



ANNO TRICESIMO NONO

GEORGI III. REGIS.

Cap. 46.

An Act for making and repairing the Road from *Dunkeld* to *Coupar of Angus*, by the Bridge of *Isla*, and the Road leading out of the Road between *Dunkeld* and *Perth* to the Boat at *Caputh*, by or through the Village of *Stanley* in the County of *Perth*, to continue in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. [13th June 1799.]

WHEREAS the Road or Way from *Dunkeld* to *Coupar of Angus* in the County of *Perth*, by the Bridge over the River *Isla*, is in very bad Repair, and in some Places Travellers cannot pass without Difficulty or Danger; and it would tend greatly to accommodate the Inhabitants of the Town of *Perth* and the adjacent Country, which is very populous, if the Road leading from and out of the present Turnpike Road between *Dunkeld* and *Perth* to the Boat of *Caputh*, by or through the Village of *Stanley* in the said County, was put into a complete State of Repair; and it has been found by Experience that the Statute Labour which can be applied to the said Roads is not sufficient to make or repair the same; and it would be very beneficial to the Public if Powers were granted for effectually making, repairing, widening, straightening, amending, and keeping in Repair the said Roads, but which cannot be done without the Aid 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 the Justices of the Peace, Commissioners of Supply, and Heritors of the County of *Perth*, Preamble.

Trustees for making the Road from *Dunkeld* to *Coupar of Angus*, and Branch from

[Loc. & Per.] 7 C being

the *Dunkeld* Road to the *Boat of Caputh*, by or through the Village of *Stanley*.

being in the actual Possession of Lands valued in the Cess Books at One Hundred Pounds *Scots* and upwards, as also the Chief Magistrate of the Royal Burgh of *Perth* for the Time being, shall be and they are hereby appointed Trustees for making, repairing, widening, straightening, amending, and keeping in Repair the said Road from *Dunkeld* to *Coupar of Angus*, by the said Bridge over the River *Isle*, and the said Road leading from and out of the Turnpike Road between *Dunkeld* and *Perth* to the *Boat of Caputh*, by or through the Village of *Stanley*, and for repairing the Bridges on the said Road or erecting new ones wherever the same shall be necessary, and for putting in Execution all the other Powers in and by this Act given and granted; and that Seven shall be a Quorum.

Penalty for acting as a Trustee if not qualified.

II. Provided always, That if any Person not qualified or described as aforesaid shall nevertheless presume to act as a Trustee, he shall for every such acting forfeit and pay the Sum of Twenty Pounds Sterling over and above the Expence of Prosecution, which Penalty shall be recovered by a Complaint in a Summary Way at the Suit of any Heritor within the said County, or of the Procurator Fiscal appointed by the Justices of Peace at the Quarter Sessions, or before the Sheriff Depute of the County or his Substitute, and shall be paid to the said Trustees or to their Clerk or Treasurer; and in case any such Complaint shall be brought, the Proof of Qualification shall lie upon the Defendant.

Trustees may act as Justices.

III. And be it enacted and declared, That the Trustees who are or may be in the Commission of the Peace for the said County of *Perth* may nevertheless act as Justices of the Peace for the more effectually putting in Execution the several Matters and Powers in this Act mentioned and contained.

Trustees shall not act while holding Places of Profit.

IV. And be it further enacted, That if any Person or Persons, by this Act appointed or entitled to be a Trustee or Trustees for putting this Act in Execution, shall accept of any Place of Profit arising out, or by reason, of any Tolls or Duties by this Act granted, such Person or Persons shall from thenceforth, and while they continue to hold or enjoy such Place or Places, be disabled to act as a Trustee or Trustees; and no Victualler or Retailer of Beer, Ale, or Spirituous Liquors shall be capable of holding any Place of Profit under this Act.

Trustees to direct the Repairs of the Roads.

V. And be it enacted, That the said Trustees, or any Seven or more of them, shall have Power to issue and give their Orders and Directions for surveying, making, widening, straightening, and repairing the said Roads, and for building and repairing the necessary Bridges, on any Part of the same; and to alter or settle the particular Line or Direction of the said Roads, or either of them, or any Part thereof, and otherwise to proceed and act in the Execution of the Trusts hereby committed to them.

Trustees may make and widen the Roads and build the Bridges.

VI. And whereas, in forming and making the said Roads, or either of them, widening and straightening the same, and in building the said Bridges, it may be requisite to occupy Part of the Grounds of different Proprietors to obtain a proper Scite for the said Roads and Bridges, be it therefore enacted, That the said Trustees, or any Seven or more of them,

them; shall be and they are hereby empowered to form the aforesaid Roads and build the aforesaid Bridges through and upon such different Grounds as shall appear to them most proper and convenient for the said Roads and Bridges, and to occupy such Part of the said Grounds as shall be necessary for the Scite of the said Roads and Bridges, not exceeding the Breadth of Forty Feet, including Ditches and Watercourses at the Side of the said Roads, and for building the Toll Houses; and where it shall appear necessary, they are hereby empowered to take down any House or Building whose Side Walls shall not exceed Ten Feet in Height, or be of more Value than Fifty Pounds Sterling, and to remove any other Obstructions, paying such Price or Damages to the Owners and Occupiers respectively whose Grounds or Houses shall be prejudiced, taken down, or damaged by the forming, making, and widening the said Roads, and building the said Bridges, or building Toll Houses, as the said Trustees respectively, or any Seven or more of them, shall judge reasonable; and in case of any Difference respecting the same between such Owners and Occupiers and the said Trustees, the Justices of the Peace of the County, at their next General Quarter Sessions, or at the Second General Quarter Sessions thereafter at farthest, or the major Part of them then present, shall and may adjudge, assess, and determine the same to be paid by the Treasurer or Treasurers of the Tolls for the Time being, out of the Money arising from the Tolls and Duties hereby granted, and such Determination shall be final and binding on all Parties who shall be obliged to perform to each other the respective Parts of the same; and a Copy thereof shall be fairly written on Paper or Parchment, and shall be signed by the presiding Justice at such General Quarter Sessions, and shall be entered in the Records of the said Court, and the same, or Extracts thereof, shall be deemed and taken as good and lawful Evidence in all Courts of Law or Equity whatever, but no Stop in the mean Time shall be put to any of the said Works on Pretence of settling the said Price or Damage.

