ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. C.

An Act to continue the Term, and enlarge the Powers, of an Act, made in the Twenty-ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing the Roads in the County of* Forfar, *and for regulating the Statute Labour within the ſame*; and for repairing ſeveral other Roads in the ſaid County, and for building a Bridge over the River *South Eſk*, near *Finhaven*. [9th *May* 1794.]

WHEREAS, by an Act, paſſed in the Twenty-ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing the Roads in the County of* Forfar, *and for regulating the Statute Labour within the ſame*, ſeveral Tolls and Duties were granted and made payable, and divers Authorities were given for repairing the ſaid Roads, and for regulating the Statute Labour: And whereas great Progreſs has been made in repairing the Roads in the ſaid Act mentioned and deſcribed, and ſundry Sums have been ſubſcribed and borrowed for that Purpoſe upon the Preamble.

the Credit of the Tolls by the ſaid Act granted; but the Reparation of many of the ſaid Roads cannot be carried on and completed, and the Money, ſubſcribed and owing upon the Credit of ſaid Tolls, paid off, unleſs the Powers by the ſaid Act granted be further enlarged: And whereas the Road leading from the Landing Place at *Monyfieth*, to the Poſt Road between *Dundee* and *Arbroath*, paſſing through the Pariſhes of *Monyfieth* and *Monikie*; the Road leading from the Eaſt Haven to the Poſt Road between *Dundee* and *Arbroath*, paſſing through the Pariſh of *Panbride*; the Road leading from the Weſt Haven to the Poſt Road between *Dundee* and *Arbroath*, paſſing through the Pariſh of *Panbride*; the Road leading from *Forfar* to *Arbroath* by *Dunnichen*, paſſing through the Pariſhes of *Forfar*, *Dunnichen*, *Reſcobie*, *Kirkden*, *Carmylie*, *Inverkeilor*, *Saint Vigeans*, *Arbirlot*, and *Arbroath*; the Road leading from *Duntroon* and *Wedderburn* to the Poſt Road between *Dundee* and *Forfar*, paſſing through the Pariſhes of *Dundee*, *Murroſe*, and *Mains*; the Road leading from *Strathmartine* and the Foot of *Sidlaw* to the Poſt Road between *Dundee* and *Forfar*, paſſing through the Pariſhes of *Strathmartine*, *Tealine Mains*, and *Dundee*; the Road leading from the Bridge of *Dean*, upon the Weſt Extremity of the County to *Brechin*, and paſſing through the Pariſhes of *Airly*, *Kirrymuir*, *Oathlaw*, and *Tannadice*; the Road from the *Weſtwater* Bridge, by the Hillhead of *Stracathro'* and *Ballachie*, to *Montroſe*, paſſing through the Pariſhes of *Stracathro'*, *Logie*, *Pert*, *Dun*, and *Montroſe*; all lying within the aforeſaid County of *Forfar*, are in bad Repair, and in many Places Travellers cannot paſs thereon without great Difficulty and Danger, and the ſaid Roads cannot be effectually repaired by the preſent Modes preſcribed by Law: And whereas it has been found, that the Tolls granted by the ſaid former Act upon the following Roads, *videlicet*, the Road from *Dundee* to *Forfar*, and *Kirriemuir* by *Glamys*; from *Dundee* to *Coupar*, to *Meigle*, by *Brechin* to the *Northeſk* Bridge; from *Dundee* to *Ferryden*, with the Branch to the *Southeſk* Bridge; and *Arbroath* to *Brechin*; *Templehall* to *Leggieſton*; *Ferryden* and *Pitmuis* Mill to *Forfar*; from *Dundee* to *Arbroath* by the Coaſt; *Baldovie*, *Brechin*, and to the Ferry; are not ſufficient for keeping the ſaid Roads in Repair, and for paying the Intereſt of the Sums ſubſcribed or borrowed upon the Credit of the ſaid Tolls: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the above mentioned Act, and all the Powers, Authorities, Articles, Clauſes, Matters, and Things therein contained, (other than and except ſuch as are hereby varied in or altered), and alſo this preſent Act, ſhall, from and after the paſſing of this Act, be put in Execution, for and during the Remainder of the Term granted by the ſaid former Act, for the Purpoſes of ordering, repairing, and keeping in Repair, the Roads in this Act mentioned.

Act further continued.

II. And be it enacted, That the Truſtees in the ſaid former Act mentioned and deſcribed, and qualified as in the ſaid former Act is ſpecified, ſhall be, and are hereby nominated and appointed Truſtees for carrying, ordering, altering, amending, widening, repairing, and keeping in Repair, the Roads in this Act mentioned and deſcribed.

Truſtees of former Act to be Truſtees.

