



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. lxi.

An Act for more effectually making, amending, widening, repairing, and keeping in repair certain Roads in the County of *Forfar*.

[23d August 1831.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for more effectually repairing the Roads in the County of Forfar* : And whereas another Act was passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act to alter and amend so much of an Act made in the Fiftieth Year of His present Majesty, for repairing the Roads in the County of Forfar, as relates to the Road from Dundee to Cupar, with its Branch to Meigle* : And whereas another Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making, amending, widening, repairing, and keeping in repair certain Roads in the County of Forfar* : And whereas, under the Authority of the said Acts, and of other Acts therein mentioned, various Lines of Road have been made, kept up, and repaired ; and considerable Sums of Money have been advanced or borrowed on the Credit of the Tolls and Duties thereby authorized to be levied, which Sums of Money, or Part thereof, are still due : And whereas the several Lines of Road made under Authority of the said Acts cannot be effectually amended, widened, improved, and kept in repair, nor the Sums of Money advanced or borrowed on the said several Lines of Road, and the Interest thereof still owing, be repaid, unless Provision be made for that Purpose : And whereas the said Two first-recited Acts are about to expire : And whereas it is expedient, and would be advantageous to the Public, and to the Inhabitants of the said County, if certain of the Statute Labour or Parish Roads of the said County were rendered Turnpike, and put under the Charge of the Trustees to be appointed by this Act : And whereas it would also be of advantage to the Public if certain new

[Local.] 14 S Roads

50G.3.c.121.

54G.3.c.232.

7 G.4.c.128.

Roads were made and maintained: And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: And whereas it is expedient that the said Two first-recited Acts, and so much of the said third-recited Act as relates to the Road from *Montrose* to *Forfar* by *Monthbrowmont Muir* should be repealed, and that other and further Powers be granted in lieu thereof: But as the Purposes, aforesaid cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That from and after the Fourth *Monday* after the passing of this Act the said recited Acts of the Fiftieth and Fifty-fourth Years of the Reign of King George the Third, and the Act of the Seventh Year of the Reign of King George the Fourth, so far as it relates to the said Road from *Montrose* to *Forfar* by *Monthbrowmont Muir*, (except in so far as the same repeal any Act or Acts of Parliament,) shall be and the same are hereby repealed, and instead thereof this Act shall on that Day commence and have Effect, and shall continue in force during the Term hereinafter mentioned.

Recited Acts of 50 G. 3. 54 G. 3. and 7 G. 4. repealed, and this Act to take effect.

Powers of 4 G. 4. c. 49. extended to this Act.

II. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His late Majesty King George the Fourth, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

Tolls and Duties hereby granted liable to Payment of Sums due under the repealed Acts.

III. Provided nevertheless, and be it enacted, That all the Tolls and Duties which are hereby authorized to be levied shall be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said Acts, and shall also be liable to the Payment of all Sums of Money which may hereafter be borrowed on the Credit of this Act, and of all Interest due or that may become due thereon, as fully and effectually to all Intents and Purposes as if such Money had been borrowed or become due on the Credit or on account of this Act, and that all and every Person or Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts shall be liable to the Payment thereof to the Trustees under this Act.

All Covenants and Agreements under former Acts to have full Force and Effect.

IV. And be it enacted, That all Conveyances, Covenants, Agreements, Contracts, or Securities entered into by any Person or Persons, to or with the Trustees for executing the recited Acts hereby repealed, so far as relates to the said Roads, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed on account and for the Benefit of the Roads and necessary Bridges of Communication under this Act; and all Mortgages, Bonds, Conveyances, Lettings of Tolls, Orders, Contracts, and Agreements duly made or entered into by the said Trustees for executing the said Acts hereby repealed,

pealed, so far as relates to the said Roads, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively ; and all Tolls and Duties due, and Penalties and Forfeitures incurred, in virtue of the said recited Acts hereby repealed, so far as relates to the said Roads, shall be held to be due and incurred and shall be exigible by the Trustees under this Act ; any thing herein contained to the contrary notwithstanding.

V. And be it enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Acts had not been repealed. Books may be given in Evidence.

VI. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers, save and except the Treasurer or Treasurers who have been appointed under and employed in the Execution of the said Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the Trustees hereby appointed, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act. Former Officers to continue.

VII. And be it enacted, That every Person who from and after the passing of this Act shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Liferenter, of the full Property or *Dominium utile* of Lands in the County of *Forfar* valued in the Cess Books of the said County to the Extent of One hundred Pounds *Scots*, and all and every the eldest Sons of such Persons ; and One Guardian or Trustee of Minors possessed of Lands to that Extent ; and all Persons in the Commission of the Peace of the said County who shall have qualified accordingly ; the Provost and senior Magistrate, and, in the Absence of One of them, the next senior Magistrate, and, in the Absence of both of them, the Two next senior Magistrates for the Time being of each of the Royal Burghs in the said County ; and the Sheriff and Sheriff Substitute of the said County for the Time being ; shall be and they are hereby nominated and appointed Trustees for surveying, ordering, making, altering, and repairing and keeping in repair the several Roads hereinafter mentioned, and Branches thereof after specified, and for building, widening, amending, repairing and keeping in repair Arches and Bridges of Stone, Iron, Brick, or Timber, upon any of the said Roads and Branches ; viz. Trustees appointed.

