



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xci.

An Act for repairing and keeping in repair the Road from *Kinross* in the County of *Kinross* to *Alloa* in the County of *Clackmannan*.

[22d May 1829.]

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and repairing the Road from Kinross in the County of Kinross to Alloa in the County of Clackmannan*; and another Act was passed in the Forty-eighth Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and enlarge the Powers of an Act for repairing the Road from Kinross in the County of Kinross to Alloa in the County of Clackmannan*: And whereas by the said recited Acts certain Persons were appointed Trustees, who have proceeded to put the same in execution, and great Progress has been made in making and repairing the Roads therein mentioned, and considerable Sums of Money have been borrowed and are still owing on the Credit of the Tolls thereby granted; and the said Acts being about to expire, the said Sums of Money cannot be repaid, nor can the said Roads be completed and repaired, and kept in repair, unless the Term and Powers of the said Acts be continued and enlarged, and the said Acts be amended, or new Powers be granted: And whereas an 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*: 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

[Local.]

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Lords

Recited
Acts of
37 & 48 G. 3.
repealed.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Thirty-seventh and Forty-eighth Years of the Reign of His said late Majesty shall from and after the passing of this Act be and the same are hereby repealed.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, 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 the Body of this Act.

Covenants
under the
repealed
Acts to re-
main 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 Two first-recited Acts, 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 Two first-recited 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 all and every Undertaking, Subscription, or Obligation for any Sum or Sums of Money, entered into by any Person or Persons for defraying the Expence of passing the said Two first-recited Acts, and carrying the Purposes thereof into execution, shall remain in full Force, and shall be paid to and be applied by the Trustees under this Act towards defraying the Expence of passing the same; and carrying the Purposes thereof into execution: Provided always; that the said Trustees acting under this Act shall not be personally liable for Payment or Performance of any of the said Obligations, unless they shall voluntarily and by an express Deed bind themselves or their Heirs personally to implement or perform any of the said Contracts, Agreements, Bonds, Assignments, Subscriptions, Obligations, or Securities.

Books under
the repealed
Acts may 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 Two first-recited Acts 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 Acts had not been repealed.

Former
Officers ex-
cept 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 Two first-recited Acts, 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

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 Authority of this Act.

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

Same Person
not to be
Clerk and
Treasurer.

VII. And be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money, by virtue or in pursuance of the said recited Acts of the Thirty-seventh and Forty-eighth Years of the Reign of His late Majesty King *George* the Third, 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 Trustees hereby appointed, in like Manner and under the like Penalties and Remedy as are by the said recited Act of the Fourth Year of the Reign of His present Majesty imposed or given in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, and refusing or neglecting to give up or account for the same.

Officers
under the
former Acts
to account to
the Trustees
for executing
this Act.

VIII. And be it further enacted, That all and 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, and through which the said Road passes, valued in the Cess Book of the Counties of *Clackmannan* and *Kinross* at the Sum of One hundred Pounds *Scots*, and the eldest Son of every such Proprietor or Life-renter, and the Factor, Chamberlain, or Proxy of every Peer of the Realm possessing the aforesaid Qualification, shall be and are hereby appointed Trustees for making,

Trustees.

making, repairing, widening, altering, and maintaining the said Road described in the said first-recited Act; *videlicet*, from the turning down to the *Mary Bridge* of the Road from *Alloa* to *Clackmannan* by *Gateside* to the Bridge at the *Linnmiln*, and from thence to the *Forest Mill*, and so proceeding by *Woodside* to *Wellhall*, and from thence by the North Side of *Gibson's Craig* to the *Powmill Bridge*, and from thence by the North Side of *Bridgeland* and South of the Village of *Crookmill* joining the *Kinross County Road*, and so along the said Road to *Kinross*; and for putting into execution, all the other Powers and Authorities in and by this Act given and granted.

Trustees appointed by this Act may elect other Trustees.

IX. And be it further enacted, That the said Trustees shall have full Power to elect Five or any lesser Number of Trustees, who shall possess the same Value of Land in the Counties of *Kinross* or *Clackmannan* which the other Trustees are required to possess on the Line of Road, and that at any Special Meeting to be held for the Purpose of electing the said Trustees in virtue of a previous Advertisement in any Newspaper generally circulated in the County of *Clackmannan*; and such Trustees so elected shall have the same Powers as are conferred on the other Trustees nominated by this Act.

Quorum of Trustees.

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

Meetings of Trustees.

