



ANNO QUINQUAGESIMO SECUNDO

# GEORGIUM III. REGIS.

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## Cap. 91.

An Act for more effectually repairing and maintaining certain Roads in the Counties of *Perth* and *Forfar*.

[5th May 1812.]

**W**HEREAS by an Act passed in the Fifty-first Year of the <sup>51 G. 3.</sup> Reign of His present Majesty, intituled, *An Act for more effectually repairing and maintaining certain Roads and Bridges in the County of Perth*, certain Persons were appointed Trustees, and various Powers and Authorities were granted to them, for more effectually repairing and maintaining the Roads and Bridges therein mentioned: And whereas the Roads hereinafter mentioned, viz. the Road from the Turnpike Road from *Perth* to *Kinross*, at the *Cross Gates* towards *Newburgh*, with a Branch through the Glen of *Abernethy*, as far as the Confines of the County of *Perth*, together with another Branch to join the proposed new Road from *Auchtermuchty* to *Newburgh*; the Road from the Turnpike Road from *Perth* to *Dundee*, by *Balledgarno* and *Abernyte*, to *Coupar Angus*; the Road from the Bridge of *Drip*, by *Blair Drummond*, towards *Doune* and *Callander*, on both Sides of the River of *Teith*, with Branches from *Doune* to *Dumblane*, and to meet the Road from *Keir* to *Doune*; the Road from *Blair Drummond*, by *Burnbank*, to *Thornhill* and *Port Monteith*, and from the Junction of Roads at *Lochillswood* to Bridge of *Frew*, by *Burnbank* and *Craighead*; the Road from *Yetts of Muckhart* or *New Bridge of Fossoway*, by *Littlerig* to *Dunning*, from near to *Littlerig* to *Auchterarder*, on the West of *Cloan Burn*, and to the Bridge of *Kinkell*; the Road from the Village of *Methven*, by *Campsie* and *Cairdneys* or either of them, to the Bridge of *Buchanty*, and from thence to *Monzie*, including the Road from the *Crieff* Turnpike Road to *Millhaugh*, with a Branch from *Buchanty*, through *Glenalmond* to *Amilree*, and another Branch from *Buchanty*, by the Village of *Fowlis Wester*, to the *Crieff* Turnpike Road; and the Continuation of the Branch of the *Dunkeld* Turnpike Road leading through *Stanley*, on the North Side of the River *Tay*, to *Dunkeld*, are in bad Repair, and in many Places dangerous to Travellers, and it has been found by Experience that the Statute Labour which can be applied to the Repair of the said Roads

[Loc. & Per.]

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is not sufficient for keeping the same in Repair, and for building the necessary Bridges thereon; and it would be advantageous to the Public if the same were put under the Care and Management of the Trustees in and by the said recited Act appointed, with Powers and Authorities to repair and maintain the same: May it therefore please Your Majesty, That it may 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 it shall and may be lawful to and for the Trustees in and by the said recited Act appointed to survey, make, repair, and keep in repair, the several Roads hereinbefore particularly mentioned, and the necessary Bridges thereon, in such and the same Manner as if the said Roads had been specified and included in the said recited Act; and all and every the Tolls, Powers, Provisoes, Rules, Regulations, Exemptions, Penalties, Forfeitures, Clauses, Matters, and Things of and in the said recited Act contained in regard to the Roads therein specified and included, in so far as the same are not altered by this present Act, shall be, and the same are hereby extended to, and shall be used, observed, applied, and enforced for the Purpose of making, repairing, and keeping in Repair the Roads hereinbefore mentioned and described.

Trustees.

Power to call  
General  
Meetings.

II. And be it enacted, That it shall be in the Power of any Five or more of the Trustees acting for the Purposes of this Act at any Time to call a General Meeting of Trustees, proper Notice of the Time and particular Object of such Meeting being always delivered in Writing to the Clerk to the said Trustees, at least Three Weeks before the Day of such Meeting, and being also given by Advertisement in such Newspaper or Newspapers as the Trustees shall at their First or any other General Meeting direct or appoint, at least once a Week for Two Weeks before such General Meeting, the First of such Advertisements being at least Fourteen Days before the Day of such General Meeting; and at all General Meetings of Trustees Five shall be a Quorum; but it shall be lawful for any Number of Trustees less than Five, in case Five Trustees do not attend, or for any One Trustee, in case only One shall attend, to adjourn to any after lawful Day, but to do no other Business, the Day fixed for the adjourned Meeting being duly advertised by the Clerk to the said Trustees in the Newspapers, in the same Manner as is hereinbefore directed with regard to General Meetings called by any Five or more Trustees.

Quorum of  
General  
Meetings.Maps, &c. to  
be delivered  
to the Clerk  
of the Trust-  
tees.

