



ANNO QUADRAGESIMO NONO

# GEORGI III. REGIS.

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## Cap. 38.

An Act for more effectually making and repairing the Road from *Carlowrie* Bridge, on the River *Almond*, to *Linlithgow* Bridge, on the River *Avon*, and other Roads in the County of *Linlithgow*.

[12th May 1809.]

**W**HEREAS, by an Act passed in the Thirtieth Year of the Reign <sup>30 G. 3. c.</sup> of His present Majesty, intituled, "An Act to continue the <sup>105.</sup>  
" Term, and alter the Powers of so much of two Acts, made in  
" the Twenty-fifth and Thirty-first Years of the Reign of His late Majesty,  
" for repairing several Roads in the Counties of Linlithgow and Stirling,  
" as relates to the Roads lying within the County of Linlithgow;" the  
said Two Acts of the Twenty-fifth and Thirty-first Years of the Reign  
of His said late Majesty were repealed, so far as respects the Road from  
*Carlowrie* Bridge, formerly the Boat-house Ford on the River *Almond*,  
to the Burgh of *Linlithgow*, and from thence to *Linlithgow* Bridge, on  
the River *Avon*, being that Part of the said Road which lies within the  
County of *Linlithgow*: And whereas the Powers granted by the said Act  
of the Thirtieth Year of the Reign of His present Majesty have been  
found insufficient to keep the said Road in Repair, and to improve the  
same, by reason of the great Rise in the Price of Labour, and from  
other Causes; and it has therefore become necessary that further Sums  
of Money should be borrowed, and that the Tolls or Duties to be  
levied on the said Road should be increased: And whereas it would  
be advantageous to the Public, and shorten the Line of the said Road,  
if Power was given to divert or alter the Line of the present Road from  
or near *Carlowrie* Bridge by *East Mains* and *New Mains* to *Muirieball*,  
where it will join and communicate with the present Turnpike Road:  
And whereas the Road from *Queensferry* to *Kirkiston*, and from  
[Loc. & Per.] 8 S thence

thence to the Road from *Edinburgh* to *Glasgow*, by *Bathgate* and *Airdrie*, near the new Bridge over the River *Almond*, in the County of *Linlithgow*, is narrow and inconvenient, and in bad Condition, and it is expedient that the same should be repaired and improved, and that the said Road, and the Tolls or Duties to be levied thereon, should be under the Direction and Management of the Trustees on the aforesaid Road from *Carlowrie* Bridge, to *Linlithgow* Bridge; and that all the Powers and Provisions for those Purposes should be comprized in one Act 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 from and after the passing of this Act the aforesaid Act of the Thirtieth Year of the Reign of His present Majesty shall be, and the same is hereby repealed; and that from thenceforth the several Tolls, Powers, Penalties, Forfeitures, Exemptions, Clauses, Matters, and Things in this Act contained, shall be put in Execution, and shall continue in Force during the Term herein mentioned, for the purpose of amending, widening, keeping in Repair, and improving the said Road extending from *Carlowrie* Bridge, on the River *Almond*, to the Burgh of *Linlithgow*, and from thence to *Linlithgow* Bridge, on the River *Avon*; and the said Road from *Queensferry* to *Kirkliston*, and from thence to the Road from *Edinburgh* to *Glasgow*, by *Bathgate* and *Airdrie*, near the New Bridge over the River *Almond*.

Act repealed.  
Securities not to be prejudiced.

II. Provided nevertheless, and be it enacted, That the Securities granted to any Person or Persons for Money borrowed on the Credit of Tolls authorized to be levied by the said recited Act, and still owing, shall not be prejudiced by the Repeal thereof, but the said Securities shall attach upon the Tolls by this Act authorized to be levied.

Trustees.

III. And be it enacted, That every Person who is at present, or shall be at any Time after the Commencement of this Act, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Life-renter, of Lands lying in the County of *Linlithgow*, valued in the Tax-rolls of the said County at One hundred Pounds Scots of valued Rent, and all and every the eldest Sons of such Heritors or Life-renters, the Provost of the Burgh of *Linlithgow*, for the Time being, and the Chief Magistrate of the Burgh of *Queensferry* for the time being, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, repairing, and keeping in Repair the aforesaid Roads, and for putting in execution all the Powers in and by this Act given and granted: Provided always, That neither the said Provost or Magistrate shall be capable of acting as a Trustee, unless he shall be possessed of Lands or Heritages lying in the said County of the valued Rent above mentioned, or possessed, of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Five hundred Pounds Sterling.

Penalty on Persons acting not being qualified.

IV. Provided always, and be it enacted, That if any Person not described or qualified as aforesaid, shall nevertheless presume to act as a Trustee, every such Person shall, for every such acting, forfeit and pay the Sum of Ten Pounds Sterling, over and above the Expences of Prosecution, which

which Penalty shall be recovered by Complaint, in a summary Way, at the Suit of any Heritor within the said County, before the Justices of the Peace, at their Quarter Sessions, or before the Sheriff-depute of the County or his Substitute, and shall be paid to the said Trustees, or any Five or more of them, or to their Clerk or Treasurer, and shall be applied, one Moiety to the Complainer, and the other Moiety towards repairing and amending the said Road; and in case any such Complaint shall be brought, the Proof of Qualification shall lie upon the Defender.

V. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to divert and turn the Course or Path of the present Road at or nearly from *Carlowrie* Bridge by *East Mains* and *New Mains*, so as to communicate with the present Road at or near *Muirieball*, and which Road, when completed, shall be deemed Part of the Roads hereby directed to be made and repaired.

Power to make the Deviation of Road.

VI. And whereas a Map or Plan describing the Line of the said Road from near *Carlowrie* Bridge to *East Mains*, and *New Mains* to *Muirieball*, and the Lands through which the same leads, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Linlithgow*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every One Hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Road, shall not deviate more than One hundred Yards of three Feet each, from the Line described in the said Map or Plan, without the Consent and Approbation in Writing, of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees not to deviate more than 100 Yards from the Line described in the Plan.

VII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road in, to, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land, over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Linlithgow*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Roads.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, at their first General Meeting to be held at *Linlithgow* under this Act, or at any of their adjourned Meetings as hereinafter directed, shall and may erect and build, or cause to be erected and built,

Trustees may erect Toll Gates.

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One or more Gate or Gates on or across any Part or Parts of the said Roads, and also such Number of Toll-Houses as they shall think fit, at or near such Gates or Turnpikes, or employ those already erected and built, and demand or take the Tolls or Duties, not exceeding the following Sums, at each of the said several Gates or Turnpikes, before any Coach, Chariot, Berlin, Landau, Calash, Chaise, Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, or any Horse, Mare, Gelding, Mule, Ass, or other Cattle whatsoever, shall be permitted to pass through the same, subject to the Limitations and Exemptions hereafter expressed; that is to say,

Tolls.

