



ANNO DECIMO

# GEORGIIV. REGIS.

\*\*\*\*\*

## Cap. lxi.

An Act for more effectually making, amending, widening, repairing, and maintaining the Great North Roads leading from the *North Queensferry*, and from the Harbour of *Burntisland*, both in the County of *Fife*, by *Kinross*, to the City of *Perth*; and also the Road from the said *North Queensferry* to the Town of *Dunfermline*. [14th May 1829.]

**W**HEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for more effectually making and repairing the Great North Road leading from the North Queensferry in the County of Fife to the City of Perth and to the Town of Dunfermline*: And whereas another Act was passed in the Second Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to consolidate an Act for making and repairing the Road leading from the North Queensferry in the County of Fife to the City of Perth and to the Town of Dunfermline, with an Act for making and repairing certain Roads in the Counties of Fife, Kinross, Perth, and Clackmannan*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: And whereas the said Two first-recited Acts have, by the Trustees therein appointed, been put into execution, and the Roads therein mentioned have been altered, amended, repaired, and maintained, for which Purposes various Sums of Money have been borrowed on the Credit of the Tolls by the said Two first-recited Acts granted and made payable, which Sums of Money still remain due and owing; but, as the

[Local.] 17 N said

49 G. 3. c. 31.

2 G. 4. c. 28.

4 G. 4. c. 49.



said Two first-recited Acts are about to expire, such Sums of Money cannot be repaid, nor can the said Roads be effectually made, amended, maintained, and kept in repair, nor certain intended Alterations and Improvements thereon be carried into effect, unless the Powers conferred by the said Two first-recited Acts be continued and enlarged, which 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 Two first-recited Acts of the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, and of the Second Year of the Reign of His present Majesty, shall from and after the passing of this Act be and the same are hereby repealed.

Recited Acts  
49 G. 3. c. 31.  
and 2 G. 4.  
c. 28. re-  
pealed.

This Act to  
take effect for  
repairing the  
Roads herein  
described.

II. And be it further enacted, That this present Act shall from and after the passing thereof commence, take effect, and be put in execution for and during the Term herein-after mentioned, for the Purposes, herein-after specified, of surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the Great North Roads leading from the *North Queensferry* in the County of *Fife* to the City of *Perth*, and from the Harbour of *Burntisland*, also in the County of *Fife*, to the City of *Perth*, and also the Road from the said *North Queensferry* to the Town of *Dunfermline*, for making and maintaining an Alteration in the Line of the said Great North Road in that Part of it between *Kinross* and *Perth*, which is situated in the County of *Kinross*, and for carrying into effect the several other Purposes herein-after mentioned, according to the true Intent and Meaning of this Act.

Powers of  
the recited  
Act 4 G. 4.  
c. 49. ex-  
tended to  
this Act.

III. And be it further enacted, That the said recited Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*, 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 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 this Act.

Trustees  
appointed.

IV. And be it further enacted, That the Justices of the Peace and Commissioners of Supply for each of the said respective Counties of *Perth*, *Fife*, and *Kinross*, and every Heritor of those Counties, being in his own Right or in the Right of his Wife in the actual Possession of the *Dominium utile* of Lands valued in the Cess Books thereof at One hundred Pounds *Scots* or upwards, and the eldest Son of every such Heritor; as also One of the Guardians or Trustees of every Minor possessed of Lands of the Valuation aforesaid; as also the Lord Provost of the City of *Perth* and the Chief Magistrate of each of the Royal Burghs of *Inverkeithing* and *Burntisland* for the Time being, the Sheriff Depute of each of the said Counties, and in the Absence of the Sheriff Depute of *Fifeshire* the Sheriff Substitute of the Western District or Division of the same, and in the Absence of the Sheriff Depute of *Perthshire* the Sheriff Substitute of the Eastern District or Division of the same, and in the Absence of the Sheriff Depute of *Kinrossshire* the Sheriff Substitute of the same, shall be and they are hereby appointed Trustees for putting this Act and all and every the Powers and Authorities hereby granted, into execution.



V. Provided always, and be it enacted, That no Person shall act as a Trustee in the Execution of this Act unless he hath taken, or (if required so to do by any Trustee then present) shall, before he shall act as such Trustee, take and subscribe the Oath or Affirmation following, or to the like Effect; that is to say,

Oath of Qualification of Trustees.

