Anno quarto

# Georgii III. Regis.

An Act to amend and render more effectual Two ſeveral Acts paſſed in the Twenty fourth and Twenty eighth Years of the Reign of His late Majeſty, for repairing the High Roads in the County of *Edinburgh*, to and from the City of *Edinburgh*; and from *Crammond Bridge* to the Town of *Queen's Ferry*, in the County of *Linlithgow*.



WHEREAS by an Act paſſed in the Twenty fourth Year of the Reign 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 *Queen's Ferry*, in the County of *Linlithgow*, ſeveral Tolls, Duties, and Powers, were granted to certain Truſtees therein mentioned, for repairing and keeping in Repair the Roads in the ſaid County: And whereas by an Act of the Twenty eighth Year of His Majeſty King George the Second, intituled, An Act for enlarging the Terms and Powers granted by an Act of the Twenty fourth Year of His preſent Majeſty's Reign, intituled, *An Act for repairing the High Roads in the County of* Edinburgh, *to*

Preamble, reciting the Acts 24 *Geo.* II.

and 28 *Geo.* II.

*and from the City of* Edinburgh; *and from Cramond Bridge to the Town of* Queen's Ferry, *in the County of* Linlithgow; and for making the said Act more effectual; further Powers were granted to the said Trustees in the said last recited Act mentioned: And whereas by Experience it is found, that the Roads in the County of Edinburgh do still remain in such a Situation that they cannot be effectually repaired and kept in Repair, unless the Term for executing the Purposes of the said Acts be enlarged, and also unless further Tolls and Powers be granted to the Trustees named and appointed by the said Two Acts of Parliament, and to be named and appointed by this present Act: And whereas the several Tolls, Duties, and Powers, granted by the said Act of the Twenty fourth Year of His late Majesty, were to have Continuance from and after the Term of Lambmas, One thousand seven hundred and fifty one, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas by the Act of the Twenty eighth Year of His late Majesty, the several Tolls, Duties, and Powers, granted to the Trustees therein mentioned, for repairing and keeping in Repair the Roads in the County of Edinburgh, were appointed to continue and to 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: And whereas the Trustees appointed by the said Acts, for repairing the Roads directed to be repaired in the County of Edinburgh, have borrowed several Sums of Money upon the Credit of the said Acts; which Sums, together with the Tolls or Duties collected by virtue of the said Acts, have been duly laid out, pursuant to the Directions thereof, and great Progress has been made in making and repairing the said Roads; but the same cannot be effectually made and repaired, and the Money borrowed be repaid, unless the Powers and Term granted by the said Acts be enlarged: 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 Acts, so far as relates to such Part of the Roads as are within the County of Edinburgh, and all and every the Clauses, Powers, Authorities, Articles, Rules, Penalties, and Forfeitures, therein contained (except such as are alter-

Former Acts to continue in Force, except where altered by this Act.

ed or varied by this Act) shall continue and be executed, during the Continuance of the said former Acts, and after the Expiration of the Terms 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; which said additional Terms shall be, and the same is hereby made, subject to the Payment of the Money borrowed or to be borrowed upon the Credit of the former Acts and this present Act, for the Intents and Purposes of the said former Acts and this present Act.

Additional Trustees Names.

