



ANNO QUINQUAGESIMO SEXTO

GEORGI III. REGIS.

Cap. lxxv.

An Act for more effectually repairing and maintaining the Road from *Borrowstounness* by the West of *Linlithgow*, and by *Torphichen*, *Bathgate*, and *Whiteburn*, to the Confines of the County of *Linlithgow*, at or near *Hollhouseburn*; and for making and maintaining a certain Road from *Borrowstounness* to the River *Avon*. [24th June 1816.]

WHEREAS 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 Borrowstounness, 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 into 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 whereas by another Act passed in the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, intituled *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 Borrowstounness, 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*; the Term and Powers of the said former Act were further continued and enlarged: And whereas, under the Authority of the said Acts, the said Road and the Bridges thereon have been made, and considerable Sums of Money have been advanced or borrowed on

[Local.]

the

the Credit of the Tolls and Duties thereby authorized to be levied, which Sums of Money are still owing; but the said Road and the Bridges thereon cannot be effectually repaired and kept in Repair, nor the Sums of Money so advanced or borrowed, and the Interest thereof, still owing, be repaid, unless further Powers be granted for repairing the same, and unless Powers be given to levy increased Tolls and Duties thereon: And whereas the Road from *Borrowstounness* to the Ford on the River *Avon*, at or near *Jink-about-mill*, in the County of *Linlithgow*, is narrow and in bad Condition, and it is expedient that the same should be effectually made, improved, and maintained: And whereas it is expedient that the said recited Acts should be repealed, and that more extensive Powers and Authorities should be given in relation to the same and the Purposes aforesaid: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Acts of the Twenty-first and Thirty-ninth and Fortieth Years of the Reign of His present Majesty, shall, with the Exceptions hereinafter mentioned, be, and the same are hereby repealed, and from thenceforth the several Tolls, Powers, Penalties, Forfeitures, Exemptions, Clauses, Matters, and Things in this Act contained shall be put in Execution, and shall continue in force during the Term herein mentioned, for the Purpose of amending, widening, keeping in Repair, and improving the said Road leading from the Port of *Borrowstounness*, 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*, and the said Road from *Borrowstounness* to the Ford on the River *Avon* at or near *Jink-about-mill*, in the County of *Linlithgow*.

Securities not to be prejudiced.

II. Provided nevertheless, and be it enacted, That all the Tolls and Duties which are hereby authorized to be levied, shall, under the Conditions and Provisions hereinafter mentioned, be, and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said Acts hereby repealed, 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 that may become due thereon, and that all Contracts and Agreements entered into by the Trustees under the Authority of the said recited Acts hereby repealed, or of either of them, shall continue in full Force and Effect; and that all Tolls and Duties due, and Penalties and Forfeitures incurred in virtue of the said recited Acts hereby repealed, or of either of them, shall be held to be due, incurred, and exigible by the Trustees under this Act, any Thing herein contained to the contrary notwithstanding.

Trustees.

III. And be it enacted, That 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 and Enjoyment as Proprietor or Life-renter of the *Dominium utile* of Lands lying in the County of *Linlithgow*, valued in the Tax Rolls of the said County at One hundred Pounds Scots of valued Rent, and all and every the eldest Sons of such Proprietors or Life-renters, the Provost of the Burgh of *Linlithgow* for the Time being, and

the Credit of the Tolls and Duties thereby authorized to be levied, which Sums of Money are still owing; but the said Road and the Bridges thereon cannot be effectually repaired and kept in Repair, nor the Sums of Money so advanced or borrowed, and the Interest thereof, still owing, be repaid, unless further Powers be granted for repairing the same, and unless Powers be given to levy increased Tolls and Duties thereon: And whereas the Road from *Borrowstounness* to the Ford on the River *Avon*, at or near *Jink-about-mill*, in the County of *Linlithgow*, is narrow and in bad Condition, and it is expedient that the same should be effectually made, improved, and maintained: And whereas it is expedient that the said recited Acts should be repealed, and that more extensive Powers and Authorities should be given in relation to the same and the Purposes aforesaid: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Acts of the Twenty-first and Thirty-ninth and Fortieth Years of the Reign of His present Majesty, shall, with the Exceptions hereinafter mentioned, be, and the same are hereby repealed, and from thenceforth the several Tolls, Powers, Penalties, Forfeitures, Exemptions, Clauses, Matters, and Things in this Act contained shall be put in Execution, and shall continue in force during the Term herein mentioned, for the Purpose of amending, widening, keeping in Repair, and improving the said Road leading from the Port of *Borrowstounness*, 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*, and the said Road from *Borrowstounness* to the Ford on the River *Avon* at or near *Jink-about-mill*, in the County of *Linlithgow*.

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III. And be it enacted, That 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 and Enjoyment as Proprietor or Life-renter of the *Dominium utile* of Lands lying in the County of *Linlithgow*, valued in the Tax Rolls of the said County at One hundred Pounds Scots of valued Rent, and all and every the eldest Sons of such Proprietors or Life-renters, the Provost of the Burgh of *Linlithgow* for the Time being, and

and the Baron Baillie of the Barony of *Borrowstounness* for the Time being, shall be and they are hereby nominated and appointed Trustees for surveying, ordering, repairing, and keeping in Repair the aforesaid Roads, and for putting in Execution all the Powers in and by this Act given and granted: Provided always, that no such Provost or Baron Baillie shall be capable of acting as a Trustee, unless he shall be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Five hundred Pounds.

IV. And be it enacted, That if any Person not qualified as aforesaid shall nevertheless presume to act as a Trustee under this Act, he shall for every such acting forfeit and pay the Sum of Ten Pounds Sterling over and above the Expences of Prosecution, to be recovered by Summary Complaint 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 or Substitute of the said County or of the County where the Offender may reside, and the Money recovered shall be paid One Half to the Person suing for the same, and the other Half to the said Trustees or to their Clerk or Treasurer, to be applied 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; and any Vote given or Act done in the Character of Trustee, by any Person not qualified as aforesaid, shall be and be held to be altogether null and void, but such Nullity shall not affect any Act done or Determination made by any General or other Meeting, unless the same shall have been done or made by and through the Means of such Vote of a Person not qualified to act as a Trustee.

Penalty on Persons acting not being qualified.

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

Quorum of Trustees.

VI. Provided always, and be it enacted and declared, That if any Person or Persons appointed or to be appointed by this Act, as a Trustee or Trustees for putting this Act into Execution, shall have or accept of any Place of Profit arising out of or by reason of any Tolls or Duties by this Act given or granted, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Enjoyment of such Place of Profit as aforesaid; and no Person who shall keep a Public House for the Selling or Retailing of Beer, Ale, or Spirituous Liquors shall be capable to act as a Trustee or to hold or enjoy any Office or Situation of Trust or Profit under this Act.

Trustees not to hold Places of Profit.

VII. And be it enacted, That the said Trustees, or any Five or more of them, shall meet at *Bathgate* on the Second *Wednesday* after the passing of this Act, at the Hour of Twelve Mid-day, or as soon thereafter as conveniently may be, and proceed to carry this Act into Execution; and the said Trustees shall in each and every Year posterior to the present, during the Continuation of this Act, hold Two General Yearly Meetings, the first to be held at *Linlithgow* on the last *Friday* of *March*, and the second to be held at *Bathgate* on the last *Wednesday* of *August*, at the Hour of Twelve Mid-day, and such first Meeting, or any subsequent Meeting of Trustees under this Act, may be adjourned from Time to Time as the Trustees present thereat shall judge necessary; and in the

Meetings of Trustees.

