



ANNO QUINQUAGESIMO SEXTO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. lxxxiii.

An Act for improving the Road from the City of *Glasgow* to the City of *Carlisle*. [1st July 1816.]

**W**HEREAS the Road from the City of *Glasgow*, in the County of *Lanark*, to the City of *Carlisle*, in the County of *Cumberland*, is in many Places inconvenient and defective, and some Parts thereof are even in a ruinous State, and the same is incapable under the existing Trusts of receiving a proper Direction, or of being put in a proper State of Repair: And whereas the Intercourse between the populous and manufacturing Districts in the North-west Parts of *England*, and the populous and manufacturing Districts in the North-west Parts of *Scotland*, and the Communication of both with the Metropolis and with *Ireland* by *Portpatrick*, requires that the said Road from the City of *Glasgow* to the City of *Carlisle* should be improved in the Manner herein directed, and that Provision should be made for accomplishing such Improvement, and for continuing the Benefit thereof when made: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That as soon as conveniently may be from and after the passing of this Act, the Alterations and Improvements upon the said Road from the said City of *Glasgow* to the said City of *Carlisle* shall be made and completed, and the same when made and completed shall be kept in repair in the Manner herein directed.

Improvement  
to be made.

1790

56° GEORGII III. Cap. lxxxiii.

Survey to be ordered and Improvements to be made by the Parliamentary Commissioners.

II. And be it enacted, That for the Purpose of ascertaining the Alterations and Improvements that ought to be made upon the said Road from the said City of *Glasgow* to the said City of *Carlisle*, it shall and may be lawful for the Commissioners appointed by or pursuant to an Act passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds to be issued and applied towards making Roads and building Bridges in the Highlands of Scotland; and for enabling the Proprietors of Land in Scotland to charge their Estates with a Proportion of the Expence of making and keeping in Repair Roads and Bridges in the Highlands of Scotland*; and such Commissioners are hereby authorized to direct a Survey thereof, and a Report to be made to them thereupon by such Surveyor or Surveyors as they shall appoint for that Purpose, and thereafter to order and determine the Alterations and Improvements that are to be made upon the said Road from the City of *Glasgow* to the City of *Carlisle*, and in what Line or Direction every or any Part of such Road shall be carried, and such Alterations and Improvements shall then be made, and such Line and Direction shall be given to the said Road, as shall be settled and determined by the said Commissioners.

Map, &c. to be deposited with the Clerk of the Trustees.

III. And be it enacted, That after the Commissioners appointed by or pursuant to the said recited Act passed in the Forty-third Year of His present Majesty shall have settled and determined the Alterations and Improvements to be made on the said Road from the City of *Glasgow* to the City of *Carlisle*, and the Line and Direction according to which the same shall be carried, a Map or Plan shall be made shewing the Line of the present Road from the said City of *Glasgow* to the said City of *Carlisle*, and the Alterations and Improvements to be made thereupon, together with a Book of Reference containing the Names of the Owners and Occupiers of the Lands in or through which such Alterations and Improvements are to be made and carried; and such Plan and Book of Reference, authenticated by the said Commissioners or any Three of them, shall be delivered to the Clerk of the Trustees appointed by this Act, and the same shall remain in the Custody of the Clerk of the said Trustees, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and obtain Copies and Extracts thereof, paying to the Clerk of the said Trustees the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and if in making the Alterations and Improvements directed by this Act it shall appear necessary to deviate from the Line laid down in such Map or Plan, it shall and may be lawful for the said Commissioners to direct such Deviation to be made, provided that a Plan shewing such Deviation shall be deposited with the Clerk of the said Trustees authenticated as aforesaid.

Improvement between Glasgow and Hamilton.

IV. And whereas so much of the said Road as is situated between the East End of the said City of *Glasgow*, and the West End of the Town of *Hamilton*, in the County of *Lanark*, being under the Management of the Trustees appointed by an Act passed in the Fifty-fourth Year of the Reign of His present Majesty, intituled *An Act for repealing several Acts passed for making and repairing the Road from Livingstone, by the Kirk of Shotts, to the City of Glasgow, and certain Roads connected therewith, and*

for making further and other Provisions for maintaining the said Roads, be it enacted, That if the said Trustees appointed by the said recited Act shall think fit to make or cause to be made such Alterations and Improvements as shall be settled and determined by the said Commissioners, ought to be made upon this Part of the Road out of the Monies granted by the said recited Act passed in the Fifty-fourth Year aforesaid, the said recited Act of the Fifty-fourth Year aforesaid shall in that Case be continued and put in force during the Term granted by this Act, in so far as relates to so much of the said Road as is situated between the East End of the City of *Glasgow* and the West End of the Town of *Hamilton*; and upon such Alterations and Improvements being made, the said Trustees appointed by the said recited Act of the Fifty-fourth Year aforesaid shall be and they are hereby empowered to levy the Tolls and Duties granted by this Act upon such Part of the said Road.

V. Provided always, and be it enacted, That nothing herein contained shall deprive or be construed to deprive the said last-mentioned Trustees of the Powers and Authorities granted to them by the said recited Act of the Fifty-fourth Year aforesaid.

Provision as to the Shotts Trustees.

VI. And whereas an Act passed in the Fifty-fourth Year of His present Majesty, intituled *An Act for altering, amending, and enlarging, an Act passed in the Tenth Year of the Reign of His present Majesty, intituled 'An Act for building a Bridge over the River Clyde, near the Town of Hamilton, in the County of Lanark, and for making and repairing certain Roads and Avenues leading to the same;' and for building and maintaining, in place thereof, another Bridge over the said River Clyde further up the River, and a Bridge over the River Avon, near its Junction with the said River Clyde, with the necessary Roads and Avenues to and from both Bridges;* be it enacted, That if the Trustees appointed by the said last recited Act shall think fit, out of the Monies authorized to be raised by virtue of the said last recited Act, to make or cause to be made such Alterations and Improvements in and through the said Town of *Hamilton*, as shall be settled and determined by the said Commissioners as aforesaid, in and through the said Town of *Hamilton*, the said last recited Act of the Fifty-fourth Year aforesaid shall in that Case be continued and put in force during the Term granted by this Act; and upon such Alterations and Improvements being made, the said Trustees appointed by the said last recited Act passed in the Fifty-fourth Year aforesaid shall be and they are hereby empowered to levy the Tolls and Duties granted by this Act.

Improvement in the Town of *Hamilton*.

VII. Provided always, and be it enacted, That so soon as the said Alterations and Improvements in and through the said Town of *Hamilton* shall be made and completed by the Trustees appointed by the said Act passed in the Fifty-fourth Year of the Reign of His present Majesty, second above recited, it shall not be lawful for the Trustees appointed by the said Act passed in the Fifty-fourth Year of the Reign of His present Majesty, first above recited, to erect or cause to be erected any Turnpike Gate between *Bothwell Bridge* and the said Town of *Hamilton*, nor shall it be lawful for the Trustees appointed by this Act to erect or cause to be erected any Turnpike Gate within Two Miles of the East End of the Town of *Hamilton*.

No Turnpike Gate to be erected between *Bothwell Bridge* and *Hamilton*, or *Hamilton Road* to *Clyde Bridge*.

VIII. And

Improve-  
ments from  
Hamilton to  
Elvanfoot.

VIII. And whereas another Act passed in the Fifty-fourth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing and maintaining certain Roads and Bridges in the County of Lanark*, the Trustees appointed by which last recited Act are unable to improve the said Road from the East End of the said Town of *Hamilton* to *Abingdon*, and from thence to *Elvanfoot*, in the Manner intended by this Act; be it therefore enacted, That the Alterations and Improvements thereon shall be made by the Authority and Directions of the Commissioners appointed by or pursuant to the said recited Act passed in the Forty-third Year of the Reign of His present Majesty; and so soon as the Improvements intended to be made by virtue of this Act upon the said Road shall be made and completed, the said Act passed in the Fifty-fourth Year of the Reign of His present Majesty, last above recited, shall be and the same is hereby repealed, in so far as regards the said Road from the East End of the said Town of *Hamilton* to *Abingdon*, and from thence to *Elvanfoot*; and the said Road, when so altered and improved, shall be put and become under the Management and Direction of the Trustees appointed by this Act, by whom the same shall be maintained and kept in repair in the Manner herein directed.

Provision as  
to Debt on  
this Portion  
of the Road.

IX. Provided always, and be it enacted, That the Sum of Three thousand Pounds Sterling, due to the Right Honourable *Archibald Lord Douglas*, borrowed on the Credit of the Tolls and Duties levied upon this Portion of the said Road under the said last recited Act passed in the Fifty-fourth Year of the Reign of His present Majesty, and in like Manner the Sum of One thousand four hundred and fifteen Pounds due to the Trustees of the late Duke of *Hamilton*, also borrowed on the Credit of the said Tolls and Duties, and the Interest to grow due thereon, shall be satisfied and paid in the Manner herein-after provided with respect to the Money raised by Subscription for the Purposes of this Act, along with which the said Two Sums of Debt shall be paid rateably and proportionably.

Number of  
Turnpike  
Gates on this  
Portion of  
the Road.

X. And be it enacted, That the Number of Turnpike Gates to be erected by the Trustees appointed by this Act on so much of the said Road as is situated between the East End of the said Town of *Hamilton* and *Elvanfoot Bridge* as aforesaid, shall not exceed Six in Number, at such Distances from each other as the said Trustees shall find necessary and convenient: Provided always, that if any such Turnpike Gate shall be placed within Five Miles Distance from another of such Turnpike Gates, any Person or Persons paying Toll at any such Turnpike shall receive a Ticket to enable such Person or Persons to pass the next Turnpike Gate within Five Miles thereof Toll-free, which Ticket shall name and specify the Gate or Gates freed by such Payment, and which Ticket every Collector receiving such Tolls is hereby required to deliver *gratis* on the Receipt of the said Tolls: Provided further, that it shall and may be lawful for the Trustees appointed by this Act, and they are hereby authorized to erect One or more Gate or Gates, Bar or Bars on the Side or Sides of the said Portion of the said Road, or across any Part of any Lane or Way leading out of the same, at any Distance from the said Portion of the said Road, not exceeding One Quarter of a Mile, and there to take and receive the Tolls and Duties granted by this Act, but so as that a Ticket received at any such Side Bar shall entitle the Receiver thereof to pass through

through the next Gate on the said Portion of the said Road the same Day, if within Five Miles thereof, Toll-free, which Ticket shall specify the Gate or Gates freed by such Payment, and shall be delivered gratis as aforesaid.

