



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 48.

An Act for more effectually repairing and amending certain Roads in the Counties of *Roxburgh* and *Berwick*; and for better regulating the Statute Labour, and making and repairing the High Roads and Bridges in the said County of *Roxburgh*.

[23^d May 1806.]

WHEREAS by an Act, passed in the Eighth Year of the Reign of His present Majesty, intituled, *An Act for repairing several Roads leading through the County of Roxburgh*, several Tolls and Duties were granted and made payable, and divers Powers and Authorities were given for repairing the said Roads; and also for building a Bridge over the River *Tweed*, at a convenient Place between the Foot of *Leader* and the Foot of *Gala*, and for putting the said Act in Execution; and by another Act, passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Powers of so much of an Act, made in the Eighth Year of the Reign of His present Majesty, as relates to the repairing and widening several Roads leading through the County of Roxburgh, and for better regulating the Statute Labour in the said County*, the Term and Powers granted by the said former Act were altered and enlarged; and it was enacted, that a Conversion in Money, or Composition

[*Loc. & Per.*] 8 Geo. 3. c. 60,
and 29 Geo. 3.
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fition in lieu of Statute Labour should be paid by all Persons liable to perform such Statute Labour within the said County of *Roxburgh*: And whereas the Trustees appointed in and by virtue of the said Acts have proceeded in the Execution thereof, in making and repairing the several Roads therein mentioned, in building a Bridge over the River *Tweed* at *Drygrange*, and in carrying into Effect the other Purposes in the said recited Acts specified, and various Sums of Money have been borrowed upon the Credit of the Tolls thereby granted, but the said Roads cannot be effectually completed and kept in Repair, the said Bridge maintained, and the other Purposes of the said Acts fulfilled, under and by virtue of the Laws now in force: And whereas it is expedient that an Alteration should be made in the present Line of Direction of the following Turnpike Roads, *videlicet*, The Road leading from the Burgh of *Jedburgh* to *Ancrum* Bridge; the Road leading from or near from *Gala* Bridge to the Confines of the County of *Mid Lothian*; and the Road leading from or near from *Drygrange* Bridge up *Leader Water* towards *Lauder*, Part of which last-mentioned Road is intended to lead through the County of *Berwick*; and that a Branch of Road should be made and maintained from *Boonjedward House*, in the Parish of *Jedburgh*, to the Bridge over the River *Jed* at *Jedfoot*: And whereas for carrying into Effect the several Purposes before-mentioned it is necessary and expedient that Power should be given to augment the Rates of Toll on the said Roads, and of Toll or Pontage on the said Bridge, as well as the Rates of Conversion for Statute Labour, now exigible in virtue of the said recited Acts: And whereas the Powers and Authorities necessary for repairing the said Roads, and maintaining the said Bridge, might be more conveniently executed if the said Acts of the Eighth and Twenty-ninth Years of the Reign of His present Majesty were repealed, and the necessary Provisions for the same comprised in one Act 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 Eighth and Twenty-ninth Years of the Reign of His present Majesty shall, from and after the First Meeting of the Trustees to be held in virtue of this Act, be and the same are hereby repealed; and instead thereof this present Act shall commence, take Effect, and be put in Execution, for and during the Term hereinafter mentioned, for the Purpose of repairing, widening, and keeping in Repair, the Roads after mentioned, *videlicet*, The Road leading from the *Red Swoyre*, upon the Mid Border betwixt *England* and *Scotland*, through the Burgh of *Jedburgh*, to *Ancrum* Bridge, by two different Branches; one by *Edgerston*, *Rink*, *Old Jedburgh*, and the *Abbey Bridge* of *Jedburgh*; and another by *Southdeankirk*, *Abbotrule*, and the said *Bridge* of *Jedburgh*; and from *Ancrum* Bridge by *Newtown* to the *Bridge* over the River *Tweed* at *Drygrange*, and from thence till it join the Road leading from *Kelso* to *Lauder*, near *Nether Blainslies*; the Road from the said *Bridge* over *Tweed* at *Drygrange* to the Confines of the County of *Selkirk*, near the *Bridge* over *Gala Water* at *Gala Shiels*; and the Branch leading from the said last-mentioned Road by *Melrose* *Bridge* to *Melrose*; the Road from the said *Bridge* over the River *Tweed* at *Drygrange* to the said Town of *Melrose*, and from thence to or near the Village of *Eildon*; and the Road leading from the *Red Swoyre* aforesaid to the Town of *Hawick*, and from the West End of that Town by *Denholm* and *Crailing* to the High Road leading from the Town of *Kelso* by *Maxwelheugh* to the East Border;

Former Acts repealed,

and instead thereof the present Act to be in force.

Border; for making, maintaining, and keeping in Repair a Branch of Road from *Boonjedward House*, in the Parish of *Jedburgh*, to the Bridge over the River *Jed*, at *Jedfoot*; and for maintaining and repairing the said Bridge over the River *Tweed*, at *Drygrange*, and other Bridges upon the said Roads; for the Regulation of the Statute Labour of the said County of *Roxburgh*, and for the several other Purposes hereinafter mentioned, according to the true Intent and Meaning of this Act.

II. And be it further enacted and declared, That this Act, and the several Tolls hereinafter granted and made payable shall, for and during the Term hereby granted, be and remain subject and liable in the first Place to the Payment of all Sums of Money due and owing upon the Credit of the Tolls and Pontage in the said former Acts or either of them granted, together with all Interest due and to become due thereon; and afterwards also to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of the Tolls granted by this present Act, together with all Interest due, and which shall or may from Time to Time hereafter become due and payable for the same.

Debt due on the Credit of the Tolls, continued by the present Act.

III. And be it enacted, That the Honourable *Charles Scott* commonly called *Earl of Dalkeith*, the Honourable *William Ker* commonly called *Earl of Ancrum*, the Honourable *James Maitland* commonly called *Lord Maitland*, the Honourable *Gilbert Elliot*, Sir *John Buchanan Riddel* Baronet, Sir *Alexander Don* of *Newton* Baronet, Sir *John Scott* of *Ancrum* Baronet, Sir *James Pringle* of *Stitchell* Baronet, Sir *George Douglas* of *Springwood Park* Baronet, Sir *Henry Hay Mac Dougall* of *Mackerston* Baronet, Sir *William Elliot* of *Stobbs* Baronet, Sir *Archibald Collingwood Dickson* of *Sydenham* Baronet, *John Rutherford* of *Edgerstone*, *William Elliot* of *Wells*, *Cornelius Elliot* of *Woollee*, *William Oliver* of *Dinlabyre*, *William Riddell* of *Cammiestone*, *Archibald Douglas* of *Adderstone*, *George Douglas* of *Cavers*, *Hugh Scott* of *Harden*, *Andrew Wauchope* of *Niddrie*, *George Baillie* of *Jerviswood*, *Mark Pringle* of *Clifton*, *Charles Scott* of *Wool*, *Archibald Tod* of *Drygrange*, *Thomas Tulloch* of *Elliestone*, *Walter Scott* of *Raeburn*, *Charles Kerr* of *Abbotrule*, *Thomas Elliot Ogilvie* of *Chesters*, *Charles Riddell* of *Muistie*, *Robert Dickson* of *Hassendeanburn*, *Walter Kerr* of *Littledean*, *William Elliott* of *Harrot*, *James Pringle* of *Torwoodlee*, *William Douglas* of *Timpendean*, *John Rutherford* of *Mosburnford*, *Edgar Hunter* of *Lintill*, *James Haig* of *Bemerside*, *Nicol Milne* of *Faldonside*, *George Bruce* of *Langlee*, *James Chisholme* of *Greenriver*, *Archibald Jerdan* of *Boonjedward*, *Alexander Chatto* of *Maincuse*, *David Halliburton* of *Muirhouselaw*, *William Elliot Lockhart* of *Borthwickbrae*, *Henry Erskine* of *Shielsfield*, *Robert Davidson* of *Pinnaclebill*, *Thomas Mein* of *Greenwells*, *Edmund Antrobus* of *Rutherford*, *James Paton* of *Crailing*, *William Fair* of *Langlee*, *Robert Walker* of *Wooden*, *George Waldie* of *Henderstie*, *Cuthbert* of *Ednam*, *Adam Boyd* of *Cherrytraes*, *Charles Robson* of *Samieston*, *Peter Brown* of *Ratoflat*, *Robert Kerr* of *Chatto*, *John Corse Scott* of *Sinton*, *John Buckholm* of *Bush*, *Alexander Carre* of *Caverse*, *Thomas Ainslie* of *Wells*, *William Sibbald* of *Pinnacle*, *Archibald Dickson* of *Westerhousebyres*, *James Anderson* of *Wilton Lodge*, *Walter Elliot* of *Old Melrose*, *James Elliot* younger of *Woollee*, *Thomas Riddell* younger of *Camiestone*, *John Rutherford* younger of *Mosburnford*, *William Scott* younger, of *Raeburn*, *George Pott* of *Todrig*, *William Oliver* younger, of *Dinlabyre*, *William Scott* younger, of *Wool*, *William Ogilvie* younger, of *Chesters*, *Charles Scott* of *Wauchope*, *James Johnstone* of *Alva*, *John Seton Kerr*

Trustees.

Kerr of Kippilaw, James Hume of Carolside, Doctor Francis Hume of Coldenknows, Gilbert Innes of Stow, William Shillinglaw of Birkbillside, James Pringle younger of Torwoodlee, Harry Davidson of Belsbes, Alexander Keith of Belsbes, Archibald Dickson younger, of Hassendeanburn, Robert Pringle younger, of Stitchell, Alexander Don younger, of Newton, Thomas Bruce younger, of Langlee, Adam Fairholm of Chapel, John Fisher of Clackmae, Walter Scott younger, of Wauchope, George Bell of Huntkill, the Judicial Factor on the Estate of Roxburgh, the Provost of the Burgh of Jedburgh, the Baillie of the Lordship of Melrose, the eldest Baillie of Lauder, the eldest Baillie of Hawick, and the Sheriff Depute of the said County of Roxburgh, all for the Time being, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, making, amending, widening, repairing, and keeping in Repair, and causing to be surveyed, ordered, made, amended, widened, repaired, and kept in Repair, the several Roads before mentioned, and the Bridges thereupon; and for maintaining and repairing the said Bridge over the River Tweed at Drygrange; and for putting in Execution all the Powers and Authorities by this Act given and granted relative to the same.

Power to elect
new Trustees.

IV. And be it enacted, That when and as often as it shall appear necessary and expedient to the Trustees hereby appointed in Manner herein-after mentioned, it shall be lawful for them, or any Five or more of them, from Time to Time, to elect and appoint One or more other fit Person or Persons, to be a Trustee or Trustees: Provided that Public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by Two several Advertisements, in any Newspaper published in the County of *Roxburgh*, and in Default thereof, in any Newspaper published in *Edinburgh*, the First of such Advertisements being at least Fourteen Days before the Day of such Meeting; and every Person who shall be elected and appointed a Trustee pursuant to the Directions of this Act; shall and may act with the Trustees by this Act named and appointed in the Execution of this Act, to all Intents and Purposes as if he had been named and appointed a Trustee in and by this Act.

Qualification
of Trustees.

V. Provided always, and be it enacted, That no Person, other than and except the Provost of the Burgh of *Jedburgh*, the Baillie of the Lordship of *Melrose*, the eldest Baillie of *Lauder*, the eldest Baillie of *Hawick*, the Sheriff Depute of the said County of *Roxburgh*, and the Judicial Factor on the Estate of *Roxburgh*, all for the Time being, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in the actual Possession and Enjoyment, in his own Right, or in Right of his Wife, as Fiar or Liferenter of the Rents and Profits of Lands lying in the said County of *Roxburgh*, or in those Parishes of the County of *Berwick*, through which the Direction of the said Road from or near *Drygrange* Bridge, up *Leader* Water, towards *Lauder*, shall or may pass, valued in the Cefs Books of the said Counties at Two hundred Pounds Scots, or the Heir Apparent of a Person so qualified as aforesaid, or a Guardian of a Minor, enjoying and possessing Lands of the Valuation aforesaid.

Penalty on
acting if not
qualified.

VI. And be it enacted, That if any Person not qualified as aforesaid, or as hereinafter mentioned, shall notwithstanding presume to act as a Trustee in the Execution of this Act, every such Person shall for every Offence forfeit

forfeit and pay any Sum not exceeding Twenty Pounds Sterling, besides the Expence of Prosecution, to be recovered by summary Complaint at the Suit of any Heritor of the said Counties of *Roxburgh* or *Berwick*, before the Justices of the Peace at their Quarter Sessions, or before the Sheriffs Depute or Substitute of the said Counties respectively, to be applied for the Purposes of this Act; and the Proof of Qualification shall lie upon the Person complained of.

VII. And be it enacted, That if any of the said Trustees shall accept or hold any Place of Profit arising out of this Act, by reason of any Tolls or Duties hereby granted, he shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; and that no Victualler or Retailer of Beer, Ale, or Spirituous Liquors, shall be capable of holding or enjoying any Office of Trust or Profit under this Act, but that this Disqualification shall not extend to the Person or Persons to whom the Toll Bars shall or may be let.

Trustees not to hold any Place of Profit.

