Anno ſeptimo

Georgii III. Regis.

An Act for repairing and widening ſeveral Roads leading from the Town of *Ayr*, and other Roads therein mentioned in the County of *Ayr*.

WHEREAS the High Road leading from the Town of Ayr, to Irvine; and alſo the Road from Ayr, to Kilmarnock; and the Road leading from Irvine, by Stewartoun, towards Pollocktoun, ſo far as that Road is within the County of Ayr; and alſo the Road from Irvine, to Saltcoates; and the Road from Irvine, to Kilmarnock; and alſo the Road from Kilmarnock, by Kilmares, to Stewartoun; and alſo the Road from Stewartoun, to a Place called Whitehouſe; and alſo the Road which departs from the Road between Stewartoun and Pollocktoun, to the March of the Shire towards Nalſton; and alſo the Road leading from Ayr, by Ochiltree, Old Cumnock, and New Cumnock, towards Sanquhar, ſo far as that Road is within the ſaid County of Ayr; and alſo the Road leading from Ayr, to Galſtoun, towards Srathaven, ſo far as that Road is within the ſaid County of Ayr; Preamble.

Ayr; and from Aſton Pople, Eaſt of New Milns, to Overmuir, in the Road to Egliſham; and alſo the Road leading from Ayr, by Mauchline, Sorn, and Muirkirk, towards Douglas, ſo far as that Road is within the ſaid County of Ayr; and alſo the Roads from the ſaid Village of Mauchline, to Galſtoun; and from Kilmarnock, to Galſtoun; and from Water-ſide of Loudoun, where it departs from the Road leading to Straven, towards Kingſwell, till it falls into the foreſaid Road from Kilmarnock, to Kingſwell; and alſo the Road leading from Kilmarnock and Kingſwell, to Flockbridge; and from the March of the Shire, towards Egliſham, till it joins the Road leading from Kingſwell, to Flockbridge; and alſo the Road leading from Kilmarnock, by Mauchline, to Old Cumnock; and alſo the Road leading from Galſtoun, by Sorn, to Old Cumnock; and alſo the Road leading from Kilwinning, by Dalray and Bieth, to Clark's Bridge; and from the ſaid Village of Dalray, to Maich Bridge; and alſo the Road leading from Kilwinning, by Bieth, to Caldſtream Bridge; and alſo the Road leading from Saltcoats by Largs, to Kelly Bridge; and alſo the Road leading from Irvine, by Stair Bridge, to Dalmellingtoun, are principal Roads in the ſaid County of Ayr, and much frequented by Travellers, and the due Reparation thereof is of great Conſequence to the Commerce of the Country, and the convenient Marching of His Majeſty's Troops: And whereas the foreſaid Roads, by the Deepneſs of the Soil in ſome Places, and the Narrowneſs and Ruggedneſs of the Roads in others, are in many Parts become impaſſable, in Winter, for Wheel Carriages and Horſes, and very dangerous for Travellers (and ſeveral Bridges on the ſaid Roads are in a ruinous Condition, and new Bridges will be neceſſary to be built) and cannot, by the ordinary Courſe and Method appointed by the Laws and Statutes of the Realm, be effectually repaired, amended, enlarged, and made paſſable, and, from time to time, kept in good Repair, or the ſaid Bridges repaired, built, and kept in good Repair: For Remedy whereof, May it 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 Sir Thomas Wallace of Craigie, Alexander Boſwell of Auchenleck, One of the Senators of the College of Juſtice; Sir David Cuningham of Milncraig,

Truſtees Names.

Sir John Cuningham of Capringtoun, Alexander Montgomerie of Coilsfield, Hugh Douglaſs of Garrallan, John Bigg of Dornell, Mungo Campbell of Nether Place, John Lockhart of Lee, John Campbell of Auchmunnoch, Robert Wallace of Holmſtoun, William Muir of Bruntwood, John Campbell of Wellwood, Hugh Campbell of Greenockmains, James Campbell of Treeſbank, Alexander Milliken of Duncanziemer, John Mitchell of Halglenmuir, William Cuninghame of Auchenſkeith, James Lennox of Darnconner, William Logan of Camlarg, John Steel Miniſter of Stair, John Campbell of Skerringtoun, Alexander Farquhar of Gilminſcroft, Colonel Archibald Montgomerie of Minnoch, Sir David Cunningham of Corſehill, Patrick Crauford of Auchnames, Patrick Hunter of Hunterſtoun, Thomas Boyd of Pitcon, John Dunlop of Dunlop, John Crauford of Craufordland, James Ballantine of Kelly, John Glen of Aſloas, Niſbet of Corſinn, David Blair of Giffordland, William Miller of Mountcaſtle, Robert Barns of Kirkhill, Robert Love of Threepwood, John Shedden of Millburn, David Bannatyne of Gordrum, Archibald Cuningham of Caddell, Robert Hamilton of Bourtreehill, William Muir of Caldwall, William Gilchriſt of Annanhill, Patrick Warner of Ardier, John Orr of Burrowfield, John Snodgraſs of Cuninghamhead, Charles Mc Dowal of Ferguſhill, Sir John Catchcart of Carletoun, Sir John Whitefoord of that Ilk, John Hamilton of Barganey, James Whitefoord of Dinduff, Archibald Crauford of Ardmillan, Robert Wallace of Sauchrie, David Kennedy of Drummilland, John Cathcart of Knockdolian, John Mc Adam of Craigengillan, David Kennedy of Bellimore, William Ferguſſon of Auchenſoul, John Hutcheſon of Munkwood, John Crauford of Doonſide, James Chalmer of Kildonnan, Gilbert Mc Micken of Killantringan, William Duff of Kirkland, Hamilton Kennedy of Bennan, David Kennedy of Kirkmichael, Walter Kennedy of Knockdon, Thomas Gordon younger, of Earlſtoun; Charles Dalrymple of Orangefield, Andrew Hunter of Park, Ivie Hair of Rankinſtoun, Robert Alliſon of Whitehill, James Alliſon of Corraith, Thomas Rigg of Morton, Robert Aird of Corsflat, Gilbert Mc Adam of Merkland, Alexander Fairlie of that Ilk, Sir Adam Ferguſſon of Kilkerran, Hugh Montgomerie younger, of Coilsfield; William Campbell younger, of Netherplace; Alexander Muir younger, of Bruntwood; John Brown of Knockmarloch, Captain Alexander Cuningham of Corſehill, Archibald Stevenſon of Mountgreenan, William Wallace younger, of Sauchrie; Robert Cathcart