Event

Event of a smaller Number of Trustees than Five or of only One Trustee attending at the first Meeting so to be held at *Bathgate* as aforesaid, or at any subsequent Meeting, it shall be in the Power of the said smaller Number of Trustees so assembled, or such One Trustee to adjourn the said General Meeting to a Day not earlier than Ten Days nor more distant than Fourteen Days from and after such former Meeting as aforesaid, and the Trustees fewer in Number than Five or One Trustee (who shall so adjourn the Meeting as aforesaid) shall authorize the Clerk or Treasurer appointed as aftermentioned to subscribe an Advertisement announcing such Adjournment, which Advertisement, and every succeeding one relative to the after Proceedings of the said Trustees, shall be and they are hereby appointed to be published in Two of the *Edinburgh* Newspapers, and affixed on each of the Turnpike Gates continued or erected by virtue of this Act; provided always that a Space not less than Ten Days shall elapse between the Publication of each and every of the said Advertisements, and the Day or Days appointed for holding such Meeting or Meetings as aforesaid, and in Default of such Space of Ten Days as aforesaid not elapsing between the Publication of such Advertisements, and the actual Day or Days of Meeting, such Failure shall operate as a Nullity of all Proceedings at such Meeting or Meetings; and the said Trustees at all their Meetings shall defray their own Charges and Expences.

Trustees to
defray their
own Ex-
pences.

For calling a
Special
Meeting.

VIII. Provided always, and be it enacted, That any Two or more Trustees may at any Time authorize the Clerk or Treasurer to call a Special Meeting for the Purposes of this Act, upon Fourteen Days' previous Notice being given in such Newspapers and affixed upon such Turnpike Gates as aforesaid, of the Time and Place of such Meeting, and the special Purposes thereof.

Appointment
of Officers,

IX. And be it enacted, That the said Trustees assembled at such first General Meeting after the passing of this Act, or at any subsequent General Meeting, shall and may, and they are hereby empowered to chuse and appoint fit Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, to the said Trustees, for receiving the Tolls and Duties granted and made payable by this Act; and also one or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, or such other Officers as they shall think proper; and from Time to Time to remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers, or any of them, and to appoint new ones in case of the Death or Removal of them, or any of them; and all and every Person or Persons who is, are, or shall be liable by this Act to pay the Tolls and Duties by this Act granted, is and are hereby required to pay the same to the said Collector or Collectors, Receiver or Receivers, so from Time to Time to be appointed as aforesaid; and such Collector or Collectors, Receiver or Receivers, or Person or Persons to be appointed as aforesaid for receiving the said Tolls and Duties shall, at the said Two Half Yearly stated General Meetings, or at any other Time or Times to be appointed by the said Trustees during the Continuance of this Act, give in a true, particular, exact, and perfect Account in Writing under their respective Hands, in such Form and Manner as the said Trustees shall appoint, with their respective Vouchers, of all Money which they, every, or any of them, have or hath received, or paid, or disbursed by virtue of this Act, by reason of their respective Offices,
and

to account.

and in case any overplus Money so received shall remain in their or any of their Hands, they shall, when thereto required, pay the same to the said Trustees, or to such Person or Persons as they shall authorize and appoint to receive the same, to be applied for the Purposes of this Act; and the said Trustees shall and may, and they are hereby authorized and empowered, out of the Money arising out of the said Tolls and Duties, to make such Salaries and Allowances to the Officers so to be appointed by them for and in Consideration of their Care and Pains in the Execution of their respective Offices, and to such other Person or Persons who shall have been, or may be, assisting in carrying this Act into Execution, by advancing or laying out Money or otherwise, as to them shall seem good, over and above the necessary Disbursements made by them.

X. And be it further enacted, That the said Trustees shall be and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them in virtue of their said Offices, as to the said Trustees shall seem meet; or failing to take any Security, the Trustees making such Appointment shall be individually responsible for the Default of the Persons by them so appointed.

Treasurer or
Collector to
give Security.

XI. And be it enacted, That the said Trustees shall and may continue or erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, upon or across any Part or Parts of the said Roads, and such Number of Toll Houses as to them shall appear to be expedient, the Scite of each such Toll House not exceeding One-eighth of an Acre, and from Time to Time shall and may alter the Situation of such Gates or Turnpikes and Toll Houses and Gardens, and the said Trustees, or some Person or Persons by them to be appointed, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at the several and respective Gates or Turnpikes already erected, or which may hereafter be erected as aforesaid, a Sum not exceeding the Rates and Duties hereinafter specified before Passage be permitted; that is to say:

Turnpikes to
be continued
and erected.

For every Stage Coach, Long Coach, or 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:

Tolls.

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 Eight-pence:

If licensed or employed to carry more than Six inside Passengers, then the above Rates for Six and for each additional inside Passenger, Two-pence:

For each outside Passenger, exclusive of the Coachman and 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 Passengers for Hire, as under:

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If

- If licensed or employed to carry not more than Four inside Passengers and having 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 licensed or employed to carry more than Four, but not more than Six inside Passengers, and having 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 licensed or employed to carry more than Six, but not more than Eight inside Passengers, and having 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 licensed or employed to carry more than Eight, and not more than Ten inside Passengers, and having 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 licensed or employed to carry more than Ten inside Passengers, and having 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 Coachman and Guard, in any of the above Cases over and above the preceding Rates, One Penny :

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, (which Oath such Justice is hereby authorized and empowered to administer,) of having directly or indirectly evaded the Payment of any Part of the Rates contained in any of the preceding Cases in regard to the Number of his outside or inside Passengers, he shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings to be recovered in Manner directed by this Act.

For every other Coach, and for every Berlin, Barouche, Landau, Hearse, Chariot, Chaise, Calash, Chair, Taxed Cart, or other such 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 Eight-pence ; and drawn by Four or Five Horses or Beasts of Draught, Two Shillings ; and drawn by Six or more Horses or Beasts of Draught, Three Shillings ;
 For every Waggon or other such Carriage with more than Two Wheels, drawn by One Horse, Ox, or Beast of Draught, Sixpence ; and drawn by Two Horses, Oxen, or Beasts of Draught, Ten-pence ; and drawn by Three Horses, Oxen, or Beasts of Draught, Three Shillings ; and drawn by Four Horses, Oxen, or Beasts of Draught, Four Shillings ; and drawn by Five Horses, Oxen, or Beasts of Draught, Six Shillings ;

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, 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, Sixpence:

If drawn by Two or more Horses, Oxen, or Beasts of Draught, Eightpence:

For every such Cart, Wain, or other such Carriage, where the Carriage with its Burden or Loading shall weigh more than Twenty-six Hundred Weight, but shall not weigh Thirty-four Hundred Weight, One Shilling; if it shall weigh Thirty-four Hundred Weight, or upwards, One Shilling and Fourpence; and if the said Carriage with its Burden or Loading shall exceed Twenty-six Hundred Weight, and shall be under Thirty-four Hundred Weight, One Half more of the Tolls and Duties authorized to be levied by this Act; and if the said Carriage and its Burden or Loading shall be Thirty-four Hundred Weight, or upwards, double the said Tolls and Duties; which additional Tolls or Duties so authorized to be levied shall not be held to be Penalties, but the just and fair Toll Duties due and payable for such Carriages aforesaid:

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 Halfpenny:

For every Ass, laden or unladen, One Penny:

For every Score of Oxen or Neat Cattle One Shilling and Eightpence; and so in Proportion for any greater or less Number:

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

XII. Provided always, and be it enacted, That all Waggon, Carts, Broad Wains, or other 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, Wain, Cart, and other Carriages respectively: Provided such Waggon, Wain, Cart, or other such Carriage shall have the Soles or Bottoms of the Fellies of all the Wheels thereof of the Breadth of Six Inches, or of Nine Inches, or of Sixteen Inches, or upwards, and be cylindrical; that is to say, of the same Diameter on the Inside next the Carriage as on the Outside, so that when such Wheels shall be rolling on a flat or level Surface the whole Breadth thereof shall bear equally on such flat or level Surface; and provided that the opposite Ends of the Axletrees of such Waggon, Wain, Cart, or other Carriage, so far as the same shall be inserted in the respective Naves of the Wheels thereof shall be horizontal, and in the Continuance of one straight Line, without forming any Angle with each other, and so that in each Pair of Wheels belonging to such Carriage the lower Parts when resting on the Ground shall be at the same Distance from each other as the upper Parts of such Pair of Wheels; and every Person claiming the Privilege so granted to broad-wheeled Carriages shall permit the same to be measured by any Person appointed by the said Trustees, or concerned in the Collection of the said Tolls or Duties.

