ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxxix.

An Act for maintaining and repairing the Road from *Causeway Head* near *Stirling*, through the County of *Clackmannan*, by the Foot of the *Ochil Hills*, towards *Queensferry*, and certain Roads branching out of the same.

[19th *May* 1840.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and repairing the Road from* Causeway Head *near* Stirling, *through the County of* Clackmannan, *by the Foot of the* Ochil Hills, *and by* West Saline *and* Crossfoord, *towards* Queensferry, *and certain Roads branching out of the same; and for converting the Statute Labour in the said County of* Clackmannan: And whereas another Act was passed in the Fifty-seventh Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue and amend an Act made in the Forty-second Year of His present Majesty, for repairing the Road from* Causeway Head *near* Stirling, *through the County of* Clackmannan, *towards* Queensferry, *and certain Roads branching out of the same:* And whereas an Act was passed in the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland: And whereas the Trustees appointed by the said Two first-recited Acts have proceeded in putting in force the Powers thereby committed to them, and have borrowed considerable Sums of Money on their own personal Security, and on the

42 G. 3. c. 97.

57 G. 3. c. 43.

1 & 2 W. 4. c. 43.

Credit of the Tolls granted by the said Acts; but the said Roads cannot be effectually maintained and kept in repair, nor the Money so borrowed be repaid, unless the Term of the said Acts be enlarged, the Rates, Tolls, and Duties be continued or increased, and further Provision be made for the above Purposes: And whereas it is expedient that the said Two first-recited Acts should be repealed, and other Powers granted in lieu thereof: But as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your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 Queen'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 Two recited Acts of the Forty-second and Fifty-seventh Years of the Reign of His said Majesty King *George* the Third, in so far as the same extend to the making and repairing of the said Turnpike Roads, shall be and the same are hereby repealed; and instead thereof this Act shall, from and after the passing thereof, commence and continue in force during the Term hereinafter mentioned.

Two first-recited Acts repealed.

The Powers of the Act 1 & 2 W. 4. c. 43. applied to this Act.

II. And be it enacted, That the said recited Act of the First and Second Year of the Reign of His late 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,) 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.

Tolls granted by this Act liable to existing Debt.

III. And be it enacted, That the whole Tolls authorized to be levied by this Act shall be and are hereby made subject and liable respectively to the Payment of all Sums of Money now due and owing on the Credit of the Tolls payable under or by virtue of the said recited Acts of the Forty-second and Fifty-seventh Years of the Reign of His Majesty King *George* the Third, to the Extent and in Terms of the Securities granted for the same.

Trustees.

IV. And be it enacted, That every Person who, in his own Right or the Right of his Wife, is at present, or shall be during the Continuance of this Act, possessed of the Dominium utile or Property of Lands lying in the said County of *Clackmannan*, or in the Western District of the County of *Fife*, of the annual real Rent of Three hundred Pounds Sterling or upwards, and the Heirs Apparent of such Persons, together with every Person who has subscribed the Sum of One hundred Pounds Sterling towards the Expence of making, repairing, and keeping in repair the Roads herein-after mentioned, being qualified as after mentioned, shall be and they are hereby nominated and appointed Trustees for maintaining and keeping in repair the Road from *Causeway Head* near *Stirling*, along the Foot of the *Ochil Hills*, and on the North Side of the *Devon*, towards the Village of *Dollar*, and from a Point near that Village, across the River *Devon*, to *West Saline*, and the Branches of the above Road from *Tillicoultry* Gate to the Town of *Alloa*, and from the Village of *Dollar*,

or

or near it, till it joins the present Turnpike Road from *Alloa* to *Kinross* at or near to the Crook of *Devon*.

Qualification of Trustees.

V. Provided always, and be it enacted, That no Person shall be qualified or capable of acting as a Trustee in any Case whatever in the Execution of this Act unless he shall be infeft in Property or possessed as a Proprietor in Life Rent of Lands situated within one of the Parishes through which the said Roads pass, and valued in the Tax Rolls or Cess Books of the County within which they lie to the Extent of One hundred Pounds *Scots per Annum*, excepting the eldest Sons and Heirs Apparent of such Persons, and the Husbands of Wives who are infeft in or in Possession of Lands to the Extent and Valuation aforesaid.

