ANNO PRIMO

GULIELMI IV. REGIS.

****

Cap. xliii.

An Act for more effectually making and repairing the Road from the new Bridge over the Water of *Almond*, on the Confines of the Counties of *Edinburgh* and *Linlithgow*, to *Baillieston* in the County of *Lanark*, and certain Branch Roads connected therewith. [30th *March* 1831.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making, amending, widening, and* 32G.3.c.120.
keeping in repair the Roads from the new Bridge over the Water of Almond, *on the Confines of the Counties of* Edinburgh *and* Linlithgow, *by the Town of* Bathgate, *to* Baillieston *in the County of* Lanark; *and for making, amending, widening, and keeping in repair certain Branches of Road from the said Line of Road; and for building a Bridge over the Water of* Avon *at* Torphichen Mill; *and for discharging the Trustees for executing Two Acts passed in the Twenty-sixth and Twenty-seventh Years of the Reign of His late Majesty King* George *the Second, and Two Acts passed in the Fourteenth and Thirty-first Years of the Reign of His present Majesty, from the Care of such Part of the Road from* Newhouse Inn *to* Glasgow *as leads from the Confines of the Parishes of* Monkland *and* Shotts *to the East Boundary of* Baillieston *aforesaid, and putting the same under the Power of the Trustees appointed by this Act;* and another Act was passed in

the Thirty-fifth Year of the Reign of His Majesty King *George* the
35 G. 3. c. 150. Third, intituled, *An Act to continue, extend, and enlarge the Term and Powers of an Act passed in the Thirty-second Year of the Reign of His present Majesty, for making, amending, widening, and keeping in repair the Roads from the new Bridge over the Water of* Almond, *on the Confines of the Counties of* Edinburgh *and* Linlithgow, *by* Bathgate, *to* Baillieston *in the County of* Lanark, *and certain Branches of Road from the said Line of Road, and for the other Purposes mentioned in the said Act*; and another Act was passed in the Thirty-eighth Year of the Reign of His said Majesty King *George*
38 G. 3. c. 36. the Third, intituled, *An Act for altering the Powers of Two Acts passed in the Thirty-second and Thirty-fifth Years of the Reign of His present Majesty, for making, amending, widening, and keeping in repair the Roads from the new Bridge over the Water of* Almond, *on the Confines of the Counties of* Edinburgh *and* Linlithgow, *by* Bathgate, *to* Baillieston *in the County of* Lanark, *and certain Branches of Road from the said Line of Road, and for the other Purposes mentioned therein*; and another Act was passed in the Fifty-first Year of
51 G. 3. c. 20. the Reign of His said Majesty King *George* the Third, intituled, *An Act for altering and enlarging the Powers of Three Acts of His present Majesty, for making and repairing the Roads from the new Bridge over the Water of* Almond, *on the Confines of the Counties of* Edinburgh *and* Linlithgow, *by the Town of* Bathgate, *to* Baillieston *in the County of* Lanark, *and several other Roads mentioned in the said Acts*: And whereas an Act was passed in the Fourth Year of the Reign of His
4 G. 4. c. 49. late Majesty King *George* the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of* Great Britain *called* Scotland: And whereas the Roads specified in the said recited Acts of the Thirty-second, Thirty-fifth, Thirty-eighth, and Fifty-first Years of the Reign of His Majesty King *George* the Third have been made and repaired, and considerable Sums of Money (which are still owing) have been borrowed upon the Personal Security of the Trustees, for which the Toll Duties authorized to be levied stand pledged to them, in Relief, and expended in making and repairing the said Roads, and in carrying into execution the Purposes of the said Acts, and the Tolls and Duties granted by the said Acts are insufficient for repairing and keeping in repair the said Roads, paying the Interest of the Money due as aforesaid, and fulfilling the other Purposes of the said last-mentioned Acts, and the Terms and Powers granted by the said Acts will soon expire, and the said Sums cannot be repaid, nor the Trustees relieved of the Obligations undertaken by them, nor the said Roads kept in repair, unless Provision be made for these Ends; and it is expedient that the said last-mentioned Acts should be repealed, and other and further Powers granted in lieu of the Powers therein contained: And whereas it would be of public Utility, and advantageous to the Country adjoining, if the Parish Roads hereinafter described, connected with and leading from the great Line of Road comprehended in the said last-mentioned Acts, were improved, straightened, and kept in repair, and the new Lines of Road also herein-after described, and also connected with the said great Line of Road, were made and kept in repair, and the necessary Bridges built on the said Roads; but as these Purposes cannot be effected without the Aid and Authority of Parliament, may it therefore please Your

Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Thirty-second, Thirty-fifth, Thirty-eighth, and Fifty-first Years of the Reign of His Majesty King *George* the Third shall, from and after the Fifteenth Day of *May* One thousand eight hundred and thirty-one, be and the same are hereby repealed, and instead thereof this Act shall commence and continue in force during the Term hereinafter mentioned.

Former Acts repealed, and this Act to take effect.

II. And be it further enacted, That the said recited Act passed in the Fourth Year of His said late Majesty King *George* the Fourth, and all and every the Powers, Provisions, Exemptions, Penalties, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed,) shall be as good, valid, and effectual, for carrying this Act into execution, as if the same had been repeated and re-enacted herein.

Powers of 4 G. 4. c. 49. applied to this Act.

III. And be it further enacted, That all Contracts, Covenants, and Agreements made or entered into between any Person or Persons and the Trustees appointed by the said recited Acts hereby repealed, for executing the Trust created by the said Acts, or any Matter connected therewith, and all Bonds, Assignments, and Securities duly made and entered into by the said Trustees, shall stand and remain in full Force and Effect, and shall continue available in all Courts of Law and Equity, until the same are fully satisfied, performed, and implemented, and shall, so far as binding upon the Trustees under the said Acts hereby repealed, be binding upon the Trustees appointed for carrying this Act into execution.

Contracts, Bonds, &c. to be available.

IV. And be it further enacted, That all the Books containing the Proceedings and Accounts of the Trustees appointed by the said Acts hereby repealed, and which were Evidence under the said Acts, shall and may be given in Evidence in all Courts, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Acts had not been so repealed, and had continued in force.

Former Books, &c. to be Evidence.

V. And whereas it is expedient that the Management of the said Roads comprehended in the Acts hereby repealed should be kept separate and distinct from the Management of the Roads hereinafter described, and connected with the Roads first before mentioned, and that different Trustees should be appointed for the Management of the said several Roads; be it therefore enacted, That every Person who is at present or shall hereafter be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment of the *Dominium utile* or Property of Lands valued in the Tax Rolls or Cess Books of one or other of the Counties of *Linlithgow* or *Lanark* at not less than One hundred Pounds *Scots* of valued Rent, and lying in any of the Parishes through which the Roads herein-after first described do or shall pass, as Heritor, Proprietor, or Liferenter, and the eldest Sons or Heirs Apparent of such Persons in the Absence of the Persons in the actual Enjoyment of Lands so valued, shall be and are hereby appointed

Trustees appointed.

