ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. xcvi.

An Act for altering and maintaining the Road from *Stirling* to *Drymen Bridge,* in the Counties of *Stirling* and *Perth.* [14th *June* 1827.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing the Road from* 55 G. 3. c. 34.
Stirling *to* Dumbarton, *and several other Roads in the Counties of* Stirling, Dumbarton, *and* Perth, whereby certain Persons were appointed Trustees for making and maintaining the Roads following; *videlicet,* the Road from the Royal Burgh of *Stirling* by *Drymen Bridge,* to the Royal Burgh of *Dumbarton,* together with the following Branches; a Branch to *Killearn, Balfron,* and *Denny,* a Branch to the River *Leven* at *Balloch,* and a Branch from a Place called *Barr* to *Dumbuck,* and for building and repairing the Bridges on the same: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An* 4 G. 4. c. 49.
Act for regulating Turnpike Roads in that Part of Great Britain *called* Scotland: And whereas the Trustees appointed by the said first recited Act have proceeded to put the same into Execution; but as the Powers thereby granted are insufficient for varying or altering the Line or Direction of the said Roads where necessary, it is expedient that the said first-recited Act should be repealed, so far as the same relates to the Roads situated in the Counties of *Stirling* and *Perth,* and that new Powers and Authorities should be granted

in lieu of the Powers and Authorities therein contained: And whereas the present Line of Road from the Farms of *Westkerse* or *Redhall*, on the Estate of *Touch* on the East, to or near to *Arngibbon* on the West, is in several Places hilly, crooked, narrow, and incommodious; and it would be advantageous to the Public if a new and level Line of Road were made and maintained from or near from the said Farms of *Westkerse* or *Redhall*, to pass through the *Kerse*, to or near to the Mills at *Glentirran*, and from thence to *Broich Bridge*, or to or near to *Arngibbon*; 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 said first-recited Act shall, from and after the passing of this Act, be, and the same is hereby repealed, so far as the same relates to the Roads situated in the said Counties of *Stirling* and *Perth*, and instead thereof this Act shall commence and take Effect, and shall continue in Force during the Term hereinafter mentioned.

First-recited Act repealed.

Powers of 4 G. 4. c. 49. applied to this Act.

II. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act,) shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Covenants under the Act repealed to remain in Force.

III. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said recited Act hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Bonds, Assignments, and Securities duly made and entered into by the Trustees for executing the said Act hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act; and all Bonds and Obligations for Monies borrowed and applied for the Purposes of the said first-recited Act hereby repealed, (or of an Act passed in the Thirty-fourth Year of the Reign of His said late Majesty, intituled *An Act for repairing the Road from* Stirling *to* Dumbarton, *and several other Roads in the Counties of* Stirling, Dumbarton, *and* Perth,) granted by any Proprietor of an entailed Estate through which the said Roads pass, to any Person or Persons, shall be held to bind such Proprietors and their Heirs of Entail in such Estates for the Repayment of such Monies, and such Bonds and Obligations shall continue to 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 continue to be a Burden on such Estates, till

repaid out of the Tolls and Duties hereby granted, in the same Way and Manner as is prescribed by the said Act hereby repealed: Provided always, that nothing herein contained shall extend or diminish, or be construed to extend or diminish, the Rights or Claims of any Creditor or Creditors having Securities granted by the Trustees under the said first-recited Act upon any particular Part of the said Roads, so as to affect the Tolls, or be affected by the Debts or Claims upon any other Part of the said Roads; but every such Debt or Claim shall remain a Burden upon the Road or Roads on the Credit of the Tolls of which the same was originally contracted.

Books under the repealed Act to be given in Evidence.

IV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Act hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Act had not been repealed.

Former Officers, except the Treasurer, to continue.

V. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers excepting the Treasurer, who have been appointed under and employed in the Execution of the said Acts hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively be displaced or removed by the said Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations and Pains and Penalties in all Respects whatsoever as if they had been appointed under or by virtue of this Act, without Prejudice nevertheless to the Re-election of the said Treasurer under the Powers of this Act.

Treasurer and Clerk not to be the same Person.

VI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who may be appointed the 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 any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices 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 any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and

pay

pay the Sum of One hundred Pounds Sterling, to any Person or Persons who shall sue for the same, to be recovered with Expences by summary Action in the Court of Session.

Trustees appointed.

