



ANNO QUADRAGESIMO NONO

GEORGI III. REGIS.

Cap. 37.

An Act for rendering more effectual several Acts for repairing the Turnpike and other High Roads in the County of *Edinburgh*; and for repairing the Roads from the City of *Edinburgh* to the Town of *Leith*. [12th May 1809.]

WHEREAS an Act passed in the Twenty-fourth Year of the Reign of His late Majesty, intituled, *An Act for repairing the High Roads in the County of Edinburgh, to and from the City of Edinburgh, and from Cramond Bridge to the Town of Queensferry in the County of Linlithgow; whereby certain Heritors in each County, and the other Persons therein-named, were appointed Trustees for making and repairing the said Roads, with Power to erect Turnpikes, and to levy Tolls:* 24 G. 2. c. 35.
And whereas, in the Twenty-eighth Year of His said late Majesty, another Act was passed, intituled, *An Act for enlarging the Term and Powers granted by an Act of the Twenty-fourth Year of His present Majesty's Reign, intituled, 'An Act for repairing the High Roads in the County of Edinburgh, to and from the City of Edinburgh, and from Cramond Bridge to the Town of Queensferry, in the County of Linlithgow; and for making the said Act more effectual, so far as it related to the Roads in the County of Edinburgh:* 28 G. 2. c. 39.
And whereas in the Fourth Year of His present Majesty's Reign, another Act was passed, intituled, *An Act to amend and render more effectual Two several Acts passed in the Twenty-fourth and Twenty-eighth Years of the Reign of His late Majesty, for repairing the High Roads in the County of Edinburgh, to and from the City of Edinburgh, and from Cramond Bridge to the Town of Queensferry, in the County of Linlithgow:* 4 G. 3. c. 86.
[Loc. & Per.] 8 N And

- 24 G. 3 c. 18. And whereas an Act was passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act for regulating and rendering more effectual, the Exaction of the Statute Work within the Shire of Edinburgh, and for authorizing the Trustees for putting in Execution several Acts for repairing the High Roads in the County of Edinburgh, to borrow upon the Credit of the Tolls arising within the District of Laswade, a further Sum of Money, to be applied for Payment of certain Sums borrowed on the personal Security of the said Trustees; and for farther repairing the Roads within the said District:* And whereas by an Act, passed
- 25 G. 3. c. 28. in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act for opening an easy and commodious Communication, from the High Street of Edinburgh to the Country Southward, and also from the Lawn Market to the New Extended Royalty on the North, and for enabling Trustees to purchase Lands, Houses, and Areas for that Purpose; for widening and enlarging the Streets of the said City, and certain Avenues leading to the same; for rebuilding or improving the University; for enlarging the Public Markets and Communications thereto; for regulating certain Taxes; for lighting the said City; for providing an additional Supply of Water; for extending the Royalty of the said City; and for levying an additional Sum of Money for Statute Labour, in the Middle District of the County of Edinburgh;* it was among other Things enacted, That the Trustees for the High Roads in the County of *Edinburgh*, might levy an additional Sum of One Shilling Sterling yearly, from every Person who should possess a House within the Middle District of Fifteen Pounds Sterling of yearly Rent: And whereas an
- 29 G. 3. c. 105. Act was passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of several Acts of the Twenty-fourth and Twenty-eighth Years of His late Majesty's Reign, and of the Fourth Year of His present Majesty's Reign, for repairing the High Roads in the County of Edinburgh, and for making the same more effectual:* And an Act was passed in the Thirty-
- 38 G. 3. c. 45. eighth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Powers of, and rendering more effectual, several Acts of the Twenty-fourth and Twenty-eighth Years of His late Majesty's Reign, and of the Fourth and Twenty-ninth years of His present Majesty's Reign, for repairing the High Roads in the County of Edinburgh, and for building Bridges over the Rivers South and North Esk, and the Water of Leith, in*
- 43 G. 3. c. 34. *the said County:* And another Act was passed in the Forty-third Year of His present Majesty's Reign, intituled, *An Act for enlarging and altering the Powers of, and rendering more effectual several Acts of the Twenty-fourth and Twenty-eighth Years of His late Majesty, and of the Fourth, Twenty-fourth, Twenty-fifth, Twenty-ninth, and Thirty-eighth Years of His present Majesty's Reign, for repairing the Turnpike and other High Roads in the County of Edinburgh:* And whereas the Western Road from the City of *Edinburgh* to the Town and Port of *Leith*, commonly called the *Walk of Leith*, with the Foot Ways on either Side thereof, and the Road by the *Watergate* to *Leith*, commonly called the *East Road*, have been excepted out of the Provisions of the said Acts: And whereas many of the said Roads in the County of *Edinburgh* are still conducted in an inconvenient and disadvantageous Direction, and most of them are exposed to great Waste and Decay, by the Resort from all Parts of the Kingdom through the said County to the City of *Edinburgh*, and by increasing the Use of Mail Coaches, Long Coaches, and other

other Diligences carrying great Numbers of Passengers, and of Waggon's and Carts carrying heavy Loads, while the Expence of repairing, and keeping in Repair the said Roads is much increased by the Rise in the Price of Labour, whereby the Trustees have been obliged; in Addition to the Money raised on the Credit of the Tolls, to lay out upon the Roads considerable Sums of Money borrowed on their own personal Security; and they cannot obtain Reimbursements of these Monies, and redeem the Debt which they have already contracted, or complete the necessary Improvements on the Roads, and keep them when so improved in a proper State of Repair, unless the Rates of Toll and of Statute Labour be increased, the levying thereof put under proper Regulations, and additional Powers be granted for borrowing of Money, and for securing Repayment of the same: But as these Purposes cannot be accomplished without the Aid and Authority of Parliament, May it therefore please Your Majesty That it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same, That the Persons nominated and appointed Trustees for executing the aforesaid Act of the Forty-third Year of His present Majesty, (but subject always to the Limitations therein specified), shall be, and they are hereby appointed Trustees for putting in Execution the present Act, and the said recited Acts; and the said Trustees, at any General Meeting assembled, may, from Time to Time, and as often as they think proper, elect and nominate any One of their own Number to be the Convener, and failing of such Nomination, or the Person thereby named, and in his Absence, the Sheriff-depute of the said County of *Edinburgh* for the Time being, shall be Convener, and the Person so elected, or the said Sheriff-depute, shall, in their Order, have the whole Powers which may have heretofore been enjoyed under the said Acts or any of them, by the Convener of the Commissioners of Supply, or the said Sheriff-depute, or as any General Meeting of Trustees may, pursuant to the said recited Acts, confer on such Convener.

