


ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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*Highways and Bridges;* and an Act passed in the Fifth Year of the Reign of His Majesty King *George* the First, intituled *An Act for amending and making more effectual the Laws for repairing the Highways, Bridges, and Ferries in that Part of* Great Britain *called* Scotland; and an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for widening the Highways in that Part of* Great Britain *called* Scotland; and an Act passed in the Twelfth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Regulation of Carters, Carriages, and loaded Horses, and for removing Obstructions and Nuisances upon the Streets and Highways within that Part of* Great Britain *called* Scotland; and an Act passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repealing the Duties on Coals, Culm, and Cinders brought or carried Coastwise into* Scotland; *and for granting other Duties on Licences to sell certain distilled Spirituous Liquors in lieu thereof;* in so far as they relate to Turnpike Roads and Keepers of Toll Bars, shall be and the same are hereby repealed: Provided always, that the said recited Acts, notwithstanding hereof, shall remain in force as heretofore as to all other Roads not being Turnpike, and as to all other Matters to which they may relate.

5 G. 1. c. 30.

11 G. 3. c. 53.

12 G. 3. c. 45.

33 G. 3. c. 69.

Extending this Act to all Local Acts for making and repairing Turnpike Roads in Scotland.

II. And whereas it is of great Importance that One uniform System should be adhered to in the Laws for regulating the Management and Maintenance of Turnpike Roads throughout *Scotland;* be it therefore enacted, That from and after the passing of this Act all the Enactments, Provisions, Matters, and Things in this Act contained, shall extend to all Local Acts of Parliament now in force, and to all Acts of Parliament which shall hereafter be passed, for making, widening, turning, amending, regulating, repairing, or maintaining any Turnpike Road in *Scotland;* save and except as to such Enactments, Provisions, Matters, and Things as shall be expressly varied, altered, or repealed by any such Act that shall be hereafter passed.

Qualification of Trustees.

III. And be it enacted, That the Qualifications of Trustees for carrying into execution the Powers and Provisions of this Act, and of every Local Turnpike Act now in force or which shall hereafter be in force in *Scotland,* shall be such as are or shall be enacted and contained in each such Local Turnpike Act respectively: Provided always, that no Person shall hereafter at any Time act as a Trustee in the Execution of any Act of Parliament for making, repairing, or maintaining any Turnpike Road, unless he shall before so acting, when so required by any Trustee then present, take and subscribe the Oath or Affirmation following before any Two or more of the Trustees appointed or to be appointed by or in pursuance of such Act, who are hereby authorized and empowered to administer the same in the Words or to the Effect following; (that is to say,)

Trustees to take the following Oath.

Oath.

'I do swear, [*or, being of the People called Quakers,* 'I do solemnly affirm,] That I truly and *bonâ fide* am [*here insert* '*the Qualification required by the Act, as the Case may be*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

Trustees not to act where interested.

IV. And be it enacted, That no Person appointed a Trustee by any Act for making, repairing, or maintaining any Turnpike Road shall be capable of acting as such in the Execution of any such Act whilst he holds any Place or Employment of Profit under any such Act or this Act, or who shall be a Tacksman of the Tolls on any Turnpike Road, or of any Part thereof; and if any Person, not being qualified as aforesaid, or being disqualified by any of the said Causes, or not taking and subscribing, when so required, the Oath or Affirmation herein-before mentioned, shall nevertheless presume to act as a Trustee in the Execution of any such Act, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds to any Person who shall prosecute for the same, to be recovered, with Expences, by summary Action before the Sheriff of the Shire in which such Road is situated, or in the Court of Session; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of any Act for making, repairing, or maintaining any Turnpike Road; and every thing touching the Execution of any such Act which shall be done or performed by such Person unqualified or disqualified as aforesaid, or not taking and subscribing, when so required, the said Oath or Affirmation, or otherwise unauthorized to act, shall become void and null upon such Person being found liable in the Penalty aforesaid, but the same shall be valid and effectual in all other Cases whatsoever.

Persons acting not being qualified to forfeit 20*l.*

Trustees may act as Justices.

V. And be it enacted, That no Trustee appointed under any Turnpike Act shall be disqualified from acting as a Sheriff or Justice of the Peace in the Execution of any such Act, by reason of his being such Trustee.

Lenders of Money not disqualified.

VI. And be it enacted, That no Lender of Money upon the Credit of the Tolls, or Assignee of any such Lender, nor any Person receiving Interest out of Tolls for any such Money lent, shall on that Account be disqualified to act as a Trustee, or Sheriff, or Justice of the Peace, in the Execution of any such Act.

Meetings of Trustees.

VII. And be it enacted, That the Trustees of any Turnpike Road, having met under Authority of any Local Act of Parliament, may from Time to Time adjourn, to meet at such Place and at such Time as they shall appoint; and at all their Meetings such Trustees shall pay and defray their own Expences; and all their Orders and Determinations in the Execution of any such Act shall be made, and all Powers and Authorities derived therefrom or hereby vested in them shall be exercised, at Meetings to be held in pursuance thereof or of this Act (except in Cases otherwise particularly provided for), by the major Part of the Trustees who shall be present, the whole Number present not being less than the Quorum fixed by the Act under which such Trustees shall be appointed; and that a Preses shall in the first place be appointed at every Meeting, who in case of an equal Number of Votes (including the Vote of the Preses) shall have the casting Vote; and that no Order or Determination at any Meeting of the said Trustees, once made, agreed upon, or entered into,

No Order to be revoked without Notice.

into, shall be revoked or altered at any subsequent Meeting unless Notice of the Intention to propose such Revocation or Alteration shall have been given at a previous Meeting holden for the same Road, and entered in the Book of Proceedings of such Meeting, and shall have been transmitted by Post to every Trustee not present at such previous Meeting who shall have been present at the Meeting where such Order or Determination was made; and such Notice shall also be published by Two several Advertisements in some Newspaper usually circulated in the Shire in which such Road or the principal Part thereof is situated, Ten Days at least previous to such subsequent Meeting, or by affixing the same for Two consecutive *Sundays* on the Church Doors of the Parish or Parishes within which such Road is situated, and on all the Toll Bars then erected upon such Road, Fourteen Days at least before such Meeting.

Two Trustees may call Meetings.

VIII. And be it enacted, That it shall be lawful for any Two Trustees of a Turnpike Road at any Time to call or to require their Clerk to call a Meeting of the Trustees of such Road: Provided always, that Notice of such Meeting and of the Purpose thereof shall be published by Two Advertisements, or by affixing the same as aforesaid.

Trustees may divide Roads into Districts, and name Committees for their Management.

IX. And be it enacted, That the Trustees acting under any Turnpike Act shall have Power at any General Meeting to divide the Roads comprised in such Act into Districts, to name Committees of their Number for the more immediate Direction and Management of such Roads or particular Parts thereof, and to give such Committees (whereof Three to be a Quorum) such Instructions and such Powers as they shall from Time to Time think fit and expedient; and the Regulations herein above enacted relative to the Meetings, Adjournments, Majorities, Orders, Determinations, Powers, and Authorities of Trustees shall in like Manner apply to and affect all such Committees.

Trustees to appoint Officers.

X. And be it enacted, That it shall be lawful for the Trustees acting under any Turnpike Act to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors, and other Officers, with reasonable Salaries or Allowances for their Trouble.

Treasurer to give Security.

XI. And be it enacted, That the Trustees of every Turnpike Road shall (unless where all the Monies collected on any such Road shall be lodged in an Account to be opened in the Name of the Trustees thereof with the Bank of *Scotland*, the Royal Bank of *Scotland*, or the Bank of the *British* Linen Company of *Scotland*, or any of the Branches of the said Banks,) take sufficient Security from every Treasurer to be appointed by them for the Purposes of any Act of Parliament for making, repairing, or maintaining any Turnpike Road, for the due and faithful Execution of his Office, before such Treasurer shall enter on his Office; and if they shall so think proper, shall also take such Security from any other Officer to be appointed under or by virtue of this or such other Act, and shall limit the Sum beyond which he shall not retain any Money belonging to the Trustees.

XII. And

Clerk not to be liable in any Penalty for acting as Clerk and Treasurer if Monies are lodged in Bank.

XII. And be it enacted, That in all Cases where Monies collected on any Turnpike Road shall by Authority of the Trustees of such Road have been lodged in any Bank or Banking Company in *Scotland*, the Clerk of such Trustees shall not be liable in any Penalty, as acting in the joint Capacity of Clerk and Treasurer, imposed by any existing Act, who may receive and pay over to such Bank or Banking Company Monies so collected, or who may thereafter draw out and apply the same to the Purposes of the Trust: Provided always, that such Clerk shall have been specially authorized by the said Trustees so to do.

Officers not to be concerned in any Contract.

XIII. And be it enacted, That no Person acting in or holding any official Situation as Clerk and Treasurer, Revenue Collector, Superintendent, or Surveyor of any Turnpike Road, shall directly or indirectly have or hold any Share or Interest in any Contract to be entered into by the Trustees of such Road, under the Penalty of One hundred Pounds, to be levied and applied as the other Penalties hereby imposed are directed to be levied and applied; and it shall be in the Option of the said Trustees, and competent to them, to render such Contract null and void.

Orders and Proceedings to be entered in a Book.

XIV. And be it enacted, That all Orders and Proceedings of the Trustees of every Turnpike Road, together with the Names of the Trustees present at every Meeting, shall be entered in a Book to be kept by the Clerk to the said Trustees for that Purpose, and be signed by the Preses of the Meeting at which such Orders or Proceedings shall be from Time to Time made or had; and that such Book shall be opened at all seasonable Times to the Inspection of any of the Trustees, without Fee or Reward; and such Books, or Extracts thereof, signed by the Clerk, shall bear Faith and be received in Evidence in all Courts of Justice, Committees of Parliament, and elsewhere, in the same Manner as Extracts of Proceedings of Courts of Law in *Scotland*, without any Proof of their being such Books or Extracts.

Books of Account to be kept, and to be open to the Inspection of Trustees, Creditors, and others.

XV. And be it enacted, That the Trustees of every Turnpike Road shall direct a Book to be provided and kept by their Clerk or Treasurer for the Time being, in which Book such Clerk or Treasurer shall enter true and regular Accounts of all Sums of Money received and expended on account of the Road for which he shall act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, and which Book shall at all seasonable Times be open to the Inspection of any of the said Trustees, or of any Creditor on the Tolls collected and taken on the Road to which such Book relates, or of any Person who shall have paid any of the Tolls authorized to be taken on such Road; and any such Trustee, Creditor, or other Person may take Copies of the said Book or any Part thereof without paying any thing for the same, but every such Person, not being a Trustee or Creditor, shall pay One Shilling to the Clerk or Treasurer for each such Inspection; and the said Book shall be produced by the said Clerk or Treasurer at all Meetings of the said Trustees; and in case any Clerk or Treasurer shall not permit or shall refuse to permit any such Trustee, Creditor, or other Person to

Clerk refusing Inspection, &c. to forfeit 5*l.*

inspect any such Book, or to take such Copies as aforesaid, or in Case such Clerk or Treasurer shall refuse or neglect to produce such Book at any Meeting of the said Trustees, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds to any such Trustee, Creditor, or other Person who shall prosecute for the same, with the Expences of Process or Proceedings.

Trustees may pursue and be pursued in the Name of their Clerk, &c.

XVI. And be it enacted, That the Trustees of every Turnpike Road may pursue and be pursued in all Actions or Processes in the Name of their Clerk or Treasurer for the Time being; and that no Action or Process brought or commenced by or against any Trustees of any Turnpike Road, by virtue of this or any other Act of Parliament, in the Name of their Clerk or Treasurer, shall cease by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer without the Consent of the said Trustees, but that the Clerk or Treasurer for the Time to the said Trustees shall always be deemed to be the Pursuer or Defender (as the Case may be) in every such Action or Process: Provided always, that all Expences of Process or Proceedings so incurred by such Clerk or Treasurer shall be reimbursed and paid out of the Trust Funds of the Turnpike Road for which he shall act.

Officers to account.

XVII. And be it enacted, That all such Officers as shall be appointed by the Trustees of any Turnpike Road shall, as often as required by the Trustees, render and give to them, or to such Person as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, with the proper Vouchers, of all Monies which they shall respectively to the Time of rendering such Accounts have received, paid, and disbursed by virtue of this or any Turnpike Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the Trustees, or to such Person as they shall in Writing under their Hands authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall, for the Space of Fourteen Days after being thereunto required by the said Trustees, so refuse or neglect to render and give up to them, or to such Person as they shall direct or appoint, all Books, Papers, Writings, Tools, Matters, and Things in his Hands, Custody, or Power, belonging or relating to the Road for which he shall act, then it shall be lawful for the Sheriff or Justices of the Peace in Quarter Sessions assembled for the Shire where the Officer so refusing or neglecting shall be or reside, upon Complaint made by or on behalf of the said Trustees, to hear and determine such Complaint in a summary Way, and to cause such Money as shall appear to be due and unpaid to be levied by Poinding and Sale of the Goods and Effects of such Officer, rendering to him the Surplus (if any) of the Money remaining due, after deducting the Expences of such Poinding and Sale; and if sufficient Goods and Effects cannot be found, or if it shall appear to any such Sheriff or Justices assembled as aforesaid that any such Officer shall have wilfully refused to give such Account, or to deliver up all or any Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power,

Proceedings on Officers misconducting themselves.

relating to the Execution of his Office, such Sheriff or Justices shall commit him to the House of Correction or Common Gaol of the Shire where such Offender shall be or reside, there to remain until he shall make and give a true and perfect Account, and verify the same in manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid according to the Direction of the Trustees, or shall have compounded with the said Trustees for such Money, and paid such Composition according to their Direction, which Composition all Trustees are hereby empowered to make and receive, or until he shall deliver up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or have given Satisfaction to the Trustees concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Effects as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Accounts to be annually audited.

