



ANNO QUARTO.

# GEORGII IV. REGIS.

\*\*\*\*\*

## Cap. cxii.

An Act for making and repairing certain Roads  
from *Redrow* to *Peathill* in the County of *Stirling*.  
[17th June 1823.]

**W**HEREAS the Roads from the Turnpike Road at *Redrow*, on the Lands of *Dunmore*, in the Parish of *Airth* and County of *Stirling*, leading by *Dollmillfarm* to *Chapel Burn* and *Larbert*, and from thence by *Dunipace* to the Turnpike Road from *Edinburgh* to *Glasgow*, at *Peathill* in the Parish of *Denny*, and passing through the Parishes of *Airth*, *Saint Ninian's*, *Larbert*, *Dunipace*, *Denny*, and *Falkirk*, in the said County of *Stirling*, are narrow, in bad Repair, dangerous, and inconvenient to Travellers, and it would be of great Advantage to the Agriculture, Commerce, and Improvement of the Country if the said Roads were properly altered, widened, and repaired: And whereas it would be of Advantage to the Public if a new Line of Road was made from or near *Powmill* by *Kersebrock* to *Muirhall*, and from thence to *Broomage*, near to the Village of *Larbert*, and passing through the said Parishes of *Saint Ninians* and *Larbert*, and County 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 the Honourable *George Ralph Abercromby*, *Michael Stewart Nicolson* of *Carnock*, *John Francis Erskine* of *Mar*, *Joseph Stainton* of *Lathan*, *Thomas Spottiswoode* of *Dunipace*, *Sir William Bruce* of *Stenhouse*, Baronet, *Michael Bruce* the younger of *Stenhouse*, *Sir Gilbert Stirling* of *Larbert*, Baronet, and also every Person who is at present, or shall hereafter be, in his own Right, or in the Right

Nomination  
of Trustees.

[Local.]

28 Y

of

of his Wife, in the actual Possession and Enjoyment of the *dominium utile* of Lands through which the said Roads shall pass, valued in the Cess Books of the County of *Stirling*, to the Extent of One hundred Pounds Scots or upwards, and who has subscribed or shall subscribe and contribute the Sum of One hundred Pounds Sterling towards the Expence of making, repairing, and keeping in Repair the Roads hereby authorized to be made, altered, widened, repaired, and maintained, shall be and they are hereby nominated and appointed Trustees for surveying, ordering, making, repairing, altering, widening, and keeping in Repair the several Roads herein-before mentioned, and for repairing the Bridges on the same, and for erecting new Bridges where requisite, and for putting into Execution all the other Powers and Authorities in and by this Act given and granted.

Map or Plan deposited, to be delivered to the Clerk, and to lie open to Inspection.

II. And whereas a Map or Plan describing the said Roads and Alterations proposed to be made in the Direction of the same, with the proposed new Road from *Powmill* by *Kersebrock* to *Broomage*, and the Lands through which the said Roads 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 remain in the Custody of the said Clerk of the Peace, 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 to the said Trustees at the Rate of Sixpence for every Hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference.

Trustees not to deviate more than 100 Yards.

III. And be it further enacted, That the said Trustees in making the said Roads, or new and varied Lines of Road, shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, 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 County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Penalty on acting if not qualified.

IV. And be it further enacted, That if any Person not qualified 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 Treasurer to be appointed to the said Trustees, to be by them applied to the making or repairing the said Roads, and the other Half to the Person or Persons suing for the same; 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 held 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.

V. And be it further enacted, That at all General Meetings of Trustees under this Act the Majority of Trustees present shall decide as to all Matters and Things to be done or ordered by the said Trustees in the Execution of this Act, the whole Number present not being less than Three; and that at all such Meetings the said Trustees shall chuse a Chairman, who in case of Equality of Votes on any Question shall, in addition to his own Vote, have the decisive or casting Vote. Quorum.

VI. And be it further enacted; That if any of the said Trustees shall accept of any Place of Profit arising out of this Act, or be interested or concerned in any Contract or Contracts made by the said Trustees for any of the Purposes of this Act, he shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit as aforesaid. Trustees not to hold Places of Profit.

VII. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet at *Airth*, on the First Monday of August after the passing of this Act, at Twelve of the Clock Mid-Day, or as soon as convenient thereafter; and the said Trustees shall also hold an Annual Meeting in every Year thereafter during the Continuance of this Act, on the First Monday of August, either at *Airth*, *Carron*, or *Larbert*, as shall be fixed by them at their said First Meeting; and at such Meetings they shall proceed to carry this Act into execution, with Power to them, at their said Meetings, to issue their Orders for surveying, making, altering, widening, and repairing the said Roads, and to adjourn themselves to such Times and Places as they shall think proper and convenient, and as often as it shall be necessary for putting this Act into execution; and in the Event of a smaller Number of Trustees than Three attending at any Meeting, or at any adjourned Meeting which shall be appointed to be held by the said Trustees, it shall be in the Power of any One or more Trustees who may attend to adjourn the Meeting to another Day, not earlier than Fifteen nor more distant than Twenty-one Days from and after such former Meeting as aforesaid; and the Trustees fewer in Number than Three, or One Trustee, who shall adjourn the Meeting as aforesaid, shall authorize the Clerk appointed as after-mentioned to subscribe an Advertisement announcing such Adjournment, which Advertisement, and every subsequent one relative to the after Procedure of the Trustees, shall be and they are hereby appointed to be published in *The Stirling Journal*, or any other Paper published in the Town of *Stirling*, or in any one of the *Edinburgh* Newspapers: Provided always, that a Space not less than Ten free Days shall elapse between the Publication of each and every of the said Advertisements and the Day or Days appointed for holding such Meeting or Meetings as aforesaid; and in case no Trustee shall Meetings of Trustees.

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 the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

Special Meetings may be called.

VIII. And be it further enacted, That any Three or more of the said Trustees may at any Time authorize and require the Clerk to call Special General Meetings for the Purposes of this Act, upon Ten Days previous Notice being given in such Newspaper as aforesaid of the Time and Place of such Meeting, and the special Purposes thereof.

Orders not to be revoked without Notice.

IX. And be it further 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 making, widening, altering, or repairing the said Roads, or levying the 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 such subsequent General Meeting shall be called, on Requisition to the Clerk, subscribed by not less than Three in Number of the said Trustees, and Notice thereof given by Advertisement in such Newspaper as aforesaid, at least Ten free Days before the Day of such Meeting, and unless such Requisition and Advertisement shall contain a Specification of such former Resolution of the Trustees, and the Time, Place, and Purpose of the Meeting at which it is to be brought under Review.

Appointment of Officers.

X. And be it further enacted, That the said Trustees in General Meeting assembled shall and may from Time to Time choose and appoint a fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors to the said Trustees, for receiving the Tolls or Duties granted and made payable by this Act, and also One or more 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 Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers, or any of them, and to appoint new ones, in the Case of the Death or Removal of them or any of them; and all and every Person or Persons who is, are, or shall be liable by this Act to pay Tolls and Duties, is and are hereby required to pay the same to the said Collector or Collectors, Receiver or Receivers, so from Time to Time to be appointed as aforesaid; and the said Trustees shall and may, and they are hereby authorized and empowered, out of the Money arising out of the said Tolls and Duties, to make such Allowances to the Officers so to be appointed by them, for and in consideration of their Care and Pains in the Execution of their respective Offices, and to such other Person or Persons who shall have been or may be assisting in making or repairing the said Roads or Bridges, by advancing or laying out Money, or otherwise as to them shall seem good, over and above the necessary Disbursements made by them.