Nomination
of Trustees.Election of
Convener.

II. And be it further enacted, That the said Eastern and Western Roads, leading from the City of *Edinburgh* to the Town and Port of *Leith*, shall be made, repaired, and kept in Repair, in such and the same Manner as if the said Roads had been particularly included in the said recited Acts, and all the Powers, Provisions, Rules, Regulations, Penalties, Forfeitures, Clauses, Matters and Things contained therein, and not altered by this Act, so far as the same are applicable thereto, shall be and are hereby extended to, and shall be used, observed, applied, and enforced, for the Purpose of making, repairing, and maintaining the said Roads; any Thing in the said recited Acts, or any of them, to the contrary notwithstanding.

Roads from
Edinburgh
to *Leith* to
be repaired.

III. And be it further enacted, That the Lord Provost, and such of the Magistrates and Council of the City of *Edinburgh*, as are Trustees under the aforesaid Act passed in the Forty-third Year of His present Majesty's Reign, and the Senior Resident Baillie of *Leith* and the Master of the Incorporation of Traffickers there, both for the Time being, together with Two of the Trustees acting for the Middle District of Roads authorized to be repaired by the said Acts, to be nominated at a
General

Trustees for
Leith Roads.

General Meeting of the said Trustees, shall be, and they are hereby appointed Trustees for repairing, supporting, and maintaining the said Eastern and Western Roads, from the City of *Edinburgh*, to the Town and Port of *Leith*; and so much of the Road described in the said in Part recited Act, of the Forty-third Year of the Reign of His present Majesty, from *Baxter's Buildings*, by or near the Bottom of the *Caltonhill*, as may connect the said Eastern and Western Roads: Provided always that the said Lord Provost shall be Convener, and that any Three of the said last mentioned Trustees shall have Power to put this Act in Execution, so far as relates to the said Roads from *Edinburgh* to *Leith*.

New Roads
made a separate
District.

IV. And be it further enacted, That the said Eastern and Western Roads, from the City of *Edinburgh* to *Leith*, with so much of the said Road from *Baxter's Buildings*, by or near the Bottom of the *Caltonhill*, as connects the same, shall be and be deemed and taken to be a separate District, and be called the *Leith Walk District*, subject nevertheless to the Direction and Controul of the General Meetings of Trustees, in like Manner as any other District comprized in the said Acts.

New Rates
of Toll.

V. And be it further enacted, That from and after the Twenty-fifth Day of *May* One thousand eight hundred and nine, the Tolls and Duties, at present authorized to be levied on the Turnpike Roads in the said County of *Edinburgh*, and all Exemptions from Payment of Toll shall cease and determine; and from and after the said Twenty-fifth Day of *May* One thousand eight hundred and nine, and during the Continuance of the said recited Acts and of this Act, there shall be levied and collected on the said Turnpike Roads, including the Roads in the *Leith Walk District*, the Tolls and Duties following, subject to the Limitations and Exemptions herein after expressed; that is to say:

For every Stage Coach, Long Coach, or other Diligence or Carriage of the like Kind, drawn by Two Horses or Beasts of Draught, and licensed to carry, or kept or employed for carrying Passengers for Hire, at one Time, as under:

If licensed or employed to carry not more than Six Inside Passengers, and having no Outside Passengers, One Shilling:

But if there be Outside Passengers at any Time, or for any Part of the Journey, One Shilling and Eight-pence:

If licensed or employed to carry more than Six Inside Passengers, then the above Rates for Six, and for each additional Inside Passenger which such Carriage is licensed or employed to carry, Two-pence:

For each Outside Passenger, exclusive of the Coachman and Guard, in any of the above Cases, over and above the preceding Rates, One Penny:

For every Stage Coach, Long Coach, or other Diligence, or Carriage of the like Kind, drawn by Three or more Horses or Beasts of Draught, and licensed to carry, or kept or employed for carrying Passengers for Hire at one Time, as under:

If licensed or employed to carry not more than Four Inside Passengers, and having not more than Two Outside Passengers, Two Shillings.

But if there be more than Two, and not exceeding Five Outside Passengers, Three Shillings:

If more than Five Outside Passengers, Five Shillings:

If

If licensed or employed to carry more than Four, but not more than Six Inside Passengers, and having not more than Two Outside Passengers, Two Shillings and Four-pence :

But if there be more than Two, and not exceeding Five Outside Passengers, Three Shillings and Eight-pence :

If more than Five Outside Passengers, Six Shillings :

If licensed or employed to carry more than Six, but not more than Eight Inside Passengers, and having not more than Two Outside Passengers, Three Shillings and Eight-pence :

But if there be more than Two, and not exceeding Five Outside Passengers, Four Shillings and Four-pence :

If more than Five Outside Passengers, Seven Shillings :

If licensed or employed to carry more than Eight, and not more than Ten Inside Passengers, and having not more than Two Outside Passengers, Four Shillings :

But if there be more than Two, and not exceeding Five Outside Passengers, Five Shillings :

If more than Five Outside Passengers, Eight Shillings :

If licensed or employed to carry more than Ten Inside Passengers, and having not more than Two Outside Passengers, Four Shillings and Eight-pence :

But if more than Two, and not exceeding Five Outside Passengers, Five Shillings and Four-pence :

If more than Five Outside Passengers, Nine Shillings :

For each Outside Passenger, exclusive of the Coachman and Guard, in any of the above Cases, over and above the preceding Rates, One Penny :

And if any Person shall be convicted before the Sheriff Depute or Substitute, or before any Justice of Peace, of the County of *Edinburgh*, or of the County where the Offender may be apprehended or reside, either on his own Confession, or by the Oath of One credible Witness, of having directly or indirectly evaded the Payment of any Part of the said Tolls, by concealing the Number of Outside or Inside Passengers, he shall, on each Conviction, be adjudged to pay the highest Rate of Toll on such Carriage for One Week backwards from the Date of the Default, to be recovered and applied in the Manner in which any Penalty for Evasion of Tolls or Duties may be recovered and applied by virtue of the said recited Act.