III. And

III. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Truſtees aforeſaid, or any Seven or more of them, at a General Meeting aſſembled, or ſuch Perſon or Perſons as they, or any Seven or more of them, at a General Meeting aſſembled, ſhall authorize and appoint, to build and erect, or cauſe to be built and erected, a Gate or Gates, Turnpike or Turnpikes, in upon, acroſs, or on the Side of, all or any of the aforeſaid Roads in this Act mentioned and deſcribed, and to build and erect, or cauſe to be built and erected, Toll Houſes, with a proper Stable adjoining thereto, and alſo a Yard or Garden for the ſame, and to purchaſe or hold in Leaſe Ground for that Purpoſe, in the ſame Manner as is in the ſaid former Act ſpecified. Turnpikes to be erected.

IV. And be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Perſon or Perſons duly authorized by them, or any Seven or more of them, ſhall and may take and demand 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 already erected upon any of the aforeſaid Roads, in virtue of the former, or to be erected in virtue of this Act; (that is to ſay), Tolls to be taken.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, or Hearſe, with Four Wheels, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Six Shillings; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Three Shillings; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Eight-pence:

For every Chaiſe, Chair, or Carriage of a ſimilar Nature, with Two Wheels, drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Eight-pence; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Sixpence:

For every Waggon, Wain, Cart, Sledge, or Carriage, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Seven Shillings; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Five Shillings; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Sixpence; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Three-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle *per* Score, the Sum of Ten-pence; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs *per* Score, the Sum of Five-pence; and ſo in Proportion for any greater or leſs Number:

Which ſaid Tolls or Duties, ſo allowed to be levied in reſpect of travelling or paſſing the whole Roads hereby directed to be made or repaired, ſhall be apportioned by the Truſtees or Quorum of them, according to the Number of Gates erected or to be erected upon the ſaid Roads, in ſuch Way as ſhall appear to them or a Quorum of them reaſonable.

Weighing Engines to be erected.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall, if they find it neceſſary, cauſe Weighing Engines to be erected upon ſuch Parts of the ſaid Roads as they ſhall think fit, for weighing all Carriages that ſhall paſs along the ſaid Roads, and to receive and take, over and above the Tolls hereby granted, the following Sums of Money, as additional Tolls for every Hundred Weight, (of One hundred and twelve Pounds to the Hundred), which any Waggon, Cart, or Carriage, together with the Loading thereof, ſhall weigh at any of the ſaid Weighing Engines, over and above the Weight which ſuch Waggon, Cart, or Carriage, is allowed to weigh without paying additional Toll; (that is to ſay),

Additional Tolls for Overweight.

For the Firſt and Second Hundred, the Sum of Three-pence Sterling for each Hundred:

For every Hundred of ſuch Overweight above Two Hundred, and not exceeding Five Hundred, the Sum of Sixpence Sterling:

For every Hundred of ſuch Overweight above Five Hundred, and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling:

For every Hundred of ſuch Overweight above Ten Hundred, and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling:

And for every Hundred of ſuch Overweight above Fifteen Hundred, the Sum of Twenty Shillings Sterling:

And that before they reſpectively ſhall be permitted to paſs through ſuch Gate or Turnpike; and the ſame ſhall be applied as the other Tolls are by this Act directed to be applied: And in caſe any Perſon or Perſons ſhall hinder or obſtruct the weighing of any ſuch Carriage as aforeſaid, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of Ten Shillings Sterling.

Waggons and Carts not to pay additional Tolls, if the Wheels are of a certain Breadth.

VI. And be it further enacted by the Authority aforeſaid, That every Waggon, Cart, or Carriage, ſhall be allowed to paſs without paying any additional Toll, provided ſuch Waggon, Cart, or Carriage, with its Loading, does not weigh more than the Weights following; (*videlicet*), 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 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 Tons and a Half in Winter: To every Cart, having the Fellies Nine Inches, Three Tons in Summer, and Two Tons Fifteen Hundred Weight in Winter: To every Waggon, having the Fellies Six Inches, Four and One-fourth Tons in Summer, and Three and Three-fourth Tons in Winter: To 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: To every Waggon, having the Fellies leſs than Six Inches, Three and an Half Tons in Summer, and Three Tons in Winter: To every Cart, having the Fellies of the Wheels leſs than Six Inches, and drawn by Two or more Horſes, One and a Half Tons in Summer, and One Ton Seven Hundred Weight in Winter: And for every ſuch Cart, drawn by One Horſe, One Ton, both in Summer and Winter; and for the aforeſaid Purpoſes, it ſhall be deemed Summer from *May*

May the First to *October* the Thirty-first, and Winter from *November* the First to *April* the Thirtieth, both inclusive.

Trustees may lower the Tolls and raise them again.

