



ANNO QUADRAGESIMO NONO

GEORGI III. REGIS.

Cap. 36.

An Act for repairing and amending certain Roads in the County of *Peebles*, and for better regulating the Statute Labour within the same.

[12th May 1809.]

WHEREAS by an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing and widening the several Roads in the County of Peebles, leading from Tweedscrofs towards the City of Edinburgh, by Blyth Bridge, La Mancha, and Whim, and by Linton and Carlops, and from Ingleston through Carlops, until all the said Roads join the Limits of the County of Edinburgh;* and by another Act passed in the Eleventh Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Roads from the Town of Peebles to the Kingseatedge, and to Gatehopeknow, Burnfoot, and to the Top of Minchmoor, and to Loachhead, in the County of Peebles;* and by another Act passed in the Fifteenth Year of the Reign of His present Majesty, intituled, *An Act to continue the Term of an Act made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, for repairing and widening the several Roads in the County of Peebles, leading from Tweedscrofs towards the City of Edinburgh, by Blyth Bridge, La Mancha, and Whim, and by Linton and Carlops, and from Ingleston through Carlops, until all the said Roads join the Limits of the County of*

[Loc. & Per.] 8 D Edinburgh;

26 G. 2. c. 93.
11 G. 3. c. 85.
15 G. 3. c. 71.

32 G. 3
c. 123.

Acts 26 G. 2.
21 } G. 3.
25 }
32 }
repealed.

Edinburgh ; and by another Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Terms and Powers of several Acts of the Twenty-sixth Year of His late Majesty's Reign, and of the Eleventh and Fifteenth Years of His present Majesty's Reign, for repairing the High Roads in the County of Peebles ; and for making the said Acts more effectual, and for better regulating the Statute Labour within the said County*, certain Persons were appointed Trustees for surveying, ordering, altering, amending, widening, repairing, and keeping in Repair the said Roads, and for levying and applying the Conversions for Statute Labour within the said County of *Peebles* : And whereas the said Trustees have proceeded to put the said Acts in Execution, and have for that Purpose from Time to Time borrowed several considerable Sums of Money which still remain due : And whereas it would be attended with great Convenience to the Country, if Power was given to alter the Course of the said Road over *Minch Moor*, and conduct the same along the Side of the River *Tweed*, to join the new Road to *Selkirk* through *Elibank Wood* : And whereas it would be greatly to the Advantage of the Public, were the Terms and Powers of the said Acts with regard to Turnpike Roads enlarged, and if further Powers and Authorities were given relative to the Conversions for the Statute Labour within the said County ; and it is expedient that the said several Acts with such enlarged and amended Powers and Authorities should be reduced and consolidated into one Act ; but these Purposes cannot be effected without the Authority of Parliament ; May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, the Eleventh, Fifteenth, and Thirty-second Years of the Reign of His present Majesty, and all the Clauses, Powers, Authorities, Articles, Rates, Penalties, and Forfeitures therein contained, shall from and after the First General Meeting of Trustees to be held under the Authority of this Act be, and the same are hereby repealed, and instead thereof this Act shall from thenceforth commence and be put in Execution ; and that this Act and all the Tolls which are hereby authorized to be levied, shall be and they are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls allowed to be levied by the said Acts hereby repealed ; and that the Conversion Money in lieu of Statute Labour hereby granted, shall be and is hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Conversions in lieu of Statute Labour granted by any of the said Acts hereby repealed, in the same Manner as the said Tolls and Conversions were severally liable to the Payment of the same before the passing of this Act ; and all Contracts and Agreements for the Lease of Tolls, making or repairing of Roads, or any other Purposes entered into by the Trustees under any of the said recited Acts hereby repealed, shall continue in full Force and Effect, any Thing herein contained to the contrary notwithstanding.

Trustees for
the Turnpike
Roads.

II. And be it enacted, That all the Freeholders who now stand, or shall hereafter be admitted on the Roll of Freeholders of the County of *Peebles* during the Time they shall continue to stand on the said Roll, and every

Person who is or shall be in his own Right, or in the Right of his Wife in the actual Possession and Enjoyment of the Fee or Life Rent of the *Dominium utile* of Lands lying in the said County of *Peebles*, valued in the Tax Rolls of the said County to the Extent of One hundred Pounds Scots *per Annum*, or of the clear Value of One hundred Pounds Sterling *per Annum*, and all and every the eldest Sons of such Freeholders and Proprietors, and the Sheriff Depute of the County of *Peebles*, and the Provost or Chief Magistrate of the Royal Burgh of *Peebles*, both 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, made, amended, widened, repaired, and kept in Repair, the several Roads in the County of *Peebles*, hereinafter mentioned, *videlicet*, the Roads leading from *Tweedscrofs* towards the City of *Edinburgh* by *Blyth Bridge*, *La Mancha*, and *Whim*, and by *Linton* and *Carlops*, and from *Ingleston* through *Carlops*, until all the said Roads join the Limits of the County of *Edinburgh*, and the Roads from the Town of *Peebles* to *Kingseatedge* and *Gatehopeknow*, *Burnfoot*, and to the Top of *Minchmoor*, and to *Lochhead* and the Bridges thereon, and for putting in Execution all the Powers and Authorities by this Act given and granted respecting the said Roads and Bridges, with Power to finish any Business relative thereto, begun by the Trustees appointed by all or any of the said recited Acts, and to call to account all Persons who acted under the Authority thereof, and to recover all Arrears due, and Penalties incurred under the said recited Acts, or any of them.

III. Provided always, and be it enacted, That no Person other than such Freeholders and Proprietors, and their eldest Sons and Heirs apparent as aforesaid, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be qualified to act as a Commissioner of Supply for the County of *Peebles*, or unless he shall be in his own Right, or in the Right of his Wife in the actual Possession or Enjoyment of Lands or Heritages of the clear yearly Value of One hundred Pounds Sterling *per Annum*, or be possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together of the Value of Two thousand Pounds, nor shall any such last-mentioned Person not being qualified to be a Commissioner of Supply be capable of acting in the Execution of this Act until he shall have taken and subscribed the Oath following before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; that is to say,

Qualification
of particular
Trustees.

‘ I do swear, That I truly and *bond fide* am in my own
‘ Right (or in the Right of my Wife, *as the Case may be*) in the actual
‘ Possession or Enjoyment of Lands or Heritages of the clear yearly Value
‘ of One hundred Pounds Sterling, or possessed or entitled to a Personal
‘ Estate alone, or Real or Personal Estate together, of the Amount
‘ or Value of Two thousand Pounds Sterling.

‘ So help me GOD.’

IV. And be it enacted, That if any Person not qualified as aforesaid, shall, notwithstanding presume to act as a Trustee in the Execution of this Act in the Matters aforesaid, every such Person shall for every Offence forfeit and pay any Sum not exceeding Twenty Pounds Sterling besides the Expence of Prosecution, to be recovered by summary Complaint at
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Penalty on
acting if not
qualified.

the Suit of any Person qualified to be a Trustee under this Act before the Sheriff Depute or Substitute of the County of *Peebles*, or before the Justices of the Peace of the said County, at their Quarrer Sessions, and to be paid to the said Trustees, or their Treasurer, or Person appointed to receive the same, to be applied for the Purposes of this Act; and the Proof of Qualification shall lie upon the Person complained of.

Trustees not to hold any Place of Profit under this Act.

V. And be it enacted, That if any of the said Trustees shall accept or hold any Place of Profit arising out of this Act, he shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; and that no Trustee or Toll Gatherer shall sell or retail Beer, Ale, or Spirituous Liquors.

Time and Place of General Meetings and Order of Procedure.