For every Stage Coach, Long Coach, or Diligence or Carriage of the like Kind, drawn by Two Horses or Beasts of Draught, and licenced to carry, or kept or employed for carrying for Hire, if 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 more than Six Inside Passengers, then the above Rates for Six, and for each additional Inside Passenger, Two-pence:

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

For every Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, drawn by Three or more Horses, or Beasts of Draught, and licenced to carry, or kept or employed for carrying for Hire, if not more than Four Inside Passengers, and not more than Two Outside Passengers, Two Shillings:

If more than Two, and not exceeding Five Outside Passengers, Three Shillings:

If more than Five Outside Passengers, Five Shillings:

If more than Four, but not more than Six Inside Passengers, and not more than Two Outside Passengers, Two Shillings and Four-pence;

If more than Two, and not exceeding Five Outside Passengers, Three Shillings and Eight-pence:

If more than Five Outside Passengers, Six Shillings:

If more than Six, but not more than Eight Inside Passengers, and not more than Two Outside Passengers, Three Shillings and Eight-pence:

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

If more than Five Outside Passengers, Seven Shillings:

If more than Eight, and not more than Ten Inside Passengers, and not more than Two Outside Passengers, Four Shillings:

If more than Two, and not exceeding Five Outside Passengers, Five Shillings:

If more than Five Outside Passengers, Eight Shillings:

If more than Ten Inside Passengers, and not more than Two Outside Passengers, Four Shillings and Eight-pence:

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 Guard, in any of the above Cases, over and above the preceding Rates, One Penny:

For every other Coach, and for every Berlin, 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

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 such Carriage, with more than Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, drawn by One Horse, Ox, or Beast of Draught, Six-pence; and drawn by Two Horses, Oxen, or Beasts of Draught, Ten-pence; and drawn by Three Horses, Oxen, or Beasts of Draught, Three Shillings; and drawn by Four Horses, Oxen, or Beasts of Draught, Four Shillings; and drawn by Five Horses, Oxen, or Beasts of Draught, Six Shillings; and drawn by Six or more Horses, Oxen, or Beasts of Draught, Eight Shillings:

For every Cart, Wain, or other such Carriage with only Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, where the Carriage, with its Burden or Loading shall not weigh more than Twenty-six Hundred Weight,

If drawn by One Horse, Ox, or Beast of Draught, Six-pence:

If drawn by Two or more Horses, Oxen, 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 Saddle 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, One Penny Halfpenny:

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, One Shilling:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, and so in Proportion, for any greater or less Number, Six-pence:

And, if any Person shall be convicted before any Justice of the Peace, either on his own Confession, or by the Oath of one credible Witness, of having directly or indirectly, evaded any Part of the Rates contained in any of the preceding Cases, by concealing the Number of his Outside or Inside Passengers, he shall, for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, to be recovered in manner directed by this Act.

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, as aforesaid, shall, from Time to Time, nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable; and, if any Person or Persons shall neglect or refuse to pay the Tolls and Duties hereby granted, the said Trustees are hereby empowered, by themselves, or such other Person or Persons they, or any Five or more of them, as aforesaid, at a general Meeting assembled, shall authorise and appoint, to levy each and every of the said Tolls and Duties, by Distress and Sale of

For levying  
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any Horse or Horses, or other Cattle upon which such Toll or Duty is, by this Act, imposed, with the reasonable Charges of such Distress, until the Duties shall be paid: And it shall and may be lawful to and for the Person and Persons so distraining, after the Space of Four Days after such Distress shall be made and taken, to appraise and sell the Horse or other Cattle so distrained, by Public Roup, at the Turnpike or Toll-house where the Toll ought to have been paid, returning the Overplus, if any be, and demanded by the Proprietor of such Horse or other Cattle, so distrained, after deducting such Toll or Duty, and the reasonable Charges for distraining, keeping, appraising, and selling the same.

Tolls may be reduced.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, assembled at their aforesaid stated half-yearly Meetings, to diminish and lessen any or all of the aforesaid Tolls or Duties, as they shall see Cause, and to advance the same again, so as the same shall not at any Time exceed the Tolls or Duties granted and expressed in this Act.

Side Gates.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to erect or build, or cause to be erected or built, one or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the aforesaid Roads hereby directed to be repaired, and across any Lane or Way leading out of the same, and also a Toll-house or Toll-houses at each such Gate or Turnpike; and there to take or receive such Tolls or Duties as are, by this Act, granted and made payable; but so as, that a Ticket, received at any such Side Gate, shall entitle the Receiver thereof to pass, Toll free, through the next Gate or Turnpike upon the Roads hereby directed to be repaired, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock the succeeding Night.

Toll Houses to be erected, and vested in Trustees.

XII. And, for the better enabling the said Trustees to erect Toll-houses necessary for collecting the said Tolls, be it enacted, That the said Trustees shall be, and they are hereby empowered to purchase, or to take in Lease, such Pieces of Ground for that Purpose, as they shall think most convenient, not exceeding One-fourth Part of an Acre for each Toll-house; and, in case the Trustees cannot agree with the Proprietor and Occupier for the yearly Rent of such Ground, they shall apply to the Sheriff of the County to summon a Jury to fix the Rent for the same; which said Tolls and Duties hereby granted and made payable, and the Right, Interest, and Property of all and every Turnpike, Toll-houses, and Premises already erected upon the aforesaid Roads, in the County of *Linlithgow*, in virtue of the said former Act, or to be erected by virtue of this present Act, are, and shall be vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, or assigned to and for the several Uses, Intents, and Purposes by this Act directed, (the Charges expended or that shall be paid, in or by Reason of passing this Act, first deducted).

Tolls to be paid once a Day.

XIII. And be it further enacted, That every Person or Persons, having occasion to pass through any Turnpike, erected or to be erected in virtue of this Act, where the Tolls and Duties are or shall be taken, may

may and shall on Demand be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty; which Note or Ticket, Notes or Tickets, shall give Access to the said Person or Persons to pass through any other Turnpike or Turnpikes placed on the said Roads, not exceeding the Distance of Six Miles from the Turnpike where the said Person or Persons received the Note or Ticket, Notes or Tickets, as aforesaid, without being liable or compelled to pay the said Tolls or Duties more than once, for passing through the aforesaid Turnpike or Turnpikes, and returning the same Day, before Twelve of the Clock at Night, with the same Coach, Cart, or other Wheel-Carriage, or with the same Horse, Ass, or other Beast or Cattle; but in case the same Coach, Cart, or other Wheel-Carriage, or the same Horse, Ass, or other Beast, or Cattle, shall pass the Turnpike or Turnpikes with a new Loading a second or more Times, they shall, in that Case, be subjected to pay the Tolls for each Time they shall so pass, in the same Manner they did the first Time; and no Note or Ticket, Notes or Tickets, obtained at Payment as aforesaid, shall exempt any Person or Persons from Payment of the Tolls, at any Turnpike or Turnpikes on the said Road, at a greater Distance than Six Miles from the Turnpike where the Person or Persons received such Note or Ticket, Notes or Tickets, as aforesaid; but they shall be liable to pay the said Tolls or Duties in the same Manner they did the first Time.