No Victualler, &c. to hold any Office under the Act.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall hold their First stated or General Meeting, by virtue of this Act, at *Jedburgh*, upon the Third *Tuesday* after the passing of this Act, or as soon after as conveniently may be; and their next stated or General Meeting on the First *Tuesday* in *June* One thousand eight hundred and seven; and thereafter a stated General Meeting shall be held upon the First *Tuesday* of *June* annually, with Power to the said Trustees, or Majority of those present at any of the said stated or General Meetings, to adjourn to such other Time and Place as they shall think convenient; with Power also to name Committees of their Number, being Heritors in the respective Parishes through which the Roads pass, or Creditors on the said Roads or Bridge to the Extent of One hundred Pounds Sterling, each Heritor not present having Power to act by his Agent or Factor, specially authorized by a Writing under his Hand for that Purpose, to have the more immediate Care and Management of particular Parts of the said Roads, or of the said Bridge, and to give their Committees (whereof Three to be a Quorum) such Instructions and such Powers as they shall think fit and expedient; and also with Power to the said Trustees, both in their General Meetings and Committee Meetings to appoint Clerks, Cashiers, Collectors, Surveyors, Overseers, and other Officers, with reasonable Salaries for their Trouble; all which Clerks, Cashiers, Collectors, and others appointed to Offices of Trust, shall find Security for the due Execution of their Offices, and shall account to such Committee, or other Person appointed to receive their Accounts, once every Twelve Months, or oftener (if required), for all Monies received by them, and pay over the Balance to the Trustees or their Order, and in case of Default in accounting or Payment, it shall be lawful for any Two or more Justices of the Peace, or the Sheriffs Depute or Substitute of the said respective Counties of *Roxburgh* and *Berwick*, at the Suit of the said Trustees, to commit the Defaulter to Prison till a faithful Account be rendered, or until he shall have compounded with the said Trustees for the Balance due from him as aforesaid, which Composition the said Trustees are hereby authorized and empowered to make: Provided always, that no Person shall be committed for Want of sufficient Goods or Property whereon to make Distress for such Balance, for any longer Space of Time than Six Calendar Months.

Time and Place of General Meetings, and Order of Procedure.

Trustees to appoint Clerks, &c.

who shall find Security.

On Default to be committed till Account rendered.

[*Loc. & Per.*]

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IX. And

Quorum of
Trustees.

IX. And be it further enacted, That the Quorum of Trustees necessary to do Business in General Meetings shall be Five; but if only One, or any Number less than Five shall be present at any of the stated or other General Meetings, such Trustee or Trustees shall have Power to adjourn the Meeting; and in that Case Notice shall be given of the Day, Place, and Purpose of such adjourned Meeting, by Two several Advertisements in any Newspaper published in the County of *Roxburgh*, and in Default thereof, in any Newspaper published in *Edinburgh*, the First of such Advertisements being at least Fourteen Days before the Day of such adjourned Meeting; and the Clerk of the said Trustees shall have Power, and he is hereby required, when directed, by a Writing under the Hands of any Two or more Trustees, to call at any Time a General Meeting, giving the like previous Notice of the Time, Place, and Purpose of the Meeting; and at such Meetings no Business shall be entered or decided upon, other than what is specified in the Notice given as aforesaid; and it shall not be in the Power of any stated or General Meeting to rescind, alter, or vary the Determination of any former stated or General Meeting, unless previous Notice of the Intention of so doing, and the Time and Place of the Meeting, be given by Advertisements in such Newspapers as aforesaid.

Trustees to
keep Books.

X. And be it further enacted, That all the Proceedings of the said Trustees, and an exact Account of all the Money received by virtue of this Act, and of the Application of the same, shall be entered in a Book or Books to be kept by the Clerk or Clerks appointed by the said Trustees, whose Duty it shall be to enter and record regularly all their Proceedings and Accounts, and for that Purpose to call for and oblige the Receivers, Tacksmen, and Cashiers, to produce their Accounts and Vouchers thereof; and in case of their neglecting so to do they shall forfeit a Sum not exceeding their Year's Salary; which Books of Account and Proceedings shall be open to the Inspection of every Heritor in the County of *Roxburgh*, or of those Parishes in the County of *Berwick* through which the Line of Direction of the said Road from or near *Drygrange* Bridge shall or may pass, and to the Creditors on the Tolls on the said Roads and Bridge, without Fee or Reward; and in case of Misapplication of Money borrowed, collected, received, or levied by or under this Act, all and every Person or Persons who shall so misapply the same, or by whose Authority the Misapplication shall be made, shall forfeit Double the Sum misapplied with Costs of Suit, to be recovered at the Suit of any Two or more Heritors of the said County of *Roxburgh*, or of such Parishes as aforesaid of the said County of *Berwick*, by a summary Process before the Sheriff Depute of either County or his Substitute, out of which Sum when recovered the Sum so misapplied shall be paid to the Trustees for the Purposes of this Act, and the Remainder be divided into Two Moieties, One to be paid to the Trustees for the like Purposes and the other to the Persons suing for the same; and Committees appointed as aforesaid shall be accountable to the General Meetings, and for that Purpose shall lay before them once in the Year at least a State of their Accounts and all other their Transactions, to be by them at one of their stated General Meetings examined, audited, and approved; and in case of Failure or Neglect the Clerk of the General Meeting shall, and he is hereby required to apply to the Sheriff Depute or Substitute of the County, or to the Justices of the Peace at their Quarter Sessions or adjourned Quarter Sessions, which Sheriff or Justices shall grant a Warrant for

for summoning the Clerk of the Committee so failing, or other Person or Persons to whom the said Failure or Neglect is imputed, and on Proof of such Failure or Neglect shall fine him or them in a Sum not exceeding Five Pounds Sterling, nor less than Forty Shillings Sterling, to be paid to the said Trustees to be by them applied to the Purposes of this Act.

XI. And be it further enacted and declared, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or Treasurer to the said Trustees for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Trustees may sue or be sued in the Name of their Clerk or Treasurer.

XII. And be it enacted, That it shall and may be lawful to and for the said Trustees, at any stated or General Meeting assembled, to alter the present Lines and Directions of the following Turnpike Roads, *videlicet*, the present Road leading from the Burgh of *Jedburgh* to *Ancrum* Bridge, by conducting the same by the Bridge recently built over the Water of *Jed*, at *Jedburgh*, and again crossing the Water near the Flour Mill of *Jedburgh*, by a Bridge to be there erected, and so down the *Haughs*, and across *Boonjedward* Fields, till it join the present Turnpike Road, between the Farm House of *Boonjedward* and *Ancrum* Bridge; the present Road leading from or near from *Gala* Bridge to the Confines of the County of *Mid Lothian*, at or near to the Farm of *Caitba*, by keeping the same on the North Side of the Water of *Gala*; and also the present Road leading from or near from *Drygrange* Bridge, up *Leader* Water, towards *Lauder*, by conducting the same more to the Eastward, and crossing the *Leader* at or near *Earlstone* Bridge, and from thence through the Lands of *Earlstone*, *Carolside*, and *Birkbillside*, till it again join the present Turnpike Road to *Lauder*, at or near *Nether Blainlies* or *Bridgebaugh*, or as near to the aforesaid new Lines of Direction as may be found most advantageous to the Publick, least injurious to private Property, and most expedient by the said Trustees.

Alterations of certain Roads allowed.

XIII. And be it enacted, That the said Trustees at their First Meeting, or at any of the stated Meetings, or at any Adjourned Meeting assembled, or at a Meeting advertised for that special Purpose, may direct and authorise Gates and Turnpikes to be continued or erected across any Part of the said Roads, and one Gate or Turnpike on the said Bridge over the River *Tweed*, at *Drygrange*, and such Number of Toll Houses as they shall think fit, with a proper Stable and Garden to each Toll House (such Stable not to exceed Thirty Feet in Length, and Fifteen Feet in Breadth, and such Toll House, Stable, and Garden, not to contain more Ground than One Fourth of an English Acre), and may authorise their Collectors or Tacksmen, under their Authority, to take and levy at each of the said Gates, before any Passage be permitted, a Sum or Sums of Money, not exceeding the following Rates; that is to say,

For continuing or erecting Turnpikes.

For every Coach, Berlin, Landau, Barouche, Chariot, Chaise, Hearse, Calash, Chair, or other such Carriage, drawn by Six or more
Horses,

- Horses, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Five or Four Horses, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling and Three-pence Sterling; and drawn by Two Horses, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by One Horse, or other Beast of Draught, the Sum of Sixpence Sterling:
- For every Carriage, commonly called a Taxed Cart, the Sum of Four-pence Halpenny Sterling:
- For every Waggon, Wain, Cart, or other like Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Three-pence Sterling:
- For every Horse, Mare, Gelding, Mule, or Ass, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence Sterling:
- For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies, unshod, the Sum of One Shilling and Eight-pence Sterling *per* Score, and so in Proportion for any greater or less Number:
- For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling *per* Score, and so in proportion for any greater or less Number.

Toll on Lime.

XIV. Provided always and be it enacted, That no higher Rate of Toll shall be demanded or taken at any of the said Gates or Turnpikes for any Cart or other Carriage loaded with Lime, to be used as Manure, than the Rates following, *videlicet*, For every Cart or other Carriage, so loaded, drawn by One Horse, the Sum of One Penny Halpenny Sterling; and for every additional Horse the Sum of One Penny Halpenny Sterling.

Composition for Dung, etc. in Jedburgh.

XV. Provided also and be it enacted, that any Inhabitant of the Burgh of *Jedburgh* shall be entitled to compound for the Carriage of Dung or Manure belonging to such Inhabitant, carried from the Burgh of *Jedburgh* to the Burgh Roads, Acres or Small Fields, in the Vicinity thereof, for the Yearly Sum of One Shilling Sterling, to be paid at each Toll Bar through which such Dung or Manure shall pass.

Trustees may lower the Rates, and raise them again.

XVI. And be it enacted, That the said Trustees shall be, and they are empowered to diminish or lessen any or all of the said Rates, upon the said Roads, or any Part thereof, as the State of the Roads, and the Circumstances of the Funds may require; and also to raise the Rates again if they shall see Cause, but so as not at any Time to exceed the Rates authorized by this Act; and the said Trustees shall cause to be printed and affixed on each Toll House the Rates to be taken and levied for the Time being for the Information of all concerned.

Rates to be printed.

Trustees may diminish the Rates for Carriages drawn by Oxen,

XVII. Provided always, That it shall and may be lawful for the said Trustees, in any of their stated General Meetings assembled, if they see

see Cause, to diminish for such a Length of Time as they shall judge fit, the Tolls payable for Wains or other Carriages drawn by Oxen, such Diminution not exceeding One Half of the Tolls payable for the same Carriages drawn by Horses, and to raise the said Tolls again so as that the same shall not, at any Time, exceed the Rates by this Act granted. and raise them again.

XVIII. And be it further enacted, That the said Trustees shall have Power at their General or Committee Meetings to compound or agree by the Year, with any Person or Persons travelling, or in use to travel or use the said Roads, the Composition Money agreed upon being made payable Quarterly, and by Advance; and Copies of all such Agreements shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or respective Clerks, to be seen and perused by any Person or Persons at all reasonable Times, without Fee or Reward. Power to compound for Tolls.

XIX. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Carriages that shall pass along the said Roads and Bridge, and shall receive and take (over and above the Tolls hereby granted) the following Sums of Money as additional Tolls: Trustees may erect Weighing Engines.

For every Hundred Weight (of One Hundred and Twelve Pounds to the Hundred) which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any of the said Weighing Engines, over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh, without paying any additional Toll; that is to say, For the First and Second Hundred, the Sum of Threepence Sterling for each Hundred:

For every Hundred of such Over-weight, above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence Sterling:

For every Hundred of such Over-weight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling:

For every Hundred of such Over-weight above Ten Hundred, and not exceeding Fifteen Hundred, the Sum of Ten Shillings Sterling:

And for every Hundred of such Over-weight above Fifteen Hundred, the Sum of Twenty Shillings Sterling:

before they respectively shall be permitted to pass through such Gate or Turnpike; and the same shall be applied as the other Tolls are by this Act directed to be applied; and in case any Person or Persons shall hinder or obstruct the weighing of any Carriage as aforesaid, such Person or Persons shall for every such Offence forfeit any Sum not exceeding Ten Shillings Sterling, nor less than Five Shillings Sterling, besides all necessary Expenses.

XX. And be it further enacted, That every Waggon, Cart, or Carriage shall be allowed to pass without paying any additional Toll, provided such Waggon, Cart, or Carriage with its Loading does not weigh more than the Weights following; *videlicet*, Every Waggon or Four-wheeled Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer and Seven Tons in Winter; every Waggon or Wain having the Sole or Bottom of the Regulations concerning the Weight of Carriages.

Fellies of the Breadth of Nine Inches, Six Tons in Summer and Five and an Half Tons in Winter; every Cart having the Fellies of the Breadth of Nine Inches, Three Tons in Summer, and Two Tons Fifteen Hundred Weight in Winter; every Waggon having the Fellies of the Breadth of Six Inches, Four Tons Five Hundred Weight in Summer, and Three Tons Fifteen Hundred Weight in Winter; every Cart having the Fellies of the Breadth of Six Inches, Two Tons Twelve Hundred Weight in Summer, and Two Tons Seven Hundred Weight in Winter; every Waggon having the Fellies of less Breadth than Six Inches, Three and an Half Tons in Summer, and Three Tons in Winter; every Cart having the Fellies of less Breadth than Six Inches, and drawn by Two or more Horses, One and an Half Ton in Summer, and One Ton Seven Hundred Weight in Winter; and every such Cart drawn by One Horse, One Ton both in Summer and Winter; and for the aforesaid Purposes, it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter from the First Day of *November* to the Thirtieth Day of *April* in every Year, both inclusive.

