



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. xxxviii.

An Act for making and repairing certain Roads leading across the County of *Stirling*, and other Roads in the said County. [2d August 1831.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and repairing several Roads leading across the County of Stirling*; and another Act was passed in the Fiftieth Year of the Reign of His said Majesty, intituled *An Act for continuing the Term and altering the Powers of an Act made in the Thirty-fourth Year of His present Majesty, for making and repairing several Roads leading across the County of Stirling*: And whereas the Trustees appointed by the said Acts have proceeded to put the same into execution, and certain Sums of Money have been borrowed and expended for the Purposes of the Trust created by the said recited Acts; and the Powers thereby granted are insufficient for varying or altering the Line or Direction of the aforesaid Roads where necessary: And whereas the Term granted by the said Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third will soon expire; and the Sums of Money borrowed as aforesaid are still due and owing, and cannot be repaid, nor can the said Roads be repaired and kept in repair, unless farther Provision be made to that Effect; and it is expedient that the said Acts should be repealed, and that new Powers and Authorities should be granted in lieu of the Powers and Authorities thereby granted: And whereas the making and keeping in repair certain new Lines of Road to lead into the Roads described in the said first-recited Act; and repairing, straightening, [Local.] 7 E widening,

34 G. 3.

c. 138.

50 G. 3. c. 16.

widening, and keeping in repair certain Roads hereinafter mentioned, and the building of the necessary Bridges on the said Roads, would be of great Public Utility, and beneficial to the Inhabitants of the Districts through which they pass or are intended to pass; but these Purposes cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Fourth Year of the Reign of His late 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 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-fourth and Fiftieth Years of the Reign of His Majesty King George the Third shall from and after the passing of this Act be and the same are hereby repealed, and instead thereof this Act shall then commence and take effect, and shall continue in force during the Term hereinafter mentioned.

Recited Acts of 34 and 50 G. 3. repealed, and this Act to take effect.

Powers of recited Act of 4 G. 4. applied to this Act.

II. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His late Majesty King George the Fourth, 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 herein repeated and re-enacted.

Contracts, &c. to remain in force.

III. And be it further enacted, That all Contracts, Covenants, and Agreements made or entered into by any Person or Persons with the Trustees appointed by the said Two first-recited Acts hereby repealed, for executing the Trust created by the said Acts, or any Matter connected therewith, and all Bonds, Assignments, and Securities duly made and entered into by the said Trustees, shall stand and remain in full Force and Effect, and shall continue available in all Courts of Law and Equity, until the same are fully satisfied, performed, and implemented, and in so far as the same were binding upon the said Trustees shall be binding on the Trustees appointed for carrying this Act into execution.

Former Books, &c. to be Evidence.

IV. And be it further enacted, That all the Books containing the Proceedings and Accounts of the Trustees appointed by the said Two first-recited Acts, and which were Evidence under the said Acts, shall and may be given in Evidence in all Courts, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Acts had not been so repealed, and had continued in force.

Appointment of Trustees.

V. And be it further enacted, That every Person who is at present or who shall hereafter 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* or Property of Lands in any of the Parishes through which the Roads hereinafter described, in the first place,

