



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 101.

An Act for more effectually repairing and improving certain Roads in the County of *Stirling*, and the Road from or near from the West End of the Town of *Linlithgow* to *Stirling*, in the Counties of *Linlithgow* and *Stirling*. [21st May 1811.]

WHEREAS by an Act made in the Thirtieth Year of the Reign of His present Majesty, intituled, *An Act to continue the Term and alter the Powers of so much of Two Acts made in the Twenty-fifth and Thirty-first Years of the Reign of His late Majesty; for repairing several Roads in the Counties of Linlithgow and Stirling, as relates to the Roads lying within the County of Stirling; and for repairing the Road from Loanhead to Saint Ninians, in the said County of Stirling; certain Persons were appointed Trustees for making, repairing, and keeping in Repair the several Roads in the said Acts mentioned, with Power to levy Tolls on the same, and to borrow Money on the Credit thereof, and for other Purposes in the said Act specified: And whereas the Powers granted by the said Act of the Thirtieth Year of His present Majesty have been found insufficient to keep the said Roads in Repair, and to improve the same, by reason of the great Rise in the Price of Labour, and from other Causes; and it would be of Utility and Advantage to the County and to the Publick, if Powers were granted for borrowing further Sums, of Money, and for encreasing the Tolls or Duties to be levied on the said Roads: And whereas the Road from *MacLeran's* or *Shearer's* late House near *Stirling Bridge*, Westward to the Bridge over the *Forth* at *Drip*, is in a ruinous and dangerous Condition, and during bad Weather nearly impassable for Wheel Carriages, and cannot be sufficiently repaired, amended, and kept in Repair by the*

30 G. 3. c. 108.

[Loc. & Per.]

23 K

Laws

Laws now in force : And whereas it is expedient to make a Branch of Road from the present Turnpike Road at *Torwood*, passing Westward to join the present Turnpike Road from *Glasgow* to *Stirling*, near *Bannockburn Parks* : And whereas it would be advantageous to the Public, and would shorten the Lines and lessen the Pulls on the said Roads, if Powers were given to make Alterations of and Variations from the present Lines of Road before mentioned, commencing at or near the West End of the Town of *Linlithgow*, in the Parish and County of *Linlithgow* ; and to build a Bridge across the River *Avon*, at some Distance Northward of the present Bridge, thence proceeding by the present Line of Road, or such Variations thereof as shall be found most expedient, Westward by or near *Camelon* ; and to adopt and make certain other Variations and Improvements of the present Road and Variations of the Lines of Road aforesaid ; but as these Purposes cannot be effected without the Aid and Authority 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, from and after the passing of this Act, the said recited Act of the Thirtieth Year of the Reign of His present Majesty, shall be and the same is hereby repealed ; and instead thereof this Act shall commence and be put in Execution for and during the Term herein-after mentioned ; and this Act, and all the Tolls and Duties which are hereby authorized to be levied, shall (under the Conditions and Provisions herein-after contained) be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said Act hereby repealed ; and the said Tolls and Duties shall also be subject and liable to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this Act, and of all Interest due, or that may become due for the several Sums of Money aforesaid respectively ; and all Contracts and Agreements for the making and repairing of Roads, or any other Purposes, entered into by the Trustees under the said recited Act hereby repealed, shall continue in full force and effect ; and all Tolls and Duties due, and Penalties and Forfeitures incurred in virtue of the said recited Act hereby repealed, previous to the first General Meeting of Trustees to be held under the Authority of this Act, shall be held to be due, incurred, and exigible, by the Trustees under this Act ; any Thing herein contained to the contrary notwithstanding.

Act repealed.

Trustees.

II. And be it enacted, That every Person who is at present or shall be at any Time after the Commencement of this Act, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor or Life-renter of the *Dominium utile* of Lands lying within the Parishes of *Muiravonside*, *Polmont*, *Falkirk*, *Larbert*, *Saint Ninians*, *Dunipace*, *Denny Kylesyth*, *Campsie*, and *Slamannan*, in the County of *Stirling*, valued in the Cels Books of the said County to the Extent of One hundred Pounds Scots, as also one Guardian or Trustee of each Minor or other Person under Guardianship in the actual Possession and Enjoyment in Manner aforesaid, of Lands within the said Parishes of the Valuation aforesaid, and the eldest Sons and Heirs Apparent of Persons in the actual Possession and Enjoyment as aforesaid, of the *Dominium utile* of Lands lying in the said Parishes valued at Four hundred Pounds Scots, the Provost of *Stirling* for the Time being, and the Manager for the Time being for *Carron Company*,

pany, while the said Company shall be in the actual Possession and Enjoyment as aforesaid of Lands lying in the said Parishes of the Valuation aforesaid, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, repairing, and keeping in Repair the several Roads herein-after mentioned; (that is to say), The Road leading from near the West End of the Town of *Linlithgow* by the present Bridge, or by a Bridge to be built over the River *Avon* at some Distance to the Northward of the present Bridge, to or near *Falkirk* and *Camelon*, and from thence to or near *Saint Ninians*, and from thence to *Stirling*; the Road from near *Stirling Bridge* to *Drip Bridge*; the Road leading from *Falkirk* to *Kylsyth*, and from thence to *Inchbelly Bridge* on the Post Road to the City of *Glasgow*; the Road from *Saint Ninians* to *Loanhead*; and for altering the present Course thereof where necessary, and for repairing the Bridges and necessary Works on the same, and for erecting other new Bridges where the same shall be requisite, and for putting in Execution all the other Powers and Authorities in and by this Act given and granted.

III. And be it enacted, That the said Trustees, if they shall see fit, shall have Power to make and maintain a Branch of Road from the present Turnpike Road at *Torwood* passing Westward through the Lands of *Torwood* and *Plean*, joining the present Turnpike Road from *Glasgow* to *Stirling*, near *Bannockburn Parks*.

Power to
make the
Plean Road.

IV. Provided always, and be it enacted, That if any Person not qualified or described as aforesaid, shall nevertheless presume to act as a Trustee every such Person shall, for every such acting, forfeit and pay the Sum of Fifty Pounds Sterling, over and above the Expence of Prosecution, which Penalty shall be recovered by Complaint, in a summary Way, at the Suit of any Heritor of the said County of *Stirling*, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute of the County or his Substitute; the One Half of which Penalty shall be paid to the Person or Persons suing for the same, and the other Half to the Clerk or Treasurer of the Trustees, to be by such Trustees applied to the repairing and amending the said Roads; and in case any such Complaint shall be brought, the Proof of Qualification shall lie upon the Person complained of; and any Vote given or Act done in the Character of a Trustee, by any Person not qualified as aforesaid, shall be and be held to be altogether null and void, but such Nullity shall not affect any Act done or Determination made by any Meeting of Trustees, unless the same shall have been done or made by and through the Means of such Vote of a Person not qualified to act as a Trustee.

Penalty of
acting without
being quali-
fied.

V. And be it enacted, That if any of the said Trustees shall accept or hold any Place of Profit, arising out of this Act, by reason of any Tolls or Duties hereby granted, he shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; and that no Victualler or Retailer of Beer, Ale, or Spirituous Liquors, shall be capable of holding or enjoying any Office of Trust or Profit under this Act, but that this Disqualification shall not extend to the Person or Persons to whom the Toll Bars shall or may be let.

Trustees not
to hold any
Place of Profit.

No Victualler,
&c. to hold
any Office un-
der the Act.

VI. And be it enacted, That the First General Meeting of the said Trustees under this Act, shall be held at *Falkirk*, on the Fourth *Tuesday* after the passing of this Act, or as soon thereafter as conveniently

Meetings of
Trustees.

may be, Notice thereof being given by Advertisement in Two Newspapers published in the City of *Edinburgh*, Ten Days at least before the Day of Meeting; and the Convener of the Commissioners of Supply for the County of *Stirling* for the Time being, is hereby authorized, so soon as the passing of this Act shall be made known to him, to cause the said First Meeting of the Trustees to be so advertised as aforesaid; and thereafter the said Trustees shall hold an Annual General Meeting at *Falkirk*, on the Second *Tuesday* of *April*, and another Meeting, when necessary, to be called by any Five or more of the said Trustees, at *Stirling* on the First *Tuesday* after *Michaelmas* yearly, at one or other of which Meetings, and at no other, all Orders for issuing or borrowing Money, or assigning the Tolls in Security thereof, or for erecting Toll Gates or Side Bars, shall be given, and the Clerk or Clerks to the said Trustees is and are hereby required to give Notice of such Meeting on the Second *Tuesday* of *April*, and (when required in due Time by a Writing under the Hands of any Five or more of the said Trustees, or under the Hand of the Convener of the said Trustees), of such Meeting on the First *Tuesday* after *Michaelmas* by Advertisement, to be published in the Newspapers before mentioned, not less than Ten Days nor more than Three Weeks before the Day upon which such Meeting shall be appointed to be held, and at all such Meetings the Trustees shall have Power to adjourn to such Time as they shall think proper and convenient, and as often as shall be necessary; and the Clerk or Clerks to the said Trustees, shall at any Time when thereto required, by a Writing under the Hands of any Five or more of the said Trustees, call a General Meeting of Trustees at *Falkirk* or *Stirling*, by Advertisements to be published in the Newspapers before mentioned, not less than Ten Days nor more than Three Weeks before the Day of such General Meeting; and at all Meetings Five Trustees shall be a Quorum; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting, it shall be in the Power of any One or more Trustees who may attend, to adjourn the Meeting to be held at the same or any other convenient Place, on any lawful Day, not less than Fourteen Days, nor more than Three Weeks from the Day appointed for the last Meeting, but to do no other Business; and the Clerk to the said Trustees is hereby required to give Notice of the Day of such adjourned Meeting in the Newspapers before mentioned, at least Ten Days before the Day upon which such adjourned Meeting is appointed to be held; and in case no Trustee shall attend, then the Clerk to the said Trustees shall, by such Advertisement as aforesaid, appoint the said Trustees to meet at the Place where the last Meeting of the said Trustees was appointed to be held; and at all Meetings of Trustees to be held under the Authority of this Act, the said Trustees shall defray their own Expences.

Quorum.

Trustees to pay their own Expences.

Orders not to be revoked without Notice.