XI. And be it further enacted, That the said Trustees shall meet at *Alloa* on the *Third Monday* after the passing of this Act, at Twelve o'Clock Mid-day, for putting this Act into execution, and shall thereafter yearly hold a Stated Annual General Meeting on such Day and at such Place as the said Trustees present at their First Meeting under the Authority of this Act may appoint; and in case at such First or any such Stated Annual General Meeting a Quorum of Trustees shall not attend, such Meeting shall be adjourned to the Day following; and the said Trustees shall hold such other General Meetings as shall be necessary for the due Execution of this Act, and shall adjourn such Meetings as to them shall seem expedient, and shall direct their Clerk to give such Notice of any such Adjournment as to them shall seem proper; and in case a Quorum of the said Trustees shall not attend at any such Adjourned General Meeting, or at any Special General Meeting, such Meeting shall be adjourned till such Day as the Trustees present thereat, or any One of them, if only One attend, or as the Clerk, if no Trustee attend, may appoint; provided that Ten Days previous Notice of the Day and Place to which such Adjournment shall be made shall be given by the Clerk to the said Trustees in some One Newspaper usually circulated in the said Counties, and also in such other Manner as the said Trustees shall from Time to Time direct and appoint; and when any Special Meeting of the said Trustees shall be called, similar Notice shall be given of the Time and

and Place, and also of the Purpose or Purposes of such Special Meeting; and at any such Special Meeting, or Adjournment thereof, no Business shall be entered or decided upon other than what is specified in such Notice, or, in case of Adjournment, in the Notice of such Adjournment.

XII. 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 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 Site of each such Toll House and Garden not exceeding the Eighth Part of an Acre, and from Time to Time to alter the Situation of such Gates or Turnpikes and Toll Houses and Gardens.

Power to
continue or
erect Turn-
pikes.

XIII. 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,)

Power to
take Tolls.

For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Hearse, Gig, Phaeton, or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, where the Number drawing is Six, One Shilling and One Penny; and where it exceeds Six, at the Rate for each of the Proportion of Six Shillings and Sixpence divided among the whole Number employed in drawing the same; where Three, Four, or Five Horses or other Beasts of Draught are employed in drawing, One Shilling; where Two Horses or Beasts of Draught are employed in drawing, Nine-pence; where only One Horse or Beast of Draught is employed in drawing, One Shilling and Three-pence:

Tolls.

For One Horse or Beast of Draught drawing any Taxed Cart, Nine-pence:

For every Horse, Ox, or Beast of Draught exceeding Two and not exceeding Six, drawing any Waggon, Wain, or Cart or other such Carriage, One Shilling; and when the Number exceeds Six, at the Rate for each of the Proportion of Six Shillings divided among the whole Number employed in drawing the same:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, where such Carriage and the Loading thereof taken together shall not exceed Fifteen Hundred Weight, where One only is drawing such Carriage, Four-pence, and where Two are drawing such Carriage, Three-pence; and where such Carriage and Loading exceeds Fifteen Hundred Weight and does not exceed Twenty Hundred Weight, where only One Horse or Beast of Draught is drawing the same, Four-pence Halfpenny, and where Two are drawing, Three-pence Farthing; and where such

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Carriage

Carriage and Loading exceeds Twenty Hundred Weight and does not exceed Twenty-five Hundred Weight, where One Horse or Beast of Draught only is drawing, Five-pence, and where Two are drawing, Three-pence Halfpenny; and where such Carriage with the Loading exceeds Twenty-five Hundred Weight and does not exceed Thirty Hundred Weight, where One Horse or Beast of Draught is drawing, Five-pence Halfpenny, and where Two are drawing, Three-pence Three Farthings; and where such Carriage with the Loading amounts to Thirty-one Hundred Weight, and One Horse or Beast of Draught is drawing, Sixpence, and where Two are drawing, Four-pence; and where any such Carriage with the Loading exceeds Thirty-one Hundred Weight, then in the Proportion for each Horse, where not more than Two are drawing, of One Penny for each additional Hundred Weight:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Neat Cattle, Mules, Asses, Horses, or Fil-
lies unshod, the Sum of Two Shillings and Sixpence *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 Ten-pence *per* Score, and so in proportion for any greater
or less Number.

Carriages
rolling a flat
Surface to
pay only Two
Thirds of
the above
Tolls.

XIV. Provided always, and be it further enacted, That every Wag-
gon, 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
Carriage, 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 Carriage 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 Tolls hereinbefore granted upon any Horse or
Beast of Draught drawing any Waggon, Wain, 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.

Tolls pay-
able once a
Day only,
unless with a
new Loading.

