ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 16.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts passed in the Thirty-fourth and Thirty-seventh Years of His present Majesty, for making and repairing certain Roads in the Counties of *Clackmannan* and *Perth*; and for making and keeping in Repair several other Roads communicating therewith.

[5th *April* 1805.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, "An Act for "making and repairing certain Roads in the Counties of "*Clackmannan* and *Perth*:" And whereas another Act was passed in the Thirty-seventh Year of His present Majesty, intituled, "An Act "for altering and amending, and enlarging the Term and Powers of an "Act, made in the Thirty-fourth Year of His present Majesty's Reign "for making and repairing certain Roads in the Counties of *Clack-*"*mannan* and *Perth*:" And whereas the Trustees appointed by the said Acts have borrowed considerable Sums of Money on their own personal Security, and on the Credit of the Tolls thereby granted, and have made great Progress in the Execution of the said Acts; but the said Roads cannot be effectually amended and kept in Repair, nor the Money so borrowed repaid, unless the Term of the said Acts be enlarged, the Tolls increased, and further and other Powers granted: And whereas it would be of great Advantage to the Public if the Road, branching from the said Turnpike-Road at or near to the Distillery of *Kilbagie*, in the Parish of *Clackmannan*, and to be conducted in a North-east Direction, by the East End of *Garstang-Dam*, through the Parish and County of *Clackmannan*, until it joins the New Turnpike-Road

Act 34 G. 3. recited.

37 Geo. 3.

New Roads.

Road leading from *Alloa* to *Kinross*, at or near the Farm of *Gartlove*, were made and kept in Repair, under the Powers and Provisions of the said recited Acts and this Act: And whereas the Trustees are empowered by the said recited Acts to make and repair the Road from the West End of the Town of *Alloa* to *Cambus*, and to make and repair another Road from the North of the Town of *Tullibody* by *Banchry Loan*, and from thence Eastward to the *Collyland* in the Parish of *Alloa*, but which Roads the Trustees have not yet been enabled to make: And whereas great Advantage would be derived to the Public, if the said Road from *Alloa* to *Cambus* were continued from the Village of *Cambus* in a North-West Direction, until it joins the great Turnpike-Road from the Long Causeway of *Stirling*, at or near to a House possessed by *Andrew Black*, and if the Road from the North of the Town of *Tullibody* by *Banchry* to *Collyland*, were continued Eastward from thence through the Lands of the Estate of *Alloa*, until it joined the Road leading from the Town of *Alloa* to *Alva*, and from thence Eastward until it joined the Road leading to the *Devon* Iron-Works: May it therefore please your Majesty, that it may be enacted, and be it enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act, the Terms granted by the said recited Acts shall be repealed; and that all and every the Powers, Authorities, Articles, Rules, Penalties, and Forfeitures therein contained (except such of them, or such Parts thereof, as are hereby varied, altered, or repealed, or as are repugnant to any of the Provisions contained in this Act); and also this present Act shall continue in full Force and Effect for the Term herein-after mentioned, and shall extend to the said new or additional Branches of Road herein-before described, for the Purpose of making, amending, widening, and repairing the same, and as fully to all Intents and Purposes, as if the said Powers, Authorities, Articles, Rules, Penalties, and Forfeitures, were re-enacted in the Body of this Act; which said Term hereby granted, shall be, and is hereby declared to be, subject and liable to the Payment of the Monies now due on the said Roads, on the Credit of the said recited Acts, or either of them, or which shall, or may hereafter be borrowed or become due on the Credit of this Act, and all Interest due, and to become due for the same respectively.

Continuation of Cambus Road to Collyland.

Terms repealed, and Powers further continued, and extended to new Roads.

Subject to the Monies already borrowed.

Trustees of former Acts to execute this Act.

II. And be it further enacted, That the Powers and Authorities given to the said Trustees appointed by, or in pursuance of the said recited Acts, shall and may be exercised by any Three or more of them, any Thing in the said Acts to the contrary notwithstanding.

Meetings of Trustees.

