannot be attained 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 upon the Fourth *Tuesday* after the passing of this Act, it shall and may be lawful to and for the Trustees herein-after appointed to assemble at any Town or Place within the County of *Perth*, and then and there to divide the said Military Roads into so many separate Divisions as shall or may to them, or the major Number of them, then to be assembled, appear necessary and fitting, and most conducive to carry this Act into full Effect.

Roads may be divided into separate Divisions.

Trustees.

II. And be it enacted, That every Person who in his own Right or in the Right of his Wife, now is or hereafter shall be in the actual Possession and Enjoyment as Proprietor or Life Renter of the full Property or *dominium utile* of Lands in the said County of *Perth*, valued in the Cess Books of the County at One hundred Pounds *Scots*; all and every the eldest Sons of such Proprietor and Life Renter, or, in the Absence of such Proprietor or Life Renter, the Factor of his Estate in the said County; One Guardian of each Minor enjoying and possessing Lands of the Valuation aforesaid; One Trustee of every Estate of the Valuation aforesaid; the Baron Baillie or Chief Magistrates of *Dunkeld*, *Crieff*, *Downe*, *Callender*, and *Blairgowrie*; the Sheriff Depute of the County of *Perth*, and his Substitutes, all for the Time being, shall be and they are hereby nominated and appointed Trustees for amending, altering, widening, repairing, and keeping in Repair, and causing to be amended, altered, repaired, and kept in Repair, the said Roads, and the Bridges forming Part thereof: Provided always, that it shall not be lawful for such Magistrates or Baron Baillies, not qualified as Commissioners

Commissioners of Supply, to act as a Trustee under this Act in any other District of the said County of Perth, than that within which he or they actually resides.

III. Provided always, and be it enacted, That no Factor, nor any Trustee of any Proprietor, shall be entitled to vote and act as such except in the Absence of his Constituent: Provided also, that no such Sheriff Depute or Substitute or Factor, nor any Baillie or Chief Magistrate of any Burgh shall be capable of acting as a Trustee for the said Turnpike Roads unless he shall be qualified to act as a Commissioner of Supply for the said County, or unless he shall be possessed of a Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Five hundred Pounds: Provided also, that although a Person being a Trustee in his own Right shall claim as Guardian, Trustee, or Factor as aforesaid, or appear in Two Capacities, he shall have but One Vote; and no Person of any Description whatever claiming as a Trustee under this Act shall have more than One Vote on any Pretence whatever.

Trustee of Proprietor not to vote, except in the Absence of his Constituent, and no Trustee to have more than One Vote.

IV. Provided also, and be it enacted; That no such Sheriff Depute or Substitute, or Factor, Baillie, or Chief Magistrate of any Burgh, or any Guardian, Trustee, or Factor shall 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, who are hereby authorized to administer the same; that is to say,

Oath of Qualification.

‘ I *A. B.* 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*] possessed of a Personal Estate, or of a Real and Personal Estate together, of the Amount or Value of Five hundred Pounds Sterling. So help me GOD.’

V. And be it enacted, That if any Person, not qualified as aforesaid, shall notwithstanding presume to act as a Trustee in the Execution of this Act, every such Person shall for every Offence forfeit and pay a Sum not exceeding Fifty Pounds Sterling, besides the Expence of Prosecution, to be recovered by summary Complaint at the Suit of any Heritor of the said County, before the Justices of the Peace at their Quarter Sessions, or before the Sheriffs Depute or Substitutes of *Perthshire*, to be applied for the Purposes of this Act, and the Proof of Qualification shall lie upon the Person of whom Complaint shall be made: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of this Act, previously to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Penalty on any Person acting who is not qualified.

VI. And be it enacted, That if any of the said Trustees shall accept or hold any Place of Profit arising out of this Act, or shall be concerned or interested in any Contract or Contracts under this Act, he shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit.

Trustees not to hold Places of Profit.

VII. And be it further enacted, That the said Trustees, or any Two or more of them, shall hold their first stated or General Meeting by virtue of this Act, upon the said Fourth *Tuesday*, or as soon after as conveniently may be, and their second and subsequent Meetings on such Days

First and subsequent Meetings of Trustees.

Power to name Committee of their Members.

To appoint Clerks and other Officers.

Days as shall be fixed at their First General Meeting, with Power to the said Trustees or Majority of those present at any of the said stated or General Meetings to adjourn to such other Time and Place as they shall think convenient, with Power also to name Committees of their Number to have the more immediate Care and Management of particular Parts of the said Road; and to give their Committees, whereof Two to be a Quorum, such Instructions and such Powers as they shall think fit and expedient, and also with Power to the said Trustees, both in their General Meetings and Committee Meetings to appoint Clerks, Cashiers, Collectors, Surveyors, Overseers, and other Officers, with reasonable Salaries for their Trouble, all which Clerks, Cashiers, Collectors, and others appointed to Offices of Trust shall account to such Committee or other Persons appointed to receive their Accounts once every Twelve Months or oftener (if required) for all Monies received by them, and pay over the Balance to the Trustees or their Order, and in case of Default in accounting or Payment, it shall be lawful for any Two or more Justices of the Peace, or the Sheriffs Depute or Substitute of the said County of *Perth*, at the Suit of the said Trustees, to commit the Defaulter to Prison till a faithful Account be rendered, or until he shall have compounded with the said Trustees for the Balance due from him as aforesaid, which Composition the said Trustees are hereby authorized and empowered to make: Provided always, that no Person shall be committed for Want of sufficient Goods or Property whereon to make Distress for such Balance for any longer Space of Time than Six Calendar Months.

Same Person not to be Clerk and Treasurer.

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

Security to be taken from Officers.

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

Quorum of the Trustees.

X. And be it further enacted, That all Acts, Matters and Things relative to the Execution of this Act may be done and executed by the Majority of the Trustees present in General Meetings, the whole Number present not being less than Two, and all Acts, Matters, and Things done by

by any such Two or more Trustees shall be as valid and effectual as if done by all the Trustees herein appointed or to be appointed, except in Cases herein particularly directed to be done and executed by any greater Number of Trustees or the Majority of them: Provided always, that if only One shall be present at any of the stated or other General Meetings, such Trustee shall have Power to adjourn the Meeting; and in that Case Notice shall be given of the Day, Place, and Purpose of such adjourned Meeting, by Advertisement in any Newspaper published in *Perth*, such Advertisement being at least Fourteen Days before the Day of such adjourned Meeting; and the Clerk of the said Trustees shall have Power, and he is hereby required, when directed (by Writing under the Hands of any Two or more Trustees) to call at any Time a General Meeting, giving the like previous Notice of the Time, Place, and Purpose of the Meeting, and at such Meetings no Business shall be entered or decided upon other than what is specified in the Notice given as aforesaid, and it shall not be in the Power of any stated or General Meeting to rescind, alter, or vary the Determination of any former stated or General Meeting, unless previous Notice of the Intention of so doing, and the Time and Place of Meeting be given by Advertisements in any such Newspaper as aforesaid: Provided always, that at every Meeting of the said Trustees, a Chairman shall be appointed, and when it shall happen that there shall be an Equality of Votes at any such Meeting, upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote; and the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Power to adjourn.