XI. And whereas an Act passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road from near Dinwoodie Green, in the County of Dumfries, to or near Elvanfoot, in the County of Lanark*, the Trustees appointed by which last recited Act are willing to maintain and keep in Repair so much of the said Road as is situated between *Elvanfoot Bridge* aforesaid, and a Place called *Beatock Bridge* in the County of *Dumfries*, after the same shall have been altered and improved in the Manner directed by this Act; be it therefore enacted, That after so much of the said Road shall have been altered and improved by and under the Authority and Direction of the Commissioners appointed by or pursuant to the said recited Act passed in the Forty-third Year of the Reign of His present Majesty, as is situated between *Elvanfoot Bridge* and *Beatock Bridge* aforesaid, the same shall continue under the Charge and Management of the Trustees appointed by the said recited Act passed in the Thirty-eighth Year of the Reign of His present Majesty, who shall keep the same in Repair in the Manner required by this Act; and shall keep and maintain the present Road between *Elvanfoot Bridge* and *Beatock Bridge* aforesaid in Repair, in the Manner directed by the said recited Act passed in the Thirty-eighth Year of His present Majesty's Reign, until the same shall be altered and improved in the Manner directed by this Act, and for enabling the said Trustees appointed by the said recited Act passed in the Thirty-eighth Year of the Reign of His present Majesty to maintain the said Portion of the said Road from *Elvanfoot Bridge* to *Beatock Bridge* aforesaid in Repair in the Manner aforesaid, the Term and Powers granted by the said recited Act passed in the Thirty-eighth Year of the Reign of His present Majesty shall be continued and put in force during the Term granted by this Act, in so far as respects the said Portion of the said Road from *Elvanfoot Bridge* to *Beatock Bridge* aforesaid; and the said Trustees appointed by the said recited Act passed in the Thirty-eighth Year of the Reign of His present Majesty shall be, and they are hereby authorized and empowered to levy thereon the Tolls and Duties granted by this Act, after the same shall have been altered and improved as herein directed, and the Tolls and Duties granted by the said recited Act passed in the Thirty-eighth Year of the Reign of His present Majesty, until the same shall be so altered and improved: Provided always, that it shall not be lawful for such Trustees to erect or to keep erected more than Two Turnpike Gates upon the said Portion of the said Road from *Elvanfoot Bridge* to *Beatock Bridge* aforesaid, *videlicet*, the one at or near *Elvanfoot* aforesaid, and the other at or near a Place called *Longbeddom*.

XII. And be it enacted, That the Whole of the Alterations and Improvements to be made upon the said Road, from the East End of the Town of *Hamilton* to the City of *Carlisle*, shall be made by the Order and under the Authority of the Commissioners appointed by or pursuant to the said recited Act passed in the Forty-third Year of the Reign of His present Majesty, and such Line and Direction shall be given to such Road, from the East End of the Town of *Hamilton* to the City of *Carlisle*, as the said Commissioners shall settle and determine as aforesaid: Provided always,

[Local.]

20 M

that

Improvement  
between  
Elvanfoot  
and Din-  
woodie  
Green.

Manner in  
which the Im-  
provements  
shall be made  
from the East  
End of the  
Town of Ha-  
milton to  
Carlisle.

that Agreements shall be previously made with the Owners and Occupiers of the Ground through which the said Road, as hereby directed to be altered and improved, may pass, by the Trustees appointed by the said recited Act passed in the Thirty-eighth Year of the Reign of His present Majesty, for such Land as shall be necessary for so much of the said Road as is situated between *Elvanfoot Bridge* and *Beatock Bridge* aforesaid, and by the Trustees appointed by this Act, for such Land as shall be necessary for the other Parts of the said Road from the East End of the Town of *Hamilton* to the said City of *Carlisle*, or if the Parties cannot agree, that the Price or Prices of such Land shall be settled by a Jury as herein-after directed; and so soon as such Alterations and Improvements upon the said Road shall have been so made, so much of the said Road as is situated between *Elvanfoot Bridge* and *Beatock Bridge* aforesaid, shall be placed and become under the Management and Direction of the Trustees appointed by the said recited Act passed in the Thirty-eighth Year of the Reign of His present Majesty, by whom the same shall be maintained and kept in Repair in the Manner directed by this Act; and the other Parts of the said Road, *videlicet*, from the East End of the Town of *Hamilton* to *Elvanfoot Bridge* aforesaid, and from *Beatock Bridge* aforesaid to the City of *Carlisle*, shall be placed and become under the Management and Direction of the Trustees appointed by this Act, by whom the same shall be maintained and kept in Repair in the Manner herein directed; and so soon as any Part or Parts of such Alterations and Improvements shall be made and completed, it shall and may be lawful for the said Commissioners from Time to Time to require the said Trustees appointed by the said recited Act passed in the Thirty-eighth Year of the Reign of His present Majesty, or the Trustees appointed by this Act, as the Case may be, to maintain and keep in Repair such Part or Parts of the Road so altered and improved, and after such Trustees shall be so required, such Trustees respectively shall be bound and obliged to maintain and keep the same in Repair in the Manner directed by this Act, and for that Purpose they shall respectively then, but not before, be entitled to levy the Tolls and Duties granted by this Act, upon such Part or Parts of the said Road so altered and improved as they shall be from Time to Time required to maintain and keep in Repair as aforesaid.

Expence of  
Improve-  
ments how to  
be defrayed.

XIII. And be it enacted, That the Expence of the Alterations and Improvements directed to be made by this Act upon so much of the said Road from *Glasgow* to *Carlisle* aforesaid, as is situated between the East End of the Town of *Hamilton* and the City of *Carlisle*, together with the Expence to be incurred by the Commissioners appointed by or pursuant to the said recited Act passed in the Forty-third Year of the Reign of His present Majesty in carrying this Act into Execution, shall be paid and defrayed as follows, *videlicet*, the Sum of Fifty thousand Pounds shall be issued and paid by the Order of the Barons of the Court of Exchequer in *Scotland* in Manner herein-after directed, and the Remainder of the said Expence shall be raised by Subscription among Individuals, that is to say, when and as often as a Sum equal to One Half of the estimated Expence of the Alterations and Improvements directed to be made by the said Commissioners appointed by or pursuant to the said recited Act passed in the Forty-third Year of the Reign of His present Majesty, upon any Part or Portion of the said Road between the East End of the Town of *Hamilton* and the City of *Carlisle*, (the same being previously notified to and approved of by the said Commissioners), or when and as often as any Sum applicable to the general

Expences to be incurred in carrying this Act into Execution, shall have been deposited by any Person or Persons in the Bank of *Scotland*, upon an Account to be opened in the Name of the said Commissioners, for the Purposes of this Act, it shall and may be lawful for the said Commissioners to apply to the Barons of the Court of Exchequer in *Scotland*, and upon such Application accompanied by a Certificate of the Amount of the Sum so from Time to Time deposited in such Bank, the said Barons are hereby directed to issue their Warrant to the Receiver General of *Scotland*, for Payment out of any Public Money then in his Hands, of a Sum equal to every such Sum so deposited to be made to the Order of the said Commissioners; and every Sum of Money so received upon any such Warrant shall be deposited in the same Bank, upon the same Account to be opened in the Name of the said Commissioners, and all Sums so deposited upon such Account shall be drawn out and applied for the Purposes of this Act in such Manner as shall be directed by the said Commissioners: Provided always, that the Amount of the Money so from Time to Time directed to be issued shall not in the whole exceed the aforesaid Sum of Fifty thousand Pounds; and provided also, that Security shall be given to the Satisfaction of the said Commissioners, that the aforesaid Person or Persons who shall deposit Money in the aforesaid Bank, to the Account of any Part or Portion of the Road between the East End of the Town of *Hamilton* and the City of *Carlisle*, will further bear and defray all such further Sum or Sums of Money beyond the estimated Expence as shall be necessary to make and complete such Part or Portion of the said Road.

XIV. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby directed to render Accounts to the Barons of the said Court of Exchequer in *Scotland*, of the Application of all Monies so received and deposited for the Purposes of this Act as aforesaid, from Time to Time as the said Commissioners shall think fit, or when thereunto required by the said Barons.

Commissioners to account to the Barons of the Exchequer in *Scotland*.

XV. And be it enacted, That the Money arising from the Tolls and Duties to be levied under the Authority of this Act, on the Portion of the said Road situated between the East End of the Town of *Hamilton* and the said City of *Carlisle*, shall be applied as follows; *videlicet*, In the First Place, in defraying the Expence of Management and in keeping the Whole of the said Portion of the said Road situated between the East End of the Town of *Hamilton* and the City of *Carlisle* in good and sufficient Repair; in the Second Place, in paying the Interest of the Sums subscribed by Individuals towards making the Alterations and Improvements directed by this Act to be made on the said Portion of the said Road, regard being had to the Direction herein-before given, with respect to the Debt on the Portion of the said Road situated between the East End of the said Town of *Hamilton* and *Elwanfoot*, and any other Debt on any other Portion of the said Road which may be retained for the Purposes of this Act, shall be placed on the same footing, the Interest of all which Debts it is hereby directed shall be paid rateably and proportionably along with the Interest of the Sums subscribed by Individuals for the Purposes of this Act; in the Third Place, in paying the Interest of the Money granted by the Public, towards making the Alterations and Improvements directed by this Act, between the East End of the Town of *Hamilton* and the

Application of the Tolls and Duties levied on the Road from *Hamilton* to *Carlisle*.

City

City of *Carlisle*, which Interest shall be paid to the Receiver General of *Scotland*, and be accounted for by him with the Public Monies which come to his Hands; and if after these Purposes shall be satisfied, there shall be any Surplus of the said Tolls and Duties, such Surplus, as often as it shall arise in any Year, shall be deposited with the Bank of *Scotland*, or the Royal Bank of *Scotland*, or the *British* Linen Company, upon an Account to be opened in the Books of some one of such Banks to be described, "The Sinking Fund established by an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, intituled (*insert the Title of this Act*)," upon which the highest Interest shall be paid that is allowed by such Banks, and the Interest so allowed shall be added to the Principal of all Monies so deposited, at least once in every Year, so as to accumulate Principal and Interest into an Amount bearing Interest at least once in every Year, until a Sum shall have been thus raised sufficient to pay off the Principal of all the Money subscribed for the Purposes of this Act, together with the Debt on the said Portion of the said Road between the East End of the Town of *Hamilton* and *Elwanfoot Bridge*, and any Debt on any Portion of any Road which may be retained for the Purposes of this Act, and also the Money issued by the Order of the Barons of the Court of Exchequer in *Scotland* for the Purposes of this Act; the Principal of all which Sums shall be paid rateably and proportionably out of such Sinking Fund, upon the Orders of the Barons of the Court of Exchequer in *Scotland*; and it shall and may be lawful for such Barons from Time to Time, as they shall think proper, to order and direct so much of the said Sinking Fund to be applied in Payment of the Principal of the said Sums rateably and proportionably as aforesaid; and all Monies so directed to be paid in Repayment of the Sums issued by the Order of the Barons of the Court of Exchequer aforesaid, shall be paid to the Receiver General of *Scotland*, and be accounted for by him with other Public Monies which come into his Hands.