younger; of Knockdolian; John Millar of Glenlie; Thomas Miller of Barskimming, Lord Justice Clerk; John Cathcart of Carbiestoun, Robert Kerr of Newfield, William Campbell of Muirkoumalins, Major Alexander Dunlop of Aiket, William Park of Langlands, Boyd Potterfield of Doughall, George Fullertoun of Bartenholm, Robert Kennedy of Daljarrock, James Mc Harg of Kiers, James Stevenson of Glasinock, William Mc Ilwraith of Dalreoch, William Mc Ilwraith younger thereof, Matthew Stewart of Catrine, John Shaw of Dunaskine, Robert Kennedy of Pinmore, Charles Stewart of Kirkwood, Hugh Ross of Kerse, David Mc Gill of Kingancleugh, Thomas Hamilton of Wellwood, John Dalrymple of Stair, Colonel James Muir Campbell of Rowallan, John Hamilton of Grange, Hamilton Blair of Blair, Alexander Mc Millan of Dinmore, William Mc Kerrol of Hillhouse, Hugh Campbell of Mayfield, James Logan of Knockshinnoch, Adam Crauford of Dalzeagles, William Paterson of Braehead, Writer in Kilmarnock; John Stewart Shaw of Greenock, William Mc Creadie of Pearstoun, Hugh Dalrymple of Craig, William Gilchrist younger, of Ananhill; John Gebbie of Middlethird, John Mc Dermeit Fergushill of Burhockstoun, William Logan of Castlemains, William Fergusson of Doonholm, William Gemmill of Boigside, Spencer Boyd of Pinkill, William Boyd of Trochrigg, James Dunlop of Smiddishaw, William Hunter of Brownhill, James Mc Adam of Aiket, William Dalrymple Minister of Ayr, Captain James Mc Ghie of Skeldon, William Gairdner of Ladykirk, John Hamilton of Sundrum, Hugh Kennedy younger, of Bennan; and also every other Person who is or shall be, during the Continuance of this Act, infeft as Proprietor or Life-renter of Lands, lying within the said County of Ayr, valued in the Tax Roll of the County, to the Extent of Two hundred Pounds Scots per Annum; or who is Heir Apparent to such Person so infeft; and also the Provost of the Burgh of Ayr, for the time being; and also the Provost of the Burgh of Irvine, for the time being, and the eldest Baillie of the Town of Kilmarnock, for the time being; shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, repairing, and keeping in Repair, the said Roads and Bridges; and the said Trustees, or the Survivors of them, or any Seven or more of them, at their First General Meeting to be held at Ayr, upon the Second Tuesday of July, in the Year of our Lord One thousand seven hundred and sixty seven, or any of their adjourned Meetings, as herein after directed, shall erect,

Trustees may erect Turnpikes and Toll-houses,

or

or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in or acroſs all or any of the ſaid Roads, and alſo ſuch Number of Toll-houſes as they ſhall think fit in or upon the ſame; and demand and take the Tolls and Duties following, at the ſeveral Turnpikes to be erected by them upon the reſpective Roads aforeſaid, before any Coach, Chariot, Berlin, Landau, Calaſh, Chaiſe, Waggon, Cart, or other Carriage whatſoever, or any Horſe, Mare, Gelding, or other Cattle whatſoever, paſs through the ſame; that is to ſay; For going through the Gates or Turnpikes to be ſet up or erected upon the ſaid Road leading from the Town of Ayr to Irvine; and alſo upon the Road from Ayr to Kilmarnock; and alſo upon the Road leading from Irvine, by Stewartoun, towards Pollocktoun, ſo far as the Road is within the County of Ayr; and alſo upon the Road from Irvine to Saltcoates; and alſo upon the Road from Irvine to Kilmarnock; and alſo upon the Road from Kilmarnock, by Kilmares, to Stewartoun; and alſo upon the Road from Stewartoun to a Place called Whitehouſe; and alſo upon the Road which departs from the Road between Stewartoun and Pollocktoun to the March of the Shire towards Nalſton; and alſo upon the Road leading from Ayr, by Ochiltree, Old Cumnock, and New Cumnock, towards Sanquhar, ſo far as that Road is within the ſaid County of Ayr; and alſo upon the Road leading from Ayr to Galſtoun towards Strathaven, ſo far as that Road is within the ſaid County of Ayr; and from Aſton Pople, Eaſt of New Milns, where the Road turns off to Overmuir in the Road to Egliſham, ſo far as is within the ſaid County; and alſo upon the Road leading from Ayr, by Mauchline, Sorn, and Muirkirk, towards Douglaſs, in the County of Lanerk, ſo far as that Road is within the ſaid County of Ayr; and from the ſaid Village of Mauchline to Galſtoun; and from Kilmarnock to Galſtoun; and from Waterſide of Loudoun where it departs from the Road leading to Straven, till it joins the Road from Kilmarnock to Kingſwell; and alſo upon the Road leading from Irvine to Kilmarnock; and alſo upon the Road from Kilmarnock to Kingſwell and Flockbridge; and alſo upon the Road from the March of the Shire towards Egliſham, till it joins the Road between Kingſwell and Flockbridge, the Tolls and Duties following; videlicet, and take Tolls thereat.

For every Coach, Chariot, Berlin, Landau, Calaſh, Chaiſe, Chair, or Hearſe, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Four Shillings; and The Tolls.

drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Three Shillings; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Six Pence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by One Horse, Mare, or Gelding, the Sum of Nine Pence.

For every Waggon, Wain, Cart, or other Wheel Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Six 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 Four 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 One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Six Pence.

For every Sledge without Wheels, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Pence.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Horses or Fillies unshod, the Sum of One Shilling and Eight Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Sheep, Lambs, Hogs, or Goats, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

And for going through the Gates or Turnpikes to be erected upon the Road leading from Kilmarnock, by Mauchline, to Old Cumnock; and also upon the Road leading from Galstoun, by Sorn, to Old Cumnock; and also upon the Road leading from Galstoun to Mauchline; and also upon the Road leading from Kilwinning, by Dalray and Bieth, to Clark's Bridge, and from the said Village of Dalray to Maich Bridge; and also upon the Road leading from Kilwinning, by Bieth, to Caldstream Bridge, the Tolls and Duties following; videlicet,

For every Coach, Chariot, Berlin, Landau, Calash, Chaise, Chair, or Hearse, drawn by Six Horses, Mares, Geldings,

Geldings, or Mules, the Sum of Two Shillings and Eight Pence; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Eight Pence; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by One Horſe, Mare, or Gelding, the Sum of Six Pence.

For every Waggon, Wain, Cart, or other Carriage, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Four Shillings; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings and Four Pence; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings and Eight Pence; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Four Pence; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight Pence; and drawn by One Horſe, or other Beaſt of Draught, the Sum of Four Pence.