XI. And be it further enacted, That all the Proceedings of the said Trustees, and an exact Account of all the Money received by virtue of this Act, and of the Application of the same, shall be entered in a Book or Books to be kept by the Clerks appointed by the said Trustees, whose Duty it shall be to enter and record regularly all their Proceedings and Accounts, and for that Purpose to call for and oblige the Receivers, Tacksmen, and Cashiers to produce their Accounts and Vouchers thereof, and in case of their neglecting so to do, they shall forfeit a Sum not exceeding their Year's Salary, which Books of Account and Proceedings shall be open to the Inspection of every Heritor in the County of *Perth*, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and in case of Misapplication of Money borrowed, collected, received, or levied by or under this Act, all and every Person or Persons who shall so misapply, or by whose Authority the Misapplication shall be made, shall forfeit Double the Sum, misapplied, with Costs of Suit, to be recovered at the Suit of any Two or more Heritors of the County of *Perth*, by a summary Process before the Sheriff of the County or his Substitute, out of which Sum when recovered the Sum so misapplied shall be paid to the Trustees for the Purposes of this Act, and the Remainder be divided into Two Moieties, One to be paid to the Trustees for the like Purposes, and the other to the Persons suing for the same.

Accounts to be kept by the Clerks.

XII. And be it further enacted, That the Committees appointed as aforesaid shall be accountable to the General Meetings, and for that Purpose shall lay before them, Once in the Year at the least, a State of their Accounts and all other their Transactions, to be by them

Committees to account to General Meetings.

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at One of their stated General Meetings examined, audited, and approved; and in case of Failure or Neglect the Clerk of the General Meeting shall and he is hereby required to apply to the Sheriff Depute or Substitute of the County, or to the Justices of the Peace at their Quarter Sessions or adjourned Quarter Sessions, which Sheriff or Justices shall grant a Warrant for summoning the Clerk of the Committee so failing, or other Person or Persons to whom the said Failure or Neglect is imputed, and on Proof of such Failure or Neglect shall fine him or them in a Sum not exceeding Five Pounds Sterling, to be paid to the said Trustees, to be by them applied to the Purposes of this Act.

Book of Accounts to be kept by the principal Clerk.

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

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

XIV. And be it further enacted and declared, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of any One of the said Trustees or of their Clerk for the Time being, and that no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders, in the Name of any One of the said Trustees or of their Clerk by virtue of this Act, shall abate by the Death or Removal of any such Trustee or Clerk, but that One of the said Trustees or the Clerk 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.

Power to erect Gates and levy Tolls.

XV. And be it enacted, That the said Trustees at their First Meeting or at any of the stated Meetings assembled, or at a Meeting advertised for that special Purpose, may direct and authorize Gates and Turnpikes to be erected across any Part of the said Roads, and such Number of Toll Houses as they shall think fit, and may authorize their Collectors, or Tacksmen under their Authority, to take and levy at each of the said Gates, before any Passage be permitted, a Sum or Sums of Money not exceeding the following Rates for all of the said Roads, (that is to say),

Rates.

For every Horse or other Beast of Draught, drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, or other such Carriage with Four Wheels, when drawn by Six or more Horses or other Beasts of Draught, the Sum of Nine Shillings Sterling, and when drawn by Four Horses or other Beasts of Draught, the Sum of Six Shillings Sterling; and when drawn by Three Horses or other Beasts of Draught the Sum of Four Shillings and Sixpence Sterling; and when drawn by

Two Horses or other Beasts of Draught, the Sum of Three Shillings Sterling; and when drawn by One Horse or other Beast of Draught, the Sum of One Shilling and Sixpence Sterling:

For every Horse or other Beast of Draught drawing any Chaise, Gig, Curricie, or other like Carriage, with Two Wheels, when drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings Sterling, and when drawn by One Horse or other Beast of Draught, the Sum of One Shilling Sterling:

For every Horse or other Beast of Draught drawing any Carriage, commonly called a Taxed Cart, the Sum of One Shilling Sterling:

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

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

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies unshod, the Sum of Three Shillings and Four-pence Sterling *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of One Shilling and Eight-pence Sterling *per* Score, and so in proportion for any greater or less Number.

XVI. Provided always, and be it enacted, That no Post Horse which shall be hired to draw any Carriage, shall, when going to fetch or draw such Carriage, be liable to any Toll on passing through any Toll Gate or Turnpike to be erected on the said Roads, or any of them.

Post Horses going to fetch a Carriage not to be liable to Toll.

XVII. Provided also, and be it enacted, That no Tolls shall be demanded or collected on any Road which may have an open Conduit or Shod Ford.

No Tolls to be payable on Roads having a Shod Ford.

XVIII. And be it enacted, That the said Trustees shall be and they are hereby empowered to diminish or lessen any or all of the said Rates upon the said Roads, or any Part thereof, with the Consent of the Persons entitled to Five Sixth Parts of the Money then due and owing on the Credit of the said Tolls, but not otherwise; and also to raise the Rates again if they shall see Cause, but so as not at any Time to exceed the Rates authorized as aforesaid by this Act.

Power to lessen the Rates.

XIX. And be it further enacted, That the said Trustees, or any Two or more of them shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Carriages that shall pass along the said Roads, and shall receive and take (over and above the Tolls hereby granted) the following Sums of Money as additional Tolls; for every Hundred Weight (of One hundred and twelve Pounds to the Hundred) which any Waggon, Cart,

Power to erect Weighing Engines.

or

or Carriage, together with the Loading thereof, shall weigh at any of the said Weighing Engines over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh without paying additional Tolls; (that is to say), for the First and Second Hundred, the Sum of Three-pence Sterling for each Hundred; for every Hundred of such Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence Sterling; for every Hundred of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling; for every Hundred of such Overweight above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling; and for every Hundred of such Overweight above Fifteen Hundred, the Sum of Twenty Shillings Sterling; before they respectively shall be permitted to pass through such Gate or Turnpike, and the same shall be applied as the other Tolls are by this Act directed to be applied; and in case any Person or Persons shall hinder or obstruct the weighing of any Carriage as aforesaid, such Person or Persons shall for every such Offence forfeit any Sum not exceeding Ten Shillings Sterling, besides all necessary Expences.

Application
of the Money
levied.

Tolls may
be levied
by Distress.

XX. And be it further enacted, That the Money so to be raised and collected as aforesaid, shall and is hereby declared to be vested in the said Trustees, and shall be strictly applied to and for the Uses and Purposes by this Act directed, nor shall any Part thereof be expended without their Orders, or the Orders of their Committees or other Persons authorized by General Meetings; and if any Person or Persons subject to the Payment of Tolls hereby granted, shall, after Demand made, neglect or refuse to pay the same, the said Trustees shall be and are hereby empowered by themselves, or such other Person or Persons as they shall appoint, to levy the same by Distress and Sale of any Horse or Horses, or other Cattle or Carriage upon which such Toll is imposed, and in case the Toll and Charges of the Distress shall not be paid, at the Expiration of Six Days after the same shall have been so distrained, to sell the Cattle or Carriage distrained by Public Auction, Roup, or Outcry, at the Toll House where the Toll should have been paid, returning the Overplus (if any be) to the Owner on Demand, after Deduction of such Toll, and all Charges for distraining, keeping, appraising, and selling the same.

