Anno triceſimo ſecundo

Georgii II. Regis.

An Act for the better Preſervation of the Turnpike Roads in that Part of *Great Britain* called *Scotland*.



WHEREAS great Sums of Money have been expended in amending and repairing the Turnpike Roads in that Part of Great Britain called Scotland, yet the ſaid Roads cannot be kept in ſufficient Repair, and are in many Places become ruinous by the great and exceſſive Weights which the Number of Horſes now allowed by Law to draw Waggons and other Carriages, enable Carriers, and other Perſons, uſing the ſaid Roads, to carry upon the ſame: For Remedy whereof, 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 from and after the Firſt Day of September, One thouſand ſeven hundred and fifty nine, where any Waggon, Wain, Cart, or other Carriage, is drawn by Four or more Horſes, or other Beaſts of Draught, it ſhall and may be lawful for all Truſtees or Commiſſioners appointed, or hereafter to be appointed, by any Act or Acts of Parliament, for the

Preamble.

Additional Toll of 5*s.* *per* Horſe to be laid on all Waggons, &c. drawn by Four or more Horſes in *Scotland*.

Repair of any Highway or Highways, in that Part of Great Britain called Scotland, in their respective Districts, or any Five or more of them, or any Person or Persons impowered by them, or any Five or more of them, to demand, receive, and take, and they are hereby required to demand, receive, and take, at all the Gates and Bars that are or shall be erected for receiving and collecting any Toll or Duty, before such Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Toll-gate or Toll-bar, over and above the Tolls or Duties already granted, or hereafter to be granted, the Sum of Five Shillings Sterling for each Horse, or other Beast of Draught, drawing any such Waggon, Wain, Cart, or other Carriage; which said additional Toll or Duty hereby granted and made payable, shall and may be levied upon any Person who shall, after Demand made thereof, refuse or neglect to pay the same, in such Manner as any other Toll or Duty, payable at the same Turnpike-gate or Bar, is by Law to be levied; and the Money arising from such additional Duty, shall be applied to the Repair of the Highway where the same shall be collected.

Penalty on taking off Horse, &c. to avoid the additional Toll.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall take off, or cause to be taken off, any Horse or Horses, or other Beast of Draught, from any Carriage, at or before the same shall come to any of the said Gates or Turnpikes, with an Intent to avoid paying the said additional Toll or Duty, each and every Person so offending, and being convicted thereof before the said Trustees, or any Five or more of them, upon the Oath of One or more credible Witness or Witnesses (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer), shall forfeit and pay Twenty Shillings Sterling; one Half to the Informer, and the other Half to be applied to repairing such Part or Parts of the said Road, as the said Trustees, or any Five or more of them, shall appoint.

Travelling with fewer Horses on one Part of the Road than on another, liable to forfeit.

And be it further enacted and declared by the Authority aforesaid, That every Person who shall drive any Waggon or other Carriage upon any Part of any Turnpike Road, with more Horses than such Waggon, or other Carriage, shall, on the same Day, pass through any Turnpike-bar or Gate with, shall be deemed and adjudged to have taken off the said Horses, with Intent to avoid paying the said additional Toll or Duty.

And be it further enacted by the Authority aforesaid, That from and after the First Day of September, One thousand seven hundred and fifty nine, no Waggon, Wain, Cart, or other Carriage, shall be drawn by more

than Eight Horses, or other Beasts of Draught, upon any Turnpike Road, in that Part of Great Britain called Scotland, on Pain of forfeiting the Sum of Five Pounds Sterling for every such Offence; one Half to the Informer, and the other Half to be applied to repairing the Road where the Offence shall be committed, as the Trustees, or any Five or more of them, shall appoint.

Such Number of Horses may be used for drawing Carriages up Hill, as the Trustees, by an Order for that Purpose, shall allow.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to restrain the Owner or Owners of any Carriage, or his or their Servants, using or drawing with as many Horses, or Beasts of Draught, as shall be necessary for drawing such Carriages up any steep Hill, as the said Trustees, or any Five or more of them, within their respective Districts, where such steep Hills do lie, shall, from time to time, order and direct; a Copy of which Order and Direction, under the Hand of the Clerk of the said Trustees, shall be kept by the Person or Persons impowered to levy the said Tolls or Duties, at the Toll-gate next adjacent to such Hills; and shall, without Fee or Reward, be made Patent to the Owners of such Carriages passing the Road, or their Servants, requiring to see the same.

Copy of the Order to be lodged with the Collector of the Tolls, &c.

