ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

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Cap. 34.

An Act for enlarging and altering the Powers of, and rendering more effectual, ſeveral Acts of the Twenty-fourth and Twenty-eighth Years of His late Majeſty, and of the Fourth, Twenty-fourth, Twenty-fifth, Twenty-ninth, and Thirty-eighth Years of His preſent Majeſty's Reign, for repairing the Turnpike and other High Roads in the County of *Edinburgh.* [17th *May* 1803.]

WHEREAS an Act was paſſed in the Twenty-fourth Year of the 24 Geo. II.
Reign of His late Majeſty, intituled *An Act for repairing the* Cap. 35.
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; whereby certain Heritors in each County, and the other Perſons therein named, were appointed Truſtees for making and repairing the ſaid Roads, with Power to erect Turnpikes, and to levy Tolls:
And whereas, in the Twenty-eighth Year of His ſaid late Majeſty, 28 Geo. II.
another Act was paſſed, intituled *An Act for enlarging the Term and* Cap. 39.
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 and from the City of* Edinburgh, *and from* Cramond Bridge *to the Town of* Queensferry, *in the County of* Linlithgow,' *and for making the ſaid Act more effectual*; ſo far as it related to the Roads within
the County of *Edinburgh:* And whereas, in the Fourth Year of His 4 Geo. III.
preſent Majeſty's Reign, another Act was paſſed to amend and render Cap. 86.

more effectual the Two last-mentioned Acts, in as far as they regarded the Roads in the said County of *Edinburgh*: And whereas an Act was passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled *An Act for regulating and rendering more effectual the Exaction of the Statute Work within the Shire of* Edinburgh, *and for authorising the Trustees for putting in Execution several Acts for repairing the High Roads in the County of* Edinburgh, *to borrow, upon the Credit of the Tolls arising within the District of* Laswade, *a farther Sum of Money, to be applied for Payment of certain Sums borrowed on the personal Security of the said Trustees; and for farther repairing the Roads within the said District*: And whereas by an Act, passed in the Twenty-fifth Year of the Reign of His present Majesty, it was, among other Things, enacted, That the Trustees for the High Roads in the County of *Edinburgh* might levy an additional Sum of One Shilling Sterling yearly, from every Person who should possess a House within the Middle District of Fifteen Pounds Sterling of yearly Rent: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Terms and Powers of several Acts of the Twenty-fourth and Twenty-eighth Years of His late Majesty's Reign, and of the Fourth Year of His present Majesty's Reign, for repairing the High Roads in the County of* Edinburgh, *and for making the same more effectual*: And another Act was passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Powers of, and rendering more effectual, several Acts of the Twenty-fourth and Twenty-eighth Years of His late Majesty's Reign, and of the Fourth and Twenty-ninth Years of His present Majesty's Reign, for repairing the High Roads in the County of* Edinburgh, *and for building Bridges over the Rivers* South *and* North Esk, *and the Water of* Leith, *in the said County*: And whereas the said Roads in the County of *Edinburgh* are in many Places conducted in an inconvenient and disadvantageous Direction, and most of the Approaches to the City of *Edinburgh* are crooked and narrow, and have been found inconvenient and even dangerous; and though large Sums of Money have of late Years been expended by the Trustees in improving the said Roads and Approaches, yet that Object cannot be completely attained unless Power be granted to borrow a farther Sum of Money, nor can such Sum be borrowed, or the Debts already contracted by the said Trustees be repaid and discharged, unless the said recited Acts shall be altered and amended in such Manner as to make the Tolls thereby granted, and the Revenue thence arising, more productive by the Repeal of certain Exemptions, destructive to the Roads, and by making the Rates and Conversion for Statute Labour, and of Bridge Money, adequate to the present Times; and unless the whole of the said recited Acts shall be rendered more effectual; but as these Purposes cannot be accomplished 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 every Heritor who is or shall be, in his own Right or in the Right of his Wife, in the Possession and Enjoyment, as Fiar or Liferenter, of the full Property or *Dominium Utile* of Lands in the County of *Edinburgh*, rated in the Land Tax Roll or Valuation Books of the said County at One Hundred Pounds *Scots* of Valued Rent, or upwards, or retoured

24 Geo. III. Sess. 1. Cap. 18.

25 Geo. III. Cap. 28. § 63.

29 Geo. III. Cap. 105.

38 Geo III. Cap. 45.

New Nomination of Trustees.

as

as a Forty Shilling Land of old Extent prior to the Sixteenth of *September* One thouſand ſix hundred and eighty one; and every Heritor or Superior who is or ſhall be, in his own Right or in the Right of his Wife, in the Poſſeſſion and Enjoyment as Fiar or Life-renter, of Feu-duties payable from Lands in the ſaid County, of the Valuation or Extent aforeſaid, to the Amount of Fifty Pounds Sterling yearly or upwards; and the Eldeſt Son of every Perſon ſo qualified, being of lawful Age; as alſo the Lord Provoſt, the Four Baillies, the Dean of Guild, and the Deacon Convener of the City of *Edinburgh*, the Members of Parliament for the County and for the City of *Edinburgh*, the Sheriff Depute of the County of *Edinburgh*, and his Chief Subſtitute, the Maſter of the Merchant Company of the ſaid City of *Edinburgh*, and the Treaſurer of *George Heriot*'s Hoſpital, all for the Time being, ſhall, from and after the paſſing of this Act, and during the Continuance of the above-recited Acts, be and they are hereby nominated and appointed Truſtees for putting in Execution the whole of the before-recited Acts, and this preſent Act, as well thoſe which regard the Turnpike Roads, as thoſe that relate to the Croſs or Bye-Roads, and the Statute Labour applicable thereto; and there ſhall from henceforth be veſted in the ſaid Truſtees every Right, Intereſt, and Property, and the whole Powers, Privileges, and Authorities which were formerly veſted in, or did belong to the Truſtees named by any of the ſaid former Acts, and they may levy, or cauſe to be levied, the whole Tolls and Duties, and other Funds granted by all or any of the ſaid former Acts, or by this preſent Act, for and during the Continuance of the ſaid recited Acts.

Limitation of the Qualification.

II. Provided always, and be it further enacted and declared, That in no Caſe ſhall the Fiar act or vote in Preſence of the Life-renter, or the Superior in Preſence of the Vaſſal; nor ſhall any Son act or vote when his Father is excluded, or if preſent, would be ſo excluded; neither ſhall any Perſon whatever act or vote in any Diſtrict Meeting, (the middle Diſtrict only excepted,) or in any Pariſh Meeting unleſs he be in the Poſſeſſion and Enjoyment of the legal Qualification in Land or Feu Duties as aforeſaid, or be the eldeſt Son of a Perſon ſo qualified; nor ſhall any Perſon holding a Place of Profit or Emolument under the Truſtees, be entitled, during the Enjoyment of ſuch Place, to act or vote at any Meeting whatever; ſave only in the Pariſh Meetings, where he may have the legal Qualification; and all and every Perſons or Perſon deſiring to act or vote as Truſtees, or as a Truſtee, ſhall, upon being thereunto required by any Truſtee, take and ſubſcribe, in Preſence of any Meeting held under this Act, an Oath, which the Preſes of the Meeting is hereby authorized and empowered to adminiſter, in the Words or to the Effect following:

"I *A. B.* do ſwear that I am truly and *bonâ fide* in the Poſſeſſion and Enjoyment of the Qualification to act as a Truſtee preſcribed by an Act paſſed in the Forty-third Year of the Reign of His preſent Majeſty, intituled (*here ſet forth the Title of this Act*).

"So help me GOD."

III. And

Penalty for acting without a Qualification.