Property of
Toll Houses
are vested in
Trustees.

XXI. And be it further enacted, That the Right and Property of all and every the said Turnpikes, Toll Houses, and Premises, to be erected by virtue of this Act, and Materials thereof, with the Materials that shall be collected and dug up for making and repairing the said Roads and Bridges, shall be vested in the said Trustees, who may and are hereby authorized to dispose of them as they shall think proper, for the Purposes of this Act only.

Power to
purchase or
take in Lease
Grounds
necessary for
Toll Houses.

XXII. And for the better enabling the said Trustees to erect the Toll Houses necessary for collecting the said Tolls, be it further enacted, That the said Trustees shall be and they are hereby empowered to purchase or take in Lease such Pieces of Ground as they shall judge most convenient, not exceeding One-fourth of an Acre for each House, if Waste Land, and not exceeding One-eighth of an Acre if inclosed or cultivated Land; and if they cannot agree with the Proprietor and Occupier of the Ground, they shall apply to the Quarter Sessions of the County, who shall have Power and are hereby required to oblige such Proprietor or Occupier to
give

give a Lease of the said Ground for any Term not exceeding the Continuation of this Act, and to fix the Rent of the same.

XXIII. And be it further enacted and declared, That at any of the Annual General Meetings of the said Trustees (the Purpose of the said Meeting being specially announced by Public Advertisement in a *Perth* Newspaper), it shall be lawful for them to allocate the Tolls arising at the Turnpikes or Toll Bars erected or to be erected on the said several and respective Lines of Roads, and to direct such Tolls to be applied towards the making, amending, altering, widening, repairing, and upholding of the aforesaid Roads and Bridges in each Division severally, the Limits of which Division shall be determined and finally settled at the Discretion of the said Trustees at such General Meeting; and as soon as the same shall be so adjusted, the Clerk of the said Trustees is hereby authorized and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Time thereafter during the Continuance of this Act, it shall not be in the Power of the said Trustees or any Number of them to vary or alter such Allocation of Tolls and Limits of Divisions so determined and settled.

Power to direct the Application of the Tolls to the Use of several Lines of Road.

XXIV. Provided always, and be it further enacted, That after deducting the Charges of Management, and other Burdens legally incurred, the Produce of the Tolls or Duties arising within each Division of the said Roads shall be applied by the said Trustees towards making, amending, repairing, and upholding, improving or altering the several Roads within the particular Division or Line where such Tolls or Duties shall respectively be collected; or to the repairing and building Bridges, Parapets, Drains, and other Works thereupon, where the same shall be found necessary.

Produce of Tolls to be applied within each Division.

XXV. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected One or more Gate or Gates on the Side or Sides of the said Roads, and across any of the Branches or Roads of Intersection, and of any Lane or Way leading out of the same, and also a Toll House at each such Gate, and there to take and receive such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate or Cross Bar shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike of the same Division, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night.

Side Gates may be erected.

XXVI. And be it further enacted, That if any Person occupying any Lands or other Premises near to the said Roads shall suffer or permit any Person or Persons, not being his or her Servants, or of his, her, or their Family, to pass over the same, or through any Gate or Passage with any Horse, Beast, or Carriage, for which Toll is to be paid by virtue of this Act, or shall connive thereat with Intent to evade the Payment of the said Tolls, or any of them; or if any Person shall forcibly pass through or assist any Person in passing through any Turnpike Gate erected or to be erected on the said Roads, whereby the Payment of such Toll may be evaded, such Person so permitting and the Person or Persons riding or driving such Horse, Beast, or Carriage through such Grounds or private Passage; and any Person or Persons riding or driving any Horse, Beast, or Carriage through any private Road (except as afore-

Penalty on Persons assisting in the Evasion of the Tolls.

said), or forcibly passing through any Turnpike Gate, being convicted thereof by the Testimony of One or more credible Witness or Witnesses, before the Sheriff Depute or Substitute, or any One or more of the Justices of the Peace for the County, shall for every such Offence forfeit and pay to the said Trustees, and their Collector or Collectors, any Sum not exceeding Five Pounds Sterling.

Penalty on
Persons
taking off
Horses, &c.

XXVII. And be it further enacted, That if any Person or Persons shall take off any Horse or Horses, or Oxen or other Beasts of Draught from any Carriage at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intention to evade the Payment of any of the Tolls hereby imposed, or any Part thereof, or shall leave or cause to be left upon or near any Part of the said Road any Carriage or any Horse, Beast, or Cattle with such Intent as aforesaid, each and every Person or Persons so offending in any of the Cases aforesaid, and being thereof convicted in Manner aforesaid, shall forfeit and pay to the Trustees appointed to put this Act in Execution, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling.

Tolls payable
only once in
the same
Day.

XXVIII. And be it further enacted, That no Person or Persons having paid the Tolls herein-before granted at any of the said Gates or Turnpikes, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night) be liable to pay again the said Tolls at any Gate or Turnpike or Side Gate through which they shall have passed for the same Coach, Cart, or other Wheel Carriage, drawn by the same Horses or other Beasts of Draught, or for the same Horse or other Beast or Cattle for which any such Toll shall have been so previously paid on the same Day.

Post Horses
not to pay
when return-
ing.

XXIX. And whereas on several of the Roads intended to be maintained and kept in Repair by virtue of this Act no Post Horses can be hired, by reason of which the same Horses cannot return in the same Day (as is usual on other Turnpike Roads), and will thereby become again subject to Toll, contrary to the true Intention and Meaning of this Act; be it therefore enacted, That Horses so returning with an empty Carriage or without any Carriage, shall not be chargeable with any Toll in case the highest Rate of Toll authorized by this Act shall have been demanded and paid for the same Horses within sufficient Time (to be determined by the said Trustees) for the same Horses to return from the Place or Places nearest to the first Turnpike or Toll Gate where Post Horses can be hired on such Road respectively, but in case the full Toll shall not have been paid, such further Toll may be demanded and taken for the said returning Horses as shall, with the Toll previously paid for such Horses, amount to not more than the full Toll authorized by this Act.

Tickets to
be delivered
on Payment
of Tolls.

XXX. And be it further enacted, That upon Payment of the said Tolls the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls, a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Names of the several and respective Gates freed from such Payment.

XXXI. And for preventing Fraud and Abuses in the said Tolls, be it further enacted, That if any Person or Persons having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll, shall give or dispose of the same to any other Person or Persons in order to avoid Payment of the said Toll, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, or receiving the same, being convicted thereof upon Oath before One or more Justice or Justices of the Peace, or before the Sheriff Depute or Substitute of the County, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling to the said Trustees or their Collector or Collectors.

