Anno tricesimo primo

Georgii II. Regis.

An Act for enlarging the Term and Powers granted by an Act of the Twenty fifth Year of His present Majesty's Reign, intituled, *An Act for repairing the Post Road from the City of* Edinburgh, *through the Counties of* Linlithgow *and* Stirling, *from the* Boat-house Ford, *on* Almond Water, *and from thence to the Town of* Linlithgow, *and from the said Town to* Falkirk, *and from thence to* Stirling; *and also from* Falkirk *to* Kilsyth, *and to* Inch Bellie Bridge, *on the Post Road to the City of* Glasgow; and for building a Bridge cross *Almond Water*.

WHEREAS by an Act passed in the Twenty Fifth Year of the Reign of His present Majesty, intituled, An Act for repairing the Post-Road from the City of *Edinburgh*, through the Counties of *Linlithgow* and *Stirling*, from the *Boat-house Ford*, on *Almond Water*, and from thence to the Town of *Linlithgow*, and from the said Town to *Falkirk*, and from thence to *Stirling*; and also from *Falkirk* to *Kilsyth*, and to *Inch Bellie Bridge*, on the Post-Road to the City of *Glasgow*; several Tolls, Duties, and Powers, were granted to certain Trustees therein mentioned; which several Tolls, Duties, and

Preamble, reciting the Act 25 *Geo.* II.

Powers, were to have Continuance from and after the First Day of June, One thousand seven hundred and fifty two, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed by the said Act for repairing the said Post-Road in the Counties of Linlithgow and Stirling, as directed by the said Act, have borrowed several Sums of Money upon the Credit of the said Act; which Sums, together with the Tolls and Duties collected by virtue of the said Act, have been duly laid out pursuant to the Directions thereof, and great Progress has been made in amending the said Roads; but the same cannot be effectually repaired, and the Money borrowed be repaid, unless the Term and Powers granted by the said Act be enlarged and made more effectual; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, and all and every the Clauses, Powers, Authorities, Articles, Rules, Penalties, and Forfeitures, therein contained (except such as are altered or varied by this Act) shall continue and be executed during the Continuance of the said former Act; and after the Expiration of the Term thereby granted, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, subject to the Alterations and Amendments in this present Act contained; which said additional Term shall be, and the same is hereby made subject to the Payment of the Money borrowed or due, or to be borrowed and due, upon the Credit of the former and this present Act, for the Intents and Purposes of the said former and this present Act.

The recited Act further continued for 21 Years.

And be it further enacted by the Authority aforesaid, That Robert Ewing of Craigtoun, Joseph Williamson of Foxhall Advocate, James Burns of Newhall, Captain George Middleton of Lethendolls, John Bell of Antermony, Kincaid of Kincaid, Alexander Monro of Auchinbowie, John Monro Advocate younger of Auchinbowie, James Kincaid of Auchinreoch, Roger Hogg of Newliston, James Spottswood of Dunnipace, David Gourlay of Kipdarroch, shall, from and after the passing of this present Act, be added to, and joined with, the Trustees nominated and appointed in the said former Act, for repairing such Roads as are directed to be repaired by the said Act, and executing such Powers as are contained in

Trustees Names.

in the former or present Act, for the further Improvement of the Roads to be repaired in the Counties of Linlithgow and Stirling, with this Provision always as is hereby expressly provided by the Authority aforesaid, That no Resolution of the Trustees at a General Meeting assembled, shall be reviewed or altered by any subsequent General Meeting, except where there is a previous Intimation regularly notified for that Purpose, expressly pointing out such Resolutions of a former General Meeting as are to be taken under Review, and the Notification thereof made in the Manner appointed by the former Act with respect to adjourned Meetings.

No Resolutions to be altered at a subsequent Meeting, unless previous Intimation be given for that Purpose.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and they are hereby required to take such Security from their Treasurers to be appointed for the Purposes of the said former and this present Act, for the due Execution of their Offices, as to the said respective Trustees, or any Seven or more of them, at a General Meeting assembled, shall seem meet.

Treasurer to give Security.

And for raising a sufficient Sum of Money for repairing the said Roads in the Counties of Linlithgow and Stirling, and for repaying the Money borrowed upon the Credit of the said former Act; be it enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and fifty eight, it shall and may be lawful to and for the said Trustees appointed or to be appointed to put the said former or this present Act in Execution, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, at a General Meeting assembled, shall, by Writing under their Hands, authorize and appoint, to demand and take the several Tolls and Duties herein after mentioned, instead of the Tolls or Duties laid and made payable by the said former Act, before any Coach or other Carriage, Horse or other Cattle, shall pass through any Gate or Turnpike erected or to be erected in the said Counties of Linlithgow and Stirling; that is to say,

The following Tolls to be taken instead of those granted by the former Acts.