VI. And be it enacted, That the said Trustees shall hold their First General Meeting under this Act in the Town House of the Burgh of *Peebles*, on the Third *Tuesday* after the passing of this Act, or as soon thereafter as conveniently may be, with Power to the said Trustees or Majority of those present at the said General Meeting to adjourn to such other Time and Place as they shall think convenient, and their next General Meeting upon the Day of the *Michaelmas* Meeting of Freeholders of the said County for the present Year, and the said Trustees shall thereafter hold Two General stated Meetings at *Peebles* in each Year during the Continuance of this Act, One upon the Day on which the Commissioners of Supply shall meet for assessing the Land Tax on the said County, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the said County, with Power also to the said Trustees at General or District Meetings to name One or more of their Number to be Committees to have the more immediate Care and Management of particular Parts of the said Roads, and in case of several being appointed as a Committee, to name the Number which shall constitute a Quorum, to give to these Committees such Instructions and such Powers for carrying this Act into Execution as they shall think fit and expedient; and also with Power to the said Trustees in their General, District, and Committee Meetings to appoint Treasurers, Clerks, Cashiers, Collectors, Surveyors, Overseers, and other Officers, with reasonable Salaries for their Trouble; all which Treasurers, Clerks, Cashiers, Collectors, and others appointed to Offices of Trust, shall find Security for the due Execution of their Offices, and shall account on Oath to the said Trustees or such Committees or other Persons 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 the Sheriff Depute or Substitute, or any Two or more Justices of the Peace of the said County, 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 Months.

Trustees to appoint Officers, who shall find Security.

Quorum of Trustees.

VII. And be it enacted, That the Quorum or Number of Trustees necessary to do Business in General or District Meetings shall be Three, but if only One, or any Number less than Three shall be present at any General or District

District Meeting, such Trustees or Trustee 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 Advertisement in any Newspaper published in *Edinburgh*, at least Ten Days previous to the Day of such adjourned Meeting, or by affixing such Advertisement upon each of the Gates or Turnpikes erected or to be erected on the said Roads, or in case of the said Roads being divided into Districts in virtue of the Powers herein contained, by affixing such Advertisement upon each of the Gates or Turnpikes erected or to be erected in that District of Road for which such Meeting shall be called; 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 or District 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 General or District Meeting to rescind, alter, or vary the Determination of any former General or District Meeting, unless previous Notice of the Intention of so doing, and the Time and Place of the Meeting be given by Advertisement in any *Edinburgh* Newspaper, or affixed upon the Gates or Turnpikes as aforesaid, nor unless Two-thirds of the Trustees present shall concur therein.

VIII. And be it further enacted, That the said Trustees, at their said First General Meeting, or at their Second General Meeting to be held after the passing of this Act, of which due Notice shall be given in some one of the *Edinburgh* Newspapers at least Ten Days previous to the Day on which such Meeting shall be held, may divide the said Roads into such Districts or Sections as they shall think fit, and allocate and apportion the Produce of the Tolls arising at the Turnpikes or Toll Bars erected or to be erected upon the said Roads, towards the making and upholding of such Districts or Sections as they shall think fit; and as soon as such Division, Allocation, and Apportionment shall be so made and adjusted, the Clerk or Treasurer of the said Trustees is hereby authorized and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Time thereafter during the Continuance of this Act, it shall not be in the Power of the said Trustees to reverse, vary, or alter the aforesaid Division, Allocation, and Apportionment so entered and recorded as aforesaid.

May divide
Roads into
Districts and
apportion
Tolls.

IX. 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 Clerks appointed by the said Trustees, whose Duty it shall be to enter and record regularly all these 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 Twenty Pounds Sterling; which Books of Account and Proceedings shall be open to the Inspection of every Heritor in the County of *Peebles*, 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

Trustees to
keep Books.

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the Misapplication thereof shall be made, shall forfeit Double the Sum misapplied, with Costs of Suit, to be recovered at the Suit of Two or more Heritors of the County of *Peebles* by a summary Proceis before the Court of Session, 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, which Sheriff or Justices shall grant a Warrant 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 Ten Pounds Sterling, to be paid to the said Trustees to be by them applied to the Purposes of this Act.

May erect
Turnpikes
and Toll
Houses.

X. And be it enacted, That the said Trustees at a General or District Meeting assembled, shall and may continue and erect or cause to be erected, such Gate or Gates, Turnpike or Turnpikes, in or across any Part or Parts of the said Roads, or of the Cross Roads leading into or joining any of the said Roads, and particularly on that Cross Road called the *Drummelzier Stobs* and *Meldon Road*, the Cross Road leading up the Strath or Valley of the River *Lyne*, the Cross Road leading to *Dalkeith*, in the County of *Edinburgh*, and the Cross Road leading from *Noble House* to the Water of *Skirling*, in the said County of *Peebles*; and also shall and may continue and erect or cause to be erected such Number of Toll Houses as they shall think fit, provided that such Gate or Gates, Turnpike or Turnpikes, shall be at a Distance not less than Six *English* Miles from each other measured on the same Road, and may authorise their Collectors or Tacksmen under their Authority, to take and levy at each of the said Gates or Turnpikes, before any Passage be permitted thereat, a Sum or Sums of Money not exceeding the following Rates; that is to say,

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, or other such Carriage, drawn by Six or more Horses or Beasts of Draught, the Sum of Six Shillings Sterling; and drawn by Four Horses or other Beasts of Draught, the Sum of Four Shillings Sterling; and drawn by Three Horses or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling Sterling:

For every Waggon, Wain, Cart, or other such Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of
Draught,

Draught, the Sum of Three Shillings Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling and Sixpence Sterling:

For every Horse, Mare, Gelding, Mule, or Ass, with or without a Rider, laden or unladen, and not drawing, the Sum of Sixpence Sterling:

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies, unshod, the Sum of Five Shillings Sterling, *per* Score; and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of One Shilling Sterling, *per* Score; and so in Proportion for any greater or less Number:

And the said Trustees shall cause a Table of the Rates of Toll authorized for the Time being to be collected at each Toll Bar, to be printed and affixed upon or near each Turnpike Gate or Toll House, for the Information of all concerned.

XI. And be it enacted, That the said Trustees shall be, and they are hereby empowered to diminish or lessen any or all of the said Tolls upon any One or more of the said Roads or any Part thereof, with the Consent of the Persons entitled to Five-sixth Parts of the Money then due and owing on the Credit of the said Tolls, but not otherwise; and also to raise the Tolls again if they shall see Cause, but so as not at any Time to exceed the Tolls authorized to be levied as aforesaid by this Act; and also, if they shall think proper, with the Consent of the whole Creditors on the respective Tolls and Duties to cause the said Tolls and Duties to cease and determine.

Trustees may lower Tolls and raise them again.

XII. And be it 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 shall receive and take (over and above the Tolls hereby granted) the following Sums of Money as additional Tolls; 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 additional Toll; that is to say, for the first and second Hundred the Sum of Three-pence 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 Five 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 Twenty Shillings Sterling, besides all necessary Expences.

Trustees may erect Weighing Engines.

Regulations
concerning
the Weight of
Carriages.

XIII. 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, rolling on an even Surface, and bearing equally on the whole Breadth Eight Tons in Summer and Seven Tons in Winter; every Waggon or Wain having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, rolling on an even Surface, and bearing equally on the whole Breadth Six Tons in Summer and Five Tons and One-half in Winter; every Cart having the Fellies of the Breadth of Nine Inches, rolling on an even Surface, and bearing equally on the whole Breadth Three Tons in Summer and Two Tons fifteen hundred Weight in Winter; every Waggon having the Fellies of the Breadth of Six Inches, rolling on an even Surface, and bearing equally on the whole Breadth 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, rolling on an even Surface, and bearing equally on the whole Breadth 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 Tons and a Half 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 Ton and a Half 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, all the above Weights being Avoirdupois; 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* both inclusive.