Tolls vested in the Trustees.

XXI. And be it further enacted, That the Money so to be raised and collected as aforesaid shall, and is hereby declared to be vested in the said Trustees, and shall be strictly applied to and for the Uses and Purposes by this Act directed; nor shall any Part thereof be expended without their Orders, or the Orders of their Committees, or other Persons authorized by General Meetings; and if any Person or Persons subject to the Payment of the Tolls hereby granted, shall, after Demand made, neglect or refuse to pay the same, the said Trustees shall be, and are hereby empowered by themselves, or such other Person or Persons as they shall appoint, to levy the same by Distress and Sale of any Horse or Horses, or other Cattle, or Carriage, upon which such Toll is imposed, or the Loading, Harness, or Accoutrements of any such Horse or Cattle, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same, and to keep such Cattle or Carriage until the same and Charges of the Distress be paid; and after the Expiration of Six Days to sell the Horse or Horses, Cattle or Carriage, or other Goods and Chattels so distrained by public Roup, at the Toll House where the Toll should have been paid, returning the Overplus to the Owner on Demand (if any), after Deduction of such Toll, and all Charge for distraining, keeping, appraising, and selling the same.

Tolls may be levied by Distress.

Turnpikes, Toll Houses, &c. vested in Trustees.

XXII. And be it further enacted, That the Right and Property of all and every the said Turnpikes, Toll Houses, the said Bridge over the River *Tweed* at *Drygrange*, and other Bridges on the said Roads and Premises already erected or to be erected in virtue of this Act, and the Materials thereof, with the Materials that shall be collected and dug up for making and repairing the said Roads and Bridges, shall be vested in the said Trustees, who may and are hereby authorized to dispose of them as they shall think proper, for the Purposes of this Act only.

Trustees may purchase Lands, and erect Toll Houses.

XXIII. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to purchase or take in Lease such Pieces of Ground as they shall judge most convenient, not exceeding One Fourth of an Acre for each Toll House, Stable, and Garden; and if they cannot agree with the Proprietor and Occupier of the Ground, they shall apply

apply to the Quarter Sessions of the County in which the same shall be situated, who shall have Power and are hereby required to oblige such Proprietor or Occupier to give a Lease of the said Ground for any Term not exceeding the Continuation of this Act, and fix the Rent of the same.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees to continue or cause to be erected One or more Gate or Gates, on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same; and also a Toll House at each such Gate, and there to take and receive such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate or Cross Bar shall entitle the Receiver thereof to pass Toll free through the next Gate or Turnpike on the said Roads, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night; but such Ticket shall not extend to entitle the Person receiving the same to pass the Bridge over the *Tweed* at *Drygrange* without paying the Toll exigible thereat.

Trustees may
erect Side
Gates.

XXV. And be it further enacted, That if any Person occupying any Lands or other Premises near to the said Roads shall assist, or be accessory in permitting any Person to pass over the same or through any Gate or Passage with any Horse, Beast, or Carriage, liable to pay Toll by virtue of this Act, or shall connive thereat; or if any Person shall forcibly pass through, or assist any Person in passing through any Turnpike Gate erected or to be erected on the said Roads, whereby the Payment of such Toll may be evaded; such Person so permitting or conniving at, and the Person or Persons riding or driving such Horse, Beast, or Carriage through such Grounds or private Passage, and any Person or Persons riding or driving any Horse, Beast, or Carriage through any private Road, whereby the Payment of the Toll may be avoided, or forcibly passing through any Turnpike Gate, being convicted thereof by the Testimony of One or more credible Witness or Witnesses, before the Sheriff Depute or Substitute, or any One or more of the Justices of the Peace of the said Counties of *Roxburgh* or *Berwick*, or of any of the adjoining Counties, shall for every such Offence forfeit and pay to the said Trustees, or their Collector or Collectors, any Sum not exceeding Five Pounds Sterling, nor less than Forty Shillings Sterling.

Penalty on
Persons going
or permitting
others to go
through any
Gate.

XXVI. And be it further enacted, That if any Person or Persons shall take off any Horse or Horses, or Oxen, or other Beasts of Draught, from any Carriage at or before the same shall come to any of the Gates or Turnpikes erected or to be erected by virtue of this Act, with an Intention to evade the Payment of any of the Tolls hereby imposed, or any Part thereof, or shall leave or cause to be left upon or near any Part of the said Roads, any Carriage, or any Horse, Beast, or Cattle, with such Intent as aforesaid, each and every Person or Persons so offending in any of the Cases aforesaid, and being thereof convicted in Manner aforesaid, shall forfeit and pay to the Trustees appointed to put this Act in Execution, or to their Collectors for the Time being, any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling.

Penalty on
taking off
Horses, &c.

XXVII. And be it further enacted, That in case any Person or Persons shall unload any Waggon, Cart, or other Carriage travelling along the said Roads

Penalty on
unloading
Carriages
before coming
to a Gate

Roads before coming to a Turnpike, and shall carry the said Load through such Gate, such Person or Persons shall pay the Tolls by this Act imposed in the same Manner as if such Coach, Chaise, Waggon, Cart, or other Carriage had gone through the Turnpike Gate without being unloaded; and if such Person or Persons shall refuse to pay such Tolls, he, she, or they shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling, to the said Trustees or their Collector for the Time being, for each of such Carriages.

Fords on the
Tweed near
Drygrange
Bridge to be
destroyed.

XXVIII. And, for preventing the Evasion of the Toll on the said Bridge over the River *Tweed* at *Drygrange*, be it further enacted, That it shall and may be lawful to the said Trustees to shut up and destroy, or maintain so shut up and destroyed, any Ford or Fords within One Statute Mile and a Half; according to the Course of the River, above or below the said Bridge; and if any Person or Persons shall cause any Cattle or Carriage to pass the said River at any Ford within the said Space, he, she, or they shall forfeit and pay to the said Trustees, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling for each Beast or Carriage.

Tolls to be
paid only
Once a Day.

XXIX. And be it further enacted, That no Person or Persons having paid the Tolls herein-before granted at any of the said Gates or Turnpikes, shall, on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night) be liable to pay again the said Tolls at any Gate or Turnpike through which they shall have passed, for the same Coach, Cart, or other Wheel Carriage, drawn by the same Horses or other Beasts of Draught, or for the same Horse or other Beast or Cattle for which any such Toll shall have been paid.

Penalty on
Persons dis-
posing of or
receiving
Tickets, &c.

XXX. And, for preventing Frauds and Abuses, be it further enacted, That if any Person or Persons having paid the Toll by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll, shall give or dispose of the same to any other Person or Persons, in order to avoid Payment of the said Toll, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, or receiving the same, being convicted thereof upon Oath before One or more Justice or Justices of the Peace, or before the Sheriff Depute or Substitute of the said Counties of *Roxburgh* or *Berwick*, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling, to the said Trustees, or their Collector or Collectors.

Exemptions
from Toll.

XXXI. Provided always, and be it further enacted and declared, That no Toll whatsoever shall be demanded or taken for any Carriage, Horses, or Cattle loaded with any Materials for making, building, or repairing the said Roads or Bridges, or any of the Causeways within or belonging to the same, or any other public County or Parish Roads, Highways, Bridges, or Causeways within the said Counties of *Roxburgh* or *Berwick*, although the same be not made, built, and repaired in pursuance of this Act; nor for the Passage of Corn or any Kind of Crops, or Implements of Husbandry carrying to or from any Field, through any Gate or Turnpike situated on the Farm to which the Corn Crops, Implements of Husbandry, Horses or Cattle, passing as aforesaid belong; nor for Horses or Cattle

going

going to or returning from Water or Pasture, from one Parish to the next adjoining Parish, or which shall not pass upon any Turnpike Road more than for the Space of Two Miles in going to or returning from Water or Pasture; nor for Corn of any Kind sent to or returning from Mills and Kilns, manufactured for the Use of Farmers, their Families, and Cottars, residing within an *English* Mile of the Toll Bar; nor for any Corn, Flax, Hemp, or other Articles belonging to any Inhabitant of the Burgh of *Jedburgh*, going to and returning from the Mills of *Jedburgh*, erected or to be erected on the Fall of Water running through the present Flour Mill of *Jedburgh*, and belonging to the Burgh of *Jedburgh*, for the Purposes of being threshed, ground, dressed, or otherwise manufactured; nor shall any Toll be demanded or taken at any Toll Bar to be erected between *Jedburgh* and *Crailing*, on the new Branch of Road from *Jedburgh* to *Jedfoot*, under the Authority of this Act, for any Horses, Cattle, or Carriages, belonging to any Occupiers of Lands or Inhabitants of Houses situated between the Town-foot of *Jedburgh* and the present Toll Bar at *Crailing*, to the South of the River *Teviot*, to the East of the River *Jed*, and West and South-west of the present Toll Bar at *Crailing*; nor for any Horse or Carriage going to or from any Smith's Shop to be shoed or repaired, and passing through any Gate or Turnpike situated within an *English* Mile from the said Smith's Shop; nor for any Person or Persons, their Carriages or Horses, who shall pass or return through the said Turnpikes, to or from their Parish Church, Chapel, or other Place of Religious Worship tolerated by Law, belonging to or situated within the Parish where such Person resides, upon *Sunday* or any other Day on which Divine Worship is ordered by Authority to be celebrated; nor who shall pass or return from attending the Funeral of any Person or Persons who is or are to be buried in the same Parish where such Person or Persons died; nor for any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horses or Carriages of whatsoever Description, employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Post-Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning from conveying the same; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers or Seamen, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Horse, Mare, or Gelding 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 always, that such Persons shall 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; nor for Carts, Carriages, or Waggon's travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same; and if any Person shall claim or take the Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling.

[*Loc. & Per.*]

II L

XXXII. And

Tolls to be
paid only
Once in Six
Miles.

Not to extend
to the Toll at
Drygrange
Bridge.

Trustees may
let the Tolls.

Trustees may
borrow
Money on the
Tolls.

Assignments
to be entered
in a Book.

Trustees not
personally
liable.

XXXII. And be it further enacted, That if any Turnpikes shall be erected within a less Distance of each other than Six Miles on the said Roads, any Person or Persons producing a Ticket to shew that he, she, or they has or have paid the Tolls at One Gate, shall not pay any farther Tolls till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they shall have paid: Provided always, that the said Exemptions shall only take place in the Case of any Person or Persons continuing to travel on one or other of the Roads herein mentioned, nor shall the same extend to the Toll payable on the said Bridge over the *Tweed* at *Drygrange*.

XXXIII. And be it further enacted That the said Trustees at a General Meeting assembled, or a Committee to be named by any General Meeting, may and they are hereby authorized and empowered by Public Roup to let the said respective Tolls or Duties, in Whole or by Parcels, from Time to Time during the Continuance of this Act by Lease or otherwise, for any Term not exceeding Three Years for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for paying thereof as shall be approved by the said Trustees.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, over and above the Money already due and owing on the Credit of the said Tolls, to borrow such Sum or Sums of Money as they shall judge to be necessary on the Credit of the Tolls leviable at any or each of the Turnpike Gates already erected, or to be erected by virtue of this Act, to be laid out in making and repairing the said Roads and Bridge over the River *Tweed* at *Drygrange*, and the other Bridges on the said Roads, erecting Toll Houses, and defraying the other Expences of carrying this Act into Execution; provided that the whole Amount of the Money so borrowed shall not exceed Two thousand Pounds, declaring that the Money so borrowed shall be and continue a Lien upon the Tolls granted by this Act, and it shall be lawful for the said Trustees and they are hereby empowered to assign the Whole or any Part of the Tolls by this Act imposed to the Person or Persons from whom the Money as aforesaid shall be borrowed, as a Security for Payment of the Sum or Sums of Money so lent by them, with the Interest thereupon; and the Assignments of the Tolls for the Money so borrowed shall be entered in a Book to be kept by the said Trustees, or such Persons as they shall appoint, which Book may be seen and perused at all reasonable Times by any Person or Persons any way interested as a Land Owner in the said Counties of *Roxburgh* or *Berwick*, or as a Creditor as aforesaid, without Fee or Reward; and the Securities to be granted by the said Trustees for the Purposes aforesaid shall be transferable by Indorsement duly subscribed by the Party transferring, in the Presence of one or more subscribing Witness or Witnesses.

XXXV. And be it hereby declared, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of the Money borrowed, or Interest thereof, by reason of having signed the Securities; which Securities are to be held and considered as granted upon the sole Credit and Security of the Tolls; nor shall any Trustee be held personally liable, upon any Pretext, for Payment of any
Sum

Sum which he shall not have bound himself to pay personally, as an Individual independent of his Office as a Trustee under this Act.