1. The Road from *Dundee* to *Forfar* passing through or into the Parishes of *Dundee*, *Mains*, and *Strathmartin*, *Murroes*, *Tealing*, *Inverarity*, *Kinnettles*, and *Forfar* ;
2. The Road from *Kirriemuir* by *Glamis* till it joins the Road immediately before mentioned at *Petterden*, passing through or into the Parishes of *Kirriemuir*, *Glamis*, and *Tealing* ;
3. The Road from *Dundee* to the Confines of the County at *Cupar Angus*, with its Branch to where it joins the Turnpike Road from

- from *Cupar Angus*, to *Glamis* at *Meigle*, through *Newtyle*, passing through or into the Parishes of *Dundee*, *Liff*, *Lundie*, *Kettins*, *Cupar*, *Strathmartin*, *Auchterhouse*, and *Newtyle* ;
4. The Road from *Meigle* where it commences at the Western Confines of the County of *Forfar* to the Bridge over the *North Esk* at *Inglismaldie*, by *Brechin*, passing through or into the Parishes of *Eassie* and *Nevay*, *Glamis*, *Kinnettles*, *Forfar*, *Rescobie*, *Oathlaw*, *Tannadice*, *Carriston*, *Brechin*, *Strickathrow*, and *Logie Pert* ;
 5. The Road from *Dundee* to the Bridges over the *South Esk* at *Montrose*, and to *Ferryden*, passing through or into the Parishes of *Dundee*, *Mains*, *Murroes*, *Monifieth*, *Monikie*, *Barry*, *Panbride*, *Arbilot*, *St. Vigeans*, *Arbroath*, *Inverkeillor*, *Lunan*, *Maryton*, and *Craig* ;
 6. The Road from *Montrose* to the Lower Bridge over the *North Esk* at *Kinnaber*, passing through or into the Parish of *Montrose* ;
 7. The Road from *Montrose* to the Bridge over the *North Esk* at *Marykirk*, passing through or into the Parishes of *Montrose* and *Logie Pert* ;
 8. The Road from *Montrose* to the Bridge over the *North Esk* near *Inglismaldie*, passing through or into the Parishes of *Montrose* and *Logie Pert* ;
 9. The Road from *Arbroath* to *Brechin* by *Pitmuies Mill*, and from *Pitmuies Mill* to *Forfar*, passing through or into the Parishes of *Arbroath*, *St. Vigeans*, *Inverkeillor*, *Kirkden*, *Farnwell*, and *Kinnaird*, *Brechin*, *Kinnell*, *Aberlemmo*, *Rescobie*, *Forfar*, and *Guthrie* ;
 10. The Road leading from *Arbroath* to *Forfar* by *Dunnichen*, passing through or into the Parishes of *Forfar*, *Dunnichen*, *Rescobie*, *Kirkden*, *Carmyllie*, *Inverkeillor*, *St. Vigeans*, *Arbilot*, and *Arbroath* ;
 11. The Road from *Brechin* to *Kirriemuir*, passing through or into the Parishes of *Brechin*, *Carriston*, *Fearn*, *Tannadice*, *Oathlaw*, and *Kirriemuir* ;
 12. The Road from *Forfar* to *Kirriemuir*, passing through or into the Parishes of *Forfar*, *Glamis*, and *Kirriemuir* ;
 13. The Road from *Dundee* towards *Perth* to the Borders of the County of *Forfar*, passing through or into the Parishes of *Dundee* and *Liff* ;
 14. The Road from *Broughty Ferry* to *Luckyslap*, by *Baldovie*, passing through or into the Parishes of *Dundee*, *Monifieth*, *Murroes*, and *Monikie* ;
 15. The Road from *Dundee* to *Baldovie*, passing through or into the Parishes of *Dundee*, *Mains*, and *Strathmartin* ;
 16. The Road leading from *Duntrune* and *Wedderburn* to the Turnpike Road between *Dundee* and *Forfar*, passing through or into the Parishes of *Dundee*, *Murroes*, and *Mains* ;
 17. The Road leading from *Strathmartin* and *Sidlaw Hill* to the Turnpike Road between *Dundee* and *Forfar*, passing through or into the Parishes of *Strathmartin*, *Tealing*, *Mains*, and *Dundee* ;
 18. The Road from the Hill of *Dundee* to *Strathmartin* and *Sidlaw Hill*, passing through or into the Parishes of *Dundee*, *Mains*, *Tealing*, and *Strathmartin* ;

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19. The Road from *Dundee* to *Broughty Ferry*, passing through or into the Parishes of *Dundee* and *Monifieth* ;
20. The Road from near the Bridge of *Dean* until it joins the Turnpike Road from *Forfar* to *Brechin*, near to *Quilkoe*, passing through or into the Parishes of *Meigle*, *Eassie*, *Airly*, *Glamis*, *Kirriemuir*, *Forfar*, and *Rescobie* ;
21. The Road leading from *Easthaven* to *Forfar*, passing through or into the Parishes of *Panbride*, *Carmyllie*, *Guthrie*, *Monikie*, *Dunnichen*, *Inverarity*, and *Forfar*, with its side Branches, the one northward, until it joins the *Arbroath* and *Brechin* Turnpike by *Pitmuies Mill*, passing through or into the Parishes of *Panbride*, *Carmyllie*, *St. Vigeans*, and *Inverkeillor*, and the other Southward to the *Dundee* and *Ferryden* Road at *Greystone* Toll Bar, passing through or into the Parishes of *Panbride* and *Monikie*, together also with its Branch leading from *Kirkbuddo* West by *Fotheringham* and *Inverarity*, passing through or into the Parishes of *Guthrie* and *Inverarity* to the *Dundee* and *Forfar* Road ;
22. The Road from *Forfar* through *Montrowmont Muir* to where it joins the Eastern Turnpike or Coast Road of the County at or near *Rossie Mills*, passing through or into the Parishes of *Forfar*, *Rescobie*, *Aberlemno*, *Guthrie*, *Kinnell*, *Farnwell*, *Maryton*, and *Craig* ;

and also for making, maintaining, repairing, and keeping in repair the following new Roads, which when made shall be held and considered to be Turnpike Roads ; *videlicet*,

