



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 97.

An Act for making and repairing the Road from *Causewayhead*, near *Stirling*, through the County of *Clackmannan*, by the Foot of the *Ochil Hills*, and by *West Saline* and *Crossfoord*, towards *Queensferry*, and certain Roads branching out of the same; and for converting the Statute Labour in the said County of *Clackmannan*. [22d June 1802.]

WHEREAS the Road from *Causewayhead*, near *Stirling*, through the County of *Clackmannan* by the Foot of the *Ochil Hills*, and on the North Side of the *Devon* towards the Village of *Dollar*, and from a Point near that Village across the River *Devon*, and by *West Saline* and *Crossfoord*, till it join the Turnpike Road leading from *Torryburn* to *Queensferry*, and the Branches of the above Road from *Tillicoultry* Gate to the Town of *Alloa*, and from or near the Village of *Dollar*, till it joins the present Turnpike Road from *Alloa* to *Kinross*, at or near to the *Crook of Devon*, and which Roads pass through the County of *Clackmannan*, and certain Parts of the Counties of *Stirling*, *Perth*, and *Fife*, and through the Parishes of *Logie*, *Alva*, *Tillicoultry*, *Dollar*, *Saline*, *Carnock*, *Dunfermline*, *Clackmannan*, *Alloa*, *Muckhart*, and *Fossaway*, are circuitous, narrow, in bad Repair, dangerous and inconvenient to Travellers, and it would be a great Benefit to the Agriculture, Commerce, and Improvement of the said Counties, if proper Roads of sufficient Breadth were made in the Lines above mentioned, and Bridges erected where the same are necessary

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fary, and if the said Roads and Bridges were kept in Repair; but there are not sufficient Funds and Authority under the Statutes at present existing for effectuating the said Purposes: And whereas a reasonable Composition in Money, in lieu of actual Labour, is in many Places found to be more useful and effectual for the Purpose of making and repairing the Roads, as well as more easy and convenient for the Persons liable in Statute Services, than the actual Performance thereof, and it would therefore be of Advantage to the said County of *Clackmannan*, to convert the Statute Services into Money, and to ascertain the Rates thereof, and the Mode of levying the same, and to authorize an additional Assessment than that at present allowed to be imposed on the Heritors of Lands and other Persons in the said County of *Clackmannan*, for making Highways and Bridges in the same; but as these Purposes cannot be accomplished without the Aid of Parliament: May it therefore please Your Majesty, That it may be enacted; and be it enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That every Person, who, in his own Right, or the Right of his Wife, is at present, or shall be during the Continuance of this Act, possessed of the *Dominium Utile* or Property of Lands lying in the said County of *Clackmannan*, of the annual real Rent of Three Hundred Pounds Sterling or upwards, and the Heirs Apparent of such Persons, together with every Person who has subscribed, or shall, within Twelve Months after the passing of this Act, subscribe the Sum of One Hundred Pounds Sterling, towards the Expence of making, repairing, and keeping in Repair, the Roads herein-before and after mentioned, upon which Turnpikes are intended to be erected, being qualified as after mentioned, shall be, and they are hereby nominated and appointed Trustees for surveying, making, amending, altering, widening, and keeping in Repair the said Road from *Causewayhead*, near *Stirling*, along the Foot of the *Ochil Hills*, and on the North Side of the *Devon* towards the Village of *Dollar*, and from a Point near that Village across the River *Devon*, and by *West Saline* and *Crossfoord*, till it joins the Turnpike Road leading from *Torryburn* to *Queensferry*, and the Branches of the above Road, from *Tillicoultry Gate* to the Town of *Alloa*, and from the Village of *Dollar* or near it, till it joins the present Turnpike Road from *Alloa* to *Kinross*, at or near to the *Crook of Devon*.

Trustees.

Qualification
of Trustees.

II. Provided always and be it enacted, That no Person shall be qualified or capable of acting as a Trustee in any Case whatever in the Execution of this Act, unless he shall be infeft in Property, or possessed, as a Proprietor, in Liferent, of Lands situated within one of the Parishes through which the Roads pass, and valued in the Tax Rolls or Cefs Books of the County within which they lie, to the Extent of One Hundred Pounds *Scots per Annum*, excepting the eldest Sons and Heirs Apparent of such Persons, and the Husbands of Wives who are infeft in or in Possession of Lands to the Extent and Valuation aforesaid; and if any Person or Persons who shall be deemed unqualified, or made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Ten Pounds Sterling, to be recovered and applied in Manner herein-after directed.

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III. And

III. And be it enacted, That Three of the said Trustees shall be a Quorum to act on all Occasions, unless where a lesser Number are in certain Cases permitted by this Act; and it shall be lawful to and in the Power of any Trustee who cannot attend, to act and vote by Proxy general or special given by him to another Trustee appointed by this Act, attending in Person at any of the Meetings of the said Trustees; but in constituting the necessary Quorum, Proxies shall not be reckoned.

Quorum of the Trustees, and Power to act by Proxy given by one Trustee to another.

IV. And be it enacted and declared, That the said Trustees who are or may be in the Commission of the Peace for the said Counties of *Clackmannan, Stirling, Perth, and Fife*, may nevertheless act as Justices of the Peace, for the more effectually putting in Execution the several Matters and Powers in this Act mentioned and contained.

Trustees may act as Justices.

V. And be it further enacted, That if any Person or Persons by this Act appointed to be a Trustee or Trustees for putting the same in Execution, shall accept of any Place of Profit arising out of or by reason of any Tolls or Duties by this Act granted, such Person or Persons shall from thenceforth, and while they continue to hold or enjoy such Place or Places, be disabled to act as a Trustee or Trustees.

Shall not act while holding Places of Profit.

VI. And be it enacted, That the said Trustees shall meet at *Alloa*, at Twelve of the Clock on the Second Day of *August* One Thousand Eight Hundred and Two, or as soon after that Day as conveniently may be, and at the same Place and Hour on the last *Thursday* of *October* annually thereafter, and at such Meetings they shall proceed to the Execution of this Act; with Power to them, at their aforesaid Meetings, to issue their Orders for surveying, making, and repairing the said Roads, and to settle the particular Line and Direction of the said Roads, or any of them; and to adjourn themselves to such Times and Places as they shall think proper and convenient, and as often as it shall be necessary for putting this Act in Execution: And if it shall happen that a Quorum of the said Trustees shall not attend at any Meeting, or at any adjourned Meeting, which shall be appointed to be held by the said Trustees, it is hereby provided and declared, That those who do attend shall and may adjourn to another Day, and Notice shall be given and regularly intimated in Two or more of the *Edinburgh* Newspapers Fourteen Days prior to the Day of Meeting, which shall take place where the Meeting of the said Trustees was appointed to be held; and if at that adjourned Meeting a Quorum of Three Trustees shall not attend, Two Trustees shall in that Case be a Quorum, and have Power to carry this Act into Execution, any Thing herein contained to the contrary notwithstanding; and the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

First and subsequent Meetings.

VII. And be it further enacted, That the said Trustees shall or may erect or cause to be erected a Gate or Gates, Turnpike or Turnpikes in, upon, or across any Part or Parts of the said Roads, under the Limitations in this present Act contained; and also Toll-Houses, with a proper Yard or Garden for the same, not exceeding One Fourth Part of an Acre for each Toll-house and Garden, and making Satisfaction to the Owners and Occupiers of the Ground taken for these Purposes in the Manner herein-after directed, in or upon the said Roads, in such Number

Power to erect Turnpike Gates, and Toll-houses.

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as to the said Trustees shall appear sufficient; and the Right and Property of the several Turnpike Gates and Toll-houses to be erected and provided, with the Yards or Gardens thereunto appertaining, shall be, and they are hereby vested in the said Trustees, and they are hereby empowered, at a General Meeting called for the Purpose, to remove and alter or cause to be removed and altered the said Gates and Toll-Houses; and the said Trustees are hereby empowered to bring or cause to be brought, from Time to Time, Actions in their own Names, or in the Names of any of their Treasurers or Clerks, against any Person or Persons who shall damage the same or disturb them in the Possession thereof: Provided always, That nothing herein contained shall extend, or be construed to extend, to prejudice any House or Building, the Side Walls of which are above Twelve Feet high, or any Garden, Orchard, or Planted Walk, Lawn, or Pleasure Ground appertaining or adjoining to such Houses.

Trustees may
erect Side-
Bars,

and take
Tolls thereat.

VIII. And be it enacted, That it shall and may be lawful to and for the said Trustees to erect or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and across any Lane or Way leading into or out of the same, and there to take and receive such Tolls as are by this Act granted and made payable, but so that a Ticket received at each Side Bar shall entitle the Receiver to pass through the next Turnpike on the principal Road; and that it shall also be lawful to and for the said Trustees to suppress any Bye-Roads immediately connected with and leading into the Turnpike Road or Roads directed by this Act to be made, where the same are not of Importance to the Public, unless any Person considering himself to be injured by the Suppression of such Bye-Road shall engage to be at the Expence of erecting and maintaining a Side Bar on such Road for collecting the Tolls.

Tolls and
Duties to be
levied.