VII. And be it further enacted, That the said Trustees, or any Seven or more of them, at a General Meeting assembled, shall, and they are hereby empowered to diminish or lessen any or all of the said Tolls and Duties upon any One or more of the said Roads, with Consent of Persons who have lent Money thereon, and not otherways; and also to raise them again as they shall see Cause, so that the same do not exceed the Tolls and Duties granted by this Act.

Branches of the Road from Landing Place of *Monyfieth* to Road between *Dundee* and *Arbroath*, &c.

VIII. And be it further enacted by the Authority aforesaid, That the following Roads, (*videlicet*), the Road from the Landing Place at *Monyfieth* to the Post Road between *Dundee* and *Arbroath*, the Road from the East Haven and the Road from the West Haven, both leading to the said Post Road between *Dundee* and *Arbroath*, be considered as Branches of the united Line of Road from *Dundee* to *Ferryden*; and that the Road from *Forfar* to *Arbroath*, by *Dunnichen*, be considered as a Branch of the Line of Road from *Arbroath* to *Brechin*; and that the Road from *Duntroon* and *Wedderburn*, and the Road from *Strathmartine* and the Foot of *Sidlaw*, both leading to the Turnpike Road between *Dundee* and *Forfar*, be considered as Branches of the said Road between *Dundee* and *Forfar*; that the Road from the Bridge of *Dean* to *Brechin*, be considered as a Branch of the said Road from *Meigle* by *Brechin*, to the *Northesk* Bridge; and that the Road from the *West Water* Bridge to *Montrose*, be considered as a Branch of the Road from *Montrose* to *Brechin*, mentioned in the said former Act: And it shall and may be lawful for the said Trustees, or any Seven or more of them, to exact and take, or cause to be exacted or 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, all the Powers granted by this or the said former Act of the Twenty-ninth of His present Majesty's Reign, in the same Manner as on the principal Roads.

Parts of the Road from *Meigle* to the *Northesk* Bridge by *Brechin* altered.

IX. And whereas it would be very advantageous for the Publick, if the Course of Part of the Road from *Meigle* to the *Northesk* Bridge by *Brechin* were altered, so as to pass through the Parishes of *Meigle*, *Essie*, and *Neway*, *Glamys*, *Kinnettles*, *Forfar*, *Rescobie*, *Oathlaw*, *Tannadyce*, *Carriston*, *Brechin*, and *Stracathrow*; be it enacted by the Authority aforesaid, That the new Line of Road through the said Parishes be adopted and substituted in the Place of the old Road described in the said former Act; and it shall and may be lawful for the said Trustees, or any Seven or more of them, to erect, or cause to be erected, Toll Bars in or across any Part or Parts of the said new Line of Road, and to demand and take thereat the Tolls granted by this and the said former Act; and in general, to exercise, with respect to the said new Line of Road, all the other Powers granted by this or the said former Act, in the same Manner as they would have been entitled to do on the said old Line of Road.

Trustees to erect a Toll Bar on the *Invergowrie* Road Eastward of *Dundee*.

X. And whereas it is provided that the Three Miles of Road from *Dundee* to *Invergowrie Burn* shall be a separate Line of Road, and is to pay only the Toll appointed by the late Act, and that no Toll Bar shall be

be erected within less than Six Miles of one another; be it enacted, That it shall and may be lawful for the Trustees to cause a Toll Bar to be erected at such Distance from the Toll Bar on the *Invergowrie* Road as they may think proper; provided only that such Toll Bar be to the North-eastward of the Town of *Dundee*.

Bridge to be built over the River *Southesk*.

XI. And whereas, on the said new Line of Road from *Migle* to the *Northesk* Bridge, it will be necessary to build a Bridge over the River *Southesk* near *Finhaven*, the Expence of which cannot be defrayed from the ordinary Tolls granted upon the said Road; be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to erect, or cause to be erected, a Toll Bar upon or near the said Bridge, and to demand and 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 Bar though within Six Miles.

Toll Bar on the Bridge, and the Bridge, to be regulated as the Roads in former Act.

XII. And it is hereby further enacted, That the said Toll Bar, as well as the building of the said Bridge with regard to Materials, shall be regulated in the same Manner as any other Turnpike in this or the said former Act; and all concerned shall be liable in the same Penalties, and under all the other Clauses in this and the said former Act contained.

Tolls on the Bridge to be assigned for Money borrowed.

XIII. And it is hereby further enacted, That it shall be in the Power of the said Trustees, or any Seven or more of them, at a General Meeting assembled, either before the building of such Bridge, or after it, to assign the said Toll to any Person lending Money for the building of such Bridge, either as an absolute or collateral Security to such Person as shall lend the Money, or as a Security or collateral Security to such Person or Persons as shall subscribe to raising a Sum of Money to build the said Bridge.