place, or any of them, do or shall pass, valued in the Cess Books of the said County at not less than One hundred Pounds *Scots* of valued Rent, and the eldest Sons and Heirs Apparent of Persons in the actual Possession and Enjoyment of the *Dominium utile* or Property of Lands standing valued as aforesaid, in the Absence of the Person in the actual Possession of Lands so valued, and the Commissioners duly appointed by the Duke of *Hamilton* and Lord *Dundas*, each such Commissioner being, in his own Right or in Right of his Wife, in the actual Possession and Enjoyment of the *Dominium utile* or Property of Lands in any County in *Scotland* standing valued in the Cess Books of such County at not less than One hundred Pounds *Scots*, shall be and they are hereby appointed Trustees for opening, making, repairing, and keeping in repair the following Roads, made or authorized to be made by the said recited Acts now repealed; *videlicet*, the Road across the County of *Stirling* leading from the Turnpike Roads in the Counties of *Lanark* and *Linlithgow*, which is also nearly connected with the *Cleugh* Turnpike Road leading to the Town and Port of *Borrowstowness* at or near *Torphichen Bridge*, Northwards by or near *Parkend* or *Mumrells*, to join the Road leading to the Harbour of the Great Canal at *Grangemouth*, and from thence by Bridges built over the said Canal and River *Carron* at the Ford near *Kerse*, passing towards the Harbours of *Airth* and *Dunmore Park*, to join the Roads leading towards *Higginsneuck* and *Kersey Ferry* upon *Forth*, and from the Road leading from *Kersey Ferry* to at or near the Separation of the Roads leading to *Stirling* and *Saint Ninian's*; also for making, amending, opening, and keeping in repair the following new Roads; *videlicet*, a Road from a Place called *Cassel's Bridge*, on the Turnpike Road from *Linlithgow Bridge* to *Causeyhead*, to *Beancross* on the Line of the Road described in the said Acts now repealed, and which in its Course will comprehend a Part of the Parish or Statute Labour Road leading from *Beancross* to *Borrowstowness*; a Road from the Line described in the said Acts where it crosses the *Forth* and *Clyde* Canal at *Dalgrain Bridge* to *Grangemouth*, and from thence to join the *Cleugh* Road at or near *Haining* in the County of *Linlithgow*; and for building the necessary Bridges over the Water of *Avon* and the *Grange Burn*; and for making, amending, widening, and keeping in repair the Road from *Kersey Toll Bar* upon the Road comprehended in the said Acts to *Alloa* or *Kersey Ferry*; and for otherways putting this Act into execution, in so far as regards the Roads herein-before described: Provided always, that no Person shall be entitled to be a Trustee on the Roads before described, unless such Person or his Ancestors, or his Constituents or their Ancestors, shall have subscribed and paid a Sum not less than One hundred Pounds Sterling towards the Purposes of the Acts hereby repealed or of this Act, and that the Trustees herein-before appointed, and, together with them, the Chief Magistrate of the Burgh of *Stirling* for the Time being, the Dean of Guild of the said Burgh of *Stirling* for the Time being, One Master of each Hospital in the said Burgh for the Time being, 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 Liferenter, of the Property or *Dominium utile* of Lands

Lands valued in the Cess Books as aforesaid, and lying in the Parishes of *Stirling* or *Saint Ninian's*, and the eldest Son of every Person possessed as aforesaid, in the Absence of his Father, shall be and they are hereby appointed Trustees for making, amending, opening, and keeping in repair the following Roads; *videlicet*, a Road from at or near where the *Bandeath* Road joins the Road comprehended in the said Acts, to the Side Bar at or near *Shotts* on the Line of the said last-mentioned Road; the Road from the said Bar at *Shotts* to where the *Stirling* and *Saint Ninian's* Roads separate; and from thence by the Street called the *Craigs* of *Stirling* to the said Road from *Linlithgow Bridge* to *Causeyhead* at the South Port or Burgh Gate of the Town of *Stirling*; and the Road from the Separation of the said Roads to the Turnpike Road betwixt *Falkirk* and *Stirling* at or near *Saint Ninian's*; and for putting into execution all the other Powers and Authorities granted in and by this Act, in so far as regards the Roads herein last before described: Provided always, that only One Person shall act and vote at one and the same Time as a Trustee upon One Qualification, and that the Person enjoying the greater or more immediate Interest, and claiming to act, shall be preferred.

Road to
Grange-
mouth not
to be on
South Side
of Canal.

VI. And be it enacted, That so soon as the said Road from *Dalgrain Bridge* to *Grangemouth* shall have been made and opened for the Use of the Public, the present Road from *Kerse Toll* to *Grangemouth* shall be shut up, and from thenceforth cease to be a public Road; and the said Road from *Dalgrain Bridge* to *Grangemouth* shall not hereafter, by virtue of any existing Statute, be changed to the South Side of the *Forth* and *Clyde* Canal: Provided always, that the said Road from *Dalgrain Bridge* to *Grangemouth* shall in passing through *Grangemouth* be carried at the Back of the Houses in *Bank Street*, and not in the Front thereof, or along the Bank of the said Canal.