IX. And be it enacted, That it shall and may be lawful to and for the said Trustees, or any Person or Persons duly authorized by them, to demand and take the Tolls and Duties following, before any Coach or other Carriage, Horse, or other Cattle, shall be permitted to pass through each or any of the several Gates or Turnpikes erected or to be erected by virtue of this Act; that is to say,

For every Coach, Berlin, Landau, Chariot, Chaise, or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Five Shillings; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Two Shillings; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six-pence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling:

For every Chaise, Calash, or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Eight-pence:

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

the Sum of Three-pence; except such Carts or Carriages as shall be drawn upon Wheels having the Fellies or Rims cylindrical, with a flat Bearing of the Breadth of Nine Inches at the least, which shall only be charged with and pay One Half of the Rates and Duties exigible as aforesaid, unless in the Case where such Carts or Carriages shall be drawn by more than Eight Horses, in which Case such partial Exemption shall cease, and the full Rates and Duties herein before appointed shall be chargeable and levied:

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

For every Ass, laden or unladen, and not drawing, the Sum of One Halfpenny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or lesser Number:

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

X. And be it further enacted, That every Person or Persons having Occasion to pass through any Turnpike, erected or to be erected on the said Roads, by virtue of this Act, where the Tolls or Duties are or shall be taken, may and shall, on Demand, be furnished with a Note or Ticket Notes or Tickets, signifying the Payment of such Toll or Duty; and the said Person or Persons getting the Note or Ticket, Notes or Tickets as aforesaid, shall not be liable or compelled to pay the said Tolls or Duties more than once, for passing through the same Turnpike or Turnpikes, and returning the same Day, before Twelve of the Clock at Night, with the same Coach, Cart, or other Wheel Carriage, or with the same Horse, Ass, or other Beast or Cattle; but in case the same Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall pass the Turnpike or Turnpikes with a New Loading a Second Time, or oftener the same Day, they shall in that case be subjected to pay the Toll for each Time, in the same Manner as they did the First Time.

Tolls to be paid only once a Day at any Turnpike.

XI. Provided always, and it is hereby further enacted and declared, That at any Turnpike Gate or Gates, erected upon or across the said Road leading from the Village of *Dollar*, to the Junction with the present Turnpike Road from *Alloa* to *Kinross*, by the Crook of *Devon*, no more than One Half of the Tolls or Duties permitted to be taken by this Act shall be demandable from any Carts coming from *Glendovan*, or any Part of the Country to the North thereof, for Coal or Lime, or returning with Coal or Lime to *Glendovan*, or any Part of the Country to the North thereof; and, that no Person or Persons shall be charged with any of the Tolls or Duties granted by this Act, for passing through any of the Turnpikes, to be erected by virtue of this Act, with Carts or Carriages loaded with Stones or other Materials for repairing of the said Roads and Bridges, or any of the Causeways within or belonging to the same, nor for Carts, Carriages, or Cattle loaded with Ploughs, Harrows, or other Implements of Husbandry, providing these Implements of Husbandry are proceeding to, or returning from the Ground on which they have been or are to be at Work, and if the said Ground is within Half a Mile of the Toll-Bar; nor for any Carts, Wains, Waggon, or other Carriages, carrying Hay or Corn in the Straw, or any other Crop, unless the same

Persons and Things exempted from Toll.

has been purchased from the Grower, or is carried for Sale, in which Case, they shall be chargeable with the said Tolls and Duties; nor shall any Toll be taken for any Horse or other Beast, or any Carriages going unladen, for any of the Particulars hereby exempted, or returning unladen from the Delivery thereof, nor from any Person or Persons going to or returning from Church, Chapel, or any Place of Religious Worship, within or belonging to the Parish in which they reside, upon *Sunday*, or any other Day in which Divine Service is directed by Law to be celebrated, or attending the Funeral of any Person who shall die and be buried within the County; nor for Horses or Cattle going to or returning from Pasture or Watering Places, or going to Smithies for the Purpose of being shoed, or returning therefrom; nor for any Persons, Horses, or Carriages employed or to be employed in carrying, conveying, and guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, or in returning back from carrying, conveying, or guarding the same; nor for any Officers or Soldiers who are upon their March or on Duty, or the Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in conveying any sick, wounded, or disabled Officers or Soldiers; nor for Persons, Carriages, Carts, or Waggon, travelling with Vagrants sent with legal Passes; and no Person shall be liable to pay Toll at any Toll-Gate, to be erected across, or on the Side of any of the Roads before-mentioned, or be subject to any Penalty for Evasion or Non-Payment of any Toll, for any Carriage, Horse, or Beast which shall only cross such Road, and shall not pass above One Hundred Yards thereon.

Weighing
Engines to
be erected.

XII. And be it enacted, That the said Trustees, if they find it necessary, shall cause Weighing Engines to be erected, upon such Parts of the said Roads as they shall think proper, for weighing all Carriages that shall pass along the said Roads, and take, over, and above the Tolls hereby granted, the following Sums of Money as additional Tolls; For every Hundred Weight of One Hundred and Twelve Pounds to the Hundred, which any Waggon, Wain, Cart, or Carriage, together with the Loading thereof, shall weigh at any of the said Weighing Engines, over and above the Weight which such Waggon, Wain, Cart, or Carriage is allowed to weigh, without paying additional Toll; that is to say, for the First and Second Hundred of such Overweight, the Sum of Three-pence Sterling for each Hundred; for every Hundred of such Overweight, above Two Hundred, and not exceeding Five Hundred, the Sum of Six-pence Sterling; for every Hundred of such Overweight, above Five Hundred, and not exceeding One Thousand, the Sum of Two Shillings and Six-pence Sterling; for every Hundred of such Overweight, above One Thousand, and not exceeding One Thousand Five Hundred, the Sum of Fifteen Shillings Sterling; and for every Hundred of such Overweight, above One Thousand Five Hundred, the Sum of Twenty Shillings Sterling; and that before they respectively shall be permitted to pass through such Gate or Turnpike; and the same shall be applied as the other Tolls or Duties are by this Act directed to be applied; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriage as aforesaid, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling.

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XIII. And

XIII. And be it further enacted, That every Waggon, Wain, Cart, or Carriage, shall be allowed to pass without paying any additional Toll or Duty, providing the same, with its Loading, does not weigh more than the Weight following; *videlicet*: Every Waggon or Four Wheeled Carriage having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches Eight Tons in Summer and Seven in Winter; for every Waggon or Wain having the Axletree thereof of such different Lengths, that the Distance from Wheel to Wheel of the nearer Pair of the said Wheels be not more than Four Feet Two Inches, to be measured at the Ground; and that the Distance from Wheel to Wheel of the other Pair thereof be such, that the Fore and Hind Wheels of such Waggons and Wains shall roll only one single Surface or Path of Sixteen Inches at the least on each Side of the said Waggons and Wains, and having the Fellies thereof of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof, Six Tons Ten Hundred Weight in Summer and Six Tons in Winter; for every Waggon or Four Wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer and Five Tons Ten Hundred Weight in Winter; for every Cart having the Fellies of the Wheels of the same Dimensions, Three Tons in Summer and Two Tons Fifteen Hundred Weight in Winter; for every Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, Four Tons Five Hundred Weight in Summer and Three Tons Five Hundred Weight in Winter; and for every Waggon so constructed as to roll and actually rolling, a Surface of Eleven Inches by the Wheels thereof, Five Tons Ten Hundred Weight in Summer and Five Tons in Winter; for every Cart having the Fellies of the Wheels of the same Dimensions, Two Tons Twelve Hundred Weight in Summer and Two Tons Seven Hundred Weight in Winter; for every Waggon having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Six Inches, Two Tons Twelve Hundred Weight in Summer and Two Tons Seven Hundred Weight in Winter; for every Cart having the Fellies of the Wheels of the same Dimensions, One Ton Seven Hundred Weight in Summer and One Ton Five Hundred Weight in Winter; and that for the several Purposes aforesaid, it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive; and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive.

Weight of Carriages, &c. in the Summer and in Winter, which shall be permitted to pass without paying additional Toll.

XIV. Provided always, That the Carriages and Loading which shall weigh the least of the Weights above specified, shall be understood to be drawn by Two Horses, Oxen, or other Beasts of Draught; and that any Cart, which, together with its Loading, shall exceed One Ton Weight, and not exceed One Ton Five Hundred Weight, and drawn by One Horse, Ox, or other Beast of Draught, shall be liable in Payment of One Penny Sterling of additional Toll, at each Gate through which the same shall pass, over and above the Tolls hereby granted; and if the said Cart with its Loading, shall exceed One Ton Five Hundred Weight, and drawn by One Horse, Ox, or other Beast of Draught, the same shall be liable in Payment of Two-pence Sterling of additional Toll, for each Hundred of such Overweight, at each Gate through which the same shall pass, over and above the Tolls hereby granted.

Restriction.

XV. And

Drag-Iron to be of the same Breadth with the Fellies of the Wheels.

XV. And be it further enacted, That where any Drag-Iron, or other Instrument, shall be fixed under the Bottom or Sole of any Wheel or Wheels of any Waggon or other Carriage, passing along the said Roads or Bridges, to make the Passage of such Waggon or Carriage more safe down steep Hills, every such Drag-Iron, or other Instrument, shall be flat at the Bottom or Sole thereof, and shall not be of less Breadth than the Fellies of the Wheels under which the same shall be affixed, on Pain of the Owner of every such Waggon or other Carriage forfeiting the Sum of Ten Shillings Sterling, at every Turnpike through which he shall pass.

Trustees may lessen the Tolls.

XVI. Provided always, and it is hereby provided and declared, That the said Trustees, at a General Meeting, called by a previous Advertisement in any Two or more of the *Edinburgh* Newspapers, Fourteen Days prior to the Day of Meeting, to consider the State of the Funds arising by virtue of this Act, and the Expediency of diminishing the Tolls, may, and they are hereby authorized and empowered, from Time to Time, with Consent of the Person or Persons who have advanced Money on the Credit of the Tolls, or of those who are Creditors in Five Sixth Parts of the Money owing at the Time to lessen the several Tolls and Duties hereby made payable; and to order and direct the same, so lessened, to be collected, received, and taken, in such Manner, Parts, and Portions, as they shall think fit; and may raise the same again, from Time to Time, so as not to exceed the Tolls and Duties hereby granted, any Thing herein contained to the contrary notwithstanding.

Trustees may compound for Tolls.