Toll to continue on Bridge till Money repaid.

XIV. And it is hereby further enacted, That the said Toll shall continue upon the said Bridge until such Time as the whole Expence for erecting it, and the Interest of the Money borrowed for that Purpose, shall be paid.

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

XV. And, for preventing the evading of the Tolls and Pontage granted by this Act, be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, 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 *Southesk*, as they shall think necessary to prevent the Evasion of the said Tolls and Pontage; any Law, Usage, or Custom, to the contrary notwithstanding.

Fords not to be shut up within a certain Distance of the Bridge.

XVI. 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 intended Bridge.

XVII. And

XVII. And whereas it will be a conſiderable Time before the ſaid New Line of Road can be made paſſable; and until the ſame is opened, it is neceſſary that the Old Line of Road ſhould be kept in Repair, which cannot be done without conſiderable Expence; be it therefore enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall have Power to erect Toll Bars in or acroſs any Part of the ſaid Old Line of Road, and to demand and take thereat the Tolls granted by this and the ſaid former Act; and in general, to exerciſe, with reſpect to the ſaid Old Line of Road, all the other Powers granted by this and the ſaid former Act. Old Line of Road to be kept in Repair till New Line is made.

XVIII. Provided always, That the ſaid Tolls ſhall ceaſe, and be no longer exigible, after the ſaid New Line of Road is completed and open for Travellers; that is to ſay, The Tolls upon that Part of the Old Line of Road which lies between *Forfar* and *Brechin* ſhall ceaſe as ſoon as the New Line between the ſaid Two Towns is opened; and the Tolls ſhall ceaſe upon that Part of the Old Line of Road which lies between *Brechin* and the *Northeſk* Bridge, as ſoon as the New Line between *Brechin* and the ſaid Bridge is open: And provided alſo, that the ſaid Truſtees ſhall take care that the ſaid Old Line of Road is kept paſſable and in good Repair till the New One is opened. Toll on Old Line to ceaſe when New Line is made.

XIX. And whereas it has been found that the Sums which the Truſtees are empowered to borrow upon the Credit of the Tolls by the ſaid Act of the Twenty-ninth Year of His preſent Majeſty's Reign, are not ſufficient for the Purpoſes therein mentioned; be it enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall be, and they are hereby authorized to borrow ſuch Sums on the Credit of the ſaid Tolls on the Roads deſcribed in this Act, and thereby and hereby directed or intended to be made and repaired, as ſhall be found neceſſary for making and repairing the ſaid Roads in a proper Manner, and for building the neceſſary Bridges on the ſame, not exceeding Five hundred Pounds Sterling for each Statute Mile of the ſaid Roads; and to aſſign over the Tolls on the reſpective Roads and Branches thereof in Security of the Money already borrowed, or to be borrowed, in the Manner mentioned in the ſaid former Act. Further Sum of Money to be borrowed.

XX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, in General Meeting aſſembled, to build Fences, and to ſhut up and ſuppreſs any Roads within the ſaid County that appear uſeleſs or of little Importance to the Publick, provided always that Notice of the Reſolution to ſhut up any ſuch Road, be given by Advertiſement affixed to the Doors of the Churches of the Pariſhes through which the ſaid Road paſſes, and by having the ſame read over the Clerk or Precentor's Deſk immediately at diſſolving of the Congregation, for Two conſecutive *Sundays*, One Month at leaſt before the ſaid Road ſhall be actually ſhut up; and that any Perſon or Perſons who ſhall think himſelf or themſelves aggrieved by ſuch Reſolution, may apply to the Sheriff of the County, or his Subſtitute, who, if he ſees Cauſe, is hereby empowered to ſuſpend the Execution thereof Uſeleſs Roads to be ſhut up.

until the next General Meeting of the Truſtees, who ſhall finally determine therein.

Courſe of the Roads may be altered.

XXI. And be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, in General Meeting aſſembled, ſhall have Power to alter the Courſe of any of the Roads in the ſaid former Act and this Act mentioned and deſcribed, and to carry the ſame through and over ſuch Grounds and Fences as to them may appear moſt proper, acceſſible, and convenient; and along or through any Bye or other Roads which may be more convenient than the Old Courſe of any of the ſaid Roads; in which Caſe the ſaid Bye Road, as far as it is joined by any of the ſaid Roads, ſhall be conſidered as Part of them to all Intents and Purpoſes.

Truſtees empowered to make Roads of Communication.

XXII. And be it further enacted, That in caſe, by altering the Courſe of any of the ſaid Roads, it ſhall become neceſſary to have Roads of Communication for Perſons reſiding on or near the Old Roads to the New Roads, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to make ſuch Roads of Communication in like Manner through and over ſuch Grounds and Fences, as to them, or any Seven or more of them, may appear moſt proper for the Purpoſe.