For every Coach, Berlin, Landau, Chariot, Chaise, or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Six Pence Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Three Pence Sterling.

The Tolls.

For every Chaise, Calash, or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three Half Pence Sterling.

For every Waggon, Wain, Cart, or other Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings Sterling; and draw by Five Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Six Pence Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four Pence Sterling; and draw by Three Horses, Oxen, or other Beasts of Draught, the Sum of Nine Pence Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Three Pence Sterling; and drawn by One Horse or other Beast of Draught, the Sum of Three Half Pence Sterling; except such Carts or Carriages shall be drawn upon Wheels the Fellies whereof shall be Nine Inches broad at the least, which are hereby exempted from Toll.

For every Horse, Mare, Gelding, or Mule, loaden or unloaden, and not drawing, the Sum of One Penny Sterling.

And for every Horse, Mare, Gelding, Mule, or other Beast of Draught, dragging a Tree or Timber, Stone or Stones, by Hook and Chain, or otherwise, without a Carriage supporting the same, commonly called a Tail-draught, the Sum of Three Pence Sterling.

And for every Ass loaden or unloaden, and not drawing, One Farthing Sterling.

For every Drove of Oxen or Neat Cattle, the Sum of Five Pence Sterling per Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Two Pence Halfpenny Sterling per Score; and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

Which said Tolls and Duties hereby granted and made payable, are and shall be from and after the said First Day of June, One thousand seven hundred and fifty eight, vested in the said Trustees, appointed or to be appointed, to put the said former and this present Act in Execution, for the said Counties of Linlithgow and Stirling; and the same and every Part thereof, shall be paid, applied, and disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as in the said former and this present Act, the Tolls

Tolls respectively granted are directed to be applied, and to no other Use or Purpose whatsoever.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right, Interest, and Property of all and every the said Turnpikes, Toll-houses, and Premisses, erected or to be erected by virtue of the said former or this present Act, shall be vested in the said Trustees, by the said former or this present Act appointed; and the said Trustees, or any Seven or more of them, at a General Meeting assembled, are hereby authorized and impowered to dispose thereof as they shall think proper.

Trustees impowered to borrow a further Sum of Money on the Tolls;

And whereas the Sum of One thousand five hundred Pounds Sterling, which the Trustees appointed by the former Act for repairing the said Roads, were enabled to borrow, has by Experience been found insufficient to answer the Purposes intended thereby: For Remedy whereof be it enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and fifty eight, it shall and may be lawful to and for the said Trustees, appointed or to be appointed by the said former or this present Act, for repairing the Roads in the Counties of Linlithgow and Stirling, or any Seven or more of them, at a General Meeting assembled, and they are hereby authorized and impowered to borrow according to the Rules and Directions laid down and prescribed in the said former Act, any Sum or Sums of Money, not exceeding in the Whole, the Sum of Four thousand Pounds Sterling, at an Interest not exceeding Five Pounds per Centum per Annum, upon the Credit of the said Tolls by the said former or this present Act directed to be paid; which said Sum of Four thousand Pounds, shall be applied towards the Repair of the several Roads directed to be repaired by the said former and this present Act, in the Counties of Linlithgow and Stirling, and for erecting and repairing such Bridges as are appointed to be erected or repaired by the said former or this present Act.

with Interest for the same.

Application thereof.

Money borrowed on the former Act to be deemed Part of the 4000 *l.* allowed to be borrowed by this Act.

Provided always, That the said Sum of One thousand five hundred Pounds, directed to be borrowed on the Credit of the Tolls granted by the said former Act, or such Part thereof as shall be due and owing upon the Credit of the said Tolls, shall be, and shall be esteemed and taken to be Part of the said Sum of Four thousand Pounds, allowed to be borrowed by this Act, so that the whole Debt at any One Time, shall not exceed the Sum of Four thousand Pounds; any thing in this Act, or in the said former Act contained to the contrary notwithstanding.