VII. And be it enacted, That if the said Trustees at their General Meetings shall determine in any Matter, or appoint and order any Thing to be done, with respect to the amending and repairing the said Roads, or levying the said Tolls or Duties, or of or concerning any other Powers, hereby committed to them, it shall not be in the Power of any subsequent General Meeting to alter, vary, or annul such Determination, or give any Orders contrary and in opposition to the Orders formerly given, unless Notice shall be given of such subsequent General Meeting by Advertisement in the Newspapers before mentioned, at least Ten Days and not more than

Three

Three Weeks before the Day of such Meeting, expressly setting forth such Resolutions of a former General Meeting, as are to be taken under Review.

VIII. And be it enacted, That it shall and may be lawful for the said Trustees at a General Meeting assembled to chuse and appoint one or more fit Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks, to the said Trustees, for receiving the Tolls and Duties granted and made payable by this Act; and also, one or more fit Person or Persons, to be Surveyor or Surveyors of the said Roads, or such other Officers as they shall think proper; and from Time to Time to remove such Treasurers, Receivers, Collectors, Clerks, Surveyors, and other Officers, or any One of them, and appoint new ones, as they shall see Occasion; and all and every Person and Persons, who shall by this Act be made liable to pay any of the said Tolls or Duties, shall pay the same to such Collector or Collectors, Receiver or Receivers, Officer or Officers, so from Time to Time to be appointed as aforesaid; and the Person or Persons so appointed to collect and receive the said Tolls and Duties as aforesaid, shall, on the first *Tuesday* of every Month, or at any other Time to be appointed by the said Trustees, give in a true, particular, exact, and perfect Account in Writing, under their respective Hands, with the Vouchers thereof, of all Monies which they have received, paid, and disbursed, by virtue of this Act, and verify the same upon Oath, if required; and in case any Overplus Money so received, shall remain in their Hands, the same shall be paid to the said Trustees, or to their Treasurer or Treasurers, for the Time being, and shall be laid out and applied for the Purposes of this Act; and the said Trustees are hereby required to take such Security from their Treasurer or Treasurers, and Collector or Collectors, or other Officers employed by them, for the due Execution of their Office or Offices as the said Trustees shall think proper; and the said Trustees shall and may, out of the Monies arising from the said Tolls and Duties, make such Allowance to their Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Clerk or Clerks, Surveyor or Surveyors, or other Officer or Officers, to be appointed as aforesaid, for and in Consideration of his or their Care and Pains respectively taken in the Execution of his or their respective Office or Offices, and also to such other Person or Persons who shall be assisting in and about procuring the said Roads to be amended and repaired, as to the said Trustees shall seem meet; and in case the said Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or any other Person or Persons concerned in the Collection or Receipt of the aforesaid Tolls or Duties, or any of them, shall not make such Account and Payment as aforesaid, the said Trustees are hereby authorized and required to prosecute such Defaulters and their Sureties before the Sheriff Depute or his Substitute or any Two or more Justices of the Peace of the County where such Defaulters may reside, who upon Conviction shall issue their Warrant or Warrants to levy the Sums so unaccounted for, and the Expence of the Prosecution, by Distress and Sale of the Goods and Effects of the Defaulters and their Sureties in a summary Manner; and in case such Sureties shall refuse or be unable to pay the same, it shall and may be lawful for the said Sheriff Depute or his Substitute, or the said Justices, to commit the Party or Parties to the Common Gaol of the County, therein to remain until he, she, or they shall

Appointment
of Officers.

Officers to
give Security.

have made a perfect Account and Payment as aforesaid, with full Costs of Suit, or shall have compounded and agreed with the said Trustees, and have paid such Composition to their Treasurer or Treasurers; which Composition the said Trustees assembled at any of their stated Half-yearly Meetings, or an Adjournment thereof, are hereby authorized and empowered, to make and receive: Provided always, that no Person, who shall be committed as aforesaid, shall be detained in Prison for any Period exceeding Three Calendar Months.

Trustees may sue and be sued in the Name of their Clerk and Treasurer.

IX. And be it further enacted and declared, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk and Treasurer for the Time being; and that no Action or Suit, wherein the said Trustees shall be concerned as Pursuers or Defenders, in the Name of their Clerk or Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or Treasurer to the said Trustees for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Trustees may erect Toll Gates.

X. And be it further enacted, That the said Trustees, at their first General Meeting to be held at *Falkirk* under the Authority of this Act, or at any of their adjourned Meetings, shall and may continue or erect, or cause to be erected, such Number of Gates, or Turnpikes, on or across any Part or Parts of the said Roads, and also such Number of Toll-houses, with proper Stables and Gardens adjoining each Toll-house as they shall think fit and expedient, and from Time to Time to alter the Situation of such Gates or Turnpikes and Toll-houses, Stables and Gardens; and the said Trustees or some Person or Persons by them to be appointed shall be and they are hereby authorized and empowered and shall and may demand and take, or cause to be demanded and taken, (under the special Exemptions herein-after mentioned), at each of the said several Gates or Turnpikes already erected, or which may be hereafter erected upon the said Roads, before Passage be permitted, the Tolls and Duties following; (*videlicet*),

Tolls.

For every Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, drawn by Two Horses or Beasts of Draught, and licensed to carry, or kept or employed for carrying for Hire, if not more than Six Inside Passengers, and having no Outside Passengers, One Shilling:

But if there be Outside Passengers at any Time, or for any Part of the Journey, One Shilling and Eight-pence:

If more than Six Inside Passengers, then the above Rates for Six, and for each additional Inside Passenger, Two-pence:

For every Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, drawn by Three or more Horses or Beasts of Draught, and licensed to carry, or kept or employed for carrying for Hire, if not more than Four Inside Passengers, and not more than Six Outside Passengers, Two Shillings:

If more than Four, but not more than Six Inside Passengers, and not more than Six Outside Passengers, including the Driver and Guard, Two Shillings and Four-pence:

If more than Six, but not more than Eight Inside Passengers, and not more than Six Outside Passengers, including the Driver and Guard, Three Shillings and Eight-pence:

IF

If more than Eight, and not more than Ten Inside Passengers, and not more than Six Outside Passengers, including the Driver and Guard, Four Shillings :

If more than Six Outside Passengers, Eight Shillings :

If more than Ten Inside Passengers, and not more than Six Outside Passengers, Four Shillings and Eight-pence :

If more than Six Outside Passengers, Nine Shillings :

For every other Coach, and for every Berlin, Landau, Chariot, Chaise, Calash, Chair, or other such Carriage, drawn by One Horse, or Beast of Draught, Sixpence ; and drawn by Two Horses, or Beasts of Draught, One Shilling ; and drawn by Three Horses, or Beasts of Draught, One Shilling and Eight-pence ; and drawn by Four or Five Horses, or Beasts of Draught, Two Shillings ; and drawn by Six or more Horses, or Beasts of Draught, Three Shillings :

For every Waggon, or other such Carriage, with more than Two Wheels; used for the Purposes of Trade, Commerce, or Husbandry, drawn by One Horse, Ox, or Beast of Draught, Sixpence ; and drawn by Two Horses, Oxen, or Beasts of Draught, Ten-pence ; and drawn by Three Horses, Oxen, or Beasts of Draught, Three Shillings ; and drawn by Four Horses, Oxen, or Beasts of Draught, Four Shillings ; and drawn by Five Horses, Oxen, or Beasts of Draught, Six Shillings ; and drawn by Six or more Horses, Oxen, or Beasts of Draught, Eight Shillings :

For every Cart, Wain, or other such Carriage with only Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, where the Carriage, with its Burden or Loading, shall not weigh more than Twenty-six hundred Weight, if drawn by One Horse, Ox, or Beast of Draught, Four-pence ; (excepting in case of being loaded with Coal, as herein-after mentioned) :

If drawn by Two or more Horses, Oxen, or Beasts of Draught, Sixpence :

For every such Cart, Wain, or other Carriage, drawn by not more than Two Horses, Oxen, or Beasts of Draught, where the Carriage with its or Burden-Loading shall weigh more than Twenty-six hundred Weight, but shall not weigh Thirty-four hundred Weight, Nine-pence :

If it shall weigh Thirty-four hundred Weight or upwards, One Shilling :

For every Horse, Mare, Gelding, or Mule, with or without a Rider, One Penny Halfpenny :

For every Ass, loaded or not loaded, One Penny :

For every Score of Oxen, or Neat Cattle, and so in Proportion, for any greater or smaller Number, One Shilling and Eight-pence :

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, and so in Proportion, for any greater or smaller Number, Sixpence.

XI. And whereas by the said recited Act of the Thirtieth Year of the Reign of His present Majesty, certain limited Rates of Toll were enacted and declared to be exigible with regard to Carts and Carriages laden with Coal, and drawn by One Horse, Mare or Gelding ; be it enacted and declared, That such limited Rates of Toll as in the said recited Act specified and contained, upon such Carts and Carriages as aforesaid, shall continue and be exigible for Four Years from and after the passing of this Act, and from thence to the End of the their next Session of Parliament, any Thing in this Act contained to the contrary in anywise notwithstanding.

Limited Rates
on Coal for a
certain Period.

Coal Carriages
to pay less
Toll.

XII. And be it enacted, That after such limited Rates of Toll as last beforementioned shall cease to be due and exigible, all Carts and Carriages loaded with Small Coal, drawn by One Horse, Mare or Gelding, and Carts and Carriages loaded with great Coal, and drawn by One Horse, Mare or Gelding, where the Weight of the Carriage and lading shall not exceed Fourteen hundred Weight, shall only be chargeable with, and pay One Half of the Rates of Toll by this Act granted, or One Half of the Tolls, for the Time authorized to be levied, at the Toll-gates aforesaid; and that One Horse Carts going for and returning with Coal shall only be chargeable with One such Toll for going and returning.

Less Tolls
exactable on
Drip-Bridge
Line.

