ANNO UNDECIMO

# Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Twenty-ſixth Year of the Reign of King *George* the Second, for repairing the Roads from *Livingſton* by the Kirk of *Shotts* to the City of *Glaſgow*, and by the Town of *Hamilton* to the Town of *Strathaven*, and for repairing and widening the Road leading from the Confines of the County of *Air*, at or near *Lochgate*, to the Town of *Strathaven*, in the County of *Lanark*.



WHEREAS by an Act paſſed in the Twenty-ſixth Year of the Reign of his late Majeſty King George the Second, (intituled, An Act for repairing the Roads from *Livingſton* by the *Kirk of Shotts* to the City of *Glaſgow*, and by the Town of *Hamilton* to the Town of *Strathaven*) ſeveral Tolls, Duties, and Powers were granted to certain Truſtees therein named, which ſeveral Tolls, Duties, and Powers, were to have Continuance from and after the Firſt Day of Auguſt, One thouſand ſeven hundred and Preamble. Act 26 *Geo.* recited.

and fifty-three, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament: And whereas the Truſtees appointed by the ſaid Act have borrowed ſeveral Sums of Money upon the Credit of the ſaid Tolls, with which Money the greateſt Part of the ſaid Roads have been and are repaired and amended; yet ſtill the ſame cannot be compleated and kept in ſufficient Repair, and the Money borrowed and owing upon the Credit of the ſaid Tolls repaid, unleſs the Term and Powers granted by the ſaid Act be enlarged and made more effectual; 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 from and after the Firſt Day of June, in the Year One thouſand ſeven hundred and ſeventy-one, the ſaid former Act be repealed, and that this preſent Act be continued and executed during the Reſidue of the Term granted by the ſaid former Act, and after the Expiration of the Term thereby granted for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament: And whereas the High Road from Edinburgh to Glaſgow, through the Counties of Linlithgow and Lanark, leading from the Eaſt End of Livingſton by Polkemat, and by the Shott-hills to Murie-hall, Hollowtowns, Bells-hill, Bogg-hall, and Toll-croſs, to the City of Glaſgow; and alſo another Branch of the ſame Road leading from the New Inn at the Separation of the Glaſgow and Hamilton Roads, by the Town of Hamilton to the Town of Strathaven, are very much frequented, being the neareſt Roads leading from the City of Edinburgh to the City of Glaſgow, and alſo towards the Burgh and County of Air, Towns of Kilmarnock, Irwin, Saltcoats, and Port Patrick, have been, by virtue of the former Act, already greatly repaired; yet nevertheleſs the great and conſtant Paſſage of heavy Carriages upon the ſame does occaſion ſuch Expence for Reparation, that the Debts contracted on the Security of the Tolls appointed to be levied by the ſaid former Act, and which are hereby to be continued in like Manner upon the ſaid Tolls during the Term of the preſent Act, are as yet not paid; and the Road from the Town of Strathaven to the Confines of the County of Air, at or near Lochgate, is a Continuation of the former Road, and will facilitate the Intercourſe between the City of Edinburgh and the ſaid Burgh and County of Air, and the ſaid Towns of Kilmarnock, Irwin, Saltcoats, and Port Patrick; be it enacted by the Authority aforeſaid, That the Juſtices of the Peace, and the Commiſſioners of Supply of the Shires of Lanark and Linlithgow, with the whole Heritors in the ſaid Shires, poſſeſſed of Lands valued in the Tax-rolls at Two hundred

Former Act. repealed.

Duration of the preſent Act.

Roads included in this Act.

Narration concerning the Roads.

Nomination of Truſtees.

dred Pounds Scots of Valuation, although neither Justices of Peace nor Commissioners of Supply, and their eldest Sons and apparent Heirs, and the Provost and Baillies, Dean of Guild, Deacon Convener, and Treasurer of the City of Glasgow for the Time being; the Precentor of Hutchinson's Hospital in the said City for the Time being; the Sheriffs Depute of the Counties of Lanark and Linlithgow, and their Substitutes for the Time being; the Provost of Lanark and Rutherglen, and the eldest Baillie of the Town of Hamilton for the Time being, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, repairing, and keeping in Repair the Roads and Bridges aforesaid.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be infeoft in Superiority or Property, or possessed as a Proprietor or Liferenter of Lands valued in the Tax-roll for one or other of the said Counties of Linlithgow and Lanark to the Extent of One hundred Pounds Scots per Annum, excepting the eldest Sons and Heirs apparent of Persons who are so infeoft in Lands of the Extent and Valuation aforesaid; and also the Provost, Baillie, Dean of Guild, Convener, and Treasurer of the City of Glasgow for the Time being; the Precentor of Hutchison's Hospital in the said City for the Time being; the Sheriffs Depute of the Counties of Lanark and Linlithgow, and their Substitutes, for the Time being; the Provosts of Lanark and Rutherglen, and the eldest Baillie of the Town of Hamilton for the Time being: And if any Person or Persons not qualified as aforesaid shall, nevertheless, presume to act contrary to the Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit the Sum of Ten Pounds Sterling; to be recovered, levied, and applied in such Manner as is herein-after directed.

Exception.

Penalty on acting if not qualified.

Trustees First General Meeting

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at their First General Meeting for the before-mentioned High Road, leading from the East End of Livingston to Polkemet, and by the Shotts-hill to Murie-hall, Hollow-town, Bells-hill, Bogg-hall, and Toll-cross, to the City of Glasgow, to be held at Glasgow upon the Second Tuesday of June, in the Year of our Lord One thousand seven hundred and seventy-one; and that the said Trustees, or any Seven or more of them, at their First General Meeting for the other Branch of the same Road, leading from the New Inn, at the Separation of the Glasgow and Hamilton Roads, to the Confines of the County of Air, at or near Lochgate at Hamilton, upon the Third Tuesday of June, in the Year of our Lord One thousand seven hundred and seventy-one; and at their said several and respective First Meetings, or at any of their adjourned Meetings, as herein after direct-

Trustees may erect Turnpikes.

ed, shall or may erect, or cause to be erected, or continue to use, if already erected in virtue of the said former Act, One or more Gate or Gates, Turnpike or Turnpikes, in or across all or any of the said Roads; and also erect or build such Number of Toll-houses as they shall think fit in and upon the same, or employ those already built; and demand or take the Tolls and Duties following, before any Coach, Chariot, Berlin, Landau, Hearse, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage whatsoever, or any Horse, Mare, Gelding, Mule, Ass, or other Cattle whatsoever, be permitted to pass through the same; that is to say, For going through the Gates or Turnpikes to be set up or erected in or across the said Road leading from the East End of Livingston to the City of Glasgow by the Kirk of Shotts, the Tolls and Duties following; videlicet,

Tolls on the *Glasgow* Road.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Six Shillings Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Shillings Sterling: For every Chaise, Calash, or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Shilling Sterling: For every Waggon, Wain, Cart, Sledge, or other Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Two-pence Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Seven-pence Sterling; and for every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Four-pence Sterling; and for every Drove of Oxen or Neat Cattle, the Sum of Ten-pence Sterling per Score, and so in Proportion for any greater or less Number: And for every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling per Score, and so in Proportion for any greater or less Number.