Plans, &c. to
remain with
Clerks of
the Peace,
and to be
open to
Inspection.

VII. And whereas Maps or Plans describing the said new Roads, and Roads intended to be altered, and the Lands, Grounds, Tenements, and Hereditaments through which the said new Roads and Roads to be altered are 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 for the Counties of *Stirling* and *Linlithgow*; be it further enacted, That the said Maps or Plans 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 on the Line of any One of the said Roads, 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, paying for every such Inspection the Sum of One Shilling, and to take Copies or Extracts thereof, paying to the said Clerks at the Rate of Sixpence for every Hundred Words of such Copies or Extracts.

Trustees
may enter
upon Lands.

VIII. And be it enacted, That it shall be lawful to and for the said Trustees to take, acquire, and use, and to enter into or upon, any Lands, Grounds, Tenements, and others necessary to be taken and used

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 as to the Value thereof, the same shall be ascertained according to the Manner and to the Rules contained in the said recited Act of the Fourth Year of the Reign of His late Majesty.

IX. And be it further enacted, That the said Trustees in making or altering the said Road through the foresaid Street called the *Craigs of Stirling* shall not deviate from the Line delineated on the said Maps or Plans, and in making and altering the other Roads hereby authorized to be made or altered shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, 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; neither shall they take down or remove any Dwelling House or other Building the Side Walls of which exceed Twenty Feet in Height, or take or make use of any Policy, Orchard, or Garden the Contents of which exceed a Quarter of an Acre, or any Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, other than the Dwelling Houses or Buildings, Policies, Orchards, Gardens, Lawns, planted Walks, and Avenues, or inclosed Grounds planted as aforesaid, or any of them, described in the said Books of Reference, without the Consent in Writing of the Owners thereof.

Trustees
not to de-
viate from
Plans, &c.
without
Consent.

X. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees to make, alter, or vary the said Roads on, into, through, across, or over the several Lands, Grounds, or Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Owner or Owners of Land in or through which the said Roads are set out and described in the said Maps or Plans, although the Name or Names of such 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 said Counties respectively where such Premises lie and are situated, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Omissions
not to pre-
vent taking
Land.

XI. Provided always, and be it further enacted, That in case the said Trustees shall not purchase such Lands, Dwelling Houses, or other Buildings, Policies, Orchards, Gardens, Lawns, planted Walks, Avenues, or inclosed Grounds, within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to purchase any such Dwelling House or other Heritages so remaining unpurchased, without the Consent of the Owners thereof first had and obtained thereto.

Lands to be
purchased
within Five
Years.

XII. And be it further enacted, That the Trustees hereby appointed shall meet at *Airth* on the Second *Saturday* in *October* One thousand eight hundred and thirty-one, at One o'Clock Afternoon, and thereafter shall hold Two Stated General Meetings in every Year during the

First and
other Meet-
ings of the
Trustees.

[*Local.*]

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Continuance

Continuance of this Act, the one upon the Second *Saturday* in *April*, and the other upon the Second *Saturday* in *October*, and that at *Airth* or any other Place upon or within Three Miles of the said Roads or any Part thereof which the said Trustees shall appoint at any General Meeting; and if at any such General Meeting or any Adjourned Meeting there shall not be present a Quorum of the said Trustees, any One or more of those who shall be present, or if no Trustee shall be present, the Treasurer or Clerk of the said Trustees, shall adjourn such Meeting to any future Day betwixt the Day of Adjournment and the next Statutory General Meeting, of which Adjournment Notice shall be given in One of the Newspapers published within the County of *Stirling* (if any Newspaper shall be so published), and One Newspaper published in *Edinburgh* at least Ten Days before the Day of such Adjourned Meeting; and it shall not be lawful for the said Trustees to make Order for borrowing Money, or assigning the Tolls and Duties in Security thereof, or for erecting Turnpike Gates or Side Bars, unless at one or other of such General Meetings or Adjourned Meetings.