And

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a General Meeting assembled, shall, and they are hereby impowered, to assign and make over the Whole or any Part of the Tolls or Duties, by this or the said former Act imposed, to the Person or Persons advancing or lending the Whole or any Part of such Sum of Money, as a Security for the Repayment of such Sum or Sums of Money so advanced, with Interest of the same, and the Money so borrowed by virtue of this Act, shall be, and is hereby declared to be, subject to and under the same Limitations and Restrictions, as are mentioned and prescribed by the said former Act.

Charges of passing this Act to be first paid, &c.

And be it further enacted by the Authority aforesaid, That all Costs and Charges expended in or about the procuring and passing this present Act of Parliament; and all Money lent or due upon the Credit of the said former Act, or for any Materials delivered or taken, or Work done, pursuant to the said Act, or otherwise due and owing upon Account, or which hereafter shall become due or owing upon Account, or by Reason of putting the said former or this present Act in Execution, in the said Counties of Linlithgow and Stirling, or in prosecuting Offenders against the said former or this present Act, shall be paid out of the Money collected or borrowed by virtue of this present Act.

Any 7 Trustees impowered to put this and the former Act in Execution.

And whereas by the former Act, the Number of Trustees appointed to transact all Business of Importance, is Seven or more, whereof Four to be of the County of Stirling, and Three of the County of Linlithgow, and it has by Experience been found difficult to assemble these Numbers out of the different Counties at Once: For Remedy whereof, be it enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and fifty eight, any Seven or more of the Trustees appointed by the said former or this present Act, shall be and are hereby declared (whether they be assembled out of both, or only out of One of the said Counties) to be vested with full Powers for executing all and every the Powers, Authorities, Matters, or Things, by the said former Act vested in, or directed to be done or performed, by Seven or more of the Trustees assembled in the Manner therein described; any thing in the said former Act contained to the contrary in any wise notwithstanding.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in any Case, in the Execution of this Act, unless he shall be infeoft in Superiority or Property, or possessed as Proprietor or Life-renter of Lands valued in the

Tax-roll for One or other of the said Counties to the Extent of One hundred Pounds Scots, excepting the eldest Sons and Heirs Apparent of Persons who are so infeoft in Superiority or Property, or possessed as Proprietor of Lands of the Extent and Valuation aforesaid, unless the Trustee so appointed be possessed of a Personal Estate of at least Five hundred Pounds of lawful Money of Great Britain: And if any Person or Persons not qualified as aforesaid, shall nevertheless presume to act, contrary to the Intent or Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit the Sum of Fifty Pounds Sterling, to be recovered, levied, and applied, in such Manner as is herein after directed.

Penalty on Persons acting, if not qualified.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees appointed, or to be appointed, to put the said former or this present Act in Execution, or any Seven or more of them, at a General Meeting assembled, to order such Person or Persons as they shall, by a Writing under their Hands, direct and appoint, to turn or alter any Part of the said Roads within the Counties of Linlithgow or Stirling, by the said former or this present Act directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers; and the said Trustees, or any Seven or more of them, shall, and they are hereby authorized and impowered, from time to time, to treat for, purchase, contract, and agree with, any Person or Persons, Bodies Politick or Corporate, that are or shall be Owners, Proprietors, or Occupiers of, or interested in, any Lands or Grounds, Tenements or Premisses lying contiguous to, or near the said Road, for such Lands or Grounds, Tenements or Premisses, or for the Loss or Damage which they, or any of them, shall or may any wise receive by such turning or altering of the said Roads: And in case of any Difference as to the Price or Value, that the same be ascertained and determined in Manner appointed by the said former Act; which said new Road shall from thenceforth be deemed and taken to be a publick Highway, and shall be repaired, amended, and kept in Repair, and shall be made of the like Breadth, and in the same Manner, as the said Highways directed to be repaired by the said former and this present Act.

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

Differences how to be determined.

And whereas it may happen, that some Person or Persons, Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this and the said former Act, may, by

the said Trustees, be thought necessary or proper to be taken in and added to the said Roads, either for extending, widening, enlarging, turning, altering, or amending the same, as aforesaid, and they may be willing to treat and agree to sell such Lands, Grounds, or Hereditaments for the Purposes aforesaid, but are incapable of granting, selling, or conveying the same, by reason of Infancy, or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, and for all and every Person and Persons whatsoever who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purpose aforesaid, and to sell and convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances which shall be made, shall be valid to all Intents and Purposes whatsoever; any Statute, Usage, Matter, or Thing whatever to the contrary thereof in any wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of, or in pursuance of, this Act.

Bodies Politick or Corporate, &c. impowered to sell Lands to be taken into the Road.