For every other Coach, and for every Berlin, Barouche, Landau, Chariot, Chaise, Calash, Chair, or such other Carriage drawn by One Horse, or Beast of Draught, Six-pence ; and drawn by Two Horses, or Beasts of Draught, One Shilling ; and drawn by Three Horses, or Beasts of Draught, One Shilling and Eight-pence ; and drawn by Four or Five Horses, or Beasts of Draught, Two Shillings ; and drawn by Six or more Horses or Beasts of Draught, Three Shillings :

For every Waggon or other Carriage with more than Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, or other like Purpose drawn by One Horse, Ox, or other Beast of Draught, Sixpence ; and drawn by Two Horses, or Beasts of Draught, Eight-pence ; and drawn by Three Horses, or Beasts of Draught, Three Shillings ; and drawn by Four Horses, or Beasts of Draught, Four Shillings ; and drawn by Five Horses, or Beasts of Draught, Six Shillings ; and drawn by Six or more Horses, or Beasts of Draught, Eight Shillings :

[*Loc. & Per.*]

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For

For every Cart, Wain, or other Carriage with only Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, or other like Purpose, where the Carriage with its Burthen or Loading shall not weigh more than Twenty-six Hundred Weight, of One Hundred and Twelve Pounds to the Hundred; if drawn by One Horse, Ox, or other Beast of Draught, Sixpence; if drawn by Two or more Horses, or Beasts of Draught, Eight Pence:

For every such Cart, Wain, or other Carriage, where the Carriage, with its Burden or Loading, shall weigh more than Twenty-six Hundred Weight, but shall not weigh Thirty-four Hundred Weight, One Shilling; if it shall weigh Thirty-four Hundred Weight or upwards, One Shilling and Four Pence:

For every Saddled Horse, Mare, Gelding, or Mule with or without a Rider, Two Pence:

For every other Horse, Mare, Gelding, or Mule, laden or unladen and not drawing, Three Half Pence:

For every Ass, loaded or not loaded One Penny:

For every Score of Oxen or Neat Cattle, and so in Proportion for any greater or less Number; as under:

From the First Day of *February* to the First Day of *October*, One Shilling and Three-pence:

From the First Day of *October* to the First Day of *February* One Shilling and Eight-pence:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, and so in Proportion for any greater or less Number, Sixpence.

BroadWheels
to pay a
smaller Toll.

VI. Provided always, and be it enacted, That all Waggon, Carts, Wains, or other such Carriages which shall travel with Broad Wheels of the Description after specified, shall be liable to pay One Half only of the Tolls and Duties herein before charged on such Waggon, Carts, Wains, and other Carriages respectively: Provided that the Fellies of the Wheels of every such Carriage shall be of the Breadth of Five Inches at least, for Single or Double Horse Carts, and Six Inches at least, for all other Carriages, whether consisting of one or more Tiers; and the Fellies of the said Wheels shall be cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, and in every intermediate Part between the Inside and Outside, so that when rolling on a flat Surface, the whole Breadth of such Fellies shall bear equally on such flat Surface, and 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 any Angle with each other, but shall be in the Continuation of one straight Line, so that in each Pair of Wheels belonging to such Carriage, the lower Parts which rest on the Ground shall be at the same Distance from each other as the opposite or upper Part of the said Pair of Wheels; and every Person claiming the Privilege so granted to broad-wheeled Carriages, shall permit the same to be examined and measured by any Person appointed by the said Trustees, or concerned in the Collection of the said Tolls or Duties.

Wheels may
be measured.

Rates of Toll
may be di-
minished

VII. And be it enacted, That it shall be lawful for any General Meeting of the said Trustees, upon Cause shewn by any District, to diminish or lessen all or any of the Tolls and Duties hereby appointed to be levied and exacted, and to authorize smaller Tolls to be levied at all or any of the

the Bars therein, and again, on cause shewn, to raise and augment the said Tolls and Duties, or any of them, to any Rates not exceeding those herein before authorized, all in such Manner as from the State of the Roads or of the Funds of any of the Districts, may to the said General Meeting of Trustees seem to be just and proper; but with this Limitation that the Tolls and Duties to be raised on the Roads in *Leith Walk* District, shall entirely cease in the Event hereafter provided.

VIII. And be it enacted, That it shall be lawful for any General Meeting of the said Trustees, not only to continue the Gates, Bars, Toll Houses, and Weighing Machines already erected under the Authority of any of the before recited Acts, or as many thereof as they may judge proper, but also by themselves or such Person or Persons as they may authorize and appoint farther to erect or cause to be erected such additional Gates, Bars, or Turnpikes in or across any Part or Parts of the Highways and Roads in the said County of *Edinburgh*, as to such General Meetings shall from Time to Time seem necessary; and also to erect or build, or cause to be erected or built, such additional Toll-Houses and Weighing Machines as they may think fit; and to demand and take at all and each of the Gates or Bars so erected or to be erected, the Tolls and Duties hereby authorized to be levied, before any of the Articles or Commodities liable to Toll shall be permitted to pass through the said Gates or Bars: Provided always, that any such Gates, Bars, or Toll-Houses to be erected in the *Leith Walk* District, shall be placed to the North of the said Road from *Baxter's Buildings*, connecting the said Eastern and Western Roads to *Leith* as aforesaid.

Toll Bars, &c. may be erected for levying the Tolls.

IX. Provided always, and be it enacted, That if any Turnpike Gates or Toll Bars shall be erected within a less Distance of each other than Six measured Miles, then every Person paying at one Gate or Bar, and continuing to travel with the same Horses and Cattle, Carriage or Carriages, shall receive a Ticket which shall entitle such Person at any Time of the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night, to pass free through every Gate or Bar within Six measured Miles of the Gate or Bar at which Payment was made; but if, after having paid such Toll Duty, any Waggon, Cart, or other such Carriage, shall take in a new Loading, or any Stage Coach, Long Coach, or Diligence, or any hired Coach, Chaise, or other Carriage of the like Kind, shall accept of a new Fare, they shall respectively lose any Benefit from such Pass Tickets: Provided also, that it shall be lawful to levy the said Tolls and Duties, not only at the Gates or Bars next adjoining to the City of *Edinburgh*, and the Town of *Leith*, but also at all and every Bar Six measured Miles distant from the said City, measuring from the *Tron Church* of *Edinburgh* outwards, in all Directions, although such Bars shall be within Six measured Miles, of the Bar or Bars next to the City of *Edinburgh* or Town of *Leith*; and no Pass Ticket shall disappoint the Payment of the Tolls and Duties so directed to be levied: Provided further that a Pass Ticket issued at any Bar to be erected across the Post Road to the Westward of *Fisherow*, and between the same and *Magdalen Bridge*, or at the Bars of *Stonybank* and *Newhailes*, or any other Bar or Bars which may be erected on any Road in the Post Road District, leading into the Post Road

Tolls to be paid only once within Six Miles.

