



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 71.

An Act for altering, amending, and consolidating several Acts, so far as the same relate to the Road from *Renfrew* to *Greenock*, and from *Kilbarchan* to *Inchinnan* Bridge, in the County of *Renfrew*.

[13th June 1806.]

WHEREAS by an Act passed in the Thirtieth Year of the Reign of His late Majesty, King George the Second, intitled, *An Act for enlarging the Term and Powers granted by an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intitled, 'An Act for repairing several Roads leading into the City of Glasgow,' so far as the same relates to certain Roads mentioned in the said Act; and also to enlarge the Term and Powers granted by an Act, passed in the Twenty-seventh Year of the Reign of His present Majesty, intitled, 'An Act to explain, amend, and render more effectual an Act, passed in the Twenty-sixth Year of the Reign of His present Majesty, intitled, 'An Act for repairing several Roads leading into the City of Glasgow;' and to repair several other Roads leading into the said City, and for building a Bridge across the River of Inchinnan;*" and by another Act, passed in the Thirty-second Year of the Reign of His present Majesty, intitled, *An Act for enlarging the Term and Powers of an Act made in the Thirtieth Year of the Reign of His late Majesty King George the Second, so far as relates to the Road leading from Renfrew to Greenock by Corsehill, and by the Side of the River Clyde, and by Port Glasgow and the Bridge at Inchinnan; and for more effectually making and repairing, and altering the Course of the said Road from Renfrew to Greenock; and for making and repairing other Roads connecting therewith, and leading to and from Paisley in the County of Renfrew, and the Branches thereof, and for shutting up Bye-Roads that are useless to the Public; and by another Act, passed in the Thirty-seventh Year of the Reign of His present Majesty, intitled, *An**

[Loc. & Per.] 30G.2.c.57.
32G.3.c.121.
37G.3.c.162.

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Act

Act for enlarging the Term and Powers of several Acts made in the Twenty sixth, Twenty-seventh, and Thirtieth Years of His late Majesty's Reign, and in the Twenty-ninth and Thirty-second Years of His present Majesty's Reign, for making and repairing the Roads from Gorbals of Glasgow to Floakbridge and Easter Grange in the County of Renfrew, and other Roads in the said County; and for making and repairing certain other Roads in the said County, branching from or connected with the Roads mentioned in the said Acts, certain Persons were appointed Trustees for making, altering, repairing, and keeping in Repair the Roads therein mentioned, particularly the Road from the East End of Renfrew, by Inchinnan Bridge, to the South Side of Freeland Hill, and Southbar, by or near Corsehill, and by the North Side of Finlayston House to Greenock, and the Road from Kilbarchan to Inchinnan Bridge in the County of Renfrew, and were empowered to levy certain Tolls upon the said Road, and to borrow Money on the Credit thereof, and various other Powers were granted to them: And whereas great Progress has been made in making, altering, and repairing the said Road from Renfrew to Greenock, and a considerable Sum has been borrowed for making the said Road, but the Money so borrowed cannot be repaid, and the said Road altered and kept in Repair, unless the Terms and Powers of the said Acts, so far as relates to the said Road, be enlarged, and it is expedient that the said several Acts, with such enlarged and amended Powers and Authorities, should be reduced and consolidated into One Act. 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 all the Clauses, Powers, Authorities, Articles, Rules, Penalties and Forfeitures, contained in the said recited Acts of the Thirtieth Year of the Reign of his late Majesty King George the Second, the Thirty-second and Thirty-seventh Years of the Reign of His present Majesty shall, from the First Monday after the Expiration of Three Weeks from and after the passing of this Act be, and the same are hereby repealed, in so far as the same respect the Road from the East End of Renfrew by Inchinnan Bridge, to the South Side of Freeland Hill and Southbar, by or near Corsehill, and by the North Side of Finlayston House to Greenock, and the Road from Kilbarchan to Inchinnan Bridge in the County of Renfrew; and instead thereof this Act shall commence and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually making, repairing, widening, altering, keeping in Repair, and improving the said Road; and that this Act and all the Tolls which are hereby authorized to be levied upon the said Road, shall be, and are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said Road, and to the Payment of all Sums of Money, which shall or may hereafter be borrowed on the Credit of the said Road, and of Interest due and to become due for the same.

Recited Acts
repealed in
Part.

More effectually
to repair
the Road.

Saving of
Power to
widen the
main Street
of Renfrew.

II. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to diminish or repeal the Power given by the above recited Act, passed in the Thirty-seventh Year of the Reign of His present Majesty, to widen the main Street of the Burgh

Burgh of *Renfrew*, in the Manner therein directed, but the same shall remain and continue in full Force and Virtue, in the same Manner as if this Act had not been made.

III. Provided also, and be it enacted, That no more than the Sum of Fifteen Pounds *per Annum* shall be applied out of the Tolls, hereby granted towards repairing the said Road from *Kilbarchan* to *Inchinnan* Bridge, or any Part thereof.

Provision respecting Road from Kilbarchan to Inchinnan Bridge.

IV. And be it further enacted, That every Person who is, or hereafter shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor of the *dominium utile* of Lands lying in the County of *Renfrew*, valued in the Cess Books of the said County at One hundred Pounds *Scots* of valued Rent, and all and every the Eldest Sons of such Persons, being the Heirs Apparent to such Property, and also the Sheriff-depute of the said County of *Renfrew* and his Substitute for the Time being, the Provost, and First, Second, Third, Fourth and Fifth Baillies, and the Dean of Guild of the City of *Glasgow*, the Provost and Baillies of *Renfrew*; and the First and Second Magistrates of *Paisley* and *Port-Glasgow*, and the Two Magistrates of *Greenock* for the Time being, shall be, and they are hereby nominated and appointed Trustees for surveying, making, repairing, widening, keeping in Repair, and altering the aforesaid Road from the East End of *Renfrew* to *Greenock*.

