



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

\*\*\*\*\*

## Cap. 127.

An Act for more effectually making and repairing certain Roads in the County of *Haddington*; and for rendering more effectual the Statute Labour of the said County. [25th May 1811.]

**W**HEREAS by an Act passed in the Twenty-third Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing the Roads leading from Dunghals Bridge to the Town of Haddington, and from thence to Ravenshaugh-burn, in the County of Haddington*; and by another Act passed in the Ninth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers granted by an Act of the Twenty-third Year of His late Majesty, for repairing the Roads from Dunghals Bridge to the Town of Haddington, and from thence to Ravenshaugh-burn, in the County of Haddington*; and by another Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of Two Acts of the Twenty-third Year of the Reign of His late Majesty King George the Second, and the Ninth Year of the Reign of His present Majesty, for repairing the High Roads from Dunghals Bridge to the Town of Haddington, and from thence to Ravenshaugh-burn, in the County of Haddington*; and for making, amending, widening, and keeping in Repair certain Branches of the said Roads within the said County; and by another Act passed in the Forty-fourth Year of the Reign of His Majesty, intituled, *An Act for altering and amending several Acts for making and repairing Turnpike Roads in the County of Haddington, for amending other Roads branching therefrom, and*

[Loc. & Per.]

Turnpike  
Roads by  
former Acts.

for rendering more effectual the Statute Labour within the said County; certain Persons were appointed Trustees for these Purposes, with Power to levy Tolls upon the said Roads, and to borrow Money on the Credit thereof, and various other Powers and Authorities were granted to them; and particularly by the said recited Acts Power was given to erect Turnpike Bars upon, levy certain Rates of Toll, and make and repair the different Lines of Roads therein and after mentioned; to wit, The Great Post Road from *Dunglass* Bridge to the Town of *Haddington*, and from thence to *Ravenshaugh-burn*, in the County of *Haddington*; as also the Road from *Killpallet-burn* to *Tranent*, by *Danskine*, *Gifford*, *Salton*, and *Spindleford* Bridge; from *Garvald* and *Whittinghame* by *Morehame*, *Loanhead*, *Sandersdean*, *Coalston*, *Parkend*, *Begbie*, *Samuelston*, *Penston*, and *Tranent*; from *Tranent* by *Buxley*, to *Ormiston*, and from thence to the South Boundary of the County of *Saltersford*, and from *Ormiston* through *Millmains*, by *Clouthouses* and *Crosshouse* Westward, into the Post Road at *Bainsley* or *Birshy Path*; from *Ravenshaugh* Bridge to *North Berwick*, *Tynninghame*, and *Dunhaugh*, by *Prestonpans*, *Gosford*, and *Aberlady*; from the Post Road near *Wallyford Bye Bar*, by *Preston*, *Longniddry*, and *Congalton*, by *Tynninghame* aforesaid; from *Gladsmuirkirk* towards *Dalkeith* by *Preston*, *Buxley*, and *Elphingston*, to the West Boundary of the County of *Hillend*; from *Stenton* by *Bearford* to *Haddington*; from *Gifford* to *Haddington*; from *Huntington Dykes* and by *Trabrown* to *Long Niddry*, and from thence to the Society of *Gladsmuir*; from *Seaton* to the Great Turnpike Road; from *Tranent* to *Ormiston*; and from *Garvald* to *North Berwick*: And in order to shorten the Communication from *Garvald* to *North Berwick*, and to avoid Hills on the Great Turnpike Road from *Haddington* to *Linton*, and to make the Accesses to *Haddington* more easy, Power was given to make a new Line of Road from or near *Crossegatehall*, until it should join the *North Berwick* Road, at or near *East Fortune*; and to alter the Line of Road between *Haddington* and *Linton*, by lowering the same at the Hill of *Pencraig*; and the Road between *Wallyford Toll Bar* and *Lavenhall*, at the East End of *Mussleburgh Links*, in the Counties of *Haddington* and *Edinburgh*, being extremely narrow and dangerous, Power was also given to alter the Direction of the said Road to the South of *Drummond*, and to widen the same to and from the present Cross Bar at *Wallyford*, to the Western Boundary of the said County of *Haddington*; and a great Part of the said Roads have been made, and considerable Sums of Money have been borrowed on the Credit of the Tolls, by the said Acts authorized to be levied, which is still owing; but some of the said Roads are still unmade, and the Whole of the other Roads are still in Want of Repair, and cannot be effectually made and kept in Repair, or the Money so owing be repaid, unless the Term, Powers, and Authorities granted by the said Acts be enlarged; and it is expedient, that the said several Acts, with such enlarged Powers and Authorities, should be reduced and consolidated into One Act, and that one general System of Management and Controul should be extended over the Whole of the said Roads: 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 from and after the Twenty-fifth Day of *May* One thousand eight hundred and eleven, the several Acts before recited shall be, and the same are hereby repealed, (excepting always that Part of the Act of the Ninth Year of His Majesty relating to, explaining, and

Former Acts  
repealed.

Part of the Act  
of the Ninth of  
His Majesty

and amending the Law regarding the Statute Labour, and also saving and reserving to the respective Counties of *Edinburgh* and *East Lothian* all Right to which they are entitled under the various Acts now in force for making and repairing the Turnpike and other High Roads in the said County of *Edinburgh*,) and instead thereof this Act shall commence, and be put in Execution for and during the Term hereinafter mentioned; 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 granted by the said Acts hereby repealed.

respecting the Statute Labour, to remain in force.

II. And be it further enacted, That every Person who is at present, or shall be at any Time after the Commencement of this Act, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment as a Proprietor or Life-renter of the full Property or *Dominium utile* of Lands lying in the said County of *Haddington*, valued in the Tax Roll of the said County at One hundred Pounds *Scots* of valued Rent; and all and every the eldest Sons of such Persons, and the Sheriff Depute of the County of *Haddington*, and the Chief Magistrates of the Towns of *Haddington*, *Dunbar*, and *North Berwick*, for the Time being, accepting and acting as such, shall be and they are hereby nominated and appointed Trustees for surveying, ordering, making, amending and keeping in Repair the Roads, and for executing all the Powers and Authorities vested in such Trustees by this Act.

Appointment and Qualification of Trustees.

III. Provided always, and be it enacted, That no such Sheriff Depute or Chief Magistrate 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 said County, or unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Twenty-five Pounds *per Annum*, or he possessed of and entitled to a Personal Estate alone, or Real and Personal Estate together, of the Value of Five hundred Pounds; nor shall any such Sheriff Depute or Chief Magistrate, not 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 Chief Magistrates, &c.

I do swear, That I truly and *bona 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 Twenty-five Pounds; or possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Five hundred Pounds. So help me GOD.

IV. Provided always, and it is hereby expressly provided and declared, That no Person, unless qualified as aforesaid, shall be entitled to act as a Trustee under this Act; and if any Person or Persons so incapacitated, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person shall forfeit the Sum of Twenty Pounds Sterling for every Time he shall act as a Trustee in the Execution of this Act, to be recovered by Action, Complaint or Petition in a summary Way,

Penalty for acting as a Trustee if not qualified.

at the Suit of any Heritor within the said County, before the Justices of Peace at their Quarter Sessions, or before the Judge Ordinary; the One Half whereof to be paid to the Prosecutor, and the other Half thereof to the Trustees aforesaid, to be applied by them for the repairing of the said Roads; and in case any such Suit or Complaint shall be entered before any of the Courts aforesaid, the Person complained of shall be obliged to prove that he is qualified as aforesaid, or otherwise shall forfeit the said Sum of Twenty Pounds Sterling, without any Proof or Evidence to be brought on the Part of the Plaintiff, other than that the Person complained of had acted as a Trustee for executing the several Powers and Authorities in this Act contained.

Meetings of  
the Trustees.

Quorum.

V. And be it enacted, That the Trustees shall meet in the Town House of *Haddington* upon the first *Tuesday* in the Month of *June*, and upon the last *Tuesday* in the Month of *October* in this present Year, and upon the first *Tuesday* in the Month of *May* and upon the last *Tuesday* in the Month of *October* in every subsequent Year, with Power to them at their aforesaid Meetings to adjourn themselves to such Times and Places as they shall think proper or convenient, as often as it shall be necessary for putting this Act into Execution, and at such Annual or Adjourned Meetings Five Trustees shall be a Quorum; and if it shall happen that there shall not appear at any Meeting, or any Adjourned Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act in such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands, to be affixed on all the Turnpike Gates continued or to be erected by virtue of this Act, and by an Advertisement to be published in any Two Newspapers published at *Edinburgh*, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was appointed to be held; and that the said Trustees at their First and all their subsequent Meetings shall defray their own Charges and Expences.

Trustees not  
to act but at  
Meetings.

Trustees to  
appoint Com-  
mittees.

VI. Provided always and be it enacted, That the said Trustees shall have no Power to act in any of the Matters or Things hereby committed to them, otherwise than at the said Meetings appointed by this Act, or at any of their adjourned Meetings aforesaid; but it shall be lawful for the said Trustees at their First General Meeting, Annual General Meeting, or any General Meeting summoned as aforesaid, to appoint a Committee or Committees with Authority to execute the said several Powers granted by this Act or any Part thereof. Provided also, that the said Committee shall be bound in their Proceedings by all the Regulations by this Act enacted, and shall report their Proceedings to the Annual General Meetings, to be approved of by them.