XXXVI. And be it further enacted, That the Produce of the Tolls, arising at the Turnpikes or Toll Bars erected or to be erected on the said Roads and Bridge over the River *Tweed* at *Drygrange*, shall be applied towards the making, repairing, and upholding the said Roads and Bridge over the River *Tweed* at *Drygrange*; and the other Bridges on the said Roads, and paying the Interest of the Money borrowed, subscribed, advanced, or owing, at the Time, and the Surplus shall be appropriated annually to extinguish the Principal of the said Debt, and to no other Purpose.

Application of Tolls.

XXXVII. And be it further enacted, That the Money arising by the said Toll at the Bridge over the River *Tweed*, at *Drygrange*, shall, after Payment of the Principal of the said Debt, be applied to provide a Fund to the Amount of Two Thousand Pounds Sterling, for maintaining and supporting the said Bridge; such Sum to be laid out and invested on such Real Security as the said Trustees at any General Meeting shall think proper to direct; and such Fund being provided accordingly, such Toll shall from thenceforth cease and determine.

A Fund to be provided to keep Dry-grange Bridge in Repair.

XXXVIII. And be it further enacted, That the said Trustees, in their stated General Meetings assembled as aforesaid, shall be and they are hereby authorized to cause the aforesaid Roads to be amended, widened, and repaired in such Manner as they shall think proper to settle the particular Direction of the same, to appoint Committees of their Number, with Power to employ Engineers, Surveyors, and other Persons with suitable Allowances for their Trouble, and also to make, or cause to be made, Causeways, and to cut and make Drains, Ditches, and Passages, for the Water through any adjacent Ground, and to keep clean such Ditches or Outlets; for which Purpose the Persons employed by them may go upon the said Lands, provided that reasonable Satisfaction shall be made to the Owners and Occupiers of such Lands for the Damage done, to be settled as hereinafter mentioned.

Trustees to cause the Road to be amended, &c.

XXXIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break down, or otherwise destroy or deface, any Turnpike Gates, Bridges, Mile Stones, Posts, Chains, Bars, Houses, or other Works whatsoever, erected for the Use of such Turnpikes, or shall rescue any Person in Custody for any of these Offences, every Person so offending, being thereof lawfully convicted in any Prosecution ordered by the said Trustees, or any Two of them, upon the Oath of one or more credible Witnesses or Witnessess, before the Sheriffs Depute or Substitute, or any Two or more Justices of the Peace, of the Counties of *Roxburgh* or *Berwick*, in which such Offence shall be committed, shall be condemned to pay any Sum not exceeding Ten Pounds Sterling, nor less than Two Pounds Sterling, and to be imprisoned for any Time not exceeding One Calendar Month, and thereafter until the Damages awarded shall be paid; and, for a second Offence, may, on Conviction as aforesaid, be condemned to pay any Sum not exceeding Twenty Pounds Sterling, nor less than Five Pounds Sterling, and be imprisoned for any Time not exceeding Six Calendar Months.

Penalty on breaking down Gates, &c.

XL. And

Penalty on the
Keepers of
the Gates for
not attending,
&c.

XL. And be it further enacted, That if any of the Keepers of the Turnpike Gates erected by virtue of this Act shall fail in due Performance of their Duty, or shall neglect to give constant Attendance at all Hours, and a free and ready Passage to all Persons and Carriages, on Payment offered of the Toll, it shall be in the Power of the said Trustees, or any Two of them, and they are hereby required, on satisfactory Proof given, to levy from each Toll Keeper so offending in all or every of the said Particulars, such a Sum as to them shall appear reasonable, not exceeding Five Pounds Sterling for each Offence.

Compelling
Payment of
Subscription
Money.

XLI. And be it further enacted, That if any Person or Persons who has or have subscribed, or shall subscribe, towards the making and repairing the Roads by this Act intended to be made and repaired, shall, after Forty Days' Notice given by any Person or Persons authorized by the said Trustees to receive and recover the Subscription Money, neglect or refuse to pay the same by him, her, or them subscribed to the Person or Persons so authorized, it shall be lawful to such Person or Persons, and he or they are hereby required to sue for and recover the said Subscription Money in any Court competent in *Great Britain*, declaring that the Persons actually paying shall have a Lien on the Tolls collected on the Road for the Use of which the Money was subscribed next after any Assignments that may have been made of such Tolls for Money borrowed as aforesaid, previously to the actual Payment of such Subscription Money.

Trustees for
converting the
Statute La-
bour.

XLII. And for the more effectually making, repairing, and keeping in Repair the Roads and Bridges in the said County of *Roxburgh* generally be it further enacted, That every Person who, in his own Right, or in Right of his Wife, now is or hereafter shall be in the actual Possession or Enjoyment as Proprietor or Life-renter of the full Property or *Dominium utile* of Lands in the said County, valued in the Cess Books of the same at One hundred Pounds *Scots*; and all and every the eldest Sons of such Persons, One Guardian of each Minor enjoying and possessing Lands of the Valuation aforesaid; One Trustee of every Estate of the said Valuation vested in Trust; One Manager or Factor for each Corporation or associated Body holding Lands of the said Valuation; the Provost of the Burgh of *Jedburgh*, the Baillie of the Lordship of *Melrose*, the eldest Baillie of *Hawick*, and the Baillie of the Town and Barony of *Kelso*, all for the Time being, shall be Trustees for ordering and superintending the making and repairing and keeping in Repair, or causing to be surveyed, altered, and repaired, all and every the Roads, Bridges, and Ferries within the County of *Roxburgh*, other than and besides the said Roads and Bridges in the said County on which Turnpikes shall be erected and Tolls taken in virtue of this or any other Act of Parliament; and for exacting and applying the Assessments herein-after allowed to be imposed and levied, and for carrying into Execution the whole Powers given by former General Laws, and conferred by this present Act, relative to the Roads, Bridges, and Ferries within the said County.

Penalty on
acting, if not
qualified.

XLIII. Provided always, That if any Person, not qualified as aforesaid, shall notwithstanding presume to act as a Trustee as aforesaid, every such Person shall, for every such Acting, forfeit the Sum of Twenty Pounds Sterling, besides the Expences of Prosecution, to be recovered by Com-
plaint

plaint in a summary Way, at the Suit of any Heritor within the said County, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute of the County of *Roxburgh* or his Substitute; which Penalty shall be paid to the Trustees aforesaid, or their Clerk, to be applied by them for the Purposes of this Act; and in case of such Complaint, the Proof of the Qualification shall lie upon the Person complained of.

XLIV. And be it further enacted, that The said County shall be divided Districts. into the following Districts, *videlicet*, The District of *Jedburgh*, comprehending the Parishes of *Jedburgh*, *Ancrum*, *Minto*, *Bedrule*, *Hopkirk*, *Abbotrule*, and *Southdean*, *Oxnam*, and *Crailing*: The District of *Kelso*, comprehending the Parishes of *Kelso*, *Eanam*, *Stichel*, *Mackerston*, *Smailholm*, *Sprouston*, *Yetholm*, *Morebattle*, *Linton*, *Roxburgh*, *Eckford*, and *Hounam*: The District of *Hawick*; comprehending the Parishes of *Hawick*, *Cavers*, *Kirkton*, *Wilton*, *Roberton*, and *Aspkirk*: The District of *Liddalsdale*, comprehending the Parish of *Castleton*: And the District of *Melrose*, comprehending the Parishes of *Melrose*, Part of *Selkirk*, *Bowden*, *Lilliesleaf*, *Saint Boswells* (or *Lessudden*), *Maxton*, and *Lindean*, now annexed to *Gala-sheils* Parish.

XLV. Providing and declaring always, That the foregoing Division of the said County into Districts shall be subject to Alteration by any of the annual stated General Meetings, Notice of such intended Alteration being given by Two several Advertisements in any Newspaper published in the County of *Roxburgh*, and in default thereof, in any Newspaper published in *Edinburgh*; the First of such Advertisements being at least Fourteen Days before the Day of such General Meeting. May be altered by a General Meeting.

XLVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall, in order to put this Act into Execution, meet within the Sheriff Court Room of *Jedburgh* on the same Day on which the Trustees herein-before named for the Superintendance and Direction of the Turnpike Roads hold their first stated General Meeting under this Act, and shall meet thereafter yearly on the Days appointed for the annual stated General Meetings of the said Trustees, with Power to adjourn, and name a Preses, and also a Clerk, with a suitable Salary for his Trouble, who shall keep a regular Record of their Proceedings, and when required shall give out Extracts of the Orders or Proceedings of the Trustees, containing Warrants for putting these Orders into Execution; with Power also to the said Trustees to appoint convenient Times for the First Meetings in each Year of the Trustees for the respective Districts before mentioned, with such Instructions for carrying this Act into Execution as may be deemed necessary; and the Trustees at such District Meetings shall have Power afterwards to adjourn to such Time as they shall see Cause. First and other Meetings of Trustees.

XLVII. And be it further enacted, That at all General Meetings of the said Trustees, Five shall be a Quorum; and if a Quorum shall not attend, any One or more Trustees attending shall have Power to adjourn. Quorum of Trustees.

XLVIII. And be it further enacted, That the Clerk of the said Trustees, or in his Absence, the Preses of the preceding General Meeting, shall, when directed by any Two or more Trustees, call a General Meeting by Two Clerk to call Meetings.
[*Loc. & Per.*] II M Adver.

Advertisements in any Newspaper published in the County of *Roxburgh*, and in Default thereof in any Newspaper published in *Edinburgh*, the first of such Advertisements being at least Fourteen Days before the Day of such Meeting, signifying the Purpose of the same; and no Person but the Clerk or the Preses of the same General Meeting shall have Power to call such Special Meetings; and the Expence of advertising shall be paid out of the Funds of the District on the Business of which the Meeting is called.

Expence, how to be paid.

Determination of Annual Meetings not to be altered till next Annual Meeting, &c.

XLIX. And be it further enacted, That no Determination of the annual stated Meetings or the Rules and Regulations established by them, shall be annulled or altered till the next annual stated Meeting, or Meeting advertised for that special Purpose.

District Trustees.

Their Powers,

and Quorum.

Their Clerk to keep Books of Account, &c.

Penalty in not reporting, &c.

L. And be it enacted, That the Trustees, whose Property is situate in, or who, by their Offices, are connected with the several Districts before-mentioned, shall have the Superintendence of the Roads, Bridges, and Ferries, within their respective Districts; and shall at their Meeting have Power to name a Preses, Clerks, Assessors, Surveyors, Overseers, Collectors, and other Officers, with suitable Salaries: Provided always, that the Allowance to the Collector and Clerk shall not exceed Five Pounds *per Centum* of the Money levied, and to take such Securities from those appointed to the Offices of Trust, for the due Execution of their Offices, as they shall think proper; and in District Meetings Three shall be a Quorum, and any One or more of them attending, shall have Power to adjourn; and the Trustees in each District shall cause to be kept exact Minutes of their Proceedings; and shall cause to be entered accurate Accounts of the Money received by virtue of this Act, and the Application thereof, in a Book to be kept by their Clerk, which all the Heritors of the County shall have Liberty to inspect *gratis*; and a particular Report of the State of the Roads and Bridges within the respective Districts, or the Books of the Proceedings kept by the Trustees within the same, and Accounts of the Money expended and Work done the preceding Year, shall be laid before the annual stated General Meeting; and in case of Failure or Neglect, any Justice of the Peace, on the Application of any One Trustee, shall summon the Clerk of the District, or other Person or Persons to whom the said Failure or Neglect is imputed, and on Proof of such Failure or Neglect, shall fine him or them in a Sum not exceeding Ten Pounds Sterling.

Conversion in lieu of Statute Labour.

LL. And be it enacted, That in lieu of the Statute Services there shall (with the Exceptions herein-after specified) be paid an Assessment or Conversion in Money, to be levied from the Heritors, Landholders, or Feuars, or from such other Person or Persons as may be entitled directly to draw or receive the Rents or Profits of Lands in the said County of *Roxburgh*, according to the respective valued Rents at which their Lands stand rated in the Cess and Valuation Books of the said County, such Assessment not exceeding Three Pounds Sterling upon each One hundred Pounds *Scots* of valued Rent; and the said Trustees shall have Power, and they are hereby authorised at their respective District Meetings, to be held annually on the Days appointed by the General Meetings, to fix and determine the particular Rate of Assessment within the District for the current Year, the same not exceeding the *maximum*

Rate

Rate of Three Pounds Sterling herein-before allowed for each One hundred Pounds Scots of valued Rent. Rate of Assessment.

LII. Provided always, and be it enacted, That it shall not be in the Power of the said Trustees to impose or give Orders for collecting and levying any higher Assessment than at the Rate of Twenty Shillings Sterling upon each One hundred Pounds Scots of valued Rent, unless such higher Rate is authorized by and with the Consent of a Majority in Number of the Trustees present qualified as aforesaid, of the Parish wherein such higher Rate of Assessment is imposed as aforesaid; nor shall it be in the Power of the said Trustees to impose or give Orders for collecting and levying any higher Assessment than at the Rate of Two Pounds Sterling upon each One hundred Pounds Scots of valued Rent, unless such higher Rate is authorized by and with the Consent of at least Three Fourths in Number of the Heritors possessing Four Fifths of the valued Rent of the Lands, within the Parish wherein such higher Rate of Assessment is imposed as aforesaid, signified by a Writing or Writings under their Hands; and that the Trustees of such Parish shall have Fourteen Days previous Notice of the District Meeting where it is intended to lay on an Assessment exceeding Twenty Shillings upon each One hundred Pounds Scots, and that by a Letter under the Hand of the Clerk to the District, addressed to such Heritor, and left at his or her Dwelling House, if within the District, or in his or her Absence, left at the House of his or her Factor; and in the Event of there being only Two Trustees qualified as aforesaid belonging to such Parish, and their differing in Opinion, the Heritor having the highest valued Rent shall decide.

