



ANNO UNDECIMO

# GEORGIIV. REGIS.

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## Cap. cix.

An Act for more effectually repairing and keeping in repair the Road from *Cramond Bridge* to the Town of *Queensferry*, the Road leading Westward therefrom, through *Dalmeny*, to *Echline*, and the Road from the West End of the said Town of *Queensferry* to the Town of *Linlithgow* in the County of *Linlithgow*.

[29th May 1830.]

**W**HEREAS an Act was passed in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, intituled *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*: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: And whereas the said first recited Act has by the Trustees therein named been put into execution, and the Roads therein mentioned have been amended, repaired, and maintained, for which Purposes various Sums

[Local.] 31 K of

51 G.3. c.63.  
4 G.4. c. 49.

of Money have been borrowed in virtue of the Powers therein contained, which cannot be repaid, or the said Roads kept in repair, unless the Term and Powers granted by the said Act are extended and altered: And whereas, in order to accomplish the several Purposes aforesaid, it would be more convenient to repeal the said first recited Act, which will soon expire; but the same cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first recited Act shall from and after the passing of this Act be and the same is hereby repealed.

First recited Act repealed.

This Act to be put in force for repairing the Roads herein mentioned.

II. And be it further enacted, That this Act shall from and after the passing thereof commence and take effect, and be put in execution for and during the Term hereinafter 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 Road leading Westward therefrom, through *Dalmeny*, to *Echline*, in the Parish of *Dalmeny*, and the said Road from the West End of the said Town of *Queensferry* to the Town of *Linlithgow*, leading through the said Parish of *Dalmeny*, and through the Parishes of *Abercorn*, *Carriden*, and *Linlithgow* respectively, and County of *Linlithgow*.

Powers of 4 G.4. c.49. applied to this Act.

III. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been herein repeated and re-enacted.

Existing Securities not to be prejudiced.

IV. Provided nevertheless, and be it enacted, That the Securities granted to any Person or Persons for Money borrowed on the Credit of the Tolls authorized to be levied by the said first recited Act, 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 Roads from *Cramond Bridge* to the Town of *Queensferry*, and the Road leading Westward therefrom, through *Dalmeny*, to *Echline*, and from the West End of the said Town of *Queensferry* to the Town of *Linlithgow*, 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 Act hereby repealed.

Trustees.

V. And be it further enacted, That all and every Person who is at present, or shall be at any Time after the passing of this Act, in his own Right or in the Right of his Wife, in the actual Possession

session and Enjoyment, as Proprietor or Liferenter, 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 Liferenters, 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.

VI. 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 Twenty 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 possessed of Lands valued in the Cess Books at not less than One hundred Pounds *Scots*, 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 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 be upon the Defender.

Penalty on Persons acting if not qualified.

VII. And be it further enacted, That at all General Meetings of Trustees under this Act Five Trustees shall be a Quorum.

Quorum of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at *Queensferry*, or in the Neighbourhood thereof, on the Third *Saturday* after the passing of this Act, or as soon thereafter as conveniently may be, Notice of such Meeting being inserted in Two of the *Edinburgh* Newspapers at least Ten Days preceding the same; which Notice any Two or more of the Trustees are authorized 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 and Places as they shall think proper and 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 General Meeting or at any Adjourned Meeting which shall be appointed to be held by the said Trustees under this Act, a sufficient Number of Trustees to act at such Meeting and to adjourn to any other Day, then and in that Case the Clerk to the said Trustees, by Notice in Writing under his Hand to be affixed on all the Turnpike Gates on the said Roads, and also by an Advertisement in Two Newspapers published in *Edinburgh* at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the last Meeting of the said Trustees was appointed to be held, or at some other convenient Place; and at such Meeting so to be called by the Clerk in the event aforesaid any Two or more of the said Trustees then attending, although they

First Meeting of Trustees to be held at *Queensferry*.

Future Meetings and Adjournments.

they should not form the Quorum before specified, may and they are hereby authorized and empowered to proceed and decide upon such Matters or Things as could have been entertained at such former Meeting had a legal Quorum been present at the same, but upon no other Matter or Thing.

Stated  
Half-yearly  
General  
Meetings.

IX. And be it further enacted, That the said Trustees shall hold Two Stated General Meetings in the Year at *Queensferry*, or as near the same as may be, *videlicet*, on the last *Saturday* of *March* and the last *Saturday* of *October*; and at such Meetings all Orders for 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 the Clerk to the said Trustees shall cause to be inserted in the aforesaid *Edinburgh* Newspapers an Advertisement of such Stated General Meeting, which Advertisement shall not be less than Ten Days before the Days hereby appointed for the holding of such Meetings respectively; but that the Meetings of the said Trustees for all other Purposes shall be regulated according to the other Directions contained in this Act.

Book to be  
given in  
Evidence.

X. And be it further enacted, That all Books containing the Accounts and Proceedings of the said Trustees for executing the said first recited Act hereby repealed, and thereby made Evidence, and all Books containing the Accounts and Proceedings of the said Trustees for executing this present Act, shall and may be given in Evidence in all Cases of Appeal, and all Prosecutions, Suits, and Actions whatsoever.