Tolls vested
in the Trust-
ees.

Tolls may be
levied by
Distress.

XIV. And be it 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 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, and to keep such Cattle or Carriage until the Toll and Charges of the Distress be paid; and after the Expiration of Six Days to sell the Cattle or Carriage 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 be,) after Deduction of such Toll and all Charge for distraining, keeping, appraising, and selling the same.

Turnpikes and
Toll Houses
vested in
Trustees.

XV. And be it further enacted, That the Right and Property of all and every the said Turnpikes, Toll Houses, and Premises, to be erected in virtue of this Act, and Materials thereof, with the Materials that shall be collected and dug up for making and repairing the said Roads and
Bridges,

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.

XVI. And for the better enabling the said Trustees to erect the Toll Houses necessary for collecting the said Tolls, be it further enacted, That the said Trustees shall be, and they are hereby empowered to purchase and take in Lease such Pieces of Ground as they shall judge most convenient, not exceeding One Fourth of an Acre for each House; and if they cannot agree with the Proprietor and Occupier of the Ground, they shall apply to the Sheriff Depute or Substitute of the County, 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 Continuance of this Act, and fix the Rent of the same, whose Determination shall be final.

Trustees may purchase Lands and erect Toll Houses.

XVII. And be it further enacted, That it shall be lawful for the said Trustees to erect, or cause to be erected, One or more Gate or Gates on the Side or Sides of the said Roads, and across any Road, Lane, or Way leading into 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, 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.

Trustees may erect Side Gates.

XVIII. 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 private 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 ride or drive any Horse, Beast, or Carriage through any private Road or Passage, or shall forcibly pass through or assist any Person in passing through any Turnpike Gate erected or to be erected on the said Roads, by any of which Means 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, or forcibly passing through any Turnpike Gate, being convicted thereof by the Testimony of One or more credible Witnesses or Witnessess, before the Sheriff Depute or Substitute, or any Two or more of the Justices of the Peace for the County of *Peebles*, or any of the adjoining Counties, shall, for every such Offence, forfeit and pay to the said Trustees or their Collector or Collectors for the Time being, a Sum not exceeding Five Pounds Sterling over and above the Expences of Suit.

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

XIX. 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 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

Penalty on taking off Horses, &c.

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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 said Trustees, or to their Collector or Collectors for the Time being, for their Use, a Sum not exceeding Forty Shillings Sterling.

Penalty on unloading Carriages before coming to a Gate.

XX. And be it further enacted, That in case any Person or Persons travelling on the said Roads in a Coach, Chaise, or any other such Carriage, shall stop before coming to a Turnpike Gate, and walk through the Gate; or in case any Person or Persons shall unload any Waggon, Cart, or other such Carriage travelling along the said 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 a Sum not exceeding Twenty Shillings Sterling to the said Trustees, or their Collector or Collectors, for the Time being, for each of such Carriages.

Tolls to be paid only once a Day.

XXI. 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 returning or repassing with the same Coach, Chaise, 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; but in case the same Coach, Chaise, Waggon, Cart, or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall repass the Gate or Turnpike with a new Loading a second or more Times in the same Day, they shall in such Case pay the Tolls for each Time they shall so pass with a new Loading in the same Manner as for the first Time.

Penalty on Persons disposing of or receiving Tickets, &c.

XXII. And for preventing Frauds and Abuses in the said Tolls, 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 County of *Peebles*, or of any of the adjoining Counties, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling to the said Trustees, or their Collector or Collectors for the Time being.

Exemptions from Toll.

XXIII. Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be charged with any of the Tolls aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, who shall not travel above Two hundred Yards on the said Roads; nor any Carriage going to carry or convey, or carrying or conveying, or returning from carrying or conveying any Stones or other Materials for making or repairing the said Roads and Bridges, or other Public Roads

Roads or Bridges within the said County, or any of the Causeways within or belonging to the same; nor for any Horses, Cattle, Corn, or any Kind of Crops or Implements of Husbandry passing to or from, or carried 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 the Passage of any Dung for manuring Lands lying within the County of *Peebles*; nor shall any Occupier or Occupiers of Fields or Burgh Roods on which no Offices or Barn Yards are erected for the Use of the said Fields or Lands, be liable to pay any of the said Tolls for any of their Horses or Cattle going to or returning from Pasture in the said Fields or Lands, or with Implements of Husbandry, nor for Horses or Carriages carrying any Corn in the Straw, Hay, or Grass, being the Produce of the said Fields or Roods, to the Place where the said Corn in the Straw, Hay, or Grass is usually kept or used by the said Occupier or Occupiers; nor for Corn of any Kind sent to Mills or Kilns, to be manufactured for the Use of Farmers, their Families, and Cottars, or returning therefrom; nor for Horses or other Beasts of Draught or Burden, or empty Carriages returning from carrying the Articles aforesaid, or any of them; nor for Horses or Cattle going to or returning from pasturing or watering Places; nor for Horses or Cattle going to or returning from Smithies for the Purpose of being shod; nor for Horses, Carts, or other Carriages drawing or carrying Ploughs or other Implements of Husbandry to or from the Grounds on which the same have been or are to be at work, or returning from carrying or drawing the same, provided it be not necessary for these Purposes to travel more than One Mile on any of the said Turnpike Roads; nor shall any Toll be demanded from any Person or Persons who shall pass or return through the said Turnpikes to or from their Parish Church, Chapel, or any other Place of Religious Worship belonging to or situate within the Parish where such Person resides, upon a *Sunday* or any other Day on which Divine Worship is ordered by Authority to be celebrated; nor from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Persons who shall pass or return on attending the Funeral of any Person or Persons who shall die and be buried in any of the Parishes in which the Roads hereby directed to be repaired do lie; nor for any Horses or Carriages of whatever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in carrying, 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; or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; 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

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 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.

Exempting
Carriages with
St res.

XXIV. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Over-weight ; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained, by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen ; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage ; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithstanding.

Tolls to be
paid only once
in Six Miles.

XXV. And be it enacted, That if any Gate or Gates, Turnpike or Turnpikes, are or shall be erected within a less Distance of each other than Six Miles, any Person or Persons producing a Ticket to shew that he, she, or they have paid the Tolls at one Gate, shall not pay any further Tolls till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they shall have paid: Provided always, That such Exemption shall only take Place in the Case of any Person or Persons continuing to travel on the same Line of Road or Branches thereof.

Trustees may
let the Tolls.

XXVI. And be it further enacted, That the said Trustees at a General or District Meeting assembled, or a Committee to be named by any General or District 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.

Trustees may
borrow Money
on the Tolls.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, over and above the Money which may be now due and owing on the Credit of the Tolls allowed to be levied by the said Acts hereby repealed, 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 to be erected by virtue of this Act, to be laid out in making and repairing the said Roads and Bridges, erecting Toll Houses and defraying other Expences of carrying this Act into Execution ; provided that the whole Amount of the Money so borrowed shall not at any one
Time

Time exceed Thirty thousand Pounds, declaring that the Money so borrowed shall be and continue a Lien upon the Tolls granted by this Act, upon that Part of the Roads for the Use of which the Money was borrowed or advanced; 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 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 County, 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 transferrable by Indorsement duly subscribed by the Party transferring in the Presence of one or more subscribing Witness or Witnesses in Manner herein-after mentioned.

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

Trustees not personally liable.