‘ I do swear [or, being of the People called Quakers, do solemnly affirm], That I truly and *bonâ fide* am a Justice of Peace or Commissioner of Supply for the County of \_\_\_\_\_, [or otherwise qualified, as the Case may be, under the last preceding Section of this Act.]’

VI. And be it further enacted, That the First Meeting of the Trustees under this Act shall be held at *Kinross* on the Fourth *Wednesday* after the passing of this Act, or as soon thereafter as may be; and that an Annual General Meeting of the said Trustees shall be held on the Third *Wednesday* in *April* in all succeeding Years during the Continuance of this Act: Provided always, that if it be the Intention of any of the said Trustees to propose at such Annual General Meetings any Alteration of the present Toll Bars, or the Duties to be collected thereat, or the Erection of any new Toll Bars, Two at least of the said Trustees shall be bound to give sufficient Notice thereof in Writing to the Clerk of the said Trustees, to enable him to give Notice thereof in any Two Newspapers published in *Edinburgh* at least Fourteen Days before the Day of such Meeting, which Advertisements shall specify the Names of the Trustees by whom such Notice is given, and the Business which they mean to bring before the same.

Meetings of Trustees.

Previous Notice of proposed Alteration of Toll Bars, &c. to be given.

VII. And be it further enacted, That the said Trustees, or the major Part of them present at any Meeting, shall have Power to adjourn to such Times and Places as they shall think proper and convenient, and as often as it shall be necessary for putting this Act into execution; and at all such Annual and Special General Meetings Six Trustees shall be a Quorum, Two of those present being of the County of *Perth*, Two of the County of *Fife*, and Two of the County of *Kinross*; and if it shall happen that there shall not appear at any Meeting, or at any adjourned Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to another Day, then and in such Case the Clerk to the said Trustees, by Notice in Writing under his Hand, to be affixed on all the Turnpike Gates on the said Roads, and also by an Advertisement in Two Newspapers published in *Edinburgh* at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the last Meeting of the said Trustees was appointed to be held, or at some other convenient Place, on that Day Fourteen Days from the Day on which the last Meeting of the said Trustees was appointed to be held; and at such Meeting so to be called by the Clerk in the Event aforesaid any Two or more of the said Trustees then attending, although they should not form the Quorum before specified, nor be from the different Counties before mentioned, may and they are hereby authorized and empowered to proceed and decide upon such Matters and Things as could have been entertained at such former Meeting, provided a legal Quorum had been present at the same, but not upon any other Matter or Thing.

Quorum of Trustees.

Powers to adjourn.

VIII. And be it further enacted, That the Tolls and Duties hereby authorized to be levied shall be and are hereby made subject and liable to the Payment of all Sums of Money now due and owing or which may become

Tolls and Duties liable to Debts now owing.



become due or owing on the Credit of the said Two first-recited Acts hereby repealed, and also to the Payment of all Money which shall or may hereafter be borrowed on the Credit of this Act, and of all Interest due and to become due for the said Sums respectively.

Covenants and Agreements under former Acts to continue in force.

IX. 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 Two first-recited Acts hereby repealed, according to the Provisions and Directions thereof, shall, notwithstanding such Repeal as aforesaid, remain in full Force and Effect, and be and 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 Acts, 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 the said recited Act of the Fourth Year of the Reign of His present Majesty, and be observed and kept by them, according to the Terms, Stipulations, and Tenor thereof respectively.

Books, &c. to be given in Evidence.

X. And be it further enacted, That all Books containing the Accounts and Proceedings of the said Trustees for executing the said Two first-recited Acts hereby repealed, and this present Act, shall and may be given in Evidence in all Cases of Appeal, and all Prosecutions, Suits, and Actions whatsoever.

Former Officers (except Treasurers) to continue.