LIII. And be it further enacted, That the Assessment to be imposed in Manner as herein-before directed, shall be borne between the Heritors or Proprietors and Tenants or Occupiers in Manner following: When the Rate of Assessment shall not exceed Ten Shillings for each One hundred Pounds Scots of valued Rent, the Whole shall be paid by the Tenant or Occupier; when such Assessment shall exceed Ten Shillings, but shall not exceed Twenty Shillings for each One hundred Pounds Scots of valued Rent, the first Ten Shillings shall be paid by the Tenant or Occupier, and the Excess by the Heritor or Proprietor; and when the said Assessment shall exceed Twenty Shillings for each One hundred Pounds Scots of valued Rent, and shall not exceed Two Pounds, the first Ten Shillings shall be paid by the Tenant or Occupier, the second Ten Shillings by the Heritor or Proprietor, and the Remainder shall be divided and paid in equal Moieties between the Heritor and Proprietor, and Tenant or Occupier; and when the said Assessment shall exceed Two Pounds for each One Hundred Pounds Scots of valued Rent, the Whole of such Excess shall be paid by the Heritor or Proprietor, or Person entitled directly to draw or receive the Rents or Profits of Lands alone; and all Heritors or Proprietors who shall have paid the Assessment to be imposed in Manner as herein-before directed, shall be entitled to Relief and Re-payment from the actual Tenants or Occupiers in the Proportions and in Manner before mentioned, each Tenant or Occupier paying a Sum corresponding to the valued Rent of their Possessions; or in case the Lands so occupied by different Persons be valued *in cumulo*, in a Sum bearing the same Proportion to the Assessment payable for the whole Lands, as the real Rent or Value of each Possession bears to the real Rent or Value of the Whole; a just

No higher Rate than 20s. on each 100l. Scots without Consent of Heritors, &c.

Proportions payable by Heritors and Tenants.

a just Share of the said Assessment, being always laid upon Lands in the natural Possession of the Proprietor; and the like Action and Execution shall be competent to such Heritors or Proprietors for their Relief and Re-payment of the said Assessment, as by Law is competent to them for the Payment and Recovery of their Rents; and such Relief shall also be competent in all Cases where an Occupier or Tenant is by Lease or Agreement exempted from the Payment of all Public Burdens, unless the Assessments imposed by this Act be expressly included in such Exemptions.

Disputes re-
specting the
Division of
cumulo Valu-
ation how to
be determined.

LIV. And be it further enacted, That in case any Tenant shall think himself or herself aggrieved by the Division of a *cumulo* Valuation, or that an adequate Value had not been put upon Lands in the natural Possession of the Proprietor, the said Trustees, or any Three or more of them in a District Meeting assembled, are hereby empowered and required, upon a Complaint made to them by such Tenant, to determine the Matter in such Manner as they may see just and equitable, and the said Valuation shall continue to be the Rule for ascertaining the Proportion of valued Rent falling upon the said Lands as long as they remain in the natural Possession of the Proprietor, and no Alteration made in the Rents of the other Lands included in the same Valuation.

Proportion of
Burgh Roods,
&c not valued
in Cess Books.

LV. And be it further enacted, That all Proprietors of Burgh Roods, Fishings, or Lands not valued in the Cess Books of the said County, shall be liable in an Assessment or Conversion in lieu of Statute Labour, in a Sum not exceeding Nine-pence Sterling *per Annum* for each One Pound Sterling of the yearly Rent of their Possessions; the said Rent to be ascertained by Two or more Assessors to be appointed by the said Trustees in each District; such Assessment shall be collected by any Person or Persons to be named by the said Trustees, at their District Meetings in Manner before mentioned, such Assessment or Conversion being held to be equivalent to the Assessment or Conversion of Forty Shillings upon each One hundred Pounds *Scots* of valued Rent, and the same shall be diminished in the same Proportion that the aforesaid Assessment or Conversion for Lands valued in the Cess Books of the County shall be diminished; and the Proprietors who shall have paid such Assessment shall be entitled to Relief and Re-payment from the actual Tenants or Possessors of One Half of such Assessment.

Rate of Assess-
ment on Inha-
bitants of
Houses.

LVI. And be it further enacted, That upon and after the passing of this Act, all Occupiers and Inhabitants, whether Heritors or Tenants, of all Houses, Shops, Cellars, Warehouses, and other Buildings, within any Part of the said County of *Roxburgh*, that now are or hereafter may be erected in the said County, not having any cultivated or profitable Lands, except a Garden annexed thereto, shall, in place of their Statute Labour, pay yearly an Assessment or Conversion not exceeding Two Shillings Sterling for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent or Value in Money, Services, or otherwise, is Twenty-five Shillings Sterling, and not exceeding Thirty Shillings Sterling, and an additional Assessment or Conversion not exceeding Three-pence Sterling for every Ten Shillings Sterling further of yearly Rent or Value in Money, Services, or otherwise, of such Dwelling House, Apartment, or Room as aforesaid; from all Innkeepers, Carters, and Carriers, and other Persons keeping Horses, Mules, or Asses for Hire and Labour, a Rate of Compo-
sition

sition not exceeding Nine Shillings Sterling for each Horse or Mule, and Three Shillings Sterling for each Ass, and a Rate of Composition of Four Shillings and Sixpence Sterling for each Man Servant employed with such Horses, Mules, or Asses: Provided always, that so far as the Owners of the said Horses, Mules, or Asses shall be assessed to the Statute Labour in Quality of Occupiers of Lands, Houses, Roods, and Acres as aforesaid within the said County, they shall be entitled to Deduction out of such Assessment to the Extent of the Composition to which they are made liable, in respect of the Horses, Mules, or Asses; and Men Servants employed with such Horses, Mules, or Asses, if the former Assessment shall exceed the latter; but if the latter Assessment shall exceed the former, then they shall be entitled to Deduction out of such Assessment imposed on them, as Owners of Horses, Mules, Asses, and having Men Servants employed with them, to the Extent of the Assessment to which they are made liable in respect of their Occupation of such Lands, Houses, Roods, and Acres; and further declaring, that all Female Householders, having no Men residing in Family with them, and paying less than One Pound Fifteen Shillings Sterling of yearly Rent, shall be totally freed and exempt from such Composition.

LVII. And be it further enacted, That all unmarried Men, above Sixteen Years of Age, not being engaged Servants by the Year or Half Year, nor possessing Lands liable to be assessed, shall be obliged to pay a Sum not exceeding Three Shillings Sterling yearly for the Purposes of this Act to the Collector or Clerk of the Parish within which he shall be residing in the Month of *June*, or in case of his Removal from such Parish before Payment to the Collector or Clerk of the Parish who shall first demand the same; such Sum of Three Shillings being held to be equivalent to the Assessment or Conversion of Forty Shillings upon each One hundred Pounds *Scots* of valued Rent, and the same shall be diminished in the same Proportion that the aforesaid Assessment or Conversion for Lands valued in the Cess Books of the County shall be diminished: Provided always, that it shall be in the Power of the said Trustees, and they are hereby authorized to assess such Persons either to the Rates or Duties chargeable on Occupiers of Houses in the like Situation and Circumstances, or to the Rates last mentioned payable by other Persons.

Assessment on other Persons.

LVIII. Provided always, and be it enacted, That it shall and may be lawful for the said Trustees in District Meetings assembled, to settle and fix different Rates of Conversion for different Parishes as the State of the Roads and Bridges and the Number and Circumstances of Inhabitants within the respective Parishes may appear to require, not exceeding the highest Rates above-mentioned.

Different Rates may be fixed for different Parishes.

LIX. And be it further enacted, That it shall and may be lawful for the said Trustees at their First Annual Meeting of their respective Districts, or some Adjournment thereof, and so annually thereafter, to nominate and appoint, and they are hereby authorized and required to nominate and appoint Two or more Assessors for each Burgh, Village, Parish, or District as they shall think fit; which Assessors shall, within Thirty Days after their respective Appointments, return upon Oath to the Clerk of the District to be appointed as aforesaid, a List of all the Occupiers of Lands not valued in the Cess Books, Houses, Roods, or Acres as aforesaid,

Trustees to appoint Assessors.

[Loc. & Per.]

11 N

within

within the Burgh, Village, Parish, or District for which the said Assessors shall be respectively nominated and appointed as aforesaid, together with a full and clear Account of the Rents of the said Lands, Houses, Roods, and Acres as aforesaid, when the same are let on Lease or the Annual Value thereof, when they are in the natural Possession of the Proprietor, or when the Rent payable by the Tenant cannot be discovered; and also a List of all Persons keeping Horses, Mules, or Asses, for Hire or Labour, and Male Servants employed therewith, with a just and full Account of the Number of Horses, Mules, or Asses kept by each, and of the Male Servants employed therewith, and of all other Persons liable in Payment of the said Assessment, within the said respective Limits, for which the Assessors are so nominated as aforesaid, and the said Assessors are hereby required and shall be obliged to act and perform their Duty faithfully according to the Intent and meaning of this Act, under the Penalty of Five Pounds Sterling for every Offence, to be levied and applied in Manner as herein after mentioned; but no Person shall be obliged to hold the Office of Assessor for more than Two Years successively, nor shall again be bound to accept of the said Office during the Space of Six Years thereafter; and the said Trustees are hereby empowered to allow the said Assessors such Sum as to them shall appear reasonable for their Trouble.

Penalty for
Neglect of
Duty.

Their Salary.

Power to in-
spect Books of
Poor's Rates,
&c.

LX. Provided always, That for the better enabling the said Trustees to verify or correct the said Lists to be delivered in by the said Assessors, and to ascertain the Rent at which the said Lands and Houses are assessed to the Poores Rates, and ought to be assessed to the Conversion of Statute Labour; it shall and may be lawful for the Clerk or for the Collector or Collectors of each District to inspect the Books of the Poores Rate belonging to each Parish within their respective Districts; as also the Stentmasters Books in the several Townships in the said Parishes; and the Officer, or Officers, or Person or Persons who have the Custody of the said Books of the Poores Rate and Stentmasters, are hereby required without Fee or Reward to permit the free Inspection thereof to the said Clerks or Collectors, whenever they are so required, by a Requisition in Writing, signed by Three or more of the said Trustees, or by the Preses of any of their Meetings, within the District to which the Parishes respectively belong as aforesaid, under the Penalty of Five Pounds Sterling, to be levied and applied in Manner herein-after mentioned.

Proprietors to
deliver in
Valuations of
their Lands.

LXI. And be it further enacted, That it shall and may be lawful for the said Trustees, to require the Proprietors of Land within their respective Districts, or their Factors, to deliver to the Clerk of the District as aforesaid, within Thirty Days after the First District Meeting held under the Authority of this Act, and yearly thereafter, when required, a true Statement, Account, or Declaration in Writing, signed by the said respective Proprietors or their Factors of the Valuations of their respective Lands according to which they are in use to pay the Land Tax and other public Burdens, which Declaration shall specify all the Farms belonging to each Heritor, and the Parishes wherein they are situated, and Proportion of valued Rent falling upon each Farm, suitable to the yearly Rent of the same when the Proprietor has been in use to pay the Land Tax himself for the Whole or certain Parts of his Estate; and if any Heritor or Heritors or Factor or Factors shall refuse or neglect to comply with the said Requisition by delivering in the said Statement, Account, or Declaration

of each
Heritor

elation as aforesaid, such Heritor or Heritors, Factor or Factors, shall, for every Refusal or Neglect, forfeit and pay a Sum not exceeding Ten Pounds Sterling for each Offence, to be levied and applied in Manner herein-after mentioned.

LXII. And be it further enacted, That the said Trustees at their District Meetings shall, and they are hereby required to order and appoint the whole Monies to be annually imposed and levied upon each Parish in the District in lieu of Statute Labour, to be laid out and expended upon the respective Roads and Bridges within such Parish of the District where it is levied; and where a public Road or Bridge happens to be the Boundary between Two Parishes, whether in the same or different Districts, it shall be made and supported by each Parish contributing equally to its Expence so far as concerned together: Provided always, that it shall be in the Power of the said Trustees, with Consent of the Heritors possessing Four Fifths of the valued Rent of any Parish, to apply the Whole or Part of the Assessment arising therefrom to such Roads within other Parishes of the District, or within the Parishes of another District lying contiguous thereto, as they may judge most necessary and expedient: Provided always, that if, without such Consent, any of the Trustees, or any Person acting under such Trustee or Trustees, shall apply any of the Money raised in One Parish to the Roads in any other Parish, the Person or Persons guilty of such Misapplication shall be obliged to refund the Money so misapplied, with Costs of Suit, in an Action at the Instance of any Heritor or other Person interested who may sue for the same.

Assessment on each Parish to be laid out within the same.