Tolls on *Strathaven* Road.

And be it enacted by the Authority aforesaid, That for going through the Gates or Turnpikes to be erected on or across the said Road leading from the New Inn,

Inn, at the Separation of the Roads leading to Glaſgow and Hamilton by the Town of Hamilton to the Town of Strathaven, and from the Town of Strathaven to the Confines of the County of Air at or near Lochgate aforeſaid, may and ſhall be levied the Tolls and Duties following; that is to ſay, For every Coach, Chariot, Landau, Berlin, Hearſe, Chaiſe, Calaſh, or any other Carriage whatſoever drawn by Six or more Horſes, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling: For every Chaiſe, Calaſh, or Chair, drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Nine-pence Sterling; for every Waggon, Wain, Cart, Sledge, or other Carriage, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Four Shillings Sterling; and drawn by Five Oxen, Horſes, or other Beaſts of Draught, the Sum of Three Shillings Sterling; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings Sterling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Nine-pence Sterling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence Sterling: For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Three-pence Sterling; and for every Drove of Oxen or Neat Cattle, the Sum of Sixpence Sterling per Score, and ſo in proportion for any greater or leſs Number: And for every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Three-pence Sterling per Score, and ſo in proportion for any greater or leſs Number.

Broad Wheels to pay half Tolls.

Provided always, That all and every Carriage drawn on Wheels of the Breadth of Nine Inches in the Tread or Fellies thereof, ſhall paſs the Whole of the Turnpike-bars erected, or to be erected, in virtue of this Act, on Payment of One Half of the Rates above ſpecified; and that for paſſing through any Bar-gate or Bar-gates, (not exceeding Two in Number) which ſhall be continued or erected purſuant to the Powers given by this Act, every Horſe laden with Coals ſhall pay only One Halfpenny Sterling; and every Cart laden with Coals, and drawn only by One Horſe, ſhall pay only One Penny; any Thing in this preſent Act to the Contrary notwithſtanding: Which Money ſo to be raiſed and collected as aforeſaid, ſhall, and is hereby declared to be veſted in the ſaid Truſtees reſpectively; and the ſame and every Part thereof

All Money veſted in the Truſtees;

who are impowred to levy the Tolls.

shall be applied and disposed of, and assigned to and for the several Uses and Purposes by this Act directed; and it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall, from Time to Time, nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable; and if any Person or Persons shall neglect or refuse to pay the same, the said Trustees are hereby impowered, by themselves, or such other Person or Persons as they, or any Seven or more of them, at a General Meeting assembled, shall authorise and appoint, to levy each and every of the said Tolls and Duties, by Distress or Pointing of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this Act imposed, or by Distress of any other of the Goods and Chattels of such Person or Persons so refusing to pay the said Toll or Duty, and to keep such Goods and Chattels so distrained, until the said Toll or Duty, with the reasonable Charge of such Distress shall be paid; and it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Four Days after such Distress shall be made and taken, to appraise and sell the Goods so distrained by publick Roup, at the Turnpike or Toll-house where the Toll ought to have been paid, returning the Overplus, if any be and demanded, to the Proprietor of such Goods and Chattels so distrained, after Deduction of such Toll or Duty, and the reasonable Charges for distraining, keeping, appraising, and selling the same.

Trustees may appoint Officers,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, as aforesaid, at a General Meeting for the said High Road from Livingston to Glasgow, assembled, to chuse and appoint One or more fit Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the said Trustees, for recovering the Tolls and Duties granted and made payable by this Act, and carrying into Execution the other Powers by this Act granted respecting the said High Road last mentioned, and at a General Meeting for the said other or Branch Road assembled, to chuse and appoint such and the like Officer or Officers, and Servant or Servants, for and in respect of the said other or Branch Road; which Collectors or Receivers, before entering upon their Offices, shall be obliged to give sufficient Security for their faithful Administration of their respective Offices; and the said Trustees are authorised to appoint One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, or such other Officers as they shall think proper, and, from Time to Time, to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any

and remove them at Pleasure.

of

of them, and appoint new Ones in case of Death or Removal: And all and every Person or Persons who is, are, or shall be liable by this Act to pay the said Tolls or Duties, are hereby required to pay the same unto the said Collector or Collectors, Receiver or Receivers, so from Time to Time to be appointed as aforesaid, after the Rates aforesaid, and the Receiver or Receivers, Collector or Collectors, or other Person or Persons, so appointed as aforesaid, for receiving of the Toll and Duty: And also, such Surveyor or Surveyors shall, on the First Tuesday of every Month, or at any other Time to be appointed by the said Trustees, or any Seven or more of them as aforesaid, during the Continuance of this present Act, give in a true, particular, exact, and perfect Account in Writing, under their respective Hands, with their respective Vouchers, of all Money which he or they, every or any of them, have received, paid, and disbursed by virtue of this Act, by reason of their respective Offices, and verify the same upon Oath, if required by the said Trustees, or any Seven or more of them, which Oath the said Trustees, or any Seven or more of them, are hereby authorised to administer; and in case any Overplus-money so received shall remain in their or any of their Hands, they shall pay the same unto the said Trustees, or to such Person or Persons as they, or any Seven or more of them as aforesaid, at a General Meeting assembled, shall authorise and appoint to receive the same, to be disbursed and laid out in manner after mentioned: And the said Trustees, or any Seven or more of them as aforesaid, at a General Meeting assembled, shall and may, and they are hereby authorised and impowered to grant such Salaries for their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Collector or Collectors, or other Officers appointed by them, for and in consideration of their Care and Pains taken in the Execution of the said respective Offices, and to such other Person or Persons who shall have been, or may be assisting in making and repairing the said Roads, by advancing or laying out any Monies, or otherwise, relating thereunto, as unto them shall seem good, over and above the necessary Disbursements made by them, and to order such Salaries and necessary Disbursements to be paid by the General Meetings appointed for the Application of Money: And in case the said Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, or any other Person or Persons, concerned in the Collection or Receipt of the aforesaid Tolls or Duties, or any of them, shall not make such Account and Payment unto such Person or Persons according to the Order and Direction of the said Trustees, or any Seven or more of them as aforesaid, at a General Meeting assembled, that then the said Trustees shall make Enquiry into and concerning such Default, as well by the

Surveyors to account upon Oath.