Acceſſes into Towns and Villages to be made.

XXIII. And be it enacted by the Authority aforeſaid, That in making Acceſſes into Towns or Villages, it ſhall be in the Power of the ſaid Truſtees, or any Seven or more of them, to pull down, or cauſe to be pulled down, Houſes, the Side Walls of which do not exceed Twenty Feet in Height, and to make ſuch Roads of Acceſs through any Grounds that to the ſaid Truſtees ſhall appear neceſſary; and alſo, that in the Caſe of any Houſe being pulled down by the Proprietor for the Purpoſe of rebuilding near the Sides of any of the ſaid Roads, or in any Village, or at or near the Outlets of any Town in the ſaid County of *Forfar*, it ſhall be in the Power of the ſaid Truſtees to cauſe the Foundation of the ſame to be removed back to the Diſtance of Twenty-two Feet from the Middle of the ſaid Road; and it ſhall be lawful for any One or more of the ſaid Truſtees to ſtop the rebuilding of any ſuch Houſe, as he or they ſhall apprehend to be within the ſaid Diſtance from the Middle of any of the ſaid Roads, by an Order in Writing under his or their Hands, in the ſame Manner, and to be followed by the ſame Proceedings, as in the ſaid former Act are directed to be uſed in the Caſe of New Houſes being built near the ſaid Roads where none had formerly been built or erected.

Damages to be ſettled by a Jury.

XXIV. Provided always, That ſuch Damages ſhall be paid to the Owner or Owners, Occupier or Occupiers reſpectively, of the Grounds, Houſes, or Fences, which ſhall be taken, prejudiced, or damaged by widening the ſaid Roads, or by the forming and making ſuch new Courſe of the Roads, or ſuch Roads of Communication, as the ſaid Turſtees, or any Seven or more of them, ſhall judge reaſonable; and in caſe of any Difference concerning the ſame between ſuch Owner or Owners, Occupier or Occupiers, and the ſaid Truſtees, Application ſhall be made to the

Sheriff Depute of the ſaid County, or his Subſtitute, to ſummon a Jury in order to value the Ground and Fences neceſſary to be taken and uſed, or Houſes neceſſary to be pulled down; and the ſaid Sheriff Depute, or his Subſtitute, is hereby empowered and required, upon ſuch Application, to order Intimation thereof to be made to the Owner or Owners, Occupier or Occupiers of ſuch Grounds, Fences, and Houſes, and afterwards to iſſue a Summons in the uſual Manner, for calling together and impannelling a Jury, to conſiſt of Fifteen Perſons in Number, to examine into, and, after ſuch Examination, to return a Verdict upon Oath as to the Value of ſuch Grounds, Fences, and Houſes; and thereupon the ſaid Sheriff Depute, or his Subſtitute, is hereby required to adjudge Payment of the Value and Amount of the Loſs or Damage ſo aſcertained to the Owner or Owners, Occupier or Occupiers thereof; and upon Payment being made by the ſaid Truſtees to the Party or Parties intereſted, or Conſignation thereof in the Hands of the Sheriff Clerk of the County, the ſaid Truſtees ſhall from thenceforth have Right, and be at Liberty to take and uſe the Ground, and to pull down the Houſes or Fences ſo valued, for the Purpoſe of altering, widening, and extending the ſaid Roads, and making the Roads of Communication, as fully and effectually ever after, to all Intents and Purpoſes, as if the Owner or Owners of ſuch Grounds, Fences, and Houſes had executed regular Diſpoſitions of the ſame, and thereupon Infeftments had followed; and the ſaid Proceedings of the ſaid Sheriff Depute, or his Subſtitute, ſhall be final, and not removable or queſtionable by Bills or Letters of Advocation or Suſpenſion, or Proceſs of Reduction, or by any other Court whatſoever; any Law or Uſage to the contrary notwithſtanding.

Roads may be altered and widened.

