



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 54.

An Act to continue the Term and enlarge the Powers of an Act, for repairing the Road from *Kinross* in the County of *Kinross*, to *Alloa* in the County of *Clackmannan*. [27th May, 1808.]

**W**HEREAS an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled “An Act for <sup>37 G. 3. c. 171.</sup> making and repairing the Road from *Kinross* in the County of *Kinross*, to *Alloa* in the County of *Clackmannan* :” And whereas, the Trustees appointed by the said Act have made great Progress in making and repairing the said Road, and for that Purpose have borrowed considerable Sums of Money on their own personal Security, and on the Credit of the Tolls thereby granted; but the said Road cannot be effectually amended and kept in Repair, nor the Money so borrowed repaid, unless the Term of the said Act be enlarged, the Tolls increased, and further and other Powers granted: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters and Things, therein contained, (except such Parts thereof as are hereby varied, altered, or repealed,) shall be, and remain in full Force and Effect; and together with this present Act, shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after mentioned, as fully and effectually in all Respects, and to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this present Act; which said Term hereby granted shall be, and is hereby declared to be, subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Act, or which shall or may

Former Act continued.

[Loc. & Per.] 115 hereafter



hereafter be borrowed or become due on the Credit of the said recited Act, and of this Act, and all Interest due and to become due for the same respectively.

Powers may  
be exercised  
by Three  
Trustees.

II. And be it further enacted, That the Powers and Authorities given to the said Trustees by the said recited Act and this Act, shall and may be exercised by any Three or more of them; any Thing in the said Act to the contrary notwithstanding.

Former Tolls  
repealed, and  
new Tolls  
granted.

III. And be it further enacted, That the several Tolls granted and made payable in and by the said recited Act, shall from and after the Commencement of this Act cease and be discontinued; and in lieu and instead thereof, the several Tolls herein-after mentioned shall, during the Continuance of this Act, be collected and taken by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same at the several and respective Toll Gates and Turnpikes already set up and erected, or which may hereafter be set up and erected, upon the said Roads, or across any Lanes or Ways leading into the same, before any Cattle or Carriage shall be permitted to pass through the same, (that is to say :)

For every Coach, Berlin, Chariot, Landau, Chaise, Calash, Hearse, or any other four wheeled Carriage, drawn by Six or more Horses, Mares, Geldings or Mules, the Sum of Six Shillings and Sixpence Sterling: and drawn by Four Horses, Mares, Geldings, or Mules the Sum of Four Shillings Sterling: and drawn by Three Horses, Mares, Geldings, or Mules the Sum of Three Shillings Sterling: and drawn by Two Horses, Mares, Geldings, or Mules the Sum of One Shilling and Sixpence Sterling: and drawn by one Horse, Mare, Gelding, or Mule the Sum of One Shilling and Three Pence Sterling.

For every Chaise, Curricie, Chair, or other such like Carriage, drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling: and drawn by one Horse, Mare, Gelding, or Mule, the Sum of One Shilling Sterling.

For every Taxed Cart drawn by one Horse, the Sum of Ninepence Sterling.

For every Waggon, Wain, Cart, or other such like Carriage drawn by Six or more Horses, or other Beasts of Draught the Sum of Six Shillings Sterling: and drawn by Five Horses or other Beasts of Draught the Sum of Five Shillings Sterling: and drawn by Four Horses or other Beasts of Draught, the Sum of Four Shillings Sterling: and drawn by Three Horses or other Beasts of Draught the Sum of Three Shillings Sterling.

For every Waggon, Wain, Cart, or other such like Carriage, drawn by one Horse or other Beast of Draught, where any such Carriage, and the Loading thereof, taken together, shall not exceed Fifteen Hundred Weight, the Sum of Four-pence Sterling: and drawn by Two Horses or other Beasts of Draught the Sum of Sixpence Sterling: and where such Carriage and Loading shall exceed Fifteen Hundred Weight, and shall not exceed Twenty Hundred Weight, the Sum of Four-pence Halfpenny Sterling: and drawn by Two Horses or other Beasts of Draught the Sum of Sixpence Halfpenny Sterling: and



and where such Carriage and Loading shall exceed Twenty Hundred Weight, and shall not exceed Twenty-five Hundred Weight, the Sum of Five-pence Sterling: and drawn by Two Horses or other Beasts of Draught, the Sum of Seven-pence Sterling: and where such Carriage and Loading shall exceed Twenty-five Hundred Weight, and shall not exceed Thirty Hundred Weight, the Sum of Five-pence Halfpenny Sterling: and drawn by Two Horses or other Beasts of Draught, the Sum of Sevenpence Halfpenny Sterling: and where such Carriage and Loading shall amount to Thirty-one Hundred Weight, the Sum of Sixpence Sterling: and drawn by Two Horses or other Beasts of Draught, the Sum of Eight-pence Sterling: and for every one Hundred Weight, which such Carriage and Loading shall weigh above Thirty-one Hundred Weight, the Sum of One Penny Sterling.

