ANNO UNDECIMO

Georgii III. Regis.

An Act to enlarge the Term and Powers of so much of an Act made in the Twenty-fourth Year of the Reign of King *George* the Second as relates to the repairing the Road from *Cramond Bridge* to the Town of *Queensferry*, in the County of *Linlithgow*.

WHEREAS, by an Act made in the Twenty-fourth Year of his late Majesty King George the Second, (intituled, An Act for repairing the High Roads in the County of *Edinburgh*, to and from the City of *Edinburgh*, and from *Cramond Bridge* to the Town of *Queensferry*, in the County of *Linlithgow*;) the Trustees named in the said Act for the Road from Cramond Bridge to Queensferry were impowered to collect the Tolls therein mentioned, to be applied for making and repairing the said Road: And whereas the Tolls to be raised during the subsisting Term of the said Act will not be sufficient to keep the said Road from Cramond Bridge to Queensferry in Repair, and to pay off the Debt which

Preamble, reciting Act 24 *Geo.* I.

which has been contracted by virtue of the Powers granted by the said Act: For Remedy whereof, and to the End that the said Road may, with all convenient Speed, be amended and kept in good Repair, and the Debt which has been contracted in virtue of the Powers granted by the aforesaid Act, paid off, may it 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 all and every Person who is at present, or shall be at any Time after the Commencement 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 Lands lying in the County of Linlithgow, valued in the Tax-roll of the said County at One hundred Pounds Scots of valued Rent; and all and every the eldest Sons of such Persons, and the Baillies of the Borough of Queensferry for the Time being, shall be, and are hereby nominated and appointed Trustees for surveying, ordering, repairing, and keeping in Repair the said Road leading from the Town of Queensferry, in the County of Linlithgow, to Cramond Bridge; and the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected, a Gate or Turnpike, in or across any Part of the aforesaid Road, and also to erect or build a Toll-house, as they, or any Five or more of them, shall think fit, in or upon the same, and to demand and take the Tolls and Duties following, before any Coach, Berlin, Landau, Calash, Chaise, or Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, or any Horse, Mare, Mule, Gelding, or other Cattle whatsoever, shall be permitted to pass through the same; that is to say,

Qualification of Trustees.

Trustees may erect Turnpikes, &c.

and take Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Hearse, Berlin, Chaise, or Calash, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Eight-pence 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 Four-pence Sterling; and for every Chaise, Calash, or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Two-pence Sterling.

For

For every Waggon, Wain, Cart, Sledge, or other Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Three-pence Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two-pence Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Penny Sterling; and for every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Halfpenny 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 lesser 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 lesser Number.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, and as a Toll or Duty; and the Money so to be raised and collected thereby shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, for the amending and keeping in Repair the Road aforesaid, and to and for the several Intents, Uses, and Purposes, in such Manner as by this Act is directed and declared: And it shall and may be lawful for the said Trustees, or any Five or more of them, or any such Person or Persons, as they, or any Five or more of them, shall, from Time to Time, nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable, and to levy the same upon any such Person or Persons who shall (after Demand thereof made) neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon which Tolls or Duties are by this Act imposed and laid, or by Distress of any other of the Goods of such Person or Persons who ought to pay the same, and to detain and keep such Goods so distrained until such Tolls or Duties, with the reasonable Charges of such distraining and keeping, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Diſtreſs made and taken, ſhall and may ſell the Goods ſo diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls or Duties, and reaſonable Charges of diſtraining and keeping the ſame, ſhall be deducted and paid.

