



ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

Cap. cix.

An Act for repairing, amending, and maintaining the Turnpike Roads in the County of *Haddington*; for rendering Turnpike certain Statute Labour and Parish Roads; and for more effectually collecting and applying the Statute Labour in the said County. [28th June 1833.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Third, 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 Dunclas Bridge to the Town of Haddington, and from thence to Ravenshaugh Burn in the County of Haddington*, which Act, as far as regards Collection, Appropriation, and Disbursement of the Statute Labour of the said County, has been by several subsequent Acts renewed, and is still in force: And whereas an Act was passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled *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*: And whereas, owing to the Extent of Land brought into Cultivation, and the

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9 G. 3. c. 74.
51 G. 3. c. 127.

Change of Proprietors since the passing of the said first-recited Act, it would be of Advantage that a new and exact List of the Number of Ploughgates in the respective Parishes within the said County be obtained, and that more effectual Provisions be made for collecting and applying the Statute Labour thereof: And whereas by the second-recited Act certain Persons were appointed Trustees for making and repairing the Roads therein mentioned, who have proceeded to put the said Act into execution, and great Progress has been made in completing and repairing the said Roads, and large Sums of Money have been borrowed and are still owing upon the Credit of the Tolls and Duties thereby authorized to be levied, and the said Act is about to expire, and the said Roads cannot be repaired or maintained, or the Money due upon the Credit of the Tolls be repaid, unless Powers be granted for these Purposes: And whereas it would be expedient and advantageous to the Public, and to the Inhabitants of the said County, if the Roads authorized to be made by the said recited Acts were made and maintained, and if certain of the Statute Labour or Parish Roads in the said County were rendered Turnpike, and put under the Charge of the Trustees to be appointed by this Act: And whereas an Act was passed in the First and Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland*: 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 passing of this Act the said recited Acts of the Ninth and Fifty-first Years of the Reign of His Majesty King *George* the Third, except in so far as the last of the said recited Acts is hereinafter continued to the Twenty-fifth Day of *May* One thousand eight hundred and thirty-four, in relation to the Tolls thereby granted, shall be and the same are hereby repealed, saving and reserving to the respective Counties of *Edinburgh* and *Haddington* 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 County of *Edinburgh*; and instead thereof this Act shall commence and shall continue in force during the Term hereinafter mentioned.

1 & 2 W. 4.
c. 43.

Recited Acts
of 9 & 51 G. 3.
repealed
(except as
is herein
mentioned),
and this Act
to take effect
instead
thereof.

Powers of
1 & 2 W. 4.
c. 43. applied
to this Act,
unless ex-
pressly
altered.

Tolls granted
by this Act
to be liable
to Debt
now owing.

II. And be it enacted, That the said recited Act of the First and Second 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 expressly 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.

III. And be it enacted, That the whole Tolls hereby authorized to be levied shall be and are hereby made subject and liable respectively to the Payment of all Sums of Money now due and

owing on the Credit of the said Tolls, in the several Districts hereinafter mentioned, granted by the said recited Act of the Fifty-first Year of the Reign of His Majesty King *George* the Third, to the Extent and in Terms of the Securities granted for such Sums.

IV. And be it enacted, That the whole Sums borrowed or to be borrowed by the Trustees in virtue of this Act shall not at any Time exceed the Sum of Thirty-six thousand Pounds Sterling; and the Apportionment or Division thereof among the several Districts after mentioned, made in virtue of the said recited Act of the Fifty-first Year of the Reign of His said late Majesty King *George* the Third, shall be effectual for the Purposes hereof; and 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 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 allotted to and borrowed for any other District: Provided always, that the Trustees of the great Post Road after mentioned, in the Event of their adopting a Resolution to alter the Line of Road between *Haddington* and *Phantassie*, by avoiding the Hill at *Pencraig*, shall be entitled to borrow, on the Credit of the said great Post Road District, an additional Sum not exceeding Ten thousand Pounds Sterling, for the Purpose of executing the said Alteration.

Sum to be borrowed, and Appropriation thereof.

V. And be it enacted, That every Person who at present is or shall be during the Continuance of this Act, in his own Person or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Liferenter, of the full Property or *Dominium utile* of Lands lying in the said County of *Haddington*, rated in the Valuation Books of the said County at One hundred Pounds Scots of valued Rent, and all and every the eldest Sons or Heirs Apparent of such Persons, as also One of the Guardians or Trustees of every Minor, and One of the Curators of every fatuous or furious Person, having Lands of the Valuation aforesaid, specially authorized to act under this Act by the other Guardians or Trustees of any such Minor, or Curators of such fatuous or furious Person, and the Sheriff and principal Sheriff Substitute of the County of *Haddington*, and the Chief Magistrates of the Royal Burghs of *Haddington*, *Dunbar*, and *North Berwick*, for the Time being, accepting and acting as such, shall *ex officio* be and they are hereby nominated and appointed Trustees for surveying, ordering, making, altering, mending, and keeping in repair the Roads described in the said recited Act of the Fifty-first Year of the Reign of His said Majesty King *George* the Third, and the Roads after mentioned, and for executing all the Powers and Authorities by the said recited Act of the First and Second Years of the Reign of His present Majesty and this Act given and granted.