Trustees to allow Salaries to their Officers.

Treasurer, &c. refusing to account when required,

Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Truſtees, or any Three or more of them, are hereby impowered to adminiſter), and by other legal Evidence: And if any Perſon or Perſons ſhall be convicted of the Offences aforeſaid, by the ſaid Truſtees, or any Three or more of them, they ſhall, and they are hereby impowered to impoſe and levy a Sum of Money from and upon ſuch Perſon or Perſons, not exceeding double the Sum of Money unduly detained or miſapplied: And in caſe ſuch Perſon or Perſons ſhall refuſe or be unable to pay the ſaid Sum of Money ſo detained or miſapplied by him or them; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to commit ſuch Perſon or Perſons to the common Gaol of the County where the Offence ſhall have been committed, there to remain until, he, ſhe, or they have made and rendered a true and particular Account and Payment as aforeſaid, or until he, ſhe, or they ſhall have compounded and agreed with the ſaid Truſtees, or any Three or more of them, (which Compoſition the ſaid Truſtees, or any Three or more of them, are hereby impowered to make), and have paid ſuch Compoſition to the Treaſurer or Treaſurers for the Time being, or to ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, as aforeſaid, ſhall appoint.

on Conviction, ſhall forfeit, not exceeding double the Money to be accounted for,

or be committed till Account and Payment be made, &c.

If there be more Turnpikes than one, the Truſtees may proportion the Tolls.

And, for preventing any Diſputes that may ariſe touching the Payment of any of the Tolls or Duties hereby granted, be it further enacted by the Authority aforeſaid, That if there ſhall be Two or more Turnpikes or Toll-houſes erected in or acroſs, or on the Side of any of the ſaid Roads; then, and in ſuch Caſe the Tolls and Duties hereby granted and made payable, ſhall be divided and allotted into ſo many Parts, Shares, and Proportions, and ſuch Parts thereof ſhall reſpectively be taken and received at ſuch and ſo many of the ſaid Turnpikes and Toll-bars as by the ſaid Truſtees, or any Seven or more of them, at the Firſt General Meeting, or any ſubſequent General Meeting, ſhall be ordered and appointed, ſubject always to ſuch Alteration or new Diviſion as ſhall be judged neceſſary by any ſubſequent General Meeting of the ſaid Truſtees reſpectively; but ſo as that each of the ſaid Roads ſhall be burdened with no higher Toll or Duty than is appointed by this Act.

Truſtees may erect Side Bars.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the ſaid Roads, and acroſs any Lane or Way leading out of the ſame, and there to take and receive ſuch Tolls as are by this Act granted and made

made payable; but so as that a Ticket received at such Bar shall intitle the Receiver to pass through the next Turnpike on the said Roads Toll-free, in case he shall have Occasion to pass through such Turnpike the same Day.

Money already borrowed, secured on the Tolls of the *Livingston* and *Glasgow* Roads.

And, in respect that on the Credit of the Tolls imposed on the Roads aforesaid, by the said former Act, the Sum of Three thousand Pounds Sterling has been borrowed and secured on the said Credit, and that, in consequence of further Expences incurred in making and repairing the Roads comprehended in the former Act, a further Sum of Money is due to sundry Persons, without the Assistance of whom the Purposes of the said former Act would not have been accomplished, and also in respect that the Tolls of the said Two Roads are hereafter to be separated, and the Application of the same limitted and confined to the making and repairing of the Road upon which the said Tolls respectively shall, after the Commencement of this Act, be collected; and that the aforesaid Debt of Three thousand Pounds, together with such further Sum or Sums of Money as are now due and contracted or agreed for or in respect of the said Roads, not exceeding in the Whole the Sum of Four thousand one hundred Pounds, are, after the Commencement of this present Act, to be chargeable upon and payable out of the Tolls of the High Road from Livingston to Glasgow, and the other or Branch Road, and the Tolls thereof relieved and discharged of the same; be it therefore enacted by the Authority aforesaid, That the said Three thousand Pounds Sterling shall remain secured and preferable on the Credit of the Tolls granted by the present Act; and that the same, together with the said Sum or Sums of Money now due, or to grow due, not exceeding in the Whole the Sum of Four thousand one hundred Pounds as aforesaid, shall be discharged and paid by the said Trustees, or any Seven or more of them, out of the Tolls and other Incomes of the said High Road from Livingston to Glasgow, and no Part thereof out of the Tolls arising after the Commencement of this present Act, from the other Branch of the said Road leading to the Confines of the County of Air; and that the said last-mentioned Road, and the Tolls of the same, shall, and are hereby declared to be intitled to full Relief and Indemnification from the other or High Road leading to Glasgow, and the Tolls of the same, for and in respect of the said Debt as aforesaid; and that it may and shall be lawful for the said Trustees to grant a Security, in the Second Place, on the said Tolls, in Favour of the Creditors respectively, in manner herein-after mentioned, to whom any Sum or Sums of Money is or are due, for the making and repairing of the said Roads, or for Damages incurred thereby,

thereby, over and above the Sum allowed to be borrowed by the former Act.

Money to be borrowed on the *Glaſgow* Road not to exceed 7000 *l.* on the other Road not to exceed 2000 *l.*

And it is hereby declared, That the whole Sum borrowed, or to be borrowed, on the Credit of the Tolls of the ſaid High Road leading from Livingſton to Glaſgow, ſhall at no Time exceed the Sum of Seven thouſand Pounds, including the preſent Debt; and that the whole Sum to be borrowedon the Credit of the Tolls of the other or Branch Road leading to the Confines of the County of Air, ſhall at no Time exceed the Sum of Two thouſand Pounds; and which Sums are to be borrowed reſpectively as aforeſaid, which ſhall be paid off and diſcharged in manner hereafter to be directed.

Two General yearly Meetings for the Application of Money.