XIII. Provided always, and be it enacted, That as far as regards the Line of Road from *Shearer's* late House, near *Stirling Bridge*, to *Drip Bridge*, One Third Part only of the full Rates of Toll by this Act granted, shall be due and exigible, at any Gate or Turnpike which shall be erected on the said Line of Road, any Thing herein contained to the contrary notwithstanding: And in the Event of such Third Part of the Rates of Toll, exigible as aforesaid, on the said Line from *Shearer's* late House, to *Drip Bridge*, resolving into any Fractional Part, less than One Half Penny, then and in such Case, such Fractional Part shall be due and leviable, in addition to the foresaid Third Part of the full and customary Rates of Toll, leviable and paid on the other Lines of Road, under the present Trust.

Side Gates.

XIV. And be it enacted, That it shall and may be lawful for the said Trustees to continue and erect, or cause to be erected, one or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the aforesaid Roads, hereby directed to be repaired, and across any Lane or Way, leading out of the same, and also a Toll-house or Toll-houses, at each such Gate or Turnpike; and there to take or receive such Tolls or Duties, as are by this Act granted and made payable; but so as that a Ticket received at any such Side Gate shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike, upon the Roads hereby directed to be repaired, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock the succeeding Night.

Exemption as
to Six Miles
not to apply
to *St. Ninians*,
Guinzieburn,
Linlithgow, or
Drip Bridge
Line Toll
Gates.

XV. Provided always, and be it enacted by the Authority aforesaid, That the foresaid Exception of Six Miles, shall not apply to, or prevent the demanding and levying of the Tolls and Duties, hereby granted, at the Gates or Turnpikes erected or to be erected under the Authority of this Act, within or adjoining the Village of *Saint Ninians*; also the Gates or Turnpikes erected or to be erected at or near *Guinzieburn*, in the Vicinity of the Town of *Kilsyth*; likewise the Gates or Turnpikes erected or to be erected at or near *Linlithgow Bridge*; also the Gates or Turnpikes erected or to be erected on the Line of Road to *Drip Bridge*; although the Distance from the foresaid Gates or Turnpikes to the next Gate or Turnpike be less than Six Miles, any Thing herein contained to the contrary notwithstanding.

Toll Gates not
to be erected
on the Roads
of another
Trust.

XVI. Provided also, and be it enacted, That nothing herein contained shall empower the said Trustees to erect or cause to be erected, any Toll Gate, or Turnpike across, or to demand or levy any Tolls or Duties at or upon any Part of the Roads described in an Act passed in the Thirty-fourth Year
of

of the Reign of His present Majesty, intituled, *An Act for making and repairing several Roads leading across the County of Stirling*; and in another Act of the Fiftieth Year of His present Majesty for continuing the Term, and altering the Powers of the said Act, where the said Roads do or may cross the Roads described in this Act, or lead out of the same, or within Three hundred Yards of the Places where the Roads described in the said Acts do or may cross or lead out of the Roads hereby authorized to be made and repaired, altered, improved or amended.

XVII. And be it further enacted, That every Person or Persons, having Occasion to pass through any Gate or Turnpike erected or to be erected in virtue of this Act, where the Tolls and Duties are or shall be taken, shall on Demand, be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty; which Note or Ticket, Notes or Tickets, shall entitle such Person or Persons to pass through any Gate or Turnpike, placed on the said Roads, not exceeding the Distance of Six Miles, from the Gate or Turnpike where the said Person or Persons received the Note or Ticket, Notes or Tickets as aforesaid, (excepting always as aforesaid, in so far as shall regard the Gates or Turnpikes erected or to be erected in or near *Saint Ninians*, at or near *Guinzieburn*, at or near *Linlithgow Bridge*, and on the Line to *Drip Bridge*), without being liable, or compellable to pay the said Tolls or Duties, more than once for passing through the aforesaid Gate or Turnpike, 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, Ais, or other Beast or Cattle; but in case the same Coach, Cart, or other Wheel Carriage, or the same Horse, Ais, or other Beast or Cattle, shall pass such Gate or Turnpike, with a new Loading a Second or more Times, they shall in that Case be subjected to pay the Toll for each Time they shall so pass, in the same Manner they did the first Time, and no Note or Ticket, Notes or Tickets, obtained at Payment as aforesaid, shall exempt any Person or Persons from Payment of the Tolls at any Gate or Gates, Turnpike or Turnpikes on the said Roads, at a greater Distance than Six Miles from the Turnpike, where the Person or Persons received such Note or Ticket, Notes or Tickets as aforesaid; but they shall be liable to pay the said Tolls or Duties, in the same Manner they did the First Time.

Tolls to be paid once a Day.

XVIII. And be it further enacted, That it shall be lawful to and for the said Trustees, if they shall find it necessary to cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for the Purpose of weighing the Carriages that shall pass thereon; and the said Trustees, or any Person or Persons appointed by them, are hereby authorized to weigh the same; and in case the Owner or Driver of any such Carriage shall refuse to allow or shall hinder or obstruct the same to be weighed, he shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling, to be levied, recovered, and applied in manner herein-after mentioned.

For erecting Weighing Engines.

XIX. And be it enacted, That where any Drag Iron or other Instrument shall be affixed under the Bottom or Sole of the Wheel or Wheels of any Coach, Waggon, or other Carriage passing along the said Roads to make the Passage of such Coach, 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.

Drag Irons of same Breadth with Fellies of Wheels.

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under

under which the same shall be affixed, on Pain of the Owner of every such Coach, Waggon, or other Carriage, forfeiting the Sum of Ten Shillings Sterling at every Gate or Turnpike on the said Roads, through which such Coach, Waggon, or other Carriage shall pass.

Penalty on Owners of Waggon without Names thereon.

XX. And be it enacted, That if any Waggon, Wain, Cart, or other such Carriage, shall travel or pass on the said Roads without having the Name of the Owner in distinct and legible Characters of One Inch in Length on some conspicuous Part thereof, Double Toll shall be demanded and taken, before such Waggon, Wain, Cart, or other Carriage, shall be allowed to pass through any Turnpike Gate or Gates, on the said Roads.

Penalty on concealing Number of Passengers.

XXI. And be it enacted, That if any Person shall be convicted before any Justice of the Peace, either on his own Confession, or by the Oath of One credible Witness, of having directly or indirectly, evaded any Part of the Rates contained in any of the preceding Cases, by concealing the Number of his Outside or Inside Passengers, he shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling, to be levied, recovered, and applied, in Manner herein-after mentioned.

Penalty on disposing of Tickets.

XXII. And for preventing Frauds or Abuses in the Collection of the said Tolls and Duties hereby granted, be it further enacted, That if any Person or Persons having paid the Toll or Duty by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to enable such Person or Persons to avoid the Payment of the said Toll or Duty, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, and every such Person receiving the same, being convicted thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall, for every such Offence, forfeit and pay a Sum, not exceeding Forty Shillings Sterling, to be levied, recovered, and applied in Manner herein-after directed.

Penalty for forcible Evasion of the Tolls, or assaulting Officers.

XXIII. And be it enacted, That if any Person or Persons, liable to pay the said Tolls, shall, in a fraudulent or forcible Manner, pass through any of the Gates or Turnpikes on the said Roads, without paying Tolls thereat, or shall maltreat or assault any Collector of the Tolls, or any other Person, acting under the Authority of the Trustees, and shall be convicted of any such Offence, before any One or more Justices of the Peace for the County where the Offence shall be committed, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls to which such Person was liable.

Penalty on evading Tolls

XXIV. 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 shall conceal Great Coal with Small Coal, or shall take off, or cause to be taken off, any Horse, Ox, or other Beast of Draught, from any Coach, Waggon, Cart, or other Carriage whatsoever, at or before the same shall come to any of the Turnpikes already erected, or which shall be erected, by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby imposed, or to pay a smaller Rate of Toll than is in such Case due and exigible, or shall get
off

off from the Top of any Stage Coach, or other Carriage, for the Purpose of avoiding the Tolls; or if any Coachman shall knowingly permit, or suffer any Person, to get off from such Carriage, for the Purpose aforesaid, each and every Person or Persons, offending in any of the Cases aforesaid, shall forfeit and pay to the said Trustees, or to their Collector for the Time being, a Sum not exceeding Forty Shillings Sterling, to be levied, recovered, and applied in Manner herein-after directed.

XXV. And be it further enacted, That if any Person or Persons occupying Lands near to the Gates or Turnpikes erected, or which shall be erected in pursuance of this Act, shall knowingly permit or suffer any Person or Persons to pass through the same, or through any Gate or Passage, with any Coach, Cart, or other Carriage, or with any Horse, Ass, or other Cattle, whereby the Payment of the Toll or Duty, by this Act imposed shall be evaded; every such Person so offending, and the Person or Persons riding or driving such Coach, Cart, or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by the Testimony of One or more Witnesses or Witnesses, before any Two or more of the Justices of the Peace of the said County, shall, for every such Offence, respectively forfeit and pay a Sum not exceeding Forty Shillings Sterling, to be levied, recovered, and applied in Manner herein-after mentioned.

Penalty on
permitting
private Pas-
sage.

XXVI. And be it further enacted, That if any Person employed to collect the said Tolls, shall absent himself from the Gate or Turnpike, where his Duty may be, so as to Occasion delay to Travellers; or shall exact any Toll, or higher rate of Toll, other than what is hereby authorized to be taken, he shall for every such Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling; to be levied and recovered in manner herein-after mentioned, and applied, One Half thereof to the Informer, the other Half to the Purposes of this Act.

Penalty on
Toll-gather-
ers guilty of
Misconduct
or Malver-
sation.