Limitations of the Rule.

Road between the River *Esk* and the aforesaid Bar to the Westward of *Fisherow*, shall entitle the Person receiving the same to pass all these Bars for the Payment of one Toll Duty, the Keepers or Tacksmen of such Bars accounting with each other as after provided; but no Pass Ticket issued at the said Bar to the West of *Fisherow*, or at the said Bars of *Stonybank* and *Newbailes*, or at any other Bar on any Road leading into the Post Road as aforesaid, shall entitle the Person receiving the same to pass through any other Bar whatever; and in like Manner no Pass Ticket issued at any other Bar whatever, shall entitle the Person receiving the same, to pass through the said Bar to the Westward of *Fisherow*, or at *Stonybank* or *Newbailes*, or at any other Bar on any Road leading into the Post Road as aforesaid: Provided farther, that no Pass Tickets shall be either received or issued at any Bars which the said Trustees, at any of their General Meetings, may authorize to be erected, at or near *Kirkettlemill*, or on the Roads from *Edinburgh* to the Town and Port of *Leith*, contained in the *Leith Walk* District, or at any Bar to be erected on the Road leading from the Confines of the County of *Peebles* at the *Piper's Grave* to the *Great Turnpike* Road from *Edinburgh* to *Bankhouse*; or on the other Road leading from the *Great Turnpike* Road last mentioned, near *Heriot-house*, to the present Turnpike Roads of *Dalkeith* District; at all of which Bars the full Tolls and Duties hereby authorized may be demanded and taken, over and above all other Tolls and Duties whatsoever, and without regard to their Distance from other Bars, or from each other; saving and reserving nevertheless in all Cases the Privilege of returning Toll-free through the same Bars as after provided.

No Toll chargeable on returning, unless with a new Fare or Lading.

X. Provided always, and be it further enacted, That every Person returning by the same Turnpike Gates or Bars, and on the same Day, computed as aforesaid, with the same Carriage or Carriages, Horses, or other Cattle, shall, on Production of the proper Ticket, be allowed to repass free of any Toll; but if the same Waggon, Cart, or other such Carriage shall return with a new Loading, or if any Stage Coach, Long Coach, or Diligence, or any hired Coach, Chaise, or any other Carriage of the like Kind, shall return with a new Fare, then Toll shall be chargeable anew, as if no Pass Ticket had been obtained or tendered.

Articles exempted in full.

XI. Provided also nevertheless, and it is hereby enacted and declared, That no Toll shall be demanded or taken, for or in respect of Carriages, Horses, or Cattle, employed in carrying Stones or other Materials for making or repairing any of the great or cross Roads within the said County of *Edinburgh*, or the Bridges thereon, or any Causeways within or belonging to the same, or for any other Works or Buildings carried on under the Authority of the said Trustees, or going empty to carry or convey, or returning empty after carrying the same; or carrying Hay, Grain, or Pulse in the Straw, Potatoes, Turnips, or other Vegetables, Flax, Hemp, or Wool, to be laid up in the Houses, Outhouses, Barns, or Yards of any Heritor, Tenant, or Inhabitant of the said County, by whom the same were raised, and not being for Sale; or Dung or other Manure, for the improving and manuring of Land not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Outhouses

houses or Ousteads, or on the Lands of the Owner thereof who shall not have bought the same; and all Ploughs, Harrows, or other Implements of Husbandry, and all Work-Horses and Cattle passing from one Part of a Farm, to another Part of the same Farm, or from the Yard or Offices of the Inhabitants of Towns or Villages within the County, to Burghroods or Fields adjoining to any such Town or Village occupied by such Inhabitant, where there are no Yard or Offices; or Horses and other Cattle going to or returning from Pasture, or Watering-Places, or any Smithy in the same or next adjoining Parish, or for Carriages and Horses of whatever Description employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; as also all Waggon, Wain, Cart, or other Carriages whatsoever, and all Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; as also all Horses belonging to Officers or Soldiers upon their March or upon Duty, and all Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded or disabled Officers or Soldiers; nor for any Horses furnished by or for any Persons, belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for, and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor for Carts, Carriages, or Waggon travelling with Vagrants or Criminals under legal Passes; nor for Carts or other Carriages actually used for the Purpose of carrying Articles of Trade, Husbandry, or Commerce, going or returning empty; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or any other Exemption granted by this Act, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, besides the Money of which the said Trustees or their Tacksmen have been defrauded, and full Costs of Suit.

XII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

[*Loc. & Per.*]

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XIII. Pro-

Stores, &c.
exempted in
full.

Articles ex-
empted in
part and for
a limited
Time.

XIII. Provided also, and be it further enacted, That for and during the Space of Twelve Years next and immediately following the Fifteenth Day of *August* One thousand eight hundred and three a Sum equal to One-third only of the Tolls and Duties authorised to be levied by the said Acts of the Twenty-ninth and Forty third Years of His present Majesty before recited and no more shall be demanded and taken at any Toll-bar within the said County of *Edinburgh*, for any Waggon, Wain, Cart, or other Carriage, laden with Dung or Manure of any Kind, not being Manure herein-before exempted from Payment of the said Tolls and Duties: Provided always that Lime, although intended for Manure, shall be liable to the full Tolls and Duties, at all and each of the Gates to be erected on the aforesaid Road, from the Confines of the County of *Peebles* to the Great Turnpike Road from *Edinburgh* to *Bankhouse*, or on the said other Road from the Great Turnpike Road last-mentioned, near *Heriothouse* to the present Turnpike Roads of the *Dalkeith* District.

