


ANNO QUARTO

# GEORGII IV. REGIS.

***

said late Majesty, intituled *An Act to repeal Two Acts made in the Fifty-fourth and Fifty-fifth Years of the Reign of His present Majesty, for maintaining and keeping in Repair certain Roads and Bridges in* Scotland; *to provide more effectually for that Purpose; and for Regulation of Ferries in* Scotland: And whereas the Commissioners appointed in and by virtue of the said first recited Act were appointed Commissioners for the Purposes of the said last recited Act, together with the Lord Keeper of the Privy Seal of *Scotland*, and the First Commissioner of His Majesty's Woods, Forests, and Land Revenues in *England*, who were by the said last recited Act appointed Commissioners for carrying that Act, and also the said first recited Act into Execution; any Three of which Commissioners it was by the said Second recited Act directed should constitute a Quorum, of which one of the Commissioners appointed by virtue of his Office should always be one; and by which Act the said Commissioners were directed to maintain in Repair the before-mentioned Roads and Bridges, and also several Roads made in the Course of the last Century for the Purpose of Military Communication in *Scotland*, insomuch that nearly Twelve hundred Miles of Road are now under the Care of the said Commissioners: And whereas, in addition to Five thousand Pounds directed to be annually issued by the Barons of the Exchequer in *Scotland*, for the Purpose of maintaining in Repair such Roads and Bridges, certain Assessments were, by virtue of the said last recited Act, directed to be made and levied, in the Manner therein prescribed, upon the Counties wherein any of the Roads and Bridges therein mentioned were situated, and to such an Amount that the said Counties respectively should thereby be enabled to repay the said Commissioners Three-fourths of the Sum expended on the Roads in the preceding Year; but in case such Assessment of any County at One Penny in the Pound upon the Rents and Profits assessed to the Property Tax in the Year ending the Fifth Day of *April*, in the Year One thousand eight hundred and fourteen, under Schedule A. should not be sufficient to repay Three-fourths of the Sum advanced, then and in that Case such County should be further assessed so as to be enabled to repay One-half instead of Three-fourths of the further Sum of Money advanced by the said Commissioners for the Repair of such Roads and Bridges: And whereas it is become expedient that Power should be given further to increase such Assessments, or to erect Toll Gates upon the said Roads and Bridges, or some of them, for the Purpose of maintaining the same in Repair, in aid of or in lieu of the Assessments so directed to be made and levied on the several Counties, provided such Toll Gates shall not be erected in any County, the Heritors of which shall not have previously signified their Consent thereunto; and moreover it is expedient that the said last recited Act should be altered, in such respects as may be necessary, for the Purpose of enabling the said Commissioners to make such Arrangements as may be required, with the Heritors of the said Counties, or any of them, by reason of the Erection or Non-erection of such Toll Gates: 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 it shall and may be lawful for the said Commissioners, and they are hereby authorized, to notify (if they shall think fit) to the Heritors and Commissioners of Supply of any County in which any of the aforesaid Roads or Bridges are situated, that the County Assessment, levied by virtue of the last recited Act, together with the Parliamentary Allowance thereby given, is insufficient for the due Repair and Maintenance of the said Roads and Bridges, situated in such County; and that therefore they require the said Heritors and Commissioners of Supply to meet and assemble for the Purpose of considering, whether it will be fit and proper further to increase such Assessments; or that Toll Gates should be erected on any of the said Roads and Bridges within such County, in aid of or in lieu of the Assessment levied in such County; the said Notification to be communicated to the Heritors and Commissioners of Supply, by sending it in Writing to the Convener of such County; and, upon receiving such Notification in Writing, such Convener shall within Three Months thereafter summon and assemble, or cause to be summoned and assembled, the Heritors and Commissioners of Supply (in the Way and Manner in which Heritors and Commissioners of Supply are summoned to meet and assemble in *Scotland*), for the Purpose of taking into Consideration the said Notification; and, upon being so summoned, such Heritors and Commissioners of Supply shall meet and assemble accordingly, and come to a Resolution or Resolutions in such Behalf, which Resolution or Resolutions shall forthwith be transmitted to the aforesaid Commissioners for the Repair of Roads and Bridges appointed by the Act of the Fifty-ninth Year of the Reign of His late Majesty hereinbefore recited, in which Resolution or Resolutions it shall be stated and thereby ascertained, whether the Heritors and Commissioners of Supply of such County are willing and desirous further to increase such Assessment, or that Toll Gates shall be erected and Tolls levied in aid of the County Assessment before mentioned, or in lieu of such County Assessment; or that the County Assessment shall not be increased, and that no such Toll Gates shall be erected.

Notification to be made by Commissioners.

Resolution to be come to by Heritors.

II. And be it further enacted, That in case the said Resolution or Resolutions of the Heritors and Commissioners of Supply shall bear, that they are willing and desirous that the County Assessment shall be further increased, so as to defray the total Expence of maintaining in Repair the said Roads and Bridges in such County, beyond the Sum allotted for that Purpose out of the Five thousand Pounds hereinbefore mentioned, then and in such Case, the said further Assessment shall be made, levied, and collected in the same Manner, and together with the Assessment directed to be made, levied, and collected, under the Act of the Fifty-ninth Year of the Reign of His late Majesty, hereinbefore recited; provided nevertheless, that in all such Counties as are chargeable with a Sum not exceeding One hundred and fifty Pounds respectively, as their Proportion of the Expence of repairing the said Roads and Bridges, in the Year One thousand eight hundred and twenty-two, it shall and may be lawful for the Commissioners of Supply

Proviso in case Resolution shall be to increase the County Assessment.