XI. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers (excepting the Treasurer or Treasurers) 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, Pains and Penalties, in all respects whatsoever, as if they had been appointed under and by virtue of this Act, without Prejudice nevertheless to the Re-election of the said Treasurer or Treasurers under the Powers of this Act; and no Person acting in or holding any official Situation under the said Trustees, such as Clerk, Treasurer, Receiver, Collector, Superintendent, or Surveyor, shall, directly or indirectly, have or hold any Share or Interest in any Contract to be entered into in the Execution of this Act, under the Penalty of One hundred Pounds, to be levied and applied as the other Penalties hereby imposed are directed to be levied and applied; and it shall be in the Option of the said Trustees, and competent to them, to render such Contract null and void.

Treasurer and Clerk not to be the same Person.

XII. 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



shall accept the Office of Treasurer, or shall act as the 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 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 a Court of Session.

XIII. And be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Monies, by virtue or in pursuance of the said Two first-recited Acts hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Act of the Fourth Year of the Reign of His present Majesty and this Act, or any of them, imposed in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said last-recited Act or this Act.

Officers  
under former  
Acts to  
account.

XIV. And whereas a Map or Plan describing a proposed Alteration in the Line of the said Great North Road on that Part thereof betwixt *Kinross* and *Perth* situated in the County of *Kinross*, and of the intended new Line, and the Lands through which the same is intended to pass, together with a relative Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands respectively, has been deposited with the Clerk of the Peace for the said County of *Kinross*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace; and every and any Person, being an Owner or Occupier of any Lands or Tenements on the Line of the said Road, shall at all reasonable Times have Access to the said Map or Plan and Book of Reference, and shall be entitled to inspect and peruse the same, and to obtain Copies or Extracts thereof, on paying to the said Clerk One Shilling for each Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Map or Plan  
lodged with  
Clerk of the  
Peace to re-  
main there,  
and be open  
to Inspection.

XV. Provided always, and be it enacted, That it shall and may be lawful to or for the said Trustees to make or alter the said Roads through, across, or over the several Lands, Grounds, or Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or may be Owner or Owners, Occupier or Occupiers of any Lands over 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 or inaccurately described in the said Book of Reference, in case it shall be made appear to any Two or more Justices of the Peace for any of the aforesaid Counties, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Omissions or  
Misnomers  
not to pre-  
vent Execu-  
tion of the  
Act.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors, and Workmen, from Time to Time to enter upon the Lands and Premises through which

Trustees  
may enter  
upon Lands  
for making  
or Roads.



or whereupon any of the said Roads hereby authorized to be made, amended, improved, widened, altered, or straightened, is or are intended to pass, and to stake out the said Roads or any of them, and to cut and make any Drains or Ditches, or Arches, through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall thereby be occasioned; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used, or the Fences made, in laying out any Part of such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings Sterling.

Trustees not to deviate from Plan beyond a certain Extent.

XVII. And be it further enacted, That the said Trustees, in making, improving, altering, widening, or straightening any of the said Roads, shall not deviate more than One hundred Yards over any inclosed, nor more than Three hundred Yards over any uninclosed Lands and Grounds, from the present Lines of such Roads, or from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation or Deviations shall be made.

Houses, &c. not to be taken without Consent of the Owners.

XVIII. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to the taking down of any Dwelling House or other Building, or to the taking in the Site of any Garden, Orchard, Yard, Park, Paddock, inclosed Shrubbery, or planted Walk or Avenue to a House, except in the Line laid down in the aforesaid Plan and Extent of Deviation therefrom hereinbefore allowed, without the Consent of the Owners thereof respectively.

Property not to be taken after Five Years.

XIX. Provided always, and be it enacted, That in case the said Trustees shall not purchase the said Lands and Heritages described in the said Map or Plan and Book of Reference within the Space of Five Years from and after the passing of this Act, then and in such Case all the Powers hereby granted for purchasing the same shall thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Power to alter Lines, with Consent of the Owners of Property.

XX. Provided always, and be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to alter or divert the Course of the said Roads, in such Manner as they shall think proper, for the Purpose of rendering them more commodious and useful for the Public, although such Alterations or Diversions should not be contained or described in the said Map or Plan, or be within the Limits before prescribed: Provided always, that the previous Consent in Writing of the Owner or Owners of the Lands or other Property through which each such Alteration or Diversion is intended to pass, or of the respective Agents or Factors of such Owner or Owners, shall be first had and obtained by the said Trustees.