And in case any such Person, or Bodies Politick or Collegiate, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, shall, notwithstanding of the Powers hereby granted, be unwilling to convey such Lands, Grounds, Tenements, and Hereditaments, necessary and proper to be taken in and added to the said Roads, or have any Difference with the said Trustees appointed by the former and this present Act as to the Value of the same; be it enacted by the Authority aforesaid, That the Justices of Peace, at the next Quarter Sessions, or at the Second General Quarter Sessions at farthest, or the major Part of them then present, shall and may adjudge and finally determine as to the aforesaid Lands, Grounds, Tenements, and Hereditaments, necessary or proper to be taken in and added to the said Roads,

In case of Refusal to treat, &c.

Justices to determine Differences relating thereto.

Roads, assess for the Values thereof, and finally determine therein, and order the same to be paid by the Treasurer or Treasurers of the Tolls for the time being, out of the Monies arising from the said Tolls.

And whereas the Water of Almond is the Boundary betwixt the Counties of Edinburgh and Linlithgow, and that the great Post-road from the City of Edinburgh, both to the North and West Highlands, leads directly to the Boat-house Ford on the said Water; which, by reason of its Impetuosity, is not only dangerous, but frequently impassable, even by the Boat; which Boat can at no Time transport any Wheel Carriage: And whereas near by the Boat-house Ford the Situation of the Banks is such, that a convenient Bridge might be there erected, mutually to the Benefit of the said Counties, and of general Use to this Part of the United Kingdom, by making convenient and easy the shortest Communication from the City of Edinburgh to the Highlands of Scotland; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to the Trustees named by the former and this present Act, or any Five or more of them, authorized by a General Meeting, in Conjunction with the Trustees for repairing the Roads in the County of Edinburgh, or any Five or more of them, authorized by a General Meeting of the Trustees of the said County of Edinburgh, to concert and agree on a Plan of a Bridge, and cause the same to be erected as near as conveniently may be to the Boat-house Ford on Almond Water; and the Trustees for the said Counties of Edinburgh, Stirling, and Linlithgow, are hereby impowered to apply as much of the Money borrowed, or to be borrowed, on the Credit of their respective Tolls in the said Counties, as they shall judge necessary for erecting and finishing the said Bridge, and to proportion the same amongst the said Counties, in such Manner as shall be determined by any Seven or more of the Trustees appointed by this and the former Act, assembled at a General Meeting, and by any Seven or more of the Trustees for the County of Edinburgh, assembled at a General Meeting specially called for that Purpose; and the aforesaid Trustees of the respective Counties, or their Quorum, are hereby authorized to charge the Monies which shall be applied for erecting the said Bridge, in Manner following; to wit, Such Part thereof as shall be determined in Manner foresaid to be the Proportion of the Counties of Linlithgow and Sterling, upon the whole Tolls imposed by the said former and this present Act; and such Parts of the said Monies as shall be determined in Manner foresaid, to be the Proportion of

A Committee of Trustees for the Counties of *Edinburgh*, *Stirling*, and *Linlithgow*, impowered to concert and build a Bridge over *Almond* Water.

Monies expended in building the Bridge how to be charged and proportioned.

the County of Edinburgh, upon these Tolls only which shall arise from the Road within the said County last-mentioned, leading from the City of Edinburgh, by Colt-bridge, to the Boat-house Ford, on Almond Water, and not on the Tolls of any other Road within the said County of Edinburgh; and the said Trustees for repairing the Roads in the Counties of Edinburgh, Stirling, and Linlithgow, severally assembled at any General Meeting in their respective Counties called for that Purpose, are hereby authorized to apply such Part of the Funds commonly called Bridge Money, as they shall judge proper for erecting and finishing the said Bridge, or replacing the Monies borrowed, or to be borrowed, on the Credit of the said Roads, for erecting and finishing the aforesaid Bridge; and the Trustees named by the former and this present Act, or any Five or more of them, assembled at a General Meeting, are hereby authorized and appointed to indemnify the Proprietor of the Passage Boat near the said Boat-house Ford, and the Proprietor or Proprietors of the Grounds near to the said Ford, that may be occupied by the erecting the said Bridge, and that so soon as the Bridge shall be erected, on such Terms as they can agree with the said Proprietor or Proprietors; and, in case of Difference, that the same shall be adjusted in Manner appointed by the former Act, with regard to the Losses sustained by Proprietors, where Grounds or Lands are occupied by, or taken in, for the Improvement of the said Road.