XXV. And be it further enacted, That in altering the Courſe of the ſaid Roads, or widening the ſame, and making new ones by virtue of this Act, and the ſaid former Act, it ſhall be in the Power of the ſaid Truſtees, or any Seven or more of them, to make the ſame through any Miniſter's Glebe, provided always that Damages are paid to the Miniſter or Miniſters, and that ſuch Quantity of Ground ſhall be added to the Glebe lying moſt contiguous and convenient thereto, as ſhall be deemed a ſufficient Compenſation for that taken for the ſaid Roads, which the ſaid Truſtees ſhall have Power to purchaſe from the contiguous Owner or Owners, Occupier or Occupiers of Land; and in caſe of any Difference with regard to the Damages to be paid to ſuch Miniſter or Miniſters, or the Addition to be made to ſuch Glebe, or the Price to be paid to ſuch Owner or Owners, Occupier or Occupiers of Land, Application ſhall be made to the Sheriff Depute of the ſaid County, or his Subſtitute, who ſhall proceed to ſummon a Jury, and to determine and adjudge the Amount thereof in Manner as herein-before in ſimilar Caſes is directed; and upon Payment being made by the ſaid Truſtees of ſuch Damages to the Miniſter or Miniſters, and of ſuch Price to the Owner or Owners, Occupier or Occupiers of Land, and Conſignation thereof in the Hands of the Sheriff Clerk of the County, the ſaid Truſtees ſhall from thenceforth have Right to be at Liberty to take and uſe that Part of the Glebe for the Purpoſe of altering or widening the ſaid Roads, or making new ones by virtue of this Act, or the ſaid former Act, fully and effectually ever after to all Intents and Purpoſes; and the Proceedings and Order of the ſaid Sheriff Depute, or his Subſtitute, ſhall be final and concluſive.

XXVI. And

Penalty on evading the Tolls.

XXVI. And be it enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons travelling on the ſaid Roads in a Coach, Chaiſe, or any other Carriage whatſoever, ſhall ſtop before coming to a Turnpike Gate, and walk through the Gate; or in caſe any Perſon or Perſons ſhall unload any Waggon, Cart, or other Carriage, travelling along the ſaid Roads, before coming to a Turnpike, and ſhall carry the ſaid Load through ſuch Gates, ſuch Perſon or Perſons ſhall pay the Tolls and Duties by this Act impoſed in the ſame Manner as if ſuch Coach, Chaiſe, Waggon, Cart, or other Carriage, had gone through the Turnpike Gate without being unloaded; and if ſuch Perſon or Perſons ſhall refuſe to pay ſuch Tolls and Duties, he, ſhe, or they, ſhall forfeit and pay the Sum of Twenty Shillings Sterling for each Coach, Chaiſe, Waggon, Cart, or Carriage, to be levied and recovered in Manner directed in the aforeſaid Act of the Twenty-ninth Year of the Reign of His preſent Majeſty.

For preventing the Evaſion of the Tolls.

XXVII. And, to prevent the evading the Tolls upon the ſaid New Line of Road, be it enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to cauſe Side Bars to be erected at the Extremities of the ſaid Old Line of Road, or where it ſhall appear to them to be moſt proper and neceſſary, to prevent it from becoming a Thoroughfare for the Evaſion of the Tolls upon the ſaid New Line of Road, and to charge and levy the ſame Tolls at theſe Side Bars as are granted by this and the ſaid former Act of Parliament: Provided always, that they do not in any Manner thereby interrupt the Common Intercourſe of the Country connected with the ſaid Old Line of Road, which it is hereby declared ſhall be left as free and open to thoſe immediately connected with it, as if no ſuch Side Bars were erected upon it by virtue of this Act.

Penalty on permitting Private Paſſage.

XXVIII. And be it further enacted, That if any Perſon or Perſons riding or driving any Coach, Cart, or other Carriage, Horſe, Aſs, or other Cattle, ſhall paſs through any Private, Bye, or other Road, whereby the Payment of the Toll or Duty by this Act, or the ſaid former Act, impoſed, ſhall be avoided, ſuch Perſon or Perſons, being thereof convicted by the Teſtimony of One or more credible Witneſs or Witneſſes, before any One or more of the Juſtices of Peace of the ſaid County, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees, or their Collector or Collectors, the Sum of Twenty Shillings Sterling.

Clauſe in former Act explained.

XXIX. And whereas by the aforeſaid Act of the Twenty-ninth Year of the Reign of His preſent Majeſty, it is provided, that if the Truſtees ſhould 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 had paid the ſaid Tolls at One Gate, ſhould not pay any further Tolls or Duties till the Diſtance exceed Six Statute Miles from the Gate at which they had already paid: And whereas Doubts have ariſen about the Meaning and Conſtruction of this Proviſo: Be it therefore enacted and declared by the Authority aforeſaid, That this Exemption is only meant to take place, and 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; but ſuch Perſon or Perſons, if travelling on different Lines, ſhall pay the Tolls and Duties by this Act impoſed at every

Turnpike

Turnpike Gate through which he, ſhe, or they ſhall paſs, though the Diſtance be leſs than Six Statute Miles.

One Third of the Toll to be taken on Carriages going for Lime, *etc.* Depoſits.