For every Sledge without Wheels, the Sum of Four Pence.

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Four Pence.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score; and ſo in Proportion for any greater or leſs Number.

For every Drove of Horſes or Fillies unſhod, the Sum of One Shilling and Eight Pence per Score; and ſo in Proportion for any greater or leſs Number.

And for every Drove of Calves, Sheep, Hogs, Lambs, or Goats, the Sum of Five Pence per Score; and ſo in Proportion for any greater or leſs Number.

And for going through the Gates or Turnpikes to be erected upon the Road leading from Irvine, by Kilwinning, to Saltcoats; and alſo upon the Road from Saltcoates, by Largs, to Kelly Bridge; and alſo the Road leading from Irvine, by Stair Bridge, to Dalmellingtoun, the Tolls and Duties following; videlicet,

For every Coach, Chariot, Berlin, Landau, Calaſh, Chaiſe, Chair, or Hearſe, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Four Shillings; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Three Shillings; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of Two

Shillings and Six Pence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by One Horse, Mare, or Gelding, the Sum of Nine Pence.

For every Waggon, Wain, Cart, or other Wheel Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Six 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 Four 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 One Shilling; and drawn by One Horse, or other Beast of Draught, the Sum of Six Pence.

For every Sledge without Wheels, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Pence.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Horses or Fillies unshod, the Sum of One Shilling and Eight Pence per Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Sheep, Lambs, Hogs, or Goats, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls vested in Trustees.

Which Monies, so to be raised and collected upon the several Roads aforesaid, shall, and the same is hereby declared to be vested in the said Trustees for the respective Roads; and the same and every Part thereof, shall be paid, applied, and disposed of, and assigned to and for the several Uses and Purposes by this Act directed, the reasonable Charges expended, or that shall be paid in or about or by reason of passing this Act, being first deducted and paid in Manner hereafter mentioned: And it shall and may be lawful 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, at a General Meeting assembled, 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, shall

Tolls to be levied by Distress and Sale.

ſhall authoriſe and appoint, to levy each and every of the ſaid Tolls and Duties by Diſtreſs and Sale 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 or Chattles of ſuch Perſon or Perſons ſo refuſing to pay the ſaid Tolls or Duties, and to keep ſuch Goods or Chattles, ſo diſtrained, until the ſaid Tolls, with the reaſonable Charges 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 Proprietors of any ſuch Goods and Chattles ſo diſtrained, after deducting ſuch Toll or Duty, and the reaſonable Charges for diſtraining, appraiſing, and ſelling the ſame.

Diſtreſs may be ſold after 4 Days.

And, for preventing any Diſpute that may ariſe touching the Payment of any of the Tolls or Duties hereby granted, and to be taken on the ſeveral Roads by this Act intended to be repaired; be it further enacted by the Authority aforeſaid, That if there ſhall be Two or more Turnpikes or Toll-bars erected on or acroſs, or on the Side of all or any of the aforeſaid Roads, then, and in ſuch Caſe, the Tolls and Duties hereby granted may and ſhall be divided and made payable in ſo many Parts, Shares, and Proportions, and ſuch Parts thereof ſhall be taken and received at ſuch Turnpikes and Toll-bars, as the ſaid Truſtees, or any Seven or more of them, at their Firſt General Meeting, or at any ſubſequent General Meeting, ſhall order and appoint; ſubject always to ſuch Alteration or new Diviſion as ſhall be judged neceſſary by any ſubſequent General Meeting of the ſaid Truſtees.

To prevent Diſputes in Payment of Tolls.

Provided always, That the aforeſaid Roads ſhall be burdened with no higher Toll or Duty than is appointed and granted by this Act.

Proviſo.

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, at a General Meeting aſſembled, to chuſe and appoint a fit Perſon or Perſons to be Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, Clerk or Clerks, to the ſaid Truſtees for their reſpective Diſtricts, for receiving the Tolls or Duties granted and made payable by this Act; and alſo One or more fit Perſon or Perſons to be Surveyor or Surveyors of the ſaid Roads in their ſeveral

Truſtees to appoint Officers;

and remove them, and appoint others.

ral Diſtricts, or ſuch other Officer as they ſhall think proper; and, from time to time, to remove ſuch Officers, or any of them, as they ſhall ſee Occaſion, 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 to the ſaid Collector or Collectors, Receiver or Receivers, ſo from time to time to be appointed as aforeſaid, after the Rates aforeſaid: And the Perſon or Perſons to be appointed as aforeſaid for receiving the ſaid Tolls or Duties, and alſo the Surveyor or Surveyors, ſhall, on the Firſt Tueſday in every Month, or at any other Time to be appointed by the ſaid Truſtees, or any Seven or more of them, 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 Monies 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; 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 authorize and appoint to receive the ſame, to be diſburſed and laid out in amending and repairing the ſaid Roads, or carrying into Execution the ſeveral Powers of this Act, and no otherwiſe: And the ſaid Truſtees, or any Seven or more of them, at a General Meeting aſſembled, ſhall and may, and they are hereby authorized and impowered, out of the Money ariſing by the ſaid Tolls or Duties veſted in them, to make ſuch Allowances unto the ſeveral Officers ſo by them appointed, 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 as aforeſaid, by advancing or laying out any Monies, or otherwiſe relating thereto; as the ſaid Truſtees, or any Seven or more of them, ſhall think fit: 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 to ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them

Officers to account upon Oath.

Truſtees to allow Officers Salaries.

Officers refuſing to account,

as

as aforeſaid, ſhall direct; that then the ſaid Truſtees ſhall make Enquiry of and concerning ſuch Default, as well by the 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 Two or more of them, are hereby impowered to adminiſter) or by other legal Evidence; and if any Perſon or Perſons ſhall be convicted of the Offences aforeſaid by the ſaid Truſtees, or any Seven or more of them, that the ſaid Truſtees, or any Seven or more of them, ſhall, and they are hereby impowered to impoſe or levy a Sum of Money from or 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 Seven or more of them, to make Complaint to any Two Juſtices of the Peace for the County of Ayr, who, upon ſuch Complaint and Proof of the Offence, are impowered to commit ſuch Perſon or Perſons to the Common Gaol of the County, there to remain until he, ſhe, or they, ſhall 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 Seven or more of them as aforeſaid; (which Compoſition they, or any Seven or more of them as aforeſaid, are hereby impowered to make) and have paid ſuch Compoſition to the Treaſurer or Treaſurers for the time being, or ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them as aforeſaid, ſhall appoint.

and commit the Offender,

until Payment or Compoſition made.