III And be it further enacted, That the said Trustees shall meet at *Clackmannan*, on the Third *Tuesday* after the passing of this Act, and proceed in the Execution thereof, and of the said recited Acts; and that there shall thereafter be General Meetings of the said Trustees, held at *Clackmannan* or *Alloa*, upon the First *Wednesday* of *March*, and the First *Wednesday* of *October* in each Year: Provided always, That if at any Time it shall be thought necessary, by any Three Trustees, that a General Meeting should be held, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by any Three Trustees

tees, (although not assembled at a Meeting,) mentioning the Time, Place, and Purpose of such Meeting, shall forthwith affix, or cause to be affixed, Notice thereof on all the Turnpike Gates then standing on the said Roads, at least Six Days before such Meeting; and it shall be in the Power of the said Trustees to adjourn such General or Occasional Meetings, to such Times and Places as they shall think proper, any Thing contained in the said recited Acts to the contrary notwithstanding.

Road from Cambus, at the Town of Alloa, to be altered

IV. And whereas that Part of the before-mentioned Road, from *Alloa* to *Cambus*, where it enters the Town of *Alloa*, is extremely narrow, circuitous, and dangerous to Travellers; and it would be of great Advantage to the Public, that that Part of the said Road should be widened, diverted, and altered: Be it therefore enacted, That it shall and may be lawful to and for the said Trustees to widen or alter that Part of the said Road from *Alloa* to *Cambus*, and to conduct the same in a new Direction, by the Old School of *Alloa*, until it joins the Street called the *Coalgate*; and to cause such new Road to be made of such sufficient Breadth as they may think proper, not exceeding the Breadth of Forty Feet; and, for that Purpose, to pull down and remove the Houses, and other Premises described in the Schedule hereto annexed, and to lay the Scites thereof, or so much thereof, as the said Trustees shall think necessary into the said new Road, and to treat, contract, and agree with the Owners, Liferenters, and Persons entitled to the several Houses and other Premises, for so much and such Part of the said Houses and Premises, and so much and such Part of the Ground belonging to such Houses and Premises, or on which the same stand, as shall be sufficient and necessary for the Purposes aforesaid, for the absolute Purchase thereof.

Misnomers not to prevent the Execution of the Act.

V. Provided always, and be it further enacted, That if any or either of the Houses and other Premises mentioned in the Schedule to this Act annexed, or the Persons in whose Possession they are stated to be, shall happen to be Misnamed, or not properly described, such Misnomer, or inaccurate Description, shall not prevent or retard the Execution of this Act; but the same Houses or other Premises shall, and may be taken and used for the Purposes of this Act, in such, and the same Manner, in all Respects, as if the same were properly and accurately named and described.

Power to incapacitated Persons to sell and convey.

VI. And be it further enacted, That it shall, and may be lawful, to and for all Bodies, Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, Idiots, furious or other Persons, and to and for all and every other Person or Persons whomsoever, who are, or shall be seised, possessed of, or interested in any Lands, Houses, Tenements, or other Hereditaments, to sell and convey to the said Trustees, all, or any such Lands, Houses, Tenements, or other Hereditaments, or any Part thereof, and all their Right and Interest in the same, for the Purposes aforesaid: And that all Contracts, Agreements, Sales, or other Conveyances so made, shall be valid to all Intents and Purposes, any Law, Statute, or Usage, to the contrary notwithstanding; and that all Trustees, Heirs of Entail, Tutors or Curators, Corporations, Proprietors, Incumbrancers,

and all other Persons, are, and shall be indemnified for what they shall do by virtue or in pursuance of this Act.

If Proprietors refuse to treat, Price to be fixed by a Jury.

VII. Provided always, nevertheless, and be it enacted, That if the said Trustees cannot agree with any Person or Persons, Bodies Politic or Corporate, whose Properties may be required for making the said new intended Road and Communication, then the Trustees shall proceed to have the Prices or Recompence of such Premises ascertained by a Jury, in the same Manner as is prescribed by the said recited Acts, for ascertaining the Value of Houses and Grounds required for the Roads thereby authorized to be made: and all the Clauses, Powers, Directions, and Regulations for purchasing, conveying, and obtaining Possession, and for ascertaining, searching, investing, and paying the Purchase Money of Buildings, Grounds, Lands, and Hereditaments, purchased for the Purpose of the said recited Acts, shall extend, or be construed to extend, and be used and exercised by the said Trustees, for the Purposes of this Act, in the same Manner, and to all Intents and Purposes whatsoever, as if the same, and every of them, were herein inserted and enacted.