VII. And be it further enacted, That every Person who is at present or hereafter shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Life-renter, of the *Dominium utile* of Lands lying within any of the Parishes of *Saint Ninian's*, *Gargunnock*, *Kippen*, *Drymen*, *Killearn*, *Balfron*, *Fintry*, and *Denny*, in the County of *Stirling*, and of *Kippen* in the County of *Perth*, valued in the Cess Books of the respective Counties in which such Lands do lie at the Sum of One hundred Pounds *Scots*, as also One Guardian or Trustee of each Minor or other Person under Guardianship in the actual Possession and Enjoyment, in Manner foresaid, of Lands within the said Parishes of the Valuation foresaid, and the eldest Sons and Heirs Apparent of Persons in the actual Possession and Enjoyment as aforesaid of Lands lying as aforesaid, valued at Four hundred Pounds *Scots* or upwards; and also the Persons after-named and described; *videlicet*, the Military Governor and Lieutenant Governor of *Stirling* Castle for the Time being, the eldest resident Magistrate of the Royal Burgh of *Stirling* for the Time being, and the Factors for the Time being of the Duke of *Montrose*, of Sir *Archibald Edmondstone* of *Duntreath*, Baronet, of *William Cunningham Cunningham Grahame* of *Gartmore*, and of *David Erskine* of *Cardross*, and of their respective Heirs and Successors in their respective Lands, situated as aforesaid, such Factors to have Votes only in the Absence of their Constituents, and *Robert Hill*, Writer to the Signet, shall be and they are hereby appointed Trustees for making, repairing, widening, altering, and maintaining the foresaid Road from the Royal Burgh of *Stirling* to *Drymen Bridge*, with a Branch to *Killearn*, *Balfron*, and *Denny*, and for making and maintaining the new Line of the aforesaid Road from or near from the Farms of *Westkerse* or *Redhall* on the Estate of *Touch*, to pass through the *Kerse*, to or near to the Mills at *Glentirran*, and from thence to or near to *Broich Bridge*, or to or near to *Arngibbon*, and for building and repairing the Bridges on the same, and for putting into Execution all the other Powers and Authorities in and by this Act given and granted.

Qualification of Factors.

VIII. And be it further enacted, That no such Factor shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right or in the Right of his Wife in the Possession of a Personal Estate alone, or a Real and Personal Estate together, of the Value of Five hundred Pounds Sterling.

Plan deposited with the Clerk of the Peace to remain with him.

IX. And whereas a Map or Plan describing the new Line of Road aforesaid intended to be made from or near from the said Farms of *Westkerse* or *Redhall* to or near to *Broich Bridge*, or to or near to *Arngibbon*, and the Lands through which the same is intended to pass, together with Books of Reference, containing the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerks of the Peace of the Counties of *Stirling* and *Perth*; be it

it further enacted, That the said Map or Plan and Books of Reference shall remain in the Custody of the said Clerks of the Peace, and every and any Person, being an Owner or Occupier of any Lands or Tenements upon the Line of the said Road, shall, at all seasonable Times, have access to the said Maps or Plans and Books of Reference, and shall be entitled to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said Clerks at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Trustees not to deviate more than 150 Yards.

X. And be it further enacted, That the said Trustees, in making the said new Line of Road from the Farms of *Westkerse* or *Redhall* to *Broich Bridge* or to *Arngibbon*, shall not deviate more than One hundred and fifty Yards from the Line described in the aforesaid 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 into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or shall be Owner or Owners of Land over, in, or through which the same is set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the County in which the Question shall arise, and be certified by a Writing under their Hands, that such Error or Omission proceeded from Mistake.

Quorum.

XI. And be it further enacted, That at all General Meetings of Trustees under this Act Three Trustees shall be a Quorum.

Meetings of Trustees.

XII. And be it further enacted, That the said Trustees shall meet at *Stirling* on the Fourth *Wednesday* after the passing of this Act, at Twelve o'Clock Mid-day; and the said Trustees shall, in each and every Year thereafter during the Continuance of this Act, hold One Annual General Meeting on the Second *Wednesday* of *May*, at such Place or Places, within any of the Parishes aforesaid, as the said Trustees assembled at the said first General Meeting at *Stirling* shall fix and determine; and at such Meetings the said Trustees shall be and they are hereby empowered to proceed to carry this Act into Execution, and to issue their Orders for surveying, making, altering, widening, and repairing the aforesaid Roads, and to do, order, and perform all Acts, Matters, and Things which the said Trustees appointed by this Act are authorized to do, order, and perform, and all such Acts, Matters, and Things so done, shall be as good, valid, and effectual, as if the same were done by the Whole of the said Trustees.