Penalty on giving Tickets to another Person.

XXXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, obstruct, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, or disturbed any Collector of the Tolls, every such Person shall, for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on obstructing Collectors of Tolls.

XXXIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front, or some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such 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 if any Collector of the said Tolls shall not place such Board as aforesaid and keep the same there during the Time aforesaid, or shall not give constant Attendance at all Hours, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, 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 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, and naming and specifying the several Gates 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.

Toll Collectors to put up their Names.

XXXIV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due and

Disputes concerning the Tolls to be settled by a Justice.

and of the Charges of the Distress and Sale, or of keeping the Distress, (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter, on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said 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 and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Exempting
Royal Family
from Toll.

XXXV. And be it enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family.

Exemptions
from the
Tolls.

XXXVI. Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be charged with any of the Tolls aforesaid for passing through any of the Turnpikes to be erected by virtue of this Act, who shall not travel above Two hundred Yards on any of the said Roads, nor any Person carrying or conveying Stones or other Materials for making, repairing, and building the said Roads and Bridges, or other Public Roads or Bridges within the said County, or any of the Causeways within or belonging to the same, or going or returning empty for these Purposes; nor shall any Occupier or Occupiers of Land be charged with any of the Tolls aforesaid for passing from one Part to another of the same Farm; nor shall any Occupier or Occupiers of Fields or Burgh Roods on which no Offices or Barn Yards are erected for the Use of the said Fields or Lands, be liable to pay any of the said Tolls for any Horses or Carriages carrying Dung to the said Fields or Roods from the Yard where such Dung is made, for the Use of the said Fields or Roods; nor carrying any Corn in the Straw, Hay or Grass being the Produce of the said Fields or Roods to the Place where the said Corn in the Straw, Hay, or Grass is usually kept or used by the said Occupier or Occupiers; nor for empty Carriages returning from carrying the Matters aforesaid or any of them; nor shall any Toll be demanded from any Person or Persons who shall pass or return through the said Turnpikes to or from their proper Church or Chapel, or any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, upon *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated; nor from any Clergyman within his own Parish going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Person or Persons who shall pass or return in attending the Funeral of any Person or Persons who shall be buried within the Parish in which such Person or Persons died; nor for Horses or Cattle going to or returning from pasturing or watering Places, or going to Smithies for the Purpose of being shod; nor for any Horses or Carriages of whatever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster
General,

General, either when employed in carrying, fetching, or guarding such Mails or Expresses, or in returning from conveying the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls by virtue of an Act, made in the Fifty-third Year of the Reign of His 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 for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that such Person shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulation provided for such Corps respectively; nor for Carts, Carriages or Waggon, travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same; and if any Person shall claim or 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 any Sum not exceeding Five Pounds Sterling.

XXXVII. 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 such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Exempting
Carriages
with Stores.

XXXVIII. And be it further enacted, That if any Turnpike or Gates are erected in the same Division within a less Distance of each other than Six Miles, any Person or Persons producing a Ticket to shew that he, she, or they have paid the Tolls at one Gate, shall not pay any farther Tolls till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they shall have paid, except at any Gate or Gates within Half a Mile of the new Bridge to be erected over the River *Tilt*, when the said new Bridge and the Roads of Approach shall become passable: Provided always, that if at any Time the Trustees of any District shall think fit to lessen the Number of such Gates without diminishing the Amount of Tolls payable, it shall and may be lawful for them so to do, and thereafter to demand and take Double Toll at any Gate which

Toll Gates
within Six
Miles from
each other.

[Local.]

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shall

shall not be placed within Nine Miles of any other Gate: Provided always, that the Number of single Tolls demanded and taken shall not exceed One for Six Miles of Road, or in the case of the Road from *Dunkeld* to the Border of the County of *Inverness* Seven single Tolls in the whole, including the Toll payable at or near the aforesaid Bridge over the River *Tilt*.

Toll Bars not to be erected till Road reported to be completed.

XXXIX. And be it further enacted, That no Turnpike or Bar shall be erected or Tolls taken on any such particular Space or Portion of Roads until Four Miles nearest to the Place where such Turnpike or Toll Bar shall be erected, until such Roads shall have been put into a complete State of Reparation, or at least into as good a State of Reparation as the adjoining Military Roads in the Counties of *Inverness* and *Argyle* respectively, and approved of and certified accordingly by a Committee of Magistrates to be appointed for the Purpose in General County Meeting: Provided always, that no open Conduit or Shod Ford shall be admitted on any of the said Roads, but that all Passages for conveying off the Water from the High Grounds or otherwise shall be by Means of covered Drains or Conduits, through and under the said Roads.

If Roads are not kept in Repair, the Payment of Tolls to be suspended until the same is put into Repair.

XL. Provided always, and be it enacted, That if at any Time after the said Roads or any of them shall have been repaired, and Turnpikes or Gates erected thereon, it shall appear to Two or more Heritors of the County of *Perth*, that any Part of the said Roads are not properly supported, maintained, and repaired, it shall and may be lawful for them to make Complaint thereof to any General or Committee Meeting of the said Trustees; and if within Six Months after the Delivery of such Complaint the Roads so complained of shall not be put into as good Condition and State of Repair, as the said adjoining Military Roads in the Counties of *Inverness* and *Argyle* respectively, and so adjudged by any Two Justices of the Peace of the County of *Perth*, who may examine Witnesses upon Oath, or receive Evidence in Writing, in order to ascertain whether the said Military Roads in the County of *Perth* are or are not in as good Condition and State of Repair as the other said Military Roads; and in case the said Justices shall thereupon determine that the said Military Roads in the County of *Perth* are not in such good Condition, then the Tolls hereby granted and which shall be payable at the Turnpike nearest to the Part of the Road so complained of shall, immediately after Notice to that Effect inserted in a Newspaper usually circulated in the County of *Perth* be suspended until the said Road shall be properly repaired, and certified so to be in Manner aforesaid, and Notice thereof inserted in a Newspaper usually circulated in the County of *Perth*.

Surplus Produce to be applied to extinguish Principal Money owing.

XLI. And be it enacted, That after defraying the Expence of Repairs and other necessary Charges on the Road, and paying the Interest of Money borrowed, subscribed, and advanced, the surplus Produce of the Tolls shall be appropriated annually to extinguish the Principal of the Debt and Money raised by Subscriptions, and to no other Purpose.

Penalty for damaging Bridges by floating Timber.

XLII. And be it further enacted, That if any Person or Persons having Right to float Timber down the Rivers *Tay*, *Tummel*, *Garry*, *Erne*, and *Islay*, or any of the Rivers or Streams falling into either of them, or any other Person or Persons, shall, by any Timber so floated upon the said Rivers,

Rivers, or by any Raft or Rafts of Timber, do or occasion any Damage to any Bridge or Bridges on the said Roads, or any Pier or Piers thereof, the Owner or Owners thereof respectively shall not only pay the Damage sustained, but shall also forfeit and pay any Sum not exceeding Ten Pounds Sterling for each Offence.