Former  
Officers  
to continue,  
except the  
Treasurer.

XI. And be it further enacted, That the Clerk, Surveyor, Collectors, and all other Officers, save and except the Treasurer, who have been appointed under and employed in the Execution of the said Act hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the said Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act; and no Person acting in or holding any official Situation under the said Trustees, such as Clerk, Treasurer, Receiver, Collector, or Surveyor, shall directly or indirectly have or hold any Share or Interest in any Contract to be entered into in the Execution of this Act, under the Penalty of One hundred Pounds Sterling, to be levied and applied as the other Penalties hereby imposed are directed to be levied and applied; and it shall be in the Option of the said Trustees, and competent to them, to render such Contract null and void.

Treasurer  
and Clerk  
not to be  
the same  
Person.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who has been or may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any  
Person

Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by summary Action in the Court of Session.

XIII. And be it further enacted, That all Persons who have been employed or who shall have received any Tolls or other Monies by virtue or in pursuance of the said first recited Act hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Act of the Fourth Year of the Reign of His present Majesty, and this Act, or any of them, imposed in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said last recited Act or this Act.

Officers  
under former  
Act to  
account.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, to continue or erect, or cause to be continued or erected, a Gate or Gates, Chain or Chains, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, or on the Sides thereof, and also such Number of Toll Houses, with suitable Gardens adjacent thereto, as to them shall appear to be expedient, the Site of each such Toll House and Garden not exceeding the Eighth Part of an Acre; and from Time to Time to take down and remove or to alter and discontinue the same, or any of them, as the said Trustees shall think proper, and direct or appoint.

Power to  
erect Toll  
Gates, &c.

XV. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at the several Gates, Chains, or Turnpikes which shall be continued or erected by virtue of this Act, a Sum not exceeding the Rates and Duties hereinafter specified, before any Horse, Carriage, or other Beast or Vehicle in respect of which the same shall

Power to  
take Tolls.

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be

be payable, shall be allowed to pass through any Toll Gate, Chain, or Turnpike, to be continued or erected on the said Roads; (that is to say,)

Tolls.

For every Stage Coach, Long Coach, or other Diligence or Carriage of the like Kind, licensed to carry or kept or employed for carrying Passengers for Hire, and for every Hearse,

If drawn by One Horse or Beast of Draught, One Shilling and Sixpence;

If drawn by Two Horses or Beasts of Draught, Two Shillings;

If drawn by Three or Four Horses or Beasts of Draught, Four Shillings;

If drawn by Five or more Horses or Beasts of Draught, Five Shillings;

For every other Coach, and for every Berlin, Landau, Chariot, Calash, Chaise, or other such Carriage with Four Wheels,

If drawn by One Horse or Beast of Draught, Nine-pence;

If drawn by Two Horses or Beasts of Draught, One Shilling;

If drawn by Three or Four Horses or Beasts of Draught, Two Shillings:

If drawn by Five or more Horses or Beasts of Draught, Two Shillings and Sixpence:

For every Chaise, Curricule, Chair, or other such Carriage with Two Wheels,

If drawn by One Horse or Beast of Draught, Sixpence;

If drawn by Two or more Horses or Beasts of Draught, Nine-pence:

For every Waggon or other such Carriage having more than Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, drawn by One Horse, Ox, or Beast of Draught, Sixpence;

And for every Horse, Ox, or other Beast of Draught that shall be employed in drawing any such Waggon or other like Carriage, more than One, Sixpence:

For every Cart, Wain, or other such Carriage having only Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, where any such Carriage and the Loading thereof, taken together, shall not exceed Twenty-six Hundred Weight, and drawn by One Horse, Ox, or Beast of Draught, Four-pence;

And for every additional Horse, Ox, or Beast of Draught that shall be employed in drawing any such Cart, Wain, or other like Carriage, Two-pence;

And for every Hundred Weight which such Cart, Wain, or other like Carriage, and Loading thereof, shall weigh above Twenty-six Hundred Weight, One Penny:

For every Carriage of whatever Description, impelled or drawn by Machinery, and not by any Horse or Beasts of Draught, such Toll as the said Trustees shall appoint, or One Penny *per* Hundred Weight, at the Option of the Conductor or Driver of such Carriage:

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

For every other Horse 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.

XVI. Provided always, and be it further enacted, That all Waggon, Broad  
Carts, Wains, or other such Carriages which shall travel with Wheels to  
Wheels of the Description after specified shall be liable to pay One pay less Toll.  
Half only of the Tolls and Duties hereinbefore charged on such  
Waggon, Carts, Wains, or 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 Car-  
riage 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 Axletrees of such Carriage, as far as  
the same shall be inserted into the Naves of the Wheels, shall not  
form any Angle with each other, but shall be in the Continuation of  
One straight Line, so that in each Pair of Wheels belonging to such  
Carriage the lower Parts which rest on the Ground shall be at the  
same Distance from each other as the opposite or upper Part of the  
said Pair of Wheels; and every Person claiming the Privilege so  
granted to broad-wheeled Carriages shall permit the same to be ex-  
amined and measured by any Person appointed by the said Trustees,  
or concerned in the Collections of the said Tolls or Duties.

