



ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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## *Cap. lxxi.*

An Act for more effectually making and repairing certain Roads in the Counties of *Fife, Kinross, Perth, and Clackmanan*. [6th September 1831.]

**W**HEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty *George the Third*, intituled *An Act* 50 G. 3. c. 72. *for more effectually making and repairing certain Roads in the Counties of Fife, Perth, Kinross, and Clackmanan*: And whereas another 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*: 4 G. 4. c. 49. And whereas the Trustees appointed by the said first-recited Act have proceeded to put the same in execution, and considerable Progress has been made in making, amending, repairing, and maintaining the Roads therein mentioned, on which Purposes they have expended considerable Sums of Money which they have borrowed on the Credit of the Tolls and Duties granted by the said first-recited Act; a large Portion of which Sums of Money is still due and owing, and cannot be repaid, nor can the said Roads be completed and repaired and kept in repair, unless the Powers conferred by the said first-recited Act be continued and enlarged; but the same 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

[Local.] 18 H the

Recited Act  
50 G. 3. c. 72.  
repealed,

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 Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third shall from and after the passing of this Act be and the same is hereby repealed.

and this  
Act to take  
effect for re-  
pairing the  
Roads herein  
described.

II. And, be it enacted, That instead of the said Act hereby repealed this present Act shall from and after the passing hereof commence, take effect, and be put in execution, for and during the Term hereinafter mentioned, for the Purpose of surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the following Roads, made or authorized to be made by the said first-recited Act of the Fiftieth Year of the Reign of His Majesty *George* the Third; *videlicet*,

First.

The Road from *Dunfermline*, by *Lochend*, *Balmule*, and *Nivingston*, to the Great North Road at the Bridge of *Kinross*, and to the *Alloa* Road West of *Tulliebole*;

Second.

The Road from *Saline*, to the Great North Road, commonly called the *Stone Gang* Road;

Third.

The Road from the Great North Road at or near where the Road from *Saline* joins it East till it shall join the Road leading from the *Plasterer's Inn* to the Kirk of *Beath*;

Fourth.

The Road from the *Nivingston* Road at or near *Burt's Coal Hill*, by *Lochend*, *Redcraigs*, *Outh*, *Hillside*, and *Powmill*, towards *Auchterarder* as far as *Yets of Muckhart*;

Fifth.

The Road from the Town Hill Road near the Town Green of *Dunfermline*, by *Bellyoman*, *King's Seat*, and North of *Meikle Beath*, until it shall join the Great North Road South of the Kirk of *Beath*, and that Branch of the Road leading by *Lassodie Mill* North of *Cantsdam* until it shall join the Great North Road North of *Netherton*;

Sixth.

The Road from the *Dunfermline* and *Saline* Turnpike Road at or near *Bambo Bridge*, through the Lands of *Carnock*, *Comrie*, *Westgrange*, and *Brucefield*, until it shall join the Turnpike Road leading from the Town of *Kincardine* to the Town of *Alloa* at or near the Village of *Kennet*;

Seventh.

The Road leading from the said *Dunfermline* and *Saline* Turnpike Road near *West Luscar*, by *Clune*, *Drumtuthil*, *Coaltown*, and *Lochend*, to the *Dunfermline* and *Nivingston* Road near *Meldrum's Mill*, with that Branch of Road leading from the last-mentioned Line by *Craigluscar* and *Myriehall* to the *Saline* or *Stone Gang* Road;

Eighth.

The Road from the Hillfoot Road at a Point about a Mile West from *Dollar*, by upper *Sheardale*, *Mellock*, the *Forrest Mill*, *Hareshaw Mill*, South, to or near *Whitehills*, *Burwen* or *Rantrey Wood*, until it shall join the Turnpike Road from *Newmill* to *Kincardine*;

Ninth.

The Road from the Hillfoot Road by *Carnbo* and *Thomanean* to the Great North Road, with a Branch from the same until it shall join the *Kinross* and *Alloa* Road at or near *Tulliebole*;

Tenth.

The Road from the Great North Road to *Cupar* by *Auchtermuchty*;

Eleventh.