Special Meetings may be called.

XIII. And be it further enacted, That any Two of the said Trustees may at any Time authorize and require the Clerk to call Special General Meetings of the said Trustees for the Purposes of this Act, upon Ten Days previous Notice thereof given in some Newspaper generally

generally circulated in the Shire of *Stirling*, of the Time and Place of such Meeting, and the special Purpose thereof.

Power to erect Turnpike Gates.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees in General Meeting assembled, and they are hereby authorized and empowered, to continue or erect, or to cause to be continued or erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, or on the Sides thereof, and also such Number of Toll Houses, with proper Gardens adjacent thereto, as to them shall appear to be expedient, the Scite of each such Toll House and Garden not exceeding One-eighth Part of a Statute Acre, and from Time to Time to alter the Situation of such Gates or Turnpikes and Toll Houses and Gardens.

Tolls.

XV. 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 continued or erected by virtue of this Act, a Sum not exceeding the Rates and Duties hereinafter specified, before any Carriage, Horse, or other Cattle shall pass through any Gate or Turnpike to be continued or erected on the said Roads; that is to say,

For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like kind, One Shilling:

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, Cart, or other such Carriage, Ten-pence:

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, Nine-pence:

For every Saddle Horse or Mule, with or without a Rider, Three-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 Fillies or Horses unshod, One Shilling and Eight-pence *per* Score, and so in Proportion for any greater or less Number.

Power to erect Weigh-

XVI. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Machines to be erected upon such

such Parts of the said Roads as they shall think fit, for weighing all Waggons, Wains, Carts, and other Carriages which shall pass along the same, and take and receive, over and above the said Tolls and Duties hereby granted, the Sum of One Penny as an additional Toll or Duty for every Horse drawing any such Waggon, Wain, or Cart, and that for each and every One Hundred Weight of One hundred and twelve Imperial Pounds which the same shall carry over and above Twenty-two Hundred Weight of One hundred and twelve Imperial Pounds each, being the Weight at which every Waggon, Wain, or Cart with its Loading shall be allowed to pass any Gate or Turnpike without paying such additional Toll or Duty: Provided always, that such additional Toll or Duty shall not be taken for any Waggon, Wain, or Cart loaded with Lime for Agricultural Purposes, unless the same, with its Loading, shall be Twenty-six Hundred Weight of One hundred and twelve Imperial Pounds each; and it shall be lawful for the said Trustees to take and receive One Penny for every Horse drawing any such Cart or Carriage so loaded, and that for every One hundred Weight of One hundred and twelve Imperial Pounds over and above the said Twenty-six Hundred Weight.

ing Machines, and take Tolls on Overweight.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to take and receive a lower Rate of Toll and Duty than that hereby granted, and to exempt from Payment of any Part of the said additional Toll or Duty for Overweight, if they shall think fit, all Waggons, Wains, and Carts with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Five Inches, and being cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear equally on such flat Surface and that the opposite Ends of the Axletrees of such Carriages, as far as the same shall be inserted in 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 Parts of the said Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels; and every Waggon, Wain, Cart, or Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Seven Inches and a Half or upwards, and being cylindrical as before mentioned; provided, that every Person claiming the Privileges granted to Carriages with Wheels so constructed as aforesaid, shall permit the same to be examined or measured by any Person employed in the Collection of the said Tolls or Duties.

Cylindrical Wheels less Toll.

XVIII. And be it further enacted, That upon receiving Payment of the Tolls or Duties by this Act granted, the Collector or Receiver thereof shall deliver to the Person paying such Tolls or Duties a Note or Ticket denoting such Payment, which Note or Ticket shall entitle the same Person, with the same Carriages or Horses or other Cattle, to return through the same Gate on the same Day, before Twelve

Tolls payable only Once a Day at Gates within Four Miles.