XXIX. And whereas many Parts of the said Roads, and particularly that over *Minchmoor*, lead over steep Grounds, which may be avoided, and several Parts of the Roads are near to Rivers and Waters which injure them, and in some Instances injure and demolish Bridges, which may be prevented; be it therefore further enacted, That the said Trustees in their General or District Meetings as aforesaid, shall be, and they are hereby authorized to alter the present Line and Direction of the said Road over *Minchmoor*, by conducting the same along the side of the River *Tweed*, to join the new Road to *Selkirk*, through *Elibank Wood*, and where it shall appear expedient, to alter the Line and Direction of any of the said Roads, from higher to lower Grounds, so as to avoid Pulls, and to settle the particular Direction of the same; and to cause the Course of Rivers or Waters to be altered, so as best to prevent Injury to Roads and Bridges, for which Purpose the Persons employed by them may go upon the adjacent Lands, provided that reasonable Satisfaction shall be made by the said Trustees to the Owners and Occupiers of such Lands for the Damage done, to be settled as herein-after mentioned.

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

XXX. 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, 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 Witness or Witnesses, before the Sheriffs, or any Two or more

Penalty on breaking down Gates, &c.

[Loc. & Per.]

8 G

Justices

Justices of the Peace of the County of *Peebles*, or of any adjoining County, shall be condemned to pay any Sum not exceeding Treble the Damages sustained, together with the Colts of Suit, and to be imprisoned for any Time not exceeding Two Calendar Months and thereafter, until the Damages and Costs awarded shall be paid.

Power to compound for Tolls.

XXXI. And be it further enacted, That the said Trustees shall have Power at their General, District or Committee Meetings, to compound or agree by the Year or otherwise with any Person or Persons travelling the said Roads, the Composition 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.

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

XXXII. And be it further enacted, That if any of the Keepers of the Turnpike Gates already erected or to be 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.

Qualification of Trustees for converting the Statute Labour.

XXXIII. And for the more effectually making, repairing, and keeping in Repair the other Roads and Bridges in the said County of *Peebles*, be it further enacted, That all the Freeholders who now stand or shall hereafter be admitted on the Roll of Freeholders in the said County during the Time they shall continue to stand on the said Roll, and every Person who is or shall be in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment of the Fee or Liferent of the *dominium utile* of Lands lying in the said County of *Peebles*, valued in the Tax Rolls of the said County to the Extent of One hundred Pounds Scots *per Annum*, or of the clear Value of One hundred Pounds Sterling *per Annum*, and all and every the eldest Sons of such Freeholders and Proprietors, and the Sheriff Depute of the County of *Peebles*, and the Provost or Chief Magistrate of the Royal Burgh of *Peebles*, both for the Time being, shall be and they are hereby nominated and appointed 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 and Bridges within the County of *Peebles*, other than and besides the said Roads in the said County on which Turnpikes are or shall be erected and Tolls taken in virtue of this Act; and for levying and applying the Assessment hereinafter allowed to be imposed and levied, and for carrying into Execution the whole Powers given by any general Law or by this present Act relative to such Roads and Bridges within the said County.

Penalty on acting if not qualified.

XXXIV. 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 Complaint in a summary Way, at the Suit of any Heritor within the said County,

County, before the Sheriff Depute of the County of *Peebles* or his Substitute, or before the Justices of the Peace at their Quarter Sessions, 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 be upon the Person complained of.

XXXV. And be it further enacted, That the said Trustees, or any Three or more of them shall, in order to put this Act into Execution, meet within the Town House of *Peebles* on the same Day on which the Trustees herein-before named, for the Superintendence 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 for the Turnpike Roads, 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 their Orders into Execution.

First and other Meetings of Trustees.

XXXVI. And be it further enacted, That at all General Meetings of the said Trustees Three 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.

XXXVII. And be it further enacted, That the Clerk of the said Trustees, or in his Absence the Preses of the former General Meeting shall, when directed by Two or more Trustees, call a General Meeting by Advertisement in any Newspaper, published at *Edinburgh* Ten Days before 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.

Clerk to call Meetings.

XXXVIII. And be it further enacted, That no Determination of either 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 a Meeting advertised for that special Purpose.

Determination of Annual Meetings not to be altered till next Annual Meeting, or a Special Meeting.

XXXIX. And be it enacted, That all Occupiers of Land, whether Owners, Liferenters, or Tenants, shall be liable to furnish as Statute Labour annually Six Days Labour of a Man with a Horse and Cart for each One hundred Pounds Scots of valued Rent, or in the Option of the said Trustees to pay yearly a Composition in Money for the Lands occupied by them respectively, according to the valued Rent of such Lands, the Conversion for each One hundred Pounds Scots of valued Rent being the Value of Six Days Labour of one Man with a Horse and Cart, and so in Proportion for a higher or lower Valuation; and which Conversion shall be ascertained in Manner after mentioned.

Conversion in lieu of Statute Labour.

XL. And be it enacted, That all Carters, Carriers, and other Persons having Places of Residence within the County of *Peebles*, and keeping Horses for hire, or for carrying on their Trades and Occupations, or for Pleasure, whether constantly or occasionally, shall be liable to furnish annually

Rates payable by Carters, &c.

But not to be
Double rated.

nually One Day's Labour of a Man with a Horse and Cart, or in the Option of the said Trustees, instead of performing Statute Labour, shall pay a Composition or Conversion in Money, not exceeding the Value of such Labour, and all Cottagers, Labourers, Colliers, Miners, Mechanicks, Tradesmen, and Workmen at any Manufacture within the said County, being Householders of the Age of Twenty-one Years complete and upwards, and not liable as aforesaid as Occupiers of Land or Keepers of Horses, shall be liable for Four Days Labour of One Man annually, or in the Option of the said Trustees to pay a Conversion in Money equal to the Value of such Labour; all such Conversions to be ascertained in Manner herein-after mentioned: Provided always, that if the Persons keeping Horses shall be assessed at the same Time as Occupiers of Land within the County, they shall be entitled to a Deduction of the Composition to which they are liable in respect of their Horses and Men employed with such Horses out of the Assessment on their Lands, or to a Deduction of the Assessment upon their Lands out of the Composition to which they are liable in respect of their Horses and Men employed with such Horses, according as the one shall exceed the other respectively; but they shall not be liable in Payment of both Assessments.

Clergymen
and School-
masters not
liable for their
Manes, &c.

XLI Provided always, and it is hereby declared, That nothing in this Act contained shall subject Clergymen of the established Church of *Scotland*, to the Performance of Statute Labour, or to be assessed for the Conversion thereof in respect of their Manes and Glebes in their natural Possession, or Parish Schoolmasters in respect of their Schoolhouses, Dwellinghouses or Lands thereto belonging.

Trustees to
appoint As-
sessors in Pa-
rishes, &c.

XLII. And be it further enacted, That it shall be lawful for the said Trustees at their first or any subsequent General Meeting, or at any Adjournment thereof, and they are hereby authorized and required to nominate and appoint One or more Assessors for each Village or Parish within the County, as they shall think fit, and such Assessors shall return upon Oath (which Oath any One or more of the said Trustees is and are hereby empowered to administer) to the Clerk to be appointed as aforesaid, and within such Time as the said Trustees shall direct, a full and correct List of all Lands which are not valued in the Cess Books of the said County, with the Names of the Owners and Occupiers thereof, respectively, as also of all Houses which have no cultivated or profitable Land belonging to the same, the Yearly Rent whereof may amount to Twenty Shillings Sterling or upwards, with the Names of the Occupiers thereof, together with a just and full Account of the Rent of such Lands and Houses when the same are occupied by Tenants, or the Annual Value thereof to the best of their Judgment when they are occupied by the Proprietors, or when the Rent payable by the Tenant cannot be discovered, and also a List of all Persons keeping Horses as aforesaid, with a just and full Account of the Number of Horses kept by each Person as well as of the Men employed with such Horses, and likewise a List of the Cottagers, Workmen, Manufacturers, and others above described, who are not liable as Occupiers of Land or Keepers of Horses, and that within the respective Villages or Parishes for which they are appointed to act as Assessors; and if any Person or Persons shall think himself, herself, or themselves aggrieved by such Return, it shall be competent for him, her, or them, to complain to a General Meeting of Trustees, who are hereby empowered and required to hear

hear and finally to determine upon the Matter of such Complaint, and such Assessors shall be allowed a reasonable Gratification for their Trouble.