III. And be it further enacted, That if any Perſon not qualified as aforeſaid, ſhall nevertheleſs preſume to act as a Truſtee, every ſuch Perſon ſhall for every Offence forfeit and pay the Sum of Forty Pounds Sterling, beſides full Coſts, to be recovered by ſummary Complaint at the Inſtance of any Truſtee for the ſaid County, before the Juſtices of the Peace at their Quarter Seſſions, or before the Sheriff-Depute or Subſtitute of the County of *Edinburgh*, and the Penalties ſhall, on Conviction, be paid to the general Clerk of the Truſtees, to be by him applied towards the general Expence chargeable againſt the Truſt; and in every ſuch Complaint, the Proof of Qualification ſhall lie upon the Defendant, and every Thing acted or done by ſuch unqualified Perſon ſhall be void and null, unleſs the ſame ſhall have been agreed to by a Majority of Truſtees legally qualified; but all and every Perſon is hereby indemnified for having acted or voted without the legal Qualification at any Time before the paſſing of this Act.

General Meetings.

IV. And in order more diſtinctly to define in what Manner the Truſtees may proceed and act in the Matters reſpectively committed to them by the ſaid recited Acts, and by this preſent Act; be it enacted, That the Quorum or Number of Perſons neceſſary to do Buſineſs at a General Meeting ſhall be Seven Truſtees perſonally met together, and there ſhall in future be held at *Edinburgh* Six ſtated General Meetings yearly, at the Times and in the Manner following, *videlicet*, One of theſe ſtated General Meetings ſhall take place upon the Day of the *Michaelmas* Meeting of Freeholders of the ſaid County of *Edinburgh*; another ſhall take place on the Day on which the Commiſſioners of Supply ſhall meet for aſſeſſing the ſaid County with the Land Tax; and the other Four ſtated General Meetings ſhall be held upon the Firſt *Tueſday* after the Commencement of the *Winter* and *Summer* Seſſions of the Court of Seſſion, and on the *Tueſday* immediately before the riſing of thoſe Seſſions reſpectively; but with Power nevertheleſs, to any General Meeting of Truſtees from Time to Time, by a Reſolution entered upon their Records, to alter the Four laſt-mentioned General Meetings to any other Day or Days that may be more convenient; and beſides theſe ſtated Meetings, the Truſtees may hold occaſional General Meetings at ſuch Times and Places, and as often as they ſhall be required ſo to do by an Advertiſement, ſpecifying the Purpoſes of the Meeting, publiſhed in at leaſt Three of the *Edinburgh* Newſpapers, by Order of the Convener of the Commiſſioners of Supply of the ſaid County of *Edinburgh*, or in his Abſence, of the Sheriff-Depute of the ſaid County for the Time being; and every ſuch occaſional Meeting may be held on the Sixth Day after the Inſertion of the Advertiſements, or on any after Day, but nothing ſhall be then taken under Conſideration but what is ſpecified in the Advertiſement; and at all of thoſe ſtated or occaſional Meetings the Truſtees may name a Preſes, and the Minutes or Proceedings of ſuch Meetings ſigned by the Preſes thereof, or Extracts ſigned by their Clerk, ſhall bear Faith, and be received as Evidence in the ſame Manner as the Interlocutors of the Judges of the Courts of Law in *Scotland*, or the Extracts of their Clerk are, or may be.

Diſtrict Meetings.

V. And be it further enacted, That the Quorum, or Number of Perſons neceſſary to do Buſineſs at any Meeting of the Middle Diſtrict, ſhall be Five Truſtees, and in all the other Diſtricts Three Truſtees, perſonally met together; and in all other Reſpects the Meetings and Proceedings of Diſtricts ſhall be held and regulated as they are, or may be held and regulated

gulated by the ſaid recited Acts, or by any Reſolution or Order of a General Meeting of Truſtees not inconſiſtent therewith; and the Minutes of all Diſtrict Meetings, ſigned by the Preſes of ſuch Meeting, or Extracts thereof, ſigned by the Diſtrict Clerk, ſhall bear Faith, and be received as Evidence in the ſame Manner as is hereinbefore provided with regard to General Meetings.

Pariſh Meetings.

VI. And be it further enacted, That in the Pariſh Meetings appointed by the ſaid Act of the Twenty-fourth Year of His preſent Majeſty for managing the Statute Labour, ſtated Meetings ſhall be held as by the ſaid Act directed, and the Truſtees may adjourn from Time to Time as they may ſee Cauſe; and at all ſuch Meetings, any one Truſtee, or Number of Truſtees, qualified as aforeſaid, and having Lands in the Pariſh, or any Perſon or Perſons properly authoriſed by an abſent Truſtee or Truſtees, may proceed to do Buſineſs in the Matters by the ſaid Act, or by this preſent Act committed to ſuch Pariſh Meetings; and if at any ſtated, or adjourned Meeting of any Pariſh, no Truſtee or Perſon authoriſed by a Truſtee, ſhall meet ſo as to do Buſineſs, or to adjourn, another Meeting ſhall take place on that Day Fortnight, and ſo on, at the Diſtance of every Fortnight, until a legal Meeting ſhall be obtained; and the Originals, or Extracts of the Minutes of ſuch Pariſh Meetings, ſhall bear Faith in the ſame Manner as is hereinbefore provided in regard to Diſtricts.

Exemptions repealed.

VII. And be it enacted, That from and after the Fifteenth Day of *Auguſt* One thouſand eight hundred and three, the whole Exemptions, whether general or partial, granted by all, or any of the before-recited Acts, ſo far as the ſame regard the Turnpike Roads of the County of *Edinburgh*, ſhall ceaſe and determine; and the full Tolls and Duties authoriſed to be levied and taken by the ſaid Act paſſed in the Twenty-ninth Year of His preſent Majeſty, ſhall in future (with the Exceptions after expreſſed) be levied and taken for all Articles and Commodities whatſoever.

Additional Toll on Heavy Carriages.

VIII. And be it further enacted, That from and after the ſaid Fifteenth Day of *Auguſt*, the ſaid Truſtees may demand and take, at the ſeveral Turnpike Gates or Bars, within the ſaid County of *Edinburgh*, for and in reſpect of all Carts or other Carriages uſed for the Purpoſes of Trade, Huſbandry, or Commerce, the Additional Tolls and Duties following, *videlicet*, if the Carriage with its Burden or Loading ſhall exceed Twenty-ſix Hundred Weight, and ſhall be under Thirty-four Hundred Weight, One Half more of the Tolls and Duties authorized to be levied by the ſaid former Acts, and by this Act; and if the ſaid Carriage, and its Burden or Loading, ſhall be Thirty-four Hundred Weight or upwards, double the ſaid Tolls and Duties; which Additional Tolls and Duties, ſo authorized to be levied, ſhall not be held to be Penalties, but the juſt and fair Toll Duties due and payable for ſuch Carriages uſed for the Purpoſes aforeſaid; and it ſhall be lawful for any General Meeting of Truſtees to erect, or cauſe to be erected, on ſuch Parts of the ſaid Roads as they ſhall think proper, or on the Sides of the ſame, Weighing Machines, at which all Perſons travelling with Carts or Carriages of the above Deſcription ſhall be obliged, when required by the Collector, Toll Gatherer, or by any Truſtee, to weigh every ſuch Car-

riage when passing or intending to pass through any Turnpike-Gate within the said County: Provided always, That no Cart or Carriage of the above Description shall be chargeable with Additional Toll, for, or in respect of the Weight thereof, if the Fellies of the Wheels of such Carriage shall be of the Breadth of Six Inches or upwards, whether consisting of One or more Tiers; and provided also, that the Fellies of the said Wheels shall be cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, and in every intermediate Part between the Inside and the Outside, so that when rolling on a flat Surface the whole Breadth of such Fellies shall bear equally on such flat Surface; and provided also, that the opposite Ends of the Axle-Trees of such Carriages, as far as the same shall be inserted into the Naves of the Wheels, shall not form any Angle with each other, but shall be in the Continuation of one straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the opposite or upper Part of the said Pair of Wheels; and every Person claiming the Privilege so granted to Broad-wheeled Carriages, shall permit the same to be examined and measured by any Person concerned in the Collection of the said Tolls and Duties.

Limitation as to Broad Wheels.

Articles exempted in full.