For every Horse, Mare, Gelding, or Mule, laden or unladen and not drawing, the Sum of Two-pence Sterling.

For every Drove of Oxen or neat Cattle the Sum of One Shilling and Eight-pence Sterling, per Score, and so in proportion for any greater or less Number.

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

IV. Provided always, and be it further enacted, That no Carts, Waggon, or other Carriages, employed in Husbandry only, or in carrying Manure for Land, Hay, Straw, Fodder, or Corn in the Straw, shall be liable to pay the said additional Toll or Tolls, for Overweight; any Thing herein contained to the contrary notwithstanding: Provided also, That no Cart or other Carriage, carrying Dung or other Manure for Land or Gardens, which shall have paid Toll for passing through any Gate or Turnpike to be erected by virtue of this Act, shall be subject again to pay Toll at such Gate or Turnpike the same Day, before Twelve of the Clock at Night, however often such Carriage may pass through the said Gate the same Day; provided such Cart or Carriage, so passing or returning, shall not be otherways laden than with Dung or Manure.

Carriages loaded with Manure, &c. not to pay for Over-weight.

V. Provided always, and be it further enacted, That every Waggon, Wain, Cart, or such like Carriage as aforesaid, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, and being cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, and in every intermediate Part, between the Inside and Outside, so that when rolling on a flat Surface the whole Breadth of such Fellies shall bear equally on such flat Surface that the opposite Ends of the Axle-trees of such Carriages, as far as the same shall be inserted into the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts, which shall rest on the Ground, shall be at the same Distance from each other, as the upper Part of the said Pair of Wheels, shall be chargeable with only Two Third Parts of the Toll hereinbefore granted upon Waggon, Wains, or other such like Carriages: Provided also, that every Person claiming the Privilege hereby granted

Carriages rolling a flat Surface to pay Tolls.

to



to broad Wheeled Carriages shall permit the same to be examined and measured by any Person concerned in the Collection of the said Tolls.

No Composition for Carriages unless Fellies of a certain Breadth.

VI. Provided nevertheless and be it further enacted, That no Composition shall be made for Tolls for or in respect of any Waggon, Cart, or such like Carriage, or of any Horses or other Beasts drawing the same, where such Carriage or Carriages shall, with its Loading, exceed Thirty-one Hundred Weight, unless such Carriage or Carriages have the Fellies of the Wheels thereof of the Breadth or Gauge herein-before specified, and unless the Nails in such Fellies are countersunk so as not to rise out of the Surface.

For erecting Weighing Machines.

VII. And be it further enacted, That it shall be lawful to and for the said Trustees, at a general Meeting assembled, to erect or cause to be erected on such Parts of the said Road as they shall think proper, or on the Sides of the same, Weighing Machines, at which all Persons travelling with Carts, or Carriages of the above Description, shall be obliged, when required by the Toll-gatherer, or by any Trustee, to weigh every such Carriage when passing or intending to pass any Turnpike Gate erected across or on the Sides of the said Road, upon pain of forfeiting any Sum not exceeding Forty Shillings Sterling.

For erecting Turnpikes on the Roads.

VIII. And be it further enacted, That the said Trustees shall have Power and Authority to erect, or cause to be erected, so many Turnpike or Turnpikes, Toll Gate or Toll Gates, in, upon, across, or on the Side or Sides of any Part of the said Road, or of any Lane or Way leading into the same, and shall and may erect or provide a Toll-house, with a suitable Garden, at or near each Turnpike or Toll-Gate; and may cause all or any of such Turnpikes, Toll-Gates, Toll-houses, and Gardens, from Time to Time, to be taken down, removed, and set up again, or altered, as they or any Three or more of them, shall think proper; and to demand and take thereat the several Tolls and Duties by this Act authorized to be levied and taken.

Regulation as to Persons travelling between Kinross and the western Extremity of the Road.