XVIII. And be it enacted, That the Trustees of every Turnpike Road shall and they are hereby required, either by themselves or some Committee of their Number, annually to examine the Vouchers and audit and settle the Accounts of the respective Clerks and Treasurers appointed by them, and to examine into the State of the Revenues and Debts, distinguishing bonded from floating Debts, of the several Roads for which they shall act as Trustees, and to make up Abstracts of such Accounts, which Abstract shall contain a Statement of the Revenues and Debts of the Trust, and also an Account of all Bonds given by the Trustees, and the Dates thereof; which said Abstracts of Accounts and Statements shall be signed by not less than Three of the Trustees.

Trustees may accept Subscriptions for making any particular Part of the Roads.

XIX. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to accept Subscriptions for such Sum of Money as may be requisite for the making or maintaining any particular Part of the said Roads, and for securing the Repayment thereof, with Interest, to assign the Tolls authorized to be levied on any of the said Roads; and they are hereby required to lay out and apply the Money so lent for that express Purpose accordingly.

Payment of Subscriptions to be enforced.

XX. And be it enacted, That if any Person who has subscribed or shall subscribe towards the making and maintaining the Roads by any Act intended to be made and repaired, shall, after Forty Days Notice given by any Person authorized by the said Trustees to receive and recover the Subscription Money, neglect or refuse to pay the Sum by him or her subscribed, to the Person so authorized, it shall be lawful for such Person, and he is hereby required, to pursue for and recover the said Subscription Money in any Court competent in *Scotland*.

Power to borrow Money and assign Tolls.

XXI. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to borrow and take up at Interest on the Credit of the Tolls arising on such Road any such Sum of Money as they shall from Time to Time respectively think proper, and to assign the Tolls on such Road or any Part thereof as a Security to any Person who shall advance such Sum of Money.

XXII. And

Form of Assignation.

XXII. And be it enacted, That Assignations of Toll Duties shall be in the Words or to the Effect following; *videlicet*,

'BY virtue of an Act passed in the Year of the Reign of intituled [*here set forth the Title of the Act or Acts*] we, a Quorum of the Trustees for executing the said Act [*or* Acts], in consideration of the Sum of advanced and paid to the Treasurer of the said Trustees, do hereby grant and assign unto *A. B.* and his Executors and Assignees [*here specify the Matter assigned*], to be held from this Day of in the Year of our Lord until the said Sum of with Interest after the Rate of *per Centum per Annum*, shall be paid and discharged.'

Transference by Indorsation.

And the Expences of such Assignations shall be paid out of the Toll Duties, and Copies thereof shall be entered by the Clerk to the Trustees in their Book of Orders and Proceedings; and it shall be lawful for all Persons respectively to whom any Assignation of Tolls shall be made as aforesaid, or shall have been made before the passing of this Act, or who shall be from Time to Time entitled to the Money thereby secured, to transfer, by Indorsation on such Assignation, his, her, or their Right and Interest in and to such Assignation of Tolls, and the Principal Money and Interest thereby secured, to any other Person whomsoever; which Indorsation shall be in the Words or to the Effect following; *videlicet*,

'I *A. B.* do hereby transfer all my Right to the within-written Assignation of thereby secured to and his [*or* my] Heirs and Assignees.'

And such Assignation, with Notice to the Clerk of the said Trustees, and Entry thereof in their Books of Proceedings, shall be equivalent to and have all the Effects of an intimated Assignation, as affording a Preference; and every Indorsee may in like Manner indorse the same, and such Indorsation, with Notice thereof entered as aforesaid, shall have all the Effects of an intimated Assignation, and so toties quoties; and all Persons to whom any such Assignation or Indorsation shall be made as aforesaid shall, in proportion to the Sum of Money thereby secured, be Creditors on the Tolls by such Act granted, in equal Degree one with another, or in such Order as shall be agreed upon and stipulated by the said Trustees at the Time of the Advance of their respective Shares.

Trustees may borrow Money on Annuity.

XXIII. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to borrow on Liferent Annuity, and to assign the Toll Duties leviable on the same to the Lender of the Money, to such Sums as they shall from Time to Time think proper; and it shall be lawful for the Grantee of such Annuity to transfer the same by Indorsation as aforesaid, which, with Notice to the Clerk and Entry in the Books of Trustees, shall be equivalent to an intimated Assignation, as affording a Preference; and that such Indorsee shall have also Power to transfer in like Manner such Annuity, and so *toties quoties* during the Life of the Grantee thereof; and that the Person claiming the Payment of the same shall be at all Times bound, if so required, to produce satisfactory Proof of the said Grantee having

having been alive up to the Date of such Claim: Provided always, that it shall not be lawful for the Trustees to give more than Ten *per Centum* on any Sum of Money so to be borrowed by the said Trustees on Annuity, or to grant any such Annuity on any Life under Fifty Years of Age.

Trustees not personally liable.

XXIV. And be it enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money borrowed, or Interest thereof, by reason of having signed any Securities in pursuance of any Turnpike Act, but which Securities shall be held and considered as granted upon the sole Credit and Security of the Tolls; nor shall any Trustee or Subscriber be held personally liable upon any Pretext for Payment of any Sum or Performance of any Obligation for Payment or Performance of which he shall not have bound himself personally as an Individual independent of his Office as a Trustee under any Turnpike Act.

Contracts and Agreements under other Acts to be good.

XXV. And be it enacted, That all Contracts, Agreements, Bonds, Assignments, and Securities made or entered into by any Person or Persons to or with the Trustees for executing any Act expired or repealed, according to the Provisions and Directions thereof, shall remain in full Force and shall be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed; and all Contracts, Agreements, Bonds, Assignments, and Securities duly made or entered into by the Trustees for executing any such Act, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing any Act, continuing or renewing such Act, or constituting a new Trust in lieu thereof for the same Road or Roads, and on all other contracting Parties, and shall be observed and kept according to the Terms and Stipulations and Tenor of the same in all respects as if such Act had not expired or been repealed.

Books of Accounts and Proceedings under former Acts to be Evidence.

XXVI. And be it enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing any Act expired or repealed, or Extracts of the Proceedings signed by the Clerk, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Processes, and Actions whatsoever, in the same Manner as if such Act had not expired or been repealed.

Officers appointed under any former Act to continue under renewed Act.

XXVII. And be it enacted, That the Clerks, Collectors, Surveyors, and other Officers who have been appointed under and employed in the Execution of any Act expired or repealed shall continue to exercise their Offices under any other Act renewing, re-enacting, or continuing such Act, until they shall be displaced and removed by the Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations and Pains and Penalties in all respects as before, in the same Manner as if such Act had not expired or been repealed.

Plans to remain with the Clerk of the Peace,

XXVIII. And whereas Maps or Plans describing Roads intended to be made or altered and improved, and the Lands through which such

and be open to Inspection.

such Roads will lead, together with Books of Reference containing the Names of the Owners and Occupiers of such Lands, are required to be deposited with the Clerks of the Peace of the Counties through which such Roads pass; be it enacted, That all such Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace; and every Person, being an Owner or Occupier of any Lands or Tenements upon the Line of any such Road, shall at all seasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to examine and make Extracts from or Copies of the same, paying to the Clerk for such Copy or Extract from the same after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Roads may be made notwithstanding Error in the Description of Owner or Occupier.

XXIX. And be it enacted, That it shall and may be lawful to and for the Trustees of all Turnpike Roads to make or alter and improve such Roads into, through, across, or over the several Lands, Grounds, or Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Owner or Owners of Land over, in, or through which the same is set out and described in such Maps or Plans, although the Name or Names of such Person or Persons may happen to be erroneously set forth or omitted in such Books of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the County in which the Question shall arise, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, and that such Owner or Occupier had received due Notice.

Sheriffs, &c. empowered to take Affidavits of Notices.

XXX. And be it enacted, That it shall be lawful for the Sheriffs within their respective Shires to take Affidavits on Oath or Affirmation (which Oath or Affirmation such Sheriffs are hereby authorized to administer) of the Answers that may be given by the Proprietors and Occupiers of Lands, on Application made to them for their Consent to any Bill for making or repairing any Turnpike Road; and every such Affidavit shall be in the Form following, as nearly as the Circumstances of the Case will admit:

Form of Affidavit.

'*A. B.* of maketh Oath and saith, [*or, being One of the People called Quakers*, upon his solemn Affirmation saith,] That he did apply to and did receive from the several Persons whose Names are contained in the Paper hereto annexed, whom he believes to be the Proprietors and Occupiers of the Lands through which the intended Turnpike Road is to be carried, the Answers set forth in the Paper hereunto annexed. (Signed) *A. B.*'

'Sworn [*or* solemnly affirmed] before me, as witness my Hand, the Day of in the Year .'

And no such Affidavit as aforesaid shall be subject or liable to any Stamp Duty now payable by any Act, or which shall hereafter be imposed, unless specially named and made subject thereto by the Act imposing the same; nor shall any Fee be charged by any Sheriff, Sheriff-Clerk, or other Officer, for administering or attesting the above Oaths or Affirmations.

XXXI. And

Proof of Handwriting of Sheriff to be deemed sufficient.

XXXI. And be it enacted, That Proof of the Handwriting of any Sheriff before whom any such Affidavit shall be made as aforesaid shall be sufficient Evidence of the Signature of such Sheriff before any Committee of either House of Parliament, without any Witness being produced who was present at the Time when such Affidavit was made.

Power to erect Toll Bars and Houses; and the Property thereof vested in Trustees.

Restriction on setting up Toll Bars.

XXXII. And be it enacted, That it shall be lawful for any Turnpike Trustees to continue or erect Toll Bars on any Turnpike Road or on the Sides thereof, as also Toll Houses, and to design suitable Gardens for the Tollgatherers, not exceeding One Eighth Part of an Acre; and the Right and Property of such Bars, Houses, and Gardens are hereby vested in the said Trustees: Provided always, that no Toll Bar shall hereafter be erected by Authority of this or of any Turnpike Act, unless the same be ordered by the Trustees at a Meeting of which and of the Purpose whereof Fourteen Days public Notice shall have been given in any Newspaper usually circulated in the Shire in which such Road or the principal Part thereof is situated, and by affixing the same upon all the Toll Bars erected on such Road which shall not be farther distant than Six Miles from the Place where such Toll Bar is proposed to be erected, and also on the Church Door of the Parish within which such Toll Bar is proposed to be erected.

Trustees may reduce Tolls and remove Toll Bars, and afterwards may advance Tolls and replace Toll Bars.

XXXIII. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road, at a Meeting to be held for that Purpose, (of which One Calendar Month's Notice shall be given in Writing, to be affixed on all the Toll Bars upon such Road, and by Advertisement in any Newspaper circulated as aforesaid,) from Time to Time to lessen and reduce the Tolls granted by any Turnpike Act, or to take down and remove any Toll Bar erected by Authority of this or of any Local Turnpike Act, and in like Manner to advance any of the Tolls, so that the several and respective Tolls do not exceed the Tolls allowed to be demanded and taken by such Turnpike Act, and again to erect the Toll Bar that may have been so taken down, and collect Tolls thereat: Provided nevertheless, that where the whole Money borrowed on the Credit of the Tolls shall not have been discharged, no Toll shall be reduced, nor Toll Bar removed, without the Consent in Writing of the Persons entitled to Three Fourths of the Money remaining due upon such respective Tolls, and of such Trustees as shall have become personally liable for the same.

Powers for Trustees to let the Tolls by public Roup.

XXXIV. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road, at a Meeting appointed for the Purpose, to let by public Roup the Tolls of the several Bars erected as aforesaid; and in case no Bidder shall offer, or in case the said Tolls shall not be let by public Roup, it shall then be lawful for the said Trustees to let the same by private Tender: Provided always, that no such Tolls shall be let for a longer Time than Three Years, and that at all such Lettings the Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or their Treasurer, or any other Person by them respectively authorized, such Person declaring that he is authorized to bid by the said Trustees.

XXXV. And

Trustees to provide Tables of Tolls and Tickets.

XXXV. And be it enacted, That the Trustees of every Turnpike Road shall provide for every Toll Bar a printed or painted Schedule or Table, containing the Name of the Toll Bar, with a List of the Tolls payable at such Bar, and also the Name of every other Bar which shall be cleared by the Payment of Toll at such Bar; and shall provide for every Bar, Payment at which shall clear any other Bar, Tickets denoting the Payment of Toll, and mentioning the Bars so cleared, One of which Tickets shall be delivered to the Person paying the Toll, and which shall also have printed or written thereon the Day of the Month on which the same is delivered; and on the Production of such Ticket at any Bar cleared by the Payment of the Toll at the Bar where such Ticket was delivered, the Person producing the same shall pass through such other Bar without paying any additional Toll.