Supply of such County, at any Meeting which shall be held in any County for this special Purpose within Six Months after the passing of this Act, to order and direct the Way and Manner in which such Assessment shall be made and levied in such County, in each and every Year thereafter, either separately or along with any other Assessment in such County; and a Copy of the Order thereupon to be made, signed by the Preses of such Meeting, shall be forthwith transmitted to the Clerk of the Commissioners of Supply of such County, and the same shall be laid by the Clerk of Supply before the First Meeting of the Commissioners of Supply, which shall be held thereafter, and from and after the Receipt of such Order, the Commissioners of Supply of such County are hereby directed to proceed accordingly.

Commissioners of Supply to make such Assessment as shall produce a larger Sum than the Sum advanced by the Commissioners for the Repair of Roads.

III. Provided always, and be it enacted, That for the greater Convenience of Computation and of Collection of the Proportion of the Expence of repairing the said Roads and Bridges, it shall and may be lawful for the Commissioners of Supply of any County to make and appoint such an Assessment as shall produce a Sum larger than the Sum advanced by the said Commissioners for the Repair of Roads and Bridges, and due to them by the said County the Surplusage thereof to remain applicable in aid of the Assessment of the following Year or Years; provided always, that such Surplusage shall not exceed One-fourth Part in addition to the Sum advanced by the Parliamentary Commissioners, and due to them by the said County, payable out of the County Assessment.

Proviso as to Resolutions of Heritors in certain other Events.

IV. And be it further enacted, That in case the said Resolution or Resolutions of the Heritors and Commissioners of Supply shall bear, that they are willing and desirous that Toll Gates shall be erected, and Tolls levied, in aid of the County Assessment upon any of the Roads or Bridges situated in such County, the said Commissioners for the Repair of Roads and Bridges shall determine whether in their Opinion the Tolls thence accruing will probably aid and relieve the County Assessment and Parliamentary Allowance, to such Amount, that the other Roads on which Tolls are not proposed to be levied may be maintained in Repair under the Provisions of the said recited Act, passed in the Fifty-ninth Year of the Reign of His late Majesty; and if the said Commissioners shall determine in the Affirmative, they shall proceed to erect Toll Gates and levy Tolls accordingly, as hereinafter directed; provided always, that separate Accounts shall be kept of the Charge of maintaining the Roads maintained by Tolls, and of the Roads maintained as at present: but if the said Commissioners shall be of Opinion, that the Tolls proper to be imposed on the Roads specified in the aforesaid Resolutions will not be sufficient for the Maintenance of the same, or if they shall be of Opinion that the Roads specified in the Resolution or Resolutions of the County Meeting are not the preferable Roads on which Tolls ought to be levied in such County, then and in that Case such Opinion of the Commissioners for the Repair of Roads and Bridges shall be communicated to the Convener of such County in order that the Matter may be again laid before the Heritors and Commissioners of Supply of such County, and if they shall

shall not concur in the Opinion of the Commissioners for the Repair of Roads and Bridges, the said Commissioners are hereby authorized and empowered to proceed as if the Heritors and Commissioners of Supply had determined not to increase the County Assessment, and that no Toll Gates whatever should be erected.

In what Case Assessment is to cease.

V. And be it further enacted, That in case the said Resolution or Resolutions of the Heritors and Commissioners of Supply shall bear, that they are willing and desirous that Toll Gates shall be erected, and Tolls levied, in lieu of the County Assessment, upon such of the said Roads or Bridges as the said Commissioners for the Repair of Roads and Bridges shall think fit, then and in such Case the said last-mentioned Commissioners are hereby authorized and empowered to erect Toll Gates, and to levy Tolls, on such of the Roads or Bridges as in their Opinion can be maintained by Tolls in lieu of the Assessment of such County; and such County Assessment shall cease and determine, and be no more assessed or levied, beyond what may be assessed and leviable in Repayment of the Advance made by the Commissioners for the Repair of Roads and Bridges, in the Year in which such Resolution for the Establishment of Tolls in lieu of the County Assessment, shall be notified to the said Commissioners: Provided always, that it shall and may be lawful for the said last mentioned Commissioners, and they are hereby required, to repair any other of the Roads or Bridges now under their Care in such County, upon receiving from any Heritor or Heritors of such County as shall have determined that Toll Gates shall be erected in lieu of the County Assessment, a Sum equal to Two-third Parts of the estimated Expence of repairing the same, or any Part thereof.

Proviso where no Toll Gates shall be erected.

VI. And be it further enacted, That in case the said Resolution or Resolutions of the Heritors and Commissioners of Supply shall bear, that they are unwilling to increase the County Assessment, or that any Toll Gates shall be erected by virtue of this Act, then and in such Case the Commissioners appointed by the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty, are hereby authorized to declare and notify to the Convener of such County, that in their Opinion the County Assessment, leviable by virtue of the said recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty, together with the Sum allotted to such County out of the Five thousand Pounds *per Annum* thereby given, is insufficient for the Purpose of maintaining in due Repair the Roads and Bridges in such County now under the Care of the said Commissioners, and that therefore they intend to withdraw themselves from any further Care of the same; whereupon they shall be, and are hereby exonerated accordingly, at the End of the Year in which such Notification shall have been made: Provided always, that the County shall remain bound to repay to the said Commissioners the Sum advanced in that Year for the Repair of Roads and Bridges in such County.