Proceedings to be entered in a Book.

XI. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries

Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Preses of each Meeting, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings touching or concerning any thing done in pursuance of this Act; and that such Book or Books shall at all the said Meetings be open and liable to the Inspection of all and every the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words.

XII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all the Meetings of the said Trustees be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds Sterling, to be levied and recovered in manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements.

XIII. And be it further enacted, That all Officers and Persons so to be chosen and appointed as aforesaid shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing, under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, shewing how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Three Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then in every or any of the said Cases it shall be

Officers to account.

lawful for any Three or more Justices of the Peace for the County or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Trustees, and such Justices are hereby authorized and required by Warrant or Warrants under their Hands to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, (which Oath or Oaths such Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected and received shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects can be found, sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justices (unless for some sufficient Excuse alleged) at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power, relating to the Execution of this Act, then and in any of the Cases aforesaid, such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County or Place where such Offender shall be or reside, there to remain until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, and which Composition the said Trustees are hereby empowered to make, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Treasurer to  
find Security.

XIV. And be it further enacted, That the said Trustees shall be and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of his or their Offices, and for his or their faithfully accounting for all the Monies received by him or them in virtue of his or their said Offices, as to the said Trustees shall seem meet; or failing to take such Security, the Trustees making such Appointment shall be individually responsible for the Default of the Person by them so appointed.

XV. Pro-

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk, shall act as Treasurer for the said Purposes, or being the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or in case such Treasurer shall hold any other Office under this Act, together with that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds Sterling, to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts in *Scotland*, by summary Complaint.

Same Person  
not to be  
Treasurer  
and Clerk.

XVI. And be it further enacted, That it shall and may be lawful for the said Trustees in General Meeting assembled, and they are hereby authorized and empowered to erect or cause to be erected a Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, or of any Lanes or Roads which shall branch off from the same at their Junction, and also such Number of Toll Houses, with proper Gardens adjacent to such Toll Houses, as to them shall appear to be expedient, the Site of each such Toll House and Garden not exceeding the Eighth Part of an Acre, and from Time to Time to alter the Situation of such Gates or Turnpikes and Toll Houses and Gardens.

Power to  
erect Bars.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to erect or cause to be erected one or more Gate or Gates, Bar or Bars, on the Side or Sides of the said Roads, or across any Part of any Lane or Way leading out of the same, and also a Toll House, with a proper Garden adjoining to such Toll House, at such Bar or Gate, and there to take and receive such Tolls as are by this Act granted and made payable, but so as that a Ticket received at any such Side Gate or Bar shall entitle the Receiver thereof to pass through the next Gate or Bar, on the same Day and on the same Road, if within Five Statute Miles, Toll free.

Power to  
erect Side  
Bars.

XVIII. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take or cause to be demanded and taken, at the several Gates or Turnpikes which shall be erected by virtue of this Act, a Sum not exceeding the Rates and Duties herein-after specified, before any Carriage, Horse, or other Cattle shall pass through any Gate or Turnpike to be erected on the said Roads; that is to say,

Tolls.

For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other

other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, One Shilling :

And for any Number of Horses or Beasts of Draught exceeding Four, drawing any such Carriage, One Shilling and Sixpence; and if the said Trustees shall think proper, for every Horse or Beast of Draught not more than Four in Number, drawing any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, any Sum in addition to the aforesaid Rates not exceeding One Shilling more thereof :

For every Horse, Ox, or Beast of Draught, if more than Four in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, One Shilling and Four-pence :

For every Horse, Ox, or Beast of Draught, if not more nor less than Four in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, One Shilling :

For every Horse, Ox, or Beast of Draught, if not more nor less than Three in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, One Shilling :

For every Horse, Ox, or Beast of Draught, where not more than Two in Number are drawing any Waggon, Wain, or Cart, or other such Carriage, One Shilling :

For every Saddle Horse or Mule, with or without a Rider, Two-pence :

For every Ass, laden or unladen, One Halfpenny :

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

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Ten-pence; and so in proportion for any greater or less Number :

For every Drove of Horses or Fillies unshod, One Shilling and Eight-pence per Score; and so in proportion for any greater or less Number.

Tolls payable only once a Day at Gates within Five Miles.

XIX. And be it further enacted, That in case there shall be erected upon any of the said Roads any Gate or Gates, Turnpike or Turnpikes, at less Distance from each other than Five Statute Miles, then any Person or Persons producing a Ticket to show that the Tolls have been paid at any one of such Gates shall not, for the same Carriage, Horse, or other Cattle, on the same Day pay any Toll at any other Gate on the same Road, which shall be within Five Statute Miles of the former, at which the Toll denoted by such Ticket shall have been paid.

Stage Coaches, &c. liable each Time of passing.

XX. Provided always, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing any licensed Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing on the same Day, (to be computed from Twelve of the Clock at Night till Twelve of the Clock in the succeeding Night); and that the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day (to be computed as aforesaid), with a Ticket denoting a fresh Hiring.

Return Carriages may pass next Day Toll-free.

XXI. And be it further enacted, That all Horses travelling for Hire under the Post Horse Duties Act, having passed through any Turnpike Gate to be erected on the said Roads, drawing any Carriage in respect of



of which any Toll shall have been paid, or returning through the Turnpike Gate at which such Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage, or drawing such Carriage the same being empty, and without a Ticket denoting a fresh Hiring, shall be permitted to pass Toll-free, although such Horses or Carriage shall not have passed through such Turnpike Gate on the same Day: Provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they so passed the Turnpike Gate at which the Toll shall have been paid.

XXII. And be it further enacted, That the said Trustees shall put up or cause to be put up, and afterwards to be continued at every Toll Gate upon the said Roads, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls and different Sorts of Carriages for which they are to be paid; and also a List of the several Gates which shall be wholly or partially cleared by the Payment of the Toll at the Toll Gate or Bar where such Table shall be affixed.

Table of  
Tolls to be  
put up.

XXIII. And be it further enacted, That upon Payment of any of the Tolls or Duties by this Act granted, the Collector or Receiver thereof is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket, Notes or Tickets, denoting such Payment, which Note or Ticket shall be provided by the Trustees, and there shall be printed and specified thereon the Name of the Gate at which such Note or Ticket shall have been delivered, and also the Name or Names of the Gate or Gates freed by such Payment; and the Person or Persons receiving such Note or Ticket shall not be liable to pay the said Tolls or Duties more than Once for passing through the same Turnpike Gate or Turnpike Gates, and returning the same Day before Twelve [of the Clock at Night with the same Coach, Cart, or other wheeled Carriage, or with the same Horse or other Beast or Cattle; but in case the same wheeled Carriage, Horse, or other Beast or Cattle, shall pass such Turnpike Gate or Turnpike Gates with a new Loading, a Second Time or oftener the same Day, such Carriage, Horse, Beast, or other Cattle shall, in that case, be subjected to pay the Toll for each Time, in the same Manner as for the first Time. Provided always, that nothing under One hundred Weight shall be reckoned a fresh Load.

Ticket to be  
furnished.

