



ANNO UNDECIMO

# GEORGII IV. REGIS.

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## *Cap. cviii.*

An Act for more effectually repairing and keeping in repair the Turnpike Roads in the County of *Peebles*, for making and maintaining certain new Roads, and for rendering Turnpike certain Parish Roads, in the said County. [29th May 1830.]

**W**HEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and amending certain Roads in the County of Peebles, and for better regulating the Statute Labour within the same*: 49G.3.c.36.  
And whereas the Trustees appointed by and under the Authority of the said Act proceeded in the Execution thereof, and from Time to Time borrowed considerable Sums of Money for the Purposes of the said Act, on the Credit of the Tolls leviabie at the Turnpike Gates erected upon the said Roads: And whereas an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making more effectual Provision for Payment of the Debt due by the Trustees for Turnpike Roads in the County of Peebles, and for other Purposes connected therewith*, by which Power was given to the said Trustees to require the Commissioners of Supply of the said County of *Peebles* to make an annual Assessment for levying a certain Sum of Money from every Proprietor or Life Renter of Land in the said County, to be applied in paying off the Capital Sums of Debt then due and owing for and on account of  
[Local.] 31 E the

the said Roads, and not exceeding in the whole the Sum of Nineteen thousand Pounds Sterling : And whereas the said Trustees, in pursuance of the said last-recited Act, required the Commissioners of Supply of the said County to make various Assessments in Terms of the said Act, and recovered from the Heritors and Life Renters of the said County various Sums of Money, and applied the same in paying off the Sums so borrowed, and have thereby greatly reduced the Amount of the total Debt affecting the said several Roads : And whereas the Revenues to be derived from the Toll Duties upon the said several Lines of Road are now considered as sufficient for the Payment of the Debt remaining due as aforesaid, and for making, maintaining, and improving the said Roads, so as to render it unnecessary to require the Commissioners of Supply to make any farther Assessments, with a view to paying off the Balance of such Debt ; and it is expedient to fix and ascertain the several Proportions of the said Balance, for Payment of which the respective Portions of the said Roads, and of the Tolls leviabie thereon, are liable : And whereas it is expedient that the Accesses to the Town of *Peebles* should be improved and rendered more convenient ; that certain Turnpike Roads in the said County should be improved, widened, and altered ; that certain new Lines of Road should be made and maintained thereon ; that certain Parish Roads in the said County should be made Turnpike Roads ; and that the necessary Bridges in the whole of the said Lines of Road should be made, erected, and maintained : And whereas an Act was passed in the Fourth Year of the

4 G. 4. c. 49. Reign of His present Majesty, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland* : And whereas the Sums remaining due on the said Turnpike Roads cannot be repaid, nor can the Roads in the said County of *Peebles* be made, amended, altered, widened, and kept in repair, unless further and other Provision be made for these Purposes ; but as those Purposes cannot be effected without the Aid and Authority of Parliament ; May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first-recited Act of the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, so far as respects the Turnpike Roads therein mentioned, and the said recited Act of the Fifty-eighth Year of the Reign of His said late Majesty, and all the Clauses, Powers, Authorities, Articles, Rates, Penalties, and Forfeitures therein contained, shall, from and after the assembling of the First General Meeting of Trustees to be held under the Authority of this Act, be and the same are hereby repealed, and instead thereof this Act shall from thenceforth commence and be put in execution ; and that this Act, and all the Tolls which are hereby authorized to be levied, shall be and they are hereby made subject and liable, in the Manner hereafter provided, to the Payment of the Sum now due and owing as aforesaid on the Credit of the Tolls granted by the said first-recited Act hereby repealed.

Part of the recited Act 49G.3. c. 36. and all of 58G.3. c. 10. repealed, and this Act to take effect.

Tolls liable to Payment of Sums due.

Debt on Road in Leithen Water and Tweedsmuir provided for.

II. And whereas certain Sums of Money have been expended on the Roads in *Leithen Water* and *Tweedsmuir*, in Terms of the said recited Act of the Fifty-eighth Year of the Reign of His said late Majesty, and it is proper that Provision should be made for Payment of the same ; be it therefore enacted, That the Debts contracted or to be contracted, in virtue of the Powers contained in the said Act, on the said last-mentioned

tioned Roads, shall be good, valid, and effectual in Terms and to the Extent of the Powers thereby given.

III. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said recited Acts hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Bonds, Bills, or Promissory Notes, Assignments, and Securities, duly made and entered into by the Trustees for executing the said Acts, to or with any Person or Persons, shall remain in full Force and Effect; but no such Bond, Bill, Promissory Note, Covenant, Obligation, or Agreement, shall be obligatory upon the Trustees for executing this Act personally, but the same shall only be effectual against the said several Roads, and the Toll Duties leviabie thereon in manner hereinafter provided, and against any Individuals who may have personally bound themselves for Payment of the same.

Bonds and Agreements to remain in force.

IV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Prosecutions, Suits, and Actions whatsoever, and in all Cases of Appeal, in such and the same Manner as if the said Acts had not been repealed.

Books to continue Evidence.

V. And be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers, excepting the Treasurer, who have been appointed under and employed in the Execution of the said Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall be respectively displaced or removed by the Trustees for executing this Act, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act, without Prejudice nevertheless to the Re-election of the said Treasurer under the Authority of this Act.

Officers to continue.

VI. Provided always, and be it further enacted, That it shall not be lawful for the Trustees for executing this Act to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person or Persons in the Employ of any such Treasurer or of his Partner, the Clerk or Clerks to the said Trustees; and if any Person or Persons shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the

Treasurer and Clerk not to be the same Person.

the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust, under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Court of Session in *Scotland*, or, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Officers under the former Act to account to the Trustees for executing this Act.