Quorum.

VI. And be it further enacted, That Three of the said Trustees shall be a Quorum; and it shall and may be lawful for every Trustee who shall have subscribed One hundred Pounds towards the making and repairing the said Roads as aforesaid, in case he shall be prevented by Indisposition or other reasonable Cause from giving his personal Attendance at any Meeting of the said Trustees, to authorize and appoint, by any Writing under his Hand, some fit Person to attend for him; and every Person so authorized and appointed, or the authorized Commissioner or Factor of any such Trustee, or the Tutor or Curator of any Trustee who may happen to be a Minor, shall be and is hereby authorized and empowered to act and vote for the Trustee for whom such Person is Commissioner or Factor, or Tutor and Curator, or is so authorized and appointed to attend, and act and vote, in the same Manner as if such Trustee had himself been personally present: Provided always, that no Person so authorized and appointed, nor any Commissioner or Factor, or Tutor or Curator, shall be capable of acting as a Trustee in the Execution of this Act unless such Person, Commissioner or Factor, Tutor or Curator, shall be possessed of a Real or Personal Estate of the Value of Five hundred Pounds Sterling.

Factors, &c. may act.

First and subsequent Meetings.

VII. And be it enacted, That the said Trustees shall meet at *Alloa* at Twelve of the Clock on the Sixth lawful Day after the passing of this Act, or as soon after that Day as conveniently may be, and at the same Place and Hour, on the last *Thursday* of *October* annually thereafter; and at such Meetings they shall proceed to the Execution of this Act.

Tolls to be taken.

VIII. And be it enacted, That from and after the passing of this Act it shall be lawful for the Trustees hereby appointed, or any Persons authorized by them, to ask, demand, levy, and receive, at every Gate, Turnpike, or Side Bar already erected or to be erected by them upon or across the said Roads or on the Sides of the same, the Tolls and Duties following, before any Horse, Mule, Ass, Cattle, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Curricle, Chair, Litter, Waggon, Wain, Cart, Sledge, or other Carriage whatsoever, shall be permitted to pass through the same:

For every Horse, Mule, or Beast of Draught, drawing any Coach, Berlin, Chariot, Landau, Chaise, Calash, Curricle, Gig, Chair, Hearse,

Hearse, or any other Four or Two-wheel Carriage, where Six or any lesser Number are drawing, the Sum of One Shilling each:

For the Horse or Mule drawing any Taxed Cart, the Sum of Nine-pence:

For One Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, where such Carriage and the Loading thereof, taken together, shall not exceed Fifteen Hundred Weight, Sixpence; and where such Carriage and Loading shall exceed Fifteen Hundred Weight, and shall not exceed Twenty Hundred Weight, Eight-pence; and where such Carriage and Loading shall exceed Twenty Hundred Weight, and shall not exceed Twenty-four Hundred Weight, Ten-pence; and where such Carriage and Loading shall exceed Twenty-four Hundred Weight, and shall not exceed Twenty-seven Hundred Weight, One Shilling; and where such Carriage and Loading shall exceed Twenty-seven Hundred Weight, and shall not exceed Thirty Hundred Weight, One Shilling and Three-pence; and for every Hundred Weight which such Carriage and Loading shall weigh above Thirty Hundred Weight, and not exceeding Thirty-five Hundred Weight, Two-pence; and for every Hundred Weight which such Carriage and Loading shall weigh above Thirty-five Hundred Weight, Three-pence; and where such Carriage shall be drawn by more than One Horse, then an additional Sum of Three-pence Sterling for each Horse above One:

For every Horse or Mule, laden or unladen, and not drawing, Three-pence:

For every Score of Oxen or Neat Cattle, Three Shillings and Four-pence; and so in proportion for any greater or less Number:

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

Privilege to broad wheeled Carriages.