XXIV. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, with the Name of the Toll Gate, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls, or coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters upon a

Regulation  
as to Toll  
Collectors.

Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of such Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption; or shall refuse to permit or suffer, or shall in any way hinder any Person or Persons who shall demand the same, on having paid the said Tolls or any of them; or shall in Answer to such Demand give a false Name or Names; or shall refuse or neglect to give a Ticket *gratis*, denoting the Payment of the Tolls, and naming and specifying the Toll Gate or Toll Gates freed by such Payment; or upon the legal Toll paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate; or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds Sterling for every such Offence, as the Justice or Justices, to whom the Complaint shall be made shall adjudge, to be recovered and applied in Manner herein-after directed.

For recovering Possession of Toll Houses from Collectors, &c.

XXV. And be it further enacted, That if any Collector or Receiver of the said Tolls shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person shall refuse to deliver up the Possession of any Toll House or Toll Houses, Toll Gate, Toll Bar, Chain, or Weighing Machine, Building, and Premises, to be erected by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing to be given for that Purpose by any Three or more of the said Trustees or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said County, by Warrant under his or their Hand or Hands, to order any Constable or other Peace Officer for the said County, with such Assistance as shall be necessary, to enter and take Possession of such House, Building, and Premises, Toll Gate, Bar, Chain, or Weighing Machine, in the Day-time, and to remove the Person or Persons who shall be found therein, or in Possession thereof, together with his, her, or their Goods, out of and from the same, and to put the said Trustees or any Three or more of them, or their new appointed Officer, in the Possession thereof.

Penalty on fraudulent Disposal of Ticket.

XXVI. And be it further enacted, That if any Person or Persons having paid the Tolls or Duties by this Act imposed, and being possessed of a Note or Ticket, Notes or Tickets, denoting the Payment thereof, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person so giving or disposing thereof, and the Person receiving the same, being convicted thereof upon Oath, by one or more credible Witness or Witnesses,

or his own Confession, before any one or more Justice or Justices of the Peace of the said County, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

XXVII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due pursuant to this Act, or the Charges of making, keeping, or selling any Distress, such Dispute shall be settled and determined by some Justice of the Peace for the County in which such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Settling Disputes concerning Tolls.

XXVIII. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered, by public Roup, to let the said Tolls and 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 Payment thereof as shall be approved of by the said Trustees at a General Meeting assembled; and in case no Bidder shall offer, or in Case the same shall not be let at such Auction, it shall be lawful for the said Trustees to accept a private Tender for the same, and to let or agree to let all or any of such Tolls at any Sum, not less than the Sum at or for which they shall then have been last let; or the said Trustees may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, and shall and may in that Case put them up at such Sum as they shall think fit, and if the Person or Persons, who shall be the Lessee or Tacksman, or Collector or Collectors of such Tolls, shall take a greater or less Toll from any Person or Persons than what is authorized or directed by this Act, he or they shall for every such Offence forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Trustees shall think fit to vacate the same, become and be null and void: Provided always, that at all such Lettings the Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them respectively authorized: Provided also, that no such Tolls shall be let for any longer Term than Three Years at any one Time.

Trustees may let the Tolls by Public Roup.

XXIX. And be it further enacted, That the said Tolls and Duties hereby granted and made payable, together with the Right of Property of every Gate or Turnpike, Toll House and Garden, and whole Premises to be acquired by virtue of this Act, are and shall be vested in the said Trustees, and the said Tolls and Duties, and every Part thereof, shall be paid over and applied, and assigned to and for the several Uses, Intents, and Purposes of this Act.

Tolls vested in Trustees.

XXX. And

Recovery of  
Tolls.

XXX. And be it further enacted, That if any Person or Persons liable in Payment of the Tolls and Duties by this Act granted, or any Part thereof, shall neglect or refuse to pay such Tolls and Duties to the Person or Persons appointed by the said Trustees to levy and collect the same when demanded, it shall be lawful for the Collector or Toll Gatherer, in the Event of such Neglect or Refusal as aforesaid, to seize and detain the Carriages, Horses, or other Cattle, upon which such Tolls and Duties are hereby imposed, with the Goods in or upon the same; but it shall not be lawful to seize or distrain the Bridle or Reins of any Horse or Beast separate from the Horse or Beast; and if such Tolls and Duties, or any Part thereof, together with the reasonable Charges and Expences of such Seizure or Detention, shall not be paid or discharged within the Space of Twenty-four Hours from and after such Seizure and Detention, it shall and may be lawful for the said Collector or Toll Gatherer, being authorized so to do by Warrant under the Hand of any one or more Justice or Justices of the Peace of the said County, to have the said Horses, Cattle, Carriages, or Goods, so seized and 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, with the necessary Costs of such Seizure, Detention, Appraisement, and Sale, returning the Overplus, if any, to the Owner when demanded.

Penalty on  
evading Tolls.

XXXI. And be it further enacted, That if any Person or Persons owning or occupying Lands near to any Gate or Turnpike which shall be erected in pursuance of this Act shall knowingly or wilfully permit any Person or Persons, not being of his, her, or their Family, or in his, her, or their Employ, his, her, or their Servant or Servants, to pass through the same, or through any Gate, Passage, or Way, with any Coach, Cart, or Carriage, or with any Horse, Ass, or Cattle, for the Purpose of evading the Payment of the said Tolls, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being convicted thereof by the Testimony of one or more Witness or Witnesses before any one or more of the Justices of the Peace of the said County, shall each for every such Offence respectively forfeit and pay to the said Trustees a Sum not exceeding Forty Shillings Sterling; One-half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

Penalty on  
assaulting  
Collectors.

XXXII. And be it further 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 assault any Collector of Tolls, or any other Person acting under the Authority of this Act, or of the said Trustees, 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  
taking off  
Horses.

XXXIII. And be it further enacted, That if any Person or Persons shall take off or cause to be taken off any Horse or Horses, or any Beast of Draught, from any Coach, Chaise, Chariot, Barouche, Landau, Calash, Chair, Taxed Cart, or Hearse, or from any Waggon, Wain, Cart, or other

other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, and afterwards add or put on the same with Intent to avoid paying any Tolls or Duties hereby imposed, each and every Person so offending shall forfeit and pay a Sum not exceeding Forty Shillings Sterling, One-half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

XXXIV. And be it further enacted, That the said Trustees may levy or cause to be levied, demanded, and taken at the several Gates or Turnpikes erected or to be erected on or across the said Roads, for any Waggon, Wain, Cart, or other such Carriage, drawn by One or more than One Horse or Mule, and before they shall be allowed to pass through the same, the Weight of which Carriage with the Burden or Loading thereof shall amount to Twenty-seven hundred Weight and shall not exceed Thirty-four hundred Weight, and the Fellies of the Wheels of which shall not be of a flat Surface, and measure Five Inches at least in Breadth if drawn by One, and Seven Inches in Breadth if drawn by more than One Horse or Mule, One Half more in Addition to the Tolls and Duties authorized to be levied by this Act; and if the Weight of the same shall exceed Thirty-four Hundred Weight and shall not exceed Forty-two Hundred Weight, and the Fellies of the Wheels of such Carriages shall not measure and be as above-mentioned, Double the Tolls and Duties granted by this Act; and if the Weight exceed Forty-two hundred Weight, and the Fellies of the Wheels of such Carriage shall not measure and be as above-mentioned, Treble the Tolls and Duties granted by this Act; and the Toll or Duty on such Carriages is hereby declared not to be a Penalty but the just and fair Toll Duty leviable on such Carriages.

