



ANNO QUINQUAGESIMO TERTIO

GEORGH III. REGIS.

Cap. 46.

An Act to continue the Term and alter the Powers of several Acts of the Thirty-fourth, Thirty-seventh, and Forty-fifth Years of His Majesty's Reign, for repairing several Roads in the Counties of *Clackmannan* and *Perth*. [15th April 1813.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled; *An Act for making and repairing certain Roads in the Counties of Clackmannan and Perth*: And whereas an Act was passed in the Thirty-seventh Year of His present Majesty, intituled, *An Act for altering and amending and enlarging the Term and Powers of an Act made in the Thirty-fourth Year of His present Majesty's Reign, for making and repairing certain Roads in the Counties of Clackmannan and Perth*: And whereas another Act was passed in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term, and altering and enlarging the Powers of Two Acts passed in the Thirty-fourth and Thirty-seventh Years of His present Majesty, for making and repairing certain Roads in the Counties of Clackmannan and Perth, and for making and keeping in Repair several other Roads communicating therewith*: And whereas the Trustees appointed in or by virtue of the said Acts, have proceeded in the Execution thereof, and have borrowed upon their own private Security, and on the Credit of the Tolls thereby granted, several considerable Sums of Money, which still remain due and owing thereon; and which cannot be discharged or repaid, nor can the said Roads be properly amended, improved or kept in Repair, unless the Term of the said Acts be

34 G. 3.
c. 193.

37 G. 3.
c. 165.

45 G. 3.
c. 16.

[*Loc. & Per.*]

9 D

further

Acts further
continued.

further continued, and the Tolls thereby granted repealed and other Tolls granted in lieu thereof: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty,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Parliament assembled, and by the Authority of the same, That the Terms granted by the said recited Acts shall be repealed, and that all and every the Powers, Authorities, Articles, Rules, Penalties, and Forfeitures therein contained, excepting such of them or such Parts thereof as are hereby varied, altered, or repealed, or are repugnant to any of the Provisions contained in this Act, and also this present Act, shall continue in full Force and Effect for the Term hereinafter mentioned as fully and effectually in all respects and to all Intents and Purposes whatsoever as if the same were expressly repeated and re-enacted in the Body of this present Act and this Act; and the additional Term and Tolls hereby granted shall be and are hereby declared to be subject and liable to the Payment of the Monies now due on the said Roads, on the Credit of the said recited Acts, or any of them, or which shall or may hereafter be borrowed or become due on the Credit of this Act, and all Interest due or to become due for the same respectively.

Trustees may
appoint
Proxies.

II. And be it further enacted, That it shall and may be lawful for every Trustee who shall have subscribed Five hundred Pounds Sterling for making and repairing the said Roads, or who shall have joined as an Obligant in Bonds for Money borrowed under the said recited Acts, or this Act, to the Amount of Two thousand Pounds Sterling or upwards, in case he shall be prevented, by Absence or Indisposition, from giving his personal Attendance at any Meeting of the said Trustees, to authorize and appoint, by any Writing under his Hand, some fit Person to attend for such Trustee; and every Person so authorized and appointed, or the authorized Commissioner or Factor of any such Trustee, or the Tutor or Curator of any Trustee who may happen to be a Minor, shall be, and is hereby authorized and empowered to act and vote for the Trustee for whom such Person is Commissioner or Factor, or Tutor and Curator, or is so authorized and appointed, to attend, and act and vote in the same Manner as if such Trustee could have personally attended: Provided always, that no Person so authorized and appointed, nor any Commissioner or Factor, or Tutor or Curator shall be capable of acting as a Trustee in the Execution of the said Act, unless such Person, Commissioner or Factor, Tutor or Curator, shall be possessed of a Real or Personal Estate, of the Value of One thousand Pounds Sterling.

Tolls repeal-
ed, and others
granted.

III. And be it further enacted, That the several Tolls granted and made payable in and by the said recited Acts, or any of them, shall cease and be discontinued, and in lieu and stead thereof the several Tolls hereinafter mentioned shall, during the Continuance of this Act, be collected and taken by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same, at the several and respective Toll-Gates and Turnpikes already set up and erected, or which may hereafter be set up and erected upon the said Roads, or across any Lanes or Ways leading into the same, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

For

For every Coach, Berlin, Chariot, Landau, Chaise, Calash, Hearse, or any other Four-wheel Carriage drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Six Shillings:

And drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Four Shillings:

And drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Three Shillings:

And drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Shillings:

And drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Shilling:

For every Chaise, Curricl, Chair, or other such like Two-wheel Carriage, drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Shillings:

And drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Shilling:

For every Taxed Cart, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Nine-pence:

For every Waggon, Wain, Cart, or other such like Carriage, whether such Carriage and the Loading thereof taken together, shall not exceed Fifteen hundred Weight, the Sum of Sixpence:

And where such Carriage and Loading shall exceed Fifteen hundred Weight and shall not exceed Two thousand Weight, the Sum of Eight-pence:

And where such Carriage and Loading shall exceed Two thousand Weight, and shall not exceed Two thousand four hundred Weight, the Sum of Ten-pence:

And where such Carriage and Loading shall exceed Two thousand four hundred Weight, and shall not exceed Two thousand seven hundred Weight, the Sum of One Shilling:

And where such Carriage and Loading shall exceed Two thousand seven hundred Weight, and shall not exceed Three thousand Weight, the Sum of One Shilling and Three-pence:

And for every Hundred Weight which such Carriage and Loading shall weigh above Three thousand Weight, and not exceeding Three thousand five hundred Weight, the Sum of Two-pence:

And for every Hundred Weight, which such Carriage and Loading shall weigh above Three thousand five hundred Weight, the Sum of Three-pence:

And where such Carriage shall be drawn by more than One Horse, then an additional Sum of Three-pence Sterling for each Horse above One:

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

For every Score of Oxen or Neat Cattle, the Sum of Three Shillings and Four-pence:

And so on in Proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of One Shilling and Eight-pence:

And so on in Proportion for any greater or less Number;

Provided that every Waggon, Wain, Cart, or such like Carriage as aforesaid, having the Fellies of the Wheels thereof of the Breadth of not less than Five Inches, shall only be chargeable with Two-third
Parts

Parts of the Tolls before mentioned; providing always, that such Wheels shall be so constructed as to roll on a flat Surface, in such a manner as that both Sides of the Wheels shall bear equally on such flat Surface; provided also that every Person claiming the Privilege hereby granted to Broad-wheel Carriages, shall permit the same to be examined and measured by any Person concerned in the Collection of the said Tolls.

Carriages may pass and repass Toll free for four Hours.

IV. And be it further enacted, That the Driver of every Cart, or such like Carriage, who shall pass any Toll-Bar with a loaded Carriage, and pay Toll thereat, shall receive a Ticket, which shall entitle him again to pass such Toll-Bar in the same Direction, and to return empty Toll free, as often as he shall think fit, within the succeeding four Hours, to be computed from his first passing such Toll-Bar.

But if with a new Loading, to pay.

V. Provided always, and be it enacted, That in case such Carriage in returning in the contrary Direction, shall, instead of being empty, be loaded, the same shall be chargeable with a new Toll for such new Loading, on Payment of which the Driver shall be entitled again to return through such Toll-Bar in the same Direction Toll free, as often as he shall think fit, within the succeeding four Hours, to be computed from his first returning with a new Loading: Provided, That the Tolls payable for such Carriage shall be chargeable at the Rate corresponding to the heaviest Loading with which such Carriage shall have passed or returned through such Gate, during the foresaid Space of four Hours: Provided also, That it shall not be lawful to any Person or Persons to make any Depository in the Neighbourhood of any of the said Turnpike Gates, and there lay up or deposit his or their Loadings for the Purpose of obtaining an undue Benefit of this Exemption; and if any Person shall be convicted of making any such Depository, for the Purpose of fraudulently taking the Benefit of this Exemption, contrary to the true Intent and Meaning of this Act, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Persons not to deposit Loadings of Carriages.

Exemptions.

VI. And be it enacted, That the Exemptions granted by the said last recited Act shall be and the same are hereby repealed, and that no Toll shall be demanded for and in respect of Carriages, Horses, or Cattle, employed in carrying Materials for making or repairing Roads, Bridges, land Toll-Houses in the said Counties, or Cattle, Horses, or Carriages, laden or unladen, passing from one Part of a Farm to another, or laden with Implements of Husbandry, or Carriages returning empty after carrying the same, or carrying any Person to or from any Church, Chapel, or any Place of Religious Worship, belonging to or situated within the Parish where such Person resides, on a Sunday or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person who shall die and be buried within the Parish, or carrying any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on a Sunday or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for Horses or Cattle going to or returning from their usual Places of Pasture or Watering, or going to Smithies for

for the Purpose of being shoed, or returning therefrom, or for Horses or Carriages of whatsoever Description, employed or to be 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 back from conveying the same, nor for the Horses of Officers or Soldiers who are upon their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in conveying any sick, wounded, or disabled Officers or Soldiers, 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 Carts, or Carriages, or Waggons travelling with Vagrants sent with Legal Passes; 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 Five Pounds Sterling.