Toll Gates to be erected.

VII. And be it further enacted, That after a Resolution of the Heritors and Commissioners of Supply of any County, to the



Effect

ed, and Tolls to be levied.

Effect that they are willing and desirous that Tolls should be levied in such County, it shall and may be lawful for the said Commissioners, and they are hereby empowered to direct such Number of Toll-Gates to be erected across any Part of any of the said Roads or Bridges in such County, and such Number of Toll Houses as they shall think fit, and to authorize Collectors or Tacksmen acting under their Authority, from Time to Time as they shall find necessary, to take and levy at each of such Gates, before any Passage be permitted, a Sum or Sums of Money, not exceeding the following Rates; that is to say,

For every Horse or other Beast of Draught, drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, or other such Carriage with Four Wheels, the Sum of Nine-pence Sterling:

For every Horse or other Beast of Draught, drawing any Chaise, Gig, Curricle, or other like Carriage, with Two Wheels, the Sum of Sixpence Sterling:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other like Carriage, the Sum of Three-pence Sterling:

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

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies unshod, the Sum of Ten-pence Sterling *per* Score, and so in proportion for any greater or less Number:

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

Post Horses going to fetch a Carriage not to be liable to Toll.

VIII. Provided always, and be it enacted, That no Post Horse which shall be hired to draw any Carriage shall when going to fetch or draw such Carriage be liable to any Toll on passing through any Toll Gate to be erected by virtue of this Act.

Commissioners to put up a Table of Tolls.

IX. And be it further enacted, That within One Calendar Month after any Toll Gate shall be erected by virtue of this Act, the said Commissioners shall, and they are hereby required to put up or cause to be put up, and afterwards to be continued at every such Toll Gate, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls, and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein, and also a List of the several Gates which shall be wholly or partially cleared by the Payment of Toll at the Toll Gate or Bar where such Table or Tolls shall be affixed; and the said Commissioners shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Payment, one of which Tickets shall be delivered *gratis* to the Person paying the Toll, and on the Production of such Ticket at any Gate or Gates therein mentioned as being cleared as aforesaid by the Payment of

Tickets denoting Payment of Toll to be provided and delivered to Persons paying Toll.

of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned, without paying any further or additional Toll.

Application of Tolls.

X. And be it further enacted, That the Tolls so to be raised and collected by virtue of this Act, shall and are hereby declared to be vested in the said Commissioners, and shall be strictly applied to and for the Uses and Purposes by this Act directed, nor shall any Part thereof be expended without their Directions, and if any Person or Persons subject to the Payment of Tolls hereby granted shall, after Demand made, neglect or refuse to pay the same, the said Commissioners shall be and are hereby empowered, by such Person or Persons as they shall appoint, to levy the same by Distress and Sale of any Horse or Horses, or other Cattle or Carriage upon which such Toll is imposed; and in case the Toll and Charges of the Distress shall not be paid at the Expiration of Six Days after the same shall have been so distrained, to sell the Cattle or Carriage distrained by Public Auction, Roup, or Outcry, at the Toll House where the Toll should have been paid, returning the Overplus (if any be) to the Owner on Demand, after Deduction of such Toll, and all Charges for distraining, keeping, appraising, and selling the same.

Property of Toll Houses are vested in Commissioners.

XI. And be it further enacted, That the Right and Property of all and every the said Toll Gates, Toll Houses, and Premises, to be erected by virtue of this Act, and of the Materials thereof, with the Materials that shall be collected and dug up for making and repairing the said Roads and Bridges, shall be vested in the said Commissioners, who may and they are hereby authorized to dispose of them as they shall think proper for the Purposes of this Act only.

Power to purchase or take in Lease Grounds necessary for Toll Houses.

XII. And for the better enabling the said Commissioners to erect the Toll Houses necessary for collecting the said Tolls, be it further enacted, That the said Commissioners shall be and they are hereby empowered to purchase or take in Lease such Pieces of Ground as they shall judge most convenient, not exceeding One-fourth of an Acre for each House if Waste Land, and not exceeding One-eighth of an Acre if inclosed or cultivated Land; and if they cannot agree with the Proprietor and Occupier of the Ground, they shall apply to the Justices of the Peace assembled in Quarter Sessions, who shall have Power and they are hereby required to oblige such Proprietor or Occupier to give a Lease of the said Ground for any Term not exceeding the Continuation of this Act, and to fix the Rent of the same.

Disputes concerning the Tolls to be settled by a Justice.

XIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, such Disputes shall be settled and determined by some Justice of the Peace for the County wherein such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice

Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Effects shall be so distrained and sold.

Tolls how to be applied.

XIV. Provided always, and be it further enacted, That after deducting the Charges of Management, and other legal Burdens, the Produce of the Tolls granted by this Act shall be applied by the said Commissioners towards repairing and upholding, improving or altering the said several Roads and Bridges whereon such Tolls or Duties shall respectively be collected; or to the repairing and building Parapets, Drains, and other Works thereupon, where the same shall be found necessary.

Penalty on Persons assisting in evading the Tolls.