Nomination of Trustees.

V. And be it enacted, That in all Cases Five or more of the said Trustees shall be a Quorum, and, when assembled, shall be held to constitute a general Meeting.

Quorum.

VI. And be it enacted, That if any Person not qualified as aforesaid, shall nevertheless presume to act as a Trustee under this Act, he shall for every such acting forfeit and pay any Sum not exceeding Twenty Pounds Sterling, to be recovered with full Costs of Suit, by summary Complaint, at the Suit of any Heritor in the County of *Renfrew*, before the Justices of the Peace at the Quarter Sessions of the said County; and the Money recovered shall be paid to the Trustees appointed by this Act, or their Treasurer or Collector, to be applied to the Reparation of the said Road; and in all Cases where such Complaint shall be made, the Proof of Qualification shall lie upon the Person complained of.

Penalty on Persons not qualified acting as Trustees.

VII. And be it enacted, That the said Trustees, or any Five or more of them, shall meet at *Renfrew* on the First Monday which shall happen next after the Expiration of Three Weeks from the passing of this Act, and shall proceed to the Execution of this Act, and that the said Trustees shall thereafter meet annually at *Renfrew*, in the Court Hall, on the last *Tuesday* of *October* for putting this Act into Execution; which Meetings, or either of them, may be adjourned from Time to Time, as the Trustees present thereat shall judge necessary, and if a Quorum of the Trustees shall not attend at any General Meeting or adjourned Meeting, such Meeting shall be virtually adjourned, and shall be held at the same Place on that Day Fortnight, and so on from Fortnight to Fortnight until a Quorum shall attend; and all Advertisements for Meetings, or adjourned Meetings, of the said Trustees shall be inserted

First General Meeting of the Trustees.

Meetings to be advertised in the Glas-

by

gow and
Greenock
Newspapers.

by the Clerk of the Trustees Ten Days at least before each Meeting, in One of the Newspapers published at *Glasgow*, and also in One of the Newspapers published at *Greenock*, (if any Newspaper shall be published at *Greenock* at the Time), as the said Trustees, at their First General Meeting, or annual General Meeting, shall appoint.

Clerk to call
Meetings
when re-
quired.

VIII. And be it enacted, That the Clerk to the said Trustees, when required by a written Order, specifying the Purposes for which a Meeting is desired to be held, signed by any Three or more Trustees, shall be obliged to call a General Meeting of the Trustees at such Times and Places as shall be thought proper, by Advertisements as aforesaid; in which such Purposes shall be specified, and no other Person than the said Clerk shall have Power to call such Meetings, and all Acts and Deeds done at such Meeting called by the Clerk, shall be as valid as if they had been done at a General or adjourned Meeting: Provided always, that nothing shall be done, or Matter discussed, at such Special Meetings, but what relates to the special Purposes for which such Meetings are held.

Tolls.

IX. And be it enacted, That the said Trustees, pursuant to a Resolution made at a General Meeting assembled, or at any other Meeting called as aforesaid, after the passing of this Act, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on or across the aforesaid Road, and also such Number of Toll Houses as they shall think fit, upon the same, or on the Sides of the same and demand and take the Tolls or Duties following, at the Turnpikes or Gates erected or to be erected, upon the aforesaid Road before any Coach, Chariot, Berlin, Landau, Curricie, Calash, Chaise, Chair Waggon, Cart, or other Carriage whatsoever, or any Horse, Mare, Gelding, or Cattle whatsoever shall pass through the same; that is to say, For every Coach, Chariot, Berlin, Landau, Calash, Chaise, Chair, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Twelve Shillings Sterling; drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Eight Shillings Sterling; drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Six Shillings Sterling; drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; drawn by one Horse, Mare, Gelding, or Mule, the Sum of Two Shillings Sterling:

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

For every Sledge without Wheels, the Sum of One Shilling Sterling:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Shilling Sterling:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling
and

and Eight-pence Sterling *per* Score, and so in Proportion for any greater or less Number :

For every Drove of 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 :

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

Provided always, that no more than One Fourth Part of the aforesaid Tolls and Duties shall be levied at any One Gate or Turnpike on the said Road.

X. And, in order to prevent the Evasion of the Tolls on the aforesaid Road, be it further enacted, That it shall and may be lawful to and for the said Trustees, pursuant to a Resolution made at a General Meeting assembled, or at any other Meeting called as aforesaid, to erect or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the aforesaid Road, and across any Lane leading into or out of the same, and there to take and receive such Tolls as are by this Act granted and made payable; and the Person or Persons paying Turnpike shall receive a Pass Ticket, entitling him or them to pass Toll-free at the Turnpike on the said Road nearest the said Side Bar: Provided always, that no higher Toll or Duty shall be taken at any Side Bar than is authorized to be taken at any One Turnpike on the said Road.

Trustees may erect Side Bars.

XI. And be it further enacted, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes erected by virtue of the said recited Acts or either of them, or to be erected by virtue of this Act, and who shall return the same Day through the same Turnpike or Turnpikes before Twelve of the Clock at Night, with the same Coach or Cart, or other Wheel Carriage drawn by the same Horses, or with the same Horse, Ass, or other Cattle, shall be liable or compelled to pay the Tolls or Duties more than Once, but shall on Demand be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, which Note or Ticket, Notes or Tickets shall give Access to the said Person or Persons, returning the same Day as aforesaid, to repass the said Turnpike or Turnpikes Toll free; but in case the same Coach, Cart, or other Wheel Carriage, Horse, Ass, or other Beast or Cattle shall return or pass the Turnpike with a new Loading a second or more Times in the same Day, they shall in that Case be subjected to pay the Tolls for each Time they shall so pass, in the same Manner as for the First Time.