XXXV. Provided always, and be it enacted, That for all Horses, Mules, Oxen, or other Beasts drawing all Waggons, Wains, Carts, or other such Carriages which shall have broad Wheels of the Description after specified, there shall only be demanded and taken One Half of the Tolls and Duties herein-before charged on such Horses, Mules, Oxen, or other Beasts drawing Waggons, Wains, Carts, and other Carriages respectively, provided every such Waggon, Wain, Cart, or other Carriage with Two Wheels shall have the Soles or Bottom of the Fellies of all the Wheels thereof of the Breadth of Five Inches at least, and be Cylindrical, that is to say, of the same Diameter in the Inside next the Carriage as on the Outside, and in every intermediate Part between the Inside and Outside, so that when such Wheels shall be rolling on a flat or level Surface, the whole Breadth thereof shall bear equally on such flat or level Surface, and provided that the opposite Ends of the Axletrees of such Waggon, Wain, Cart, or other Carriage, so far as the same shall be inserted in the respective Naves of the Wheels thereof, shall be horizontal, and in the Continuance of One straight Line, without forming any Angle with each other, and so that in each Pair of Wheels belonging to such Carriage, the lower Parts when resting on the Ground shall be at the same Distance from each other as the upper Parts of such Pair of Wheels, and farther having the Nails sunk level with the Rings on the Wheels; and provided every such Waggon, Wain, Cart, or Carriage with Four Wheels, the Wheels thereof being Cylindrical as before mentioned,

Cylindrical  
Wheels to  
pay a smaller  
Sum.

[Local.]

29 B

and

and having the Axletrees thereof of such different Lengths that the fore and hind Wheels shall roll only One single Surface or Path of Seven Inches and a Half wide at least on each Side of such Waggon, Wain, Cart, or Carriage; provided also, that every Person claiming the Privilege so granted to broad-wheeled Carriages shall permit the same to be examined and measured by any Person appointed by the said Trustees or concerned in the Collection of the said Tolls or Duties.

For erecting  
Weighing  
Machines.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to erect and build on or across the said Roads, or on the Side or Sides thereof, Cranes, Machines, or Engines, proper for Weighing Carts, Waggons, or Carriages conveying any Goods, Merchandize, Corn ground or unground, Coal, Lime, Stones for Building, or any other Thing whatsoever, and to order and cause all and every or any such Carriage or Carriages to be weighed, together with the Loading thereof, before allowing the same to pass through any such Gate or Gates, and if any Person or Persons shall refuse to allow the same to be so weighed, then it shall and may be lawful for the said Trustees to levy or order to be levied Treble the Tolls or Duties hereby directed to be paid for such Carriages before allowing the same to pass through such Gate or Gates.

Exemption  
from Tolls.

XXXVII. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, or Horse or other Beast, passing through any Gate or Turnpike to be erected by Authority of this Act, when employed in carrying any Stones or other Materials for the repair of the aforesaid Roads and Bridges, or of any Highways made and repaired under the Authority of any Statute Labour Act; nor for Carriages or Horses carrying off the Earth, Mud, or Road Stuff from the aforesaid Roads or Highways; nor for any Horses or Cattle going to or returning from Pasture or watering Places, or going to or returning from Smithies; nor for any Carriage, or Cattle, or Produce passing from one Part of a Farm to another Part of the same Farm; nor for any Carriages or Horses carrying any Person to or from Church, Chapel, or other their accustomed Place of religious Worship within their own Parish, on a *Sunday*, or on any other Day on which Divine Service is ordered by Public Authority to be celebrated; nor for any Horses or Carriages employed in carrying or conveying the Mails, Letters, or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or in returning after having conveyed the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls or Duties by virtue of an Act made in the Fifty-third Year of the

53 G. 3. c. 68. Reign of His late Majesty, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland; and for granting a Rate of Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Toll*; nor shall any Toll be demanded 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 the Horses or Carriages of Officers or Soldiers upon their March or upon their Duty; nor for any Horses, Cattle, or Carriages employed

employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or returning from carrying or conveying the same; nor for any Horse, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that every such Person shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations appointed for each Corps respectively; nor for Carts, Carriages, or Waggon travelling with and conveying Vagrants or Criminals sent with legal Passes or Warrants, or returning from conveying the same.

XXXVIII. 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 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.

Exemption of Carriages conveying Military Stores.

XXXIX. Provided always, and be it further enacted, That no Waggon, Wain, Cart, or other such Carriage shall be entitled to any of the Exemptions from the Payment of Tolls and Duties granted by this Act, if the Weight of such Carriage with the Burden or Loading thereon shall exceed Twenty-seven hundred Weight or upwards, unless the Fellies of the Wheels of such Carriages shall measure Five Inches in Breadth at least if drawn by One Horse or Mule, and Seven Inches if drawn by Two or more Horses or Mules, excepting always Carriages carrying His Majesty's Mails or Expresses, Carriages belonging to His Majesty or carrying Stores as aforesaid, Carriages attending Soldiers who are upon their March or upon Duty, or attending any Corps of Yeomanry or Volunteers as aforesaid, and Carts or Waggon travelling with Vagrants with legal Passes, which in no Case whatever shall be liable to any Toll or Duty.

Carriages of heavy Weights not entitled to Exemption unless they have broad Wheels.

XL. And whereas the Carron Company have agreed to supply certain Materials of fit and proper Quality for the making and repairing Roads, called Danders, towards the making the said Road from *Cross Muirhead* to *Dunipace Miln*, in sufficient Quantity for that Purpose, to the Satisfaction of the said Trustees, and without demanding any Price or Payment for the same, whereby considerable Expence will be saved to the said Trustees; be it therefore enacted, That while the said Company shall continue to supply such Materials towards the making and maintaining such Part of the said Roads, free of Expence, and in such Quantity and of such Quality as aforesaid, no Tolls or Duties shall be exigible for any Horse drawing any Waggon, Wain, Cart, or other such Carriage belonging

Exempting Carron Company.

ing to or in the Employment of the said Company, for travelling on such Road from *Cross Muirhead* to *Dunipace Miln* as aforesaid.

Penalty on wrongfully claiming Exemption.

XLI. And be it further enacted, That if any Person shall claim and take the Benefit of any of the Exemptions from Toll herein-before mentioned, 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.

Trustees may compound.

XLII. And be it further enacted, That the said Trustees, at a General Meeting assembled, may and they are hereby authorized and empowered to compound and agree, by the Year or otherwise, with any Person or Persons living near any Gate or Gates to be erected by virtue of this Act, for any reasonable Sum or Sums of Money to be paid Quarterly in advance from Time to Time, and in lieu of the Payment of the Tolls or Duties by this Act granted, and Copies of all such Compositions or Agreements to be made by the said Trustees shall be entered at length in a Book or Books to be kept for that Purpose, which shall be open to the Perusal of any Person or Persons whatever at all reasonable Times, without Fee or Reward.

Composition may be recovered.