XVII. And be it enacted, That the said Trustees, at their Annual General Meeting assembled, shall, and they are hereby empowered, as they shall see convenient and think fit, to compound or agree by the Year, with any Person or Persons using to travel through the Turnpikes, and living within Three Miles of any Turnpike or Turnpikes to be erected on the said Roads, with any Coach, Landau, Berlin, Sociable, Chariot, Calash, Chaise, Curricule, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ais, or any other Beast of Draught, for any Sum or Sums of Money, the Trustees shall think reasonable, to be paid Quarterly *per* Advance, from Time to Time, after such Agreement is made; but such Compositions or Agreements, so made by the Trustees as aforesaid, shall continue in force for One Year only and no longer, from making thereof, and shall be entered at Length in a Book or Books to be kept for that Purpose by the respective Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person whatever, at all reasonable Times, without paying any Fee or Reward.

Composition Money, how to be recovered.

XVIII. Provided always, and be it enacted, That in case any Composition Money, so agreed to be paid for the Passage through the said Turnpikes or Gates to be erected by virtue of this Act, shall not be paid within Twenty Days next after the same shall become due or payable, according to such Composition or Agreement, Oath being first made that the same had been demanded, and remains unpaid (which Oath any Justice of the Peace is hereby empowered to administer); then it shall and may be lawful for any Two Justices of the Peace, by Warrant under their Hands, to empower the Person or Persons authorized

ized by the said Trustees to receive such Composition Money, to levy such Composition Money on the Person or Persons so refusing or neglecting to pay the same, in Manner herein-after mentioned.

XIX. And be it enacted, That it shall and may be lawful to and for the said Trustees, to let the said Tolls and Duties, in Whole or by Parcels, from Time to Time, during the Continuance of this Act, by way of Public Roup, for the best Price that can be got for the same, to any Person or Persons who shall give sufficient Security for the Payment thereof, to be approved of by the said Trustees, provided that such Lease be not made for more than Three Years. Tolls may be let.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at a regular Meeting called for that Purpose, to contract and agree with able, skilful, and responsible Persons, for the making, upholding, and keeping in Repair, all or any Part of the Roads hereby appointed to be made, and for building, upholding, and keeping in Repair, the Bridges thereon: Providing always, That a sufficient Cautioner to the Satisfaction of the Trustees shall be bound along with the Contractor for the aforesaid Work; and that before any such Contract shall be entered into, Advertisements shall be inserted Twice in any Two or more of the *Edinburgh* Newspapers, at least One Month before the Day fixed for such Meeting, specifying the Work to be contracted for, and requiring all Persons wishing to perform the same, to lodge their Offers, and the Names of their Cautioners, with the Clerk of the Trustees, Three Days before the said Day of Meeting; and that the said Trustees shall consider all such Offers as may be made, and the Sufficiency of the proposed Cautioners before making the aforesaid Contract or Agreement: And providing also, That no Agreement for keeping the aforesaid Roads, or any Part thereof in Repair, shall be entered into for a longer Period than Three Years. Trustees may contract for making the Roads and building the Bridges.

XXI. And be it enacted, That the Tolls and Duties, hereby granted and made payable, and the Right, Interest, and Property of all and every the Turnpikes, Toll-Houses, and Premises erected, and to be erected by virtue of this Act, are, and shall be vested in the said Trustees; and the same and every Part thereof, shall be paid, applied, and disposed of, or assigned, to and for the several Uses, Intents, and Purposes by this Act directed (the reasonable Charges expended, or that shall be paid in or by reason of passing this Act, being first deducted); and it shall and may be lawful to and for the said Trustees, or such Person or Persons as they as aforesaid shall from Time to Time nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable; and if any Person or Persons shall neglect or refuse to pay the Tolls and Duties hereby granted, the said Trustees are hereby empowered, by themselves, or such other Person or Persons as they, at a General Meeting assembled, shall authorise and appoint, to levy each and every of the said Tolls and Duties, by Distress and Sale of any Goods and Chattels of such Person or Persons refusing to pay the said Toll or Duty, with the reasonable Charges of such Distress, until the same shall be paid; and it shall and may be lawful to and for the Persons so distraining, after the Space of Four Days after such Distress shall be made and taken, to appraise and sell the Goods so distrained, by Public Roup, at the Turnpike or Toll-House, where the Toll ought to have been paid, returning Tolls, &c. vested in the Trustees.

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The Expence of passing this Act to be first paid.

Tolls and Duties to be levied by Distress and Sale.

the Overplus (if any be and demanded) to the Proprietor of such Goods or Chattels so distrained, after deducting such Toll or Duty and the reasonable Charges for distraining, keeping, appraising, and selling the same.

Sum to be borrowed.

XXII. And be it enacted, That it shall and may be lawful to and for the said Trustees, at a General Meeting assembled for that special Purpose, and they are hereby authorised and empowered to borrow any Sum or Sums of Money not exceeding Fifteen Thousand Pounds Sterling in the whole, at an Interest not exceeding Five Pounds Sterling *per Centum per Annum*, upon the Security of the Tolls to be levied and collected as aforesaid; and that when the Money so to be borrowed as aforesaid shall in Whole or in Part be paid off to the Person or Persons advancing or lending the same, it shall and may be lawful to and for the said Trustees, at a General Meeting assembled, and they are hereby authorized to borrow another Sum of Money equal to that by them so paid off as aforesaid.

Trustees may assign the Tolls.

XXIII. And be it enacted, That the said Trustees, at a General Meeting assembled, may, and they are hereby empowered to assign and make over the Whole or any Part of the Tolls and Duties, by this Act imposed and vested in them, to any Person or Persons from whom the Money shall be so borrowed, as a Security for Repayment of the Sum or Sums of Money so lent by them, and the Interest thereof; and for Repayment of such Sum or Sums as shall or may be borrowed upon the Security of the Composition Money herein-after imposed in the Manner herein-after directed; and such Assignments of the Tolls, for all and every Sum or Sums of Money so borrowed, shall be entered in a Book to be kept for that Purpose; which Book shall be seen and perused by any Person or Persons having Interest, at all reasonable Times, without Fee or Reward.

Assignments transferable by Indorsement.

XXIV. And be it enacted, That the Assignments to be granted in Security of the Money to be so borrowed, shall be transferable by simple Indorsement.

Money only to be borrowed at General Meetings, unless previously advertised.

XXV. Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, excepting at the General Meetings aforesaid, unless Notice for that Purpose shall be given in Two of the *Edinburgh* Newspapers at least Fourteen Days before the borrowing of such Money; and the several Sum or Sums of Money to be borrowed as aforesaid, shall be applied and disposed of in the making, repairing, and keeping in Repair the Roads herein-before mentioned and described, and in building, upholding, and keeping in Repair the Bridges thereupon, and in purchasing Ground, and paying Compensation and Damages in Manner herein-after directed, or in Repayment of the Money so to be borrowed, or the Interest thereof, and to no other Use or Purpose whatsoever, except to pay the Expence of obtaining this Act; which Expence shall be discharged out of the first and readiest of the Money borrowed or levied; and that the Sums so to be borrowed shall always be lodged in the Royal Bank or the Bank of *Scotland*, upon a Receipt from their Treasurers, there to remain until the said Sums can be applied for the Purposes before directed.

Trustees may appoint Clerks, &c.

XXVI. And be it enacted; That the said Trustees shall and may from Time to Time chuse and appoint One or more fit Person or Persons to be Clerk

Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls and Duties aforesaid, and such other Officer or Officers as the said Trustees shall think necessary; and also One or more fit Person or Persons to be Overseer or Overseers of the said Roads and Bridges; Surveyor and Surveyors to view the Condition of the said Roads or Bridges, and to see that the same are kept in Repair; and also that the Money to be by this Act raised be duly applied; and from Time to Time to remove such Clerks, Treasurers, Collectors, Surveyors, or other Officers, or any of them, as they shall see Occasion, and to appoint new ones in case of Death or Removal; and such Person or Persons as is or are hereby made liable to pay the said Tolls or Duties, shall pay the same after the Rates aforesaid, to such Collector or Collectors, or other Officers as shall from Time to Time be appointed as aforesaid; and the said Trustees, at a General Meeting assembled, shall and may, and they are hereby authorized and empowered, out of the Money arising by the said Tolls and Duties, to make such Allowance to their Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, or other Officers appointed by them, for and in Consideration of their Care and Pains in the Execution of their said respective Offices, and to such other Person or Persons as shall have been or may be assisting in making and repairing the said Roads and Bridges as aforesaid, by advancing or laying out any Monies, or otherwise relating thereunto as to them shall seem good, over and above the necessary Disbursements made by them.

XXVII. And be it enacted, That the said Trustees shall take from such Person or Persons, as shall be from Time to Time nominated and appointed Treasurer or Treasurers, Collector or Collectors of the Tolls and Duties hereby granted and made payable, such sufficient Security for the faithful and regular Discharge of the Duty of his or their Office or Offices, as shall be approved of by the said Trustees.

Officers to
give Security.

XXVIII. And it is hereby enacted, That whatever Orders, Resolutions, or Determinations, the said Trustees assembled in the first General Meeting held after the passing of this Act shall make with respect to any Matter or Purpose whatever by this Act directed, shall not be revoked, reversed, varied, or altered, except by the Authority of the said Trustees in a General Meeting assembled for that special Purpose, in consequence of a Resolution of the Trustees duly called for that Purpose to meet at *Alloa*, and confirmed by a subsequent Meeting called for that Purpose, also held at the Distance of Three Months from the former at the same Place; and providing, That at such subsequent Meeting Two Thirds at least of the Trustees or Proxies for Trustees present shall concur and assent to the proposed Alterations: And no Resolutions of the Trustees at any subsequent General Meeting assembled, shall be reviewed by any other General Meeting, except where previous Notice shall have been regularly intimated in Two or more of the *Edinburgh* Newspapers Fourteen Days prior to the Day of Meeting, expressly pointing out such Resolutions of a former General Meeting as are to be taken under Review.