XIV. And, for preventing Frauds or Abuses in the said Tolls or Duties hereby granted, be it further enacted, That if any Person or Persons having paid the Toll or Duty by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being convicted thereof upon Oath, of One or more credible Witnesses or Witnessesses, before any One or more Justice or Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling, to be levied and recovered in Manner hereinafter directed.

Penalty on disposing of Tickets.

XV. And be it enacted, That no Toll shall be demanded or taken for or in respect of Carriages, Horses, or Cattle, employed in carrying Materials for making or repairing Roads, Bridges, and Toll Houses, in the said County, or going empty to carry or convey, or returning empty after carrying the same, or for Cattle, Horses, or Carriages, laden or unladen, passing from one Part of a Farm to another, or laden with Implements of Husbandry, Dung, Lime, Stones, or any other Materials for manuring or draining Lands; nor for Hay, Corn, Corn in the Straw, or other Produce, provided the same shall be carried from the Houses, Outhouses, Barns, or Yards of the Proprietor or Proprietors, Occupier or Occupiers of such Lands respectively, or from one Part of a Farm to another Part of the same, or for any Carriages or Horses carrying any Person to or from Church, Chapel, or any Place of religious Worship, belonging to, or situated within the Parish where such Person resides, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any

Exemptions.

any Person who shall die and be buried within the Parish; or carrying any Clergyman going to, or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, or for Horses or Cattle going to, or returning from their usual Places of Pasture or watering; or going to Smithies for the Purpose of being shod, or returning therefrom; or for Horses or Carriages of whatsoever Description, employed or to be employed in conveying the Mails or Expresses, under the Authority of His Majesty's Post-master General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying the same; nor for the Horses of Officers or Soldiers, who are upon their March or on Duty, nor for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in conveying any wounded or disabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or 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; nor for any Horse, Mare, or Gelding, furnished by, or for any Person 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 always, that such Persons shall 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; nor for Carts or Carriages or Waggon, travelling with Vagrants sent with legal Passes; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Exempting  
Carriages  
with Stores.

XVI. 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 over Weight; 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.

For erecting  
weighing En-  
gines.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more weighing Machines on the said Roads, for the Purpose of weighing the Carriages that shall pass thereon; and the said Trustees, or any Person or Persons appointed by them, are hereby authorised to weigh the same; and in case the Owner or Driver of any such Carriage shall refuse to allow the same to be weighed, he shall, for every



every such Offence, forfeit and pay the Sum of Twenty Shillings to be levied and applied as by this Act is directed.

XVIII. And be it enacted, That the said Trustees, or any Five or more of them, shall and may, from Time to Time, choose and appoint Appointment of Officers. One or more fit Person or Persons, to be Receiver or Receivers, Collector or Collectors, and Clerk or Clerks, to the said Trustees, for receiving the Tolls or Duties granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, or such other Officers as they shall think proper; and from Time to Time to remove such Clerks, Receivers, Collectors, Surveyors, and other Officers, or any of them, and appoint new Ones, as they shall see Occasion: And all Persons hereby made liable to pay the said Tolls or Duties, shall pay the same to such Collector or Collectors, Receiver or Receivers, Officer or Officers, so from Time to Time to be appointed as aforesaid, after the Rates aforesaid; and the Person or Persons so appointed to collect and receive the said Tolls or Duties, as aforesaid, shall, on the First Tuesday of every Month, or at any other Time to be appointed by the said Trustees, give in a true, particular, exact, and perfect Account in Writing, under their respective Hands, with the Vouchers thereof, of all Monies which they have received, paid, and disbursed by virtue of this Act, and verify the same upon Oath, if required; and in case any Overplus Money so received shall remain in their Hands, the same shall be paid to the said Trustees, or to their Treasurer or Treasurers for the Time being, and shall be laid out and applied for the Purposes of this Act: And the said Trustees are hereby required to take such Security from their Treasurer or Treasurers, and Collector or Collectors, or other Officers employed by them, for the due Execution of their Office or Offices, as the said Trustees, or any Five or more of them, shall think proper; and that the said Trustees, or any Five or more of them, shall and may, out of the Monies arising from the said Tolls and Duties, make such Allowance to their Treasurer or Treasurers, Collector or Collectors, Overseer or Overseers, Surveyor or Surveyors, Clerk or Clerks, or other Officer or Officers to be appointed as aforesaid, for and in Consideration of his or their Care and Pains respectively taken in the Execution of his or their respective Office or Offices; and also to such other Person or Persons as shall be assisting in and about procuring the said Roads to be amended and repaired, as to the said Trustees, or any Five or more of them, shall seem meet: And in case the said Collector or Collectors, Receiver or Receivers, or any other Person or Persons concerned in the Collection or Receipt of the aforesaid Tolls or Duties, or any of them, shall not make such Account and Payment as aforesaid, the said Trustees, or any Five or more of them, are hereby authorised and required to prosecute such Defaulters and their Cautioners, before the Sheriff, or any Two or more Justices of the Peace of the County where such Defaulters reside, who, upon Conviction, shall either issue their Warrant for Distress and Sale of the Goods of the Defaulters and their Cautioners in a summary Manner, or may commit the Party or Parties to the common Gaol of the said respective Counties, therein to remain until he or they shall have made a perfect Account and Payment as aforesaid, with full Costs of Suit, or shall have compounded and agreed for the same with the said Trustees, or any Five or more of them, and have paid such Composition  
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to their Treasurer or Treasurers; which Composition the said Trustees, or any Five or more of them, assembled at any of their stated Half-yearly Meetings, as hereinafter mentioned, are hereby authorized and empowered to make and receive: Provided always, that no Person who shall be committed as aforesaid shall remain in Prison for any Period exceeding Six Calendar Months.

Trustees not  
to hold Places  
of Profit.

XIX. Provided always, and be it further enacted and declared, That no Person or Persons who shall hold or accept of any Place of Profit arising out of, or by Reason of any Tolls or Duties by this Act laid or granted, shall, though otherwise qualified, act as a Trustee or Trustees for putting this Act in Execution, from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid.

