



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 63.

An Act for rendering more effectual several Acts for repairing the Turnpike Road from *Cramond Bridge* to the Town of *Queensferry* in the County of *Linlithgow*; and for altering and repairing the High Road leading from the West End of the said Town of *Queensferry* to the Town of *Linlithgow*.

[14th May 1811.]

WHEREAS an Act was passed in the Twenty-fourth Year of the 24 G. 2.
Reign of His late Majesty King George the Second, intituled, c. 35.
An Act for repairing the High Roads in the County of Edinburgh, and from Cramond Bridge to the Town of Queensferry, in the County of Linlithgow: And whereas another Act was passed in the Ele- 11 G. 3.
venth Year of His present Majesty's Reign, intituled, *An Act to enlarge* c. 79.
the Term and Powers of so much of an Act made in the Twenty fourth Year of the Reign of King George the Second, as relates to the repairing the Road from Cramond Bridge to the Town of Queensferry, in the County of Linlithgow: And whereas another Act was passed in the Thirty-second 32 G. 3.
Year of the Reign of His present Majesty, intituled, *An Act to enlarge* c. 135.
the Term and Powers of an Act made in the Eleventh Year of His present Majesty's Reign, intituled, "An Act to enlarge the Term and Powers of so much of an Act, made in the Twenty fourth Year of the Reign of King George the Second, as relates to the repairing the Road from Cramond Bridge to the Town of Queensferry, in the County of Linlithgow;" by which several Acts certain Powers and Authorities were granted to the Trustees thereby appointed for repairing the said Road from *Cramond Bridge* to the said Town of *Queensferry*: And whereas considerable Sums of Money have been expended in repairing the said Road, borrowed upon

[Loc. & Per.]

15 E

the

the Credit of the Tolls granted by the said recited Acts; but certain Repairs and Alterations being still necessary to be made thereon, the same cannot be made and the Road kept in Repair, and the Money borrowed be repaid, unless the Terms and Powers by the aforesaid Acts granted be continued and enlarged: And whereas, from the great Communication between the said Town of *Queensferry* and the Town of *Linlithgow*, it is expedient that the Road leading from the West End of the said Town of *Queensferry* to the Town of *Linlithgow*, by *Echline*, *Duddingstone*, *Newton*, *Philpston* and the Bridge to the Eastward of *Merrylees*, by the South of *Paddockball*, to the Junction of the Three Roads East of the *Burgh Muir* of *Linlithgow*, should be altered and repaired, 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 *Cramond Bridge* to the Town of *Queensferry*, and that all the Powers and Provisions for those Purposes should be comprised 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 Authority of the same, That from and after the Term of *Whitsunday* One thousand eight hundred and eleven, the said recited Acts shall be, and the same are hereby repealed; and that from thenceforth the 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 from *Cramond Bridge* to the Town of *Queensferry*, and the said Road from the West End of the said Town of *Queensferry*, to the Town of *Linlithgow*.

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 the Tolls, authorised to be levied by the said recited Acts and still owing shall not be prejudiced by the Repeal thereof, nor the Contracts and Agreements made in consequence thereof, but the same shall be enforced by virtue of this Act, and the Tolls and Duties granted by this Act on the said Road from *Cramond Bridge* to the Town of *Queensferry*, are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls and Duties granted by the said Acts hereby repealed.

Trustees.

III. And be it enacted, That all and 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 Cess Books, or Tax Roll 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 said Burgh of *Linlithgow* for the Time being, and the Magistrates 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.

IV. Pro-

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 Penalty shall and may 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 their Clerk or Treasurer; and shall be applied, one Moiety to the Complainer, and the other Moiety towards repairing and amending the said Roads; and in case any such Complaint shall be brought, the Proof of Qualification shall lie upon the Defender.

Penalty on Persons acting not being qualified.

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, and they are hereby empowered, to alter, improve and repair the said Road leading from the West End of the said Town of *Queensferry*, to *Linlithgow*; and which Roads, when completed, shall be deemed Part of the Roads hereby directed to be made and repaired.

Power to make Road from Queensferry to Linlithgow.

VI. And whereas a Map or Plan, describing the Line of the said Road, from the West End of *Queensferry* to the said Town of *Linlithgow*, by *Echline*, *Duddingstone*, *Newton*, *Philipston* and the Bridge to the Eastward of *Merrylees*, by the South of *Paddockhall*, to the Junction of the Three Roads East of *Burgh Muir* of *Linlithgow*, 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, has 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 reasonable 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 Three 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 300 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 Two or more Justices of the Peace for the said County of *Linlithgow*, and be certified by a Writing under their Hands, that such Error or Omission proceeded from Mistake.

Error or Omission not to hinder the making of the Road.

VIII. And

First Meeting of Trustees to be held at Queensferry.