XXX. And whereas great Abuſe has been committed in Fraud of the Tolls by the former Act granted by Perſons making Depoſits of Lime, Dung, and other Articles immediately, or a ſhort Space beyond the Toll Bars in the Neighbourhood of Towns, Villages, Sea Ports, and Landing Places, where in ſome Caſes the ſame Carriage may paſs loaded many Times in One Day for Payment of One Toll, and afterwards carrying away ſuch Lime, Dung, or other Article, without paying any Toll whatever; for Remedy whereof, be it enacted, That, from and after the paſſing of this Act, every loaded Carriage or Beaſt of Burthen paſſing through any of the Toll Bars erected or to be erected by virtue of the ſaid former or of this Act, in their Way to ſuch Depoſit, ſhall only be charged with and pay One Third Part of the Toll exigible in other Caſes upon ſuch Carriage or Beaſts of Burthen, that is to ſay, where a Double Horſe Cart is chargeable with and would pay Sixpence in this Caſe, Two pence is only be exacted and paid, and ſo in Proportion for every other Carriage or Beaſt of Burthen: And in caſe of any Diſpute ariſing as to what is or is not a Depoſit, the ſame ſhall be determined by the Juſtices of the Peace for the ſaid County of *Forfar* in their Quarter Seſſions aſſembled, and the Determination of ſuch Juſtices ſhall be final and concluſive upon all Parties; and all Perſons evading the Payment of the Tolls for ſuch Depoſits ſhall be liable to pay and ſhall incur the ſame Penalties and Forfeitures as in this and the ſaid former Act are mentioned and expreſſed for evading the Payment of any of the Tolls therein and hereby granted, to be recovered in the ſame Manner as therein and herein is provided and declared reſpecting the ſame.

Exemptions from Tolls for Perſons going to Church, or attending Funerals, reſtricted.

XXXI. And be it further enacted, That the Exemption from Toll contained in the aforeſaid Act in Favour of Perſons going to or returning from the Pariſh Church, Chapel, or any other Place of Religious Worſhip which they uſually attend upon *Sunday*, and in Favour of Perſons who ſhall paſs or return on attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the Pariſhes in which the ſaid Roads do lie, ſhall be reſtricted to the Caſe of Perſons going to or returning from Church, Chapel, or other Place of Religious Worſhip, within the Pariſhes where they ſeverally do live, and of Perſons paſſing or returning on attending the Funerals of Perſons buried in the Pariſhes where they ſhall reſpectively die.

Victuallers not to be Toll Gate Keepers.

XXXII. And be it further enacted, That no Perſon who ſhall keep a Toll Houſe, whether under the ſaid Truſtees or their Tackſman or Tackſmen, ſhall have Power to ſell or retail any Spirituous Liquors without a Special Licence from the Truſtees, or any Seven or more of them, firſt had and obtained for that Purpoſe.

Power of ſelling Old Road, to extend only in Caſes where Old Road may be ſhut up.

XXXIII. And whereas by the ſaid Act of the Twenty-ninth Year of the Reign of His preſent Majeſty, it is provided and enacted, that in the Caſe of altering the Courſe of any of the Roads in the ſaid County of *Forfar*, the Truſtees ſhall be empowered to diſpoſe of and ſell the Ground of the Old Road, be it provided and enacted by the Authority aforeſaid, That the ſaid Power ſhall only extend to and be exerciſed in the Caſes when

when the ſaid Old Road can be ſhut up and ſuppreſt without Inconvenience, and is declared uſeleſs according to the Forms herein-before mentioned and preſcribed.

Materials not to be taken until Notice given.

XXXIV. And be it enacted by the Authority aforeſaid, That it ſhall not be lawful for the ſaid Truſtees, or any Surveyor or other Officer appointed by them under the Authority of this Act, to dig, gather, take, or carry away Gravel, Furze, Heath, Stones, or other ſuch like Materials, or to take or ſet apart any Pieces or Parcels of Ground, to and for the Uſe of the ſaid Roads, Houſes, Bridges, and others aforeſaid, from any Lands and Grounds that may be incloſed, until Notice in Writing ſhall have been given to the Owners or Occupiers of the Premiſes from which ſuch Materials or Pieces or Parcels of Land are intended to be taken and ſet apart, or left for ſuch Owners or Occupiers at their uſual Places of Reſidence to appear before the ſaid Truſtees, or any Seven or more of them, or any Two Juſtices of the Peace acting in and for the ſaid County of *Forfar*, to ſhew cauſe why ſuch Materials, or Pieces or Parcels of Land ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owners or Occupiers ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Seven or more of them, or ſuch Juſtices ſhall, if they think fit, authorize ſuch Surveyor or other Perſon or Perſons to dig, gather, carry away, and ſet apart ſuch Materials, and ſuch Pieces and Parcels of Lands at ſuch Time or Times as to ſuch Truſtees, or any Seven or more of them, or to ſuch Juſtices, ſhall ſeem proper; and if ſuch Owners or Occupiers ſhall neglect or refuſe to attend by themſelves or their Agents, the ſaid Truſtees, or any Seven or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Owners or Occupiers or their Agents had attended.