Tolls to be paid Once a-day.

XII. And be it further enacted, That if any Person or Persons having paid the Tolls or Duties by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment thereof, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person so giving or disposing thereof, and the Person receiving the same, being convicted thereof upon Oath, by One or more credible Witness or Witnesses, or his own Confession, before any One or more Justice or Justices

To prevent evading Tolls.

of the Peace of the County where the Offence shall be committed, or where the Offender shall reside, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, to be levied and recovered in Manner herein-after directed.

Persons and Things exempted from Tolls.

XIII Provided always, and it is hereby further enacted, That no Toll shall be demanded for and in respect of Carriages, Horses or Cattle, employed in carrying Materials for making or repairing Roads, Bridges, and Toll-Houses, in the said County, or Cattle, Horses or Carriages, laden with Implements of Husbandry, or Carriages returning empty after carrying the same, or carrying any Person to or from Church, Chapel, or any Place of religious Worship belonging to or situated within the Parish where such Person resides, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried within the Parish; or carrying any Clergyman going to or returning from visiting any sick Person, or upon his Parochial or Ministerial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for Horses or Cattle going to or returning from their usual Places of Pasture or watering, or going to Smithies for the Purpose of being shod, or returning therefrom; or for Horses or Carriages of whatsoever Description employed, or to be employed, in conveying the Mails or Expresses, under the Authority of His Majesty's Postmaster-General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; nor for the Horses of Officers or Soldiers who are upon their March or on 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 conveying any such wounded or disabled Officers or Soldiers; nor for any Horse, Mare, or Gelding, furnished by or for any Persons 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 such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively; nor for Carts, Carriages or Waggons travelling with Vagrants sent with legal Passes; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Tolls on Carriages of certain Weights.

XIV. And be it enacted, That the said Trustees may cause Weighing Machines to be erected on such Parts of the said Road, or on the Sides of the same, as they shall think proper, at which all Persons travelling with Carts or other Carriages, shall be obliged to weigh the same, when required by the Collector of the Tolls; and the said Trustees, from and after the passing of this Act, may levy, or cause to be levied, demanded and taken, at the several Turnpike Gate or Gates, erected or to be erected on or across the Road hereby intended to be made or kept in Repair, before any Waggon, Wain, Cart, or other Wheel Carriage, not upon Springs, drawn by One or more than One Horse, Mare, Gelding, or Mule, pass through the same, the Weight of which Carriage, with the Burden or Draught therein, shall exceed Twenty Hundred Weight, and

and the Fellies of the Wheels of which shall not measure Four Inches at least, if drawn by One, and Nine Inches in Breadth if drawn by more than One Horse, Mare, Gelding, or Mule, One Half more in Addition to the Tolls and Duties authorized to be levied by this Act on such Carriages; and if the Weight of the same shall exceed Twenty-five Hundred Weight, and the Fellies of the Wheels of such Carriage shall not measure as above mentioned, double the Tolls and Duties granted by this Act on such Carriages; and if the Weight shall exceed Thirty Hundred Weight, and the Fellies of the Wheels of such Carriage shall not measure as aforesaid; One Half more in addition to Double the Tolls and Duties authorized to be levied as aforesaid on such Carriages.

XV. And be it enacted, That it shall and may be lawful for the said Trustees, or such Person or Persons as they shall from Time to Time nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable; and if any Person or Persons shall neglect, or refuse to pay the same, the said Trustees are hereby empowered by themselves, or such other Person or Persons as they shall authorize and appoint, to levy each and every of the said Tolls and Duties, by Distress and Sale of any Horse or Horses, or other Cattle or Carriage, upon which such Duty is by this Act imposed, or the Loading, Harness or Accoutrements of any such Horse or Cattle, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same, and to detain such Horse, Cattle or Carriage, or other Goods and Chattels so distrained; until the said Tolls, with reasonable Charges of such Distress shall be paid; and it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Four Days after such Distress shall be made, to appraise and sell the Horse, Cattle or Carriage, or other Goods and Chattels so distrained, by public Auction, at the Turnpike or Toll-House where the Toll ought to have been paid, returning the Overplus (if any be) to the Proprietors of such Horse, Cattle or Carriage, or other Goods or Chattels, so distrained, after deducting such Toll or Duty, and the reasonable Charges of distraining, appraising, and selling the same.

Tolls to be levied by Distress and Sale.

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

Trustees may compound.

XVII. Provided always, and be it enacted, That in case any Composition-Money agreed to be paid for passing through any Turnpike Gate or Gates, erected or to be erected by virtue of this Act, shall not be paid within Ten Days next after the same shall become due, it shall and may be lawful for any One or more Justice or Justices of the Peace

Composition Money in lieu of Tolls, how to be recovered.

for

for the County where the Person liable for such Composition resides, by Warrant under his or their Hands, to empower the Persons authorized by the Trustees to receive such Composition Money, and Oath having been first made that the same has been demanded and remains unpaid, to levy such Composition on the Person or Persons if refusing or neglecting to pay the same in Manner herein mentioned: Provided always, that no Person or Persons to whom any of the Turnpike Gates erected or to be erected on the said Roads shall be let, shall compound or take a lower Rate of Toll than what shall be fixed by the said Trustees at the Routs or Auctions of the respective Turnpike Gates; and if he or they shall act contrary hereto, directly or indirectly; he or they shall be liable in a Penalty not exceeding Five Pounds Sterling, to the said Trustees, to be recovered, and applied in the same Manner as is directed with regard to the Penalty for evading the Toll before mentioned.