IX. Provided always nevertheless, and it is hereby enacted and declared, That from and after the said Fifteenth Day of *August* One thousand eight hundred and three, the Articles and Commodities hereinafter specified shall be permitted to pass the whole Turnpike Gates in the County without being charged with any Toll or Duty whatever, *videlicet*, all Stones, or other Materials, for making or repairing any of the Great or Cross Roads within the said County of *Edinburgh*, or the Bridges thereon, or any Causeways within or belonging to the same, or for any other Works or Buildings carried on under the Authority of the Trustees; as also all Hay, Grain, or Pulse in the Straw, Potatoes, Turnips, or other Vegetables, Flax, Hemp, or Wool, to be laid up in the Houses, Outhouses, Barns or Yards of any Heritor, Tenant, or Inhabitant of the said County, by whom the same were raised, and not being for Sale; as also all Dung, or other Manure, for the improving and manuring of Land not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Out-houses or Onsteads, or on the Lands of the Owner thereof, who shall not have bought the same; and all Ploughs, Harrows, or other Implements of Husbandry, and all Work Horses and Cattle passing from one Part of a Farm to another Part of the same Farm, or from the Yard or Offices of the Inhabitants of Towns or Villages within the County to Burghroods or Fields adjoining to any such Town or Village occupied by such Inhabitant, where there are no Yard or Offices; as also all Horses and other Cattle going to, or returning from Pasture or Watering Places, or any Smithy in the same or next adjoining Parish; as also all Carriages and Horses of whatever Description, employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying such Mails or Expresses, or in returning back from conveying the same; as also all Horses belonging to Officers or Soldiers upon their March, or upon Duty, and all Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or

carrying any wounded or disabled Officers or Soldiers; as also all Horses furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for, and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; as also all Carts, Carriages, or Waggons travelling with Vagrants or Criminals, under legal Passes; and also all Carts, or other Carriages, actually used for the Purpose of carrying Articles of Trade, Husbandry, or Commerce, going or returning empty.

Articles exempted in Part and for a limited Time.

X. Provided also and be it further enacted, That for and during the Space of Twelve Years next and immediately following the said Fifteenth Day of *August* One thousand eight hundred and three, One Third only of the Tolls and Duties authorized to be levied by the said former Acts and this Act shall be demanded and taken, at any Toll Bar within the said County of *Edinburgh*, for any Waggon, Wain, Cart, or other Carriage laden with Dung or Manure of any Kind, not being Manure hereinbefore exempted from Payment of the said Tolls and Duties.

Articles exempted provisionally.

XI. Provided also, and be it further enacted and declared, That from and after the said Fifteenth Day of *August* One thousand eight hundred and three, the Persons and Commodities hereinafter specified shall be permitted to pass the Toll Bars in the Manner hereinafter expressed, *videlicet*, the Bakers at the Mills called the *Water of Leith Mills* shall be entirely exempted from Toll at the Turnpike Bar at *Kirkbrae-head* for Carriages with Flour from their Mills, upon condition of keeping in a State of perfect Repair the Road and Footpath from those Mills to the Scite of the Toll Bar that was in Use at and preceding the Fifteenth Day of *August* One thousand eight hundred and two, in the Manner prescribed by the Act of the Twenty-ninth Year of His present Majesty, unless the said Trustees shall think proper to resume the Power of repairing and keeping in Repair the said Road and Footpath, which the said Trustees are hereby empowered to do, in which Case the said Bakers shall be bound and obliged to pay One Half the Tolls and Duties authorized to be levied by this and the said former Acts for all Carriages with Flour passing from their Mills, and shall thenceforth cease to be bound and obliged to keep in Repair the said Road and Footpath; and further, all Persons going to or returning from their own Parish Church, or their customary Place of Religious Worship upon *Sundays* and Fast Days, or on any other Day or Days on which Divine Worship may be ordered by Authority to be celebrated; and all Attendants upon the Funeral, or Persons going to attend, or returning from having attended the Funeral of any Person or Persons dying and buried within the County of *Edinburgh*, shall pass free of Toll at every Turnpike Bar in the County, except only Persons going to, or returning from Church or Funerals in Four-wheeled Carriages, all of whom so travelling in Four-wheeled Carriages shall pay the full customary Tolls.

Articles exempted in respect of prior Payment.

XII. Provided also, and be it further enacted and declared, That from and after the said Fifteenth Day of *August* One thousand eight hundred and three,

three, it shall not be lawful to exact a second Toll-Duty from any Person or Persons travelling through the County of *Edinburgh*, who shall produce a Pass-Ticket of the same Day's Date, denoting Payment of Toll for the precise same Loading or Article at any other Gate or Bar in the said County, situated within Six measured Miles of the Gate or Bar where the Pass-Ticket is so used, nor to exact more than Two Toll Duties for a whole Day's Travelling with the same Loading or Article on all or any of the Principal or Cross Roads of the said County, and any Person described as aforesaid, producing Two Pass Tickets of the same Day's Date, shall be entitled for that Day to pass free through any other Bar within the said County of *Edinburgh*: Provided always, That if in any of the above-mentioned Cases, the same Cart or other Carriage shall pass with a new Loading, or any hired Coach, Chaise, or Carriage of the like Kind, shall return with a new Fare, then Toll shall be paid at every Toll Bar in the same Manner as if no Pass-Ticket were tendered; and that notwithstanding the aforesaid Limitations, Toll shall be chargeable without any Regard to Pass Tickets, and over and above all other Toll Duties, at the Gates erected, or to be erected under the Authority of the aforesaid Act of the Thirty-eighth Year of His present Majesty, betwixt *Melville* Gate and *Gallowshall*, or betwixt *Kirkhill* and *Harviston*, or at or near *Kirkettle* Mill, or at any other Gate which may be erected under the Authority of a General Meeting of Trustees, at the Confines of the County on the *Queensferry* Road.

Vesting and Application of the Turnike Funds.

XIII. And be it enacted, That the whole Tolls and Duties hereby, and by the before-recited Acts authorised to be levied at the Turnpike Gates in the said County of *Edinburgh*, are, and shall be vested in the Trustees appointed by this present Act, and shall be levied and applied in the Manner, and with and under the Conditions and Provisions contained in the said former Acts, and in this present Act.

Conversions to be levied in the Middle District.

XIV. And whereas the Conversions levied in lieu of Statute Labour from the Householders of the City of *Edinburgh*, and the Suburbs and Liberties thereof, under the Direction of the Middle District, are not only inadequate to the Purposes to which the same are, by Law, applicable, but now bear no Proportion to the present Value of the actual Labour which those Householders may be called upon to perform; be it therefore enacted, That from and after the passing of this Act there shall and may be levied yearly from all Tenants and Occupiers of Houses of the Descriptions after expressed, within the City of *Edinburgh*, *Canongate*, *Leith*, and other Suburbs and Liberties thereof, and from all other Householders within the Bounds of the Middle District, in lieu and place of the whole Six Days Labour, and of the Conversions thereof, at present exigible from them, the several Rates and Duties corresponding to the yearly Rental or Value of the Dwelling-House, Cottage, or Tenement which each Person may occupy as under, *videlicet*, For a Rental exceeding Twenty Shillings, and not amounting to Five Pounds, a Composition or Conversion of One Shilling and Sixpence: For Five Pounds, and under Twenty Pounds, a Composition of Three Shillings: For Twenty Pounds, and under Forty Pounds, a Composition of Six Shillings: For Forty Pounds, and under Seventy Pounds, a Composition of Twelve Shillings: For Seventy Pounds, and upwards, a Composition of Eighteen Shillings all Sterling Money