Articles ex-
empted pro-
visionally.

XIV. Provided also, and be it further enacted and declared, That the Bakers at the Mills called the *Water of Leith Mills*, shall be exempted from Tolls at the Turnpike-bar of *Kirkbraehead* alias *Drumshough*, for Carriages with Flour from their Mills, upon condition of keeping in a State of perfect Repair the Road and Footpath from those Mills to the Scite of the Toll-bar that was in use at and preceding the Fifteenth Day of *August* One thousand eight hundred and two in the Manner prescribed by the said Acts, of the Twenty-ninth and Forty-third Years of His present Majesty, unless the said Trustees shall think proper to resume the Power of repairing and keeping in Repair the said Road and Footpath, which the said Trustees are hereby empowered to do, in which Case the said Bakers shall be bound and obliged to pay One Half the Tolls and Duties authorised to be levied by this Act, for all Carriages with Flour passing from their Mills, and shall thenceforth cease to be bound and obliged to keep in Repair the said Road and Footpath: Provided also that all Clergymen going to or returning from visiting any sick Person, or upon any other their Parochial or Ministerial Duty, within their respective Parishes, and all Persons going to or returning from their own Parish Church, or their customary Place of religious Worship, upon *Sundays* and *Fast Days*, or on any other Day or Days on which Divine Worship may be ordered by Authority to be celebrated; and all Attendants upon the Funeral, or Persons going to attend, or returning from having attended the Funeral of any Person or Persons dying and buried within the County of *Edinburgh*, shall pass free of Toll at every Turnpike Bar in the County, except those next adjoining to the City of *Edinburgh*; and with this Limitation that Persons going to or returning from Church or Funerals in Four-wheeled Carriages, shall on all Occasions pay the customary Tolls.

Tolls of
Fisherow Bar.

XV. Provided always, and be it enacted, That when a new Toll-Bar shall be erected across the Post Road to the Westward of *Fisherow*, as after mentioned, it shall not be lawful for the said Trustees to levy thereat more than One Half of the Tolls and Duties authorized to be levied by this Act, unless, after the Expiration of Five Years, it shall be found that the Average Amount thereof shall, after deducting the Expence of collecting the same, be less than One thousand five hundred Pounds *per Annum*, in which Case it shall and may be lawful for the said Trustees,

Trustees, after the Expiration of such Five Years, to levy Three Fourth Parts of the Tolls and Duties granted by this Act: Provided further, that until the Fifteenth Day of *August*, One thousand eight hundred and fifteen, the Tolls and Duties levied at the said new Bar upon Carriages laden with Manure shall always be the Amount of the Tolls and Duties authorized by this Act to be levied for such Carriage.

XVI. And whereas the Magistrates of *Musselburgh* are entitled to levy a certain Custom called the Genties at or near *Magdalen* Bridge; and it is expedient, and the said Magistrates are willing and desirous that the same should cease and determine so long as Tolls and Duties shall be levied at the said new Bar to the Westward of *Fisherow* as aforesaid, provided the said Magistrates shall receive the Sum after mentioned in lieu thereof: And whereas the Sum of Twelve thousand two hundred Pounds have been expended in making certain Improvements upon the Great Post Road near to the Town of *Musselburgh*, whereby, in order to pay off the same, it has become necessary to erect a new Toll-Bar between *Edinburgh* and *Ravensbaugh* Burn, at which Tolls and Duties shall be levied, notwithstanding a Provision to the contrary in the said recited Act passed in the Twenty-ninth Year of the Reign of His present Majesty: Be it therefore enacted, That until the Sums hereinafter mentioned shall be satisfied, so much of the Tolls and Duties levied at such new Toll Bar as shall amount to Two hundred and fifty Pounds *per Annum* shall be paid by the said Trustees to the Town of *Musselburgh*, in lieu of the said Customs called the Genties, to be applied by the Magistrates thereof for the same Purposes for which such Customs may lawfully be applied; and the Remainder of such Tolls and Duties shall be paid and applied in repaying, with the lawful Interest thereof from and after the Twenty-fifth Day of *May*, One thousand eight hundred and nine, the Sum of One thousand Pounds, advanced by the Trustees of the Turnpike Roads in the County of *Haddington*, by virtue of an Act passed in the Forty-fourth Year of the Reign of His present Majesty, intituled, *An Act for altering and amending several Turnpike Roads in the County of Haddington, for amending other Roads branching therefrom, and for rendering more effectual the Statute Labour within the said County*, towards making the said Improvements upon the said Great Post Road near the Town of *Musselburgh*, and also in repaying to the said Town of *Musselburgh*, with the like Interest, the Sum of One thousand two hundred Pounds, advanced by the Magistrates thereof towards the Expence of such Improvements.

Application
of these Tolls.

XVII. And be it further enacted, That after satisfying the said Two Sums of One thousand Pounds and One thousand two hundred Pounds in Manner above directed, the Tolls and Duties levied at the said new Toll-Bar to the Westward of *Fisherow* shall be applied in satisfying and paying the Sum of Ten thousand Pounds, expended by the Trustees appointed by the said recited Acts, for the repairing of the Roads within the County of *Edinburgh*, in making the said Improvements, with the Interest incurred and to grow due thereon, and to no other Purpose whatsoever.

Further Ap-
plication of
the Fisherow
Tolls.

XVIII. And

Regulation as
to Pass
Tickets at
Fisherow
Bar.

Regulations
as to Tickets
at Stonybank
and New-
halles, &c.

Regulations
as to Tickets
at other Bars
on the Post
Road District.

Suspension of
the Genties
Custom.