Exempting Royal Family from Tolls.

XXXVI. And be it enacted, That no Toll shall be demanded or taken at any Bar erected by Authority of this or of any Turnpike Act, for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

General Exemptions from Tolls.

XXXVII. And be it enacted, That no Toll shall be demanded or taken at any such Toll Bar as aforesaid from any Person, for any Horse or other Beast of Draught, or for any Waggon, Cart, or other Carriage, employed in or returning empty from carrying or conveying, or going empty to carry or convey, any Materials for making or maintaining any Turnpike or Statute Labour Road, or for building, rebuilding, or repairing any Bridge or Toll House on any Turnpike or Statute Labour Road, and no other Matter or Thing whatsoever, or otherwise employed on account of any such Road and for the Purposes of the same, and for no other Purpose, or going before or returning empty after being so employed; or for any Horse or other Beast of Draught, or Carriage, employed only in carrying or conveying, or going or returning empty before or after having been employed only in carrying or conveying, on the same Day, on the Turnpike Road on which such Gate is placed, any Ploughs, Harrows, or other Implements of Husbandry, or any Hay, Straw, Manure, Dung, Fodder for Cattle or Corn in the Straw produced on any Farm, or Seaweed or Materials for draining collected and used on such Farm, or other Produce of the same, from one Part of any such Farm to another; or for any Horses or other Beasts of Husbandry, or any Sheep or Cattle, going to or returning from their usual pasture or watering Place, or going to be or returning from being shoed or farried at their usual Smithy, or going to or returning from Plough or Harrow; or from any Person going to or returning from his, her, or their usual Place of Religious Worship; or from any Clergyman going to or returning from visiting any sick Parishioner, or on other his parochial Duty within his Parish; or from any Person attending the Funeral of any Person who shall die and be buried within the Parish, or going to or returning from such Funeral, at any Toll Bar within the same Parish; or for any Horse or other Beast of Draught or Burden, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying,

veying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same, except in so far as such Horse or other Beast of Draught, or Carriage, are specially made liable to the Payment of Tolls and Duties by virtue of an Act made in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in* Scotland, *and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls;* nor shall any Toll be demanded or taken for the Horse of any Officer or Soldier on March or on Duty; or for any Horse or other Beast, or any Waggon, Cart, or other Carriage, employed only in carrying or conveying, or going or returning empty before or after having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Cart, or other Carriage whatsoever, or for any Horse or other Beast of Draught drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or going or returning empty before or after having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other Military Duty; or for any Horse or Carriage used by any Clerk, Treasurer, Superintendent, Surveyor, or other Officer acting under any Turnpike Trustees, when employed exclusively on the Business of the Road on which he is travelling; or for any Horses, Cattle, or Carriages which shall not travel altogether above One hundred Yards on any Road in whole or in part, before or after passing any Bar at which Toll Duty is leviable for using the same: Provided always, that if any Person shall claim or take the Benefit of any Exemption, not being entitled thereto, every such Person shall forfeit and pay a Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

53 G. 3. c. 68.

Penalty on fraudulent Evasion.

XXXVIII. And be it enacted, That nothing under One Hundred Weight shall be reckoned a Loading in any Waggon, Cart, or other such Carriage; and that every such Carriage passing with any thing under such Weight, and returning on the same Day with a Loading, shall be liable in only One Payment.

Nothing under 1 Cwt. to be considered a Loading.

XXXIX. And be it enacted, That all Horses travelling for Hire under the Post-horse Duties Acts, having passed through any Toll Bar drawing any Carriage in respect of which any Toll shall have been paid, shall on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage, or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, be permitted to pass Toll-free, although such Horses or Carriage

Post Horses, having passed through any Gate, may return Toll-free before Nine in the Morning of the following Day.

riage shall not have passed through such Turnpike Road on the same Day; provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

Horses, having passed through a Gate, and returning drawing a Carriage, the Toll paid on the Horses to be deducted.

XL. And be it enacted, That where any Horse or Horses shall pass through any Toll Bar not drawing any Carriage, and a Toll shall be paid on such Horse or Horses at such Turnpike Gate, and the same Horse or Horses shall return drawing any Carriage on the same Day, or before Nine of the Clock of the Morning succeeding the Day on which they first passed such Gate, the Toll paid on such Horse or Horses on their originally passing shall be deducted from the Toll payable on the same when drawing the Carriage to which they shall be attached on their Return, so that no higher Toll shall on the whole be taken than if such Horse or Horses had in the first place passed through such Turnpike Gate drawing the said Carriage.

Stage Coaches, &c. to pay for every Time of passing;

XLI. And be it enacted, That the Tolls made payable by Local Turnpike Acts shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing: Provided always, that no such Coach or Carriage shall be liable on account of any Change of Horses for any Toll Duty not otherwise exigible.

Post Chaises, &c. on every new Hiring.

XLII. And be it enacted, That the Tolls made payable by Local Turnpike Acts shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise, Waggon, or other Carriage, every Time of passing, whenever any new Hiring thereof shall take place.

Tolls upon Carriages affixed to others.

XLIII. And be it enacted, That where any Carriage whatsoever with Four Wheels shall pass through any Toll Bar affixed to any Waggon or Cart, such Carriage shall be liable to the same Toll as if it had passed through drawn by Two Horses; and in case any Carriage whatsoever with Two Wheels only shall pass through any Toll Bar so affixed to any such Waggon or Cart as aforesaid, such Carriage shall be liable to the same Toll as it would have been if passing through and drawn by One Horse only; and where any Horse shall be fastened to but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse, laden or unladen, as the Case may be.

For Recovery of Tolls.

XLIV. And be it enacted, That if any Person subject to the Payment of any Toll by any Local Turnpike Act shall, after Demand thereof made, wilfully neglect or refuse to pay the same, it shall be lawful for the Person authorized to collect such Tolls, at the Time when the same shall be due and payable, or within Twelve Hours thereafter, taking such Assistance as shall be necessary, to seize and detain any Horse, Beast, Cattle, Carriage, or other Thing upon or

in respect of which any such Toll is imposed, or any Carriage in respect of the Horses or other Beasts of Draught drawing the Carriage on which such Toll is imposed, or any of the Goods or Effects of the Person so neglecting or refusing to pay (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast); and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Detention, shall not be paid within the Space of Four Days thereafter, the Person so seizing and detaining may complain to the Sheriff or any Justice of the Peace for the Shire, who are hereby empowered, after hearing the Person complained of, or failing his Appearance after Forty-eight Hours Notice personally or at his Dwelling Place, to determine in a summary Way any Dispute that may arise about the Amount of Tolls due, or the Expences of the Proceedings, and to grant Warrant to sell by public Roup any Horse, Beast, Cattle, Carriage, or Thing so seized and detained, or a sufficient Part thereof; the Surplus of the Money (if any) arising from such Sale, and what shall remain unsold, to be returned to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Sale, and other Expences of Proceedings, shall be deducted.

Penalty on evading Tolls;

XLV. And be it enacted, That if any Person shall, with any Horse, Cattle, Beast, or Carriage, pass to or from any Turnpike Road over any Land near or adjoining thereto (not being a public Highway), such Person not being the Proprietor or Occupier, or Servant or one of the Family of the Proprietor or Occupier of such Land, with Intent to evade the Payment of any Toll Duty; or if any Proprietor or Occupier of any such Land shall knowingly or willingly permit any Person (except as aforesaid) so to pass over such Land with such Intent; or if any Person, not being a Tollgatherer, shall give, or if any Person shall receive from any other Person not being a Tollgatherer, or shall forge, counterfeit, or alter any Note or Ticket directed to be given, with Intent to evade the Payment of the Tolls; or if any Person shall fraudulently or forcibly pass through any Toll Bar or Fence connected therewith, with Intent as aforesaid; or if any Person shall take off or cause to be taken off any Horse or other Beast of Draught from any Coach, Chaise, Waggon, Cart, or other Carriage, at or before the same shall come to any Toll Bar, and after having passed such Toll Bar shall add or put on any Horse or other Beast of Draught to such Coach, Chaise, Waggon, or other Carriage, with Intent to avoid any Toll payable or Penalty imposed by this or any Turnpike Act; every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

or taking off Horses to avoid Payment of Toll.

Power to erect Weighing Machines.

XLVI. And be it enacted, That it shall be lawful for any Turnpike Trustees to erect Weighing Machines on any convenient Part of any Turnpike Road, so as not to interrupt the travelling along the same, and to direct all Waggons, Carts, or other Carriages carrying any Load, and which shall come within One hundred Yards of such Machine, to be weighed thereat, together with the Loading thereof.

Penalty on unloading Goods, &c. to evade Toll.

XLVII. And be it enacted, That if any Person shall unload or cause to be unladen any Goods, Wares, or Merchandize, from any Horse or

or other Beast of Burden, Waggon, Cart, or other Carriage, at or before the same shall come to any Toll Bar or Weighing Engine erected in pursuance of any Turnpike Act or of this Act, or shall load or lay upon such Horse or other Beast of Burden, Waggon, Cart, or Carriage, after the same shall have passed any such Toll Bar or Weighing Engine, any Goods, Wares, or Merchandize taken or unladen from any Horse or other Beast of Burden, Waggon, Cart, or other Carriage, belonging to or hired or borrowed by any Person, with Intent to avoid the Payment of Tolls payable for a Loading or Overweight, every Person so offending as aforesaid shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence.

Duty of Tollkeeper as to weighing.

XLVIII. And be it enacted, That the Keeper of every Toll Bar where any Weighing Engine shall be erected, or any other Person appointed by the Trustees of any Turnpike Road to the Care of such Weighing Engine, shall weigh all such Waggons, Carts, or other such Carriages which shall pass loaded through such Bars respectively, and which he shall believe to carry greater Weights than are allowed to pass without paying additional Toll; and if any Tollkeeper or Person so appointed knowingly shall permit any such Waggon, Cart, or other such Carriage to pass through any such Toll Bar with greater Weights than are allowed to be carried, without Payment of additional Toll, on the Road on which such Bar or Weighing Engine shall be placed, and shall not weigh the same, and receive such additional Tolls as aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for Neglect.

Any Trustee or Surveyor may cause Carriages, &c. to be weighed.

XLIX. And be it enacted, That it shall be lawful for any Trustee or Surveyor of any Turnpike Road, if he shall suspect any such Connivance or Neglect as aforesaid, to cause any Waggon, Cart, or other Carriage which shall have passed through any Toll Bar where any Weighing Engine shall be erected, and shall not have passed above One hundred Yards beyond such Toll Bar, to return to such Weighing Engine, and be there weighed, with the Loading which passed through such Toll Bar, in the Presence of such Trustee or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing, which shall be returned to the Person paying the same, if upon weighing such Carriage and the Loading thereof it shall be found above the Weight allowed to be carried on such Carriage without Payment of additional Toll; and if the Driver of any such Carriage, being so requested to return with his Carriage to such Weighing Engine, shall neglect or refuse so to do, he shall forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for any Peace Officer, or any other Person being then present, upon such Neglect or Refusal, to drive and take such Carriage back to such Weighing Engine in order to be weighed as aforesaid.

Penalty on Persons obstructing or refusing to assist in weighing.

L. And be it enacted, That if any Person, having the Charge of any Waggon, Cart, or other such Carriage, shall not, when required thereto by any Collector of Toll Duties, permit the same to be weighed, or assist in weighing the same, or shall evade, hinder, or obstruct

obstruct the weighing of any such Carriage, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Where Turnpike Roads under different Trusts meet, Trustees may fix on a Place for erecting a Weighing Engine.

LI. And be it enacted, That when Two or more Turnpike Roads meet at or near the same Place, it shall be lawful for the Trustees of such Turnpike Roads respectively, at a Meeting to be held for that Purpose, to fix upon some convenient Place to erect a Weighing Engine upon, which will accommodate all such Turnpike Roads, and by Agreement among themselves at such Meeting to proportion the Expences which may attend the making, erecting, maintaining, and keeping in repair such Weighing Engine, and likewise to proportion the Money arising from Forfeitures to be incurred for Overweight at such Weighing Engine amongst all such Turnpike Roads, in such Manner as to them shall appear just and reasonable.

Carriages, &c. with Wheels of a certain Description chargeable with less Toll.

LII. And be it enacted, That it shall be in the Power of any such Trustees, and they are hereby authorized, if they shall think fit, any thing herein-before contained to the contrary notwithstanding, to exempt from Payment of any Part of the Toll Duties, not exceeding One Third thereof, every Waggon, Cart, or other such Carriage as aforesaid with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Five Inches or upwards, and being cylindrical; (that is to say,) of the same Diameter on the Inside next to the Carriage and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear equally on such flat Surface, and that the opposite Ends of the Axletrees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of the said Pair of Wheels, and, further, having the Nails sunk level with the Rings on the Wheels; and every Waggon, Cart, or Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Seven Inches and an Half or upwards, and being cylindrical as before mentioned: Provided always, that every Person claiming the Privileges granted to Carriages with Wheels constructed as aforesaid shall permit the same to be examined or measured by the Surveyor of the Trustees, and by any Person employed in the Collection of the said Toll Duties.