appointed Trustees for making, amending, repairing, and keeping in repair the Roads and Bridges described and put under Trust by the said recited Acts hereby repealed; *videlicet*, the Road from the Bridge over *Almond Water* commonly called the *New Bridge*, on the Confines of the Counties of *Edinburgh* and *Linlithgow*, by or near to the Lands of *Broxburn*, by or near to the Lands of *Houston*, by or near to the Lands of *Kirkton*, to the Town of *Bathgate*, and from the Town of *Bathgate*, by or near to *Barbauchlaw* or *Armadale*, by or near to *Craigs*, by or near to *Bedlormie*, by or near to *Caldercrook Mill*, by or near to *Loadmanford*, and by or near to the Town of *Airdrie*, until it joins the Turnpike Road which at the passing of the said first-recited Act led from the Confines of the Parishes of *Monkland* and *Shotts* at *Monkland Bridge*, by *Airdrie*, towards *Glasgow*, and from thence by or near to *Drumpellier* to the East March or Boundary of a Place called *Baillieston*; likeways the Road which branches off from the aforesaid Road at *Armadale*, and leads by or through the said Lands of *Barbauchlaw*, in a Northeast Direction, till it joins the *Cleugh* Turnpike Road at the Northeast Corner of the Park Dyke of *Gillon* of *Wallhouse*; also for repairing and keeping in repair the Bridge erected over the Water of *Avon* at or near *Torphichen Mill*, and the Roads leading thereto; also for making, amending, widening, repairing, and keeping in repair the Roads from the Towns of *Airdrie* and *Coats*, leading Northwards till they join the *Cumbernauld* Turnpike Road at or near *Condorrat* in the County of *Dumbarton*, and at or near *Bedley* in the County of *Lanark*; and also the said Roads leading from the Confines of the Parishes of *Monkland* and *Shotts* at *Monkland Bridge* to the said Road betwixt *Edinburgh* and *Glasgow* at or near *Airdrie*; and for otherwise putting this Act in execution, in so far as regards the Roads herein-before described; and that the Honourable *Charles Fleeming* of *Biggar* and *Cumbernauld*, *Robert Haldane* of *Auchingray*, and every Person who is at present or shall hereafter, in his own Right or in the Right of his Wife, be in the actual Possession or Enjoyment of the *Dominium Utile* or Property of Lands valued in the Tax Rolls or Cess Books of the said County of *Lanark* at not less than One hundred Pounds *Scots* of valued Rent, and lying in the Parish of *New Monkland*, and the Factors or Commissioners of the said Trustees in the Absence of their Constituents respectively, and the Factor or Commissioner for His Grace the Duke of *Hamilton* for the Time being, shall be and they are hereby appointed Trustees for improving, widening, straightening, repairing, and keeping in repair the Road branching or leading from the said great Line of Road from *Almond Bridge*, by *Bathgate*, to *Baillieston*, hereinbefore described, at or near a Place called *Calder Crooks Mill*, in the said County of *Lanark*, and leading in an Easterly Direction, by or through the Lands of *Eastfield*, *Calder Crooks*, and *Auchingray*, until it enters the Parish of *Slamannan* in the County of *Stirling*; also another Road branching or leading from the said great Line of Road at or near *Forrestfield*, and leading Northward through the said Lands of *Auchingray* and *Lochend* until it joins the Road last before described; and also for making and keeping in repair a new Line of Road, to branch or lead from the said great Line of Road at or near a Place called *Hosenet* or *Glazenet*, in the said County of *Lanark*,

and

and leading in a Northerly Direction, by or near a Lint Mill, until it joins the Branch Road first above mentioned, at the Southern Extremity of *Caldercrookden;* and also for making and keeping in repair a new Line of Road to lead from or out of the said first-mentioned Branch Road, at or near the Northern Extremity of *Caldercrookden*, in a Northerly Direction, through the Lands of *Meikle Dumbreck*, *Drumbow*, *Langrigend Meadow Field*, and *East Glentores*, and across the *Avon Burn* on the Confines of the Counties of *Lanark* and *Dumbarton*, and for building such Bridges as may be deemed necessary on the said Branch Roads and new Lines of Road: Provided always, that only One Person shall act and vote at one and the same Time as a Trustee upon One Qualification, and that the Person enjoying the greater or more immediate Interest, and claiming to act, shall be preferred.

Map and Book of Reference deposited to be open to Inspection.

VI. And whereas a Map or Plan describing the said last-mentioned Branch Roads intended to be made and repaired, and the Lands, Grounds, Tenements, and Hereditaments through which the same are intended to pass, together with a Book of Reference containing the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the Middle Ward of the County of *Lanark* at *Hamilton*, within which Ward the said Roads lie; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace; and every and any Person, being an Owner or Occupier of any Lands on the Line of any One of the said Roads, shall at all seasonable Times have Access to the said Map or Plan and Book of Reference, and shall be entitled to inspect and peruse the same, paying for every such Inspection the Sum of One Shilling, and to take Copies or Extracts thereof, paying to the said Clerks at the Rate of Sixpence for every Hundred Words for such Copies or Extracts.

Trustees not to deviate from Plan or take down Buildings without Consent.

VII. And be it further enacted, That the said Trustees herein last before appointed, in making or altering the Branch Roads last before described, shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, neither shall they take down or remove any Dwelling House or other Building the Side Walls of which exceed Twenty Feet in Height, or take or make use of any Policy, Orchard, or Garden the Contents of which exceed a Quarter of an Acre, or any Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, other than the Dwelling Houses or Buildings, Policies, Orchards, Gardens, Lawns, planted Walks, and Avenues, or inclosed Grounds planted as aforesaid, or any of them, set forth in the said Book of Reference, without the Consent in Writing of the Owners thereof.