1. A Road leading from the Western Confines of the County of *Forfar* beyond the Bridge of *Ruthven*, to *Kirriemuir*, with its Branch to the Bridge of *Dean*, and from *Kirriemuir* to where it joins the Turnpike Road from *Forfar* to *Brechin* at or near *Finhaven*, passing through or into the Parishes of *Ruthven*, *Airly*, *Kirriemuir*, *Tannadice*, and *Oathlaw* ;
2. A Road leading from *Kirriemuir* by *Cortachie* through *Wateresk* and *Clova* to the Northern Boundary of the County of *Forfar* at the Summit of the *Capel Mount*, passing through or into the Parishes of *Kirriemuir*, *Cortachie*, and *Clova*, with its Branch from at or near the Bridge of *Cortachie* by the Village of *Tannadice* to join the Turnpike Road between *Forfar* and *Brechin* near by *Finhaven* Toll Bar, passing through the Parishes of *Cortachie* and *Tannadice* ;
3. A Road from *Luckyslap*, through the Village of *Letham* and by the West Side of *Balgavies* and West Side of *Turin*, and by *Stannachy Bridge*, to *Brechin*, with a Branch from *Luckyslap* to *Dundee* by *Duntrune* and *Dighty Water Bridge* near *Longhaugh* ; the said Road and Branch running through the Parishes of *Dundee*, *Mains*, *Murroes*, *Monifieth*, *Monikie*, *Carmyllie*, *Guthrie*, *Dunnichen*, *Kirkden*, *Rescobie*, *Aberlemno*, and *Brechin* ;
4. A Road from the *West Water Bridge*, Hillhead of *Strickathrow* and *Ballachie*, to *Cotra Bridge*, and from thence through the Latch of *Fordes*, passing by the *Hedderwick* Lime Works, until it joins the Road from *Montrose* to the *North Water Bridge* near *Inglismaldie*, with its Branch from *Cotra Bridge* to the *Brechin*

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and *Montrose* Turnpike at *Mains of Dun*, passing through or into the Parishes of *Strickathrow*, *Logie Pert*, *Dun*, and *Montrose* ;

5. A Road from *Cupar Angus* towards the Confines of the County at *Balloglack*, passing through or into the Parishes of *Cupar Angus* and *Kettins* ;
6. A Road from *Arbroath* to *Brechin*, passing through or into the Parishes of *Arbroath*, *St. Vigean*s, *Inverkeillor*, *Kinnell*, *Farnwell*, and *Brechin* ;
7. A Road from or near the Village of *Douglaston* to where it joins the Turnpike Road between *Dundee* and *Forfar* at *Cuttyhaugh*, passing into or through the Parishes of *Kinnettles* and *Inverarity* ;
8. A Road from the Turnpike Road from *Forfar* to *Brechin*, by the *Forestmuir*, to join the Road from *Kirriemuir* to the *Capel Mount* at or near the Bridge of *Carity*, passing through or into the Parishes of *Forfar*, *Rescobie*, *Oathlaw*, and *Kirriemuir* ;
9. A Road leading from the *Dundee* and *Forfar* Turnpike Road near the *Tod Halls* Westward to the Head of the inclined Plane of the *Dundee* and *Newtyle* Railway at *Balbeuchley*, with a Branch thereof from near *Benty Faulds*, passing by *Deaf Den*, to join the said *Dundee* and *Forfar* Turnpike Road, on the North-east of *Pitterden* in the Lands of *Fotheringham*, which Road and Branch pass into or through the Parishes of *Inverarity*, *Tealing*, and *Caputh* ;

and generally for the Repair, Management, and Regulation of all the Roads hereinbefore described, and for carrying into effect the other Powers and Authorities granted by this Act.

Branches
of Roads.

VIII. And be it further enacted, That the following Roads, *videlicet*, the Road from the Landing Place at *Monifieth* to the Turnpike Road between *Dundee* and *Arbroath* in the Parishes of *Monifieth* and *Monikie*, the Road from the West Haven leading to the said Turnpike Road between *Dundee* and *Arbroath* into or through the Parish of *Panbride*, and the Road leading out from the Turnpike Road between *Arbroath* and *Ferryden* at or near *Rossie* to the *South Esk Bridge* near *Dun*, and until it joins the Turnpike Road from *Montrose* to *Brechin*, passing through or into the Parishes of *Craig*, *Maryton*, and *Dun*, shall all be held and considered as Branches of the said Turnpike Road from *Dundee* to *Ferryden* ; and that the Road from *Kirktown of Inverkeillor* Westward to *Chapelton*, and from *Chapelton* to the Toll Bar at *Friock*, by *Douglasmuir*, passing through or into the Parishes of *Inverkeillor*, *Kinnell*, and *Kirkden*, and the Road from *Chapelton* to the *Arbroath* and *Forfar* Turnpike Road by *Leys* in the Parish of *Inverkeillor*, shall be considered Branches of the new or Eastern Road from *Arbroath* to *Brechin* ; and it shall and may be lawful for the said Trustees to exact and take, or cause to be exacted and taken, at Toll Bars erected or to be erected on any Part of the said Branches, the same Tolls which shall be exacted on the principal Roads, and to exercise with respect to the said Branches, or Parts thereof, all the Powers granted by this Act, in the same Manner as on the principal Road.