XV. And be it further enacted, That upon receiving Payment of
the Tolls by this Act granted the Receiver thereof at any Gate or
Turnpike to be continued or erected as aforesaid shall deliver to the
Person paying such Tolls a Note or Ticket denoting such Payment;
and on the Production of such Note or Ticket at the same Gate or
Turnpike, on repassing the same on the same Day before Twelve
o'Clock at Night, or at any other Gate or Turnpike placed on the
said Road at a Distance not exceeding Four Statute Miles from the
Gate or Turnpike where such Note or Ticket was delivered, or at
repassing such other Gate or Turnpike on the same Day before
Twelve

Twelve o'Clock at Night, no Toll shall be exigible for the Horses or other Cattle in respect of which such Note or Ticket shall have been delivered: Provided always, that in case the same Horse, Ass, or other Beast drawing any Carriage, Cart, or Waggon shall pass through any Turnpike Gate or Gates with a fresh or new Loading or Hiring exceeding Two Hundred Weight, a Second Time or oftener the same Day, such Horse, Ass, or other Beast shall be subjected to the Payment of Toll for each Time in the same Manner as for the first Time of passing.

XVI. Provided always, That it shall not be lawful to charge the Tolls hereby granted for or in respect of any Horse or other Beast travelling on the said Road, betwixt the Town of *Kinross* and the Western Extremity of the said Road, at more than Four Toll Gates the same Day, whatever Number of Turnpikes or Side Gates the said Trustees may find it necessary to erect on the said Line of Road.

Limiting
Tolls be-
tween
Kinross and
Western
End of
Road.

XVII. And be it further enacted, That the said Tolls 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 every Part thereof shall be paid over, applied, and assigned to and for the several Uses, Intents, and Purposes by this Act directed.

Tolls and
other Pro-
perty vested
in Trustees.

XVIII. And whereas the said Road has of late, in consequence of the Necessity of applying the Tolls in discharging and paying up a Portion of the Debt affecting the same, become bad and out of repair, and it will be necessary to borrow a further Sum of Money for repairing the same, which the said Trustees will have Difficulty in raising, unless the Sum to be so raised be made a preferable Debt upon the Tolls hereby granted; be it therefore enacted, That the Tolls; and all the Monies arising by virtue of this Act, shall be applied in the first place towards the Expence of passing and procuring this Act; in the second place, towards the Repayment of any Money to be borrowed upon the Credit of the said Tolls, for putting the said Road into a State of Repair as aforesaid, and the Interest to become due thereon; in the third place, towards the repairing and maintaining the said Road, and in keeping the same in repair; and lastly, towards the Repayment of the Monies due and owing at the passing of this Act upon the Credit of the Tolls leviable under the said recited Acts of the Thirty-seventh and Forty-eighth Years of the Reign of His said late Majesty King *George* the Third, and the Interest due and to become due thereon.

Application
of the Money
to be bor-
rowed and
of the Tolls.

XIX. And be it further enacted, That the said Trustees shall within Six Months after the passing of this Act give Notice, by public Advertisement at least Three Times in a Newspaper usually circulated within the Counties of *Clackmannan* and *Kinross*, and by Circular Letters addressed to all the known Creditors upon the said Road, to lodge with the Clerk particular Notes of their several Claims upon the Road, and upon the same being adjusted the Treasurer shall make up a Statement of all the Debts due upon the said Road, and

Debts to be
claimed
within Three
Years.

which

which shall be entered in the Books of the Trust, and the Sums so entered shall be declared to be the Debts for which the Roads are liable by virtue of this Act; and if no further Claim shall be made and established within Three Years from the passing of this Act, any Debt not so claimed shall be held as lapsed, and the Funds to be raised or levied under this Act shall only be liable in Repayment of the Debts existing under the said recited Act of the Forty-eighth Year of the Reign of His said late Majesty which shall have been so entered in the said Books of the Trust.

Trustees
may enter
upon Lands
to be taken
for this Act.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to take, acquire, and use, and to enter into or upon, any Lands, Grounds, Tenements, and other Heritages necessary to be taken and used for the Purposes of this Act; and if the said Trustees shall not come to an Agreement with the respective Owner or Owners and Occupier or Occupiers, regarding the Value thereof, the same shall be ascertained according to the Manner and to the Rules contained in the said last recited Act of the Fourth Year of the Reign of His present Majesty.

Collectors
may give
Evidence.

XXI. 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, or any Penalty or other Matter or Thing, the Person or Persons appointed to collect the said Tolls, 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.

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

Commence-
ment and
Continuance
of Act.

XXIII. 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 then next Session of Parliament.

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