And be it further enacted by the Authority aforeſaid, That from and after the Commencement of this preſent Act, the ſaid Truſtees, or any Seven or more of them, ſhall, for each of the ſaid Two Roads, hold Two ſtated General Meetings yearly, for the Application of the Monies ariſing from the Tolls, Duties, and Forfeitures impoſed by this Act, videlicet, on the laſt Tueſday of Auguſt, and laſt Tueſday in March yearly, for the High Road leading from Livingſton to Glaſgow; and on the Firſt Tueſday in September, and Firſt Tueſday in April yearly, for the other or Branch Road; at which Meetings, and at no other, all Orders for iſſuing Money ſhall be given: The Firſt of the ſaid General Meetings for the High Road to Glaſgow, to be held at Glaſgow upon the laſt Tueſday in Auguſt next after the Commencement of this preſent Act, with Power to the ſaid Truſtees, or any Seven or more of them, at that and at each of their ſaid ſubſequent General Meetings aforeſaid, to adjourn their next half-yearly Meeting for the Application of the Money aforeſaid, to any Place they ſhall think proper, within the Diſtance of One Mile and no farther from any Part of the ſaid high Road leading from Livingſton to Glaſgow: And the Firſt of the ſaid Meetings for the other or Branch Road to the Confines of the County of Air, at Hamilton, upon the Firſt Tueſday in September next after the Commencement of this preſent Act, with Power to the ſaid Truſtees, or any Seven or more of them, at that and each ſubſequent Meeting for the ſaid other or Branch Road, to adjourn their next half-yearly Meeting to any Place they ſhall think proper, within the Diſtance of One Mile from the ſaid Branch Road: And if there ſhall happen not to appear at the ſaid Firſt or any ſubſequent General Meeting a ſufficient Number of Truſtees to act at ſuch Meeting, or if they ſhall at ſuch Meeting neglect to adjourn their next Meeting according to the Powers hereby granted; then, and in that Caſe, the next ſubſequent Meeting for the Purpoſe above mentioned, ſhall be held at the ſame Place where the laſt effective Meeting was held for the ſame Purpoſe: And further, that the Clerk or Clerks to the ſaid Truſtees ſhall cauſe to be inſerted in the Edinburgh Courant

The Firſt at *Glaſgow* on the laſt *Tueſday* to *Auguſt*, &c.

the other at *Hamilton* on the Firſt *Tueſday* in *Sept.* &c. after the Commencement of the Act,

with Power to adjourn their Meetings.

and

and Glaſgow Journal, One Advertiſement of ſuch General Meetings Two ſeveral Times, the Firſt Advertiſement whereof to be Three full Weeks before the Day hereby appointed for the holding of ſuch reſpective General Meetings.

Provided always, and it is hereby declared, That the Meetings of the ſaid Truſtees for all other Purpoſes, except the Application of Money, ſhall be regulated according to the Directions contained in this Act. Proviſo.

And be it further enacted by the Authority aforeſaid, That out of the Firſt Money ariſing by the Tolls, Duties, Fines, or Forfeitures reſpectively, which ſhall be collected by virtue of this Act, at the ſeveral and reſpective Turnpikes erected, or to be erected, on the Roads aforeſaid, or out of the Money to be adjudged to them, againſt Perſons who ſhall be found deficient in performing the Statute-work, or out of ſuch Money as ſhall be borrowed on the Credit of the Tolls or Duties by this Act granted, the ſaid Truſtees, or any Seven or more of them, at the General Meetings aforeſaid, reſpectively appointed, for the expreſs Purpoſe of applying the Money ariſing from the Tolls, Duties, Fines, and Forfeitures hereby impoſed, ſhall, in the Firſt Place pay off and diſcharge all the Expences and Charges of procuring and paſſing this Act, out of the Tolls and other Income of the aforeſaid High Road from Livingſton to Glaſgow: And in the Second Place, they ſhall defray out of the reſpective Tolls, Duties, or Fines levied, or Money borrowed, the Expence of putting up and erecting all Turnpikes and Toll-houſes, and of collecting the ſaid Tolls and Duties: In the Third Place, the Money ariſing from the Tolls, Duties, Fines, and Forfeitures collected on the Roads aforeſaid, ſhall be employed in making, and in upholding when made, the ſaid Roads reſpectively, together with the Expence of Management by the ſaid Truſtees in conſequence of this Act: In the Fourth Place, the Money ariſing as aforeſaid ſhall be applied in paying regularly the Intereſt of the Money borrowed on the Credit of the ſaid Tolls: And, in the laſt Place, whatever Remainder may be found upon the reſpective Collections of the Roads above mentioned, may be applied by the Truſtees aforeſaid; and they are hereby authoriſed to apply the ſame either towards the Extinction of the Capital of the Debts affecting the ſaid Roads reſpectively, and to the making and repairing Side Roads, as herein after mentioned, or towards the Improvement of the ſaid Roads reſpectively, which to them ſhall appear moſt requiſite; and that no Part of the Monies to be collected upon the ſaid High Road leading from Livingſton to Glaſgow, by virtue of this Act, ſhall be applied towards the making and repairing of the other or Branch Road, from the New Inn at the Separation of theſe Two Roads to the Confines of the County of Air, or of the Monies to be collected upon the ſaid other or Branch Rules for applying Money:

Road to the making or repairing the said High Road, or of the Monies to be collected on both of the said Roads by virtue of this Act, towards the making or repairing any other Roads, (the Side Roads herein-after mentioned only excepted.)

Impowering the Trustees to repair the Side Roads.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby impowered, after the said Two respective Turnpike Roads shall be sufficiently amended, to apply the said Tolls respectively, or such Part of them as they shall think fit, towards the making and repairing of such Side Roads in the said Counties of Linlithgow and Lanark, leading into the said Two Turnpike Roads respectively, as shall appear to the said Trustees, or to the Majority of them, at General Meetings assembled, to be for the Benefit of the said Turnpike Roads, and the Tolls of the same respectively; and that the said Side Roads shall be made and repaired out of the Tolls of such One of the said Two Turnpike Roads into which the same shall respectively enter, and not out of the Tolls of the other of the said Two Turnpike Roads.

Tolls to be levied during the Continuance of the Act.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties hereby granted shall take place from and after the Commencement of this Act, and shall continue to be paid during the Term and Duration thereof above specified.

Trustees impowered with the Consent of the Creditors to lessen the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at General Meetings assembled shall, and they are hereby impowered, with the Consent of the Creditors secured on the Credit of the said Tolls, to diminish or lessen any or all of the said Tolls or Duties as they shall see Cause, and to advance the same again, so as the same shall not at any Time exceed the Tolls granted by this Act.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at General Meetings assembled, are hereby authorised and impowered by publick Roup to set the said Tolls or Duties of the said High Road, and the Tolls and Duties of the said other or Branch Road respectively, in whole, or by 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 paying thereof as shall be approved by the said Trustees, or any Seven or more of them.