XV. And be it further enacted, That if any Person occupying any Lands or other Premises near to any of the said Roads and Bridges, shall suffer or permit any Person or Persons, not being his or her Servants, or of his, her, or their Family, to pass over the same, or through any Gate or Passage with any Horse, Beast, or Carriage, for which Toll is to be paid by virtue of this Act, or shall connive thereat, with Intent to evade the Payment of the said Tolls, or any of them; or if any Person shall forcibly pass through or assist any Person in passing through any Gate erected by virtue of this Act, whereby the Payment of such Toll may be evaded, such Person so permitting, and the Person or Persons riding or driving such Horse, Beast, or Carriage through such Lands or private Passage; and any Person or Persons riding or driving any Horse, Beast, or Carriage through any private Road, (not being within the Exception aforesaid,) or forcibly passing through any such Gate, being convicted thereof by the Testimony of One or more credible Witness or Witnesses before the Sheriff Depute or Substitute, or any One or more of the Justices of the Peace for the County wherein the Offence shall be committed, shall for every such Offence forfeit and pay to the said Commissioners, or to their Collector or Collectors, any Sum not exceeding Five Pounds Sterling.

Penalty on Persons taking off Horses, &c.

XVI. And be it further enacted, That if any Person or Persons shall take off any Horse or Horses, or Oxen, or other Beasts of Draught from any Carriage at or before the same shall come to any of the Gates erected by virtue of this Act, and after having passed any such Gate shall afterwards add or put on the same to such Carriage, with an Intention to evade the Payment of any of the Tolls hereby imposed, or any Part thereof, each and every Person or Persons so offending in any of the Cases aforesaid, and being thereof convicted in Manner aforesaid, shall forfeit and pay to the said Commissioners, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling.

Tolls payable only once in the same Day.

XVII. And be it further enacted, That no Person or Persons having paid the Tolls herein-before granted at any of the said Gates, shall on the same Day (to be computed from Twelve of the Clock at

Night to Twelve of the Clock of the succeeding Night) be liable to pay again the said Tolls at any Gate through which they shall have passed, for the same Horses or other Beasts of Draught, drawing the same Coach, Cart, or other Wheel Carriage, or for the same Horse or other Beast or Cattle, for which any such Toll shall have been so previously paid on the same Day.

Toll Gates within Six Miles from each other.

XVIII. And be it further enacted, That if any Gates shall be erected by virtue of this Act, within a less Distance of each other than Six Miles, any Person or Persons producing a Ticket to shew that he, she, or they have paid the Tolls at one Gate, shall not pay any farther Tolls till the Distance shall exceed Six Statute Miles, from the Gate at which he, she, or they shall have paid: Provided always, that if at any Time the Commissioners shall think fit to lessen the Number of such Gates, without diminishing the Amount of Tolls payable, it shall and may be lawful for them so to do, and thereafter to demand and take Double Toll at any Gate which shall not be placed within Nine Miles of any other Gate: Provided always, that the Number of single Tolls demanded and taken shall not exceed One for Six Miles of Road.

Post Horses not to pay when returning.

XIX. And whereas on several of the Roads to be maintained in Repair by virtue of this Act no Post Horses can be hired, by reason of which the same Horses cannot return in the same Day (as is usual on other Turnpike Roads), and will thereby become again subject to Toll, contrary to the true Intention and Meaning of this Act; be it therefore enacted, That Horses so returning with an empty Carriage, or without any Carriage, shall not be chargeable with any Toll in case the highest Rate of Toll authorized by this Act shall have been demanded and paid for the same Horses within sufficient Time (to be determined by the said Commissioners) for the same Horses to return from the Place or Places nearest to the first Toll Gate where Post Horses can be hired on such Road respectively; but in case the full Toll shall not have been paid, such further Toll may be demanded and taken for the said returning Horses as shall, with the Toll previously paid for such Horses, amount to not more than the full Toll authorized by this Act.

Tickets to be delivered on Payment of Tolls.

XX. And be it further enacted, That upon Payment of the said Tolls the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls, a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Names of the several and respective Gates freed from such Payment.

Penalty on giving Tickets to another Person.

XXI. And for preventing Fraud and Abuses in the said Tolls, be it further enacted, That if any Person or Persons having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll, shall give or dispose of the same to any other Person or Persons in order to avoid Payment of the said Toll, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, or receiving the same, being convicted thereof upon Oath before One or more Justice or Justices of the Peace, or before the Sheriff Depute or Substitute of the County wherein the Offence shall have been committed,

mitted, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling to the said Commissioners or their Collector or Collectors.

Penalty on obstructing Collectors of Tolls.

XXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, obstruct, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, or disturbed, any Collector of the said Tolls, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Toll Collectors to put up their Names.

XXIII. And be it further enacted, That all and every Toll Collector appointed either by the said Commissioners, or by any Lessee or Lessees under them, to collect the Tolls payable at any Toll Gate erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, on the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall not give constant Attendance at all Hours, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads and Bridges, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Exempting Royal Family from Toll.

XXIV. And be it enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family.

Exemptions from the Tolls.