As to unintentional Omissions in Book of Reference.

VIII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees to make, alter, or vary the said Branch Roads on, into, through, across, or over the several Lands, Grounds,

Grounds, or Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Owner or Owners of such Lands in or through which the said Branch Roads are set out and described in the said Maps or Plans, although the Name or Names of such Persons may happen to be omitted in the said Book of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the said County of *Lanark*, and be certified by a Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to purchase Lands, &c. within Five Years.

IX. Provided always, and be it enacted, That in case the Trustees on the said Branch Roads shall not purchase such Lands, Dwelling Houses, or other Buildings, Policies, Orchards, Gardens, Lawns, Planted Walks, Avenues, or Orchard Grounds, within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to purchase such Dwelling House or other Heritages so remaining unpurchased without the Consent of the Owners thereof first had and obtained thereto.

Separate Books to be kept.

X. And be it further enacted, That the Trustees hereby appointed for making and repairing the said new or last-mentioned Branch Roads shall direct a Book to be provided and kept by their Clerk for the Time being, separate and distinct from the Book or Books which shall be kept by the Clerk of the Trustees on the great Road.

Meetings of Trustees.

XI. And be it further enacted, That the Trustees herein first before appointed shall meet at *Uphall*, on the Line of the said Road, on the first *Saturday* of *May* One thousand eight hundred and thirty-one; and the Trustees herein last before appointed shall meet at *West Craigs* on the third *Saturday* in *May* One thousand eight hundred and thirty-one, and proceed respectively to carry this Act into execution; and the said Trustees respectively shall thereafter hold Two Stated General Meetings every Year during the Continuance of this Act, in manner following; *videlicet*, the Trustees herein first before appointed One Meeting on the first *Saturday* in *April* and the other on the first *Saturday* in *October*, and the Trustees herein last before appointed shall hold One Meeting on the last *Saturday* in *March* and another Meeting on the last *Saturday* in *September*, and that at *Edinburgh*, or any Place upon or within Three Miles of the Roads under their respective Trusts, which the said respective Trustees shall appoint at any General Meeting; and if at any such General Meetings or Adjourned Meetings there shall not be present a Quorum of the said respective Trustees, any One or more of those who shall be present, or, if no Trustee shall be present, the Treasurer or Clerk of the said Trustees, may adjourn such Meeting to any future Day betwixt the Date of such Adjournment and the next statutory General Meeting, of which Adjournment Notice of at least Ten Days shall be given in One of the Newspapers published in *Edinburgh* before the Day of such Adjourned Meeting; and it shall not be lawful for the said Trustees to issue any Order for borrowing Money, or assigning the Tolls and Duties on the said Roads in Security thereof, or for erecting Turnpike Gates or Side Bars, unless at one or other of such General Meetings.

XII. And

Table of Tolls, &c. not necessary at any Bar put up within 200 Yards of any other.

XII. And be it further enacted, That where any Toll Bar or Post and Chain, for the Purpose of levying Toll thereat, shall be put up by Order of the said Trustees on the Side or Sides of the aforesaid respective Roads, and across any Lane or Way leading out of the same, and where such Side Bar or Chain shall be situated within Two hundred Yards of a Toll Bar across any One of the Roads hereinbefore described at which a Table of Tolls shall have been put up in Terms of the Directions contained in the said recited Act of the Fourth Year of the Reign of His late Majesty, it shall not be necessary to erect a Toll House at such Side Bar or Chain, or to put up thereat a Table of Toll Duties containing the Name of the Toll Bar, or the Names of other Bars cleared by Payment of Toll at such Side Bar or Chain, or the Name of the Keeper of such Side Bar or Chain, provided that the same Person shall be the Keeper of such Toll Bar or Post and Chain on the Side of the Road, and of such adjoining Toll Bar across the Road; any thing contained in the said recited Act of the Fourth Year of the Reign of His late Majesty to the contrary notwithstanding.

Quorum of Trustees.