XXVII. Provided also, and it is hereby further enacted, That no Person or Persons shall be liable to pay any Toll at any of the Gates or Turnpikes at present erected or to be erected by virtue of this Act, for any Carriage laden with, or going empty for, or returning empty after having been laden with Stones or other Materials for repairing the said Roads, or any other public Roads, or Stones for paving the Streets of any Town, situated on the said Roads, or the Bridges and the Causeways belonging to the same; nor for any Carriage or Cattle passing from one Part of a Farm to another; nor for any Waggon, Wain, Cart, or other Carriages carrying any Hay, Corn in the Straw, or any Produce of a Farm, or going empty for, or returning empty after having carried the same to be laid up in the Houses, Outhouses, Barns, or Yards belonging to such Farm, (without Prejudice nevertheless to the said Tolls being paid for Hay, Corn in the Straw, or any other Produce of a Farm, when carried for Sale, or for Delivery after being sold) nor for Horses or Cattle going to or returning from Pasture, or to or from Watering Places, or going to be shod or farried, or returning therefrom; nor for any Carriages or Horses carrying any Person to or from Church, Chapel, or other accustomed Places of Religious Worship, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Persons attending the Funeral of any Person or Persons who shall die

Exemptions.

die and be buried within the Parish, in which such Person resides; nor from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty; nor for Horses or Carriages of whatsoever Description, employed in conveying the Mails or Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying the same, so long only as such Mails or Expresses shall be exempted by general Law; nor for the Horses of Officers or Soldiers, who are upon their March, or on Duty; nor for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in conveying any wounded or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them, in going to, or returning from the Place appointed for, and on the Days of Exercise: Provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively; nor for Carts or Carriages, or Waggons, travelling with Vagrants or Criminals sent with legal Passes or returning from conveying the same; and nothing herein contained shall empower the said Trustees to levy or cause to be levied any Toll from Persons, Carriages, or Cattle, merely crossing the Turnpike Roads herein described, or travelling any shorter Distance than Three hundred Yards upon the same; and if any Person shall claim, or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Yeomanry, or
Volunteers.

Penalty on
claiming Ex-
emptions,
where not en-
titled thereto.

Exempting
Carriages
with Stores.

XXVIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture, for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained, by Reason of any Weight in such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen, to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Trustees may
compound.

XXIX. And be it further enacted, That the Trustees assembled at their stated Half-yearly Meetings shall be, and they are hereby empowered, as they shall see convenient or think fit, to compound or agree by the Year or otherwise, with any Person or Persons living within three Miles of any Gate or Turnpike erected or to be erected on the said Roads, and using to travel

travel the same, with any Coach, Barouche, Landau, Chariot, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, or Mule, or any other Beast of Draught, for any Sum or Sums of Money, in lieu of the Tolls by such Person or Persons payable at such Gate or Turnpike within Three Miles of his Residence; to be paid quarterly from Time to Time after such Agreement is made; and in case such Person or Persons, so compounding, shall neglect or refuse the Payment of such Composition Money, for the Space of Fifteen Days after the same shall become due, then it shall and may be lawful to levy the same by Distress and Sale of the Defaulter's Goods and Chattels in Manner herein-after directed.

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees, at a General Meeting assembled, to let by public Roup the said Tolls or Duties, in Whole or in Parcels, from Time to Time, during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for paying thereof, as shall be approved by the said Trustees, at a General Meeting as aforesaid.

Toll. may be let.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, assembled at their stated Half-yearly Meetings, to diminish and lessen any or all of the aforesaid Tolls or Duties, as they shall see Cause, and to advance the same again, so as the same shall not at any Time exceed the Tolls or Duties granted and expressed in this Act.

Tolls may be reduced.

XXXII. And, for the better enabling the said Trustees to erect Toll-houses necessary for collecting the said Tolls, be it enacted, That the said Trustees shall be, and they are hereby empowered to purchase, or to take in Lease, such Pieces of Ground for that Purpose, as they shall think most convenient, not exceeding One Fourth Part of an Acre for each Toll-house; and in case the Trustees cannot agree with the Proprietor and Occupier, for the Price and Value, or for the yearly Rent of such Ground, it shall be lawful for the Trustees to apply to the Sheriff of the County, to summon a Jury in Manner herein-after mentioned, in order to value the Ground, or to fix the yearly Rent for the same; which said Tolls and Duties, hereby granted and made payable, and the Right, Interest and Property of all and every the Gates, Turnpikes, Toll-houses, and Premises, already erected, upon the aforesaid Roads in the County of *Stirling*, in virtue of the said recited Act, or to be erected by virtue of this present 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, and to no other Use, Intent, or Purpose whatsoever.

Toll Houses to be erected and vested in Trustees.

XXXIII. And be it also enacted, That if any Person or Persons liable in Payment of the said Tolls and Duties, or any of them, or any Part thereof, shall neglect or refuse to pay the same when demanded unto the Person or Persons appointed by the said Trustees to levy and collect the same, it shall and may be lawful for such Person or Persons, (so appointed to levy and collect as aforesaid), in the Event of such Neglect or Refusal as aforesaid, to seize and detain the Horses, or other Cattle, Carriages or Goods, upon

Compelling Payment of Tolls.

which such Tolls and Duties are hereby imposed; and if such Tolls and Duties, or any Part thereof, for which such Horses, Cattle, Carriages, or Goods, shall have been seized, or detained in Manner as aforesaid, together with the reasonable Charges and Expences of such Seizure or Detention, shall not be paid and discharged, within the Space of Three Days from and after such Seizure and Detention, then it shall be lawful for the said Trustees or their Collector or Toll-gatherer, (being authorized so to do by Warrant under the Hand of any One Justice of the Peace of the said Counties of *Stirling* or *Linlithgow*), to have such Horses, Cattle, Carriages, or Goods, so seized or detained as aforesaid, appraised and sold by public Roup, at the Gate or Turnpike, where the said Seizure or Detention was made for Payment and Satisfaction of the said Tolls and Duties, returning the Overplus (if any there be), upon Demand to the Owners thereof, after such Tolls and Duties, and the reasonable and necessary Charges and Costs of seizing, detaining, appraising and selling the same shall be deducted and paid.

For borrow-
ing Money.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, assembled at any of their Half-yearly stated Meetings, and they are hereby authorized and empowered, to borrow any Sum or Sums of Money, on the Credit of the said Tolls and Duties for the Purposes of this Act, as they shall judge necessary, not exceeding Twenty thousand Pounds Sterling, including the Money borrowed and owing under the said recited Act; and when the Sum so borrowed shall in whole or in Part be applied and accounted for, and paid off to the Creditor or Creditors, the said Trustees, assembled as aforesaid, at their stated Half-yearly Meetings, are hereby empowered to borrow another Sum of Money equal to that so paid off as aforesaid, so that the Sum or Sums of Money so to be borrowed by the said Trustees, shall not, at any Time, exceed in the whole the Sum of Twenty thousand Pounds Sterling: Provided always, that no Money shall be borrowed, in Consequence of the Powers hereby granted, unless One Month's previous Notice of the Intention so to do, be given by Advertisements, in Two Newspapers published in the City of *Edinburgh*.

And assigning
the Tolls.

XXXV. And be it enacted, That the said Trustees, assembled at their stated Half-yearly Meetings as aforesaid, shall be and they are hereby authorized and empowered, to assign and make over the whole or any Part of the said Tolls or Duties, to the Person or Persons from whom the respective Sums as aforesaid shall be borrowed, as a Security for Repayment of the Sum or Sums of Money so lent by them, with the Interest thereof.

Sinking Fund
established.

XXXVI. And be it further enacted, That for every Sum or Sums of Money, which shall hereafter be borrowed by the said Trustees, on the Credit of the said Tolls and Duties, as aforesaid, the said Trustees shall appropriate and set apart a certain annual Sum, arising out of the Produce of the said Tolls and Duties as a Sinking Fund, for the Redemption of the Sums so borrowed, over and above the legal Interest payable for the same, and the said Sum, so set aside as a Sinking Fund, shall not be in a less Proportion to the Sum or Sums borrowed, than Five Pounds *per Centum per Annum*.

Form of
Assignment.

XXXVII. And be it enacted, That the Assignments to be granted for the Sums of Money so to be borrowed shall be in the following Form, or in other Words to the same Purport; that is to say,

BY virtue of an Act made in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled, *An Act* [here insert the Title of this Act] We, the Trustees thereby appointed, assembled at a General Meeting, called agreeably to the Directions of the aforesaid Act, in Consideration of the Sum of _____ advanced by *A. B.* for the Purpose of making and repairing the Road from _____ to _____ do hereby assign to the said *A. B.* his Executors and Assignees, the annual Sum of _____ arising out of the Tolls and Duties leviable at the Gates or Turnpikes on the said Road to be held by the said *A. B.* his Executors and Assignees, from the Day of _____ in the Year of our Lord _____ until the said Principal Sum of _____ with Interest at the Rate of _____ *per Centum per Annum* shall be paid; and we hereby authorize *C. D.* our Clerk, (Treasurer, Collector, or other Officer appointed for that Purpose), and his Successors in Office, to pay the said Sum of _____ to the said *A. B.* and his aforesaid, or to any Person duly authorized by him or them to receive the same, until the said Principal Sum and Interest shall have been fully paid, for which this shall be a sufficient Authority to our said Clerk, (Treasurer, Collector, or other Officer), and his Successors in Office. In Witness whereof these Presents, written by the said *C. D.* [or any other Person], are subscribed by our Preses in our Presence, at _____ the _____ Day of _____ also in Presence of these Witnesses, the said *C. D.* and *E. F.* of _____

XXXVIII. Provided always, and it is hereby declared, That the Assignments of the Tolls and Duties for all or any Sum or Sums of Money so borrowed shall be entered in a Book or Books to be kept by the said Trustees authorized to borrow Money as aforesaid, or such Person or Persons as they shall appoint; which Book or Books may be seen and perused at all seasonable Times by any Person or Persons interested, without Fee or Reward.

Entry of Assignments.

XXXIX. And be it declared, That no Trustee shall be held or adjudged to have rendered himself personally liable for the Re-payment of the Money borrowed or Interest thereof by reason of having signed such Assignments as aforesaid, or for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independant of his Office as a Trustee under this Act.

Trustees not personally liable.

XL. And be it enacted, That the Assignments to be granted in Security of the Money to be borrowed in virtue of the Powers contained in this Act, shall be transferrable by Indorsement, in the following Form of Words, or in any other Words to the same Purport, without the Necessity of any other Conveyance; that is to say,

Assignments to be transferrable by Indorsement.

I Do hereby transfer this Assignment with all my Right and Title to the Principal Sum and Interest thereby secured, and now due, unto *G. H.* his Executors and Assignees. Witness my Hand at _____ the _____ Day of _____ in the Year of our Lord _____ before these Witnesses *I. K.* of _____ and *L. M.* of _____

Provided always, that every such Transfer by Indorsement shall, on being presented by or on Behalf of the Indorsee to the Clerk, Treasurer, Collector,

lector, or other Officer of the said Trustees appointed for that Purpose, be by him recorded in the Book kept for the Purpose of having Assignments entered therein.