And be it further enacted by the Authority aforesaid, That Lord Adam Gordon, the Right Honourable Charles Townshend, John Dalrymple Esquire of Cousland the younger, Thomas Trotter of Morton Hall, Henry Wauchope of Caickmuir, Archibald Cockburn of Cockpen, the Honourable Francis Charteris, Andrew Wauchope of Niddry, Andrew Wauchope of Niddry the younger, George Lockhart of Carnwath, James Lockhart of Carnwath the younger, Edward Majoribanks of Hallyeards, Alexander Gibson of Clifton Hall, Andrew Dick of Grange, Thomas Brown of Braid, John Davidson of Halltree the younger, John Wauchope of Edmonston the younger, David Bannie of Mekvill, John Mackenzie of Goodrees, Alexander Murray of Murrayfield the younger, Robert Hepburn of Clerkington, William Abernethy Drummond of Hawthornden, Alexander Sheriff of Craigleith, James Edmonston of Longfaugh the younger, John Russel of Roseburn, John Monro of Auchindinnie, Alexander Lockhart of Craig House, John Young of New Hall, David Ross of Ravilrigg, Charles Scot of Bavelan, George Inglis of Red Hall, John Nesbit of Eastbank, Thomas Tod of Hayfield the younger, Adam Durham of Bonington, Doctor Colin Drummond of Glencorse, Thomas Clarke of Listonshills, Henry Dundas Esquire Advocate, Walter Stewart Esquire Advocate, John Balfour of Pilrigg the younger, William Chalmers of Easter Dalry the younger, John Balfour Ramsay of White Hill the younger, Normand Mac Leod of Mac Leod, Alexander Johnston of Straiton, William Preston of Gorton, William Little of Libberton, James Ker of Boultridge, 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 Acts, for repairing and keeping in Repair such Roads as are directed to be repaired by the said Acts and this present Act in the County of Edinburgh.

Part of the Act 24 Geo. II. repealed.

And be it further enacted by the Authority aforesaid, That the Part of the said Act of the Twenty fourth Year of his Majesty King George the Second, which Statutes and Ordains, That not Person or Persons, having

Occasion to pass through any Turnpike or Turnpikes where the Tolls or Duties are or shall be taken, and who shall return on the same Day through the same Turnpike or Turnpikes, or who shall pass any other Turnpike or Turnpikes within the same Country, and return before Twelve of the Clock at Night with the same Coach or Cart, or other Wheel Carriage, or with the same Horse, Ass, or other Beast or Cattle, shall be liable or compelled to pay the said Tolls or Duties more than Once, shall from henceforth and for the future be repealed.

Trustees may erect new Toll-bars, &c.

And be it further enacted by the Authority aforesaid, That for the future the said Trustees appointed by the said Two Acts of Parliament and this present Act, for repairing the high Roads in the County of Edinburgh, or any Seven or more of them, at a General Meeting assembled, shall have Power to cause erect new Toll-bars and new Toll-houses upon the great Roads in the said County, upon which Toll-bars are already erected, and upon the Branches of the said great Roads, at such Place or Places as they shall think proper, at a Distance not under Six measured Miles from the said Turnpike-gates, and from any future Gates so to be erected; and also to cause erect Toll-bars on any Cross or By-Roads, where the same shall fall into any such great Road, or Branch of a great Road; and also shall and may build Fences to prevent any Person or Persons travelling the said Roads from avoiding the Payment of any of the Tolls or Duties granted by this Act.

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

And for raising a sufficient Sum of Money for repairing and keeping in Repair the said Roads in the County of Edinburgh, and for paying the Money borrowed upon the Credit of the said former Acts; be it enacted by the Authority aforesaid, That from and after the Fifteenth Day of June, One thousand seven hundred and sixty four, it shall and may be lawful to and for the said Trustees appointed or to be appointed to put the said former Acts or this present Act in Execution, or any Seven or more of them, at a General Meeting assembled, or such Person or Persons as they, or any Seven or more of them, at a General Meeting assembled, shall by a 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 on and made payable by the said former Acts, at every Gate and Turnpike within the said County (under the Limitations and Provisoes after-mentioned) before any Coach or other Carriage, Horse or other Cattle, shall pass through

any

any Gate or Turnpike erected or to be erected in the said County of Edinburgh; that is to say,

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 Four Pence Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Ten Pence Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Ten Pence Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Four Pence Sterling. The Tolls

For every Chaise, Calash, or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Two 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 Four Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Four Pence Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four Pence Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling 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 Two Pence Sterling.

For every saddled Horse, with or without a Rider, One Penny Sterling.

For every other Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, One Halfpenny Sterling.

For every Ass, laden or unladen, 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 lesser Number.