Tolls may be diminished.

XVIII. And be it enacted, That the said Trustees, at a General Meeting assembled for that Purpose may, and they are hereby empowered, with Consent of Five Sixths in Value of the Persons who have already lent or advanced, or who shall hereafter lend or advance any Sum of Sums of Money, upon the Credit of the said Tolls, to diminish or lessen the said Tolls or Duties hereby granted, as they shall see Cause; but such Tolls shall not be diminished, unless such Meeting and the Purposes thereof shall be advertised in One of the *Glasgow* and One of the *Greenock* Newspapers, (if a Newspaper shall be published at *Greenock* at the Time,) at least Ten Days before such Meetings, and to raise them again, so as not to exceed the Tolls granted by this Act.

Trustees may let the Tolls.

XIX. And be it further enacted, That the said Trustees, at a General Meeting assembled, may, and they are hereby authorized and empowered, by public Auction, to let the said Tolls or Duties hereby granted and vested in them, in whole or in Lots or Parcels, from Time to Time, during the Continuance of this Act, for any Term not exceeding Three Years, for the highest Rate or Rates they can obtain for the same, to such Person or Persons as shall give good and sufficient Security for Payment of the Sums for which the Tolls shall be so let, and be approved of by the said Trustees.

Power to appoint Officers.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at a General Meeting assembled, to choose and appoint a fit Person or Persons to be Treasurer, Collector, and Clerk to the said Trustees, for receiving the Tolls or Duties granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Road, or such other Officers as they shall think proper, and from Time to Time to remove such Officers, or any of them, as they shall see Occasion, and appoint new ones, in case of Removal or Death; and all and every Person or Persons who is, are, or shall be liable by this Act to pay the said Tolls or Duties, are hereby required to pay the same to the said Treasurer or Collector, or the Persons to be from Time to Time appointed under him for that Purpose, according to the Rates aforesaid; and the said Trustees, at a General Meeting assembled, may, and they are hereby authorized and empowered, out of the Money arising from the said Tolls or Duties, vested in them, to make such Allowances to the several Officers by them appointed.

appointed, and to such other Person or Persons as shall have been or may be assisting in making and repairing the said Road, as the said Trustees shall think fit.

XXI. And be it enacted, That the said Trustees shall take such Security from their Treasurers, to be appointed for the Purpose of this Act, for the due Execution of their Offices, as to the said Trustees shall seem meet.

Treasurers to find Security.

XXII. And be it enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting assembled, and they are hereby authorized and empowered, to borrow any Sum of Money, not exceeding Eighteen thousand Pounds, upon the Credit of the Tolls to be levied on the Road made and intended to be altered, widened, and kept in Repair by this Act, including the Money already borrowed; at any Interest not exceeding Five Pounds *per Centum per Annum*; which Sum to be borrowed as aforesaid, shall be applied by the Trustees aforesaid, in the First Place towards Payment of the Charges and Expences incurred in obtaining this present Act, and the Remainder of the Sum to be borrowed as aforesaid, shall be applied and disposed of for altering, widening, and keeping in Repair the said Road, under the Direction of the said Trustees, in such Proportions as they shall determine, at any Annual or other General Meeting, and to no other Use or Purpose whatsoever, in Manner after specified.

Power to borrow Money on the Credit of the Tolls.

XXIII. Provided always, and be it further enacted, That when the said Sums 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 to the Person or Persons advancing or lending the same, it shall and may be lawful to and for the said Trustees at a General Meeting assembled, and they are hereby authorized to borrow another Sum of Money, equal to that by them so paid as aforesaid; but the Sum or Sums so to be borrowed shall not at any Time exceed in the Whole the Sums allowed to be borrowed by the Trustees as aforesaid, on the Credit of the Tolls to be levied on the Road aforesaid.

When said Monies are paid, Trustees may borrow another Sum equal thereto.

XXIV. And be it enacted, That it shall and may be lawful for the said Trustees, at the First General Meeting held after the passing of this Act, or at any subsequent General Meeting called for the Purpose, to assign and make over the several Tolls and Duties to be levied on the said Road, to any Person or Persons from whom the Money shall or may be borrowed for the Use of the said Road, as a Security for Repayment of the same; which several Assignments of the Tolls as aforesaid shall be entered in the Sederunt Book of the said Trustees, and shall at all reasonable Times be open to Perusal of any of the Trustees appointed by this Act.

Tolls may be assigned in Security of Money borrowed.

XXV. Provided always, That nothing in this Act contained shall extend to prejudice or lessen the Securities already given by the said former Acts; without the Consent of the several Persons who have advanced or lent Money on the Credit thereof.

Former Securities not to be prejudiced.

XXVI. And be it further enacted, That the said Trustees shall keep an exact Account of the Money received by virtue of this Act, and the Application thereof, and all other their Proceedings; and shall enter

Trustees to keep Accounts of the Monies received and

applied by
them, etc.

the same in a Book or Books to be kept for that Purpose, which the said Trustees and Heritors of the County of *Renfrew*, may and shall, at all reasonable Times, be at Liberty to inspect, without Fee or Reward.

Punishing
Persons mis-
applying any
of the Mo-
nies.

XXVII. And be it further enacted, That in case of Misapplication of any Money collected, received, or levied by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sum so misapplied, to be recovered against him or them, at the Suit of any Three or more Heritors of the County of *Renfrew*, possessed of One hundred Pound *Scots* each of valued Rent, who are hereby authorized to sue for and recover the same, on a summary Complaint to the Justices of Peace at their Quarter Sessions, One Moiety of such Forfeiture, when recovered, to be paid to the Person or Persons who shall sue for the same, and the other Moiety to the said Trustees, to be applied by them for repairing the Road by this Act directed to be repaired; but if any such Prosecution shall, after Trial, be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay double Costs.