Resolutions
of the First
General
Meeting,

and of any
subsequent
Meeting, not
to be altered
but under
certain Regu-
lations.

XXIX. And be it enacted, That no Money to be borrowed by the aforesaid Trustees shall be divided or allotted to any of the Purposes by this Act directed respecting the same; nor shall any of the Tolls or Duties be divided, allotted, or apportioned for Payment of the Interest of the Sum or Sums so borrowed, or for Payment of the principal Sum or Sums

No Money to
be allotted
but by the
Authority of
the Trustees,
previous No-
tice being
given;

and no Money to be laid out but by Order of the said Trustees at a General Meeting.

Trustees to keep an Account of the Money received and expended, and to make Entry of their Proceedings.

Persons mis-applying Money to forfeit double the Sum mis-applied.

To forfeit for all Trees, &c. dragged along the Road.

Roads to be measured, and Mile-Stones erected.

Penalty on destroying Turnpikes, &c.

themselves, except by Authority of the said Trustees at a General Meeting assembled for that Purpose, Notice of which Meeting shall be given by Public Advertisement in Two or more of the *Edinburgh* Newspapers Fourteen Days at the least previous thereto; and no Sum or Sums of Money arising or levied by or upon Account of the said Impositions shall be laid out or expended without the Order of the said Trustees as aforesaid, at a General Meeting assembled, or of such Person or Persons as they shall authorise and appoint.

XXX. And be it further enacted, That the said Trustees shall cause to be kept Accounts of the Money received by virtue of this Act, and the Application thereof, and all other Proceedings, and enter the same into a Book or Books to be kept for that Purpose; to which Book or Books the Heritors of the Ground through which the said Roads pass, possessed of One Hundred Pounds *Scots* of valued Rent in the said County, shall at all reasonable Times be at liberty to resort, and to inspect the same without Fee or Reward.

XXXI. And be it further enacted, That in case of any Misapplication of the Money collected, received, or levied by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be so misapplied, shall forfeit and pay double the Sum so misapplied, to be recovered against him or them at the Suit of any Three or more Heritors possessed of One Hundred Pounds of valued Rent in Property, who are hereby authorized to sue for and recover the same in an Action summarily before the Lords of Council and Session, without abiding the Course of the Roll, with Costs of Suit; One Moiety of which Forfeiture shall belong to the Persons that sue for the same, and the other Moiety to the said Trustees, to be applied by them to the Uses of this Act; but if any such Prosecution shall upon Trial be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Treble Costs.

XXXII. And be it further enacted, That if any Person or Persons shall haul, or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree, Logs, or Pieces of Timber, or any Stone, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall suffer any Tree, Log, Piece of Timber, or Stone, or other Matter whatsoever, which shall be conveyed upon a Wheel Carriage, to drag upon any Part of the aforesaid Roads; or if any Person or Persons shall turn a Plough or Ploughs on any Part of the said Roads, such Person or Persons shall, for every such Offence, pay the Sum of Ten Shillings Sterling, to be recovered as after directed.

XXXIII. And be it enacted and declared, That the said Trustees at any Public Meeting, may direct the Roads to be measured, and Stones or Posts to be erected on the said Roads, or near the Sides thereof, denoting the Distance of each Mile, and such other Distances as they shall judge adviseable.

XXXIV. And be it further enacted, That if any Person or Persons shall maliciously break down, pluck up, or otherwise destroy any Turnpike Gates, Posts, Rails, Chains, Bars, or other Parts thereof, or the Houses erected for such Turnpikes, or shall break, deface, or remove any Mile Stones erected or to be erected on the said Roads, or shall remove or destroy

destroy any Parapet Walls on Bridges to be erected or already erected on the said Roads, or any Part or Parts thereof, or shall be aiding or assisting thereat, or shall rescue or attempt to rescue any Person in Custody for any of the said Offences; every Person so offending in any of the Matters aforesaid, and being thereof convicted by the Oath of One or more credible Witness or Witnesses, before any Two or more Justice or Justices of the Peace, shall not only be condemned to pay the whole Damages and Expences sustained, but also be fined in a Sum not less than Five Pounds and not exceeding Ten Pounds, and in default of Payment, to be imprisoned for a Term not exceeding Six Months.

XXXV. And be it further enacted, That if any Person shall assault any Collector of the Tolls, or by Force pass through any Turnpike Gate without paying the Tolls or Duties hereby granted, every such Person so offending, and being thereof convicted upon Oath, before any Two or more Justices of the Peace, shall for every such Offence forfeit and pay to the said Trustees the Sum of Twenty Shillings Sterling, to be recovered by Distress and Sale as aforesaid.

Penalties for
assaulting the
Collectors.

XXXVI. And be it further enacted, That if any Person or Persons, owning, renting, or occupying any Lands or other Premises near to any Turnpike which shall be erected in pursuance of this Act, shall be proved to have knowingly and willingly suffered any Person or Persons to pass over the same, or through any Gate, Passage, or Way with any Coach, Chariot, Landau, Berlin, Hearse, Sociable, Calash, Chaise, Chair, Curricule, Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any other Sort of Carriage or Cattle in order to evade Payment of the Tolls, or shall open any New Road, without the Consent of the Justices obtained upon an Application made to them convened at their General Quarter Sessions; which Application, the said Justices are hereby empowered, authorized, and required to order to lie upon the Table till their next General Quarter Session, and then, and not sooner, they are to determine the Propriety of opening the said Road, whereby the Payment of the Tolls and Duties by this Act laid on and imposed, is or shall be avoided; every such Person or Persons so offending, and the Person or Persons riding or driving, or owning such Coach, Chariot, Landau, Berlin, Hearse, Sociable, Chaise, Calash, Chair, Curricule, Litter, Waggon, Wain, Cart, Carriage, or Cattle, or riding, leading, or driving such Horse, Mule, or Ass, and being thereof convicted on the Oath or other legal Testimony of one or more credible Witness or Witnesses, before One or more Justices of the Peace, shall for every such Offence forfeit and pay to the said Trustees, or to their Treasurer for the Time being, the Sum of Twenty Shillings Sterling; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale as aforesaid.

Penalty on
Persons per-
mitting pri-
vate Passage.

XXXVII. And be it further enacted, That if any Person or Persons shall, at any Time during the Continuance of this Act, unload or cause to be unloaded, any Sort of Goods or Merchandize, or take off, or cause to be taken off, any Horse or Horses from any Coach, Chariot, Berlin, Landau, Hearse, Sociable, Chaise, Calash, Chair, Curricule, or Litter, or any Horse or Horses, Ox or Oxen, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, with an Intent to avoid

Penalty for
evading
Toll.

[Loc. & Per.]

19 B

paying

paying all or any Part of the Tolls and Duties hereby imposed, or shall conceal any Goods or other Things chargeable with the Tolls and Duties aforesaid, or shall put or leave in any House or Place, any Coach, Chariot, Berlin, Landau, Hearse, Sociable, Chaise, Calash, Chair, Curricule, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding Mare, or any other Cattle chargeable with or liable to pay the said Tolls and Duties, with such Intent as aforesaid; each and every Person so offending, and being thereof convicted by the Oath or other legal Testimony of one or more credible Witness or Witnesses before any One or more Justices of the Peace, shall forfeit and pay to the said Trustees, or to their Treasurer for the Time being, the Sum of Twenty Shillings Sterling; which Sum, in case the same be not forthwith paid when demanded, shall be levied by Distress and Sale as aforesaid.

Penalty on
Persons dis-
posing of
Tickets.

XXXVIII. And be it further enacted, That if any Person or Persons having paid the Tolls and Duties, by this Act laid and imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Tolls and Duties, shall give or dispose of such Notes or Tickets, or each or any of them, to any other Person or Persons, in order to avoid the Payment of such Tolls and Duties, every such Person giving and disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being convicted upon the Oath or other legal Testimony of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace, shall respectively forfeit and pay the Sum of Twenty Shillings Sterling, to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Penalty on
Toll-Collectors
selling
or disposing
of Tickets,
and on the
Receivers
thereof.

XXXIX. And be it further enacted, That if any Collector of the Tolls shall sell or dispose of his Notes or Tickets to any Person or Persons who have not actually passed through his Bar, he, and the Person or Persons so receiving such Notes or Tickets, upon being convicted thereof by the Oath or other legal Testimony of One or more credible Witness or Witnesses, before any One or more Justices of the Peace, shall respectively forfeit and pay the Sum of Twenty Shillings Sterling, to be levied, recovered, and disposed of, as any other Penalty or Forfeiture, is hereby directed to be levied, recovered, and disposed of.

Persons lia-
ble for Sta-
tute Labour,
or for the
Conversion
Money, to
continue so.

XL. And be it further enacted, That nothing in this present Act shall be construed to exempt from Performance of Statute Labour, or Payment of a Conversion for the same, all and every Person and Persons who are at present by Law chargeable therewith, within the different Parishes through which the said Roads pass; nor shall any Thing in this Act be construed to prevent the Application of the said Statute Labour, or Conversion Money, to the Use of the Roads on which Turnpikes may be erected.

Apportion-
ing the
Composition
Money until
the Roads
are finished.

XLI. And be it further enacted, That until the aforesaid Roads are finished Three Fourth Parts of the Statute Labour, or Composition therefore, payable by Proprietors and Tenants within the different Parishes, in the aforesaid County of *Clackmannan*, shall be exclusively applied to making the respective Parts of the aforesaid Roads, which are within the aforesaid Parishes: Providing always, That nothing herein enacted

enacted shall interfere with any legal Appropriation that may have been made prior to the Date of this Act of the aforesaid Statute Labour or Composition therefore, or with the Security of any Loan, that, prior to the Date of this Act, may have been legally granted upon the same.