Provided always, that every Waggon, Wain, Cart, or such like Carriage as aforesaid, having the Fellies of the Wheels thereof of the Breadth of not less than Five Inches, shall only be chargeable with Two-third Parts of the Tolls before mentioned: Provided also, that such Wheels shall be so constructed as to roll on a flat Surface in such Manner as that both Sides of the Wheels shall bear equally on such flat Surface: Provided also, that every Person claiming the Privilege hereby granted to broad-wheel Carriages shall permit the same to be examined and measured by any Person concerned in the Collection of the said Tolls.

Exempting Carts with Coals.

IX. Provided also, and be it further enacted, That any Cart loaded with Coal, or going empty for receiving a Loading, or returning empty after having delivered a Loading of Coal, shall not pay more than at One Toll Bar, unless it shall have travelled, either when loaded with Coal or when going empty for receiving a Loading of Coal, more than Five Miles upon any of the said Turnpike Roads.

Tolls to be paid only

X. And be it enacted, That every Person having Occasion to pass through any Turnpike erected or to be erected on the said Roads by

by virtue of this Act, where the Tolls are taken, may and shall, on Demand, be furnished with a Note or Ticket signifying the Payment of such Toll; and such Person getting the Note or Ticket as aforesaid shall not be liable or compelled to pay the said Tolls more than once for passing through the same Turnpike and returning the same Day before Twelve of the Clock at Night with the same Waggon, Cart, or other Wheel Carriage, or with the same Horse, Ass, or other Beast or Cattle; but in case the said Wheel Carriage, Horse, Ass, or other Beast or Cattle shall pass the Turnpike with a new Loading a second Time, or oftener the same Day, the same shall in that Case be subjected to pay the Toll for each Time, in the same Manner as for the first Time.

once a Day at any Turnpike.

XI. Provided always, and be it further enacted, That if any Person shall have paid the Tolls hereby authorized to be taken for the passing of any Riding Horse, or of any Horse or Beast of Draught drawing any Coach, Chariot, Chaise, Gig, Phaeton, Taxed Cart, or other such Carriage, all and every such Person or Persons shall, upon the Production of a Ticket denoting the Payment thereof on that Day, be permitted to pass or repass Toll-free any Number of Times during the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock the next succeeding Night) through the said Toll Gate, Turnpike, or Side Bar, and also through any other Gate or Gates which the Ticket for such Payment shall free, any thing in this Act contained to the contrary notwithstanding.

Pass Tickets to free Riding Horses, &c. passing on the same Day.

XII. And be it enacted, That the Tolls and Duties hereby authorized to be levied shall be applied, in the first place, in paying the Costs and Expences of and incident to the passing of this Act, in the second place, in keeping in repair the said Roads, and, in the third place, in Payment and Extinction of the Interest and Principal of the Debt due thereon.

Application of Tolls.

XIII. And be it enacted, That the said Trustees shall once in each Year cause to be prepared an Account in Abstract of the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year preceding, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account, duly attested and certified by the Clerk to the said Trustees, and shall cause a Copy of such annual Account to be transmitted, free of Charge, to the Sheriff Clerks respectively of the Counties of *Clackmannan*, *Perth*, *Stirling*, and *Fife*, on or before the First Day of *January* in each Year, under a Penalty of Twenty Pounds in case of Default, to be sued for and levied by summary Process, at the Instance of any Person authorized by the said last-recited Act to prosecute for Tolls and Penalties, in the same Manner as Penalties are authorized by the said Act to be sued for and levied, and be applied in the Manner in which Penalties not otherwise directed to be applied are thereby directed to be applied; and such Account shall be open at all seasonable Hours to the Inspection of the Public, upon Payment of One Shilling for such Inspection; or if written Extracts are required therefrom, at the Rate of Sixpence for each Folio of Seventy-two Words.

Trustees to render an annual Account.

Road not to be exempted from any general Act.

XIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Road by this and the said herein-before recited Act authorized to be made and maintained from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Continuance of Act.

XV. And be it enacted, That the Powers granted by this Act shall commence and take effect from and after the passing of the same, and shall continue from thenceforth for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

XVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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