XXV. Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be charged with any of the Tolls aforesaid, for passing through any of the Toll Gates to be erected by virtue of this Act, who shall not travel above Two hundred Yards on any of the said Roads; nor any Person carrying or conveying Stones or other Materials for making, repairing, and building the said Roads and Bridges, or other Public Roads or Bridges, or any of the Causeways

Causeways within or belonging to the same, or going or returning empty for these Purposes; nor shall any Occupier or Occupiers of Land be charged with any of the Tolls aforesaid for passing from one Part to another of the same Farm; nor shall any Occupier or Occupiers of Fields or Burgh Roods on which no Offices or Barn Yards are erected for the Use of the said Fields or Lands, be liable to pay any of the said Tolls for any Horses or Carriages carrying Dung to the said Fields or Roods from the said Yard where such Dung is made, for the Use of the said Fields or Roods; nor carrying any Corn in the Straw, Hay, or Grass, being the Produce of the said Fields or Roods, to the Place where the said Corn in the Straw, Hay, or Grass is usually kept or used by the said Occupier or Occupiers; nor for empty Carriages returning from carrying the Matters aforesaid or any of them; nor shall any Toll be demanded from any Person or Persons who shall pass or return through the said Gates to or from their proper Church or Chapel, or any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law upon *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated; nor from any Clergyman within his own Parish going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Person or Persons who shall pass or return in attending the Funeral of any Person or Persons who shall be buried within the Parish in which such Person or Persons died; nor for Horses or Cattle going to or returning from pasturing or watering Places, or going to Smithies for the Purpose of being shod; nor for any Horses or Carriages of whatever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in carrying, fetching, or guarding such Mails or Expresses, or in returning from conveying the same; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulation provided for such Corps respectively; nor for Carts, Carriages or Waggons, travelling with and conveying Vagrants or Criminals sent with legal Passes or Warrants, or returning from conveying the same; and if any Person shall claim or take the Benefit of any of the said Exemptions not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Exempting Carriages provided with Stores.

XXVI. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage

provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Powers for Commissioners to farm Tolls.

Notice given to let Tolls.

XXVII. And be it further enacted, That it shall and may be lawful for the Commissioners to let to farm the Tolls of the several Gates erected by virtue of this Act in the Manner hereinafter mentioned; (that is to say,) the said Commissioners shall cause Notice to be given of the Time and Place for letting the same, at least One Month before the Day to be appointed for that Purpose, by affixing the same upon every Toll Gate after the same shall have been erected, and also by Insertion thereof in some public Newspaper circulated in that Part of the Country, and from and after the Expiration of One Year after the Tolls at any such Gate shall have been once let, specifying in every such Notice the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same, in Case any hired Collector was appointed; and that they will let such Tolls by Auction to the best Bidder, on his producing sufficient Sureties for Payment of the Money monthly or otherwise (as in such Notice shall be specified) and that they will be put up at the Sum which they were let for or produced in the preceding Year, clear of the Salary of the Collector; and to prevent Fraud, or any undue Preference in the letting thereof, the said Commissioners are hereby required to provide a Glass with so much Sand in it as will run from one End of it to the other in One Minute, which Glass, at the Time of letting such Tolls, shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out shall be turned again, and so for Three Times, unless some other Bidding intervene; and if no other Person shall bid until the Sand shall have run through the Glass Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls, and shall forthwith enter into a proper Agreement for the taking thereof and paying the Money at the Times specified in such Notice, with such Surety or Sureties for Payment thereof, and under such Conditions and in such Manner as the said Commissioners shall think fit; and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall and may be lawful to put up the said Tolls again immediately for another Bidder, and in like Manner, to continue putting up the same until a Bidder shall be found who shall enter into such Agreement; and in case no Bidder shall offer, or in case the same shall not be let at any such Auction, it shall be lawful for the said Commissioners to accept a private Tender for the same, and to demise or let to farm or agree to

Tolls to be put up at Sum produced the preceding Year.

Mode of receiving Biddings.

If Tolls be not let at such Auction, a private Ten-



demise

demise or let to farm all or any of such Tolls at any Sum not less than the Sum at or for which they shall then have been last let, or the said Commissioners may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and shall and may in that Case put them up at such Sum as they shall think fit; and if the Person or Persons who shall be the Farmer or Renter or Collector or Collectors of such Tolls shall take a greater or less Toll from any Person or Persons than what is authorized and directed by this Act, he or they shall, for every such Offence, forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Commissioners shall think fit to vacate the same, become and be null and void: Provided always, that at all such Lettings, the said Commissioners shall be entitled to bid for the Tolls so to be let, either by themselves, or any other Person by them respectively authorised: Provided also, that no such Tolls shall be demised or leased for any longer Term than Three Years at any One Time.

der may be accepted.

Collectors taking more or less than the authorized Toll, Penalty 5l.

XXVIII. And be it further enacted, That the said Commissioners shall have Power to compound or agree with any Person or Persons using any of the said Roads and Bridges, or any Ferry Pier or Shipping Quay hereinafter mentioned, for any specified Sum of Money to be paid, or for any specified Quantity of Labour to be performed by him, her, or them, in lieu of paying Tolls or Tonnage Rates during One whole Year; and Copies of all such Agreements shall be entered in a Book or Books to be kept for that Purpose by the Chief Inspector of Highland Roads, and by the Law Agent of the said Commissioners, to be seen and perused by any Person or Persons at all reasonable Times without Fee or Reward.

Power to compound with Travellers.

XXIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break down or otherwise destroy or deface any Gates, Mile Stones, Posts, Chains, Bars, Houses, Fences, or other Works whatsoever, erected for the Use of such Toll Gates, or any of the Ferry Piers or Shipping Quays hereinafter mentioned, or shall rescue any Person in Custody for any of these Offences, every Person so offending, being thereof lawfully convicted in any Prosecution ordered by the said Commissioners, upon the Oath of One or more credible Witness or Witnesses, before the Sheriff Depute or his Substitute, or any Two or more Justices of the Peace of the County wherein the Offence shall be committed, shall be condemned to pay any Sum not exceeding Five Pounds Sterling, and to be imprisoned any Time not exceeding One Calendar Month, and thereafter until the Damages awarded shall be paid.

Penalty on Persons injuring Gates, &c.

XXX. And whereas in certain Counties in the Highlands of *Scotland* there are Military Roads which are not under the Care and Superintendance of the Commissioners appointed by the herein recited Act passed in the Fifty-ninth Year of His late Majesty, by reason that such Counties have hitherto been unwilling to raise by Assessment a Portion of the Sum necessary for maintaining the same in Repair: And whereas such Counties or some One of them may be

Provision as to certain Military Roads.

willing to raise, by Means of Tolls, a Sum which may be sufficient to put and maintain the said Military Roads in such County, or a Part of such Military Roads in Repair, be it therefore enacted, That in such Case it shall and may be lawful for the Heritors and Commissioners of Supply of any such County, at any General Meeting specially summoned by the Convener for that Purpose, to determine on a Resolution to such Effect, and to communicate the same to the said Commissioners, who shall thereupon take the same into Consideration, and if it shall appear to them that the said Military Road, or Part of such Military Road, in such County can be so put and maintained in Repair, in such Case it shall and may be lawful for the said Commissioners to signify their Opinion to that Effect, to the Heritors and Commissioners of Supply of such County, and to publish the same in the Newspaper or Newspapers usually circulated in such County; and thereupon Toll Gates shall and may be erected and Tolls levied pursuant to this Act; and the said Military Road, or Part of such Military Road, in such County, shall thereafter be placed under the Care and Superintendance of the said Commissioners, in the Manner provided by the said herein recited Act, passed in the Fifty-ninth Year of the Reign of His late Majesty.

Power to borrow Money.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners to borrow such Sum or Sums of Money as they shall judge to be necessary, on the Credit of the Tolls leviable at any of the Gates to be erected by virtue of this Act, to be laid out in altering, amending, and repairing the said Roads or Bridges, erecting Toll Houses, and defraying other Expences of carrying this Act into Execution, provided that the whole Amount of the Money so borrowed shall not at any Time exceed Two hundred and fifty Pounds Sterling *per* Statute Mile, declaring that the Money so borrowed shall be and continue a Lien upon the Tolls granted by this Act, upon that Part of the Road, or upon the Bridge, for the Use of which the Money was borrowed or advanced, in preference to future Loans; and it shall be lawful for the said Commissioners and they are hereby empowered to assign the Whole or any Part of the Tolls by this Act imposed, levied upon the Road, or at the Bridge, in respect whereof the same shall have been borrowed, to the Person or Persons from whom the Money as aforesaid shall be borrowed, as a Security for Payment of the Sum or Sums of Money so lent by them, with the Interest thereupon; and the Assignments of the Tolls for Money so borrowed shall be entered in a Book to be kept by the Chief Inspector of Highland Roads, and by the Law Agent of the said Commissioners; which Book may be seen and perused at all reasonable Times by any Person interested as a Creditor, without Fee or Reward; and the Securities to be granted by the said Commissioners for the Purposes aforesaid shall be transferable by Indorsement duly subscribed by the Party transferring in the Presence of One or more subscribing Witness or Witnesses: Provided always, that the Portion of the Tolls so assigned shall not be assigned otherwise than on condition that the Road or Bridge shall be preferably maintained in sufficient Repair according to the true Intent and Meaning of this Act.



XXXII. And

XXXII. And be it further enacted, That the Assignment to be granted shall be in the following Form: Form of Assignment.

'BY virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled [*insert Title of this Act*], we, the Commissioners authorized to put the said Act into Execution, in Consideration of the Sum of , advanced by *A. B.* to us, do hereby assign to the said *A. B.* his Executors and Assignees, the Tolls [*describing them*] to be held by the said *A. B.* his Executors and Assignees, from this Day of , in the Year , and till the said Sum of ; with Interest, at the Rate of *per Centum per Annum*, be settled and paid. In Witness whereof we have subscribed this Assignment, written on stamped Paper by *C. D.* at , on the Day of in the Presence of

XXXIII. And be it further enacted, That the said Assignment shall be transferable by simple Indorsation in the following Words: Assignment transferable.

'I *A. B.* do hereby transfer this Assignment, with all my Right and Title to the principal Sum and Interest thereby secured unto *E. F.* his Executors and Assignees. Witness my Hand, at this Day of in the Year , before these Witnesses

XXXIV. And be it further enacted, That the said Commissioners may cause any of the said Roads to be measured, and Stones or Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient, and also to order or cause to be erected Guide Posts and Railings upon such Parts of the said Roads where the Roads are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall break down, destroy, or deface any such Mile Stones, Guide Posts, or Railings, or shall break down any Cope Stones on the Ledges or Parapet Walls at the Sides of any of the Bridges on the said Roads, or shall turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made, or shall be aiding or assisting therein, or shall rescue or attempt to rescue any Person apprehended for any such Offence, every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted by the Oath or Oaths of One or more credible Witness or Witnesses, before the Sheriff Depute or Substitute, or Two or more Justices of the Peace for the County in which the Offence shall be committed, shall be not only adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds Sterling; and in case the said Penalty, Damages, and Expences so adjudged shall not be instantly paid, or sufficient Security given for the same, the said Sheriff or Justices are hereby empowered and required to commit such Person or Persons so convicted to Prison for any Term not exceeding Three Calendar Months. Roads may be measured and Stones or Posts erected. Penalty for damaging the Mile Stones, &c.