Provision as to Roads not repaired under this Act.

XVI. Provided always, and be it enacted, That where any Part of the said Road between the East End of the Town of *Hamilton* and the City of *Carlisle*, which is under the Management of any Trustees appointed by any Act or Acts of Parliament, shall not be altered and improved in the Manner directed by this Act, the Tolls and Duties levied on such Part of the said Road which shall not be so improved shall be applied towards keeping such Part of the said Road in repair in the first Place, and in the next Place, for the Purposes directed by the Act or Acts under which such Part of the said Road shall be altered and improved.

To compel Payment of Subscriptions.

XVII. And be it further enacted, That the several Persons who shall subscribe any Money for and towards accomplishing the Purposes of this Act shall, and they and their Heirs, Executors, and Administrators, are hereby required to pay the Sum or Sums of Money by them respectively subscribed to the Clerk of the Trustees appointed by this Act, in such Parts and Proportions as the Trustees appointed by this Act shall direct; and in case any Person or Persons shall neglect or refuse to pay the same, or any Part or Portion thereof, at the Time or Times when such Person or Persons shall be required so to do by the said Trustees, it shall and may be lawful for such Clerk to sue for and recover the same in any Court of Law or Equity: Provided always; that any Security that shall be agreed to be given by any One  
or



or more Subscriber or Subscribers by Means of his, her, or their Subscriptions, to any other Subscriber or Subscribers, or to any Corporation or Corporations, shall be and remain in the Situation in which such Security shall be agreed upon by and between such Subscriber or Subscribers, Corporation or Corporations respectively.

XVIII. And be it enacted, That it shall and may be lawful for such Subscribers, who are Heirs of Entail in *Scotland* of any Estate through which any Portion of the said Road does pass, to borrow Money for the Purpose of paying such Subscriptions, and to bind themselves and the Heirs of Entail succeeding to them in such Entailed Estate, in the Payment thereof, out of the Entailed Estate which may be charged therewith, to the Amount of One Year's Free Rent of such Part thereof as shall be situated within the Parish or Parishes through which such Portion of the said Road passes, and all such Subscriptions until paid shall be a Charge upon such Entailed Estate, to the Amount of such One Year's Free Rent.

Provision for Subscriptions of Heirs of Entail.

XIX. And be it enacted, That the Magistrates and Town Council of the City of *Glasgow*, and of the Towns of *Greenock*, *Paisley*, *Port Glasgow*, and *Hamilton*, shall be and they are hereby empowered to borrow on the Credit of their respective Common Good or Revenues, or any Heritable or Personal Property belonging to such Corporations respectively, the Amount of their respective Subscriptions; and for any Sum or Sums of Money so borrowed, it shall and may be lawful for the said Magistrates and Town Council respectively to grant Bonds, which may be assigned by Indorsement thereon; any Law or Practice to the contrary notwithstanding.

Magistrates of Glasgow, &c. empowered to borrow Money.

XX. And be it enacted, That the Sums subscribed by any Proprietor possessed of a Fee Simple Estate in *Scotland* through which any Portion of the said Road passes shall become a Charge upon such Estate, in such Manner as to bind the Heir and singular Successor of every such Proprietor to pay the same, to an Amount not exceeding One Year's Free Rent of so much of the said Estate as shall be situated within the Parish or Parishes through which the said Portion of the said Road passes.

Provision for Subscription of other Proprietors of Land.

XXI. And be it enacted, That it shall and may be lawful for the said Commissioners to order and direct all or any Part of the said Road to be made or widened, as the Case may be, to any Breadth which they shall think proper, not exceeding Sixty Feet in Breadth, exclusive of the Ditches on the Sides thereof; and to order and direct all such Ditches to be made within the Fence on either Side of the Road, and also to order and direct all Gates leading from any Part of the Road to any Field or Inclosure adjoining thereto, to open inwards, towards such Field or Inclosure, if they shall think fit so to do.

Breadth of Road.

XXII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take and carry away any Ashler Stone, Coping Stone, Wall Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the making the Alterations and Improvements directed by this Act, and repairing the said Road, or any Part or Parts thereof when improved, and the

Surveyors to get Gravel, &c.

Bridges, Walls, and Fences in or upon the same, in, upon, out of, or from any Commons or Waste Grounds, or common Rivers or Brooks, in any Parish or Place in which any Part of the said Road lies, or in any adjoining Parish or Place, to be used in the making and repairing the said Road, without paying any Thing for the same, and to cart and carry away the same over the Lands or Grounds of any Person or Persons, making Satisfaction as after mentioned, such Surveyor or other Person filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashler Stone, Coping Stone, Wall Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Road therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of the said Trustees cut, dig, and make any Pit or Pits, and get together, take and carry away such Stone and Materials as aforesaid, in, upon, or out of, from, and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds, such Damages for the cutting, digging, gathering, taking and carrying away the said Ashler Stone, Coping Stone, Wall Stone, or other Stone, Furze, Heath, Gravel, Sand, and Materials, and for carrying the same, or the Materials gotten in any Commons or Waste Grounds, common Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees shall think reasonable; and in case of any Difference between the said Trustees, or any of them, or the said Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, or the Value of such Materials, then and in every such Case any Two Justices of the Peace of the County or Place wherein such Lands or Grounds shall lie, within Forty Days next after such Difference shall arise, and on Three clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Value of such Materials, and the Costs attending the Hearing and Determining the same; and all such Damages as shall be so occasioned in making the Alterations and Improvements directed by this Act, shall be paid by the Order of the said Commissioners out of the Monies deposited for the Purposes of this Act.

Notice to be given to Occupiers of Lands before Materials are taken.

XXIII. And be it further enacted, That no Surveyor or any other Person or Persons acting under the Authority of this Act, shall first begin to dig, gather, or carry away any Materials for making or repairing any Part of the said Road out of or from any inclosed Lands, without the Consent of the Owner or Occupier thereof, expressed in Writing for that Purpose, or until Notice in Writing, signed by the said Surveyor, shall have been given

given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owner's or Occupier's usual Place of Residence, to appear before any One Justice of the Peace acting for the County or Place wherein such Land shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall not attend, or shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in either of the said Cases, such Justice shall authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justice shall seem proper, and shall and may make such Order therein as he shall think fit, the said Trustees, or their Surveyor making or tendering such Satisfaction for the Materials and for the Damage done to the Owners or Occupiers respectively of such Lands or Grounds, where or from whence the same shall be dug, gathered, gotten, taken, or carried away, or upon, over, or through which the same or any other Materials so dug for repairing any Part of the said Road; and gathered as aforesaid, shall be conveyed, as such Justice shall adjudge reasonable.

XXIV. Provided always, That in making the Alterations and Improvements directed by this Act, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced, of which the Side Walls are above Twenty Feet in Height from the Surface of the adjoining Ground, nor any Garden, Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground, or Plantation of Trees, planted prior to the passing of this Act, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

No House or Orchard, &c. to be prejudiced.

XXV. And be it further enacted, That it shall and may be lawful for the said Trustees to give Orders for purchasing or taking in Lease, such Pieces of Ground, adjacent to the Parts of the said Road hereby directed to be altered or improved (not exceeding a Quarter of an Acre each), as shall be judged most convenient for Repositories, wherein the Mud that may be raked off therefrom may be deposited, and the Stones or other Materials for repairing the same may be broken or kept, so as not to be laid thereupon until they are immediately to be used for making, repairing, or amending the same; and in case the said Trustees or their Surveyor, cannot agree with the Owner or Occupier as to the Price, Rent, or Damages to be paid for such Pieces of Ground, such Price, Rent, or Damages shall be settled and determined by any Two or more Justices of the Peace of the County wherein the same shall be situated; but if such Repositories shall be necessary upon any Part of the said Road that does now or shall hereafter exceed the Breadth of Thirty Feet from Fence to Fence on either Side thereof, it shall be lawful for the said Trustee to set off and inclose such Part of such Road, beyond such Breadth on either Side as they shall judge proper for such Repositories as aforesaid.

Places for depositing Materials to be provided.

XXVI. Provided always, That it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage, or otherwise competent to them, in regard to the whole Matters aforesaid; and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

Proprietors under Entail or not may renounce Claims of Damage.

XXVII. And

Incorporated  
Persons, &c.  
empowered  
to convey.

XXVII. 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, Guardians, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let, and convey all such Lands or Houses as may be necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as can be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers, for which Purpose the said Trustees shall be enabled to make such Satisfaction by the Order of the said Commissioners out of the Monies deposited for the Purposes of this Act as aforesaid; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded and determined in the Manner herein directed.

How Lands  
are to be  
vested for the  
Purposes of  
this Act.

XXVIII. And be it further enacted, That all Lands and Hereditaments, 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; whereupon the said Trustees shall be entitled to take and use the said Lands and Hereditaments, 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 Conveyances of the same.

Compensa-  
tion to be  
made and  
Notice to be  
given.

XXIX. Provided always, and be it enacted, That just Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, Houses, Walls, and Fences, required for the Purposes of this Act, and for all Damage done to the same by carrying this Act into Execution; and before entering upon any such Lands, Grounds, Walls, or Fences, or injuring the same, the said Trustees shall give at least Three Calendar Months Notice in Writing to the Owners and Occupiers thereof, and shall also make Payment or a Tender of such Sum or Sums of Money as shall be agreed upon, or shall be ascertained to be a just Compensation for the same as herein directed; or in case of Refusal to take or accept the same, shall deposit the same in one of the Banks after mentioned as herein-after directed, unless such Owners or Occupiers renounce all Claim to Damages as aforesaid.

Jury to be  
summoned.