Trustees may compound for Tolls.

LIII. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road, previous to letting the Tolls, to compound and agree, for any Term not exceeding One Year at any One Time, with any Person using such Road, for the passing of their Horses, Cattle, or Carriages through any of the Toll Bars to be erected on such Road or on the Sides thereof, which Composition shall be paid in advance, and in default thereof the Composition or Agreement with the Person making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are directed to be paid and applied: Provided nevertheless,

Tacksman or Tollgatherer not to compound, on Penalty of 20*l.*

that it shall not be lawful for any Tacksman of Tolls or Tollgatherer to compound with any Person for the Payment of any Tolls, or to accept any lower Tolls than those settled by the Trustees of any Turnpike Road to be taken, or pay back or return any Sum of Money to Persons frequenting any Turnpike Road, and paying the Tolls thereon, with the Intent of avoiding the Provisions of this Act or of any Turnpike Act, under a Penalty for each such Offence not exceeding Twenty Pounds.

Trustees may agree with Postmaster General respecting Tolls on Mail Coaches.

LIV. And be it enacted, That it shall be lawful for any such Trustees to enter into any Agreement with His Majesty's Postmaster General as to the Amount of Tolls that shall be paid for any Mail Coach or other Carriage travelling along any Turnpike Road, without any Limitation as to the Amount of the Tolls to be payable, or the Number of Years for which such Agreement shall subsist: Provided always, and it is hereby declared, that no Toll shall be paid or payable under or by virtue of any such Agreement which shall exceed in Amount the Toll that shall or may at any Time hereafter be directly or indirectly paid or received for or in respect of any Stage Coach whatever travelling along any such Turnpike Road, and drawn by the same Number of Horses as the Mail Coach or other Carriage which may be the Subject of such Agreement.

Tollgatherers to put up their Names and Table of Tolls on the Front of the Toll Houses.

LV. And be it enacted, That every Tacksman of Tolls and Tollgatherer appointed by the Trustees of every Turnpike Road shall place on some conspicuous Part of the Fronts of their several Toll Houses or collecting Boxes his or her Christian and Surname, painted in Black on a Board with a White Ground, each of the Letters of such Name to be at least Two Inches in Length and of a Breadth in proportion, and that such Board shall so remain at such Toll House or Box during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every Tacksman and Tollgatherer shall place on the Front of the Toll House, or otherwise erect at the Toll Bar, so as to be distinctly legible from the Road, the Schedule or Table herein-before directed to be provided by the Trustees; and if any Tacksman or Tollgatherer shall not so place or erect such Board or Schedule or Table respectively, and so keep the same there during the Time such Person shall be such Tacksman or Gatherer, or shall demand or take a greater or less Toll than such Tacksman or Gatherer shall be authorized to do, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit any Person to read such Board, Schedule or Table, or shall refuse to tell his or her Christian and Surname to any Person who shall demand the same, on being paid the said Tolls, or shall give a false Name, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Toll Bars freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct any Passenger from passing through any Toll Bar, or shall permit or suffer any Obstruction to the passing through any Toll Bar by the stopping or unnecessarily delaying of any Carts or Carriages, or shall omit to take Double Toll Duty for any Coach, Chaise,

Penalty for Neglect, and for Misbehaviour.

Cart, or other Carriage required to have the Owner's Name, Surname, and Place of Abode painted thereon, and not having the same so painted or placed as herein-after directed, or shall make use of any scurrilous or abusive Language to any Trustee, Surveyor, Traveller, or Passenger, such Tacksman or Tollgatherer shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and it shall not be lawful to collect any Toll Duty at any Bar where such Board, or Schedule or Table, shall not be so placed or erected.

On Death of Tollgatherer, Trustees may nominate another.

If Tollgatherer, &c. refuse to deliver up Possession, the Sheriff or Justices may give Possession.

LVI. And be it enacted, That it shall be lawful for any Two Trustees of any Turnpike Road, upon the Death of any Tollgatherer appointed by the Trustees, to appoint some other fit Person in his Place until the next Meeting of the Trustees of such Road; and that if any Person who shall be discharged from his Office by the Trustees shall refuse to deliver up the Possession of the House, Gardens, and Pertinents which he enjoyed in right of his Appointment to that Office, within Three Days after Notice of his Discharge shall be given to him or left at his House, or if the Wife or Family of any such Person who shall die as aforesaid shall refuse to deliver up the Possession of such House, Garden, and Pertinents within Three Days after such new Appointment shall be made as aforesaid, it shall be lawful for the Sheriff or any Justice of the Peace for the Shire where such Toll House shall be, by Warrant under his Hand, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Daytime, and to remove the Persons who shall be found therein, together with their Goods, out of such House, and to put the Person appointed to collect the Tolls at such Place into the Possession thereof.

Ejecting Tacksmen in arrear.

LVII. And be it enacted, That if any Tollgatherer or Tacksman of the Tolls on any Turnpike Road shall fail to pay the stipulated Rent, or any Instalment thereof, within One Month after such Rent or any Instalment thereof shall have been due and payable, it shall be lawful for any Two Justices of the Peace or the Sheriff of the County in which the Gate at which such Tolls are payable is situated, on the Complaint of the Clerk or Treasurer of such Road, to summon the Tacksman so failing before them or him, and to hear and determine on the said Complaint in a summary Way; with Power to such Justices or Sheriff, on being satisfied that the Rent or Instalment thereof due has not been paid, to grant Warrant for the instant Ejection of such Tacksman, and all Persons acting for him, from the Collection of such Tolls, and from the House, Garden, and Pertinents thereof; and it shall be lawful for the Trustees to let such Tolls of new; reserving always to the Trustees of such Road a Claim against such Tacksman and his Sureties for the unpaid Rents, and for all Loss which may arise by reletting or otherwise collecting such Tolls for the Remainder of the Lease of such Tacksman, and that notwithstanding the Ejection aforesaid.

If Tollgatherers abscond, Penalties to be levied on

LVIII. And be it enacted, That in case any Tollgatherer or Person acting as such shall offend against any of the Provisions of any Turnpike Act or of this Act, whereby any Penalty shall be incurred, and shall abscond or absent himself or herself, so as not to be found, then it

Tacksman of Tolls.

it shall be lawful for the Sheriff or any Justice of the Peace before whom any such Tollgatherer or Person shall be convicted of any such Offence, to order and adjudge that the Penalty incurred as aforesaid shall be paid by the Tacksman of the Tolls under whom such Gatherer or other Person shall act.

Tollgatherer shall not be licensed to sell Spirits, &c. unless on Application of Trustees of the District.

LIX. And be it further enacted, That it shall not be lawful for the Justices of the Peace for any Shire or Stewartry to grant to the Tacksman of the Tolls or Tollgatherer, or other Person situated at any Toll Bar, any Licence to sell any Wine, Ale, Spirituous Liquors, or Provisions, unless an Application shall have been previously made to such Justices by the Trustees of the District of Roads within which such Toll Bar shall be situated, recommending that such Tacksman, Tollgatherer, or other Person who from Time to Time may be situated at such Toll Bar, should be so licensed as aforesaid.

Trustees may enter upon Lands for making Roads.

LX. And be it enacted, That it shall be lawful for such Trustees, and for their Surveyor or Surveyors and Workmen employed by them, from Time to Time to enter upon the Land and Premises through which or whereupon any Road authorized to be made, altered, or repaired by any Act of Parliament is intended to pass, and also upon any adjoining Lands or Grounds, and to stake out such Road, and to cut and make any Drains or Ditches or Arches through or into any Lands adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands, (not being a Garden, Orchard, Lawn, Policy, Nursery for Trees, planted Walk, or Avenue to a House, or inclosed Ground planted as an Ornament or Shelter to a House,) as the said Trustees shall think fit, without being subject or liable to any Fine, Penalty, or Punishment for entering and continuing upon any Part of such Lands or Grounds respectively for any of the Purposes of this or of any Local Act of Parliament, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned, such Damages being ascertained and settled, in case of Dispute concerning the same, in the same Manner that the Value of Land to be taken and acquired is herein-after directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used, or any Part of the Fences made in laying out any Part of such Roads, or injure any Drain, Ditch, or Arch, or temporary Way, so made as aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to widen Roads to Twenty Feet without making Compensation;

LXI. And be it enacted, That the Trustees of all Turnpike Roads shall have Power and they are hereby authorized to widen and extend all such Roads so that the same shall be in all Places Twenty Feet in Width of clear passable Road, exclusive of the Bank, Ditch, and Fence on either Side thereof, Twenty Feet being hereby declared to be the least legal Breadth of a Turnpike Road; and no such Trustees shall be liable to pay for any Ground necessary to make any such Road of such legal Breadth, reserving all Claims of Damages to the Proprietor for any Fences which may be altered or removed by widening such Road as aforesaid; and they shall have farther Power and

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are hereby authorized, if they shall see fit, to extend any Turnpike Road to the Width of Forty Feet of clear passable Road, exclusive of the Bank, Ditch, and Fence on either Side thereof, on making full Satisfaction in manner herein-after directed to the Proprietors and Occupiers of any Ground, Buildings, or Fences taken or removed for the Purpose of such widening, over and above the Width of Twenty Feet as aforesaid.

and to Forty Feet on making Compensation.

LXII. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road, in altering or diverting the Course of any Part of such Road, to deviate from the Line or Course of such Road to a greater Distance than One hundred Yards in any one Point, or to a greater Length in all at any one Place than Five hundred Yards, or in making a new Road to a greater Distance at any one Point, or to a greater Length at any one Place, than One hundred Yards from the Line described in the Map or Plan deposited with the Clerk of the Peace, or to take or use any Orchard or Garden, or any Policy, Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, without the Consent in Writing of the Owner thereof; but with such Consent in Writing it shall be lawful for such Trustees in all Cases to make any such Alterations or Diversions as they shall think proper for the Purpose of rendering any such Road more commodious and useful for the Public: Provided always, that nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, to revoke, limit, abridge, alter, or vary any Powers or Authorities contained in any Local Act, as to making, altering, widening, or diverting any Turnpike Road or the Course thereof, or taking or acquiring Lands, Buildings, or Fences for the said Purposes, but the same Powers and Authorities shall and may be used, exercised, and carried into effect by the Trustees appointed by such Acts, fully and effectually; any thing herein contained to the contrary notwithstanding.

Trustees not to deviate above certain Distances, nor make use of any Garden, without Consent of Owner.

LXIII. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road to obtain and acquire, by Purchase, Lease, or otherwise, and it shall be lawful for all Persons, whether Proprietors or Heirs of Entail in Possession of entailed Estates, Bodies Politic or Corporate, or otherwise, as also all Trustees, Managers, or Directors whatsoever not otherwise so empowered, Guardians, Tutors, and Curators of every Person whatsoever under any legal Disability or Incapacity, to sell, feu, let, and convey all such Lands, Buildings, or other Heritable Subjects as shall by such Trustees be deemed necessary to be obtained or acquired by them for making, widening, diverting, altering, improving, or repairing such Roads, or for Toll Houses and Gardens, or for making convenient Places for turning Carriages at Weighing Engines, or for storing Materials, depositing Mud, Sand, or other Matter removed from any such Road, or for taking Materials from, or otherwise appearing to them proper to be used in any way for the Purpose of the Trust, and to treat, contract, and agree for the Value thereof, or the Compensation for any Loss or Damage occasioned by any Operation of any such Trustees.

Lands may be purchased for improving Roads.

LXIV. And be it enacted, That in case such Persons, Proprietors or others as aforesaid, shall refuse or delay to treat, or shall not be satisfied

When Persons interested refuse

or delay to treat, the Value may be ascertained by a Jury,

satisfied with the Price offered by the Trustees of any Turnpike Road, it shall be lawful for such Trustees to make Application to the Sheriff of the Shire where such Lands, Buildings, or other Heritable Subjects, or the greatest Part thereof, shall lie, or where such Claim of Damage shall arise, in order to ascertain the Value of the Lands, Buildings, or other Subjects necessary to be obtained or acquired as aforesaid, and the Loss or Damage ensuing from the altering or removing of Fences, or any other Loss or Damage occasioned as aforesaid; and the said Sheriff is hereby empowered and required upon such Application to order Fifteen Days Notice thereof to be given to the Proprietor and Occupier of such Lands, Buildings, or other Subjects, and afterwards to summon a Jury, and to proceed according to the Mode of Jury Trial in Criminal Cases in Sheriff Courts as by Law established, to determine by their Verdict the Damages to be paid by such Trustees; and in estimating the same the said Jury shall have Right and they are hereby empowered and required to take under their Consideration all Circumstances of the Case, and particularly the Advantages arising to the Proprietors and Occupiers by new or altered Roads; and the Sheriff shall have Power to direct such Fences as may thereby become useless to be taken down and removed by the said Trustees, upon paying such Allowance for the same as the said Jury may determine; and it shall be optional to the Proprietors and Occupiers, either to accept of the Allowance so awarded, or to retain the Materials of the said Fences to their own private Use; and after a Verdict is pronounced as aforesaid, the said Sheriff is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage awarded to the Persons having a Right thereto; and upon Payment being made by the said Trustees of the same, or Consignation in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in manner by this Act directed, such Trustees shall have a Right to take the said Lands, Buildings, or other Subjects; and the said Proceedings and Orders of the said Sheriff shall be final, and not subject to Review by Advocation or Suspension, or by Reduction or otherwise, by any Court whatever; any Law or Usage to the contrary notwithstanding.