Trustees may contract for making of Roads.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees to contract and agree with able, skilful, and responsible Persons for the making and upholding all or any Part or Parts of the said Roads hereby appointed to be made or repaired, with Power to them to assign and make

make over to the said Undertakers, upon their giving good and sufficient Security for the Execution of the said Agreements, any Parts of the Powers vested in them by this Act (which shall be necessary for the Execution of such Contracts only) and any Proportion of the Tolls, Duties, or Forfeitures, to be levied on the Roads so to be repaired by Contract, and on none other, as to the said Trustees shall appear reasonable.

Money may be borrowed at Interest.

And, for the more effectual and speedy Reparation of the said Roads, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at General Meetings assembled, and they are hereby authorised and impowered to borrow the Sums of Money above mentioned, extending in the Whole to Seven thousand Pounds for the High Road leading from Livingston to Glasgow, and to the Sum of Two thousand Pounds for the other or Branch Road as herein before mentioned, at Interest, which Sums are to be applied for Reparation of the said Roads respectively, in the Manner before directed: And when the Sums so borrowed shall, in Whole or in Part, be applied and accounted for to the said Trustees, at their General Meetings assembled, and by their Orders paid off to the Creditor or Creditors, the said Trustees, or any Seven or more of them, at General Meetings assembled, are hereby impowered to borrow another Sum of Money equal to that by them so paid off as aforesaid: And the Assignments of the Tolls for all or any Sum of Money so borrowed shall be entered in a Book or Books, to be kept by the said Trustees, or such Person or Persons as they shall appoint; which Book or Books, shall be seen and perused at all seasonable Times, by any Person or Persons, without Fee or Reward.

Assignments of the Tolls to be entered in Books.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, and to be collected after the First Meeting for each of the said Two Roads respectively, unless Notice for that Purpose shall be fixed, in Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon every Turnpike Gate or Gates erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money.

Notice to be given of the borrowing Money.

And be it further enacted by the Authority aforesaid, That if any Trustee or Trustees appointed to put this Act in Execution is, are, or shall be, in the Commission of the Peace for the Counties of Linlithgow or Lanark respectively, such Trustee or Trustees shall and may act as a Justice or Justices of the Peace within his and their respective Jurisdictions, for the more effectual putting in Execution the several Authorities and Powers in this present Act mentioned and contained, notwithstanding such Justice or Justices is, are, or shall be a Trustee or Trustees as aforesaid.

Trustees who are in Commission of the Peace, may act as Justices.

Provided

Trustees not to hold Places of Profit.

Provided always, and be it further enacted and declared, That no Person or Persons appointed, or to be appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of any Tolls or Duties by this Act laid or granted, but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid.

Times and Places of Meetings.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, for the said High Road leading from Livingston to Glasgow, shall meet at Glasgow upon the Second Tuesday in June, in the Year One thousand seven hundred and seventy-one; and for the said other or Branch Road leading to the Confines of the County of Air, shall meet at Hamilton, upon the Third Tuesday in the same Month of June; with Power to them at their said Meeting to adjourn themselves to such Times and Places as they shall think proper and convenient, as often as it shall be necessary, (but so as for the said High Road to Glasgow not to be at a greater Distance than One Mile from some One Part of the same) for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Trustees a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then, and in such Case, the Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands, to be fixed on all the said Turnpikes already erected, or to be erected, by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the last 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.

Ten Days Notice to be given of every adjourned Meeting.

Trustees to defray their own Expences.

Trustees not to act but at regular Meetings.

Provided always, That the said Trustees shall have no Power to act in any of the Matters or Things hereby committed to them, respecting the said High Road leading from Livingston to Glasgow, and the Tolls and Income of the same, otherwise than at Meetings to be held at Glasgow, or at such other Place or Places as the said Trustees, or any Seven or more of them, shall from Time to Time appoint, not being at a greater Distance than One Mile from the said High Road leading to Glasgow, or respecting both or either of the said Two Roads, otherwise than at the said Meetings appointed by this Act, or at any of their adjourned Meetings aforesaid.

No Order of the Trustees to be set aside but at a General Meeting to be advertised for that Purpose.

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Seven or more of them, at their General Meetings shall determine in any Matter, or appoint and order any Thing to be done with respect to the

the amending and repairing the ſaid Roads, or levying the ſaid Tolls and Duties, or of or concerning 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 to, and in Oppoſition to the Order formerly given, unleſs ſuch General Meeting ſhall be called in an Advertiſement in the Edinburgh Courant and Glaſgow Journal, ſignifying the Intent and Purpoſe of calling ſuch General Meeting.

Roads to be meaſured, and Mile ſtones erected.

And be it enacted and declared by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may cauſe the Roads to be meaſured, and Stones or Poſts to be erected upon the ſaid Roads, or near to the Sides thereof, denoting the Diſtance of each Mile, or ſuch other Diſtance as they ſhall judge convenient.

Penalties and Forfeitures, how to be recovered.

And be it further enacted by the Authority aforeſaid, That all Tolls, Duties, Penalties, Compoſitions, and Forfeitures, by this Act impoſed, if not otherwiſe directed to be levied and applied by this Act, ſhall be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under the Hands of any Two or more Juſtices of the Peace for the ſaid Counties of Linlithgow and Lanark reſpectively where the Offence ſhall be committed; and the Perſons diſtraining for ſuch Penalties are hereby authoriſed and impowered to ſell the Goods and Chattels ſo diſtrained, and return the Overplus Money, (if any there be) upon Demand to the Owners of ſuch Goods and Chattels, after ſuch Tolls, Duties, Penalties, or Forfeitures, with the reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid: And the ſaid Tolls, Duties, Fines, and Forfeitures ſo levied as aforeſaid, ſhall be applied to the Purpoſes of this Act, by One or other of the General Meetings appointed to be held as aforeſaid, for the Application of all Money levied by this Act, and by no other Meeting whatſoever: Provided always, that the ſaid General Meetings ſhall be obliged to make Payment of all Salaries to Officers appointed by the Truſtees, and of all Sums of Money which the Juſtices of the Peace ſhall order to be paid in virtue of the Powers veſted in them by this Act.

General Meetings to make Payment of Officers Salaries.