Trustees in-  
capable of  
acting while  
they hold  
Places of  
Profit.

VII. And be it enacted, That if any Person or Persons appointed or to be appointed by this Act as a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by Reason of any Tolls or Duties by this Act laid on or granted, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Date of accepting, and during the Enjoyment of such Place of Profit as aforesaid.

VIII. And

VIII. And be it enacted, That the said Trustees, or any Five or more of them, shall and may continue, or from Time to Time chuse and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the Tolls and Duties aforesaid; and may also appoint such other Officer or Officers as the said Trustees or any Five or more of them shall think necessary; and also One or more fit Person or Persons to be Overseer or Overseers of the said High Roads, Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same are repaired; and also, that the Money by this Act raised be duly applied, and from Time to Time remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in case of Death or Remoyal; and such Person or Persons as is or are hereby made liable to pay the said Tolls or Duties, shall pay the same after the Rate aforesaid, to such Collector or Collectors or other Officers as shall from Time to Time be appointed for that Purpose; and the Person or Persons so appointed to collect and receive the same Tolls and Duties as aforesaid, shall, upon Oath, (or being of the People called *Quakers*, upon their solemn Affirmation, by Law appointed for such Persons), if thereunto required, before any One or more Justice or Justices of the Peace of the said County, on the First *Friday* in every Month, or oftener if required, during the Continuance of this Act, give in to the said Trustees, or to any their said Treasurer or Treasurers for the Time being, a true, exact, and perfect Account in Writing, under their respective Hands, with the Vouchers thereof, of all Monies which he, she, and they and every or any of them shall to such Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in his, her, or their Hands, the same shall be paid to the said Trustees, or to the said Treasurer or Treasurers for the Time being, and shall be disbursed, laid out, and applied, according to the true Intent and Meaning of this Act, and not otherwise; and in case the said Collector or Collectors of the Tolls and Duties so to be paid as aforesaid, shall not give and make such an Account and Payment as aforesaid, that then any Two or more Justices of the Peace of the said County shall and may make Enquiry of and concerning such Default as aforesaid, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath; and if any such Person or Persons shall be thereof convicted by such Justices, they shall upon Conviction commit the Party or Parties to the Common Gaol of the said County, to remain until he, she, or they have made a perfect Account and Payment as aforesaid, or until he, she or they shall have compounded and agreed with such Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers for the Time being, which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby authorized and empowered to make; and the said Trustees, or any Five or more of them, shall and may, out of the Money arising from the said Tolls and Duties, make such Allowance to the said Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, Clerk or Clerks, or other Officers, by the said Trustees, or any Five or more of them so appointed as aforesaid, for and in Consideration of his or their Care and Pains respectively taken in the Execution of his or their respective Office or Offices, and to such other Person or Persons as have been or shall be assisting in and about procuring the said

Clerks, Treasurers, and Collectors to be appointed.

Collectors failing to make Payment.

Trustees to make Allowance to Officers.

Trustees to  
take Security  
from their  
Treasurer.

Roads to be amended and repaired, as to the said Trustees or any Five or more of them shall seem good; and such Person or Persons as shall from Time to Time be respectively nominated and appointed by the said Trustees, or any Five or more of them, to be Treasurer or Treasurers, Collector or Collectors, of the Tolls and Duties hereby granted and made payable, shall, and he, she, or they, is and are hereby required respectively to give such sufficient Security for his, her, or their Office or Offices as shall be approved of by the said Trustees, or any Five or more of them: Provided always, that no Officer or Person who shall be committed for such Offence as aforesaid, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months; and provided also, that the Imprisonment of such Officer or other Person or Persons for the Time by this Act prescribed, shall not relieve or be construed to free or relieve such Person or Persons from any Action or Diligence at Common Law, to which such Person or Persons may have rendered himself or themselves liable for or on account of any Offence, or Failure in Payment as aforesaid.

How the Trustees  
may sue  
and defend.

IX. And be it enacted, That where it is not otherwise provided, the Trustees may sue and be sued for any Matter in pursuance of this Act, in Name of their General or Principal Clerk for the Time being; and any of the Districts may sue and be sued in Name of their Conveener, Clerk, or Cashier, all for the Time being; and no Action shall be discontinued or abated by the Death or Removal of any of these Officers.

Toll Bars, &c.  
may be erected  
for levying the  
Tolls.

X. And be it enacted, That it shall be lawful for any General Meeting of the said Trustees not only to continue the Gates, Bars, Toll Houses, and Weighing Machines already erected under the Authority of any of the before recited Acts, or as many thereof as they may judge proper, but also by themselves, or such Person or Persons as they may authorize and appoint, further to erect or cause to be erected such additional Gates, Bars, or Turnpikes in or across any Part or Parts of the Highways or Roads in the said County of *Haddington* particularly before described, as to such General Meeting shall from Time to Time seem necessary; and also to erect or build or cause to be erected or built such additional Toll Houses or Weighing Machines as they may think fit, and to weigh or cause to be weighed all or any of the Carts or other like Carriages which are liable to pay Toll in respect of their Weight, in Manner herein-after mentioned, and to demand and take at all or each of the Gates or Bars so erected or to be erected the Tolls and Duties hereby authorized to be levied before any of the Articles or Commodities liable to Toll shall be permitted to pass through the said Gates or Bars: Provided always, that in every Case where Two or more Bars or Turnpikes are or shall be erected within the same District, Persons paying at any one Bar or Turnpike shall receive a Ticket which shall entitle such Persons to pass through the next Bar or Turnpike within the same District, if within Six Miles of the Bar or Gate where the Toll was paid, and so on in every Case that Persons travelling along any Road within the same District shall not pay oftener than once within Six Miles.

New Rate of  
Tolls.

XI. And be it enacted, That from and after the Twenty-fifth Day of *May* One thousand eight hundred and eleven, the said Trustees shall be and they are hereby empowered to levy and collect, or cause to be levied

levied and collected at each Turnpike Gate or Bar erected and continued or to be erected on the said Turnpike Roads, the Tolls and Duties following, subject to the Limitations and Exemptions hereinafter expressed; (that is to say),

For every Stage Coach, Long Coach, or other Diligence or Carriage of the like Kind, drawn by Two Horses or Beasts of Draught, and licensed to carry, or kept or employed for carrying Passengers for Hire at one Time, as under: Stage Coaches.

If licensed or employed to carry not more than Six Inside Passengers, and having no Outside Passengers, One Shilling; but if there be Outside Passengers at any Time or for any Part of the Journey, One Shilling and Eight Pence:

If licensed or employed to carry more than Six Inside Passengers, then the above Rates for Six, and for each additional Inside Passenger which such Carriage is licensed or employed to carry, Two-pence:

For each Outside Passenger, exclusive of the Coachman and Guard, in any of the above Cases, over and above the preceding Rates, One Penny:

For every Stage Coach, Long Coach, or other Diligence or Carriage of the like Kind, drawn by Three or more Horses or Beasts of Draught, and licensed to carry or kept or employed for carrying Passengers for Hire at one Time, as under:

If licensed or employed to carry not more than Four Inside Passengers, and having not more than Two Outside Passengers, Two Shillings; but if there be more than Two and not exceeding Five Outside Passengers, Three Shillings:

If more than Five Outside Passengers, Five Shillings:

If licensed or employed to carry more than Four but not more than Six Inside Passengers, and not having more than Two Outside Passengers, Two Shillings and Four-pence:

But if there be more than Two and not exceeding Five Outside Passengers, Three Shillings and Eight-pence:

If more than Five Outside Passengers, Six Shillings:

If licensed or employed to carry more than Six but not more than Eight Inside Passengers; and having not more than Two Outside Passengers, Three Shillings and Eight-pence:

But if there be more than Two and not exceeding Five Outside Passengers, Four Shillings and Four-pence:

If more than Five Outside Passengers, Seven Shillings:

If licensed or employed to carry more than Eight and not more than Ten Inside Passengers, and having not more than Two Outside Passengers, Four Shillings; but if there be more than Two and not exceeding Five Outside Passengers, Five Shillings:

If more than Five Outside Passengers, Eight Shillings:

If licensed or employed to carry more than Ten Inside Passengers, and having not more than Two Outside Passengers, Four Shillings and Eight-pence:

But if more than Two and not exceeding Five Outside Passengers, Five Shillings and Four-pence:

If more than Five Outside Passengers, Nine Shillings:

For each Outside Passenger, exclusive of the Coachman and Guard, in any of the above Cases, over and above the preceding Rates, One Penny:

And

Penalty for  
Evasion.

And if any Person shall be convicted before any Justice of the Peace of the County of *Haddington*, or of the County where the Offender may be apprehended or reside, either on his own Confession or by the Oath of One credible Witness, of having directly or indirectly evaded the Payment of any Part of said Tolls, by concealing the Number of Outside or Inside Passengers, he shall on each Conviction be adjudged to pay the highest Rate of Toll on such Carriage for One Week backwards from the Date of the Default, to be recovered and applied in the Manner in which any Penalty for Evasion of Tolls or Duties may be recovered and applied by virtue of this Act; or if any Person or Persons shall get off from the Top of any Stage Coach, Long Coach, or other similar Carriage for the Purpose of avoiding the Tolls granted and made payable by this Act, and if any Coachman or other Person driving the same, or any Collector at any of the Gates erected or to be erected, shall connive at the same, they shall each of them respectively, upon legal Conviction thereof, or of such Connivance, forfeit and pay a Sum not exceeding Forty Shillings Sterling for each Offence; one Moiety thereof to be paid to the Informer and the other to be applied to the Purposes of this Act.