XLIII. And be it enacted, That the respective Owners and Liferenters of Lands in the said County, shall in the First Place make Payment of the said Composition chargeable on their whole respective Properties in the said County to the Collector of the Cefs or Land Tax thereof, (who is hereby authorized to receive and discharge the same), and that by Two Half Yearly Moieties upon the Twenty-fifth Day of *March* and Twenty-ninth Day of September, beginning the First Half Yearly Payment thereof on the Twenty-ninth Day of *March*, One thousand eight hundred and nine, and when so paid, the said Owners and Liferenters shall be entitled to Repayment and Relief from their respective Tenants of a Proportion of the said Composition corresponding to the valued Rent of the Lands occupied and possessed by such Tenants respectively, and in all Cases where the valued Rent of an Owner, Liferenter or Tenant's Possession does not appear from the Valuation Books of the County, the valued Rent thereof shall be ascertained by the Proportion that the real Rent or Annual Value thereof shall bear to the Total real Rent of the Owners and Liferenters Lands in the Parish where the Possession is situated, and in the Event of any Dispute betwixt an Owner or Liferenter and Tenant, with regard to the Annual Value of any Lands in the Occupation of such Owner or Liferenter, the same shall be determined by the Sheriff Depute of the said County or his Substitute, at the Suit of either Party, and such Determination shall be final and conclusive, and the Collector of the Land Tax shall be bound, and is hereby required to keep in his Books a separate and distinct Account of the Money levied and received for such Composition as aforesaid from each Parish in the said County.

Owners. &c.
to pay Con-
version to the
Collector of
the Land Tax

In case of Dis-
pute as to the
valued Rent.

XLIV. Provided always, and be it enacted, That if the said Trustees at their General Meetings assembled shall think proper, they may appoint a separate Collector or Cashier for receiving and paying away the said Conversion of the Statute Labour, and may require the Collector of the Cefs or Land Tax to exhibit to them a Schedule of the Persons liable in Payment of such Cefs or Land Tax, and containing the Sums for which each Person is liable, and also to appoint Collectors or Cashiers to whom the whole other Conversions herein-before granted and made payable shall be paid by the several Persons liable in Payment of the same, in Manner before mentioned, and the Collectors or Cashiers, Collector or Cashier so to be appointed by the said Trustees shall enter all their Receipts and Payments regularly in a Book or Books to be kept for that Purpose; and the said Trustees may remove such Collectors or Cashiers, Collector or Cashier, and may appoint other or others in his or their Stead as often as they shall think proper; and the said Collector of the Cefs or Land Tax, or the Collectors or Cashiers, Collector or Cashier so to be appointed as aforesaid, shall find Security to the Satisfaction of the said Trustees, to account annually or as often as they shall be required, for all the Money received by them, and to pay the Balance or Balances in their Hands to the said Trustees or their Order when demanded, they being always allowed a suitable Gratification for their Trouble, not exceeding Five Pounds *per Centum* of the Sums which they shall collect and receive.

Power to ap-
point a sepa-
rate Collector.

[*Loc. & Per.*]

8 H

XLV. And

Trustees may
raise or lessen
the Rate of
Conversion.

XLV. And be it enacted, That the said Trustees shall, at their first Meeting to be held under the Authority of this Act, or at some Adjournment thereof as aforesaid, and afterwards at their annual General Meetings, on the Thirtieth Day of *April*, or at some Adjournment thereof, advertised in any Newspaper published in *Edinburgh* Ten Days at least before such Meeting, settle and fix the Rate of Conversion of the Statute Labour in respect of Lands as aforesaid, for each Parish respectively within the County; and it shall and may be lawful for the said Trustees as aforesaid to ascertain the Value of Labour of a Man and a Horse and Cart for a Day, which Value so ascertained, shall remain the Rule for Assessment under this Act until altered by a subsequent annual General Meeting, on the Thirtieth Day of *April*; and the said Trustees may enlarge or diminish in the same Proportion the Sums above mentioned to be payable by Carters, Carriers, Cottagers, Workmen, Mechanicks, Manufacturers, and others, in Manner before mentioned; and further, may settle and fix different Rates of Conversion for different Parishes, as the State of the Roads and the Number and Circumstances of the Inhabitants within the respective Parishes may require.

Application of
the Money.

XLVI. Provided always, and be it enacted, That the Money raised by the Conversion of the Statute Labour in each Parish, shall after defraying the Expence of collecting the same be applied to the Roads and Bridges other than Turnpike Roads and Bridges within the same respectively, and to no other Purpose, unless a Majority of the Heritors of that Parish being Trustees, shall at a General Meeting assembled, agree to apply a Part thereof to Roads or Bridges in any other Parish, and if the Composition Money of any Parish, or any Part thereof, shall be applied other Ways than as hereby directed, the Trustees who shall authorise such Misapplication, shall be liable to refund the Money so misapplied, with full Costs of suing for the same by any of the other Trustees, or of any Owner of Lands or Houses within the Parish in which it was raised and levied in any Action, to be pursued before the Sheriff Depute or his Substitute, or any Two or more Justices of the Peace of the said County of *Peebles*, and the Money so recovered shall be applied to the repairing of the Roads of the Parish in which the Money so misapplied was raised.

For Compel-
ling Payment
of the Con-
version.

XLVII. And be it further enacted, That if any Person or Persons, liable to pay the said Conversion, shall refuse or neglect on or before the said respective Days above-mentioned to pay the same, it shall then be lawful for the Sheriff Depute, or his Substitute, or for Two or more Justices of the Peace for the said County, to grant a Warrant for poinding the Effects of the 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 poinded, and in case sufficient Distress cannot be found, or sufficient Security given for Payment, it shall be lawful for the said Sheriff Depute, or his Substitute, or Justices aforesaid, by Warrant under their Hands to imprison the Deficient for any Time, not exceeding Three Calendar Months, unless such Conversion and all reasonable Charges shall be sooner paid, which Warrants are to be granted by the Sheriff Depute, or his Substitute,

stitute, 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.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the Magistrates of the Royal Burgh of *Peebles*, to levy or cause to be levied from the Inhabitants of the said Burgh (excepting the Clergyman of the Parish unless he be in the Occupation of Lands other than his Glebe valued in the Cess or Stent Books of the Burgh) a Composition in Money in lieu of Statute Labour, not exceeding the Sum of Two Shillings and Sixpence Sterling yearly for each Man within the said Burgh, liable to perform Statute Labour, and also to levy or cause to be levied from Carters, Carriers, and all other Persons within the said Burgh (excepting as aforesaid), keeping a Horse or Horses for Draught, Labour, or Riding, a Composition in Money not exceeding Three Shillings Sterling yearly for such Horse, the said several Compositions to be payable at the Term of *Whitsunday* yearly; and as the said Sums of Two Shillings and Sixpence for the Labour of each Man, and Three Shillings for each Horse are considered to be the present Value of One Day's Labour of each Man and each Horse, the said Magistrates are hereby empowered annually in Time coming, to ascertain the Value of One Day's Labour of a Man and a Horse, and to demand Payment of the same, although it be more than the Sums above-mentioned, and on the other Hand, they shall be obliged to restrict their Demand to the said Value, in case it shall be less than the above-specified Sums; and if any Person or Persons shall refuse or neglect to make Payment of the said Compositions at the said Term to the said Magistrates, or to the Collector or Collectors appointed by them, for levying the same, then the Proceedings at the Suit of the Magistrates, or their Collector for compelling Payment thereof, shall be in the same Manner as herein-before directed, for compelling Payment of the County Compositions, and which Monies when so levied shall (after defraying the Expence of the Collection thereof) be applied at the Sight and by the Direction of the said Magistrates to the Streets and Roads in use to be repaired by the Statute Labour of the said Burgh, and to no other Purpose, unless a Majority of the Magistrates and Town Council assembled, shall agree to apply the said Monies or Part thereof to other Roads in the Parish of *Peebles*, or in any of the adjoining Parishes.