Application of
the Tolls.

XLI. And be it further enacted and declared, That at any of the stated General Meetings of the said Trustees (the Purpose of such Meeting being specially announced by public Advertisement in Two Newspapers published in the City of *Edinburgh*, Ten Days at least before the Day of such Meeting) it shall be lawful for them to direct the Tolls arising at the Gates or Turnpikes erected or to be erected on the said Roads to be applied towards the making, repairing, and upholding of the aforesaid Roads, in such Manner as the said Trustees shall think fit; and as soon as the same shall be so adjusted, the Clerk of the said Trustees shall be and he is hereby authorized and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Time thereafter during the Continuance of this Act it shall not be in the Power of the said Trustees, or of any Number of them, to vary or alter the final Determination or Allocation so made: And provided also, that the Tolls and Duties received and levied on the said Branch of Road from the present Turnpike Road at *Torwood* passing Westward through the Lands of *Torwood* and *Plean* adjoining the present Turnpike Road from *Glasgow* to *Stirling* near *Bannockburn Parks*, shall be applied exclusively to the making, repairing, and maintaining the said Branch of Road, and no Part of the Tolls and Duties received and levied on any other Road or Branch of Road under the Authority of this Act shall be applied to the making, repairing, or maintaining the said Branch of Road.

Proceedings
to be entered.

XLII. And be it further enacted, That the said Trustees shall keep an exact Account of the Money received, and of the Application thereof, and of all other their Proceedings, under the Authority of this Act, and shall enter the same in a Book or Books, to be kept for that Purpose; to which Book or Books, any Heritor possessed in Property, of One hundred Pounds *Scots* of valued Rent in the Counties of *Stirling* or *Linlithgow*, or any other adjoining County, in which there are Roads leading into the Roads hereby directed to be repaired, shall at all reasonable Times, be at Liberty to resort and to inspect the same, without Fee or Reward.

Preventing
Misapplica-
tion of Mo-
ney.

XLIII. 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 the same, or by whose Authority the same shall be misapplied, shall forfeit and pay Double the Sum or Sums so misapplied, to be recovered against him or them, at the Suit of any Three or more Heritors within the County of *Stirling* possessed of Two hundred Pounds *Scots* each, of valued Rent, in Property, who are hereby authorized to sue for and recover the same, in a summary Action before the Lords of Council and Session, without abiding the course of any Roll, with full Costs of Suit; One Half of which Forfeiture shall belong to the Persons who sue for the same, and the other Half shall be paid to the said Trustees, to be applied by them to the Purposes of this Act; but if any such Prosecution, shall, after Trial, be found to have been vexatious and groundless, the Prosecutors shall be liable to pay Treble Costs.

XLIV. And

XLIV. And be it enacted, That where it shall appear to be necessary or convenient to the said Trustees to alter the Course or Situation of any of the said Roads, otherwise than in Conformity to the Plan deposited with the Clerk of the Peace for the Counties of *Stirling* and *Linlithgow* as hereinafter mentioned, the same shall only be done at a General Meeting of Trustees called by Advertisement in Two Newspapers published at *Edinburgh*, at least Three Calendar Months previous to the Day of such Meeting, which Advertisements shall expressly set forth the proposed Alteration or Alterations for the Consideration of such General Meeting; and at the Meeting so to be called as aforesaid, the said Trustees shall be and they are hereby empowered to alter, within the Distance herein-after mentioned, the Course or Direction of the said Roads, or any Part thereof, and for these Purposes to pull down Houses, Walls and Fences, and to take such Pieces of Ground as they shall judge most convenient; provided that, in making such Alteration or Alterations, nothing shall be done, which may in anywise prejudice any House or Building, the Side Walls whereof exceed Fifteen Feet in Height, or prejudice any Park, Paddock, Garden, Orchard, Lawn; Planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground, set apart and used as a Nursery for Trees; or Pleasure Ground, at the Time of passing this Act, without the Consent of the Owner or Owners thereof, by a Writing under his or their Hand or Hands.

The Direction of the Roads may be altered.

XLV. And whereas a Map or Plan describing the Lines of the Alterations proposed to be made in the Direction of the said Roads, and the Lands through which the same lead, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the said County of *Stirling*; be it therefore enacted, That the said Map or Plan and Book of Reference shall on the passing of this Act be delivered by the said Clerk of the Peace to the Clerk to be appointed by the said Trustees, and the same shall remain in the Custody of the Clerk to the said Trustees, to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the said Trustees at the Rate of Sixpence for every One hundred Words, of such Copies or Extracts of the said Map or Plan, and Book of Reference; and that the said Trustees, in making the said Roads, or new and varied Lines of Road, shall not deviate more than Three hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing, of the Person or Persons, Bodies Politick, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made: Provided always, that it shall and may be lawful to, and for the said Trustees, to make the said Roads in, to, through, across, or over the several Lands or Grounds of any Person or Persons, who is or are, or may be Owner or Owners of Land, over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall be made to appear to any Two or more Justices of the Peace, for the said Counties of *Stirling* and *Linlithgow*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees not to deviate more than 300 Yards, from the Line described in the Plan.

XLVI. Provided always, and be it enacted, That if in any Alteration of any of the said Roads it shall be necessary to carry the same over the Great

[Loc. & Per.]

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Power to carry Road over the Great Canal.

Canal between *Forth* and *Clyde*, it shall be in the Power of the said Trustees so to do, the Consent of the Governor and Council of the *Forth* and *Clyde* Navigation being first had and obtained as to the Situation of such Bridge, and the same shall be so carried by a Draw Bridge over the said Canal, which the said Trustees are hereby empowered to erect and maintain, any Thing in any Act or Acts of Parliament to the contrary contained in anywise notwithstanding.

Making and
preserving
Footpaths,
Drains, &c.

XLVII. And be it further enacted, That it shall be lawful to and for the Trustees, and such Person or Persons as they shall appoint, to make, or cause to be made, Causeways, and to make or cause to be made, a Footpath or Footpaths, on the Side or Sides of the said Roads, and to erect Posts to prevent any Person or Persons from riding or driving Horses, or Carriages, or Cattle on the same, and to cut and make Ditches and Drains, through any Grounds lying contiguous to the said Roads, for the Purpose of letting off the Water from the same; and to make and erect Arches and Bridges; and also, where any Part of the said Roads shall not be of a sufficient Breadth, to widen and extend the same to such a Breadth as they shall think proper, not exceeding Forty Feet: Provided always, that in the Entries to Towns and Villages, and within the Distance of One Mile of each of the Towns of *Stirling* and *Falkirk*, the said Trustees, assembled as aforesaid, shall have Power to widen such Entries, to a Breadth not exceeding Fifty Feet; and, for that Purpose, to pull down or demolish any House or Building whereof the Side Walls shall not exceed Fifteen Feet in Height, upon giving Six Months previous Notice to the Owners or Occupiers thereof; and to remove any other Obstructions, paying such Damage to the Owners or Occupiers respectively, whose Grounds or Houses shall be prejudiced or damaged by such widening beyond the legal Standard, as the said Trustees shall judge reasonable; and, in case of any Difference concerning the same, between the said Owners and Occupiers and the said Trustees, the same shall be determined by a Jury, to be called in Manner herein-after mentioned: Provided, that in widening the aforesaid Roads, nothing shall be done which may anywise prejudice or damage any House or Building, (except as aforesaid), or any Park, Paddock, Garden, Orchard, Lawn, Planted Walk, or Avenue to any House, or any Piece or Parcel of enclosed Ground, set apart and used as a Nursery for Trees, or Pleasure Ground, without the Consent of the Owner or Owners thereof, under his or their Hand or Hands.

Compensation
to be made
for Ground
taken, or He-
reditaments
damaged.

XLVIII. Provided always, and be it enacted, That full Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, Houses, Walls, and Fences, taken for the Use of the said Roads, and for all Damage done to the same; and for that Purpose, the Trustees shall, before entering on any such Lands, Grounds, Houses, Walls or Fences, or injuring the same, give Three Months Notice at the least, to the Owners and Occupiers thereof, and make an Offer to them of what the Trustees consider to be the Value, or a just Compensation for the same, unless such Owners or Occupiers renounce all Claim to Damages or Compensation in Manner herein-after mentioned.

Sheriff to
summon a
Jury, to fix

XLIX. And be it further enacted, That in taking the necessary Ground for making, altering, or widening the said Roads, or for any Toll-house, Garden

or Stable, or Place of Deposit for Materials, as before-mentioned, under the Authority of this Act, if the said Trustees shall not come to an Agreement with the Owner or Owners, and Occupier or Occupiers of the Lands, where the Roads are to be so altered or widened, or whose Fences are to be altered or removed, or with the Owner or Owners, Occupier or Occupiers, of any Ground taken for such Toll-house, Garden and Stable, or any House or Houses; or any Part or Parts of any House or Houses, which are to be taken down as aforesaid; or in case such Owners or Occupiers shall refuse to treat with the said Trustees for the same; or in case the Claim of Damages which may be thence incurred, has not been renounced in Manner herein-after mentioned, Application shall be made to the Sheriffs Depute of the said Counties of *Stirling* or *Linlithgow*, or their Substitutes, within whose Jurisdiction the Premises aforesaid may be situated, to summon a Jury, in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses, necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing Fences; and the said Sheriffs Depute, or their Substitutes, are hereby empowered and required, upon Application, to order Notice thereof to be given to the Owner or Owners, Occupier or Occupiers of such Ground, Houses, or Premises, and afterwards to issue a Summons, in the usual Manner, for calling together and impannelling a Jury, consisting of Twelve Persons in Number, who being duly sworn, the said Sheriffs Depute or their Substitutes shall proceed to examine upon Oath, in their Presence, such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Trustees; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Premises as aforesaid, and in making up their Verdict, the said Jury shall have Right, and they are hereby empowered to take under their Consideration, all Circumstances, particularly the Advantages arising to the Owners and Occupiers by the said Roads; and in ascertaining the Value of the Fences which it may be necessary to pull down in making new Roads, the Jury shall also have Power to direct such Fences, as may thereby become useless, to be taken down and removed by the said Trustees, upon Payment of such Allowance for the same as the said Jury may determine; and it shall be optional to the Owners and Occupiers, either to accept of the Allowance so awarded, or to retain the Materials of the said Fences to their own private Use; and after a Verdict is pronounced as aforesaid, the said Sheriffs Depute or their Substitutes, are hereby required to adjudge Payment, of the Value and Amount of the Loss or Damage thereby awarded, to the Persons having a Right thereto; and upon Payment being made by the said Trustees, out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested, or Consignation of the said Sum in the Bank of *Scotland*, or Royal Bank of *Scotland*, the said Trustees shall from thenceforth have a Right to take and use the Ground, and to take down the Houses and Fences, or Parts of Houses and Fences so valued, for the Purposes of altering, widening, and extending the said Roads, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners, Occupier or Occupiers, of the Grounds, Houses, or Fences, had executed regular Dispositions of the same, and thereupon Infeftment had followed; and the said Proceedings and Orders of the Sheriffs Depute, or their Substitutes, shall be final, and not removeable by Bills or Letters of

Advocation

Value of
Lands and
Houses.

