



ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

Cap. 36.

An Act for altering the Powers of Two Acts, passed in the Thirty-second and Thirty-fifth Years of the Reign of His present Majesty, for making, amending, widening, and keeping in Repair, the Roads from the *New Bridge* over the *Water of Almond*, on the Confines of the Counties of *Edinburgh* and *Linlithgow*, by *Bathgate* to *Ballieston*, in the County of *Lanerk*, and certain Branches of Road, from the said Line of Road, and for the other Purposes mentioned therein.

[26th May 1798.]

WHEREAS by an Act, passed in the Thirty-second Year of the Reign of His present Majesty, for making, amending, widening, and keeping in Repair, the Roads from the *New Bridge* over the *Water of Almond*, on the Confines of the Counties of *Edinburgh* and *Linlithgow*, by the Town of *Bathgate* to *Ballieston*, in the County of *Lanerk*, and certain Branches of Road from the said Line of Road, and for the other Purposes mentioned in the said Act, certain Tolls and Duties were made payable, and Powers given to certain Persons, who were thereby appointed Trustees for the Purposes therein mentioned: And by another Act, passed in the Thirty-fifth Year of the Reign of His present

Preamble.
32 Geo. III,
and

35 Geo. III,
recited.

[Loc. & Per.]

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present Majesty, the Term and Powers of the said former Act were continued, extended, and enlarged: And whereas, in pursuance of the said Acts, the Trustees thereby appointed, have borrowed certain Sums of Money, which, together with the Tolls and Duties by the said recited Acts made payable, have been applied in making and repairing the said Roads, and carrying into Execution the other Purposes of the said Acts; but the same have been found insufficient, and unless further Tolls are granted, and certain Exemptions from the Payment of Toll given by the said Acts are removed and repealed, and the Trustees for the said Roads are empowered to borrow a further Sum of Money, and the Powers of the said recited Acts are altered, amended, and enlarged, the good Purposes of the same cannot be answered and completed: 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 several Tolls and Duties granted by the said recited Acts passed in the Thirty-second and Thirty-fifth Years of the Reign of His present Majesty, shall be repealed, except the additional Tolls for the Overweight which any Carriage together with its Loading shall weigh more than the Weights respectively permitted, by the said Acts, to pass on the said Roads, in Summer and in Winter, without paying such additional Tolls.

Tolls.

II. And be it further enacted, That in lieu and place of the several Tolls and Duties hereby repealed, the said Trustees, or any Five or more of them, or any Person or Persons they, or any Five or more of them, shall, from Time to Time, appoint for that Purpose, shall be, and they are hereby authorized and empowered to demand and take at each and every of the Turnpikes or Toll Gates erected or to be erected, by virtue of the said recited Acts, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through the same, the Tolls following; (that is to say),

For every Coach, Berlin, Landau, Chariot, Chaise, Hearse, Calash, or other such Carriage drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Two Shillings Sterling; and drawn by Four or Five Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Three-pence Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Three-pence Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Sixpence Sterling:

For every Chaise, Calash, Chair, or other such Carriage, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three-pence Sterling:

For every Waggon, Wain, Cart, or other such Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence Halfpenny Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Three-pence Sterling:

For every Saddled Horse, Mare, Gelding, or Mule, with or without a Rider, and not drawing, the Sum of One-penny Halfpenny Sterling; for every other Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of Three Farthings Sterling; and for every Ass, laden or unladen, and not drawing, the Sum of One Halfpenny Sterling.

For every Drove of Oxen or Neat Cattle the Sum of Seven-pence Halfpenny Sterling, *per* Score, and so in Proportion for any greater or lesser Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Three-pence Three Farthings Sterling, *per* Score, and so in Proportion for any greater or lesser Number.

III. And be it further enacted, That all the Exemptions from Payment of Toll granted by the said recited Act passed in the Thirty-second Year of the Reign of His present Majesty, except the Exemptions herein-after excepted and mentioned, shall, from and after the passing of this Act, cease and determine: Provided always, That no more than One Half of the Tolls herein-before specified shall be demanded or taken for the Passage of any Carriage or Carriages of the several Descriptions, and having broad Wheels of the several Breadths, described by the said recited Act, passed in the Thirty-second Year of the Reign of His present Majesty, and together with the Loading not exceeding the respective Weights thereby permitted to pass without Payment of additional Toll for Overweight, and from which Carriages having Wheels of such Breadth it was thereby required that no more than One Half of the Tolls thereby granted should be demanded and taken; and that nothing in this Act contained shall extend, or be construed to extend, to alter the Provisions of the said recited Act with respect to the Notes or Tickets thereby required to be granted on Payment of the Toll at One Turnpike to give Access to the Persons having obtained the same to pass and return through the same or other Turnpikes, under the Conditions and Limitations therein specified, but that such Provisions shall remain unaltered, and continue in full Force.