XLIII. And be it further enacted, That the said Trustees at a General Meeting assembled, or a Committee to be for that Purpose named by any General Meeting, may and they are hereby authorized and empowered by Public Roup to let the said respective Tolls or Duties in Whole or by 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, any or either of them, to such Person or Persons as shall from Time to Time give such good and sufficient Security for Payment thereof as shall be approved by the said Trustees.

Tolls may
be let by
Auction.

XLIV. And be it further enacted, That the said Trustees shall have Power at their General or Committee Meetings to compound or agree by the Year or otherwise with any Person or Persons travelling or using the said Roads, the Composition agreed upon being made payable quarterly and by advance; and Copies of all such Agreements shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, to be seen and perused by any Person or Persons at all reasonable Times without Fee or Reward.

Power to
compound
with Tra-
vellers.

XLV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break down or otherwise destroy or deface any Turnpike Gates, Mile Stones, Posts, Chains, Bars, Houses, Fences, or other Works whatsoever, erected for the Use of such Turnpikes, or shall rescue any Person in Custody for any of these Offences, every Person so offending, being thereof lawfully convicted in any Prosecution ordered by the said Trustees, or any Two of them, upon the Oath of One or more credible Witness or Witnesses, before the Sheriff Depute or his Substitutes, or any Two or more Justices of the Peace of the County of Perth, shall be condemned to pay any Sum not exceeding Five Pounds Sterling, and to be imprisoned for any Time not exceeding One Calendar Month, and thereafter until the Damages awarded shall be paid.

Penalty on
Persons in-
juring the
Turnpike
Gates, &c.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees to borrow such Sum or Sums of Money as they shall judge to be necessary, on the Credit of the Tolls leviable at any or each of the Turnpike Gates to be erected by virtue of this Act, to be laid out in making, altering, amending, and repairing the said Roads, erecting Toll Houses, and defraying other Expences of carrying this Act into Execution, provided that the whole Amount of the Money so borrowed shall not at any Time exceed Two hundred and fifty Pounds Sterling per Statute Mile, declaring that the Money so borrowed shall be and continue a Lien upon the Tolls granted by this Act, upon that Part of the Road for the Use of which the Money was borrowed or advanced, in preference to future Contractions; and it shall be lawful for the said Trustees, and they are hereby empowered to assign the Whole or any Part of the Tolls by this Act imposed, to the Person or Persons from whom the Money as aforesaid shall be borrowed, as a Security for Payment of the Sum or Sums of

Power to bor-
row Money.

of Money so lent by them, with the Interest thereupon; and the Assignments of the Tolls for Money so borrowed shall be entered in a Book to be kept by the said Trustees, or such Persons as they shall appoint; which Book may be seen and perused at all reasonable Times by any Person or Persons any way interested as a Land Owner in the said County, or as a Creditor or Subscriber as aforesaid, without Fee or Reward; and the Securities to be granted by the said Trustees for the Purposes aforesaid shall be transferrable by Indorsement duly subscribed by the Party transferring in the Presence of one or more subscribing Witness or Witnesses.

Entailed Estates may be charged with Money borrowed under certain Restrictions.

XLVII. And whereas by reason of the Communications to be opened by the said Roads, great Benefits are expected to accrue to the Proprietors of those Estates through which the same shall pass; and it being expedient to enable Heirs of Entail to contribute to the Expence of making the said Roads: Be it therefore enacted, That all Bonds and Obligations for Money which may be borrowed and applied for the Purpose of making and hereafter keeping in repair, the said Roads, by any Heir of Entail in possession of an entailed Estate in the Districts through which the said Roads pass, shall be valid and effectual against the Grantee of such Bonds and Obligations, and against the Heirs of Entail succeeding to him in such entailed Estate, and shall be and continue to be a Burden on such Estate till repaid out of the Toll Duties hereby granted: Provided always, that the Share or Proportion of such Sum or Sums to be borrowed now or hereafter affecting such Heir of Entail, shall not on the whole or at any one Period exceed One Year's free Rent of such Estate: Provided also, that such Heir of Entail, and every Heir of Entail succeeding to such entailed Estate, shall be obliged to keep down the Interest upon such Sum or Sums so borrowed; but it shall not be lawful to the Creditor or Creditors, in the Right of any such Debt, to adjudge or otherwise evict the entailed Estate for Payment thereof, or any Part thereof: Provided always, that it shall and may be competent to such Creditor or Creditors to prosecute such Remedy or Remedies against the Rents thereof, as are given and allowed by the Law of *Scotland* to heritable Creditors.

Trustees to settle Direction of the Roads, &c.

XLVIII. And be it further enacted, That the said Trustees shall be and they are hereby authorized to cause the said Turnpike Roads to be altered, amended, widened, and repaired in such Manner as they shall think proper to settle the particular Direction of the same, but so as not to widen or divert the Course of the said Roads more than One hundred Yards, without the Consent in Writing of the Owners and Occupiers of the Lands through which such Alteration shall be made, and to employ Engineers, Surveyors, or other Persons with suitable Allowances for their Trouble, and also to make or cause to be made Causeways, and to cut and make Drains, Ditches, and Passages for Water through any Ground adjacent, not being a Garden of the Extent of Half an Acre, Orchard, Park, planted Walk, or Avenue to any House, and to keep clear such Ditches or Outlets, and for such Purpose the Workmen employed by them may go upon the said Lands: Provided always, that before any Person or Persons so employed shall break Ground on a Proprietor's Arable or Grass Lands for the Purposes mentioned, a written Intimation shall be given to him Six Days previously by Authority of the Trustees, first paying the Purchase Money or making such a reasonable Compensation for all Damages done to the Property, as may be awarded in the Manner herein-after mentioned.

XLIX. And

XLIX. And be it further enacted, That the said Trustees shall have the Power to cause to be built new Arches and Bridges of Stone, Iron, or Timber on the said Roads, and to cause to be taken down old Bridges become unnecessary, and to apply the Materials thereof, as they shall see proper, for the Purposes of this Act, and also to cause such Parts of the Turnpike Roads as are not of sufficient Width to be widened to any Breadth not exceeding Twenty Feet exclusive of the Footways and clear of the Ditches, and to cause the Course of such Parts of the said Roads as they shall think proper, within the Limits aforesaid, to be altered, for shortening the same, or making them more commodious and level, and the Road so altered and widened shall thereafter be taken and held to be a Public Highway, and comprehended within this Act; provided that it shall be in the Power of all Proprietors and Occupiers of Lands as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwise competent to them by this Act for such Ground, in case such Ground shall not exceed in Value Twenty Pounds; and also any Claims for Materials as any new Road may occupy or require of their respective Properties, and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors: Provided always, that where, from the Height of the Ground on each Side of the said Road or from other Causes, the said Trustees shall find the Expence of widening the said Road to the Breadth aforesaid will be attended with great Labour and Expence, it shall and may be lawful for the said Trustees to make and continue the said Road, of the Width of Sixteen Feet only, in such Parts thereof as aforesaid.

Power to erect Bridges.

Claim for Damages may be renounced.