Provided always, 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 infeft in Superiority or Property, or poſſeſſed as Proprietor or Life-renter, of Lands valued in the Tax Roll for the ſaid County of Ayr, to the Extent of One hundred Pounds Scots of valued Rent per Annum, excepting the eldeſt Sons and Heirs Apparent of Perſons who are ſo infeft in Lands of the Extent and Valuation aforeſaid: And if any Perſon or Perſons, who ſhall be deemed unqualified or made uncapable to act for the Cauſes aforeſaid, ſhall nevertheleſs preſume to act, contrary to the true Intent and Meaning of this Act; every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of

Qualification of Truſtees.

Penalty on acting if not qualified.

Ten Pounds Sterling; to be recovered and applied in Manner herein after directed.

Treaſurer, &c. to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall, and they are hereby required to, take ſuch Security from their Treaſurers to be appointed for the Purpoſes of this Act, for the due Execution of their Offices, as to the ſaid reſpective Truſtees, or any Seven or more of them, ſhall ſeem meet.

Truſtees may erect Side-gates,

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, at a General Meeting aſſembled, to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of all or any of the aforeſaid Roads, and acroſs any Lane leading out of or into the ſame; and there to take and receive ſuch Tolls as are by this Act granted and made payable, or ſuch Part thereof as the ſaid Truſtees ſhall think reaſonable; but ſo as that a Ticket received at ſuch Side-bar ſhall intitle the Receiver to paſs through the next Turnpike on the ſame Road Toll-free, in caſe he ſhall have Occaſion to paſs through ſuch Turnpike the ſame Day.

and take Tolls thereat.

Application of Monies.

And be it further enacted by the Authority aforeſaid, That the Produce of the Tolls and Duties ariſing on each of the aforeſaid Roads ſhall be applied by the Truſtees towards amending, upholding, and repairing, the Road on which ſuch Tolls or Duties ſhall reſpectively be collected, or to the building new Bridges thereupon, where the ſame ſhall be found neceſſary, ſo as each particular Road may have its own Produce; and that the ſaid Truſtees, or any Seven or more of them, at a General Meeting aſſembled, ſhall and they are hereby required to aſcertain the Quota or Quotas of the Produce ariſing from each of the ſaid ſeveral Roads, after deducting a proportional Part of Charges of Management and Payment of the Expences of obtaining this Act, and to direct the ſame to be applied towards the repairing and keeping in Repair the ſaid ſeveral Roads and Bridges thereon, ſo as each particular Road may have the Produce ariſing therefrom expended in the Reparation thereof as aforeſaid.

When any particular Road is repaired, Tolls to ceaſe.

Provided always, That after any of the Roads appointed to be repaired by this Act ſhall be ſufficiently amended and repaired, and ſhall be ſo found and adjudged by the Truſtees, or any Seven or more of them, at a General Meeting appointed for that Purpoſe; that then

then and thereafter the ſaid Truſtees, or any Seven or more of them, aſſembled as aforeſaid, ſhall, and they are hereby impowered to, ordain and appoint the Tolls and Duties upon the Road ſo repaired and amended to ceaſe in the Whole, or to be diminiſhed in ſuch Proportions as the ſaid Truſtees, ſo aſſembled as aforeſaid, ſhall appoint, ſo far as they ſhall judge it proper for the Purpoſe of keeping the ſaid Road in Repair: And to the End the aforeſaid ſeveral Roads may be the more eaſily repaired, amended, and kept in Repair, the ſaid Truſtees, or any Seven or more of them, at their Firſt General Meeting, or at any ſubſequent General Meeting, are hereby authorized to divide themſelves into different Diſtricts or Claſſes, and to authorize and appoint ſuch of their Number as they ſhall think proper, who ſhall live near to each of the foreſaid Roads, to act as Truſtees within ſuch Diſtricts; and which Truſtees ſo named and appointed by the General Meeting upon each of the aforeſaid Diſtricts, or any Five or more of them, are hereby authorized and impowered to give ſuch Orders and Directions for repairing the Roads and Bridges for which they ſhall be particularly named and appointed, and for applying the Money that ſhall be appropriated for that Purpoſe, as they ſhall think proper.

Truſtees to divide themſelves into Diſtricts:

Provided always, That the ſaid Truſtees for the reſpective Diſtricts aforeſaid ſhall be accountable to the General Meeting of the Truſtees by this Act appointed, 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 ſhall be made, Reports of the State and Condition thereof, and proper Eſtimates of the Sum or Sums of Money neceſſary to amend and repair the ſame, ſhall be laid, by One or more of the Truſtees appointed for the different Diſtricts, before a General Meeting of the Truſtees by this Act appointed, who thereupon may order ſuch Sums of Money as they ſhall think proper out of the Tolls and Duties ariſing from each Road reſpectively, or the Monies to be borrowed upon the Credit thereof, to be applied for the ſaid Purpoſes in ſuch Manner as is by this Act directed.

To be accountable to a General Meeting.

Provided always, and be it further enacted by the Authority foreſaid, That if any of the Heretors or Bodies Corporate of the ſaid County of Ayr, will find ſufficient

Heretors to repair their own Roads.

ficient Security to the Truſtees, or any Seven or more of them, convened at a General Meeting or Adjournment thereof, within Six Months after the Firſt General Meeting of the ſaid Truſtees in conſequence of this Act, that he or they, at his or their own Expence, and by the Statute-work during the Continuance of this Act, will, within the Space of Four Years after paſſing this Act, make any of the foreſaid Roads, according as the ſame ſhall be marked out by the Truſtees, in ſufficient Repair, and keep the ſame ſo during the Continuance of this Act; and begin the Reparation of ſuch Road or Roads within the Space of Twelve Months from the ſaid General Meeting, and put One Third thereof in ſufficient Repair every Year till all is completed to the Satisfaction of ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, convened as aforeſaid, ſhall name and appoint, under the Penalty of One hundred Pounds Sterling for each meaſured Mile of ſuch Road, and ſo proportionally for every greater or leſſer Quantity which ſhall not be put in ſufficient Repair as aforeſaid within the Space beforementioned, and kept in proper Repair thereafter during the Continuance of this Act, to be paid to the Treaſurer or Treaſurers of the ſaid Truſtees, to be applied by their Direction for the Reparation of the ſaid Road; then, and in that Caſe, it ſhall not be lawful for, or in the Power of, any of the foreſaid Truſtees to erect, or cauſe to be erected, any Toll-bars or Turnpikes on ſuch Road or Roads for which Security ſhall be found as aforeſaid; or to claim or demand any Toll or Duty for paſſing on the ſaid Road with any Horſe, Cattle, or Carriage whatever, other than the Statute-work of any Parish or Pariſhes through which ſuch Road or Roads paſs, during the Continuance of this Act; but when another of the Roads by this Act appointed to be put in Repair goes through Part of the ſame Pariſh, in that Caſe the Statute-work of the Pariſh is to be divided in Proportion to the Length of ſuch Roads by the Truſtees.