Other  
Coaches, &c.

For every other Coach, and for every Berlin, Barouche, Landau, Chariot, Chaise, Calash, Chair, or such other Carriage, drawn by One Horse or Beast of Draught, Sixpence; and drawn by Two Horses or Beasts of Draught, One Shilling; and drawn by Three Horses or Beasts of Draught, One Shilling and Eight-pence; and drawn by Four or Five Horses or Beasts of Draught, Two Shillings; and drawn by Six or more Horses or Beasts of Draught, Three Shillings:

Waggons.

For every Waggon or other Carriage with more than Two Wheels used for the Purpose of Trade, Commerce, or Husbandry, or other like Purpose, drawn by One Horse, Ox, or Beast of Draught, Sixpence; and drawn by Two Horses or Beasts of Draught, Eight-pence; and drawn by Three Horses or Beasts of Draught, Three Shillings; and drawn by Four Horses or Beasts of Draught, Four Shillings; and drawn by Five Horses or Beasts of Draught, Six Shillings; and drawn by Six or more Horses or Beasts of Draught, Eight Shillings:

Carts.

For every Cart, Wain, or other Carriage, with only Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry, or other like Purposes, where the Carriage with its Burden or Loading shall not weigh more than Twenty hundred Weight and Twenty-eight Pounds, of One hundred and twelve Pounds to the Hundred; if drawn by One Horse, or other Beast of Draught, Four-pence; for every such Cart, Wain, or other Carriage, where the Carriage with its Burden shall weigh more than Twenty hundred Weight and Twenty-eight Pounds, but shall not exceed Twenty-six hundred Weight, if drawn by One Horse, Ox, or other Beast of Draught, Sixpence; if drawn by Two or more Horses or Beasts of Draught, Eight-pence:

For every such Cart, Wain, or other Carriage, where the Carriage with its Burden or Loading shall weigh more than Twenty-six hundred Weight, but shall not weigh Thirty-four hundred Weight, One Shilling; if it shall weigh Thirty-four hundred Weight or upwards, One Shilling and Fourpence:

Horses, &c.

For every Saddled Horse, Mare, Gelding, or Mule, with or without a Rider, Two-pence:

For every other Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, Three Halfpence:

For every Ass, loaded or not loaded, One Penny:



For every Score of Oxen or Neat Cattle, and so in Proportion for any Oxen, &c. greater or less Number, as under:

From the First Day of *February* to the First Day of *October*, One Shilling and Three-pence:

From the First Day of *October* to the First Day of *February*, One Shilling and Eight-pence:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, and so in Proportion for any greater or less Number, Sixpence:

And it shall and may be lawful for the said Trustees, or any Five or more of them, or any such Person or Persons as they or any Five or more of them shall from Time to Time nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable, and to levy the same upon any such Person or Persons, as shall after Demand thereof being made, neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon which Tolls or Duties are by this Act imposed and laid, or by Distress of any other of the Goods of such Person or Persons as ought to pay the same, and to detain and keep such Goods so distrained, until such Tolls or Duties, with the reasonable Charges of distraining and keeping shall be paid; and such Person or Persons so distraining after the Space of Four Days after such Distress made, shall and may sell the Goods so distrained, returning the Overplus, if any be, upon Demand to the Owner thereof, after such Tolls and Duties and the reasonable Charges of distraining and keeping the same, shall be deducted and paid.

Power to levy Tolls by Distress.

XII. Provided always, and be it enacted, That all Waggon, Carts, Wains, or other such Carriages, which shall travel with broad Wheels of the Description after specified, shall be liable to pay One Half only of the Tolls and Duties herein-before charged on such Waggon, Carts, Wains, and other Carriages respectively: Provided, that the Fellies of the Wheels of every such Carriage shall be of the Breadth of Five Inches at least for Single or Double Horse Carts, and Six Inches at least for all other Carriages, whether consisting of one or more Tiers; and the Fellies of the said Wheels shall be cylindrical; that is to say, of the same Diameter on the Inside next to the Carriage and on the Outside, and in every intermediate Part between the Inside and Outside, so that when rolling on a Flat Surface, the whole Breadth of such Fellies shall bear equally on such flat Surface; and the opposite Ends of the Axletrees of such Carriage, as far as the same shall be inserted into the Naves of the Wheels, shall not form any Angle with each other, but shall be in the Continuation of one straight Line, so that in each Pair of Wheels belonging to such Carriage, the lower Parts which rest on the Ground, shall be at the same Distance from each other as the opposite or upper Part of the said Pair of Wheels; and every Person claiming the Privilege so granted to broad wheeled Carriages, shall permit the same to be examined and measured by any Person appointed by the said Trustees, or concerned in the Collection of the said Tolls or Duties.

Broad Wheels to pay a smaller Toll.

Description of the Wheels.

Wheels may be measured.

XIII. And be it enacted, That the Rights and Property of all and every of the Turnpikes and Toll Houses which shall be continued or erected and built by virtue of this Act, upon the Great Post

Toll Houses, &c. on Great Post-Road to be vested in Trustees.

Road aforesaid, and the Tolls and Duties levied thereupon, shall be vested in the said Trustees appointed or to be appointed to put this Act in Execution, and they, or any Five or more of them, are hereby authorized and empowered to dispose thereof as they shall think proper, for the Purpose of repairing and keeping in Repair the said Great Post Road.

Regulation as  
to Turnpike  
Roads lying  
North of Post  
Road.

XIV. And be it enacted, That the Right and Property of all and every the Turnpikes and Toll Houses which are or shall be erected and built by virtue of this Act, upon the Roads from *Ravenshaugh Bridge* by *North Berwick*, to *Tynninghame* and *Dunbar*, called the Coast Road or District, and from near to *Wallyford* Bye Bar and *Preston*, by *Longniddry* and *Congalton*, to *Tynninghame* aforesaid, called the Middle Road or District, and the Tolls and Duties payable thereat, shall be vested in such of the said Trustees as shall be possessed of Lands lying North of the said Great Post Road.

Regulations as  
to the Coast  
Road.

XV. And whereas a great Part of the Tolls collected at the Turnpike Bar erected at *Ravenshaugh* arise from Carts and other Carriages, and Horses, going and coming by the said Coast and Middle Lines of the Turnpike Road; be it therefore enacted, That a just and fair Proportion of the Sums collected at the said Bar at *Ravenshaugh* (so long as the proposed Alteration of the Great Post Road by *Wallyford* shall not be carried into effect) shall be paid annually by the Trustees of the Great Post Road, to the Trustees upon the said Coast and Middle Lines of Turnpike Road, to be applied in keeping these Roads in Repair, in Aid of the Statute Money; and in case any Difference or Difficulty shall arise betwixt the said Trustees in ascertaining the Proportion of the said Tolls due to the said Coast and Middle Lines of Road, it shall be in the Power of the Trustees for these Districts to erect a Bar or Bars at or near the Junction of the said Coast Road with the Great Post Road at *Ravenshaugh* Toll; as also to erect a Bar or Bars upon the said Middle Line of Road at or near the Junction thereof with the Great Post Road at *Wallyford* Bar, and there to levy and collect the Tolls authorized to be levied by this Act, and to apply the same towards the making and keeping the said Coast and Middle Lines of Road in Repair respectively; and all Carts and other Carriages, Horses, and others going or coming by the said Coast and Middle Lines of Road, shall be entitled to pass Toll-free through the Turnpike Bar erected upon the Great Post Road at *Ravenshaugh* and *Wallyford*, or any other Turnpike that may be erected to the Westward of the said Coast and Middle Lines of Road where they enter into or join the said Great Line of Turnpike Road; and in like Manner Persons paying at *Ravenshaugh* or *Wallyford* shall receive a Pass Ticket which shall entitle such Person to pass Toll-free upon the said Coast and Middle Lines of Road: Provided always, that the Tolls collected at *Ravenshaugh* and *Wallyford*, from Persons who shall receive Tickets to pass Toll-free upon the said Coast and Middle Lines of Road, shall be accounted for weekly, or oftener if required, to the Collectors at the Toll Bars on the said Coast and Middle Lines respectively, nearest to the said *Ravenshaugh* and *Wallyford* Toll Bars.

Regulation  
as to Cross  
Roads.

XVI. And be it enacted, That the Tolls and Duties to be levied upon the whole other Lines of Turnpike Road before mentioned as aforesaid, and the Toll Bars or Turnpikes continued or to be erected upon the Roads as aforesaid,

aforesaid, shall be and they are hereby vested in the Trustees qualified as aforesaid, Proprietors of Land lying locally within any One of the Parishes through which the different Lines of Turnpike Roads do pass; and the Tolls and Duties aforesaid so vested in the said Trustees possessing Lands in any One of the Parishes as aforesaid, shall be under the Administration of the said Trustees, and shall be applied in making and repairing such Roads respectively, so as that each particular Road may have its own Produce, and for the other Uses and Purposes by this Act directed; but the Whole of these Trustees shall always be under the Controul of the General Trustees for the County aforesaid.