Roads Forty Feet broad.

Take down Houses whose Side Walls are not above Ten Feet high, or of no more Value than 50^l.

Value of Ground and Houses, how to be settled.

VII. Provided always, and be it enacted, That when the Course or Line of Direction of the said Roads shall have been determined by the Trustees at any Meeting held as aforesaid, or when the said Trustees have at any such Meeting determined or settled any other Matter or Thing to be done in Execution of this Act, such Determination shall not be altered thereafter, except by the Orders of a subsequent Meeting specially convened for the Purpose of reviewing what may have been done or resolved upon by a former Meeting, of which Notice shall be given in the *Caledonian Mercury* and *Edinburgh Courant*, and by Writing affixed upon all the Turnpike Gates erected in pursuance of this Act, Twenty Days at least before the Day of the Meeting, and unless Three Fourths of the Trustees assembled at such Meeting concur in making such Alteration.

Resolutions and Orders of One Meeting not to be altered by a subsequent Meeting but in certain Cases.

VIII. And be it enacted, That the said Trustees, or any Seven or more of them, may and they are hereby authorized and empowered to build and erect, or cause to be built and erected, Toll Houses near to or upon any Part of the said Roads by this Act intended to be made and repaired, and Turnpike Gates in, upon, or across the said Roads, and shall and may make or build Fences to prevent any Person or Persons travelling

To erect Toll Houses,

and Turnpike Gates.

traveling the said Roads from evading the Payment of the Tolls and Duties to be imposed and levied by virtue of this Act; and the Right and Property of the Tolls and Duties so levied and paid, and the several Turnpike Gates and Toll Houses to be erected and provided, and the Materials thereof shall be and they are hereby vested in the said Trustees respectively, and they, or any Seven or more of them, are hereby empowered to bring, or cause to be brought from Time to Time, any Action or Actions in their own Names, or in the Name or Names of any of their Treasurers or Clerks against any Person or Persons who shall destroy or damage the same, or disturb them in the Possession or Enjoyment thereof.

Vested in Trustees.

Actions may be brought in the Name of their Treasurers or Clerks.

Trustees may erect Side Gates;

and take Toll thereat.

Bye Roads may be suppressed.

No Toll at Side Gates unless Person travels above 200 Yards.

IX. And be it enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and across any Lane or Way leading into or out of the same, and there to take and receive such Tolls as are by this Act granted and made payable, but so as that a Ticket, received at such Side Bar, shall entitle the Receiver to pass through the next Turnpike on the said Roads Toll free on the same Day; and also that it shall be lawful for the said Trustees to suppress any Bye Roads that are not of Importance to the Public; provided always that no Person shall be liable to pay Toll at such Side Bars or Gates to be erected across or on the Side of the said Turnpike Roads, or be subject to any Penalty for any Carriage, Cart, Horse, or Beast which shall only cross such Roads, and shall not pass above Two Hundred Yards thereon.

Trustees may exact Tolls.

X. And be it further enacted, That the said Trustees or a Quorum of them shall and may, and they are hereby empowered to levy, demand, and take the Tolls or Duties following, at the Gates or Turnpikes so to be erected by them upon each of the said Roads, before any Coach, Chariot, Berlin, Landau, Landaulet, Calash, Chaise, Chair, Curricule, Waggon, Cart, or other Carriage of any Kind whatsoever, or any Horse, Mare, Gelding, or other Cattle whatsoever, shall be permitted to pass through the same; (that is to say,)

Rate of Tolls.

For every Coach, Chariot, Chaise, or other such like Carriage drawn by Six Horses or other Beasts of Draught, the Sum of Four Shillings and Six-pence; and if drawn by Four Horses or other Beasts of Draught, the Sum of Three Shillings; and if a Coach drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings and Six-pence; and if a Four-Wheeled Chaise or Chariot drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling and Six-pence; and if a Curricule, Whisky, or any other Two-Wheeled Chaise drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and Two-pence; and if drawn by One Horse only, the Sum of Nine-pence.

For every Waggon, Wain, or Cart drawn by Six or more Horses or other Beasts of Draught, the Sum of Three Shillings and Nine-pence; and if drawn by Five Horses or other Beasts of Draught, the Sum of Three Shillings; and if drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings and

Three-

Three-pence; and if drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Six-pence; and if drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and if drawn by One Horse or other Beast of Draught, the Sum of Eight-pence.

For each Horse, Mule, or Ass laden or unladen and not drawing, the Sum of Three-pence.

For each Score of Neat Cattle, the Sum of One Shilling and Three-pence; and so in Proportion for any greater or less Number. And

For each Score of Calves, Hogs, Sheep, Goats, or Lambs, the Sum of Seven-pence Halfpenny; and so in Proportion for any greater or less Number: All the said Sums to be paid in Sterling Money of *Great Britain*.

XI. And be it enacted, That the said Road from *Dunkeld* to *Coupar of Angus*, by the Bridge of *Isla*, shall be a separate Trust; and that the said Road leading from and out of the Turnpike Road between *Dunkeld* and *Perth* to the *Boat of Caputh*, by or through the Village of *Stanley*, shall in future be considered as a Branch of the Road from *Dunkeld* to *Perth*, and the Money to be collected upon the said principal Road, and upon the said Branch thereof to the *Boat of Caputh*, shall form an aggregate Fund, out of which shall be paid the Interest of the Sums borrowed or to be borrowed for making the said Road and Branch thereof, with the Bridges necessary to be erected and built on the same Branch, and also the Expence of repairing, widening, straightening, amending, and keeping in Repair the same Road and Branch.