No Money to be applied without an Order of the Truſtees.

And be it further enacted by the Authority aforeſaid, That no Part of the Tolls or Duties which ſhall ariſe and be levied by virtue of this Act, or of the Monies which ſhall be borrowed upon the Credit of ſuch Tolls or Duties, ſhall be applied, laid out, and appropriated, without the Order of the ſaid Truſtees, 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 as aforeſaid, ſhall authorize and appoint.

And

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees for each of the ſaid reſpective Diſtricts ſhall keep an exact Account of the Money received by virtue of this Act, and the Application thereof, and all other their Proceedings; and ſhall enter the ſame in a Book or Books to be kept for that Purpoſe, to which the Heretors of the County of Ayr ſhall, at all reaſonable Times, be at Liberty to reſort and inſpect without Fee or Reward. Accounts to be kept.

And be it further enacted by the Authority aforeſaid, That in caſe of Miſapplication of any Money collected, received, and 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 County aforeſaid, poſſeſſed of Two hundred Pounds Scots each of valued Rent, who are hereby authorized to ſue for and recover the ſame, in an Action ſummarily before the Court of Seſſion, without abiding the Courſe of the Roll, with Full Coſts of Suit; One Moiety of ſuch Forfeiture, when recovered, ſhall belong to the Perſon or Perſons who ſue for the ſame, and the other Moiety ſhall be paid to the ſaid Truſtees, to be applied by them, or any Seven or more them as aforeſaid, for repairing the Roads by this Act directed to be repaired; but if any ſuch Proſecution ſhall after Trial be found vexatious and groundleſs, the Proſecutor or Proſecutors ſhall be liable to pay Double Coſts. To prevent Miſapplication of Money.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall maliciouſly break down, pull down, or otherways deſtroy any Turnpikes, Gates, Poſts, Chains, Bars, or other Works whatſoever, or the Houſes erected for the Uſe of ſuch Turnpikes, or abuſe or maltreat any of the Toll-gatherers, or ſhall reſcue any Perſon or Perſons in Cuſtody for any of the ſaid Offences; every Perſon or Perſons ſo offending in any of the Premiſſes, and being thereof lawfully convicted in any Proſecution ordered by the ſaid Truſtees, or any Seven or more of them, by the Oath of One or more credible Witneſs or Witneſſes, before any Two or more of the Juſtices of the Peace of the County of Ayr, ſuch Perſon or Perſons ſo offending, ſhall not only pay the whole Damages and Expences ſuſtained by the ſaid Truſtees, but alſo be publickly whipped or ſcourged through the Borough of Ayr, or next adjacent To prevent deſtroying of Turnpikes.

jacent Borough of the County where the Offence shall be committed, upon a Market Day between the Hours of Ten and Twelve in the Forenoon: And if any such Person shall offend a Second Time, and be thereof convicted as aforesaid, it shall be lawful for any Two or more of the Justices of the Peace for the said County, to adjudge such Person or Persons to be imprisoned in the nearest Common Gaol of the County for any Time not exceeding Six Calendar Months, and to be publickly whipped or scourged as aforesaid.

Penalty of a Second Offence.

Penalty on permitting, or going thro' private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons occupying any Lands near to any Turnpikes which shall be erected in pursuance of this Act, shall knowingly or willingly permit or suffer any Person or Persons to pass over or through the same, or through any Gate, Passage, or Way therein, with any Coach, Cart, or other Carriage, or with any Horse, Ass, or other Cattle, whereby the Payment of the Toll or Duty, by this Act imposed, shall be avoided; every such Person or Persons so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted, by the Testimony of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace of the County, shall, for every such Offence, forfeit and pay to the said Trustees, or their Collector or Collectors, the Sum of Twenty Shillings.

or taking off Horses, &c. to avoid Payment of 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 or Horses, Mares, or Geldings, from any Coach, Chaise, Chariot, Berlin, Landau, Calash, Chair, or Hearse, or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected in virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby imposed; or shall put and leave in any House or Place, any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, 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 in any of the Cases aforesaid, shall forfeit and pay to the Trustees appointed to put this Act in Execution, or

to

to their Collector for the time being, the Sum of Twenty Shillings.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the reſpective Surveyor or Surveyors aforeſaid, or ſuch Perſon or Perſons as he or they ſhall appoint, by Order of any Seven or more of the Truſtees, to open Stone Quarries, dig, gather, take, and carry away, any Stones, Gravel, Furze, Heath, Sand, or other Materials, out of any Waſte or Common in the ſaid County, without paying any thing for the ſame; ſuch Surveyor or Surveyors filling up and levelling, or cauſing to be filled up and levelled, all ſuch Holes and Pits where any ſuch Materials as aforeſaid ſhall be digged, gathered, or taken, and from whence the ſame ſhall be taken or carried away; and where there is not ſufficient of any 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, and carry the ſame out of, the Grounds of any Perſon or Perſons (not being the Ground whereon any Houſes ſtand, nor a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any Houſe, nor any Piece or Parcel of Ground ſet apart and uſed as a Nurſery for Trees) where ſuch Materials are or may be found; and, from time to time, to cauſe the ſame to be carried off, or ſo much thereof as the ſaid Surveyor or Surveyors ſhall judge neceſſary for repairing and amending the Roads aforeſaid, paying only for the Damage done to the Owners and 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; the Amount of which Damage ſhall be ſettled and aſcertained by any Five or more of the Truſtees living in the Neighbourhood from which the ſaid Materials are taken: And in caſe of any Difference between ſuch Owners and Occupiers and the ſaid Truſtees, touching ſuch Demands as aforeſaid, the Truſtees, or any Seven or more of them, at a General Meeting aſſembled, ſhall and may judge and finally determine the ſame; but ſuch Diſpute or Difference ſhall not, in the mean Time, hinder the uſing or carrying off the ſaid Materials, and applying the ſame towards repairing the ſaid Roads.

Surveyors may dig Gravel, &c.

without paying for the ſame; levelling the Pits, &c.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Truſtees to determine Differences.