The whole Districts of Cross Roads subject to the Controul of the General Trustees.

XVII. And be it enacted, That the Roads from *Stenton by Bearford to Haddington*; from *Gifford to Haddington*, from *Garvald and Whittinghame by Morebame, Loanhead, Sandersdean, Coalston, Parkend, Begbie, Samuelston, Penston, and Tranent*, shall in like Manner be under the Management of the Trustees, Heritors qualified as aforesaid, in the respective Parishes through which the said Roads pass, and shall constitute One District, in which Persons paying at one Toll Bar as aforesaid, shall receive a Pass Ticket at such Toll Bar which shall entitle such Persons to pass Toll-free at any other Toll Bar in the same District, within Six Miles of the Toll Bar at which they shall have so paid.

Regulation as to Road from Stenton by Bearford, &c.

XVIII. And be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at a General Meeting assembled, to erect and cause to be erected one or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the Roads aforesaid, or across any Lane or Way leading out of the same, or upon any Road leading parallel to the said Turnpike Roads particularly, without Prejudice to the aforesaid Generality, upon the Road leading from the Great Turnpike Road by *Huntington Dykes and Bangley Braehead* towards *Garleton*; also upon the Road leading from the Great Turnpike Road through the Village of *Trabourn*, upon the Road striking off from the Great Turnpike Road to the Westward of *The Society* Northward; upon the Road from *Seaton* to the Great Turnpike Road, upon the Road from *Tranent* to *Ormiston*; and there to take and receive such Tolls as are by this Act granted and made payable, but a Ticket shall be given at such Bar which shall entitle the Receiver to pass the same Day through the next Turnpike in the same District, if within Six Miles of such Cross Bar, Toll-free; and it shall and may be lawful for the said Trustees to build Fences to prevent any Person or Persons travelling the said Roads from evading the Payment of any of the Tolls or Duties granted by this Act: Provided always, that the Sums of Money hereby authorized to be levied at the said Bye Bars shall be allotted and applied towards the upholding and keeping in Repair the several Cross Roads upon which the same are respectively drawn and collected.

Trustees may erect Side Bars.

XIX. And be it enacted, That if there shall be Two or more Turnpikes or Toll Bars erected in, across, or on the Side of any of the said Roads, then and in such Case the Toll hereby granted and made payable shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any Five or more of them, shall direct or appoint; and such Parts thereof shall be taken and received at such and so many of the said Turnpikes or Toll Bars, as by the said Trustees, or any Five or more

Tolls collected at Side Bars to be proportioned and applied to the Repair of the Roads on which the Bars are placed.

of them shall be ordered and appointed for that Purpose and not otherwise, so as that the Money arising from the Toll of such Turnpike or Bar, shall always be in the first Place applied to the repairing and keeping in Repair the Cross or Bye Roads or Branch of the principal Road on which such Toll Bar or Turnpike is placed.

Toll to be  
levied on each  
Line of Road.

XX. And be it enacted, That no Person or Persons paying at any of the Turnpikes authorized by this Act to be erected upon any of the several Lines of Road herein described, shall be entitled to receive a Ticket to carry such Person or Persons free through any of the Turnpikes erected or to be erected upon any other or different Lines of Road or Districts, but the full Toll hereby authorized to be levied and taken, shall be leviable within each District respectively, unless in Situations where the Toll Bar upon any of the said Roads, being within Six Miles of a Toll Bar upon any other of the said Roads, it shall be resolved by the said Trustees at any General Meeting, that a Ticket received at the one of such Toll Bars shall entitle the Receiver to pass Toll-free at the others.

Rates of Tolls  
may be di-  
minished.

XXI. And be it enacted, That it shall be lawful for any General Meeting of the Trustees, upon Cause shewn by any District, to diminish or lessen all or any of the Tolls and Duties hereby appointed to be levied and exacted, and to authorize smaller Tolls to be levied at all or any of the Bars therein; and again on Cause shewn to raise and augment the said Tolls and Duties, or any of them, to any Rates not exceeding those herein-before authorized, all in such Manner as from the State of the Roads, or of the Funds of any of the Districts, may to the said General Meeting of Trustees seem to be just and proper.

No Toll  
chargeable on  
returning un-  
less with a  
new Fare or  
Loading.

XXII. Provided always, and be it further enacted, That every Person returning by the same Turnpike Gates or Bars, and on the same Day, computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night with the same Carriage or Carriages, Horses or other Cattle, shall on Production of the proper Ticket be allowed to repass free of any Toll; but if the same Waggon, Cart, or other such Carriage shall return with a new Loading, or if any Stage Coach, Long Coach, or Diligence, or any hired Coach, Chaise, or any other Carriage of the like Kind, shall return with a new Fare, then Toll shall be chargeable anew, as if no Pass Ticket had been obtained or tendered: Provided also, that the said Trustees shall be and they are hereby empowered at any General Meeting from Time to Time to make and enforce such Regulations in respect of what shall be construed to be a new Load, as to them or any Five of them shall seem proper, for the Purpose of exempting from Payment as a new Load any such small Article as the Owner or Driver of any Cart, Waggon, or such like Carriage, which had gone with a Load to Market, or elsewhere, may be carrying back for the Consumption or Use of the Family of such Owner or Driver, and not for Hire.

One Toll to be  
paid on the  
Spott Road.

XXIII. And be it enacted, That any Coach, Chariot, Landau, Berlin, Calash, Curricule, Chair, Litter, Waggon, Cart, Wain, Carriage, Horse, Ass, Mule, or any other Sort of Carriage or Cattle travelling the Road commonly called *The Spott Road*, to and from the Town of *Dunbar*, shall not be liable to pay Toll more than Once in one Day, although passing with different Loadings; and that any Five or more Trustees shall

shall have Power at any adjourned Meetings to compound by the Year or otherwise, with Persons using the said *Spott Road*.

XXIV. And whereas it has been found that a considerable Part of the Toll<sup>s</sup> collected at the Turnpike erected at the West Port of *Haddington* arises from Carts and other Carriages, and Horses going or coming by the Road leading from the said Post Road towards *Pencaitland*; be it therefore enacted, That the Sum to be allowed for the Repairs of the said Road, shall bear the same Proportion to the Sums received at the *West Port Bar* as the Sum of Sixty Pounds formerly allowed for that Purpose did to the Sums received at the said Bar when the said Sum of Sixty Pounds was so allowed: Provided always, that it shall be in the Power of the said Trustees, at any Time when they shall think fit, to erect a Toll Bar or Toll Bars upon the said *Pencaitland Road*, to ascertain the whole Sum actually collected upon the said Road, and thereupon to make such Allowance for the Repairs thereof as to them shall seem just and reasonable.

Provision for  
Pencaitland  
Road.

XXV. Provided also nevertheless, and be it hereby enacted and declared, That no Toll shall be demanded or taken for or in respect of Carriages, Horses, or Cattle employed in carrying Stones or other Materials, for making or repairing any of the Great or Cross Roads within the said County of *Haddington*, or the Bridges thereon, or any Causeways within or belonging to the same, or to any of the Royal Burghs within the said County, or for any other Works or Buildings carried on under the Authority of the said Trustees, or going empty to carry or convey, or returning empty after carrying the same, or carrying Hay, Grain, or Pulse in the Straw, Potatoes, Turnips, or other Vegetables, Flax, Hemp, or Wool, to be laid up in the Houses, Outhouses, Barns, or Yards, of the Heritor, Tenant, or Inhabitant of the said County by whom the same were raised, and not being for Sale; or Dung, Sea-Ware, or other Manure for the improving and manuring of Land not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Outhouses or Onsteads, or on the Lands of the Owner thereof, who shall not have bought the same, and all Ploughs, Harrows, or other Implements of Husbandry, and all Work Horses and Cattle passing from one Part of a Farm to another Part of the same Farm, or from the Yard or Offices of the Inhabitants of Towns or Villages within the County, to Burgh Roads or Fields adjoining to any such Town or Village occupied by such Inhabitants, where there are no Yard or Offices; or Horses and other Cattle going to or returning from Pasture, or Watering Places, or any Smithy in the same or next adjoining Parish; or for Carriages and Horses of whatsoever Description, employed in conveying the Mails, or Letters or Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; as also all His Majesty's Officers and Soldiers, and their Horses, on Duty, or on their March; and all Carriages and Horses belonging to His Majesty, or employed in His Service, and returning therefrom, or employed in His Service when conveying, the Officers, Soldiers, Servants, Women, Children, or other Persons of or belonging to His Majesty's Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of or belonging to His Majesty's Forces in their Marches, or any Ordnance, or Barrack, or Commissariat,

Articles ex-  
empted in full.

Materials for  
the Roads.

Manure not  
sold or for  
Sale.

Government  
Mails.

Officers and  
Soldiers on  
Duty.

Yeomanry,  
Cavalry, and  
Volunteers.

Vagrants and  
Criminals.

Empty Carts.