VIII. And be it further enacted, That the said Trustees or any Five or more of them, shall meet in the Town House of the Burgh of *Queensferry*, in the said County of *Linlithgow*, upon the Third *Saturday* of *May* One thousand eight hundred and eleven, Notice of such Meeting being inserted in Two of the *Edinburgh* Newspapers, at least Ten Days preceding the same, which Notice any Five or more of the Trustees are authorised and required to insert, or, by a Writing under their Hands, to cause to be inserted, with Power to them at their said Meeting to adjourn themselves to such Times or Places as they shall think proper or convenient, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any Meeting or at any adjourned Meeting, which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then and in that Case, the Clerk or Clerks to the said Trustees, by Notice in Writing, under his or their Hand or Hands, to be fixed on the Turnpike Gates to be erected or used by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the Meeting of the Trustees was appointed to be held; and that the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

Stated General Meetings.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall hold Two stated General Meetings in the Year, at *Queensferry*, or as near the same as may be, viz. on the First *Saturday* of *April* and First *Saturday* of *October* yearly; and at which Meetings, 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 at no other; 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 Days hereby appointed for the holding of such respective 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 other 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.

Trustees may erect Toll-gates.

X. And be it further enacted, That from and after the said Term of *Whitsunday* One thousand eight hundred and eleven, it shall and may be lawful for the said Trustees or any Five or more of them, to erect and build, or cause to be erected and built, one or more Gate or Gates, on or across any Part or Parts of the said Roads; provided always, that no such Gate or Gates shall be erected or built within One Mile of the Towns of *Linlithgow* or *Queensferry*; 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 and take the Tolls or Duties, not exceeding the following Sums, at each of the said several Gates or Turnpikes, before any Coach, Berlin, Chariot, 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,

same, subject to the Limitations and Exemptions hereafter expressed: Tolls.
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 Eightpence; if more than Six Inside Passengers, then the above Rates for Six, and for each additional Inside Passenger, Twopence.

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 licensed 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, and 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, Calash, Chair or such other Carriage, drawn by One Horse or Beast of Draught, Sixpence; and drawn by Two Horses or Beasts of Draught, One Shilling; and drawn by Three Horses or Beasts of Draught, One Shilling and Eightpence; 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, Sixpence; and drawn by Two

[*Loc. & Per.*]

15 F

Horses,

Horses, Oxen and 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, Threepence; if drawn by Two or more Horses, Oxen or Beasts of Draught, Sixpence:

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, Ten-pence:

If it shall weigh Thirty-four Hundred Weight or upwards, One Shilling: For every Saddle Horse, Mare, Gelding or Mule, with or without a Rider, Twopence:

For every other Horse, Mare, Gelding or Mule, laden or unladen, and not drawing, One Penny:

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, Sixpence.

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 hereby granted 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.

Broad
Wheels to
pay a smaller
Toll.

XI. 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 hereinbefore charged on such Waggon, Wains, Carts 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 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

son appointed by the said Trustees, or concerned in the Collection of the said Tolls or Duties.

XII. Provided also, and it is hereby enacted and declared, That no Toll Exemption.
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 *Linlithgow*, 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 improving or manuring of Land not bought, sold or disposed of, or carried for the Purpose of being sold or disposed of, but passing from one Part of a Farm to another, to be laid up or placed in the Outhouses or Outsteads, or on the Lands of the Owner thereof, who shall not have bought the same; nor for any Ploughs, Harrows or other Implements of Husbandry; nor for any 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 or Burgh Roads, 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 adjoining Parish; or for Sheep going to be washed; or for any Carriages and 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 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 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; nor for Waggons, Wains, Carts or other Carriages whatsoever, or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, nor for Horses belonging to Officers or Soldiers upon their March or upon Duty, or 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 and returning from the Place appointed for, and on the Days of Exercise; provided that such Person 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

riages or Waggon's 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 Tacksman, shall have been defrauded, and full Costs of Suit.

For erecting
Weighing
Engines.

XIII. 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 Carriages shall refuse to allow the same to be weighed, he shall, for every such Offence, forfeit and pay a Sum not exceeding Twenty Shillings.

Stores, &c.
exempted in
full.

XIV. 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 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 Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls vested
in the
Trustees.

XV. And be it further enacted, That the said respective Sum and Sums of Money to be demanded and taken as Tolls and Duties, and the Money so to be raised and collected shall be and is hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied and disposed of for the amending and keeping in Repair the Roads aforesaid, and to and for the several Intents, Uses and Purposes, in such Manner as by this Act is directed; and it shall and may be lawful for the said Trustees, or any Five or more of them, or any such Person or Persons as they or any Five or more of them shall from Time to Time nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable; and to levy the same of and from any Person or Persons who shall, after Demand thereof made, neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods upon which Tolls or Duties are by this Act imposed and laid, or by Distress of any other of the Goods of such Person or Persons who ought to pay the same; and to detain and keep such Goods so distrained, until such Tolls or Duties, with the reasonable Charges of such distraining and keeping, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, shall and may sell the Goods so distrained by Public Roup,

To be levied
by Distress.

Roup, at the Turnpike or Toll House where the same ought to have been paid, returning the Overplus, if any be, upon Demand, to the Owner thereof, after such Tolls or Duties and the reasonable Charges of distraining and keeping the same shall be deducted and paid.