Surveyors may make Cauſe ways, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors of the ſeveral Roads aforeſaid, and to ſuch Perſon or Perſons as they ſhall appoint, by Order of the ſaid Truſtees, or any Seven or more of them, to make, or cauſe to be made, Cauſeways, and cut and make Drains through the Grounds lying

and erect Bridges, &c.

contiguous to the ſaid Roads; and to make or erect Arches or Bridges of Brick, Timber, or Stone: And alſo to and for any Seven or more of the ſaid Truſtees, if they find any of the aforeſaid Roads not of a ſufficient Breadth, according to the Rule and Standard eſtabliſhed in Scotland, to widen and extend the Breadth of ſuch

and make a temporary Road;

Roads to the legal Standard; and where it ſhall appear neceſſary to alter the Situation 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, at a General Meeting aſſembled, ſhall, and they are hereby authorized and impowered, by a Writing under their Hands, to order and direct the Situation of the ſaid Roads to be altered, or the ſaid Roads to be extended to ſuch Breadth as they ſhall think proper, not exceeding Fourteen Yards; and for that Purpoſe to pull down and demoliſh any Houſe or Building, whoſe Side Walls ſhall not exceed Twelve Feet in Height, and to remove any other Obſtructions: And the ſaid Surveyor or Surveyors ſhall, and they are hereby impowered, by Order of the ſaid Truſtees, or any Seven or more of them, to make ſuch Ditch or Ditches, Trench or Trenches, as the ſaid Surveyor or Surveyors ſhall judge neceſſary for the draining, amending, and repairing, the Roads

making Satisfaction to the Owners.

aforeſaid, paying ſuch Damage to the Owners or Occupiers reſpectively, whoſe Grounds or Houſes ſhall be prejudiced or damaged by ſuch Alteration or widening of the ſaid Roads, as the ſaid Truſtees, or any Seven

Juſtices to determine Differences.

or more of them, ſhall judge reaſonable: And in caſe of any Difference concerning the ſame between the ſaid Owners and Occupiers and the ſaid Truſtees, the Juſtices of the Peace of the ſaid County at the next General Quarter Seſſions, or at the Second General Quarter Seſſions thereafter at furtheſt, or the major Part of them then preſent, ſhall and may adjudge, aſſeſs, and finally determine the ſame, and order the ſame to be paid by the Treaſurer or Treaſurers of the Tolls for the time being, out of the Monies ariſing by the ſaid Tolls.

Provided

Buildings, &c. not to be damaged.

Provided always, That in altering or widening the aforeſaid Roads, nothing ſhall be done which may any ways prejudice or damage any Houſe or Building (except as aforeſaid) 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 where it ſhall be found neceſſary to make Paſſages for the Water from ſuch Ditches or 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 from thenceforth 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 Seven or more of them, ſo as the ſaid Outlets may not be ſtopped, or the Water made to re-ſtagnate in the ſaid Trenches or Ditches, but may have free Paſſage through the ſaid Proprietor's Grounds; and in caſe of the Proprietor's or Poſſeſſor's neglecting or refuſing to clear or cleanſe ſuch Outlets when duly required by the Surveyor or Surveyors of the ſaid Roads, or any Three of the Truſtees, then, and in that Caſe, ſuch Surveyor or Truſtees, or ſuch Perſon or Perſons as they ſhall reſpectively appoint, ſhall and may clear and cleanſe ſuch Outlets and Paſſages, and levy the Expence thereof on the Proprietor or Poſſeſſor of ſuch Grounds ſo required and refuſing to cleanſe the ſame, in Manner herein after directed.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons, having Occaſion to paſs through any Turnpike or Turnpikes to be erected by virtue of this Act, and who ſhall return the ſame Day through the ſame Turnpike or Turnpikes before Twelve of the Clock at Night with the ſame Coach or Cart, or other Wheel Carriage, or with the ſame Horſe, Aſs, or other Beaſt or Cattle, ſhall be liable or compelled to pay the ſaid Tolls or Duties more than Once; and ſhall on Demand be furniſhed with a Note or Ticket, Notes or Tickets, ſignifying the Payment of ſuch Toll or Duty; which Note or Ticket, Notes or Tickets, ſhall give Acceſs to the ſaid Perſon or Perſons, returning the ſame Day as aforeſaid, to repaſs the ſaid Turnpike or Turnpikes Toll-free; but in caſe the ſame Coach, Cart, or other Wheel Carriage, Horſe, Aſs, or other Beaſt, or Cattle, ſhall paſs the Turnpikes with a new Loading a Second or more Times in the ſame Day,

they shall, in that Case, be subjected to pay the Tolls for each Time they shall so pass, in the same Manner as for the First Time.

Penalty on Persons giving or receiving Tickets to avoid Payment of the Tolls.

And, for preventing Frauds and Abuses in the said Tolls, 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 thereof, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person so giving and disposing thereof, and the Person receiving the same, being convicted thereof upon Oath by One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace of the said County where such Offender shall reside, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, to be levied and recovered in Manner herein after directed.

Exemptions from Tolls.

Provided always, and it is hereby further enacted and declared, That no Tolls or Duties shall be demanded for or in respect of any Horses or Carriages which shall be employed in carrying Stones or other Materials for repairing the Roads or Bridges, or Causeways belonging to the same, or carrying Stones into the Boroughs of Ayr or Irvine, or the Town of Kilmarnock, for paving the Streets, or any of the Outlets, to and from the said Boroughs, or carrying any Kind of Corn or Victual to and from any Mill, or carrying Farm Meal to the Granaries of any Heretor, or Dung, Lime, or other Manure for Land or Gardens, or Rubbish, or Ploughs, Harrows, or other Implements of Husbandry, or any other Matter for the manuring or stocking of any Lands near to the said Roads; nor for any Carts, Wains, or Waggons, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Barns, or Yards, of or belonging to the Heretors, Tenants, or Inhabitants, adjacent to the said Roads, unless the same shall be carried for Sale, or when sold, in which Cases they shall be charged with the said Tolls and Duties; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass through the said Turnpikes to or from any Church, Chapel, or any other Place of religious Worship, on Sunday; nor for any Horses or Cattle going to or returning from Pasture or Watering-places; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers who are upon their March, or the Carriages attending upon them.

Carriages exempted to be drawn by Two Horſes.

Provided always, That ſuch Carriages, ſo to be exempted from the Tolls or Duties as aforeſaid, ſhall be drawn by no more than Two Horſes; and that all Carts, Waggons, or other Carriages, drawn by more than Two Horſes, Mares, Geldings, or other Beaſts of Draught, ſhall be liable to, and chargeable with, the Payment of the ſaid Tolls and Duties hereby granted; excepting the Carriages belonging to and attending his Majeſty's Troops upon their March, which in no Caſe ſhall be ſubject to the above Tolls or Duties; any thing in this Act contained to the contrary notwithſtanding.

Coals to be exported exempt from Tolls.