The Road from *Auchtermuchty*, by *Mournipea*, *Lumquhat Mill*, and *Pitcairly*, to *Den Mill*, where it joins the *Newburgh* Turnpike Road, with a Branch from *Pitcairly* by *Weddersbie Den* to the said Road leading from the Great North Road to *Cupar* near *Rossie*, with the

Branch of Road from *Pitcairly* by *Macduff's Cross* to the Road from *Abernethy* to *Newburgh* :

The Road from the Great North Road at or near *Blairathort*, by *Kinnesswood* and *Scotlandwell*, to the Town of *Lesslie*, with the Branches thereof to *Milnathort* and *Kinross* by *Burleigh* and *Lethangie* ;

The Road leading from the said Road by *Kinnesswood* and *Scotlandwell* to *Lesslie* across the *Gullet Bridge* East of *Kirkness* to *Kinglassie* ;

The Road from *Lesslie* to *Nivingston*, through the Lands of *Balbedie*, *Kirkness*, the *Bracklys*, and by *Barns*, through the *Red Moss*, and the Road from *Kirkness* by the Shank of *Navity* and the *Binn* to the Great North Road :

And for carrying into effect the several other Purposes hereinafter mentioned, according to true Intent and Meaning of this Act.

III. And be it enacted, That the said recited Act passed in 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 hereby 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.

Power of recited Act 4 G. 4. c. 49. extended to this Act.

IV. And be it enacted, That the Justices of the Peace and Commissioners of Supply of each of the said respective Counties of *Perth*, *Kinross*, *Fife*, and *Clackmanan*, and every Heritor of those Counties being or who shall be during the Continuance of this Act, in his own Right or 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 every Person in whom Lands of the Valuation aforesaid are vested in Trust, but where such Lands are so vested in more than One Person, then only One of such Persons, as also the Chief Magistrate of the Royal Burghs of *Cupar* and *Dunfermline* for the Time being, and the Sheriff of each of the said Counties, shall be and they are hereby appointed Trustees for putting this Act, and all and every the Powers and Authorities hereby granted, into execution.

Trustees.

V. And be it 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, and that an annual General Meeting of the said Trustees shall be held at *Kinross* on the Third *Wednesday* in *April* on all succeeding Years during the Continuation of this Act; at which and all other Meetings of said Trustees Three shall be a Quorum.

Meeting of Trustees.

VI. And be it enacted, That at the First General Meeting to be held under the Authority of this Act, and at all the annual General Meetings thereafter, it shall be competent to and in the Power of the Trustees then present, or the major Part of them, and they are

Trustees authorized to name Committees.

are hereby authorized and empowered; to name a Committee or Committees of Persons, being Trustees under this Act; for the more immediate Direction and Management of the Affairs of the different Lines of Road before described; and any Two of the Trustees named on any such Committee shall be a Quorum thereof; which Committee or Committees shall be and are hereby vested with Authority to execute the whole Powers granted by this Act (except where the Powers of such Committee or Committees are limited) in so far as respects the Road placed under their immediate Charge and Direction, and in particular they shall have Power to let the Toll Duties leviabie on such Road at a Meeting of Committee to be held at such Place as the Committee may fix: Provided always, that the Powers of such Committee or Committees shall cease and determine at the next annual General Meeting, unless such Committee or Committees be then re-appointed: Provided also, that such Committee or Committees shall be bound by all the Regulations hereby enacted.

By whom  
Trustees  
may sue and  
be sued.

VII. And be it enacted, That in all Matters involving the Interest of Two or more Lines of Road hereby authorized to be made, altered, repaired, or kept in repair, the Trustees shall sue and be sued in Name of the Clerk or Treasurer to the general Trust; and that in all Cases involving only the Interest of One of such Lines of Road the Trustees shall sue and be sued in Name of the Clerk or Treasurer of the Committee appointed to superintend or manage the Affairs of such Line of Road; and failing such Committee, or such Clerk or Treasurer, in Name of the Clerk or Treasurer to the general Trust.

Tolls and  
Duties to be  
liable for  
former and  
future Debts.

VIII. And be it enacted, That the Tolls and Duties hereby authorized to be levied shall be and are hereby made subject to and liable for the Payment of all Sums of Money now due or owing or which may become due or owing on the Credit of the said first-recited Act 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 or to become due for the said Sums respectively: Provided always, that the Tolls and Duties authorized to be levied on each of the said Lines of Road shall only be liable for the Sums borrowed or due upon the Credit of the Tolls and Duties authorized to be levied on the same respectively by the said first-recited Act.

Covenants  
and Agree-  
ments under  
former Acts  
to continue  
in force.

IX. And be it 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 first-recited Act hereby repealed, or to or with any Committee of their Number appointed under the said Act, and according to the Directions and Provisions 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 Act, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this

this Act; and all and every Subscriptions and Undertakings for any Sum or Sums of Money by any Person or Persons for the Purposes of the said recited Act shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, or the Committees appointed to manage the several Lines of Road respectively, and be observed and kept by them, according to the Terms, Stipulations, and Tenor thereof respectively.