Road from *Dunkeld* to *Coupar of Angus* to be a separate Trust. Road to the *Boat of Caputh* to be considered as a Branch of the Road from *Dunkeld* to *Perth*.

XII. And be it enacted, That the Money to arise from the said Tolls or Duties severally shall be vested in the said Trustees, and the same and every Part thereof shall be paid, applied, and disposed of to and for the making, repairing, widening, straightening, amending, and keeping in Repair the several Roads upon which the same shall be levied, with the necessary Bridges on every such Roads, and for Repayment of the Money borrowed or to be borrowed upon the Credit thereof and Interest of the same, and to and for no other Intent, Use, or Purpose whatsoever.

Money levied or borrowed to be applied to the making and repairing Roads and building and repairing Bridges.

XIII. Provided always, and it is hereby enacted and declared, That it shall not be lawful for the said Trustees to erect any Toll Gate or Turnpike, nor to levy any Toll upon the Roads hereby directed to be repaired, until at least Three Miles of the said Road adjacent to the Place where such Tolls are to be collected shall have been previously made, completed, and put in sufficient Repair; and that thereafter the Power to erect further Gates and to levy other and further Tolls upon the same Roads, shall be in Proportion to every other and further Three Miles of like Road, or Continuation thereof, which may under or by Authority of the said Trustees or Quorum of them be so made, completed, and put in sufficient Repair, and so on to continue in Proportion until the whole Line of each of the said Roads shall have been made and completed.

No Toll to be erected till Three Miles of adjacent Road is made.

XIV. And be it further enacted, That the said Trustees hereby appointed shall be, and they are hereby authorized and required to borrow
[*Loc. & Per.*] 7 D. such

Power to borrow Money.

such Sum and Sums of Money on the Credit of the Tolls to be collected, levied, and taken on the said Two several Roads hereby directed to be made as shall be found necessary for the Purpose of making, widening, straightening, amending, repairing, and keeping in Repair the said Roads in a proper Manner, and for building all necessary Bridges on the same, not exceeding Six Hundred Pounds Sterling Money for each Statute Mile on each of the said Roads, and that at an Interest not exceeding Five Pounds *per Centum per Annum*, and to assign over the Tolls on each of the said Roads in Security of the Money to be borrowed, and for Repayment thereof with Interest as aforesaid, each separate Assignment of the Tolls for every Sum of Money so to be borrowed shall by the Clerk to the Trustees be entered in a Book to be kept for that Purpose, and to which Book any Person having Interest may have access without Fee or Reward at all seasonable Times.

Trustees may
lessen the
Tolls.

XV. Provided always, and it is hereby enacted and declared, That the said Trustees or any Seven or more of them at a General Meeting called by previous Advertisement in the *Caledonian Mercury*, and *Edinburgh Evening Courant* Newspapers, to consider the State of the Funds arising by this Act, and Expediency of diminishing the Tolls, may, and they are hereby authorized and empowered, from Time to Time, with Consent of the Person or Persons who have advanced Money on the Credit of the Tolls, to lessen the several Tolls and Duties hereby granted and made payable, and to order and direct the same so lessened to be collected, received, and taken in such Manner, Parts, and Portions as they shall think fit, and may raise the same again from Time to Time so as not to exceed the Tolls hereby granted; any Thing herein contained to the contrary notwithstanding.

A Table of
Tolls to be
placed on
Turnpikes.

XVI. And be it further enacted, That the said Trustees, or a Quorum of them, shall be and they are hereby empowered and directed to erect or cause to be erected and continued upon the most conspicuous Part of each of the Toll Gates or Toll Houses adjoining thereunto, upon the said Roads, a Table of the different Tolls or Duties which are by this Act authorized to be collected, levied, and taken, specifying in distinct and legible Characters the particular Toll or Duty which each and every Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle passing through such Toll Gates are by this Act liable to pay on passing through the same respectively.

Tolls to be
paid once a
Day.

XVII. And be it further enacted, That no Person or Persons who shall have paid the Tolls or Duties hereby imposed or any of them at any One of the said Toll Gates, shall in the Course of the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock the succeeding Night) be subject or liable to pay the said Tolls or Duties again at the same Gate for the same Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, for which Tolls or Duties shall have been paid, unless any of such Carriages or Cattle shall pass and re-pass any One of the said Toll Gates oftener than Three Times in the Course of the same Day, and in such case the said Trustees or a Quorum of them shall be and they are hereby authorized and empowered to demand and take for the passing or re-passing of any such Carriages,
Horses,

Horses, and Cattle, One Moiety of the Toll or Duty paid for the same at the first passing thereof, under or by virtue of this Act; but in case any such Carriages shall pass or attempt to pass any of the said Turnpikes on the same Day with any Horse or Horses or other Beast or Beasts of Draught other than those used or driven therein at the Time the Toll was first paid on that Day, such Carriage and the Horses or other Beasts drawing the same shall in that Case be subject and liable to pay the same Rate of Toll as if no Toll had been paid before.

XVIII. And be it enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to let the said Tolls or Duties in Whole or by Parcels, from Time to Time during the Continuance of this Act, by Public Roup or Auction, for the best Price that can be got for the same, to such Person or Persons as shall give sufficient Security for the Payment thereof, to be approved of by the said Trustees or any Seven or more of them, provided that such Lease be not made for more than Three Years.

Tolls may
be let.

XIX. And be it further enacted, That it shall be in the Power of the said Trustees, or any Seven or more of them, at a General Meeting assembled, to order Foot Paths to be made upon the Sides of the said Roads; or any Part thereof, and to put Posts and Rails in or upon the said Foot Paths for the Preservation thereof; and where such Foot Paths shall be so made, no Person or Persons shall ride, or drive, or cause or permit any Horse or Carriage to travel along the said Foot Paths, or to roll any Wheelbarrow thereon; and every Person or Persons so offending therein shall forfeit any Sum not exceeding Ten Shillings Sterling, nor less than Five Shillings Sterling, for each Offence, to be recovered and applied in Manner as directed with regard to the other Fines and Penalties by this Act imposed.

For making
Foot Paths.