Application of Compensation where exceeding 200 *l.*

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts, and 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*, to the Intent that such Money shall be applied, under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used, as aforesaid, stood settled or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing undetermined and capable of taking Effect; and, in the mean Time, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Here-

Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

IX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall, at the Option of the Perſon or Perſons for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his or 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 Approbation to be ſignified in Writing, under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Intereſt ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable.

Application where the Money is leſs than 20l.

X. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before-mentioned, ſhall be leſs than Twenty Pounds, then, and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles; or if Perſons cannot be found. Purchaſe Money to be paid into the Bank.

XI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited Acts or 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 Hereditaments, 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 or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is

is hereby empowered, in a ſummary Way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

XII. 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 the ſaid recited Acts, or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, 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 Hereditaments, 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 Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XIII. 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 Hereditaments, to be purchaſed under the Authority of the ſaid recited Acts, or 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 Hereditaments, 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 or the ſaid Acts, 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.

Preſent Footpaths may be repaired, and new ones made.

XIV. And be it further enacted, That it ſhall be in the Power of the ſaid Truſtees to order the preſent Footpaths, already made on the Sides of the Road from *Cauſeway-head* to *Newmill Bridge* to be repaired, and kept in Repair, and to order Footpaths to be made upon the Sides of the ſaid New Branches of Road, where they can conveniently be done.

XV. Pro-

Additional Roads not to be made until a sinking Fund be provided.

XV. Provided always, and be it further enacted, That it shall not be in the Power of the said Trustees to begin to make, widen, repair, or alter, any of the New Branches of Road herein before described, or to take down, demolish, purchase, or acquire any Houses, Lands, Tenements, or Hereditaments for that Purpose, until the respective Heritors interested in such new or additional Roads shall have made and subscribed, and lodged with the Sheriff-Clerk of the said County of *Clackmannan*, a Bond or Bonds or other proper Obligations binding themselves, and their Heirs, to pay Yearly to the Treasurer for the said Trustees a Sum not less than Three Pounds *per Centum* of the total Expence of making, repairing, widening, or altering, and completely finishing the said respective new or additional Branches of Road, for the Purpose of forming a sinking Fund to be applied towards the gradual Payment and Reduction of the Debts necessary to be contracted, for the Purpose of making the said new additional Branches of Road; and it shall not be lawful for the said Trustees or Heritors to appropriate or apply the said Sum so set apart as a sinking Fund, or the Interest that may from Time to Time arise therefrom, for any other Purpose than the Extinction or Diminution of the said Debts: And it is hereby declared, That the Bonds or Obligations so to be granted shall be valid and effectual against the Heirs, whether of Line, Tailzie, or Provision, of the respective Heritors, Granters thereof; and also against their singular Successors in the Lands through which the said respective Branches of Road shall be made, any Law or Practice to the contrary notwithstanding.

Trustees may erect Turnpikes on new Roads, making Satisfaction to Owners.

XVI. And be it enacted, That the said Trustees, at a General Meeting assembled, shall have Power and Authority to erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in or across any Part or Parts of the said new Branches of Road in this Act described, or across any Lane or Way leading out of the same; and also to erect or build, or cause to be erected or built, such Number of Toll-Houses as they shall think fit, with proper Yards or Gardens for the same, not exceeding One fourth Part of an Acre for each Toll-House and Garden, on making Satisfaction to the Owners or Occupiers of the Ground taken for these Purposes in the Manner directed by the said recited Acts; and to demand and take thereat the several Tolls and Duties by this Act authorised to be taken and levied: Provided always, That Travellers passing along any of the said new Branches of Road shall not be chargeable with, or liable to pay at more than one Toll-Gate on the same Day, whatever Number of Turnpikes or Side-Gates the said Trustees may find it necessary to erect on such Branch of Road.

Former Tolls repealed, and new Tolls granted.

