



ANNO QUINQUAGESIMO OCTAVO
GEORGI II. REGIS.

Cap. iii.

An Act for extending the Powers of an Act passed in the Forty-fifth Year of the Reign of His present Majesty, for repairing Roads in the County of *Ayr*. [17th March 1818.]

WHEREAS by an Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled *An Act for altering, amending, and consolidating several Acts for repairing Turnpike Roads in the County of Ayr, for repairing other Roads therein, and for making more effectual the Statute Labour in the said County*, certain Persons were appointed Trustees, and various Powers were granted for making and keeping in Repair the Roads therein mentioned: And whereas by an Act passed in the Forty-ninth Year of the Reign of His present Majesty, intituled, *An Act for altering an Act passed in the Forty-fifth Year of His present Majesty, for repairing Roads in the County of Ayr*, Powers were granted to the Trustees appointed by the said recited Act, for making, repairing, and keeping in Repair, certain Roads described in the said last recited Act: And whereas it would be advantageous to the Public, if the following Roads were also put under the Management of the Trustees appointed by the said recited Act; *videlicet*, First, a Road of Communication from the Highway between *Girvan* and *Ballintrae*, by *Colmonell*, departing at a Point near the House of *Daljarrock*, passing by a new Bridge over the River *Stinchar*, and by another Bridge over the River *Dusk*, near *Pinwhirry Castle*, to join the Highway leading to *Newton Stewart*, at a Point in the Lands of *Pinwhirry*, and a Branch therefrom departing at the Bridge of *Dusk* to the Bridge of *Muck*, passing through the Lands of *Daljarrock*, *Pinmore*, *Hollow Chapel*, *Fardinreoch*, *Pinwhirry*, and *Laglartie*, in the Parishes of *Barr* and *Colmonell*, in the County of *Ayr*; which Road and Branch have been already made: Secondly, a Road of Communication from the Highway from the County of *Ayr*, by the *Balloch* to *Newton Stewart*, departing at a Point in the Lands of *Garpin*, to join the Road of *Maybole*, to *Dalquharron*, at or near *Cappenoch Bridge*, and a Passage from the same to join the End of the New Road from *Ayr* by *Chappleton Toll*, passing through the Lands of *Garpin*, *Bairdsmill*, *Dalduff*, *Barlewan*, and *West Park of Barclay*, in the Parishes of *Kirkmichael* and *Maybole*, in the said County of *Ayr*; the whole of which Road yet remains to be made: Thirdly, a Road of Communication from the Village of *Straiton* to the Highway between *Ayr* and *Newton Stewart*, near *Rowantree*, passing through the Lands of the Right Honourable

[Local.] P

Honourable *Archibald* Earl of *Cassillis*, and Sir *James Ferguson*, Baronet, in the Parishes of *Straiton* and *Barr*, in the said County of *Ayr*; which Road is now in the Course of being made: Fourthly, a Road of Communication from the Highway from the County of *Ayr*, by the *Balloch* to *Newton Stewart*, departing from a Point in the Lands of *Dalhowan*, and passing by a new Bridge over the *Girvan*, below *Knockinhardy*, and by another Bridge over the same River at *Aird*, to join the Highway on the South Side of the Water of *Girvan*, and a Passage therefrom to join the new Road from *Croftshill* to *Straiton*, passing through the Lands of *Dalhowan*, *Killekie*, *Barndonna*, *Rowanston*, *Barcully*, *Blackquarter*, *Tradunnock*, *Craigoch*, *Aird*, *Kilkerran*, *Drummellan*, and *Ballybeg*, in the Parishes of *Kirkmichael*, *Kirkoswald*, and *Daily*, in the County of *Ayr*; which Road is now in the Course of being made: Fifthly, a Road from the Village of *Catrine*, through the Farms of *Over-Catrine*, *High Logan*, *South Logan*, *Glenfhamroch*, *Rogerton*, and *Barglachan*, to join the present Road from the Village of *Auchinleck* to *Barglachan* Coalworks in the Parishes of *Sorn* and *Auchinleck*, in the said County of *Ayr*; and also to erect a new Bridge over the Water of *Ayr*, at the Village of *Catrine*, for the Purposes of the said Road, and another Bridge over the said Water of *Ayr*, for the Purpose of affording Access to the said Village and Road, and to make Roads and Passages of Communication to and from the said Bridges; and that Power should also be granted for erecting Bridges over the other Rivers and Streams which the Roads before described, or any of them, do pass; and that the Toll Dues levied on the aforesaid Roads should be applicable to the building and repairing of the said Bridges, as well as making and repairing of the aforesaid Roads; but the Expence of making the said Roads, and of building the said Bridges, cannot be repaid, nor can the same be maintained and kept in Repair, by means of Tolls and Duties to be respectively levied thereon, unless the Powers granted by the said first recited Act shall be extended thereto: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's Most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Roads herein particularly mentioned and described, and the aforesaid Bridges, as well those particularly described as other Bridges, necessary over the other Rivers and Streams which the said Roads, or any of them do pass, shall be made, erected, maintained, repaired, and kept in Repair, by the Trustees appointed by the said first recited Act, in such and the same Manner as if the said Roads and Bridges had been enumerated and included therein, and as if it had been therein as it is herein directed that the Tolls and Duties levied upon the said Roads respectively shall be applied in maintaining, and keeping in Repair, the Bridges respectively erected thereon, as well as the said Roads, and all the Powers, Provisions, Rules, Regulations, Exemptions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said two recited Acts, in so far as the same are applicable thereto, shall be, and are hereby extended to, and shall be used, observed, applied, and enforced for the Purpose of making the said Roads, erecting the said Bridges, and maintaining, repairing, and keeping the same in Repair.