IX. Pro-

IX. Provided always, and be it enacted, That no such Justice of the Peace, Sheriff Depute, Sheriff Substitute, or Magistrate respectively 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 Value of Five hundred Pounds Sterling; nor shall any such last-mentioned Person 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, who are hereby authorized and required to administer the same; that is to say,

Qualification
of particular
Trustees.

‘ I DO swear, That I truly and *bonâ fide* am, in my own Right, [*or in the* Oath.
‘ 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 hun-
‘ dred Pounds Sterling, or possessed of and entitled to a Personal Estate
‘ alone, or Real and Personal Estate together, of the Amount or Value of
‘ Five hundred Pounds Sterling. So help me GOD.’

X. And be it further enacted, That the said Trustees shall meet at *Forfar* upon the Fourth *Monday* after the passing of this Act, and shall afterwards meet at the same Place upon the First *Tuesday* after the Twenty-ninth Day of *September* One thousand eight hundred and thirty-one, and thereafter yearly on the same Day and at the same Place that is appointed for the Meeting of the Commissioners of Supply for laying on the Cess in the said County, and on the First *Tuesday* after *Michaelmas* or Twenty-ninth Day of *September* yearly, with Power to them at their foresaid Meetings respectively to adjourn themselves to such Times and Places as they shall think proper or convenient, as often as it shall be necessary for putting this Act into execution; and if it shall happen that there shall not appear at any Meeting or at any adjourned Meeting which shall be appointed to be held by the said Trustees a sufficient Number of Trustees to act, it shall be in the Power of any One or more Trustees attending to adjourn the Meeting to be held at the same or any other convenient Place any lawful Day within Three Weeks thereafter; and in case no Trustee shall have attended, the Clerk to the said Trustees, by Advertisement in Two or more of the County Newspapers, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the Meeting of the said Trustees was appointed to be held, or at some other convenient Place, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

Meetings of
Trustees.

XI. And be it enacted, That all Acts, Proceedings, Orders, Matters, and Things relative to the Execution of this Act may be done and executed by any Seven or more of the said Trustees met in General Meeting of the whole Trustees of the County, or by any Three or more Trustees assembled as a Committee upon any particular Road, or District of Roads, after such Committee shall have been named and appointed by the General Meeting of the County.

Quorum of
Trustees.

XII. And

Trustees
may appoint
a Committee
to superin-
tend the
Repair of
Roads, to be
accountable
to General
Meeting.

XII. And be it further enacted, That the said Trustees in General Meeting assembled may authorize and appoint, from Time to Time, as many of their own Number as they shall think proper to superintend and direct the making, completing, and repairing, of any of the said Lines of Road, or Parts of the same; which said Trustees so appointed are hereby authorized and empowered to give such Orders and Directions for the Repair of the said Roads as to any Three or more of them at a General Meeting assembled for that Purpose shall seem reasonable, for the more effectually carrying this Act into execution, but the said Trustees so appointed shall be accountable to the General Meeting; and for effecting that Purpose all Committees of Trustees appointed to the Management of particular Turnpike Roads shall, at the annual General Meeting appointed by this Act to be held on the same Day on which the Commissioners meet for assessing the Land Tax, lay before the said Meeting a full and particular State of their Accounts, and all other their Transactions, to be by the said General Meeting examined, audited, and approved; and in case of Failure or Neglect the Clerk of the General Meeting shall and he is hereby required to apply to the Sheriff or his Substitute of the County, who shall grant Warrant for summoning the Clerk of the Committee so failing, or other Person or Persons to whom the said Failure is imputable, and on Proof thereof shall fine him and them in a Sum not exceeding Ten Pounds Sterling, to be paid to the said Trustees, and to be applied by them to the Purposes of this Act; and the Prosecutor shall yearly report to the first adjourned General Meeting after the Thirtieth Day of *April* the Issue of such Prosecutions; and the Committees of Trustees upon all or any particular Lines of Road shall be and they are hereby prohibited from applying any Part of the Toll Money collected for the Payment or part Payment of the Interest of Money due to or advanced by the said Trustees, until the State of their Accounts for the preceding Year be rendered to a special General Meeting or an adjourned General Meeting, and Authority given by any such Meeting for the Payment of such Interest.

Penalty for
misapplying
Money.

XIII. And be it further enacted, That in case of any Person or Persons applying any Money to be levied by this Act to any other Purpose or Purposes except as by this Act directed, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay Double the Sum so misapplied, to be recovered against him or them at the Suit of any Three or more Heritors within the said County of *Forfar* possessed of One hundred Pounds *Scots* each of valued Rent, who are hereby authorized to sue for and recover the same in an Action summarily before the Lords of Session, without abiding the Course of the Roll, with Costs of Suit; one Half of which Forfeiture shall belong to the Persons who sue for the same, and the other Half shall be paid to the said Trustees, to be applied by them for the Purposes of this Act; but if any such Prosecutions shall, after Trial, be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Triple Costs of Suit.