Twelve of the Clock at Night, and also to pass through any other Gate or Turnpike or Gates or Turnpikes placed on the said Roads at a Distance not exceeding Four Statute Miles from the Turnpike Gate where such Note or Ticket was delivered, and to return through any other such Gate or Turnpike or Gates or Turnpikes, with the same Carriages or Horses or other Cattle, on the same Day, before Twelve of the Clock at Night, without being liable to pay the said Tolls a Second Time for passing through such Turnpike Gate or Turnpike Gates, and for returning on the same Day, except as hereinafter mentioned: Provided always, that in case any Waggon, Wain, Cart, or Carriage of the like Description shall pass through any such Turnpike Gate or Turnpike Gates with a new Loading, a Second or more Times in the same Day, the Tolls by this Act granted shall be paid for each Time they shall so pass, in the same Manner as for the First Time: Provided always, that nothing under One Hundred Weight shall be reckoned a new Loading in any such Carriage; and it is further provided, that no Toil shall be demanded at any Gate or Turnpike already erected or to be erected on the said Roads, for any Horse or Carriage which shall only cross the Roads, or shall not travel above One hundred Yards thereon before arriving at or after passing any such Gate or Turnpike.

New Loading.

Certain Gates may be erected within Four Miles.

XIX. Provided always, 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, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the foresaid Road proposed to be made from *Westkerse* or *Redhall* to *Broich Bridge* or to *Arngibbon*, or across the present Road at or near the Points where the proposed new Line of Road shall branch off from it at *Broich Bridge* or *Arngibbon* respectively, and to levy thereat the Tolls and Duties by this Act granted, although the same shall not be Four Miles distant from the Gate or Turnpike already erected at *Touch*, or the Gate or Turnpike already erected at *Cashlie* on the said Roads, and also to erect a Gate or Turnpike on the Branch of Road to *Killearn*, *Balfron*, and *Denny*, and to levy thereat the Tolls and Duties by this Act granted, although the same may not be Four Miles distant from any Gate or Turnpike to be continued or erected in pursuance of this Act, any thing herein contained to the contrary notwithstanding.

Tolls, &c. vested in the Trustees.

XX. And be it further enacted, That the said Tolls and Duties hereby granted and made payable, together with the Right and Property of every Gate or Turnpike, Toll House, and Garden, and whole Premises already erected or to be erected on the said Roads, are and shall be vested in the said Trustees; and the said Tolls and Duties and every Part thereof shall be paid over, applied, and assigned to and for the several Uses, Intents, and Purposes by this Act directed, and the same shall be made subject and liable to the Payment of all Sums of Money now due and owing by the said Roads, and shall also be liable to the Payment of all Sums of Money which may hereafter be subscribed or borrowed on the Credit

Credit of this Act, and of all Interest due or which may hereafter become due thereon.

Trustees to direct the Application of Tolls.

XXI. 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 and Duties to be levied at the Gates or Turnpikes to be continued or erected on the said Roads, direct the Cost and Expences relative to the obtaining of this Act to be paid, and the Remainder of all such Monies to be applied towards the making and maintaining of the aforesaid Roads, and thereafter towards the Payment of the Interest of the Sums subscribed and of the Sums already borrowed or to be borrowed by virtue of this Act, and then to the Repayment of the principal Sums subscribed and already borrowed or to be borrowed.

Powers as to New Line.

XXII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to make and maintain a new and level Line of Road from the Farms of *Westkerse* or *Redhall* through the *Kerse* to or near to *Glentirran Mills*, and from thence to *Broich Bridge*, or to make the Road to or near to *Arngibbon*, if Subscriptions shall be received by them sufficient to relieve the Trust of One Half of the Expence of making that Part of the said new Line from *Shirgarton* to *Arngibbon*; and if Subscriptions shall not be received to that Extent, the Road shall be completed to *Broich Bridge*, after which any Surplus of the said Tolls and Duties hereby granted, after defraying the Expence of keeping the said Roads in Repair, and paying the Interest of the Money already borrowed or to be borrowed for the Roads, shall be applied by them from Time to Time in Repayment of the Money to be borrowed for making the said new Line of Road; and when the same shall have been so far reduced as that the said Road can be continued to *Arngibbon*, without borrowing Money to a greater Extent than that which shall have been previously paid off, then the said Trustees shall proceed to make that Part of the said new Line of Road.

Roads of Communication to be made on a Level with the Turnpike Roads.