Recompence to be made to the Proprietor of the Passage Boat, and Owners of the Grounds made use of.

And whereas it would be a great Advantage to Travellers, and for the Interest of Commerce, to have a Communication betwixt Cramond Bridge, and betwixt the other Bridge upon Almond Water, commonly called The New Bridge, opened to the great Post-road leading through the County of Linlithgow; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees appointed by the former and present Act, or any Seven or more of them, to cause make a Road, either from Cramond Bridge, or the said new Bridge, or both, and carry on the same from the said Bridge or Bridges to such Part or Parts of the great Post-road leading through the County of Linlithgow, as they shall judge most proper and necessary, and that agreeable to the legal Standard in Scotland; and to enlarge where the Trustees shall judge necessary, conform to the Powers and Regulations in the said former and this present Act contained; which said new Road or Roads shall thenceforth be deemed and taken to be a publick Highway, and shall be repaired, and amended, and kept in Repair, in the same

Trustees impowered to make a Road from *Cramond Bridge*, and *New Bridge*, opening into the great Post-road.

Manner

manner as the said Highways directed to be repaired by the said former or this present Act.

And whereas the Exemption by the former Act for Carts, Wains, Waggons, or other Carriages, carrying any Hay or Corn in the Straw to be laid up in the Houses, Barns, or Yards, belonging to the Heretors, Tenants, or Inhabitants of the said Counties, unless where the same was carried for Sale, has given Occasion to Devices for disappointing the Toll; be it therefore enacted by the Authority aforesaid, That all Carts, Wains, Waggons, or other Carriages, carrying any Hay, or Corn in the Straw, shall, from and after the said First Day of June, One thousand seven hundred and fifty eight, be liable in Toll for the Carriage of the same, unless where the said Hay, and Corn in the Straw is carried through a Turnpike from one Part of a Farm to another Part of the same Farm, to be laid up in the Houses, Barns, or Yards, of or belonging to the said Farm; any thing in the former Act contained in the contrary notwithstanding.

Carts with Hay or Corn, &c. to pay Toll, except in particular Cases.

And be it further enacted, That from and after the said First Day of June, One thousand seven hundred and fifty eight, there shall be no Exemption to any Person or Persons, who shall pass through the said Turnpikes to Church, Chapel, or any other Place of Religious Worship on Sunday, except such Person or Persons have their Residence within the Parish where the Toll-gates or Turnpikes are or shall be erected; any thing in the former Act contained to the contrary in any wise notwithstanding.

Persons passing to Church, who are Non-Residents within the Parish, to pay Tolls.

And whereas by the former Act no Cart, Waggon, or Horse, loaded with Flax, Lintseed, Linen or Linen-yarn, Wool, Woollen-yarn, and Woollen-cloth, without other Loading, was liable in Payment of Toll, which by Experience has been found highly inconvenient, and has given Occasion to many other Loadings passing Toll-free on Pretence that the Cart, Waggon, or Horse, was loaded only with the Goods contained in the above Exemption; the Waggoners or Carriers having a Sample of these ready to produce for covering their other Loading from Payment of Toll: For Remedy whereof, be it enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and fifty eight, the aforesaid Exemption shall cease; and Carts, Waggons, or Horses, loaded with Flax, Lintseed, Linen, or Linen-yarn, Wool, Woollen-yarn, and Woollen-cloth, either with or without any other Loading, shall be subjected to and liable to the Payment of the Tolls and Duties made payable by the former and this present Act; any thing in the former Act to the contrary notwithstanding.

Carriages with Flax, Lintseed, &c. to pay Tolls.

And whereas the Tolls appointed for repairing the said Roads are greatly diminished, and the Reparation of the Roads retarded, by People who, for avoiding the Payment of the Toll at the Turnpikes, travel through the Fields, or use unfrequented Roads near to the Turnpikes with Coaches, Wains, Carts, or other Carriages, and with Horses, Oxen, or otherwise; be it enacted by the Authority aforesaid, That if any Person or Persons occupying Lands near to any Turnpikes which shall be erected in pursuance of this Act, shall knowingly or willingly permit or suffer any Person or Persons to pass through the same, or through any Passage or Way, with any Coach, Cart, or other Carriage, or with any Horse, Ass, or other Cattle, whereby the Payment of the Toll or Duty by this Act imposed shall be avoided, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or Cattle, being thereof convicted by the Testimony of One or more credible Witness or Witnesses before any Two or more of the Justices of the Peace of the said Counties respectively, shall, for every such Offence, respectively, forfeit and pay to the said Trustees, or their Collector or Collectors, the Sum of Twenty Shillings Sterling.