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

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

XXI. And be it further enacted, That where the Lands adjacent to the said Roads, or any Part or Parts thereof, are not inclosed, the Proprietor or Occupier of such Lands shall not make Inclosures along the Sides of the Roads without giving at least Two Months previous Notice to the said Trustees, which Notice shall be delivered in Writing either to the Clerk of the General Meeting of the said Trustees, or to any Committee having Charge of that Part of the Road adjacent to which any Inclosure or Inclosures are proposed to be made, and the next General Meeting or Committee are hereby required to insert a Copy of the said Letter in their Minutes; and in case such Proprietor or Proprietors shall fail to give such Notice as
aforesaid,

Notices to
be given to
Trustees of
New Inclo-
sures.

aforsaid, he shall not be entitled to any Compensation for the Expence of the Inclosures, in case the said Trustees shall, at any future Period, injure or take down the same for the Purpose of improving or widening the said Roads.

No Drivers to drive their Carriages or Horses abreast.

XXII. And be it enacted, That no Driver of any Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, whether the same be loaded or unloaded, shall drive or permit the same to travel or pass upon the said Roads or either of them, or any Part thereof, abreast or alongside of any other Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Roads or any Part thereof; and every Person and Persons offending in the Premises shall forfeit a Sum not exceeding Twenty Shillings Sterling and not less than Five Shillings Sterling for each Offence.

Drivers of Carriages or Horses on meeting other Carriages or Horses to drive to the Left Hand or near Side.

XXIII. And be it enacted, That the Driver of every Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, upon the said Roads or either of them, or any Part thereof, shall be obliged, upon meeting another Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, to make Way by holding or driving to his own Left Hand, or what is commonly called holding to the near Side, and that without Distinction, whether the Carriage, Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden so meeting one another, are loaded or unloaded; and every Person offending in the Premises shall forfeit a Sum not exceeding Twenty Shillings Sterling and not less than Five Shillings Sterling for every such Offence.

Trustees may contract for making the Road and building the Bridges.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to contract and agree with able, skilful, and responsible Persons for the making and upholding all or any Part or Parts of the said Roads and Foot Paths hereby appointed to be repaired, and for building, upholding, and keeping in Repair the Bridges to be built thereon.

When One Creditor is paid, Trustees may borrow as much.

XXV. Provided always, and be it enacted and declared, That when the said Sum borrowed as aforesaid shall in Whole or in Part be applied and accounted for to the respective Trustees at a General Meeting assembled, and by their Order paid off to the Person or Persons advancing or lending the same, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at a General Meeting assembled, and they are hereby authorized to borrow another Sum of Money equal to that by them so paid off as aforesaid.

Tolls if refused may be levied by Distress and Sale.

XXVI. And be it enacted, That if any Person or Persons shall refuse or neglect to pay the Tolls or Duties demanded from them by this Act, the said Trustees, or any Person authorized by them, or by any Seven or more of them, may collect and levy the said Tolls and Duties by Distress and Sale of any Horse or other Cattle upon which any Toll or Duty is by this Act imposed, and to keep such Horse or other Cattle so distrained until the said Tolls, with the reasonable Charges, of such

such Distress, shall be paid; and it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Three Days after such Distress shall be made and taken, to appraise and sell the Horse or other Cattle so distrained by Public Roup or Auction at the Turnpikes or Toll Houses where the Toll ought to have been paid, returning the Overplus (if any be, and demanded) to the Proprietors of such Horse or other Cattle so distrained, after deducting such Tolls, and the reasonable Charges for distraining, appraising, and selling the same.

XXVII. And be it enacted, That the said Trustees, or any Seven or more of them, shall and may from Time to Time choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls and Duties aforesaid, and such other Officer or Officers as the said Trustees, or any Seven or more of them, shall think necessary; and also One or more fit Person or Persons to be Overseer or Overseers of the said Roads and Bridges, and Surveyor or Surveyors to view the Condition of the said Roads and Bridges, and to see that the same are repaired; and also that the Money by this Act raised be duly applied, and from Time to Time to remove such Clerks, Treasurers, Collectors, Surveyors, or other Officers, or any of them, as they shall see Occasion, and to appoint new ones in case of Death or Removal; and such Person or Persons as is or are hereby made liable to pay the said Tolls or Duties shall pay the same after the Rate aforesaid to such Collector or Collectors, or other Officers as shall from Time to Time be appointed for that Purpose; and the Person or Persons so appointed to collect and receive the said Tolls and Duties as aforesaid, shall upon Oath, before One or more Justice or Justices of the Peace of the said Counties, or either of them, on the First *Tuesday* of every Month, or oftener if required during the Continuance of this Act, give in to the said Trustees respectively, or to their said Treasurer or Treasurers for the Time being, a true, exact, and perfect Account in Writing under their respective Hands, with the Vouchers thereof, of all Monies which he, she, and they, and every or any of them shall at such Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money shall remain in his, her, or their Hands, the same shall be paid to the said Trustees respectively, or to the said Treasurer or Treasurers for the Time being, and shall be laid out, disbursed, and applied according to the true Intent and Meaning of this Act, and not otherwise; and in case the said Collector or Collectors of the Tolls and Duties to be paid as aforesaid shall not give and make such an Account and Payment as aforesaid, that then any Two or more Justices of the Peace of the said County of *Pertb* shall and may make Enquiry of and concerning such Default as aforesaid in a summary Way, as well by the Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justices are hereby authorized and empowered to administer); and if any Person or Persons shall be thereof convicted by such Justices, they shall upon Conviction commit the Party or Parties to the Common Gaol of the said County, therein to remain until he, she, or they shall have made a perfect Account and Payment as aforesaid, or until he, she, or they shall have compounded and agreed with the said Trustees, or any Seven or more

Trustees may
appoint
Clerks, Treasurers,
Collectors, and
Surveyors;

who are to
account upon
Oath.