For borrow-  
ing Money,

XX. And whereas it may be necessary for the Trustees under this Act, to borrow a Sum of Money for paying off the aforesaid Debt, allocated upon the said Road hereby directed to be repaired, and for the other Ends and Purposes of this Act, be it enacted, That it shall and may be lawful for the said Trustees, assembled at any of their Half-yearly Meetings, as hereinafter appointed, and they are hereby authorized and empowered to borrow any Sum or Sums of Money, not exceeding Ten thousand Pounds Sterling, including the Money borrowed and owing under the said former Act, at an Interest not exceeding the legal Interest for the Time, which Sum is to be applied for Reparation or Alteration of the aforesaid Roads, in Manner herein directed; and when the Sum so borrowed shall, in the Whole or in Part, be applied and accounted for, and paid off to the Creditor or Creditors, the said Trustees, or any Five or more of them assembled as aforesaid, at their stated Half-yearly Meetings, are hereby empowered to borrow another Sum of Money, equal to that so paid off as aforesaid; so that the Sum or Sums of Money so to be borrowed by the said Trustees shall not, at any Time, exceed in the Whole the Sum of Ten Thousand Pounds Sterling: Provided always, that no Money shall be borrowed in consequence of the Powers hereby granted, unless One Month's previous Notice thereof be given by Advertisement in Two of the *Edinburgh* Newspapers.

and assigning  
the Tolls.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them assembled at the aforesaid stated Half-yearly Meetings, and they are hereby authorized and empowered to assign and make over the Whole, or any Part of the Tolls or Duties by this Act imposed, to the Persons from whom the Money, as aforesaid, shall be borrowed, as a Security for Repayment of the Sum or Sums of Money so lent by them, with the Interest thereupon.

First and  
other Meet-  
ings.

XXII. And be it further enacted, That the said Trustees, or any Five or more of them, shall hold their first Meeting, by virtue of this Act, at *Linlithgow*, on the Second *Friday* after passing this Act, or as soon thereafter as conveniently may be, in consequence of an Advertisement to be published in Two of the *Edinburgh* Newspapers, by Directions from the Convenor of the Commissioners of Supply for the County of *Linlithgow*, for the Time being, who is hereby authorized and required, as soon as this Act shall be delivered to him, to cause the said first Meeting of the Trustees to be advertised, in Manner aforesaid, with Power to them,

at

at their aforesaid first Meeting, or any after Meetings, to adjourn themselves to such Times and Places as they shall think proper or convenient, and as often as it shall be necessary for putting this Act into Execution: And if it shall happen, that there shall not appear at any Meeting or adjourned Meeting, which shall be appointed to be held under the Authority of this Act, a sufficient Number of Trustees to act at such Meeting, the Trustees present shall and may adjourn to another Day; and Notice thereof shall be given in the aforesaid *Edinburgh* Newspapers at least Ten Days before the Day fixed for holding such adjourned Meeting; and that the said Trustees at their first, and all their subsequent Meetings, shall defray their own Charges and Expences.

XXIII. And be it further enacted, That from and after the Commencement of this Act, the said Trustees, or any Five or more of them, shall hold Two stated General Meetings in the Year, at *Linlithgow*; *videlicet*, on the first *Friday* of *March*, and first *Friday* of *October*, yearly, at which Meetings, and at no other, all Orders for issuing or borrowing Money, or assigning the Tolls in Security thereof, or for erecting Toll Gates or Side Bars, shall be given; and that the Clerk or Clerks to the said Trustees shall cause to be inserted in the aforesaid *Edinburgh* Newspapers, an Advertisement of such stated General Meetings, which Advertisement shall not be more than Two Weeks, nor less than Ten Days before the Day hereby appointed for the holding of such respective stated General Meetings; but, that the Meetings of the said Trustees, for all other Purposes, except as aforesaid, shall be regulated according to the other Directions contained in this Act: Provided always, That the said Trustees shall have no Power to act in any of the Matters or Things hereby committed to them, otherwise than at the said Meetings appointed by this Act, or adjourned Meetings as aforesaid.

General Meetings.

XXIV. And be it further enacted, That if the said Trustees, or any Five or more of them, at their General Meetings, shall determine in any Matter, or appoint and order any Thing to be done with respect to the amending and repairing the said Roads, or levying the said Tolls or Duties, or of or concerning any other Powers hereby committed to them, it shall not be in the Power of any subsequent General Meeting to alter, vary, or annul such Determination, or give any Orders contrary, and in Opposition to the Orders formerly given, unless such subsequent General Meeting shall be called by an Advertisement in the aforesaid Newspapers, expressly setting forth such Resolutions of a former General Meeting as are to be taken under Review.

Orders not to be revoked without Notice.

XXV. And be it further enacted, That the said Trustees shall keep an exact Account of the Money received, and of the Application thereof, and of all other their Proceedings under the Authority of this Act, and shall enter the same into a Book or Books, to be kept for that Purpose; to which Book or Books any Heritor possessed in Property of One Hundred Pounds Scots of valued Rent in the County of *Linlithgow*, or any other adjoining County, in which there are Roads leading into the Road hereby directed to be repaired, shall at all seasonable Times be at Liberty to resort and to inspect the same, without Fee or Reward.

Proceedings to be entered.

XXVI. And

Preventing  
Misapplica-  
tion of Mo-  
ney.

XXVI. And be it further enacted, That in case of any Misapplication of the 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 or Sums so misapplied, to be recovered against him or them; at the Suit of any Three or more Heritors within the aforesaid County, possessed of Two Hundred Pounds Scots each of valued Rent in Property, who are hereby authorized to sue for and recover the same, in an Action summarily before the Lords of Council and Session, without abiding the Course of any Roll, with full Costs of Suit; One Moiety of which Forfeiture shall belong to the Persons who sue for the same, and the other Moiety shall be paid to the said Trustees, to be applied by them for the Purposes of this Act; but if any such Prosecution shall, after Trial, be found to have been vexatious and groundless, the Prosecutors shall be liable to pay treble Costs.

Declaring  
what shall be  
deemed a  
Misapplica-  
tion.

XXVI. And be it further enacted and declared, That if the Trustees, or any Five or more of them; at their aforesaid stated half-yearly Meetings, shall neglect to apply so much of the Money collected, received, or levied by virtue of this Act, as shall be sufficient to put and keep the Roads hereby directed to be repaired, and Bridges within the same, in proper Repair, or shall apply the said Money to Bye-roads and Bridges, while the Road hereby directed to be repaired, and Bridges on the same, or any Part thereof are allowed to remain in Disrepair, such Neglect, or such Application to Bye-roads or Bridges shall be deemed, holden, and accounted a Misapplication of the aforesaid Money, so as to authorize the suing for, and recovering the said Forfeiture, and Costs of Suit, in the aforesaid summary Action.

Tolls may be  
let.

XXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at a General Meeting assembled, to let by Public Roup the said Tolls or Duties, in whole or in Parcels, from Time to Time, during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall, from Time to Time, give such good and sufficient Security for paying thereof, as shall be approved by the said Trustees, or any Five or more of them, as aforesaid.