And, for the more ſpeedy and effectual repairing, and keeping in Repair, the ſaid Roads, be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, at any publick Meeting aſſembled, ſhall, and they are hereby authoriſed to name and appoint ſuch of the ſaid Truſtees as they ſhall think proper, who ſhall live near to the ſaid Roads by this Act directed to be repaired, which ſaid Truſtees ſo named and appointed as aforeſaid

Truſtees to be nominated to direct the Repairs of the Bridges and Roads in the Diſtricts near which they live,

said, or any Three or more of them, are hereby authorised and impowered to give such Orders and Directions for the Repair of the Roads and Bridges for which they shall be particularly named and appointed as aforesaid, and for the Application of the Money which shall have been appropriated for that Purpose in the Manner already mentioned, as to them, or any Three or more of them, at a Publick Meeting assembled for that Purpose, shall seem reasonable; but the said Trustees so nominated for the respective Districts shall be accountable to the General Meeting of the Trustees for the said Two Roads respectively, and for that Purpose shall lay before them, once in the Year at least, a State of their Accounts, and all other their Transactions, to be by the said Trustees, at their General Meeting, examined, audited, and approved; and before any Distribution or Appointment for repairing the said Roads and Bridges be made, Reports of the State and Condition thereof, and proper Estimates of the Sums necessary to repair and amend the same, shall be laid by One or more of the Trustees appointed for the said different Districts, before a General Meeting of the Trustees appointed to be held for the Application of Money, who may order such Sums of Money as they shall think proper out of the said Tolls, Duties, Fines, and Forfeitures, to be applied for the said Purposes in manner before directed.

who are to accountable to the Trustees at a General Meeting.

Repairs to be ordered by the General Meeting appointed to be held for the Application of Money.

And be it further enacted by the Authority aforesaid, That the said Trustees shall keep an exact Account of the Money received by virtue of this Act, and of the Application thereof, and of all other their Proceedings respecting the said High Road leading from Livingston to Glasgow, and shall enter the same into a Book or Books to be kept for that Purpose; and shall keep the like exact Account for the other or Branch Road aforesaid, leading to the Confines of the County of Air, to which Book or Books the Heretors of the Counties of Linlithgow and Lanark shall, at all seasonable Times, be at Liberty to resort and inspect the same without Fee or Reward.

Trustees to account for Money received and applied by them.

And be it further enacted by the Authority aforesaid, 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, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sums so misapplied; to be recovered against him or them, at the Suit of any Three or more Heretors within the said Counties, possessed of Two hundred Pounds Scots each of valued Rent; who are hereby authorised to sue for and recover the same in an Action summarily before the Lords of Session, without abiding the Course of any Roll, with full Costs of Suit, One Moiety of which Forfeiture shall belong to the Persons who sue for the same, and

Persons misapplying Money to forfeit double.

and the other Moiety to the said Trustees; but if any Prosecution shall, after Trial, be found to have been vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Treble Costs. Vexatious Prosecutors to pay Treble Costs.

And be it further enacted by the Authority aforesaid, That from and after the First Day of August next after the passing this Act, no Person or Persons whatsoever shall lay Dung, Lime, Compost, Rubbish, or other Matter whatsoever, for manuring of Land, or any other Purpose, within Five Yards of the Side of any of the Roads above mentioned, under the Penalty of Twenty Shillings Sterling, besides forfeiting all such Lime, or other Matters aforesaid; such Penalties to be levied as aforesaid, One Moiety thereof to the Person who shall inform of the same, and the other Moiety to the said Trustees, for the Use of the Roads aforesaid respectively. Penalty on Persons laying Dung, &c. on the Side of the Roads.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall maliciously break down, or otherwise destroy any Turnpike-gates, Mile-stones, Posts, Chains, Bars, or other Works whatsoever, for the Use of the said Roads, or the Houses erected for the Use of such Turnpikes, or shall abuse or maltreat any of the Toll-gatherers, or other Persons employed in the Execution of this Act; or shall by Force pass through any Turnpike-gate without paying the Tolls and Duties hereby granted, or shall rescue any Person in Custody for any of the said Offences; every Person or Persons so offending in any of the Premises, and being thereof lawfully convicted in any Prosecution ordered by the said Trustees, or any Three or more of them, by the Oath of any One or more credible Witness or Witnesses, before any Two or more Justices of the Peace of the said Counties respectively, such Person or Persons so offending shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but shall also be publickly whipped through the Head Borough of the said County where the Offence shall have been committed, between the Hours of Ten and Twelve in the Forenoon on a Market Day: And if any Person or Persons shall offend a Second Time, and be thereof convicted, it shall be lawful for any Two or more Justices of the Peace for the said Counties respectively, to adjudge such Person or Persons to be imprisoned in the common Gaol of the County where the Offence shall have been committed, for any Time not exceeding Six Calendar Months, and to be publickly whipped, as before directed. Penalty on destroying Turnpike-gates, Mile-stones, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons owning, renting, or occupying any Lands near to any Turnpikes which are already erected, or shall be erected in pursuance of this Act, shall knowingly or willingly permit or suffer any Person or Persons Penalty on Persons going through or permitting private Passages.

ſons to paſs over the ſame, or through any Gates, Paſſage, or Way therein made, or which may at any Time be made therein, with any Coach, Cart, or other Carriage whatſoever, or with any Horſe or other Cattle, whereby the Payment of the Tolls or Duties by this Act impoſed ſhall be avoided, every ſuch Perſon or Perſons ſo offending, and the Perſon or Perſons riding or driving ſuch Coach, Cart, or other Carriage, Horſe, or other Cattle, being thereof convicted as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or their Collector or Collectors, the Sum of Twenty Shillings Sterling; to be recovered and applied as by this Act is directed.

Penalty on taking off any Horſe, &c. from any Carriage in order to avoid paying the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time during the Continuance of this Act, take off, or cauſe to be taken off, any Horſe, Ox, or other Beaſt of Draught, from any Coach, Waggon, or other Carriage whatſoever, at or before the ſame ſhall come to any of the Gates or Turnpikes already erected, or which ſhall be erected by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby impoſed, or ſhall put or leave in any Houſe or Place any Waggon or other Carriage, Horſe, or other Cattle, chargeable with, or liable to pay the ſaid Tolls or Duties, with ſuch Intent as aforeſaid; each and every Perſon or Perſons ſo offending, ſhall forfeit and pay to the ſaid Truſtees, or their Collectors, the Sum of Twenty Shillings Sterling.

Actions to be commenced within Three Calendar Months.

Provided always, and it is hereby expreſsly provided and declared by the Authority aforeſaid, That all Actions for all and every the Penalties impoſed by this Act, ſhall be commenced within the Space of Three Calendar Months after the Fact from which the Penalty ariſes, was committed, and not afterwards.