Trustees not
to hold
Places of Pro-
fit, and act
as Trustees.

XXVIII. And be it further enacted, That all Persons appointed Trustees for putting in Execution this Act, shall be incapable of holding any Office or Place of Profit arising or to arise from any of the Tolls aforesaid during the Time they shall act as Trustees; and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Beer, Ale, or Spirituous Liquors by Retail.

Road to be
made in the
best Direc-
tion.

XXIX. And be it enacted, That it shall be lawful to the said Trustees to cause the said Road to be carried in the Direction that shall be deemed best and most beneficial to the Public, notwithstanding the same should be carried through Plantation or Nursery Ground, on paying all Damages done to the Proprietors and Occupiers thereof: Provided, that the said Road shall not be carried so as to occasion the Demolition of any House, the Side Walls of which are of the Height of Eighteen Feet, or to injure any Garden, exceeding One Acre, inclosed with a Wall of the Height of Six or more Feet, or any Avenue to any House, or any Plantation of Trees adjoining the same, planted prior to the passing of this Act, without the Consent in Writing of the Owner, or Owners thereof first had and obtained.

Power to
widen Roads,
remove Ob-
structions,
etc.

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees, at any of their Meetings, to order and direct the said Road, or any Part of it, to be made or repaired, and to be extended to such Breadth as they shall think proper, not exceeding Fifty Feet, including the Footpath thereof, and to alter or vary the Direction or Line of the said Road, and for that Purpose, to pull down or remove any Houses, not exceeding Eighteen Feet high in the Side Walls, Buildings, Inclosures, or other Obstructions, to make or cause to be made Causeways, to make and erect Arches or Bridges of Brick, Timber, or Stone, and to cut and make Drains, Ditches, Trenches or other Outlets for Water, through any Grounds lying contiguous to the said Road, for the Purpose of carrying off the Water from the same, or from any Weighing Machine, erected or to be erected on the said Road, the said Trustees always paying such Damage to the Owners
or

or Occupiers respectively, whose Grounds or Houses shall be prejudiced or damaged by such Alteration or widening of the said Road, as the same shall be ascertained, in Manner herein-after directed.

XXXI. And be it enacted, That if any Person shall make a Passage from any Field to any of the said Roads, he shall be obliged to cover the Side Drains of the Road, where such Passage is made, with an Arch or Pen of sufficient Stone Work, so that the Course of the Water in the Drain may not be impeded; and where it shall be found necessary to make Outlets from the Ditches or Drains, along the Sides of the said Roads, or any of them, through the Ground of any adjacent Proprietor, the Proprietor or the Occupier of such Ground, after such Outlets have been so made, shall be obliged from thenceforth to make and keep clear such Outlets from the said Ditches or Drains from Time to Time, as they shall be required by the said Trustees, so as that the said Outlets may not be stopped, nor the Water be allowed to stagnate in them, nor to flow on the said Roads or any of them, but may have a free Passage from the said adjacent Ground; and in case the Proprietor or Occupier shall refuse or neglect to cleanse such Outlets, when duly required by One or more Trustee or Trustees, or a Person or Persons appointed by an Order signed by Two or more of the said Trustees, such Trustees or Persons appointed by them respectively shall, after Ten Days previous Intimation, be and they are hereby authorized to cleanse the said Outlets, and levy in Manner herein-after directed the Expence thereof, from the Proprietors or Proprietor, Occupiers or Occupier of such Ground, who have or has been required as aforesaid, and have or has refused or neglected to cleanse the same.

Outlets from
Trenches to
be kept clear.

XXXII. And be it enacted, That where Hedges and Trees are planted on the Sides of any of the said Roads, the Occupiers and Occupier of the Lands on which such Hedges and Trees grow, shall be obliged to keep them properly dressed and trimmed, so as not to injure the said Roads by overhanging the same; and in case of their Failure so to do, it shall be in the Power of any One of the Justices of the Peace of the said County of *Renfrew*, upon Application made to him by any One of the Trustees, or by their Surveyor, and upon Cause shewn, to order the Occupiers or Occupier of the Ground on which such Hedges or Trees grow, to cut and dress the same properly; and in case the said Occupiers or Occupier fail to comply with the said Order, within Ten Days after the same has been intimated to them or him, then it shall and may be lawful for the said Trustees to appoint proper Persons to cut the said Hedges at the Height of Four Feet, and to dress and trim them, and also to cut the Branches of such Trees as may overhang the said Roads as aforesaid at the Expence of the said Occupiers or Occupier, and to grant Warrant for levying the Expences thereof with Costs, in Manner herein-after directed; reserving to the said Occupiers or Occupier any Right of Recourse which they may have against the Proprietor of the Lands on which such Hedges or Trees grow, for the said Expences; and providing, that no Person shall be obliged to cut or trim Hedges and Trees between the First Day of *March*, and the First Day of *November*, in any Year.

Hedges on
the Sides of
the Roads
to be pruned,
&c.

XXXIII. And be it enacted, That the said Trustees may and they are hereby empowered to make or cause to be made, Foot-paths on the Sides of the aforesaid Road.

Power to
make Foot-
Paths.

XXXIV. And

Penalty for riding on Foot-paths.