X. And be it enacted, That all Books containing the Accounts and Proceedings of the said Trustees for executing the said recited Act hereby repealed, or of any Committee of their Number, and all Books containing the Accounts and Proceedings of the Trustees for executing this present Act, or of any Committee named by them under the Powers hereby given, shall and may be given in Evidence in all Cases of Appeal, and all Prosecutions, Actions, and Suits whatever. Books, &c. to be given in Evidence.

XI. Provided always, and be it enacted, That the Clerks, Treasurers, Surveyors, Collectors, and all other Officers who have been appointed under and employed in the Execution of the said Act hereby repealed, shall respectively continue to exercise their Offices under this Act until the First Meeting at which it is competent to elect such Officers, and shall be subject to all the Regulations and Conditions, Pains and Penalties, hereby imposed, the same as if they had been appointed under or by virtue of this Act. Former Officers continued until First Meeting.

XII. Provided also, and be it enacted, That no Person acting in or holding any official Situation under this Act, 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 Sterling, 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. Officers not to be concerned in Contracts.

XIII. And be it 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 recited Act 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 late Majesty King *George* the Fourth and this Act, or any of them, imposed, in respect of Persons receiving any Monies or having 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 be it enacted, That the said Trustees, or any Person or Persons authorized and appointed by them, are hereby empowered to demand and take, and cause to be demanded and taken, at each of the Gates or Turnpikes already set up and erected, or which may hereafter be set up and erected in virtue of the said Tolls to be levied.

recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, and of this Act, a Sum not exceeding the Tolls, Rates, or Duties hereinafter specified, before any Horse or Carriage, or other Beast or Vehicle, in respect of which the same shall be payable, shall be allowed to pass through any such Gate or Turnpike; that is to say,

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

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

For every Person who shall be sitting upon any Coach Box, Barouch 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; and 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 Ninepence:

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 Sixpence:

If more than Four Inside Passengers, and having not less than Two nor more than Five Outside Passengers, a Sum not exceeding Eightpence 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 Tenpence:

If more than Four and not more than Six Inside Passengers, and having not less than Two or 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 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 Passengers, 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 or other such like Carriage, where any such like 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 shall 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

And in addition to the above Rates upon every such Waggon, Cart, or other such Carriage, for every Horse or other Beast of Draught which 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 Horse or other Beast of Burden, laden or unladen, and not drawing, a Sum not exceeding Two-pence Halfpenny:

For every Ox or Neat Cattle, a Sum not exceeding One Penny:

For every Calf, Hog, Sheep, Lamb, or Goat, a Sum not exceeding One Halfpenny:

For every Horse or other Beast of Draught, drawing any Waggon, Cart, or other such like Carriage, of such an unusual Form as to render the ordinary Weighing Machine used at the Toll Bar not capable of weighing it, a Sum not exceeding One Shilling.

Regulations  
as to Breadth  
of Carriage  
Wheels.

XV. Provided always, and be it enacted, That it shall be in the Power of the said Trustees and they are hereby authorized to exempt from Payment of any Part of the said Toll Duties not exceeding One Third thereof, every Waggon, Cart, or other such like 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, and so 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 Carriage the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of the said Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels; and that it shall also be lawful to the said Trustees and they are hereby authorized to exempt from Payment of any Part of the said Toll Duties, not exceeding One Half thereof, 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: 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.

Tolls to be  
paid only  
once a Day.

XVI. And be it enacted, That if any Tolls or Duties shall be paid for any Horse or other Beast of Draught or Burden, or for any Riding Horse, Mule, or other Animal used for riding, 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 repass the said Gates or Turnpikes with or without the same Coach, Cart, or other Carriage or Rider, without



without paying any Toll, unless the same shall so pass with a new Loading or Rider, 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 late Majesty, regarding the Tolls payable in respect of all Horses or Beasts of Draught let out for Hire, and 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 other Exemptions granted by the said last-recited Act.

Proviso as to Horses drawing Stage Coaches.

XVII. 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 Toll at the other which shall be within the said Distance of Six Statute Miles of the Gate or Turnpike at which the Toll Duty denoted by such Ticket shall have been paid.

Tolls to be leviable only once in Six Miles.

XVIII. Provided nevertheless, and be it enacted, That nothing herein contained shall prevent the said Trustees, if they shall deem it expedient, from levying or causing to be levied the Tolls and Duties hereby granted at any Gate or Gates specified in the Schedule annexed to this Act marked (A), although within Six Miles of each other, or although within Six Miles of any other Gate or Gates now existing, or which may be hereafter erected under this Act, and also at any Gate or Gates not specified in the said Schedule, although within Six Miles of any Gate or Gates therein specified.