Truſtees may appoint Officers,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, at a General Meeting aſſembled, to chuſe and appoint One or more fit Perſon or Perſons to be Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the ſaid Truſtees, for receiving the Tolls or 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 Road, or ſuch other Officers as they ſhall think proper; and, from Time to Time, to remove ſuch Clerks, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and appoint new ones in caſe of Death or Removal: And all and every Perſon or Perſons, who is, are, or ſhall be liable by this Act to pay the ſaid Tolls or Duties, are hereby required to pay the ſame unto the ſaid Collector or Collectors, Receiver or Receivers, ſo from Time to Time to be appointed as aforeſaid, after the Rates aforeſaid; and the Perſon or Perſons, Receiver or Receivers, Collector or Collectors, appointed as aforeſaid, for receiving of the ſaid Tolls or Duties, and alſo ſuch Surveyor or Surveyors, ſhall, on the Firſt Tueſday in every Month, or at any other Time to be appointed by the ſaid Truſtees, or any Five or more of them, during the Continuance of this preſent Act, give in a true, particular, exact, and perfect Account in Writing under their reſpective Hands, with the reſpective Vouchers of all Monies which he or they, every or any of them, have received, paid, and diſburſed, by virtue of this Act, by reaſon of their reſpective Offices, and verify the ſame upon Oath, if required; and in caſe any Overplus-money, ſo received, ſhall remain in their, or any of their Hands, they ſhall pay the ſame into the ſaid Truſtees, or to ſuch Perſon or Perſons as they, or any Five or more of them, at a General Meeting aſſembled, ſhall authoriſe and appoint to receive the ſame, to be diſburſed and laid out in amending and repairing the aforeſaid Road, and not otherwiſe: And the ſaid Truſtees, or any Five or more of them, at a General Meeting aſſembled, ſhall and may, and they are hereby authoriſed and impowered, out of the Money ariſing by the ſaid Tolls

and remove them and appoint others.

Officers to account upon Oath.

Truſtees to allow Officers Salaries.

Tolls or Duties, to make such Allowance unto their Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors, or other Officers appointed by them, for and in Consideration of their Care and Pains taken in the Execution of the said respective Offices, and to such other Person or Persons who shall have been, or may be assisting in making and repairing the Road aforesaid, by advancing or laying out any Monies, or otherwise, relating thereunto, as unto them shall seem good, over and above the necessary Disbursements made by them: And in case the said Collector or Collectors, Receiver or Receivers, or any other Person or Persons concerned in the Collection or Receipt of the aforesaid Tolls or Duties, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Order and Direction of the said Trustees, or any Five or more of them, at a General Meeting assembled, that then the said Trustees shall make Enquiry of and concerning such Default, as well by the Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses, upon Oath, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) or by other legal Evidence; and if any Person or Persons shall be convicted of the Offences aforesaid, by the said Trustees, or any Five or more of them, they the said Trustees, or any Five or more of them, shall, and they are hereby impowered to impose or levy a Sum of Money from and upon such Person or Persons, not exceeding double the Sum of Money un duly detained or misapplied: And in case such Person or Persons shall refuse, or be unable to pay the said Sum of Money so detained or misapplied by him or them, then, and in such Case, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to commit such Person or Persons to the Common Gaol of Queensferry, there to remain until he, she, or they, shall have made and rendered a true and particular Account and Payment as aforesaid, or until he, she, or they, shall have compounded and agreed with the said Trustees, or any Five or more of them; (which Composition they, or any Five or more of them, at a General Meeting assembled, are hereby impowered to make) and have paid such Composition to the Treasurer or Treasurers for the Time being, or such Person or Persons as the said Trustees, or any Five or more of them, shall appoint.

Officers refusing to account,

Trustees to enquire into the Default;

and levy the Balance by Distress,

until Composition be made.

And

Forfeiture not to be laid out but by Order of the Truſtees at a General Meeting.

And be it further enacted by the Authority aforeſaid, That all and every ſuch Sum or Sums of Money, ariſing or levied by and on account of the ſaid Penalties or Compoſitions, ſhall not be laid out or expended without the Order of the ſaid Truſtees, or any Five or more of them, at a General Meeting aſſembled, or of ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authoriſe and appoint.

Surveyors may dig Gravel, &c. in private Grounds,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Stones, Sand, or other Materials, out of the ſeveral Grounds of any Perſon or Perſons, whether the ſame be incloſed or unincloſed (not being the Ground whereon any Houſe or Buildings ſtand, or a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any Houſe, or any Piece or Parcel of incloſed Ground planted, ſet apart, and uſed as a Plantation or Nurſery for Trees) where ſuch Materials are or may be found, and, from Time to Time, to carry away the ſame, or ſo much thereof as the ſaid Surveyor or Surveyors, in their reſpective Places, ſhall judge neceſſary for repairing and amending the Road aforeſaid, on paying ſuch Sum or Sums of Money for the Damage done to the Owners and Occupiers reſpectively of the Ground where, and from whence the ſame ſhall be digged, gathered, carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, appointed for repairing the ſaid Road, or any Five or more of them, ſhall adjudge reaſonable: And in caſe of any Differences concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damage as aforeſaid, the Juſtices of the Peace at their next General Quarter-ſeſſions, or at the Second General Quarter-ſeſſions at the fartheſt, to be holden in and for the ſaid County, or the major Part of them then preſent, ſhall and may adjudge, aſſeſs, and finally determine the ſame, and order the ſame to be paid by the Treaſurer or Treaſurers for the Time being, out of the Monies ariſing by the ſaid Tolls.

making Satisfaction to the Owners.