XIII. And

For levying
the Tolls.

XIII. And be it enacted, That if any Person or Persons liable in Payment of the Tolls and Duties hereby granted shall neglect or refuse to pay the same to the Person or Persons appointed by the said Trustees to levy and collect the same when demanded, it shall be lawful for the Collector or Toll-Gatherer, in the Event of such Neglect or Refusal as aforesaid, to seize and detain the Carriages, Horses, or other Cattle, upon which such Tolls and Duties are hereby imposed, with the Goods in or upon the same, and if such Tolls and Duties, or any Part thereof, together with the reasonable Charges and Expences of such Seizure or Detention, shall not be paid or discharged within the Space of Twenty-four Hours from and after such Seizure and Detention, it shall and may be lawful for the Collector or Toll-Gatherer (being authorized so to do by Warrant under the Hand of any One or more Justice or Justices of the Peace of the said County) to have the said Horses, Cattle, Carriages, or Goods so seized or detained as aforesaid, appraised and sold by public Roup at the Gate or Turnpike where the said Seizure or Detention was made, for Payment and Satisfaction of the said Tolls and Duties, with the necessary Costs of the said Seizure, Detention, Appraisement, and Sale, returning the Overplus (if any) to the Owner when demanded.

Tolls may be
reduced.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, at their aforesaid stated General Meetings assembled, to diminish and lessen any or all of the aforesaid Tolls or Duties as they shall see fit, and to advance the same again, so as the same shall not at any Time exceed the Tolls or Duties granted and made payable by this Act.

Tolls to be
paid once
a-Day.

XV. And be it further enacted, That every Person or Persons having Occasion to pass through any Gate or Turnpike continued or erected, or to be erected in virtue of this Act, where the Tolls and Duties are or shall be paid, shall be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, and naming and specifying the several Gates freed by such Payment, which Note or Ticket, Notes or Tickets, shall entitle such Person or Persons to pass through any other Gate or Turnpike placed on the said Roads, not exceeding the Distance of Six Miles from the Turnpike where such Person or Persons received the Note or Ticket, Notes or Tickets as aforesaid, without being liable or compelled to pay the said Tolls or Duties more than once for passing through the aforesaid Turnpike or Turnpikes, and returning the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, with the same Coach, Cart, or other Wheel Carriage, or with the same Horse, Ass, or other Beast or Cattle; but in case the same Coach, Cart, or other Wheel Carriage, or the same Horse, Ass, or other Beast or Cattle, shall pass such Gate or Turnpike with a new Loading a Second or more Times the same Day, they shall in that Case be subjected to pay the Tolls for each Time they shall so pass in the same Manner they did the first Time, and no Note or Ticket, Notes or Tickets obtained at Payment as aforesaid, shall exempt any Person or Persons from Payment of the Tolls at any Turnpike or Turnpikes on the said Roads at a greater Distance than Six Miles from the Turnpike where the Person or Persons received such Note or Ticket, Notes or Tickets as aforesaid; but they shall be liable to pay the said Tolls or Duties at such Gate or Turnpike in the same Manner they did the first Time.

XVI. And

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

XVII. Provided always, and be it enacted, That in case of any Dispute as to the Payment of any of the said Tolls and Duties, it shall be lawful to any One or more Justice or Justices of the Peace for the said County, upon Complaint made in relation to the same, to grant Warrant for summoning the Party or Parties complained of to appear before such Justice or Justices, and upon hearing the Matter of such Complaint on Confession of the Party, or the Oath of One or more credible Witness or Witnesses, to decide in relation to the same, and to give Costs to the Party complaining or defending, as to such Justice or Justices, upon hearing the Matter of such Complaint, shall seem fit. Power to Justices to decide in Disputes as to Toll.

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

XIX. And be it enacted, That it shall and may be lawful to and for the said Trustees to continue, or 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 authorized to weigh the same; and in case the Owner or Driver of any such Carriage shall refuse to allow the same to be weighed, he shall for every such Offence forfeit and pay the Sum of Twenty Shillings, to be levied and applied as by this Act is directed. For erecting Weighing Machines.

XX. And be it enacted, That the said Tolls and Duties hereby granted and made payable, together with the Right and Property of every Gate or Turnpike, Toll House and Garden, and whole Premises erected or to be erected and acquired or to be acquired by Authority of this Act, are and shall be vested in the said Trustees; and the said Tolls and Duties, and every Part thereof, shall be paid, applied, and assigned to and for the several Uses, Intents, and Purposes by this Act directed. Tolls and Toll Houses vested in Trustees.

Exemptions
from Toll.

XXI. And be it further enacted, That no Tolls shall be demanded or taken for any Carriage or Horse, or other Beast passing through any Gate or Turnpike already erected or to be erected by Authority of this Act, when employed in carrying any Stones or other Materials for the Repair of the aforesaid Roads and the Bridges thereon, or of any other Roads or Highways in the said County, under the Authority of any Statute Labour Act; nor for Carriages or Horses carrying off the Earth, Mud, or Road Stuff from the aforesaid Roads or Highways; nor for Horses or Cattle going to or returning from Pasture or Watering Places, or going to, or returning from Smithies; nor for any Carriage, Cattle, Produce, Manure, or Implements of Husbandry passing from one Part of a Farm to another Part of the same Farm; nor for any Carriages, Cattle, Produce, Manure, or Implements of Husbandry passing from the Yards or Offices of the Inhabitants of Towns or Villages to and from Burgh Roods or Fields adjoining to such Towns or Villages, provided the same shall not pass above Four hundred Yards on the said Roads; nor for any Carriages or Horses carrying any Person or Persons to or from Church, Chapel, or other their accustomed Place of Religious Worship within their own Parish on a Sunday, or on any other Day on which Divine Service is ordered by Public Authority to be celebrated; nor for any Horses or Carriages employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or in returning after having conveyed the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls or Duties by virtue of an Act made in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland, and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; nor shall any Toll be demanded for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded or disabled Officers or Soldiers, or returning from carrying or conveying the same; nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations appointed for each Corps respectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same.

Exempting
Carriages
with Stores.

XXII. 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

His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

XXIII. Provided always, and be it enacted, That if any Person shall claim and take the Benefit of any of the Exemptions from Toll hereinbefore mentioned, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on claiming Exemptions where not entitled thereto.

XXIV. And be it enacted and declared, That nothing herein contained shall extend, or be construed to extend, to repeal or alter the said recited Acts of the Twenty-first and Thirty-ninth and Fortieth Years of the Reign of His present Majesty, or either of them, in so far as the same relate to that Portion of the Road hereby directed to be repaired, which forms Part of the great Turnpike Road leading between the Cities of *Edinburgh* and *Glasgow*, by *Livingstone*, *Polkemmet*, and the *Kirk of Shotts*, betwixt the Town of *Whiteburn* and the *Swan Inn* at *Easter Whiteburn*, or in so far as the same relate to the Junction between the Road hereby directed to be repaired and the other great Turnpike Road leading from the City of *Edinburgh* to the City of *Glasgow*, and the Burghs of *Stirling*, *Linlithgow*, and *Falkirk*, West of the Burgh of *Linlithgow*; but all and every the Regulations, Clauses, Matters, and Things in the said recited Acts, or in either of them, contained, in relation to the same, shall subsist and be effectual during the Continuance of this Act; any Thing herein contained to the contrary notwithstanding.