LXIII. And be it further enacted, That the whole Sums of Money arising from the aforesaid Assessments and Conversions shall be paid by Two equal Moieties on or before the Twenty-fifth Day of *June* and the Twenty-fifth Day of *December* yearly; and if any Person liable in Payment thereof shall neglect or refuse to pay the same accordingly to the Collectors to be appointed by the said Trustees on or before the Days of Payment above specified, it shall then be lawful for the Sheriff Depute or his Substitute, or for any Two or more Justices of the Peace for the said County of *Roxburgh*, to grant a Warrant for arresting the Rents, Debts, and Effects of the Persons deficient, or pouding the Effects of such Deficient in a summary Way, to appraise them on the Spot where found, and afterwards to sell the same by Auction for Payment of the Assessment or Conversion which shall be due, together with the full Charges attending the Recovery thereof; and the Surplus, if any, shall be paid when demanded, to the Person whose Effects shall have been so pouded; and in case sufficient Distress cannot be found, and such Assessment shall not be forthwith paid; or sufficient Security given for Payment, it shall be lawful for the said Sheriff Depute, or his Substitute, or such Justices as aforesaid, and they are hereby authorized and required, by Warrant under their Hands, to cause such Deficient to be committed to Gaol for any Time not exceeding Three Calendar Months, unless such Assessments and all reasonable Charges shall be sooner paid; which Warrants are to be granted by the Sheriff Depute, or his Substitute, or Justices aforesaid, upon an Application made to them or any of them, and an Attestation signed by any of the Collectors, certifying that the Person complained of had been deficient in paying the Assessments or Conversions above-mentioned, and expressing therein the Arrears of such Persons; and if any

Time of Payment of Assessments.

Mode of Recovery thereof.

Collector

Collector or Collectors shall make a false and improper Attestation in the Premises; such Collector or Collectors shall be liable to the Person or Persons aggrieved by any Warrant or Warrants obtained by such false and improper Attestation and Proceedings thereon in Treble the Damages sustained by the Person or Persons aggrieved, such Damages to be awarded against such Collector or Collectors by such Sheriff Depute or Substitute, or such Justices, upon Complaint made and Proof given before them by or on Behalf of the Party injured.

Persons exempted from the Conversions.

LXIV. Provided always, and be it enacted, That no Parochial Clergyman or Parochial Schoolmaster, shall pay any Assessment or Conversion for their Manfes or Houses occupied in lieu thereof, Glebes, or Parish School Houses, and the Lands thereunto belonging, in their natural Possession; but if they shall be Proprietors or Occupiers of other Lands and Houses, as Tenants or Proprietors, they shall in that Case pay for such other Lands or Houses occupied by them according to the Rate of the Clais to which they belong; nor shall any Pauper receiving Aid from the Parish Funds pay or be charged with any Assessment or Conversion whatsoever; and the said Trustees, or any Three or more of them, may exempt such Persons as they know to be in indigent Circumstances from the Payment of all or any Part of the said Conversions in Money.

Indigent Persons may be exempted.

Power to borrow Money on Credit of Statute Labour Conversions.

LXV. And be it further enacted, That if the Trustees of any Parish shall produce to a District Meeting of Trustees satisfactory Evidence that the Public might be better accommodated by an immediate Outlay of a Sum of Money, beyond the yearly Amount or Income, from the Composition, in lieu of Statute Labour, it shall and may be lawful to such District Meeting, or to any subsequent District Meeting of Trustees, and they are hereby empowered, to borrow upon the Credit of the Conversion levied in such Parish, and to be employed on 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 of such Parish as a Security for Repayment of the Sums so to be 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, and that not more than Two-thirds of the annual Conversion Money of the Parish at the Time of borrowing such Money shall be assigned in Security of such Loan; and every such Assignment shall be executed at the District Meeting of the Trustees, and recorded by their Clerk in their Sederunt Books; but no Money shall be borrowed unless the Assessment has been previously laid at the highest Rate.

Trustees not personally liable.

LXVI. Provided always, and be it enacted, That the Trustees signing the Assignment in the Capacity of Trustees, shall not be understood, in any Respect, to bind themselves personally in Security of the Money borrowed; neither shall any Creditor, lending Money upon the Security of the said Conversion of Statute Labour, be in any ways concerned with the Application of the Money; and such Assignment shall be entered in a Book to be kept by the said District Trustees, or such Person as they shall appoint, to be seen and perused, at all reasonable Times, by any Person interested as a Land Owner in the District, or as a Creditor as aforesaid, without Fee or Reward; and the Securities to be granted by the said Trustees for the Purposes aforesaid, shall be transferable by Indorsement

Assignments to be entered in a Book.

duly

duly subscribed by the Party transferring in the Presence of One or more subscribing Witness or Witnesses.

LXVII. Provided also, as it is hereby specially provided and declared, That it only shall be lawful for the said District Trustees to enter into such Transaction, by borrowing Money in Manner aforesaid, with the Consent and Approbation of the Trustees of the Parish possessing Two-thirds in Value of the Property situated within such Parish, qualified as aforesaid, for which the Money is to be borrowed and applied; and when the Money is borrowed, it shall not be in the Power of the said Trustees, whether at a District Meeting or otherwise, to diminish the Rate of Conversion existing at the Time the Money is borrowed, until the Debt so contracted, Principal and Interest, is paid off, or unless the Person or Persons to whom the Money is owing shall consent.

Money not to be borrowed without the Consent of the Parish Trustees.

LXVIII. And be it further enacted, That the said Trustees, in their respective District Meetings, shall annually determine what Roads are to be made and repaired within such Districts, and fix such Allocation of the Conversion Money as to them shall appear proper for that Purpose; and shall have Power to appoint Committees in every Parish, being Trustees of the District, or Heritors in such Parish, or their Agents, properly authorized to act for them, or Tenants renting Lands of the Value of One hundred Pounds, or One hundred Bolls of Grain, *per Annum*, to superintend the Roads in such Parish; which Committee shall have Power to draw on the Cashier of the said Trustees for the Sums of Money allotted for the Repairs of the Roads within such Parish, and name Overseers under them for the Application of the Money, and the making and repairing of the Roads in the said Parishes, with suitable Salaries for their Trouble; and the said Committees and Overseers shall annually make up and deliver to the Clerk of the Trustees of the District, regular Accounts of the Money expended by them respectively; and in case of Failure or Neglect in such Committees or Overseers in giving in these Accounts, any Justice of the Peace, upon the Application of any one Trustee, may fine the Defaulters in a Sum not exceeding Five Pounds Sterling.

District Meetings to determine Roads to be made, and to allocate the Assessment.

Parish Committees.

Their Powers;

LXIX. And be it further enacted, That the said Trustees of each District shall be and are hereby authorized and empowered to allot such a Share and Proportion of the Money to be levied within the Parishes wherein the Burgh of *Jedburgh*, the Towns of *Kelso*, *Hawick*, and *Melrose*, and other Towns and Villages in the said County of *Roxburgh*, are respectively situated, for the Purpose of making, repairing, and keeping in Repair, the Streets of the said Burgh and Towns and Villages, as to the said Trustees may in the Circumstances of the Case seem proper.

Proportion of the Statute Labour to be allotted to Towns and Villages.

LXX. And be it enacted, That if the Trustees of any District or Parish shall neglect to execute the Powers committed to them by this Act, and shall not have applied the Money hereby allowed to be imposed, it shall be lawful (unless sufficient Cause is shewn by such District or Parish) for the said Trustees, in each of their Annual stated General Meetings, to allocate the Conversion Money unapplied on each defaulted Parish or District, to the Roads and Bridges of that or any other Parish or District within the County, and to name a Committee of their own Number, with the necessary Powers to cause such Application to be made.

General Meetings may allocate Assessments.

[*Loc. & Per.*]

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LXXI. And

No Appeal to
stop Payment
of Assessment.

LXXI. And be it enacted, That no Appeal taken from the Sentence of Proceeding of a District Meeting, nor any Complaint or Action founded thereon, shall stop the Payment of the Conversions in that Year in which such Conversions are ordered to be paid; saving to the Parties their Redress either from the Persons by whom they may have been aggrieved; or out of the Conversions for the Year next after the Determination of the Cause.

Trustees to
pay their own
Expences.

LXXII. And be it further enacted, That the said Trustees (as well those appointed for the Turnpike Roads as those appointed to manage the other Roads and Bridges through the said County generally, and the Conversion Money, the present and subsequent Regulations in this Act applying to both Sets of Trustees, and to both Objects) shall at their Meetings pay their own Expences.

Trustees may
shut up useless
Roads,

on giving One
Month's pre-
vious Notice
at Parish
Churches.

LXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees to build Fences, and 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 the Resolution to shut up any such Road be given by Advertisement at the Churches of the Parishes through which the said Road passes, for two consecutive *Sundays*, One Month at least before the said Road shall actually be shut up; and that any Person or Persons who shall think himself, herself, or themselves, aggrieved by such Resolution, may apply to the Sheriff Deputes of the Counties of *Roxburgh* or *Berwick*, or their Substitutes, as the Case may be, who, if they see Cause, are hereby empowered to suspend the Execution thereof, until the next General Meeting of the Trustees, who shall hear and determine therein, subject to appeal to the Quarter Sessions, as herein-after mentioned.

Trustees may
cause Roads
to be altered
and repaired.

May make
Drains, etc.

LXXIV. And be it further enacted, That the said Trustees shall be and they are hereby authorized to cause the Roads to be amended, widened, and repaired in such Manner as they shall think proper; to settle the particular Direction of the same, and to employ Engineers, Surveyors, and other Persons with suitable Allowances for their Trouble; and also to make, or cause to be made Causeways, and to cut and make Drains, Ditches, and Passages for Water, through any Ground adjacent, and to keep clear such Ditches or Outlets, and for such Purpose the Workmen employed by them may go upon the said Lands: Provided always, that reasonable Satisfaction be made to the Owner and Occupier of such Lands for the Damage done; and if the said Owner or Occupier shall not be satisfied with the Allowance offered by the Trustees, he and they shall be at Liberty to apply to the Quarter Sessions of the said Counties of *Berwick* or *Roxburgh*, who may have Jurisdiction therein, who shall have Power finally to settle the same.

To erect new
Bridges, etc.

To widen the
Turnpike
Roads, and
alter the
Course there-
of.

LXXV. And be it further enacted, That the said respective Trustees shall have Power to cause to be built new Arches and Bridges of Stone, Brick, or Timber on the said Roads, and to cause to be taken down Old Bridges become unnecessary, and to apply the Materials thereof as they shall see proper for the Purposes of this Act; and also to cause such Parts of the Turnpike Roads as are not of sufficient Width to be widened to any Breadth not exceeding Forty Feet, exclusive of the Footways, and clear

of the Ditches, and to cause the Course of such Parts of the Roads as they shall think proper to be altered for shortening the same, or making them more commodious and level; and the Roads or Streets in Towns and Villages so altered and widened shall thereafter be taken and held to be publick Highways, and comprehended within this Act.

LXXVI. And whereas the said Roads lead through different Towns and Villages, where the Streets or Passages may be incommodious, and it may be necessary to take down or remove Houses, Walls, Buildings, or other Impediments, in order to afford a free Passage to Travellers; and whereas the Forestairs on the Outside of Houses in the Streets of Towns and Villages frequently obstruct the free Passage of Persons walking in or through the said Towns and Villages, interrupt the Regularity of the Buildings, disfigure the Streets, and annoy the Inhabitants and Passengers, by collecting Filth and Rubbish, and it may be found expedient to take down and remove the same: Be it therefore enacted, That, after giving the Owners or Occupiers of such Houses, Walls, Buildings, Forestairs, or other Impediments, One Month's Notice to remove from the Premises, the said Trustees, or any Eleven or more of them, may, by a Writing under their Hands, order and direct such Buildings, Impediments, and Forestairs, on or along the Sides of any of the said Highways, Roads, Streets, as aforesaid, to be taken down and removed, paying to the Owner or Owners the Damages sustained thereby, in Manner hereafter directed: Provided that it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwise, competent to them by this Act, for such Ground and Materials as any new Road may occupy or require on their respective Properties; and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

To pull down Houses, etc.

Proprietors under Entail or not may renounce Claims of Damage.

LXXVII. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to take and acquire, and all Bodies Politic Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, let, and convey, all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads, or any of them, and erecting any Toll Bar or Toll House thereon, or for storing Materials, or otherwise, where Ground is necessary for the Purposes of this Act.

Incapacitated Persons may sell Lands.

LXXVIII. And be it further enacted, That in taking the necessary Ground for making, altering, or widening the said Roads, or for any Toll House, Garden, and Stable, as before-mentioned, or in taking down any House or Houses, or Part or Parts of any House or Houses by Authority of this Act, if the said respective Trustees shall not come to an Agreement with the Owner or Owners, and Occupier or Occupiers of the Lands where the Roads are to be so altered or widened, or whose Fences are to be altered or removed, or with the Owner or Owners, Occupier or Occupiers, of any Ground taken for such Toll House, Garden, and Stables, or any House or Houses, or Part or Parts of any House or Houses, which are to be taken down as aforesaid, or in case the Claim of Damages which may be thence incurred has not been renounced in Manner aforesaid,

Sheriff to summon a Jury to fix value of Lands and Houses.