XIII. And be it further enacted, That at all General and Adjourned Meetings of the said respective Trustees the Majority of the Trustees present, the whole Number of Trustees herein first before appointed present not being less than Three, and the Number of the Trustees herein last before appointed present not being less than Two, shall be a Quorum; and they are hereby authorized to do, order, and perform all Acts, Matters, and Things which the Trustees appointed by this Act are authorized respectively to do or perform; and all such Acts, Matters, and Things so done shall be as good, valid, and effectual as if the same were done by the whole of the said Trustees.

Officers to continue.

XIV. And be it further enacted, That the Clerk, Surveyor, and all other Officers who have been appointed under and employed in the Execution of the Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall be displaced or removed by the Trustees hereby appointed, or be incapable of exercising their Offices, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects, as if they had been appointed under or by virtue of this Act: Provided always, that the Trustees appointed upon the Branch Roads herein last before described shall have Power to appoint a Clerk, a Treasurer, and an Overseer or Surveyor for and upon the said last-mentioned Roads, who may be different from the Clerk, Treasurer, or Surveyor on the said great Line of Road.

Same Person not to be Clerk and Treasurer.

XV. And be it further enacted, That it shall not be lawful for the said respective Trustees to continue or appoint any Person who has been or may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Employ of such Treasurer or of his Partner, to be the Clerk to the said Trustees;

and

and if any Person shall accept both the Offices of Clerk and Treasurer, for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as the Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any other Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence, forfeit and pay the Sum of One hundred Pounds Sterling to any Person or Persons who shall sue for the same, to be recovered, with Expences, by summary Action in the Court of Session.

Gates may be continued, or others erected.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees hereby appointed on the great Road and on the Branch Roads respectively, and they are hereby authorized and empowered, to continue or erect, or cause to be continued or erected, a Gate or Gates, Turnpike or Turnpikes, or Posts and Chains, in, upon, or across any Part or Parts of the said Roads respectively, or on the Sides thereof upon or across any Road or Lane leading out of the same, and also such Toll Houses, with proper Gardens adjoining thereto, as to them shall appear to be expedient, the Site of each such Toll House and Garden not exceeding a Quarter of a Statute Acre, and from Time to Time to alter the Situation of such Gates or Turnpikes, and Posts and Chains, or Toll Houses and Gardens: Provided always, that no Toll Bar or Post and Chain shall be erected, nor shall any Toll Duty be levied, on the said Branch Roads last before described as connected with the said great Road, or on any One of them, within Two hundred Yards of the said great Road, without the Consent of the Trustees on the great Road first had and obtained to that Effect.

Power to take Tolls.

XVII. And be it further enacted, That the Trustees hereby appointed respectively, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at each of the several Gates or Turnpikes, or Posts and Chains, which shall be continued or erected by virtue of this Act on the said great Road or Branch Roads described in the Acts hereby repealed, or Branch Roads herein-before authorized to be made, or rendered Turnpike, any Sum not exceeding the Rates and Duties herein-after specified, before any Horse or other Cattle, Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, of whatsoever Description, shall pass through any such Gate or Turnpike, or Posts and Chains; *videlicet*,

For every Horse or Beast of Draught drawing any Coach, Barouche, Berlin, Chariot, Landau, Chaise, Curricle, Calash, Chair, Hearse, or other such Carriage, or any Stage Coach, Long Coach, Diligence, or Carriage of the like kind, One Shilling and Threepence;

pence; and for every Horse or other Animal drawing a Taxed Cart, Eight-pence:

For every Horse or Beast of Draught drawing any Van, Caravan, Waggon, Wain, Cart, or any other such Carriage where One only is so drawing, Nine-pence; and for every Horse or other Beast of Draught more than One that shall be so employed, Sixpence; and an additional Toll Duty of One Penny for every Hundred Weight of One hundred and twelve Imperial Pounds which any Waggon, Wain, Cart, or other Carriage, with its Loading, shall weigh above the following Weights, in the Events after mentioned; *videlicet*, above Twenty-five Hundred Weight, if drawn by One Horse or other Beast of Draught only; above Thirty Hundred Weight, if drawn by Two Horses or Beasts of Draught only; above Thirty-five Hundred Weight if drawn by Three Horses or Beasts of Draught only; and above Forty Hundred Weight if drawn by more than Three Horses or Beasts of Draught:

For every Coach, Barouche, Berlin, Chariot, Landau, Chaise, or other such Carriage, or any Stage Coach, Long Coach, Diligence, or other Carriage drawn or propelled by Steam, or otherways than by animal Power, when the Weight of such Carriage, together with the Loading thereof, and Engines attached thereto, shall not exceed Twenty-five Hundred Weight, Two Shillings and Nine-pence; and for each Hundred Weight above Twenty-five Hundred Weight which such Carriage and the Loading thereof, and Engines attached thereto, shall weigh, as follows; *videlicet*, if such Weight shall not exceed Thirty Hundred Weight, One Penny; if more than Thirty Hundred Weight, and not more than Thirty-five Hundred Weight, then for the Excess over Thirty Hundred Weight, Two-pence; if more than Thirty-five Hundred Weight, and not more than Forty Hundred Weight, for the Excess above Thirty-five Hundred Weight, Three-pence; if more than Forty Hundred Weight, and not more than Forty-five Hundred Weight, for the Excess above Forty Hundred Weight, Four-pence; and Six-pence for every Hundred Weight more than Forty-five Hundred Weight:

For every Van, Caravan, Waggon, Cart, or other such Carriage drawn or propelled by Steam, or otherways than by animal Force, when the Weight of such Carriage, with the Loading thereof, and Engines attached thereto, shall not exceed Twenty-five Hundred Weight, One Shilling; and for each Hundred Weight above Twenty-five Hundred Weight which such Van, Caravan, Waggon, Cart, or other Carriage, with the Loading thereof, and Engines attached thereto, shall weigh, as follows; *videlicet*, if such Weight shall not exceed Thirty Hundred Weight, One Penny; if more than Thirty Hundred Weight, and not more than Thirty-five Hundred Weight, for the Excess above Thirty Hundred Weight, Two-pence; if more than Thirty-five Hundred Weight, and not more than Forty Hundred Weight, for the Excess above Thirty-five Hundred Weight, Three-pence; if more than Forty Hundred Weight, and not more than Forty-five Hundred Weight, for the Excess above Forty Hundred Weight, Four-pence; and for every Hundred Weight more than Forty-five Hundred Weight, Sixpence:

For every Saddle Horse or Mule, with or without a Rider, Three-pence:
For every other Horse or Mule, laden or unladen, Two pence:
For every Ass, laden or unladen, and not drawing, One Penny:
For every Score of Oxen or Neat Cattle, the Sum of One Shilling and Ten-pence, and so in proportion for any greater or less Number:
For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of One Shilling and Three-pence, and so in proportion for any greater or less Number.

Exemption for broad Wheels.

XVIII. Provided always, and be it enacted, That it shall be in the Power of the said Trustees respectively, at a General Meeting assembled, if they shall think fit, to exempt from Payment of any Part of the said additional Tolls and Duties for Overweight, every Waggon, Wain, Cart, or other such Carriage as aforesaid with Two Wheels only, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Five Inches or upwards, and being cylindrical, that is to say, of the same Diameter on the Side next the Carriage and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear on such flat Surface, and that the opposite Ends of the Axletrees of such Carriage, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of One straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Part of the said Pair of Wheels, and, further, having the Nails sunk level with the Rings on the Wheels; and every Waggon, Wain, Cart, or Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Seven Inches and a Half or upwards, and being cylindrical, as before mentioned: Provided always, that every Person claiming the Privileges granted to Carriages with Wheels constructed as aforesaid shall permit the same to be examined and measured by the Surveyor of the Trustees, or by any Person employed in the Collection of the said Tolls and Duties.

Pass Tickets.

XIX. And be it further enacted, That upon Payment of the Tolls granted by this Act the Collector or Receiver thereof shall deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, on which there shall be printed the Name of the Gate or Post and Chain at which such Ticket shall have been delivered, and also the Name or Names of the Gate or Gates freed by such Payment, which Note or Ticket shall entitle the same Person, with the same Carriage or Carriages, Horses or other Cattle, to repass the same Bar, and also to pass through any other Turnpike Gate or Gates, or Posts and Chains, on the Line of Road on which the same shall have been delivered within the same County, and at a Distance not exceeding Four Miles from the Turnpike Gate or Post and Chain where such Note or Ticket was delivered, without being liable to pay the said Tolls more than once, on passing during the same Day before Twelve o'Clock at Night through such Turnpike Gate or Gates, or