Parts of the recited Acts not repealed.

XXV. And be it enacted, That it shall be in the Power of the said Trustees at a General Meeting assembled (such Meeting being called by Advertisement in the *Edinburgh* Newspapers in Manner aforesaid, specifying the Time, Place, and Purpose of such Meeting,) with the Consent of Five Sixths in Value of the Creditors at the Time, to lower generally or particularly the Tolls and Duties hereby granted, and to raise them again as they shall see expedient: Provided always, that the Amount of the same shall not exceed the full Tolls and Duties by this Act authorized to be levied and collected.

Trustees may lower or raise the Tolls.

XXVI. And be it further enacted, That if any Person or Persons owning or occupying enclosed Lands near to any Gate or Turnpike already erected or which shall be erected in pursuance of this Act, shall knowingly or wilfully permit any Person or Persons, not being of his, her, or their Family, or not being his, her, or their Servant or Servants, to pass through the same, or through any Gate, Passage, or Way with any Coach, Cart, or other Carriage, or with any Horse, Ass, or Cattle, for the Purpose of evading the Payment of the said Tolls, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, shall each for every such

Penalty for evading the Tolls.

Offence

Offence respectively, forfeit and pay to the said Trustees a Sum not exceeding Twenty Shillings; One Half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

Penalty for forcible Evasion of the Tolls, or assaulting Officers.

XXVII. And be it enacted, That if any Person or Persons liable to pay the said Tolls shall, in a fraudulent or forcible Manner, pass through any of the Gates or Turnpikes on the said Roads without paying Tolls thereat, or shall assault any Collector of Tolls, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls to which such Person was liable.

Penalty for taking off Horses, &c.

XXVIII. And be it enacted, That if any Person or Persons shall at any Time, during the Continuance of this Act, unload or cause to be unloaded any Sort of Goods or Merchandize or other Articles whatsoever, or shall take off or cause to be taken off any Horse or Horses, or any Beast of Draught, from any Coach, Diligence, Berlin, Barouche, Landau, Hearse, Chaise, Chariot, Calash, Chair, or Taxed Cart, or from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes already erected or to be erected on the said Roads by virtue of this Act, with Intent to avoid paying any Tolls or Duties hereby imposed, each and every Person so offending in any of the Cases aforesaid, shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling; One Half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

Tolls may be let.

XXIX. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered by public Roup to let the said Tolls and Duties in Whole or in Parcels, from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for Payment thereof as shall be approved of by the said Trustees at a General Meeting assembled.

Trustees may compound for the Tolls.

XXX. And be it enacted, That the said Trustees at a General Meeting assembled may and they are hereby authorized and empowered to compound and agree, by the Year or otherwise, with any Person or Persons living near any Gate or Gates, Turnpike or Turnpikes, erected or to be erected by virtue of this Act, for any reasonable Sum or Sums of Money, to be paid Quarterly, in Advance from Time to Time, and in lieu of the Payment of the Tolls or Duties by this Act granted; and Copies of all such Compositions or Agreements to be made by the said Trustees shall be entered at length in a Book or Books to be kept for that Purpose, which shall be open to the Perusal of any Person or Persons whatsoever, at all seasonable Times, without Fee or Reward.

For Recovery of Composition.

XXXI. Provided always, and be it enacted, That if any Composition Money agreed to be paid for passing through the said Gates or Turnpikes, erected or to be erected by virtue of this Act, shall not be paid within One Month next after the same shall become due or payable, according to such Composition or Agreement, it shall and may be lawful for the Sheriff-Depute or Substitute, or any Two or more of the Justices of the Peace for the County where the Person liable for such Composition

position resides, by Warrant under his or their Hand or Hands, to empower the Person authorized by the Trustees to receive such Composition, (Oath being first made that the same has been demanded and remains unpaid,) to levy such Composition on the Person or Persons so refusing or neglecting to pay the same in Manner herein-after mentioned.

XXXII. And be it enacted, That it shall and may be lawful for the said Trustees, at a General Meeting assembled, and they are hereby authorized and empowered to borrow, upon the Credit of the Tolls and Duties to be levied and collected by virtue of this Act, any Sum or Sums of Money not exceeding upon the Whole at any Time the Sum of Four Thousand Pounds, including the Money borrowed and owing under the said recited Acts; and if at any Time any Part of the Sums already borrowed, or to be borrowed as aforesaid, shall be paid off and discharged, it shall and may be lawful to and in the Power of the said Trustees to borrow other and farther Sums of Money, and to burden the said Tolls and Duties with the Payment of the same: Provided always, that such after Loan or Loans shall not upon the Whole exceed the said Amount of Four Thousand Pounds as aforesaid.

For borrow-
ing Money.

If Money be
paid off, more
may be bor-
rowed again.

XXXIII. And be it enacted, That it shall be lawful to and in the Power of the said Trustees, at a General Meeting assembled, (and they are hereby authorized) to assign and make over the Whole or such Part of the Tolls and Duties to be levied and collected in Manner aforesaid, as they shall think proper, for a Security to the Person or Persons who shall lend any Sum or Sums of Money to be borrowed under the Authority of this Act, or shall become Sureties for the Re-payment of the same; and Copies of all such Assignments shall be entered by the Clerk or Treasurer in a Book or Books to be kept for that Purpose.

The Tolls to
be assigned
in Security.

XXXIV. And be it further enacted, That in case of any Misapplication of the Money collected, received, or borrowed by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay Double the Sum or Sums so misapplied, to be recovered against him or them, at the Suit of any Two or more Heritors within the aforesaid County, possessed of One hundred Pounds Scots, each of valued Rent in Property, who are hereby authorized to sue for and recover the same in any Action summarily before the Lords of Council and Session, without abiding the Course of any Roll, with full Costs of Suit, One Half of which Forfeiture shall belong to the Persons who sue for the same, and the other Half shall be paid to the said Trustees, to be applied by them for the Purposes of this Act; but if any such Prosecution shall after Trial be found to have been vexatious and groundless, the Prosecutors shall be liable to pay Double Costs.

Preventing
Misapplica-
tion of Mo-
ney.

XXXV. And be it further enacted and declared, That if the said Trustees, at their aforesaid stated General 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 upon the same, in proper Repair, or shall apply the said Money to Bye Roads and Bridges, such Neglect, or such Application, to Bye Roads or Bridges, shall be deemed, holden, and accounted a Misapplication of the aforesaid Money, so as to authorize the suing for

Declaring
what shall be
deemed a
Misapplica-
tion.

[Local.]

and recovering the said Forfeiture and Costs of Suit in the aforesaid summary Action.

Trustees not personally liable.

XXXVI. Provided always, That no Trustee shall be held or adjudged to have rendered himself personally liable for the Re-payment of any Money borrowed or to be borrowed in virtue of this Act, or Interest thereof, by reason of having signed any Assignment of the Tolls for Money borrowed as aforesaid, or for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Trustee under this Act.

Accounts to be kept.

XXXVII. And be it further enacted, That regular Accounts of all Monies borrowed, collected, received, and disbursed, of all Contracts and Agreements made by the said Trustees, and of every Proceeding of the said Trustees in the Execution of this Act, shall be duly entered and recorded by the Clerk or Treasurer of the said Trust, in a Book or Books to be provided for that Purpose, and which Book or Books shall, at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Determinations of a former Meeting not to be altered but on previous Notice.