Quorum of Trustees.

XIII. And be it further enacted, That at all General and Adjourned Meetings of the said Trustees the Majority of the Trustees present, the whole Number present not being less than Three, shall be and they are hereby authorized to do, order, and perform all Acts, Matters, and Things which the Trustees appointed by this Act are authorized to do or 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.

As to the new Road from Dalgrain Bridge to Haining.

XIV. And be it further enacted, That it shall and may be lawful for the Trustees, being Heritors on the Line of the new Road from *Dalgrain Bridge* to *Haining*, or for any One or more of them, at any Time after the Expiration of Six Months after the passing of this Act, to make the said new Road from *Dalgrain Bridge* to *Haining*, with the Bridges on the Line of the same, as specified in this Act: Provided always, that such Trustees, being Heritors, or One or more of them, shall find Security that the said Road and Bridges shall be made and completed; and on their finding such Security, the said Trustees shall assign the Tolls and Pontages payable at any Toll Bars already erected on the said Line of Road, or to be erected on the said Road and Bridges, to the Trustees and Heritors finding Security as aforesaid for making the same; and which Assignments of the Toll and Pontage Duties shall remain as a valid Security for Reimbursement of the Expence of making and improving the said Road and Bridges; and such Assignations shall be in the Terms prescribed by the said recited Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth; and the said Trustees and Heritors who shall so undertake the making of the said Road and Bridges shall have full Power to maintain and keep up on any Part of the said Road such Toll Gates or Pontage Bars, or other Check Bars on the said Line of Road, as may be deemed necessary, and to levy the Toll and Pontage Duties thereat, provided that such Toll Duties shall not be levied at Bars situated within Four Miles of one another, and if the Bars shall be placed

placed nearer than Four Miles, that Pass Tickets shall be given, as is provided for by the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth.

XV. And be it further enacted, That the Clerk, Treasurer, Surveyor, and all other Officers who have been appointed under and employed in the Execution of the Acts hereby repealed shall respectively continue to exercise their Offices under this Act until they shall be displaced or removed by the said Trustees, or be incapable of exercising 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. Former Officers to continue.

XVI. 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, to be 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 Employ of such Treasurer or of his Partner, to be 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 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 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 the Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any other 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 the Court of Session. Same Person not to be Treasurer and Clerk.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, 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, or Posts and Chains, in, upon, or across any Part or Parts of the said several Roads already made and to be made, or on the Sides thereof, upon or across any Road leading out of the same, and also such Toll Houses, with proper Gardens adjoining thereto, as to them shall appear to be expedient, the Site of each such Toll House and Garden not exceeding One Fourth Part of a Statute Acre, and from Time to Time to alter the Situation of such Gates or Turnpikes, Posts and Chains, or Toll Houses and Gardens; but which Toll Houses and Gardens shall not encroach upon any inclosed Ground planted as an Ornament or Shelter to a House, or on any Dwelling House, Building, Policy, Orchard, Lawn, Power to erect Gates.
planted

planted Walk or Avenue, without the Consent in Writing of the Owner thereof.

Tolls.

XVIII. 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, or Posts and Chains, which shall be continued or erected by virtue of this Act, any Sum not exceeding the Rates and Duties hereinafter specified, before any Carriage, Horse, or other Cattle shall pass through any such Gate or Turnpike; *videlicet*,

For every Horse or Beast of Draught drawing any Coach, Barouche, Berlin, Chariot, Landau, Chaise, Curricule, Calash, Chair, Hearse, or other such Carriage, or any Stage Coach, Long Coach, Diligence, or Carriage of the like Kind, One Shilling and Three-pence; and for One Horse or Beast of Draught drawing a Taxed Cart, Nine-pence:

For every Horse or Beast of Draught drawing any Van, Caravan, Waggon, Wain, Cart, or other such Carriage where One only is drawing, and where any such Carriage and the Loading thereof taken together shall not exceed Twenty-five Hundred Weight, Nine-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Twenty-five Hundred Weight and not exceeding Thirty Hundred Weight, the additional Sum of One Penny:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty Hundred Weight and not exceeding Thirty-five Hundred Weight, the additional Sum of Two-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty-five Hundred Weight and not exceeding Forty Hundred Weight, the additional Sum of Three-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty Hundred Weight and not exceeding Forty-five Hundred Weight, the additional Sum of Four-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty-five Hundred Weight and not exceeding Fifty Hundred Weight, the additional Sum of Five-pence:

And for every additional Hundred Weight which such Carriage with the Loading thereof shall weigh above Fifty Hundred Weight, the Sum of Sixpence:

And for every Horse or Beast of Draught that shall be employed in drawing any such Van, Caravan, Waggon, Wain, Cart, or other like Carriage, more than One, for each such additional Horse or Beast of Draught, Sixpence; and that over and above the additional Duties for Overweight before specified:

For every Coach, Barouche, Berlin, Chariot, Landau, Chaise, or other such Carriage, or any Stage Coach, Long Coach, Diligence, or other Carriage of the like Kind, drawn or propelled otherwise

than by Animal Power, when such Carriage and the Loading thereof, and Engines attached thereto, taken together, shall not exceed Twenty-five Hundred Weight, Two Shillings and Sixpence :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Twenty-five Hundred Weight and not exceeding Thirty Hundred Weight, the additional Sum of One Penny :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Thirty Hundred Weight and not exceeding Thirty-five Hundred Weight, the additional Sum of Two-pence :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Thirty-five Hundred Weight and not exceeding Forty Hundred Weight, the additional Sum of Three-pence :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Forty Hundred Weight and not exceeding Forty-five Hundred Weight, the additional Sum of Four-pence :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Forty-five Hundred Weight and not exceeding Fifty Hundred Weight, the additional Sum of Five-pence :

And for every additional Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Fifty Hundred Weight, the additional Sum of Sixpence :

For every Van, Caravan, Waggon, Wain, Cart, or other such Carriage drawn or propelled otherwise than by Animal Power, when such Carriage and the Loading thereof and Engines attached thereto, taken together, shall not exceed Twenty-five Hundred Weight, Two Shillings and Sixpence :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Twenty-five Hundred Weight and not exceeding Thirty Hundred Weight, the additional Sum of One Penny :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Thirty Hundred Weight and not exceeding Thirty-five Hundred Weight, the additional Sum of Two-pence :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Thirty-five Hundred Weight and not exceeding Forty Hundred Weight, the additional Sum of Three-pence :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Forty Hundred Weight and not exceeding Forty-five Hundred Weight, the additional Sum of Four-pence :

And for every Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall weigh above Forty-five Hundred Weight and not exceeding Fifty Hundred Weight, the additional Sum of Five-pence :

And for every additional Hundred Weight which such Carriage with the Loading thereof and Engines attached thereto shall

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weigh

weigh above Fifty Hundred Weight, the additional Sum of Sixpence :

For every Horse, or Mule, with or without a Rider, Three-pence :

For every Ass, laden or unladen, and not drawing, One Penny :

For every Score of Oxen or Neat Cattle, the Sum of 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, the Sum of Ten-pence, and so in proportion for any greater or less Number :

Provision as
to Road into
Stirling.

Provided always, that no Toll shall be levied on the said Road from the Separation of the *Saint Ninian's* Road into the Town of *Stirling* until the Trustees hereby appointed shall have entered into a Contract for making and repairing that Road.

Pontage
Duties.

XIX. And be it further enacted, That there shall be paid any Pontage Duties, not greater than the following, before and as often as any Foot Passenger, or Horse or other Beast of Draught drawing any Coach, Chaise, or other Carriage, Waggon, Wain, Cart, Machine, or Horse, Mule, Ass, or Cattle, shall be permitted to pass the Bridge over the River *Carron* on the Line of the said Road first before described, or the Bridges erected or to be erected over the Water of *Avon*, and over the *Grangeburn* on the Line of the Road authorized to be made from *Dalgrain Bridge* to *Haining* ; *videlicet*,

For every Foot Passenger, One Penny.