XXX. And be it further enacted, That if the said Trustees cannot agree with the Owners or Occupiers of any Lands or Hereditaments required for the Purposes of this Act, or the Damage to be done to the same, in the Execution thereof, as to the Value of such Lands or Hereditaments, or the Amount of such Damage; or in case such Owners or Occupiers shall refuse to treat with the said Trustees for the same; or in case the Claim of Damages which may be thence incurred shall not have been renounced in Manner herein-before mentioned, Application shall be made to the Sheriff wherein the Property is situated, to summon a Jury, in order to value the Grounds or Hereditaments so required, or to ascertain the Amount of such Damages; and the said Sheriff is hereby empowered and required, upon such Application, to order Notice thereof to be given to the Owner or Owners, and Occupier or Occupiers of such Ground or Premises, and afterwards to issue a Summons in the usual Manner, for calling together  
and

and impanelling a Jury, consisting of Twelve Persons, who, being duly sworn, the said Sheriff shall proceed to examine, upon Oath, in their Presence, such Witnesses as shall be summoned by either Party; and upon their Testimony, and other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Trustees; and in estimating the Sums to be paid to the Owners and Occupiers of Lands and Premises as aforesaid, and in making up their Verdict, the said Jury are hereby empowered to take under their Consideration all Circumstances, particularly the Advantages arising to the Owners and Occupiers by the Alteration or Improvement directed by this Act; and in ascertaining the Value of the Fences which it may be necessary to pull down in making such Alterations and Improvements, the Jury shall also have Power to direct such Fences, as may thereby become useless, to be taken down and removed by the said Trustees, upon Payment of such Allowance for the same as the said Jury may determine; and it shall be optional to the Owners and Occupiers, either to accept of the Allowance so awarded, or to retain the Materials of the said Fences to their own private Use; and after a Verdict is pronounced as aforesaid, the said Sheriff is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto; and upon Payment, or a Tender of Payment being made by the said Trustees, as the Case may be, out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested, to be received by them and for this Purpose, upon the Order of the said Commissioners as aforesaid, the said Trustees shall from thenceforth have a Right to take and use the Ground and Premises so valued for the Purposes of this Act, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners, and Occupier or Occupiers, of the Grounds and Premises, had executed regular Conveyances of the same; and the said Proceedings and Orders of the Sheriff shall be final and conclusive, and not removeable to or liable to Review by any Court whatever, any Law or Usage to the contrary notwithstanding.

Sheriff to adjudge Payment of the Sum awarded by the Jury.

XXXI. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the said Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required or any greater Sum, the whole of the said Expence shall be paid by the said Trustees; and on the other hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees; and all Sums necessary for these Purposes shall be paid to the said Trustees by the Order of the said Commissioners out of the Money deposited for the Purposes of this Act as aforesaid.

Expences of the Proceedings how to be paid.

XXXII. 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 Pur-

[Local.]

200

Application of Compensation Money when exceeding 200l.

poses thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, 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, if in *England*, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* by the said Trustees, and if in *Scotland*, 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*, by the said Trustees, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Courts respectively, 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 or Redemption of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Courts respectively 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 Courts respectively, 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, or 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 Courts respectively, or 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 does not exceed 200l. nor less than 20l.

XXXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or 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, if in *England*, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General, to be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, and if in *Scotland*, under the Direction and Authority of the Court of Session, be paid into the Bank of *Scotland* or the Royal Bank of *Scotland*, and be placed to the Account of the Person or Persons so entitled to the

the Rents and Profits of the said Lands, Tenements, and Hereditaments 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 therefrom may be applied in any Manner herein-before directed, so far as the Case be applicable.

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before-mentioned shall be less than Twenty Pounds Sterling, then in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditament so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees 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.

Application where the Money is less than 20l.

XXXV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled 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 to order the said Sum or Sums of Money so awarded as aforesaid, if in *England* to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them) subject to the Order, Controul, or Disposition of the said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition; and if in *Scotland*, the same Sum or Sums of Money 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 Courts of Chancery and Session respectively, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Courts respectively 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 Courts respectively shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to

In case of not making out Titles, &c.

Purchase Money to be paid into the Banks, subject to the Order of Courts of Chancery and Session.

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.

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

XXXVI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Courts respectively; and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Courts respectively 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.

Expences of Purchases may be allowed by the Court.

XXXVII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied to the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful for the said Courts respectively, to order the Expence of all Purchases from Time to Time to be paid in pursuance of this Act, or so much of the said Expences as the said Courts shall deem reasonable, to be paid by the said Trustees, who shall pay such Sum or Sums of Money for such Purposes as the said Courts respectively shall direct, by Means of the Order of the said Commissioners, out of the Monies deposited for the Purposes of this Act as aforesaid.

For shutting up Roads.

XXXVIII. And be it enacted, That when the Direction of any Part or Parts of the said Roads shall be altered as aforesaid, it shall be lawful to and for the said Trustees to shut up, and also to sell and dispose of such Part or Parts of the said Roads, and the Materials of such Bridges, as shall, in consequence of such Alteration, be no longer of Use, or whereby any Gate or Turnpike may be avoided; and in case any Proprietor or Proprietors, Occupier or Occupiers, or Inhabitants of the adjacent Lands, shall be deprived of any necessary Passage or Communication, or shall be prejudiced by the shutting up and Disuse of such Part or Parts of the said Roads, it shall be lawful to and for the said Trustees, and they are hereby directed, to give new and convenient Passages to and from the aforesaid Road, to such Proprietors, Occupiers, or Inhabitants, and for that Purpose to purchase such Pieces of Ground as they shall judge most proper; and in case they cannot agree with the Proprietor or Proprietors, Occupier or Occupiers thereof, the Price shall be fixed by a Jury, to be summoned in Manner before mentioned; and in case any Person or Persons shall think himself, herself, or themselves aggrieved by the shutting up of such Part



Part or Parts of the said Road, it shall and may be lawful for him, her, or them to apply to the Justices of the Peace of the County wherein such Road shall have been shut up, in General Quarter Sessions assembled, who shall hear and determine the Matter in Dispute, and whose Judgment shall be final and conclusive, without being subject to Review by any Court whatever; and for making the said Road useful to coterminous Proprietors, it shall be lawful for the said Trustees, and they are hereby empowered to open up Communications to Lands situated within Half a Mile of any Part of the said Road, through Moss, Muir, and Waste Lands, at the Expence of the Proprietor or Proprietors desiring such Communication.

XXXIX. And be it further enacted, That in case any Part of the Road is altered as aforesaid, or new Road, and the Road to be shut up, or old Road, shall both pass through the Grounds of the same Proprietor, and that the Ground occupied by the new Road is of equal or greater Value than the Ground occupied by the old Road, the said Ground occupied by the old Road shall be allotted to the said Proprietor, and its Value shall be deducted from the Value of the Ground occupied by the new Road, in making Payment for the same; and in case the new Road and the old Road do not both pass through the Grounds of the same Proprietor, the said Trustees are hereby empowered to sell such old Road for the best Price that can be got for the same, giving the Proprietor or Proprietors of the Ground through which the old Road passed the first Offer of the same, and Affidavit shall be made by some fit Person, of such Offer of Preference having been made; and if any Dispute shall arise about the Value of the Ground occupied by the old Road, the same shall be determined by a Jury, to be summoned in Manner before mentioned; and if the Situation of any Toll Gate, Toll House, and Premises, or Place for depositing Materials, or either of them, shall be changed, and the same be no longer requisite for the Purposes of this Act, the said Trustees are hereby empowered in like Manner to sell the same, giving the Proprietor or Proprietors of the Grounds from which such Piece or Pieces of Ground have been originally taken, the first Offer of the same; and failing of any Agreement about the Value of such Ground, the same shall be determined in Manner as before mentioned, with regard to Places of Deposit; and the Money arising from such Sales shall be applied to the Purposes of this Act; and the Sales and Conveyances to be made of the Ground comprised in the said old Roads, Situations of old Toll Gates, Toll Houses, and Premises, and Places for depositing Materials, being executed by the said Trustees, shall be good and effectual in the Law to all Intents and Purposes: Provided always, that where satisfactory Evidence shall be given to the said Trustees that the Ground occupied by the old Road or any Toll House erected thereon was not paid for to the Proprietor thereof by the Trustees under whose Direction the same was made, the Ground occupied by the same respectively, if shut up, shall be restored to the same Proprietor on each Side thereof, *gratis*; and where any Proprietor shall give the Ground required for the Purposes of this Act *gratis*, in like Manner he shall be allowed the Ground of the old Road, in so far as shut up, passing his Estate.

Old Road to be allotted to Owner of adjoining Lands;

also deserted Stations of Toll-houses, &c.

XL. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground as herein-before allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the

[Local.]

20 P

Ground taken not to diminish valued Rent, &c.

the valued Rent or old Extent of the Land in *Scotland* from which such Grounds shall be so taken.

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

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

Farther Re-  
gulation of  
Fences.

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

For erecting  
Parapet  
Walls.

XLIII. And be it further enacted, That the said Commissioner shall erect, or cause to be erected, good and sufficient Parapet Walls on the Sides of all the Bridges, and upon the Sides of the said Road, where the same shall be dangerous for Persons passing along the same, and the said Trustees shall from Time to Time repair and keep in Repair the said Walls or Parapets.

XLIV. And

XLIV. And be it further enacted, That it shall be lawful for the said Commissioners before any Part or Parts of the said Road, as altered and improved in the Manner herein directed, shall be placed under the Care and Management of the said respective Trustees as aforesaid, and thereafter it shall and may be lawful for the said Trustees to cause Footpaths of such Breadth as they shall think fit, not exceeding Eight Feet, to be made along the Sides of the said Roads, in such Places as can conveniently admit of the same, and the said Trustees shall cause the same to be kept free and clear of all Obstructions, Nuisances, or Impediments whatsoever; and if any Person shall ride or drive any Carriage or Cattle upon any Footpaths made or to be made, or shall in any way wantonly or maliciously injure the same, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling, together with the Expence of repairing the Damage done, to be levied in Manner herein-after directed.