XLIII. And be it further enacted, That if any Composition Money, agreed to be paid for passing through the said Gates or Turnpikes to be erected by virtue of this Act, shall not be paid within Fourteen Days next after the same shall become due or payable according to such Composition or Agreement, it shall and may be lawful for any Two or more of the Justices of the Peace for the County where the Person liable for such Composition resides, by Warrant under their Hands, to empower the Person authorized by the Trustees to receive such Composition, Oath being first made that the same has been demanded and remains unpaid, to levy such Composition on the Person or Persons so refusing or neglecting to pay the same in Manner herein mentioned.

Tolls may be diminished and raised again.

XLIV. And be it further enacted, That it shall and may be lawful for the said Trustees in General Meeting assembled to lower, with Consent in Writing of Two-thirds in Value of the Creditors thereon for the Time being, the Tolls and Duties hereby granted, and to raise them again, as they shall see expedient: Provided such Tolls or Duties do not exceed the full Tolls and Duties authorized by this Act to be levied and collected.

Restriction as to the Erection of Turnpike Gates.

34G.3. c.138.

50 G.3. c.16.

XLV. Provided always, 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 at the Side of, or across, or to demand or levy any Tolls at or upon any Part of the Roads described in an Act passed in the Thirty-fourth Year of the Reign of His late 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 said late Majesty, intituled *An Act for continuing the Term and altering the Powers of an Act made in the Thirty-fourth Year of His present Majesty, for making and repairing several Roads leading across the County of Stirling*; nor to erect or cause to be erected any Toll Gate or Turnpike at the Side of, or across, or to demand or levy any Tolls or Duties at or upon any Part of the Roads described



described in another Act passed in the Fifty-first Year of His late Majesty, intituled *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*; where the Roads described in the foresaid Acts do or may cross the Roads described in this Act, or lead out of the same, or where the Roads described in this Act do or may cross the Roads described in the said Acts, or lead out of the same. 51G.3.c.101.

XLVI. And be it further enacted, That it shall and may be lawful for the said Trustees at a General Meeting assembled, and they are hereby authorized and empowered to borrow, upon the Credit of the Tolls and Duties to be levied and collected by virtue of this Act, any Sum or Sums of Money not exceeding upon the Whole at any Time the Sum of Seven hundred Pounds Sterling for each Mile of the said Roads; and if at any Time any Part of the Sums to be borrowed as aforesaid shall be paid off and discharged, it shall and may be lawful to and in the Power of the Trustees to borrow other and further Sums of Money, and to burden the said Tolls and Duties with the Payment of the same: Provided always, that such after Loan or Loans shall not upon the Whole exceed the said Amount of Seven hundred Pounds Sterling for each Mile of the Roads foresaid; and it shall be in the Power of the said Trustees at a General Meeting assembled, and they are hereby authorized, to assign and make over the Whole or such Part of the Tolls and Duties to be levied and collected in manner foresaid as they shall think proper, for a Security to the Person or Persons who shall lend such Sum or Sums of Money so to be borrowed as aforesaid, or shall become Sureties for the Repayment of the same, and Copies of all such Assignments shall be inserted by the Clerk to the Trustees in a Book or Books to be kept by him for that Purpose. Power to borrow Money.

XLVII. And be it further enacted, That it shall and may be lawful for any Proprietor or Heir of Entail, in Possession of any entailed Estate, or the Tutor or Curator of such Proprietor, or Heir of Entail, through whose Lands the said Roads pass, or are intended to pass, who may be desirous of advancing or lending any Sum or Sums of Money for the Purposes of this Act, either to bind himself personally as a Trustee under this Act, and also to bind the succeeding Heirs of Entail for the Re-payment of any such Sum or Sums, to any Person or Persons who may advance the same to the said Trustees; or to advance such Sum or Sums, and to render the same a Burden upon the said entailed Estate and the succeeding Heirs of Entail; or having advanced such Sum or Sums, to borrow the like Sum or Sums, and to bind himself or herself and the said Estate, and the Heirs of Entail succeeding to him or her for the same; and all Bonds and Obligations for Money so to be advanced, borrowed, and applied for the Purposes of this Act, shall be held to bind such Proprietors, in Cases where they have personally bound themselves, and also the Heirs of Entail in such Estates for the Repayment of such Money, and such Bonds and Obligations shall be valid and effectual against the Granters of the same, and also against the Heirs of Entail succeeding to them in such entailed Estates, and such Sums shall be and continue to be a Burden on such Estates, till repaid out of the Tolls and Duties hereby granted: Provided always, that the Share or Proportion of such Sum or Sums of Money to be advanced or borrowed, affecting such Heirs of Heirs of Entail may bind their Estates.

Trustees not  
to be person-  
ally liable.

Entail, shall not exceed One Year's free Rent of such Estate; and that the Heir of Entail in Possession of such entailed Estates shall be obliged to keep down the Interest of such Sum or Sums to be advanced or borrowed, but it shall not be lawful to the Creditor or Creditors, in Right of any such Debt, to adjudge or otherways evict the entailed Estate for Payment thereof or any Part thereof: Provided also, 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: And provided further, that no Trustee shall be held or be adjudged to have rendered himself personally liable for the Repayment of any Money so to be borrowed, or Interest thereof, by reason of having signed any Assignment of the Tolls for Money borrowed as aforesaid, or for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Trustee under this Act.

Trustees to  
direct Appli-  
cation of the  
Tolls.

XLVIII. And be it further enacted, That the said Trustees in General Meeting assembled shall, out of the Monies to be subscribed for the Purposes of this Act, and the Tolls to arise at the Gates or Turnpikes to be erected on the said Roads, direct the Costs and Expences relative to the obtaining of this Act to be paid with Interest for the same, and the Remainder of all such Monies to be applied towards the making and completing and repairing and keeping in repair the said Roads, and thereafter towards the Payment of the Interest of the Sums subscribed or to be subscribed and borrowed by virtue of this Act, and then to the Re-payment of the principal Sum so subscribed or borrowed; and the Clerk to the said Trustees shall be and he is hereby authorized and required to record and enter such Order and Directions as regards the Applications of the Tolls in a Book to be kept for that Purpose.

Penalty on  
Misapplica-  
tion of Tolls.

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

Trustees may  
treat for  
Lands.

L. And be it further enacted, That for the making, altering, widening, or repairing and keeping in Repair any of the said Roads, it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Heritages that may be necessary for the foresaid Purposes, and for the Loss or Damage the Owners or Occupiers thereof, or any of them, shall or may in anywise sustain by such making, widening, turning, or altering of the foresaid Roads, and to pay out of the Monies hereby vested in the said Trustees

for the Purpose of this Act such Sum or Sums of Money as shall be agreed upon between the said Trustees and such Owners and Occupiers as aforesaid, which Roads, when made, widened, turned, or altered by virtue of this Act, shall be and remain not less than Twenty-four Feet in Width at least, exclusive of Footpaths and Ditches, and such Lands and Grounds, when so purchased as aforesaid, shall, by Order and Direction of the said Trustees, be laid into and make Part of the said Roads, in such Manner as the said Trustees shall see expedient, with proper Drains, Ditches, and Fences, and shall from thenceforth be deemed and taken as Part or Parts of the Roads to be repaired by virtue of this Act.