IX. Provided always, That Persons travelling on the said Road, betwixt the Town of *Kinross* and the western Extremity of the said Road, shall not be chargeable with, or liable to pay, at more than Four Toll-Gates the same Day, whatever Number of Turnpikes, or Side Gates, the said Trustees may find it necessary to erect on the said Line of Road.

Trustees may make Fences on unenclosed Grounds to prevent Evasion of Tolls.

X. And whereas Part of the said Road leads over open and uninclosed Grounds, by reason of which the Tolls granted by this Act may be easily avoided, be it therefore further enacted, That the said Trustees may, and they are hereby authorized and empowered, if they see Occasion, to make or cause to be made Ditches, Walls, and Fences, by the Sides of the said Road, or over, upon, or across the said open or uninclosed Grounds, in such Manner and Direction as they shall find necessary, so that the Payment of the said Tolls may not be avoided; and if any Person or Persons shall pull down or otherways damage or displace or carry away any such Fence, or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall, for every such Offence, forfeit and

and pay any Sum not exceeding Five Pounds; and whatever Ditches may be made on the Sides of the said Road shall thereafter be cleared and cleansed by the respective Proprietors through whose Ground the same shall be so made, in Manner provided by the said recited Act and this Act.

XI. And be it enacted, That the Exemptions granted by the said recited Act shall be and the same are hereby repealed, and that no Toll shall be demanded for or in respect of Carriages, Horses, or Cattle, employed in carrying Materials for making or repairing Roads, Bridges, and Toll-Houses, in the Counties of *Clackmannan*, *Kinross*, or *Perth*, or going empty to carry or convey, or returning empty after carrying the same, or for Cattle, Horses, or Carriages, laden or unladen, passing from one Part of a Farm to another, or 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 other his Parochial or Ministerial Duty, 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 Post-master General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying the same; nor for the Horses of Officers or Soldiers, who are upon their March or on Duty, nor 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 wounded or disabled Officers or Soldiers; nor for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided always, that such Persons shall 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 or Carriages or Waggon travelling with Vagrants sent with legal Passes; nor shall any Person be liable to pay Toll for any Horse or Carriage at any Toll Bar erected or to be erected across or on the Side of the said Road, which shall only cross the same, and shall not pass above Three Hundred Yards thereon; and if any such 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.

Exemptions repealed and others granted.

XII. And be it further enacted, That if the Owner of any Waggon, Cart, or other such Carriage, or other Person being the Driver thereof, travelling on the said Road where any Toll Gate or Weighing Engine is or shall be erected, shall turn out of the same into any other Road in order to avoid being weighed, or to avoid the paying of Toll, and shall afterwards proceed with such Carriage into and on any Part of the Roads hereby directed to be made and amended, every such Owner or

Penalty on Persons driving Carriages out of the Road to avoid Payment of Toll.

[*Loc. & Per.*]

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other



other Person convicted of such Offence before one or more Justice or Justices of the Peace for the District where such Offence shall be committed, upon the Oath of one or more credible Witness or Witnesses, shall forfeit, if he be the Owner, any Sum not exceeding Five Pounds Sterling, and if he be the Driver, and not the Owner, any Sum not exceeding Fifty Shillings Sterling, upon Conviction, for every such Offence.

Providing  
Repositories  
for Materials.

XIII. And be it further enacted, That the said Trustees, or their Contractors or Overseers, shall be and are hereby empowered to provide proper Places, at the Distance of a Quarter of a Mile from each other, on the Sides of the said Road, as Repositories for Stone, Gravel, and other Materials for making and repairing the said Road, Damages being always paid for the Ground occupied by such Repositories, and the Fences and Enclosures properly repaired at the Expence of the said Trustees: Provided always, That no such Repository shall be made on the same Side of the Road on which any Gentleman's Mansion House is situated, where such Repository shall be nearer to such Mansion House in a direct Line than Half a Mile.

Cattle not  
to be grazed  
on the Sides  
of the Road,  
&c.

XIV. And be it further enacted, That if any Person or Persons shall graze, or allow their Horses, Cows, or other Cattle to graze upon the Sides or Parts of the said Road, or in the Drains or Ditches adjoining thereto, or shall ride upon the Foot Paths constructed along the Sides of the said Road, or use the same for any other Purpose whatever than the Accommodation of Foot Passengers, or hang or place any Gate across the same, or along the Side thereof, to open otherwise than into the Field, or build any Windmill or Kiln for burning Lime or Bricks, within Twenty Yards of the Sides of any of the said Roads, every such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Thirty Shillings Sterling, and shall over and above remove the Nuisance, and be liable to pay the whole Damage sustained by the Trustees.