[*Loc. & Per.*]

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of

Trustees to
appoint
Officers'
Salaries.

of them, and have paid such Composition to the said Treasurer or Treasurers for the Time being, or have given sufficient Security for the same, which Composition the said Trustees, or any Seven or more of them, at a Meeting assembled are hereby authorized and empowered to make; and the said Trustees, or any Seven or more of them, shall and may out of the Money arising from the said Tolls and Duties make such Allowance to the said Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, Clerk or Clerks, or other Officers by the said Trustees, or any Seven or more of them, so appointed as aforesaid, for and in consideration of his or their Care and Pains respectively in the Execution of his or their respective Office or Offices, and to such other Person or Persons as have been or shall be assisting in and about procuring the said Roads and Bridges to be made, amended, and repaired, as the said Trustees, or any Seven or more of them, shall think proper.

Officers to
give Security.

XXVIII. And be it enacted, That the said Trustees, or any Seven or more of them, shall take from such Person or Persons as shall be from Time to Time respectively nominated and appointed Treasurer or Treasurers, Collector or Collectors of the Tolls and Duties hereby granted and made payable, such sufficient Security for his or their Office as shall be approved of by the said Trustees, or any Seven or more of them.

Road to be
measured,
and Mile
Stones and
Guide Posts
to be erected.

XXIX. And be it enacted and declared, That the said Trustees respectively, or any Seven or more of them, at any Public Meeting, may cause the said Roads to be measured, and Stones or Posts to be erected on the said Roads or near the Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall judge advisable, or for directing or guiding Travellers on the said Roads or any Part thereof.

Penalties of
destroying
Turnpikes,
&c.

XXX. And be it further enacted, That if any Person or Persons shall maliciously break down, pluck up, or otherways destroy the Turnpike Gates, Posts, Rails, Chains, Bars, or other Parts thereof, or the Houses erected for such Turnpikes, or shall break, deface, or remove any Mile Stones or Posts, or Direction or Guide Posts, erected on the said Roads or Foot Paths, or shall remove or destroy any Parapet Walls or Bridges to be erected or already erected on the said Roads, or shall be aiding or assisting thereto, or shall rescue or attempt to rescue any Person in Custody for any of the said Offences; every Person so offending in any of the Matters aforesaid, and being thereof convicted by the Oath of One or more credible Witness or Witnesses, or by his or her own Confession, before any Two or more Justices of the Peace of the said County of *Pertb*, shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also be fined in a Sum not less than Five Pounds Sterling, and not exceeding Ten Pounds Sterling, and in Default of Payment to be imprisoned for a Term not exceeding Three Months.

Penalties for
assaulting the
Collectors.

XXXI. And be it further enacted, That if any Person shall assault any Collector of the Tolls, or by Force pass through any Turnpike Gate without paying the Tolls or Duties hereby granted, every Person so offending,

offending, and being thereof convicted upon Oath before any Two or more Justices of the Peace of the said County of *Perth*, shall for every such Offence forfeit and pay to the said Trustees a Sum not exceeding Five Pounds Sterling, nor less than Forty Shillings Sterling, to be recovered by Distress and Sale as aforesaid.

XXXII. And be it further enacted, That if any Person or Persons owning, renting, or occupying any Lands or other Premises near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly and willingly permit and suffer any Person or Persons to pass over the same, or through any Gate, Passage, or Way, with any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Litter, Curricule, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any other Sort of Carriage or Cattle, or shall open any new Road, (without the Consent of the Justices of the said County of *Perth* obtained, upon an Application being made to the said Justices convened at their General Quarter Sessions, which Application the said Justices are hereby empowered, authorized, and required to order to lie upon the Table to their next General Quarter Sessions, and then and not sooner they are to determine the Propriety of opening the said Road,) whereby the Payment of the Tolls and Duties by this Act granted is or shall be avoided, every such Person or Persons so offending, and the Person and Persons riding in, driving, or owning such Chariot, Coach, Landau, Berlin, Chaise, Calash, Chair, Litter, Curricule, Waggon, Wain, Cart, Carriage, or Cattle, or riding, leading, or driving such Horse, Mule, or Ass, and being thereof convicted upon the Testimony of One or more credible Witnesses or Witnesses upon Oath before any Two or more Justices of the Peace for the said County of *Perth*, shall for every such Offence respectively forfeit and pay to the said Trustees, or to their Treasurer for the Time being, any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale as aforesaid.

Penalty for permitting private Passage.

XXXIII. And be it further enacted, That if any Person or Persons shall at any Time during the Continuance of this Act unload, or cause to be unloaded, any Sort of Goods or Merchandizes, or take off, or cause to be taken off, any Horse or Horses from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Curricule, or Litter, or any Horse or Horses, Ox or Oxen, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying all or any Part of the Tolls and Duties hereby imposed, or shall conceal or secrete any Goods or other Things chargeable with the Tolls and Duties aforesaid, or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Curricule, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, or any other Cattle chargeable with or liable to pay the said Tolls and Duties, with such Intent as aforesaid, each and every Person so offending, and being thereof convicted by the Testimony of One or more credible Witnesses or Witnesses upon Oath before any Two or more Justices for the said County of *Perth*, shall forfeit any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling, and shall pay the same to the Trustees appointed or to be appointed to put

Penalty for evading the Tolls.

put this Act in Execution, or any Seven or more of them, or to their Treasurer for the Time being; which Sum, in case the same be not forthwith paid when demanded, shall be levied by Distress and Sale as aforesaid.

Penalty on
Persons dis-
posing of
Tickets.

XXXIV. And be it further enacted, That if any Person or Persons having paid the Tolls and Duties by this Act granted, and having received a Note or Ticket signifying the Payment of such Tolls and Duties, shall give or dispose of such Note or Ticket, or each or any of them, to any other Person or Persons, in order to avoid the Payment of such Tolls and Duties, every such Person giving or disposing of such Note or Ticket, and the Person receiving the same, being convicted by the Testimony of one or more credible Witness or Witnesses, upon Oath, before any Two or more Justices of the Peace for the said County of *Perth*, shall respectively forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling, to be levied, recovered, and disposed of as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Penalty on
Toll Ga-
therers sell-
ing or dis-
posing of
Tickets and
on the Re-
ceivers
thereof.