Sheriff to ad-
judge Pay-
ment of the
Sum awarded
by the Jury.

Advocation or Suspension, or by Reduction, to or by any Court whatever, any Law or Usage to the contrary notwithstanding.

Expences of
the Proceed-
ings how to
be paid.

L. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Trustees; and on the other hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, that after having offered to the Owner or Owners, Occupier or Occupiers of any Lands or Houses, such Sum as the said Trustees shall think reasonable, or in case of his, her, or their Refusal to accept of such Sum, (the Offer being instructed by an Instrument, under the Hands of a Notary Public and Witnesses), the Money shall be afterwards lodged in the Bank of Scotland, or Royal Bank of Scotland, there to remain at such Interest as the said Banks may allow, at the Peril of such Owner or Owners, Occupier or Occupiers, it shall and may be lawful for the said Trustees to enter into or upon such Lands, Houses, or Premises for the Purposes of this Act, and no Stop shall in the mean Time be put to the Operations of the said Trustees on Pretence of settling the said Damages, or that they have not been satisfied and paid; and in case any Person interested, shall apply for, and obtain from any Judge competent, a Warrant for stopping the Execution of any of the Purposes aforesaid, to be carried on, under the Authority of this Act, the said Judge is hereby directed and empowered to recal such Warrant, and remove any Sift obtained as aforesaid, provided sufficient Caution is found, by the respective Trustees therein named, for the Amount of such Damages as may be ultimately awarded, to the Person suing for the same, and ascertained in Manner herein-before mentioned.

Any Warrant
for stopping
the Work, to
be recalled
on Caution
found.

Getting Ma-
terials.

LI. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors, or such Persons as the Trustees aforesaid shall appoint, to dig, gather, take, and carry away, out of any Waste or Common of the said County of *Stirling* or *Linlithgow*, or out of any Lands, Rivers, Watercourses, or other Places that shall appear to him or them most proper and convenient, (other than Gardens, Orchards, Nurseries, Planted Walks, Lawns, or Pleasure Grounds, Timber Yards, Rope Walks, or other Manufactories), Stones, Sand, Gravel, and other Materials, for making and repairing the said Roads, and to open convenient Access, for carrying off the said Materials; which Access and Places from which the said Materials are proposed to be taken, must be marked out by Three Trustees, if so required by the Owner, or his or her Factor, or by the Occupier, paying only for the Damage done to the Owners or Occupiers of the said Grounds respectively, where or from whence the same shall be dug, gathered, or taken away, or over which the same shall be carried; and the Amount of such

such Damage shall be settled and ascertained by any Three or more of the said Trustees, residing near the Place from which the said Materials are taken; but if the Owners or Occupiers shall not be satisfied with the Damages offered by the said Trustees, the same shall be determined by any Two or more Justices of the Peace of the said Counties of *Stirling* or *Linlithgow*; but such Dispute or Difference shall not in the mean Time hinder the using or carrying off the said Materials, for repairing and amending the said Roads: Provided always, that it shall not be in the Power of any Proprietor or Occupier of such Lands, by any Operations he may carry on, to deprive the Trustees of the Right of resorting to such Quarries and Gravel-pits, as they have been in use to work, and have actually worked at, previously to the First Day of *January* One thousand eight hundred and ten.

LII. Provided always, That it shall not be lawful for the said Trustees, or any Person acting under their Authority, to dig, gather, or take away, any Materials for making, altering, widening, repairing, or keeping in Repair, the said Roads, or other Purposes of this Act, until Six Days Notice, in Writing, shall have been given to the Owners or Occupiers of the Lands or Premises from which such Materials are intended to be taken, or shall have been left for such Owners or Occupiers, or their ordinary Agents, at their usual Places of Residence, to appear before the Trustees, or before Two or more Justices of the Peace for the said County, to shew cause why such Materials should not be taken from such Lands; and in case such Proprietors or Occupiers shall attend, pursuant to such Notice, the Trustees, or the said Justices shall, if they think fit, authorize the Person or Persons aforesaid, to dig, gather, and carry away, such Materials, at such Time or Times as they shall think proper; and if such Owners or Occupiers shall neglect or refuse to appear by themselves or their Agents, the said Trustees or Justices may and shall make such Order thereupon, as they shall think fit, as fully and effectually as if such Proprietors or Occupiers, or their Agents, had attended.

Notice being
previously
given.

LIII. And be it further enacted, That it shall and may be lawful for the said Trustees assembled at their stated Half-yearly Meetings, as herein-before directed, to give Orders for purchasing or taking in Lease, such Pieces of Ground, adjacent to the said Roads, (not exceeding One Fourth Part of an Acre each), as shall be judged most convenient, for Repositories, wherein the Mud that may be raked off the Roads may be deposited, and the Stones or other Materials for repairing the said Roads, may be broken or kept, so as not to be laid upon the said Road itself, until they are immediately to be used for repairing or amending the same; and in case the Trustees, or their Surveyor, cannot agree with the Owner or Occupier, as to the Price, Rent, or Damages to be paid for the same, such Price, Rent, or Damages shall be settled and determined by any Two or more Justices of the Peace of the Counties of *Stirling* or *Linlithgow*, as last before mentioned.

Places for de-
positing Ma-
terials to be
provided.

LIV. Provided always, That it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage, or otherwise competent to them, in regard to the Matters aforesaid; and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

Proprietors
under Entail
or not may
renounce
Claims of
Damage.

[*Poc & Per.*]

23 P

LIV. And

Incorporated
Persons, &c.
empowered to
convey.

LV. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to take and acquire, and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let, and convey, all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads or any of them, and erecting any Gate or Turnpike or Toll House, with a Stable and Garden adjoining thereto, or for storing Materials, or otherwise where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers as can be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded and determined in the Manner hereinbefore directed.

How Lands
are to be
vested in the
Trustees.

LVI. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland* or Royal Bank of *Scotland*, in Manner hereinbefore directed, with regard to Consignations, as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of the said Counties of *Stirling* or *Linlithgow*, as the Case may be, whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

Application
of Compensation
where
exceeding
200 l.

LVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid, for any Lands, Tenements, or Heritages, 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 Life-rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, married Woman, Infant, Lunatick, 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 Heritages, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Heritages, 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 Lands, Tenements, and Heritages which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the 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 Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

LVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages 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 their Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five 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 therefrom may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where the Compensation does not exceed 200 l nor less than 20 l.

LIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five 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.

Application where the Money is less than 20 l.

LX. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of Scotland, or Royal Bank of Scot-

In case of not making out Titles, &c.

Purchase Money to be paid into the Bank;

subject to the Order of the Court of Session.

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

Where any Question shall arise touching the Right to such Money.

LXI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements or Heritages, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by Trustees.

LXII. Provided always, and be it further enacted, That where, by Reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees enabled to maintain the present as well as the new Line

LXIII. And be it further enacted, That after the Alteration of the Lines of any of the said Roads shall have been completed, it shall and may be lawful for the said Trustees, if they shall see fit, to keep and maintain the present Lines of Roads or any Part thereof, for the Use and Accommodation of the Public as well as the new Lines; and it shall and may be lawful for them to collect thereon the several Duties by this Act granted.

LXIV. And

LXIV. And be it enacted, That when the Direction of any Part or Parts of the said Roads shall be altered as aforesaid, it shall be lawful to and for the said Trustees to shut up, and also to sell and dispose of such Part or Parts of the said Roads, and the Materials of such Bridges, as shall, in consequence of such Alteration, be no longer of Use, or whereby any Turnpike Gate or Gates may be avoided; and in case any Proprietor or Proprietors, Occupier or Occupiers, or Inhabitants of the adjacent Lands, shall be deprived of any necessary Passage or Communication, or shall be prejudiced by the Shutting-up and Disuse of such Part or Parts of the said Roads, it shall be lawful to and for the said Trustees, and they are hereby directed to give new and convenient Passages to and from the aforesaid Roads, to such Proprietors, Occupiers, or Inhabitants, and for that Purpose to purchase such Pieces of Ground as they shall judge most proper; and in case they cannot agree with the Proprietor or Proprietors, Occupier or Occupiers thereof, the Price shall be fixed by a Jury, to be summoned in manner before mentioned; and in case any Person or Persons shall think himself, herself, or themselves aggrieved, by the shutting up of such Part or Parts of the said Roads, it shall and may be lawful for him, her, or them to apply to the Justices of the Peace of the County of *Stirling*, or County of *Linlithgow*, within which such Road may lie, in General Quarter Sessions assembled, who shall hear and determine the Matter in Dispute, and whose Judgment shall be final and conclusive.

For shutting
up Roads.