Money; which ſeveral Rates or Compoſitions ſhall be levied and paid yearly and every Year purſuant to Aſſeſſments made in the Manner directed by an Act paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for granting to His Majeſty certain additional Duties on Windows or Lights, and on inhabited Houſes, and for conſolidating the ſame with the preſent Duties thereon,*" videlicet, The Aſſeſſment to be made in each Year ſhall be in force for One whole Year from the Term of *Whitſunday* in the Year in which the ſame ſhall be made, and the Rates or Compoſitions to be levied upon ſuch Aſſeſſments ſhall be charged upon the Occupier or Occupiers for the Time being, of Houſes, Cottages, or Tenements, in reſpect whereof the ſaid Rates or Compoſitions ſhall be charged, and ſhall be levied of him, her, or them, or his, her, or their Executors or Repreſentatives; and if any Change in the Occupation of any Houſe, Cottage, or Tenement, ſhall take place after an Aſſeſſment ſhall be made, then, and in that Caſe the Rates or Compoſitions hereby directed to be charged on the Occupier or Occupiers of Houſes, Cottages, or Tenements, ſhall be levied upon and paid by the Occupier or Occupiers for the Time being, without any new Aſſeſſment for that Year, notwithſtanding ſuch Change in the Occupation of ſuch Houſe, Cottage, or Tenement: Provided always, That in all Caſes where Parliamentary or Local Taxes are, according to the Covenants or Agreements of Parties, payable by the Landlord or Landlords, in ſuch Caſes the ſaid Landlord or Landlords ſhall be and become liable to the ſaid Rates or Compoſitions; and the Money ſo to be levied ſhall be applied as the former Converſions at preſent are, or ought to be, under the Charge and Inſpection of the middle Diſtrict aforeſaid, who ſhall be ſubject to the Direction and Controul, and liable to account to the General Meetings of Truſtees, in the ſame Manner in every Reſpect as the Diſtricts for the Turnpike Roads of the ſame County may be by Law directed, controuled, or made accountable.

Application of the Converſions, &c.

XV. Provided always, and be it enacted, That no Perſon occupying a Houſe, Cottage, or Tenement of the Rental or yearly Value of Twenty Shillings, or under that Sum, ſhall be liable for any Converſion; and the Truſtees acting for the Middle Diſtrict, may beſides, if they ſhall ſee Cauſe, by their Warrant relieve from Payment of the Converſions all or any Perſons of a Rental under Five Pounds Sterling; but all other Exemptions ſhall ceaſe and be aboliſhed, any Thing in the ſaid former Acts to the contrary notwithſtanding.

Small and indigent Houſeholders relieved.

Exemptions aboliſhed.

XVI. Provided alſo, and be it further enacted, That, for the more ready levying of the aforeſaid Rates and Converſions, the Truſtees of the Middle Diſtrict, or any Perſon authorized by them, may demand Acceſs to the Valuations and Aſſeſſments upon inhabited Houſes, for the Collection of the Public Revenues, or thoſe of the City of *Edinburgh*; and the Officers having the Cuſtody of ſuch Valuations or Aſſeſſments ſhall give Inſpection of the ſame accordingly, and allow the Diſtrict to take Excerpts or Copies thereof without Fee or Reward.

The City and Public Aſſeſſments to be communicated.

XVII. And be it enacted, That the Whole of the Statute Labour of the ſaid County of *Edinburgh*, or the Converſions authoriſed to be taken in lieu thereof, (ſave and except the Bounds of the Middle Diſtrict as aforeſaid,) ſhall be levied and applied by the Pariſh Meetings in Manner appointed

Converſions to be levied in the Pariſhes.

Parishes accountable to the General Meetings.

appointed by the aforesaid Act of the Twenty-fourth Year of His present Majesty, unless in so far as the same is varied, explained, or amended by this present Act; but those Parish Meetings shall, for the Year One thousand eight hundred and three, and in all Time coming, be under the Direction and Controul, and liable to account to the General Meetings of Trustees of the said County, in the same Manner as they are, or may be directed, controuled, or made accountable to the Justices of the Peace of the County of *Edinburgh*, or to the Quarter Sessions of those Justices; and all Powers, Privileges, or Jurisdictions by the said Act of the Twenty-fourth Year of His present Majesty, vested in the said Justices or Quarter Sessions, are hereby transferred to, and vested in the said General Meetings of Trustees, and may be exercised by them as the said Justices or Quarter Sessions have been in use to exercise, or might lawfully exercise the same: Provided always, That the Jurisdiction of the said Justices is, and shall be nevertheless reserved to them in as far as regards the Judicial Proceedings prescribed by the said Act of the Twenty-fourth Year of His present Majesty, for levying and making effectual the Statute Labour, or the Conversions thereof, any Thing in this Act contained to the contrary notwithstanding.

Jurisdiction reserved to the Justices.

Indemnity for past Omissions, &c.

XVIII. And whereas some Parishes have for many Years omitted to report to the Justices of Peace, and other Parishes may have neglected to levy and apply the Statute Services, or the legal Conversions thereof; be it therefore enacted, That the Trustees of the several Parishes, and all Officers or other Persons acting under their Orders, shall be, and they are hereby indemnified for all Omissions, and discharged of all Penalties for the Year One thousand eight hundred and one, and for all preceding Years, in consequence of not having conformed to the Directions of the said Acts, excepting in the Case of Prosecutions commenced prior to the passing of this Act.

Specifications to be reported by the Parishes.

XIX. And be it further enacted, That within Six Months from the passing of this Act, the Trustees of each Parish, shall make up and report to the General Meeting of Trustees a correct List and Specification, containing, under One Head, the several Roads in each respective Parish necessary to be kept up; and, under another Head, the exact Number of Ploughgates in each Parish, with the Names and Designations of the Persons liable to be assessed for or in respect thereof, and also another List of the Carters and Householders in every such Parish liable to perform Statute Labour; and for those Purposes the said Trustees, in their respective Parishes, may take such Proofs, and appoint such Officers as they may think necessary; and it shall be lawful for the General Meeting of Trustees, by such Ways and Means as they may judge to be expedient, to check the Lists and Specifications so reported, and to rectify them if erroneous; and in case the Trustees of any Parish shall fail to make up and transmit such Lists and Specifications as aforesaid, the General Meeting of Trustees shall have Power, and they are hereby required to make up the same in like Manner and to the like Effect, as if they had been made up by the Trustees of the Parish; and after the Specifications have been adjusted and approved of by a General Meeting, they shall be inserted by the General Clerk in the Sederunt Book of the Trustees, or in any other Book to be appropriated by them for that Purpose, subject nevertheless to such Alterations as may, from Time to Time, be authorised by a General Meeting; and it shall not be lawful to allocate any

of

of the Services, or to appropriate any of the Converſions, except only to the Roads which ſhall be contained in the Liſts and Specifications ſo authoriſed and recorded.

The Tolls and Converſions may be diminiſhed.

XX. And be it enacted, That it ſhall be lawful for any General Meeting of Truſtees, upon Cauſe ſhewn by any Diſtrict or Pariſh, to diminiſh or leſſen all or any of the Tolls, or the Converſions of Statute Labour, hereby, or by the before-recited Acts, appointed to be levied and exacted, and to authoriſe ſmaller Tolls or Converſions to be levied in any of the Diſtricts or Pariſhes, and again to raiſe and augment the ſaid Toll Duties or Converſions to any Rate, not exceeding thoſe authoriſed by the before-recited Acts and this Act, all in ſuch Manner as from the State of the Roads, or of the Funds of any of the Diſtricts or Pariſhes, may, to the ſaid General Meeting of Truſtees, ſeem to be proper and juſt.

Proviſions of Turnpike Acts extended to Croſs Roads.

XXI. And be it enacted, That all the Powers contained in the ſaid Acts of the Twenty-fourth and Twenty-eighth Years of the Reign of His late Majeſty *George* the Second, and of the Fourth, Twenty-ninth, and Thirty-eighth Years of the Reign of His preſent Majeſty, and in this Act, which relate to the making, repairing, widening, and altering the Turnpike Roads in the ſaid County of *Edinburgh*, or any of them; to digging for, taking and carrying away of Materials for the Uſe of the ſaid Roads, and aſcertaining Damages for the ſame; to removing Nuiſances from the ſaid Roads, or any of them, and preventing Obſtructions therein; and alſo which relate to the prohibiting and preventing any Injury from being done to the ſaid Roads, or any of them, ſhall be and they are hereby extended to the Croſs Roads and all other Roads in the ſaid County which are not Turnpike.