XXXV. And be it further enacted, That if any Collector of the Tolls shall sell or dispose of any Notes or Tickets to any Person or Persons who have not actually passed through any Turnpike or Gate, such Collector, and the Person or Persons so receiving such Notes or Tickets, upon being convicted thereof by the Testimony of One or more credible Witness or Witnesses upon Oath before any Two or more Justices of the Peace for the said County of *Perth*, shall respectively forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling, to be levied, recovered, and disposed of as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Surveyors
may dig
Gravel;

XXXVI. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, by Order of any Seven or more of the Trustees, to quarry, dig, gather, take, and carry away Stones, Gravel, Furze, Heath, Sand, or other Materials for making and repairing the said Roads, Gates, Houses, and Bridges, and that out of the several Grounds of any Person or Persons (not being the Ground whereon any House or Building stands, or a Garden, Orchard, Yard, Planted Walk or Walks, or Avenue to any Houses or any Piece or Parcel of Inclosed Ground which before the Commencement of this Act has been planted, set apart, or used as a Plantation or Nursery for Trees) where such Materials are or may be found, and from Time to Time to carry away the same, or so much thereof as the said Surveyor or Surveyors in their respective Places shall judge necessary for the Purposes aforesaid, on paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or any Seven or more of them, shall adjudge reasonable: And in case any Difference concerning the same between such Owners or Occupiers and the said Trustees touching such Damages as aforesaid, the Justices of the Peace
of

making Sa-
tisfaction to
Owners.

Justices to
determine
Differences.

of the said County of *Pertb* within which such Lands do lie, at their next General Quarter Sessions thereafter at the farthest to be holden in and for the said County, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same, and order the same to be paid by the said Treasurer or Treasurers for the Time being out of the Money arising by the said Tolls; but such Difference or Dispute shall not in the mean Time hinder the digging or carrying off the said Materials, and applying them towards repairing the said Roads.

XXXVII. Provided nevertheless, and be it further 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 or for building or repairing the said Bridges and the Houses to or from any Enclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupiers 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 the said Trustees, or any Seven or more of them, or Two Justices of the Peace acting for the said County of *Pertb*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees respectively, or any Seven or more of them, or such Justices, shall, if they think fit, authorize such Surveyor or other Persons to dig, gather, take, and carry away such Materials at such Time or Times as to such Trustees, or any Seven 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 Seven 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.

Notice to be given to Occupiers of Lands before Materials are taken for repairing the Road or for building or repairing the Bridges.

XXXVIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall be, and they are hereby empowered to make or cause to be made Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Roads, and to make and erect Arches or Bridges of Bricks, Timber, or Stone upon the said Roads, and pull down any old Arches or Bridges of Bricks that are useless by the Roads being turned about or otherwise, and apply the Materials to the building of new ones, or as they shall see proper for repairing the said Roads, and to remove every other Obstruction, paying such Damages to the Owners and Occupiers respectively whose Houses or Grounds shall be pulled down, demolished, prejudiced, or damaged, by making of such Drains, Arches, or Bridges, as the said Trustees respectively shall judge reasonable; and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, the Justices of the Peace of the said County of *Pertb*, at their next General Quarter Sessions thereafter at furthest, or the major Part of them present, shall and may adjudge, assess, and finally determine the same, to be paid by the Treasurer or Treasurers of the Tolls for the Time being out of the Money arising from the said Tolls, but no Stop shall be put in the mean Time to any of the said Works on Pretence of settling the said Damages.

Trustees may make Arches and Drains; widen and alter the Roads, and take Stones for Materials, paying Damages.

Justices of the Peace to determine Differences.

No Damages
to Houses,
&c.

Possessors of
adjacent
Grounds
shall keep
Ditches
scoured.

XXXIX. Provided always, and be it enacted, That in altering or widening the Roads aforesaid beyond the legal Standard, nothing shall be done that may anywise prejudice any House or Building (except as aforesaid); and that where it shall be found necessary to make Passages for the Water from the Ditches or Trenches through any adjacent Grounds, the Possessors of such Ground, after such Passages or Outlets are so made, shall be obliged from thenceforth to keep clear such Outlets and Passages from the said Trenches and Ditches from Time to Time as they shall be required by the said Trustees, or any Seven or more of them, so as the said Outlets may not be stopped, or the Waters made to stagnate in the said Trenches or Ditches, but may have free Passage through the adjacent Grounds; and in case of the Possessors neglecting or refusing to clear or cleanse such Outlets when duly required by the Surveyor or Surveyors of the said Roads, or such Person as they shall respectively appoint, then the said Surveyor or Surveyors shall and may clear and cleanse such Outlets and Passages, and levy the Expence thereof on the Possessors of such Grounds so required or refusing to cleanse the same, in Manner hereinafter directed.

For prevent-
ing Annoy-
ances, Pe-
nalty on
Persons lay-
ing Materials
for Manure,
&c. on the
Side of the
Road.

XL. And, for preventing Annoyances; be it enacted, That no Person shall lay or cause to be laid any Timber or Stones, or any Dung, Lime, Soil, or Compost, Rubbish, Dead Cattle, or other Matters upon the said Roads, or within Five Yards of the Side thereof, unless the same be sufficiently fenced off from the Roads, neither shall any Person or Persons turn their Plough on the said Roads, or leave any Cart, Waggon, Wain, or other Carriage, loaded or unloaded, standing upon the said Roads or Bridges, nor do any Thing whatsoever, whereby the said Roads or Bridges may be unnecessarily incumbered or damaged, or the Passage thereof obstructed; and every Person or Persons so offending shall forfeit the Materials so laid down, and also any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling for every such Offence, to be levied and recovered in the same Manner as other Penalties are by this Act directed, the One Half to be paid to the Informer, and the other Half to be paid to the Trustees, or their Treasurer for the Time being, to be applied for the Use of the said Roads.