XXXIV. And be it enacted, That no Person shall be allowed to ride or drive any Horses, Cattle, Carts, or Carriages, upon the said Foot-paths; and if any Person shall notwithstanding presume so to do, such Person being convicted by the Oath of any One credible Witness, or his own Confession, before any One or more Justice or Justices of the Peace for the County of *Renfrew*, shall, for every such Offence, forfeit and pay to the said Trustees or their Collector, a Sum not exceeding Five Pounds; and it shall and may be lawful for any Person, *brevi manu*, to seize and carry any Person so transgressing as aforesaid, before the nearest Justice of the Peace, for the Purpose of Conviction as aforesaid.

Power to take Materials for the Roads.

XXXV. And be it enacted, That it shall and may be lawful for the said Trustees, and any Person or Persons having an Order from them; to open Quarries, and dig, gather, take, and carry away any Stones or Gravel, or other Materials, out of any Waste or Common in the County of *Renfrew*, for making and repairing the said Road or Foot-path, without paying for the same, and to dig, gather, and carry away all such Materials from Quarries already opened, on paying Damages as after-mentioned, and from any other Ground in the said County, (not being the Ground where any Houses stand, or a Garden, Orchard, or Yard, or any Plantation of Trees, which may have been planted prior to the passing of this Act), Ten Days Notice in Writing being in this Case given to the Proprietor or Occupier of such Ground, and paying such Damages for the same, as shall be ascertained by any Two Justices of the Peace of the County of *Renfrew*, with Power to the said Proprietor or Occupier to appeal from the Decision of the said Justices to the next Quarter Sessions, whose Decision shall be final; and any Dispute with regard to the said Damages, shall not prevent the said Trustees, or those empowered by them, from using and carrying away the said Materials, and applying them to making and repairing the said Road: Provided always, that the same Price shall be paid by the said Trustees, for Stones taken from Quarries worked for Sale, for the making and repairing of the Road in the said County of *Renfrew*, which shall be paid or payable by other Persons purchasing Stones from the same Quarries at the same Time, and provided always, That no Stones forming a Defence against the River *Clyde* shall be taken for the Purposes aforesaid, on any Account whatever.

Trustees empowered to purchase, and Proprietors required to sell Lands for the Purposes of this Act.

XXXVI. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate, or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, let, and convey all such Land or Houses as may be necessary for the making, altering, or widening the said Road, and erecting any Toll Bar or Toll House thereon, or for storing Materials or otherwise, where Ground is necessary for the Purposes of this Act, or for widening the main Street of *Renfrew*, as aforesaid, upon such Satisfaction being made to the Proprietor or Proprietors, and Occupier or Occupiers, as can be agreed upon by and between the said Trustees and such Proprietor or Proprietors, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury of Fifteen Persons summoned and chosen by the Sheriff

Sheriff of the County of *Renfrew*, in such Manner as Juries are summoned and chosen by Sheriffs of Counties in *Scotland*, whose Determination is hereby declared to be final, without being subject to Suspension, Advocation, or Reduction; and in the Event that such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of such Jury shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and on the other Hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, that after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Land or Houses, such Sum as the said Trustees shall think reasonable, it shall and may be lawful for them to enter into and upon such Lands or Houses, for the Purposes of this Act, and no Stop shall in the mean Time be put to the Operations of the said Trustees, on pretence of settling the said Damage, or that they have not been satisfied and paid.

XXXVII. And be it enacted, That all Lands or Houses, which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge, for the agreed Price or appraised Value thereof, or by the Consignation of the said Price or Value (in case of the Absence or Refusal of the Person or Persons entitled thereto), in the Bank of *Scotland*, or the Royal Bank thereof, for the Use and behoof of such Person or Persons; 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 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 Infeoffments had followed thereupon.

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

[*Loc. & Per.*]

16 Z

Tax,

Lands vested
in Trustees.

Application
of Compens-
ation where
amounting
to 200*l.*

Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, 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 Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements and Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* and more than 20*l.*

XXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, 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 Hereditaments so purchased, taken or used, or of his, her or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable.

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

XL. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, 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 Hereditaments so purchased, taken or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

XLI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any

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

or if Persons cannot be found, Purchase Money to be paid into the Bank.

XLII. 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 the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, 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 Hereditaments, 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 Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XLIII. 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 Hereditaments, 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,

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

Banks, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, 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 or the said Acts, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Penalty on
Persons
breaking
Turnpike
Gates, &c.

XLIV. And be it further enacted, That if any Person or Persons shall maliciously break down or otherwise injure any Turnpike Gates, Posts, Chains, Rails, or Bars, Weighing Machines, or the Houses erected for the Use of such Turnpikes, or any Bridge on the said Road, or Parapet Wall, Paling or Fence on the Sides of the said Road or Bridges, or shall maltreat any of the Toll Gatherers, or shall be aiding and assisting thereto, or forcibly pass through, or assist any Person in forcibly passing through any Turnpike Gate, or shall rescue any Person in Custody for the said Offences, or any of them, every Person or Persons so offending, and being thereof lawfully convicted in any Prosecution ordered by the said Trustees, by the Oath of One or more credible Witness or Witnesses, or his own Confession, before any One or more of the Justices of the Peace of the County where the Offence shall be committed, or where the Offender resides, shall not only pay double the Damages and Expences sustained by the said Trustees, but shall be subject and liable to pay a Fine not exceeding Five Pounds Sterling.

Penalty on
the Evasion
of Tolls.

XLV. And be it further enacted, That if any Person or Persons occupying Lands near any Turnpike which shall be erected in pursuance of this Act, shall knowingly or willingly permit or suffer any Person or Persons whatsoever to pass over or through the same, or through any Gate, Passage, or Way therein, with any Coach, Cart, or other Carriage, or with any Horse, Ass, Ox, or other Cattle, with an Intention to avoid Payment of the Toll, every such Person or Persons so offending, and the Person or Persons driving such Cart or other Carriage, Horse, Ass, Ox, or other Cattle, being convicted thereof by the Oath of any One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace of the County where the Offence shall be committed, or where the Offender resides, shall for every such Offence forfeit and pay to the said Trustees or their Collector or Collectors a Sum not exceeding Five Pounds Sterling.