Provided alſo, and it is hereby further enacted and declared, That all Coals to be ſhipped for Exportation from the Sea Ports of Ayr, Irvine, or Saltcoates, ſhall be exempted from the ſeveral Tolls or Duties impoſed by this Act; but as Coals to be exported as aforeſaid cannot be diſtinguiſhed at the Turnpikes to be erected upon the Roads leading to the ſaid Sea Ports, from the Coals to be conſumed in the ſaid Towns, or paſſing through the ſame for Inland Sale, the Collector or Collectors are hereby authorized to demand and receive Toll for all Coals whatever; but that the Collector or Collectors at the different Toll-bars ſhall, upon receiving the Toll, deliver to the Perſon paying the ſame a Note or Ticket, having the Words SHIP COAL prefixed, and ſpecifying the Number of Loads or Carts ſo paid for as aforeſaid; and that the Maſter of the Ship or Veſſel, on board of which any Coals ſhall be actually ſhipped for Exportation, or any other Perſon by his Order, upon returning the aforeſaid Ship Tickets to the Collector or Collectors who iſſue the ſame, ſhall be repaid the Amount of the Tolls that were ſo paid therefore.

Coal Carriages, &c. to pay a Toll in proportion to the Space they travel.

Provided always, That no Cart or Carriage loaded with Coals, nor any Horſe or other Beaſt carrying Coals in Loads, ſhall be any further liable to the Payment of Toll for paſſing any Turnpike to be erected upon any of the Roads directed to be repaired by this Act, but in Proportion as the ſaid Cart, Carriage, or Beaſt, loaded with Coals, ſhall have travelled upon the ſaid Roads; and that at the Rate of One Penny for each Horſe or other Beaſt; and of Two Pence for each Cart or Carriage drawn by One Horſe; and of Four Pence for each Cart or Carriage drawn by Two Horſes, for every Four meaſured Miles of Road; but in caſe ſuch Cart or Carriage ſhall be drawn by Three or more Horſes, the ſame ſhall be ſubject and liable to pay the full Tolls and Duties impoſed by this Act.

And

Persons, &c. chargeable to the Highways, to continue so.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons who are by Law subject and liable to the repairing and amending the Roads hereby directed to be repaired, shall remain chargeable with, and shall do and perform, their respective Works upon such Roads as the Trustees appointed by this Act, or any Five or more them, shall direct, in such Manner as he or they ought to have done before passing this Act.

Heretors to be liable to the Repairs in proportion to their Lands.

And, for removing all Doubts and Questions concerning what Persons are liable to repair and amend the said Roads as aforesaid, be it further enacted and declared, That all and every Heretor labouring or 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 which such Heretor labours or possesses: And in case any Question shall arise what Persons are liable to perform such Services at or upon the several Roads hereby intended to be repaired, or at what Times or Places, or to what Extent, the Justices of the Peace for the said County, assembled at the Quarter Sessions, are hereby impowered to hear, adjudge, and finally determine, the same.

Proviso.

Provided always, That no Person shall be called to work without the Bounds of the Parish where he resides, except to a Place in a neighbouring Parish at no more than Three Miles Distance from the Place of his Residence.

Trustees may compound for Statute-work.

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 within the said County of Ayr, for such Sums annually as to the said Trustees shall seem reasonable; such Compositions and Agreements to be entered in Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees respectively: And in case the Composition-money shall not be paid within Fifteen Days after the same shall become due, it shall and may be lawful for any Two of the Justices of the Peace of the said County, by Warrant under their Hands, to impower the Person or Persons authorized by the Trustees for the said County, at a General Meeting assembled, to receive such Composition-money, and to levey the same in the Manner herein after directed.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a General Meeting, or at the Meetings of their several Districts, shall, and they are hereby impowered and required to, compound and agree with all or any of the aforesaid Person or Persons who are liable to perform Statute-work and Service at and upon the Roads hereby intended to be repaired, or upon any other Road or Roads within the said County, at the following Rates; videlicet, Rates of Composition.

For each Man liable in such Statute-work, Four Pence Sterling by the Day.

For each Man and Cart with One Horse, One Shilling Sterling by the Day.

And for each Man and Cart with Two Horses, One Shilling and Six Pence Sterling by the Day.

Which Composition-money shall be paid at such Times, and to such Person or Persons, as the said Trustees shall appoint; and in case the Composition-money shall not be paid within Four Days after the same shall become due, it shall and may be lawful to levy the same by Distress and Sale of the Goods and Chattles of the Persons so failing, in Manner herein after directed.

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 authorized and impowered to, compound and agree, by the Year or otherwise, with any Person or Persons living near any Turnpike or Turnpikes erected, or to be erected, by virtue of this Act, for any reasonable Sum or Sums of Money, to be paid quarterly, from time to time, for and in lieu of the Payment of the Tolls or Duties by this Act directed to be paid; and Copies of all such Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose; which shall be open to the Perusal of any Person or Persons whatsoever, at all seasonable Times, without Payment of any Fee or Reward. Trustees may compound for Tolls. Compositions to be entered in a Book.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition Money agreed to be paid for passing through the said Turnpikes or Gates to be erected by virtue of this Act, shall not be paid within Fourteen Days next after the same shall become due or payable according to such Composition or Agreement; that then it shall and may be lawful for any Composition-money how to be recovered.

Two of the Justices of the Peace of the said County, by Warrant under their Hands, to impower the Person authorized by the Trustees to receive such Composition-money; and Oath being first made that the same has been demanded and remains unpaid, to levy such Composition on the Person or Persons so refusing or neglecting to pay the same in Manner herein after mentioned.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties hereby granted shall take place from and after the Twenty second Day of August, One thousand seven hundred and sixty seven Years; and shall continue and be paid for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, and no longer.

Trustees may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That during the said Term of Twenty one Years, the said Trustees, or any Seven or more of them respectively, at a General Meeting assembled for that Purpose, may, and they are hereby impowered, with the Consent of such Person or Persons who shall have lent or advanced any Sum or Sums of Money upon the Credit of the said Tolls, to diminish or lessen the said Tolls or Duties hereby granted, as they shall see Cause; but such Tolls shall not be diminished, unless such Meeting, and the Purpose thereof, shall be advertised in any News Papers published within the County or at the City of Glasgow, for the Space of One Month at least before such Meeting.

Trustees may lease, &c. the Tolls.

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, may, and they are hereby authorized and impowered, by publick Roup, to set the said Tolls or Duties hereby granted and vested in them respectively, in Whole or by Parcels, from time to time, during the Continuance of this Act, by Lease or otherways, 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 good and sufficient Security for Payment of the Rents for which the Tolls shall be so let, as shall be approved by the Trustees, or any Seven or more of them.

Trustees may borrow Money on the Credit of the Tolls.