Stones
broken or
unbroken
not to be
laid on the
Road Sides.

XLI. And be it further enacted, That it shall not be lawful for the Contractors for making or repairing the said Roads, or any other Person whatsoever, to lay any Stones broken or unbroken, Gravel, or any other Obstruction whatsoever upon the said Roads, but the Trustees, or their Contractors or Overseers, are hereby required and empowered to provide proper Repositories for the High Road Materials (Damages if required being always paid for the Grounds occupied by such Repositories to be ascertained in the same Manner as other Damages which may be incurred in the Execution of this Act); and if the said Contractors or any Person or Persons shall nevertheless lay any such Stones or other Things upon the said Roads, the Person so offending shall for every such Offence forfeit any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling.

Penalty on
drawing
Timber,

XLII. And be it further enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the
said

said Roads, any Tree or Piece of Timber, or any Stone, or any other Thing whatsoever; otherwise than upon Wheel Carriages, or shall suffer any Tree or Piece of Timber, or Stone, or any other Thing whatsoever which shall be conveyed upon Wheel Carriages; to drag upon any Part of the said Roads, every Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling.

Stones, &c.
except on
Wheel Car-
riages;

XLIII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, by Order of the said Trustees, or any Seven or more of them, to require by a Writing under his or their Hand or Hands, the Owner or Owners of the Grounds through which the said Roads pass, at a proper Season of the Year, to lop or prune up any Trees; Bushes, or Hedges which overhang the said Roads; or any Part thereof, and to scour and keep up any Ditches or Dykes that injure or encumber the said Roads; and if the Owner or Owners shall refuse or neglect to comply with the said Requisition within Ten Days after the Delivery of the same; it shall and may be lawful for the said Trustees, or any Seven or more of them, to order the said Trees, Bushes, or Hedges to be lopped or pruned, and the Ditches to be scoured, and Dykes to be rebuilt by Persons appointed by them; and the Sheriffs and Justices of the Peace for the said County of Perth are hereby authorized and required to enforce the Execution of the said Order, and the Expence attending the same shall be levied on the said Owner or Owners so refusing as aforesaid, in the same Manner as other Penalties and Forfeitures imposed by this present Act: Provided always, That from and after the passing of this Act no Trees shall be planted on the Ground adjacent to the said Roads, nearer than Twenty Feet from the Sides thereof.

Trees and
Hedges to
be pruned:

No Trees to
be planted
within
Twenty Feet
of the Roads.

XLIV. And be it further enacted, That from and after the passing of this Act no House or other Building shall be built within the Distance of Six Feet from the Sides of the said Roads, under a Penalty not exceeding Forty Shillings Sterling for every Offence, and the Expence of demolishing such House or Edifice; and it shall be lawful for any One or more of the said Trustees to stop the building or erecting of every such House or Building as he or they shall apprehend to be within the said Distance from the Side of the said Roads, by an Order in Writing under his or their Hand or Hands, until such Time as sufficient Evidence shall be brought before him or them, that such Building shall be built or erected beyond the Distance aforesaid; and if such Proof shall not be adduced at or before the next General Quarter Sessions for the said County, it shall and may be lawful for any Two or more of the said Trustees to order such Building to be pulled down and removed at the Expence of the Erector, or of the Occupier of the Ground, or to grant a Warrant for levying the same as other Penalties and Forfeitures imposed by the present Act.

Houses not
to be built
within Six
Feet of the
Side of the
Road.

XLV. And be it enacted, That in case the Lands, Houses, or any other Premises taken or used for the Purposes of this Act, or to which Damage is done in the Execution of the same, are held under Entail; or are subject to Liferents, Annuities, Jointures, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or

Investing
Purchase
Money.

or Person or Persons under any other Disability or Incapacity, the Purchase Money or Recompence to be paid for the same, if not exceeding Twenty Pounds Sterling, shall be paid to or for the Use of the Person or Persons then entitled to the Rents and Profits of the Lands, Houses, or other Premises so taken, used, or damaged, for his, her, and their own Use and Benefit; but the said Purchase Money or Recompence, if exceeding the Sum of Twenty Pounds Sterling, shall be laid out and invested by the Authority and under the Direction of the Court of Session in the Purchase of other Lands, Houses, or Premises of the like Nature, and the Rights, Titles, and Securities thereof shall be devised and taken to the same Person or Persons, and to the same Series of Heirs, and for the Benefit of the same Person or Persons, and for the same Uses and Purposes, and under the same Conditions, Provisions, and Limitations as are mentioned and contained in the Title Deeds of the Lands, Houses, or other Premises taken, used, or damaged, for the Purposes of this Act, or such of them as shall be then existing or capable of taking Effect; and in the mean Time, until such Purchase can be made, such Money shall, under the Direction and by the Authority of the Court of Session, be paid into the Bank of *Scotland* or Royal Bank of *Scotland* at the highest Rate of Interest that can be obtained for the same; and such Interest arising upon all Sums that shall exceed Twenty Pounds, and shall not amount to One Hundred Pounds, shall go and be applied to or for the Use of the respective Person or Persons who would be entitled to the Rents and Profits of the Lands, Houses, or other Premises so to be purchased with such Money, in case such Purchase had actually been made and completed; but if the Money so paid into the Bank of *Scotland* or Royal Bank of *Scotland* as aforesaid shall amount to One Hundred Pounds or more, then and in that Case the Interest arising thereon shall annually be accumulated and added to the Principal Sum itself, to carry Interest together until a proper Purchase or Purchases shall be found, and shall be approved of by the said Court of Session; and it shall be lawful to and for the said Court to make such Order or Orders in a summary Way touching the Payment or Application of the Monies so to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, and the Interest that from Time to Time may arise thereon, as the said Court shall think fit.

How Penalties are to be recovered.

