



ANNO TRICESIMO NONO & QUADRAGESIMO

# GEORGI II. REGIS.

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## Cap. 63.

An Act for continuing the Term and enlarging the Powers of an Act, passed in the Twenty-first Year of the Reign of His present Majesty, for repairing and widening the Road leading from the Port of *Borrowstownness*, by the West of the Borough of *Linlithgow*, and by the Towns of *Torphichen*, *Bathgate*, and *Whiteburn*, and from thence Southward to the Confines of the County of *Linlithgow*, at or near *Hollhouseburn*. [20th June 1800.]

**W**HEREAS, by an Act, passed in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road leading from the Port of Borrowstownness, by the West of the Borough of Linlithgow, and by the Towns of Torphichen, Bathgate, and Whiteburn, and from thence Southward to the Confines of the County of Linlithgow, at or near Hollhouseburn*, certain Persons therein described were appointed Trustees for putting the said Act in Execution; and certain Powers and Authorities were given to them for the more effectually making, repairing, and widening the said Road, and the Bridges then erected or to be erected on the same, and for putting in Execution all the other Powers by the said Act granted: And  
[Loc. & Per.] 14 F whereas

Preamble.  
21 Geo. III,  
recited.



whereas the said Trustees have proceeded in the Execution of the said Act, and sundry Sums of Money have been borrowed upon the Credit of the Tolls thereby granted, which have been applied in making and repairing the said Road, and carrying the Purposes of the said Act into Execution: But the said Road and Bridges cannot be completely repaired or kept in Repair, or the Money so borrowed be repaid, with the Interest thereof, unless the Term and Powers of the said Act be continued and enlarged, the Tolls, Duties, and Exemptions, thereby granted and allowed, be repealed, and other Tolls, Duties, and Exemptions granted in lieu thereof, and a further Sum allowed to be borrowed on the Credit of the said Tolls; which cannot be done without the 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 recited Act, and all and every the Clauses, Powers, and Authorities therein contained, (except so much and such Parts thereof as are hereby altered, varied, or repealed), shall be, and the same are hereby continued from the Expiration of the Term granted by the said recited Act, for and during the further Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were particularly repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations and Amendments herein contained; and this Act, and the additional Term hereby granted, shall be subject and liable to the Payment of all Money now due and owing on the Credit of the said recited Act, or that may hereafter be borrowed on the Credit thereof, and of this Act, and of all Interest due or to grow due for the same respectively.

Act further continued.

New Tolls.

II. And be it enacted, That the several Tolls and Duties granted by the said former Act shall, from and after the passing of this Act be, and the same are hereby repealed; and that in lieu and place thereof, the said Trustees, or any Person or Persons they 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 former or this Act, 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, a Sum not exceeding Two Shillings Sterling; and drawn by Four or Five Horses, Mares, Geldings, or Mules, a Sum not exceeding One Shilling and Three-pence Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, a Sum not exceeding One Shilling and Three-pence Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, a Sum not exceeding Sixpence Sterling:

For every Chaise, Calash, Chair, or other such Carriage, drawn by One Horse, Mare, Gelding, or Mule, a Sum not exceeding Three-pence Sterling:

For every Waggon, Wain, Cart, or other such Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, a Sum not exceeding



Six Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, a Sum not exceeding Five Shillings Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, a Sum not exceeding Two Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, a Sum not exceeding One Shilling and Sixpence Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, a Sum not exceeding Four-pence Halfpenny Sterling; and drawn by One Horse, Ox, or other Beast of Draught, a Sum not exceeding Three-pence Sterling:

For every Saddle Horse, Mare, Gelding, or Mule, with or without a Rider, and not drawing, a Sum not exceeding One Penny Sterling; for every other Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, a Sum not exceeding Three Farthings Sterling; and for every Ass laden or unladen, and not drawing, a Sum not exceeding One Halfpenny Sterling:

For every Drove of Oxen, or neat Cattle, a Sum not exceeding 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, a Sum not exceeding 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 shall, from and after the passing of this Act, cease and determine, and the same are hereby repealed; and 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 Road, drawing or carrying any Quantities of Stones or other Materials for repairing the said Road and Bridges, or other Roads and Bridges, in the said County of *Linlithgow*, or any of the Causeways belonging to the same; nor for any Dung, Lime to be laid on Land, Rubbish, or other Manure, Hay, or Corn in the Straw; nor for any 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 Implements 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 Road, and shall not pass above One hundred Yards thereon; nor 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 ordered by Authority to 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 Officers and 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

Exemptions  
repealed, and  
others granted.



emptions not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling.

Power to borrow more Money.

IV. And whereas it would greatly tend to the more effectual and speedy repairing and keeping in Repair the aforesaid Road and Bridges on the same, if Power was given to the said Trustees to borrow a further Sum of Money than they are authorized to do by the said recited Act; be it therefore enacted, That it shall and may be lawful to and for the said Trustees to borrow and take up at Interest upon the Credit of the aforesaid Tolls and Duties, in such Manner as they shall think proper, any Sum or Sums of Money, which, together with the principal Sums of Money already borrowed under the Authority of the said recited Act, and the Interest now due thereon, shall not in the Whole at any Time exceed the Sum of Three thousand Pounds Sterling; which Sum or Sums of Money so to be borrowed, and the Tolls and Duties hereby granted, shall be applied, in the First Place, to and for paying and defraying the Costs and Expences in passing this Act, and to and for the other Uses and Purposes in this and the said recited Act mentioned and contained, and to and for no other Use, Intent, and Purpose whatsoever; and when and so often as the Whole or any Part of the Sums so borrowed, or to be borrowed, shall be paid off, it shall and may be lawful to the said Trustees, as often as the Case shall happen, to borrow another Sum or Sums equal to these paid off as aforesaid, and the Creditor or Creditors, in the Sum so borrowed or to be borrowed, shall have the same Security for Payment of their Principal and Interest, as by the said recited Act is prescribed and directed.

Quorum of Trustees.

V. And be it enacted, That the said Trustees, or any Five or more of them, shall and may execute, direct, and perform, all the Powers, Authorities, Rules, Regulations, Articles, Directions, Matters, and Things whatsoever, by this and the said recited Act given, directed, and prescribed; any Thing in the said Act contained to the contrary thereof in anywise notwithstanding.

Application of Compensation where exceeding 200 l.

VI. 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 Woman, Infant, Lunatick, or Person or Persons under any 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 Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall



shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, 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 Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

VII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or 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 Hereditaments so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise, the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where the Compensation does not exceed 200*l.* nor less than 20*l.*

VIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments 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.

Application where the Money is less than 20*l.*

IX. And be it enacted, That this Act shall be taken and allowed in all Courts within this Kingdom as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

Publick Act.

[*Loc. & Per.*]

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X. And

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39<sup>o</sup> & 40<sup>o</sup> GEORGII III. Cap. 63.

Commence-  
ment and  
Continuance  
of the Act.

X. And be it further enacted, That the Term of this Act shall commence from the Expiration of the Term granted by the said recited Act, and shall continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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