XVI. And be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them, on Cause shewn, to diminish or lessen all or any of the Tolls or Duties hereby appointed to be levied and exacted, and to authorise smaller Tolls to be levied at all or any of the Bars erected or used pursuant to this Act; and again, on Cause shewn, to raise and augment the said Tolls and Duties, or any of them, to any Rates not exceeding those hereinbefore granted. Tolls may be reduced.

XVII. And be it further enacted, That the said Trustees, or any Five or more of them, at a General Meeting assembled, shall 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 Turnpike or Turnpikes to be erected on the said Roads, and living within Three Miles of such Turnpike, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart or other Carriage, Horse, Gelding or Mule, or any other Beast of Draught or Burden, for any Sum or Sums of Money, to be paid quarterly, from Time to Time, after such Agreement is made; and that Copies of all such Compositions or Agreements so to be made by the said Trustees as aforesaid shall be entered at Length in a Book or Books to be kept for that Purpose by the respective Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whatever, at all seasonable Times, without paying any Fee or Reward. Trustees may compound with Travelers.

XVIII. Provided always and be it enacted, That in case any Composition Money agreed to be paid for Passage through the said Turnpikes or Gates to be erected by virtue of this Act, shall not be paid within Fifteen Days next after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful for any Two of the Justices of the Peace for the said County of *Linlithgow*, by Warrant under their Hands, to empower the Person authorised by the said Trustees to receive such Composition Money; and Oath being first made that the same had been demanded and remains unpaid (which Oath the said Justices are hereby authorised to administer), to levy such Composition Money on the Person and Persons so refusing and neglecting to pay the same, in Manner hereinafter mentioned. Composition Money, how to be recovered.

XIX. And be it further enacted, That the said Trustees or any Five or more of them, at a General Meeting assembled, are hereby empowered and required, by Public Roup, to let the said Tolls or Duties, 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 they can get for the same, from such Person or Persons as shall, from Time to Time, give such good and sufficient Security for Payment thereof, as shall be approved by the said Trustees or any Five or more of them. Trustees may set Tolls by Public Roup.

Side Gates.

XX. 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 and 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.

Ground for
Toll-Houses
vested in
Trustees.

XXI. 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 Price or 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 recited Acts, 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.

XXII. And be it further enacted, That every Person or Persons having occasion to pass through any Turnpike erected or to be erected by virtue of this Act, where the Tolls and Duties are or shall be taken, 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 enable the 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 or Turnpikes where the said Person or Persons received the Note 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 o'Clock of the 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 with the same Horse, Ass or other Beast or Cattle, shall pass the Turnpike or Turnpikes with a new Loading, or a Second or more Times, the Tolls and Duties hereby granted shall be levied for each Time of passing in the same Manner as for 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

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.

XXIII. And for preventing Frauds and Abuses on 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 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 Witness or Witnesses, before 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.

Penalty on
disposing of
Tickets.

XXIV. 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, at a General Meeting assembled, to choose and appoint One or more fit Person or Persons to be Treasurer or Treasurers, 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 Treasurers, Clerks, Receivers, Collectors, Surveyors, and other Officers, or any of them as they shall see occasion, and appoint new ones, in case of Death or Removal; and all and every Person or Persons, who is, are or shall be liable by this Act, to pay the said Tolls or Duties, are hereby required to pay the same unto the said Collector or Collectors, Receiver or Receivers so from Time to Time to be appointed as aforesaid, after the Rates aforesaid; and the Person or Persons, Receiver or Receivers, Collector or Collectors appointed as aforesaid, for receiving the said Tolls or Duties, and also such Surveyor or Surveyors, shall, on the first *Saturday* in every Month, or at any other Time to be appointed by the said Trustees, or any Five or more of them, during the Continuance of this present Act, give in a true, particular, exact, and perfect Account in Writing, under their respective Hands, with the respective Vouchers of all Monies which he or they, every or any of them shall have received, paid and disbursed by virtue of this Act, by reason of their respective Offices, and verify the same upon Oath if required; and in case any Overplus Money so received, shall remain in their or any of their Hands, they shall pay the same to the said Trustees, or to any such Person or Persons, as they, or any Five or more of them, at a General Meeting assembled, shall authorise and appoint to receive the same, to be disbursed and laid out in amending and repairing the aforesaid Roads, and not otherwise; and the said Trustees or any Five or more of them, at a General Meeting assembled, shall and may, and they are hereby authorised and empowered, out of the Money arising by the said Tolls or Duties, to make such Allowance unto their Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors, or other Officers appointed by them, for and in consideration of their Care and Pains taken in the Execution of the said respective Offices, and to such other Person

Trustees may
appoint
Officers.