Old or uſeleſs Roads may be ſhut up.

XXII. And be it further enacted, That it ſhall and may be lawful for any General Meeting of Truſtees, to ſhut up and ſuppreſs Public Roads of every Deſcription, which may appear uſeleſs or of little Importance to the Public: Provided always, That Notice of any ſuch Intention be previouſly given for two Conſecutive *Sundays*, by Intimation upon the Church Doors of the reſpective Pariſhes through which the ſaid Roads paſs; and the Firſt, or any ſubſequent ſtated General Meeting, after ſuch Intimation has been given and reported, ſhall hear all Perſons conceiving themſelves to be aggrieved, and may exclufively, in the firſt Inſtance, determine as to the ſhutting up or ſuppreſſing ſuch Roads as to them ſhall appear juſt and reaſonable; declaring nevertheleſs, that the ultimate Deciſion of the Truſtees may be brought under Review of the Court of Seſſion by Suſpenſion, or Reduction, in the Name of any Perſon intereſted, at any Time within Twelve Calendar Months from the Date of the definitive Deciſion; but if the Determination of the Truſtees ſhall not be ſo complained of within Twelve Calendar Months, then the ſame ſhall be final and concluſive in all Time thereafter.

Improved Communications at *Edinburgh* and *Muſſelburgh*.

XXIII. And be it enacted, That for the greater Safety and Convenience of Perſons paſſing to and from the City of *Edinburgh*, and upon the Great Poſt Road by *Muſſelburgh*, it ſhall be lawful to any general Meeting of Truſtees of the ſaid County of *Edinburgh*, and they are hereby authoriſed and empowered, to open an improved Communication from *Prince's Street* in the ſaid City and Liberties of *Edinburgh*, by means of a Road

of

of any Breadth, not exceeding Sixty Feet, passing through the Front Tenement belonging to the Heirs of *William Fraser*, Tin Smith, to the Point where the Line of *Prince's Street* strikes the Property of *John Cockburn Ross* of *Sandwiche* Esquire; and from the last-mentioned Point, the said Road may be carried forward, of the same Breadth, by *Coats*, in the most convenient and approved Direction, to the *Whitehouse Bar*, and from thence in the straightest and most approved Line by *Dalry* and *Tyne Castle Brae*, until it shall join the *Calder* and *Slateford* Roads respectively, with Power to widen and improve the present Lines of Road from the Bars of *Tyne Castle* and *White House* respectively, crossing the *Lothian* Road to the *West Port* of *Edinburgh*; as also to widen to the Extent aforesaid and to carry in the straightest and most approved Direction the South End of the said *Lothian* Road, and the Road from the said *Lothian* Road by *Lauriston* and *Teviot Row* to *Bristo Street*, in or near the said City of *Edinburgh*; as also to open another improved Communication, not exceeding the aforesaid Breadth of Sixty Feet, from *Nicholson's Street*, in or near the said City of *Edinburgh*, through *Saint Patrick's Square*, and from thence, in the most convenient and approved Line, through *Newington* and other intervening Properties, to *Mayfield Loan*, and from thence by and across the *Pow Burn* until the said improved Communication shall connect with the present Turnpike Roads leading from the City of *Edinburgh* to *Laswade*, *Newbottle*, and *Dalkeith*, and, if necessary, to widen *Mayfield Loan* so as to form a Connection with the *Dalkeith* and *Laswade* Roads at that Point; as also to open another improved Communication, not exceeding the aforesaid Breadth, from *Nicolson's Street* aforesaid, by *Drummond Street* as nearly as may be in a straight Line, passing by the South of *Holyrood House* until it shall join the great Post Road at the *Watering Stone* near *Jock's Lodge*; as also to open another improved Communication, not exceeding the aforesaid Breadth, from the said Post Road at *Jock's Lodge*, or between *Jock's Lodge* and the *Abbey Hill*, passing by or near the Bottom of the *Calton Hill*, to join *Leith Walk* at some convenient Place below *Baxter's Buildings*; which several improved Communications shall pass through the Properties or reputed Properties of the Persons whose Names are specified and contained in the Schedule hereunto annexed, or some of them; as also to build a new Bridge over the River *Esk* at *Musselburgh*, either upon the Scite of the present Stone Bridge, or at any other Place below that Bridge; and to make all necessary and proper Communication to connect the Post Road with such new Bridge.

The Line of Road to be fixed by the Trustees.

XXIV. And be it enacted, That the said Trustees at their General Meetings assembled may fix the particular Line or Direction for each of the aforesaid improved Approaches to the said City of *Edinburgh*, and the proper Scite for the new Bridge at *Musselburgh*, and may for that Purpose give Orders for such Surveys, Plans, or Estimates as they may judge necessary, and may hear Persons interested, and their Decision shall be final and conclusive, without being subject to Appeal, Advocation, Suspension, or Reduction, and it shall be lawful thereupon for the said Trustees to carry the said Approaches and Communications through the Properties belonging or reputed to belong to the several Persons whose Names are mentioned in the said Schedule hereunto annexed only; and to take what Ground may be necessary for the Scite of the said Bridge, and the said Approaches thereto; and for all or any of these Purposes to pull down and demolish all Houses and Erections, and to

paſs through all Gardens, Yards, or other Grounds, neceſſary for making and completing the ſaid Approaches and Communications, or any of them, making Compenſation to the ſeveral Proprietors thereof in Manner herein directed.

Value of Houſes and Ground in the Line of the above Communications.

XXV. Provided always nevertheleſs, and be it enacted, That if the ſaid Truſtees cannot agree with any Perſon or Perſons, Bodies Politic or Corporate, whoſe Properties may be required for making the ſaid improved Communications, then the Truſtees ſhall proceed to have the Prices or Recompence of ſuch Premiſes aſcertained by a Jury, in the ſame Manner as is preſcribed by the ſaid Act of the Thirty-eighth Year of His preſent Majeſty for aſcertaining the Value of Houſes or Grounds required for the new Bridges thereby authoriſed to be built, and for the Communication thereto; but in all other Reſpects the Powers of the Truſtees to take down or demoliſh Houſes, or to paſs through Grounds, Gardens, or Yards, and the Mode of aſcertaining the Damages or Recompence in any ſuch Caſes ſhall continue and remain on the ſame Footing as is already by Law provided.

Mode of veſting Property.

XXVI. And be it enacted, That all Lands, Buildings, or other Property, which may be acquired by the Truſtees in purſuance of this Act or of any of the before-recited Acts, ſhall be veſted in the ſaid Truſtees by the ſimple Diſcharge for the agreed or appriſed Value thereof, or by Conſignation of ſaid Price or Value in the Bank of *Scotland*, or the Royal Bank thereof, for the Uſe and Behoof of the Perſon or Perſons entitled thereto; and it ſhall be ſufficient to record the Diſcharge or the Voucher of Conſignation in the Sheriff Court Books of *Edinburgh*, whereupon the Truſtees ſhall be entitled to take and uſe the Ground, Buildings, and other Property ſo paid and provided for, and ſhall hold the ſame as validly and effectually to all Intents and Purpoſes as if the Owners had executed in their Favour regular Diſpoſitions of the ſame, and Infeftments had followed thereupon.

Application of Compenſation Money for entailed Property, &c. when exceeding 200*l.*

XXVII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts or this Act for the Purpoſes thereof, which are held under Entail, or are ſubject to Liferents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, Married Woman, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two Hundred Pounds, under the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land-Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authoriſe to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be

so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200*l.* and above 20*l.*

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to One or more Trustee or Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner hereinbefore directed, as far as the Case be applicable.

Where under 20*l.* Sterling.

XXIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Apportioning the Expences of making the new Communication.

XXX. And be it enacted, That it shall and may be lawful for the said Trustees to order and direct in what Manner, and in what Proportions the Expence of making all or any of such new Communication as hereinbefore mentioned, shall be borne and defrayed, and payable out of the Tolls, Duties, and Conversions granted by the said former Acts and by this

this preſent Act, any Thing in the ſaid Acts to the contrary notwithſtanding.

