



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. lxxiv.

An Act for more effectually repairing and keeping in repair the Road from *Carlowrie Bridge* on the River *Almond* to *Linlithgow Bridge* on the River *Avon*, and other Roads in the County of *Linlithgow*. [22d April 1831.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually making and repairing the Road from Carlowrie Bridge on the River Almond to Linlithgow Bridge on the River Avon, and other Roads in the County of Linlithgow*: And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: And whereas the said first-recited Act, which will soon expire, has by the Trustees therein named been put in execution, and the Roads therein mentioned have been amended, repaired, and maintained, for which Purposes various Sums of Money have been borrowed in virtue of the Powers therein contained, which cannot be repaid, or the said Roads kept in repair, unless the Term and Powers granted by the said Act be extended and altered; but as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the first-recited Act shall from and after the passing of this Act be and the same is hereby repealed, and instead thereof this Act shall from and after the passing thereof commence and take effect and be put into execution for and during the Term hereinafter mentioned.

II. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, and [Local.] 12 L all Powers of 4 G. 4. c. 49. applied to this Act.

all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been herein repeated and re-enacted.

Existing Securities not to be prejudiced.

III. Provided nevertheless, and be it enacted, That the Contracts, Agreements, or Securities granted to any Person or Persons for Money borrowed on the Credit of the Tolls authorized to be levied by the said first-recited Act, and still owing, shall not be prejudiced by the Repeal thereof, but the Tolls hereby authorized to be levied shall 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 first-recited Act, to the Extent and in Terms of the Securities granted for such Sums.

Covenants under repealed Act to remain in force.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons, to or with the Trustees for executing the said recited Act hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall continue available in all Courts of Law and Equity, until the same are fully satisfied and performed.

Former Books made Evidence.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Act hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Prosecutions, Suits, and Actions whatsoever, and in all Cases of Appeal, in such and the same Manner as if the said Act had not been repealed.

Former Officers to continue.

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

Officers under former Act to account.

VII. And be it further enacted, That all Persons who have been employed or who shall have received any Tolls or other Monies by virtue or in pursuance of the said first-recited Act hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said

said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, and this Act, or any of them, imposed in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said last-recited Act or this Act.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who has been or may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be the Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling, to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by summary Action in the Court of Session:

Same Person
not to be
Clerk and
Treasurer.

IX. And be it further enacted, That all and every Person who is at present or shall be at any Time after the passing of this Act, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor or Liferenter of Lands lying in the County of *Linlithgow* valued in the Cess Book or Tax Rolls of the said County at One hundred Pounds Scots of valued Rent, and all and every the eldest Sons of such Heritors or Liferenters, the Provost of the Burgh of *Linlithgow* for the Time being, and the Chief Magistrate of the Burgh of *Queensferry* for the Time being, shall be and they are hereby nominated and appointed Trustees for amending, widening, repairing, and keeping in repair and improving the Roads described in the said first-recited Act; *videlicet*, the Road extending from *Carlowrie Bridge* on the River *Almond* to the Burgh of *Linlithgow*, and from thence to *Linlithgow Bridge* on the River *Avon*, and also the Road from *Queensferry* to *Kirkliston*, and from thence to the Road from *Edinburgh* to *Glasgow*, by *Bathgate* and *Airdrie*, near the new *Bridge* over the River *Almond*, all in the County of *Linlithgow*, and for putting in execution all the Powers in and by this Act given and granted: Provided always, that neither the said Provost or Chief Magistrate shall be capable of acting as a Trustee under this Act, unless he shall be possessed of Lands or Heritages lying in the said County of the valued Rent above mentioned, or possessed

Trustees ap-
pointed.

possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Five hundred Pounds Sterling.

Three Trustees to be a Quorum.

X. And be it further enacted, That at all General Meetings of Trustees under this Act, the Majority of Trustees assembled, the Number present not being less than Three; shall be and they are hereby authorized to do, order, and perform all Acts, Matters, and Things, which the Trustees appointed by this Act are authorized to do, order, or perform; and all such Acts, Matters, and Things so done shall be as good, valid, and effectual as if the same were done by the whole of the said Trustees.

First Meeting of Trustees.

XI. And be it further enacted, That the said Trustees shall hold their First Meeting by virtue of this Act at *Linlithgow* on the Third *Friday* after the passing of this Act, or as soon thereafter as conveniently may be, in consequence of an Advertisement to be published in Two of the *Edinburgh* Newspapers at least Ten Days preceding the same, which Notice any Two or more of the Trustees, or their Clerk, are hereby authorized to insert or cause to be inserted, with Power to them at their said First Meeting, or at any after Meetings, to adjourn themselves to such Times and Places as they shall think proper and convenient, as often as it shall be necessary for putting this Act into execution; and if it shall happen that there shall not assemble at any General Meeting which shall be appointed to be holden under this Act a Quorum of Trustees to act at such Meetings, then and in that Case the Trustee or Trustees present shall and may adjourn the Meeting to a future Day; and if it shall happen that no one Trustee shall attend, then and in that Case the Clerk to the said Trustees, or any Two or more of the said Trustees, may, by a Notice in Writing to be affixed on all the Turnpike Gates on the said Roads, and also by an Advertisement in Two Newspapers published in *Edinburgh* at least Ten Days before the adjourned Meeting, appoint the said Trustees to meet at the Place where the last Meeting of the said Trustees was appointed to be held; or at some other convenient Place, and upon a Day to be therein named.