or

or Persons who shall have been or may be assisting in making or repairing the Roads aforesaid; by advancing or laying out any Monies, or otherwise relating thereunto, as unto them shall seem good, over and above the necessary Disbursements made by them; 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 unto such Person or Persons, according to the Order and Direction of the said Trustees or any Five or more of them at a General Meeting assembled; that then the said Trustees shall make Inquiry of and concerning such Default, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Trustees or any Two or more of them are hereby empowered to administer) or by other legal Evidence; and if any Person or Persons shall be convicted of the Offences aforesaid, by the said Trustees or any Five or more of them, they the said Trustees or any Five or more of them shall and they are hereby empowered to impose or levy a Sum of Money from and upon such Person or Persons not exceeding double the Sum of Money unduly detained or misapplied; and in case such Person or Persons shall refuse or be unable to pay the said Sum of Money so detained or misapplied by him or them, then and in such Case it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the said County, upon Complaint thereof made by the said Trustees or any Five or more of them, to commit such Person or Persons to the Common Gaol of *Queensferry* or *Linlithgow*, there to remain until he, she or they shall have made and rendered a true and particular Account and Payment as aforesaid, or until he, she or they have compounded and agreed with the said Trustees or any Five or more of them (which Composition, they or any Five or more of them at a General Meeting assembled, are hereby empowered to make) and shall have paid such Composition to the Treasurer or Treasurers for the Time being, or such Person or Persons as the said Trustees or any Five or more of them shall appoint; or until such Person or Persons so bound to make and render Account and Payment shall be liberated in due Course of Law.

Treasurer to give Security, XXV. And be it further enacted, That the said Trustees shall, and they are hereby required to take such Security and Securities from their Treasurer or Treasurers, for the due Execution of his and their respective Offices, as to the said Trustees, or any Five or more of them, shall appear reasonable.

No Trustee to accept of Place of Profit. XXVI. 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.

Money not to be laid out but by Order of the Trustees. XXVII. And be it further enacted, That no Sum or Sums of Money levied or borrowed by virtue of this Act, or arising from any Forfeiture or Composition, shall be laid out or expended without the Order of the said Trustees, or some Five or more of them, at a General Meeting assembled,

or

Or of such Person or Persons as they, or any Five or more of them, shall authorise and appoint.

XXVIII. 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 Roads hereby directed to be repaired, shall at all seasonable Times be at liberty to resort, and to inspect the same, without Fee or Reward: Provided always, that the Accounts regarding each of the said Roads shall be kept separate as aforesaid. Proceedings to be entered

XXIX. 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 so misapplied, to be recovered against him or them, at the Suit of any Three or more Heritors within the said County of *Linlithgow*, possessed of Two hundred Pounds *Scots* each of valued Rents in Property, who are hereby authorised to sue for and recover the same in an Action summarily, before the Lords of Session, without abiding the Course of the Roll, with Costs of Suit, One Moiety of which Forfeiture shall belong to the Person or Persons who sues for the same, and the other Moiety shall be paid to the said Trustees, to be applied by them or any Five or more of them, for the Repair of the Roads by this Act directed to be repaired; but if any such Prosecution shall after any Trial be found vexatious or groundless, the Prosecutor or Prosecutors shall be liable to pay Treble Costs of Suit. Preventing Misapplication of Money.

XXX. And whereas by the said recited Act passed in the Eleventh Year of the Reign of His present Majesty, the Trustees thereby appointed are empowered, after the said Road from *Cramond Bridge* to the Town of *Queensferry* shall be sufficiently amended, to apply such Part of the Tolls thereby granted as they shall think fit towards repairing and amending the Cross and Bye Roads in the Parishes through which the said Road does pass; be it enacted that no Part of the Tolls hereby granted shall be applied to any Bye Road or Bridge whatever, save and except the Road and the Bridges thereon leading from the said Road from *Cramond Bridge* to the said Town of *Queensferry*, through *Dalmeny*, until it shall join the said Road from the said Town of *Queensferry* to the said Town of *Linlithgow*: Provided always, 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 any Bye-Roads and Bridges, save and except the said Road by *Dalmeny*, or even to the said Road by *Dalmeny*, while the Roads hereby directed to be repaired, and Bridges on the same or any Part thereof are allowed to remain in Disrepair, such Neglect or such Misapplication shall be deemed, Declaring what shall be deemed a Misapplication.

holden and accounted a Misapplication of the foresaid Money, so as to authorise the suing for and recovering the said Forfeiture and Costs of Suit in the aforesaid summary Action.

Trustees empowered to borrow Money, not exceeding 15,000l.

XXXI. And for the more effectual and speedy Reparation of the said Roads, be it 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 borrow such Sum or Sums of Money, not exceeding in the whole the Sum of Fifteen thousand Pounds Sterling, and to apply and apportion a Sum, not exceeding Eight thousand Pounds thereof, towards the said Roads leading from *Cramond Bridge* to the said Town of *Queensferry*; and another Sum, not exceeding Seven thousand Pounds, towards said Road leading from the West End of the said Town of *Queensferry* towards *Linlithgow*; and to assign over the Tolls or Duties arising by virtue of this Act, or any Part thereof, for any Time during the Continuance of the same, (keeping the Assignment of the Tolls of each of the said Roads, and the Debts contracted or to be contracted thereon, separate and distinct from each other), as a Security for any Sum or Sums of Money to be borrowed for repairing the said Roads, to such Person or Persons as shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds *per Centum per Annum* for the Time being; which Money so borrowed, as well as the Tolls to be levied by virtue of this Act, shall be applied in the first Place to pay the Charges and Expences incurred in the obtaining of this Act, and the Remainder shall be applied and disposed of for paying the Interest and Principal of the Debt contracted, in virtue of the said recited Acts, or defraying the other Expences in carrying this Act into Execution, and for no other Use or Purpose whatsoever; Regard being always had to keep the Accounts and Expenditure of each of the said Roads separate and distinct from each other as aforesaid, the Funds of the one Road to be in no case or in any respect whatever applied to the other.