XXXV. And

Ferry Piers and Landing Quays.

43 G. 3. c. 80.

Provision for Repair of Ferry Piers and Shipping Quays.

XXXV. And whereas several Ferry Piers and Shipping Quays have been erected by the Commissioners appointed by the said recited Act passed in the Forty-third Year of the Reign of His late Majesty, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and building Bridges in the* Highlands *of* Scotland; *and for enabling the Proprietors of Land in* Scotland *to charge their Estates with a Proportion of the Expence of making and keeping in repair Roads and Bridges in the* Highlands *of* Scotland: And whereas it is expedient to provide Funds for maintaining the same in Repair; be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered to direct that no Person shall be permitted to embark from, or to land on such Pier or Quay, by means of any Ferry Boat plying for Hire, or any other Boat, unless and until a Sum not exceeding Two-pence *per* Boat (at the Discretion of the said Commissioners) shall be paid for every such Ferry Boat or other Boat arriving at or departing from any such Pier or Quay; nor shall any Goods or other Commodities be embarked from or landed at any such Pier or Quay from any Vessel or Boat (not being a Ferry Boat plying for Hire nor a Vessel whose Tonnage is registered,) unless and until a Sum not exceeding Two-pence *per* Ton shall be paid for every Ton Weight of such Goods or Commodities so embarked or landed; and any fractional Part of a Ton Weight less than a Quarter, Half, or Three Quarters of a Ton shall be charged as a Quarter, Half, or Three Quarters of a Ton respectively, and any fractional Part exceeding Three Quarters of a Ton shall be charged as a whole Ton; and in case of Vessels whose Tonnage is registered, a Sum not exceeding Two-pence *per* Ton shall be chargeable and paid for every Ton of the registered Tonnage of such Vessel arriving at or departing from such Pier or Quay.

Rules and Regulations for the Preservation and Use of Ferry Piers and Shipping Quays.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners to make such Rules and Regulations as they shall think fit to prescribe for the Preservation and Use of such Ferry Piers and Shipping Quays, and to enforce the same by such moderate Penalties as they shall think proper, not exceeding Five Pounds for any One Offence: Provided always, that the said Commissioners shall put up or cause to be put up and afterwards to be renewed when destroyed, defaced, or obliterated, upon some conspicuous Place or Places at such Ferry Piers, and Shipping Quays, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing such Rules and Regulations, which Rules and Regulations, so put up or renewed, shall be sufficient to justify all Persons who shall be authorized by the said Commissioners to enforce the said Rules and Regulations, provided they be not repugnant to the Laws of *Scotland*, or any of the Directions of this Act; and all such Rules and Regulations shall be subject to appeal in manner directed by this Act; and if any Person or Persons shall wilfully destroy, deface, or obliterate any Board, or any Part thereof, containing any of such Rules and Regulations, every Person so offending, and being convicted thereof by the Oath of One or more credible Witness or Witnesses, before the Sheriff Depute or Substitute, or any One or more

more of the Justices of the Peace of the County wherein the Offence shall be committed, shall, for every such Offence, forfeit and pay to the said Commissioners, or any Person duly authorized by them in that Behalf, any Sum not exceeding Forty Shillings Sterling.

To prevent Nuisances, &c.

XXXVII. And be it further enacted, That if any Person or Persons shall wilfully pull down or damage any Bridge, Wall, or any other Building or Structure made by the Commissioners for the Repair of Roads and Bridges, or shall haul or draw, or cause to be hauled or drawn, upon any Part of any of the said Roads, any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing, which shall be carried principally or in Part upon wheeled Carriages, to drag or trail upon any Part or Parts of such Road, to the Prejudice thereof; or shall use any Tipstick, Joggle, or other Instrument, for the Purpose of retarding the Descent of any Cart or other Carriage, down any Hill, in such Manner as to destroy, injure, or disturb the Surface of any such Road; or shall, in or upon any such Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Horse or other Beast on any of the said Roads, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or other Carriage travelling along such Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop, situate near any of the Roads, and having a Window or Windows fronting the said Road, shall not by good and close Shutters, every Evening, after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon such Road; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatever, within Eighty Feet of the Centre of such Road; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage whatever, upon such Road, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same, or shall not place such Waggon, Wain, or other Carriage, during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, upon such Road, or on the Side or Sides thereof, to the Prejudice of such Road, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon, or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow

flow into or upon such Road or Foot Paths from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon any such Road, shall suffer such Pigs or Swine to root up or damage such Road, or the Fences, Hedges, Banks, or Copes, on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage, in going up a Hill or rising Ground, cause or suffer to be or remain on such Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped, every Person offending in any of the Cases aforesaid, shall, for each and every such Offence, forfeit and pay any Sum not exceeding Forty Shillings over and above the Damages occasioned thereby.

Gates to open inwards, &c.