XVII. And be it further enacted, That the several Tolls granted and made payable in and by the said recited Acts, or any of them, shall, from and after the Commencement of this Act, cease and be discontinued, and in Lieu and Stead thereof, the several Tolls hereinafter mentioned shall, during the Continuance of this Act, be collected and taken by such Person or Persons as the said Trustees shall, from Time to Time, appoint to receive the same at the several and respective Toll-Gates and Turnpikes already set up and erected, or which may hereafter be set up and erected upon the said Roads, or across any Lanes

Lanes or Ways leading into the ſame, before any Cattle or Carriage ſhall be permitted to paſs through the ſame (that is to ſay):

Tolls.

For every Coach, Berlin, Chariot, Landau, Chaiſe, Calaſh, Hearſe, or any other four-wheeled Carriage drawn by Six or more Horſes, Mares, Geldings, or Mules, the Sum of Six Shillings and Sixpence Sterling; and drawn by four Horſes, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling; and drawn by one Horſe, Mare, Gelding, or Mule, the Sum of One Shilling and Threepence Sterling:

For every Chaiſe, Curricle, Chair, or other ſuch like Carriage, drawn by two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling; and drawn by one Horſe, Mare, Gelding, or Mule, the Sum of One Shilling Sterling:

For every Taxed Cart drawn by One Horſe, the Sum of Ninepence Sterling:

For every Waggon, Wain, Cart, or other ſuch like Carriage, drawn by Six or more Horſes or other Beaſts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horſes or other Beaſts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Four Shillings Sterling; and drawn by Three Horſes or other Beaſts of Draught the Sum of Three Shillings Sterling.

For every Waggon, Wain, Cart, or other ſuch like Carriage, drawn by One Horſe or other Beaſt of Draught, where any ſuch Carriage, and the Loading thereof, taken together, ſhall not exceed Fifteen Hundred Weight, the Sum of Fourpence Sterling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Sixpence Sterling; and where ſuch Carriage and Loading ſhall exceed Fifteen Hundred Weight, and ſhall not exceed Twenty Hundred Weight, the Sum of Fourpence Halfpenny Sterling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Sixpence Halfpenny Sterling; and where ſuch Carriage and Loading ſhall exceed Twenty Hundred Weight, and ſhall not exceed Twenty-five Hundred Weight, the Sum of Fivepence Sterling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Sevenpence Sterling; and where ſuch Carriage and Loading ſhall exceed Twenty-five Hundred Weight, and ſhall not exceed Thirty Hundred Weight, the Sum of Fivepence Halfpenny Sterling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Sevenpence Halfpenny Sterling; and where ſuch Carriage and Loading ſhall amount to Thirty-one Hundred Weight, the Sum of Sixpence Sterling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Eightpence Sterling; and for every One Hundred Weight which ſuch Carriage and Loading ſhall weigh above Thirty-one Hundred Weight, the Sum of One Penny Sterling:

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

For every Drove of Oxen, or neat Cattle, the Sum of One Shilling and Eightpence *per* Score; and so in Proportion for any greater or less Number:

And for every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Tenpence Sterling *per* Score; and so in Proportion for any greater or less Number.

Limitation in Favour of Broad Wheels.

XVIII. Provided always, and be it further enacted, That every Waggon, Wain, Cart, or such like Carriage, as aforesaid, having the Fellies of the Wheels thereof of the Breadth of Six Inches, or upwards, and being cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, and in every intermediate Part between the Inside and Outside, so that, when rolling on a flat Surface, the whole Breadth of such Fellies shall bear equally on such flat Surface, that the opposite Ends of the Axle Trees of such Carriages, as far as the same shall be inserted into the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line; so that in each Pair of Wheels belonging to such Carriages, the lower Parts, which shall rest on the Ground, shall be at the same Distance from each other as the upper Part of the said Pair of Wheels, shall be chargeable with only two-third Parts of the Toll herein before granted upon any Waggons, Wains, or other such-like Carriages, Provided also, that every Person, claiming the Privilege hereby granted to Broad-wheeled Carriages, shall permit the same to be examined and measured by any Person concerned in the Collection of the said Tolls.

Persons and Things exempted from Tolls.