For every Horse, Mule, or Ass, not drawing, Two-pence.

And for and in respect of any Horse or other Beast of Draught drawing any Coach, Chaise, Waggon, Cart, or other Carriage or Machine ; for every Coach, Barouche, Berlin, Chariot, Stage Coach, Long Coach, or Diligence ; and every Van, Caravan, Waggon, Cart, or other such Carriage drawn or propelled by Steam, or otherwise than by Animal Force ; and for all Oxen and Cattle of every Kind ; One Half of the Tolls and Duties, and Duties for Overweight, hereby granted and made payable for passing through the Turnpikes or Toll Gates erected or to be erected on the said Roads.

Provision as
to Pontage
Duties.

XX. And be it further enacted, That all Persons passing along the said Bridges shall be liable in Payment of the said Pontage Duties, notwithstanding such Persons may be carried in or upon any Waggon, Wain, Cart, or other such Carriage, or on Horseback, or otherwise riding, and that over and above and besides the Pontage Duties payable for any Horse or Beast of Draught drawing any such Waggon, Wain, Cart, Machine, or other such Carriage, or for such Carriage or Cart, and for every Horse, Mule, or Ass, excepting always the proper Driver or Drivers of every such Waggon, Wain, Cart, Machine or such Carriage, and the Person or Persons for whose proper Use every such Waggon, Wain, Cart, or other Carriage may be *bonâ fide* employed, when so passing, and also excepting One Rider upon every Horse, Mule, or Ass, not drawing ; and if any Person shall claim Exemption from Payment of the said Pontage Duties, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, to be recovered in manner directed by the said Act of the Fourth

Year of the Reign of His late Majesty King *George* the Fourth for the recovering of Penalties: Provided always, that no Seaman or other Person or Persons employed in navigating, assisting, or directing the passing of any Ship or Vessel, when navigating up or down the River *Carron*, and having necessary Occasion, while so actually employed, to pass from one Side of the River to the other, shall be liable to pay the said Pontage Duties.

XXI. Provided always, and be it enacted, That it shall be in the Power of the said Trustees respectively, at a General Meeting assembled, if they shall think fit, to exempt from Payment of any Part of the said additional Tolls and Duties for Overweight, every Waggon, Wain, Cart, or other such Carriage as aforesaid, with Two Wheels only, having the Sole or Bottom of 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 Side next the Carriage and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear on such flat Surface, and that the opposite Ends of the Axletrees of such Carriage, 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 Part 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: Providing always, that every Person claiming the Privileges granted to Carriages with Wheels constructed as aforesaid shall permit the same to be examined and measured by the Surveyor of the Trustees, and by any Person employed in the Collection of the said Tolls and Duties.

Exemption
for Broad
Wheels.

XXII. And be it further enacted, That upon Payment of the Tolls granted by this Act the Collector or Receiver thereof shall deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, on which there shall be printed the Name of the Gate or Post and Chain at which such Ticket shall have been delivered, and also the Name or Names of the Gate or Gates freed by such Payment, which Note or Ticket shall entitle the same Person, with the same Carriage or Carriages, Waggon or Cart, Horses or other Cattle, to repass the same Bar, and also to pass through any other Turnpike Gate or Gates, or Posts and Chains, on the Line of Road on which the same shall have been delivered within the same County, and at a Distance not exceeding Four Miles from the Turnpike Gate or Post and Chain where such Note or Ticket was delivered, without being liable to pay the said Tolls more than Once on passing during the same Day before Twelve o'Clock at Night through such Turnpike Gate or Gates, or Posts and Chains; but such Pass Tickets to be issued on Payment of Toll on the said Road shall not entitle any Person, with any Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, or with any Steam Carriage, to pass Toll-free, if such

Pass
Tickets.