Trustees of
particular
of Lines
Road to
enjoy the

XIV. And be it further enacted, That the Trustees to whom the Care and Management of the several Lines of Road before described shall or may be committed by General Meetings of Trustees for the whole County shall within their respective Districts or Lines have and enjoy the like

Powers and Authorities with respect to the erecting Gates, imposing Tolls, raising and diminishing the same, borrowing Money on the Credit thereof, and granting Securities for the Sums borrowed, suing for Penalties incurred, or for punishing Transgressors, as are hereby conferred upon the General Trustees hereby appointed, but always subject to the Control of the General Meeting as before expressed: Provided always, that the said District Trustees shall not have Power in future to borrow any Sum or Sums of Money upon the Credit of the said Tolls, or to assign the said Tolls existing previous to the passing of this Act in Security for the Money so to be borrowed, unless the annual Produce of the said Tolls so assigned or to be assigned in Security shall amount to Ten Pounds *per Centum per Annum* of the Sum so to be borrowed as aforesaid, beyond the Amount of the Sums required for the annual Repair of the Roads upon which the said Tolls shall be collected, and the Interest of all Money previously borrowed upon the Credit thereof, but which Enactment and Provision shall not affect the Sums of Money subscribed for, advanced, or borrowed for making or repairing the said Roads at or previous to the passing of this Act, and for all which Assignments and Securities may be granted by the said District Trustees in the same Manner as might have been done under the before-recited Acts hereby and formerly repealed.

Powers of General Trustees, except as to borrowing Money in certain Cases.

XV. And whereas Maps or Plans, describing the said new Roads intended to be made, and the Lands through which they are severally intended to pass, together with Books of Reference containing the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace of the County of *Forfar*; be it further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerk of the Peace, and every or any Person shall at all seasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to examine and make Extracts from or Copies of the same, paying the Sum of One Shilling and no more for every such Inspection, or require Extracts or Copies thereof, paying to the Clerk for such Copy or Extracts from the same after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Maps, &c. deposited with Clerk of the Peace of Forfarshire to be open to Inspection.

XVI. And be it further enacted, That the said Trustees in making or altering the said Roads hereby authorized to be made or repaired shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, neither shall they take down or remove any Dwelling House or other Building the Side Walls of which exceed Twenty Feet in Height, or take or make use of any Policy, Orchard, or Garden the Contents of which exceed Half an Acre, of any Lawn, Planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, other than the Dwelling Houses or Buildings, Policies, Orchards, Gardens, Lawns, Planted Walks, and Avenues, or inclosed Grounds planted as aforesaid, or any of them, described in the said Books of Reference, without the Consent in Writing of the Owners.

Trustees not to deviate from Lines laid down, nor to remove any Building or enter any Orchard, &c. without Consent.

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XVII. And

Trustees to
continue or
erect Gates.

XVII. And be it further enacted, That the said Trustees, at a General or District Meeting assembled, shall and may erect and cause to be continued or erected a Gate or Gates, Turnpike or Turnpikes, in or across any Part or Parts of the said Roads, and also may erect and cause to be erected and built in or upon the same such Number of Toll Houses, with a proper Stable adjoining thereto, and also to purchase or take on Lease a Garden for the same, as they shall think fit, not exceeding the Fourth Part of an Acre for each Toll House, Building, and Garden, and from Time to Time to alter the Situation of such Gates or Turnpikes, with the Toll Houses, Buildings, and Gardens respectively connected therewith; and at every such Toll Gate may demand and take, or cause to be demanded and taken, the Tolls and Duties following before any Coach or other Carriage, Horse or other Cattle, shall be permitted to pass through any or each of the several Gates or Turnpikes to be erected in virtue of this Act; (that is to say,)

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, or any other such Four-wheeled Carriage, a Sum not exceeding One Shilling Sterling :

For every Horse or other Beast of Draught drawing any Chaise, Curricle, Chair, or other such like Carriage with Two Wheels, where Three or more are so drawing, a Sum not exceeding Eight-pence, and where less than Three are so drawing, a Sum not exceeding Nine-pence Sterling :

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, where Six or more are so drawing, a Sum not exceeding One Shilling and Two-pence Sterling; and where less than Six but more than Three are so drawing, a Sum not exceeding One Shilling Sterling; and where Three are so drawing, a Sum not exceeding Ten-pence Sterling; and where Two are so drawing, a Sum not exceeding Sixpence; and where only One is so drawing, a Sum not exceeding Eight-pence Sterling :

For every Horse or Mule, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence Sterling :

For every Ass, laden or unladen, and not drawing, the Sum of Two-pence Sterling :

For every Drove of Oxen, Cows, or Neat Cattle, Horses or Fillies unshod, the Sum of One Shilling and Eight-pence *per* Score; and so in proportion for any greater or less Number :

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

Additional
Tolls for
Overweight.

XVIII. And be it further enacted, That the said Trustees shall be entitled and they are hereby authorized and empowered to receive and take, over and above the Tolls hereby granted, for and in respect of all Waggons, Carts, or other such Carriages, the additional Tolls and Duties following; that is to say, if the Carriage with its Loading shall exceed Twenty-eight Hundred Weight and shall be under Thirty-six Hundred Weight, One Half more than the Tolls and Duties before authorized by this Act to be levied; and if the said Carriage and its Loading shall be Thirty-six Hundred Weight or upwards, Double the said Tolls and Duties; which additional Tolls and Duties so authorized to be levied shall not be held

to be Penalties, but the just and fair Tolls and Duties payable for such Carriage : Provided always, that no such additional Toll or Duty shall be charged or taken for any Waggon, Cart, or Carriage, which, with its Loading, does not weigh more than the Weights and is of the Description following ; *videlicet*,

Certain
Waggons
and Carts
not to pay
additional
Tolls.