XIX. And be it enacted, That the Exemptions granted by the said first recited Act, shall be, and the same are hereby repealed; and that no Toll shall be demanded for and in respect of Carriages, Horses or Cattle, employed in carrying Materials for making or repairing Roads, Bridges, and Toll-Houses, in the said Counties, or Cattle, Horses or Carriages, laden or unladen, passing from one Part of a Farm to another, or laden with Implements of Husbandry, or Carriages returning empty after carrying the same, or carrying any Person to or from any Church, Chapel, or any Place of religious Worship belonging to or situated within the Parish where such Person resides, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried within the Parish; or carrying any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for Horses or Cattle going to or returning from their usual Places of Pasture or Watering, or going to Smithies for the Purpose of being shod, or returning therefrom; or for Horses or Carriages of whatsoever Description employed, or to be employed, in conveying the Mails or Expresses, under the Authority of His Majesty's Postmaster-General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; nor for the Horses of Officers or Soldiers who are upon their March or on Duty, or for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in conveying any sick

wounded or disabled Officers or Soldiers; nor for Carts or Carriages or Waggons travelling with Vagrants sent with legal Passes; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings Sterling.

Carts employed in Husbandry not liable to additional Tolls.

XX. Provided always, and be it further enacted, That no Carts, Waggons, or other Carriages, employed in Husbandry only, or in carryingManure, for Land, Hay, Straw, Fodder, or Corn in the Straw, shall be liable to pay the said additional Toll or Tolls, for Over-weight, any Thing herein to the contrary notwithstanding.

Clause exemptingCoal repealed.

XXI And be it further enacted, That so much of the said recited Act, of the Thirty-seventh Year of His present Majesty, as directs, that any Horse or other Beast, or any Cart, or other Carriage loaded with Coals, passing through the Turnpike Gate, at or near *Banchry Loan*, or through any other of the Gates or Turnpikes erected, or to be erected, on the Line of Road from the *Long Causeway* of *Stirling* to *Newmill Bridge*, should be liable to the Payment only of One Half of the Rates or Duties payable for Horses, or other Beasts, Carts, or other Carriages respectively, not so laden, or not thereby specially exempted, shall be, and the same is hereby repealed and made void.

No Composition or Exemption from Tolls, on account of Over-weight, unless in Broad-wheeled Carriages.

XXII. Provided nevertheless, and be it further enacted, That no Composition shall be made for Tolls, for or in respect of any Waggon, Cart, or such like Carriage, or of any Horses or other Beasts drawing the same, where such Carriage or Carriages shall, with its Loading, exceed Thirty-one Hundred Weight, unless such Carriage or Carriages have the Fellies of the Wheels thereof, of the Breadth or Gauge in this Act before specified, and unless the Nails in such Fellies are countersunk, so as not to rise out of the Surface; nor shall any Composition be made for Tolls, for or in respect of any such Carriage or Carriages, which, together with the Lading thereof, shall be of greater Weight than is allowed by this Act, to such Carriage or Carriages.

Ford at Newmill to be shut up.

XXIII. And whereas there is a certain Ford acrosS the Water of *Newmill*, called *Blather Burn*, near the Turnpike at *Newmill Bridge*, within High Water Mark, which People are in the Custom of using, to the Danger of their Lives, with a View to evade the said Turnpike; be it enacted, That it shall and may be lawful to and for the said Trustees to destroy, suppress, or shut up the said Ford, and to declare the same to be shut up, by public Notices, to be affixed on the Turnpike Gates, betwixt *Causewayhead* and *Newmill Bridge* aforesaid; and in case any Person or Persons shall afterwards pass, or cause any Horse, Cattle, or Carriage, to pass at the said Ford, and be thereof convicted, on the Oath of One or more credible Witness, or Witnesses, he, she, or they, shall forfeit the Sum of Twenty Shillings Sterling, for every Person, Beast, or Carriage passing the said Ford; which Penalties shall be recovered, levied, and applied in the same Manner as other Penalties and Forfeitures are directed by the said former Acts, to be recovered, levied, and applied.

XXIV. And

Providing Repositories for Materials.