XLII. And for preventing Annoyances to the said Roads and Bridges, be it enacted, That no person shall lay, or cause to be laid, any Dead Horse, or other Carrion, upon the said Road, or within Twenty Yards of the same, for a longer Time than till the same can be removed, or any Timber or Stones, or any Dung, Lime, or Compost, or other Materials on or within Five Feet of the aforesaid Roads; and any Person or Persons so offending shall forfeit the Materials so laid down, and also the Sum of Twenty Shillings Sterling, to be levied and recovered in the same Manner as other Penalties are by this Act directed; the One Half to be paid to the Informer, and the other Half to be paid to the said Trustees, or their Treasurer for the Time being, to be applied to the Uses of this Act.

Penalty on Persons laying Materials, &c. on the Side of any Road, &c.

XLIII. And be it further enacted, That it shall not be lawful for the Contractors for repairing the said Roads and Bridges, or any other Person whomsoever, to lay any Stones, broken or unbroken, Gravel, or any other Obstruction whatsoever, upon the said Roads or Bridges; but the Trustees, or their Contractors or Overseers, are hereby empowered and required to provide proper Repositories for such Stones or other Materials, Damages being always paid for the Ground occupied by such Repositories, to be ascertained in the same Manner as other Damages which may be incurred in the Execution of this Act; and if the said Contractors, or any Person or Persons, shall, nevertheless, lay any such Stones or other Materials upon the said Roads or Bridges, the Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling.

Penalty on laying Stones, broken or unbroken, on the Road.

XLIV. And be it further enacted, That all Forfeitures and Penalties by this Act authorized to be imposed, in relation to any Matter or Thing in this present Act mentioned and contained, the Manner of levying and recovering whereof is not otherwise particularly directed, shall, upon Proof of the said Offence before any One or more Justice or Justices of the Peace, either by the Confession of the Party or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand or Hands of such Justice or Justices of the Peace, (which Warrant such Justice or Justices is and are hereby authorized and required to grant for these Purposes, and also to administer Oaths *gratis*;) such Sale being always made by Public Auction to the highest Offerer, at such Place as shall be directed in the said Warrant within Four Days after such Distress shall have been made; and the overplus Money arising from such Sale, after such Penalties are recovered, and the Charges of levying and recovering the same are deducted, shall be returned on Demand, to the Owner or Owners of such Goods and Chattels: And all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall from Time to Time be paid to the said Trustees, or their Treasurer or Treasurers for the Time being, and shall be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall and may be lawful for any Justice

Recovery and Application of Penalties and Forfeitures.

Justice or Justices of the Peace, and he and they are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Offender or Offenders to be committed to the House of Correction, or Common Gaol of the County or Place where the Offence shall be committed, therein to remain for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Trustees may make Arches, Drains, &c. and widen the Roads, paying Damages.

XLV. And be it further enacted, That the said Trustees, at a General Meeting assembled, shall, and they are hereby authorized and empowered, to cause Bridges or Arches, of Stone, Brick, or Timber, to be made and erected upon the said Roads, and to make Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Roads, where they shall think the same proper and necessary; and to pull down any old Arches or Bridges, which now are or which hereafter may become unnecessary or useless, by changing the Course of the Road or otherwise, and to apply the Materials thereof in building new Arches, or for repairing the said Roads, or to sell the same as they shall see proper; and also to cause such Part or Parts of the said Roads as are not of a sufficient Breadth to be widened, and made of such Breadth as they shall think proper, not exceeding Forty Feet free of all Ditches; and also to make a new Road not exceeding the aforesaid Breadth, where they shall judge necessary in the Lines before mentioned, or near thereto, and to cause the Course of such Part or Parts of the said Roads as they shall think proper to be changed or altered for shortening the same, or making the same more accessible; and for these Purposes, if necessary, to remove Fences, and to cause any Houses, the Side Walls of which are not more than Twelve Feet high, to be demolished, upon giving the Occupier or Occupiers of the Lands, Houses, or other Subjects, legal Notice or Intimation thereof, and paying the Value of the Lands, Houses, and Premises so taken and employed, and the Damages incurred by the Proprietors thereof, as the same shall be agreed upon between the said Trustees and such Proprietors; and in case of any Difference in Opinion as to the Amount of such Prices or Damages, the same to be determined as herein-after is mentioned; and the said Roads so altered shall from thenceforth be deemed and taken to be Public Highways, and shall be amended, repaired, and kept in Repair, by virtue of the Powers and Authorities by this Act granted: Provided always, That nothing herein contained shall empower the said Trustees to pull down or prejudice any House or Building above Twelve Feet High, nor any Garden, Orchard, or Planted Walk, Lawn, or Pleasure Ground, or Avenue to any House, or any Piece of Inclosed Ground, which, before the Commencement of this Act, has been planted, set apart, and used as a Plantation or Nursery for Trees.

Compensation for Damages, and Repayment of Expences incurred prior to this Act.

XLVI. And be it enacted, That in all Cases where Individuals have at their own Expence made Parts of the said Lines of Road before the passing of this Act, so as to correspond with the Plan to be approved of by the Trustees, such Individuals shall be paid or get Security for the Ground occupied by the Parts of the New Road, so made by them, at a reasonable Valuation, and the reasonable Expence of the additional Fences along the Side thereof, and all Damages, in the same Manner as is herein before appointed to be paid with respect to the Parts of the said Road which the Trustees shall cause to be made after passing of this Act; and the Trustees shall likewise repay to the aforesaid Individuals the reasonable Expences which they have incurred in making the aforesaid

Parts

Parts of the New Road, according as these Expences shall be instructed by proper Vouchers, provided that such Expences shall not exceed the Rate at which such Parts of the New Road could have been formed upon Contract with any skilful and responsible Person; and the Trustees shall be entitled to value and sell, in Manner hereafter directed, the Ground occupied by the Old Roads in place of which the aforesaid Parts of the New Road have been made.

XLVII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, by the Order of any Two or more of the said Trustees respectively, to quarry, dig, gather, take, and carry away Gravel, Furze, Heath, Stones, Sand, or other Materials, for making and repairing the said Roads, Gates, Houses, and Bridges, and that out of the several Grounds of any Person or Persons (not being the Ground whereon any House or Buildings stand, or a Garden, Orchard, Yard, Planted Walk, or Walks, Deer Parks, Lawns, and Pleasure Grounds, or Avenue to any House, or Piece or Parcel of Inclosed Ground, which, before the Commencement of this Act, has been planted, set apart, or used as a Plantation or Nursery for Trees) where such Materials are or may be found; and from Time to Time to carry away the same, or so much thereof as the said Surveyor or Surveyors, in their respective Places shall judge necessary for the Purposes aforesaid; and also to set apart and take any Pieces or Parcels of Ground (except as before excepted) necessary for getting Materials for the said Roads and Bridges, on paying or giving Security for (as herein-after directed) such Sum and Sums of Money as the Value of the said Grounds and Materials, and for the Damage done to the Owners or Occupiers respectively of the Grounds where, or from whence such Materials shall be digged, gathered, or carried away, or over which the same shall be carried, as shall be agreed upon between the said Trustees and such Owner or Owners respectively; and in case of their differing in Opinion as to the Amount of such Compensation, the same to be determined as herein-after is mentioned.

Surveyors
may dig
Gravel,
Stone, &c.

and also to
set apart
and take any
Pieces or Par-
cels of
Ground,
on paying
Compensa-
tion for the
same.

XLVIII. Provided always, That it shall not be lawful for any Surveyor, or any other Person under the Authority of this Act, to dig, gather, take, or carry away Materials, or to take or set apart any Pieces or Parcels of Ground to and for the Use of the said Roads, Houses, Bridges, and others aforesaid, from any Lands or Grounds that may be inclosed, until Notice in Writing shall have been given to the Owners or Occupiers of the Premises from which such Materials, or Pieces or Parcels of Land, are intended to be taken and set apart, or left for such Owners or Occupiers at their usual Places of Residence; to appear before the said Trustees, to shew cause why such Materials, or Pieces or Parcels of Land shall not be had from such Lands or Grounds; and in case such Owners or Occupiers shall attend, pursuant to such Notice; the said Trustees, or such Justices, shall, if they think fit, authorize such Surveyor, or other Person or Persons, to dig, gather, take, carry away, and set apart such Materials, and such Pieces and Parcels of Land, at such Time or Times as to such Trustees shall seem proper; and if such Owners or Occupiers shall neglect or refuse to attend, by themselves or their Agents (except for some reasonable Excuse); the said Trustees shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owners or Occupiers, or their Agents, had attended.

Notice pre-
viously to be
given to
Proprietors
and Occu-
piers thereof.

[Loc. & Per.]

19 C

XLIX. And

Trustees may
contract with
Bodies Poli-
tic, &c. with
Heirs of
Entail, &c.