LXV. And be it further enacted, That in case the Road so altered as aforesaid, or new Road, and the Road to be shut up, or old Road, shall both pass through the Grounds of the same Proprietor, and that the Ground occupied by the new Road is of equal or greater Value than the Ground occupied by the old Road, the said Ground occupied by the old Road shall be allotted to the said Proprietor, and its Value shall be deducted from the Value of the Ground occupied by the new Road, in making Payment for the same; and in case the new Road and the old Road do not both pass through the Grounds of the same Proprietor, the said Trustees are hereby empowered to sell such old Road for the best Price that can be got for the same, giving the Proprietor or Proprietors of the Ground through which the old Road passed the first Offer of the same, and Affidavit shall be made by the Clerk to the said Trustees, or by some other fit Person, of such Offer of Preference having been made; and if any Dispute shall arise, about the Value of the Ground occupied by the old Road, the same shall be determined by a Jury, to be summoned in manner before mentioned; and if the Situation of any Toll-bar, Toll-house, and Premises, or Place of depositing Materials, or either of them, shall be changed, and the same be no longer requisite for the Purposes of the Trust, the said Trustees are hereby empowered in like manner to sell the same, giving the Proprietor or Proprietors of the Grounds from which such Piece or Pieces of Ground have been originally taken, the first Offer of the same, and failing of Agreement about the Value of such Ground, the same shall be determined in manner as before mentioned, with regard to such Places of Deposit; and the Money arising from such Sales shall be applied to the Purposes of this Act; and the Sales and Conveyances to be made of the Ground comprized in the said old Roads, Situations of old Toll-bars, Toll-houses and Premises, and Places for depositing Materials, being executed by a Quorum of the said Trustees, shall be good and effectual in the Law to all Intents and Purposes.

Old Road to
be allotted
to Owner of
adjoining
Lands.

also deserted
Stations of
Toll-houses,
&c.

[*Loc. & Per.*]

23 Q.

LXVI. Provided

Ground taken, not to diminish valued Rent, &c.

LXVI. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground, as herein-before allowed for the Purposes of this Act, the same shall not affect, alter, or diminish, the valued Rent or old Extent of the Lands from which such Grounds shall be so taken.

For erecting Parapet Walls,

LXVII. And be it further enacted, That the said Trustees shall, before they open any new Line of Road for the Accommodation of the Public, erect or cause to be erected good and sufficient Parapet Walls on the Sides of all the Bridges, and upon the Sides of the Roads where the same shall be dangerous for Persons passing along the said Road, and they shall from Time to Time repair and keep in Repair the said Walls or Parapets.

Houses not to be built, or Trees planted, within a certain Distance of the Road.

LXVIII. And be it enacted, That after the passing of this Act it shall not be in the Power of any Person or Persons to erect, or cause to be erected, any Dwelling House or other Building, or to plant Trees adjoining to the Roads, nearer than Twenty Feet from the Centre of the said Roads under a Penalty, not exceeding Forty Shillings Sterling for each Offence, over and above the Expence of demolishing such Building, or removing such Trees; and it shall be lawful for any Two or more of the said Trustees, (being Justices of the Peace), by an Order in Writing under their Hands, to stop the erecting of every such House or Building, and the planting of such Trees, as shall be within the said Distance from the Centre of the said Roads; and if any Building shall be erected or Trees shall be planted hereafter within the Distance aforesaid, it shall and may be lawful for any Two or more of the said Trustees (being Justices of the Peace) to order Buildings to be taken down and removed and the planted Trees removed at the Expence of the Erector, or of the Owners of the Ground, and to grant a Warrant for levying and recovering such Penalties and Expences as aforesaid, in Manner herein-after directed.

Notice of building to be given.

LXIX. And be it further enacted, That before any Grounds are enclosed for Gardens, Orchards, Walks, or Avenues, along the Sides of the said Roads, or Buildings erected thereon, the Proprietors or Tenants, so intending to enclose or build, shall lodge an Intimation in Writing, of such their Intention, with the Clerk to the said Trustees, Twenty Days at least before beginning their Work, and that under a Penalty not exceeding Five Pounds Sterling to be sued for and recovered by the Procurator Fiscal of the County, or by the said Trustees or their Treasurer; the Penalty to be applied, One Half to the Informer, and the other Half to the Trustees, for the Purposes of this Act; and in case any Fence, Wall, or Building shall be erected without such Notice being given, the Trustees shall and are hereby empowered to cause the Fences, Walls, or other Buildings aforesaid, to be pulled down and demolished, at the Expence of Person or Persons who shall have erected the same.

Ditches to be kept clear, and Hedges and Trees to be lopped and pruned.

LXX. And be it further enacted, That where the Ground on the Side or Sides of the said Roads shall be enclosed with Hedges, or where Hedges or Branches of Trees shall hang over the said Roads, so as to annoy or obstruct the free Passage thereof or injure the same, the Owners and Occupiers of the Lands shall dress and keep cut such Hedges to a Height not exceeding Four Feet and a Half from the Level of the Road, and lop off all such Branches of Trees, so as to give sufficient Air and Breadth to the said Roads,

Roads, and on their failing so to do within Fourteen Days after being thereto required by the Surveyor of the Road or other Person duly authorized, by an Order of any Two or more of the said Trustees, (being Justices of the Peace), such Surveyor or other Person duly authorized may appoint Persons to clean the said Ditches and Drains, and to cut or lop such Hedges or Branches of Trees, at the Expence of the Owners and Occupiers of the Lands; and such Owners and Occupiers shall be obliged to carry such Brushwood or Branches of Trees as are so cut or lopped, off the Road, and out of any Drains or Ditches adjoining thereto, within Three Days after being so cut or lopped, under a Penalty not exceeding Forty Shillings Sterling for each Offence; to be recovered, levied and applied in Manner as herein-after directed, besides the Expence of removing such Brushwood or Branches: Provided always, that no Person shall be compelled, nor any Person under the Direction of the said Trustees permitted, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *February*; and that no Person shall be obliged, nor any Person under the Direction of the said Trustees permitted, to fell any Trees growing in Hedges, at any Time whatsoever, except where the Highway or Road shall be order'd to be enlarged as is herein-before directed, or to cut down, grub up, or lop Branches of any Oak Trees, except in the Months of *April, May, June,* or *July*, or of any Ash, Elm, or other Trees, in any other Months, than *December, January, or February.*

LXXI. And be it further enacted, That the said Trustees shall be and they are hereby empowered to make sufficient Ditches or Drains, where the same are not already made, along the Sides of the said Roads in the Grounds of any adjacent Proprietor, with proper Passages and Outlets; and the Ditches or Drains already made or hereafter to be made by the said Trustees shall be scoured, cleaned, and kept in Repair at the Expence of the Proprietors and Occupiers of the Lands through which any such Ditches or Drains are or shall be made; and it shall be lawful to and in the Power of the said Trustees to call upon the Proprietors and Occupiers of such Lands or either of them, for the Time being, to perform the whole Work necessary for keeping the said Ditches and Drains clean and in good Order; and if the Proprietors or Occupiers for the Time shall neglect or refuse to clean and repair the same Ditches or Drains, after Six Days Intimation to that Effect, the said Trustees, or any Two or more of them, shall be and they are hereby authorized and empowered to cause the said Ditches and Drains to be cleaned and put in Repair, at the Expence of the Proprietors and Occupiers or either of them, and the said Proprietors or Occupiers, or either of them, shall be liable to the said Trustees for the Expence disbursed by them in cleaning and scouring the said Ditches and Drains, to be recovered in Manner herein-after directed.

Ditches to be made and scoured.

LXXII. And be it further enacted, That from and after the passing of this Act, every Person in ploughing any unenclosed Field contiguous to any of the said Roads, shall make Head Ridges along the Side of the Road, of the Breadth of Ten Feet at least, and all Gates upon Enclosures, next to any of the Turnpike Roads; shall open inwards to the Field; and opposite to any Gate or Entry, communicating with the said Roads, there shall be laid a covered Way or Bridge of Stones, or other proper Materials, over the Drain on the Side of the Road, which covered Way or

Head Ridges to be made, and Gates on the Sides of the Roads, to open inwards.

Bridge

Bridge shall be constantly kept free and clear, that the Water may pass through below the same; and in case any Owner or Occupier of Ground, adjacent to the said Roads, shall omit and fail to perform any of the Matters above mentioned, it shall be competent for any Two of the Trustees, by an Order subscribed by them, to ordain the same to be performed at the Expence of such Owner or Occupier as aforesaid; such Expence to be recovered by Application to and Warrant of any One of His Majesty's Justices of the Peace, who shall also award against the Offender the Expences of the Application: Provided always, that no Occupier of Land, shall turn any Water upon the Side of any the said Roads, nor conduct any Water across any of the said Roads, for the meliorating of his Fields or other Purposes, until he shall have applied for and obtained the Consent of Five or more 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, and shall thereafter be bound to keep up and maintain all such covered Drains as aforesaid.

In making Drains across a Road, One Half to be left clear of Obstructions.

LXXIII. And be it enacted, That in making any covered or arched Passage or Drain for Water across any of the said Roads, a safe and easy Passage along One Half of such Road shall be left without any Obstruction, either by breaking the Road or laying down the Materials, and such covered Drain or Passage shall be made across and completely finished on the One Half of the said Road before the other Half shall be opened; and the whole or the open Part thereof shall if practicable be completed in One Day, or otherwise the Materials for executing the same shall be so well fenced off, that Passengers may suffer no Injury thereby; which Precautions and Manner of executing covered Drains as aforesaid, shall be strictly observed by all Contractors or others making such Drains; and every Person offending herein shall not only forfeit the Materials laid down, but also a Sum not exceeding Forty Shillings Sterling for each Offence, One Half to be paid to the Informer, and the other Half to the Trustees for the Purposes of this Act; and no Contractor or other Person employed by the said Trustees upon the said Roads shall, if it can be conveniently avoided, dig Pits, or break up any Ground within Twelve Feet from the Sides of the said Roads; but when that cannot conveniently be avoided, such Contractor or other Person shall be obliged to erect a sufficient Fence between the Sides of the said Roads and any Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Forty Shillings Sterling.

Contractor not to dig Pits, or if necessary, to fence them.

Drains may be made through adjoining Lands.

LXXIV. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Trustees, and for such Person or Persons as they shall appoint, by Order of the said Trustees, or any Two or more of them, to make such Trenches, Ditches, or Drains, with proper Passages and Outlets for the same, through any Lands contiguous to the said Roads, as they shall judge necessary for the better repairing and upholding the said Roads, and for conveying away the Water from Ditches, which are or hereafter shall be made along the Sides of the said Roads; and after such Passages and Outlets have been so made, the Proprietor or Occupier of such Ground shall be obliged in all Time thereafter to keep clear such Outlets and Passages from the said Trenches and Ditches from Time to Time as they shall be required by the said Trustees, or any Two or more

of them, so as the Outlets 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 such Proprietors or Occupiers neglecting or refusing to clear or cleanse such Outlets and Passages when thereto required by the Surveyor or Surveyors of the said Roads, or any Two or more of the Trustees, then and in that case such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to charge and levy the Expence thereof, on the Proprietor or Occupier in Manner herein-after mentioned.