Persons going  
to Church or  
Chapel on  
Sunday.

or other public Stores, of or belonging to His Majesty; or for the Use of His Majesty's Forces or returning therefrom; nor for any Horses furnished by or for any Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor for Carts, Carriages, or Waggon, travelling with Vagrants, or Criminals under legal Passes; nor for Carts or other Carriages actually used for the Purpose of carrying Articles of Trade, Husbandry, or Commerce, returning empty; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass through the said Turnpikes to Church or Chapel, or any other Place of Religious Worship in the Parish within which the Person or Persons reside, upon *Sunday* or any other Day on which Divine Service is ordered by Authority to be celebrated, with this Limitation and Exception, that Persons going to or returning from Church in Four Wheeled Carriages, shall on all Occasions pay the Customary Toll; nor for Persons attending the Funeral of any Person or Persons who shall die and be buried within the Parish in which such Person resides; nor from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or any other Exemption granted by this Act, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds besides the Money of which the said Trustees or their Tacksmen have been defrauded, and full Costs of Suits.

Exempting  
Stores.

XXVI. 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, 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 Overweight, 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.

Exempting  
Building Ma-  
terials.

XXVII. Provided also, and be it enacted, That Carts or such like Carriages carrying Stones or Sand for building, shall not on passing through any of the Toll Bars continued or erected by virtue of this Act be liable to pay the full Toll hereby authorized to be levied oftener than once on the same Day.

Tolls may be  
let.

XXVIII. And be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to let the Tolls or Duties authorized to be levied and taken by this Act, in whole or by Parcels, from Time to Time, during the Continuance of this Act, by way of  
Public

Public Roup, for the best Price that can be got for the same, to such Person or Persons as shall give sufficient Security for the Payment thereof, to be approved of by the said Trustees, or any Five or more of them, provided such Lease be not made for more than Three Years.

XXIX. And be it enacted, That it shall not be lawful for any Person to evade or to attempt to evade Payments of the Tolls and Duties, or any Part thereof, by passing through any private Road, or through any Ground, whether open or inclosed, or by fording any River near to the said Turnpikes (unless such private Road, such Grounds, or such River be the exclusive Property of the Person so travelling or fording the same, or the common or ordinary Access to his Residence, or from one Part of his Lands to another) or by taking off any Horse, Mare or Gelding, or other Beast of Draught from any Waggon, Wain, Cart, Coach, Chaise or other Carriage, or by leaving in any House or Place without the Toll Bar, any Waggon, Wain, Cart, Coach, Chaise, or other Carriage, or any Horse or other Cattle, and then passing through the said Toll Bar on Foot or otherwise, or by disposing of any Pass Ticket, or by using any such Ticket not truly and *bona fide* obtained by the Person availing himself of the same, or by fabricating any Pass Ticket, or by laying Claim to any Exemption not justly and truly due; neither shall it be lawful for any Person directly or indirectly to aid and assist, or knowingly to permit any Person so to evade Payment of the Toll Duties; and every Person or Persons so offending shall for every Offence forfeit and pay a Fine not exceeding Five Pounds Sterling, besides the Money of which the Trustees or their Tacksmen have been defrauded, and full Costs of Suit.

Evadion of Tolls.

XXX. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching, concerning, or in any Ways relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Toll Gatherers, &c. may give Evidence.

XXXI. Provided also, and be it enacted, That any Five or more of the said Trustees at a General Meeting assembled, shall have Power to compound by the Year or otherwise, with all Persons travelling not more than Two hundred Yards on any Part of the Roads aforesaid, for the Tolls to be paid by such Persons for and in respect of such Travelling within such Distance.

Trustees may compound for Tolls from Persons not travelling more than 200 Yards on the Road.

XXXII. And be it enacted, That over and above the Sums authorized to be borrowed by the said recited Acts, it shall and may be lawful to and for the said Trustees, or any Five or more of them at a General Meeting assembled, and they are hereby authorized to borrow, upon the Credit of the Tolls to be levied by the Authority of this Act, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*, any farther Sum or Sums, provided that the whole Sums so to be borrowed shall not at any Time exceed the Sum of Thirty-six thousand Pounds Sterling; and they are hereby authorized and empowered to assign and make over any Part of the said respective Tolls during the Continuance of this Act (the Charges of such Assignment to be paid out of such Tolls) as a Security or Securities for the Money respectively borrowed on the Credit thereof, to such Person or

Trustees empowered to borrow Money.

Tolls may be assigned in Security.

Persons

Persons who shall advance or lend such Sum or Sums of Money, their Heirs, Executors, and Assigns, for the Money so to be lent or advanced, with Interest for the same, which Sums of Money are to be applied for the making and repairing of the said Roads, according to such Orders and Directions as shall be issued and given from Time to Time by the said Trustees, or any Five or more of them, at a General or Adjourned Meeting assembled; and when the Sums so borrowed shall in Whole or in Part be applied and accounted for to the said Trustees at their General Meeting assembled, and by their Order paid off to the Creditor or Creditors, the said Trustees, or any Five or more of them, at a General Meeting assembled, are hereby empowered to borrow any other Sum or other Sums of Money equal to the Sum or Sums paid off by them as aforesaid; and the Assignments of the Tolls for all or any Sum of Money so borrowed shall be entered in a Book, to be kept by the said Trustees, or such Person or Persons as they shall appoint; which Book shall be seen and perused at all reasonable Times, by any Person or Persons qualified to act as Trustees, without Fee or Reward.

Assignments  
to be entered  
in a Book.

Trustees may  
apportion the  
aggregate  
Sum among  
Districts.

And each Dis-  
trict entitled to  
borrow the  
Sum so allot-  
ted.

XXXIII. And be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, if they shall see cause at the First Meeting to be held after the passing of this Act, or at any subsequent Meeting, to divide and apportion the said aggregate Sum of Thirty-six thousand Pounds Sterling, or such Part thereof as may not already be borrowed and owing on the Credit of the said recited Acts, among the several Districts into which the County is or shall be divided, or amongst such Districts of the County where Money shall be necessary to repair the Roads, in such Parts as may be judged proper; and such Division and Apportionment being made, each District shall be entitled to borrow, upon the Credit of the Tolls levied upon the Roads within the same, the Sum allotted to it, and no more; and the Tolls and Duties levied in each of the said Districts respectively, shall and may be assigned in Security for the Repayment of the Money that shall be so borrowed and the Interest to grow due thereon for such Districts respectively; but it shall not be in the Power of the said Trustees to charge or make liable the Tolls to be levied in One District, with the Payment of any Sum or Sums of Money and Interest allotted to and borrowed for any other District.

Notice to be  
given of In-  
tention to  
borrow.

XXXIV. Provided always, and it is hereby declared, That no Money shall be borrowed, or ordered to be borrowed, by the said Trustees, on the Credit of the Tolls hereby granted, unless Notice for that Purpose shall be affixed in Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon all and every the Turnpike Gate or Gates continued or erected by virtue of this Act, at least Fourteen Days before the borrowing such Money; and also, unless such Notice be given by Advertisement in Two of the *Edinburgh* Newspapers, Fourteen Days at least previous to the Meeting at which such borrowing is to take place.

Materials may  
be got for re-  
pairing the  
Roads.

XXXV. And be it enacted, That it shall and may be lawful for the said Trustees and such Person or Persons as they shall appoint, to dig, quarry, gather, take, and carry away any Gravel, Furze, Heath, Stones, Sand, or other Materials, out of the several Grounds or Quarries of any Person or Persons (not being the Ground whereon any House or Buildings stand, or a Garden,



Garden, Orchard, Planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of inclosed Ground planted, set apart, and used as a Plantation or Nursery for Trees, provided such planted Ground or Plantation is situated within One Fourth of a Mile of the Mansion House of any Proprietor), where such Materials are or may be found, and from Time to Time to carry away the same, or so much thereof as the said Trustees or their Surveyors in their respective Places shall judge necessary for the repairing and amending the Roads aforesaid, or for building and repairing Bridges on the said Roads, or any other Highways or Bridges in the County aforesaid, on paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Ground where and from whence the same shall be dug, gathered, carried away, or over which the same shall be carried, as the said Damage shall be appreciated and ascertained in Manner particularly after mentioned: Provided always, that before opening any new Quarries or Grounds for taking Materials as aforesaid, Notice shall be previously given by the Person or Persons authorized as aforesaid, to the Proprietor or Proprietors, Occupier or Occupiers thereof Fourteen Days before opening the said Quarries or Grounds; and it shall and may be lawful for such Proprietor to complain within Fourteen Days after Notice as aforesaid, to His Majesty's Justices of the Peace of the County aforesaid, setting forth the Injury he apprehends he shall sustain if the Grounds or Quarries shall be opened as aforesaid; and the Justices of the Peace as aforesaid are hereby authorized and required either at their General or Adjourned Sessions, to proceed and determine upon the Merits of the said Complaint, and either to prohibit and discharge the opening of said Quarries or Grounds, or to authorize the same to be opened, upon Payment of the Damage, to be appreciated in Manner particularly after mentioned.

On making Satisfaction for the Damage done thereby.

XXXVI. And be it enacted, That the said Trustees shall have a Power of purchasing or feuing Areas on the Sides of the said Roads at proper Distances, for storing Materials, for repairing the same, or building Toll Houses, and for no other Use, and not exceeding the Sixteenth Part of an Acre each; and the Proprietors are hereby required, obliged, and authorized to sell or feu the same for the Purposes above mentioned, upon getting a reasonable Equivalent therefor, to be appraised in Manner after mentioned.

Ground to be purchased for depositing Materials.