Power to Sheriff to summon a Jury to fix the Value of Lands and Buildings.

Sheriff to adjudge Payment of the Sum awarded by the Jury.

Expences of the Proceedings how to be paid.

LXV. And be it enacted, That in case such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Proprietor or Occupier shall have required, the Expences of the Process and Proceedings shall be borne by such Trustees and the said Proprietor or Occupier equally; but in case the said Jury shall award to such Proprietor or Occupier the Sum so required, or any greater Sum, the whole of the said Expences shall be paid by such Trustees; and on the other Hand, if the said Jury shall award the Sum offered by such Trustees, or a less Sum, the whole of the said Expences shall be paid by the said Proprietor or Occupier: Provided always, that in all Cases where any Person shall by reason of Absence be prevented from treating with the Trustees, the said Expences shall be paid by such Trustees.

Penalty on Juryman refusing to act.

LXVI. And be it enacted, That if any Person summoned as a Juryman by the Authority of any Sheriff, in any Matter arising out of this Act or any Turnpike Act, shall neglect or fail to appear, or shall

without lawful Excuse refuse to act as a Juryman, such Sheriff may fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

How Lands and Buildings may become the Property of the Trustees.

LXVII. And be it enacted, That all Lands, Buildings, and other Heritable Subjects which may be acquired by the Trustees of any Turnpike Act, under the Authority of the same, shall become the Property of the said Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British* Linen Company, or by all Claim of Damage for the same being renounced or abandoned, whereupon such Trustees may take and use the said Lands, Buildings, and other Subjects, and shall hold the same as validly as if the respective Proprietors thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereon.

Proprietors under Entail may burden their Estates.

LXVIII. And be it enacted, That it shall and may be lawful for any Proprietor or Heir of Entail in Possession of any entailed Estate, or the Tutor or Curator of such Proprietor or Heir of Entail, who may be desirous of advancing or lending any Sum or Sums of Money for the Purpose of making or maintaining any Turnpike Road, or building any Bridge on the same, to be made or built subsequent to the passing of this Act, either to bind himself personally as a Trustee of such Turnpike Road, and also to bind the succeeding Heirs of Entail, for the Repayment of any such Sum or Sums to any Person or Persons who may advance the same to the Trustees of such Turnpike Road, or to advance such Sum or Sums, and to render the same a Burden upon the said entailed Estate and the succeeding Heirs of Entail; or, having advanced such Sum or Sums, to borrow the like Sum or Sums, and to bind himself and the said Estate, and the Heirs of Entail succeeding thereto, for the same; and all Bonds and Obligations for Money so to be advanced or borrowed and applied shall be held to bind such Proprietors in Cases where they have personally bound themselves, and also the Heirs of Entail in such Estates, for the Repayment of such Money; and such Bonds and Obligations shall be valid and effectual against the Granters of the same, and also against the Heirs of Entail succeeding to them in such entailed Estates; and such Sums shall be and continue to be a real Burden on such Estates till repaid out of the Tolls and Duties levied on such Turnpike Road: Provided always, that the Share or Proportion of such Sum or Sums of Money to be so advanced or borrowed, affecting such succeeding Heirs of Entail, shall not exceed One Year's free Rent of the entailed Lands of such Proprietor situated in each Parish respectively through which any such Turnpike Road or any Part thereof shall run, or in which any such Bridge or any Part thereof shall be built, and that the Heir of Entail in Possession of such entailed Estates shall be obliged to keep down the Interest of such Sum or Sums of Money so advanced or borrowed: Provided also, that it shall not be lawful to the Creditor or Creditors, in right of any such Debt, to adjudge or otherwise evict the entailed Estate for Payment thereof or any Part thereof; but it shall and may be competent to such Creditor or Creditors to prosecute such Remedy or Remedies against the Rents thereof as are given and allowed by the Law of *Scotland* to Heritable Creditors.

LXIX. And

Proprietors of entailed Estates may renounce Damages.

LXIX. And be it enacted, That it shall be in the Power of Proprietors or Heirs of Entail in Possession of entailed Estates, Bodies Politic and Corporate, all Trustees, Managers, and Directors whatsoever not otherwise so empowered, as also Guardians, Tutors, and Curators of every Person under any legal Disability or Incapacity, to give up and renounce every Claim of Damage or Demand otherwise competent to them for such Lands, Buildings, and Materials on their respective Properties as the Trustees of any Turnpike Road may require for the Purposes of such Road, and that such Renunciation shall be equally binding on the Heirs and Successors of such Persons in such Estates.

Old Roads or Bye Roads which shall have become useless may be stopped.

LXX. And be it enacted, That where any new Turnpike Road shall be made in lieu of an old Road, or where any Bye Road shall be used for the Purpose of evading the Toll Duties imposed by any Local Act, or where any old Road or any Bye Road shall have become useless or of no Importance to the Public, it shall be lawful for the Justices at any stated Meeting, on the Application of the Trustees of such Road, to give Orders for shutting up such old Road or Bye Road, after the Expiration of Six Months from the Date of such Orders or Resolution, if not appealed from as herein-after mentioned: Provided always, that Thirty Days Notice of the Intention to propose a Resolution or Order to that Effect shall be given by Advertisement in any Newspaper usually circulated in the County or Counties, and by Advertisement affixed to the Church Door of any Parish or Parishes in which respectively such Road proposed to be shut up may be situated; and that any Person interested may complain of the Determination of the Trustees in any such Matter within Six Months after the Date of such Order or Resolution, but not afterwards, to the Justices of the Peace assembled in their Quarter Sessions, or to the Sheriff of any County through any Part of which the Road so proposed to be shut up may pass, which Justices or Sheriff are hereby authorized finally to determine all such Complaints; and all such Determinations of the said Trustees not so complained of, and all such Determinations of the Quarter Sessions or the Sheriff, shall be final and conclusive, and shall not be subject to Challenge or Review in any Court or by any Process or Proceeding whatsoever; and no Trustee who shall have been present at the passing of any such Resolution shall act as a Justice of the Peace at the Quarter Sessions on the Hearing of any such Complaint.

Toll Houses and Roads become useless may be sold or exchanged.

LXXI. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road to exchange any old Road or Part thereof so shut up, or any Piece of Ground or Building no longer wanted by the Trustees, with the Owner of any immediately adjoining Land, for any other Land or Building they may require for the Purposes of their Trust, as also to sell and dispose of by public Auction any old Road, Toll House, or other Building or Piece of Ground acquired by the said Trustees for the Purposes of the Road, as shall by them be adjudged to have become useless; and all such Exchanges or Sales heretofore made or to be made are hereby declared valid and effectual to all Intents, without any Disposition or Conveyance or Infeftment whatsoever: Provided always, that hereafter, before so selling and disposing of any such old Road, Toll House, Building,

When any Parts of the old Road, &c.

or

or Piece of Ground, the Trustees shall first offer the same to the Person from whose Land the same shall have been taken, or his Heirs or Successors in that Land, and then, on the Non-acceptance of such Offer, to any Person whose Lands shall immediately adjoin thereto; and if such Persons shall refuse (except on Account of the Price thereof) to purchase the same, on Oath being made before One of His Majesty's Justices of the Peace for the Shire where such Ground is situate, by some Person in no way interested therein, stating that such Offer was made by such Trustees, and was refused, such Oath shall be sufficient Proof that such Offer was made and refused; but in case such Person shall agree to purchase such Ground, but shall not agree with respect to the Price, it shall be determined by a Jury in manner herein-before directed as to Lands acquired by the Trustees; and the Money to arise from such Sale shall be applied to the Purposes of such Turnpike Road, but the Purchaser shall not be answerable or accountable for any Misapplication of such Money.

are to be sold, the first Offer to be made to the original or adjoining Owners.

LXXII. And be it enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Buildings, or other Heritable Subjects, purchased, taken, or used by virtue of the Powers of this Act or any Turnpike Act, for the Purposes of any Turnpike Road, or for the Purpose of being added to any Minister's Glebe, as hereinafter directed, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Trust, Incorporation, married Woman, Infant, Lunatic, or other Person or Persons under any legal Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds Sterling, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Buildings, or other Heritable Subjects, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Buildings, or other Subjects, or affecting other Lands, Buildings, or Heritable Subjects standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Buildings, or Heritable Subjects, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by

Application of Compensation Money where amounting to 200*l*.

Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Buildings, or Heritable Subjects so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where less than 200*l.* and amounting to 20*l.*

LXXIII. And be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Buildings, or Heritable Subjects so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Subjects so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees of the Turnpike Road or Roads on account for which such Money shall have been agreed or awarded to be paid, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating or approving Parties,) in order that such Principal Money, and the Interest arising therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where less than 20*l.*

LXXIV. And be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Subjects so purchased, taken, or used for the Purposes of this Act, in such Manner as such Trustees of any Turnpike Road as aforesaid, or any Two or more of them, shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Tutors and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, Purchase Money to be paid into a Bank, subject to the Order of the Court of Session.

LXXV. And be it enacted, That in case any Person or Persons to whom any Sums of Money shall be awarded for the Purchase of any Lands, Buildings, or other Heritable Subjects to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for such Trustees of any Turnpike Road or Roads as aforesaid, or any Two or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, to the Credit of the Parties interested in the

said Lands, Buildings, or other Heritable Subjects, (describing them,) subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Right to such Money, the Persons who have been in Possession of the Premises shall be deemed entitled.

LXXVI. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks, for the Purchase of any Lands, Buildings, or other Heritable Subjects as aforesaid, the Person or Persons who shall have been in Possession of such Lands, Buildings, or other Heritable Subjects at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Buildings, or other Subjects according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly, unless it shall appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Buildings, or other Heritable Subjects.

The Court may order reasonable Expences of Purchases to be paid by the Trustees in certain Cases.

LXXVII. And be it enacted, That where, by reason of any Disability or Incapacity of the Person or Corporation entitled to any Lands, Buildings, or other Heritable Subjects to be purchased under the Authority of any Turnpike Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Buildings, or other Heritable Subjects, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Expences of obtaining such Order, to be paid by the said Trustees out of the Purchase Money of the Lands, Buildings, or other Heritable Subjects acquired by them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to carry any Roads

LXXVIII. And be it enacted, That in making or altering the Course of any Turnpike Road, or widening the same, it shall be in the Power of

through Ministers' Glebes, making Addition to Glebe in proportion to Ground taken off.

of the Trustees of such Road to cause the same to be carried through any Minister's Glebe, Fifteen Days previous Notice of their Intention so to do being given to such Minister and to the Clerk of the Presbytery of the Bounds: Provided always, that such Quantity of Ground shall be added to the Glebe lying most contiguous and convenient thereto (such Ground not being an Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk, or Avenue to any House, nor inclosed Ground planted as an Ornament or Shelter to a House,) as shall be a sufficient Compensation for that taken for such Road; which Grounds such Trustees shall have Power to purchase from the contiguous Proprietor or Occupier, who shall in like Manner be empowered and bound to sell such Land, whether the same be under Entail or otherwise; and in case of any Difference with regard to the Amount of such Compensation, or the Price to be paid to such Proprietor, or the Damage due to the Occupier, Application shall be made to the Sheriff of the Shire, who shall summon a Jury, and determine the same, in like Manner as is herein-before directed in regard to Lands to be taken for the Purposes of making, altering, or widening Turnpike Roads; and upon such Determination, and upon Payment being made by such Trustees of such Price to the Proprietor, and Damage due to the Occupier of the Ground, or Consignation thereof in any of the Banks above mentioned, such Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening such Roads, without any Disposition or Conveyance or Infeftment whatsoever; and the Proceedings and Determination of the Sheriff shall be final and conclusive, and shall not be subject to Review, by Advocation, Suspension, or Reduction, or otherwise, by any Process or Court whatever.

Valued Rent not to be altered in respect of Ground taken.

LXXIX. And be it enacted, That in every Case where it may be necessary to exchange or take Ground, as herein-before allowed, for the Purposes of Turnpike Roads, or for making a Compensation for Glebes, the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Ground shall be so taken.

Power to get Materials.