Waggons, &c. with Broad Wheels,

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall impose or be construed to impose the said additional Duty on any Waggon, Wain, Cart, or other Carriage, the Fellies of the Wheels whereof are of the Breadth or Gage of Nine Inches, from Side to Side, at the least; nor on any Waggon, Wain, Cart, or other Carriage, employed in carrying One Tree or Piece of Timber, One Stone or Block of Marble, or any Machine or Engine in One Piece, which cannot be drawn by fewer than Four Horses; nor on any Waggon, Wain, Cart, or other Carriage, drawn by Oxen or Neat Cattle only, or along with Two Horses, and no more.

or carrying only One Block of Marble, &c. not liable to additional Duty.

Carriages with Fellies of the Wheels Six Inches broad, drawn by 3 Horses, to pay the Toll only of Two.

And, for the further encouraging the using of Broad Wheels, be it further enacted by the Authority aforesaid, That from and after the First Day of September, One thousand seven hundred and fifty nine, all Waggons, Wains, and Carts, whereof the Fellies of the Wheels are of the Breadth or Gage of Six Inches from Side to Side, at the least, drawn by Three Horses, Mares, or Geldings, shall only be liable and subject to Payment of such Toll or Duty as is at present imposed, by the Acts of Parliament already made, upon Waggons, Wains, and Carts, drawn by Two Horses.

Chaises, Coaches, &c. exempted.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be deemed or construed to extend to any Chaise Marine, Coach, Chariot, Landau, Berlin, Chaise, Chair, or Calash.

Trustees may order Wheels to be measured.

And, for the better discovering and detecting the Offenders against this Act, it is hereby further enacted, That it shall and may be lawful to and for the Trustees appointed, or to be appointed, by any Act or Acts of Parliament made, or to be made, for the repairing or amending any Highway or Highways within that Part of Great Britain called Scotland, or any Five or more of them, and they are hereby authorized and required, by Writing under their Hands, to order the Fellies of the Wheels of all Waggons, Wains, Carts, and other Carriages, which are, or ought to be, of the Breadth or Gage herein before directed and prescribed, to be measured and gaged at any Turnpike or Toll-gate erected, or to be erected, upon any Part of the Highway or Road, in or upon which such Waggon, Wain, Cart, or Carriage respectively, shall travel, pass, or be drawn.

Carriages with Wheels reduced, by wearing, not more than One Inch, allowed to pass.

Provided always, That in case it shall appear to the Satisfaction of the Person or Persons appointed to measure and gage the said Wheels, that the Fellies of the Wheels of any Waggon or Wheel Carriage, travelling or passing upon any such Turnpike Road, were originally, and when first made, of the Breadth of Nine or Six Inches respectively, and, by long Usage and Wearing, shall have been reduced to, and become of, less Breadth or Gage; then, and in such Case, it shall and may be lawful for such Waggon or Wheel Carriage to travel, pass, or be drawn upon any such Turnpike Road, so as the Fellies of all the Wheels thereof respectively be not diminished more than One Inch of the full Breadth required by this Act.

Persons hindering the measuring of Wheels, forfeit £. Sterling.

And it is hereby further enacted and declared, That if any Person or Persons shall hinder, or attempt to prevent or obstruct, the measuring or gaging the Fellies of such Wheels, or shall use any Violence to any Person or Persons employed or concerned in such measuring or gaging, each and every Person so offending, and being convicted thereof before the said Trustees, or any Five or more of them, upon the Oath of One or more credible Witness or Witnesses, which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer, shall forfeit and pay Five Pounds Sterling; One half to the Informer, and the other Half to be applied to repairing

repairing such Part or Parts of the said Road, as the said Trustees, or any Five or more of them, shall appoint.

Penalties, not otherwise directed, to be levied by Distress.

And be it further enacted by the Authority aforesaid, That all Tolls, Duties, Penalties, and Forfeitures, by this Act imposed, if not otherwise directed to be levied by this Act, shall be levied by Distress of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the County, City, or Place, where the Offence shall be committed; and the Persons distraining for such Penalties are hereby authorized and impowered to sell the Goods or Chattles so distrained, and return the overplus Money, if any there be, upon Demand, to the Owners of such Goods and Chattles, after such Tolls, Duties, Penalties, or Forfeitures, with the reasonable Charges of such Distress, shall be deducted and paid.

Distress may be sold.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him or themselves aggrieved by any Order or other Proceedings of the said Trustees or Justices, it shall and may be lawful for him or them to appeal to the Justices of the Peace for the County or Place where the Cause of Appeal shall arise, in their General Quarter Sessions assembled, who are hereby authorized and impowered to hear and determine the matter in Dispute, and whose Order therein shall be final and conclusive.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action shall be brought, or Suit commenced, against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premisses, or any of them, every such Action or Suit shall be laid or brought within One Month after the Fact done.

FINIS.