XLV. And be it further enacted, That the said Trustees may, where they shall judge it necessary, order Passages for the Water from the Ditches on the Sides of the Road to be made through the Grounds of any adjacent Proprietor, and also may order sufficient Drains or Ditches to be made within the Fences parallel to the said Road; and the Occupiers of the Grounds shall be obliged thereafter to keep the said Passages, Ditches, and Drains always clear and open to the original Depth; and where any Ditch or Drain runs along the Side of any Part of the said Road, or leads from the Sides of the said Road, the Occupiers of the adjacent Grounds shall be and they are hereby required to keep the same clear and open, so as to allow a free Passage to the Water, as well by the Road Side as into and across the adjacent Grounds; and if they shall fail therein after Six Days Notice previously given to such Occupiers, such Occupiers shall forfeit and pay a Penalty of Ten Shillings for each Offence, or One Penny for each Foot in Measure of such Ditches and Drains so neglected to be cleared and opened, if the Penalty so estimated shall amount to a larger Sum than Ten Shillings; and the Trustees shall be, and they are hereby empowered to order the said Passages, Ditches, and Drains to be cleared from Time to Time, and to recover the Expence thereof (to be ascertained by the Account of the Overseer, or other Person employed to do the same, certified by Two or more Justices of the Peace for the County wherein the same shall be situated) from the Occupiers of such adjacent Grounds, in Manner herein mentioned; and if any Occupier of Land through which such Passages, Ditches, and Drains are or shall be made, shall wilfully obstruct or fill up any of them, so as to be injurious to the said Road, the Person or Persons so offending shall forfeit and pay Treble the Expence of repairing and scouring the same, to be recovered in Manner herein-after mentioned; and the said Occupier shall be deemed the Transgressor, unless it shall be made to appear that such Occupier was not in Fault; and where any Passage for Cattle or Carriages shall be made communicating with any Part of the said Road, across the Passages, Ditches, or Drains along the Sides of such Road, for the Convenience of the Occupier of the Ground through which it passes, such Occupier shall cover such Passages, Ditches, and Drains with a Bridge of Stones, or other proper Materials, which Bridge shall be constantly kept free and clear, that the Water may pass freely through below the same; and in case any Occupier

Footpaths;

and Passages  
for Water,  
and Ditches  
and Drains.

of

of Ground adjacent to any Part of the said Road shall omit or fail so to do, it shall be competent for any Justice of the Peace, by an Order subscribed by him, to order the same to be performed at the Expence of such Occupier, and the Expence thereof (to be ascertained by the Account of the Surveyor or other Person employed to do the same) shall and may be recovered from such Occupier in Manner herein-after mentioned; and no Occupier of Land shall turn any Water upon the Side of any Part of the said Road, or conduct it across any Part thereof, until he shall have obtained the Consent in Writing of Two Justices of the Peace of the County wherein the same shall be situated, who shall have previously examined the Place, and such Consent shall be deposited with the Clerk of the Road across which the Water is to be carried; and every such Occupier shall be obliged to carry the Water across the said Road in a covered or arched Passage or Drain, of such Depth and Construction as may prevent the Water from being of Prejudice to the same; and in making any such covered or arched Passage or Drain across any Part of the said Road, a safe and easy Passage along One Half of such Road shall be left without any Obstruction, either by breaking the Road or laying down the Materials; and such covered Passage or Drain shall be made across and finished on the One Half of the said Road before the other Half shall be broken or opened, and the whole, or at least the open Part, shall if practicable be completed in One Day, or otherwise such open Part, and the Materials for executing the Work, shall be so well fenced off, that Passengers may suffer no Injury thereby; which Precaution and Manner of executing covered Drains as aforesaid shall be strictly observed by all Persons whatsoever employed in directing or executing the same; and every Person neglecting to use such Precaution, and so to execute such Drains, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, over and above the Damage sustained and Expences incurred, to be levied and recovered in Manner herein-after directed, One Half thereof to be paid as a Reward to the Informer, and the other Half to be applied to the making and repairing the Portion of the said Road whereon the same shall have happened; and every Surveyor, Overseer, Contractor, or other Person employed in the Execution of this Act, shall be expressly prohibited from digging Pits within Twelve Feet of the Sides of the same, unless such Surveyor, Overseer, Contractor, or other Person employed as aforesaid, shall erect a sufficient Fence between the Side of the said Road and the Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

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

XLVI. And be it further enacted, That if any Person or Persons shall pasture or leave, or allow to be pastured or left on any Part of the aforesaid Road, where there are Fences on the Sides thereof, any Horses, Cows, Sheep, Asses, or Swine, or other Cattle, every such Offender or Offenders shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling for each and every Offence, to be levied and recovered in case of Non-payment, and to be applied in the Manner as after directed.

Roads to be measured.

XLVII. And be it further enacted, That it shall and may be lawful for the said Commissioners before any Part or Parts of the said Road, as altered and improved in the Manner herein directed, shall be placed under the Care and Management of the said respective Trustees as aforesaid, and thereafter

thereafter it shall and may be lawful for the said Trustees to cause the said Road to be measured, and Stones or Posts denoting the Distances to be erected upon the same, or near the Sides thereof, at the End of each Mile, or such other Distance as they shall think convenient; and that they also shall cause proper Direction-Posts to be erected where they shall judge it necessary; and if any Person or Persons shall break, destroy, damage, pull up, or remove any such Stones or Posts, or alter, obliterate, or deface any Letters or Figures that shall be made, inscribed, or put thereon, or shall destroy, injure, or damage the Parapets, or any other Parts of the Bridges on the said Road, or any of the Gates or Turnpikes, or any of the Toll-houses erected, or to be erected, or any of the Weighing Engines, or other of the Works on any Part of the aforesaid Road, or any Gate, Railing, or Fence, upon the Side of the same; or, shall be aiding or assisting therein, or shall rescue any Person in Custody for any of the said Offences, and shall be thereof convicted by the Oath or Oaths of One or more credible Witnesses before any One or more Justice or Justices of the Peace for the said County wherein the Offence shall be committed, or of the County wherein the Offender resides, such Person or Persons so offending, and being thereof convicted, shall pay the whole Expence of repairing the Damages sustained, and shall respectively forfeit and pay a Sum not exceeding Twenty Pounds Sterling for every such Offence; and such Forfeitures, or such Part thereof as shall be recovered, shall be paid to the Informer; and in case it shall happen, from Indigence or other Causes, that such Forfeitures, or a Part thereof, to the Amount of Forty Shillings Sterling, shall not be recovered from the Offender or Offenders, then and in every such Event the Informer shall be entitled to, and the said Trustees are hereby authorized to make Payment to him or them of the Sum of Forty Shillings out of the Tolls and Duties levied on the Road where the Offence or Offences shall or may be committed; and it shall be lawful for any Person *brevi manu* to seize and carry such Offender or Offenders, in any of the above Particulars before any Justice of the Peace, for the Purpose of Examination.

Penalties on  
destroying or  
injuring  
Milestones,  
&c.

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

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

[Local.]

20 Q

XLIX. And

Articles to  
be drawn on  
a Wheel Car-  
riage.

For prevent-  
ing Annoy-  
ances.

XLIX. And be it further enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall allow any Timber, Iron, or other solid Matter, (excepting Machinery framed or put together, or any Article of Metal cast in one Piece), to project or extend more than One Foot over the Wheels of the Waggon, Cart, or other Carriage, whereon the same shall be drawn and transported, so as to occupy above Two Feet more of the said Road in Breadth than is occupied by such Waggon, Cart, or other Carriage, including the Wheels, or shall allow the Timber, Iron, or other Matter, to drag or trail upon any Part of the said Road, or shall draw or transport on any Part of the said Road, upon any Cart or other Carriage with less than Four Wheels, any Timber or other Matter exceeding Twenty-four Feet in length; or shall leave any Horse or other Beast, yoked or unyoked, or any Waggon, Cart, or other Carriage, or the Loading thereof, upon any Part of the said Road, or the Ditches, or Drains on the Sides thereof, longer than may be necessary for loading or unloading the same, except in case of Accidents, or shall lay down or leave upon any Part of the said Road, Ditches, or Drains on the Sides thereof, or within Fifteen Feet thereof (unless the same be sufficiently fenced off from the said Road, Ditches, or Drains) any Timber, Stone, Lime, Hay, Straw, Manure, Soil, Dung, Rubbish, or other Matters whatsoever, (excepting always Stones, Wood, or other Materials for building Houses, which may occupy One Third Part of the Road only), or shall make any Sawpits or other Pits, Holes or Hovels, or shall do any Thing whereby the said Road, Ditches, or Drains may be damaged or unnecessarily encumbered, or shall lay or leave any dead Horse (except in case of Accident, to be made out to the Satisfaction of the Justices before whom the Complaint shall be brought) or other Carrion, upon or in any Part of the said Road, Ditches, or Drains, or within Twenty Yards of the Sides thereof; every Person offending in any Case aforesaid shall for every Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, besides filling up or removing the Subject or Matter of Annoyance, and repairing the Damage done to the Road, Ditches, or Drains, without Delay, at his or her own Expences; and in case of Failure or Neglect so to do, the said Trustees are hereby authorized and empowered to cause the Matter of Annoyance to be removed at the Expence of the Party offending.

The follow-  
ing Tolls to  
be levied.

L. And be it enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, to levy or to order and direct to be levied the following Tolls at each Gate to be erected or continued by them or their Order, the Tolls and Duties following; that is to say,

Coaches, &c.

For every Horse or Beast drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, One Shilling each:

Stage  
Coaches, &c.

For every Horse or Beast drawing any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, the above Toll Duties; and if the said Trustees shall think proper, any Sum in Addition to the aforesaid Rates, not exceeding One Half more thereof:

For every Horse, Ox, or Beast drawing any Waggon, Wain, or Cart, or other such Carriage, drawn by not more than Two Horses, Oxen, or Beasts of Draught, Sixpence each; and drawn by Three Horses, Oxen, or other Beasts of Draught, Ten-pence each; and drawn by Four or more Horses, Oxen, or Beasts of Draught, One Shilling each: Waggons, &c.

For every other Horse or Mule, saddled or unsaddled, laden or unladen and not drawing, Three-pence: Horses, &c.

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

For every Score of Oxen, or Neat Cattle, One Shilling and Eight-pence; and so in proportion for any greater or less Number: Cattle, &c.

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

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

Provided always, that it shall not be lawful for the said Trustees to levy more than One Half of the said Tolls and Duties, for or in respect of Carts or other Carriages loaded with Coal or other Fuel, Lime Stone and Lime Shells, Dung or other Manure, Grain or Implements of Husbandry; and wherever the said Trustees shall be entitled, as above directed, to erect Two or Three several Toll-gates, and shall erect only One or Two Toll-gates thereon, it shall be lawful to the said Trustees, if they shall erect One Toll-gate where they are entitled to erect Two Toll-gates to demand and take Double Toll at such Gate; and if they shall erect Two Toll-gates where they are entitled to erect Three Toll-gates, to demand and take at each of such Two Toll-gates or Turnpikes the Tolls above-mentioned and Half as much more: Provided nevertheless, that such Double Toll as aforesaid shall not be demanded and taken in the County of *Dumfries*, and that where the Owner of any Carriage, Horse, or other Animal passing any such Toll-gate shall reside or occupy Land within Six Miles thereof, no more than single Toll or Duty shall be demanded or taken for or in respect of any such Carriage, Horse, or Animal.