VII. And be it further enacted, That all Persons who have been employed or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts of the Forty-ninth and Fifty-eighth Years of the Reign of His late Majesty King *George* the Third, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the Trustees for executing this Act, in like Manner and under the like Penalties as are by the said recited Act of the Fourth Year of the Reign of His present Majesty and this Act, or any of them, inflicted in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Act and this Act.

Powers of 4G. 4. c. 49. applied to this Act.

VIII. And be it enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual, for carrying this Act into execution, as if the same had been repeated and re-enacted in this Act.

Nomination of Trustees.

IX. And be it enacted, That every Person who is at present, or shall be at any Time, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment of the Fee or Liferent of the *Dominium utile* of Lands lying in the said County of *Peebles* valued in the Tax Rolls of the said County to the Extent of One hundred Pounds *Scots* of valued Rent, or of the clear Value of One hundred Pounds Sterling *per Annum*, and all and every the eldest Sons of such Proprietors as shall be in the actual Possession and Enjoyment of the *Dominium utile* of Lands in the said County to the Extent of Two hundred Pounds *Scots* of valued Rent, or clear Value of Two hundred Pounds Sterling *per Annum*, and the Sheriff Depute of the County of *Peebles*, and the Provost or Chief Magistrate of the Royal Burgh of *Peebles*, both for the Time being, shall be and they are hereby appointed Trustees for carrying into execution all and every the Purposes of this Act.

Description of Roads contained in the Act.

X. And be it further enacted, That this present Act shall from and after the Commencement thereof take effect, and be put in execution by the said Trustees for and during the Term hereinafter mentioned,

for the Purposes of surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the Roads and Bridges made by the Trustees under the said recited Acts hereby repealed, and the Roads, Communications, Bridges, and other Works intended to be made under the Authority of this Act; *videlicet*, the Road leading from *Ingraston* on the Confines of *Lanarkshire* by *Bridgehouse* to *Carlops* on the Confines of *Mid-Lothian*, and the Road leading from the said Road at *Lynedale* by *Linton* and *Bogsbank* until it joins the *Noblehouse* Road at *Boreland* and *Blythbridge* and that these, with the Bridges thereon or to be erected thereon, together with all other Roads to be hereafter made in virtue of this Act on the North Side of the present *Noblehouse* Road between the Points of *New Cairnmuir* and *Leadburn*, shall be comprehended under One District, and known by the Name of the First District; the Road leading from *Tweedcross* or near thereto on the Confines of *Dumfries-shire*, by *Crook*, *Broughton*, *Mountbog*, *Harestanes*, *Bridgend*, *Noblehouse*, and *Whim*, to *Leadburn* on the Confines of *Mid-Lothian*, and the Road leading from the said Road at *Mountbog* through *Skirling* to the Limits of *Lanarkshire*, the Road leading from the said Road to *Harestanes* to *Corsincon* on the Confines of *Lanarkshire*, the Road leading from *Kirkurd* Toll on the said Road by *Kirkurd* to the Sixth Mile Stone on the *Peebles* Road, the Road leading from *Bridgend* on the said Road by *Drochel* until it joins the said Road by *Kirkurd*, shall be comprehended under One District, and known by the Name of the Second District; the Road leading from the Confines of *Mid-Lothian* near *Leadburn*, by *Falla* Toll, *Eddlestone*, and *Winkstone*, to *Peebles*, the Road leading from the said Road at *Skairth Burn* to the Confines of *Mid-Lothian* near *Mount-Lothian*, the Road leading from *Falla* Toll to the Confines of *Mid-Lothian* at the *Tweddale Burn*, the Road leading from *Eddlestone* by *Meldon* to the Situation of the present Turnpike Gate thereon, and the Road leading from the said Road at *Winkstone* to *Peebles* by *Rosetta*, shall be comprehended under One District, and known by the Name of the Third District; the Road leading from the Town of *Peebles* by *Innerleithen* to *Gatehopeknow* on the Confines of *Selkirkshire*, the Road leading from where it joins the *Drove* Road at *Peebles* *Bridgend* by *Kailzie* and *Traquair* to the Confines of *Selkirkshire* at *Minchmuir*, and the Road leading from the said Road at *Traquair* to *Elibankwood* on the Confines of the said County of *Selkirk*, shall be comprehended under One District, and known by the Name of the Fourth District; the Road leading from *Peebles* by *Needpath* and *Lyne* to the Sixth Mile Stone on the *Peebles* Road, the Two Branches leading from the said Road at *Lyne's Mill* and *Lynefarm* until they join at *Easter Haprew*, and from thence leading by *Stobo* to the *Crown Ford* of the *Tweed* at *New Posso*, and also that Part of the *Melden* Road leading by Two Branches from the *Lyne* Road to the Situation of the Turnpike Gate thereon, including the said Gate and Toll House, shall be comprehended under One District, and known by the Name of the Fifth District; the Road from *Dewar Gill* on the Confines of *Mid-Lothian* along the Banks of *Leithen Water* to *Innerleithen*, and from thence to the Village of *Traquair*, by a Bridge or Boat across the *Tweed* at or near *Drownpouch Stream*, to the Confines of *Selkirkshire* on the *Shootinglees*, shall be comprehended under One District, and known by the Name of the Sixth District; and also the following new Roads, Bridges, and Communications, *videlicet*, the Road from the Confines of *Mid-Lothian* at or near