Damages  
by making  
Openings  
into the  
Road to be  
made good.

XV. And be it further enacted, That from and after the passing of this Act if any Heritor or Occupier of Land on the Sides of the said Road shall make any Road or Entry from the said Road into any Field or Enclosure adjoining the same, such Heritor or Occupier shall within Twenty-four Hours after the same shall be completed, repair whatever Damage may have been done to the said Road or Foot Path by such Operations, and make proper Bridges or Conduits for carrying off the Water, so that it may not stagnate on the Road; and if he shall refuse or neglect so to do, he shall, over and above making good the Damage sustained, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Scouring  
Ditches.

XVI. And be it further enacted, That where any Ditches have been, or hereafter shall be made, near the Sides of the said Road, or through any Field adjoining thereto, by the Proprietors or Occupiers of the said Fields, such Proprietors or Occupiers shall, and they are hereby required to keep such Ditches properly scoured, and not to allow the Water to stagnate therein, so that the Road may be thereby damaged; and if they fail so to do so, after Six Days Notice previously given, the said Trustees,



tees, or the Overseers of the Road, by the Direction of any One of the Trustees, may, and are hereby required, to order the said Ditches to be opened, scoured, and cleansed, at the Cost of the said Proprietors or Occupiers, such Costs to be recovered by Distress and Sale of any of their moveable Effects, in the Manner directed by the said recited Act; and if any Occupier of Land shall turn any Water across or upon the Side or Sides of the said Road, he or she shall conduct such Water either in an open or covered Drain, of such Form and Dimensions as the said Trustees shall order and direct; and if such Occupier of Land shall, after Ten Days Notice, refuse or neglect to make such Drain, according to the Directions of the said Trustees as aforesaid, it shall be lawful for the said Trustees to order and cause such Drain to be made; and the Person or Persons refusing or neglecting to make the same, agreeably to the Orders and Directions of the said Trustees as aforesaid, shall re-pay to the said Trustees all the Costs, Charges, and Expences attending the making of such Drain, and shall likewise pay a Penalty of Forty Shillings Sterling.

XVII. And be it enacted, That it shall and may be lawful to and for the said Trustees to order and direct the Earth which may be excavated for the Purpose of making any Ditches or Trenches, by the said recited Act or this Act authorized to be made, to be thrown or laid upon the Side of the said Ditch or Ditches next and adjoining to the said Road, so as to form a Bank betwixt the said Road and the said Ditch or Ditches.

Allowing  
Earth to be  
thrown up  
between  
Ditches and  
Road.

XVIII. And be it further enacted, That no Driver of any Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, whether the same be loaded or unloaded, shall drive or permit the same to travel or pass upon the said Road, 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 Burthen, so as wilfully to obstruct the free Passage of the said Road, or any Part thereof; and that for every Waggon, Wain, Cart, or other Carriage, drawn by Two or more Horses, Oxen, or other Beast of Draught, there shall be at least One Driver; and that there shall be one Driver at the least for every Two Waggon, Wains, Carts, or other Carriages drawn by One Horse, Ox, or other Beast of Draught; and every Person or Persons offending in the Premises, shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling, for every such Offence.

Carriages  
not to go  
abreast.

XIX. And be it further enacted, That the Driver of every Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, travelling upon the said Road, or any Part thereof, shall be obliged, upon meeting another Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beasts of Burthen, to make Way by holding or driving to his own left Hand, or what is commonly called holding to his near Side; and shall, upon passing any Waggon, Wain, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, be obliged to pass upon the right Hand of such Carriage, Horse, or other Beast of Burthen; and the Driver of every such Carriage, Horse, or other Beast, so to be passed, shall be obliged to hold or drive to his near

Carriages  
to pass on the  
Right of  
others.



near Side, and that without Distinction, whether the Carriage, Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, so meeting or passing, is loaded or unloaded; and every Person offending in the Premises shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling for every such Offence.

Obliging  
Owners of  
Carriages to  
paint their  
Names  
thereon.