In case of
their refusing
or neglecting
to treat and
agree after
Notice given
to them,

or not having
a clear Title,

Application
to be made to
the Sheriff.

who shall
order Notice
of such Ap-
plication to
be served,

and there-
upon sum-
mon a Jury,

XLIX. And be it enacted, That it shall and may be lawful to and for the said Trustees to contract and agree with the Owners of and Persons interested in the Grounds or other Hereditaments through which the Roads aforesaid shall pass, for the Damage they may respectively sustain by making, widening, and altering the said Roads, building the said Bridges, or erecting Toll-Houses, making Gardens for the same, or by taking any Materials from any Grounds or Lands for the repairing and keeping in Repair of such Roads and Bridges, for the Purchase thereof, or for the Loss or Damage they, or any of them, shall or anywise may sustain in Manner aforesaid: And it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, Idiots, and furious Persons, and for all Persons whatsoever, who are or shall be interested in any such Lands, Hereditaments, or Materials aforesaid, to contract and agree with the said Trustees for Sale thereof, or for their respective Interests therein, for the Purposes aforesaid, or for the Satisfaction to be made for such Damages as aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid and effectual to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators, or other Persons whatsoever, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act: And if any such Owner, Occupier, Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, or any other Person interested as aforesaid, upon Notice given to him, her, or them personally, or left in Writing at the Dwelling-house or Houses, Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of such Lands, Grounds, or other Hereditaments respectively, shall by the Space of Twenty-one Days after such Notice given, or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by Reason of Absence shall be prevented from treating, or shall not shew a clear Title to the Premises of which they are in Possession, or the Interest they claim, to the Satisfaction of the said Trustees; then, and in every and any such Case, and so often as it shall happen, the said Trustees or their Clerk for the Time being shall and may apply by Petition to His Majesty's Sheriff Depute or Substitute of the County or Counties in which such Lands, Grounds, or other Hereditaments and Premises do lie, setting forth this Act and the true Circumstances of the Case, and praying him or them to fix and ascertain the just Amount and Value of the Lands or other Hereditaments and Premises respectively, and the Damage arising from making, widening, turning or altering the said Roads, and for building and repairing the said Bridges, or any Part of the same; and the said Sheriff-Depute or Substitute is hereby empowered and required, on receiving such Petition, to order Notice thereof to be served upon the Owners or Occupiers of such Lands, Grounds, or other Hereditaments and Premises, with an Order to give in their Answers or Objections within Ten Days after such Service; and after such Time is elapsed, the said Sheriff-Depute or Substitute is hereby empowered and required to issue his Precept or Precepts, for summoning and impanelling a Number of substantial and indifferent Persons within the County within which the said Lands, Grounds, or other Hereditaments are situated, not less than Fifteen, nor more than Twenty, which Persons so to be summoned and returned are hereby required to come and appear before the

the same Sheriff-Depute or Substitute, at such Times and Places as in the said Precept or Precepts shall be directed and appointed, of which Time and Place the Owners and Occupiers of the Premises respectively shall have due Notice given them; and out of such Persons so to be summoned and returned; the same Sheriff-Depute or Substitute shall appoint a Jury of Fifteen Persons, before whom the said Trustees, and the Parties interested, shall and may, upon the Warrant of the same Sheriff-Depute or Substitute, summon and call such Witnesses, and bring such other legal Evidence, and cause the said Jury to view the Places in question, if there be Occasion, for ascertaining what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers or Proprietors, or other Person or Persons interested, for or upon account of pulling down such Houses, or of the taking of such Land, Grounds, or other Hereditaments and Premises: And the same Sheriff-Depute or Substitute is hereby empowered and required before proceeding to take the Evidence, to administer an Oath to the Jury to return a true Verdict according to the Evidence, and thereupon the Jury shall return their Verdict, ascertaining such Damages and Recompence to be made by the said Trustees for the same, and to what Person or Persons the same shall be made; and in framing their Verdict, the Jury shall take into Consideration the Benefit to be derived from the Road being made by the Person or Persons claiming the Damage and Recompence; which Verdict and Inquisition shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever.

who shall determine the Value of the Premises taken or used by Trustees.

L. Provided always, and be it further enacted, That if any such Jury shall adjudge a greater Sum of Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in such Lands or other Hereditaments and Premises, or for any such Loss or Damage than the said Trustees shall have offered before the summoning of the Jury, that then the Costs and Charges of every Sort and Kind attending the obtaining of such Assessment by a Jury, shall be paid by the said Trustees out of the Tolls and Duties arising on the said Roads, or out of the Money to be borrowed on the Credit thereof; but if such Jury shall adjudge no greater or a less Sum of Money, for such Recompence or Satisfaction, than shall have been offered by the said Trustees as aforesaid, then the said Costs and Charges shall be paid by the Party or Parties with whom the said Trustees shall have such Controversy or Dispute; which Costs and Charges being settled and ascertained by the said Sheriff-Depute or Substitute, before whom the Matter of Difference shall be tried, shall be deducted out of the Money so adjudged for Recompence or Satisfaction as aforesaid; and Payment or Tender and Consignation of, or Security in Manner hereinafter directed for the Remainder of such Money, shall be deemed to be a Payment, or Tender and Consignation of, or Security for the whole Sum of Money so adjudged; or otherwise, such Costs and Charges, in case the same be not paid within Ten Days after being settled and ascertained as aforesaid, may be recovered in Manner herein-before directed for the Recovery of other Penalties and Forfeitures.

How the Expences of this Assessment are to be paid.

LI. And be it further enacted, That the said Sheriff-Depute, or Substitute of the County or Counties in which the Matter of Difference shall arise, shall have Power to impose any reasonable Fine or Fines on any Person or Persons who shall be summoned and returned on such Jury

In case any Jury or Witnesses shall refuse to appear and take Oaths,

&c. Sheriff
to impose a
Fine.

and shall not appear, or appearing shall refuse to be sworn (or being *Quakers* to affirm) on such Jury, or being so sworn or affirming, refusing to give his or their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; or any of the Persons, who being summoned to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse or neglect to be sworn (or being *Quakers* to affirm) and give Evidence; and from Time to Time to levy and apply such Fine or Fines, in the same Manner as other Forfeitures and Penalties are herein-before directed to be levied and applied, so that no such Fine shall exceed the Sum of Five Pounds Sterling, upon any one Person for any one Offence.

Application
of Compen-
sation where
exceeding
200 l.

LII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, 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*, 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, Tenements, or Hereditaments, in the Purchase or Redemption 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, Tenements, or Hereditaments, or affecting other Lands, Tenements or Hereditaments, 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 Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, 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 mean Time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall, from Time to Time, be paid by 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, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under
200 l. and
above 20 l.

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and held under Entail, or subject to Liferents, Annuities, or other Incumbrances, or belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the
Time

Time being, entitled to the Rents and Profits of the Hereditaments 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 either of the said Banks, and be placed to his or her 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 said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, as far as the Case be applicable.

LIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, 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 Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where under 20l. Sterling.

LV. And be it enacted, That in case the Course of any of the said Roads shall be altered, or any of the Bridges taken down, the said Trustees shall and may, and they are hereby authorized and empowered, as soon as the said New Roads shall be made, or Bridges built where necessary in the Direction of the said Roads, and when the said Roads and Bridges shall be completed, and made passable and convenient for Carriages or other Passage thereon, to value the Ground that was occupied by the Old Road, and the Materials of the Old Bridges, by a Jury to be summoned and impannelled, and to decide thereon in Manner as is herein before mentioned and prescribed, and to sell or otherwise dispose of the same, declaring always, that where the Old and New Roads pass through the Grounds of the same Proprietor, and where the Ground occupied by the New Road is of equal or greater Value than the Ground which was occupied by the Old Road, then and in these Cases the Ground that was occupied by the Old Road shall be allotted to the Proprietor through whose Lands it passed, and its Value shall be accounted for by being deducted from the Value of the Ground occupied by the New Road: And in all other Cases the Proprietor or Proprietors of the Ground through which the said Old Road did pass shall always have the First Offer of the same at the said Valuation; and if not accepted of by such Proprietor or Proprietors, the same shall be sold by Public Auction or Private Sale; and such of the Materials of any of the Bridges that may be taken down, and not employed in repairing others, or building New Bridges, or in the Repair of the said Roads, shall be sold by Public Auction or by Private Sale; and the Monies arising from such Sale or Sales shall be applied in making, building, and repairing the aforesaid Roads and Bridges; and the Sale, Conveyance or Conveyances to be made of the Lands, Grounds, and Premises aforesaid, being executed by the said Trustees, shall be good and effectual to all Intent and Purposes.

Trustees may value and sell the Scite of Old Roads, together with Bridges and Materials.

[Loc. & Per.]

19 D

LVI. Provi-

Nor Houses
or Fences re-
moved.

LVI. Provided always, and be it enacted, That no Houses or Fences shall be removed until actual Payment or legal Tender of the Satisfaction ascertained to be made to the said Owner or Owners and Lessees of the Lands where such Road or Roads is or are to be widened; and where New Roads shall be made through any Inclosed Fields, the Trustees shall be obliged, before laying open the same, to put up sufficient Fences, so as to prevent any Inconveniency by the Fields being so laid open.

Proprietor to
keep Water-
Passages
clear.

LVII. Provided also, That where it shall be found necessary to make Passages for the Water from the said Roads, or from the Ditches or Trenches on the Sides thereof, through the Ground of any adjacent Proprietor, such Proprietor, or the Occupier or Occupiers of such Ground, after such Passages or Outlets are so made, shall be obliged, in all Time thereafter, to permit the said Surveyor or Surveyors to keep clear such Passages or Outlets from the Trenches or Ditches, so as the said Water may not be stopped or made to restagnate into the said Ditches or Trenches, but may have free Passage through the said Grounds; and in case of the Proprietor or Proprietors, Occupier or Occupiers, refusing Permission to the said Surveyor or Surveyors to clear or to cleanse such Outlets or Passages, when duly required by the Surveyor or Surveyors of the said Roads, or any Three of the said Trustees, then and in that Case such Trustees shall have Power to cleanse such Outlets and Passages at the Expence of such Proprietor or Occupier, to be levied by Distress, as herein-before is mentioned.

Occupiers of
Ground to
cover Drains,
before mak-
ing Passage
across Roads.

LVIII. And be it enacted, That where any Passage for Cattle or Carriage shall be made across any Road for the Convenience of the Occupier of the Ground through which it passes, such Occupier shall always cover the Drains on the Sides of such Roads with sufficient Stones, in such a Manner as the Course of the Water in the Drains may not be interrupted, or the Roads thereby not prejudiced.

Water to be
turned in the
Sides of, or
across the
Roads, only
by Leave of
the Trustees.