L. And be it enacted, That if in the taking Possession of the Ground necessary for straightening, widening, or altering the said Roads, or for other the Purposes of this Act, or if in removing any Fence, House, or other Building or other Impediment under the Authority of this Act, the respective Owners or Occupiers of such Grounds, Fences, Lands, Houses, Buildings, or other Impediments shall not enter to a voluntary Agreement with the said Trustees for the Value thereof, or for the Damage sustained by and the Recompence to be made to such Owners or Occupiers, or in case the Claim of Damages or otherwise which may be thence incurred, has not been renounced in Manner aforesaid, it shall be lawful for either Party to apply to the Sheriff Depute of the County of *Perth*, or One of his Substitutes, who, upon such Application, is and are hereby authorized and required to summon a sufficient Number of discreet, substantial, and disinterested Persons, being either Owners or Occupiers of Lands within the County, to come and appear before them at such Time and Place as by their Warrant and Precept shall be directed, Intimation of Fifteen Days being given by the Trustees of such Appointment to the Parties or their known Agents, and the Number of Persons who shall attend shall then be reduced to Fifteen by the Trustees and the Proprietors striking off One alternately, beginning on the Part of the Proprietors, or in case both Parties shall not appear, by the Sheriff Depute or his Substitute, until it be so reduced, and the remaining Fifteen being duly sworn, the Sheriff Depute or his Substitute shall proceed to examine upon Oath in their Presence, such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence, such Jury shall determine as to the Relevancy of the Facts alleged against taking such Ground, and if such Facts shall be found irrelevant, shall de-

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

[Local.]

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termine

termine the Price to be paid by the said Trustees, and the said Sheriff Deputé or his Substitute, shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds, and the Proceedings of the said Sheriff Deputé or his Substitute, and the Verdict of the said Jury shall be final and conclusive on all Parties, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

Expence of
ascertaining
Value by
whom to be
paid.

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

If Jurymen
refuse to act.

LII. And be it enacted, That if any Person summoned as a Jurymen or a Witness, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, under the Authority of the said Sheriff Deputé or his Substitute, in any Matter arising out of this Act, shall, without reasonable Excuse, neglect or fail to appear, or shall refuse to act as a Jurymen, or to give Evidence, the said Sheriff Deputé or his Substitute is hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

How Lands
are to be
vested in the
Trustees.

LIII. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignment of the said Price or Value in the Bank of *Scotland*, or the Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in Manner herein directed with regard to Consignations, as the Case may be; and it shall be sufficient to record the

Discharge or the Voucher of Consignation in the Sheriff Court Books of the said County, whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infestments had followed thereupon.

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

Incorporated
Persons, &c.
empowered
to convey.

LV. And be it further enacted, That upon Payment of the Sum of Money or Recompence to be agreed for or assessed as aforesaid by the said Trustees to the Parties respectively entitled thereto, or to his, her, or their Agent or Agents, or on depositing the same in Manner herein-after directed, and after Ten Days Notice given to such Parties, or their, his, or her Agents or Agent, or left at their, his, or her Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so agreed for or purchased as aforesaid, such Lands or Hereditaments shall and may be taken and used for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be fenced out and deemed as Part of the said Roads, and shall to all Intents and Purposes be treated as a Common Highway and repaired accordingly, and from thenceforth all Parties shall be divested of all Right and Title to such Lands and Hereditaments.

Upon Pay-
ment of Pur-
chase Money
Land to be
used.

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

Application
of Compensa-
tion where
exceeding
200l.

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

LVII. 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 Two 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 when the Money is less than 20*l.*

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

In case of not making out Titles, &c.

LIX. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages, to be purchased by virtue of this Act,

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 awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case, it shall and may be lawful to and for the said Trustees, or any Two or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, or the Bank of the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Banks as aforesaid.

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

LX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, 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 of such Money.

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

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

[Local.]

16 X

reasonable,

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.

First Offer
to whom to
be made.

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

Trustees may
take Ma-
terials for
making
Roads, &c.

LXIII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall appoint, may dig, gather, take, and carry away Gravel, Furze, Heath, Stones, or other such like Materials out of the several Grounds of any Person where such Materials may be found in any Parish, in which any Part of the said Roads shall lie or be situated, or any adjoining Parish, (not being dug or raised for the private Use of the Proprietor of such Grounds) for making, altering, repairing, and amending the said Roads, or for building Arches or Bridges as aforesaid, or for any other Works required to be executed by the Trustees, and to open Accesses for carrying off the said Materials, such Accesses, and the Places from which the said Materials shall be proposed to be taken, being first marked out by the Road Surveyor or any Two or more of the said Trustees

or Two Justices of the Peace, if so required by the Proprietor of such Grounds, or his or her Factor, or by the Occupier thereof; they the said Trustees making reasonable Satisfaction out of the Money arising by virtue of this Act to the Owners or Occupiers of the Grounds respectively from which such Materials shall be, or shall have been taken, or over which the same may be, or shall have been carried, for the Damages done or to be done thereby; but if such Proprietor, Factor, or Occupier shall not be satisfied with the Compensation offered by the said Trustees, the same shall be ascertained by Two or more Justices of the Peace of the said County, which Compensation shall be levied and recovered in like Manner as any Penalties or Forfeitures are herein-after authorized to be levied and recovered.

on making Satisfaction to Owners or Occupiers of the Grounds.

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

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

LXV. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, or any old Road to be stopped up or discontinued by virtue of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before any One of His Majesty's Justices of the Peace for the said County (who is hereby empowered to take such Affidavit) by some Person or Persons not interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing

First Offer of Land to be sold to whom to be made.

purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner by this Act directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Power to carry Roads through Ministers Glebes, making Addition to Glebe in Proportion to Ground taken off.

LXVI. And be it further enacted, That in altering the Course of the said Roads, or widening the same, it shall be in the Power of the said Trustees to cause the same to be carried through any Minister's Glebe: Provided always, that such Quantity of Ground shall be added to the Glebe lying most contiguous and convenient thereto, as shall be by the said respective Trustees deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees shall have Power to purchase in Manner herein-after mentioned from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be under Entail or otherwise; and in case of any 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, Application shall be made to the Sheriff Depute or his Substitute of the said County, who shall summon a Jury, and determine the Extent of the said Addition and Amount of such Price in Manner as herein-before directed in Cases of Land to be taken for the Purposes of this Act; and upon such Determination, and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground or Consignation thereof in any of the Banks of *Scotland* herein-before named, the said Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening the said Roads, and the Proceedings and Order of the said Sheriff Depute or his Substitute shall be final and conclusive: Provided always, and be it declared, That in every Case where it may be necessary to exchange or take Ground as therein-before allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Ground shall be so taken.

Valued Rent not to be altered in respect of of Ground taken.

No House or Orchard to be prejudiced.