XXIV. And be it further enacted, That the said Truſtees, or their Contractors or Overſeers, ſhall be, and are hereby empowered to provide proper Places, at the Diſtance of One Furlong one from another, on the Sides of the ſaid Roads, as Repoſitories for Stone, Gravel, and other Materials, for making and repairing the ſaid Roads, Damages being always paid for the Ground occupied by ſuch Repoſitories, and the Fences and Incloſures properly repaired.

Public Roads and Foot-paths protected.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall graze, or allow their Horſes, Cows, or other Cattle, to graze upon the Sides or Parts of the ſaid Roads, or in the Drains or Ditches adjoining thereto; or ſhall ride upon the Footpaths conſtructed along the Sides of the ſaid Roads, or uſe the ſame for any other Purpoſe whatever, than the Accommodation of Foot Paſſengers; or hang or place any Gate acroſs the ſame, or along the Side thereof, to open otherwiſe than into the Field; or build any Windmill, or Kiln for burning Lime or Bricks, within Twenty Yards of the Sides of any of the ſaid Roads, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum not leſs than Ten Shillings Sterling, nor exceeding Thirty Shillings Sterling; and ſhall, over and above, remove the Nuiſance, and be liable to pay the whole Damage ſuſtained by the Truſtees.

Heritors, &c. to repair Damage done by them to the Roads.

XXVI. And be it further enacted, That from and after the paſſing of this Act, if any Heritor or Occupier of Land on the Sides of the ſaid Roads, ſhall make any Road, or Entry from the ſaid Roads, into any Field or Incloſure adjoining the ſame, or ſhall alter any ſuch Road, or Entry already made, or which hereafter may be made, ſuch Heritor or Occupier ſhall be obliged, within Twenty-four Hours after the ſame may be completed, to repair whatever Damage may have been done to the Road or Footpath by ſuch Operations, and make proper Bridges or Conduits for venting the Water, ſo that it may not ſtagnate on the Road; and if he ſhall refuſe, or neglect ſo to do, he ſhall, over and above, forfeit and pay not leſs than Forty Shillings Sterling, and not exceeding Five Pounds Sterling.

Preventing Obſtructions on the Roads.

XXVII. Provided always, and be it further enacted, That all Innkeepers, and other Perſons, reſiding in any Houſes adjoining to the ſaid Roads, ſhall provide proper and convenient Places for the Reception of Carts and Carriages, that ſhall ſtop at, or near their Houſes, or ſhall belong to them; nor ſhall any Perſon or Perſons put, or leave any Cart or Carriage, whether loaded or unloaded, upon any Part of the ſaid Roads, ſo that ſuch Carts or Carriages may, in any Way, interfere with the free Paſſage of His Majeſty's Subjects; and every Perſon offending, ſhall forfeit and pay, any Sum not exceeding Twenty Shillings Sterling, nor leſs than Five Shillings Sterling.

Occupiers to cleanſe Ditches, &c.

XXVIII. And be it further enacted, That when any Ditches have been, or hereafter ſhall be made, near the Sides of the ſaid Roads, or through any Fields adjoining thereto, by the Proprietors or Occupiers of the ſaid Fields, ſuch Proprietors or Occupiers ſhall, and they are hereby required, to keep theſe Ditches properly ſcoured, and not to allow the Water to ſtagnate therein, ſo that the Roads may be thereby damaged: and

and if they fail to do so after Six Days Notice, previously given, the said Truſtees or the Overſeers of the Roads, by the Direction of any One of the Truſtees, may, and are hereby required, to order the ſaid Ditches to be opened, ſcoured, and cleanſed, at the Coſt of the ſaid Proprietors or Occupiers, ſuch Coſts to be recovered by Diſtreſs and Sale of any moveable Effects, in the Manner directed by the ſaid recited Acts; and if any Occupier of Land ſhall turn any Water acroſs, or upon the Side or Sides of any of the ſaid Roads, he or ſhe ſhall conduct ſuch Water, either in an open or covered Drain, of ſuch Form and Dimenſions, as the ſaid Truſtees, or any Three or more of them, ſhall order and direct; and if ſuch Occupier of Land ſhall, after Ten Days Notice, refuſe or neglect to make ſuch Drain, according to the Directions of the ſaid Truſtees as aforeſaid, it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, to order and cauſe ſuch Drain to be made, and the Perſon or Perſons refuſing, or neglecting to make the ſame, agreeably to the Orders and Directions of the ſaid Truſtees as aforeſaid, ſhall repay to the ſaid Truſtees all the Coſts, Charges, and Expences attending the making of ſuch Drain, and ſhall likewiſe pay a Penalty of Forty Shillings Sterling.