Posts and Chains; but such Pass Ticket shall not entitle any Person, with any Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, or Steam Carriage, to repass Toll-free, if such Waggon, Wain, Cart, or other such Carriage shall have a new Loading exceeding One Hundred Weight: Provided always, that Tickets issued on the great Line of Road from the Bridge over the Water of *Almond* to *Baillieston* shall not entitle the Receivers to pass without Payment of Toll on any One of the said Branch Roads described in the said Acts hereby repealed, nor on the other Branch Roads hereby authorized to be made and repaired; nor shall Tickets issued on any One of the said Branch Roads entitle the Receivers to pass on the said great Line of Road, without paying the said Tolls and Duties.

Pass Tickets on the great Road not to free Toll on Branches, and *vice versâ*.

XX. And whereas Doubts have arisen as to the Construction of that Part of the said Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth whereby an Exemption from Payment of Toll is granted to 'any Horses or Carriages which shall 'only cross any Turnpike Road, or shall not pass above One hun-'dred Yards thereon;' be it enacted, That the said Exemption shall not apply to Horses, Carriages, or Cattle which shall pass more than One hundred Yards on such Roads, whether such passing shall be before or after, or partly before and partly after, going through any Toll Bar, Turnpike, or Post and Chain, erected or to be erected thereon.

As to the Exemption for not travelling 100 Yards on the Road.

XXI. And be it further enacted, That if any Instalment or any Part of the Rent of any Toll Bar on the said Roads shall remain unpaid at the Expiration of Fifteen Days after the Day fixed and agreed on for the Payment of the same, it shall be lawful for the Sheriff of the Shire in which such Toll Bar shall be situated, or his Substitute, on the Application in Writing of the Clerk or Treasurer of the Trustees for the Time, to grant Warrant to his Officers to enter the Toll House in the Day Time, and to remove therefrom, and from any Premises occupied therewith, the Tacksman of such Toll, or any Collector appointed by him, and all other Persons who may be found therein, together with their Goods and Effects, and to give lawful Possession thereof to the said Clerk or Treasurer, or to any Person who may be appointed to collect the Tolls at the said Bar; and the Right of the said Tacksman to collect the same shall thenceforth cease, without Prejudice to his Liability for the stipulated Instalments of Rent or Parts thereof corresponding to the Time of his Possession, and for the Expences of obtaining his Removal: Provided always, that such Application shall have been intimated to the Tacksman Three Days before the Warrant shall be granted, by delivering to him personally, or leaving at the Toll House, a full Copy of such Application, so that he may, if he can, shew Cause why the Warrant ought not to be granted.

For recovering from Tacksmen.

Intimation.

XXII. And whereas the Sums of Money expended in making the said Roads comprehended in the Acts hereby repealed, and hereinbefore described, and in carrying into execution the other Purposes of the

Power to borrow Money.

the said Acts, exceed, by reason of the Deficiency of the Tolls, and the Accumulation of Interest, the Sums which the said Trustees were authorized to borrow on the Credit of the Tolls and Duties granted by the said Acts; be it enacted, That it shall and may be lawful for the Trustees hereby first before appointed to assign the Tolls and Duties hereby granted, upliftable on the Roads comprehended in the Acts hereby repealed, and herein-before described, in security for Payment of such Parts of the Sums borrowed, expended, and due as aforesaid, and accumulated Interest thereof, as have not already been made a Charge or Burden on the Tolls and Duties granted by the said Acts; and also to borrow and take up at Interest, not exceeding the legal Interest for the Time, such further Sums as they shall find expedient for carrying the Purposes of this Act into execution, and to assign the Tolls and Duties hereby granted, in security for Payment thereof; saving always and reserving the Rights of Creditors, or Persons holding Assignments of the said Tolls and Duties, in so far as this Enactment is inconsistent with such Rights.

Saving the Rights of Creditors.

Application of the Tolls.