LIX. Provided always, That no Occupier of Land shall turn any Water upon the Side of any of the said Roads, nor conduct any Water across the same, for the Melioration of his Fields or other Purposes, until he shall have applied for and obtained the Consent of Three of the said Trustees in their General Meeting assembled; and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain, of such Depth and Construction as that the Water may not prejudice the Road.

Head Ridges
to be left
along the
Sides of the
Roads.

LX. And be it further enacted, That from and after the passing this Act every Person in ploughing any uninclosed Ground contiguous to any of the said Roads, shall always make Head Ridges along the Side of the Roads of the Breadth of Twenty-four Feet at least, otherwise Persons offending therein shall forfeit and pay the Sum of Ten Shillings Sterling, to be levied and recovered as herein directed.

Houses not to
be erected
within Six
Feet from the
Sides of the
Road, under
a Penalty.

LXI. And be it further enacted, That no Houses or other Buildings shall, after the passing this Act be built near the Sides of any of the said Roads within Six Feet from the Sides of the said Roads, under the Penalty of Forty Shillings Sterling for every Offence, and the Expence of demolishing such House or Edifice; and it shall and may be lawful

lawful for any Two or more of the said Trustees, to stop the building or erecting of every such House or Edifice, by an Order in Writing under their Hands; and the Expences that the said Trustees may be put unto in demolishing or stopping the Erektion of such House or Edifice, shall and may be levied from the Erector by Distress and Sale, as herein-before is provided.

LXII. And be it further enacted, That from and after the passing this Act, no Plantation of Trees or Shrubs of any Kind shall be made or planted within Ten Yards of the South or West Sides of the Roads herein-before described; and where the Ground on any Side of the Roads is already inclosed or planted, the Proprietor or Occupier of such Ground on each Side shall be obliged to lop the Trees and Hedges in a proper Manner, so as to give sufficient Breadth and Air to such Road; and in case they shall neglect so to do for Six Months, after being thereunto required, by an Order of any Two or more of the said Trustees, properly intimated personally, or at their usual Places of Abode, the said Trustees shall have Power to appoint the same to be done, at such Seasons of the Year as are proper for doing the same, and to levy the Expence thereof on such Defaulter, by Distress and Sale, as herein-before is directed.

No Plantation to be made within Ten Yards of the South or West Side of the Roads; and where inclosed or planted, Proprietors to lop Trees and Hedges in a proper Manner, under a Penalty.

LXIII. Provided always, and be it further enacted, That all Actions for all and every the Penalties by this Act imposed, shall be commenced within Six Calendar Months after the Fact from which the Penalty arises was committed, and not afterwards.

Limitation of Actions

LXIV. And be it enacted, That if any Person or Persons shall think him, her, or themselves aggrieved, by an Order or other Proceedings of the said Trustees, or by an Order of Two or more Justice or Justices of the Peace, it shall and may be lawful for the said Person or Persons, to appeal for Redress to the next General Quarter Sessions of the County, within which the said Order or Proceeding took Effect, at which not fewer than Three Justices shall be present; and such Appeal shall be lodged within Six Days, after the Sentence complained of; and if any Person or Persons shall think himself, herself, or themselves, aggrieved by the Judgment of the Quarter Sessions, it shall be lawful for such Person or Persons to apply for Redress by a summary Complaint to the Court of Session: Provided always, That before such Application, the Party making the same shall find Caution to pay the Sum of Forty Shillings Sterling, besides full Costs of Suit in case such Party shall not prevail.

Allowing an Appeal to the Quarter Sessions, and from thence to the Court of Session.

LXV. And be it further enacted, That upon the Death of any One of the Persons before named and appointed by this Act Trustees for making and repairing the said Roads, and building, upholding, and keeping in Repair the aforesaid Bridges, in respect of their being Subscribers, or upon their or any of their resigning the Office, it shall and may be lawful to and for any Five or more of the said Trustees at a General Meeting assembled, Fourteen Days previous Notice of the said Meeting, and of the Intent and Business thereof having been first given in Manner aforesaid, by any Writing or Writings under their Hands, to choose, nominate, and appoint, in the Room of the Trustee or Trustees so deceased or resigning, some other fit and able Person or Persons, to be joined with the other or surviving Trustees, in the

Trustees may chuse new Trustees in Place of those that die or resign.

the Execution of all and every the Powers and Trusts in them by this Act vested and reposed; and all and every Person or Persons, so chosen, nominated, and appointed, as Trustee or Trustees as aforesaid, shall and may, and they are hereby authorized and empowered to act, to all Intents and Purposes, in as full and ample a Manner for putting this present Act in Execution, as the other Trustees nominated and appointed by this Act.

Gate Mail payable to Mr. Erskine regulated.

LXVI. And whereas there is a certain Toll or Duty called *Gate Mail* at present payable to *John Francis Erskine* of *Mar* Esquire, by *James Bruce* of *Tillicoultry* Esquire, and certain other Persons in *Clackmannanshire*, for all Coals carried along the aforesaid Road to *Alloa*, and laid up in his Coal Fold at *Alloa*; and on the other Part the said *John Francis Erskine* is obliged to keep the said Road in Repair; Be it therefore enacted, That from and after the passing of this Act the said *John Francis Erskine*, and his Heirs and Successors, shall be freed from the Obligation of repairing the said Road, and the said *James Bruce* and other Persons shall be exempted from Payment of such Toll or Duty, so far as it is payable for the Use of the said Road, leaving Right to the said *John Francis Erskine* to exact such Part of the said Toll as shall be determined by Two Persons mutually chosen; or in case of their Difference in Opinion, as shall be determined by the Sheriff of the County of *Clackmannan*, to correspond to and be payable for the Privilege of storing or laying up Coal in the said *John Francis Erskine's* Coal Folds at *Alloa*.

Commencement of the Act.

LXVII. And be it enacted, That the Powers granted by this Act for making and repairing the said Turnpike Roads, and levying Tolls thereupon, shall commence immediately after the passing this Act, and continue for the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Composition in lieu of Statute Labour payable by Proprietors and Tenants.

LXVIII. And be it enacted, That all Occupiers of Land in the aforesaid County of *Clackmannan*, whether Proprietors, Liferenters, or Tenants, shall be liable to pay yearly a Composition in Money, instead of Statute Labour, for the Lands occupied by them respectively, according to the Extent and Value of such Lands of Two Pounds Two Shillings, for each Farm worth or let at the yearly gross Rent of Seventy Pounds Sterling, including the yearly Value of any Fine or Grassum that may have been paid for the Lease, or for each Fifty Acres of Ground, providing such Fifty Acres are worth or let as the yearly gross Rent of Seventy Pounds calculated as aforesaid, and proportionally for Lands of larger or smaller Value and Extent; declaring, that the Persons liable in the aforesaid Composition, shall always be allowed to pay for each Farm, either according to the Quantity of Ground, or the Rent, in their Option.

General Meetings may lower the Composition.

LXIX. Provided always, and be it enacted, That the General Meetings of the Trustees appointed by this Act for the Management of the aforesaid Composition for Statute Labour shall have Power, and they are hereby authorized, to lower, within all or any of the Parishes of the County of *Clackmannan*, the aforesaid Duty of Two Pounds Two Shillings Sterling, payable for each Farm of Fifty Acres, or worth Seventy Pounds of gross Rent, to be computed in Manner before-mentioned, to any Sum not less than the Rate of One Pound One Shilling for each Farm of Fifty Acres, or worth Seventy Pounds, as aforesaid; and again to raise the same to any

any Sum not exceeding the aforesaid Rate of Two Pounds Two Shillings; and they shall have Power thus to lower and to raise the aforesaid Rate, at any Time, and as often as to them shall seem proper, upon considering the respective Circumstances of the said Parishes.

LXX. And be it enacted, That the respective Proprietors and Liferenters of Land in the said County and Parishes shall, in the First Place, make Payment of the said Compositions chargeable on their whole respective Properties in the said County and Parishes, to the Collector of the Land Tax thereof (who is hereby authorized to receive and discharge the same), alongst with the Land Tax, and that upon the Twenty-fifth Day of *March* and Twenty-ninth Day of *September* yearly, by equal Portions; beginning the first Payment thereof on the Twenty-ninth Day of *September* One Thousand Eight Hundred and Two; and when so paid, the said Proprietors and Liferenters shall be entitled to have Relief from their respective Tenants of a Proportion of the said Composition, corresponding to the real Rent or Annual Value of the Lands occupied and possessed by such Tenants respectively; and in the Event of any Dispute between a Proprietor, or Liferenter, and Tenant, with regard to the Annual Value of Lands in the Occupation of a Proprietor or Liferenter, the same shall be determined by the Sheriff of the County, at the Suit of either Party, and his Determination shall be final.

Collection of the aforesaid Composition:

LXXI. And be it further enacted, That all Carters, Carriers, or other Persons keeping Horses for Hire, or for Draught, Labour, or Riding, shall be liable to pay yearly a Composition in Money of Eighteen Shillings for each Horse so kept by them; and that all Cottagers, Householders in Towns and Villages, Tradesmen, Labourers, Miners, Colliers, Salters, Quarriers, Workmen, and others employed at Furnaces or other Works, and all and every Person liable in Statute Work within the aforesaid County and Parishes, by the Laws now in being, shall each be liable to pay yearly a Composition in Money of Two Shillings Sterling; and that the aforesaid Compositions (other than those which the Proprietors and Liferenters are bound to pay to the Collector of the Land Tax, in Manner before-mentioned) shall be paid by equal Portions upon the Twenty-fifth Day of *March* and Twenty-ninth Day of *September* yearly, beginning the first Payment thereof upon the Twenty-ninth Day of *September* One Thousand Eight Hundred and Two, to a Collector or Collectors to be appointed by the said Trustees, and who are to keep an exact Account of the Money so collected, and shall be allowed a suitable Gratification for their Trouble.