Juſtices to ſettle Differences.

Surveyors may make Cauſeways, and cut Drains, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees, or any Five or more of them, to make, or cauſe to be made, a Cauſeway or Cauſeways, and to cut and make Ditches and Drains through any Ground lying contiguous to the ſaid Road, and to make or erect Bridges or Arches of

Brick, Timber or Stone, upon the said Road; and where any Parts of the said Road are not of a sufficient Breadth, according to the Rate and Standard established in Scotland, to widen and extend the Breadth of the said Road to the legal Standard; and further, where it shall appear necessary to alter the Situation of the said Road altogether, or to widen the same beyond the legal Standard, the said Trustees, or any Five or more of them, shall, and they hereby have full Power to alter or extend the same to such Breadth as they, or any Five or more of them, shall think proper, paying such Damages to the Owners and Occupiers respectively, whose Grounds shall be prejudiced or damaged by such Alterations and Widening, as the said Trustees, or any Five or more of them, shall judge reasonable: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, the Justices of the Peace of the said County of Linlithgow, at their next General Quarter-sessions, or at the Second General Quarter-sessions thereafter at farthest, or the major Part of them present, shall and may adjudge, assess, and finally determine the same, 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 widen narrow Parts of the Road, &c.

making Satisfaction to the Owners.

Justices to determine Differences.

Provided always, That, in altering or widening the aforesaid Road beyond the legal Standard, nothing shall be done which may any-wise prejudice or damage any House or Building, or any Garden, Orchard, Yard, Inclosure, or planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground, set apart or used as a Plantation or Nursery for Trees: And that where it shall be found necessary to make Passages for the Water from Ditches or Trenches through the Ground of any adjacent Proprietor, that such Proprietor, or the Possessor of such Ground, after such Passages or Outlets are so made, shall be obliged, in all Times 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 Five or more of them, so as the said Outlets may not be stopped, or made to re-stagnate into the said Trenches or Ditches, but may have free Passage through the said Proprietors Grounds: And in case of the Proprietor or Proprietors neglecting or refusing to clear or to cleanse such Outlets, when duly required by the Surveyor or Surveyors of the said Roads, or any Five of the Trustees; then, and in that Case, such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to levy the Ex-

Houses not to be damaged by altering the Road.

Passages made for Water through private Grounds, to be kept open by the Proprietor.

pence thereof on the Owner or Proprietor of such Grounds, in Manner herein-after directed.

Exemptions from Tolls.

Provided always, and it is hereby expressly provided and declared, That no Toll or Duty shall be demanded or taken at any Turnpike erected or to be erected by virtue of this Act, nor shall any Person be liable to pay any Toll or Duty for carrying Stone, Brick, Lime, Timber, Wood, or other Materials for repairing the said Road, or for amending any of the Highways in the Parishes in which the Road, directed to be repaired by this Act, does lye; or going for or returning through the Turnpike with any Dung, Mould, Lime, or Compost, to be laid upon any Garden or Grounds arable, Meadow or Pasture, lying within the said Parishes; nor shall any Toll or Duty be demanded or taken for any Carts, Wains, Waggons, or other Carriages, carrying any Hay or Corn in the Straw to be laid up in the Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes or Places through which the said Road, hereby intended to be repaired, does lead (without Prejudice nevertheless to the said Commodities their paying Toll or Duty, when carried for Sale along the said Road); nor for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever belonging to, or to be employed by such Inhabitants respectively only in Husbandry, manuring or stocking of Lands, lying within such Parishes and Places adjoining to the said Road; nor from any Person or Persons residing in the said Parishes in which the Road hereby directed to be repaired does lye, who shall pass through the said Turnpike to or from Church, Chapel, or other Place of religious Worship on Sundays; or for any Horse, Gelding, or other Cattle, going to or returning from Pasture or watering Places belonging to such Parishes or Places, or any of the neighbouring Inhabitants near to the said Road; or for any Post-horses carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; nor for Horses, Carts, or Carriages travelling with Vagrants sent with legal Passes; nor shall any of the said Tolls or Duties be demanded or taken for any Cart, Waggon, or Horse loaded with Corn or Meal going to or returning from the Mills of Craigie and Bridge End, commonly called Craigie Mill, and Bridge End Mill, being the Property, and for the Use of the Inhabitants of the Parishes of Dalmeny, Queensferry,