Composition
for the Royal
Burgh of
Peebles.

XLIX. Provided always, and be it enacted, That if it shall appear to the said Sheriff Depute, or his Substitute, or to the said Justices, that any Collector or Collectors shall have made an oppressive Complaint before them, it shall be lawful to the said Sheriff Depute or his Substitute, or Justices as aforesaid, to award treble the Amount of the Damages which shall be sustained by any Person or Persons who have been injured and oppressed by such Warrant or Warrants, such Damages to be paid to the Person or Persons injured by the Collector or Collectors, upon whose Application the Warrant or Warrants were granted.

Persons ag-
grieved may
receive Treble
Damages.

L. And be it further enacted, That the said Trustees, instead of applying the Composition of the Statute Labour, for each subsequent Year, at their General Meetings or Adjournments thereof, may appoint One or more

Trustees may
appoint Com-
mittees of
their Number
for the differ-
ent Parishes.

of their Number in each Parish Committees, with Power to appropriate the Composition Money to the Roads within the Parish; and it shall also be lawful to the said Trustees to chuse Committees from their own Number, or to appoint such Person or Persons as they shall think capable, to have the general Oversight and Direction of making the necessary Repair upon the Roads within each Parish, with Power to such Committees and Overseers to grant to the Workmen whom he or they may employ, an Order on the Collector for Payment of their Work, so as such Order shall never exceed the Sum allotted to that Parish Road by the General Meeting; and in which Order the said Committees or Overseers shall describe the Road or Roads for which it is issued, and the Person or Persons employed in making or repairing such Roads, entitled to receive the Money for Work actually done, and no Money shall be paid except upon such Order as before mentioned.

In case the Trustees appointed by this Act, neglect to execute the same, the Commissioners of Supply may fix the Conversion Money.

LI. And be it further enacted, That if it shall appear to the Commissioners of Supply for the said County of Peebles, at their annual Meeting on the Thirtieth Day of *April* for laying on the Land Tax, that the Trustees for the Conversion of the Statute Labour by this Act appointed, shall have neglected in any one Year to fix the Rates of Conversion for Lands, Houses, Horses, or Men employed with such Horses, or Occupiers of Houses aforesaid exclusive of Occupiers of Lands and Keepers of Horses, or shall have neglected to appoint a Collector or Collectors for levying the said Conversion, or to apply the same as by this Act directed, or shall have neglected in any other Way, to put in Execution the Powers hereby vested in them for the Purposes thereof, then and in every such Case, it shall be lawful for the said Commissioners of Supply at their annual Meeting aforesaid, to assess the County according to the highest Rates of Conversion herein authorized, and to appoint Collectors for receiving and paying away the same, and Overseers for the applying and laying out thereof, in repairing the Roads within the County, under the Direction and Controul of the said Commissioners of Supply, who shall enjoy all the Powers in raising, levying, and applying the Conversion of the Statute Labour, and be subject to the same Regulations as the Trustees herein appointed.

Power to borrow Money.

LII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered to borrow any Sum or Sums of Money which they shall deem necessary for making and repairing the Roads of any Parish within the County, upon the Credit of the Conversion Money raised or to be raised in the said Parish, so as the Sum borrowed shall not at any Time exceed Five Years Conversion of the Statute Labour in the said Parish, and to assign a Portion of the said Conversion Money not exceeding One Half thereof for such a Term of Years as shall be necessary for repaying the Sum or Sums borrowed with Interest, until the same shall be repaid, which Sum or Sums so borrowed, shall be laid out within the particular Parish upon the Conversion Money of which the Assignment is granted, and upon the Roads of no other Parish whatever, unless with the Consent of the Heritors and Trustees as herein-before mentioned: Provided always, that such Transactions shall be entered in the Books of the said Trustees, and that such Loan and Assignment be agreed to by Two-thirds of the Trustees qualified as aforesaid, Proprietors of Land in the Parish for the Use of which the Money is to be borrowed.

LIII. 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, except where herein-after specially appointed to the contrary) shall at all their Meetings pay their own Expences.

Trustees to pay their own Expences.

LIV. And be it further enacted and declared, That the said respective Trustees, may sue or 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 Clerks or Treasurers, but that the Clerks or Treasurers to the said Trustees for the Time being shall be deemed to be the Pursuers or Defenders (as the Case may be) in every such Action.

Trustees may sue and be sued in the Name of their Clerk and Treasurers

LV. And be it further enacted, That it shall and may be lawful for the said respective Trustees to build Fences and to shut up and suppress Publick Roads of every Description, which may appear useles or of little Importance to the Publick: 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 Depute of the County of *Peebles*, or his Substitute, who, if he sees Cause, is 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 mentioned.

Trustees may shut up useles Roads;

on giving One Month's previous Notice at Parish Churches.

LVI. And be it further enacted, That the said respective Trustees shall be and they are hereby authorised to cause the Roads to be amended, widened, and repaired, in such Manner as they shall think proper; and either to enter into Contracts or Agreements from Time to Time, (the same not exceeding the Term of Five Years,) for making, repairing, or upholding the said Roads, as they shall think fit, or to authorise the Trustees of any particular Parish to do so; and they are also hereby authorised to settle the particular Direction of the Roads, 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 County, who shall have Power finally to settle the same.

Trustees may cause Roads to be altered and repaired.

May make Drains, &c.

LVII. And be it further enacted, That the said respective Trustees shall have Power to cause to be built new Arches and Bridges

To erect new Bridges, &c.

[*Loc. & Per.*]

§ I

of

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

To pull down
Houses, &c.

With Excep-
tions.

Proprietors
under Entail
or not, may
renounce
Claims of
Damage.

Incapacitated
Persons may
sell Lands.

Sheriff to sum-
mon a Jury to
fix Value of
Lands and
Houses.

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 of the said 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 such of the other Roads as are not of sufficient Width to be widened to any Breadth not exceeding Twenty-four Feet exclusive of the Footways and clear of the Ditches, and to cause the Course of such Parts of the said Roads as they shall think proper to be altered for shortening the same or making them more commodious and level; and for these Purposes to cause all Dwelling-Houses, Office-Houses, or other Buildings falling within the Line of Road, the Side Walls whereof shall not exceed Twenty Feet in Height, and all Outside or Forestairs, or projecting Buildings, in any Town, Village, or Place, and all Fences and other Impediments to be taken down and removed, after giving the Owners or Occupiers thereof Six Months Notice of the Purpose intended: Provided always, that nothing herein contained shall be construed to empower the said respective Trustees to remove or encroach upon any House, the Side Walls of which exceed Twenty Feet in Height, nor any Garden, Orchard, Yard, planted Walk, nor the Avenue to any House, nor any Ground set apart, inclosed and used as a Nursery for Trees; and the Road so altered and widened shall thereafter be taken and held to be a Publick Highway, and comprehended within this Act.