XXXVIII. And be it enacted, That no Determination of the said Trustees in a General Meeting assembled, of or concerning any Matter or Thing relative to the Execution of this Act, shall be annulled, varied, or altered by any subsequent General Meeting, unless such subsequent General Meeting shall be called on a Requisition to the Clerk to the said Trustees subscribed by not less than Five in Number of the said Trustees, and unless such Requisition and subsequent Advertisements shall contain a Specification of such former Resolution of the Trustees, and the Time, Place, and Purpose of the Meeting at which it is to be brought under Review.

Foot-paths may be made, and Bridges and Drains.

XXXIX. And be it enacted, That it shall be lawful to and for the said Trustees to cause Foot-paths to be made on the Side or Sides of the said Roads, and to erect Posts to prevent any Person from riding or driving Horses, Carriages, or Cattle on the same; and if any Person or Persons shall ride or drive, or cause any Horse or Carriage to be ridden or driven along any of such Footpaths, such Person or Persons shall for each Offence forfeit and pay a Sum not exceeding Twenty Shillings; and it shall be lawful for the said Trustees to cause to be built or erected Arches or Bridges of Stone, Brick, or Timber, and to cause Conduits and Drains to be made through any Grounds adjoining to the said Roads; and in all Time subsequent to the making of the said Conduits and Drains, it shall be lawful for any Person or Persons appointed by the said Trustees in Manner aforesaid to have Access to and repair, secure, and preserve the said Conduits and Drains, without any Impediment or Obstacle whatsoever.

XL. And be it enacted, That in case the said Trustees shall think proper to widen, turn, or alter any Part or Parts of the said Roads for the better Accommodation of the Public, it shall be lawful to the said Trustees, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Heritages that may be necessary for these Purposes, and for the Loss or Damage which the Owners or Occupiers thereof, or any of them, shall or may in anywise sustain, by such widening, turning, or altering such Roads, and to pay out of the Monies hereby vested in the said Trustees for the Purposes of this Act such Sum or Sums of Money as shall be agreed upon between the said Trustees and such Owners or Occupiers as aforesaid; which Roads, when widened, turned, or altered by virtue of this Act, shall be and remain not less than Thirty Feet in Width at the least, exclusive of the Footpaths and Ditches; and such Lands and Grounds when so purchased as aforesaid shall, by Order and Direction of the said Trustees, be laid into and made Part of the said Roads, in such Manner as the said Trustees shall see expedient, with proper Drains, Ditches, and Fences, and shall from thenceforth be deemed and taken as Part or Parts of the Roads to be repaired by virtue of this Act.

Trustees may widen or alter the Roads, &c.

XLI. And whereas a Map or Plan of the said Road from *Borrowstounness* to the Ford on the River *Avon*, at or near *Jink-about-mill*, in the County of *Linlithgow*, and the Lands through which the same leads, together with a Book of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, has been deposited with the Clerk of the Peace of the said County, be it therefore enacted, That the said Map or Plan, and Book of Reference, shall on the passing of this Act be delivered by the said Clerk of the Peace to the Clerk of the said Trustees, and the same shall remain in the Custody of the Clerk to the said Trustees, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and obtain Copies or Extracts thereof; paying the Clerk of the said Trustees at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and that in making the said Road, it shall not be in the Power of the said Trustees to deviate more than One hundred Yards from the Line described in such Map or Plan, without the Consent in Writing of the Owners of the Ground through which any such Alteration of the Line shall pass: Provided always, that it shall and may be lawful to and for the said Trustees to make the said proposed new Line of Road into, 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 Lands 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 mistaken or omitted in the said Book of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the said County of *Linlithgow*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Maps, &c. to be delivered to the Clerk of the Trustees.

Misnomers not to prevent the Execution of this Work.

XLII. Provided always, and be it further enacted, That in making the said proposed new Road full Compensation shall be made to the Owners and Occupiers of all Lands, Grounds, Houses, Walls, and Fences taken for the Use of the same, and for all Damage done to the same, and for that Purpose the Trustees shall, before entering on any such Lands, Grounds, Houses, Walls, or Fences, or injuring the same, give Three Months' Notice at the least to the Owners and Occupiers thereof, and make an Offer

Compensation to be made for Ground taken or Heritages damaged.

Offer to them of what the Trustees consider to be the Value or a just Compensation for the same, unless such Owners or Occupiers shall renounce all Claim for Damages, or Compensation in Manner herein-after mentioned.

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

XLIII. And be it further enacted, That if, in widening, turning, or altering the said Roads, or in making the said proposed new Road, the said Trustees shall not come to an Agreement with the respective Owner or Owners, and Occupier or Occupiers of the Lands, Grounds, Houses, Walls, and Fences taken for the Use of such new Line of Road, or for the Damage done to the same respectively; or in case such Owners or Occupiers shall refuse to treat with the said Trustees or Committees for the same, or in case the Claim of Damages which may be thence incurred shall not have been renounced in Manner hereinafter mentioned, Application shall be made to the Sheriff Depute of the said County of *Lithgow*, or his Substitute, to summon a Jury in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses or other Buildings necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing of Fences; and the said Sheriff Depute or his Substitute is hereby empowered and required, upon Application, to order Notice thereof to be given to the Owner or Owners, and Occupier or Occupiers of such Ground, Houses, or Premises, and afterwards to issue a Summons in the usual Manner for calling together a Jury, who, being duly sworn, the said Sheriff Depute or his Substitute shall proceed to examine upon Oath, in their Presence, such Witnesses as shall be summoned by either Party, and upon their Depositions or other competent Evidence such Jury shall determine the Price or Damages to be paid by the said Trustees; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Premises as aforesaid, and in making up their Verdict, the said Jury shall have Right, and they are hereby empowered, to take under their Consideration all Circumstances, particularly the Advantages arising to the Owners and Occupiers by the said new Road; and in ascertaining the Value of the Fences which may be necessary to pull down, the Jury shall also have Power to direct such Fences as may thereby become useless, to be taken down and removed by the said Trustees, upon Payment of such Allowance for the same as the said Jury may determine, and it shall be optional to the Owners and Occupiers either to accept of the Allowance so awarded, or to retain the Materials of the said Fences to their own private Use; and after a Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute 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 the Bank of *Scotland* or Royal Bank of *Scotland*, in Manner by this Act directed, the said Trustees shall from thenceforth have a Right to take and use the Ground, and to take down the Houses and other Buildings and Fences, or Parts of Houses and other Buildings and Fences so valued, as fully and effectually ever after to all Intents and Purposes as if the Owner or Owners and Occupier or Occupiers of the Grounds, Houses, or other Buildings and Fences had executed regular Dispositions of the same, and thereupon Infeftment had followed; and the said Proceedings and Orders of the Sheriff Depute or his Substitute shall be final, and not removeable

Sheriff to ad-
judge Pay-
ment of the
Sum awarded
by the Jury.

removeable by Bills or Letters of Advocation or Suspension or by Reduction to or by any Court whatever; any Law or Usage to the contrary notwithstanding.

XLIV. 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 case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Trustees; and on the other Hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, that after having offered to the Owner or Owners, Occupier or Occupiers of any Lands or Houses or Premises, such Sum as the said Trustees shall think reasonable, or which shall have been awarded in Manner aforesaid; or in case of his, her, or their Refusal to accept of such Sum, (the Offer being instructed by an Instrument under the Hands of a Notary Public and Witnesses,) the Money shall be afterwards lodged in the Bank of *Scotland*, or Royal Bank of *Scotland*, in Manner by this Act directed, there to remain at such Interest as the said Banks may allow, at the Peril of such Owner or Owners, Occupier or Occupiers; and it shall and may be lawful for the said Trustees to enter into or upon such Lands, Houses, or Premises, for the Purpose of this Act; and no Stop shall in the Meantime be put to the Operations of the said Trustees, on Pretence of settling the said Damages, or that they have not been satisfied and paid; and in case any Person interested shall apply for and obtain from any Judge competent, a Warrant for stopping the Execution of the Purposes aforesaid, the said Judge is hereby directed to recall such Warrant, and remove any Sift obtained as aforesaid; provided sufficient Caution shall be found by the Trustees therein named, for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in Manner hereinbefore mentioned.