Exception.

Ferry, and Abercorn; any Thing herein contained to the Contrary notwithstanding.

Trustees may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all or any of the said Trustee or Trustees, appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the said County of Linlithgow, to act as a Justice or Justices of the Peace in all Cases, Matters, or Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at a General Meeting assembled, shall, and they are hereby impowered, as they shall see convenient or think fit, to compound or agree by the Year, or otherwise, with any Person or Persons using to travel through the Turnpike to be erected on the said Road, and living within Three Miles of such Turnpike, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, or Mule, or any other Beast of Draught or Burden, for any Sum or Sums of Money, to be paid quarterly, from Time to Time, after such Agreement is made: And that Copies of all such Compositions or Agreements, so to be made by the said Trustees, as aforesaid, shall be entered at length in a Book or Books, to be kept for that Purpose by the respective Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whatsoever, at all seasonable Times, without paying any Fee or Reward.

Copies of Agreements to be entered in a Book.

How Composition-money may be recovered.

Provided always, and be it enacted by the Authority aforesaid, That, in case any Composition-money, agreed to be paid for Passage through the said Turnpikes or Gates to be erected by virtue of this Act, shall not be paid within Fifteen Days next after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful for any Two of the Justices of the Peace for the said County of Linlithgow, by Warrant under their Hands, to impower the Person authorised by the Trustees to receive such Composition-money, and Oath being first made that the same had been demanded, and remains unpaid, (which Oath the said Justices are hereby authorised to administer) to levy such Composition-money on the Person and Persons so refusing or neglecting to pay the same, in Manner herein-after mentioned.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties hereby granted shall take Place from

from and after the Term of Lammas, One thousand seven hundred and seventy-two, and shall continue and be paid for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

After the Turnpike Road shall be amended, the Tolls to be applied in repairing the Bye-Roads.

And be it further enacted by the Authority aforesaid, That the Trustees appointed for repairing the said Road shall, and they are hereby impowered, after the same shall be sufficiently amended, to apply the said Tolls, or what Part of them they shall think fit, towards repairing and amending the Cross and Bye-Roads in the Three Parishes aforesaid: And if, at any Time before the Expiration of the said Term of Twenty-one Years, the said Turnpike Road shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace of the County of Linlithgow, at their General Quarter-sessions, that then, and after such Adjudication made, the Tolls and Duties hereby granted shall, with Consent of the Creditors, cease in Whole, or be diminished in such Proportions as the said Trustees, or any Five or more of them, at a General Meeting assembled, shall determine, or, in their Option, shall be applied to the Repair of the Bye-Roads leading to the said Road from Cramond Bridge to the Town of Queensferry.

Tolls to cease or be diminished upon the Roads being adjudged sufficiently repaired.

Trustees may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That during the said Term of Twenty-one Years, the said Trustees, or any Five or more of them, at a General Meeting assembled, shall, and they are hereby impowered to diminish or lessen any or all of the said Tolls or Duties, as they shall see Cause.