Composition in lieu of Statute Labour, payable by Carters, Cottagers, &c.

LXXII. Provided always, That so far as the aforesaid Carters, Carriers, and other Persons keeping Horses for Hire, or for Draught, Labour or Riding, shall rent, or be Proprietor of any Lands, and shall pay the aforesaid Composition of Two Pounds Two Shillings imposed upon each Farm of Fifty Acres, or worth Seventy Pounds of yearly Rent, they shall be entitled to a Deduction out of the aforesaid Composition, payable by them for Horses, to the Extent of the Sum payable by them for Lands as Proprietors or Tenants: And provided also, That no Cottagers who work to Proprietors or Tenants, as their Servants by the Year, and whose Masters are hereby obliged to pay a Composition for the Lands which such Cottagers are employed in cultivating, shall be liable in Payment of the aforesaid Composition of Three Shillings yearly appointed to be paid by Cottagers: And provided also, That it shall and may be lawful to the aforesaid

Deduction granted to Carters, &c.

Exception of Farm Servants.

Relief to indigent Persons.

Trustees; to relieve such Persons as they shall know to be in indigent Circumstances, from the Payment of all or any Part of the Composition of Three Shillings payable in Manner before-mentioned, for each Cottager, Labourer, or other Person in that Class.

Nomination
of Trustees
for managing
the Composi-
tion for Sta-
tute Labour.

LXXIII. And be it enacted, That all Persons who at present or hereafter shall be in their own Right, or in the Right of their Wives, possessed of Lands in the said County of *Clackmannan*, entitling them to be Commissioners of Supply, and the eldest Son or Apparent Heir of every Person so qualified, shall be, and they are hereby appointed Trustees, for levying and applying the aforesaid Composition for Statute Labour within the said County of *Clackmannan*, and for putting in Execution all the Powers for levying and applying the said Composition for Statute Labour, in and by this Act given and granted; and that the said Trustees shall meet at *Allea* at Twelve of the Clock on the Second Day of *August* One Thousand Eight Hundred and Two, and at the same Place and Hour the last *Thursday* of *October* annually thereafter, with Power to them at their aforesaid Meetings, to adjourn themselves to such Times and Places as they shall think proper; and that Three Trustees shall form a Quorum at such Meetings or adjourned Meetings; and it shall be lawful to and in the Power of any Trustee who cannot attend, to act and vote by Proxy general or special, given by him to another Trustee appointed by this Act, attending in Person at any of the Meetings of the Trustees; but in constituting the necessary Quorum Proxies shall not be reckoned.

Compulsory
for Payment
of the Com-
position.

LXXIV. And be it enacted, That if any Person liable as above shall refuse or neglect, on or before the said respective Days, to pay the aforesaid Compositions, that it shall be lawful for the Sheriff Depute or his Substitutes, or for the Justices of the Peace or any One or more of the said Justices, to grant summary Warrant for pouding the Effects of the Person so neglecting or refusing, for Payment of the Compositions before mentioned, and a Third Part more, besides the Expence of Execution; which Warrants shall be granted, and the Sheriff and Justices aforesaid are hereby required to grant the same, upon an Application made by the Collector, and an Attestation signed by him, bearing that the Persons complained upon had not paid the Compositions above-mentioned.

Penalty of
wrong Com-
plaint.

LXXV. Provided always, and it is hereby expressly provided and declared, That it shall and may be lawful for the Sheriff-Depute or his Substitutes, or the Justices of the Peace aforesaid, or any One or more of them, to award Damages to the Treble Value to be paid to the Persons aggrieved by such Warrant or Warrants by the Collector if they shall find that the Collector has made a false and improper Accusation of any Person liable as aforesaid: Provided always, That the Money to be raised by the aforesaid Compositions for Statute Labour in each Parish, shall, after defraying the Expence of Collection, be applied to the Roads lying within the same respectively, and to no other Purpose, unless the Heritor or Heritors possessed of Two Third Parts of the valued Rent of that Parish shall agree to apply a Part thereof to Roads in any of the adjoining Parishes: and that until the Roads which are appointed by this Act to be made shall be finished, Three-fourth Parts of the aforesaid Composition Money payable for each Parish by the Proprietors or Liferenters of Land shall be exclusively applied to making the respective Parts of the aforesaid
Roads

Application
of the Com-
position.

Roads which are within the said Parishes: And providing also, That where the Price of Work to be paid out of the aforesaid Composition Money shall exceed Twenty Pounds Sterling, such Work shall always be performed by Contract, and the Contractor shall find sufficient Caution; and previous Advertisements regarding the Work shall be inserted in the *Edinburgh* Newspapers, in the same Manner as is herein-before directed with respect to the Mode in which Contracts are to be entered into for making or repairing any of the Turnpike Roads hereby appointed to be made: Provided also, That if it shall appear that the aforesaid Compositions, or any Part of the same, in any Parish, have not been applied within One Year after the Time when they shall have been payable, the Trustees for making the aforesaid New Roads appointed by this Act to be made, shall, until the said Roads be completed, have Power, and they are hereby directed to order the said unapplied Composition Money of such deficient Parish to be applied for making the Roads hereby appointed to be made; and after the said Roads shall be completed, the Trustees hereby appointed for levying and applying the aforesaid Composition Money within the said County of *Clackmannan*, shall have Power, and they are hereby directed to order the unapplied Composition Money of such deficient Parish to be applied in any of the adjoining Parishes.

Penalty for not applying the Composition.

LXXVI. And be it enacted, That for the more speedily repairing and making the aforesaid Roads hereby appointed to be made, or any Road within the said County, the said Trustees for levying and applying the aforesaid Composition Money, shall have Power, and they are hereby authorized, upon the Credit of the said Composition Money leviable out of any Parish, or Assessment for Bridge Money hereinafter mentioned, to borrow from Time to Time any Sum or Sums of Money, the legal Interest whereof shall not exceed Three Fourth Parts of the said Composition Money or Assessment, payable for such Parish, by the Proprietors or Liferenters of Land in Manner before mentioned: And the aforesaid Trustees, for the Sums so to be borrowed, are hereby empowered to assign the aforesaid Composition Money or Assessment, payable by the Proprietors or Liferenters of Land in such Parish or any Parts of such Composition Money, as a Security for the Sums of Money that shall be borrowed upon the same; and that Copies of such Assignments of Composition Money or Abstracts thereof, shall be entered in Books to be kept for that Purpose by the respective Clerks to the said Trustees; and which Assignments shall be transferable by Indorsement; and that the respective Sums of Money so borrowed shall be applied in the same Manner only as the said Compositions are hereby directed to be applied: Provided always and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the said Compositions for Statute Labour, excepting at the General Meetings aforesaid, unless Notice for that Purpose shall be given in Two of the *Edinburgh* Newspapers at least Fourteen Days before the borrowing of such Money: And providing also, That the Sums so to be borrowed shall always be lodged in the Royal Bank or the Bank of *Scotland* upon a Receipt from their Treasurers, there to remain until the said Sums can be applied in Manner hereby directed.

Power to borrow Money upon the Composition.

LXXVII. Provided always, and be it further enacted, That no Sum of Money shall be borrowed on the Security of the said Composition Money, unless a Sum of Five Pounds *per Centum per Annum* of the Money so to be borrow-

Sinking Fund provided.

borrowed be appropriated by the said Trustees out of the Tolls to be levied by virtue of this Act; any Thing herein contained to the contrary notwithstanding, and that the said Sum of Five Pounds *per Centum* shall be actually appropriated and set apart as a Sinking Fund carefully to be applied in diminishing and extinguishing the Debt herein last mentioned to be incurred.

Assessment
for Bridge
Money in-
creased.

LXXVIII. And be it enacted, That it shall and may be lawful to and for the said Trustees at the Annual Meeting appointed by the Land Tax Act to assess the whole County of *Clackmannan* to the Extent of Five Shillings Sterling upon every One Hundred Pounds *Scots* of valued Rent, in lieu of the Assessment authorized by the Sixteenth Act of the Second Parliament of King *Charles* the Second, to be levied by the Collector of Supply at the same Time with the Land Tax, and applied towards building and repairing the Bridges in the said County when the Trustees appointed by this Act shall direct.

Trustees not
to lower
Composition
without the
Consent of
the Creditors
upon the
Fund.

LXXIX. Provided always, and be it further enacted, That after any Assignment to be granted in Manner hereby authorized, it shall not be in the Power of the aforesaid Trustees to lessen the aforesaid Composition Money payable within the Parish of which the Funds shall be so assigned, until the Money so borrowed shall be repaid, and the said Assignment discharged:

Trustees to
enforce Pay-
ment of the
Subscription
Money.

LXXX. And be it further enacted, That if any Person or Persons who has or have subscribed towards making and repairing the Roads, and building and keeping in Repair the Bridges, by this Act intended to be made, built, upheld, and kept in Repair, shall neglect, or refuse to pay his, her, or their Subscription Money, at such Times and Places, and by such Proportions as shall be approved of by the Trustees hereby appointed for making and repairing such Roads, it shall and may be lawful to and for the said Trustees to sue for and recover the same in any Court competent within that Part of *Great Britain* called *Scotland*: Provided nevertheless, That the Money so subscribed and paid, shall be repaid out of the Monies allowed to be borrowed by this Act, upon Account of the said Roads, and out of the Money arising from the Tolls and Duties by this Act imposed; and until Repayment, the Money advanced by the Subscribers, shall be a lien and preferable Charge upon the same.

Money sub-
scribed and
paid, to be
repaid out of
the Tolls and
Sums allow-
ed to be bor-
rowed.

Public Act.

LXXXI. And be it enacted, That this Act shall be deemed a Public Act and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.