Turnpike Gates to be continued or erected, and Tolls levied.

XXI. And be it further enacted, That the said Trustees shall be and they are hereby empowered to continue or to erect Gates or Turnpikes at the Sides of and across the said Roads, and from Time to Time to alter the Situation of such Gates or Turnpikes, or any of them: Provided nevertheless, that the Site of the first Turnpike or Gate at the Side of and across the said North Road nearest the *North Queensferry* shall be North of the Point where



where the Road leading from *Inverkeithing* by *Aberdour* joins the said Road; and the said Trustees, and Person or Persons duly appointed or authorized by them, are hereby authorized and empowered, to demand and take, or cause to be demanded or taken, at each of such Gates or Turnpikes already set up and erected, or which may hereafter be set up and erected in virtue of this Act, a Sum not exceeding the Tolls, Rates, or Duties following; *videlicet*,

For every Horse or other Beast of Draught, when more than Two, drawing any Coach, Barouche, Chariot, Landau, Chaise, Hearse, or any other such Four-wheeled Carriage, a Sum not exceeding One Shilling and Sixpence: Tolls.

For every Horse or other Beast of Draught, when only Two, drawing any Coach, Barouche, Chariot, Landau, Chaise, Hearse, or any other such Four-wheeled Carriage, a Sum not exceeding One Shilling:

For every Horse or other Beast of Draught, when only One, drawing any Coach, Barouche, Chariot, Landau, Chaise, Hearse, or any other such Four-wheeled Carriage, a Sum not exceeding Nine-pence:

For every Person who shall be sitting upon any Coach Box, Barouche Seat, or other Seat on the Outside of any Four-wheeled Carriage, not being a Stage Coach, and not driving the same, if drawn by Six Horses or other Beasts of Draught, a Sum not exceeding Sixpence; if drawn by Four Horses or other Beasts of Draught, a Sum not exceeding Two-pence; if drawn by Two Horses or other Beasts of Draught, a Sum not exceeding One Penny:

For every Horse or other Beast of Draught drawing any Chaise, Curricule, Chair, or other such like Carriage with Two Wheels, when drawn by more than One Horse or other Beast of Draught, a Sum not exceeding One Shilling; and when drawn by only One Horse or other Beast of Draught, a Sum not exceeding Nine-pence:

And in addition to the said Rates respectively,

For every Stage Coach, Long Coach, Diligence or Carriage of the like kind, drawn by Two Horses, and licensed or employed to carry not more than Six Inside Passengers, and having no Outside Passengers, a Sum not exceeding One Penny; and having Outside Passengers at any Time, or for any Part of the Journey, for every such Outside Passenger, a Sum not exceeding One Halfpenny:

For every Stage Coach, Long Coach, Diligence, or Carriage of the like kind, and drawn by Three or more Horses, and licensed or employed to carry not more than Four Inside Passengers, and having not more than Two Outside Passengers, a Sum not exceeding Five-pence:

If not more than Four Inside Passengers, and having not less than Two nor more than Five Outside Passengers, a Sum not exceeding Eight-pence Halfpenny; and for every Outside Passenger above Five, a Sum not exceeding One Penny:

If more than Four and not more than Six Inside Passengers, and having not more than Two Outside Passengers, a Sum not exceeding Ten-pence:

If more than Four and not more than Six Inside Passengers, and having not less than Two nor more than Five Outside Passengers, a Sum not exceeding One Shilling and Two-pence; and for every Outside Passenger above Five, a Sum not exceeding One Penny Halfpenny:

If licensed or employed to carry more than Six and not more than Eight Inside Passengers, and having not more than Two Outside Passengers, a Sum not exceeding One Shilling and Two-pence:

If



If more than Six and not more than Eight Inside Passengers, and having not less than Two nor more than Five Outside Passengers, a Sum not exceeding One Shilling and Nine-pence; and for every Outside Passenger more than Five, a Sum not exceeding Two-pence:

If more than Eight and not more than Ten Inside Passengers, and having not more than Two Outside Passengers, a Sum not exceeding One Shilling and Eleven-pence:

If more than Eight and not more than Ten Inside Passengers, and having not less than Two and not more than Five Outside Passengers, a Sum not exceeding Two Shillings and Eight-pence Halfpenny; and for every Outside Passenger more than Five, a Sum not exceeding Two-pence Halfpenny:

If more than Ten Inside Passengers, and having not more than Two Outside, a Sum not exceeding Two Shillings and Ten-pence; and for every additional Inside Passenger above Ten, having Two Outside, a Sum not exceeding Four-pence; and for every additional Outside Passenger above Two, and licensed to carry Ten Inside Passengers, a Sum not exceeding Three-pence:

For every Waggon, Cart, or other such like Carriage, where any such Carriage and the Loading thereof taken together shall not exceed Sixteen Hundred Weight, a Sum not exceeding Four-pence;

And where such Carriage and Loading shall exceed Sixteen Hundred Weight, and shall not exceed Twenty Hundred Weight, a Sum not exceeding Sixpence;

And where such Carriage and Loading shall exceed Twenty Hundred Weight, and shall not exceed Twenty-two Hundred Weight, a Sum not exceeding Eight-pence;

And where such Carriage and Loading shall exceed Twenty-two Hundred Weight, and shall not exceed Twenty-five Hundred Weight, a Sum not exceeding Nine-pence;

And in addition to the said Tolls there shall be levied and taken, in all Cases where such Carriage and Loading exceed Twenty-five Hundred Weight, and shall not exceed Thirty Hundred Weight, a Sum not exceeding One Penny for every One Hundred Weight which such Carriage and Loading shall weigh above Twenty-five Hundred Weight;

And for every One Hundred Weight which such Carriage and Loading shall weigh above Thirty Hundred Weight, and not exceed Forty Hundred Weight, a Sum not exceeding Two-pence;

And for every Hundred Weight which such Carriage and Loading shall weigh above Forty Hundred Weight, a Sum not exceeding One Shilling:

And in addition to the above Rates, upon every such Waggon, Cart, or other such Carriage, for every Horse or other Beast of Draught that shall be employed in drawing the same, a Sum not exceeding One Penny:

For every Saddle Horse, or other Beast of Burden, a Sum not exceeding Three-pence:

For every other Horse, or other Beast of Burden, laden or unladen, and not drawing, a Sum not exceeding Two-pence Halfpenny:

For every Drove of Oxen or Neat Cattle, a Sum not exceeding One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, a Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number:

For



For every Horse or other Beast of Draught drawing any Waggon, Cart, or other such like Carriage, for the weighing of which no Machine is or shall be provided, a Sum not exceeding One Shilling.

XXII. Provided always, and be it further enacted, That every Waggon, Cart, or other such Carriage with Two Wheels, having the Fellies of the Wheels thereof of the Breadth of Five 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, 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 the 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, shall be chargeable with only Two Third Parts of the Toll herein-before granted upon Waggons, Carts, and other such Carriages; and that every Waggon, Cart, or such Carriage with Four Wheels, having the Fellies thereof of the Breadth of Six Inches or upwards, being cylindrical, and the Nails sunk level with the Rings, as before specified, shall be chargeable with only One Half of the Toll herein-before granted upon Waggons, Carts, or similar Carriages: Provided also, that every Person claiming the Privileges granted to broad-wheeled Carriages shall permit the same to be examined and measured by any Person employed in the Collection of the said Tolls.

Regulations concerning Breadth of Carriage Wheels.

XXIII. And be it further enacted, That if any Tolls or Duties shall be paid for any Horse or other Beast of Draught or Burden, or any Cattle, passing through any Gate or Gates, Turnpike or Turnpikes, already erected on the said Lines of Road, or to be erected in virtue of this Act, and returning on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night), the same shall be entitled to pass the said Gates or Turnpikes Toll-free, with the same Coach, Cart, or other Carriage, unless the same shall so pass with a new Loading, in which Case they shall pay every Time they so pass: Provided always, that this Regulation shall not affect the Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty, regarding the Tolls payable in respect of all Horses or Beasts of Draught drawing any Stage Coach, Caravan, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, and in respect of all Horses or Beasts of Draught let out for Hire, and drawing any Post Chaise or other Carriage, whenever any new Hiring thereof shall have taken place, or the other Exemptions granted by the said last-recited Act.

Tolls to be paid only Once a Day.