LXXX. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road, or any Person authorized by them, to search for, dig, and carry away Materials for making or repairing such Road and the Footpaths thereof, or building, making, or repairing any Toll House, Bridge, or any other Work connected with such Road, from any common Land, open uncultivated Land, or Waste, or to deposit Mud or Rubbish thereon, without paying any Surface Damages, or any thing for such Materials, except for Stone to be used for building, and to carry the same through the Ground of any Person, such Trustees or other Persons authorized by them filling up the Pits or Quarries, levelling the Ground wherefrom such Materials shall be taken, or fencing off such Pits or Quarries so that the same shall not be dangerous to any Person or Cattle, and paying for or tendering the Damage done by going through and over any inclosed or Arable Lands for or with such Materials, Mud, or Rubbish, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for such Trustees and other Persons authorized by them as aforesaid

aforesaid to search for, dig, and carry away any such Materials in or out of the inclosed Land of any Person where the same may be found, and to land or carry the same through or over the Ground of any Person (such Materials not being required for the private Use of the Owner or Occupier of such Land, and such Land or Ground not being an Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk, or Avenue to any House, nor inclosed Ground planted as an Ornament or Shelter to a House, unless where Materials have been previously in use to be taken by the said Trustees), making or tendering such Satisfaction for Stones to be used for building, and for the Surface Damage done to the Lands from whence such Materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees shall judge reasonable; and in case such Trustees and the Proprietor or Occupier of such Lands shall differ as to the Amount of such Payments and Damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the Shire wherein the Place from whence such Materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the Application of either Party, with an Induciæ of Six Days, to hear and determine all Questions as to the Amount of such Payments and Damages, and the Expences attending the same: Provided always, that before taking such Materials from any inclosed Land from which the same shall not previously have been in use to be taken, Fourteen Days previous Notice in Writing, signed by Two Trustees, shall be given to or left at the usual Residence of the Proprietor and Occupier of the Land or Quarry, from which it is intended to take the same, or his or her known Agent, to appear before the Sheriff or any Two Justices of the Peace acting for the Shire where the said Lands are situate, to show Cause why such Materials shall not be so taken; and in case such Proprietor, Occupier, or Agent shall attend pursuant to such Notice, or shall neglect or refuse to appear (Proof on Oath in such Case being duly made of the Service of such Notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such Materials, or make such Order as they shall think fit.

Satisfaction.

Notice to be given before Materials are taken from inclosed Lands.

LXXXI. And be it enacted, That it shall not be lawful for any Person to take away any Materials which shall have been procured or provided or used for the Repair or Use of any Turnpike Road, or to take any Materials out of any Quarry which shall have been opened by any Turnpike Trustees for the Purpose of getting Materials for any Turnpike Road, so as to interrupt or interfere with the Workings carried on by such Trustees; and every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on taking away Materials provided for repairing Turnpike Roads.

LXXXII. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to make and keep in repair Footpaths on the same; and all such Trustees are hereby required to make and maintain a Footpath on all such Roads within Two Miles of any City, Burgh, or Town, the Population of which, within a Circle described with a Radius of Half a Mile round the Market Cross or Centre of the Market Place thereof, shall amount to Two thousand Souls; and if any such Trustees shall fail to make or maintain such Footpath

Trustees to make Footpaths in certain Cases.

within the Distance aforesaid of any such City, Burgh, or Town, any Five Householders thereof finding Caution to pay the Expences of Process, or any Magistrate thereof, may apply to the Sheriff by Petition and Complaint, who is hereby authorized to ordain such Footpath to be made or repaired, and the Expences thereof to be paid out of the Funds of the Trust.

Power to use adjoining Ground as a temporary Road.

LXXXIII. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road to make a Road through the Grounds adjoining to any ruinous or narrow Part of any Turnpike Road, (not being an Orchard, Garden, Lawn, Policy, planted Walk, or Avenue to any House, or Nursery for Trees,) to be made use of as a public Highway whilst the old Road is repairing or widening, making Recompence to the Proprietor and Occupier of such Grounds for the Damages they may thereby sustain; and in case such Trustees and such Proprietor or Occupier shall differ as to the Amount of such Damages, it shall be competent to the Sheriff or Justices of the Peace for the Shire where such Damages or any Part thereof shall have been incurred, on the Application of either Party, with an Induciæ of Six Days, to hear and determine all Questions as to the Amount of such Damages, and the Expences attending the same.

Trustees to make Side Drains.

LXXXIV. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to make sufficient Side Drains on any such Road, with Power to conduct the Water therefrom into any adjoining Land, Ditch, or Watercourse, (such Land not being the Site of any House or Garden,) in such Manner as shall be least injurious to the Proprietor or Occupier of such Land; the said Side Drains to be maintained at the Expence of the Trustees.

Trustees to makeDitches.

LXXXV. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to make sufficient Ditches along the Side of any such Road, provided that if the Land is inclosed on the Side of such Turnpike Road such Ditch shall be made on the Field Side of the Fence, and also to make proper Ditches and Outlets from the said Side Ditches through any Lands adjoining any such Turnpike Road, (not being the Site of any House or Garden,) in such Manner as shall be least injurious to the Proprietor and Occupier of such Land; and the Occupier of such Land (unless such Land be uninclosed and waste) shall be obliged in all Time thereafter to keep clear such Side Ditches and other Ditches or Outlets, as well as all such Ditches already made along the Sides of any Turnpike Road, when so required by the said Trustees or their Surveyor; and in case the Proprietor or Occupier shall neglect or refuse to cleanse such Side Ditches or other Ditches or Outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby empowered to cleanse such Side Ditches or other Ditches or Outlets, and levy the Expence thereof from the Occupier of such Grounds, in the same Manner as other Penalties by this Act imposed: Provided always, that nothing herein contained shall prohibit any Proprietor or Occupier from substituting, to the Satisfaction of the Trustees, any other equally effectual Ditch or Outlet in place of that constructed by the Trustees.



LXXXVI. And

Regulations as to Junctions of Roads.

LXXXVI. And be it enacted, That the Trustees of any Turnpike Road, in making, widening, altering, or improving any such Road, shall be and are hereby empowered to raise or lower and widen, as shall seem to them expedient, any Road, Passage, or Highway entering upon such Turnpike Road, in order to render the Junction thereof easy and commodious; and where any other Turnpike Road, Highway, private Road or Passage so entering shall not have been raised, lowered, or widened by the said Trustees, the Trustees of such other Turnpike Road or Highway, or the Proprietor or Occupier of such private Road or Passage, shall build sufficient Conduits or Bridges over the Side Drains and Ditches of any Turnpike Road so joined or entered upon, opposite to any such other Turnpike Road, Highway, private Road or Passage, and thereafter maintain and uphold the same, all to the Satisfaction of the Trustees of any Turnpike Road so joined or entered upon; and in case the Trustees of such other Turnpike Road or Highway, or the Proprietor or Occupier of such private Road or Passage, shall neglect or refuse to maintain the said Conduits or Bridges, it shall be lawful for the Trustees of any Turnpike Road so joined or entered upon to repair the same, and charge such Persons respectively with the Expence thereof; and it shall not be lawful for the Trustees of such other Turnpike Road or Highway, or any such Proprietor or Occupier, to make or keep any Mound, sloping Bank, or Projection into or upon the Sides of any Turnpike Road, or to cut or slope away any Part of the Sides of any Turnpike Road, or keep or use any such Slope; and if the Trustees of such other Turnpike Road or Highway, or any such Proprietor or Occupier, shall neglect or refuse to remove such Mounds, Bank, or Projection, or to make up such cutting or sloping, it shall be lawful for the Trustees of any Turnpike Road so joined or entered upon to remove such Obstruction and repair such Defects at the Expence of such Trustees, Proprietor or Occupier respectively.

Trustees may remove Mounds, Projections, &c. upon the Sides of any Road.

Timber, Stones, &c. left on Roads may be seized.

LXXXVII. And be it enacted, That it shall be lawful for any Trustee or Surveyor of any Turnpike Road, or other Person authorized by the Trustees of any such Road, *brevi manu*, to seize and carry off any Timber, Stone, Dung, Rubbish, or other Matter or Thing whatsoever, laid or left upon any such Road or Footpath, or on any Side Drain or Ditch of such Road, and to sell or otherwise dispose of the same as a Forfeiture, in such Manner as the Trustees shall direct, unless such Matter or Thing shall be previously redeemed by the Owner thereof, by Payment of the Penalty in such Case enacted: Provided always, that the Proprietor or Occupier of any Lands or Houses may lay down any Materials for building or repairing any House or Wall immediately adjoining any Turnpike Road, such Materials occupying One Fourth Part of such Road only, and such Proprietor or Occupier giving Three Days previous Notice in Writing to the Clerk or Surveyor of the Road, and erecting such Fence round such Materials, and fixing and lighting Lamps thereon, in such Manner as the Trustees may require.

Owners of adjoining Lands to cut the Hedges

LXXXVIII. And be it enacted, That the Owners or Occupiers of the Lands next adjoining to every Turnpike Road shall prune and trim their Hedges, and cut them down to the Height of Six Feet from the

and Branches of Trees prejudicing the Road.

the Surface of the Ground, and also cut, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Policy, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House, unless the same shall hang over the Road or Footpath or any Part thereof in such a Manner as to impede or annoy any Carriage or Person travelling thereon,) in such Manner that the Turnpike Road shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Turnpike Road to the Damage thereof; and that if such Owner or Occupier shall not, within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut, prune, or trim such Branches of Trees, Bushes, and Shrubs, in manner aforesaid, it shall and may be lawful for such Surveyor, and he is hereby required, to make Complaint to the Sheriff or Justices of the Peace, who shall grant Warrant to summon the Occupier of such Lands and the Owner thereof, or his Agent or Factor in his Absence, Ten Days after Service, to appear and answer the said Complaint; and if it shall appear to such Sheriff or Justices that such Occupier or Owner has not complied with the Requisites of this Act in that Behalf, it shall and may be lawful for such Sheriff or Justices, upon hearing the Surveyor and Occupier or Owner of such Land, or an Agent authorized to appear for either of them, or in default of their Appearance, upon having due Proof of the Service of such Summons, and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut, pruned, or trimmed, in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Lands shall not obey such Order within Ten Days after it shall have been made, and he shall have had due Notice thereof, he shall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, and the Sum of Two-pence for every Tree, Bush, or Shrub which shall be so directed to be cut, pruned, or trimmed; and the Surveyor, in case of such Default made by the Occupier, shall and he is hereby required to cut, prune, and trim such Hedges, and to cut, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order; and such Occupier shall be charged with and pay, over and above such Penalties, the Expences of such cutting, pruning, and trimming.

If neglected for Ten Days, Surveyor may complain to the Justices, who may order them to be cut.

Penalty for Neglect after Order of Justices.

Time of cutting or pruning Hedges.

LXXXIX. And be it enacted, That no Person or Persons shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*, nor to cut, prune, or lop the Branches of any ornamental Trees (unless the same shall hang over the Road or Footpath or any Part thereof so as to impede or annoy any Carriage or Person travelling thereon), if the Proprietor or Tenant of the Lands shall become bound to pay the additional Expences which their remaining uncut or unlopped may occasion the said Trustees in keeping any such Roads in repair.

XC. And

Penalties on Persons making Encroachments.

XC. And be it enacted, That if any Person shall fill up or obstruct any Ditch at the Side of any Turnpike Road, or any Ditch used for conveying Water from the said Road, or any Side Drain thereof, or Ditch or Drain under the same, or shall encroach by making any Dwelling House or other Building, or any Hedge, Ditch, or other Fence, or in any other Manner whatever, on any Turnpike Road, or shall make any Drain, Gutter, Sink, or Watercourse across, under, or upon, or shall turn or conduct any Drain or Water across, under, or upon, or in any way break up the Surface of any Turnpike Road, without the Consent in Writing of the Trustees of such Road or of their Surveyor, such Person shall forfeit for every such Offence a Penalty not exceeding Five Pounds; and it shall be lawful for the Trustees of any such Road to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down or filled up at the Expence of the Person so offending.

No Houses, &c. to be erected on the Sides of any Turnpike Road within the Distance of Twenty-five Feet from the Centre thereof, without Consent of the Trustees.

XCI. And be it enacted, That no Houses, Walls, or other Buildings above Seven Feet high shall be erected without the Consent of the Trustees previously obtained in Writing, and no new Inclosures or Plantations shall be made within the Distance of Twenty-five Feet from the Centre of any Turnpike Road, without Prejudice always to any farther Powers and Authorities vested in any Turnpike Trustees thereanent by any Local Act of Parliament, and no Place out of which the Trustees of any Turnpike Road have been in the Use of taking Materials shall, without the Consent of the Trustees previously obtained in Writing, be in any way shut up or inclosed, under the Penalty of Five Pounds for every such Offence, and the Expence of demolishing such House, Wall, or Building, or of removing such Inclosure or Plantation; and the Sheriff of the County and Justices of the Peace are hereby authorized and empowered, on Application by any One of the Turnpike Trustees or their Clerk, to order such House, Wall, Building, Inclosure, or Plantation to be pulled down or removed at the Expence of the Person erecting or making the same, or of the Occupier or Owner of the Ground; nor shall the inclosing of such Place out of which Materials shall have been taken as aforesaid preclude the Trustees of any Turnpike Road from re-opening and using the same.

Power to water Roads.

XCII. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road to cause the Whole or any Part thereof to be watered, and for that Purpose to take Water from any Pond, Stream, or Source, with the Consent of the Owner thereof or other Persons interested therein, and to dig and make Ways and Passages and erect Pumps and Engines for such Purpose, and to make such Compensation as may be agreed upon between the said Trustees and such Owners or Persons as aforesaid.

Milestones and Direction Posts to be erected.