LXXV. And be it further enacted, That the said Trustees may direct the Roads to be measured, and Stones or Posts to be erected near the Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall deem expedient; and may also cause Guide Posts and Railings to be erected on such Parts of the said Roads as they shall think proper; and a Table of the Tolls payable by virtue of this Act, and a Summary of the Regulations hereby enacted, to be painted or printed in large and legible Characters, and a Copy thereof to be affixed on some conspicuous Part of every Toll Bar or Toll House on the said Roads; and if any Person or Persons shall wilfully break, destroy, damage, pull up or remove any such Stones, or Posts, or Railings, already erected or to be hereafter erected, or obliterate or deface any Letters or Figures that shall be made, inscribed, or put thereon, and shall be thereof convicted, before any Two or more Justices of the Peace, for the County where the Offence shall be tried, upon the Oath or Oaths of One or more credible Witness or Witnesses, such Person or Persons so offending, shall respectively forfeit and pay a Sum not exceeding Ten Pounds Sterling for every Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced, over and above the Expence of repairing the Damage done to the same; and if any Person or Persons shall throw down, break or otherwise wilfully destroy or damage any of the said Turnpike Gates, Toll Houses, Weighing Engines, Bridges, or Ledges, or other Parts thereof, and shall be convicted of so doing, before any Two or more Justices of the Peace of the said County, upon the Oath or Oaths of One or more Witness or Witnesses, such Person or Persons so offending shall respectively forfeit and pay a Sum not exceeding Ten Pounds Sterling for each Offence, over and above the Expence of repairing the Damage done; such Penalties and Forfeitures for destroying or damaging Mile Stones or Posts, Guide Posts, Railings, Turnpike Gates, Toll Houses, Weighing Engines, Bridges, and the Expence of repairing the same, to be levied and recovered in Manner herein-after directed; and such Penalties and Forfeitures shall be applied, One Half as a Reward to the Informer, and the other Half in repairing the said Roads.

Trustees may
erect Mile
Stones.

LXXVI. And be it further enacted, That if any Person or Persons shall drag or draw, or cause to be dragged or drawn, upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone or Thing whatever, otherwise than upon a Wheel Carriage or Cart, or shall suffer any Tree, Log, Piece of Timber or Stone, or other Matter whatsoever, which shall be conveyed upon a Wheel Carriage or Cart, to drag upon any Part of the aforesaid Roads; or if any Person or Persons shall turn his or her Plough upon any Part of the said Roads, or pasture or cause to be pastured, any Horses or Cattle of any Kind, on the Sides thereof, such

Preventing
Trees, &c.
being drawn
on the Road.

[Loc. & Per.]

23 R

Person

Person or Persons shall, for every such Offence, forfeit a Sum not exceeding Forty Shillings Sterling, to be recovered as herein-after directed.

Preventing
Nuisances on
the Road,

LXXVII. And be it further enacted, That no Person or Persons whatsoever shall lay or leave any dead Horse or other Carrion upon any Part of the said Roads, or within Twenty Yards of the Sides thereof, (except in case of Accidents), or any Dung, Lime, Soil, Compost, or other Matter whatsoever, upon the said Roads, or within Five Yards of the Side of any Part thereof, or upon the Streets of the Burghs, Towns, or Villages through which the said Roads lead, upon Pain of paying for every such Offence, a Sum not exceeding Forty Shillings Sterling, and also forfeiting all such Dung, Lime, Soil, Compost or other Matter as aforesaid; nor shall any Person or Persons, under the Penalty aforesaid, to be recovered, levied, and applied as herein directed, after the passing of this Act, make, erect, or construct, or cause to be made, erected, or constructed, any Saw Pits, Tan Pits, Lint Ponds, Lime Kilns, Cinder Kilns, Furnaces, Water or Wind Mills, or Steam Engines, or any Nuisances, within Twenty Yards of the Sides of the said Roads, besides being obliged to remove the same, unless a sufficient Fence shall be interposed, between such Erections and Constructions and the said Roads, the Sufficiency to be determined by the said Trustees or any Three of them, subject to an Appeal to a General Meeting of Trustees, whose Determination shall be final.

Preserving
Footpaths.

LXXVIII. And be it enacted, That if any Person or Persons shall ride or drive any Horse or Carriage on any Part or Parts of the Footpaths, made or to be made on the Sides of the said Roads, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling, to be recovered and applied in Manner herein-after mentioned.

No Driver to
drive Car-
riages, &c.
abreast.

LXXIX. And be it enacted, That no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, whether loaded or unloaded, shall drive or permit the same to travel or pass upon the said Roads or any Part thereof, abreast or alongside of any other Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Roads or any Part thereof; and every Person and Persons so offending shall forfeit and pay a Sum not exceeding Forty Shillings Sterling.

To drive to
the Left Hand
or near Side.

LXXX. And be it enacted, That the Driver of every Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, and the Rider or Driver of every Horse, Ass, Mule, or other Beast of Burden upon the said Roads or any Part thereof, shall be obliged, upon meeting another Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, to make way, by holding or driving to his own Left Hand, or what is commonly called holding to the near Side, and that without Distinction, whether the Coach, Chaise, Waggon, Cart, or other Carriage, Horse, Ass, Mule, or other Beast of Burden so meeting one another, are loaded or unloaded, and every such Carriage, Horse, or other Beast of Burden, overtaking any other Carriage, Horse, or other Beast of Burden, shall pass on the Right Hand; and every Person offending in the Premises shall for each Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

LXXXI. And,

LXXXI. And, for the better Observance of the Duties prescribed by an Act passed in the Twelfth Year of the Reign of His present Majesty, intituled, *An Act for the better Regulation of Carters, Carriages, and loaded Horses, and for removing Obstructions and Nuisances upon the Streets and Highways, within that Part of Great Britain called Scotland*, be it enacted, That the said Trustees shall, and they are hereby required, at the First General Meeting to be held pursuant to this Act, and thereafter from Time to Time, as Occasion may require, to give and issue such Injunctions and Directions to the Toll-gatherers, Collectors, and other Officers appointed by the said Trustees, under such Sanctions and Penalties, (but in no case exceeding those established by the Act itself) as shall appear to the said Trustees, or any Five or more of them, proper for enforcing the Observance of the said in Part recited Act.

To enforce
the Obser-
vance of
12 G. 3. c. 45.

LXXXII. And be it further enacted, That if any Person or Persons who has or have subscribed towards making and repairing the Roads hereby intended to be made and repaired, or any of them, shall neglect or refuse to pay his, her, or their Subscription Money, at the Time and Place appointed by the said Trustees, it shall and may be lawful to and for the said Trustees to sue for and recover the same, in any Court competent, declaring that the Subscription Money actually paid shall be a preferable Lien and Burthen upon the Tolls collected upon the Roads, for the Use whereof the Money was subscribed, in favour of the Person or Persons paying the same, and his, her, or their Heirs, Executors, or Assigns, until Repayment thereof.

Subscriptions
to be paid.

LXXXIII. And be it further enacted, That it shall and may be lawful to and for such of the said Trustees as are or shall be in the Commission of the Peace for the said Counties of *Stirling* or *Linlithgow*, to act as Justices of the Peace in all such Cases, Matters, or Things, as shall be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained, excepting in such Cases only where they are personally interested.

Trustees may
act as Justices.

LXXXIV. And be it enacted, That in all Cases where any Dispute, Suit or Litigation shall arise, touching, concerning, or in any ways relating to the said Tolls and Duties, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by Reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Toll-gatherers
may give Evi-
dence.

LXXXV. And be it further enacted, That all Tolls, Penalties, and Forfeitures, by this Act imposed, the Manner of Recovery or Application whereof is not herein otherwise particularly provided for, shall be levied and recovered on a summary Complaint, at the Instance of any Three or more of the said Trustees, or of their Clerk or Treasurer, or of any other Person acting by their Orders, by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hands of any Two or more Justices of the Peace of the County of *Stirling* or *Linlithgow*; and the Persons distraining for the same, are hereby authorized and empowered, Three Days after such Distress shall have been made, to sell by public Auction, the Goods and Chattels so distrained, and to return the Overplus Money, (if any there be), upon Demand, to the Owners of such Goods or Chattels, after such Tolls, Penalties, and Forfeitures, with the reasonable Charges of distraining, keeping,

Recovery of
Penalties.

keeping, and selling the same, shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out for the Purposes of this Act; and if it shall appear to such Justices, that the said Offender or Offenders have not sufficient Goods, or upon Execution returned by their Officers, that Goods sufficient are not to be found, it shall be lawful for them, and they are hereby authorized and required, to commit the Offender or Offenders to Gaol, for any Space, not exceeding Six Calendar Months, unless such Tolls, Penalties, Forfeitures, and Expences shall be sooner paid.

Appeal.

LXXXVI. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by the Sentence of any Justices, not assembled in Quarter Sessions, in the Matters aforesaid, it shall and may be lawful for him, her or them to appeal to the Justices of the Peace for the County of *Stirling*, or County of *Linlithgow*, within which the Cause of Appeal may arise, in their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matters in Dispute, and whose Decision therein shall be final and conclusive; and the Proceedings of the Justices so in Quarter Sessions assembled, shall not be subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

Action to be commenced within Six Calendar Months.

LXXXVII. Provided always, and be it further enacted, That all Actions, for all and every the Penalties and Forfeitures imposed by this Act, or for any Thing done in the Execution thereof, shall be commenced within Six Calendar Months, after the Fact was done or committed, and not afterwards.

Expences of the Act.

LXXXVIII. And be it further enacted, That the Expences of procuring and passing this Act shall be paid out of the first Monies levied or borrowed by virtue of this Act, for making and repairing the said Roads hereby directed and intended to be made and repaired.

Publick Act.

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

Commencement and Continuance.

XC. And be it enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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