Proviso as to Horses drawing Stage Coaches, &c.

XXIV. Provided always, and be it enacted, That in case there are or shall be erected upon the said Roads any Gates or Turnpikes at less Distance from one another than Six Statute Miles, then any Person or Persons, producing a Ticket to shew that the Toll has been paid at one of such Gates or Turnpikes, shall not pay any Toll at the other, which shall be within Six Statute Miles of the former, at which the Toll denoted by such Ticket shall have been paid; save and except at the First and Second Turnpike Gates or Toll Bars nearest the *North Queens-ferry*, at which the Tolls or Duties hereby granted are hereby directed

Tolls to be leviable once only in Six Miles.

Exceptions.

[*Local.*]



to be levied, although the same shall not be Six Statute Miles distant from each other, provided such Second Turnpike or Gate shall be Six Statute Miles distant from the *North Queensferry*; and also save and except the Tolls or Pontage Duties leviabie at the Bridge of *Earn*, which shall continue payable as heretofore.

Present Rates of Toll to continue till altered.

XXV. And be it further enacted, That the Rates of Toll levied at the Time of passing this Act by virtue of the said Two first-recited Acts hereby repealed, shall continue to be levied and taken until the Term of *Whitsunday* in the Year One thousand eight hundred and thirty, unless previously altered by the said Trustees; and the said Trustees are hereby authorized and empowered so to do, and to remove any Side Bar erected for the Purpose of preventing Evasion of the Tolls; and it shall be competent to and in the Power of the said Trustees to make a further Reduction of the said Rates of Toll, to take down or remove any Toll Bar, or to grant Exemption at the same, upon their causing Intimation to be given in Writing of their Intention so to do to the whole Creditors of the Trust, and provided the same shall not be objected to by Creditors entitled to One Fourth in Amount of the Debt in Security of which the said Tolls shall then stand assigned, within One Calendar Month after Intimation shall have been made to them respectively.

Power to erect Fences and Side Bars.

XXVI. And be it further enacted, That it shall and may be lawful for the said Trustees to build Fences along the Sides of such Parts of the said Roads where the same may be necessary, and to erect Side Bars, and levy at the same the several Tolls and Duties in this Act mentioned, so as to prevent any Person or Persons travelling the Roads hereby directed to be made or repaired from evading the Payment of any Tolls or Duties granted by this Act.

Power to shut up unnecessary Bye Roads.

XXVII. And be it further enacted, That it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties, upon the Application of the said Trustees, to cause any unnecessary Bye Road, immediately connected with and leading to the Roads hereby directed to be made or repaired, to be shut up, as they shall judge not to be of Importance to the Public: Provided always, that Notice of the Resolution to shut up such Roads be given by Advertisements affixed to the nearest Toll Bar, and on the Doors of the Three nearest Parish Churches on Two following *Sundays*, One Month at least before such Resolution shall be taken into Consideration; and that Three Fourths of the Trustees present at a Meeting to be called for the Purpose, or at an Annual General Meeting, shall decide in favour of the Measure proposed.

Tolls, &c, vested in the Trustees.

XXVIII. And be it further enacted, That all the Tolls and Duties hereby granted and made payable, together with the Right of Property of every Gate or Turnpike, Toll House, Building, Garden, Bridge, Milestone, Post, Rail, and all Road Materials, and every other Matter or Thing belonging to the said Roads, which have been or shall be acquired by the said Trustees under the Acts herein-before recited or this Act, are and shall be vested in the said Trustees appointed in or by virtue of this Act.

Power to keep the old Lines of Road open.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, if they shall see fit, to keep and maintain the Roads repaired by virtue of the said recited Act made in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, or any of them, or any



Part thereof, for the Use and Accommodation of the Public, as well as the new Line or Lines made or to be made, and that they shall be at liberty to collect thereon the several Tolls or Duties by this Act granted: Provided always, that if any Person driving any Cattle, of whatever Description, shall prefer using or travelling along the said old Lines of Road, they shall receive a Deduction from the Tolls and Duties leviabie under the Authority of this Act at the Rate of a Sum not exceeding Eight-pence *per* Score; and if any Person driving any Calves, Hogs, Sheep, Lambs, or Goats, shall prefer the said old Lines of Road, they shall be entitled to a Deduction from the Tolls or Duties leviabie under the Authority of this Act, at the Rate of a Sum not exceeding Four-pence *per* Score; and the said Trustees may and they are hereby empowered to lay out and expend, from Time to Time, such Sums as they shall think reasonable upon the Repairs of the said old Lines of Road so used by Persons driving Cattle as aforesaid.