Every Waggon or Four-wheeled Carriage having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer and Seven Tons in Winter :

Every Waggon or Wain having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer and Five and a Half Tons in Winter :

Every Cart having the Fellies Nine Inches, Three Tons in Summer and Two Tons Fifteen Hundred Weight in Winter :

Every Waggon having the Fellies Six Inches, Four and One Fourth Tons in Summer and Three and Three Fourth Tons in Winter :

Every Cart having the Fellies of the Wheels Six Inches, Two Tons Twelve Hundred Weight in Summer and Two Tons Seven Hundred Weight in Winter :

Every Waggon having the Fellies less than Six Inches and not less than Four Inches, Three and a Half Tons in Summer, and Three Tons in Winter :

And for the aforesaid Purposes it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both inclusive :

Every Cart having the Fellies of the Wheels less than Six Inches, and drawn by Two Horses, Two Tons both in Summer and Winter ; and for every such Cart drawn by One Horse, One Ton and a Half both in Summer and Winter.

XIX. Provided always, That every Carriage drawn on Wheels of the Breadth of not less than Five Inches in the Tread or Fellies, and the hind Wheels thereof rolling in a different Tract from the fore Wheels, shall pass through all the Gates and Turnpikes already erected or to be erected by virtue of this Act on Payment of One Third of the Tolls or Duties before specified ; and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Five Inches or more, and drawn by not more than Three Horses or other Beasts of Draught ; and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches or more, and drawn by not more than Four Horses or other Beasts of Draught ; and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches or more ; shall pass upon any of the said Roads, and through any Gate or Turnpike thereon, upon paying only so much of the Tolls and Duties as aforesaid as shall be equal to One Half of the Toll or Duty payable or intended to be paid by this Act for any Carriage, or for the Horses or other Beasts drawing the same, and not drawn on Wheels of the Breadth or Dimensions hereinbefore set forth ; and that for the Term of Ten Years after the passing of this Act ; with Power to the said Trustees, by any Regulation in their General, District, or Committee Meetings, to make such Modification and Reduction on the Tolls leviable on any Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Four Inches,

Broad
Wheels to
pay only
One Third
or One Half
Tolls.

Inches, as they may think reasonable ; and with Power also to the said Trustees, after the Expiration of the said Term of Ten Years, to continue such Abatement in favour of Carriages drawn on Broad Wheels as aforesaid, as they shall think expedient.

Double Toll
for Wheels
not having a
flat Surface.

XX. And be it further enacted, That the Wheels of all Carriages shall run a flat Surface upon the Road ; and if any Wheels shall be otherwise constructed, such Carriages shall be subjected to the Payment of double Toll.

Regulation
as to Tolls.

XXI. Provided always, and be it enacted, That it shall not be lawful to nor in the Power of the said Trustees to erect Gates, or to impose or levy the Tolls and Duties hereinbefore granted upon any Line of Road to be hereafter made Turnpike, or upon any Branch thereof, until sufficient Security shall be granted by responsible Persons that such Line of Road, or Branch thereof, shall be put into a State of complete Repair within a reasonable Time, to be fixed, as well as the Securities approved of, at a General Meeting of the Trustees for the County, to be called for these Purposes by public Notice, to be inserted in One Newspaper published in the said County at least Fourteen Days previous to such Meeting ; and after such Notice shall have been duly given, and when and as often as any new Line of Road hereinbefore described, or Branch thereof, shall be sufficiently made and repaired to the Length of Three Statute Miles, it shall be lawful for the said Trustees in General or Committee Meeting assembled, after previous Notice given in Terms of the Forty-eighth Section of the said recited Act of the Fourth Year of the Reign of His late Majesty *George* the Fourth, to erect a Gate or Bar across the said Road, and to levy and take thereat from each Description of Carriages and Bestial a Sum not exceeding One Half of the Rates and Toll Duties hereby granted ; and when and as often as the said Road shall be sufficiently made and repaired to the Extent of Six Statute Miles, to levy and take at any Bar to be erected thereon the various Rates and Toll Duties hereby granted.

Power in
certain Cases
to levy less
than full
Toll.

XXII. And whereas it would tend to promote the making of certain Turnpike Roads within the said County if the said Trustees were empowered, in Cases where these Roads are under Six Miles in Length, to erect Gates and levy proportional Tolls on the same ; be it therefore enacted by the Authority aforesaid, That the said Trustees shall be and they are hereby authorized to erect Gates and to levy Tolls on any of the said Roads which are under Six Miles in Length, in the following Proportions ; *videlicet*, where the same shall be Five Miles in Length, Five-sixth Parts of the Tolls authorized to be levied for travelling Six Miles ; where the said Road shall be Four Miles, Four-sixth Parts ; where it shall be Three Miles, Three-sixth Parts ; where it shall be Two Miles, Two-sixth Parts ; and where it shall be One Mile, One-sixth Part.

Tolls not to
be paid of-
tener than
once in Six
Miles.