XLVI. And be it further enacted, That all Forfeitures and Penalties by this Act inflicted or authorized to be imposed in relation to the said Roads and Bridges, Turnpike or Tolls, or in any Matter or Thing of and concerning the same, the Manner of recovering and levying whereof is not otherwise particularly directed, shall, upon Proof of the said Offence before any Justice or Justices of the Peace for the County of *Perth*, either by the Confession of the Party or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand or Hands of such Justice or Justices of the Peace, (which Warrant such Justice and Justices is and are hereby authorized and required to grant for these Purposes; and also to administer Oaths *gratis*;) such Sale being always made by Public Roup or Auction, to the highest Offerer, at such Place as shall be directed in the said Warrant, within Four Days after such Distress shall have been made, and the Overplus Money arising from such Sale (after such Penalties are recovered

covered, and the Charges of levying and recovering the same are deducted) shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall from Time to Time be paid to the said Trustees respectively, or any Seven or more of them, or to their Treasurer or Treasurers for the Time being, and shall be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace of the said County of *Perth*, and he and they are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Offender or Offenders to be committed to the House of Correction or Common Gaol of the County or Place where the Offence shall be committed, therein to remain for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

XLVII. Provided always, and be it further enacted, That all Actions for all and every the Penalties by this Act imposed shall be commenced within Six Calendar Months after the Fact from which the Penalty arises was committed, and not afterwards.

Limitation
of Actions.

XLVIII. And be it enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order or other Proceeding of the said Trustees, or by the Order of One or more Justice or Justices of the Peace not assembled in Quarter Sessions, it shall and may be lawful for him, her, or them to appeal to the Justices of the Peace for the said County, at their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in Dispute; and whose Order thereon shall be final and conclusive, and not subject to the Review of any superior or other Court.

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

XLIX. And be it further enacted, That the said Trustees shall keep an exact Account of the Money received by virtue of this Act and of the Expenditure thereof in a Book or Books, to remain in the Hands of their Clerk or Clerks, which Books all Heirs of the said County of *Perth* of One Hundred Pounds *Scots* Valuation shall be at Liberty to inspect at any reasonable Time without Fee or Reward; and it shall and may be lawful for the Justices of the Peace for the said County of *Perth*, at any of their next General Quarter Sessions to be holden in and for the said County, to appoint One or more fit Person or Persons to survey or view the Roads or Bridges by this Act directed to be made, built, and kept in Repair, and to inquire of and concerning the Application of the Tolls and Duties taken and received in pursuance of this Act; and in case such Person or Persons so appointed shall find any Misapplication of the Money collected, levied, or raised by virtue of this Act, or any other Abuses of the Powers hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace at their next General Quarter Sessions, who are hereby authorized and required to hear, examine, and determine the same; and all such Sum or Sums of Money, or other Satisfaction, as the said Justices, at any Quarter Sessions to be holden in and for the said County as aforesaid, or the major Part of them then present, shall

Accounts to
be kept.

Misapplica-
tion of Mo-
ney to be
certified by
Justices.

[*Loc. & Per.*]

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shall

shall think fit to order and direct to be paid or given; shall by the Person or Persons making such Misapplications or committing any such Abuses be paid or given to the Treasurer or Treasurers of the said Roads for the Time being, for the Purposes of this Act, within Ten Days after such Determination and Demand thereof made; and in Default thereof it shall and may be lawful for the said Justices at their General Quarter Sessions, or the major Part of them then present, from Time to Time after such Determination made, by Warrant, to levy the same by Distress and Sale of the Offender's Goods, returning the Overplus (if any be) after Deduction of the Charges of such Distress and Sale, to the Person or Persons so neglecting to make such Payment or Satisfaction, and for Want of sufficient Distress to be found for that Purpose, to commit the Person or Persons to the Common Gaol of the County, there to remain until Payment or Satisfaction be made as aforesaid.

Trustees may
choose new
Trustees in
place of
those that
die or resign.

L. And be it further enacted, That upon the Death of any One of the Persons named and appointed by this Act Trustees for making and repairing the aforesaid Roads, and building, upholding, and keeping in Repair the aforesaid Bridges, or upon their, or any of them, resigning the Office, it shall and may be lawful for any Seven or more of the Trustees, at a General Meeting assembled, Fourteen Days previous Notice of the said Meeting, and of the Intent and Business thereof having been first given to the said Trustees in the aforesaid Manner, by any Writing or Writings under their Hands to choose, nominate, and appoint in the Room of the Trustee or Trustees so deceased or resigning some other fit and able Person or Persons to be joined with the other or surviving Trustees in the Execution of all and every the Powers and Trusts in them by this Act vested and reposed; and all and every the Person or Persons so chosen, nominated, and appointed a Trustee or Trustees as aforesaid, shall and may, and they are hereby authorized and empowered to act to all Intents and Purposes in as full and ample a Manner for putting this present Act in Execution as the other Trustees nominated and appointed by this Act.

Trustees to
recover
Subscription
Money.

LI. And be it further enacted, That in case any Person who has subscribed, or who shall or may subscribe towards the making the Roads by this Act directed or intended to be made and repaired, shall neglect or refuse to pay his or her Subscription Money, it shall and may be lawful to and for the said Trustees or a Quorum of them to sue for and recover the same in any Court competent within *England* or within that Part of *Great Britain* called *Scotland* respectively; provided nevertheless, that the Money so subscribed shall, when paid, be a Debt and Lien upon the Tolls to be levied upon the Roads for which the same was subscribed, and shall be repaid out of the Produce thereof.

Paying the
Expences of
the Act.

LII. And be it enacted, That the Expence of procuring and passing this Act shall be paid out of the Tolls to be levied by virtue of this Act upon the said Roads herein particularly described and directed to be made, or out of the Money borrowed on the Credit thereof, each of the Roads paying a Share in Proportion to the Benefit obtained, which Proportions of the said Expence shall be settled by the Trustees appointed by this Act in a General Meeting assembled.

LIII. And

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

LIV. And be it enacted, That this Act shall commence and take place **Commence-** from and after the passing thereof, and shall continue in Force for the **ment and** Term of Twenty-one Years, and from thence to the End of the then **Continuance** next Session of Parliament. **of the Act.**

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1799.