LVIII. Provided always, and be it enacted, That it shall be in the Power of all Proprietors and Occupiers of Lands, 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, in cases where the same does not exceed the Value of Twenty Pounds, and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors, and shall in no way infer an Irritancy under such Entail against the Grantor of such Renunciation.

LIX. 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.

LX. And be it further enacted, That in taking the necessary Ground for making, altering, or widening the said Turnpike or other Roads, or other Purposes before-mentioned, altering the Course of Rivers or Waters, or in taking down any House or Houses, or Part or Parts of any House or Houses, and in removing Fences or other Impediments, 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 such Grounds, or with the Owner or Owners, Occupier or Occupiers of any House or Houses,

Or

or Part or Parts of any House or Houses, which are to be taken down, or whose Fences are to be altered or removed, as aforesaid; or in case the Claim of Damages which may be thence incurred has not been renounced in Manner aforesaid, Application shall be made to the Sheriff Depute of the County, or his Substitute, to summon a Jury, in order to value the Ground necessary to be taken and used as aforesaid, or Houses or Parts of Houses necessary to be taken down for so widening and enlarging the said Roads or Highways, and the Loss or Damage ensuing from the altering or removing of Fences, or other Impediments; and the said Sheriff Depute, or his Substitute, is hereby empowered and required upon Application by the said Trustees, or their Treasurer or Clerk, 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 impanelling 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, both in respect of the Lands or Houses taken or pulled down by the said Trustees, and on Account of the Fences necessary to be pulled down, and they shall also have Power to ascertain what new Fences should be erected and the Value thereof, and appoint the same to be made, or the said Value to be paid along with the Damage; 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 Sheriff Depute or his Substitute is 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 respective 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 the Bank of *Scotland*, or Royal Bank of *Scotland*, 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 Sheriff Depute or his Substitute 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 Payment of the Sum awarded by the Jury.

LXI. Provided always, 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

Expences of Jury.

Expence

Expence shall be paid by the said Trustees; and on the 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 or Incapacity 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 paid to the Owner or Owners, Occupier or Occupiers of any Lands or Houses such Sum as the said Trustees shall think reasonable, or in case of their Refusal to accept the same, after having consigned such Sum in the Bank of Scotland or Royal Bank of Scotland, 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.

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

LXII. 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 recal 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.

Application of Compensation where exceeding 200 l.

LXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages 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 Heritages, 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 Heritages standing settled therewith to the same or to 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 Heritages, 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 Heritages 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

taking Effect; and in the mean Time and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

LXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages 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 Heritages 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, her, 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 the said Trustees (such Nomination and Approbation to be signed in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case may be applicable.

Where the Compensation does not exceed 200l. and is not less than 20l.

LXV. 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 Heritages so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees 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.

Where it is less than 20l.

LXVI. 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 Heritages, 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 respective 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 Heritages, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said respective Trustees 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 Heritages, (describing them,) subject to the Order, Controul, and Disposition of the Court of Session,

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Session.

[Loc. & Per.]

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which

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 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.

Where any Question shall arise touching the Title to the Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled there- to according to such Possession.

LXVII. 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 Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages, 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 Heritages 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 Heritages, or to some Estate or Interest therein.

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

LXVIII. 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 Heritages; 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 Heritages, 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.

Old Roads to be sold.

LXIX. And be it further enacted, That whenever the Course of the said Roads shall be altered as soon as the new Road shall be completed, and made passable for Carriages, in case the old Road 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 dis-
pose

pose of or sell the Land or Ground composing such old or former Road, and that according to the Value of unimproved or uncultivated Lands in 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, relative to that District or Section of the Roads (whether supported by the Tolls hereby granted, or by the Conversions in lieu of Statute Labour); to which the said old or former Road shall have belonged, 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.

LXX. And be it further enacted, That in altering the Course of any of the said Roads, or widening the same, it shall be in the Power of the said 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 Sheriff Depute, or his Substitute, of the said County, 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 the Bank of *Scotland*, or Royal Bank of *Scotland*, the said Trustees shall from thenceforth have a Right to cause the said Addition to be made to the Glebe, and in the mean Time to take and use such Part of the Glebe as shall be necessary for the Purpose of altering or widening the said Road; and the Proceedings and Order of the said Sheriff Depute, or his Substitute, shall be final and conclusive.

Road may pass through a Minister's Glebe.

LXXI. 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.

Ground taken not to diminish valued Rent.

LXXII. And be it further enacted, That the said respective Trustees, or such Person or Persons as they shall appoint, may dig, gather, take, and carry away 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 County of *Peebles*, or in any other adjoining thereto, provided the Distance from the Con-

Trustees may take Materials, &c.;

fines

finer of the County of *Peebles* shall not exceed Eight hundred and eighty Yards, (such Materials not having been dug or raised for the private Use of the Proprietor of such Grounds) and to open Accesses for carrying off the said Materials, such Accesses, and the Places from whence the said Materials shall be proposed to be taken, being first marked out by any Two or more of the said 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 Days 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 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; 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 Sheriff Depute or his Substitute as afore-said, 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 meantime.

on paying
Damages.

Notice to be
given before
Materials
taken.

LXXIII. 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, take, and carry away any Materials for making and repairing the said Roads, Arches, or Bridges, 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 County from which such Materials are to be taken, 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, 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 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.

Proprietors or
Occupiers to
cleanse
Ditches, &c:

LXXIV. 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 be, and they are hereby required to keep the Ditches properly scoured, and not 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 respective Trustees, or 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

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 a General, District, or Committee Meeting 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 Directions 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 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.

Occupiers to make Drains along the Road by the Direction of the Trustees.

LXXV. Provided always, That the Drains and Ditches to be made by Order of the said respective Trustees shall be scoured and kept in Repair by the Occupiers of the Lands through which the Drains pass; and if any Occupier of Land through which such Drains and Ditches are or shall be made, shall wilfully 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 are or shall be made, the Occupier of such Ground shall in no case fill up the Water Table or Drain, but shall always cover the Drains crossing the Sides of such Road with sufficient Stones or other proper Materials, 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 let it run over the said Roads, but shall be obliged to conduct the Water across the Road in a covered Drain of such Depth and Construction as the Water may not prejudice the Road.

Ditches and Drains to be scoured at the Expence of Occupiers.

Penalty on filling up Ditches.

LXXVI. And whereas the Roads to be made under the Authority of this Act may be much prejudiced by the Narrowness of the Wheels of the several Carriages travelling thereon, and by the excessive Burdens loaded on such Carriages, be it enacted, That no Waggon having the Sole or Bottom of the Fellies of the Wheels constructed as aforesaid 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

Breadth of Wheel Carriages regulated;

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Horses;

under certain
Penalties.

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 be drawn with more than Three Horses upon the said Roads, under the Penalties after 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 Track, the Owner or Driver of such Carriages, on being convicted before any Justice of the Peace, by the Oath of One or more credible Witness 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.

No Drivers to
drive their
Carriages or
Horses abreast.

LXXVII. 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 laden or unladen, shall drive or permit the same to travel or stand upon any of the said Roads 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 for each Offence.

Drivers of
Carriages, &c.
on meeting
other Car-
riages, &c. to
drive to the
Left Hand or
near Side.

LXXVIII. 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 Road or any Part thereof, shall be obliged, upon meeting another Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, 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, Ass, 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, for every such Offence.

Notice of new
Inclosures to
be given to
the Trustees.