*Carlops Bridge* to the Village of *Linton*, by *Rutherford* and *Lintonbank*, and from thence across the *Lyne* and *Westwater* by *Slipperfield Loch* to the Confines of the County of *Lanark* on the Lands of *Ingraston*, with the Bridges to be erected on the said Line, also a new Road of Communication from the said new Road near to *Linton* through the Lands of *Spittlehaugh* to *Romano Bridge-end*, also a Road of Communication from the said Road at or near *Ingraston* until it joins the *Noblehouse* Road at or near *Kirkurd Toll*, or the existing Statute Labour Road in the same Line converted into a Turnpike Road, another from the said new Road at or near *Linton Bank*, through *Sillerholes*, *Stonypath*, and *Cairnmuir*, to the Confines of *Mid-Lothian* at *Caldstane Slap*, and another Road of Communication from the said new Road by *Slipperfield* and *Spittlehaugh* to *Romano Bridge*, and another from the said new Road, through the Lands of *Bridgehouse*, *Slipperfield*, *Wakefield*, *Badingill*, and *Cairnmuir*, to the *Caldstane Slap*, and also a new Road at or near *Linton*, through the *Croft Land*, *Deanfoot*, and *Harlawmuir*, to the Confines of *Mid-Lothian*, or the existing Statute Labour Road on the same Line converted into a Turnpike Road, and also a Road from the said Road at or near *Ingraston* by *Garvald Foot* to the Confines of the County of *Lanark*, and which several new Roads and Communications shall form a Part of the First District; a new Road from the Junction of the Water of *Biggar* with the *Tweed*, and from thence up the Water of *Biggar* to the Confines of the County of *Lanark* at or near *Hartree Mill*, with the Bridges to be erected on the said Line, or the existing Statute Labour Road in the same Line converted into a Turnpike Road, and a new Road from the Road between *Tweedcross* and *Edinburgh* at or near *Broughton* to the Confines of the County of *Lanark*, and which will form a Part of the Fifth District; a new Road from the *Crown Ford* in the Parish of *Stobo*, along the North Side of the River *Tweed*, to the Junction of the Water of *Biggar* with the *Tweed*, with the Bridges or Boats to be erected and established thereon, and a new Road from the said *Crown Ford* by *Drumelzier* and *Horseman Ford* until it joins the Road from *Tweedcross* to *Edinburgh* near the said Ford, with the Bridges or Boats to be erected and established thereon, or the existing Statute Labour Roads in the same Lines converted into Turnpike Roads, and which said Roads shall form a Part of the Fifth District; a new Communication from the *Innerleithen* Road at or near the *Hopeburn Toll House*, through the Lands of *Horsburgh Castle*, by a Bridge or Boat to be erected or established over the *Tweed* at or near *Standingstone*, until it joins the Turnpike Road on the South Side of the *Tweed*, and which shall form a Part of the Fourth District: Providing always, that the said Trustees shall have no Power during the Continuance of this Act to alter the said Division into Districts as established by this Act.

Authority  
to treat for  
Lands and  
Houses in  
Peebles.

XI. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree for, and they are hereby empowered to take and acquire, such Buildings or Part of Buildings, and such Parts of Gardens or other Lands, as shall by the said Trustees be deemed necessary to be purchased or acquired by them for the Purpose of carrying this Act into execution, and of widening and straightening the Accesses to the said Town of *Peebles*, the said Trustees making such Compensation and Satisfaction to the Proprietors and Occupiers of such Houses, Gardens, and Lands to be so taken and acquired, as shall be agreed upon between the said Trustees and such Proprietors and Occupiers, or, in the event of

their not agreeing, as shall be awarded in manner directed by the said recited Act of the Fourth Year of the Reign of His present Majesty.

XII. And whereas Maps or Plans describing the Houses and Gardens in the Town of *Peebles* intended to be taken and acquired for the Purposes of this Act, and describing the said new Roads intended to be made, and the Alterations on existing Roads, and the Lands through which they are severally intended to pass, together with Books of Reference containing the Names of the Owners and Occupiers of such Lands and Houses, have been deposited with the Clerk of the Peace of the County of *Peebles*; be it further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerk of the Peace; and every or any Person, being an Owner or Occupier of any Lands or Tenements upon the Line of the said Roads or any of them, shall at all seasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to examine and require from the Clerk Extracts from or Copies of the same, paying to the Clerk for such Copy or Extract after the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Maps or Plans to remain with the Clerks of the Peace.

XIII. And be it further enacted, That the said Trustees, in making or altering the said Roads hereby authorized to be made or repaired, and delineated on the said Maps or Plans, shall have Power to deviate One hundred Yards from the Lines described in the said Maps or Plans, but no more than such One hundred Yards, without the Consent and Approbation in Writing of the Owners of the Lands or Grounds through which such Deviation shall be made.

Not to deviate more than 100 Yards from Plan.

XIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make and maintain the said intended Alterations of the said Roads described in the said Maps or Plans through, across, or over the several Lands, Tenements, or Grounds of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers of any Lands, Tenements, or Grounds over which the same are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or inaccurately described in the relative Books of Reference, in case it shall appear to any Two or more Justices of the Peace in and for the said County of *Peebles*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands marked in the Plan may be used, notwithstanding Errors in the Books of Reference.

XV. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to the taking down of any Dwelling House or other Building, except those required for widening and straightening the Accesses to the said Town of *Peebles*, the Side Walls of which exceed Twenty Feet in Height above the Level of the said Road, or to the taking in, for any of the Purposes of this Act, the Site of any Garden, Orchard, Yard, Deer Park, Paddock, inclosed Shrubbery, or planted Walk or Avenue to a House, without the Consent of the Owners thereof respectively.

Act not to extend to the taking down Houses, &c. exceeding 20 Feet high, without Consent.

XVI. Pro-

Property not  
to be taken  
after Five  
Years.

XVI. Provided always, and be it further enacted, That in case the said Trustees shall not purchase or acquire the said Heritages and Premises within the Space of Five Years from and after the passing of this Act, then and in such Case all the Powers hereby granted for purchasing and acquiring the same shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Power to  
alter Lines  
with Con-  
sent of the  
Owners of  
Property.