XXX. Provided always, and be it further enacted, That all and every Person or Persons who is or are by any particular Law or Custom chargeable towards repairing and amending any particular Part of the said Roads hereby intended to be repaired, shall be chargeable as he or they were before the passing of this Act; and the said Trustees shall be and they are hereby declared to be empowered to treat and agree for any Sum of Money, to be paid yearly or otherwise, with any Person or Persons, Bodies Politic, Corporate, or Collegiate, chargeable with the Repairs of any Part of the Roads directed to be repaired by this Act, or any Bridge upon the same, in lieu of such Repairs, and also for the Payment of any Sum out of the Tolls granted by this Act, by the Year or otherwise, to any Person or Persons, Bodies Politic, Corporate, or Collegiate, entitled to any Toll or Duty at any Place upon the said Roads by reason of any Usage or otherwise.

Persons liable in the Repair of the Roads or Bridges to continue so.

XXXI. And be it enacted, That it shall be lawful for the said Trustees to make and maintain, along the whole of the said Roads now made or to be made, a safe and convenient Footpath or Footpaths for the Accommodation of Foot Passengers; and that if any Person shall ride upon the Paths made or which may be made along the Sides of any Part of the said Roads for the Benefit of Foot Passengers, or shall in any way hurt or injure the same, such Person shall for every such Offence forfeit a Sum not exceeding Forty Shillings Sterling, to be recovered, levied, and applied in manner directed in the said recited Act of the Fourth Year of the Reign of His present Majesty as to levying, recovering, and applying other Penalties.

Footpaths to be made.

XXXII. And be it further enacted, That no Person shall plant any Trees within Twenty Feet from the Centre of the said Roads, under the Penalty of Five Pounds for every such Offence, and the Expence of removing such Trees; and it shall and may be lawful for any One or more of the said Trustees to stop the planting of the said Trees which he or they shall apprehend to be within the said Distance from the Side of the said Roads, by any Order in Writing under his or their Hand or Hands, until such Time as sufficient Evidence shall be given, to the Satisfaction of any Two Justices of the Peace, that such Trees shall be planted beyond the Distance aforesaid; and if such Evidence shall not be given before the next General Quarter Sessions of the Peace for the County in which the Trees are planted, it shall and may be lawful for

Trees not to be planted within a certain Distance of the Road.

any



any Two or more of the said Trustees to order the said Trees to be taken up.

Appeal.

XXXIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, for which no particular Relief has been already provided, it shall and may be lawful to and for such Person or Persons, within Six Calendar Months after the Matter complained of shall be done, but not afterwards, to appeal to the Justices of the Peace of the County in which the same shall have taken place, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees and the Clerk of the Justices of the Peace; which Justices are hereby authorized to hear and determine the Matter in dispute, and their Judgment therein shall be final without being subject to Review by Advocation, Suspension, Reduction, or otherwise.

Application of Tolls.

XXXIV. And be it further enacted and declared, That the Produce of the said Tolls and Duties so to be raised, levied, and collected as aforesaid, and all the Monies arising by virtue of this Act, shall, after Payment of the Expences of preparing, applying for, procuring, and passing this Act, as herein-after provided, be applied towards making, maintaining, and improving the said Roads, and paying the Interest of the Money borrowed, subscribed, advanced, or owing at the Time, and the Surplus shall be appropriated annually to extinguish the Principal of the said Debt, and to no other Purpose.

Expences of Act.

XXXV. And be it further enacted, That the Expence of preparing, procuring, and passing this Act shall be paid out of the first and readiest Monies received, levied, or borrowed by virtue of this Act for making and repairing the said Roads hereby directed or authorized to be made, altered, or repaired.

Public Act.

XXXVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance of Act.

XXXVII. And be it further enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Thirty-one Years, and from thence to the End of the next Session of Parliament.

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