XXIII. Provided always, That if the said Trustees shall continue or erect Turnpikes within a less Distance of one another than Six Statute Miles, then any Person or Persons, upon producing a Ticket to show that they have paid the full Tolls at One Gate, shall not again be subject to the Payment of another full Toll or Duty till the Distance exceeds Six Statute Miles from the Gate at which they shall have paid ; but such

Exemp-

Exemption shall only take place in the Case of a Person or Persons continuing to travel on the same Line of Road or any Branch thereof; and every Person or Persons travelling on different Lines of Road shall pay the Tolls and Duties by this Act imposed at every Turnpike Gate through which he, she, or they shall pass, though the Distance be less than Six Statute Miles.

XXIV. And be it enacted, by the Authority foresaid, That all Horses or other Beasts of Draught drawing any Carts or Waggon not being let for Hire, for which the Toll Duties hereby imposed at passing any of the Gates erected under this Act shall have been once paid, shall be entitled to repass, and again pass and repass the same Gate, during the same Day, without being liable in Payment of Toll for the Second Time of passing and repassing; the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night.

Carts or Waggon, having paid Toll, may pass and repass twice in the same Day.

XXV. And be it enacted by the Authority foresaid, That it shall and may be lawful to and for the said Trustees to erect or cause to be erected a Toll Bar and Toll House upon the Road from *Dundee* to the Confines of the County towards *Perth*, and upon the Road from *Montrose* to the Bridge across the River *North Esk* near to *Marykirk*, and upon the Road from *Montrose* to the Lower or *Kinnaber* Bridge across the said River *North Esk*, and upon the Road from *Douglstown* leading to *Cuttyhaugh*, although none of these Lines are Six Miles in Length; declaring that One Half of the Rates of Toll hereby granted shall be exigible upon either of the Three Lines of Road from *Dundee* to the Confines of the County, and from *Montrose* to the Bridges near to *Kinnaber* and *Marykirk*, and One Third upon the Road from *Douglstown* to *Cuttyhaugh*; and declaring that the Payment of Toll upon any of these Roads shall not exempt Travellers from paying at the Toll Bars on the other Lines of Road being under separate Trusts.

Limitations of Tolls.

XXVI. And whereas, in pursuance of the said recited Act of the Thirty-fourth Year of the Reign of His Majesty *George* the Third, a Bridge has been built over the River *South Esk* near *Finhaven*, and a considerable Expence has been incurred in building the same; be it enacted, That it shall and may be lawful for the said Trustees to erect or continue, or cause to be erected or continued, a Toll Bar upon or near the said Bridge, and to demand or take a Duty or Pontage in the Nature of a Toll to be paid before any Passage over the said Bridge shall be permitted; which Toll shall be the same and equal with the Rates mentioned in this Act for passing through any other Turnpike, but shall not entitle the Person passing the Bridge to pass free at the next Toll, though within Six Miles; and which said Toll Duty or Pontage by this Act granted shall be and is hereby made subject and liable to the Payment of all Sums of Money now due and owing for building the said Bridge, and the Interest now due and to become due thereon.

Power to Trustees to erect a Toll Bar on the Bridge over the South Esk at Finhaven;

XXVII. And be it enacted, That the said Toll Bar shall be regulated in the same Manner as any other Turnpike under this Act; and all concerned shall be liable in the same Penalties, and subject to all the other Clauses in this Act contained.

which shall be regulated as any other.

Separate Account to be kept, and the Toll to continue till the Expence is paid.

XXVIII. And be it further enacted, That if such separate Toll Bar shall be erected, a separate Account shall be kept by the said Trustees of all Monies to be received by them in respect of such Duty or Pontage; and so soon as a Sum equal to the whole Expence of erecting the said Bridge, and the Interest of the Money borrowed for that Purpose, shall be raised by such Duty or Pontage, the Right to demand or take the same shall cease and determine.

Fords to be shut up, to prevent evading Tolls on Bridge.

XXIX. And for preventing the evading of the Tolls and Pontage granted by this Act to be levied and taken at the said Bridge, be it further enacted, That it shall and may be lawful for the said Trustees at a General Meeting assembled, or such Person or Persons as they shall appoint, to destroy or shut up any Ford or Fords across the River *South Esk*, as they shall think necessary to prevent the Evasion of the said Tolls or Pontage, any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that nothing in this Act contained shall extend to empower the said Trustees to stop up any Ford at any greater Distance than One Mile and a Half, according to the Course of the River, above or below the said Bridge, or to prevent the Owners or Occupiers of Lands on both Sides of the River from using such Fords in the Occupation of such Lands.

Tolls not to be laid out but by Order of the Trustees at a General or Committee Meeting.

XXX. And be it further enacted, That no Sum or Sums of Money arising on or levied by or upon account of the said Tolls or Duties shall be laid out or expended without the Order of the said Trustees at a General or Committee Meeting assembled; and that the Produce of the said Tolls and Duties arising on each of the said Lines of Road shall be applied by the said Trustees towards making, altering, widening, improving, upholding, and repairing the Line of Road on which such Tolls and Duties shall respectively be collected, or to the building new Bridges thereupon where the same shall be found necessary, so as each particular Line of Road may have the full Benefit of its own Produce respectively.

Trustees to apportion Quotas of Tolls collected from different Trusts.

XXXI. And be it further enacted, That where it may happen that the Tolls on Two or more Lines of Road, or on separate Trusts, though on One Line, are collected at One Gate, the said Trustees at a General Meeting assembled shall and they are hereby required to ascertain the Quota or Quotas to be applied towards repairing and keeping in repair each of the several Roads and the Bridges thereupon.

Name, Address, and Residence of the Surveyor to be affixed at each Bar or Toll House on the Road under his Survey.