XVII. Provided always, and be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to alter or divert the Course of any of the said Roads hereby authorized to be made, amended, improved, widened, altered, straightened, repaired, and kept in repair, in such Manner as they shall think proper, for the Purpose of rendering them more commodious and useful for the Public, although such Alterations or Diversions should not be contained or described in the said Maps or Plans: Provided always, that the previous Consent in Writing of the Owner or Owners of the Lands or other Property through which each such Alteration or Diversion is intended to pass, or of the respective Agents or Factors of such Owner or Owners, shall be first had and obtained by the said Trustees.

Trustees  
may enter  
upon Lands  
for making  
Roads.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon any of the said Roads hereby authorized to be made, amended, improved, widened, altered, or straightened, is or are intended to pass, and to stake out the said Roads or any of them, and to cut and make any Drains or Ditches, or Arches, through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall thereby be occasioned; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used, or the Fences made, in laying out any Part of such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings Sterling.

General  
Meetings.

XIX. And be it further enacted, That the said Trustees shall hold their ~~First~~ stated or General Meeting by virtue of this Act at *Peebles* upon the ~~Third Tuesday~~ after the passing of this Act, at Noon, and the next stated or General Meeting upon the Day of the *Michaelmas* Meeting of Freeholders of the said County immediately following the passing of this Act; and the said Trustees shall thereafter hold Two General stated Meetings at *Peebles* in each Year during the Continuance of this Act, one upon the Day on which the Commissioners of Supply shall meet for assessing the Land Tax in the said County, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the said County; and at such Meetings, as well as the Meetings to be held by Adjournment, or to be specially called in Terms of the said Act passed in the Fourth Year of the Reign of His present Majesty and of this Act, the said Trustees shall be and they are hereby authorized and empowered to carry the said Act and this Act into execution, and to issue their Orders for surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair all the said Roads and the Bridges on  
the



the Lines of the same, and to do, order, and perform all Acts, Matters, and Things which the said Trustees appointed by this Act are authorized and empowered to do ; and the Quorum of Trustees necessary to do Business at General or Adjourned Meetings shall be Three, but if only One or Two shall be present at any of the said Meetings, such Trustees or Trustee shall have Power to adjourn the Meeting : Provided always, that Notice shall be given of the Day and Place and Purpose of every Adjourned Meeting, by public Advertisement.

XX. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered to continue all or any of the Gates or Turnpikes already erected, or to remove the same to any other Part of the Roads under their Charge they shall think proper, and to erect or cause to be erected other Gates or Turnpikes in, upon, or across any Part or Parts of the said Roads already made, or to be made by Authority of this Act, or on the Sides thereof, across any Way leading into or out of the same, in such Places as they shall think fit, and also to erect Toll Houses at all or any of such Gates, with such Buildings and Gardens adjacent thereto as shall appear to them to be expedient ; and the said Trustees are hereby empowered to purchase or take on Lease such Pieces of Ground as they shall judge most convenient, not exceeding the Fourth Part of an Acre for each Toll House, Building, and Garden, and from Time to Time to alter the Situation of such Gates or Turnpikes, with the Toll Houses, Buildings, and Gardens respectively connected therewith.

Power to continue and erect Turnpikes.

XXI. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at each of the Gates or Turnpikes which shall be continued or erected by virtue of this Act, before any Passage be permitted, (save and except as hereinafter mentioned,) the Tolls and Duties following, or such other Sum or Sums as the said Trustees shall from Time to Time determine, not exceeding the Rates after specified ; (that is to say,)

Power to take Tolls.

For every Horse or other Beast of Draught, drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Calash, Chair, or other such Carriage, the Sum of One Shilling Sterling :

For every Horse or other Beast of Draught, drawing any Waggon, Cart, or other such Carriage, the Sum of Sixpence Sterling :

For every Horse or Beast of Burden, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence Sterling :

For every Drove of Oxen, Neat Cattle, Mules, Asses, Horses, or Fillies unshod, the Sum of Two Shillings and Sixpence Sterling *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Pigs, Swine, Sheep, Lambs, or Goats, the Sum of Ten-pence Sterling *per* Score, and so in proportion for any greater or less Number.

XXII. And be it further enacted, That for every Hundred Weight which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any Weighing Machine erected or to be erected upon such Parts of the said Roads as the said Trustees shall think fit, over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh without paying any additional Toll as hereinafter mentioned, shall

Additional Tolls for Overweight.

be received and taken the following additional Tolls, or such other Sum or Sums as the said Trustees shall from Time to Time determine as additional Tolls, not exceeding the Rates after mentioned; (that is to say,) for the First and Second Hundred Weight of such Overweight the Sum of Three-pence Sterling for each Hundred Weight; for every Hundred Weight of such Overweight above Two Hundred Weight and not exceeding Five Hundred Weight the Sum of Sixpence Sterling; for every Hundred Weight of such Overweight exceeding Five Hundred Weight and not exceeding Ten Hundred Weight the Sum of Two Shillings and Sixpence Sterling; for every Hundred Weight of such Overweight above Ten Hundred Weight and not exceeding Fifteen Hundred Weight the Sum of Ten Shillings Sterling; and for every Hundred Weight of such Overweight above Fifteen Hundred Weight the Sum of Twenty Shillings Sterling, before such Waggon, Cart, or Carriage shall be permitted to pass through any of the said Gates or Turnpikes.

Regulation  
concerning  
the Weight  
of Carriages.