XXXVII. Provided always, That when the Lands so purchased or feued shall cease to be used or occupied for the Purposes aforesaid, the said Lands shall revert to the former Proprietor, or his Heirs or Assignees, they paying back the Money formerly paid in Name of Purchase when the Feu or Purchase was originally made as aforesaid, and the Value of the Buildings thereon; but in case the said Proprietors shall refuse to pay back the Money formerly paid for the Feu or Purchase of the said Lands, and the fair Value of the Buildings thereon, or in case such Proprietor shall be willing to pay back the Price of the said Ground, but shall refuse to purchase the Buildings thereon, which he shall have the Option and Power to do, then the said Trustees, or any Five or more of them, shall be and they are hereby authorized, required, and empowered to sell and dispose of the said Lands, with the Buildings, thereon, or of the said Buildings separately (the former Proprietor repurchasing the Ground as aforesaid), for the best Price that can be got for the same,

Grounds so purchased or feued to revert to the Owners, when ceased to be occupied, to the Trustees.

and the Money arising by such Sale shall be applied and disposed of in the same Manner as the other Monies to be collected and levied in virtue of this Act.

Public Roads  
protected.

XXXVIII. And be it enacted, That the said Trustees may, and are hereby empowered to make or cause to be made Foot Paths on the Sides of all or any of the said Roads, and it shall not be lawful for any Person to ride upon the Foot Paths constructed along the Sides of the High Roads, or to use the same for any other Purpose whatever, than the Accommodation of Foot Passengers; or to drag or turn a Plough upon any of the Roads or Foot Paths; or to hang or place any Gate across the same, or along the Side thereof, to open or otherwise than into the Field, or to lay or leave upon any of the Roads, or within Five Yards thereof (unless there be a proper Fence betwixt and the Road) any Cart, Chaise, or other Carriage, loaded or unloaded, or any Implement of Husbandry, or any Timber, Lime, Mortar, Shells, Gravel; Stones, Carrion, Dung, Soil, Compost, or any Sand or Ashes, or to leave any Horses, Oxen, Cows, Sheep, Lambs, Hog, Swine, or other Cattle, in the said Roads or any Part, or to suffer them to graze upon the Sides of the Roads, or on the Drains or Ditches, or to carry along the Roads any Timber, Iron, or other Matter whatever, otherwise than upon a Wheel Carriage; or to suffer the same even on such Wheel Carriage to project beyond the outer Part thereof, or to occupy more of the Road in Breadth than is occupied by the Cart or other Carriage itself, or drag upon any Part of the Road; or to make any Hole or Cut in the said Roads, or to do any other Act or Deed whatever, whereby any of the Roads in the said County of *Haddington*, or any of the Streets of the Burghs, Towns, or Villages therein, may be unnecessarily injured or obstructed; and every Person offending in any of the above-mentioned Particulars, shall be liable to pay the whole Damage sustained by the Trustees, and to remove the Nuisance, and to desist from the Encroachment; and shall also for every such Offence forfeit and pay a Fine not exceeding Five Pounds Sterling, with full Costs of Suit.

Travelling  
Regulations.

XXXIX. And be it enacted, That it shall not be lawful for any Chaise Driver to sit in his Chaise, or for any Carter, or the Driver of any other Carriage, of the like Kind, to ride upon his Cart or other Carriage, while passing through the Streets of any Town or Village in the said County, or upon any Highway within a Mile of every such Town or Village; and every such Chaise Driver being in his Chaise beyond the above Limits shall resume his proper Station, and every Carter riding upon his Cart or Carriage beyond the said Limits shall dismount, when either of them shall be thereto required by any Person apprehending Danger: Provided always, that nothing herein contained shall extend to any Coach, Chaise, Phaeton, Curricule, Chair, or other Carriage, usually driven by a Person sitting within or upon the Carriage; neither shall it be lawful for any Person to take charge of more than Two Single Horse Carts, or of more than One other Carriage, or for the Driver of any Waggon, Wain, Cart, Coach, Chaise, or other Carriage, or of any Horse, Ass, Mule, or other Beast of Draught, to drive or permit the same to travel or pass upon any Part of the Roads within the County of *Haddington*, abreast or along Side of any other Waggon, Wain, Cart, Coach, Chaise, or other Carriage, or of any Horse, Ass, Mule, or other

other Beast of Draught, but all such Carts and Carriages and Beasts of Draught above described, going in the same Direction, shall drive in a Line with a Bridle or Halter affixed to the Head of each Horse or other Beast of Draught, and in the Hand of the Driver; and all such Drivers upon meeting any other Waggon, Wain, Cart, Coach, Chaise, or other Carriage, loaded or unloaded, or any Person travelling on Horseback, or with a loaded Horse, shall give Way by holding or driving to his own Left Hand, or what is commonly called the Near Side; and all Coaches, Chaises, or other Carriages of the like Kind travelling for Hire, and all Waggons, Wains, and Carts of every Description within the County of *Haddington*, shall have the Name and Place of Abode of the Owner painted in legible Characters upon some conspicuous Part of the Carriage, Waggon, Wain, or Cart; and every Person offending in any of the Particulars immediately above specified, shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds Sterling, besides the full Costs of Suit.

XL. And be it enacted, That when any Passage shall be made for Cattle or Carriages from any of the said Roads for the Convenience of any Proprietor or Occupier into whose Grounds it passes, such Proprietor or Occupier shall always cover the Drains crossing the Sides of the said Roads, with sufficient Stone Work in such a Manner as the Course of the Water in Drains may not be interrupted, or the Roads thereby prejudiced; and that no Occupier of Lands shall turn any Water upon the Sides of any of the said Roads, nor conduct any Water across any of the said Roads for the meliorating of his Fields, or other Purposes, until he shall have applied for and obtained the Consent in Writing of Two of the said Trustees, One of them at least being of the Committee appointed for the Management of the District in which the Roads upon which such Purpose is meant to be executed, is situated; and every such Proprietor or Occupier shall be obliged to carry the Water across the Roads in a covered Drain of such Depth and Construction, as that the Water may not prejudice the Roads; and in case the said Owner or Occupier shall neglect or refuse to do the same after Ten Days previous Notice to that Effect, the said Trustees shall be and they are hereby empowered to execute and perform the said several Matters and Things hereby ordered and directed to be done, and to charge and levy the Expence of doing the same, on the said Proprietor or Owner in Manner herein after directed.

Passages and Drains into Fields to be made so as not to prejudice the Roads.

XLI. And be it enacted, That when in Time coming, any Fences, whether of Hedge or Dike, shall be made on the Sides of the High Roads, the Ditch necessary for receiving the Water from the adjoining Grounds shall be on the Inside of the said Fence next the Field, and the plain Face of the Fence or Bank shall be exposed to the Road, so as in all Cases to leave the full Breadth after mentioned for the Road free of every Obstruction; and there shall be proper Conduits at different Places for carrying the Water from the Road under the said Fence or Bank, into the Ditch; and the Hedges, whether already made, or to be hereafter made, shall never be allowed to exceed in Height Five Feet from the Surface of the Ground at the Bottom of the Hedge; and every Occupier of Lands, whether Proprietor or Tenant, on the Side of the Road, shall at the proper Season of the Year lop or prune any Trees, Bushes or Hedges, which may overhang the Road, or obstruct the free Circulation of Air; and they shall also keep up the Dikes, and scour the Ditches on the Sides of the

Formation and keeping of Fences, Ditches, &c. on the Sides of High Roads.

What is incumbent on the Proprietor or Tenant.

Consequence  
of Neglect.

the Roads, as well as all Outlets or Passages for carrying off the Water from such Ditches, so that the same may have always a free Course through the adjoining Grounds; and if any such Occupier shall neglect or refuse so to do, after a Requisition of Ten Days from the Overseer or Surveyor, or other Officer appointed by the said Trustees, it shall be competent for such Overseer or Surveyor, or other Person duly authorized, to do, or cause to be done, all the Matters and Things hereby required to be done by such Occupier, and he shall be intitled to recover from such Occupier of the Grounds the full Expence thereof, besides the whole Costs of Suit.

Scourings of  
Drains to be  
removed.

XLII. And whereas much Inconvenience arises to Persons travelling, as well as great Detriment and Injury to the High Roads in said County, by the Occupiers of the adjoining Lands when scouring their Ditches, throwing the Earth or Scourings upon the Sides of the said Roads, and allowing the same to remain in Heaps for a Length of Time, be it therefore enacted by the Authority aforesaid, That every Occupier or Possessor of such Lands shall be obliged to remove and carry off the Earth or Scourings of their Ditches, within Ten Days after the same shall be thrown out; and in case of their failing so to do, it shall be in the Power of any One Justice of Peace of the said County to cause the Scouring of the Ditch to be removed; and the Person or Persons so offending, and being thereof convicted before any One or more Justices of the Peace of the said County, shall forfeit and pay for each Offence any Sum not exceeding Five Pounds Sterling, over and above the Expence incurred in removing the Earth and Scourings of the Ditches aforesaid, and the Costs of Suit, to be levied and applied in Manner after mentioned.

Houses not to  
be built within  
a certain Dis-  
tance of the  
Sides of the  
Roads.