XXIII. And be it further enacted, That the said Trustees, in making, widening, altering, or improving the said Roads, shall be and they are hereby empowered to raise, or lower, and widen, as shall appear to them to be expedient and necessary, any Road, Passage, or Highway communicating therewith, so as the Communication with the same respectively shall be made on a Level with the said Roads contained in this Act.

Trustees may acquire Lands.

XXIV. And be it further enacted, That the said Trustees shall be and they are hereby empowered to take, acquire, and use, and all Proprietors, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whatever, although under any legal Disability or Incapacity, are hereby empowered to sell or feu and convey all Lands, Tenements, or others, which may be necessary for the Purposes of this Act, and to renounce any Claim of Damage or Compensation therefor; and if the said Trustees shall

not come to an Agreement with the respective Owner or Owners, and Occupier or Occupiers, or in case the Claim of Damage or Compensation shall not be renounced, the same shall be ascertained according to the Rules contained in the said recited Act of the Fourth Year of the Reign of His present Majesty.

To prevent Neglect in the repair of the Roads.

XXV. And be it further enacted, That if it should happen that the repairing and maintaining the said Roads should be neglected, it shall and may be lawful for any Person or Persons having paid Tolls thereupon, and finding Caution to pay Expences of Process, to proceed against the said Trustees before the Court of Session only, by Petition and Complaint, who are hereby authorized and required to judge and determine therein in a summary Manner, and without abiding the Course of the Roll; and upon finding the said Roads not to be in such a State of Repair as the Funds of the Trust, if managed with due Care and Economy, shall be deemed sufficient to keep them in, the said Trustees shall and may be obliged to have the same amended and repaired within a certain short Space to be limited by the said Court, who shall award full Expences of Process to the Pursuer or Pursuers, and whose Judgment shall be final and conclusive; and if any such Process shall be found to have been vexatious and groundless, the Pursuer or Pursuers shall be liable in Treble Costs, which on being recovered shall be applied to the Purposes of this Act.

Old Road to be shut up.

XXVI. And be it further enacted, That when the New Line of Road from *Westkerse* or *Redhall* to *Broich Bridge* or to *Arngibbon* shall be completed and open for the Public, in lieu and place of the present Old Road, such Old Road from the East March of the *Gargunnock* Lands to *Courthill*, and from the Farm of *Beild* to the Wester March of the Farm of *Crowtree*, and from *Burntown* to the Wester Road leading from the said present Old Road to *Musichall*, will be rendered useless to the Public; and as the New Road and the Old Road will both pass through the Grounds of the same Proprietors, be it enacted, That the Ground occupied by the Old Road shall be allotted respectively to the Proprietors through whose Grounds it passes, and its Value deducted from the Value of the Grounds to be occupied by the New Road, and the said Old Road shall be shut up as useless in all Time thereafter, any thing contained in any Act or Acts of Parliament to the contrary notwithstanding: Provided always, that before the said Old Road from *Burntown* to the Head of the *Glentirran Loan* shall be shut up, a Road of Communication shall be opened by the Proprietor of the Estate of *Boquhan* from *Burntown* to the *Glen Road*, and before the said Old Road from the Head of *Glentirran Loan* to the *Musichall Road* shall be shut up, another Road of Communication shall be opened by the said Proprietor from or near from *Glentirran Mills* to the Wester Road aforesaid.

For abating Nuisances.

XXVII. And be it further enacted, That if any Person driving any Carriage upon the said Roads shall suffer any Stone, Timber, or other Thing which shall be carried on any wheeled Carriage to project on either Side of the said Carriage more than Thirty Inches beyond

the Wheels thereof; and if any Person driving any Carriage upon the said Roads shall meet or shall be overtaken by a Rider on Horseback, and shall not keep his or her Carriage on his or her Left or Near Side of the said Roads, or shall not keep on the same Side him or herself, or shall not be at the Head of his or her Horse or other Beast of Draught, or shall suffer his or her Horse or other Beast of Draught to go on the said Roads without a Person guiding the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in Terms of the said Act of the Fourth Year of His present Majesty.

Toll Collectors may give Evidence.

XXVIII. And be it further enacted, That in every Case where any Dispute, Suit, or Litigation shall arise touching or in any ways relating to the said Tolls and Duties, or any Penalty, or other Matter or Thing, the Person or Persons appointed to collect the said Tolls and Duties, 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.

Public Act.

XXIX. 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.

Commencement and Continuance of this Act.

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

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