XCIII. And be it enacted, That the Trustees of every Turnpike Road shall cause Stones or Posts to be set up on or near the Sides of every Turnpike Road, at the Distance of One Mile from each other, denoting the Distance of such Stone or Post from some Town or Place to or from which such Road shall lead; and also Direction

Posts at the several Highways or Turnpike Roads leading out of or crossing any such Road, with Inscriptions thereon denoting to what Places such Roads respectively lead; and any Person who shall wilfully break, cut down, pull up, or damage any such Post or Stone, or obliterate, deface, spoil, or destroy any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, or any Person letting Horses or Carriages for Hire who shall charge for more than Half a Mile in One Hiring above the Number of Miles marked on such Posts or Stones, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Trustees shall erect Parapets, &c. where necessary.

XCIV. And be it enacted, That the Trustees of every Turnpike Road shall erect sufficient Parapet Walls, Mounds, or Fences, or other adequate Means of Security, along the Sides of all Bridges, Embankments, or other dangerous Parts of the said Roads; and if they shall fail therein it shall be lawful for the Procurator Fiscal or any Commissioner of Supply for the Shire in which the Part of such Road complained of is situated, such Commissioner finding Security to pay Expences of Process if he shall fail in his Action, to prosecute the Trustees of any such Turnpike Road before the Sheriff of the Shire in which such Road is situated, who shall judge and determine therein in a summary Manner, and upon finding the Complaint well founded may compel the said Trustees to remedy the Matter complained of, and allow the Prosecutor the Expences of Process; but if such Prosecution shall be found groundless, the private Prosecutor shall be liable in Expences.

Parishes shall defray Damages to Parapets, &c.

XCV. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road, where the Parapet of any Bridge, or any Toll House, Toll Bar, Fence, Milestone, Direction Post, or any Erection, Building, Matter, or Thing belonging to the said Trustees, or used for the Purposes of the Trust under their Management, shall be destroyed or injured, and the Persons so offending cannot be discovered and convicted, to complain to the Sheriff or Justices of the Peace of the Shire in which such Damage shall have been committed, having previously given Notice in Writing of their Intention of making such Complaint on the Church Door of the Parish in which the said Damage shall have been committed, for Two consecutive *Sundays*, and which Complaint the said Sheriff or Justices shall hear in a summary Way, and if they shall sustain the same, they are hereby empowered and required to assess the Amount of such Damage, and the Expences of Process or Proceedings, upon the Proprietors, Occupiers, and such other Persons of the Parish wherein such Damage shall have been committed as aforesaid, as are liable for the Payment of the Conversion Money leviable for Statute Labour in the Shire in which such Parish is situated; which Assessment shall be levied by the said Trustees upon the same Persons, in the same Proportions, with the same Relief to Landlords against Tenants, in the same Manner as the said Conversion Money may be levied.

Penalty on Persons committing Nuisances.

XCVI. And be it enacted, That if any Person shall ride upon any Footpath or Causeway on or by the Side of any Turnpike Road made or set apart for the Use or Accommodation of Foot Passengers, or

shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway; or shall wilfully obstruct or do or cause any Injury or Damage to be done to the same, or to the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, Toll Bar, or any Building, Fence, or Erection made by the Trustees of any Turnpike Road, or repaired or repairable by them; or shall break, injure, remove, or displace any Tools, Trestles, Bars, Stones, Materials, or other Article whatsoever belonging to such Trustees, or used on any such Road under their Authority; or shall haul or draw, or cause to be hauled or drawn, upon any Part of any Turnpike Road, any Timber, Stone, or other Thing otherwise than upon a wheeled Carriage, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon a wheeled Carriage to drag or trail upon such Road; or in ploughing or harrowing any adjacent uninclosed Land shall turn any Horse, Plough, or Harrow in or upon any such Road or the Side Drains or Ditches thereof; or shall, in or upon 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 Carriage, Cart, Horse, or other Beast on the said Road, conveying any Iron Bar or Rod, Tree, Wood, Stone, Basket, or Pannier, or any other Matter or Thing, except Hay and Straw, suffer the same to project by more than Thirty Inches from the Side of such Horse or other Beast, or more than One Foot laterally beyond the Wheels of such Carriage, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along such Turnpike Road; or if any Person shall carry any Timber or other Article above Twenty-five Feet long on any Cart or Carriage not having more than Two Wheels; or if any Hawker, Higgler, Gipsy, or other Person shall pitch any Tent or encamp upon or by the Sides of any Part of any Turnpike Road; or if any Person occupying or using a Blacksmith's Shop, Foundery, Smelting House, Iron or Brass Work, Boiler-making Work, Glass Work, Soda, Soap, or Chemical Work, shall not, by good and close Shutters, every Evening after it becomes Twilight, or otherwise, bar and prevent the Light from such Shop shining into or upon the said Road, and from being dangerous or detrimental to Travellers; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever within One hundred Feet of the Centre of such Road, or shall discharge any Gun, Pistol, or other Fire Arms, fly Kites, or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games upon such Road or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, 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

the same, or shall not place such Waggon or other Carriage, during the Time of loading or unloading the same, or of taking Refreshments, 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, or the Footpaths or Causeways adjoining; or shall hang or lay any Linen Clothes or other such Article on any Hedge or Fence of any such Road; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon such Road or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon such Road, shall suffer such Pigs or Swine to root up or damage such Road, or the Fences, Hedges, Banks, or Copse 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; or if any Person shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of any Turnpike Road, or Toll House erected thereon, or shall extinguish the Light of any such Lamp; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Fifty Shillings, over and above the Damages occasioned thereby.

Regulation of Drivers.

XCVII. And be it enacted, That if the Driver of any Cart, Waggon, or other such Carriage on any Turnpike Road shall ride on the Shafts or in or on any other Part of such Carriage, without having and holding Reins attached to each Side of the Bridle of each Beast of Draught drawing such Cart or Carriage, or shall at any Time leave the same travelling on any such Road without having some Person to guide the Beast or Beasts of Draught drawing the same, or shall allow to go at large any Dog that may be attending him, or his Waggon, Cart, or other such Carriage, or shall not chain or fasten the same to such Waggon, Cart, or Carriage; or if the Driver of any Sort of Carriage shall not keep to the Left or Near Side of such Road on meeting or on being overtaken by any other Carriage or any Rider, or shall wilfully prevent any other Person passing him or his Carriage; such Driver shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, over and above the Damages occasioned thereby.

One Driver may take charge of Two Carts.

XCVIII. And be it enacted, That if One Person act as the Driver of more than Two Carts, Waggons, or other such Carriages on any Turnpike Road, or if the hinder of Two Carts, Waggons, or other such Carriages, when under the Care of only One Person, shall be drawn by more than One Horse, or if the Horse of such hinder Cart, Waggon, or Carriage shall not be attached by a Rein to the Back of the Cart which shall be foremost, and follow in the same Line therewith, the Horse drawing such hinder Cart not being permitted to be further from the foremost than Six Feet, the Owner or Driver of every such Waggon, Cart, or other Carriage shall for each Transgression

gression in any of the Points aforesaid forfeit and pay a Sum not exceeding Forty Shillings.

Children not to drive Carts, &c.

XCIX. And be it enacted, That no Waggon or Cart travelling on any Turnpike Road shall be driven by any Person who shall not be of the full Age of Fourteen Years, under a Penalty for each such Offence not exceeding Forty Shillings, to be paid by the Owner of such Waggon or Cart.

Persons opening up or conveying Water across the Roads or Causeways must repair them.

C. And be it enacted, That if the Causeways and Footpaths of any Turnpike Road or any Part thereof shall be opened up by any Person or Persons, with Leave of the said Trustees, or otherwise having Authority so to do, for the laying of Pipes for Water, Gas, Tunnels or Railroads, or for any other Purpose whatever, and the same shall not be immediately thereafter repaired, renewed, and rendered completely sufficient and good by the Person or Persons opening up the same, to the Satisfaction of the said Trustees or their Survey, then the said Trustees or their Surveyor shall have full Power and they are hereby authorized to execute the necessary Repairs on the Part or Parts of such Road or Footpath so opened up, and to restore the same completely, and to charge the Expence thereof against the Person or Persons opening up the same, which shall be ascertained by an Account under the Hands of the said Trustees or a Quorum of them, or of their Clerk or Surveyor; and if any Damage shall happen to the Public from the Operations of the Persons opening up the Road as aforesaid, such Persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof, and of all Expences attending the same; and in all Cases where any Injury shall arise to any Turnpike Road from any Drain, Conduit, Pipe, Water, Matter, or Thing whatsoever being conveyed across, in, under, or upon, or by any thing done upon any Part of any such Road, by any Person having Leave or otherwise entitled so to do, and such Injury shall not be immediately repaired to the Satisfaction of the Trustees, they or their Surveyor are hereby authorized to repair the same, and charge the Expence thereof as aforesaid against the Person occasioning the said Injury, or for whose Uses or Purposes the Thing occasioning the same shall be done or kept.

Surveyors, &c. not to leave Nuisances on Roads.

CI. And be it enacted, That if the Surveyor of any Turnpike Road, or any Contractor or other Person employed on such Road, shall lay on any Part of any such Road any Heap of Stones or other Materials for the Repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such Materials; or shall lay on any such Road any Matter or Thing, or shall knowingly permit to remain on any Part of any such Road any Matter or Thing which may endanger the Safety of any Passenger; or shall dig any Pit or make any Cut on any Turnpike Road, without sufficiently fencing the same; such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, over and above the Damages occasioned thereby, and Expences; and it shall be lawful for any Person travelling along any Turnpike Road to prosecute for such Sum, Damages, and Expences in manner herein-after provided: Provided always, that it shall be lawful for any such Sur-

veyor, Contractor, or other Person to have on any such Road, during Daylight, any Trestles or Bars, in any such Manner as the Trustees of such Road may judge necessary to prevent Interruption of the Work during the repairing of the Road, or to prevent Carts or Carriages from running in Tracks injurious to the Road; provided always, that such Trestles or Bars shall at all Times be placed in such Manner as not to be more inconvenient to Passengers than may be necessary to prevent Interruption to the Work, or to prevent Carts or Carriages from running in Tracks injurious to the Road.

Proprietors to fence Pits made near the Roads.

CII. And be it enacted, That if the Proprietor or Occupier of any Lands adjacent to any Turnpike Road shall dig any Pit or make any Cut upon or within Twelve Feet of the Side of any such Road, and shall leave the same unfenced so as to be dangerous to Travellers, and shall not fence the same when required so to do by any Two of the Trustees of such Road, or the Procurator Fiscal of the Shire within which the said Pit or Cut is situated, such Proprietor or Occupier shall forfeit and pay a Sum not exceeding Five Pounds for every Day such Pit or Cut shall continue to be unfenced beyond Three Days after Notice shall have been given as aforesaid, and it shall be lawful, after such Notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the Expence of such Proprietor or Occupier.

No Animal to be pastured on the Roads.

CIII. And be it enacted, That if any Horse, Cattle, Ass, Sheep, Swine, or other Beast of any Kind shall be pastured, or left or permitted to remain, or found straying on any Turnpike Road or the Sides thereof, (except on such Parts of any Road as pass through or over any Common or Waste Ground, or Land not inclosed, or arable on both Sides,) the Person so pasturing or leaving such Beast, or permitting the same to remain, or the Person having the Charge of such Beast, or the Owner thereof if such Person cannot be found, shall forfeit and pay a Sum not exceeding Five Shillings for every such Beast; and it shall be lawful for any Trustee of such Road, or the Surveyor of such Trustees, or any other Person authorized by them, *brevi manu*, to seize and detain the same until such Penalty and the Expences of Process and Proceedings shall be paid; and in case the said Penalty and Expences shall not be paid within Three Days after Notice of such Detention shall be given on the Two nearest Toll Bars on the said Road where such Animal shall be found, the said Surveyor or other Person shall sell the same, with the Authority of the Sheriff or any Justice of the Peace for the Shire, who are hereby empowered to grant such Authority; and after deducting the Amount of the said Penalty and Expences, such Surveyor or other Person shall pay the Surplus, if any, to the Owner of such Animal so detained.

Side Ridges to be made in uninclosed Lands.

CIV. And be it enacted, That every Person in ploughing any uninclosed Land adjoining any Turnpike Road shall make Side Ridges along the Sides of such Road of the Breadth of Twelve Feet at the least, under a Penalty not exceeding Five Pounds.

CV. And

CV. And be it enacted, That no Gate of any Park, Field, or Inclosure whatsoever shall be made to open into or towards any Part of any Turnpike Road, or of any Footpath belonging thereto, or be suffered 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 Gate shall when open project over any Part of such Road, or of any Footpath belonging thereto; and the Occupier of any Park, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall, within Six Days after Notice to him or her given, either personally or in Writing, from the Trustees of any Turnpike Road, or their Surveyor, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of such Road or of any Footpath belonging thereto; and if such Occupier fail so to do, the Surveyor of any such Road shall cause the Gate to be hung as herein-before directed, and charge the Expence of making such Alteration and hanging such Gate against the said Occupier, who shall, over and above such Expence, forfeit and pay a further Sum not exceeding Five Pounds for such Neglect. Gates to open inwards.