Surveyors may dig Gravel, &c. in Waſte Grounds, without paying for the ſame.

And it is further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid reſpective Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint, by Order of any Three or more of the Truſtees, to open Stone Quarries, and to dig, gather, take, and carry away any Stones, Gravel, Furze, Heath, Sand, or other Materials, fit for making of Roads, out of any Waſte or Common in the ſaid Counties, without paying any Thing for the ſame; and where there is not a ſufficient Quantity of ſuch Materials in any ſuch Waſte or Common Ground as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Seven or more of them, to dig or gather ſuch Materials in the ſeveral Grounds of any Perſon or Perſons, (not being the Ground whereon any Houſes ſtand, or a Garden, Orchard, Yard, planted Walks, or Avenue to any Houſe, nor any Piece or Parcel of Ground

Surveyors, impowered to take Materials from private Grounds, &c.

ſet

ſet apart and uſed as a Nurſery of Trees), where ſuch Materials are, or may be found; and, from Time to Time, to cauſe the ſame to be carried away, or ſo much thereof as the ſaid Surveyor or Surveyors ſhall judge neceſſary for repairing, making, or amending the Roads aforeſaid, paying for the Damage only done to the Owners or Occupiers of the ſaid Grounds reſpectively where and from whence the ſame ſhall be digged, gathered, or taken away, or over which the ſame ſhall be carried, and the Amount of ſuch Damage ſhall be ſettled and aſcertained by any Three or more of the ſaid Truſtees reſiding near the Place from whence the ſaid Materials ſhall be taken: And in caſe of any Difference between ſuch Owners and Occupiers and the ſaid Truſtees, touching the Damage aforeſaid, the Truſtees, at a General Meeting, may adjudge and determine the ſame; but ſuch Diſpute and Differences ſhall not in the mean Time hinder the uſing or carrying off the ſaid Materials towards the repairing the ſaid Roads.

Truſtees may determine Differences.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid reſpective Surveyor or Surveyors, and ſuch Perſon as they ſhall appoint by Order of the ſaid Truſtees, or any Three or more of them, to make, or cauſe to be made, Cauſeways, and to cut and make Drains through any Ground lying contiguous to the ſaid Roads, and to make and erect Arches or Bridges of Brick, Timber, or Stone; and alſo to and for any Three or more of the Truſtees, if they ſhall find any of the Highways hereby appointed to be repaired not of a ſufficient Breadth according to the Standard of Scotland, to widen and extend the Breadth of the ſame to the legal Standard: And where it ſhall appear neceſſary to alter the Situation or the Direction of the ſaid Roads altogether, or to widen the ſaid Roads to a Breadth beyond the preſent legal Standard; then, and in ſuch Caſe, any Seven or more of the Truſtees ſhall, at a General Meeting aſſembled, and they are hereby authoriſed and impowered by Writing under their Hands to order the Direction and Situation of the ſaid Roads to be altered altogether, or the ſaid Road to be extended to ſuch Breadth as they ſhall think proper, not exceeding Fourteen Yards, and for that Purpoſe to remove any Obſtructions, paying the Damages to the Owners or Occupiers reſpectively, whoſe Grounds or Houſes ſhall be prejudiced or damaged by ſuch Alteration and Widening beyond the legal Standard, as the ſaid Truſtees, or any Seven or more of them, ſhall judge reaſonable; and in caſe of any Differences concerning the ſame between the ſaid Owners and Occupiers and the ſaid Truſtees, the Juſtices of the Peace at the next General or Adjourned Meeting of the Quarter-ſeſſions, or at any ſuch ſubſequent

Surveyors to make Cauſeways, &c.

Truſtees may widen and alter the Direction of the Roads,

paying Damages to Owners, &c.

Juſtices to ſettle Differences.

Meeting, shall and may, as in this Act is directed, finally judge and determine the same, and they are hereby authorised to order the Damages awarded to be paid by the General Meetings aforesaid appointed for the Application of Money.

Restrictions as to widening the Roads.

Provided always, and it is hereby expressly provided and declared, That in altering or widening the Roads aforesaid, nothing shall be done which shall in any-ways hurt or damage any House or Building, or any Garden, Orchard, Yard, or planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground set apart and used as a Plantation or Nursery for Trees: And that when it shall be found necessary to make Passages for the Water from such Ditches and Trenches through the Ground of any adjacent Proprietor, that such Proprietor, or the Possessor of such Ground, after such Passages or Outlets are so made, shall be obliged in all Time thereafter to keep clear such Outlets and Passages from the said Trenches and Ditches, from Time to Time, as they shall be required by the said Trustees, or any Three or more of them, so as the said Outlets may not be stopped or made to restagnate in the said Trenches or Ditches, but may have free Passage through the Proprietors Grounds; and in case the Proprietor or Proprietors shall neglect or refuse to clear such Outlets for the Space of Ten Days after Notice in Writing given to such Proprietor or Proprietors, or left at his or their Dwelling-house, by the Surveyor or Surveyors of the said Roads, or by any Three of the said Trustees; then, and in that Case such Trustees shall have Power to clear out such Outlets or Ditches, and to levy the Expence thereof on the Owner or Proprietor of such Grounds in the Manner directed by this Act.

Outlets from Trenches to be kept clear by adjacent Proprietors.

Tolls to be paid once a Day only.

And be it further enacted by the Authority aforesaid, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes where the Tolls or Duties are or shall be taken, and who shall repass the same Day through the same Turnpike or Turnpikes before Twelve of the Clock at Night with the same Coach or other Wheel-carriage, or with the same Horse or other Beast or Cattle, shall be liable and compelled to pay the said Tolls or Duties more than Once, but shall, on Demand, at his First Passage, be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, which shall give Access to the said Person or Persons returning the same Day as aforesaid, to repass the said Turnpike or Turnpikes, though with a new Loading, Toll-free; but in case the said Wheel-carriage or other Beast or Cattle, after having repassed free as aforesaid, shall pass or repass the Turnpikes a Second or more Times, they shall in that Case be subject to pay the

Exception.

Tolls

Tolls for each Time they shall so pass in the same Manner as they did the First Time.