such Waggon, Wain, Cart, or other such Carriage shall have a new Loading exceeding Two Hundred Weight: Provided always, that a Note or Ticket to be issued on Payment of Toll Duty at any Bar or Post and Chain on the Line of the Roads described in the Acts hereby repealed, or on any of the other Roads hereby authorized to be made or repaired, shall not entitle the Person receiving the same to pass without making Payment at any Bar or Post and Chain to be erected on the said Road from *Dalgrain Bridge* to *Haining*, nor shall a Note or Ticket to be issued at any Bar or Post and Chain on the said last-mentioned Road entitle the Receiver to pass without Payment of Toll Duty on any of the other Roads comprehended in this Act; and provided also, that on Payment of Pontage Duty at any One of the said Bridges over the Water of *Avon* or *Grangeburn*, the Person or Persons paying the same shall receive a Ticket which shall entitle such Person or Persons to pass free of Pontage Duty, with the same Horses, Cattle, Carts, Carriage, Steam Carriage, or other Article, at the other of the said last mentioned Bridges once and on the same Day.

Provision as
to Side Bars.

XXIII. And be it enacted, That where any Toll Bar or Post and Chain, for the Purpose of levying Toll thereat, shall be put up by Order of Trustees on the Side of the aforesaid Roads, and across any Lane or Way leading out of the same, and where such Side Bar or Chain shall be situated within Two hundred Yards of a Toll Bar across any one of the Roads hereinbefore described, at which a Table of Tolls shall have been put up in Terms of the Directions contained in the said recited Act of the Fourth Year of the Reign of His late Majesty, it shall not be necessary to erect a Toll House at such Bar or Chain on the Side of the said Roads, or to put up thereat a Table of Toll Duties, containing the Name of the Toll Bar, or the Name of the other Bars cleared by Payment of Toll at such Side Bar or Chain, or the Name of the Keeper of such Side Bar or Chain; provided that the same Person shall be the Keeper of such Bar or Post and Chain on the Side of the Road, and of such adjoining Toll Bar across the Road; any thing contained in the said recited Act of the Fourth Year of the Reign of His said late Majesty to the contrary notwithstanding.

For re-
moving
Doubts as
to the Ex-
emption
from Toll
for passing
less than
100 Yards
on the Road.

XXIV. And whereas Doubts have arisen as to the Construction of that Part of the Thirty-sixth Section of the said Act of the Fourth Year of the Reign of His said late Majesty whereby an Exemption from Payment of Toll is granted to "any Horses or Carriages which shall only cross any Turnpike Road, or shall not pass above One hundred Yards thereon;" be it enacted, That the said Exemption shall not apply to Horses, Carriages, or Cattle which shall pass more than One hundred Yards on the said Roads, whether such passing shall be before or after, or partly before and partly after, going through any Toll Bar, Turnpike, or Post and Chain erected or to be erected thereon.

In case of
Nonpay-
ment of
Rent by
Tacksman.

XXV. And be it enacted, That if any Instalment or any Part of the Rent of any Toll Bar on the said Roads shall remain unpaid at the Expiration of Fifteen Days after the Day fixed and agreed on as the Time of Payment of the same, it shall be lawful, to the Sheriff Depute or Substitute of the Shire within which such Toll Bar shall be placed, on the

the Application in Writing of the Treasurer of the Trustees for the Time, to grant a Warrant to his Officers to enter the Toll House in the Daytime, and to remove from the same, and from any Premises occupied along with it, the Tacksman of such Toll Bar, or any Collector appointed by him, and all other Persons who may be found therein, together with their Goods, and to give lawful Possession thereof to the said Treasurer, or to any Person who may be appointed thenceforth to collect the Tolls at such Bar; and the Right of such Tacksman to collect the same shall thenceforth cease, without Prejudice to his Liability for the stipulated Instalments of such Rents or Parts thereof corresponding to the Time of his Possession, and for the Expences of obtaining his Removal: Provided always, that such Application shall have been intimated to the Tacksman Three Days before the Warrant shall be granted, by delivering to him personally, or leaving for him at the Toll House, a full Copy of such Application, so that he may, if he can, shew Cause why the Warrant ought not to be granted.