And may set them by publick Roup.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at a General Meeting assembled, are hereby impowered and required, by publick Roup, to set the said Toll or Duty, from Time to Time, during the Continuance of this Act, by Lease, or otherways, for any Term not exceeding Three Years, for the highest Rate 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 by the said Trustees, or any Five or more of them.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more effectual and speedy Reparation of the said Road, be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at a General Meeting assembled, to borrow such Sum or Sums of Money, not exceeding in the Whole the Sum of Five hundred Pounds Sterling, and to assign over the Tolls or Duties arising

by

by virtue of this Act, or any Part thereof, for any Term during the Continuance of the same, as a Security for any Sum or Sums of Money to be borrowed for repairing the said Road, to such Person or Persons as shall advance or lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum for the Time being; which Money so borrowed, as well as the Tolls to be levied by virtue of this Act, shall be applied, in the first Place, to pay off the Charges, and Expences incurred in the obtaining of this Act, and the Remainder shall be applied and disposed of for paying the Interest and Principal of the Debt contracted in virtue of the former Act, and for the Repairing of the said Road, or defraying the other Expences in carrying this Act into Execution, and for no other Use or Purpose whatsoever. Application of Money.

Provided always, and it is hereby provided and declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted and to be collected, unless Notice for that Purpose shall be fixed in Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon the Turnpike-gate erected by virtue of this Act, or by Advertisement to be inserted in any of the Edinburgh Newspapers, at least Fourteen Days before the borrowing of such Money. 14 Days Notice to be given of borrowing Money.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any Stones or Posts already erected in Terms of the former Act, or to be erected by virtue of this Act, denoting the Distance of each Mile of the said Road, or obliterate or deface any Letters or Figures made, inscribed, or put thereon, or shall break down or otherways destroy any Mason-work on any of the Bridges or Parapet-walls on the said Road, and shall be thereof convicted before any One or more Justice or Justices of the Peace in the County of Linlithgow; such Person or Persons so offending shall respectively forfeit and pay the Sum of Twenty Shillings Sterling for every such Stone, Post, Bridge, or Parapet-wall so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced; to be levied and recovered in the same Manner as other Penalties are by this Act directed to be recovered and levied; and such Forfeitures shall be applied, One Moiety to the Informer, and the other Moiety in repairing the Stones, Posts, Bridges, and Parapet-walls, so broken, pulled Penalty on defacing Mile-Stone, &c.

up, damaged, or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Road: And in case the Person or Persons so offending and convicted shall have no sufficient Goods and Chattels whereon such Forfeiture can be levied, then it shall and may be lawful for any One or more Justice or Justices of the Peace, by Warrant under his or their Hand or Hands, to commit such Person or Persons to the common Gaol within the said County, there to remain for any Space not exceeding Three Months, or until the Payment of such Penalty as aforesaid.

No Trustee to accept of a Place of Profit.

And be it further enacted, and declared, by the Authority aforesaid, That no Person or Persons appointed, or to be appointed, by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by Reason of any Tolls or Duties by this Act laid or granted; but 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.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet in the Town-house of the Borough of Queensferry in the said County of Linlithgow, upon the second Saturday of July, One thousand seven hundred and seventy-two, with Power to them at their said Meeting to adjourn themselves to such Times and Places as they shall think proper or convenient, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any Meeting, or at any adjourned Meeting, which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in that Case, the Clerk or Clerks to the said Trustees, by Notice in Writing, under his or their Hand or Hands, to be fixed on the said Turnpike-gate to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the Meeting of the said Trustees was appointed to be held, or at some other convenient Place on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their first, and all their subsequent Meetings,

Ten Days Notice to be given of all Meetings.

Trustees to defray their own Expences.

Meetings, shall defray their own Charges and Expences.

And be it further enacted by the Authority aforesaid, That all Tolls, Duties, Penalties, and Forfeitures by this Act imposed, if not otherwise directed to be levied by this Act, shall be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hands of any Two or more Justices of the Peace for the said County of Linlithgow; and the Persons distraining for such Penalties are hereby authorised and impowered to sell the Goods or Chattels so distrained, and return the Overplus Money, if any there be, upon Demand, to the Owners of such Goods or Chattels, after such Tolls, Duties, Penalties, or Forfeitures, with the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid. Penalties and Forfeitures, how to be recovered and applied.