XXIII. And be it further enacted, That the Tolls and Duties hereby granted, and the Monies to arise therefrom, in so far as the same shall be levied or uplifted on the Roads comprehended in the said Acts hereby repealed, and herein-before described, in the first place, and the Monies to be borrowed by the Trustees on the said Roads, shall be applied, in the first place, to pay and discharge, in due Proportion, all Costs, Charges, and Expences incident to or attending the passing of this Act; in the second place, towards making, repairing, and keeping in repair the said Roads, and Bridges, Toll Houses, and other Works connected therewith, and the Expences of collecting the said Tolls and Management; in the third place, to the regular Payment and Discharge of the Interest of all such Sums of Money as are now charged as a Burden on the said Tolls and Duties, or as may be charged thereon by virtue of this Act; and, in the fourth place, to the Payment of the Capital or Principal Sum of the Debts affecting the said Trust; and the said Tolls and Duties hereby granted, and the Monies arising therefrom, in so far as the same shall be levied and uplifted on the Branch Roads herein last before described, and connected with the said great Line of Road, and the Monies which have been subscribed or which shall be borrowed by the Trustees herein last appointed, and made a Charge upon the Tolls and Duties hereby authorized to be levied on the said Branch Roads, shall be applied, in the first place, in due Proportion, to the Payment and Discharge of all Costs, Charges, and Expences incident to or attending the passing of this Act; in the second place, towards making, repairing, widening, and keeping in repair the said Branch Roads and Works connected therewith; in the third place, to the regular Payment and Discharge of the Interest of all such Sums of Money as have been subscribed and shall be paid or as shall be borrowed on the Credit of the said Tolls; and, in the fourth place, to the Payment of the Capital or Principal Sums so subscribed and paid or which shall be borrowed for the Purposes of this Act.

XXIV. Pro-

Expence or Debts of the great Line of Road not to affect the Branch Roads, and *vice versâ*.

XXIV. Provided always, and be it enacted, That no Part of the Expence of making, repairing, or keeping in repair the said great Line of Road, or the Branches thereof comprehended in the Acts hereby repealed, or of the Debt affecting the same, or of the Money which may be borrowed for the Purposes thereof, or of collecting and managing the Tolls thereon, shall at any Time be or become a Burden or Charge on the Tolls and Duties to be levied on the said Branch Roads herein last before described as connected with the said great Line of Road; nor shall any Part of the Expence of making, improving, repairing, or keeping in repair the said Branch Roads herein last before described as connected with the said great Line of Road, or of collecting and managing the Tolls and Duties to be levied thereon, or of the Sums of Money which may be borrowed by the Trustees herein last before appointed, be or at any Time become a Burden or Charge on the Tolls and Duties to be levied on the said great Line of Road, or Branches thereof described in the said Acts hereby repealed.

Vesting the Tolls, &c. in Trustees.

XXV. And be it further enacted, That the said Tolls and Duties hereby granted and authorized to be levied, and such Sums of Money as shall be borrowed on the Security thereof, together with the Right of Property of the said Roads and Ground thereof, and of every Gate or Turnpike, Weighing Machine, Toll House, Garden, and other Work already erected or to be erected on or adjoining to any of the said several Roads, are and shall be vested in the Trustees hereby appointed for making and keeping in repair the said Roads respectively.

Appeal.

XXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Act or Proceeding of the said Trustees, or their Officers or Persons acting under their Authority respectively, and shall have complained to any Justice or Justices of the Peace, or to any Sheriff or Sheriff Substitute, for Redress, and if such private Party or the Trustees shall be dissatisfied with the Sentence, Order, or Proceedings of such Justice or Justices, such Party, or the Trustees, may appeal from the Sentence of the said Justice or Justices to the Quarter Sessions of the Peace of the County where the Complaint shall have been preferred; and if any Person or Persons, or the said Trustees, shall think themselves aggrieved by the Judgment of the Quarter Sessions, or of the Sheriff or Sheriff Substitute, when acting under and by virtue of this Act, or of the said Act of the Fourth Year of the Reign of His said late Majesty, it shall be lawful for such Party to apply for Redress to the Court of Session, by Suspension, Advocation, or Reduction, the Party so applying to the Court of Session always finding Caution for Payment of the Expences to be incurred in that Court in case such Party shall not prevail.

Continuance of Act.

XXVII. And be it further enacted, That the Powers granted by this Act shall commence from and after the Fifteenth Day of *May* One thousand eight hundred and thirty-one, at Noon, and shall continue from thence during the Term of Thirty-one Years, and thereafter to the End of the then next Session of Parliament.

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

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