LI. Provided always, and be it further enacted, That in case there are or shall be erected, in the Course of any Part of the said Road, any Gate or Gates, Turnpike or Turnpikes, at a less Distance from each other than Six Statute Miles, then any Person or Persons producing a Ticket to show that the Toll has been paid at any one of such Gates, shall not for the same Carriage or Horse, or other Cattle, on the same Day, pay any Toll at any other on the same Road, which shall be within Six Statute Miles of the former, at which the Toll denoted by such Ticket shall have been paid, and every such Ticket shall name and specify the Gate or Gates freed by such Payment; and every Collector receiving such Toll is hereby required to deliver such Ticket *gratis* on Receipt of such Toll, without Prejudice nevertheless to the Provision herein-before made with respect to the Turnpike Gates to be erected or continued on so much of the said Road as is situated between the East End of the Town of *Hamilton* and *Elvanfoot Bridge*, and between *Elvanfoot Bridge* and *Beatoch Bridge* aforesaid. Toll to be paid only once in Six Miles.

LII. And be it enacted, That it shall and may be lawful for the said Trustees either to continue any Turnpike Gate, or Side Gate, and Toll Old Turnpikes may be continued or

new ones  
erected.

Toll House, already erected on any Part of the said Road, or to erect new Gates and Toll Houses, as to them shall seem proper, and to add to each House a Stable where it shall appear necessary, together with a Garden, provided that the Ground occupied by any such Toll House and Garden shall not altogether exceed One Eighth Part of an Acre: Provided always, that upon any Distance not exceeding Twelve Miles, it shall not be lawful for the said Trustees to continue or to cause to be erected more than Two Turnpike Gates, at each of which Tolls and Duties shall be collected, but such Two Turnpike Gates upon any Distance of Twelve Miles may if found convenient be placed within a shorter Distance than Six Miles of each other, provided that any Person paying Toll at any such Gate shall be entitled to pass Toll-free at the next Gate, on such Distance within less than Six Miles thereof; without Prejudice nevertheless to the Provision herein-before made respecting the Turnpikes to be erected on so much of the said Road as is situated between the East End of the Town of *Hamilton* and *Elvanfoot Bridge*, and between *Elvanfoot Bridge* and *Beatock Bridge* aforesaid.

Side Bars  
may be  
erected.

LIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to continue and erect, or cause to be erected, One or more Gate or Gates, Bar or Bars, on the Side or Sides of the said Road, or across any Part of any Lane or Way leading out of the same, at any Distance from the said Road not exceeding One Quarter of a Mile; and also a Toll House with a Garden adjoining to each such Toll House at such Bar or Gate; and there to take and receive such Tolls as are by this Act granted and made payable, but so as that a Ticket received at any such Side Gate or Bar shall entitle the Receiver thereof to pass through the next Gate or Bar on the same Day, and on the same Road, if within Six Statute Miles, Toll-free; and every such Ticket shall name and specify the Gate or Gates freed by such Payment, and shall be delivered *gratis* as aforesaid; without Prejudice nevertheless to the Provision herein-before made respecting so much of the said Road as is situated between the East End of the Town of *Hamilton* and *Elvanfoot Bridge*, and between *Elvanfoot Bridge* and *Beatock Bridge* aforesaid.

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

LIV. And be it further enacted, That no Person or Persons having Occasion to pass through any Gate or Turnpike erected and continued, or to be erected by virtue of this Act, and who shall return though the same Gate or Turnpike on the same Day, to be computed from Twelve of the Clock at Night to the like Hour in the succeeding Night, with the same Coach or Cart, or other Wheel Carriage, drawn by the same Horses, or with the same Horse, Ass, or other Cattle, shall be liable or compelled to pay the Tolls or Duties more than once, but shall on Demand be furnished *gratis* with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, which Note or Ticket, Notes or Tickets, shall give Liberty and Access to such Person or Persons, returning the same Day as aforesaid, to repass the said Gate or Turnpike, Toll-free; but in case the same Coach, Cart, or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall return or pass such Gate or Turnpike with a new Loading a Second Time, or oftener 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 the First Time: Provided always, that Carts or other Carriages going for Lime and Coal shall only



only pay once, although they should go in one Day and return the next : Provided always, that Coaches or Carriages upon Springs not let for Hire shall not be liable to pay Toll more than once, though they should pass and repass oftener than once on the same Day.

LV. And be it further enacted, That if any Person or Persons having paid the Tolls or Duties by this Act imposed, and being possessed of a Note or Ticket, Notes or Tickets, denoting or signifying the Payment thereof, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person so giving or disposing thereof, and the Person receiving the same, being convicted thereof, upon Oath by One or more credible Witness or Witnesses, or his own Confession, before any One or more Justice or Justices of the Peace of the County where the Offence shall be committed, or where the Offender shall reside, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, to be levied and recovered by Distress and Sale of the Offender's Effects.

Penalty on  
fraudulent  
Disposal of  
Tickets.

LVI. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Road as shall be altered and improved under the Authority of this Act as they shall think fit, for weighing all Waggons, Wains, Carts, and other Carriages, not on Springs, which shall pass along the same, and receive and take, over and above the Tolls and Duties hereby granted, the following Sums of Money as additional Toll and Duty ; *videlicet*,

Weighing  
Engines to  
be erected.

Where any such Carriage drawn by One Horse, with its Loading, shall weigh more than Twenty Hundred Weight, of One hundred and twelve Pounds to the Hundred Weight, but shall not weigh Twenty-four Hundred Weight, One Half more in addition to the said Tolls and Duties :

Where any such Carriage drawn by One Horse, with its Loading, shall weigh Twenty-four Hundred Weight, but shall not weigh Twenty-six Hundred Weight, Double the said Tolls and Duties :

Where any such Carriage drawn by One Horse, with its Loading, shall weigh Twenty-six Hundred Weight, but shall not weigh Thirty Hundred Weight, One Half more in addition to Double the said Tolls and Duties :

And where any such Carriage drawn by One Horse shall weigh Thirty Hundred Weight, or any greater Weight, Treble the said Tolls and Duties :

And where any such Carriage drawn by Two or more Horses shall with its Loading weigh Thirty Hundred Weight or more, but less than Thirty-six Hundred, One half more in addition to the Tolls and Duties granted by this Act ; and if any such Carriage shall weigh Thirty-six Hundred Weight or more, but less than Forty Hundred Weight, Double the said Tolls and Duties ; and if any such Carriage shall weigh Forty Hundred Weight or any greater Weight, Treble the said Tolls and Duties :

And that before such Waggons, Wains, Carts, and other Carriages respectively shall be permitted to pass through such Gate or Turnpike, and the same shall be applied as the other Tolls and Duties are by this Act respectively directed to be applied ; and every Person travelling with any Waggon, Wain, Cart, or other such Carriage, not on Springs, shall, when required thereto by any Collector of the Tolls or Duties, permit the same

[Local.]

20 R

to

to be weighed, and shall assist in weighing the same; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, or shall refuse to assist in weighing the same, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Carriages with Wheels of a certain Description chargeable with less Toll or Duty.

LVII. Provided always, and be it further enacted, That it shall be in the Power of the said Trustees, and they are hereby authorized, if they shall think fit, to exempt from Payment of any Part of the said Tolls and Duties, not exceeding One Half thereof, every Waggon, Wain, Cart, or other such Carriage as aforesaid with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Five Inches or upwards, and being cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear equally on such flat Surface, and that the opposite Ends of the Axletrees of such Carriages as far as the same shall be inserted in the Naves of the Wheels shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of such Pair of Wheels, and further having the Nails sunk level with the Rings on the Wheels; and every Waggon, Wain, Cart, or Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Seven Inches and a Half or upwards, and being cylindrical, and having the Axletree straight as before mentioned: Provided also, that every Person claiming the Privileges granted to Carriages with Wheels so constructed as aforesaid, shall permit the same to be examined or measured by any Person employed in the Collection of the said Tolls or Duties.

Drag Iron of same Breadth with Fellies of Wheels.

LVIII. And be it enacted, That where any Drag-Iron or other Instrument shall be affixed under the Bottom or Sole of the Wheel or Wheels of any Coach, Waggon, or other Carriage passing along any Part of the said Road directed to be altered and improved by this Act, to make the Passage of such Coach, Waggon, or Carriage more safe down steep Hills, every such Drag-Iron or other Instrument shall be flat at the Bottom or Sole thereof, and shall not be of less Breadth than the Fellies of the Wheels under which the same shall be affixed, on Pain of the Owner of every such Coach, Waggon, or other Carriage, forfeiting any Sum not exceeding Ten Shillings Sterling at every Gate or Turnpike erected by virtue of this Act, through which such Coach, Waggon, or other Carriage shall pass.

Penalty on Toll Gatherers guilty of Malversation.

LIX. And be it further enacted, That if any Person employed to collect the said Tolls and Duties shall absent himself, without employing a proper Substitute, from the Turnpike, Gate, or Bridge where his Duty may be, or be found drunk or intoxicated, or neglect to pay proper Attention, so as to occasion Delay to Travellers, or shall exact any higher Rate of Toll or Duty than what is hereby authorized to be taken, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling; One Half thereof to be paid to the Informer, the other Half to the said Trustees for the Purposes of this Act.

LX. And be it further enacted, That all and every Toll Collector, being appointed either by the said Trustees, or by any Lessee or Lessees of the said Tolls, to collect the Tolls payable at any Turnpike or Toll Gate to be erected or continued by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names being at least Two Inches in Length and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them; or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, or upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices to whom Complaint shall be made shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

For preventing Toll Collectors from taking undue Tolls.

LXI. Provided also, and it is hereby further enacted, That no Person or Persons shall be liable to pay any Toll or Duty at any of the Gates or Turnpikes continued or to be erected by virtue of this Act, in the said Counties of *Lanark* and *Dumfries*, for any Carriage laden with or going empty for, or returning empty after having been laden with Stones or other Materials for repairing the said Road, or any other Public Road, or Stones for paving the Streets of any Town situated in the Line of the said Road, or the Bridges and the Causeway belonging to the same; nor for any Carriage or Cattle passing from one Part of a Farm to another Part of the same Farm, or to or from the Yards or Offices of the Inhabitants of any Town or Village within the Limits of the said Road to Borough Roads or Fields adjoining to any such Town or Village occupied by such Inhabitants, where there are no Yards nor Offices; or any Horse or other Cattle going to or returning from Pasture or Watering Places, or any Smithy in the same or next adjoining Parish; nor for any Carts, Wains, Waggon, or other Carriages carrying any unbought Dung, or any Produce of a Farm not sold or not going to Market, or Implement of Husbandry, where the same shall not travel above One Mile on the said Road; without Prejudice nevertheless to the said Article paying Toll when carried

Exemption from Toll and Duty in Scotland.

ried farther than One Mile ; nor for any Waggons, Wains, Carts, or Horses, or other Beasts of Burden carrying to or from any Mill any Corn, Flour, or Meal belonging to any of the Inhabitants of the Parish in which any such Mill is situated, or Peats or Turf for Fuel, or going empty for, or returning empty after having carried the same ; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass through the said Turnpikes to Church or Chapel or any other Place of Religious Worship within the same Parish, which such Person or Persons usually attend, upon *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated ; nor for Persons attending the Funeral of any Person who shall die and be buried within the Parish in which such Person resides ; nor from any Clergyman going to, or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty within their respective Parishes ; nor for any Horses or Carriages employed in carrying or conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, or in returning after having conveyed the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls or Duties by virtue of an Act made in the Fifty-third Year of His present Majesty, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland ; and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls ;* nor shall any Toll or Duty be demanded for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces ; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty ; nor for any Horses, Cattle or Carriages, employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or returning from carrying or conveying the same ; nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise : Provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations appointed for each Corps respectively ; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same ; and if any Person shall claim and take the Benefit of any of the said Exemptions not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

Penalty of claiming Exemption where not entitled.