One Month's Notice to be given of borrowing Money.

XXXII. Provided always, and it is hereby provided and declared, That no Money shall be borrowed by the said Trustees, on the Credit of the Tolls hereby granted, and to be collected, unless Notice for that Purpose shall be affixed, in Writing under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon the Turnpike-Gate or Gates erected by virtue of this Act, and by Advertisement to be inserted in Two of the *Edinburgh* Newspapers, at least One Month before the borrowing of such Money.

Trustees may contract for repairing the Roads.

XXXIII. And be it further enacted, That the said Trustees shall and may, and they are hereby empowered, from Time to Time, to contract and agree with any Person or Persons for the repairing, widening, altering, turning or amending the said Roads by this Act directed to be amended and repaired, or any Part of the same, and for all or any other of the Works to be done or performed in Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements, in Writing, entered into pursuant to an Order made at any Meeting of such Trustees, shall be binding to the said Trustees, and other Parties, who shall sign the same, his, her or their Successors and Administrators respectively, and that Ac-

tions

tions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to empower their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint to dig, gather, take and carry away any Gravel, Furze, Heath, Stones, Sand or other Materials, out of the several Grounds of any Person or Persons, whether the same be inclosed or uninclosed (not being the Ground whereon any House or Buildings stand, or a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of inclosed Ground, planted, set apart and used as Pleasure-Ground, Plantation or Nursery for Trees, previous to the passing of this Act) where such Materials are or may be found, and, from Time to Time, to carry away the same or so much thereof as the said Surveyor or Surveyors, in their respective Places, shall judge necessary for repairing and amending the Roads aforesaid, on paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively, of said Ground where and from whence the same shall be digged, gathered away, or over which the same shall be carried, as the said Trustees appointed for repairing the said Roads, or any Five or more of them, shall adjudge reasonable; and in case of any Differences concerning the same, between such Owners or Occupiers and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the said County, or the major Part of them then present, shall and may adjudge, assess and finally determine the same, and order the same to be paid by the Treasurer or Treasurers for the Time being, out of the Money arising by the said Tolls, or such Owners or Occupiers may, in their Option, apply to the Sheriff of the County to have the Damages in this Case ascertained by a Jury; but any such Difference or Dispute shall not in the mean Time hinder the using or carrying off the said Materials for repairing and amending the said Roads.

Surveyors
may dig Gra-
vel, &c. in
private
Grounds.

XXXV. Provided always, and be it further enacted, That it shall not be lawful for any such Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take and carry away Materials for repairing the said Roads from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or Two Justices of the Peace acting for the County of *Linlithgow*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices shall, if they think meet, authorise such Surveyor or other Person to dig, gather, take and carry away such Materials, at such Time or Times as to such Trustees, or any Five or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, by himself or his Agent, without sufficient Excuse, the said Trustees, or any Five or more of them, or such Justices,

Restrictions
as to taking
Materials
from private
Grounds.

Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Surveyors
may make
Causeways,
cut Drains,
widen Roads,
&c.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees or any Five or more of them, to make or cause to be made, a Causeway or Causeways, and to cut and make Ditches and Drains, through any Ground lying contiguous to the said Roads, and to make or erect Bridges or Arches of Brick, Timber or Stone, upon the said Roads; and where any Part of the said Roads are not of a sufficient breadth, according to the legal Rate and Standard established in *Scotland*, to widen and extend the breadth of the said Roads to such legal Standard; and further, where it shall appear necessary to alter the Situation of the said Roads altogether, or to widen the same beyond the legal Standard, the said Trustees or any Five or more of them shall, and they hereby have full Power to alter or extend the same to such Breadth as they or any Five or more of them shall think proper, not exceeding Forty-two Feet, paying such Damages to the Owners and Occupiers respectively whose Grounds shall be prejudiced or damaged by such Alterations and Widening, as the said Trustees or any Five or more of them shall judge reasonable; and in case of any Difference concerning the same, between such Owners and Occupiers and the said Trustees, the Justices of the Peace of the County of *Linlithgow*, at their next General Quarter-Sessions, or at the second General Quarter-Sessions thereafter at furthest, or the major Part of them present, shall and may adjudge, assess and finally determine the same, and order the same to be paid by the Treasurer or Treasurers of the Tolls for the Time being, out of the Monies arising from the said Tolls; or such Owners or Occupiers may, in their Option, apply to the Sheriff of the County to have such Damages ascertained by a Jury: Provided always, that in altering or widening the aforesaid Roads beyond the legal Standard, nothing shall be done which may any ways prejudice or damage any House or Building, or any Garden, Orchard, Yard, Inclosure, or planted Walk, or Avenue to any House, or to any Piece or Parcel of inclosed Ground, set apart or used as Pleasure Ground, Plantation or Nursery for Trees, previous to the passing of this Act; and that, where it shall be found necessary to make Passages for the Water from Ditches or Trenches, through the Ground of any adjacent Proprietor, that such Proprietor or the Possessor of such Ground, after such Passages or Outlets are so made, shall be obliged, in all Times thereafter, to keep clear such Outlets and Passages from the said Trenches and Ditches from Time to Time, as they shall be required by the said Trustees or any Five or more of them, so as the Outlets may not be stopt or made to re-stagnate into the said Trenches or Ditches, but may have free Passage through the said Proprietor's Grounds; and where the Grounds on the Side or Sides of the said Road shall be inclosed with Hedges, the same shall be kept to a Height not exceeding Four Feet and a Half; and in case of the Proprietor or Proprietors, Occupier or Occupiers, neglecting or refusing to clear or to cleanse such Outlets, and neglecting to cut the Hedges to the Height aforesaid, when duly required by the Surveyor or Surveyors of the said Roads or any Five of the Trustees, then and in that Case such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to cut such Hedges and to levy the Ex-
pence