Trustees may  
compound,

XXVIII. And be it further enacted, That the Trustees, or any Five or more of them, assembled at their stated Half-yearly Meetings, shall be, and they are hereby empowered, as they shall see convenient or think fit, to compound or agree, by the Year or otherwise, with any Person or Persons using to travel through the Turnpikes, and living within Three Miles of any Turnpike or Turnpikes, erected or to be erected in the said Roads, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, or Mule, or any other Beast of Draught, for any Sum or Sums of Money, to be paid Quarterly, from Time to Time, after such Agreement is made; and in case such Person or Persons, so compounding, shall neglect or refuse the Payment of such Composition Money, for the Space of Fifteen Days after the same shall become due, then it may and shall be

lawful

lawful to levy the same by Distress and Sale of the Defaulter's Goods and Chattels, in Manner hereafter directed,

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common of the said County, or out of the several Grounds of any Person or Persons, (not being the Ground wherein any Houses stand, nor a Garden, Orchard, Yard, Lawn, Planted Walk or Walks, or Avenue to any House, nor any Piece or Parcel of Ground set apart or used as a Nursery for Trees, or Pleasure Ground), where such Materials are or may be found; and from Time to Time to cause the same to be carried away, or so much thereof as the said Trustees shall judge necessary for repairing and amending the Roads and Bridges aforesaid, and to open convenient Access for carrying off the said Materials; which Access, and Places from which the said Materials are proposed to be taken, must be marked out by Three Trustees, if so required by the Owner, or his or her Factor, or by the Occupier, paying only for the Damage done to the Owners or Occupiers of the said Grounds respectively where or from whence the same shall be dug, gathered, or taken away, or over which the same shall be carried; and the Amount of such Damage shall be settled and ascertained by any Three or more of the said Trustees residing near the Place from which the said Materials are taken; but if the Owners or Occupiers shall not be satisfied with the Damages offered by the Trustees, Application may be made to the Sheriff, to have the same ascertained by a Jury; but such Dispute or Difference shall not, in the meantime, hinder the using or carrying off of the said Materials for repairing and amending the said Roads.

Getting  
Materials;

XXX. Provided always, That it shall not be lawful for the Trustees, or any Person acting under their Authority, to dig, gather, or take away any Materials for altering, widening, repairing, or keeping in Repair the said Road, or other Purpose of this Act, until Six Days' Notice, in Writing, shall have been given to the Proprietors or Occupiers of the Lands, or others, from which such Materials are intended to be taken, or shall have been left for such Proprietors or Occupiers, or their ordinary Agents, at their usual Places of Residence, to appear before the Trustees, or before Two or more Justices of the Peace for the said County, to shew Cause why such Materials should not be taken from such Lands; and in case such Proprietors or Occupiers shall attend, pursuant to such Notice, the Trustees, or any Five or more of them, or the said Justices, shall, if they think fit, authorize the Person or Persons aforesaid, to dig, gather, and carry away such Materials, at such Time or Times as they shall think proper, and if such Owners or Occupiers shall neglect or refuse to appear by themselves or their Agents, the said Trustees or Justices may and shall make such Order thereupon as they shall think fit, as fully and effectually as if such Proprietors or Occupiers, or their Agents, had attended.

Notice being  
previously  
given.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, assembled at their stated  
[Loc. & Per.] 8 X Hall-  
Providing  
Places to de-  
posit Mate-  
rials.

Half-yearly Meetings, as herein before directed, to give Orders for purchasing, or taking in Lease, such Pieces of Ground adjacent to the said Roads, (not exceeding One-fourth Part of an Acre each), as shall be judged most convenient for Repositories, wherein the Stones or other Materials for repairing the said Roads may be broken or kept, so as not to be laid upon the Road itself, until they are immediately to be used for repairing or amending the same; and in case the Trustees, or their Surveyor, cannot agree with the Proprietor or Tenant, Application may be made to the Sheriff, who is hereby required to summon a Jury, according to whose Verdict all Differences respecting the aforesaid Lease or Purchase shall be finally determined.

Preventing  
Stones, &c.  
being left on  
the Road.

XXXII. And be it enacted, That if any Person or Persons employed by the said Trustees, or any Five or more of them, or under their Authority, to repair the said Roads, shall leave thereon any Heap or Heaps of Gravel, Stones broken or unbroken, or other Matter, or shall break Heaps of Stones thereon, such Person or Persons shall forfeit and pay the Sum of Ten Shillings Sterling for each Offence, to be recovered and applied in the Manner by this Act directed.

No Buildings  
to be erected  
within a cer-  
tain Distance  
of the Road.

XXXIII. And be it enacted, That after the passing this Act, no House or Building shall be erected so as to incroach on the said Roads, or on any Footpaths on the Sides thereof; and that any Two of the said Trustees may stop the erecting of any such House or Building, by an Order under their Hands; and that it shall be lawful for the Sheriff Deputy of the said County, or any Five or more Justices of the Peace thereof, to cause such House or Building to be pulled down and demolished, at the sole Charge and Expence of the Erector: nor shall any Trees be planted within Seven Yards of the South or West Sides of the said Roads, otherwise the same shall be removed in the same manner as above directed, with respect to Houses erected on the Sides of the said Roads.

Making and  
preserving  
Footpaths,  
Drains, &c.

XXXIV. And be it further enacted, That it shall be lawful to and for the said Trustees, or any Five or more of them, and such Person or Persons as they shall appoint, to make or cause to be made Causeways, and to make or cause to be made a Footpath or Footpaths on the Side or Sides of the said Roads, and to erect Posts to prevent any Person or Persons from riding or driving Horses, or Carriages, or Cattle, on the same; and to cut and make Ditches and Drains through any Grounds lying contiguous to the said Roads, for the Purpose of letting off the Water from the same; and to make and erect Arches and Bridges; and also, where any Part of the Road shall not be of a sufficient Breadth, to widen and extend the same to such Breadth as they shall think proper, not exceeding Fourteen Yards; and, for that Purpose, to pull down and demolish any House or Building whereof the Side Wall shall not exceed Twelve Feet in height, upon giving Six Months previous Notice to the Owners or Occupiers thereof, and to remove any other Obstructions, paying such Damage to the Owners or Occupiers respectively, whose Grounds or Houses shall be prejudiced or damaged by such widening beyond the legal Standard, as the said Trustees, or any Five or more of them, shall judge reasonable; and, in case of any Difference concerning the same between the said Owners and Occupiers, and the said Trustees, the same shall be determined by a Jury, to be called by  
the

the Sheriff, as aforesaid; provided, that in widening the aforesaid Roads, nothing shall be done which may anywise prejudice or damage any House or Building (except as aforesaid), or any Park, Paddock, Garden, Orchard, Lawn, Planted Walk, or Avenue to any House, or any Piece or Parcel of Inclosed Ground, set apart and used as a Nursery for Trees, or Pleasure Ground, without the Consent of the Owner or Owners hereof, under his or their Hand or Hands.