XVII. Provided also, and be it further enacted, That every Waggon, Dung or  
Cart, Wain, or other such Carriage employed in carrying or convey- Farm Ma-  
ing Dung, or Farm Manure of any Description, shall be chargeable nure to pay  
with and pay One Half only of the Tolls and Duties by this Act Half Toll  
authorized to be taken for such Waggon, Cart, Wain, or other like only  
Carriage respectively.

XVIII. And be it further enacted, That upon receiving Payment of Tolls pay-  
the Tolls or Duties by this Act granted, the Receiver thereof at any able once a  
Gate, Chain, or Turnpike to be continued or erected as aforesaid Day only at  
shall deliver to the Person paying such Tolls or Duties a Note or any Gate  
Ticket denoting such Payment; which Note or Ticket shall entitle within Five  
the same Person, with the same Carriages or Horses or other Cattle, Miles.  
to return through the same Gate on the same Day before Twelve of  
the Clock at Night, and also to pass through any other Gate, Chain,  
or Turnpike, or Gates, Chains, or Turnpikes, placed on the said  
Roads, at a Distance not exceeding Five Statute Miles from the Gate,  
Chain, or Turnpike, or Gates, Chains, or Turnpikes, with the same  
Carriages or Horses or other Cattle, on the same Day before Twelve  
of the Clock at Night, without being liable to pay the said Tolls or  
Duties a second Time for passing through such Turnpike Gate or  
Turnpike Gates, and for returning on the same Day, except as hereinafter

after mentioned: Provided always, that in case any Waggon, Cart, Wain, or Carriage of the like Description, shall pass through any such Turnpike Gate or Turnpike Gates, with a new Loading a second or more Times in the same Day, the Tolls and Duties by this Act granted shall be paid for each Time such Waggon, Cart, Wain, or Carriage shall so pass in the same Manner as for the first Time; provided also, that nothing under Two Hundred Weight shall be reckoned a new Loading in any such Carriage; and provided farther, that no Toll shall be demanded at any Gate or Turnpike to be continued or erected on the said Roads for any Horse or Carriage which shall only cross the Roads, or shall not travel altogether above One hundred Yards thereon, before arriving at or after passing any such Gate or Turnpike, or for any Change of Loading in private Carriages.

Continuance  
of present  
Rate of  
Tolls.

XIX. And be it further enacted, That the Rates of Tolls levied at the Time of passing this Act, by virtue of the said Act hereby repealed, shall continue to be levied and taken until the Term of *Whitsunday* in the Year One thousand eight hundred and thirty-one, unless previously altered by the said Trustees.

Tolls, &c.  
vested in the  
Trustees.

XX. And be it further enacted, That the said Tolls or Duties hereby granted and made payable, together with the Right and Property of every Gate and Turnpike, Toll House and Garden, and whole Premises already erected or to be erected on the said Roads, are and shall be vested in the said Trustees; and the said Tolls and Duties, and every Part thereof, shall be paid over, applied, and assigned to and for the several Uses, Intents, and Purposes by this Act directed; and the same shall be made subject and liable to the Payment of all Sums of Money now due and owing upon the said Roads, and shall also be liable to the Payment of all Sums of Money which may hereafter be borrowed on the Credit of this Act, and of all Interest due or which may hereafter become due thereon.

Trustees to  
direct Appli-  
cation of the  
Monies.

XXI. And be it further enacted, That the said Trustees in General Meeting assembled shall, out of the Monies to be borrowed for the Purposes of this Act, and the Tolls and Duties to be levied at the Gates, Chains, or Turnpikes to be continued or erected on the said Roads, direct the Costs and Expences relative to the obtaining and passing of this Act to be paid, and the Remainder of all such Monies to be applied towards the Payment of the Interest of the Sums already borrowed, or to be borrowed by virtue of this Act, and afterwards in making, completing, repairing, widening, and maintaining the foresaid Roads, and then to the Payment of the Principal Sums already borrowed or to be borrowed.

Power to  
shut up and  
alter useless  
Roads.

XXII. 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



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 reside within the County, or if they do not, to their known 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 order the Direction and Course of such Road or Roads to be altered or 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 Dyke, Ditch, or Hedge: Provided also, that the Justices acting under all or any of the Provisions of this Act shall be Trustees under the Authority of this Act, and as such duly qualified as before mentioned.

XXIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, for which no particular Relief has been already provided, it shall and may be lawful to and for such Person or Persons, within Six Calendar Months after the Matter complained of shall be done, but not afterwards, to appeal to the Justices of the Peace of the said County of *Linlithgow*, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees and the Clerk of the Peace; which Justices are hereby authorized to hear and determine the Matter in Dispute; and their Judgment therein shall be final, without being subject to Review by Advocation, Suspension, Reduction, or otherwise. Appeal.

XXIV. 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.

[*Local.*]

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XXV. And

Term of Act. **XXV.** And be it further enacted, That the Powers granted by this Act shall commence from and after the passing thereof, and shall continue and be in force during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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