Roads and
Bridges here-
in described
to be made
and repaired
under recited
Acts.

Roads to be
according to
Plan.

II. And whereas a Map or Plan of the Roads described in this Act has been lodged with the Clerk of the Peace of the said County, be it enacted, That in making any of the said Roads it shall not be lawful for the said Trustees to deviate from the Line thereof appearing from the said Plan more than One hundred Yards, without the Consent in Writing of the Owners or reputed Owners and Occupiers of the Ground through which such Deviation shall be made.

III. And

III. And be it further enacted, That upon the Payment of the Tolls granted by the said first recited Act, at any Gate erected, or to be erected by virtue of either of the said recited Acts or of this Act, the Collector or Receiver thereof respectively shall, and he is hereby required to deliver *gratis*, to the Person paying such Toll, a Note or Ticket, denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon, the Name of the respective Gate freed by such Payment.

Tickets denoting Payment of Toll to be provided.

IV. And be it further enacted, That every Toll Collector appointed, either by the said Trustees or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of either of the said recited Acts, or this Act, upon any of the Roads therein described, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name to be at least One Inch 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 said 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 or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts, and this Act, or any of them, 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 anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls, or any of them, or shall give a false name or Names on such Demand, or shall refuse or neglect to deliver a Ticket, *gratis*, denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or shall make Use of any scurrilous or blasphemous Language to any Person or Persons travelling upon any of the said Roads, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon; then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by the said first recited Act directed to be levied, recovered, and applied.

Toll Collectors to put up their Names on some conspicuous Place, and continue the same while on Duty.

V. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls upon any of the Roads described in this or the said recited Acts, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon application made to him for that Purpose, shall examine the Matter on the 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;

For settling Disputes concerning Tolls.

all

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) upon Demand, after deducting the Costs and Charges of making such Distress and Sale to the Person or Persons whose Goods and Effects shall have been so distrained and sold.

Clerk re-
frained from
acting as
Treasurer,
and vice versa.

VI. And be it further enacted, That it shall not be lawful for the said Trustees to appoint a Person who may be appointed to act as their Clerk upon any of the Roads described in this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act, and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered before the Judge Ordinary of the said County, or the Court of Session, with double Expence of Process.

Accounts to
be inspected.

VII. And be it enacted, That the Books and Accounts directed to be kept by the said first recited Act, as applicable to the Roads therein specified, and to the Roads specified in this and the said other recited Act, shall and may, at all reasonable Times, be inspected by any Trustee or Creditor upon the Tolls of any of the said Roads, or by any Heritor of the said County, without Fee or Reward; and it shall and may be lawful for such Trustee, Creditor, or Heritor, to take Extracts from such Books and Accounts without paying any Thing therefore; and if any Clerk or other Person, having the Custody of such Books and Accounts, shall prevent or hinder any such Trustee, Creditor, or Heritor from inspecting the same, or taking Extracts therefrom, every such Clerk or Person shall forfeit a Sum not exceeding Five Pounds, to be recovered and applied as any Penalty is directed to be recovered and applied by the said first recited Act.

To compel
Payment of
Subscrip-
tions.

VIII. And be it enacted, That the several Persons who have subscribed Money towards making and repairing the Roads mentioned and described in this Act, shall be bound and obliged, and shall and may be compelled to make Payment of their several Subscriptions to the Treasurer or Cashier of the said Trustees: Provided always, that all Persons who have already advanced, or shall hereafter pay the Amount of such Subscriptions, shall be entitled to the like Security from and upon the Tolls and Duties to be levied on the Road or Roads, towards the making and repairing of which the same shall have been subscribed, as Persons who shall have subscribed and advanced Money towards making and repairing any of the Roads mentioned and described in the said recited Acts, are thereby entitled over the Tolls and Duties levied on such Roads.

Expence of
this Act, how
to be de-
frayed.

IX. And be it enacted, That the Charges and Expences of obtaining and passing this Act, shall be paid and defrayed by the Persons who have subscribed, or who shall subscribe Money towards the Expence of making the said Roads, out of their Subscriptions rateably and proportionably, according to the Length of each Road.

Public Act.

X. 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.