Application

Application shall be made to the Sheriffs Depute of the Counties of *Rossburgh* or *Berwick*, in which the same shall be situated, or their Substitutes, to summon a Jury in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses necessary to be taken down as aforesaid, and the Loss or Damage ensuing from the altering or removing of Fences; and the said Sheriffs Depute or their Substitutes are hereby empowered and required, upon Application, to order Notice thereof to be given to the Owner or Owners, and Occupier or Occupiers of such Ground or Houses, and afterwards to issue a Summons in the usual Manner, for calling together and impannelling a Jury consisting of Fifteen Persons in Number, to examine into, and after such Examination to return a Verdict upon Oath as to the Damage sustained by the Proprietor of such Lands, Fences, Houses, or Parts of Houses; and in making up their Verdict to be pronounced as herein directed, and estimating the Sums to be paid to the Proprietors, Tenants, or Occupiers of Lands and Houses as aforesaid, the said Jury shall have Right, and they are hereby empowered to take under their Consideration all Circumstances, particularly the Advantages arising to the Proprietors, Tenants, and Occupiers, by the said Roads; and in ascertaining the Value of the Dykes or Inclosures which it may be necessary to pull down in making new Roads, the Jury shall also have Power to direct such Dykes as may thereby become useless to the Proprietor, to be taken down and removed by the said Trustees, upon Payment of such Allowance therefore as the said Jury may determine; and it shall be optional to the Proprietor, either to accept of the Allowance so awarded, or to retain the Materials of the said Dykes to his own private Use; and after a Verdict is pronounced as aforesaid, the said Sheriffs Depute or their Substitutes are hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto; and upon Payment being made by the said Trustees, out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested, or Consignation of the said Sum in any of the Public Banks of *Scotland*, or Branches of Banks in *Jedburgh*, *Kelso*, or *Harwick*, the said respective Trustees shall from thenceforth have Right, and be at Liberty to take and use the Ground, and to take down the Houses and Fences, or Parts of Houses and Fences so valued, for the Purposes of altering, widening, and extending the Roads and Highways aforesaid, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners, and Occupier or Occupiers of such Ground, Houses, or Fences, had executed regular Dispositions of the same, and thereupon Infeftment had followed; and the said Proceedings and Orders of the Sheriffs Depute or their Substitutes shall be final, and not removable or questionable by Bills or Letters of Advocation or Suspension, to or by any other Court whatsoever, any Law or Usage to the contrary notwithstanding.

Sheriff to
adjudge Pay-
ment of the
Sum awarded
by the Jury.

Expences of
Jury.

LXXIX. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and, on the
other

other Hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees; provided also, that after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Lands or Houses, such Sum as the said Trustees shall think reasonable, it shall and may be lawful for them to enter into and upon such Lands or Houses for the Purposes of this Act; and no Stop shall in the mean Time be put to the Operations of the said Trustees on Pretence of settling the said Damage, or that they have not been satisfied and paid.

LXXX. And, to prevent unnecessary Trouble and Delay, be it further enacted, That in case any Person interested shall apply for and obtain, from any Judge competent, a Warrant for stopping the Execution of any of the Purposes aforesaid, to be carried on under the Authority of this Act, the said Judge is hereby directed and empowered to recall such Warrant; and remove any Sift obtained as aforesaid, provided sufficient Caution is found by the respective Trustees therein named; for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in Manner herein-before prescribed.

Any Warrant for stopping the Work to be recalled, on Caution found.

LXXXI. 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 this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-Rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, 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 Sterling, 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 of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize 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 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 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

Application of Compensation where exceeding 200l.

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.

Where the
Compensation
does not ex-
ceed 200l and
is not less than
20l.

LXXXII. 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 Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, 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, and 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 Accounts as aforesaid, in order to be applied in Manner herein-before directed, or otherwise, the same shall be paid at the like Option to Two 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 signed in Writing under the Hand of the nominating and approving Parties), in order that such Principal Money, and the Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case may be applicable.

Where less
than 20l.

LXXXIII. 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 Sterling, 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 Five 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.

In case of not
making out
Titles, &c.

LXXXIV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of Scotland, or Royal Bank of Scotland, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be
and

Purchase
Money to be
paid into the
Bank,

subject to the
Order of the
Court of
Session.

and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*; who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

LXXXV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Right to such Money.

LXXXVI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court, to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchasers to be paid by Trustees.

LXXXVII. And be it further enacted, That whenever the Course of the said Roads shall be altered, or as soon as any new Roads shall be completed and made passable for Carriages, in case the old Roads shall thereby become useless, and may be shut up without Inconvenience, the said respective Trustees shall be and are hereby empowered, if they see proper, to value by a Jury as aforesaid, or otherwise as, they may deem necessary, and dispose of or sell the Land or Ground composing such old or former Roads, and that according to the Value of unimproved or uncultivated Lands in the

Old Roads to be sold.

the Neighbourhood, the Proprietor or Proprietors of the Grounds through which the said old Road did pass, having always the Preference of Purchase at the said Valuation; and Affidavit shall be made by the Clerk of the District within which the old Road is situated, of such Offer of Preference having been made, and the Money arising from such Sale shall be applied and disposed of for the Purposes of this Act, and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds comprising the said old Road, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

Roads may pass through a Minister's Glebe.

LXXXVIII. And be it further enacted, That in altering the Course of the said Roads, or widening the same, it shall be in the Power of the said respective Trustees to cause the same to be carried through any Minister's Glebe: Provided always, that such Quantity of Ground shall be added to the Glebe lying most contiguous and convenient thereto, as shall be, by the said respective Trustees, deemed a sufficient Compensation for that taken for the said Roads, which Grounds the said Trustees shall have Power to purchase in Manner herein mentioned, from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be under Entail or otherwise; and in case of any Difference with regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, Application shall be made to the Sheriffs Depute, or Substitute, of the said Counties of *Roxburgh* or *Berwick*, as the Case may be, who shall summon a Jury, and determine the Extent of the said Addition and Amount of such Price in Manner as herein-before directed, in cases of Land to be taken for the Purposes of this Act; and upon such Determination, and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground or Consignation thereof in any of the public Banks of *Scotland*, or Branches of Banks in *Jedburgh*, *Kelso*, or *Hawick*, the said Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening the said Road; and the Proceedings and Order of the said Sheriffs Depute or Substitute shall be final and conclusive.

Ground taken not to diminish valued Rent.

LXXXIX. Provided always, and be it declared, That in every Case where it may be necessary to exchange or take Ground as herein-before allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Ground shall be so taken.

Trustees may take Materials, etc.

XC. And be it further enacted, That the said respective Trustees or such Person or Persons as they shall appoint, may dig, gather, quarry, take, and carry away, any Gravel, Furze, Heath, Stones, or such other like Materials, for the making, amending, and repairing of the said Roads, and for building Arches and Bridges or repairing the same as aforesaid, out of any Grounds where the same may be found, whether the same be within the said Counties of *Roxburgh* or *Berwick*, or in any other adjoining thereto, whether in *Scotland* or in *England* (such Materials or Stones not having been dug, quarried, or raised for the private Use of the Proprietor of such Grounds), and to open Accesses for carrying off the said Materials and Stones; such Accesses and the Places from whence the said Materials and Stones shall be proposed to be taken, being first marked out by any Two or more

more of the Trustees after Notice in Writing given by them, or Intimation before Two Witnesses, or by some Person by their Order, to the Proprietor of such Grounds, or his or her Factor, and to the Occupier thereof, Six Weeks previous to marking out the same; the Trustees making reasonable Satisfaction if demanded to the Owners and Occupiers of such Grounds respectively from which the Materials or Stones shall be taken, or over which the same may be carried, for the Damages to be done thereby, and for the Value of such Materials or Stones; but if such Proprietor, Factor, or Occupier shall not be satisfied with the Compensation offered by the said Trustees, the same shall be ascertained by a Jury, to be impannelled by the Sheriffs Depute or Substitute as aforesaid of the said Counties of *Roxburgh* and *Berwick*, or by the Sheriff of the County in *England*, from which such Materials may be taken, whose Proceedings shall be final; but such Applications shall not prevent the said Trustees from causing the said Materials to be carried off and used in the mean Time.

on paying Damages.

XCI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, quarry, take, and carry away Materials for making and repairing the said Roads from any inclosed Lands or Grounds until either the Consent of the Proprietor is obtained, or Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Three or more of them, or Two Justices of the Peace acting for the Counties of *Roxburgh* or *Berwick*, (as the Case may be,) to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Three or more of them, or such Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, quarry, take, and carry away such Materials at such Time or Times as to such Trustees, or any Three or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Notice to be given before Materials taken.

XCII. Provided always, That in altering, widening, or making any of the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced of which the Side Walls are above Twenty Feet high from the Surface of the adjoining Ground, nor any Garden, Orchard, or planted Walk, or Avenue, Lawn, Pleasure Ground appertaining to such House, Plantation, or Nursery for Trees, without the express Consent of the Owner thereof: Provided always, that where inclosed Grounds shall be broken into for the Purposes aforesaid, the Value of the same shall be ascertained in Manner as herein-before directed.

No House or Orchard, etc. to be prejudiced.

XCIII. Provided also, and be it enacted, That if any such House or Building, Garden, Orchard, or Planted Walk, or Avenue, Lawn, or Pleasure Ground, Plantation or Nursery for Trees, shall have been made or planted since the First Day of *November* One thousand eight hundred and four,

Provided they have not been made since 1st Nov. 1804.

[Loc. & Per.]

the said respective Trustees shall have it in their Power, if they find it necessary to carry the said Roads through the same, or to take from them any Materials for making or repairing the said Roads, making Payment or Compensation for the same as herein-before in other similar Cases directed.

Proprietors or
Occupiers to
cleanse
Ditches.

Occupiers to
make Drains,
etc.

XCIV. And be it further enacted, That where any Ditches have been or hereafter shall be made near the Sides of the said Roads, or through any Fields adjoining thereto, by the Proprietors or Occupiers of the said Fields, such Proprietors or Occupiers shall, and they are hereby required to keep these Ditches properly scoured, and not to allow the Water to stagnate therein, so that the Roads may be thereby damaged, and if they fail to do so after Six Days Notice previously given, the said Trustees of the Overseers of the Roads, by the Direction of any of the Trustees, may and are hereby required to order the said Ditches to be opened, scoured, and cleansed, at the Cost of the said Proprietors or Occupiers, such Costs to be recovered by Distress and Sale of any moveable Effects in the same Manner as herein-before directed for levying the Assessment hereby granted; and if any Occupier of Land shall turn any Water across or upon the Side or Sides of any of the said Roads, he or she shall conduct such Water either in an open or covered Drain of such Form and Dimensions as the said Trustees in General or Committee or District Meetings assembled shall order and direct; and if such Occupier of Land shall, after Ten Days Notice, refuse or neglect to make such Drain according to the Direction of the said Trustees as aforesaid, it shall be lawful for the said Trustees to order and cause such Drain to be made, and the Person or Persons refusing or neglecting to make the same agreeably to the Orders and Directions of the said Trustees as aforesaid, shall repay to the said Trustees all the Costs, Charges, and Expences attending the making of such Drain, and shall likewise pay a Penalty of Treble the Amount of such Costs, Charges, and Expences; the said Costs and Penalty to be levied by Distress and Sale in Manner herein-before directed, and to be applied for the Purposes of this Act.

Ditches, etc.
made by
Trustees to be
scoured at
their Expence.

Penalty on
filling up
Ditches.

XCV. Provided always, That the Drains and Ditches to be made by Order of the said Trustees shall be scoured and kept in Repair out of the Money arising by virtue of this Act, and if any Occupier of Land through which such Drains and Ditches are or shall be, shall obstruct or fill up any of them, the Person or Persons so offending shall forfeit and pay Treble the Expence of repairing and scouring the same, to be recovered in Manner herein-after mentioned, and the said Occupier shall be deemed the Transgressor, unless it shall appear to the Trustees that he was not in Fault; and where any Passage for Cattle, or Carriages, across any Road, for the Convenience of the Occupier of the Ground through which it passes, shall be made, the Occupier of such Ground shall always cover the Drains crossing the Sides of such Roads, with sufficient Stones, so as the Course of the Water may not be interrupted, or the Road thereby prejudiced, and no Occupier of Land shall turn any Water upon the Side of any of the said Roads, or conduct it across any Part thereof, until he shall have obtained the Consent of the said Trustees, in a General or Committee Meeting assembled, and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain, of such Depth and Construction as the Water may not prejudice the Road.

XCVI. And

XCVI. And be it enacted, That no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, shall go or be drawn with more than Eight Horses; and that no Cart having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, shall go or be drawn with more than Five Horses; and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, and rolling on each Side a Surface of Nine Inches, shall go or be drawn with more than Seven Horses; and that no such Waggon rolling a Surface of Six Inches only, shall go or be drawn with more than Six Horses; and that no Cart having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, shall go or be drawn with more than Four Horses; and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, shall go or be drawn with more than Five Horses; and that no Cart having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Five Inches, shall go or be drawn with more than Three Horses; and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches, shall go or be drawn with more than Four Horses; and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Four Inches, shall go or be drawn with more than Three Horses, upon the said Roads, under the Penalties hereafter-mentioned; (that is to say), that the Owner of such Waggon or Cart respectively shall forfeit a Sum not exceeding Forty Shillings Sterling; and the Driver, not being the Owner, a Sum not exceeding Five Shillings Sterling, for every Horse or Beast by which the same shall be drawn above the Number hereby so limited respectively as aforesaid; One Half whereof shall be paid to the Informer, and the other Half applied to the Repair of the Roads within the District where the Offence is committed, and where the said Trustees may find it necessary to place Stones or other Obstructions to prevent any new Road from being cut or rutted by the Wheels of Carriages running in the same Tract, the Owner or Driver of such Carriages, on being convicted before any Justice of the Peace by the Oath of One or more credible Witnesses or Witnesses, of having removed or destroyed such Stones or Obstructions placed for the Purpose aforesaid, shall respectively be liable in the same Penalties to be incurred by such Owner or Driver, in Manner as before directed.