LXVII. Provided always, and be it enacted, That in altering, widening, or making any of the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced of which the Side Walls are above Twenty Feet high from the Surface of the adjoining Ground, nor any Garden of the Extent of Half an Acre, Orchard, or Planted Walk, Lawn, or Pleasure Ground, appertaining to such House, without the Consent of the Owner thereof; and that it shall be in the Power of each Proprietor of Lands comprehended under this Act, to the Extent of One hundred Pounds of valued Rent, where any of the before-mentioned

Lines

Lines of Road come near to his Mansion House, to cause the same to be turned off Three hundred Yards therefrom, with the Consent of the Owners and Occupiers of the Lands over which such Deviation is to be carried; but that in making Accesses into or passing through Royal Burghs, Towns, or Villages, it shall be lawful for the said Trustees to take down or cause to be taken down Houses of the Height aforesaid, after giving Six Months Notice to the Owners or Occupiers thereof to remove out of the same and to make such Roads through any Garden or other Grounds as to the said Trustees shall appear necessary: Provided also, that where enclosed Ground shall be broken into for the Purposes aforesaid, the Value of the same shall be ascertained in Manner as herein-before directed.

LXVIII. And be it further enacted, That where any Ditches have been or hereafter shall be made near the Sides of the said Roads, or through any Fields adjoining thereto, by the Proprietors or Occupiers of the said Fields, such Proprietors or Occupiers shall and they are hereby required to keep those Ditches properly scoured, and not to allow the Water to stagnate therein, so that the Roads may be thereby damaged, and if they fail to do so after Six Days Notice previously given, the said Trustees or the Overseers of the Roads, by the Direction of any of the Trustees may and they are hereby required to order the said Ditches to be opened, scoured, and cleansed, at the Cost of the said Proprietors or Occupiers, such Costs to be recovered by Distress and Sale of any moveable Effects, in the same Manner as herein-before directed for levying Fines and Penalties hereby granted; and if any Occupier of Land shall turn any Water across or upon the Side or Sides of any of the said Roads, he or she shall conduct such Water either in an open or covered Drain of such Form and Dimensions as the said Trustees, in a General or Committee Meeting assembled, shall order and direct, and if such Occupier of Land shall after Ten Days Notice refuse or neglect to make such Drain according to the Direction of the said Trustees as aforesaid, it shall be lawful for the said Trustees to order and cause such Drain to be made; and the Person or Persons refusing or neglecting to make the same agreeably to the Orders and Directions of the said Trustees as aforesaid, shall repay to the said Trustees, all the Costs, Charges, and Expences attending the making of such Drain, and shall likewise pay a Penalty of Treble the Amount of such Costs, Charges, and Expences; the said Costs and Penalty to be levied by Distress and Sale in Manner herein-before directed, and to be applied for the Purposes of this Act.

Ditches on the Sides of the Roads to be scoured.

LXIX. Provided always, and be it enacted, That the Drains and Ditches to be made by Order of the said Trustees shall be scoured and kept in Repair out of the Money arising by virtue of this Act; and if any Occupier of Land through which such Drains and Ditches are or shall be made shall obstruct or fill up any of them, 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 appear to the Trustees that he was not in the Fault; and where any Passage for Cattle or Carriages across any Road, for the Convenience of the Occupier of the Ground through which it passes, shall be made, the Occupier of such

Expences of cleansing Ditches and Drains how to be paid.

Ground shall always cover the Drains crossing the Sides of such Roads with sufficient Stones, so as the Course of the Water may not be interrupted, or the Road thereby prejudiced.

Nuisances to be prevented on the Roads.

LXX. And be it further enacted, That if any Person shall ride upon any Causeway or Footpath formed upon or on the Side of or adjoining to the said Roads, or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to be and remain loose on the said Roads or any Part thereof; or if any Person shall cause to be hauled or drawn upon any Part of the said Roads 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 Roads, to the Prejudice thereof, or if any Person driving any Pigs or Swine upon the said Roads 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 Roads without having a Bridle or Rein, or 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 Roads, and also keep on the same Side himself, or if any 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 Roads; or if any Person shall make or assist in making any Fire or Fires, shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Foot-ball, or any other Game, on any Part of the said Roads, 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 Roads 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 Roads, as near as conveniently may be; or in case any Person shall lay any Timber, Stone, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Roads or on the Side or Sides thereof, between the said Roads and the Fences to be erected on the Sides thereof; or if any Person after having blocked any Carriage whatsoever in going up any Hill or rising Ground shall leave on the said Turnpike Road, the Stone or other Thing used in such blocking; or shall plough up, dig up, or break up any of the Soil between the said Roads 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 Roads 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 Ground and be carried away without being brought over any Part of the said Roads, or that the same may be done at such Times and under such Regulations as the Trustees, or their Surveyor, 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 is herein-after directed.

LXXI. And be it further enacted, That the said Trustees may cause Foot Paths of the Breadth of Three Feet to be made along the Sides of the said Roads and Streets, in such Places as can conveniently admit of the same; and if any Person shall ride or drive a Carriage or Cattle upon any Paths 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 a Sum not exceeding Five Shillings, to be levied in Manner herein-after directed.

Footpaths may be made.

LXXII. And be it further enacted, That where the Ground on the Side of any of the said Roads is inclosed or planted, the Proprietors or Occupiers of such Ground shall be obliged to lop the Trees or Hedges at a proper Season of the Year, in a proper Manner, so as to give sufficient Breadth and Air to the Road; and in case they neglect or refuse to do so for Fourteen Days after being required by an Order of any Two or more of the Trustees, the Trustees shall have Power to appoint the same to be done at a proper Season of the Year, at the Defaulter's Expence, and no Proprietor or Occupier of Lands on the Sides of any of the said Roads shall have Power to plant Trees within Six Feet therefrom, under a Penalty not exceeding Five Pounds Sterling, besides removing the said Trees; but should any Person or Persons decline or refuse to cut or lop the Trees or Hedges along the Road Side passing through his, her, or their Property, it shall be optional with the said Proprietor to comply therewith, or be at the Expence of upholding and repairing the Road so damaged by his, her, or their Refusal.

Trees on the Sides of the Road to be lopped.

LXXIII. And be it further enacted, That the said Trustees or any Two or more of them, may cause any of the said Roads to be measured, and Stones and Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient, and also to order or cause to be erected Guide Posts and Railings upon such Parts of the said Roads, where the Roads are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall break down, destroy, or deface any such Mile Stones, Guide Posts, or Railings, or shall break down any Cope Stones on the Ledges or Parapet Walls at the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made as before directed, or shall be aiding or assisting therein, or shall rescue or attempt to rescue any Person apprehended for such Offence, every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted by the Oath or Oaths of One or more credible Witness or Witnesses before the Sheriff Depute of the said County of *Perth*, or his Substitute, or before Two or more Justices of the Peace for the said County, shall be not only adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds Sterling; and in case the said Penalty, Damages, and Expences so adjudged shall not be instantly paid, or sufficient Security given for the same, the said Sheriff or Justices are hereby empowered and required to commit such Person or Persons so convicted to Prison for any Term not exceeding Three Calendar Months.

Roads may be measured and Stones or Posts erected.

Penalty for damaging the Mile Stones, &c.

LXXIV. And,

To prevent
Annoyances
on the Road.