Penalty on Persons permitting, or going through, private Passage, &c.

to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said Trustees, or any Seven or more of them, to cause erect Stiles, Gates, or Barriers, in order to prevent or put a Stop to the like Practices in Time coming, and that if any Person or Persons shall maliciously pluck down, break down, or otherwise destroy the same, or shall rescue any Person or Persons in Custody for any of the said Offences, every Person or Persons so offending, in any of the Premisses, and being thereof lawfully convicted, in any Prosecution carried on in Manner directed by the former Act, shall be liable and subject to such Damages, Expences and Punishment, as is by the said former Act appointed to be inflicted, upon such Person or Persons as shall maliciously break down, or otherwise destroy any Turnpike Gates, Posts, Chains, Bars, or other Works whatsoever, erected for the Use of such Turnpikes.

Trustees may erect Stiles and Barriers to prevent private Passage, and punish such as shall destroy the same.

Provided always, That such Person or Persons so offending, either with Regard to the maliciously plucking down, breaking down, or otherwise destroying the Stiles, Gates, and Barriers, to be erected by virtue of this Act, or maliciously breaking down, or otherwise destroying any Turnpike Gates, Post, Chains, Bars, or other Works whatsoever, or the Houses erected for the Use of such Turnpikes, or abusing or mal-treating any of the Toll-gatherers,

Trustees may commute corporal Punishments into pecuniary Mulcts.

gatherers, or rescuing any Person in Custody for any of the said Offences, upon their being lawfully convicted in Manner prescribed by the former Act, may, in the Option of the Trustees, or any Seven or more of them, besides the Damages and Expences, be fined in a Sum not under One Pound, nor above Ten Pounds Sterling, which the said Trustees, or any Seven or more of them, are hereby authorized to accept of, in Place of the publick Whipping appointed by the former Act, and to order the Prosecution accordingly; any thing in the former or this present Act to the contrary notwithstanding.

And whereas the Distance by the Post-Road betwixt Falkirk and Inch Bellie Bridge, is Fourteen Miles, on which there are erected Two Turnpike Gates: And whereas it appears necessary that One of these Turnpike Gates should be removed from the Place where it now is, and erected within or near the Town of Kilsyth, although by that Means these Two Turnpike Gates will not be full Six Miles distant from One another, as by the former Act directed; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to cause remove One of these Turnpikes, and place the same within or near the Town of Kilsyth, and draw the full Tolls by the former and this present Act appointed, at each of these said Two Turnpike Gates, albeit the Distance from the One to the other be less than Six Miles; any thing in the former or this present Act contained in the contrary notwithstanding.

One of the Turnpikes to be removed near the Town of *Kilsyth*.

And whereas the laying of Timber and Stones on the great Roads, by the Persons inhabiting Houses adjacent thereto, and the laying of Dung, Lime, or other Compost, for manuring of Lands, on or near by the said Roads, has been found not only an Obstruction to Travellers, but also detrimental to the Roads; be it therefore enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and fifty eight, no Person or Persons whatsoever, shall lay any Timber or Stones, or any Dung, Lime, Soil, Compost, or Matter whatsoever, on or within Five Yards of the Side of any Part of the Roads directed to be repaired by the said former or this present Act, in the Counties of Linlithgow and Sterling; and in case any Person or Persons shall lay any Timber or Stones, or any Dung, Lime, Soil, Compost, or other Matter whatsoever, upon the said Roads, or within the Distance of Five Yards from the Side of the said Roads (except in the Case where Lime, Timber, Stones, or other Materials, are laid down for building of Houses, enclosing

Penalty of laying Timber, Stones, or Manure, on the Sides of the Roads.

enclosing or planting of Grounds, adjacent to the said Roads) such Person or Persons shall for every such Offence, forfeit the Sum of Twenty Shillings Sterling; and also all such Timber and Stones, Dung, Lime, Compost, or other Matters as aforesaid; which said Penalties and Forfeitures, shall be recovered and levied in the same Manner as any Penalty or Forfeiture is by the said former Act directed to be recovered and levied; and shall be applied, One Moiety to the Person who shall inform the same, and the other Moiety towards repairing and amending the said Roads.

Application thereof.

Publick Act. And be it further enacted and declared by the Authority aforesaid, That this Act shall be taken and allowed to be a Publick Act; and all Judges, Justices, and other Persons are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.