Expences of the Proceedings how to be paid.

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

XLV. And be it enacted, That if any Person summoned as a Juryman or Witness under the Authority of the said Sheriff Depute, or his Substitute, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, such Sheriff Depute or his Substitute is hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds.

If Jurymen, &c. refuse to act.

XLVI. And be it enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons having an Order from them, to open Quarries, and dig, gather, and take and carry away any Stones or Gravel, or other Materials, out of any Waste or Common, Burn or River, within any Part of the said County, for making and repairing the said Roads and the Bridges thereon, or any of them, without paying for the same, and to dig,

Trustees, &c. empowered to take Materials.

[Local.]

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gather,

gather, and carry away all such Materials from Quarries already opened, and from any Grounds within the said County, paying such Damages for the same to the Proprietor or Occupier thereof as the said Trustees shall judge reasonable; or in case of Difference, as shall be ascertained by any Two Justices of the Peace of the County within which such Quarries or Grounds are situated, with Power to the said Proprietor or Occupier to appeal from the Decision of the said Justices to the next Quarter Sessions, whose Decision shall be final.

Notices to be given before Materials are taken.

XLVII. Provided nevertheless, and be it further enacted, That no Surveyor or any other Person or Persons acting under the Authority of this Act shall begin to dig, gather, or carry away any Materials for making or repairing the said Roads out of or from any enclosed Land, until Notice in Writing signed by the said Surveyor or other Person or Persons shall have been first given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owner's or Occupier's usual Place of Residence, to appear before any Two Justices of the Peace acting for the County in which the same shall be situated, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, and shall not shew sufficient Cause to the contrary, such Justices shall if they think proper authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such 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 Owner or Occupier or his or her Agent had attended; and the Order of such Justices shall be final and conclusive to and upon all Parties.

No House or Orchard, &c. to be prejudiced.

XLVIII. Provided always, That in altering, widening, or making any of the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced, of which the Side Walls are above Twelve Feet in Height from the Surface of the adjoining Ground, nor any Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground, or Plantation of Trees planted prior to the passing of this Act, except such as shall be set out and described in the Map or Plan deposited as aforesaid, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

Toll Houses, Places for depositing Materials, &c. to be provided.

XLIX. And be it further enacted, That it shall and may be lawful for the said Trustees to give Orders for purchasing or taking in Lease such Pieces of Ground adjacent to the said Roads (not exceeding One-eighth Part of an Acre) as shall be judged most convenient for erecting Toll Houses and Gardens to the same, or for Repositories wherein the Mud that may be raked off the Roads may be deposited, and the Stones or other Materials for repairing the said Roads may be broken or kept, so as to be laid as little as possible upon the said Roads, until they are immediately to be used for repairing or amending the same; and in case the said Trustees, or their Surveyor, cannot agree with the Owner or Occupier as to the Price, Rent, or Damages to be paid for the same, such Price, Rent, or Damages shall be settled and determined by a Jury, in Manner as hereinbefore mentioned.

L. Provided always, That it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, to give up and renounce every Claim of Damage, or otherwise, competent to them, in regard to the whole Matters aforesaid, and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

Proprietors under Entail or not may renounce Claims of Damage.

LI. And be it further enacted, That the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered to sell, feu, 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 Gate or Turnpike, or Toll House, with a Stable and Garden adjoining thereto, or for storing Materials, or otherwise, where Ground is necessary for the Purpose of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as shall be agreed upon by and between the said Trustees, and such Owner or Owners, Occupier or Occupiers, or as shall be awarded in Manner aforesaid.

Incorporated Persons, &c. empowered to convey.

LII. And be it further enacted, That all Lands, Tenements, or Heritages, which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of Scotland, or Royal Bank of Scotland, in Manner herein directed with regard to Consignations, as the Case may be; and it shall be sufficient to record the Discharge, or the Voucher of Consignation, in the Sheriff Court Books of the said County of Linlithgow, whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually, to all Intents and Purposes, as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

How Lands are to be vested in Trustees.

LIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof; which are held under Entail or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, married Woman, Infant, Lunatic, 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 Heritages, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof; as the said Court shall authorize to be paid, affecting the same Lands, Tenements,

Application of Compensation where exceeding 200l.

or

or Heritages, or affecting other Lands, Tenements, or Heritages, 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 Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Heritages, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the Meantime, 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 said Lands, Tenements, and Heritages, so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

LIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, 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, 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 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 therefrom, may be applied in any Manner herein-before directed, as far as the case may be applicable.

Application where the Money is less than 20l.

LV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds Sterling, 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.

In case of not making out Titles, &c.

LVI. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages, by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises

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 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 or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and 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 Bank aforesaid.

Purchase Money to be paid into the Bank, subject to the Order of the Court of Session:

LVII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Where any Question shall arise touching the Right to such Money.

LVIII. 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 Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied to 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.

The Court may order the Expences of Purchases to be paid by the Trustees.

For shutting
up Roads.

LIX. 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 said Trustees to shut up, and also to sell and dispose of such Part or Parts of the said Roads, and the Materials of such Bridges, as shall in consequence of such Alteration be no longer of Use, or whereby any Gate or Turnpike may be avoided; and in case any Proprietor or Proprietors, Occupier or Occupiers, or Inhabitants of the adjacent Lands, shall be deprived of any necessary Passage or Communication, or shall be prejudiced by the shutting up and disuse of such Part or Parts of the said Roads, it shall be lawful to and for the said Trustees, and they are hereby directed to give new and convenient Passages to and from the aforesaid Roads to such Proprietors, Occupiers, or Inhabitants, and for that Purpose to purchase such Pieces of Ground as they shall judge most proper; and in case they cannot agree with the Owner or Owners, Occupier or Occupiers thereof, the Price shall be fixed by a Jury in Manner before mentioned; and in case any Person or Persons shall think himself, herself, or themselves aggrieved by the shutting up of such Part or Parts of the said Roads, it shall and may be lawful for him, her, or them to apply to the Justices of the Peace of the said County in General Quarter Sessions assembled, who shall hear and determine the Matter in Dispute, and whose Judgment shall be final and conclusive.

Old Road to
be allotted to
Owner of ad-
joining
Lands.

LX. 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 both pass through the Grounds of the same Proprietor, the said Trustees are hereby empowered to sell such old Road for the best Price that can be got for the same, giving the Proprietor or Proprietors of the Ground through which the old Road passed the first Offer of the same, and Oath shall be made by the Clerk to the said Trustees, or by some other fit Person, of such Offer of Preference having been made; and if any Dispute shall arise about the Value of the Ground occupied by the old Road, the same shall be determined by a Jury to be summoned in Manner before mentioned; and if the Situation of any Toll Gate, Toll House, and Premises, or Place for depositing Materials, or either of them, shall be changed, and the same be no longer requisite for the Purposes of the Trust, the said Trustees are hereby empowered in like Manner to sell the same, giving the Proprietor or Proprietors of the Grounds from which such Piece or Pieces of Ground have been originally taken the first Offer of the same, and failing of any Agreement about the Value of such Ground, the same shall be determined in Manner as before mentioned, with regard to Places of Deposit; and the Money arising from such Sales shall be applied to the Purposes of this Act; and the Sales and Conveyances to be made of the Ground comprised in the said old Roads, Situations of old Toll Gates, Toll Houses, and Premises and Places for depositing Materials, being executed by a Quorum of the said Trustees, shall be good and effectual in the Law, to all Intents and Purposes.