XXXV. And be it further enacted, That the Occupier or Occupiers of any Grounds lying contiguous to the said Roads, through which Grounds there shall be any such Ditch or Drain as aforesaid, shall keep the same clean and free from Obstructions, and where the Grounds on the Side or Sides of the said Roads shall be inclosed with Hedges, the same shall be kept cut to a Height, not exceeding Four Feet and a Half; and in case the Occupier or Occupiers of such Grounds shall not keep such Ditches and Drains clear and free from Obstruction, or shall neglect to cut the Hedges to the Height aforesaid, it shall be lawful to and for the said Trustees, or any Three or more of them, to cause the said Ditches and Drains to be cleaned, and the said Hedges to be cut, at the sole Charges and Expences of the said Occupier or Occupiers; provided always, that they shall not be compelled to cut such Hedges, except from the First Day of *October* to the First Day of *March*.

Ditches to be kept clear.

XXXVI. And be it enacted, That where any Passage for Cattle or Carriages across any Road, for the Convenience of the Occupier of the Ground through which it passes, shall be made, the Occupier of such Ground shall always cover the Drains crossing the Sides of such Roads with sufficient Stones, in such Manner as the Course of the Water in the Drains may not be interrupted, or the Road thereby prejudiced; provided always, that no Occupier of Land shall turn any Water upon the Side of any of the said Roads, nor conduct any Water across any of the said Roads, for the meliorating of his Fields or other Purposes, until he shall have applied for, and obtained the Consent of Five or more of the said Trustees, in their General Meeting assembled; and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain, of such Depth and Construction as that the Water may not prejudice the Road.

Covered Drains to be made.

XXXVII. And be it enacted, That it shall be lawful to and for the said Trustees, or any Five or more of them, on giving Three Months' Notice, by Advertisement in the aforesaid *Edinburgh* Newspapers, to alter within the Distance herein mentioned, the Direction of any Part or Parts of the said Roads, and that either for the Purpose of shortening the same, or of avoiding any Hill or Hills, or other Obstruction by which the Course of the said Roads may be impeded; and the said Trustees are hereby empowered to purchase for that Purpose such Pieces of Ground as they shall judge most convenient; provided always, that no Resolution for making such Alteration shall be adopted, except at a General Meeting of the said Trustees, called by Advertisement in the aforesaid *Edinburgh* Newspapers; which Advertisement shall expressly set forth the proposed Alteration or Alterations, as a Subject for the Consideration of such General Meeting; and provided that, in making such Alteration or Alterations, nothing shall

Roads may be diverted.

shall be done which may in anywise prejudice any House or Building, or to the Prejudice of any Park, Paddock, Garden, Orchard, Lawn, planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground set apart and used as a Nursery for Trees, or Pleasure Ground, at the Time of passing this Act, without the Consent of the Owner or Owners thereof by Writing under his or their Hand or Hands.

Compensation to be made for Ground taken, or Hereditaments damaged.

XXXVIII. Provided always, and be it enacted, That full Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, and Tenements, taken for the Use of the said Roads, and for all Damage done to the same, and for that Purpose the Trustees shall, before entering on any such Ground or Tenements, or injuring the same, give Three Month's Notice, at the least, to the Owners and Occupiers thereof, and make an Offer to them of what the Trustees consider to be the Value, or a just Compensation, unless such Owners or Occupiers renounce all Claim to Damages or Compensation, which the Owners and Occupiers in Possession at the Time, of Estates under Entail or Incumbrance shall be at Liberty to do, in case the same does not exceed the Value of Twenty Pounds Sterling, but not otherwise; and that the said Trustees shall be, and they are hereby empowered, to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations aggregate or sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under legal Disability or Incapacity, are hereby empowered and required to sell, let, and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads, or any of them, and erecting any Toll Bar or Toll House thereon, or for storing Materials, or otherwise, where Ground is necessary for the Purposes of this Act.

Sheriff to summon a Jury to fix Value of Lands and Houses.

XXXIX. And be it further enacted, That in taking the necessary Ground for making, altering, or widening the said Roads, or for any Toll-house, Garden, or Stable, as before mentioned, under the Authority of this Act, if the said Trustees shall not come to an Agreement with the Owner or Owners, and Occupier or Occupiers of the Lands where the Roads are to be so altered or widened, or whose Fences are to be altered or removed, or with the Owner or Owners, Occupier or Occupiers, of any Ground taken for such Toll-houses, Garden and Stable, or any House or Houses, or Part or Parts of any House or Houses; which are to be taken down as aforesaid, or in case the Claim of Damages which may be thence incurred has not been renounced in Manner aforesaid, Application shall be made to the Sheriff-depute of the County of *Linlithgow*, or his Substitute, to summon a Jury in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses, necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing Fences; and the said Sheriff Depute, or his Substitute, are hereby empowered and required, upon Application, to order Notice thereof to be given to the Owner or Owners, Occupier or Occupiers, of such Ground or Houses, and afterwards to issue a Summons, in the usual Manner, for calling together and impannelling a Jury, consisting of Fifteen Persons in Number, to examine into, and after such Examination to return a Verdict, upon Oath, as to the Damage sustained by the Proprietors of such Lands, Fences, Houses, or Parts of Houses; and in making



making up their Verdict, to be pronounced as herein directed, and in estimating the Sums to be paid to the Proprietors, Tenants, or Occupiers of Lands and Houses, as aforesaid, the said Jury shall have Right, and they are hereby empowered to take under their Consideration all Circumstances, particularly the Advantages arising to the Proprietors, Tenants, and Occupiers, by the said Roads; and in ascertaining the Value of the Dykes or Inclosures which it may be necessary to pull down in making new Roads, the Jury shall also have Power to direct such Dykes as may thereby become useles to the Proprietor, to be taken down and removed by the said Trustees, upon Payment of such Allowance therefore as the said Jury may determine; and it shall be optional to the Proprietor either to accept of the Allowance so awarded, or to retain the Materials of the said Dykes to his own private Use; and after a Verdict is pronounced, as aforesaid, the said Sheriff Depute, or his Substitute, are hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto; and upon Payment being made by the said Trustees, out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested, or Consignation of the said Sum in Manner by this Act directed, the said respective Trustees shall from thenceforth have a Right to take and use the Ground, and to take down the Houses and Fences, or Parts of Houses and Fences so valued, for the Purposes of altering, widening, and extending the Roads and Highways aforesaid, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners, Occupier or Occupiers of the Grounds, Houses, or Fences, had executed regular Dispositions of the same, and thereupon Infeftment had followed; and the said Proceedings and Orders of the Sheriff Depute, or his Substitute, shall be final, and not removeable by Bills or Letters of Advocation or Suspension, to or by any Court whatever, any Law or Usage to the contrary notwithstanding.