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 a General Meeting assembled, and they are hereby authorized and impowered, to borrow any Sum or Sums of Money for

the repairing of any of the particular Roads hereby directed to be repaired, not exceeding Two thouſand Pounds for each Road, at an Intereſt not exceeding Five Pounds per Centum; which Sums ſhall be applied by the ſaid Truſtees, in the Firſt Place, towards Payment of the Charges and Expences incurred in obtaining this preſent Act, in Proportion to the Quotas of the annual Produce of each ſeparate Road reſpectively; and the Remainder for the Repair of each particular Road upon which the Money was borrowed, and to no other Uſe or Purpoſe whatſoever.

Tolls may be aſſigned for Money borrowed.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees for each of the ſaid reſpective Diſtricts, or any Seven or more of them, at a General Meeting aſſembled, may, and they are hereby impowered to, aſſign and make over the Whole or any Part of the Tolls or Duties by this Act impoſed, and veſted in them, to any Perſon or Perſons from whom the Money ſhall be ſo borrowed, as a Security for Repayment of the Sum or Sums of Money ſo lent by them, and the Intereſt thereof; and ſuch Aſſignments of the Tolls for all and any Sum or Sums of Money ſo borrowed, ſhall be entered in a Book to be kept for that Purpoſe; which Book ſhall be ſeen and peruſed, at all reaſonable Times, by any Perſon or Perſons, without Fee or Reward.

Truſtees in Commiſſion of the Peace may act as Juſtices.

And be it further enacted by the Authority aforeſaid, That if any Truſtee or Truſtees appointed to put this Act in Execution, is or ſhall be in the Commiſſion of the Peace for the County of Ayr, ſuch Truſtee or Truſtees ſhall and may act as a Juſtice or Juſtices of the Peace for the more effectually 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.

Truſtee not to accept a Place of Profit.

Provided always, and be it further enacted and declared, That if any Perſon or Perſons 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, ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting, and during his Enjoyment of, ſuch Place or Profit as aforeſaid.

Roads to be meaſured, and Mile-ſtones erected.

And be it enacted and declared by the Authority aforeſaid, That the ſaid Truſtees for the ſaid County, or any Seven or more of them, at any Publick Meeting, may cauſe the ſaid Roads to be admeaſured, and Stones or Poſts to be erected upon the ſaid Roads, or near the Sides

Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall judge convenient.

Penalty on defacing Mile-stones.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove, any such Stones or Posts, or obliterate or deface any Letters or Figures that shall be made, inscribed, or put thereon, and shall be thereof convicted before any One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed, such Person or Persons, so offending, shall respectively forfeit and pay the Sum of Twenty Shillings Sterling, for every Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced, to be levied and recovered in the same Manner as other Penalties are by this Act directed to be recovered and levied; and such Forfeitures shall be applied, One Moiety to the Informer, and the other Moiety in repairing the Stones and Posts so broken up, damaged, or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads: And in case the Persons, so offending and convicted, shall have no sufficient Goods and Chattles, whereon such Forfeitures may be levied, then it shall and may be lawful for any One or more Justice or Justices of the Peace of the said County, by Warrant under his or their Hands, to commit such Person or Persons to the Common Gaol of the County, there to remain for any Space not exceeding Three Calendar Months, or until the Payment of the Penalty as aforesaid.

Time and Place of Trustees Meeting.

And it is further enacted by the Authority aforesaid, That the said Trustees shall meet at Ayr, in the Place where the Sheriffs Court for the County of Ayr usually sits, upon the Second Tuesday in July, in the Year of our Lord One thousand seven hundred and sixty seven, with Power to them at their said Meeting to adjourn themselves to such Times and Places as they shall think proper and convenient: And if it shall happen that there shall not appear at their said Meeting, or at any adjourned Meeting that 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 that Case the Clerk to the said Trustees, by Notice in Writing under his Hand to be published in One of the News Papers aforesaid, and to be fixed on all the Turnpike-gates of the respective Roads under the Direction of the said Trustees, at least Ten Days be-

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting,

ſore the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Place where the Meeting of the ſaid Truſtees was appointed to be held on that Day Three Weeks on which ſuch laſt Meeting of the ſaid Truſtees was appointed to be held; and the ſaid Truſtees, at their First and all other ſubſequent Meetings, ſhall defray their own Charges and Expences. Truſtees to defray their own Expences.

And be it further enacted by the Authority aforeſaid, That if the ſaid Truſtees, or any Seven or more of them, at their General Meeting, ſhall determine in any Matter, or appoint and order any thing to be done with reſpect to the amending and repairing of the ſaid Roads, or levying the ſaid Tolls and Duties, or any other ways concerning the Execution of the Powers hereby committed to them, it ſhall not be in the Power of any ſubſequent General Meeting, to alter, vary, and annul ſuch Determination, or give any Orders contrary thereto, unleſs ſuch General Meeting ſhall be called by an Advertiſement in One of the News Papers aforeſaid, Fourteen Days before the Day of the Meeting, ſignifying the Intent and Purpoſe of calling ſuch General Meeting. No Order made to be repealed, unleſs publick Notice be given thereof.

And be it further enacted by the Authority aforeſaid, That all Tolls, Duties, Penalties, and Forfeitures, by this Act impoſed, if not directed by this Act to be otherways levied, ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hands of any Two or more Juſtices of the Peace of the ſaid County, or where the Offender lives, in the Option of the Truſtees, or of the Perſon or Perſons authorized by them to levy ſuch Diſtreſs; and the Perſons diſtraining ſuch Goods and Chattles, are hereby authorized and impowered, after the Space of Four Days after ſuch Diſtreſs ſhall be made and taken, to ſell the Goods ſo diſtrained, by publick Auction, at the neareſt Turnpike or Toll-houſe to the Place where ſuch Diſtreſs ſhall be made and taken, and return the Overplus Money (if any be) upon Demand, to the Owners of ſuch Goods or Chattles, after ſuch Tolls, Duties, Penalties, and Forfeitures, with the reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid; and the ſaid Forfeitures, when recovered, if not otherwiſe directed to be applied by this Act, ſhall be applied, One Moiety to the Informer, and the other Moiety towards repairing the Roads directed by this Act to be repaired. Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think him or themſelves Perſons aggrieved may appeal to the Quarter Seſſions.

ſelves aggrieved by any Order or other Proceeding of the ſaid Truſtees, it ſhall and may be lawful for him and them to appeal to the Juſtices of the Peace of the County where the Ground or Occaſion of ſuch Complaint or Appeal is given, in their General Quarter Seſſions aſſembled, who are hereby authorized and impowered to hear and determine the Matter in Diſpute, and whoſe Order therein ſhall be final and concluſive.

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.