LXI. Pro.

LXI. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground as herein-before allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent or old Extent of the Land from which such Grounds shall be taken.

Ground taken not to diminish valued Rent, &c.

LXII. And be it enacted, That it shall not be in the Power of any Person or Persons to erect or cause to be erected any Dwelling House or other Building nearer to the Centre of any Part of the Roads aforesaid than Thirty Feet; and in case any Person or Persons shall nevertheless presume so to build any Dwelling House or other Building nearer to the Centre of any Part of the said Roads, it shall be in the Power of the said Trustees to cause an Action to be brought against such Offender or Offenders, in Manner after directed, for having the said Houses or Buildings removed; and it shall be in the Power of the Judge or Judges before whom the said Action shall be so brought, to order the said Houses or Buildings to be removed, and to fine or amerciate such Offender or Offenders, when convicted as aforesaid, in a Sum not exceeding Five Pounds, as the Case may be, over and above the Expence of removing such Houses or Buildings as aforesaid.

Houses not to be built within a certain Distance of the Centre of the Road.

LXIII. And be it enacted, That the said Trustees shall as far as not already done, cause the said Roads to be measured, and Mile Stones to be erected; as also Guide or Direction Posts to be placed at the Cross Roads or Lanes branching from the main Roads; and in case any Person or Persons shall break or deface the said Mile Stones, or pull down, or break, or deface any of the said Guide or Direction Posts, such Person or Persons shall be adjudged to pay a Sum not exceeding Twenty Shillings, besides the Expence of repairing the Damages and of the Procedure, or, in the Option of the Judge or Judges, shall be imprisoned in the Bridewell or Gaol of the said County, for such Number of Days not exceeding Ten, as to him or them shall appear proper.

Roads to be measured, and Mile Stones to be erected and preserved.

LXIV. And be it enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, any Tree or Piece of Timber, or any Stone, or other Thing whatsoever, upon the Surface of the said Roads, otherwise than upon a Wheel Carriage or Cart, or if any Person or Persons shall turn a Plough upon any Part or Parts of the Roads aforesaid, or if any Person or Persons shall lay down or leave any dead Horse, or any Dung, Lime, Rubbish, or any other Matter or Thing whatsoever, upon any Part of the said Roads, or within Five Yards thereof, each and every Person or Persons offending in Manner aforesaid, shall forfeit and pay a Sum not exceeding Twenty Shillings, besides forfeiting such Dung, Lime, or other Matters aforesaid.

Preventing Timber, &c. being hauled on the Roads, or Dung, &c. laid thereon.

LXV. And be it further enacted, That from and after the passing of this Act no Person whatsoever shall use or drive any Waggon, Cart, or other Carriage of the like Nature on any of the said Roads, unless there shall be affixed or inscribed on some conspicuous Part on the Front or on the Right or Off Side of the same in distinct Characters or Letters of at least One Inch in Length, the Name or Names, and Place or Places of Residence of the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature, or of the House or Farm where the same is generally used

Names of Owners to be affixed on Waggons, &c.

used and kept; and every Person who shall drive any such Waggon, Cart, or other Carriage of the like Nature upon any of the said Roads, without such Name, and Place of Residence, being so affixed or inscribed thereon, shall for each Offence forfeit and pay a Sum not exceeding Twenty Shillings, to be levied, recovered, and applied as herein-after directed, reserving to every such Person his Relief against the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature, if the Want of such Name, or Place of Residence, shall have arisen from the Fault or Neglect of such Owner or Owners, and not from the Fault or Neglect of the Driver; and every Time that the Property of such Waggon, Cart, or other Carriage of a similar Nature shall be altered, the succeeding Owner or Owners shall always, within Fourteen Days next after he, she, or they shall have become Owner or Owners thereof, and shall have used the same, cause the Name or Names and Residence of the former Owner or Owners, and the Name or Names and Place of Residence of such succeeding Owner or Owners, to be affixed and inscribed in Manner before directed, under a similar Penalty of Twenty Shillings, on the Person driving the same without such Name, or Place of Residence, to be applied in a similar Manner; reserving to such Driver his Relief in a similar Manner against the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature; and if any Person or Persons shall affix or inscribe a false Name, or Place of Residence, upon any such Waggon, Cart, or other Carriage of the like Nature, driven by or belonging to him, her, or them, the Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

No Driver to drive Carriages, &c. abreast.

LXVI. And be it enacted, That no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, whether loaded or unloaded, shall drive or permit the same to travel or pass upon the said Roads or any Part thereof, abreast or alongside of any other Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Roads or any Part thereof; and no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, shall drive or permit the same to travel or pass upon the said Roads without Check Reins; and every Person and Persons so offending shall forfeit and pay a Sum not exceeding Twenty Shillings.

To drive to the Left Hand or Near Side.

LXVII. And be it enacted, That the Driver of every Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, and the Rider or Driver of every Horse, Ass, Mule, or other Beast of Burden, upon the said Roads, or any Part thereof, shall be obliged, upon meeting or upon being overtaken by another Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, to make way, by holding or driving to his own Left Hand, or what is commonly called holding to the Near Side, and that without Distinction, whether the Coach, Chaise, Waggon, Cart, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, so meeting or overtaking another, be loaded or unloaded; and every such Carriage, Horse, or other Beast of Burden, overtaking any other Carriage, Horse, or other Beast of Burden, shall pass on the Right Hand thereof; and every Person offending in the Premises shall for each Offence forfeit and pay a Sum not exceeding Twenty Shillings.

LXVIII. And

LXVIII. And be it enacted, That if any Person or Persons shall break down, damage, or destroy, or attempt to break down, damage, or destroy any Turnpike Gate, Toll House, Post, Chain, or Bar, or any of the Bridges, Parapets, or Ledges, or other Erection whatsoever, on the Line of the Roads aforesaid, or vested in the said Trustees, or any Part or Parts thereof, or shall strike, maltreat, or threaten any of the Toll Gatherers, or any Person or Persons of their Family, employed in levying the said Tolls and Duties, or shall rescue or attempt to rescue any Person guilty of any of the Offences aforesaid, such Person or Persons offending as aforesaid shall be obliged to pay for all Damages incurred, and shall also forfeit and pay a Sum not exceeding Five Pounds; and in Default of making Satisfaction for the said Damages, and paying the Fine as aforesaid; such Person or Persons shall be imprisoned in the Common Bridewell or Gaol of the said County, for any Time not exceeding Fourteen Days.

Punishing
Persons de-
stroying the
Turnpikes,
Ledges of
Bridges, &c.

LXIX. And be it enacted, That at proper Seasons of the Year all Hedges growing upon the Sides of any Part or Parts of the said Roads shall be lopped, and kept at a Height not exceeding Four Feet from the Root of the said Hedges, and all Trees growing upon the Sides of the said Roads, and which shall shadow and overhang the said Roads, shall have their Branches properly lopped and cut; and in case the Owner of such Hedges or Trees shall refuse or delay, when required, upon Notice of Ten Days at any Time between the First Day of *October* and the First Day of *March* in every Year, so to lop and cut the same, then it shall be lawful for, and the said Trustees are hereby authorized and empowered to cause the same to be lopped, pruned, or cut, as the Case may require, and the Expence attending the same shall be levied on the said Owner or Owners so refusing as aforesaid, in the same Manner as other Penalties and Forfeitures imposed by this Act are directed to be levied; and such Owners and Occupiers shall be obliged to carry the Brushwood or Branches of Trees, which may be so lopped or cut, off the Roads and out of any Drains or Ditches adjoining thereto, within Ten Days after being so lopped or cut, under a Penalty not exceeding Twenty Shillings for each Offence: Provided always, that nothing herein contained shall authorize the said Trustees to lop or cut any Trees of Ornament or Shelter to a Dwelling House, or in any Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground, or in any Plantation of Trees, planted prior to the passing of this Act.