No Drivers to drive their Carriages or Horſes abreaſt.

XXIX. And be it further enacted, That no Driver of any Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burthen, whether the ſame be loaded or unloaded, ſhall drive, or permit the ſame to travel or paſs upon the ſaid Road, or any Part thereof, abreaſt or alongſide of any other Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burthen, ſo as willfully to obſtruct the free Paſſage of the ſaid Roads, or any Part thereof; and that for every Waggon, Wain, Cart, or other Carriage, drawn by Two or more Horſes, Oxen, or other Beaſts of Draught, there ſhall be at leaſt One Driver; and that there ſhall be one Driver at the leaſt for every Two Waggons, Wains, Carts, or other Carriages, drawn by One Horſe, Ox, or other Beaſt of Draught; and every Perſon or Perſons offending in the Premiſes, ſhall forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor leſs than Five Shillings Sterling, for every ſuch Offence.

Drivers of Carriages or Horſes, on meeting other Carriages or Horſes, to drive to the Left Hand, or near Side.

XXX. And be it enacted, That the Driver of every Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burthen, travelling upon the ſaid Roads, or any Part thereof, ſhall be obliged, upon meeting another Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burthen, to make Way, by holding, or driving to his own Left Hand, or what is commonly called, holding to his Near Side; and ſhall, upon paſſing any Waggon, Wain, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt, be obliged to paſs upon the Right Hand of ſuch Carriage, Horſe, or other Beaſt; and the Driver of every ſuch Carriage, Horſe, or other Beaſt, ſo to be paſſed, ſhall be obliged to hold or drive to his near Side, and that without Diſtinction whether the Carriage, Waggon, Wain, Coach, Chaiſe, Cart, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burthen, ſo meeting or paſſing, are loaded or unloaded; and every Perſon offending in the Premiſes, ſhall forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor leſs than Five Shillings Sterling, for ever ſuch Offence.

Double Tolls may be exacted from hired Carriages, &c. on which the Owner's Name is not marked.

XXXI. And be it further enacted, That in caſe the Owner of any Waggon, Wain, Cart, or other ſuch Carriage, ſhall fail to have his Name and Place of Abode painted, in legible Characters, upon ſome conſpicuous Part of the Waggon, Wain, or Cart, it ſhall be lawful for the ſaid Truſtees to order and direct the Tackſman of the Tolls, or the Toll-gatherer, or other Perſon employed to collect any of the Tolls or Duties; and ſuch Tackſman or Toll-gatherer is hereby expreſsly authoriſed and required to levy, demand, and take, at the ſaid Turnpike-Gate or Gates, before any ſuch Waggon, Wain, Cart, or other ſuch Carriage, on which the Owner's Name ſhall not be ſo painted, paſs through the ſame, double the Tolls and Duties, by this Act authoriſed to be levied and taken; and which double Tolls and Duties ſhall be recovered and applied in the ſame Manner as the other Tolls and Duties are by the former Acts, and this Act, directed to be recovered and applied.

Toll-Gatherers regulated.

XXXII. And be it further enacted, That if any Tackſman, Toll-gatherer, or other Perſon, employed to collect the ſaid Tolls, ſhall permit any Waggon, Wain, or other Carriage, on which the Name and Place of Abode of the Owner ſhall not be painted, as herein-before directed, to paſs any of the ſaid Turnpike or Turnpikes without exacting double Tolls as before mentioned; or ſhall abſent himſelf from the Turnpike Gate, ſo as to occaſion Delay or Inconvenience to Travellers; or knowingly to exact any higher Rate of Toll than what is hereby authoriſed to be taken; or to refuſe, when required by any Perſon paſſing through the Turnpike-Gate, to ſhow his Warrant of Collection, he ſhall, for every ſuch Offence, forfeit and pay any Sum not leſs than Twenty Shillings Sterling, nor exceeding Five Pounds Sterling.