XLIII. And be it further enacted, That no Houses or other Buildings shall after the passing of this Act, be built on the Sides of the said Roads, within Twenty-four Feet of the Centre of such of the said Roads as shall be Forty-two Feet broad, or within Eighteen Feet of the Centre of the said Roads that shall be Thirty-one Feet broad, under a Penalty not exceeding Twenty Pounds Sterling for every Offence, over and above the Expence of pulling down such House or Edifice; and it shall be lawful for Two or more of the Justices of the Peace of the said County, to stop the building or erecting of every such House or Building as shall be within the aforesaid Distances respectively, by an Order in Writing under their Hands, till such Time as sufficient Security shall be found before the Justices of the Peace, that such Building shall be erected beyond the Distances aforesaid; and if such Security shall not be found at or before the next General Quarter Sessions, it shall and may be lawful for any Two or more of the said Justices to order the same to be pulled down and removed at the Expence of the Person or Persons erecting the House or occupying the Ground, and to grant Warrant for levying the same by Distress and Sale as herein-before directed.

Power to alter  
and widen the  
Roads.

XLIV. And be it further enacted, That where it shall appear necessary or convenient to the said Trustees to widen or alter the Course or Situation of the said Roads, at an Annual or General Meeting called for that Purpose by public Advertisement in the *Edinburgh* Newspapers as herein-before directed, which Advertisement shall expressly set forth the proposed Alteration or Alterations as a Subject for the Consideration of such General Meeting,

Meeting, or to widen the same, in case they shall be inclosed on both Sides previous to the passing of this Act, then the said Trustees so assembled, shall and they are hereby empowered to alter the Course or Direction of the said Roads or any Part thereof, or to extend the same to such Breadth as they shall think proper, not exceeding Forty-two Feet for the Great Post Road, and Thirty-one Feet for the other Public Highways, including the necessary Watercourses for the Road as aforesaid, and for that Purpose to remove the Fences and to pull down any House the outside Walls of which do not exceed Twenty Feet in Height; provided that in any such Alteration of the said Roads the same or any Part thereof be not brought nearer than Two hundred Yards of the Mansion House or ordinary Residence of the Proprietor of the Lands through which such Roads shall be made, and so as that same do not pass through any Garden, Orchard, Park, Planted Walk, or any Avenue to any such House, nor any Piece or Parcel of inclosed Ground which before the passing of this Act shall have been used and set apart as a Nursery for Trees, and that the said Trustees shall pay such Damages to the Owners and Occupiers respectively of any Lands, Grounds, or Houses which shall be damaged by altering or widening the said Roads, or any Part thereof, in case they shall have been legally inclosed previous to the passing of this Act, or by putting down any such House or Houses, as the said Trustees shall judge fair and reasonable; and 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 Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, let, and convey all such Ground as shall be necessary for the making, widening, altering, and improving the said Roads, or any of them, or erecting the said Toll Bars and Toll Houses, or any of them, or for quarrying or storing Materials, or otherwise, where Ground is necessary in the Execution of this Act, making such Satisfaction to the Proprietor or Proprietors and Occupier or Occupiers as can be agreed upon by and between the said Trustees and such Proprietor or Proprietors, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury of Fifteen Persons summoned and chosen by the Sheriff of the County in such Manner as Juries are summoned and chosen by Sheriffs of Counties in *Scotland*, whose Determination is hereby declared to be final, without being subject to Review by Suspension, Advocation, or Reduction; and in the Event that such Jury shall award a larger Sum than may have been offered by the said Trustees, the Expence attending such Jury shall be paid by the said Trustees out of the Tolls and Duties hereby granted, and if such Jury shall award no more or any Sum less than that offered by the said Trustees, the Expence of such Jury shall be defrayed and borne by the Person or Persons who shall not have agreed with the said Trustees: Provided always, that in all Cases where any Person by Reason of Absence shall be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, that after having offered to any Proprietor or Proprietors of any Land such Sum as the said Trustees shall think reasonable, it shall and may be lawful for them to enter into and take Possession of such Lands for the Purposes of this Act.

Trustees empowered to purchase, and Proprietors required to sell Land for the Purposes of this Act.

Application of  
Compensation  
where  
amounting to  
£100.

XLV. And be it 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, 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 Rent and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Courts shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or 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 purchased as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid by Order of 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.

Application of  
Purchase  
Money under  
£100. and  
above £100.

XLVI. Provided always, and be it 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 Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being, entitled to the Rents and Profits of the Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account 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 Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable.

XLVII. Provided

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

Application of Purchase Money if under 20l.

XLVIII. And be it enacted, That in case the 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 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 Trustees to order the Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of Scotland, or the Royal Bank of Scotland, in the Name of some one of the Principal Clerks of the Court of Session, to be placed to his Account to the Credit of the Parties interested in the Lands, Tenements, or Heritages, (describing them); subject to the Order, Controul and Disposition of the said Court of Session, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, the said Court 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, or upon heritable Security, or to order Distribution thereof in Payment of the Dividends or Interest 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 and Royal Bank respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the 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 either of the Banks as aforesaid.

In case of not making out Titles, &c. Purchase Money to be paid into the Bank of Scotland, or Royal Bank, subject to the Order of the Court of Session.

XLIX. Provided always, 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 Bank of Scotland or Royal Bank of Scotland, under the Direction and by the Authority of the said Court of Session in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estates, Rights, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits 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 shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages.

Provision in case of questionable Title.

tages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court, and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, 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.

Expences of  
such Purchase  
how to be  
paid.

L. Provided always, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Incorporation 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 Court, 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 to be paid out of the Tolls and Duties hereby granted or the Monies authorized by this Act to be borrowed by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Owners of  
Land to  
inclose Lands  
so as to leave  
the Road of a  
sufficient  
Breadth.

LI. And whereas considerable Damage and Prejudice has arisen to the Great Post Road aforesaid, and the other Public Highways in the County, from the Owners or Oocupiers of Lands along the Side thereof inclosing their said Lands, and not leaving the Roads aforesaid of a sufficient Breadth; be it therefore enacted, That it shall not be lawful for any Person whatever to inclose any of the Lands lying along the Side of the Great Post Road aforesaid, or any other Public Highway, which shall be at the Time of passing this Act uninclosed without giving previous Notice of their Intention to inclose the said Lands to the Trustees aforesaid, met at a General or Adjourned Meeting; and the Trustees aforesaid, or any Committee of their Number to be named by them, are hereby authorized and required with all convenient Dispatch to visit the Lands proposed to be inclosed as aforesaid, and to mark off the Breadth of the said Road to the Extent of Forty-two Feet at least, clear, for the Great Post Road and Thirty one Feet clear for the whole other Public Highways within the County aforesaid; which respective Breadths shall include the Watercourses that may be necessary to be made by the Trustees for the Preservation of the Road only.

Regulation as  
to inclosing  
when the  
Lands on the  
opposite Side  
of the Road  
belong to  
different  
Proprietors.

LII. Provided always, and it is hereby expressly declared, That if one Side of any Road has been inclosed before the passing of this Act, and the other not inclosed, and the Ground on both Sides of the Road belong to the same Proprietor, he shall be bound at inclosing the other Side to leave the full Breadth required by this Act; and where the Ground on the opposite Sides of the Road shall belong to different Proprietors, the Proprietor of the inclosed Ground shall be obliged to instruct that, at the Time of making his Inclosure, he left out the full Half of the Breadth from the Middle of the Road to the Line of his Inclosure required by the Acts of Parliament regulating the Breadth of such



such Road at the Time of making such Inclosure, and upon Proof thereof to the Satisfaction of the said Trustees, the Proprietor of the uninclosed Ground shall be bound to leave out the full Breadth required by this Act to be left for the Road from the opposite Fence: Provided always, that if the Proprietor of the inclosed Ground shall fail to instruct that he left out the full legal Half of the Breadth from the Middle of the Road to the Line of his Fence as aforesaid, then and in that Case he shall be obliged at the Sight of the Justices or Trustees to purchase as much Ground from the Proprietor of the opposite Side as will be necessary to make up the full legal Half of the Breadth hereby required for the Road, after deducting the Breadth actually left betwixt the Middle of the Road and the Line of the Inclosure, the Proprietor of the uninclosed Ground being bound to leave the like legal Half so as to make the Road of the full legal Breadth required by this Act; and the Proprietor on the opposite Side of the Road is hereby authorized and required to sell to him that Quantity at the Sight of the Justices or Trustees, and in case of any Difference of Opinion as to the Value of the Ground, the same shall be determined in Manner particularly herein-before mentioned.

LIII. And be it enacted, That where any Owner or Occupier of uninclosed Lands lying as aforesaid, shall inclose his Lands or suffer them to be inclosed without giving previous Notice as aforesaid, or contrary to the true Intent and Meaning of this Act, such Owner or Occupier respectively as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds Sterling for each Offence; and every Fence that shall be so made upon the uninclosed Lands lying as aforesaid, shall be removed at the Expence of the Owner or Occupier of Land so inclosed; and the Trustees aforesaid, or any Five or more of them, being Justices of the Peace met at any General or Adjourned Meeting, are hereby authorized to determine and adjudge the Amount of the Penalty, and the removing the Fence, and the Expences thereof as aforesaid, and to proceed in levying the same by Distress and Sale as aforesaid.

Penalty on Owners of Land inclosing without Notice.