LI. And be it further enacted, That it shall and may be lawful for the said Trustees to cause Footpaths to be made on the Side or Sides of the said Roads, and to erect Posts to prevent any Person from riding or driving Horses, Carriages, or Cattle on the same; and if any Person or Persons shall ride or drive or cause any Horse or Carriage to be ridden or driven along any of such Footpaths, such Person or Persons shall for each Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling; and it shall be lawful for the said Trustees to cause to be built or erected Arches or Bridges of Stone, Brick, or Timber, and to cause Conduits or Drains to be made through any Grounds adjoining to the said Roads; and it shall be lawful for any Person or Persons appointed by the said Trustees at any Time to have Access to, and repair, secure, and preserve the said Conduits and Drains, without any Impediment or Obstacle whatever, and also where any Part of the said Roads shall not be of sufficient Breadth, to widen and extend the same to such a Breadth as they shall think proper, not exceeding Forty Feet.

LII. Provided always, and be it further enacted, That full Compensation shall be made to the Owners and Occupiers of all Land, 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 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 shall renounce all Claim to Damages in manner herein-after mentioned.

LIII. And be it further enacted, That if in the taking of the necessary Ground for altering and widening the Roads aforesaid, or in making the proposed new Road aforesaid, or for any Toll House or Garden, the said Trustees shall not come to an Arrangement with the respective Owner or Owners and Occupier or Occupiers of the Lands, Grounds, Houses, Walls, and Fences to be taken for the Purposes aforesaid, or for the Damage done to the same respectively, 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 shall not have been renounced in Manner herein-after mentioned, Application shall be made to the Sheriff Depute of the said County of *Stirling*, or his Substitute, to summon a Jury in order to value the Ground necessary to be taken and used, or Houses, or Parts of Houses, or other Buildings necessary

Footpaths to be made.

Compensation to be made to Owners of Lands.

In case of Disagreement as to Value of Lands.

necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing Fences; and the said Sheriff Depute or his Substitute are hereby empowered and required, upon Application, to order Notice thereof to be given to the Owner or Owners and Occupier or Occupiers of such Ground, Houses, or Premises, and afterwards to issue a Summons in the usual Manner for calling together a Jury, consisting of not more than Nine or less than Seven Persons in Number, who being duly sworn, the said Sheriff Depute or his Substitute shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned for either Party, and upon their Depositions or 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 foresaid Roads; and in ascertaining the Value of the Fences which it may be necessary to pull down, 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 Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute 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*, or *British Linen Company*, in manner by this Act directed, and upon such Payment or Consignation in any of the said Banks as aforesaid, and Twenty Days Notice thereof given to the Parties or Persons entitled to the Value of such Property or Premises aforesaid, or their Agents, or left at their respective usual Places of Abode, the said Trustees shall from thenceforth have a Right to take and use the Ground, and to take down the Houses and other Buildings and Fences, or Parts of Houses and other Buildings and Fences, so valued, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners and Occupier or Occupiers of the Grounds, Houses, or other Buildings and Fences, had executed regular Dispositions of the same, and thereupon Infestment had followed; and the said Proceedings and Orders of the said Sheriff Depute or his Substitute shall be final, and not removable by Bills or Letters of Advocation or Suspension, or by Reduction to or by any Court whatever, any Law or Usage to the contrary notwithstanding.

Expences of  
Valuation  
how to be  
borne.

LIV. 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

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, and the said Trustees equally.

LV. And be it further enacted, That if any Person summoned as a Juror or Witness under the Authority of the said Sheriff Depute or his Substitute, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, such Sheriff Depute and his Substitute is and are hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

Penalty on Juror or Witnesses failing to attend.

LVI. And be it further enacted, That it shall and may be lawful for the said Trustees, and any Person or Persons having an Order from them, to open Quarries, and dig, gather, and take and carry away any Stones or Gravel, or other Materials, out of any Waste or Common, Burn or River, within any Part of the said County through which the said Roads pass, for making and repairing the said Roads or any of them, without paying for the same; and to quarry, dig, gather, and carry away all such Materials from any Ground within the Parishes through which the said Roads are intended to pass, or Parishes next adjoining to such Parishes, paying such Damages for the same as the said Trustees shall judge reasonable, or in case of Difference, as shall be ascertained by any Two Justices of the Peace of the said County, with Power to the said Trustees and Proprietor and Occupier to appeal from the Decision of the said Justices to the next Quarter Sessions, whose Decision shall be final.

Trustees may open Quarries and take Materials.

LVII. And be it further enacted, That no Surveyor, or any other Person or Persons acting under the Authority of this Act, shall begin to dig, gather, or carry away any Materials for making or repairing the said Roads out of or from any enclosed Lands, until Six Days Notice in Writing, signed by the said Surveyor or any other Person or Persons, shall have been first given to the Owner or his known Agent, or the Occupier of the Land from which such Materials are intended to be taken, or left at such Owner's or Occupier's usual Place of Residence, to appear before any Three or more of the said Trustees, or before any Two Justices of the Peace of the said County, to shew Cause why such Materials should not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, and shall not shew sufficient Cause to the contrary, the said Trustees or Justices shall, if they think proper, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Trustees or Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended; and the Order of such Trustees or Justices shall be final and conclusive to and upon all Parties.

Notice of taking Materials to be given.

LVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or for any of their Officers and Servants, or

Saving Car-ron Com-pany's Lands.

[Local.]

29 D

for

for any other Person or Persons on their Behalf, to enter into or take from any Ground, the Property of or in the Possession of the *Carron* Company, any Ironstone, Limestone, Freestone, Clay, Sand, or other Material whatsoever, except Gravel and other Materials fit only for the Repair of the Roads, without the Consent of the said *Carron* Company, or of their principal Manager for the Time being, in Writing first had and obtained for that Purpose, any thing herein contained to the contrary notwithstanding.

Houses not  
to be injured.

LIX. Provided always, That in making, altering, or widening any of the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced of which the Side Walls are above Fifteen Feet in Height from the Surface of the adjoining Ground; nor any Orchard, Planted Walk, Avenue, Lawn or Pleasure Ground, or Plantation of Trees, planted prior to the passing of this Act, except such as shall be set out and described in the Map or Plan deposited as aforesaid, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

Ground may  
be taken for  
Repositories.

LX. And be it further enacted, That it shall and may be lawful for the said Trustees to give Orders for purchasing or taking in Lease, with the Consent of the Proprietor, such Pieces of Ground adjacent to the said Roads, not exceeding One Eighth Part of an Acre, as shall be judged most convenient for making or erecting 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 to be laid as little as possible on the said Roads until they are to be used for the repairing or amending the same.

Heirs of  
Entail may  
renounce  
Claims of  
Damage.

LXI. Provided always, and be it further enacted, That it shall and may be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, to give up and renounce every Claim of Damage, or otherwise, competent to them in regard to the whole Matters aforesaid, and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

Incapacitated  
Persons  
empowered  
to sell.

LXII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person or Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered to sell, feu, let, and convey all such Lands or Houses as may be necessary for the making, altering, and 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 shall be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers, or as shall be settled and determined in Manner aforesaid.

Lands how  
to be vested  
in Trustees.

LXIII. And be it further enacted, That all Lands, Tenements, or Heritages which may be acquired by the said Trustees in pursuance of this Act, shall

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 any one of the said Banks in Manner herein directed with regard to Consignation, as the Case may be; and it shall be sufficient to record the Discharge or Voucher of Consignation in the Sheriff Court Books of the said County of *Stirling*, 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 a regular Disposition of the same, and Infestment had followed thereupon.

LXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, and 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, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, 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 meantime 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 said Lands, Tenements, and Heritages, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
of Compensation where  
exceeding  
200*l.*

LXV. 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

Where under  
200*l.* and  
exceeding  
20*l.*

Lands,

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 Three or more of the said Trustees, (such Nomination and Appointment 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 described, so far as the Case may be applicable.

Application where the Money is less than 20l.

LXVI. 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 Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

LXVII. 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 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 Three or more of them, to order the said Sum of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages [describing them], subject to the Order, Controul, and Disposal 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 by a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the 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 Banks as aforesaid.

LXVIII. And



LXVIII. 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 the 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.

Where  
Question  
shall arise  
touching the  
Right to  
such Money.

LXIX. 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 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.

Court may  
order Ex-  
pences of  
Purchases  
to be paid by  
Trustees.

LXX. And be it further 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 Gate or Turnpike 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 Owner or Owners, Occupier or Occupiers thereof, the Price shall be fixed by a Jury in Manner before mentioned; and in case any Person 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 said County 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.

LXXI. And be it further enacted, That in case the Road so altered as aforesaid, or a new Road and the Road to be shut up or old Road

[Local.]

29 E

Old Road, to  
be allotted to  
the Owner of  
adjoining  
Lands.  
shall

shall both pass through the Grounds of the same Proprietor, and 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, on making Payment for the same; and in case the new Road and the old Road do not both pass through the Ground 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 Oath 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 Gate, Toll House, and Premises, or Place for 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 any Agreement about the Value of such Ground, the same shall be determined in Manner as before mentioned with regard to 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 comprised in the said old Roads, Situation of old Toll Gates, 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.

Land taken  
not to di-  
minish the  
valued Rent.

LXXII. 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 Land from which such Grounds shall be taken.

Distance of  
Houses, &c.  
from Centre  
of the Road.

LXXIII. And be it further enacted, That 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 to the Centre of any Part of the said Roads than Twenty-five Feet; and in case any Person shall presume so to build any Dwelling House or other Building, or plant Trees, nearer to the Centre of any Part of the said Roads, it shall be in the Power of the Trustees to cause an Action to be brought against such Offender or Offenders for having the said Houses or Buildings taken down and removed, and the planted Trees removed; and it shall be in the Power of the Judge or Judges before whom the said Action shall be brought, to fine and amerciate the Offender or Offenders in a Sum not exceeding Five Pounds Sterling over and above the Expence of removing such Houses, Buildings, or planted Trees as aforesaid.

Intimation to  
be made to  
Trustees of  
Buildings on  
Sides of  
Roads.

LXXIV. 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 any Buildings erected thereon, the Proprietors or Tenants so intending to enclose or build shall lodge an Intimation in Writing of such  
their

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; and in case any Fence Wall or Building shall be erected without such Notice given, the same shall be pulled down and demolished at the Expence of the Person or Persons erecting the same.

LXXV. And be it further enacted, That the said Trustees shall cause the said Roads to be measured, and Milestones to be erected, as also Guide or Direction Posts to be placed at the Cross Roads or Lanes branching from the main Roads. Roads to be measured and Milestones erected.

LXXVI. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction Post erected or fixed or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footpath formed by the said Trustees upon or on the Side of or adjoining the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Footpath, or shall leave or suffer any Horse, Beast, Cattle, Sheep, or Swine to graze, or be and remain loose on the said Roads or any Part thereof; or if any Person shall cause to be drawn upon any Part of the said Roads any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof, or to project on either Side of the said Carriages more than Thirty Inches beyond the Wheels thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the said Roads, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage or a Rider on Horseback shall not keep his or her Carriage on his or her Left or Near Side of the said Roads, and also keep on the same Side himself, or if any other Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her on any Carriage under his or her Care upon the said Roads; or if any Person leading or driving on the said Roads any Horse, Mule, Ass, or other Beast carrying any Rod or Bar of Iron, Basket or Pannier, or other Matter or Thing, so that the same or any of them shall project more than Thirty Inches beyond either Side of such Horse, Mule, Ass, or other Beast; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Football or any other Game or Games on any Part of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage (except in case of Accident) upon or on the Side of any of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not, during such Time, be drawn up to the Side of the said Road as near as conveniently may be; or if any Person, after having blocked or stopped any Waggon, Cart, or other Carriage, in going up any Hill or rising Ground, shall not immediately remove from the said Road the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; For abating Nuisances.  
or

or if any Blacksmith or other Person occupying a Blacksmith's Shop situated near the said Roads shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Roads, or on the Side or Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Roads, or the Sides thereof; or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Grounds, and be carried away without being brought over any Part of the said Roads, or that the same may be done at such Times and under such Regulations as the Trustees shall direct and order, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings Sterling, to be recovered and applied in the same Way as other Penalties are by this Act directed to be recovered and applied.

For securing  
transient  
Offenders.

LXXVII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, Workmen, or other Persons appointed or employed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, Workmen, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County or Judge Ordinary of the Bounds where the Offence or Offences shall be committed, who shall forthwith examine and discharge or commit such Person or Persons till Caution *de judicio sisti* be found, as the Case may require.

Penalties on  
injuring  
Gates, &c.

LXXVIII. And be it further enacted, That if any Person or Persons shall break down, damage, or destroy, or attempt to break down, damage, or destroy any Turnpike Gate, Toll House, Post, Chain, or Bar, or any of the Bridges, Parapets, or Lodges, or other Erection whatsoever, on the Line of the said Roads, or vested in the said Trustees, or shall rescue or attempt to rescue any Person guilty of any of the Offences aforesaid, such Person or Persons offending as aforesaid shall be obliged to pay for all Damages incurred, and shall also forfeit and pay a Sum not exceeding Ten Pounds Sterling, and in default of making Satisfaction for the said Damages, and paying the Fine as aforesaid, such Person or Persons shall be imprisoned in the Common Gaol of the said County, for any Time not exceeding Three Calendar Months.

Gates to open  
inwards.

LXXIX. And be it further enacted, That no Door or Gate of any Building, Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or any Footpath belonging thereto, or be suffered to continue so to open, unless the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Roads, as that no Part of such Door or Gate shall, when open, project over any Part of such Roads or Footpaths, and the Occupier or Occu-  
piers

piers of any Building, Park, Paddock, Field, or Inclosure having any Door or Gate opening outwards, contrary to the Meaning of this Act; shall within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the said Trustees or their Surveyor, or other Officer, cause such Door or Gate to be hung, so that no Part of the same when open shall project over any Part of the said Roads or Footpaths, and in Default thereof the said Trustees or their Surveyor, or other Officer, is hereby authorized to cause the Door or Gate to be hung according to the Intention of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace for the said County, and upon Conviction upon the Oath of One credible Witness, pay to the said Trustees, or their Surveyor or other Officer, such Sum as the said Justice or Justices shall direct to defray the Expence of making the Alteration, and hanging such Door or Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

LXXX. And be it further enacted, That at proper Seasons of the Year all Hedges growing upon the Sides of any Part or Parts of the said Roads shall be lopped and kept at a Height not exceeding Four Feet from the Root of the said Hedges, and all Trees growing upon the Sides of the said Roads, and which shall shadow and overhang the said Roads, shall have their Branches properly lopped and cut; and in case the Owner of such Hedges or Trees shall refuse or delay, when required upon Notice of Three Weeks at any Time between the First Day of *October* and the last Day of *April* in every Year, so to lop and cut the same, then it shall be lawful for and the said Trustees are hereby authorized and empowered to cause the same to be lopped, pruned, or cut, as the Case may require, and the Expence attending the same shall be levied on the said Owner or Owners so refusing as aforesaid, in the same Manner as other Penalties and Forfeitures imposed by this Act are directed to be levied, and such Owners and Occupiers shall be obliged to carry the Brushwood or Branches of Trees, which may be so lopped or cut off the Roads, and out of any Drains or Ditches adjoining thereto, within Three Days after being so lopped or cut, under a Penalty not exceeding Forty Shillings Sterling for each Offence: Provided always, that nothing herein contained shall authorize the said Trustees to lop or cut any Trees of Ornament or Shelter to a Dwelling House, or in any Garden, Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground, or Plantation of Trees planted prior to the passing of this Act.