XVIII. And be it further enacted, That until such Sums, amounting in the whole to Twelve thousand two hundred Pounds, shall be paid with Interest respectively as aforesaid, no Pass Ticket shall entitle any Person to pass through the said new Toll-Bar to the Westward of *Fisherow*, without paying thereat the Tolls and Duties hereby granted, nor shall any Pass Ticket be given thereat, except to the Effect of entitling Persons to return by the same Bar as before enacted: Provided always, That a Pass Ticket issued at the Bars of *Stonybank* or *Newbailes*, or at any other Bar or Bars which may be erected on any Road in the Post Road District, leading into the said Post Road between the River *Esk* and the aforesaid Bar to the West of *Fisherow*, shall entitle the Person or Persons receiving any such Pass Ticket to pass free of Toll at the said Bar to the West of *Fisherow*; and in like Manner a Pass Ticket issued at the said last mentioned Bar, shall entitle the Person or Persons receiving the same to pass free of Toll at the said Bars of *Stonybank* and *Newbailes*, and at any other Bar or Bars which may be erected on any Road, leading into the Post Road as aforesaid, but the Keeper of the said Bar to the Westward of *Fisherow*, shall be entitled from Time to Time, upon Production of the Pass Tickets issued at the said Bars at *Stonybank* and *Newbailes*, or at any other Bar to be erected upon any Road leading into the Post Road as aforesaid, which shall have been received by him, to demand and receive from the Keepers of the said last mentioned Bars respectively, the Amount and Value of the Tolls or Duties respectively paid to them on issuing such Pass Tickets, and in like Manner the Keepers of the said Bars at *Stonybank* and *Newbailes*, or of any other Bar or Bars to be erected upon any Road leading into the Post Road as aforesaid, shall be entitled from Time to Time, upon Production of the Pass Tickets issued at the said Bar to the West of *Fisherow*, and received by them respectively, to demand and receive from the Keeper of the said Bar to the West of *Fisherow*, the Amount and Value of the Tolls or Duties paid to him on issuing such Pass Tickets: Provided further, That a Pass Ticket received by any Person paying Toll at any Turnpike Gate in the said Post Road District to the Eastward of the River *Esk*, and to the North of the Road leading from the Confines of *East Lothian* at *Wallyford* to the Park Wall at *Smeaton*, shall entitle such Person to pass Toll free through any Gate on the said Post Road between the said new Bar to the Westward of *Fisherow* and *Edinburgh* or *Leith*; and in like Manner a Pass Ticket received by any Person who shall have paid Toll at any such last-mentioned Gate shall entitle such Person to pass through any of the said first-mentioned Gates.

XIX. And be it further enacted, That so long as the said Trustees shall pay Two hundred and fifty Pounds *per Annum* to the said Town of *Musselburgh* as aforesaid, the said Customs called the Genties shall cease and determine, but so soon as the said Sums, amounting in the whole to Twelve thousand two hundred Pounds, with the Interest thereof, shall be satisfied as aforesaid, then the aforesaid Payment of Two hundred and fifty Pounds *per Annum* to the said Town of *Musselburgh* shall cease to be paid, and from thenceforth the said Magistrates of *Musselburgh* shall have all and the like Powers and Authorities for levying and collecting the said Customs called the Genties, as the
said

faid Magistrates had and enjoyed before the passing of this Act; and after the said Sum of Twelve thousand two hundred Pounds shall have been paid, with Interest as aforesaid, Toll Duties shall be no longer levied by the Trustees at the said Toll Bar to the West of *Fisherow*.

Termination
of the Tolls at
Fisherow Bar.

XX. Provided always, and be it enacted, That besides the said Toll Bar to be erected at *Fisherow* as aforesaid, the Trustees of the said County of *Edinburgh* may keep up or erect on the said Post Road betwixt *Edinburgh* and *Ravenshaugh* Burn such other Gates or Bars as they may think proper, and may levy thereat, during the Continuance of the said recited Acts, the Tolls and Duties hereby granted, but in that Case a Pass Ticket issued at the Bar nearest to *Ravenshaugh* Burn, although it should be more than Six measured Miles from the *Tron* Church of *Edinburgh*, shall entitle the Person receiving the same to pass Toll free, in the Manner hereinbefore provided, at the other Bars on the same Road to the West thereof; and in like Manner a Pass Ticket received at the Toll Bar on the said Post Road nearest the City of *Edinburgh*, shall entitle the Person receiving the same to pass Toll free as aforesaid through all other Bars to the East thereof between *Edinburgh* and *Ravenshaugh* Burn, save and except in either Case the said Toll Bar to be erected at *Fisherow* as aforesaid.

Road from
Edinburgh to
Ravenshaugh
Burn regu-
lated.

XXI. And be it enacted, That the whole Tolls and Duties hereby granted and made payable, are and shall be vested in the Trustees appointed or to be appointed to put this Act into Execution, and shall be levied, managed, and applied in the Manner, and with and under the Conditions and Provisions, contained in the said recited Act of the Forty-third Year of His present Majesty, and in the prior Acts therein referred to, unless in so far as is herein otherwise provided; and shall be subject to the Claims of Creditors for Money borrowed on the Security of the Tolls and Duties hereby repealed.

Levying,
Manage-
ment, and
Application
of the Gene-
ral Tolls.

XXII. And be it further enacted, That it shall be lawful for any General Meeting of Trustees, and they are hereby empowered to authorize the borrowing upon the Credit of the Tolls and Duties hereby granted, or upon any Part or Parts thereof, any further Sum or Sums of Money not exceeding, in whole, the Sum of Sixty-two thousand nine hundred and thirty six Pounds Ten Shillings Sterling, over and above all Sums authorized to be borrowed by the said former Acts, which Sum shall be borrowed, apportioned, and applied in the same Manner, and under the same Regulations, as the Sums authorized to be borrowed by the above recited Act of the Thirty-eighth Year of His present Majesty, are directed to be borrowed, apportioned, and applied, unless in so far as it is hereby otherwise provided; but that no Part of the Sums authorized to be borrowed by this Act shall be allocated to the Middle District, and the Sum to be allocated to the *Leith Walk* District shall not exceed the Sum of Fourteen thousand Pounds Sterling.

Additional
Loan to the
Turnpike
Roads.

Apportion-
ment and
Application
of borrowed
Money.

XXIII. And be it enacted, That as often as the Trustees shall have Occasion to borrow any Sum or Sums of Money upon the Authority of this Act, or of any of the said recited Acts, either for the Use of the Turnpike Roads in the said County of *Edinburgh*, and Bridges thereon, or for the Roads of the Middle District, and in the respective Parishes

Borrowed
Money may
be secured by
Assignment
of the Tolls
and other
Funds.

[Loc. & Per.]