XXIII. And be it further enacted, That every Waggon, Cart, or Carriage shall be allowed to pass without paying any additional Toll, provided such Waggon, Cart, or Carriage, with its Loading, do not weigh more than the Weights following; *videlicet,*

Every Waggon or Four-wheeled Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer and Seven Tons in Winter:

Every Waggon or Four-wheeled Carriage having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Six Tons in Summer and Five Tons Ten Hundred Weight in Winter:

Every Cart having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Three Tons in Summer and Two Tons Fifteen Hundred Weight in Winter:

Every Waggon having the Sole or Bottom of the Fellies of the Breadth of Six Inches, Four Tons Five Hundred Weight in Summer and Three Tons Fifteen Hundred Weight in Winter:

Every Cart having the Sole or Bottom of the Fellies of Six Inches, Two Tons Twelve Hundred Weight in Summer and Two Tons Seven Hundred Weight in Winter:

Every Waggon having the Sole or Bottom of the Fellies of less Breadth than Six Inches, Three Tons Ten Hundred Weight in Summer, and Three Tons in Winter:

Every Cart having the Sole or Bottom of the Fellies of less Breadth than Six Inches, and drawn by Two or more Horses or other Beasts of Draught, One Ton Fifteen Hundred Weight in Summer, and One Ton Ten Hundred Weight in Winter:

And every such Cart drawn by One Horse or other Beast of Draught, One Ton Six Hundred Weight both in Summer and Winter:

And for the aforesaid Purposes it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter from the First Day of *November* to the Thirtieth Day of *April*, in every Year, both inclusive.

Exemption  
in favour  
of Broad  
Wheels.

XXIV. And be it further enacted, for the Encouragement of the Use of Broad Wheels, That every Waggon, Cart, or other such Carriage, drawn by One Horse or other Beast of Draught, shall pass through each of the Gates or Turnpikes aforesaid, without being liable to be weighed, or charge-

chargeable with any of the said Toll Duties in respect of Weight ; provided that the Wheels of such Waggon, Carts, or other Carriages shall be Six Inches broad, and be cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage as on the Outside, and in every intermediate Part between the Inside and Outside, and further, shall have the Nails sunk level with the Rings on the Wheels ; provided also, that 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 for that Purpose, or concerned in the Collection of the said Tolls and Duties ; and in case of Refusal to permit such Examination and Measurement, the Privilege shall be forfeited, and the full Toll Duties shall be chargeable, without regard to the Breadth of the Wheels of such Carriages.

XXV. And be it further enacted, That the Tolls hereby authorized to be taken, having been paid at any of the said Gates or Bars, no further Toll shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night) be again exigible, either at the same Gate or Bar or at any other Gate or Bar within Six Miles (measured on the Line of the said Roads) of the Gate or Bar at which Toll shall have been paid, for the same Horse or other Beast for which such Toll shall have been previously paid on the same Day, unless the same Horse or other Beast shall repass with a new Loading a second or more Times in the same Day, in which Case they shall pay in the same Manner as for the first Time.

Tolls to be taken only Once a Day at any Gate within Six Miles.

XXVI. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered in like Manner to demand and take, for and in respect of the said Bridge or Boat at *Drownpouch Stream*, and also for and in respect of the said Bridge or Boat at or near *Standing Stone*, and also for and in respect of the Bridges or Boats on the *Tweed* at or near *Horseman Ford* and the *Crown Ford*, such and the same Tolls and Duties for and in respect of Passage by each such Bridge or Boat as are hereinbefore authorized to be taken at each of the Gates or Turnpikes continued or constructed or erected by virtue of this Act : Provided always, that the said Toll Duties for and in respect of each of the said Bridges or Boats shall not exceed the Toll Duties levied at the Time at the several Gates or Turnpikes upon the Roads within the Districts in which such Bridges or Boats shall be respectively situated.

Tolls for Boats and Bridges ;

XXVII. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be, and they are hereby authorized and empowered to levy from Foot Passengers Tolls for and in respect of Passage at each of the said Bridges and Boats, at a Rate not exceeding One Penny from each Person each Time of passing.

for foot Passengers.

XXVIII. And be it further enacted, That the said Tolls and Duties for or in respect of the aforesaid Bridges and Boats shall only be leviable while such Boats shall be maintained, or from and after the Time that such Bridges shall have been finished, and shall so continue to be levied, until the Expence incurred in the Erection of the said Bridges or Establishment of said Boats respectively, and making the Approaches to and from the same, and

Regulations as to Boats and Bridges.

and erecting the Toll Houses thereon, be defrayed, along with the Interest of such Expences; and that no Tickets from any of the Bars within Six Miles shall enable the Person holding the same to pass any of the said Bridges or Boats without paying the additional Tolls at such Bridges or Boats; and in the event of any of the said Bridges or Boats being demolished, or becoming ruinous or unsafe for Travellers, and requiring to be materially repaired, or renewed, or erected again, either in the same or near the same Place, then it shall be lawful for the said Trustees to continue to levy such Tolls and Duties as aforesaid at such Bridge Boat, or to resume levying it, if the said Trustees shall have previously ceased levying it in consequence of the original Expence having been defrayed, until the Expence of such Reparation, or Renewal, or Re-erection, with Interest thereon, shall be defrayed.

Power to place Side Bars on Roads leading to Fords.

XXIX. And be it further enacted, That the said Trustees shall have full Power to place Side Bars on the public Roads leading to all Fords situated within One Mile of any of the said Bridges or Boats, either above or below the same, upon the River *Tweed*, and to levy thereat the same Tolls and Duties as are exigible in manner before mentioned at such Bridges and Boats.

Tolls on Stage Coaches.

XXX. And be it further enacted, That the Tolls made payable by this Act shall be paid for or in respect of all Horses and other Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage travelling for Hire, Pay, or Reward, for every Time of passing or repassing along the said Roads and Bridges, or Boats, or any of them: Provided always, that when any Horse or other Beast of Draught drawing any such Carriage shall be changed between Two Toll Bars the one of which clears the other in case of the same Horse or other Beast of Draught passing, no Toll shall be exigible for or in respect of any such Change of such Horse or other Beast of Draught at any other Toll Bar which would otherwise be cleared by Payment at the first Toll Bar in case no such Change of Horses or other Beasts of Draught had taken place.