III. And whereas Maps or Plans of the said Roads, and the Lands through which the same lead, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the Counties of *Perth* and *Forfar* respectively; be it therefore enacted, That the said Maps or Plans and Books of Reference shall, on the passing of this Act, be delivered by the said Clerks of the Peace to the Clerk of the Trustees appointed by the said recited Act; 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 obtain Copies or Extracts thereof, paying the Clerk of the said Trustees at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and that in any Alteration of the Course or Direction of any Parts or Portions of any of the Roads herein mentioned and described for the Purpose of straightening or rendering the same more level and convenient



venient for Passengers, it shall not be in the Power of the said Trustees to deviate more than Three hundred Yards from the Lines described in such Maps or Plans respectively, without the Consent in Writing of the Owners of the Grounds through which any such Alteration of the Line shall pass: Provided always, that it shall and may be lawful to and for the said Trustees to make the said Roads, into, 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 Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the said Counties of *Perth* or *Forfar* respectively, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

IV. And be it further enacted and declared, That at any of the stated General Meetings of the said Trustees, it shall be lawful for them to direct the Tolls arising at the Gates or Turnpikes, or Side Bars erected or to be erected on the said Roads, to be applied towards the making, repairing and upholding of the aforesaid Roads and the Bridges thereon respectively, 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 the Produce of the said Tolls and Duties shall be applied in the first place to the Payment of the Expence of procuring and passing this Act, and in the next Place towards the making, repairing and upholding the said Roads and Bridges thereupon, and paying the Interest of the Money borrowed, advanced and owing at the Time, and the Surplus shall be appropriated annually to extinguish the Principal of the Money so borrowed, advanced and owing, and to no other Purpose whatsoever.

Appropriation of the Tolls.

V. And be it enacted, That it shall and may be lawful for the said Trustees, if they shall think fit, to exempt from Payment of Toll all Persons, Carriages and Cattle which shall not travel or pass upon more than One hundred Yards in Length of any of the Roads before mentioned.

Power to exempt from Toll, if not travelling above a certain Distance on the Roads.

VI. And be it enacted, That no Toll shall be demanded or taken from any Person or Persons who shall pass through the Turnpikes or Toll-gates, erected or to be erected on the said Roads, to Church or Chapel, or any other Place of religious Worship which such Person or Persons usually attend on *Sundays*, or on any other Days on which Divine Service is ordered by Authority to be celebrated, whether such Church, Chapel, or Place of Religious Worship be within the Parish in which such Person or Persons reside or not, any Thing in the said recited Act contained to the contrary thereof notwithstanding.

Exemption in Favour of Persons going to Church, &c. though not within their own Parish.

VII. And be it enacted and declared, That in the Case of Objections made to the taking of Materials for making and repairing the Roads hereinbefore mentioned and described, by the Owners or Occupiers of the Grounds in which such Materials are situated, such Objections shall be decided on by Two or more Justices of the Peace of the County within which

Regulation of the Manner of taking Materials.

which the same are situated: Provided always, that the Decision of such Justices shall be subject to Review, by Appeal to the Justices of the Peace of the same County at their Quarter Sessions assembled; and the Determination of such Justices in Quarter Sessions assembled shall be final and conclusive without being subject to Review by Advocation, Suspension, Reduction or otherwise, any Thing in the said recited Act contained to the contrary thereof notwithstanding.

Powers of  
Assessment  
repealed.

VIII. And be it enacted, That none of the Powers and Authorities, Clauses, Matters and Things in the said recited Act enacted and declared, in regard to the making and repairing of any of the Roads therein mentioned, by Means of an Assessment on the Lands, which would be benefited by the making and repairing of such Roads, shall have Effect or Operation in regard to the Roads hereinbefore mentioned and described, or any of them.

Powers to the  
Sheriffs and  
Justices of  
Forfarshire.

IX. And be it enacted, That in so far as any Parts of the said Roads are situated in the County of *Forfar*, the Sheriffs Depute, and Substitute, and the Justices of the Peace for the County of *Forfar*, shall have the same Jurisdictions, Powers, and Authorities in regard to the same as in and by the said recited Act the Sheriffs Depute and Substitute, and Justices of the Peace for the County of *Perth* have with regard to the Roads situated within the County of *Perth*, and all such Jurisdictions and Authorities shall be exercised in the County of *Forfar* by the Sheriffs Depute, and Substitute, and Justices of the Peace thereof, in such and the same Manner as similar Jurisdictions, Powers, and Authorities can be exercised by virtue of the said recited Act or this Act, in the County of *Perth*, by the Sheriffs Depute, and Substitute, and Justices of the Peace thereof.

Subscriptions  
to be paid.

X. And be it further enacted, That if any Person or Persons who has or have subscribed, or shall hereafter subscribe towards making and repairing the Roads and Bridges hereby intended to be made and repaired, shall neglect or refuse to pay his, her or their Subscription Money at the Time and Place to be appointed by the said Trustees, it shall and may be lawful to and for the said Trustees, and they are hereby required to sue for and recover the same in any Court competent.

Expences,  
how to be  
paid.

XI. And be it further enacted, That the Charges and Expences of procuring and passing this Act shall be paid and defrayed out of the first Monies subscribed, levied or borrowed by virtue of this Act, and be apportioned on the Toll Duties hereby granted, in such Manner as the said Trustees at a General Meeting assembled shall direct and appoint.

Public Act.

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

Commence-  
ment and  
Continuance  
of this Act.

XIII. And be it further 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.