Breadth of
Wheel Carri-
ages regu-
lated.

XCVII. And be it enacted, That no Driver of any Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, whether the same be loaded or unloaded, shall drive, or permit the same to travel or pass upon the said Road, or any Part thereof, abreast or alongside of any other Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Road, or any Part thereof, and every Person, and Persons offending in the Premises shall forfeit a Sum not exceeding Twenty Shillings Sterling, and not less than Five Shillings Sterling for each Offence.

No Driver to
drive Carri-
ages, etc.
abreast.

XCVIII. And be it enacted, That the Driver of every Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, upon the said Roads, or any Part thereof, shall be obliged upon meeting another Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse,

To drive to
the Left Hand,
or near side.

Ass,

Afs, Mule, or other Beast of Burden, to make way, by holding or driving to his own Left Hand, or what is commonly called holding to the near Side, and that without Distinction whether the Carriage, Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Afs, Mule, or other Beast of Burden, so meeting one another, are loaded or unloaded, and every such Carriage, Horse, or other Beast of Burden, overtaking any other Carriage, Horse, or other Beast of Burden, shall pass on the Right Hand thereof; and every Person offending in the Premises shall forfeit a Sum not exceeding Twenty Shillings Sterling, and not less than Five Shillings Sterling for every such Offence.

Notice of new Inclosures to be given to Trustees.

XCIX. And be it further enacted, That where the Lands adjacent to any of the said Roads, or any Part or Parts thereof, are not inclosed, the Proprietor or Occupier of such Lands shall not make Inclosures along the Sides of the said Road, without giving at least Two Months previous Notice to the said Trustees; which Notice may be given by a Letter to the Clerk to the General Meeting, or of the Committees who have the Charge of that Part of the Road adjacent to which the Inclosure is proposed to be made; and the said General Meeting or Committee are hereby required to insert a Copy of the said Letter in their Minutes; and in case such Proprietor or Occupier shall fail to give such Notice as aforesaid, he shall not be entitled to any Compensation for the Expence of the Inclosures, in case the said Trustees shall at any future Period think it necessary to demolish the same, for the Purpose of widening the said Road, and making Foot-paths thereon.

Trustees to make Foot-paths.

C. And be it further enacted, That the said Trustees may cause Foot-paths, to the Breadth of Five Feet, to be made along the Sides of the said Roads, in such Places as can conveniently admit of the same; and if any Person shall ride or drive a Carriage or Cattle upon any Paths made or to be made, or shall in any way wantonly or maliciously injure the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Shillings Sterling, to be levied in Manner herein after directed.

Possessors to lop Trees or Hedges

CI. And be it further enacted, That where the Ground on the Side of any of the said Roads is inclosed or planted, the Proprietors of such Ground shall be obliged to lop the Trees or Hedges, at a proper Season of the Year, in a proper Manner, so as to give sufficient Breadth and Air to the Road; and in case they neglect or refuse to do so for Six Months after being required by an Order of Three or more of the Trustees, the Trustees shall have Power to appoint the same to be done at a proper Season of the Year, at the Defaulter's Expence; and no Proprietor or Occupier of Lands on the Sides of any of the said Roads shall have Power to plant Trees within Six Feet therefrom, under a Penalty not exceeding Five Pounds Sterling, besides removing the said Trees.

Trees not to be planted within Six Feet of the Road.

Trustees may cause measure the Roads, erect Mile Stones.

CII. And be it further enacted, That the said Trustees, or any Three or more of them, may cause any of the said Roads to be measured, and Stones and Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient; and also to order, or cause to be erected, Guide Posts and Railings upon such Parts of the said Roads where the Roads are crossed or joined by other Roads.

Roads, as they shall judge proper; and if any Person or Persons shall break down, destroy, or deface, any such Mile Stones, Guide Posts, or Railings, or shall break down any Cape Stones on the Ledges or Parapet Walls at the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made as before directed, or shall be aiding or assisting therein, or shall rescue or attempt to rescue any Person apprehended for such Offence; every Person offending in any of the Cases aforesaid, and being thereof lawfully convicted by the Oath or Oaths of One or more credible Witnesses or Witnesses, before the Sheriffs Depute or Substitute of the said Counties of *Roxburgh* or *Berwick*, or before Two or more Justices of the Peace of the said Counties, shall, for the first Offence, be not only adjudged to pay the whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling; and for every second and subsequent Offence, shall, besides paying the Damages and Expences, pay a Penalty not exceeding Ten Pounds Sterling, nor less than Two Pounds Sterling; and in case the said Penalty, Damages, and Expences, so adjudged, shall not instantly be paid, or good and sufficient Security given for the same, the said Sheriffs or Justices are hereby empowered and required to commit such Person or Persons so convicted to Prison for any Term not exceeding Three Calendar Months, nor less than One Calendar Month.

Penalty on
defacing them.

CIII. And, for preventing Annoyances in or upon the said Roads, be it further enacted, That, from and after Two Months from the Commencement of this Act, every Person, in ploughing any Field contiguous to any of the said Roads, shall always make Head Ridges along the Sides of the said Roads, of the Breadth of Six Feet at least; and all Gates upon Inclosures next to any of the said Roads shall open inwards to the Field; and no Person or Persons whatsoever shall lay any dead Horses, except in Cases of Accident, to be made out to the Satisfaction of the Justices or Sheriff before whom the Complaint shall be brought, or other Carrion, upon any of the said Roads, or within Twenty Yards of the Sides of any of the said Roads, or any Dung, Lime, Soil, Compost, or Matter, whatsoever, either for manuring Land or any other Purpose, nor leave any Cart or Carriage, or the Load thereof, longer than may be necessary for the loading or unloading the same, or other Obstruction whatever, upon any of the said Roads, or within Five Yards of the Side thereof; and that in making any covered or arched Passage, or Drain for Water, across any of the said Roads, a safe and easy Passage along One Half of such Road shall be left without any Obstruction, either by breaking the Road or laying down the Materials; and such covered Drain or Passage shall be made across and completely finished on the One Half of the said Road before the other Half shall be opened, and the whole or the open Part thereof shall, if practicable, be completed in one Day, or otherwise the Materials for executing the same shall be so well fenced off, that Passengers may suffer no Injury thereby, which Precautions and Manner of executing covered Drains as aforesaid shall be strictly observed by all Contractors or others employed in making or repairing the said Roads; and every Person offending herein shall not only forfeit the Materials laid down, but also a Sum not exceeding Forty Shillings Sterling for every Offence, to be levied and recovered in Manner hereinafter directed, One Half thereof to be

Head Ridges
to be made on
the Sides of the
Roads.

For prevent-
ing Annoy-
ances.

In making
Drains across
the Roads,
One Half to be
left clear of
Obstructions.

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Contractor
not to dig Pits,
or if such
necessary, to
fence them.

paid to the Informer, and the other Half to be applied for making or repairing the said Roads; and every Contractor or other Person employed by the said Trustees for making, amending, widening, or repairing of the said Roads, shall be expressly prohibited from digging Pits or breaking up any Ground within Twelve Feet from the Sides of the said Roads, and when that cannot conveniently be avoided, such Contractor or other Person employed as aforesaid, shall be obliged to erect a sufficient Fence between the Side of the said Road, and any Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

Articles to be
drawn on a
Wheel Car-
riage.

CIV. And be it further enacted, That if after the passing of this Act any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, or in the Streets of any Burgh, Village, or Town through which the same shall pass, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than upon a Sledge or Wheel Carriage, or shall suffer any Tree or other Matter whatsoever, which can be conveyed upon a Sledge or Wheel Carriage, to drag upon any Part of the said Roads, every such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds Sterling, to be recovered and levied in Manner after directed.

Buildings
erected within
Thirty Feet of
the Middle of
the Roads to
be pulled
down.

CV. And be it further enacted, That after the passing of this Act no Houses or Buildings of any Kind, which shall be erected at or along the Sides of any of the said Roads or in Villages, or at or near the Outlets of any Burgh or Town within the said Counties of *Roxburgh* or *Berwick*, where Houses have not formerly stood, shall be built within the Distance of Thirty Feet from the Middle of any of the said Roads, without the Consent of the Trustees first obtained, under a Penalty not exceeding Forty Shillings Sterling for each Offence, over and above the Expence of demolishing such House or Building; and it shall be lawful for any Justice of the Peace to stop the building or erecting of any such House or Building which shall be within the said Distance from the Middle of any of the said Roads; and if any Building shall be erected hereafter within the Distance aforesaid, any One or more Justice or Justices of Peace, upon Application made to him or them by any One Trustee, and upon Proof being adduced that the said Building is within the Distance aforesaid, may order such Building to be taken down and removed, at the Expence of the Erector, or of the Proprietor of the Ground, and may grant a Warrant for levying and recovering the Penalty and Expences in Manner hereinafter directed.

In case of sud-
den Damage to
a Bridge Two
Trustees may
order Repairs.

CVI. And be it further enacted, That in case of any sudden Damage to a Bridge, it shall be in the Power of any Two Trustees of the District in which it is situated, or if it be situated on the Confines of Two Districts, to any Two Trustees of either District, to give Orders for making such immediate Repairs as may be necessary, the Expence of the same not exceeding Twenty Pounds Sterling; and the Money so expended shall be provided for and paid by Order of the next Meeting of Trustees within such District or Districts, or on their Failure or Neglect, by Order of the next stated General Meeting of Trustees out of the Funds of such Parishes, as they shall think proper, on an Application for that Purpose; and on Proof of the Necessity of the Order, and that the Money was expended;

and in case any of the said Roads shall be shut up, and public Communication obstructed by Means of Snow, it shall in like Manner be in the Power of the said Trustees, to cause the said Roads to be cleared, the reasonable Expence of the same to be provided for and paid in Manner as hereinbefore allowed.

CVII. And be it further enacted, That all Forfeitures and Penalties by this Act imposed, the Manner of trying and recovering whereof is not particularly specified, shall, on Proof of the Offence before Two or more Justices of the Peace, or the Sheriffs Depute or Substitute of the said Counties of *Roxburgh* or *Berwick*, or either, by the Confession of the Party, the Oath of One or more credible Witnesses or Witnesses, or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of such Justices or Sheriff (which Warrant they or any of them are hereby authorized and required to grant, and to administer the Oath *gratis*), such Sale being always made by Public Auction, to the highest Offerer at such Place, as shall be directed in the said Warrant, within Six Days after such Distress shall have been made, and the Overplus Money arising from such Sale, after Deduction of the Penalties imposed and Charges in Recovery thereof, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid to the said Trustees or their Collectors, to be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, or sufficient Security given for Payment, it shall be lawful for any Two of the said Justices of the Peace, or the said Sheriffs Depute or Substitute, and they are hereby authorized and required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to Gaol, or to a House of Correction, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid.

Penalties and Forfeitures, how to be recovered and applied where not otherwise particularly specified.

If not paid Offenders may be committed.

CVIII. Provided always, and be it further enacted, That any Person who shall think himself or herself aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Six Months after the Matter complained of shall be done, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions of the Counties of *Roxburgh* or *Berwick*, within whose Jurisdiction the Matter may be, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and to the Clerk of the Justices of the Peace, which Justices shall have Authority to hear and determine the Matters in dispute, and their Judgments therein shall be final, without being subject to Review, by Advocation, Suspension, or otherwise howsoever.

Persons aggrieved may appeal to the Quarter Sessions.

CIX. And be it enacted, That it shall be no Objection to any Person acting as a Judge or Justice of the Peace, or as a Juryman under this Act, in any Thing relative hereto, that he is appointed a Trustee, except where he is personally interested.

Trustees may act as Justices or Jurymen.

CX. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrongs done

Limitation of Actions.

done or Injuries suffered in any Matter thereto relative, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done or Injury suffered, and not afterwards.

Expences of
this Act, how
to be paid.

CXI. And be it enacted, That the whole Expences in advertising for, preparing, procuring, and passing this Act, and all other Expences attending the same, to be ascertained at the First, Second, or Third General Meeting of the said respective Trustees, shall be paid, One-half thereof by the Trustees for Turnpike Roads, and One-half by the Trustees for the Conversion of the Statute Labour, out of the first Monies, by them respectively collected, borrowed, or recovered by virtue of this Act.

Public Act.

CXII. 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 being specially pleaded.

Commence-
ment and
Endurance of
this Act with
regard to the
Tolls.

CXIII. And be it also enacted, That this Act shall commence from the passing thereof; and in as far as respects the Roads upon which Power to continue or erect Turnpikes and levy Tolls is given, shall remain in full Force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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