LXXIV. And, be it further enacted, That from and after Two Months from the Commencement of this Act, every Person in ploughing any Field contiguous to any of the said Roads shall always make Head Ridges along the Sides of the said Roads of the Breadth of Twelve Feet at least; and that in making any covered or arched Passage or Drain for Water across any of the said Roads a safe and easy Passage along One Half of such Road shall be left without any Obstruction, either by breaking the Road or laying down the Materials, and such covered Drain or Passage shall be made across and completely finished on the One Half of the said Road before the other Half shall be opened, and the whole, or the open Part thereof, shall if practicable be completed in One Day, or otherwise the Materials for executing the same shall be so well fenced off that Passengers may suffer no Injury thereby; which Precautions and Manner of executing covered Drains as aforesaid shall be strictly observed by all Contractors or others employed in making or repairing the said Roads; and every Person offending herein shall not only forfeit the Materials laid down, but also a Sum not exceeding Forty Shillings Sterling for every Offence, to be levied and recovered in manner herein-after directed, One Half thereof to be paid to the Informer, and the other Half to be applied for making or repairing the said Roads; and every Contractor or other Person employed by the said Trustees for making, amending, widening, or repairing any of the said Roads, shall be expressly prohibited from digging Pits or breaking up any Ground within Twelve Feet from the Sides of the said Roads, and when that cannot conveniently be avoided such Contractor or other Person employed as aforesaid shall be obliged to erect a sufficient Fence between the Side of the Road and any Pit which it may be found necessary to dig for the Purposes above mentioned, and if required to fill up such Pit, or at least to slope the Sides thereof, and that under a Penalty not exceeding Five Pounds Sterling.

Gates to
Fields, &c.
to open in-
wards.

LXXV. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Roads, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Roads, except the respective hanging Posts thereof shall be so far removed from the Centre of the said Roads, that no Part of such Gates respectively shall open or swing over or upon any Part of the said Roads; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field or Ground, again alter the same, so as to open outward towards the said Roads, every such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings; and it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected, and open outward towards the said Roads, to be altered and made to open inward towards such Field, Ground, Yard, or other Place as they the said Trustees shall think proper.

Articles in-
juring the
Road not to
be dragged.

LXXVI. And be it further enacted, That if after the passing of this Act any Person or Persons shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than

than upon a Wheel Carriage, or shall suffer any Tree, or other Matter whatsoever which can be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads to the Prejudice thereof, every such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds Sterling, to be recovered and levied in manner after directed.

LXXVII. And be it further enacted, That after the passing of this Act no Houses or Buildings of any Kind which shall be erected at or along the Sides of any of the said Roads, or in Villages at or near the Outlets of any Town within the said County, where Houses have not formerly stood, shall be built within the Distance of Twenty Feet from the Middle of any of the said Roads, without the Consent of the Trustees first obtained under a Penalty not exceeding Forty Shillings Sterling for each Offence, over and above the Expence of demolishing such House or Building; and it shall be lawful for any Justice of the Peace to stop the building or erecting of any such House or Building which shall be within the said Distance from the Middle of any of the said Roads; and if any Building shall be erected herein-after within the Distance aforesaid, 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 the said Building is within the Distance aforesaid, may order such Building to be taken down and removed at the Expence of the Erector, or of the Proprietor of the Ground, and may grant a Warrant for levying and recovering the Penalty and Expences in manner herein-after directed,

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

LXXVIII. And be it further enacted, That in case of any sudden Damage to a Bridge, it shall be in the Power of any one Trustee of the Division in which it is situated, or if it be situated on the Confines of Two Divisions, to any one Trustee of either Division, to give Orders for making such immediate Repairs as may be necessary, the Expence of the same not exceeding Twenty Pounds Sterling; and the Money so expended shall be provided for and paid by Order of the next Meeting of Trustees within such Division or Divisions, or on their Failure or Neglect, by Order of the next stated General Meeting of the Trustees, out of the Funds of such Parishes as they shall think proper, on an Application for that Purpose, and on a Proof of the Necessity of the Order, and that the Money was expended; and in case any of the said Roads shall be shut up, and public Communication obstructed by means of Snow, it shall in like Manner be in the Power of the said Trustees to cause the said Roads to be cleared, the reasonable Expence of the same to be provided for and paid in manner as herein-before allowed.

Provision in case of sudden Damages done to Bridges.

LXXIX. And be it further enacted, That all Forfeitures and Penalties by this Act imposed, the Manner of recovering whereof is not particularly specified, shall, on Proof of the Offence before Two or more Justices of the Peace, or Sheriff Depute of the said County of *Perth*, or his Substitute, either by the Confession of the Party, the Oath of One or more credible Witness or Witnesses, or other legal Evidence be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands of such Justices or Sheriff (which Warrant they or any of them are hereby authorized and required to grant, and to administer the Oath *gratis*), such Sale being always made by Public Auction to the

Forfeitures and Penalties how to be levied and applied.

[*Local.*]

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highest

highest Offerer at such Place as shall be directed in the said Warrant, within Six Days after such Distress shall have been made, and the Overplus Money arising from such Sale, after Deduction of the Penalties imposed and Charges in Recovery thereof, shall be returned on Demand to the Owner or Owners of the Goods and Chattels; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid to the said Trustees or their Collectors, to be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not forthwith be paid, or sufficient Security given for Payment, it shall be lawful for any One of the said Justices of the Peace, or the said Sheriff Depute or his Substitute, together with any one Justice of the Peace, and they are hereby authorized and required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to Gaol or to a House of Correction for any Time not exceeding Six Calendar Months unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid.

Appeal to
the Quarter
Sessions.

LXXX. Provided always, and be it further enacted, That any Person who shall think himself or herself aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may within Six Months after the Matter complained of shall be done, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions of the County of *Pertb*, the Appellant giving Fifteen 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, which Justices shall have Power and Authority to hear and determine the Matters in Dispute, and their Judgments therein shall be final, without being subject to Review, Advocation, Suspension, or otherwise.

Trustees
may act as
Justices.

LXXXI. And be it enacted, That it shall be no Objection to any Person acting as a Judge or Justice of the Peace, or as a Juryman under this Act in any thing relative hereto, that he is a Trustee, except where he is personally interested.

Limitation
of Actions
and Com-
plaints.

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

Expences of
this Act how
to be paid.

LXXXIII. And be it enacted, That the whole Expences in advertising for, preparing, procuring, and passing this Act, the surveying and estimating the said Roads prior to the passing thereof, and all other Expences attending the same, to be ascertained at the First, Second, or Third General or Division Meeting of the said Trustees, shall be paid by an Assessment on all the Proprietors of Lands and Fishings situate in the Districts through which the said Roads pass, agreeable to the respective valued Rents at which the said Lands and Fishings stand rated in the Cess and Valuation Books of the said County; and the said Expences shall be levied and collected by such Person or Persons as the said Trustees shall appoint.

LXXXIV. And be it further enacted, That this Act shall be deemed Public Act. 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.

LXXXV. And be it also enacted, That this Act shall commence from the passing thereof, and shall remain in full Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

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