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Two Pence Half-penny Sterling per Score, and so in Proportion for any greater or lesser Number.

Which said Tolls and Duties hereby granted and made payable are and shall be, from and after the said Fifteenth Day of June, One thousand seven hundred and sixty four, vested in the said Trustees appointed or to be appointed to put the said former Acts and this present Tolls vested in the Trustees.

Act in Execution for the said County of Edinburgh; and the same, and every Part thereof, shall be applied and disposed of in such Manner as in the said former Acts and this present Act is directed.

Turnpikes, &c. 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 Acts or this present Act, shall be vested in the said Trustees by the said former Acts or this present Act appointed; and the said Trustees, or any Seven or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper.

Tolls to be paid but Twice a Day,

And be it further enacted by the Authority aforesaid, That Tolls shall not be payable a Second Time within less Distance than Six measured Miles from the Turnpike-gate where the First Toll was paid; and that no Person shall be obliged to pay Toll above Twice in One Day in the County of Edinburgh, for the same Coach or Cart, or other Wheel Carriage, or for the same Horse or Ass, or other Beast or Cattle, whether the Person be passing on the same or any other of the Great or Cross Roads in the said County; and any Person producing Two Tickets of the Day, shall for that Day be intitled to pass free with the same Coach or Cart, or other Wheel Carriage, or with the same Horse or Ass, or other Beast or Cattle, through all the Turnpike-gates of the County, excepting that in case the same Cart or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall pass with a new Loading; and then and in that Case, such Cart or Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall be subjected to pay the Tolls for each Time they shall so pass, in the same Manner they did the First Time.

except only when passing with a new Lading.

And be it further enacted by the Authority aforesaid, That no Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, loaded with Coals, Wheat, Barley, or Corns of any Kind, or with Flour or Meal, passing through any Part of the County, shall be chargeable with or liable in the Payment of Tolls Twice on the same Day, though passing more Turnpike-gates than One, whatever Distance those Gates may be from one another; and One Ticket of the Day shall intitle them to pass free through all the Toll-bars of the County, excepting only when passing with a new Loading; in which Case Tolls shall be again due and payable for each new Loading.

And

And be it further enacted by the Authority aforesaid, That Lime, Stone, Sand, Timber, Brick, Tiles, and Slates for Buildings of any Kind within the City of Edinburgh, Canongate, Leith, or Suburbs of the said City, or within any Part of the present Toll-bars next adjacent to the City, shall not be subjected to any additional Tolls imposed by this Act; but shall be permitted to pass all the Turnpike-gates within the County, upon Payment of the Tolls established by the former Acts of Parliament. Particular Exemptions.

And be it further enacted by the Authority aforesaid, That Droves of Sheep and Lambs, passing through any Part of the County, shall be chargeable only with the Toll at the First Turnpike-gate; and One Ticket of the Day shall intitle them to pass free through all the Turnpike-gates of the County. Sheep and Lambs to be chargeable only at the First Turnpike, &c.

And be it further enacted by the Authority aforesaid, That all Carts or other Carriages loaded with Lead travelling any of the Roads leading from Leadhills to Edinburgh or Leith, shall pay but Once a Day; in Consideration of which they are to pay Two Pence upon each Cart or Carriage drawn by One Horse only; and Three Pence Halfpenny upon each Cart or Carriage drawn by Two Horses; and in Proportion upon all other Carriages loaded with Lead: And that the Tolls arising from the Road leading from Carlin's Bridge to Edinburgh or Leith, by the House of Muir and Wright's Houses, shall be applicable solely to this Road, and no other; and if any new or additional Bar shall be erected on this Road, all Carriages loaded with Lead shall not pay Twice on this Road, though they should not pass in the same Day. Tolls for the Carriage of Lead between *Leadhills* and *Edinburgh*, &c.