Truſtees of particular Roads to lay a State of their Accounts before a General Annual Meeting.

XXXV. And whereas by the ſaid former Act, the Truſtees upon the Turnpike Roads are empowered to appoint Committees of their own Number to ſuperintend and direct the making and repairing of the ſaid Roads; and by the ſame Act, the Truſtees upon the other Roads of the ſaid County of *Forfar* are empowered, at their Diſtrict Meetings, to take the Management and Direction of the ſame; and both the ſaid Committee and ſaid Diſtrict Meetings are directed and required to lay before the General Meeting of the Truſtees a State of their reſpective Accounts, and all other their Tranſactions, but no proper Means are preſcribed for enforcing the ſaid Regulations, whereby conſiderable Inconvenience may ariſe; be it therefore enacted by the Authority aforeſaid, That all Committees of Truſtees appointed to the Management of particular Turnpike Roads, ſhall, at the Annual General Meeting, by the ſaid former Act appointed 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, to be by the ſaid General Meeting examined, audited, and approved; and that the ſaid Diſtrict Meeting ſhall, at the ſaid Annual General Meeting of the Truſtees, lay before them an Account of the Application of the Aſſeſſment, Compoſition Money, and Services of the preceding Year, to be in like Manner 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 Depute, or his Subſtitute, of the County, who ſhall grant

grant Warrant for ſummoning the Clerk of the Committee or Diſtrict ſo failing, or other Perſon or Perſons to whom the ſaid Failure or Neglect is imputed, and on Proof thereof, ſhall fine him and them in a Sum not exceeding Five Pounds Sterling, to be paid to the ſaid Truſtees, and to be applied by them, or any Seven or more of them, to the Repair of the ſaid Roads; and the Proſecutor ſhall yearly report to the Firſt Adjourned General Meeting after the Tenth Day of *June* the Iſſue of ſuch Proſecutions.

Securities for Money aſſignable by Indorſement.

XXXVI. And be it enacted by the Authority aforeſaid, That the Bonds and Securities, to be granted by the ſaid Truſtees, for the Money to be borrowed by them in the Manner directed by the ſaid former Act, and this Act, ſhall and may be transferrable from One Perſon to another by Indorſement, duly ſubſcribed by the Party transferring, in the Preſence of Two ſubſcribing Witneſſes.

Act of the *Scots* Parliament, for planting and inclosing Ground, repealed ſo far as the ſame may extend to the County of *Forfar*.

XXXVII. And be it further enacted, That the Power granted by the Act of the *Scots* 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 Depute 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 County of *Forfar*.

Act 29 *Geo.* III. extended to Roads under Management by Turnpike, or by Statute Labour.

XXXVIII. Provided always, That the general Clauſes herein contained, and the Powers granted to ſhut up and ſuppreſs Bye Roads, and for other Purpoſes, with the ſeveral Alterations and Amendments thereby made on the ſaid Act of the Twenty-ninth Year of His preſent Majeſty's Reign, ſhall be conſtrued to extend, as well to the Roads under Management by Turnpike, as to thoſe under Management by the Statute Labour.

Expences of the Act to be paid.

XXXIX. And be it enacted, That the Expence of procuring and paſſing this Act ſhall be paid out of the Tolls levied by virtue of the ſaid former Act and of this Act, upon the ſeveral Roads herein and therein particularly deſcribed, or out of the Money borrowed upon the Credit thereof, each of the Roads paying a Share in Proportion to the Benefit obtained, which Proportions of the ſaid Expence ſhall be ſettled by the Truſtees appointed by the ſaid former Act, and this Act, in General Meeting aſſembled; and ſuch Proportion of the ſaid Expence as ſhall be ſettled by the ſaid General Meeting to belong to the Roads under Management by Statute Labour, ſhall be defrayed and levied by a Tax upon the Heritors or Land Owners within the ſaid County of *Forfar*, to be impoſed at the ſaid General Meeting, according to the Valuation of their reſpective Lands, and to be collected by the Collectors of the Land Tax along with the ſame.

To compel Payment of Subſcription Money.

XL. And be it further enacted, That if any Perſon or Perſons who has or have ſubſcribed, or ſhall ſubſcribe, towards making and repairing the Roads by this Act intended to be made and repaired, ſhall neglect or refuſe to pay his, her, or their Subſcription Money, at ſuch Time

Time or Place as ſhall be appointed by the ſaid Truſtees, or any Seven or more of them, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to ſue for and recover the ſame in any Court competent in that Part of *Great Britain* called *Scotland*.

Publick Act.

XLI. And be it enacted by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act, and ſhall be judicially taken notice of as ſuch, by all Judges, Juſtices, and others whatſoever, without ſpecially pleading the ſame.

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