pence thereof on the Owner or Proprietor of such Grounds, in Manner hereinafter directed: Provided always, that they shall not be compelled to cut such Hedges except between the First Day of *October* and the First Day of *March*.

XXXVII. 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 make or cause to be made Causeways, and to make or cause to be made a Foot-path or Foot-paths 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, for the Purpose of altering or widening the said Roads or making such Footpaths, be it enacted, That it shall and may be lawful for the said Trustees, or any Five of them, 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 Damages 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 Sheriff as aforesaid: Provided that, in widening the aforesaid Roads, nothing shall be done which may anyways 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 previous to the passing of this Act, without the Consent of the Owner or Owners thereof, under his or their Hand or Hands.

Making
Foot-paths.

Power to
pull down
Houses.

XXXVIII. 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 Roads thereby prejudiced: Provided always, that no Occupier of Land shall turn any Water upon the Side of 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 Roads.

Covered
Drains to be
made.

XXXIX. And be it enacted, That after the passing of this Act, no House or Building shall be erected so as to encroach on the said Roads, or on any Foot-paths 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 said Sheriff-Depute 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.

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

For shutting
up Roads.

XL. 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; 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, with the Consent of any Two Justices of the Peace of the said County, 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 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 the General Quarter Sessions assembled, who shall hear and determine the Matter in Dispute, and whose Judgment shall be final and conclusive.

Old Roads to
be allotted
to Owners of
adjoining
Lands.

XLI. And be it further enacted, That in case the Road so altered as aforesaid, 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 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 of the said Trustees of such Offer or 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 aforesaid.

Power to
shut up or
alter useless
Roads.

XLII. And whereas great Inconvenience is often occasioned to the Public for want of proper Powers to alter the Direction and Course of improper and inconvenient Roads, and to shut up superfluous and useless Roads in the said County of *Linlithgow*, be it further enacted, That it shall and may be lawful to the Justices of Peace in and for the said County, at their Quarter Sessions assembled, or to any Person or Persons conceiving themselves interested therein, to apply by Petition to the said Justices assembled as aforesaid, to have such Alteration made and such superfluous and useless Roads shut up; which Meeting of Justices shall thereupon name a Committee of at least Three of their Number, to inspect such Roads, and to report their Opinion of what is proposed to be done to a subsequent Quarter-Sessions; and shall also order the said Petition to be intimated One Calendar Month before the Meeting of such Committee, to the Owners of the Grounds through which the Roads lead, and are proposed to be carried, either personally or at their Dwelling-houses, if they

they reside within the County, or if they do not, to their Agent or Factor, and to the Occupiers of the Grounds, and by public Advertisement, to be affixed on the principal Door of the Church or Churches of the Parish or Parishes in which the Grounds lie, for at least Two successive *Sundays*; and upon such Report being made to such Quarter-Sessions, the Justices shall hear all Parties interested therein, and they are hereby empowered, if they shall see just Cause, to ordain the Direction and Course of such Road or Roads to be altered and changed, and also to ordain such superfluous or useless Road or Roads to be shut up: Provided always, that the new Roads shall in no Case be carried through any Lawn, Avenue, Garden, Plantation or Pleasure Ground, adjoining to any Mansion House, or through any Building or Manufactories, without the Consent in Writing of the Owner or Owners thereof; and the said Justices shall appoint a Committee as aforesaid, to oversee and fix the Line of Direction of the new Highway, as directed by the said Meeting, and to set off the Land necessary for the same, not being more than Twenty-two Feet clear of Dike, Ditch or Hedge: Provided also, that the Justices acting under all or any of the Provisions of this Act, shall be Trustees under Authority of this Act, and as such duly qualified as before mentioned.