Sheriff to adjudge Payment of the Sum awarded by the Jury.

XL. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Composition than the Trustees shall have offered; but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and on the other Hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, That in all Cases where any Person or Persons shall, by reason of Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, That after having offered to the Proprietors, Occupier or Occupiers of any Lands or Houses, such Sum as the said Trustees shall think reasonable, it shall and may be lawful for them to enter into and upon such Lands or Houses for the Purposes of this Act; and no Stop shall in the mean Time be put to the Operation of the said Trustees, on Pretence of settling the Damage, or that they have not been satisfied and paid.

Expences of the Proceedings, how to be paid.

Any Warrant  
for stopping  
the Work to  
be recalled  
on Caution  
found.

XLI. And, to prevent unnecessary Trouble and Delay, be it further enacted, That in case any Person interested shall apply for, and obtain from any Judge competent, a Warrant for stopping the Execution of any of the Purposes aforesaid, to be carried on under the Authority of this Act, the said Judge is hereby directed and empowered to recal such Warrant, and remove any Sift obtained as aforesaid, provided sufficient Caution is found by the respective Trustees therein named for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in Manner hereinbefore mentioned.

Reinvesting  
Purchase-  
Monies if  
amounting to  
200l.

XLII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used, by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two Hundred Pounds, under the Direction and by the Authority of the Court of Session, be, with all convenient Speed, paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt, or Debts, or such other Incumbrance, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith to the same or like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Heritages which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

If less than  
200l. and ex-  
ceeding 20l.

XLIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall,

shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties,) in order that such principal Money, and the Interest arising thereon, may be applied in any Manner herein before directed, as far as the Case be applicable.

XLIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively. Under 20l.

XLV. 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 Lands, Tenements, or Heritages, to be purchased by virtue of this Act, 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 Five 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 Court of Session; which said Court, on the Application of any Person or Persons, making claim to such Sum or Sums of Money, or any Part thereof, by 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 Public 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 and 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 In case of not making out Titles.

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 Banks as aforesaid.

Where Questions arise touching the Title.

XLVI. 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 said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest, in any Lands, Tenements, or Heritages, to be purchased in pursuance 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, or under the Possession of 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 of Session; and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly, unless it shall be made appear 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.

Expences in case of Disability.

XLVII. 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 either of the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of 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 this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

For shutting up Roads.

XLVIII. And be it enacted, That when the Direction of any Part or Parts of the said Roads shall be altered as aforesaid, it shall be lawful to and for the Trustees to shut up, and also to sell and dispose of such Part or Parts of the said Roads, and the Materials of such Bridges, as shall, in consequence of such Alteration, be no longer of use, or whereby any Turnpike Gate or Gates may be avoided; and in case any Proprietor or Proprietors, Occupier or Occupiers, or Inhabitants of the adjacent Lands, shall be deprived of any necessary Passage or Communication, or shall be prejudiced or injured by the shutting up and disuse of such Part or Parts of the said Roads, it shall be lawful to and for the Trustees, and they are hereby directed to give new and convenient Passages to and from the aforesaid Roads, to such Proprietors, Occupiers, or Inhabitants, and for that Purpose, to purchase such Pieces of Ground as they shall judge most proper; and, in case they cannot agree with the Proprietor or Proprietors, Occupier or Occupiers thereof, the Price shall be fixed by a Jury, to be summoned as aforesaid; and in case any Person or Persons shall think himself or themselves aggrieved by the shutting up of such Part or  
Parts

Parts of the said Roads, it shall and may be lawful for him or them to apply to the Justices of the Peace of the County of *Linlithgow*, in General Quarter Sessions assembled, who shall hear and determine the Matter in dispute, and whose Judgment shall be final and conclusive.

XLIX. And be it further enacted, That in case the Road so altered as aforefaid, or new Road, and the Road to be shut up, or old Road, shall both pass through the Grounds of the same Proprietor, and that the Ground occupied by the new Road is of equal or greater Value than the Ground occupied by the old Road, the said Ground occupied by the old Road shall be allotted to the said Proprietor, and its Value shall be deducted from the Value of the Ground occupied by the new Road in making Payment for the same; and in case the new Road, and the old Road, do not both pass through the Grounds of the same Proprietor, the Proprietor or Proprietors of the Ground through which the old Road passed shall have the first Offer of the same, and Affidavit shall be made by the Clerk to the said Trustees of such Offer of Preference having been made: And if any Dispute shall arise about the Value of the Ground occupied by the old Road, the same shall be determined by a Jury, to be summoned as aforefaid.

Old Road to be allotted to Owner of adjoining Lands.

L. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause the said Roads to be measured, and Stones and Posts to be erected, or to continue those already erected upon the same, or near the Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall judge convenient; and that the said Trustees shall and may also cause Way Posts to be erected, at such Places of the said Roads where Cross or Bye-Roads intersect, or lead into it, denoting the Name or Names of the Place or Places to which such Cross or Bye-Roads lead; and Guide-Posts upon such Parts of the said Road as may be subject to deep or dangerous Floods.

For erecting Mile Stones and Guide Posts

LI. And be it further enacted, That if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any such Stones or Posts already erected, or which shall be erected, or obliterate or deface any Words, Letters, Figures; or Marks, that are or shall be made, inscribed, or put thereon, and shall be thereof convicted before any Two or more Justices of the Peace for the County where the Offence shall be tried, such Person or Persons, so offending, shall respectively forfeit and pay the Sum of Twenty Shillings Sterling for every such Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced, to be levied and recovered in the same Manner as other Penalties are, by this Act, directed to be recovered and levied; and such Forfeitures shall be applied, one Moiety to the Informer, and the other Moiety in repairing the Stones or Posts so broken, pulled up, damaged, and defaced, or in supplying new Ones in their Stead: And if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads; and in case the Person or Persons so offending and convicted shall have no sufficient Goods or Chattels whereon such Forfeitures may be levied, then it shall and may be lawful for any Two or more of such Justices, by Warrants under their Hands, to commit such Person or Persons to the common Gaol of the County, therein to remain for any Space not exceeding Three Calendar Months.

Punishing Persons destroying them.

[*Loc. & Per.*]

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LI. And

Preserving  
Bridges, &c.