Hedges to be lopped.

LXXXI. 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 Three or more of them, to make such Trenches, Ditches, or Drains, with proper Passages and Outlets for the same, through any Lands, the same not being a Garden, Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground, or Plantation of Trees planted prior to the passing of this Act, contiguous to the said Roads, as they shall judge necessary for the better repairing and upholding the said Roads, and for carrying 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 by the Trustees, or that the Owner or Occupier of the Ground already has or hereafter shall, for the Benefit of the Lands, make such Ditches or Drains

Ditches may be made.

contiguous to the Roads, such Owner or Occupier 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 Three of them, so as the Outlets may not be stopped or made to re-stagnate in the said Ditches or Trenches, but may have free Passage through the said Grounds; and in case of such Owner or Occupier neglecting or refusing to clear and cleanse such Outlet and Passage, when thereto required by the Surveyor or Surveyors of the said Roads, or any Person duly authorized by the said 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 Owner or Occupier in Manner hereinafter mentioned.

Drains to be kept clean.

LXXXII. And be it further enacted, That the Owners or Occupiers of all Houses built or to be built on the Sides of the said Roads shall be obliged to keep the Drains in front of such Houses at all Times properly cleaned and cleared out, and failing thereof after Three Days Notice given them for that Purpose, it shall be in the Power of the Trustees to cause such Drains to be cleaned and cleared out at the Expence of the Occupiers of such Houses, the Amount of which shall be recovered as herein-after mentioned.

Head Ridges to be made along the Sides of the Road.

LXXXIII. And be it further enacted, That from and after the passing of this Act every Person ploughing any uninclosed Land contiguous to any of the said Roads shall make Head Ridges along the Sides of the said Roads of the Breadth of Eighteen Feet at least, and every Person neglecting or failing so to do shall for every such Neglect or Failure forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Side of the said Roads of the Land so ploughed without Head Ridges having been made, to be levied, recovered, and applied in Manner herein-after directed; 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 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 to any Three 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 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 of the said Roads, nor conduct any Watercourse 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 the said Trustees at a General Meeting assembled; and every such Occupier shall be obliged to carry the Water across the Roads 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.

Subscriptions to be paid.

LXXXIV. And be it further enacted, That if any Person or Persons who have become Subscribers towards defraying the Expence of passing this Act, and carrying the Purposes thereof into Execution, shall neglect or refuse to pay the Whole or any Part of such Subscription Money when required so to do by a written Notice, subscribed by the Treasurer to

the said Trustees, and left at the Dwelling House or ordinary Residence of such Subscriber or Subscribers aforesaid, and that within Fifteen Days from and after the Notice so to be left as aforesaid, then and in every such Case it shall be competent for the said Trustees to cause to be brought in the Name of their Treasurer aforesaid an Action or Actions for Recovery thereof in any Court competent, within that Part of *Great Britain* called *Scotland*: Provided nevertheless, that the Money so subscribed and paid as aforesaid shall be repaid with the legal Interest thereof out of the Monies allowed to be borrowed in virtue of this Act, or out of the Tolls and Duties allowed to be levied and collected by Authority of the same; and until such Repayment as aforesaid, the Money so advanced by the Subscriber, with the legal Interest thereof, shall be a Lien and Burden on such Tolls and Duties.

LXXXV. And be it further enacted, That the Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name either of their Clerk or Treasurer for the Time being, and 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; and every such Clerk or Treasurer in whose Name any Action shall be raised, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs, Damages, Charges, and Expences, as he shall be put to by reason of his being so made Pursuer or Defender therein as aforesaid, such Clerk or Treasurer having an Order in Writing from the said Trustees, giving Directions for, or consenting to the commencing, prosecuting or defending such Action.

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

LXXXVI. And be it further enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching 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.

Collectors may give Evidence.

LXXXVII. And be it further enacted, That any Trustee appointed to put this Act into Execution, who is or shall be in the Commission of the Peace for the said County, shall and may act as a Justice of the Peace within the same, for more effectually putting into Execution the several Authorities and Powers in this Act mentioned and contained, notwithstanding such Justice of the Peace is or shall be a Trustee as aforesaid, or a Creditor upon the Tolls.

Trustees may act as Justices.

LXXXVIII. And be it further enacted, That all Tolls and Duties, and all Expences, Penalties, and Forfeitures by this Act imposed, the Recovery whereof is not otherwise herein provided for, may be recovered by summary Complaint, at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of the Peace for the said County, and the Fact or Facts being verified or proved by the Confession of the Party or by the Oath or Oaths of One or more credible Witness or Witnesses, which Oath or Oaths such Justices are hereby authorized to administer, or by any other satisfactory Evidence, the said Justice or Justices is and are hereby authorized and required to grant Warrant for distraining the readiest moveable Goods or Effects

Recovery of Penalties.

Effects of the Defaulter or Offender, and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the Overplus Money (if any there be), upon Demand, to the Owner of such Goods or Effects, after such Tolls, Penalties, and Forfeitures, the Expence of the Warrant, and the reasonable Charges of distraining, keeping, and selling such Goods or Effects 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 in case such Tolls, Penalties, Forfeitures, and Fines respectively shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Defaulter or Offender so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, or until such Defaulter or Offender shall give sufficient Security to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants, not being more than Seven Days from the Time of taking such Security; but if upon the Return of such Warrant or Warrants it shall appear that sufficient Distress cannot be found, or such Tolls, Expences, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands to cause such Defaulter or Defaulters, Offender or Offenders, to be committed to the Common Gaol of the said County, there to remain for any Time not exceeding Six Calendar Months, unless the said Tolls, Expences, Penalties, and all reasonable Charges, shall be sooner paid and satisfied.

Appeal.

LXXXIX. 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, it shall and may be lawful for him, her, or them to appeal to the Justices of the Peace for the said County in their General Quarter Sessions assembled, within One Calendar Month from the Date of the said Sentence, and such Justices at their General Quarter Sessions assembled are hereby authorized and empowered to hear and determine the Matters in Dispute, and their Decision shall be final and conclusive, and the Proceedings of the Justices so assembled in Quarter Sessions shall not be subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

Limitation  
of Actions.

XC. Provided always, 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 is done or committed, and not afterwards.

Public Act.

XCI. And be it further 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.

XCII. 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.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1823.