Exemptions from Toll in England.

LXII. And be it enacted, That no Toll shall be demanded or taken in the said County of *Cumberland* for any Horse, Cattle, or Carriage passing laden with, or passing empty or unladen for, or returning the same Day empty or unladen, after having been laden with Stone, Brick, Lime, Gravel, or other Materials for making and repairing any Part of the said Road, or for repairing the Highways  
in

in any Township through which any Part of the said Road in the said County of *Cumberland* leads; nor for any Carriage loaden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been loaden with Marl, Muck, Dung, Mould, Soil, Compost or Manure of any Nature or Kind whatsoever (Lime excepted) for the improving or manuring of Land; nor for any Horse, Cattle, or other Beast drawing any Carriage laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with Grass, Hay, Straw, or Corn in the Straw only, not bought, sold or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Out-houses or on the Lands of the Owner thereof, who shall not have bought the same; nor for any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horse, or any other Cattle or Sheep going to or from Water, Pasture, or Plough or Tillage, or Work in Husbandry, or going to or returning from any Smith's or Blacksmith's Shop, to be shoed or farried; nor shall any Toll be demanded or taken from any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Cumberland*, on the Day before the Day or Days of such Election or the Day after the same shall be concluded; nor for any Horse or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beasts drawing any Cart, Carriage, or Waggon employed in carrying or conveying, or going empty to fetch, carry and convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Horse or Horses or other Cattle drawing any Waggon, Cart, or other Carriage which shall be employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, (provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption); nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to Gaol or the House of Correction, or returning after being so employed; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper Parish or Parochial Church, Chapel, or other Place of Religious Worship, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Townships or Parishes through which any Part of the said Road in the said County of *Cumberland* does lead: And if any Person or Persons

[Local.]

20 S

shall

shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Exempting  
Carriages  
with Stores.

LXIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Penalty for  
evading Tolls.

LXIV. And be it further enacted, That if any Person or Persons occupying enclosed Lands near to any Gate or Turnpike which shall be erected or continued in pursuance of this Act, shall knowingly or wilfully permit any Person or Persons, not being of his, her, or their Family, or his, her, or their Servant or Servants, to pass through the same, or through any Gate, Passage, or Way, with any Coach, Cart, or other Carriage, or with any Horse, Ass, or Cattle, with the Intent of avoiding the Payment of the said Tolls and Duties or any of them, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by the Testimony of One or more credible Witness or Witnesses before any One or more of the Justices of the Peace for the County in which the Offence shall be committed, shall each for every such Offence respectively forfeit and pay a Sum not exceeding Forty Shillings Sterling; One Half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

Penalty for  
forcible Evasion of the  
Tolls, or  
assaulting  
Officers.

LXV. And be it enacted, That if any Person or Persons liable to pay the said Tolls or Duties, shall in a fraudulent or forcible Manner pass through any of the Gates or Turnpikes continued or erected by virtue of this Act, without paying Tolls thereat, or shall assault any Collector of the Tolls or Duties, or any other Person acting under the Authority of this Act, or of the said Commissioners or Trustees respectively, and shall be convicted of any such Offence before any One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed; every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls or Duties to which such Person was liable, to be applied to the Purposes of this Act.

Penalty for  
taking off  
Horses, &c.  
to evade  
Tolls.

LXVI. And be it further enacted, That if any Person or Persons shall at any Time during the Continuance of this Act unload or cause to be unloaded any Sort of Goods or Merchandize or other Articles whatever, or shall take off or cause to be taken off any Horse or Horses, or any Beasts of Draught from any Coach, Chaise, Chariot, Barouche, Landau, Calash,  
Chair,

Chair, Taxed Cart, or Hearse, or from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, with Intent to avoid paying any Tolls or Duties hereby imposed, each and every Person so offending in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Forty Shillings Sterling; One Half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

LXVII. And be it further enacted, That the said Trustees shall and may and they are hereby empowered, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons, for any Horses, Cattle, Beasts, or Carriages passing through any of the said Turnpikes or Toll Gates, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition Money shall be paid One Year in advance, otherwise such Composition shall be void; and no Person or Persons to whom any of the Gates or Turnpikes continued or to be erected by virtue of this Act shall be let, shall compound or take a lower Rate of Toll or Duty than what shall be fixed by the said Trustees at the Lettings or Auctions of the respective Gates or Turnpikes; 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.

Trustees empowered to compound for Tolls.

LXVIII. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered, by Public Auction, to let the said Tolls and Duties respectively, in Whole or in Parcels, from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for Payment thereof as shall be approved of by the said Trustees.

Tolls may be let.

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

Tolls may be lessened.

LXX. And be it enacted, That if any Person or Persons, liable in Payment of the said Tolls and Duties, or any of them, shall neglect or refuse to pay the same when demanded, the said Trustees are hereby empowered, by such Person or Persons as they shall respectively authorize or appoint for that Purpose, to levy such Tolls and Duties by Distress and Sale of any Horse or Horses, or other Cattle, upon which Tolls or Duties are hereby imposed, or by Distress and Sale of any other Goods and Effects of the Person so neglecting or refusing to pay the said Tolls and Duties, and to keep and detain such Goods and Effects so distrained, until such Tolls or Duties, with the reasonable Charges of such Distress, shall be paid; provided

Tolls how to be levied and recovered.

provided always, that it shall not be lawful in making such Distress to take any Bridle or Halter off any Horse or other Cattle; and it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Six Days after such Distress shall be made and taken, if such Tolls or Duties shall not be sooner paid, to appraise and sell the Goods so distrained, returning the Overplus, if any there be, upon Demand to the Owners thereof, after such Tolls or Duties, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

For settling  
Disputes con-  
cerning Tolls.

LXXI. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for such of the Counties wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods shall have been so distrained and sold.

Qualification  
of Trustees.

LXXII. 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 as Proprietor or Life-renter of the *Dominium utile* of Lands lying in any Parish or Parishes through which the said Road passes, or in the Parish or Parishes immediately next adjoining the Parish or Parishes through which the said Road passes in the Counties of *Lanark* and *Dumfries*, rated in the Valuation Books of these Counties respectively 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, as also one of the Guardians or Trustees of Minors or Infants; one of the Trustees of each Estate held under Trust, the Lord Provost of the City of *Glasgow*, the Baillies, Dean of Guild, and Deacon Convener of the said City, the Mayor and Aldermen of the City of *Carlisle*, the Magistrates of *Hamilton*, *Greenock*, *Port Glasgow*, and *Paisley*, for the Time being, and every Person, and one or other of the Partners of any Mercantile, Banking, or Manufacturing or Trading Company, duly authorized by such Company, who shall have subscribed the Sum of One hundred Pounds or more towards making the Alterations and Improvements directed by this Act, and the Executors and Administrators of every such Subscriber, and the Factor, Baron Baillie, or Land Steward for the Time being, of any Heritor possessed of the *Dominium utile* of Lands, the Valuation of which is One hundred Pounds *Scots*, in the Parishes through which the said Road passes, in the Absence of such Heritor, shall be and they are hereby appointed Trustees for putting in Execution all the Powers and Authorities granted to the Trustees appointed by this Act.

LXXIII. Pro-



LXXIII. Provided always, That no such Guardian, Trustee, Factor, Baron Baillie, Provost, or Person subscribing as aforesaid, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of One hundred Pounds Sterling *per Annum*, or be possessed of and entitled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Two thousand Pounds; or unless such Factor or Baron Baillie shall be paid by his Constituent a Salary of at least One hundred Pounds *per Annum*; nor shall any such Guardian, Trustee, Factor, Baron Baillie, Provost, or Person subscribing as aforesaid, be capable of acting in the Execution of this Act, until he shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, being Justices of the Peace, who are hereby authorized and required to administer the same; that is to say,

Qualification  
of Factors,  
&c.

‘ I do swear, That I truly and *bonâ fide* am in  
‘ my own Right, (or in the Right of my Wife, as the Case may be),  
‘ in the actual Possession or Enjoyment of Lands or Heritages of the  
‘ clear Yearly Value of One hundred Pounds Sterling, or possessed of or  
‘ entitled to a Personal Estate alone, or Real and Personal Estate together,  
‘ of the Amount or Value of Two thousand Pounds Sterling, (or, in  
‘ the Case of a Factor or Baron Baillie) am paid by my Constituent a  
‘ Salary of One hundred Pounds *per Annum*, or upwards, as the Case  
‘ may be.

‘ So help me GOD.’

LXXIV. 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 the Sum of Twenty Pounds Sterling, to be recovered with full Costs of Suit by summary Complaint at the Suit of any Heritor of any of the Parishes through which the said Road passes, before the Justices of the Peace at their General or Adjourned Sessions of the Peace, and the Money recovered shall be paid to the Trustees appointed by this Act, or their Treasurer or Collector, to be applied towards making the Alterations and Improvements herein directed to be made by them, and in keeping the Part or Parts of the said Road so altered and improved in Repair, in such Manner as the said Trustees at any General Meeting assembled shall direct and appoint; and in all Cases where such Complaint shall be made, the Proof of Qualification shall lie upon the Person complained of; and any Vote given, or Act done in the Character of a Trustee by any Person not qualified as aforesaid, shall be, and be held to be altogether null and void; but such Nullity shall not affect any Act done, or Determination made by any General or other Meeting, unless the same shall have been done or made by and through the Means of such Vote of a Person not qualified to act as a Trustee.

Penalty upon  
acting if not  
qualified.

LXXV. And be it enacted, That every Person who shall in his own Right, or in the Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, in any Parish or Parishes in the said County of *Cumberland*, through which the said Road passes, or in the immediately next adjoining Parish or Parishes in the said County

Further  
Trustees.

[Local.]