XX. And be it further enacted, That in case the Owner of any Waggon, Wain, Cart, or other such Carriage, shall fail to have his Name and Place of Abode painted in legible Characters in some conspicuous Part of the Waggon, Wain, or Cart, it shall be lawful for the said Trustees to order and direct the Tacksmen of the Tolls, or the Toll-gatherer, or other Person employed to collect any of the Tolls or Duties, and such Tacksmen or Toll-gatherer is hereby authorized and required to levy, demand, and take at the said Turnpike-Gate or Gates, before any such Waggon, Wain, Cart, or other such Carriage on which the Owner's Name shall not be so painted, pass through the same, Double the Tolls and Duties by this Act authorized to be levied and taken; and which Double Tolls and Duties shall be recovered and applied in the same Manner as the other Tolls and Duties are by the former Act and this Act directed to be recovered and applied.

Obliging  
Toll-gather-  
ers to attend.

XXI. And be it further enacted, That if any Tacksmen, Toll-gatherer, or other Person employed to collect the said Tolls, shall permit any Waggon, Wain, or other such Carriage, on which the Name and Place of Abode of the Owner shall not be painted as herein-before directed, to pass any of the said Turnpike or Turnpikes, without exacting Double Tolls as before mentioned; or shall absent himself from the Turnpike Gate, so as to occasion Delay or Inconvenience to Travellers; or knowingly to exact any higher Rate of Toll than what is hereby authorized to be taken; or to refuse, when required by any Person passing through the Turnpike Gate, to shew his Warrant of Collection, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

For suppress-  
ing Bye-  
Roads.

XXII. And be it further enacted, That it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties, upon the Application of the said Trustees, to cause any unnecessary Bye-Road immediately connected with and leading into the Road by the said recited Act or this Act authorized to be made, as they shall judge not to be of Importance to the Public: Provided always, that no Bye-Road shall be shut up, or the Situation of any Turnpike Gate once established, altered, unless at a Meeting to be held for that express Purpose, on a Notice of at least Thirty Days before the Day of Meeting, specifying the Purpose of the Meeting, inserted in the *Edinburgh Evening Courant*, or *Galedonian Mercury*, and affixed to all the Turnpikes that shall be standing on the Road, and to all the Parish Church Doors within which the Bye-Roads proposed to be shut up shall be situated; nor unless there shall be present at such Meeting, Double the Number of Trustees required to make a Quorum for executing the other Purposes of the said recited Act, or this Act, nor unless Three-fourths of the Trustees present shall decide in favour of the Measure proposed; which Trustees so deciding, shall have previously inspected the said Bye Roads, to entitle them to vote at such Meeting.

XXIII. And



XXIII. And be it further enacted, That the said Trustees may sue or be sued for or concerning any Thing done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name of their Treasurer or Clerk, shall fall or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk, without the Consent of the Trustees; but that the Treasurer or Clerk to the said Trustees for the Time being shall be deemed to be 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;

XXIV. Provided always, That every such Treasurer or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended; in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of the said former Act and this Act; and shall also have a personal Claim and Right of Action against the Trustees acting in the Execution of the said Acts, for all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put to, or become chargeable with, by reason of his being so made Pursuer or Defender as aforesaid.

and be reimbursed Expences.

XXV. And be it further enacted, That it shall and may be lawful to and for such of the said Trustees as are or shall be in the Commission of the Peace for the said Counties of *Clackmannan*, *Kinross*, and *Perth*, to act as Justices of the Peace in all such Cases, Matters, or Things, as shall be necessary for more speedily and effectually putting into execution the several Powers and Authorities in the said former Act and in this Act mentioned and contained, except in such Cases only in which they are personally interested.

Trustees in the Commission of the Peace may act.

XXVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in any ways relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and they are hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of their being appointed to collect such Tolls.

Toll Collectors competent Witnesses.

XXVII. And be it further enacted, That all Costs, Charges, and Expences; incident to and attending the obtaining and passing of this Act, together with the lawful Interest for the same, shall be paid and defrayed out of the first Money which shall be collected and received from the additional Tolls by this Act granted; and for ascertaining the Amount of the said additional Tolls, it is hereby declared that the yearly Revenue arising from the Tolls and Duties payable by the said former Act, shall be rated and taken at the Sum of Two hundred and fifty-five Pounds Six Shillings and Eight-pence, being the average Produce of the said Tolls, for the Three Years preceding the Term of *Whitsunday* One thousand eight hundred and eight; and that whatever Tolls and Duties may, from and after the said Term of *Whitsunday* One thousand eight hundred and eight, be collected at or received from the Turnpike-gates erected or to be erected on the said Road, over and above the aforesaid Sum of Two hundred and

Expences of the Act.

[Loc. & Per.]