Additional Loan for the Turnpike Roads and Middle Diſtrict.

XXXI. And whereas it will require, for accompliſhing the Objects of this preſent Act, and ſuch other Improvements as are ſtill neceſſary upon the Turnpike Roads and in the Middle Diſtrict, that the Truſtees by this Act appointed ſhould have Authority to borrow a farther Sum of Money; be it therefore enacted, That it ſhall be lawful for any General Meeting of Truſtees, and they are hereby authorized and empowered, upon the Credit of the Tolls and Duties levied under this and the ſaid former Acts, and upon the Credit of the Funds authoriſed to be levied in the Middle Diſtrict, or upon the Credit of any Part or Parts thereof, to authorize the borrowing any further Sum or Sums of Money, in Manner herein-after mentioned, not exceeding in the Whole the Sum of Fifty-three Thouſand Seven Hundred Pounds Sterling, over and above all Sums authoriſed to be borrowed by former Acts, to be apportioned, applied, and ſecured in the ſame Manner as the Sums authoriſed to be borrowed by the above-recited Acts of the Twenty-ninth and Thirty-eighth Years of the Reign of His preſent Majeſty are thereby directed to be apportioned and applied.

Apportionment and Application.

Mode of borrowing.

XXXII. And be it enacted, That the additional Sum of Money hereby authoriſed to be borrowed, ſhall be ſo borrowed under the ſame Regulations and on the ſame Terms as are preſcribed by the ſaid recited Act of the Thirty-eighth Year of His preſent Majeſty.

Loan to the Pariſhes.

XXXIII. And be it further enacted, That if the Truſtees of any Pariſh ſhall produce to a General Meeting of Truſtees ſatisfactory Evidence that the Public might be better accommodated by an immediate Outlay of a Sum of Money beyond the yearly Return or Income from the Statute Labour, it ſhall be lawful to ſuch General Meeting, or to any ſubſequent General Meeting of Truſtees, and they are hereby empowered to borrow, upon the Credit of the Converſion Money levied in any ſuch Pariſh, and to be employed upon the Roads and Bridges in that Pariſh, and not otherwiſe, ſuch a Sum of Money as they may find to be expedient, and to aſſign over the Converſion Money as a Security, and for Repayment of the Sums ſo borrowed, with the lawful Intereſt thereof; provided that the whole Sums due at any Time in any one Pariſh ſhall not exceed Six Years Amount of the Converſion Money of ſuch Pariſh upon an Average of the three preceding Years, and that not more than Two Thirds of the Converſion of the Pariſh ſhall be aſſigned in Security of ſuch Loan; and every ſuch Aſſignment ſhall be executed at a General Meeting of the Truſtees, and recorded by their Clerk in the ſame Manner as Aſſignments of the Turnpike Funds are directed to be recorded; but the General Meeting may diſpenſe with the Notices and Advertiſements preſcribed in other Caſes.

Relative Reſponſibility of the Truſtees and Creditors.

XXXIV. Provided always, and be it enacted, That the Truſtees ſigning the Aſſignations preſcribed by the preſent Act, and the before-recited Acts, in the Capacity of Truſtees, ſhall not be underſtood in any Reſpect to bind themſelves perſonally, neither ſhall any Creditor lending or having lent Money upon the Security of the Turnpike Funds, or upon the Converſion of Statute Labour, either for the Time paſt or in Time coming, be any-

anywiſe concerned with the Application of the Money, but ſhall be ſufficiently ſecured by the ſimple Aſſignations of the Truſtees, and ſuch Aſſignations may be transferred by the Creditors therein, and ſuch Transferences may be intimated to the General Clerk, and to the Convener, Clerk, or Caſhier of the Diſtrict or Pariſh from which the Money is due without any other Form of Intimation whatever.

Building, planting, and incloſing on the Road Side.

XXXV. And be it enacted, That in Time coming it ſhall not be lawful for any Perſon or Perſons within the County of *Edinburgh*, to build any Houſe or Houſes, or to make any Fence or Incloſure, or to plant any Trees, within Twenty-five Feet of the Centre of any of the Principal Roads, or within Fifteen Feet of the Centre of any of the Croſs Roads, within the ſaid County of *Edinburgh*, or within Six Feet of the Side of any Road already made, if it ſhall be of a Breadth exceeding the above Limits, unleſs Notice to that Effect be previouſly given by the Perſons ſo intending to build, incloſe, or plant, ſpecifying the preciſe Line of Road, and the Pariſh wherein it is ſituated, at leaſt Forty Days previous to the commencing of any ſuch Operation to the General Clerk of the Truſtees, who is hereby required to enter in the Records under his Charge an exact Copy of ſuch Intimation, and within Ten Days after receiving the ſame, to forward it to the Convener or Clerk of the Diſtrict within which the Lands are locally ſituated; and if any Perſon ſhall, without ſuch Intimation, proceed to build, plant, or incloſe, nearer to the Centre or Side of any Road than is above deſcribed, all ſuch Houſes, Incloſures, and Plantations may be demoliſhed if they encroach upon any Road already made, and if otherwiſe, no Allowance or Compenſation ſhall be made on account of the Road being afterwards widened, than would have been due if ſuch Buildings, Fences, or Plantations had not been made.

Formation and keeping of Fences, Ditches, &c.

XXXVI. And be it enacted, That when in Time coming, any Fences ſhall be made on the Sides of the High Road, the Ditch and Hedge ſhall be on the Inſide next the Field, and the plain Face of the Fence or Bank ſhall be expoſed to the Road, and there ſhall be proper Conduits at different Places for carrying the Water from the Road under the ſaid Fence or Bank into the Ditch, and the Hedges, whether already made or to be hereafter made, ſhall never be allowed to exceed in Height Five Feet from the Surface of the Ground at the Bottom of the Hedge; and every Proprietor, Tenant, or Occupier of Lands on the Side of the Road, ſhall, at the proper Seaſon of the Year, lop or prune any Trees, Buſhes, or Hedges which may overhang the Roads, or obſtruct the Free Circulation of Air; and they ſhall alſo keep up the Dykes, and ſcour the Ditches on the Sides of the Road, as well as all Outlets or Paſſages for carrying off the Water from ſuch Ditches, ſo that the ſame may have always a free Courſe through the adjoining Grounds; and if any ſuch Proprietor, Tenant, or Occupier, ſhall neglect or refuſe ſo to do, after a Requiſition of Ten Days from the Overſeer or Surveyor or other Officer appointed by the Truſtees, it ſhall be competent for ſuch Overſeer or Surveyor or other Perſon duly authorized, to do or cauſe to be done all the Matters and Things hereby required to be done by ſuch Proprietor, Tenant, or Occupier, and he ſhall be entitled to recover from ſuch Proprietor, Tenant, or Occupier the full Expence thereof, beſides the full Coſts of Suit.

XXXVII. And

Public Works protected.

XXXVII. And be it enacted, That if any Perſon or Perſons ſhall maliciouſly break, pull down, or otherwiſe deſtroy or deface any Bridge or Parapet thereof, or any Turnpike-gate, Toll-houſe, Weighing Machine, Poſt, Chain, Bar, Mile-ſtone, Guide-poſt, Coping or other Public Work whatſoever, belonging to the Truſtees, or ſhall reſcue any Perſon or Perſons in Cuſtody for ſuch Offence; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Penalty or Fine not under Ten Shillings nor exceeding Ten Pounds with full Coſts of Suit, beſides the whole Damage ſuſtained by the Truſtees.

Public Roads protected.