XLIII. And be it further enacted, That if any Person or Persons shall wilfully break, destroy or damage, pull up or remove any Stones or Posts already erected in Terms of the said recited Acts, or to be erected by virtue of this Act (which the said Trustees are hereby authorised from Time to Time to do), denoting the Distance of each Mile of the said Roads, or obliterate or deface any Letters or Figures made, inscribed or put thereon, or shall break or otherwise destroy any Mason Work or any of the Bridges or Parapet Walls on the said Roads, and shall be thereof convicted before any One or more Justice or Justices of the Peace in the County of *Linlithgow*, such Person or Persons so offending shall respectively forfeit and pay a Sum not exceeding Twenty Shillings Sterling, for every such Stone, Post, Bridge or Parapet Wall 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, Posts, Bridges and Parapet Walls so broken, pulled up, damaged or 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 and Effects whereon such Forfeiture can be levied, then it shall and may be lawful for any One or more Justice or Justices of the Peace, by Warrant under his or their Hand or Hands, to commit such Person or Persons to the common Gaol, within the said County, there to remain for any Space not exceeding Three Months, or until the Payment of such Penalty as aforesaid.

XLIV. And be it enacted, That if any Person or Persons whomsoever owning, renting or occupying any Lands or other Premises, near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly and willingly permit and suffer any Person or Persons to pass over the same, or through any Gate, Passage or Way, with any Coach, Chariot, Landau, Calash,

Penalty on
defacing
Mile-Stones,
&c.

Penalty on
Persons per-
mitting pri-
vate Passage.

Calash, Berlin, Chaise, Chair, Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule or any Sort of Carriage or Cattle, or shall open any new Road, without the Consent of the Justices of the Peace of the said County, obtained upon an Application being made to said Justices, convened at their General Quarter Sessions; which Application the said Trustees are hereby authorized and required to order to lie upon the Table, at their next General Quarter Sessions; and then, and not sooner, they are to determine the Propriety of opening the said Road, whereby the Payment of the Tolls or Duties of this Act is or shall be avoided; every such Person or Persons riding in, driving or owning such Coach, Chariot, Landau, Berlin, Chaise, Calash, Waggon, Wain, Cart, Carriage or Cattle, or riding, leading or driving such Horse, Mule or Ass, and being thereof convicted upon Oath, or by the Testimony of One or more credible Witnesses or Witnessess, before any Two or more Justices of the Peace of the said County, shall, for every such Offence respectively, forfeit and pay to the said Trustees hereby authorized to put this Act into Execution, or to their Treasurer for the Time being, a Sum not exceeding Twenty Shillings Sterling; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale, as directed by this Act.

Penalty for
evading
Tolls.

XLV. 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 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 their Collector for the Time being, a Sum not exceeding Twenty Shillings Sterling.

Penalty for
destroying
Turnpikes,
&c.

XLVI. And be it further enacted, That if any Person or Persons shall maliciously break down, pluck up or otherwise destroy any Turnpike Gates, Posts, Rails, Chains, Bars or other Parts thereof, or the Houses erected for such Turnpikes, or shall rescue any Person in Custody for any of the said Offences, every Person so offending in any of the Premises, and being thereof convicted by the Oath of One or more credible Witnesses or Witnessess, before any Two or more Justices of the Peace of the said County, shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also a Sum not exceeding Five Pounds Sterling; and if such Persons shall be convicted as aforesaid a Second Time of the like Offence, such Person shall not only pay the whole of such Damages and Expences as aforesaid, but also a Sum not exceeding Ten Pounds Sterling; and if any such Person shall refuse or be unable to pay such Damages and Expences and such Sum, it shall be lawful for the said Justices to adjudge such Person to be imprisoned for any Time not exceeding Six Calendar Months.

XLVII. And

XLVII. And be it further enacted, That if any Person shall assault any Collector or Tacksman of the Toll, being in the Execution of his Office, or by Force pass through any Turnpike Gate, without paying the Tolls and Duties hereby granted, every such Person so offending, and being thereof convicted upon Oath, before any Two or more Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said Trustees a Sum not exceeding Five Pounds Sterling.

Penalty of assaulting a Collector, or forcing a Passage.

XLVIII. 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 Half-yearly Meetings as hereinbefore 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 the Repositories, wherein the Stones or other Materials for the Repair of the said Roads may be broken and 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 Surveyors cannot agree with the Proprietor or Tenant, Application may be made to the Sheriff-Depute of the County of *Linlithgow*, who is hereby required to summon a Jury in the Manner directed by this Act, according to whose Verdict all Differences respecting the aforesaid Lease or Purchase shall be finally determined.

Providing Places to deposit Materials.

XLIX. 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 a Sum not exceeding Ten Shillings for each Offence.

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

L. 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, or 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, 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 a Sum not exceeding Ten Shillings Sterling.

Preventing Trees being drawn on the Roads.

LI. 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 any Sum not exceeding Twenty Shillings Sterling.

Preserving Foot-paths.

LII. 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 Roads, 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, where there is not a good and sufficient Fence between the

Preventing Nuisances on the Roads.

[*Loc. & Pér.*]

15 K

Road

Road and the Ground whereon the same is laid, or upon the Streets, Towns or Villages through which the said Roads lead, upon Pain of paying for every such Offence a Sum not exceeding Ten Shillings Sterling, 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.

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

LIII. 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 Calendar Months' Notice at 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 Estate 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, and Collegiate, Corporations, aggregate or sole, Heirs of Entail, Husband, 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 a Value of Lands and Houses.