And be it further enacted by the Authority aforesaid, That when a Toll-bar or Turnpike is placed on a Cross or Bye Road, or Branch of a principal Road, the Money arising from the Toll of such Bar or Turnpike shall always be, in the First Place, applied to the repairing and keeping in Repair the Cross or Bye Road or Branch of a principal Road, on which such Toll-bar or Turnpike is placed. Tolls collected on Cross Roads how to be applied.

And be it further enacted by the Authority aforesaid, That the Composition-money from each Householder within the City of Edinburgh, Canongate, Leith, and Suburbs of the said City, for the Statute-work, shall be applied towards repairing, and keeping in Repair, the Great and Cross Roads leading to and round the City, within the present Toll-bars next adjacent thereto, and the Roads leading to the Northward of the said City; except Composition-money at *Edinburgh*, &c.

excepting the Coach Road by the Water-gate to Leith, the Road commonly called The Walk of Leith, the Road at the Side of the said Walk, and such other Roads as the City of Edinburgh is bound to repair and keep in Repair.

and *Leith*, how to be applied.

And be it further enacted, That the Money arising from the Compositions paid by the Inhabitants of Leith for their Statute-work, or such Part thereof as shall be judged necessary, shall be applied towards repairing, and keeping in Repair, the several Roads and Avenues leading to the said Town, excepting the Roads above excepted, and that in such Order as the said Trustees shall judge proper.

Trustees may borrow the further Sum of 15,000 *l.* on the Credit of the Tolls.

And whereas the Sum of Twelve thousand Pounds, which the Trustees appointed for repairing such Part of the said Roads as are within the County of Edinburgh, were, by the said former Acts, 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 Fifteenth Day of June, One thousand seven hundred and sixty four, it shall and may be lawful to and for the said Trustees appointed by the said former Acts, or this present Act, for repairing the Roads in the County of Edinburgh, 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 Acts, any Sum or Sums of Money, not exceeding in the Whole the Sum of Fifteen 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 Acts, or this present Act, directed to be paid; which said Sum of Fifteen thousand Pounds shall be applied towards the Repair of the several Roads directed to be repaired by the said former Acts, in the County of Edinburgh, in the same Proportions, and in the same Manner, as the said Sum of Twelve thousand Pounds is directed to be applied by the said former Acts, and not otherways.

12,000 l. borrowed on the Credit of the former Acts, to be considered as Part of the 15,000 l.

Provided always, That the said Sum of Twelve thousand Pounds, directed to be borrowed on the Credit of the Tolls granted by the said former Acts, or such Part thereof as shall be due and owing upon the Credit of the said Tolls, shall be esteemed and taken to be Part of the said Fifteen thousand Pounds allowed to be borrowed by this Act; so that the whole Debt, at any One Time, shall not exceed the said Sum of Fifteen

teen thousand Pounds; any thing in this Act, or in the said former Acts, contained to the contrary notwithstanding.

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 Acts 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 to advanced or lent, with Interest for 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 Acts.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the Tolls and Duties shall be raised, levied, and applied, by the said Trustees, in the same Manner, and under the same Regulations, Powers, and Authorities, Rules, Penalties, and Forfeitures, and for the same Uses and Purposes, as the Tolls raised in the said County, under the said Two Acts of Parliament of the Twenty fourth and Twenty eighth of His late Majesty King George the Second, for repairing, and keeping in Repair, the Roads of the County of Edinburgh, excepting always in so far as they are altered by this present Act.

Tolls to be raised by the Regulations in former Acts.

And be it further enacted by the Authority aforesaid, That the said Two Acts of the Twenty fourth and Twenty eighth Years of His late Majesty King George the Second, shall remain in full Force in every Respect, except in so far as they are altered, enlarged, and amended, by this present Act.

Former Acts to continue in Force.

And be it further enacted by the Authority aforesaid, That the reasonable Charges and Expences paid, or that shall be paid in, about, or by reason of passing this Act, shall, in the First Place, be repaid by the Tolls arising from it.

Expences of this Act how to be paid.

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, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

Publick Act.

FINIS.