XXXVIII. And be it enacted, That it ſhall not be lawful for any Perſon to ride upon the Foot-paths conſtructed along the Sides of the High Roads, or to uſe the ſame for any other Purpoſe whatever than the Accommodation of Foot Paſſengers; or to drag or turn a Plough upon any of the Roads or Foot Paths; or to hang or place any Gate acroſs the ſame or along the Side thereof to open otherwiſe than into the Field; or to lay or leave upon any of the Roads, or within Five Yards thereof (unleſs there be a proper Fence betwixt and the Road) any Cart, Chaiſe, or other Carriage, loaded or unloaded, or any Implement of Huſbandry, or any Timber, Lime, Mortar, Shells, Gravel, Stones, Carrion, Dung, Soil, Compoſt, or any Sand or Aſhes (except in Time of Froſt); or to leave any Horſes, Oxen, Cows, Sheep, Lambs, Hogs, Swine, or other Cattle to lye down or loiter in the ſaid Roads, or any Part thereof, or to ſuffer them to graze upon the Sides of the Roads or on the Drains and Ditches; or to carry along the Roads any Timber, Iron, or other Matter whatever, otherwiſe than upon a Wheel Carriage; or to ſuffer the ſame, even on ſuch Wheel Carriage, to project beyond the outer Part thereof, or to occupy more of the Road in Breadth than is occupied by the Cart or other Carriage itſelf, or to touch or drag upon any Part of the Road; or to make any Hole or Cut in the ſaid Roads; or to do any other Act or Deed whatever, whereby any of the Roads in the ſaid County of *Edinburgh*, or any of the Streets of the Burghs, Towns, or Villages therein, may be unneceſſarily injured or obſtructed; and every Perſon offending in any of the above-mentioned Particulars ſhall be liable to pay the whole Damage ſuſtained by the Truſtees, and to remove the Nuiſance, and to deſiſt from the Encroachment; and ſhall alſo for every ſuch Offence, forfeit and pay a Fine not under Ten Shillings nor exceeding Five Pounds Sterling, with full Coſts of Suit.

Evaſion of Tolls prevented.

XXXIX. And be it enacted, That it ſhall not be lawful for any Perſon to evade or to attempt to evade Payment of the Tolls and Duties, or any Part thereof by paſſing through any private Road, or through any Grounds, whether open or incloſed, or by fording any River near to the ſaid Turnpikes, (unleſs ſuch private Road, ſuch Grounds, or ſuch River be the excluſive Property of the Perſon ſo travelling or fording the ſame, or the common and ordinary Acceſs to his Reſidence, or from one Part of his Lands to another), or by taking off any Horſe, Mare, or Gelding, or other Beaſt of Draught, from any Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, or by leaving in any Houſe or Place without the Toll-bar any Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, or any Horſe or other Cattle, and then paſſing through the ſaid Toll-bar on Foot or otherwiſe, or by diſpoſing of any Paſs-ticket, or by uſing any ſuch Ticket not truly and *bonâ fide* obtained by the Perſon availing himſelf of the ſame,

or by fabricating any Pass-ticket, or by laying Claim to any Exemption not justly and truly due; neither shall it be lawful for any Person directly or indirectly to aid and assist, or knowingly to permit any Person so to evade or attempt to evade Payment of the Toll Duties; and every Person or Persons so offending, shall for every Offence forfeit and pay a Fine not under Ten Shillings and not exceeding Five Pounds Sterling, besides the Money of which the Trustees or their Tacksman have been defrauded, and full Costs of Suit.

Toll-gatherers regulated.

XL. And be it enacted, That it shall not be lawful for any Tacksman of the Tolls, or Toll-gatherer, or other Person employed to collect any of the Tolls or Duties, to take or receive, directly or indirectly, any lesser or other Tolls and Duties than what are appointed to be levied and exacted by this and the before-recited Acts, unless where a General Meeting of Trustees shall have authorized any of the Tolls and Duties to be lessened; or to sell Ale, Spirits, or Articles of any Kind within any of the Toll-houses, or in any other House, or at any Place within a Quarter of a Mile of any Turnpike-gate, unless in so far as he shall be expressly authorized so to do, by Warrant of a General Meeting of Trustees, or to absent himself from the Turnpike-gate, so as to occasion Delay or Inconvenience to Travellers; or to refuse, when required by any Person passing through the Turnpike Gate, to shew his Warrant of Collection; and every Person offending in any of the Particulars aforesaid, shall for every such Offence forfeit and pay a Fine not under Ten Shillings nor exceeding Forty Shillings besides full Costs of Suit.

Travelling regulated.

XLI. And be it enacted, That it shall not be lawful for any Chaise Driver to sit in his Chaise, or for any Carter or the Driver of any other Carriage of the like Kind to ride upon his Cart or other Carriage, while passing through the Streets of any City, Town, or Village in the said County, or upon any Highway within the Toll Bars next adjoining to the said City of *Edinburgh*; and every Chaise Driver sitting in his Chaise beyond the above Limits shall resume his proper Station, and every Carter riding upon his Cart or Carriage beyond the said Limits shall dismount, when either of them shall be thereto required by any Person, apprehending Danger; provided always that nothing herein contained shall extend to any Coach, Chaise, Phaeton, Curricle, Chair, or other Carriage usually driven by a Person sitting within or upon the Carriage; neither shall it be lawful for any Person to take Charge of more than Two Single Horse Carts, or of more than One other Carriage, or for the Driver of any Waggon, Wain, Cart, Coach, Chaise, or other Carriage, or of any Horse, Ass, Mule, or other Beast of Draught, to drive or permit the same to travel or pass upon any Part of the Roads within the County of *Edinburgh*, abreast or alongside of any other Waggon, Wain, Cart, Coach, Chaise, or other Carriage, or of any Horse, Ass, Mule, or other Beast of Draught, but all such Carts and Carriages and Beasts of Draught above described, going in the same Direction, shall drive in a Line, with a Bridle or Halter affixed to the Head of each Horse or other Beast of Draught, and in the Hand of the Driver; and all such Drivers upon meeting any other Waggon, Wain, Cart, Coach, Chaise, or other Carriage, loaded or unloaded, or any Person travelling on Horseback or with a loaded Horse, shall give way by holding

holding or driving to his own left Hand, or what is commonly called the near Side; and all Coaches, Chaises, or other Carriages of the like Kind travelling for Hire, and all Waggons, Wains, and Carts of every Description within the County of *Edinburgh*, shall have the Name and Place of Abode of the Owner painted in legible Characters upon some conspicuous Part of the Carriage, Waggon, Wain, or Cart; and every Person offending in any of the Particulars immediately above specified shall, for every such Offence, forfeit and pay a Fine not under Ten Shillings nor exceeding Five Pounds Sterling, besides the full Costs of Suit.

Recovery of Penalties.

XLII. And be it enacted, That in all Cases under this Act or the before-recited Acts, where no Provision is made to the contrary, any Person offending may, without any Warrant or Peace Officer, be apprehended by the Person injured or intending to inform or prosecute, with such Aid as he can procure, and be by him or them carried before the next Justice of the Peace, who is hereby required to deal with such Offender as is hereinbefore directed; and the Horses, Carts, or Carriages of such Offender may be seized and detained till the Penalties shall be paid; and in all other Cases any Person or Persons whatever, knowing of any Offence committed against this Act, may lodge Information thereof with the Procurator Fiscal of the County of *Edinburgh*, who is hereby required, as he shall be answerable, to prefer a Summary Complaint to any One or more Justice or Justices of the Peace of the said County, or to the Sheriff Depute or Substitute thereof; and either the said Justice or Justices, or the Sheriff Depute or Substitute, may thereupon proceed against the Offender or Offenders in a summary Way, but with Liberty nevertheless to any Person conceiving himself to be aggrieved by the Sentence of such Justice or Justices, to appeal to the next General Quarter Sessions of the Peace, but not afterwards; and in all Cases the said Justice or Justices, and the Sheriff Depute or Substitute, may convict upon the Confession of the Offender, or on the Oath of One or more credible Witness or Witnesses; and in case the Fine be not instantly paid, the Offender may be committed to any Jail, or to the Bridewell or House of Correction, till Payment, or failing thereof, until the Expiration of any Time not exceeding Two Calendar Months from the Day of Commitment, or the Goods and Chattels of the Offender may be distrained and sold by Warrant of the said Justice or Justices, or of the Sheriff Depute or his Substitute, for Payment of the Sums awarded, and the Persons so distraining are hereby authorized to sell the Goods or Chattels so distrained, and to return the Overplus to the Owner, after the reasonable Charges of distraining, keeping, and selling have been first deducted.