Regulations as to General Meetings.

Stated Half-yearly General Meetings.

XII. And be it further enacted, That the said Trustees shall hold Two Stated General Meetings in the Year at *Linlithgow*; *videlicet*, on the First *Friday* of *March* and Third *Friday* of *October*; and at such Meetings all Orders for borrowing Money, or assigning the Tolls in security thereof, or for erecting Toll Gates or Side Bars, shall be given, and at no other Meetings; and the Clerk to the said Trustees shall cause to be inserted in the said *Edinburgh* Newspapers an Advertisement of such Stated General Meetings, which Advertisement shall not be less than Ten Days before the Days hereby appointed for holding such Meetings respectively; but the Meetings of the said Trustees for all other Purposes shall be regulated and holden according to the other Directions contained in this Act.

Power to erect Toll-Gates, &c.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, to continue or erect, or cause to be continued or erected, a Gate or Gates, Chain or Chains, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, or on the Sides thereof,

and also such Number of Toll Houses, with suitable Gardens adjacent thereto, as to them shall appear to be expedient, the Site of each such Toll House and Garden not to exceed the Eighth Part of an Acre; and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as the Trustees shall think proper, and direct or appoint.

XIV. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at the several Gates, Chains, or Turnpikes which shall be continued or erected by virtue of this Act, a Sum not exceeding the Rates and Duties hereinafter specified, before any Horse, Carriage, or other Beast, or Vehicle, in respect of which the same shall be payable, shall be allowed to pass through any Toll Gate, Chain, or Turnpike to be continued or erected on the said Roads; (that is to say,) Power to take Tolls.

For One Horse or Beast of Draught drawing any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, licensed to carry, or kept or employed for carrying Passengers for Hire, or any Hearse, One Shilling and Sixpence: Tolls.

For Two Horses or Beasts of Draught drawing any such Carriage, Two Shillings:

For Three or Four Horses or Beasts of Draught drawing any such Carriage, Four Shillings:

For Five or more Horses or Beasts of Draught drawing any such Carriage, Five Shillings:

For One Horse or Beast of Draught drawing any other Coach, or any Berlin, Landau, Chariot, Chaise, Calash, or such other Carriage with Four Wheels, Nine-pence:

For Two Horses or Beasts of Draught drawing any such Carriage, One Shilling:

For Three Horses or Beasts of Draught drawing any such Carriage, One Shilling and Eight-pence:

For Four or Five Horses or Beasts of Draught drawing any such Carriage, Two Shillings:

For Six or more Horses or Beasts of Draught drawing any such Carriage, Three Shillings:

For One Horse or Beast of Draught drawing any Chaise, Curricle, Chair, or other Carriage with Two Wheels, Sixpence:

For Two or more Horses or Beasts of Draught drawing any such Carriage, Nine-pence:

For One Horse or Beast of Draught drawing any Waggon or other such Carriage, having more than Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, Sixpence:

For Two Horses or Beasts of Draught drawing any such Waggon or other Carriage, Ten-pence:

For Three Horses or Beasts of Draught drawing any such Waggon or other Carriage, Three Shillings:

For Four Horses or Beasts of Draught drawing any such Waggon or other Carriage, Four Shillings:

For Five Horses or Beasts of Draught drawing any such Waggon or other Carriage, Six Shillings:

[Local.]

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For

For Six or more Horses or Beasts of Draught drawing any such Waggon or other Carriage, Eight Shillings :

For One Horse or Beast of Draught drawing any Cart, Wain, or other such Carriage, having only Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, where the Carriage, with its Burden or Loading, shall not weigh more than Twenty-six hundred Weight, Sixpence ; for Two or more Horses, or Beasts of Draught, drawing any such Cart or other Carriage, Eight-pence ; and where such Cart, Wain, or other 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 Four-pence :

For every Carriage, of whatever Description, impelled or drawn by Machinery, propelled by Steam or any other moving Power, and not by any Horse or Beast of Draught, such Toll as the said Trustees shall appoint, or One Penny per Hundred Weight, at the Option of the Owner or Conductor of such Carriage :

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

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

For every Ass, loaded or not loaded, One Penny :

For every Score of Oxen or Neat Cattle, and so on in proportion for any greater or less Number, One Shilling :

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

Broad
Wheels to
pay only
Half Tolls.