LIV. And be it further enacted, That in taking the necessary Ground, or making, altering or widening the said Roads, or for any Toll-House, as before mentioned, under the Authority of this Act, if the said Trustees shall not come to any 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 Houses or Buildings are to be pulled down for that Purpose as aforesaid, or whose Fences are to be altered or removed, or with the Owner or Owners, and Occupier or Occupiers of any Ground taken for such Toll-Houses, 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 *Linkithgow*, to summon a Jury in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses and Buildings necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing Fences; and the said Sheriff-Depute is 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, Buildings, or Parts of Houses or Buildings, and in making up

up their Verdict, to be pronounced as herein directed, the Jury shall also have Power to direct Dikes as may thereby become useless to the Proprietor, to be taken and removed by the said Trustees, upon Payment of such Allowance therefor 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 Dikes to his own private Use; and after a Verdict is pronounced as aforesaid, the said Sheriff-Depute is 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, Buildings and Fences, or Part of Houses, Buildings and Fences so valued, for the Purpose 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, Buildings or Fences, had executed regular Dispositions of the same, and thereupon Infeftment had followed; and the said Proceedings and Orders of the Sheriff-Depute shall be final, and not removeable by Bills or Letters of Advocation or Suspension to or by any Court whatever, neither shall they be liable to Reduction; any Law or Usage to the contrary notwithstanding.

LV. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation 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 such 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.

Expences of
the Proceed-
ings how to
be paid.

LVI. And be it enacted, That, upon Payment or legal Tender of Payment, or where the Party or Parties cannot be found, upon Consignation with the Bank of Scotland or Royal Bank of Scotland of the Damages agreed upon or awarded, it shall and may be lawful for the said Trustees, or any Person or Persons authorised by them, to enter upon and take Possession of any Lands, Tenements, Heritages or Materials in respect whereof such Damages shall arise.

Power to
enter upon
Payment of
Damages.

LVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments 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

Re-investing
Purchase
Monies, if
amounting to
200l.

Married Woman, Infant, Lunatick, 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 and Redemption of the Land Tax, or Discharge of any Debt or Debts or such other Incumbrances or Parts thereof, as the said Court shall authorise 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 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 Land, 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 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
20l. and
not exceed-
ing 200l.

LVIII. 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 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, to be paid into either of the said Banks, and to 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 of 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 hereinbefore directed, as far as the Case may be applicable.

Under 20l.

LIX. Provided also and be it further enacted, That where such Money, so agreed or awarded to be paid as next beforementioned, shall be less than
Twenty

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.

LX. 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 each 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 Banks as aforesaid.

LXI. 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

[*Loc. & Per.*]

15 L

some

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 Disa-
bility.

LXII. 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.

Penalties and
Forfeitures
how to be re-
covered and
applied.

LXIII. And be it further enacted, That all Tolls, Duties, Compositions, Penalties, and Forfeitures by this Act granted, if not otherwise directed to be levied by this Act, shall be levied by Distress and Sale of the Offender's Goods and Effects, by Warrant under the Hands of Two or more Justices of the Peace for the said County of *Linlithgow*, and the Persons distraining for such Penalties are hereby authorised and empowered to sell the Goods and Effects so distrained, and return the Overplus Money (if any there be), upon Demand, to the Owners of such Goods or Effects, after such Tolls, Duties, Penalties or Forfeitures, with the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and and by them laid out in repairing the said Roads, and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace of the said County, by Warrant under his or their Hands, to cause such Offender or Offenders to be committed to the Common Gaol of the said County, there to remain for any Time not exceeding Three Calendar Months, unless the Penalties or Forfeitures and all reasonable Charges shall be sooner paid and satisfied.

Trustees may
act as Justices.

LXIV. And be it further enacted, That it shall and may be lawful for all or any of the said Trustees appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the said County of *Linlithgow*, to act as Justice or Justices of the Peace, in all Cases, Matters or Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned or contained.

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

LXV. And be it further enacted, That if any Person or Persons shall think himself or themselves aggrieved by any Order or other Proceedings of the said Trustees or Justices, acting under Authority of this Act, it shall and may be lawful for him or them to appeal to the Justices of the Peace for the said County of *Linlithgow*, in their General Quarter Sessions assembled, who are hereby authorised and empowered to hear and determine the Matter in Dispute, and whole Order therein shall be final

final and conclusive, without being subject to Advocation, Suspension, Reduction, or to be stayed in any Manner whatsoever: Provided always, that no Complaint shall be competent in any Case whatsoever after Six Calendar Months from the making of any Order, Sentence or Judgment herein declared appealable. Limitation of Appeals.

LXVI. And be it enacted, That all Actions or Complaints for all and every the Penalties or Forfeitures imposed by this Act, or for any Wrong done or Injury suffered in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred or Wrong done, or Injury suffered, and not afterwards. Limitations of Actions.

LXVII. And be it further enacted, That the Tolls or Duties, and Powers, Penalties and Forfeitures hereby granted, shall take place from and after the said Term of *Whitsunday* One thousand eight hundred and eleven, and endure for Twenty-one Years, and to the End of the then next Session of Parliament. Commencement and Endurance of Act.

LXVIII. 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. Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's Most Excellent Majesty. 1811.