Tolls may be exacted in certain Cases within Six Miles.

XIX. And be it enacted, That the Rates of Tolls levied at the Time of passing this Act, by virtue of the said recited Act hereby repealed, shall continue to be levied and taken until the First General Meeting held under this Act.

Present Rates to continue till altered.

XX. And be it 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 authorized to be made or repaired from evading Payment of any Tolls or Duties granted by this Act.

Power to erect Fences and Side Bars.

XXI. And be it 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 said Trustees, or of any Committee of their Number, to order any Bye Road immediately connected with and leading to the Roads hereby authorized to be made or repaired, as they shall judge not to be of importance to the Public, to be shut up: Provided always, that Notice of the Resolution to apply to have such Roads shut up be given by Advertisement 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 the Matter shall be taken into consideration; and that no such Appli-

Power to shut up unnecessary Bye Roads.

cation shall be made unless 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  
Trustees.

XXII. And be it 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 and Thing belonging to the said Roads, which have or shall be acquired by the said Trustees under the Acts before recited or this Act, are and shall be vested in the said Trustees appointed in or by virtue of this Act.

Persons  
liable in re-  
pair of  
Roads or  
Bridges to  
continue so.

XXIII. Provided always, and be it 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 said Roads hereby authorized to be repaired shall continue to 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.

Repair of  
Road num-  
bered Ten.

XXIV. And be it enacted, That in case any Sum or Sums of Money shall hereafter be given or applied from the Funds raised by the Conversion of the Statute Labour of the County of *Fife* to the Improvement or Repair of the said Road from the Great North Road to *Cupar* by *Auchtermuchty*, a Sum not less than One Tenth Part of the Sum so applied shall be given and applied for the same Purpose from the Funds raised by the Conversion of the Statute Labour of the County of *Kinross*.

Application  
of Monies.

XXV. And be it enacted and declared, That the Produce of the said Tolls and Duties to be raised, levied, and collected as aforesaid, and all the Monies arising by virtue of this Act, shall, after Payment of the Expence of preparing, applying for, procuring, and passing this Act, as hereinafter provided, be applied towards making, maintaining, and improving the said Roads, after paying the Interest of the Money borrowed, subscribed, advanced, or owing at the Time, and establishing a Sinking Fund to such Extent as may be considered necessary by said Trustees, assembled at any annual General Meeting, for Payment of said Sums themselves, and to no other Purpose; and that in case of any Misapplication of any Money collected, received, or levied by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay Double the Sum so misapplied, to be recovered from him, her, or them at the Suit of any Three or more Heritors of either of said Counties of *Perth*, *Kinross*,

*Fife*, and *Clackmanan*, qualified as aforesaid, who are hereby authorized to sue for and recover the same in the Manner pointed out by the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth.

XXVI. And be it 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, in Proportions corresponding to the Amount of the Tolls and Duties levied on the said several Roads; and that if any Discussion shall occur during the Progress of this Act, regarding any of the Lines of Road before mentioned, the Expence of such Discussion shall be paid from the Funds of the Line or Lines of Road which such Discussion regards: Provided also, that the several Roads which have been made, altered, amended, or repaired under the Powers of the said recited Act hereby repealed, and which have not contributed to or paid any Part of the Expence of that Act, shall continue liable for the Proportion thereof falling upon such Roads, and shall pay the same out of the first and readiest of the said Monies.

Expences of Act how to be paid.

XXVII. 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.

Public Act.

XXVIII. And be it 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.

Term of Act.

SCHEDULE (A.) referred to in this Act.

DESCRIPTION and SITUATION of Toll Gates at which Toll is to be demanded and levied, although the said Gates may be at present or hereafter situated within Six Miles of each other or of any other Gate or Gates not herein specified.

1. The Toll Bar at or near Pitcairly, on the road from Auchtermuchty by Mournipea, Lumquhat Mill, and Pitcairly to Den Mill.
2. The Toll Bar at or near Cuthil Muir, on the Road from the Great North Road to Cupar by Auchtermuchty.
3. The Toll Bar at Milnathort, on the Road from the Hillfoot Road by Carnbo and Thomanean to Milnathort.
4. The Eastern Toll Bar and the Saline Side Bar on the "Road from the Dunfermline and Saline Turnpike Road at or near Bambo Bridge, through the Lands of Carnock, et cetera, to the Turnpike Road leading from Kincardine to Alloa at or near the Village of Kennet."
5. The Carselogie Toll Bar on the Road from the Great North Road to Cupar by Auchtermuchty.

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