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fifty-five Pounds Six Shillings and Eight-pence, shall be held and taken to be additional Tolls.

For detaining  
unknown  
Persons guilty  
of Offences.

XXVIII. And whereas Persons guilty of Offences against the said recited Act and this Act may be transient Persons unknown to the Collectors, Surveyors, and Officers under the said Acts; be it therefore enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons, guilty of any Offence against this Act, and to convey him, her, or them, before One or more Justice or Justices of the Peace, for the County where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Money payable to Persons under Entail or Disability, how to be disposed of.  
If 200l. and upwards.

XXIX. And be it enacted, That whatever Money shall be paid as afore-said, for Lands, Tenements, Houses, or other Subjects taken or used by the said Trustees, for the Purposes of the said Act and this Act, which were held under Entail, or subject to Life-rent Annuities or other Incumbrances, or belonging to any Corporation, married Woman, Minor, Lunatic, Idiot, or other Person under legal Disability or Incapacity, such Money, in case the same amount to Two hundred Pounds or upwards, shall be under the Authority and Direction of the Court of Session, and shall, without Delay be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or such other Bank as the said Court shall direct, upon the highest Interest that can be got, in order that it may be applied, with the Approbation and by the Authority of the said Court, in the Purchase of Land Tax, or in the Discharge of any Debt or Incumbrance affecting the said Lands, Tenements, Houses, or other Subjects, or affecting other Lands, Tenements, Houses, or other Subjects belonging to the same Persons, and settled to the same or like Uses, or under the like Conditions and Limitations; and when such Money cannot be applied to these or like Purposes, then the same shall be laid out in the Purchase, or on the Security of other Lands, Tenements, Houses, and other Subjects of the like Nature, and the Rights and Titles thereof shall be devised to the same Person or Persons, or for their Benefit, to the same Series of Heirs, for the same Uses and Purposes, and under the same Provisions, Conditions, and Limitations as the Lands, Tenements, Houses, and other Subjects taken and used for the Purposes of the said Act and this Act were devised and settled, or such of them as shall be then existing and capable of taking effect; and in the mean Time, until such Purchase or Security can be effected, the Interest of such Money shall be paid, by Authority of the said Court, to the Person or Persons who for the Time would have been entitled to the Rents and Profits of the Lands, Tenements, Houses, or other Subjects so taken and used by the said Trustees.

If less than  
200l. and  
above 20l.

XXX. And be it enacted, That if such Money be less than Two hundred Pounds, but shall be equal to or exceed Twenty Pounds Sterling, then at the Option of the Person or Persons who for the Time being would have been entitled to the Rents and Profits of the Lands, Tenements, Houses, and other Subjects conveyed to or taken by the Trustees for the Purposes of the said Act and this Act, to be signified in Writing under their respective Hands, or under the Hands of their Tutors, Curators, or Trustees in Cases of Minority, Lunacy, or Trust, to be paid into one or other of the said Banks,



Banks, under the same Direction and Authority, to be applied in the Manner before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be named by the Person or Persons making such Option, and approved of by Three or more Trustees under the said Act and this Act, in order that such Money, and the Interest arising thereon, may be applied in the Manner before directed, so far as the Circumstances of the Case shall make it practicable.

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

XXXII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, Houses or other Subjects, purchased by virtue of the said Act and 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, Houses, or other Subjects, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any 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, Houses, or other Subjects, (describing them,) subject to the Order, Controul and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such 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.

XXXIII. 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 Bank in pursuance of the said Act and this Act, for the Purchase of any Lands, Tenements, Houses, or other Subjects, or of any Estate, Right, or Interest in any Lands, Tenements, Houses, or other Subjects, to be purchased

If less than 20l.

In case of not making out Titles, &c.

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

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



chased in pursuance thereof, the Person or Persons who shall have been in the Possession of such Lands, Tenements, Houses, and other Subjects, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, Houses, or other Subjects, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly, unless it shall be made 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, Houses, or other Subjects, or to some Estate or Interest therein.

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

XXXIV. 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, Houses, or other Subjects to be purchased under the Authority of the said Act and this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, Houses, or other Subjects, to be settled to the like Uses in pursuance of the said Act and this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

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

Commence-  
ment and  
Continu-  
ance.

XXXVI. And be it further enacted, That from and after the passing of this Act, the Term granted by the said recited Act shall cease and determine, and that from thenceforth the said recited Act (subject to the Alterations and Amendments herein contained) shall continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1808.