Penalty on
taking off
Horses, &c.

XLVI. And be it further enacted, That if any Person or Persons shall, at any Time during the Continuance of this Act, refuse to pay the Tolls and Duties authorized to be levied by this Act at passing through any Turnpike or Toll Bar, or shall pass through the same without paying the Tolls and Duties leviable thereat, or take off, or cause to be taken off, any Horse, Mare, or Gelding, or Horses, Mares, or Geldings from any Coach, Chaise, Chair, Chariot, Berlin, Landau, Calash, or Hearse, or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, before the same shall come to any of the Gates or Turnpikes erected or continued by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby imposed, or shall put and leave in any House or Place any Waggon,
Wain,

Wain, Cart, or other Carriage, Horse, Mare, Gelding, or Cattle chargeable with or liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person or Persons so offending in any of the Cases aforesaid, and being convicted thereof by the Oath of any One or more credible Witness or Witnesses, or his or their own Confession, before any One or more of the Justices of the Peace for the County where the Offence shall be committed, or where the Offender resides, shall forfeit and pay to the Trustees appointed to put this Act into Execution, or to their Collector for the Time being, a Sum not exceeding Five Pounds Sterling.

XLVII. And be it enacted, That, from and after the passing of this Act, no Person or Persons shall make any Pits or Holes, nor shall lay down Dung, Lime, Compost, Rubbish, or any other Matter whatsoever for manuring Land, or any other Purpose (excepting always Stones, Wood, or other Materials for building Houses which may occupy One-third Part of the Road only), on the said Road, under a Penalty not exceeding Five Pounds Sterling, besides paying for the Expence of removing the same, and being obliged to fill up the said Pits and Holes; and which Penalties shall be levied by the Warrant of any One Justice of the Peace of the said County, by Distress and Sale as aforesaid, upon Application by any One of the said Trustees, or a Person appointed by him or them; and One Moiety of such Penalties shall go to the Informer, and the other Moiety to the Trustees of the said Road.

Penalty on laying Rubbish, &c. on the Highways.

XLVIII. And be it further enacted, That, from and after the passing of this Act, no Person or Persons whatsoever shall leave Carts, Wagons, Wains, or Carriages, loaded or unloaded, standing on the said Road, nor shall draw any Tree, Piece of Timber, or any Materials whatsoever upon the said Road, otherwise than on a wheeled Carriage, nor shall suffer any such Wood, or any Materials whatsoever, being on a wheeled Carriage, to touch or drag on the said Road; nor shall drive along the said Road any Carriage of which the Nails on the Tire of the Wheels are not sunk so as to make the Sole that touches the Road perfectly flat; and all Timber, Iron Bars, and other Articles exceeding Twenty-five Feet in Length shall be conveyed and carried in such Manner as that the said Timber, Iron Bars, and other Articles shall not project or extend over the Sides of the Carriages on which they are loaded, nor occupy more of the said Road than is occupied by the Carriage or Carriages on which they are placed; and the Breadth within the Wheels of such Carriages shall not exceed Six Feet; nor shall any Person or Persons do any Thing whereby the said Road or Streets of Burgh Towns and Villages through which the same pass may be injured or obstructed; and every Person offending in any of the said Particulars shall pay the whole Damages thereby sustained, and repair the Injury done to the said Road or Street, and shall also, for every such Offence, forfeit a Sum not exceeding Five Pounds Sterling.

Penalty for Carriages standing on the Road, &c.

XLIX. And be it enacted, That no Houses or Buildings of any Description (other than a Wall for the Purposes of Inclosure, not exceeding Six Feet in Height) to be erected near the Sides of the said Road, where Houses have not been formerly erected, before the passing of this Act, shall be built within the Distance of Thirty Feet from the middle of the said Road, including the Foot Paths, under a Penalty not

Buildings erected within Thirty Feet, from the Middle of the said Road to be pulled down.

exceeding Forty Shillings Sterling for every Offence, and the Expence of demolishing such House or Building; and it shall be lawful for any Justice of the Peace to stop the Erection of every such House or Building which shall be within the said Distance from the middle of the said Road; and if any Building shall be erected hereafter within the Distance aforesaid, any One or more Justice or Justices of the Peace, upon Application made to 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 pulled down and removed at the Expence of the Erector, or of the Proprietor of the Ground on which the same stands, and may grant Warrant for levying and recovering the said Penalty and Expences as aforesaid.

Roads to be admeasured, and Mile-Stones erected.

Penalty on breaking or defacing Mile-Stones, &c.

to be levied by Distress and Sale.

L. And be it further enacted, That the said Trustees, at any General Meeting, may cause the said Roads to be admeasured, and Stones or Posts to be erected thereon or near the Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall judge convenient, and may also cause Guide Posts to be erected where necessary; and if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any such Stones or Posts, or obliterate or deface any Letters or Figures that shall be inscribed or put thereon, and shall be thereof convicted, by the Oath or Confession of the Party offending, or of One or more credible Witnesses or Witnesses, before any One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed, or the Offender resides, such Person or Persons so offending shall respectively forfeit and pay any Sum not exceeding Five Pounds Sterling for every Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced, to be levied and recovered in the same Manner as other Penalties are by this Act directed to be recovered and levied; and such Forfeitures shall be applied, One Moiety to the Informer, and the other Moiety in repairing the Stones or Posts so broken or pulled up, damaged or defaced, or in supplying new ones in their Stead, and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Road.