XXVI. And be it enacted, That it shall be lawful for the said Trustees to compound and agree with the *Carron* Company, for any Term of Years during the Continuance of this Act, for the passing of their Horses, Cattle, or Carriages through all or any of the Toll Bars to be continued or erected under the Authority of this Act.

Trustees
may com-
pound with
Carron
Company for
Tolls.

XXVII. And whereas the Sums of Money expended in making the said Roads, and in carrying into execution the other Purposes of the Acts herein-before repealed, with the Interest thereon, exceed, by reason of the Deficiency of the Tolls, and Accumulation of Interest, the Sums which the Trustees were authorized to borrow on the Credit of the Tolls and Pontage Duties granted by the said Acts, and the said Trustees will have Occasion to borrow Money for making and repairing the other Roads hereby authorized to be made and repaired; be it enacted, That it shall and may be lawful for the Trustees hereby appointed to assign the Tolls and Pontage Duties hereby granted in Security for the Payment of such Parts of the Sums expended as aforesaid, and accumulated Interest thereof, as have not already been made Charges on the said Tolls and Pontage Duties; and also to borrow and take up, at any Interest not exceeding the legal Interest for the Time, such further Sums as they shall find expedient and necessary for making, repairing, and keeping in repair the Roads and Bridges aforesaid comprehended under the said Acts hereby repealed, and the Roads and Bridges hereby authorized to be made and repaired, and to assign the said Tolls and Duties hereby granted in Security and Payment thereof: Provided always, that the Expence of making and repairing the said Road from *Dalgrain Bridge* to *Haining*, and the Expence of keeping the same in repair, shall be a preferable Burden and Charge on the Tolls and Duties to be levied on that Road; saving always and reserving the Rights of Creditors or Persons holding Assignments of the said Tolls and Duties, in so far as this Enactment is inconsistent with such Rights.

Power to
borrow
Money.

XXVIII. And be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent the Trustees for the
[*Local.*]

7 H

Conversion

Conversion
of Statute
Labour may

be applied to
Roads in
certain
Cases.

Conversion of the Statute Labour in the said County of *Stirling* from making and levying Annual Assessments, and appropriating the same or Part thereof, should they deem it expedient, for the Repair and Maintenance of the said Roads, in the same Manner as they might have done if the said Roads had not been included in the present Act: Provided always, that no Assessments shall be so made or appropriated for the Repair of the aforesaid Roads on which Tolls and Duties shall be levied under the Authority of this Act, unless with the Consent of the Majority of such of the Trustees of any District so to be assessed as may be present at the Meeting held for the Purpose of such Assessment and Appropriation: Provided also, that where any District shall be so assessed for the Repair of any of the said Turnpike Roads upon which Tolls are levied, the Money arising from such Assessments shall be applied to the Repair of such Parts only of the aforesaid Turnpike Roads as lie within the District so assessed.

Appeal.

XXIX. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order or other Proceeding of the said Trustees, or by the Order of One or more Justices of the Peace, it shall and may be lawful for such Person or Persons to appeal for Redress to the next General Quarter Sessions of the said County, and such Appeal shall be lodged within Six Days after the Sentence or Proceeding complained of; and if any Person or Persons shall think him, her, or themselves aggrieved by the Judgment of the Quarter Sessions, or by the Judgment or Sentence of the Sheriff, when acting by virtue of this Act, or under or by virtue of the said Act of the Fourth Year of the Reign of His said late Majesty, it shall be lawful for such Person or Persons to apply for Redress to the Court of Session, by Suspension, Advocation, or Reduction, such Party so applying always finding Caution for Payment of the Expences to be incurred in the Court of Session, in case such Party shall not prevail.

Expences of
the Act
how to be
paid.

XXX. And be it enacted, That the Expences of preparing, applying for, procuring, and passing this Act shall be paid out of the first and readiest of the Tolls and Duties that shall be levied on the said Roads, or the first Monies that shall come to the Hands of the said Trustees under and by virtue of this Act.

Commence-
ment and
Continu-
ance.

XXXI. And be it further enacted, That the Powers granted by this Act shall commence from and after the passing thereof, 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.

Public Act.

XXXII. 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 specially pleading the same.