20 T

through

through which the said Road passes, of the clear yearly Value of One hundred Pounds above Reprises, or shall be Heir Apparent of a Person possessed of an Estate in such Lands or Tenements as aforesaid, of the clear yearly Value of Two hundred Pounds above Reprises, shall also be a Trustee for putting in Execution all the Powers and Authorities granted to the Trustees appointed by this Act; and if any Person not being so qualified shall presume to act as such Trustee, every Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act.

Quorum of Trustees.

LXXVI. And be it enacted, That at all General Meetings of Trustees under this Act Five Trustees shall be a Quorum.

Trustees not to accept of Places of Profit.

LXXVII. And be it enacted and declared, That no Person appointed by this Act a Trustee for putting the same into Execution shall have or accept of any Place of Profit arising out of or by reason of the Tolls or Duties by this Act granted, or at least such Person shall be incapable of acting as a Trustee from the Time of accepting such Place of Profit as aforesaid; and no Person who shall keep a Public House for the selling or retailing of Beer, Ale, or Spirituous Liquors, shall be capable to act as a Trustee, or to hold or enjoy any Office or Situation of Trust or Profit under this Act.

Meetings of Trustees.

LXXVIII. And be it enacted, That the said Trustees, or any Five or more of them, shall meet at *Hamilton* on the Fourth *Tuesday* after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to make Arrangements for the Acquisition and Purchase of Land necessary for the Alterations and Improvements directed by this Act, and otherwise to enable the said Commissioners to carry this Act into Execution; and the said Trustees shall thereafter meet annually at *Hamilton* on the First *Thursday* of *October*, and at *Lockerby* on the Second *Friday* of *May*, for executing the Powers committed to them by this Act; which Meetings, or either of them, may be adjourned from Time to Time, and to such Place or Places as the Trustees present thereat shall judge necessary; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting, it shall be in the Power of any One or more Trustees who may attend, to adjourn the Meeting to be held to any lawful Day, not less than Fourteen Days, nor more than Three Weeks after such Meeting; and in case no Trustee shall attend at such Meeting, then and in such Case the Clerk to the said Trustees by Advertisements, at least Ten Days before the next Meeting, published in such Newspapers as the said Trustees shall from Time to Time direct and appoint, shall appoint the said Trustees to meet on the Fourteenth Day from that on which such Meeting of the said Trustees was appointed to be held; and the said

Trustees at any General or Adjourned Meeting shall have full Power to name Committees of their Number, for the Purpose of making Arrangements for the Purchase of Land, and otherwise to enable the said Commissioners to execute the Powers committed to them by this Act, and to have the more immediate Care and Management of particular Parts of the said Road after the same shall have been altered and improved as directed by this Act, and to give their Committees such Instructions and Powers as they shall think fit and expedient, not being inconsistent with this Act; and at all Meetings of Trustees to be held under the Authority of this Act, the said Trustees shall bear their own Expences.

Trustees to defray their own Expences.

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

Special Meetings.

LXXX. And be it further enacted, That if the said Trustees at their General Meetings shall determine in any Matter, or appoint and order any Thing to be done with respect to, or of or concerning any of the Powers hereby committed to them, it shall not be in the Power of any subsequent General Meeting to alter, vary, or annul such Determination, or give any Orders contrary and in opposition to the Orders formerly given, unless Notice shall be given of such subsequent General Meeting by Advertisements published in such Newspapers as aforesaid at least Fourteen Days and not more than Three Weeks before the Day of such Meeting, expressly setting forth such Resolutions of a former General Meeting as are to be taken under Review.

Orders not to be revoked without Notice.

LXXXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting assembled as aforesaid, to chuse and appoint fit Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the said Trustees, for receiving the Tolls and Duties made payable by this Act; and also one or more fit Person or Persons to be Surveyor or Surveyors of the Alterations and Improvements directed by this Act, and of any Part or Parts of the said Road so altered and improved, or such other Officers as they shall think proper; and from Time to Time to remove such Treasurers, Receivers, Collectors, Clerk, Surveyors, or other Officers, or any of them, and to appoint new ones in case of the Death or Removal of them or any of them; and such Collector or Collectors, Receiver or Receivers, or Person or Persons to be appointed as aforesaid for receiving the said Tolls and Duties, shall, on the First Monday of every Month, or at any other Time or Times to be appointed by the said Trustees, during the Continuance of

Officers to be appointed:

who shall account.

of this Act, give in a true, particular, exact, and perfect Account in Writing, under their respective Hands, in such Form and Manner as the said Trustees shall appoint, with their respective Vouchers, of all Money which they, every or any of them, have received or paid or disbursed by virtue of this Act, by reason of their respective Offices; and in case any Overplus Money so received shall remain in their or any of their Hands, they shall, when thereto required, pay the same to the said Trustees or to such Person or Persons as they shall authorize and appoint to receive the same, to be applied for the Purposes of this Act; and the said Trustees shall and may, and they are hereby authorized and empowered, out of the Money arising out of the said Tolls and Duties, to make such Salaries or Allowances to the Officers so to be appointed by them, for and in Consideration of their Care and Pains in the Execution of their respective Offices, and to such other Person or Persons who shall be employed in the Execution of this Act for their Trouble therein, over and above the necessary Disbursements made by them.

Treasurer or  
Collector to  
find Security.

LXXXII. And be it further enacted, That the said Trustees shall be and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them in virtue of their said Offices, as to the said Trustees shall seem meet, or failing to take any Security, the Trustees making such Appointment shall be individually responsible for the Default of the Persons by them so appointed.

No Money to  
be paid with-  
out Order.

LXXXIII. And be it enacted, That the Sums of Money arising from the Tolls and Duties authorized to be levied by virtue of this Act shall not be laid out or expended without the Order of the said Trustees, or of such Person or Persons as they shall authorize and appoint.

Penalty for  
Misapplica-  
tion.

LXXXIV. And be it further enacted, That in case of any Misapplication of the Money collected, received, or levied by virtue of this Act, all and every Person or Persons who shall so misapply the same, or by whose Authority the same shall be so misapplied, shall forfeit and pay Double the Sums so misapplied, to be recovered from him or them in *Scotland* at the Suit of any Three or more Heritors within the said Counties of *Lanark* or *Dumfries* possessed of Two hundred Pounds *Scots* of valued Rent, who are hereby authorized to sue for and recover the same in a summary Action before the Judge Ordinary, with Expences of such Action, One Half of which Forfeiture shall belong to the Persons who shall sue for the same, and the other Half shall be paid to the said Trustees, to be applied by them as aforesaid for the Purposes of this Act; but if any such Prosecution shall after Trial be found vexatious and groundless, the Prosecutors shall be liable to pay Double Costs; and in *England* such Double of the Sums so misapplied shall and may be recovered with Double Costs of Suit by any Proprietor of Land in the County of *Cumberland* to the Amount of Two hundred Pounds *per Annum*, by Action of Debt before any of His Majesty's Courts of Record at *Westminster*.

Accounts to  
be kept of  
Receipts and

LXXXV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time and at all Times during the Continuance

tinuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

LXXXVI. And be it enacted, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk or Treasurer for the Time being; and no Action or Suit wherein the said Trustees shall be concerned in the Name of their Clerk or Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or Treasurer to the said Trustees for the Time being shall be deemed to be the Party suing or defending in every such Action.

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

LXXXVII. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching, concerning, or in any ways relating to the said Tolls or Duties, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Toll Gatherers, &c. may give Evidence.

LXXXVIII. And be it further enacted, That any Trustee appointed to put this Act into Execution, who is or shall be in the Commission of the Peace for the County of *Lanark*, or the County of *Dumfries*, or the County of *Cumberland*, shall and may act as a Justice of the Peace within the same respectively for the more effectually putting into Execution the several Authorities and Powers in this present Act mentioned and contained, notwithstanding such Justice of the Peace is or shall be a Trustee as aforesaid, or a Creditor upon the Tolls.

Trustees may act as Justices.

LXXXIX. And be it enacted, That all Tolls and Duties, and all Expences, Penalties, and Forfeitures by this Act imposed, the Recovery whereof is not otherwise herein provided for, may be recovered by summary Complaint, at the Instance of the Clerk to the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of Peace for the County in which the same shall be to be recovered, and the Fact or Facts being verified or proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, or by other satisfactory Evidence, the said Justice or Justices

Recovery of Tolls, Penalties, &c.

Justices is and are hereby authorized and required to grant a Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender ; and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the Overplus Money (if any there be) upon Demand, to the Owner of such Goods or Effects, after such Tolls, Penalties, and Forfeitures, the Expence of the Warrant, and the reasonable Charges of distraining, keeping, and selling such Goods or Effects, shall be deducted and paid ; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out for the Purposes of this Act ; and in case sufficient Distress cannot be found, or such Tolls, Expences, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for such County, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders, to be committed to the Common Gaol of the said County, there to remain for any Time not exceeding Six Calendar Months, unless the said Tolls, Expences, Penalties, and all reasonable Charges, shall be sooner paid and satisfied.

## Appeal.

XC. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, for which no particular Method of Relief hath been hereinbefore appointed, such Person or Persons shall and may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden in and for the County wherein the Matter of Grievance shall have arisen, as the Case may happen, within Six Calendar Months next after such Thing shall have been so done ; such Appellants first giving or causing to be given Fourteen Days Notice at the least in Writing, of their or his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Six Days next after such Notice given, if the Case shall have happened in *Scotland*, lodging with the Clerk of the Peace of the County where such Appeal is to be taken, a Bond with Two sufficient Sureties, and if the Case shall be in *England*, entering into Recognizance before some Justice of the Peace for the said County of *Cumberland*, with Two sufficient Sureties, such Bond and such Recognizance to be conditioned to try such Appeal, and to abide the Order of the said Justices at such Quarter Sessions, and to pay such Costs as shall be awarded by the said Justices at such Quarter Sessions ; and the Justices at such Sessions, or at some Adjournment thereof, upon due Proof of the Notice having been given, and of the lodging of a Bond or entering into Recognizance in the Manner hereinbefore mentioned, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper ; and the Determination of the said Justices at such Sessions or Adjournment, shall be final, binding, and conclusive to all Intents and Purposes without being subject to any Review whatsoever.

## Limitation of Actions.

XCI. Provided always, That all Actions for all and every Penalties and Forfeitures imposed by this Act, or for any Thing done in the Execution thereof,

thereof, shall be commenced within Six Calendar Months after the Fact was done or committed, and not afterwards.

XCII. And be it enacted, That the Expence of procuring and passing this Act shall be paid out of the first Monies subscribed for the Purposes of this Act. Expences of this Act.

XCIII. 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. Public Act.

XCIV. And be it further enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-  
ment and  
Continuance  
of this Act.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1819.