XV. Provided always, and be it further enacted, That the Horses or other Cattle drawing all Waggons, Carts, Wains, or other such Carriages which shall travel with broad Wheels of the Description after specified, shall be liable to pay One Half only of the Tolls hereinbefore charged in respect of the Horses or other Cattle drawing such Waggons, Carts, Wains, or other Carriages respectively, provided that the Fellies of the Wheels of every such Carriage shall be of the Breadth of Five Inches at least, for single or double Horse Carts, and Six Inches at least for all other Carriages, whether consisting of One or more Tires, and the Fellies of the said Wheels shall be cylindrical, that is to say, of the same Diameter on the Inside next the Carriage and on the Outside, and in every intermediate Part between the Inside and Outside, so that when rolling on a flat Surface the whole Breadth of such Fellies shall bear equally on such flat Surface, and the opposite Ends of the Axletrees of such Carriage, as far as the same shall be inserted into the Naves of the Wheels, shall not form any Angle with each other, but shall be in the Continuation of One straight Line, so that in each Pair of Wheels belonging to such Carriage the lower Parts which rest on the Ground shall be at the same Distance from each other as the opposite or upper Part of the same Pair of Wheels ; and every Person claiming the Privilege so granted to broad-wheeled Carriages shall permit the same to be examined and measured by any Person appointed by the said Trustees, or concerned in the Collection of the said Tolls.

Dung or
Farm Ma-

XVI. Provided always, and be it further enacted, That the Horses or other Cattle drawing any Waggon, Cart, Wain, or other such Carriage

Carriage employed in carrying or conveying Dung or Farm Manure of any Description shall be chargeable with and pay One Half only of the Tolls by this Act authorized to be taken for the Horses or other Cattle drawing such Waggon, Cart, Wain, or other like Carriage respectively. nure to pay
Half Toll.

XVII. And be it further enacted, That upon receiving Payment of the Tolls by this Act granted the Receiver thereof at any Gate, Chain, or Turnpike to be continued or erected as aforesaid shall, if the same shall be demanded, deliver to the Person paying such Tolls a Note or Ticket denoting such Payment, which Note or Ticket shall entitle the same Horse or Horses or other Cattle drawing the same Carriage to return through the same Gate on the same Day before Twelve of the Clock at Night, and also to pass through any other Gate, Chain, or Turnpike, or Gates, Chains, or Turnpikes, placed on the said Roads at a Distance or not exceeding Six Statute Miles from the Gate, Chain, or Turnpike, or Gates, Chains, or Turnpikes, with the same Horses or other Cattle, drawing as aforesaid, on the same Day before Twelve of the Clock at Night, without being liable to pay the said Tolls a second Time, for passing through such Turnpike Gate or Turnpike Gates, and for returning on the same Day, except as hereinafter mentioned: Provided always, that in case any Horse or Horses or other Cattle drawing any Waggon, Cart, Wain, or Carriage shall pass through any such Turnpike Gate or Turnpike Gates with a new Loading a second or more Times on the same Day, the Tolls by this Act granted shall be paid for each Time such Horse or Horses or other Cattle drawing such Waggon, Cart, Wain, or Carriage shall so pass, in the same Manner as for the first Time: Provided also, that nothing under Two Hundred Weight shall be reckoned a new Loading in any such Carriage; and provided further, that no Toll shall be demanded at any Gate or Turnpike to be continued or erected on the said Roads for any Horse or Carriage which shall only cross the said Roads or shall not travel altogether above One hundred Yards thereon, before arriving at or after passing any such Gate or Turnpike, or for any Change of Loading in private Carriages. Tolls pay-
able once a
Day only at
any Gate
within Six
Miles.

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

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

XX. And

Trustees to direct the Application of Monies.

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

Preventing Misapplication of Money.

XXI. And be it further enacted, That in case of any Misapplication of the Money collected, received, or levied by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay Double the Sum or Sums so misapplied, to be recovered against him or them at the Suit of any Three or more Heritors within the said County possessed of Two hundred Pounds Scots each of valued Rent in Property, who are hereby authorized to sue for and recover the same in an Action summarily before the Lords of Council and Session, without abiding the Course of any Roll, with full Costs of Suit; one Moiety of which Forfeiture shall belong to the Persons who shall sue for the same, and the other Moiety 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 Treble Costs.

Declaring what shall be deemed a Misapplication.

XXII. And be it further enacted and declared, That if the Trustees, at their foresaid Stated Half-yearly Meetings shall neglect to apply so much of the Money collected, received, or levied by virtue of this Act as shall be sufficient to put and keep the Roads hereby directed to be repaired, and Bridges within the same, in proper Repair, or shall apply the said Money to Bye-roads and Bridges, while the Roads hereby directed to be repaired, and Bridges on the same, or any Part thereof, are allowed to remain in Disrepair, such Neglect, or such 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 and recovering the said Forfeiture and Costs of Suit in the aforesaid summary Action.

Public Act.

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

Term of Act.

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