XXXVIII. And be it further enacted, That no Door or Gate of any Building, Park, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of any of the said Roads, or be suffered to continue so to open, except the hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Road, as that no Part of such Door or Gate shall, when open, project over any Part of such Road; and the Occupier or Occupiers of any Building, Park, Field, or Inclosure, having any Door or Gate opening outwards, contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her, or them, given personally or in Writing from any Person authorized by the said Commissioners in that Behalf, cause such Door or Gate to be hung, so that no Part of the same, when open, shall project over any Part of such Road, and in Default thereof, such Person is hereby authorized to cause the Door or Gate to be hung according to the Intention of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace, acting in and for the County where such Neglect shall appear, and upon Conviction upon the Oath of One credible Witness, pay to such Person such Sum as the said Justice or Justices shall direct to defray the Expence of making the Alteration, and hanging such Door or Gate, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices by whom such Conviction shall be made.

Offenders may be detained until it shall appear whether Distress can be found.

XXXIX. And be it further enacted, That in every Case in which any Person shall be convicted of any Penalty under this Act, it shall and may be lawful for the Justice or Justices before whom such Person shall be convicted, to order such Person to be detained in Custody, until it can be ascertained whether sufficient Distress can be found; and in case sufficient Distress cannot be found or such Penalty shall not be forthwith paid, or sufficient Security given for the Payment thereof, it shall and may be lawful for such Justice or Justices, and they are hereby authorized and required by Warrant under his Hand, or their Hands, to cause any such Offender to be committed to Gaol, or to a House of Correction, for any Time not exceeding Six Calendar Months.

For securing transient Offenders.

XL. And be it further enacted, That it shall and may be lawful for the said Commissioners, or their Collectors, Surveyors, or other

Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Collectors, Surveyors, or other Officers,) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Forfeitures and Penalties how to be levied and applied.

XLI. And be it further enacted, That all Forfeitures and Penalties by this Act imposed, the Manner of recovering whereof is not particularly specified, shall, on Proof of the Offence before Two or more Justices of the Peace, or the Sheriff Depute or Substitute of the County in which the Offence shall have been committed, either by the Confession of the Party, the Oath of One or more credible Witness or Witnesses, or other legal Evidence, be levied by Distress and Sale of the Goods and Effects of the Party or Parties offending, by Warrant under the Hands of such Justices or Sheriff (which Warrant they or any of them are hereby authorized and required to grant, and to administer the Oath *gratis*), such Sale being always made by Public Auction to the highest Offerer of a ready Money Price, at such Place as shall be directed in the said Warrant, within Six Days after such Distress shall have been made, and the Overplus Money arising from such Sale, after Deduction of the Penalties imposed and Charges in Recovery thereof, shall be returned on Demand to the Owner or Owners of the Goods and Effects; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid to the said Commissioners or their Collectors, to be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not forthwith be paid, or sufficient Security given for Payment, it shall be lawful for any One of the said Justices of the Peace, or the said Sheriff Depute or Substitute, together with any One Justice of the Peace, and they are hereby authorized and required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to Gaol or to a House of Correction for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid.

Appeal to the Quarter Sessions.

XLII. Provided always, and be it further enacted, That any Person who shall think himself or herself aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may within Six Months after the Matter complained of shall be done, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions of the County wherein the Grievance shall have arisen, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Law Agent of the said Commissioners, and to the Clerk of the Justices of the Peace, which Justices shall have Power and Authority to hear and determine the Matters in Dispute, and their Judgment therein shall be final, without being subject to Review, Advocation, Suspension, or otherwise.

XLIII. And

Limitation of Actions and Complaints.

XLIII. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrongs done or Injuries suffered in any Matter thereto relative, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury suffered, and not afterwards.

Burghs not to be assessed.

XLIV. And be it further enacted, That from and after the passing of this Act, no Royal Burgh or Burgh of Regality shall be assessed for the Purposes of the said recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty, or for the Purposes of this Act, any Thing contained in any former Act or Acts to the contrary notwithstanding.

59 G. 3. c. 135. to remain in force.

XLV. And be it further enacted, That the said recited Act of the Fifty-ninth Year of His late Majesty's Reign, intituled *An Act to repeal Two Acts, made in the Fifty-fourth and Fifty-fifth Years of the Reign of His present Majesty, for maintaining and keeping in Repair certain Roads and Bridges in* Scotland; *to provide more effectually for that Purpose; and for Regulation of Ferries in* Scotland; shall remain in Force, and have Effect in all respects, excepting in so far as the same is altered by this Act; and that all the Powers and Authorities granted by the said Act passed in the Fifty-ninth Year of the Reign of His late Majesty; and also all the Powers and Authorities granted by the said recited Act of the Forty-third Year of His late Majesty's Reign, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and building Bridges in the* Highlands *of* Scotland; *and for enabling the Proprietors of Land in* Scotland *to charge their Estates with a Proportion of the Expence of making and keeping in repair Roads and Bridges in the* Highlands *of* Scotland, for the Purpose of carrying the same into Execution, are hereby granted for the Purpose of carrying this Act into Execution.

Powers granted by 43 G. 3. c. 80. extended to this Act.

Expences of Act how to be defrayed.

XLVI. And be it further enacted, That the Expence of this Act may and shall be defrayed out of any Money in the Hands of the said Commissioners appointed by the hereinbefore recited Acts of the Forty-third and Fifty-ninth Years of His late Majesty.

Public Act.

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

Commencement and Continuance of this Act.

XLVIII. And be it also enacted, That this Act shall commence from the passing thereof, and shall remain in full Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.