Provided always, and it is hereby enacted, by the Authority aforesaid, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes where the Tolls or Duties shall be demanded and taken, and shall return the same Day through the same Turnpike before Twelve of the Clock at Night, with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any other Sort of Cattle for which such Tolls or Duties have been paid, shall be liable or compelled the same Day to pay the said Tolls or Duties more than Once on the said Roads. Tolls to be paid but once a Day;

Provided always, and it is hereby expressly declared, That Carriages of all Sorts, Horses, or other Beasts of Burden passing or returning in one Day with a new Loading, shall be subject to Toll each Time at passing and returning through the said Turnpike-gate with a new Loading, excepting such Coach or Coaches, Berlin or Berlins, Chariot or Chariots, Landau or Landaus, Calash or Calashes, Chaise or Chaises, or Chair or Chairs, which any Person or Persons do or shall keep for his or their private Use only, and excepting all Stage Coaches, and Stage Chaises, and Carriages with Materials for Building, which shall be subjected to pay Toll only Once on the same Day, though passing and returning oftner with such Materials, or different Persons. except in the case of a new Loading.

And be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning, renting, or occupying any Lands or other Premises near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly and willingly permit and suffer any Person and Persons to pass over the same, or through any Penalty on Persons permitting a private Passage.

any Gate, Paſſage, or Way, with any Coach, Chariot, Landau, Berlin, Calaſh, Chaiſe, Chair, Litter, Waggon, Wain, Cart, Carriage, Horſe, Aſs, Mule, or any Sort of Carriage, or Cattle, or ſhall open any new Road (without the Conſent of the Juſtices of the Peace of the ſaid County obtained, upon an Application being made to the ſaid Juſtices convened at their General Quarter-ſeſſions, which Application the ſaid Juſtices are hereby authoriſed and required to order to lie upon the Table to their next General Quarter-ſeſſions, and then and not ſooner they are to determine the Propriety of opening the ſaid Road), whereby the Payment of the Tolls or Duties by this Act laid is or ſhall be avoided; every ſuch Perſon or Perſons ſo offending, and the Perſon or Perſons riding in, driving, or owning ſuch Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Waggon, Wain, Cart, Carriage, or Cattle, or riding, leading, or driving ſuch Horſe, Mule, or Aſs, and being thereof convicted upon Oath, or by the Teſtimony of One or more credible Witneſs or Witneſſes, before any Two or more Juſtices of the Peace of the ſaid County, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Truſtees hereby authoriſed to put this Act into Execution, or to their Treaſurer for the Time being, the Sum of Twenty Shillings Sterling; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied by Diſtreſs and Sale as aforeſaid.

Penalty on Perſons avoiding the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time, during the Continuance of this Act, unload, or cauſe to be unladen, any Sort of Goods or Merchandiſe; or take off, or cauſe to be taken off, any Horſe or Horſes, from any Coach, Chariot, Berlin, Landau, Chaiſe, Calaſh, Chair, Hearſe, or Litter, or any Horſe or Horſes, Or or Oxen, or other Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before the ſame ſhall come to the ſaid Gate or Turnpike erected by virtue of this Act, with an Intent to avoid paying all or any Part of the Tolls or Duties hereby impoſed; or ſhall conceal or ſecrete any Goods or other Things chargeable with the Tolls or Duties aforeſaid; or ſhall put or leave in any Houſe or Place, any Coach, Chariot Berlin, Landau, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage, Horſe, Gelding, Mare, or any other Cattle chargeable with, or liable to pay the ſaid Tolls or Duties, with ſuch Intent as aforeſaid; each and every Perſon ſo offending, and being thereof convicted upon Oath,

Oath, or by the Testimony of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace for the said County, shall forfeit the Sum of Twenty Shillings Sterling, and shall pay the same to the Trustees appointed, or to be appointed to put this Act in Execution, or to any Five or more of them, or to their Treasurer for the Time being; which Sum, in case the same be not forthwith paid when demanded, shall be levied by Distress and Sale as aforesaid.

Penalty on giving or receiving Tickets to evade the Tolls.

And, for the preventing the committing of Frauds and Abuses in the said Tolls and Duties hereby granted, be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Tolls and Duties by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Tolls or Duties, shall give or dispose of such Notes or Tickets, or each or any of them, to any other Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person giving or disposing of such Note or Ticket, and the Person receiving the same, being convicted upon Oath, or by the Testimony of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace for the said County, shall respectively forfeit and pay the Sum of Twenty Shillings Sterling; to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Penalty on destroying Turnpikes, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall maliciously break down, pluck up, or otherwise destroy any Turnpike-gates, Posts, Rails, Chains, Bars, or other Parts thereof, or the Houses erected for such Turnpikes, or shall rescue any Person in Custody for any of the said Offences, every Person so offending in any of the Premises, and being thereof convicted by the Oath of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace of the said County, shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also be publickly whipped or scourged through the Town of Queensferry, upon a Market-day, between the Hours of One and Two in the Afternoon: And if such Person shall be convicted as aforesaid, a Second Time of the like Offence, it shall be lawful for the said Justices to adjudge such Person to be imprisoned for any Time not exceeding Six Calendar Months, and to be Twice publickly whipped or

scourged through the Town of Queensferry during such Imprisonment.