Former Ex-
emptions re-
pealed.

IV. And be it further enacted, That no greater Toll than One Halfpenny Sterling *per* Ton *per* Mile, and so in Proportion for any greater or less Distance, shall be taken or demanded for any Carriage or Carriages laden with Coals or other Commodities going to or coming from the *Monkland Canal*.

Composition
for *Monkland*
Canal.

V. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby empowered to make and keep in Repair, (if they think it expedient), Waggon-ways or Waggon-rails upon and along the Sides of the said Roads and Ground thereof, for the Conveyance of Minerals, Goods, or other Commodities, in Waggons fitted and proper for passing on such Waggon-ways or Waggon-rails only.

Power to
make Wag-
gon Roads.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet on the First *Saturday* of the next Month after the passing of this Act, at *Bathgate*, the Place where the Half-yearly stated General Meeting in *May* is by the said Act, passed in the Thirty-second Year of the Reign of His present Majesty, appointed to be holden for the Purpose of letting and assigning the Tolls, and otherwise putting

May meet to
let and assign
Tolls.

in Execution the Provisions of this Act, and shall then and from Time to Time afterwards, adjourn themselves, and meet at such Time and Place, on the Line of the Road herein-before described, as they or any Five or more of them, shall think proper.

Exemptions
from Toll.

VII. And be it further enacted, That no Toll shall be demanded or taken for any Horse or other Beast of Draught, or any Carriage, passing through any of the Turnpikes erected or to be erected, on the said Roads, and carrying any Quantities of Stones or other Materials for repairing the said Roads and Bridges, or other Roads and Bridges in the Counties in which such Roads and Bridges lie, or any of the Causeways belonging to the same; nor for Dung, Lime, Rubbish, or other Manure, Hay, or Corn in the Straw, provided such Dung, Lime, Rubbish, or other Manure, Hay, or Corn in the Straw, so exempted, shall only pass or be carried along the said Roads, from the Steading of any Farm to any of the Fields thereto belonging, or from such Fields to the Steading, and otherwise, shall pay Toll; nor for Cattle going to or returning from Pasture, or Watering Places, or the Smithy, for the Purpose of being shod or farried; nor for Ploughs, Harrows, and other Instruments of Husbandry; nor for Persons attending the Funeral of any Person who shall die and be buried in his or her own Parish; nor for any Carriage, Horse, or Beast, which shall only cross such Roads, and shall not pass above One hundred Yards thereon; nor shall any Toll be demanded or taken of or from any Minister or Clergyman going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Persons going to, or returning from, their own Parish Church, or other Place of Divine Worship upon *Sundays*, or any other Days on which Divine Worship is or shall be celebrated; nor for any Horses or Carriages employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning from conveying the same; nor for the Horses of Soldiers upon their March, or upon Duty, or the Carriages attending upon them laden with their Arms or Baggage; nor for Horses or Carriages travelling with Vagrants sent with legal Passes: And if any Person shall claim or take the Benefit of any of the said Exemptions, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Fifteen Shillings Sterling, nor less than Ten Shillings Sterling.

No Toll from
Kirktongate to
Guildhall on
any Single
Horse Carts
loaded with
Coals, &c.

VIII. And be it further enacted, That no Toll shall be demanded, levied, or taken, for any Cart or other Carriage drawn by One Horse, Mule, Ox, or other Beast of Draught, loaded with Coal, Lime, Dung, Rubbish, or other Manure, or going empty for the same, or returning empty after delivering such Loading, and travelling on the same Road herein-before described, from the Place where the same joins the Road leading from *Livingston* to *Bathgate*, at or near to *Kirktongate*, to the Place where the said Road herein-before described is joined by the Road leading from *Bathgate* by *Hallbatgate* and *Kirk Roads* to the Toll Bar at or near to *Guildhall*.

No Toll to be
taken on
Road by *Hall-*
batgate, &c.

IX. And be it further enacted, That during the Continuance of the Terms and Times by this and the Two former Acts granted, or for such
Number