Limitation of Actions.

XLIII. Provided always nevertheless, and be it enacted, That no Prosecution shall lie against any Person for any Offence or Malversation committed against or under this or the before-recited Acts, unless the same be brought within Three Calendar Months after the Trespass committed.

Application of Penalties.

XLIV. And be it enacted, That all Penalties which may be recovered under this or any of the before-recited Acts, shall be applied in Manner following, *videlicet*, When such Penalties are awarded for evading the Tolls, the One Half thereof shall belong to the Informer, and the other Half to the Trustees of the District, to be applied to the

Roads therein, or to the Tacksman of the Toll-bar affected by such Evasion; and all other Penalties shall belong, the One Half to the Informer as aforesaid, and the other Half may be disposed of according to the Discretion of the Justice or Justices, or Sheriff, before whom the Offender shall be convicted.

Jurisdiction of the Justices and Sheriff.

XLV. And be it enacted, That the Sheriffs Depute and Substitute, and the Justices of the Peace, although they should be also Trustees, may nevertheless act and judge in all Cases brought before them respectively, under this and the said recited Acts, unless they themselves be personally interested in the Subject of the Suit; and in all Cases the Decisions of the Sheriffs Depute or Substitute, or of the Justice or Justices of the Peace so acting respectively, shall be final and conclusive, and not subject to the Review of any other or superior Court, by Advocation, Suspension, Reduction, Appeal, or otherwise howsoever, saving and reserving always the Right of Appeal from One or more Justice or Justices to the General Quarter Sessions of the Peace so often as such Appeal is permitted by this or the said recited Acts.

How the Trustees may sue and defend.

XLVI. And be it further enacted, That where it is not otherwise provided, the Trustees may sue and be sued for any Matter in pursuance of this Act, or of any of the before-recited Acts, in Name of their general or principal Clerk for the Time being, and any of the Districts may sue and be sued in Name of their Convener, Clerk, or Cashier, all for the Time being; and no Action shall be discontinued or abated by the Death or Removal of any of these Officers.

Explanation as to Bridge and Toll Bar at *Bonnington*.

XLVII. And whereas by the said Act of the Thirty-eighth Year of His present Majesty, the said Trustees were authorised to build a Bridge over the *Water of Leith*, at or near the Village of *Bonnington Mills*, and to make Communications thereto, but were restrained as to the Scite of the said Bridge, and the Mode of approaching it through the Property and Buildings of *Bonnington Mills*; and the said Act contained a Reservation in favour of the Proprietors of the said Mills and their Tenants, and of Persons thirled to the said Mills: And whereas the said Trustees have now agreed with the Proprietors of *Bonnington Mills*, and have with his Consent proceeded to build the said Bridge, and to lay out the Approaches thereto in a Manner more convenient for the Public; be it therefore enacted, That the said Trustees shall have Power to complete the said Bridge, and the necessary Communications thereto, in the Manner in which the same are now laid out; and that any Exemption from Payment of Toll on the Road betwixt *Bonnington Mills* and *Leith*, shall cease and be abolished, any Thing in the said Act of the Thirty-eighth Year of His present Majesty to the contrary notwithstanding.

Former Acts to remain in Force.

XLVIII. And be it enacted, That the whole of the before-recited Acts, as well those which relate to the Turnpike Roads as those which relate to the Statute Labour of the County of *Edinburgh*, and all the Provisions therein contained, shall remain in full Force in every Respect, and shall be held to extend to every Thing to be acted or done under this present Act, except in so far as the said recited Acts are hereby altered, explained, or amended.

XLIX. And

Bridge Money may be augmented.

XLIX. And whereas the Sum of Ten Shillings *Scots*, being Ten Pence Sterling, upon each One Hundred Pounds *Scots* of valued Rent, levied in the Name of Bridge-Money, under the Authority of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-nine, is now found to be insufficient and inadequate; be it therefore enacted, That it shall be lawful for the Freeholders and Heritors of the County of *Edinburgh*, to stent or assess the Heritors of the said County from Time to Time, as they may see Cause, in any Sum, not to exceed in the Whole Two Shillings and Sixpence Sterling yearly upon each One Hundred Pounds *Scots* of valued Rent, to be levied and applied as the old Assessment might be levied and applied.

Expence of the Act.

L. And be it enacted, That the reasonable Charges and Expences paid, or that shall be paid, in, about, or by reason of the passing of this Act, shall be defrayed in the same Manner as the Expence of the said Act of the Thirty-eighth Year of His present Majesty was paid and defrayed.

Public Act.

LI. And be it further enacted and declared, That this Act shall be taken and allowed in all Courts within this Kingdom as a Public Act; and all Judges, Justices, and other Persons, are hereby required to take notice thereof as such, without specially pleading the same.

SCHEDULE of Names of Proprietors to which this Act refers.

Heirs of William Fraſer, Tinſmith.
John Cockburn Roſs, Eſquire.
The Truſtees of George Heriot's Hoſpital.
William Moriſon, Writer, and the Truſtee for his Creditors.
James Walker, Eſquire.
Alexander Stewart.
Mr. Home Rigg of Morton.
John Robertſon.
The Truſtees for Watſon's Hoſpital.
William Murray of Henderland.
Mrs. Macgill.
The Heirs of Dr. Hope.
Mr. Lindſay's Heirs.
James Reid.
Major Cochrane.
Mr. Benjamin Bell, Surgeon.
Mr. Home's Heirs.
Walter Little Gilmour of Craigmiller, Eſquire.
Alexander Allan, Eſquire.
The Truſtees of George Heriot's Hoſpital.
James Marſhall, Writer to the Signet.
The Magiſtrates and Town Council of the City of Edinburgh.
The Truſtees of Alſton:
Thomas Greig, Baker.
Hannay, Labourer.
White, Maſon.
Clark, Labourer.
Dick, Labourer.
Mr. Baron Norton.
Mrs. Roſs.
Earl of Moray.
Brown, Gardener.
Meſſrs Eagle and Co. and Henderſon.
Mr. Milne, Smith.
The Truſtees for the Orphan's Hoſpital.
The Miniſter of the Pariſh of South Leith.
John Johnſton, Wright.
Louis Cauvin, Eſquire.
Mrs. Kyle.
The Rev^d. David Dickſon.
Miſs Brand.
Smith.
Strange.
Francis Braidwood.
Joſiah Maxton.
Straton.
Mrs. Ferrier.
Miſs Hutton.

Miſs Dunbar.
The Heirs of Hugh Bell.
General Fletcher Campbell.
His Grace the Duke of Hamilton.
The Earl of Haddington.
John Learmonth.
James Clarke.
Robert Playfair.
Millar, Gardener.
Hardie, Brewer.
Mrs. Archer.
Mrs. Duncan.
James Liddell, Carver and Gilder.
Colonel Andrew Lyon.
Commiſſioner Thomas Wharton.
James Clerk Eſquire.
William Laurie.
Joſeph Archibald.
Earl of Wemyſs for the Scite of his Coach-Houſe and Stables only.
John Borthwick of Crookſton.
Thomas Hog of Newliſton.
William Cunningham, Jeweller.
Borthwick.
Adam Kier.
Andrew Laurie.
Dick.
Bonnar.
James Grieve.
James Davidſon.
Mrs. Hamilton.
Mrs. Melville.
Heirs of James Scott.
Thomas Brown.
John Linton.
Andrew Wylie.
William Tod.
James Boate.
James Wood.
Mrs. Moſſman.
James Niven.
John Mitchell.
Thomas Sievright of Meggetland.
Dalziel.
Mrs. Tweedie.
John Ferguſſon.
Mrs. Weir at Drumſheugh and her Son reſiding with her.
Peter Cunningham.
Robert Wilſon.

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