LII. And be it enacted, That if any Person or Persons shall maliciously damage, destroy, or injure any Bridges, or the Parapet Walls or Buildings of any Bridge, or shall break down, or otherwise destroy or damage any Turnpike Gates, Posts, Chains, Bars, or other Works whatsoever, or the Houses erected or to be erected for the Use of such Turnpikes, or any Weighing Machine or Weighing Machines, to be erected or placed upon any Part of the said Roads, or abuse or maltreat any of the Toll Gatherers, while employed in the Execution of their Office, or shall rescue any Person in Custody for any of the said Offences, every such Person or Persons so offending in any of the Premises, and being thereof lawfully convicted in any Prosecution ordered by the said Trustees, or any Five or more of them, by the Oath of one or more credible Witness or Witnesses, before any Two or more of the Justices of the Peace of any County where the Offence shall be tried, such Person or Persons, so offending, shall not only be condemned to pay the whole Damages and Expences sustained by the Trustees, or the Toll Gatherers, or other Persons employed in the Execution of this Act, but also be fined in a Sum not exceeding Ten Pounds Sterling; and in default of Payment of the said Damages, Expences, and Fine, shall be imprisoned in the common Gaol of the County, for any Time not exceeding Three Calendar Months.

Preventing  
Trees being  
drawn on the  
Road.

LIII. And be it further enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree, Logs, or Pieces of Timber, or any Stone or other Thing whatsoever, otherwise than upon a Wheel Carriage or Cart, or shall suffer any Tree, Log, Piece of Timber or Stone, or other Matter whatsoever, which shall be conveyed upon a Wheel Carriage or Cart, to drag upon any Part of the aforesaid Roads; or if any Person or Persons shall turn his or their Plough on any Part of the said Roads, such Person or Persons shall, for every such Offence, forfeit the Sum of Ten Shillings Sterling, to be recovered as hereinafter directed.

Penalty on  
permitting  
private Pas-  
sage.

LIV. And be it further enacted, That if any Person or Persons occupying Lands near to the Turnpikes erected, or which shall be erected in pursuance of this Act, shall knowingly permit or suffer any Person or Persons to pass through the same, or through any Gate or Passage, or work with any Coach, Cart, or other Carriage, or with any Horse, Ass, or other Cattle, whereby the Payment of the Toll or Duty, by this Act imposed, shall be evaded, every such Person, so offending, and the Person or Persons riding or driving such Coach, Cart, or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by the Testimony of one or more Witness or Witnesses, before any Two or more of the Justices of Peace of the said County, shall, for every such Offence respectively, forfeit and pay to the said Trustees, or their Collector or Collectors, the Sum of Twenty Shillings Sterling, to be recovered and applied, as by this Act is directed.

Penalty on  
evading  
Tolls.

LV. And be it further enacted, That if any Person or Persons shall at any Time, during the continuance of this Act, take off, or cause to be taken off, any Horse, Ox, or other Beast of Draught, from any Coach, Waggon, Cart, or other Carriage whatsoever, at or before the same shall come to any of the Turnpikes already erected, or which shall be erected,

erected, by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby imposed, or shall get off from the Top of any Stage Coach or other Carriage for the Purpose of avoiding the Tolls; or if any Coachman shall knowingly permit or suffer any Person to get off from such Carriage, for the Purpose aforesaid, each, and every Person or Persons, offending in any of the Cases aforesaid, shall forfeit and pay to the said Trustees, or to their Collector for the Time being, the Sum of Twenty Shillings Sterling, to be recovered and applied as by this Act is directed.

LVI. And be it enacted, That if any Waggon, Wain, Cart, or other such Carriage, shall travel or pass on the said Roads, without having the Name of the Owner, in distinct and legible Characters, on some conspicuous part thereof, double Toll shall be demanded and taken before such Waggon, Wain Cart, or Carriage shall be allowed to pass through any Turnpike Gate or Gates on the said Roads, and the Owner thereof shall forfeit and pay the Statutory Penalty for each Offence, over and above the said double Toll.

Penalty on Owners of Waggons without Names thereon.

LVII. And be it enacted, That if any Person or Persons shall ride or drive any Horse or Carriage on any Part or Parts of the Foot-paths made or to be made on the Sides of the said Roads, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling, to be recovered and applied as by this Act is directed.

Preserving Footpaths.

LVIII. And be it further enacted, That no Person or Persons whatsoever shall lay or leave any dead Horse or other Carrion upon any Part of the said Road, or within Twenty Yards of the Sides thereof, (except in case of Accident), or any Dung, Lime, Soil, Compost, or Matter whatsoever upon the said Roads, or within Five Yards of the Side of any Part thereof, or upon the Streets of the Burghs, Towns or Villages through which the said Roads lead, upon pain of paying, for every such Offence, the Sum of Ten Shillings Sterling, and also forfeiting all such Dung, Lime, Soil, Compost, or other Matter as aforesaid; which said Penalties and Forfeitures shall be levied and recovered as any Penalty and Forfeiture is by this Act directed to be levied and recovered, and shall be applied, one Moiety to the Person who shall inform of the same, and the other Moiety towards repairing and amending the said Roads.

Preventing Nuisances on the Road.

LIX. And be it further enacted, That all Tolls, Penalties, and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands of any Two or more Justices of the Peace of the County of *Linlithgow*; and the Persons distraining for such Penalties, are hereby authorised and empowered, Three Days after such Distress shall have been made, to sell by Public Roup the Goods and Chattels so distrained, and to return the Overplus Money (if any there be), upon Demand, to the Owners of such Goods or Chattels, after such Tolls, Penalties, and Forfeitures, with the reasonable Charges of distraining, keeping, and selling the same shall be deducted and paid; and if it shall appear to such Justices, that the said Offender or Offenders have not sufficient Goods, or upon Execution returned by their Officers, that Goods

Recovery of Penalties.

sufficient

sufficient are not to be found, it shall be lawful to them, and they are hereby authorized and required to commit the Offender or Offenders to Gaol for any Space, not exceeding Six Calendar Months, unless such Tolls, Penalties, Forfeitures, and Expences shall be sooner paid; and if any Person or Persons shall think himself or themselves aggrieved by the Sentence of such Two or more Justices, it shall and may be lawful for him or them to appeal to the Justices of the Peace for the County of *Linlithgow*, in their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matters in Dispute, and whose Decision therein shall be final and conclusive.

Trustees may  
act as Justices:

LX. And be it further enacted, That it shall and may be lawful to and for such of the said Trustees as are or shall be in the Commission of the Peace for the said County of *Linlithgow*, to act as Justices of the Peace in all such Cases, Matters, or Things as shall be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained, excepting in such Cases only where they are personally interested.

Action to be  
commenced  
within Six  
Calendar  
Months.

LXI. Provided always, and be it further enacted, That all Actions for all and every the Penalties and Forfeitures imposed by this Act, or for any Thing done in the Execution thereof, shall be commenced within Six Calendar Months after the Fact was done or committed, and not afterwards.

Expences of  
the Act.

LXII. And be it further enacted, That the Expences of procuring and passing this Act, shall be paid out of the First Monies, levied or borrowed by virtue of this Act for making and repairing the said Road hereby directed and intended to be made and repaired.

Public Act.

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

Continuance.

LXIV. And be it enacted, That this Act shall continue in force for and during the Term of Twenty-one Years from and after the passing thereof, and from thence to the End of the then next Session of Parliament.

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