Number of Years as are still to run and unexpired thereof, no Toll or Turnpike-gate or Gates shall be erected, nor shall any Toll, Duty, or Imposition of any Kind whatsoever, be demanded, levied, or taken, for any Horse, Mule, Ox, Afs, Cattle of any Kind, or Carriage or Cart of any Kind or Description whatsoever, travelling on the said Road leading from the Town of *Batbgate*, or Coalpits, or Limestone Quarries, or Limekilns, at or near the said Town of *Batbgate*, by *Hallbatbgate*, and *Kirk Roads*, to the Toll Bar at or near to *Guildiball*; and the said Road shall, during all the Time and Years aforesaid, remain free and open as the same now is, and shall not be shut up; but if at any Time during the Continuance of the Time or Terms of Years above-mentioned, the said Road shall be shut up, or any Toll Gates or Turnpikes be erected, or any Toll Duty or Imposition be levied and taken thereon, then, and in either of these Cases, all Carts or other Carriages drawn by One Horse, Mule, Ox, or other Beast of Draught, loaded with Coal, Lime, Dung, Rubbish, or other Manure, or going empty for the same, or returning empty after delivering such Loading, and travelling on the said Road herein-before described from the Place where the same joins the Road leading from *Livingston* to *Batbgate*, at or near to *Kirktongate*, to the Place where the said Road herein-before described is joined by the Road which branches off and leads to *Whitburn*, shall pass and travel thereon free, and be exempted from the Payment of any Toll, Duty, or Imposition whatsoever.

X. 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 any of their general stated Half-yearly Meetings, to borrow and take up at Interest upon the Credit of the said Tolls and Duties, in such Manner as they shall think proper, any Sum or Sums of Money not exceeding Ten thousand Pounds Sterling, and which Sum shall be over and above, and in Addition to the Sums which they are empowered to borrow by the said recited Acts passed in the Thirty-second and Thirty-fifth Years of the Reign of His present Majesty.

Power to borrow a further Sum.

XI. 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 any of their general Half-yearly Meetings, to assign and make over the Whole or any Part of the said Tolls and Duties as a Security or Securities to the Person or Persons who shall advance such Sum or Sums of Money, their Heirs, Executors, and Assigns, for the Money so to be lent and advanced, with Interest for the same; and Copies of all such Assignations shall be entered in a Book or Books to be kept by the Clerk or Treasurer for the said Roads, and which Book or Books shall and may at all reasonable Times be inspected by the said Trustees, or any of them, without Fee or Reward.

May assign Tolls in Security.

XII. And be it further enacted, That out of the Monies and other Effects which the said Trustees, or any Treasurer, or other Person in their Behalf, are or is possessed of by virtue of the said former Acts, and the Monies to arise from the said Tolls and Duties hereby granted and to be borrowed on the Credit of the same, the said Trustees, or any Five or more of them, shall, in the first Place, and they are hereby authorized and required to pay and discharge all Costs, Charges, and Expences inci-

Application of Money.

dent to or attending the passing of this Act; in the second Place, such Monies and Effects shall be applied towards the repairing and keeping in Repair the said Roads; in the third Place, to the regular Payment and Discharge of the Interest of all such Sums of Money as are now due and owing under the Authority of the said former Acts, on the Credit of the Tolls thereby granted; in the fourth Place, to the Payment and Extinction of the Capital of such Sums of Money; and in the last Place, to the regular Payment and Discharge of the Interest and Capital of all such Sums of Money as shall hereafter be borrowed; and to the other Purposes directed by the said recited Acts.

Carriages not to be allowed to remain on the Roads.

XIII.^d And be it further enacted, That if any Innkeeper or other Person or Persons whatever shall put or allow to remain any Carts or Carriages, loaded or unloaded, with or without any Horse or Beast yoked or harnessed thereto, in and upon the Side or any Part of the said Roads, and shall be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, upon a summary Complaint before any One or more Justices of the Peace for the County in which the Offence shall be committed, every Person so offending shall forfeit any Sum not exceeding Twenty-five Shillings Sterling, nor less than Twenty Shillings Sterling, for each Offence, to be levied and recovered by Distress and Sale of the Goods and Chattels of such Offender, One Half whereof shall be allotted and paid to the Informer, and the Remainder shall be applied to the Purposes of this Act; and in case sufficient Goods and Chattels cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand, to commit such Offender to the Common Gaol of the County for any Time not exceeding One Calendar Month, there to remain until the Expiration of the said Time, or until he or she shall have paid the Sum adjudged by the said Justice or Justices to have been so forfeited.

Trustees to hold their stated General Meetings at any Place on the Line of the Roads.

XIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or their Quorum, to hold their stated General Meetings upon the Days appointed by the said recited Acts, at any Place upon the Line of the said Roads, such Place being always mentioned in the Minutes of the preceding Meeting, and advertised in one of the *Edinburgh* Newspapers at least Fourteen Days previous to such Meetings.

Publick Act.

XV. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and be judicially taken Notice of by all Judges, Justices, and other Persons, without specially pleading the same; and that all the Matters and Things of whatsoever Nature, in the said Two recited Acts contained, except in so far as the same are hereby varied, altered, and amended, shall remain and continue in full Force and Effect, and together with this Act shall be put in Execution, in the same Manner as if all such Matters and Things were comprized in one Act.