Post Chaises to pay Toll each fresh Hiring.

XXXI. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of the Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads and Bridges or Boats on the same Day, as often as a fresh Hiring thereof shall take place.

Tolls, &c. vested in Trustees.

XXXII. And be it further enacted, That all the Tolls and Duties hereby granted and made payable, together with the Right of Property of and in every Gate or Turnpike, Toll House, Building, Garden, Bridge, Milestone, Post, Rail, and all Road Materials, and every other Matter or Thing belonging to the said Roads, Bridges, or Boats, which have been acquired by the said Trustees under the Two first-recited Acts, or which shall be acquired by virtue of this Act, are and shall be vested in the said Trustees appointed in or by virtue of this Act.

Penalty on Toll-keepers for Neglect.

XXXIII. And be it further enacted, That if any of the Keepers of the Turnpike or Toll Gates continued or erected by virtue of this Act shall fail in the due Performance of his or their Duty, or shall neglect to give constant Attendance at all Hours, and a free and ready Passage to all Persons and Car-

Carriages, on Payment of the Toll or Tolls exigible, every such Keeper so offending shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence.

XXXIV. And be it further enacted, That the said Tolls and Duties, after Payment of the Expences of preparing, applying for, procuring, and passing this Act, in manner hereinafter mentioned, shall, with the Exception of the Tolls and Duties levied at Boats or Bridges, or the Side Bars at Fords connected therewith, in manner before mentioned, be applied, in the first place, towards the Expence of putting this Act in execution, and towards the making, maintaining, repairing, and keeping in repair the Roads within the District on which they shall be levied respectively, and the Toll Bars, Weighing Machines, Toll Houses, and other Conveniences thereon; and, in the next place, towards the Payment of the Debts already contracted on the Credit of the said Tolls and Duties, in manner hereinafter provided, and also for the Payment of such Debt as shall hereafter be contracted under the Authority of and for the Purposes of this Act: Provided always, that no Part of the Tolls and Funds of any particular District of Roads, as defined in this Act, shall be applicable to the Payment of the Expence of surveying, making, amending, widening, and repairing the Roads and Bridges included within any other District, unless Three Fourths of those Heritors who are qualified Trustees under this Act, and through or by the Side of whose Properties some Part of the Turnpike Roads in the District passes, shall give their Consent thereto in Writing.

Application  
of Toll  
Duties on  
Roads.

XXXV. And be it further enacted, That the said Tolls and Duties levied at the Boats, Bridges, and Side Bars at Fords, as before mentioned, shall be applied towards the providing, making, maintaining, and keeping in repair such Boats, Bridges, and Side Bars, and all Gates, Toll Houses, and all other Matters and Things connected with such Boats, Bridges, or Side Bars, and in the Repayment of Money borrowed for or on account of the same, and the Interest thereof, and to no other Purpose whatsoever.

Application  
of Tolls at  
Boats,  
Bridges, and  
Fords.

XXXVI. And be it further enacted, That in order to afford Assistance towards carrying forward Improvements commenced or projected in the Fourth and Fifth Districts, the following Sums shall be contributed thereto out of the Revenue of the Tolls in the Third District; *videlicet*, towards the Improvement of the Road to the East of the *Hopeburn* Toll House, through the Lands of *Horsburgh Castle*, leading towards the *Standing Stone*, the Sum of Three hundred Pounds; and towards other Improvements of the Turnpike Roads and Bridges thereon, in the Fourth District, the Sum of Four hundred Pounds, whereof Three hundred Pounds shall be expended on the Road to *Gatehopeknow*, and One hundred Pounds on the Road from *Cardrona Mains* to *Traquair*; and towards the Improvement of the Roads in the Fifth District, the Sum of Three hundred Pounds Sterling.

Application  
of Sums to  
particular  
Roads.

XXXVII. And be it further enacted, That the Treasurer to the said Trustees shall from Time to Time pay all Sums of Money received by him pursuant to this Act, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, or some Branch of one or other of the said Banks, as the said Trustees shall direct, upon an Account to be

Treasurer to  
pay Monies  
received into  
a Banking  
Company.

[*Local.*]

31 H

opened

opened for the Purposes of this Act, at such Rate of Interest as shall be allowed by such Banks respectively, which Interest shall be applied along with the Sums so collected and paid in for the Purposes of this Act; and if the said Treasurer shall at any Time keep in his Hands for the Space of more than Three Days a larger Sum than Fifty Pounds Sterling of Money received by him pursuant to this Act, or shall draw from the said Banks or Branches thereof respectively the Sums paid in upon the said Account, or any Part of the same, except for the Purpose of immediately and *bona fide* applying the same for the Purposes of this Act, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds Sterling, besides the Interest which might have been received if the Money had been duly deposited in Terms of this Act, to be recovered, with full Expences of Process, by summary Action or Petition at the Instance of any Two or more of the said Trustees, before the Sheriff of the said County, or in the Court of Session; which Penalty and Interest shall be applied, when recovered, for the Purposes of this Act.

Debt to be  
ascertained  
and appor-  
tioned.