CVI. And be it enacted, That the Trustees of every Turnpike Road shall cut or cause to be cut all Weeds growing on the same or the Sides thereof, when inclosed, at a proper Season of the Year, in order to prevent such Weeds coming into Seed; and if they fail so to do for Eight Days after being required by the Proprietor or Occupier of the adjoining Land, by Notice in Writing given to their Clerk or Surveyor, such Proprietor or Occupier may cut the same, and charge the Expence thereof against the said Trustees. Weeds to be cut by Trustees.

CVII. And be it enacted, That no Person shall hereafter erect any Windmill, Watermill, Steam Engine, or Limekiln within the Distance of One hundred Yards from any Part of any Turnpike Road, under the Penalty of Five Pounds for every Day such Windmill, Watermill, Steam Engine, or Limekiln shall continue, unless the same shall be so placed or screened as to prevent Damage or Detriment to any Traveller on such Turnpike Road by frightening Horses or otherwise; nor shall any Person hereafter place any Skinner's Washing Pond within the Distance of One hundred Yards from any Part of any Turnpike Road, under a Penalty not exceeding Five Pounds for every Day any such Nuisance shall continue: Provided always, that nothing herein contained shall be construed to render legal the Erection, Re-erection, or Continuance of any Windmill, Watermill, Steam Engine, Limekiln, or Skinner's Washing Pond, in any Case where, by the Common Law, the same shall be a public or private Nuisance. No Windmill, &c. to be erected within 100 Yards of the Turnpike Road.

CVIII. And be it enacted, That the Owner of every Waggon or Cart, and also of every Coach, Post Chaise, or other Carriage, let either in the whole or in part to Hire, shall paint in a straight Line horizontally, upon some conspicuous Part on the off or right Side of his Waggon or Cart, and upon the Panels of the Doors of all such Coaches, Post Chaises, or other Carriages, before the same shall be used upon any Turnpike Road, the Christian and Surname and Place of Abode of such Person, or the Christian and Surname and Place of Abode Owners of Waggons, Carriages, &c. shall cause their Names to be painted thereon.

Abode of the principal Partner or Owner thereof, in large legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour on a dark Ground, not less than One Inch in Height, with Numbers beginning with Number One, where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, and shall continue the same thereupon as aforesaid so long as such Waggon, Cart, or other Carriage shall be used upon any Turnpike Road; and every Owner of any such Waggon, Cart, or other Carriage, using or allowing the same to be used upon any Turnpike Road without the Names and Descriptions painted thereon respectively as aforesaid, and every Person driving the same, shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and every Waggon or Cart, and every such Coach, Post Chaise, or other Carriage, let for Hire without the Name, Surname, and Place of Abode of the Owner painted thereon as herein-before directed, or having the same or any Part thereof covered or placed so as to be illegible, shall be liable to pay Double Toll Duty; and every Person driving any such Waggon, Cart, or other Carriage, who shall refuse to stop and permit the Name to be read or uncovered by any Person requiring him so to do, shall over and above forfeit for every such Offence any Sum not exceeding Forty Shillings.

Trustees may prosecute before Sheriff and Justices at the Expence of the Trust.

CIX. And be it enacted, That it shall be lawful for the Procurator Fiscal and for the Trustees of any Turnpike Road, or any Person authorized by them, or any one of their Number, to prosecute for any Expences, Toll Duty, Penalty, Forfeiture, or Fine imposed by this or any Act made for making or maintaining any Turnpike Road, and to recover the same before the Sheriff or the Justices of the Peace of the Shire in which the same shall have become due or been incurred, or where the Offender shall reside, subject to Appeal in manner herein-after mentioned; and it shall be lawful for the said Trustees, to allow the Expences of such Prosecutions to be defrayed out of the Funds of the Trust.

Proceedings for recovering Penalties, &c.

CX. And be it enacted, That all Expences, Toll Duties, Penalties, Forfeitures, and Fines imposed by this or any such Act as aforesaid, (excepting such Penalties as are herein otherwise directed to be recovered and applied,) shall, after hearing the Party complained of, or on the Nonappearance of such Party after Summons, on an Inducie of Six Days, personally, or at the Dwelling Place of such Party (of which the Oath of One Witness, or an Execution of Citation without Witnesses, shall be sufficient Evidence,) upon Proof of the Fact before the Sheriff or Justices of the Peace for the Shire in which the same shall have become due or been incurred, or where the Offender shall reside, either by the Confession of the Party offending, or by the Oath of any One credible Witness, or other competent Evidence, be levied, together with the Expences of the Prosecution and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of such Sheriff or Justices, (which Warrant such Sheriff or Justices are hereby empowered to grant); and the Surplus (if any), after deducting such Expences, Toll Duties, Penalties, Forfeitures, and Fines, and the Expences of

the Proceedings and Charges of such Poinding and Sale, shall be returned to the Owner of such Goods and Effects; and in case the same shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff or Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poinding, unless the Offender shall give sufficient Security, to the Satisfaction of and to the Amount fixed by such Sheriff or Justices, for his or her Appearance before such Sheriff or Justices on such Day as shall be appointed for the Return of such Warrant of Poinding, which Security the said Sheriff or Justices are hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for the said Sheriff or Justices, in all Cases where the Penalties sought to be recovered shall exceed the Sum of Forty Shillings, and they are hereby authorized and required, by Warrant under their Hand to cause such Offender to be committed to the Common Gaol or House of Correction of the Shire where the Offender shall be or reside, there to remain for any Time not exceeding Four Months, unless such Expences, Toll Duties, Penalties, Forfeitures, and Fines, and the Expences of the Proceedings, shall be sooner paid; and in all Cases where the Penalties awarded shall be less than the Sum of Forty Shillings, the said Sheriff or Justices may, when no Effects can be found as above, commit the Offender to Prison for any Time not exceeding Two Months, unless the said Penalties, Duties, Fines, and Expences shall be sooner paid; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the Sheriff or Justices to be paid towards the Expences of the Proceedings, shall be paid to the Trustees for making and maintaining the Road on which such Offence shall have been committed, or to their Treasurer, and applied and disposed of for the Purposes of such Road.

Summary Process.

CXI. Provided always, and be it further enacted, That it shall be lawful for the Sheriff or any One Justice before whom any Complaint for the Recovery of any such Expences, Toll Duties, Penalties, Forfeitures, or Fines may be brought, to proceed, if such Sheriff or Justice, duly considering the Nature of the Case, shall think fit, and not otherwise, in a summary Way, and to grant Warrant for bringing the Parties complained upon before him for Examination, and after hearing Parties on Confession or Probation by the Oath of any credible Witness, or other competent Evidence, to proceed to determine thereon without any written Pleadings or Record of Evidence, and to grant Warrant for levying the said Penalties by Poinding and Sale; and in the Case of a Return of no Effects, or in case it shall appear to the Satisfaction of such Sheriff or Justice that no sufficient Effects can be found, for Commitment of the Offender as above enacted; but in all such Cases a Record shall be preserved of the Charge and of the Judgment pronounced.

Attendance of Witnesses.

CXII. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before any Sheriff or before any Justice

of the Peace touching any Matter contained in any Act relating to Turnpike Roads, or in this Act, either on the Part of the Prosecutor or the Person accused, and shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Refusal or Neglect, then such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be no Objection to any Witness that such Witness shall have appeared without Citation or without having been regularly cited.

For securing transient Offenders.

CXIII. And whereas Offences may be committed against this Act, or other Acts for making and maintaining Turnpike Roads, by Persons unknown to the Tollgatherers or other Officers; be it therefore enacted, That it shall be lawful for any of the Trustees of any Turnpike Road, or any of their Clerks, or their Tollgatherers, Surveyors, or other Officers respectively, and such other Person as any of them shall call to their Assistance, or for any Person seeing any Offence committed against this or any Turnpike Act, without any Warrant or other Authority than this Act, *brevi manu*, to seize and detain any unknown Person who shall commit any such Offence, and take such Person without Delay before the Sheriff or any neighbouring Justice of the Peace for the Shire where the Offence shall have been committed, or where such Offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such Person till Caution *de judicio sisti* be found, or shall proceed in the summary Way above provided, as the Case may seem to require.

Appeal.

CXIV. And be it enacted, That any Person who shall think himself or herself aggrieved by any Judgment or Proceedings of any Justice or Justices of the Peace in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Three Months after such Judgment or Proceedings, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and the Clerk of the Justices of the Peace, and finding Caution to pay the Expences of such Appeal; and where by this Act the adjudging of any Penalty, Forfeiture, Fine, or the determining the Amount of any Payment, Damages, or Expences, or any other Matter, is committed to any Justice or Justices of the Peace, or to the Sheriff or the Justices of the Peace assembled in their Quarter Sessions, originally or by Appeal, all Judgments, Determinations, and Proceedings of such Justice or Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final and conclusive, and shall not be subject to Review by Advocation or Suspension or by Reduction, or by any Process of Law or Court whatsoever; any Law or Usage to the contrary notwithstanding.

Judgment of Sheriff or Quarter Sessions to be final.

Warrants, &c. may be enforced in any other County.

CXV. And be it enacted, That all Warrants, Interlocutors, Judgments, and Sentences of Sheriffs and Justices, issued or pronounced under the Authority of this Act, may be enforced against the Person or Effects of any Party or Witness in any other County, as well as in the County where the same are issued or pronounced; provided always, that such Warrants, Interlocutors, Judgments, and Sentences shall be

indorsed by the Sheriff or a Justice of the Peace of such other County; and such Indorsation shall be sufficient Authority to the Constables or Sheriff's Officers of both Jurisdictions respectively to put the same to execution within such other County.

Existing Causes not to be affected hereby, nor the Powers of Sheriffs.

CXVI. And be it enacted, That all Civil Causes and Prosecutions for Penalties commenced before the passing of this Act, on account of any Matter concerning any Turnpike Road, shall be carried on and concluded in the same Manner as if this Act had not been passed; and nothing herein contained shall render it incompetent for any Sheriff to hear and determine any Civil Causes or Prosecutions for Penalties on account of any of the Matters herein-before enacted, or of any thing contained in any Local Turnpike Act, according to the Provisions of an Act passed in the Tenth Year of His late Majesty's Reign, intituled *An Act for the more effectual Recovery of Small Debts, and for diminishing the Expences of Litigation in Causes of small Amount in the Sheriff Courts in* Scotland. 10 G. 4. c. 55.

Proceedings in case Trustees neglect to repair Roads.

CXVII. And be it enacted, That if the repairing or maintaining of any Turnpike Road shall be neglected, or such Road so badly kept that Travellers are injured, impeded, or obstructed in using the same, any Person having paid Toll Duty thereon, and finding Caution to pay Expences of Process, may present a Petition and Complaint against the Trustees of such Road to the Court of Session; and the said Court is hereby authorized to receive the same, and to adjudge and determine therein in a summary Manner, without abiding the Course of the Roll, and to pronounce such Orders and Decrees as to the repairing and keeping of the Road, or otherwise, as the Justice of the Case shall seem to them to require, having due Regard to the Funds of the Trust, and particularly to determine whether the Road is in such a State of Repair as to justify the levying of the Toll Duties, or any Proportion thereof, levied by the said Trustees, and also to determine as to the Expences of such Complaints and Proceedings thereon; and if any such Complaint shall be found to be without probable Cause, the Complainer shall be found liable, over and above the Expences of Process, in a Penalty of Twenty Pounds, to be paid to the Trustees for the Purposes of the Trust; and it shall not be lawful to present any such Complaint or institute any Proceedings on any of the Grounds above mentioned before any other Court or in any other Manner than as aforesaid.

Prosecutions to be brought within Six Months.

CXVIII. And be it enacted, That all Civil Causes, Petitions, Complaints, and Processes whatsoever, and Prosecutions for Expences, Toll Duties, Penalties, Forfeitures, and Fines imposed by this Act or any Local Turnpike Act, or for any Damages incurred or any Wrongs done or Injuries suffered in any Matter thereto relating, or for any thing done in pursuance of any of the Powers by this or any such Act given and granted, shall be commenced within Six Calendar Months after the Penalty, Forfeiture, Fine, or Damage shall have been incurred, or Wrong done, or Injury suffered, or Fact committed, and not afterwards.

CXIX. And

Exception of Highland Commissioners Roads, and Glasgow and Carlisle Road.

CXIX. And be it enacted, That nothing herein contained shall be construed or taken to extend to any of the Roads and Bridges which are now or hereafter may be placed under the Direction and Management of the Commissioners for Highland Roads and Bridges under and by virtue of an Act passed in the Fifty-ninth Year of His Majesty King *George* the Third, 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 the Regulation of Ferries in* Scotland; or of an Act passed in the Fourth Year of His late Majesty King *George* the Fourth, intituled *An Act for maintaining and keeping in repair the Military and Parliamentary Roads and Bridges in the Highlands of* Scotland, *and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges;* or of an Act passed in the Fifth Year of His said Majesty, intituled *An Act to amend Two Acts for maintaining and keeping in repair the Military and Parliamentary Roads in the Highlands of* Scotland; or of an Act passed in the Fifty-sixth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for improving the Road from the City of* Glasgow *to the City of* Carlisle; or of Three several Acts amending the same, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His said Majesty, and in the First and Second Years of the Reign of His late Majesty King *George* the Fourth.

59 G. 3. c. 135.

4 G. 4. c. 56.

5 G. 4. c. 38.

56 G. 3. c. lxxxiii.

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