Penalty of assaulting Officer on his Duty.

And be it further enacted, That if any Person shall assault any Collector or Tacksman of the Toll, being in the Execution of his Office, or by Force pass through any Turnpike-gate, without paying the Tolls or Duties hereby granted, every such Person so offending, and being thereof convicted upon Oath before any Two or more Justices of the Peace of the said County, shall, for every such Offence, forfeit and pay to the said Trustees, the Sum of Five Pounds Sterling, to be recovered by Distress and Sale as aforesaid.

Limitation of Actions.

And be it further enacted and declared by the Authority aforesaid, That all Actions, for all and every the Penalties imposed by this Act, shall be commenced within the Space of Six Calendar Months after the Fact from which the Penalty arises was committed, and not afterwards.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That the said Trustees shall keep an exact Account in a Book for that Purpose of the Money received by virtue of this Act, and the Application thereof, and all other their Proceedings; to which Book the Heretors of the County of Linlithgow shall, at all seasonable Times, be at Liberty to resort, and to inspect the same without any Fee or Reward.

Penalty on Misapplication of the Tolls.

And be it further enacted by the Authority aforesaid, 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 so misapplied; to be recovered against him or them at the Suit of any Three or more Heretors within the said County of Linlithgow, possessed of Three hundred Pounds Scots each of valued Rent, who are hereby authorised to sue for and recover the same in an Action summarily before the Lords of Session, without abiding the Course of the Roll, with Costs of Suit; One Moiety of which Forfeiture shall belong to the Person who sues for the same, and the other Moiety shall be paid to the said Trustees, to be applied by them, or any Five or more of them, for the Repair of the Roads by this Act directed to be repaired; but if any such Prosecution shall, after Trial, be found vexatious or groundless, the Prosecutor or Prosecutors shall be liable to pay Treble Costs of Suit.

And

And be it enacted by the Authority aforesaid, That no Person shall be intitled to act as a Trustee under this Act, unless he shall be at the Time of such acting in the actual Possession, or Apparent-heir of Lands lying in the said County of Linlithgow of the Valuation before ascertained, or shall be One of the present Bailies of the Borough of Queensferry aforesaid: And if any Person or Persons so made incapable to act, shall, nevertheless, presume to act, contrary to the true Intent and Meaning of this Act, every such Person shall forfeit the Sum of Twenty Pounds Sterling for every such Acting; to be recovered by Action, Complaint, or Petition, in a summary Way, at the Suit of any Heretor within the said County, before the Justices of Peace at their Quarter-sessions, or before the Judge Ordinary; the One Half thereof to be paid to the Prosecutor, and the other Half thereof to the Trustees aforesaid, to be applied by them for repairing the said Roads: And in case any such Suit or Complaint shall be entered before any of the Courts aforesaid, the Person complained of shall be obliged to prove that he is qualified as above, or otherways shall forfeit the said Penalty of Twenty Pounds Sterling, without any Proof or Evidence to be brought on the Plaintiff's Part, other than that the Person complained of had taken upon him to act as a Trustee for executing the several Powers, Authorities, and Things in this Act contained.

Qualification of Trustees.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required to take such Security and Securities from their Treasurer or Treasurers, for the due Execution of his and their respective Offices, as to the said Trustees, or any Five or more of them, shall appear reasonable.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself or themselves aggrieved by any Order or other Proceedings of the said Trustees, it shall and may be lawful for him or them to appeal to the Justices of the Peace for the said County of Linlithgow, in their General Quarter-sessions assembled, who are hereby authorised and impowered to hear and determine the Matter in Dispute, and whose Order therein shall be final and conclusive.

Persons aggrieved may appeal to the Quarter-sessions,

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

FINIS.