XXXVIII. And be it further enacted, That the said Trustees, at their First General Meeting assembled, or at any other General Meeting to be held by them within Six Months after the passing of this Act, shall and they are hereby required to settle and ascertain the just Amount and settle the Allocation of the Debt still remaining due, which was contracted under the before-recited Acts hereby repealed, and in such Allocation shall charge against the Districts wherein are situated the Toll Bars in the Eastern District of the County as divided previous to the passing of this Act that Share of the said Debt which is now due and owing by the said Eastern District, and the Remainder of such Debt against the Districts wherein are situated the Toll Bars in the Western District as divided previous to the passing of this Act, that Share of the said Debt which is now due and owing by the said Western District, and shall in each of the said Two Districts subdivide the Debt by apportioning the same upon the several Tolls in the same in proportion to the gross Revenue of each Toll Bar for the Year ending at *Whitsunday* One thousand eight hundred and thirty; and in case any of the now existing Toll Bars shall be removed, and a new Bar or Bars shall be substituted instead thereof, the Amount of the Debt to be apportioned on the Revenue of such existing Bar or Bars shall be held as thereafter apportioned on the Revenue of the new Bar or Bars to be substituted for the same respectively; but declaring always, that notwithstanding the above Principle for subdividing the Share of such Debt in the Western District between the Tolls of the First and Second Districts as defined by this Act, it shall be competent to any Three Trustees appointed by this Act, having their Qualification in the First District, or any Three Trustees having their Qualification in the Second District, at any Time within Six Months after the passing of this Act, to demand a Reference to the Sheriff Depute of the County of *Edinburgh*, so that he may ascertain what Share of the said Debt should be laid upon the Tolls of the said First District; and whatever Sums the said Sheriff Depute by his Award shall ascertain as the just Share of the said Debt which ought to be borne by the Tolls of the said First District, the said Sum so ascertained shall be the Share of the said Debt on the First District, in place of the Sum provided in the said Act; and in the event of no Demand of a Reference being made within the Time prescribed, then such Debt shall be

be divided between the Tolls of the said First and Second Districts in manner above enacted.

XXXIX. And be it further enacted, That the Debts so to be ascertained, whether as now constituted or as the same may be constituted by new Securities for Money lent expressly for Payment of such Debts to the present Creditors, shall be preferable to all other Debts hereafter to be contracted on the Security of the Tolls and Revenues of the Roads, and the said Tolls and Revenues shall be liable for Payment of the respective Debts which shall be hereafter contracted, in the Order in which the several Assignations shall be entered in the Books of the said Trustees, without Prejudice to any of the Creditors recovering Payment of the Sums due to them respectively from any Person who may have become personally bound for Payment of the same, such Person being entitled on Payment to an Assignation for his Relief; declaring that every Claim of Relief which might have been otherwise competent before the passing of this Act to any Person now personally bound for any such Debt shall be also reserved entire; and also declaring that the Creditors to whom the said Debts are now due, or to whom new Securities shall be granted for Money expressly lent for Payment of such Debts to the present Creditors, and the Executors or Assignees of such Creditors, shall be entitled to claim Payment of such Debts out of all or any Part of the Tolls and Revenues on the Credit or Security of which the same were contracted respectively, notwithstanding the Allocation and Apportionment hereinbefore directed; but if any Part of such Debt shall be recovered from the Tolls and Revenues of any District other than that upon which the same shall have been so apportioned, the said Trustees shall be bound, on the Application of any Two or more of their Number, to order and direct that due Relief be afforded, by their Treasurer paying the same out of the first and readiest of the Monies coming into his Hands from the Toll or Tolls on which such Debt shall have been apportioned, after defraying or retaining a Sum sufficient for defraying a due Share of the Expence of putting this Act in execution, and after defraying also the Expence of the necessary Repairs on the Road or Roads now existing, to the Maintenance of which such Toll or Tolls shall be applicable, and on the Toll Bars, Weighing Machines, Toll Houses, and other Conveniences thereon; and such Treasurer shall be personally responsible to make such Payment accordingly, under a Penalty of Twenty Pounds over and above Performance, such Penalty to be recovered, with full Expences, by summary Action or Petition at the Instance of any Two or more Trustees, before the Sheriff of the County, or in the Court of Session.

Present Debts to be preferable to others to be contracted.

XL. And be it further enacted, That it shall and may be lawful for the Trustees, being Heritors within any of the said Districts, or for any Three or more of them, to make any of the new Roads and Bridges in such District specified in this Act: Provided always, that such Trustees, being Heritors, or some Three or more of them, shall find Security to the said Trustees that the said Roads and Bridges shall be made and completed; and on their finding such Security the said Trustees shall assign the Tolls payable at any Toll Bars already erected on any Part of the Roads for which the new Lines are to be substituted, or to be erected on the said Roads and Bridges, to the Trustees and Heritors

Power to Trustees, being Heritors, to make new Roads in respective Districts, on giving Security.

finding Security as aforesaid for making the same, and such Assignments of the Toll Duties shall remain as a valid Security for Reimbursement of the Expence of making and improving such Roads and Bridges, and such Assignations shall be in the Terms prescribed in the said recited Act passed in the Fourth Year of the Reign of His present Majesty; and the said Trustees and Heritors who shall so undertake the making of any of the said Roads and Bridges in any District, and the whole or any of the new Lines of Communication therewith by this Act authorized to be made, shall have full Power to maintain and keep up the Toll Gates where they are at present situated, on any Part of the Roads for which the new Lines are to be substituted, or to remove the same, or to place other Side or Check Bars thereon, and to levy the Toll Duties thereat, providing they are not nearer to one another than Six Miles, or if nearer, that Pass Tickets shall be given, as is provided for by the said recited Act of the Fourth Year of the Reign of His present Majesty.

Rent of Tolls  
may be made  
payable by  
Instalments.