8 2

The Assign-
ment to be
transferable
by Indorse-
ment.

of the said County of *Edinburgh*, it shall be lawful for any General Meeting of Trustees to assign and make over all or any Part of the Tolls and Duties to be levied under this Act, or of the Funds of the Middle District, or of the respective Parishes, according to the Nature of the Loan, to the Person or Persons from whom the Money may be borrowed, as a Security for Repayment of the Sum or Sums so lent by them, with the lawful Interest thereof; and that on such Conditions and with such Restrictions, as to such General Meeting shall seem just and reasonable; and these Assignments shall be executed and recorded in the Manner prescribed by the said recited Acts of the Thirty-eighth and Forty-third Years of His present Majesty: but every Assignment under Authority of this Act, or of any of the said recited Acts, whether already granted or to be granted hereafter, shall be transferable by simple Indorsement, duly subscribed by the Party transferring in the Presence of Two subscribing Witnesses, agreeably to the Manner and Form following, or in Words to the same Effect:

“ I THE within designed *A. B.* do hereby transfer this Assignment,
“ with all my Right and Title to the principal Sum and Interest
“ thereby secured and now due, unto *C. D.* his Heirs, Executors, or
“ Assigns: In witness whereof I have subscribed this Indorsement
“ written by *E. F.* (or by myself, as the Case may be,) at
“ the Day of , in the Year , before
“ these Witnesses *G. H.* and *I. K.*”

And no other Form or Notification shall be necessary.

Relative Re-
sponsibility
of the Trus-
tees and Cre-
ditors.

XXIV. Provided nevertheless, and be it enacted, that the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money borrowed, or for the Interest thereof, by reason of their signing or having signed any of the aforesaid Assignments or other Securities, which are to be held and considered as granted upon the sole Credit and Security of the Tolls or other Funds thereby assigned, unless it be specially expressed to the contrary; nor shall any Trustee under this Act, or any of the said recited Acts, be held personally liable upon any Pretext for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office of a Trustee; neither shall any Creditor lending, or having lent, Money upon the Security of the Turnpike Funds, or of the Funds of the Middle District, or respective Parishes of the said County of *Edinburgh*, either for the Time past or in Time coming, be anywise concerned with the Application of the Money, but shall be sufficiently secured by the Assignment of the Trustees.

Application
of the Funds
of Leith
Walk Dis-
trict.

XXV. Provided always, and be it enacted, That the Sum hereinbefore permitted to be borrowed on the Credit of the Tolls and Duties of the *Leith Walk* District, and such Part of the Produce of those Tolls and Duties as may be required, shall be applied towards causewaying the Western Carriage Road to *Leith*, commonly called *Leith Walk*, or such Part thereof as may be thought necessary, and for otherways making, repairing, and improving the said Road, and the other Roads within the District as hereinbefore described, with the Drains and Levels necessary

cessary for the same, and for upholding them when so made, and for discharging the Interest of the Money borrowed, with the necessary Expences attending the procuring and Execution of this Act, as far as they regard or may extend to the *Leith Walk* District; and the Remainder or Surplus of the said Tolls and Duties shall be appropriated annually to extinguish the Principal of the said Debt, and to no other Purpose whatsoever; and after the Money hereinbefore permitted to be borrowed by the Trustees of the *Leith Walk* District shall have been so paid and discharged, the whole Surplus of their Revenue shall be applied to provide a Fund to the Amount of Four thousand Pounds Sterling, to be laid out and invested in the Name of the Trustees of the District, pursuant to the Directions of any General Meeting of Trustees, on good and sufficient heritable Security, the Interest whereof shall thereafter be applied to the necessary Expences of Management, and for maintaining and supporting the Roads in the said District, and to no other Purpose whatsoever; and if there be any Deficiency in the said annual Fund, then, whatever is wanting for keeping the said Roads in proper annual Repair, shall be made up by the Magistrates and Council of the City of *Edinburgh* as heretofore; and so soon as the aforesaid Capital Sum of Four thousand Pounds Sterling shall have been provided and invested as aforesaid, and the whole Roads of the District put into a sufficient State of Repair, and adjudged to be so by a General Meeting of Trustees, then the Tolls and Duties authorised to be levied upon the Roads within the *Leith Walk* District shall cease and determine, and be no longer due or payable; and the Roads in the aforesaid *Leith Walk* District shall be thereafter kept in Repair by the Interest of the aforesaid accumulated and invested Sum, and by the Magistrates and Council of *Edinburgh*, as before provided.

Debts to be paid off, and a Capital invested for keeping up the Roads.

Termination of the Tolls in *Leith Walk* District.

XXVI. Provided nevertheless, and be it enacted, That there shall not be laid out in making the new Road from the Western Road at *Baxter's Buildings*, to the Eastern Road to *Leith*, more than Three thousand Pounds Sterling of the Funds of the *Leith Walk* District; and if more Money be necessary to complete that Road, it shall be paid by the Middle District and the Post-Road District in such Manner and by such Proportions as a General Meeting of Trustees may direct; and after the said Communication betwixt the Western and Eastern Roads to *Leith* shall have been so made and completed, and adjudged to be so by a General Meeting of Trustees, the said Cross Road or Communication shall fall into the Middle District, and shall in future be repaired and kept in Repair out of the Funds, and under the Direction of that District; any Thing herein contained to the contrary notwithstanding.

Limitation and Provision as to the Road from *Baxters' Buildings*.

XXVII. And be it further enacted, That in order to provide a Fund for redeeming and discharging the Debts contracted or to be contracted on the Credit of the Tolls and Duties levied within the other Districts of the said County of *Edinburgh*, it shall be lawful to the Cashier or Treasurer of each District (except the *Leith Walk* District and the Middle District), and he is hereby required annually to retain out of the Monies which may come into his Hands, a Sum equal to One-fifth of the Gross Revenue of such District for the preceding Year, and so on each successive Year, which Sum or Sums so retained shall be applied by each District respectively towards the Discharge of the Debts which may be owing by

Sinking Fund established.

by that District, in such Order as the Trustees of the District may judge most useful and beneficial for the Trust, but subject always to the Directions and Controul of the General Meetings of Trustees; and the aforesaid retained Sums shall be applied to no other Purpose whatever, save and except the Reduction of the Debt of that District from which they arise; and until they shall be so paid and applied, the Trustees of the District and their said Cashier or Treasurer, are hereby required from Time to Time to lodge the same in the Bank of *Scotland*, or the Royal Bank of *Scotland*, or in such Banking-House as the said Trustees at any General Meeting shall direct and appoint, at such Interest as can be procured for the same; and the Receipt or Receipts of such Bank or Bankers shall in the meantime be a sufficient Voucher to the Cashier or Treasurer, but the Money so deposited shall not be again uplifted from the Bank or Bankers otherwise than upon an Order countersigned by the Convener or a Quorum of Trustees of the District.