XXXII. And whereas it would tend to the Benefit of the Public, by enforcing the Rules and Regulations herein and by the said Act passed in the Fourth Year of the Reign of His late Majesty prescribed, if the Name, Address, and Residence of the Surveyors on the respective Lines of Road were exhibited and made known for the Information of any Traveller conceiving himself aggrieved in passing along the Road; be it therefore enacted by the Authority aforesaid, That the Surveyor on each Line of Road shall be and he is hereby required to affix and leave on the Front or other conspicuous Part of each Toll House next to the Road, or on the Top of the Table of Tolls erected at each Bar, his Christian and Surname, Residence, and Post Town next thereto, painted in Black on a Board with a White Ground, each of the Letters to be at least Two Inches in Length; and if such Surveyor shall neglect, fail, or refuse to place and constantly maintain such Board containing

the Information aforesaid upon each and every Bar along the Road under his Survey, he shall for each Offence forfeit a Sum not exceeding Forty Shillings Sterling, to be recovered with full Costs of Suit in manner as before provided.

XXXIII. And be it further enacted, That it shall be lawful for the Trustees to order and direct One or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses on the Road, and also to order and direct at what Times of the Year and during what Hours such Lamp or Lamps or any of them shall be kept lighted; and all and every the Collector or Collectors of the Tolls on such Road, and also all and every the Lessees or Tenants thereof, who shall neglect or omit to observe and fulfil the Order of the said Trustees in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Neglect or Omission; and in case any Person shall damage or injure any Lamp or Lamps to be placed and set up as aforesaid, or extinguish the Lights therein, such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Lamps to be lighted at each Bar, and protected.

XXXIV. And be it enacted, by the Authority aforesaid, That the Keeper of or Collector at any Gate where Tickets are issuable to entitle the Bearer to pass free through any other Gate shall be bound and obliged, and he or she is hereby required, to inform every Traveller that such Pass Tickets are deliverable at his or her Bar, and to ask and demand whether the Traveller requires such Ticket, and upon the same being required to deliver it accordingly; and if any Toll Gatherer or Collector shall fail to make such Enquiry, or to deliver such Ticket, and shall be thereof convicted before the Sheriff or any Justice of the Peace of the said County upon the Oath of One credible Witness or other competent Evidence, he or she shall forfeit and pay a Sum not exceeding Ten Shillings for every such Offence.

Toll Collector shall make a Tender of Pass Tickets to all Travellers.

Penalty in case of Failure.

XXXV. And be it further enacted, That if the Driver of any Carriage used for conveying Goods on any Turnpike Road within the said County shall drive the said Carriage without having leading or driving Reins to every Beast drawing the same, or, having a Dog with him, shall not keep the said Dog chained up to his Cart, such Person for every such Offence shall forfeit and pay a Sum not exceeding Five Pounds over and above the Damages occasioned thereby, and Expences.

Drivers of Carts must have Reins to every Beast.

XXXVI. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence, in any Action, Suit, Prosecution, or other Legal Proceedings to be brought in any Court of Law, or before any Justice or Justices of the Peace, under or by virtue of the said recited Act of the Fourth Year of the Reign of His late Majesty *George* the Fourth, so far as it extends to the County of *Forfar*, or by virtue of this Act, by reason of being a Trustee or Commissioner of such Road, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Tenant, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk or Surveyor or other Officer under such Act; nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected, or liable to be questioned or set aside.

Trustees, Creditors, and Officers of the Road, to be competent Witnesses.

XXXVII. And

Recovery
and Appli-
cation of
Penalties.

XXXVII. And be it enacted, by the Authority foresaid, That in any Suit or Suits for the Recovery of any Penalty or Forfeiture under this Act, the same may be commenced, carried on, and concluded without the Concurrence of any Procurator Fiscal or Public Prosecutor whatsoever; and that it shall and may be competent and lawful for the Sheriff, Justice, or other Magistrate before whom such Action shall be brought to award and allow such Proportion of the Penalty decerned for (not exceeding One Half thereof), as he may think reasonable, to be paid to the private Informer, together with the Expences of proceeding.

Repeal of
Act of the
Scotch Par-
liament
1661, so far
as it extends
to Forfar-
shire.

XXXVIII. And be it further enacted, That the Power granted by the Act of the *Scotch Parliament Anno* One thousand six hundred and sixty-one, intituled *Act for planting and inclosing of Ground*, to Heritors, Wadsetters, and Liferenters, at the Sight of the Sheriff or Substitute, or Justices of the Peace of the said County, to cast about the Highways to their Conveniency, provided they do not remove them above Two hundred Ells on their whole Ground, shall be and the same is hereby repealed, so far as the same may extend to the Roads hereinbefore mentioned in the County of *Forfar*.

Expence of
this Act how
to be paid.

XXXIX. And be it enacted, That the Expence of procuring and passing this Act, as the same shall be settled and allowed at the first or any subsequent General Meeting of the said Trustees appointed to put the same in execution, shall be defrayed and levied by a Tax upon the Heritors or Landowners within the said County of *Forfar*, to be imposed at the said first or any subsequent General Meeting, according to the Valuation of their respective Lands, and to be collected by some Person or Persons to be appointed by the General Meeting of the said Trustees to be holden as aforesaid.

Public Act.

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

Commence-
ment and
Duration
of it.

XLI. And be it enacted, That the Powers granted by this Act shall commence on the Fourth *Monday* after the passing thereof, and shall continue in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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