**XLI.** And be it further enacted, That in order to diminish the Risk of Loss in consequence of the Failure of Tacksmen of the Tolls to pay the Rents thereof, it shall be lawful to the Trustees, in letting the Tolls, to require the Payment of the Rent for any Toll Bar to be made by such Instalments as they may think proper; and if any Instalment of such Rent shall remain unpaid at the Expiration of One Calendar Month after the Day fixed and agreed on as the Time of Payment of the same, it shall be lawful to the Sheriff Depute or his Substitute, on the Application of the Treasurer of the Trustees for the Time, to grant Warrant to his Officers to enter the Toll House in the Day-time, and to remove from the same, and from any Premises occupied along with it, the Tacksman of such Toll Bar, or any Collector appointed by him, and all other Persons who may be found therein, together with their Goods, and to give lawful Possession thereof to the said Treasurer, or to any Person who may be appointed thenceforth to collect the Tolls at such Bar; and the Right of such Tacksman to collect the same shall thenceforth cease, without Prejudice to his Liability for the stipulated Instalments or Parts thereof corresponding to the Time of his Possession, and for the Expences of obtaining his Removal: Provided always, that such Application shall have been intimated to the Tacksman Three Days before the Warrant shall be granted, by delivering to him personally, or leaving for him at the Toll House, a full Copy thereof, so that he may, if he can, show Cause why the Warrant ought not to be granted.

Local Ex-  
emptions  
from Toll.

**XLII.** And be it further enacted, That besides the Exemption from the Payment of Toll Duties specified in the said recited Act of the Fourth Year of the Reign of His present Majesty, no Toll whatsoever shall be demanded or taken for any Horse or other Animal nor any Carriage carrying or conveying any Implements of Husbandry, or any Manure (save and except Lime), or any Corn, Hay, Straw, Fodder for Cattle, or other Agricultural Produce, or Wood for Paling or for other Farm Purposes, which has grown or been produced on Land or Ground in the Occupation of the Owner of any such Manure, Corn, Hay, Straw, Fodder, or other Agricultural Produce, or Wood, and which has not been bought, sold, or disposed of, nor is then being carried or conveyed to be sold or disposed of, (such Horses or other Animals or Carriages not being laden also with some other Thing not otherwise exempted from Toll,) nor for  
any



any Horse or other Animal employed in Husbandry going to or returning from Work, Pasture, or Water, nor for any Materials to be used for making or repairing any of the Parish or Public Roads in the said County, or Bridges thereon, nor for any Sheep obliged to leave their ordinary Pastures on account of the Severity and Continuance of any Snow Storms, and returning again to their Pastures, nor for any Horse Patrole of the County, on the Production by him of the written Warrant of the Sheriff Depute declaring him to be such Horse Patrole.

XLIII. And be it further enacted, That the said Trustees shall, within Twelve Months after the passing of this Act, direct their Clerk to ascertain and produce, to a General Meeting of the said Trustees, a Statement of every Turnpike Road, or Part of such Road, and of every Toll House and Garden, the Ground for which may within the last Forty Years have been given by the Proprietors thereof respectively to the said Trustees without Payment or Consideration for the same for the Purposes of the said Roads, or for making Toll Houses and Gardens, and the same being so ascertained, distinct Entries thereof shall be made in the Books of the said Trustees.

Statements to be made of Ground given to the Trustees.

XLIV. And be it further enacted, That the Land so occupied and to be entered in the Books of the Trustees as aforesaid, and all Land which may hereafter be given without Payment, and be occupied as Turnpike Roads or Sites for Toll Houses and Gardens, shall, in the event of such Land ceasing to be occupied by the said Trustees, be delivered over to the Owner who may have originally given the same without Payment, or to his Successor in the Lands adjoining from which such Land may so have been taken; and the Materials of the Toll Houses thereon shall be valued by Two Persons, the one to be chosen by the said Trustees, and the other by the Person entitled to the said Land, and whatever Value shall be put upon such Materials, the same shall either be paid to the said Trustees by the Person entitled to the said Land, who shall thereupon be entitled to retain such Materials, in case such Person shall make such Payment within One Calendar Month after such Valuation made, and failing his making such Payment, then the said Trustees shall have Power to dispose of such Toll Houses and Gardens in Terms of the said recited Act of the Fourth Year of the Reign of His present Majesty.

Grounds to be restored to original Owners, if not occupied by Trustees.

XLV. And be it further enacted, That all Drains, Ditches, and Water Tables now made or which shall be made by the Trustees along the Side of any Public Road, shall be maintained and kept clear so far as may be necessary for the Benefit of the Road, at the Expence of such Trustees, and not of the Owner or Occupier of the adjoining Land.

Side Drains to be maintained by Trustees.

XLVI. And be it enacted, That if any Person other than the Surveyor of the Trustees, or some Person in their Employment and acting under their Authority, shall dig any Pit on any Public Road, or make any Cut thereon, so as to be dangerous to Travellers, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every Day the said Pit or Cut shall remain unfilled up, besides the Expences of properly filling up the same; such Penalty and Expences

Pits not to be dug on Public Roads.

to be recovered as other Penalties are directed to be recovered by the said recited Act of the Fourth Year of the Reign of His present Majesty.

Notices by  
Advertisement.

XLVII. And be it enacted, That all the Notices which by the said recited Act of the Fourth Year of the Reign of His present Majesty are directed to be given by Advertisement, either in some Newspaper or in certain other Modes, and all Notices directed by this Act to be given by public Advertisement, shall and may be given, in virtue of this Act, by Advertisement Once in some Newspaper usually circulated in the County of *Peebles*, not more than Twenty nor fewer than Ten Days intervening between the Day of Publication and the Meeting or other Procedure of which Notice shall be so given.

Expences  
of this Act  
how to be  
paid.

XLVIII. And be it further enacted, That the Expences of preparing, applying for, procuring, and passing this Act shall be paid out of the first and readiest of the Tolls and Duties received and levied by, or out of the first Monies that may have come or which shall come to the Hands of, the said Trustees, under and by virtue of the said first-recited Act hereby repealed, or of this Act.

Public Act.

XLIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without being specially pleaded.

Continuance  
of Act.

L. And be it further enacted, That this Act shall continue from and after the Commencement thereof during the Term of Thirty-one Years, and from thence to the End of the then next ensuing Session of Parliament.

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