LIV. And be it enacted, That all the Powers contained in this Act, which relate to the making, repairing, widening, and altering the Turnpike Roads in the said County of *Haddington*, or any of them, to digging for, taking, and carrying away of Materials for the Use of the said Roads, and ascertaining Damages for the same, to removing Nuisances from the said Roads, or any of them, and preventing Obstructions therein, and also which relate to the prohibiting and preventing any Injury from being done to the said Roads, or any of them, shall be and they are hereby extended to the Cross Roads, and all other Roads in the said County which are not Turnpike.

Provisions of this Act extended to Cross Roads.

LV. And be it further enacted, That it shall and may be lawful for the Justices of the Peace of the said County, to shut up and suppress Public Roads and Foot Paths of every Description, which shall appear useles or of little Importance to the Public: Provided always, that Notice of every Application for that Purpose shall be given for Two consecutive *Sundays*, by Intimation upon the Church Doors of the respective Parishes through which the said Roads pass; and the Justices present at the First or any subsequent General Sessions, or Adjourned Sessions, after such Intimation has been given or reported, shall hear all Parties conceiving themselves to be aggrieved, and may exclusively in the first Instance determine as to

Old and useles Roads may be shut up.

the shutting up and suppressing such Roads as to them shall appear just and reasonable, declaring nevertheless, that the ultimate Decision of the said Justices may be brought under Review of the Court of Session, by Suspension or Reduction, in the Name of any Person interested, at any Time within Twelve Calendar Months after the Date of such Decision; but if the Determination of the said Justices shall not be complained of, the same shall be final and conclusive in all Time coming: Provided always, that the Person or Persons applying for having such useless Road or Roads shut up, shall pay a fair and adequate Value for the Ground thereby gained by them, which Price shall be applied in the Repair of any Road or Roads in the Parish, or in the immediate adjoining Parish, at the Discretion of the said Justices.

Increase of  
Bridge  
Money.

LVI. And whereas the Sum authorized to be levied in Name of Bridge Money by the former Acts for this County is now found to be insufficient and inadequate, be it therefore enacted, That it shall and may be lawful for the Freeholders and Heritors of the County of *Haddington*, to stent or assess the Heritors of the said County from Time to Time as they may see Cause, in any Sum not to exceed in the Whole Five Shillings Sterling, yearly, upon each One hundred Pounds *Scots* of valued Rent, to be levied and applied in the same Manner as the old Assessment authorized to be levied by the Act of Parliament of *Scotland*, passed in the Year Sixteen hundred and sixty-nine, is therein directed to be levied and applied.

List of Plough-  
gates to be  
corrected.

LVII. And whereas there are sundry Ploughgates lost and unaccounted for in the several Parishes in the said County, which might still be made up and corrected, be it therefore enacted, and it shall and may be lawful for the Heritors and Justices of the Peace of the said County, in virtue of the Powers vested in them by the said Act passed in the Ninth Year of His present Majesty to proceed immediately after the Commencement of this Act, to make the Statute Labour of the County more effectual, by making up and correcting the Lists of Ploughgates and converting and demanding the Rate of Conversion, according to the ordinary Rate and Hire of Labour in that Part of the County where the same shall be performed at the Time, according to the several Powers and Provisions contained in the said Act; and it shall for that Purpose be lawful for the said Heritors and Justices, and they are hereby empowered to require any Person within the said County possessing Lands, to furnish when required a particular State of the Extent of Grounds so occupied by them, and the Number of Horses used and kept by such Persons respectively; and in case of Refusal, with Power to the said Justices to enforce their Orders, by imposing any Fine not exceeding Ten Pounds for Contempt of Authority.

Qualification  
of Heritors  
empowered  
to allocate the  
Statute La-  
bour.

LVIII. Provided always, and be it enacted, That no Heritor of the said County shall be entitled to vote at any Parochial Meeting held for the Allocation of the Statute Labour, unless he shall be in his own Right, or in the Right of his Wife, in the Possession or Enjoyment as Fiar or Life-renter of the full Property or *Dominium utile* of Lands situated in the Parish where such Meeting shall be held, rated in the Land Tax Roll or Valuation Books of the said County, at One hundred Pounds *Scots* of valued Rent, or upwards, or unless he be the eldest Son of an Heritor so qualified.

Trustees to  
apportion the  
Statute Work.

LIX. And be it enacted, That it shall and may be lawful for the Justices of Peace of the said County, assembled at their Quarter Sessions, and they are hereby

herèby authorisèd and empowered to ascertain, allocate, and set apart what Proportion of the said Statute Labour of each of the Parishes through which the severall Turnpike Roads aforesaid do pass, shall be annually set apart for such Line of Turnpike Road respectively, which Sums, after being so apportioned and fixed, shall be paid to the Treasurer or Treasurers appointed by the Trustees to receive the same, and be applied in Aid of the Money levied at the Toll Bars aforesaid, for repairing the said severall Lines of Turnpike Road respectively, and that either annually or for a Term of Years, as to them shall seem meet.

LX. And be it enacted, That if any Person or Persons shall maliciously break, pull down, or otherwise destroy or deface any Bridge or Parapet thereof, or any Turnpike Gate, Toll House, Weighing Machine, Post, Chain, Bar, Mile Stone, Guide Post, Coping or other public Work whatsoever belonging to the said Trustees, or shall rescue any Person or Persons in Custody for such Offence, every Person so offending shall for every such Offence forfeit and pay a Penalty or Fine not exceeding Ten Pounds Sterling, with full Costs of Suit, besides the whole Damage sustained by the Trustees; and it shall also be lawful to commit every Person so offending to the Common Gaol of the County, for any Space not exceeding Two Calendar Months, and thereafter till Payment be made of the full Sum awarded against such Person.

Public Works protected.

Penalty.

LXI. And be it further enacted, That if any Person or Persons liable to pay Toll shall in a forcible Manner pass through any of the Gates on the said Roads without paying Tolls thereat, or shall assault any Collector of the Tolls, or any other Person acting under the Authority of the said Trustees, and shall be convicted of any such Offence before One or more Justice, or Justices of the Peace for the said County, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls for which such Person was liable.

Penalty on assaulting Officers.

LXII. And be it enacted, That in all Cases under this Act, where no Provision is made to the contrary, any Person offending may without any Warrant or Peace Officer, be apprehended by the Person or Persons injured or intending to inform, or prosecute with such Aid as he or they can procure, and be by him or them carried before the next Justice of the Peace, who is hereby required to deal with such Offender as is herein before directed, and the Horses, Carts, or Carriages of such Offenders may be seized and detained till the Penalties shall be paid; and in all other Cases any Person or Persons whatever knowing of any Offence committed against this Act, may lodge Information thereof with the Procurator Fiscal of the County of *Haddington*, who is hereby required, as he shall be answerable, to prefer a summary Complaint to any One or more Justice or Justices of the Peace of the said County, or to the Sheriff Depute, or Substitute thereof, and either the said Justice or Justices, or the Sheriff Depute, or Substitute, may thereupon proceed against the Offender or Offenders in a summary Way, but with Liberty nevertheless to any Person conceiving himself to be aggrieved by the Sentence of such Justice or Justices, to appeal to the next General Quarter Sessions of the Peace, but not afterwards; and in all Cases the said Justice or Justices, and the Sheriff Depute, and Substitute, may convict upon the Confession of the Offender, or on the Oath of One or more credible Witness, or Witnesses, and in case the Fine be not instantly paid, the Offender may be conveyed to any Gaol within the said County till Payment, or failing thereof, until the Expiration of any Time not exceeding

Mode of recovering Penalties.

Two

Two Calendar Months, from the Day of Commitment, or the Goods and Chattels of the Offender may be distrained and sold by Warrant of the said Justice or Justices, or of the Sheriff Depute, or his Substitute, for Payment of the Sums awarded, and the Persons so distraining are hereby authorized to sell the Goods or Chattels so distrained, and to return the Overplus to the Owner, after the reasonable Charges of distraining, keeping, and selling have been first deducted.

Limitation of  
Actions for  
Penalties.

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

Application of  
Penalties.

LXIV. And be it enacted, That all Penalties which may be recovered under this Act, shall be applied in Manner following; *videlicet*, when such Penalties are awarded for evading the Tolls, the One Half thereof shall belong to the Informer or Prosecutor, and the other Half to the Trustees of the District, to be applied to the Roads therein, or to the Tacksmen of the Toll Bar affected by such Evasion; and all other Penalties shall belong the One Half to the Informer or Prosecutor as aforesaid, and the other Half may be disposed of according to the Discretion of the Justice or Justices or Sheriff before whom the Offender shall be convicted.

Jurisdiction of  
the Justices  
and Sheriff  
defined.

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

To be final  
and conclusive.

Expences of  
this Act how  
to be paid.

LXVI. And be it enacted, That the reasonable Charges and Expences of procuring and passing this Act, shall be paid out of the first Monies levied or borrowed by virtue of this Act, for making and repairing the said Roads hereby directed and intended to be made and repaired.

Public Act.

LXVII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

Commence-  
ment and  
Continuance.

LXVIII. And be it enacted, That the Powers by this Act granted, shall commence from and after the passing of this Act, and so far as relates to Turnpike Roads, shall continue thereafter during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and that so much of the said recited Act of the Ninth of His present Majesty as relates to regulating the Statute Labour, and as amended by this Act, shall be perpetual.