VII. 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 any 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 this Act contained, to the contrary notwithstanding.

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.

VIII. And be it further enacted, That it shall be lawful for and to the said Trustees, at a General Meeting assembled, to erect or cause to be erected on such Parts of the said Road as they shall think proper, or on the Sides of the same, Weighing-Machines, at which all Persons travelling with Carts or Carriages of the above Description, shall be obliged, when required by the Toll-Gatherer or by any Trustee, to weigh every such Carriage, when passing or intending to pass any Turnpike-Gate, erected across or on the Sides of the said Road, upon Pain of forfeiting any Sum not exceeding Forty Shillings Sterling.

Power to erect Weighing Machines.

IX. And whereas certain of the Trustees appointed in or by the said recited Acts have, for the Purpose of making and repairing the said Roads, borrowed upon their Personal Security considerable Sums of Money, and it may be necessary to borrow still further Sums for the same Purpose: And whereas by reason of the Communications opened up by the said Roads, great Benefit has accrued and is still expected to accrue to the Proprietors of those Estates through which the same pass; and it being expedient to enable Heirs of Entail to contribute to the Expence of making

Heirs of Entail to contribute to the Expence of the Roads.

making the said Roads; be it therefore enacted, that all Bonds and Obligations for Money borrowed and applied for the Purpose of making and repairing the said Roads, or which it may hereafter be necessary to borrow for such Purposes, by any Heir of Entail in Possession of an entailed Estate in the County of *Clackmannan* or *Perth*, through which the said Roads pass, shall be valid and effectual against the Grantee of such Bonds and Obligations, and against the Heirs of Entail succeeding to him in such entailed Estate, and shall be and continue to be a Burden on such Estate till repaid out of the Toll Duties hereby granted: Provided always, that the Share or Proportion of such Sum or Sums borrowed, or to be borrowed, affecting such Heir of Entail, shall not exceed One Year's free Rent of such Estate: Provided also, that such Heir of Entail, and every Heir of Entail succeeding to such entailed Estate, shall be obliged to keep down the Interest upon such Sum or Sums so borrowed; but it shall not be lawful to the Creditor or Creditors, in the Right of any such Debt, to adjudge or otherwise evict the entailed Estate for Payment thereof, or any Part thereof: Provided always, that it shall and may be competent to such Creditor or Creditors to prosecute such Remedy, or Remedies against the Rents thereof, as are given and allowed by the Law of *Scotland* to heritable Creditors.

For establish-
ing a Sinking
Fund.

X. And be it further enacted, That a Yearly Sum, not more than Five Pounds *per Centum*, and not less than Three Pounds *per Centum*; of the net Amount of the Tolls to be collected on the said Roads shall Yearly and every Year from and after the Term of *Martinmas* One thousand eight hundred and thirteen be taken by the said Trustees from the said Tolls, and laid out by Two equal Sums on the Fifteenth Day of *May* and Eleventh Day of *November* in every Year, in the Name of the Treasurer to the said Trustees, as a Sinking Fund to be applied towards the gradual Payment and Reduction of the Debts already contracted or which may hereafter be contracted in virtue of the said recited Acts, or of this Act; and it shall not be lawful for the said Trustees to appropriate or apply the said Sum so set apart as a Sinking Fund, or the Interest that may from Time to Time arise therefrom, for any other Purpose than the Extinction or Diminution of the said Debts; provided always, that no Trustee shall have any Vote or Direction in the Management and Application of the said Fund unless he shall either have subscribed and paid at least Five hundred Pounds Sterling for making and repairing the said Roads, or have joined as an Obligant in Bonds for Money borrowed or to be borrowed under the said recited Acts, or this Act, to the Amount of Two thousand Pounds Sterling or upwards.

Expences of
the Act.

XI. And be it enacted, That the Charges and Expences of passing this Act shall and may in the first place, be paid out of the Monies raised or to be raised by virtue of the said former Acts, or this present Act.

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 Act.

XIII. And be it enacted, That the Tolls, Duties, and Powers hereby granted and given shall take place from and after the third *Tuesday* after the passing of this Act; and the Powers granted by the said recited Act,
(except

(except where hereby altered) and also this Act, shall have Continuance from thence for and during the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1813.