LXXIX. 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 within Twenty Feet of the Centre of the Roads without giving at least Two Months previous

ous Notice to the said Trustees; which Notice may be given by a Letter to the Clerk of the Meeting, or of the Committees who have the Charge of that Part of the Road adjacent to which the said Inclosure is proposed to be made; and the said 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 Roads, and making Footpaths thereon.

LXXX. 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 a Sum not exceeding Five Shillings Sterling, to be levied in Manner herein-after directed.

Trustees may
make Foot-
paths.

LXXXI. And be it further enacted, That where the Ground on the Side of any of the said Roads is inclosed or planted, the Proprietors or Occupiers 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 any 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.

Possessors to
lop Trees or
Hedges.

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

LXXXII. 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 Distance 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 as they shall think 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 Road, unless a sufficient covered or arched Drain or Passage shall have been previously made as before directed, or shall be aiding and assisting therein, or shall rescue or attempt to rescue any Person apprehended for such Offence; any Person offending in every of the Cases aforesaid, and being thereof lawfully convicted by the Oath or Oaths of One or more credible Witness or Witnesses before the Sheriff Depute of the said County of Peebles, or his Substitute, or before Two or more Justices of the Peace of the said County, shall be not only adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds Sterling; and in case the said

Trustees may
cause the
Roads to be
measured and
Mile Stones to
be erected.

Penalty on
defacing
them.

faid Penalty, Damages, and Expences so adjudged, shall not be instantly paid, or sufficient Security given for the same, the said Sheriff 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.

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

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

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

Articles to
be drawn on a
Wheel Car-
riage.

LXXXIII. 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 turn any Plough upon any of the said Roads; and 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 herein after directed, One Half thereof to be 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 any of the said Roads, shall be expressly prohibited from digging Pits within Twelve Feet from the Sides of the said Roads, unless such Contractor or other Person employed as aforesaid shall erect a sufficient Fence between the Side of the 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.

LXXXIV. 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, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall suffer any Tree, or other Matter whatsoever which can be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads, or shall allow any Timber, Stone, or other Matter (excepting Machinery framed or put together, or any Article of Metal cast in One Piece) to project or extend over the Sides of the Cart, Waggon, or other Carriage, whereon the same shall be drawn and transported, or to occupy more of the said Roads and Bridges in Breadth than is occupied by such Cart, Waggon, or other Wheel Carriage, or allow the Timber, Stone, or other Matter, to drag or trail upon any Part of the said Roads or Bridges; or shall draw or transport on any Part of the said Roads and Bridges, upon any Cart or Carriage with less than Four Wheels, any Timber or other Matter exceeding

Twenty-four Feet in Length; or shall leave any Horse or other Beast, yoked or unyoked, or any Cart or other Carriage, or the Loading thereof, standing upon any of the said Roads or Bridges, or Drains on the Sides thereof, longer than may be necessary for loading or unloading the same, except in case of Accidents; or shall lay down or leave upon any of the said Roads, or Bridges, or Drains on the Sides thereof, or within Five Yards thereof (unless the same be sufficiently fenced off from the said Roads, Bridges, or Drains,) any Lime, Dung, Timber, Stone, Hay, Straw, Manure, Soil, Rubbish, or other Matters; or shall hew or saw any Piece of Stone or Timber, or flake, mix, or wet any Lime, or mix up any Mortar in or upon any Part of the said Roads, Bridges, or Drains, to the Prejudice of the same or the Annoyance of Passengers; or shall make any Saw Pit or other Pits, Holes, or Hovels, or shall do any Thing whereby the said Roads, Bridges, or Drains, may be damaged or unnecessarily encumbered, or shall lay or leave any dead Horses (except in Cases of Accident, to be made out to the Satisfaction of the Sheriff or Justices before whom the Complaint shall be brought) or other Carrion upon any of the said Roads, Bridges, or Drains, or within Twenty Yards of the Sides thereof, or if Occupiers of Lands shall leave Thistles or other noxious Weeds on the Sides of such Parts of the said Roads as pass through their Possessions without cutting them down before they come to Seed, every Person offending in any Case aforesaid shall, for each Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling, besides removing the Matter of Nuisance or Annoyance, and repairing the Damage done to the Roads, Bridges, or Drains, without Delay, at his or her own Expences; and in case of Failure or Neglect to do so, forfeiting the Matter of Value causing the Nuisance or Annoyance, and paying the Expence of removing what are of no Value, and the Charges of repairing the Damage done to the said Roads, Bridges, or Drains, which Matters of Nuisance and Annoyance the said Trustees shall be, and are hereby authorised and empowered to cause to be removed on such Failure or Neglect, and the forfeited Matters to be sold, and the said Forfeitures and Expences shall be recovered and levied, and the same with the Price of the forfeited Articles applied to the Purposes of this Act, relative to that District or Section of the Roads, (whether supported by the Tolls hereby granted, or by a Conversion in lieu of Statute Labour,) on which the Nuisance or Obstruction shall have been committed or made.

For preventing Annoyances.

LXXXV. 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 at or near the Outlets of any Town within the said County where Houses have not formerly stood, or where Houses have stood, but which have fallen or have been pulled down, shall be built within the Distance of Twenty 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 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 the 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

Buildings erected within 20 Feet of the Middle of the Roads to be pulled down.

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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 herein-after directed.

In case of sudden Damage to a Bridge Trustees may order Repairs.

LXXXVI. And be it further enacted, That in case of any sudden Damage to a Bridge, it shall be in the Power of any Two or more of the said respective Trustees, 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 such respective Trustees, on an Application for that Purpose, and on a 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 Two or more of the said respective Trustees to cause the said Roads to be cleared, at any Expence not exceeding Ten Pounds Sterling.

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

LXXXVII. And be it further enacted, That all Forfeitures and Penalties by this Act imposed, the Manner of levying and recovering whereof is not particularly specified, shall on Proof of the Offence before Two or more Justices of the Peace or the Sheriff Depute of the said County of *Peebles*, or his Substitute, 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 Oaths 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 for Turnpikes or Statute Labour respectively, according to the Nature of the Offence or Place where the same shall have been committed, 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 Sheriff Depute or his 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.

If not paid Offenders may be committed.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXVIII. 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 County of *Peebles*, 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

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, Advocation, Suspension or otherwise howsoever.

LXXXIX. And be it further enacted, That the Bonds and Securities to be granted by the said Trustees for the Money to be borrowed by them in the Manner directed by this Act, shall be transferable from One Person to another, by Indorsement duly subscribed by the Party transferring, in the Presence of One or more subscribing Witness or Witnesses, and specifying the Date of Indorsation, with the Names and Additions of the Indorsee or Indorsees, which Indorsation shall not transfer the Bond to the Indorsee or Indorsees until the same be notified to the Clerks or Treasurers of the said Trustees, and entered into their Books as well as marked on the Bond itself by the said Clerks or Treasurers, and the said Bonds shall contain in themselves a Clause to this Effect, that no Person may pretend Ignorance thereof.

Bonds for borrowed Money to be transferable by Indorsement.

XC. 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.

XCI. 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 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.

Limitation of Actions.

XCII. And be it further 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, and Third General Meeting of the said Trustees, shall be paid by an Assessment on all the Proprietors of Lands valued in the Cess Books of the said County of *Peebles* agreeable to the respective valued Rents at which the said Lands stand rated in the Cess and Valuation Books of the said County; and the said Expences shall be levied and collected by such Person or Persons as the said respective Trustees shall appoint.

Expences this Act how to be paid.

XCIII. 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.

Public Act.

XCIV. And be it also enacted, That this Act shall commence from the passing hereof, and in as far as respects the Roads upon which Power to 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.

Commencement and Continuance of this Act with regard to the Turnpike Roads.