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

XXXIII. And be it further enacted, That the ſaid Truſtees may ſue or be ſued for, or concerning, any Thing done by virtue, or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of, or againſt, the ſaid Truſtees, in the Name of their Treaſurer or Clerk, ſhall fail or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the Truſtees; but that the Treaſurer or Clerk to the ſaid Truſtees for the Time being, ſhall be deemed to be Purſuer or Defender, as the Caſe may be, in every ſuch Action or Suit.

Treaſurer or Clerk to be reimburſed Expences.

XXXIV. Provided always, That every ſuch Treaſurer or Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of the ſaid former Acts and this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event, or in conſequence of any ſuch Action or Proceeding, he ſhall pay, bear, expend, or be put to, or become chargeable with, by reaſon of his being ſo made Purſuer or Defender as aforeſaid.

Truſtees may act as Juſtices.

XXXV. And be it further enacted, That it ſhall and may be lawful to and for each of the ſaid Truſtees, as are or ſhall be in the Commiſſion of the Peace for the ſaid Counties of *Clackmannan* and *Perth*, to act as

Juſtices of the Peace in all ſuch Caſes, Matters, or Things, as ſhall be neceſſary for the more ſpeedy and effectual putting into Execution the ſeveral Powers and Authorities in the ſaid former Acts, and in this Act, mentioned and contained, except in ſuch Caſes only in which they are perſonally intereſted.

Toll-keepers to be competent Witneſſes.

XXXIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching, or in any Ways relating to the ſaid Tolls, 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 be, and they are hereby declared not to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of their being appointed to collect ſuch Tolls.

Farther Sum to be borrowed.

XXXIV. 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, according to the Rules and Directions laid down and preſcribed in the ſaid former Acts, upon the Credit of the Tolls leviable upon the ſaid Roads, any Sum or Sums of Money not exceeding Six thouſand Pounds, over and above, and in Addition to the Sums of Money authorized to be borrowed by the ſaid Acts of the Thirty-fourth and Thirty-ſeventh Years of His preſent Majeſty: And it ſhall and may be lawful for the ſaid Truſtees, at a General Meeting aſſembled, to aſſign and make over the Whole or any Part of the ſaid Tolls, during the Continuance of this Act, as a Security or Securities to the Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, their Heirs, Executors, or Aſſignees, for the Money ſo to be lent and advanced, with Intereſt for the ſame, not exceeding the Rate of Five Pounds *per Centum per Annum*, without Prejudice to the Security of Perſons who have previouſly lent Money on the Security of the Tolls; which ſaid Additional Sum of Six thouſand Pounds ſhall be applied towards executing the Purpoſes of the ſaid recited Acts, and of this preſent Act, and to no other Uſes or Purpoſes whatſoever.

Tolls may be aſſigned.

Expences of this Act to be paid.

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

Continuance of the Act and Public Act.

XL. And be it enacted, That the Tolls, Duties, and Powers, hereby granted and given, ſhall take place from and after the Third *Tueſday* after the paſſing of this Act, and the Powers granted by the ſaid recited Acts (except where hereby altered), and alſo this Act, ſhall have Continuance from thence, for and during the Space of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament; and 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.

SCHE-

SCHEDULE to which this Act refers.

1. The House belonging to and possessed by Mistress *Margaret Alexander*, residing in *Alloa*, adjoining to her Dwelling-House on the North of the Road leading from *Alloa* to *Cambus*.

2. That Old House formerly used as a School-House, lying on the North Side of the Road leading from *Alloa* to *Cambus*, and belonging to and possessed by *James Barr*, Manufacturer in *Alloa*.

3. That House on the West Side of the *Coalgate* of *Alloa*, belonging to and possessed by *James Younger*, Brewer in *Alloa*.

4. That Stable belonging to *James Rentoul*, Merchant, and Feuar in *Alloa*, on the West of the *Coalgate* of *Alloa*.

5. That House belonging to *John Hendry*, Shoemaker in *Alloa*, on the West Side of the *Coalgate* of *Alloa*.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1805.