No Horses to be pastured on the said Roads.

LI. And be it enacted, That if any Person or Persons shall, from and after the passing of this Act, pasture or leave or allow to be pastured or left on the aforesaid Road, any Horses, Sheep, Cows, or other Cattle, it shall and may be lawful for any One or more of the Justices of the Peace for the said County, upon Application made to him or them by any Heritor in the said County, or by any Person or Persons having Authority from the said Trustees, to issue his or their Warrant for apprehending the Person or Persons so offending as aforesaid, and to bring them before him or them for Examination; and upon such Offender or Offenders being convicted of such Offence by the Oath of One or more credible Witnesses or Witnesses, or the Oath or Confession of the Party offending, it shall and may be lawful for such Justice or Justices of the Peace to fine and amerciate such Offender or Offenders severally, in any Sum not exceeding Five Pounds Sterling for each and every Offence, to be levied and recovered, in case of Non-payment, and to be applied in Manner herein directed.

Trustees to defray their own Expences.

LII. And be it enacted, That the Trustees of the said Road, at their First and all other subsequent Meetings held in pursuance of this Act, shall defray their own Charges and Expences.

LIII. And

LIII. And be it enacted, That all Prosecutions under this Act, and for the Penalties and other Forfeitures above specified, may proceed and be carried on in Name of, and by Authority of the Clerk to the said Trustees, in whose Name Execution may pass against the Defaulters.

Actions may proceed in Name of the Clerk to the Trustees.

LIV. 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 Wrong done, or Injury suffered in any Matter relative thereto, in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of One Year after the Penalty or Forfeiture is incurred, or Wrong done or Injury suffered, and not afterwards.

Actions to be commenced within One Year after the Offence is committed.

LV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, if not directed by this Act to be otherwise levied, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands of any One or more Justice or Justices of the Peace of the County where the Offence shall be committed, or where the Offender shall reside, in the Option of the Trustees, or of the Person or Persons authorized by them to levy such Distress, and the Persons distraining such Goods and Chattels are hereby authorized and empowered, after the Space of Four Days after such Distress shall be made and taken, to sell the Goods so distrained by public Roup or Auction, at the nearest Turnpike or Toll-House to the Place where such Distress shall be made, and return the Overplus Money (if any be) upon Demand, to the Owner or Owners of such Goods and Chattels, after such Penalties and Forfeitures, with the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; and the said Forfeitures, when recovered, if not otherwise directed to be applied by this Act, shall be applied, One Moiety to the Informer, and the other Moiety towards carrying this Act into Execution, as the said Trustees shall direct; and where Money shall be payable for any Forfeiture or Penalty, if the Officer shall report that sufficient Effects for Distress cannot be found, and the Money due shall not forthwith be paid, it shall be lawful for any One Justice of the Peace for the County wherein the Offence shall be committed, to commit the Offender to the Common Gaol, there to remain for any Time not exceeding Three Calendar Months, unless such Money, with the reasonable Charges, be sooner paid.

Penalties how to be levied.

LVI. And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already directed or appointed, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at the next Quarter Sessions for the County wherein the Cause of Complaint shall have arisen, or in case the Cause of Complaint shall arise within Fifteen Days before such Quarter Sessions, then such Appeal may be made to the said Justices at the Second Quarter Sessions, who are hereby authorized and required to take such Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, and if they see Cause, shall and may, by Order of such Meeting, mitigate at their Discretion, all or any of the said Forfeitures or Penalties imposed or incurred by the said Party or Parties complaining, or vacate and set aside the Conviction or

Persons aggrieved may appeal to the Quarter Sessions.

Convictions,

Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion may seem proper, and may levy, by their Order or Warrant, such Costs, to awarded, by Distress and Sale of the Goods of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress, to commit the Party to the Common Gaol of the County, for any Time not exceeding Three Months; or until Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid shall and they are hereby directed, to give Notice in Writing to the Defendant of such Intention of bringing or prosecuting any Appeal, Fifteen Days before the said Quarter Sessions, and shall within Five Days after such Notice given, lodge, in the Hands of the Clerk to the said Justices, a Bond signed by him, her, or them, and Two sufficient Securities, obliging him or them to prosecute such Appeal; and in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal shall, at the said Quarter Sessions, be there heard and finally determined, without being subject to Advocation, Reduction, or Suspension.

Bye Roads
may be shut
up.

LVII. And be it enacted, That it shall and may be lawful to and for the Justices of the Peace of the said Counties respectively, or any Two of them, to cause any Roads connected with the Road included and directed by this Act to be made, widened, and repaired, and which are useless to the Public to be shut up: Provided always, that in case any Person having Interest shall think himself aggrieved by the Act or Order of the said Justices, for shutting up any Road, it shall be competent to him, upon good Cause shewn, to reduce the same, any Time within Three Years after the said Road has been shut up, by a competent Process before the Court of Session.

Judgment of
Quarter Sessions
to be
final.

LVIII. And be it enacted, That in all Cases and Causes subject by this Act to the Decision of the Justices of the Peace at their Quarter Sessions assembled, the Judgment and Sentence of the said Justices shall be final and conclusive, and shall not be subject to Advocation, nor to any Suspension; Reduction, Appeal, or other Stay of Execution.

Expence of
the Act to be
paid.

LIX. And be it enacted, That the Expences of procuring and passing this Act shall be paid from the Money borrowed or to be borrowed on the Credit of the Tolls and Duties authorized to be levied by this Act.

Public Act.

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

Commence-
ment and
Continuance
of the Act.

LXI. And be it enacted, That this Act shall commence and take place from and after the passing of this Act, and shall remain in force during the Term of Twenty One Years, and from thence to the End of the then next Session of Parliament.

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