Hedges and
Trees to be
lopped.

LXX. And be it enacted, That if any Person or Persons shall allow their Horses, Cows, or other Cattle, to graze upon the Sides or Parts of the said Roads, or in the Drains or Ditches adjoining thereto, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, to be recovered and applied in Manner hereinafter mentioned.

Cattle not to
pasture on the
Roads, &c.

LXXI. And be it enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Trustees, and for such Person or Persons as they shall appoint, by Order of the said Trustees, or any Two or more of them, to make such Trenches, Ditches, or Drains, with proper Passages and Outlets for the same, through any Lands contiguous to the said Roads, not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, as they shall judge necessary for the better repairing and upholding the said Roads, and for conveying away the Water from Ditches, which are or hereafter shall be made along the Sides of the said Roads;

Drains may
be made
through ad-
joining
Lands.

[Local.]

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and

and after such Passages and Outlets have been so made by the Trustees, or that the Owner or Occupier of the Ground already has made, or hereafter shall, for the Benefit of the Lands, make such Ditches or Drains contiguous to the Roads, such Owner or Occupier shall be obliged in all Time 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 Two or more of them, so as the Outlets may not be stopped or made to re-stagnate into the said Ditches or Trenches, but may have free Passage through the said Grounds; and in case of such Owner or Occupier neglecting or refusing to clear and cleanse such Outlets and Passages, when thereto required by the Surveyor or Surveyors of the said Roads; or any Person duly authorized by the said Trustees, then and in that Case such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to charge and levy the Expence thereof on the Owner or Occupier in Manner herein-after mentioned.

Drains in
Front of
Houses to be
kept clear.

LXXII. And be it enacted, That the Owners or Occupiers of all Houses built or to be built on the Sides of the foresaid Roads shall be obliged to keep the Drains in Front of such Houses at all Times properly cleaned and cleared out, and failing thereof after Ten Days' Notice given them for that Purpose, it shall be in the Power of the Trustees to cause such Drains to be cleaned and cleared out at the Expence of the Occupiers of such Houses, the Amount of which shall be recovered as herein-after mentioned.

Headridges
to be made
and Gates on
the Sides of
the Roads to
open inwards.

LXXIII. And be it enacted, That from and after the passing of this Act every Person ploughing any uninclosed Land contiguous to any of the said Roads shall make Headridges along the Sides of the said Roads of the Breadth of Eighteen Feet at least, and every Person neglecting or failing so to do shall, for every such Neglect or Failure, forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Sides of the said Roads of the Land so ploughed without Headridges having been made, to be levied, recovered, and applied in Manner herein-after directed; and all Gates made or to be made upon Inclosures next to any of the said Roads shall open inwards to the Field; and opposite to any Gate or Entry communicating with the said Roads, there shall be laid a covered Way or Bridge of Stones or other proper Materials over the Drain on the Side of the Road, which covered Way or Bridge shall be constantly kept free and clear, that the Water may pass through below the same; and in case any Owner or Occupier of Ground adjacent to the said Roads shall omit and fail to perform any of the Matters above mentioned, it shall be competent for any Two of the Trustees by an Order subscribed by them, to ordain the same to be performed at the Expence of such Owner or Occupier as aforesaid; such Expence to be recovered by Application to and Warrant of any One of His Majesty's Justices of the Peace, who shall also award against the Offender the Expences of the Application: Provided always that no Occupier of Land shall turn any Water upon the Side of any of the said Roads, nor conduct any Water across any of the said Roads for the meliorating of his Fields or other Purposes, until he shall have applied for and obtained the Consent of the said Trustees at a General Meeting assembled; and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain of such Depth and Construction, as that the Water may not prejudice the Road, and shall thereafter be bound to keep up and maintain all such covered Drains as aforesaid.

LXXIV. And be it further enacted, That if any Person or Persons who have become Subscribers towards defraying the Expence of passing this Act, and carrying the Purposes thereof or any of them into Execution, shall neglect or refuse to pay the Whole or any Part of such Subscription Money when required so to do, by a Written Notice subscribed by the Clerk or Treasurer of the said Trustees, and left at the Dwelling House or ordinary Residence of such Subscriber or Subscribers aforesaid, and that within Six Calendar Months from and after the Notice so to be left as aforesaid, then and in every such Case it shall be competent for the said Trustees to cause to be brought, in the Name of their Clerk or Treasurer aforesaid, an Action or Actions for Recovery thereof in any Court competent within that Part of *Great Britain* called *Scotland*: Provided nevertheless, that the Money so subscribed and paid as aforesaid shall be repaid with the legal Interest thereof out of the Monies allowed to be borrowed in virtue of this Act, or out of the Tolls and Duties allowed to be levied and collected by Authority of the same; and until such Re-payment as aforesaid, the Monies so advanced by the Subscriber, with the legal Interest thereof, shall be a Lien and Burden on such Tolls and Duties.

Compelling
Payment of
Subscrip-
tions.

LXXV. And be it enacted, that the Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Clerk or Treasurer for the Time being; and no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or Treasurer to the said Trustees for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Trustees may
sue and be
sued in the
Name of their
Clerk or
Treasurer.

LXXVI. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching or in any Ways relating to the said Tolls and Duties, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Toll Gather-
ers may give
Evidence.

LXXVII. And be it further enacted, That any Trustee appointed to put this Act into Execution, who is or shall be in the Commission of the Peace for the County of *Linlithgow*, shall and may act as a Justice of the Peace within the same, for the more effectually putting into Execution the several Authorities and Powers in this present Act mentioned and contained, notwithstanding such Justice of the Peace is or shall be a Trustee as aforesaid, or a Creditor upon the Tolls.

Trustees may
act as Justices.

LXXVIII. And be it enacted, That all Tolls and Duties, and all Expences, Penalties, and Forfeitures by this Act imposed, the Recovery whereof is not otherwise herein provided for, may be recovered by summary Complaint, at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of Peace for the said County of *Linlithgow*; and the Fact or Facts being verified or proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justices are hereby authorized to administer,) or by other satisfactory Evidence, the said Justice or Justices is and are hereby authorized and required

Recovery of
Tolls, Penal-
ties, &c.

required to grant a Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender; and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the overplus Money (if any there be) upon Demand, to the Owner of such Goods or Effects, after such Tolls, Penalties, and Forfeitures, the Expence of the Warrant, and the reasonable Charges of distraining, keeping, and selling such Goods or Effects 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 shall be laid out for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Tolls, Expences, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required by Warrant under his or their Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders, to be committed to the Common Gaol of the County within which he or they may reside, there to remain for any Time not exceeding Six Calendar Months, unless the said Tolls, Expences, Penalties, and all reasonable Charges, shall be sooner paid and satisfied.

Appeal.

LXXIX. And be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by the Sentence of any Justices not assembled in Quarter Sessions in the Manner aforesaid, it shall and may be lawful for him, her, or them, to appeal to the Justices of the Peace for the said County of *Linlithgow*, in their General Quarter Sessions assembled, within One Calendar Month of the Date of the said Sentence; and such Justices at their General Quarter Sessions assembled are hereby authorized and empowered to hear and determine the Matters in Dispute, and their Decision shall be final and conclusive; and the Proceedings of the Justices so in Quarter Sessions assembled shall not be subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

Limitation
of Actions.

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

Expences of
the Act.

LXXXI. And be it enacted, That the Expences of procuring and passing this Act shall be paid out of the first Monies levied or borrowed by virtue of this Act.

Public Act.

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

Continuance
of Act.

LXXXIII. And be it enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.