Limitation
and Discon-
tinuance of
the Sinking
Fund.

XXVIII. Provided always and be it enacted, That it shall be lawful for any General Meeting of Trustees, on Cause shown by any District, to limit the Amount of the annual Sinking Fund in such District, to any Sum not less than One-tenth of the Gross Revenue of the District computed as aforesaid; and so soon as any District shall have paid off their whole Debts, or shall have reduced the same to a Sum not exceeding the Amount of Two Years Sinking Fund, it shall in like Manner be lawful to any General Meeting of Trustees, on proper Evidence of the Fact, to discontinue the Sinking Fund in the District or Districts where the Debt shall have been so paid off or reduced, but with Power nevertheless, to order the said Sinking Fund to be revived so soon and as often as any new Debts shall be contracted, and to continue the same until the said Debts shall be again paid off or reduced as aforesaid: Provided that in computing the Debt of the said Post Road District, the Amount thereof shall, with reference to such Sinking Fund, be taken and estimated, after Deduction of the aforesaid Sum of Twelve thousand two hundred Pounds directed to be paid out of the Tolls and Duties levied at the Toll-Bar to be erected to the Westward of *Fisherow* as aforesaid, and the Income arising from such Toll Bar shall not, with Reference to such Sinking Fund, be taken into the Account of the Tolls levied in such Post Road District.

Provision in
case of not
making out
Titles, &c.

Or if Persons
cannot be
found, Pur-
chase Money
of Lands, &c.
to be paid
into the
Bank.

XXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, or of the before-recited Acts, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the said Court of Session; which said Court, on the Application of any Person

Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what, and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Session, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements or Heritages, or any Estate, Right or Interest in any Lands, Tenements, or Heritages, to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn, to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made manifest to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

In cases of questionable Title, Possessor to be deemed to have a Title until the contrary shall be shewn.

XXXI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, or either of them, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the Court shall deem reasonable to be paid by the said Trustees, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Expences of Purchase may be allowed by the Court.

XXXII. And be it enacted, That from and after the Fourth Day of *April* One thousand eight hundred and nine, it shall be lawful for the Trustees in their respective Parishes, and they are hereby authorized, in lieu of the Conversions at present chargeable for the Services commonly called [Lands Per.]

Conversion of Statute Labour in the Parishes to be Statute doubled.

New Rates
of Statute
Labour.

Statute Labour, to demand from all and every Person liable in these Services, an annual Conversion in Money, as under specified, videlicet:

For each Plough or Ploughgate of Land One Pound Sixteen Shillings:

For each Double Horse Cart, Eighteen Shillings;

For each Single Horse Cart, Twelve Shillings;

For each Additional or supernumerary Draught Horse, Nine Shillings;

For each Householder, Three Shillings:

The General
Meetings
may lower
these Con-
versions.

To be paid annually on or before the Twentieth Day of *April*, and to be assessed, levied, and applied, in the same Manner as the present Conversions are assessed, levied, and applied; but with Power nevertheless to any General Meeting of Trustees, upon Cause shewn by the Trustees of any Parish, to diminish or lessen all or any of those Conversions, and to authorize smaller Rates or Conversions to be levied in any such Parish, and again to raise and augment the said Conversion to any Rates not exceeding those hereby authorized, all in such Manner as from the State of the Roads or Funds in any Parish may, to the said General Meeting of Trustees, seem to be just and proper; and reserving to the Trustees of the respective Parishes, as heretofore, either to charge the Conversions, or to demand the Services, as they may judge proper.

Optional to
require either
the Services
or the Con-
versions.

Regulations
for assessing
Persons liable
in different
Capacities.

XXXIII. And be it enacted, That when any Person or Persons are liable to be assessed, either by the Ploughgate, or for Carts or Horses, or in any other double Capacity, they shall be chargeable, and charged in all Cases in the Manner most beneficial for the Roads under the Charge of the said Trustees.

General
Meetings
may make
farther Re-
gulations,
&c.

XXXIV. And be it further enacted, That it shall be lawful for the General Meetings of Trustees to review all the Proceedings of the Parishes, in respect of the Statute-Labour aforesaid in such Parishes respectively, and from Time to Time to make such Orders, Rules, and Regulations, as they may judge expedient or necessary, as to the holding of Parish Meetings, and the Manner of proceeding at such Meetings, the Appointment of Officers under the Parish Trustees, and the Manner of keeping and rendering the Parish Accounts, with reference to such Statute-Labour, and also to make such other Orders, Rules, and Regulations, as to every other Matter or Thing relative to the Statute-Labour of the respective Parishes in the said County of *Edinburgh*, as may not be inconsistent with the said recited Acts, and the Proceedings of the General Meetings in all the above Particulars shall be final, and subject to the Review of no other Court whatever, and the Parish Trustees, and all other Persons concerned, shall be bound to give due Obedience to all such Decisions, Orders, Rules, and Regulations.

No Appeal
from General
Meetings.

Explanation
as to the
Middle Dis-
trict.

XXXV. Provided always, and be it enacted, That nothing herein contained relative to the Increase of the Conversions of Statute Labour, or as to the Mode of Assessment, shall extend, or be construed to extend, to the Middle District, or to any Person chargeable by and accountable to that District.

Former Acts
to remain in
Force.

XXXVI. And be it enacted, That the whole of the before-recited Acts, and all the Provisions therein contained, shall remain in full Force in every Respect, and shall be held to extend to every Thing to be acted or done under this present Act, except in so far as the said recited Acts are hereby altered, explained, or amended.

And

XXXVII. And be it enacted, That the reasonable Charges and Expences paid, or that shall be paid, in, about, or by reason of the passing of this Act, shall be defrayed by the different Districts of the said County of *Edinburgh* in such Manner and by such Proportions as to the Trustees in a General Meeting assembled shall seem just and reasonable. Expence of
the Act.

XXXVIII. And be it further enacted and declared, 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.

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