And, for preventing Frauds and Abuses in the said Tolls or Duties hereby granted, be it further enacted by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons in order to avoid the Payment of the said Toll or Duty, every such Person or Persons so giving or disposing thereof, and the Person receiving the same, being convicted thereof as aforesaid, before any Two of the Justices of the Peace of the respective Counties where the Offence shall have been committed, shall, for every such Offence, forfeit and pay to the said Trustees the Sum of Twenty Shillings Sterling; to be levied and applied in manner directed by this Act. Penalty on Persons giving or receiving Tickets in order to avoid Payment of Tolls.

Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid for passing through any of the Turnpikes erected, or to be erected, by virtue of this Act, any carrying any Quantities of Stones, or other Materials for repairing of the said Roads and Bridges, or any of the Causeways within or belonging to the same, or for paving the Streets of, or for building Houses, Garden-walls, or other Edifices within the City of Glasgow, or any other Borough or Town within the respective Counties aforesaid; nor for carrying through any of the Turnpikes Dung or Lime for manuring of Land or Gardens, or for building Houses, Garden-walls, or other Edifices, or Rubbish from the Town of Glasgow, or Suburbs thereof; or from any Town or Village of the said Counties of Linlithgow and Lanark; nor for Ploughs, Harrows, or other Implements of Husbandry; nor for any Carriages of Hay, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, or Yards of or belonging to the Heretors, Tenants, or Inhabitants of the said Counties, unless the same shall be carried for Sale, in which Case they shall be chargeable with the said Tolls or Duties; nor for any Horses or other Carriages carrying Oats or any other Grain to any Mill or Mills within Two Miles of such Turnpike to be ground thereat, or returning from the said Mill or Mills, with the Manufacture made of the aforesaid Oats, or other Grain. Persons and Things exempted from Toll.

Provided always, That if any of the Particulars above exempted be carried on any Cart, Wain, or Waggon, drawn by Three or more Horses, Oxen, or other Beasts of Draught, they shall not have the Benefit of this Exemption, but shall be liable to pay the Tolls or Duties chargeable by this Act; nor shall any Toll or Duty be demanded Proviso.

from any Person or Persons who shall pass through the said Turnpikes going to Church on Sunday; nor for Horses and other Cattle going to or returning from Pasture or watering Places; nor for any Post Horses carrying the Mail or Packet; nor for the Horses of Soldiers who are on their March, or the Carriages attending on them, drawn by whatever Number of Beasts of Draught; nor for Horses Carts, Carriages, or Waggons, travelling with Vagrants sent with legal Passes.

Persons liable to repair the Roads to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person or Persons who are by Law chargeable towards the repairing and amending the said Roads or Bridges hereby intended to be repaired, shall still remain chargeable and do their respective Works upon such Roads and Bridges, in such Manner as the Trustees appointed by this Act, or any Three or more of them, at their District Meetings shall direct, in such Manner as he or they ought to have done before the passing this Act.

Heretors liable to do Statute-work on the Roads with Carts, &c.

And, for removing all Doubts and Questions that may arise concerning who are liable to perform the Services aforesaid, it is hereby further enacted and declared, That all and every Heretor labouring and possessing his own Ground shall be obliged to assist at repairing the Highways in the same Manner as Tenants are obliged, and that in proportion to the Extent of the Ground he labours and possesses; and all Carters and Brewers occupying Carts, residing in the Counties aforesaid, shall be obliged to perform their several Services on the respective High Roads, at such Times, and for such Days, as are prescribed by Law; and that every Householder, Cottager, or Labourer, within the said Counties of Linlithgow and Lanark respectively, shall work on the Highways by himself, or another employed by him, for the Days, and under the Penalties already prescribed by Law, in that Part of Great Britain called Scotland: And in case any Questions shall arise what Persons are liable to perform such Services, or to what Extent the Justices of the Peace are hereby impowered to hear and finally determine all such Questions at their Quarter Sessions, or the Adjournments thereof, in their respective Counties.

Carters and Brewers liable to do Statute-work,

and Householders, Cottagers and Labourers.

Justices to determine Questions relating to Statute-work.

Trustees may compound for Statute-work, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a General Meeting assembled, shall and they are hereby impowered to compound and agree with all or any of the said Persons chargeable to repair the Highways and Bridges and with Persons liable to perform Statute Work on any Part of the said Roads, such Compositions and Agreements to be entered at length in a Book or Books, to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, which said

Compositions to be entered in a Book.

Book

Book or Books shall or may be seen and perused by any Person or Persons whomsoever, at all seasonable Times, without any Fee or Reward.

Rates for the Composition of Statute-work.

Provided always, That no Person or Persons liable to Statute Labour shall be obliged to work on any Road without the Bounds of the Parish within which he or they respectively live, and that the Compositions for the Statute-work shall be applied to the making of the Road within the Parish or Parishes respectively for which the same shall be collected, and for no other Use or Purpose whatsoever; and that for and in respect of all Householders and Inhabitants of Cities and Boroughs liable in Statute-work, the said Composition for the same shall not exceed One Shilling and Sixpence Sterling for Six Days, or One Years Statute Labour of a Man, and in all other Cases shall not exceed the ordinary Rate of Labour in the said Counties; and that in all Cases the Statute-work shall be performed before Harvest Time.

Allowing Persons aggrieved to appeal to the General Quarter Sessions of the Peace,

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall find themselves aggrieved by any Act or Proceedings of any Meeting of the Trustees herein named, or by any Act of any One or more of the said Trustees, or their Officers, or other Persons acting in their Name, or under their Authority, or by the Act of any Justice or Justices of the Peace not assembled at a General Quarter Session, or Adjournment of the same, or by any Person in any Manner whatsoever, in consequence of the several Powers granted to different Persons by this present Act, it shall and may be lawful for such Person or Persons, either directly or indirectly so aggrieved, to appeal and sue for Redress of the respective Wrongs done to him or them to the Justices of the Peace for the respective Counties of Lanark or of Linlithgow, where the Wrong shall have been done, and that in their General Quarter Sessions assembled, or at the Adjournments of the same only; and the said Justices are hereby impowered and required within their several and respective Jurisdictions, then to hear and determine all such Questions and Disputes between Parties, and the Sentence pronounced by them is hereby appointed to be final.

whose Sentence shall be final.

Provision as to Act of Parliament for building a Bridge over the *Clyde* near *Hamilton*, &c.

Provided also, and it is hereby declared, That nothing in this Act contained shall in any-wise be construed as contrary to, or any Infringement of any of the Clauses contained in an Act passed in the Tenth Year of His present Majesty's Reign, 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.

Publick Act. And be it further enacted and declared by the Authority aforesaid, That this Act shall be taken and allowed in all Courts within this Kingdom as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such without specially pleading the same.

FINIS.