Trustees.

VI. Provided always, and be it enacted, That no such Sheriff, Sheriff Substitute, or Chief Magistrate, Guardian, Trustee, or Curator shall be capable of acting as a Trustee in the Execution of this

Qualification of Sheriff and Magistrates of

Burghs as
Trustees.

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 be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Value of Five hundred Pounds.

Roads di-
vided into
Districts.

Great Post
Road Dis-
trict.

North Dis-
trict.

Kilpallet
District.

South Dis-
trict.

VII. And be it enacted, That for the better Execution of this Act the Roads already turnpike, and which may by this Act become turnpike, within the said County of *Haddington*, shall be divided into the Five following Districts; that is to say, the great Post Road District, the District of Roads lying North of the said great Post Road or North District, the *Kilpallet* District, the Roads between the said great Post Road and *Kilpallet* Road, or South District, and the *Ormiston* District; which several Districts shall consist of and contain the particular Roads afore mentioned; *videlicet*, the great Post Road District shall consist of and contain the great Post Road from *Dunglass Bridge* through the Town of *Dunbar* to the Town of *Haddington*, and from thence to the Boundary of the County of *Haddington* at *Ravenshaugh Burn*, with the Branch thereof from *Broxburn* to *Beltonford*; the North District shall consist of and contain the Coast Line of North Turnpike Road, striking off from the great Post Road at *Gateside*, leading past *Tynninghame*, by *Whitekirk*, *Craigden*, *North Berwick*, *Dirleton*, *Gullan*, *Luffness*, *Aberlady*, *Port Seton*, and *Prestonpans*, to *Ravenshaugh Bridge*; the middle Line of North Road striking off from the great Post Road at *Gateside*, leading past *Tynninghame*, by *Congalton*, *Ballencrieff*, *Longniddry*, and *Preston*, to *Wallyford Bye-Bar* on the old Post Road from *Dolphingston* to *Ravenshaugh*, and from thence to *Ravenshaugh Burn*; the Road from *North Berwick*, by *Kingston*, *Congalton*, *East Fortune*, and *Gilmerton*, to the Post Road West of *Beanstongate*; the Road from *Huntingdon Dykes* by *Trabrown* to *Longniddry*, and from thence to the Society of *Gladsmuir*; and the Road from *Seton* to the Post Road; which Roads are described in and made turnpike by the said recited Act of the Fifty-first Year of the Reign of His Majesty King *George* the Third; and also the following Statute Labour or Parish Roads, which are hereby authorized to be made, and declared to be Turnpike Roads, by the said Trustees, and shall form Part of the said North District of Roads; the Road from *Haddington* to *Aberlady*; the Road from the North-east Port of *Haddington* by *Yellowcraigs*, *East Garleton*, and *Drem* to *Dirleton*; the Road from *North Berwick*, *Little Loch Bridge* Toll-bar, by *Rhodes*, *Castleton*, *Auldhame*, and *Seacliff*, to join the Coast Line of North Turnpike Road at *Whitekirk*, or near the Point called *Cadgersbush*; and the Road from the middle Line of North Road at *Gosford Spittal*, by *Laverock Law* near *Coats*, to the Post Road at *Ugstonrig*; the *Kilpallet* District shall consist and contain the Road from *Kilpallet Burn* to *Tranent*, by *Danskine*, *Gifford*, *Salton*, and *Spilmersford*, described in and made turnpike by the said recited Act of the Fifty-first Year of the Reign of His Majesty King *George* the Third; the South District shall consist of and

and contain the Road from *Garvald* and *Whittinghame*, by *Morehamloanhead*, *Sandersdean*, *Coalston*, *Parkend*, *Begbie*, *Samuelston*, *Penston*, to the great Post Road; the Road from *Stenton* by *Bearford* to *Haddington*; the Road from *Haddington* by *Mitchellhall* to *Gifford*; the Road from *Garvald* to the Post Road; all which Roads described in and made turnpike by the said recited Act of the Fifty-first Year of the Reign of His Majesty King *George* the Third; and also the following Statute Labour or Parish Roads, which are hereby authorized to be made and declared to be Turnpike Roads by the said Trustees; *videlicet*, the Road from *Haddington* to *Wester Pencaitland* by *Broomrig* to the Boundary of the County at *Whitehouse Mill*; the Road from *East Salton* by *West Salton*, between *Milton* and *Sempockwells*, by *Templehall* and *Follyburn*, to *Whitehouse Mill*; the Road from *Haddington* by *Lennoxlove Bridge* and *Begbie* to *West Salton*, and from thence by *Milton Bridge* and *Doddridge Lime Kilns* to the Boundary of the County at *Peaston Burn*, with a Branch from *Witches Syke* to *Windymains*; the Road from the last-mentioned Road near *Lennoxlove Bridge*, by *Bolton*, *Cauldshiel*, *Humbie*, *Upperkeith*, and *Kellybault*, towards *Blackshiells*, as also from *Upperkeith* by *Chester Hall* to *Soutra Toll*, and from thence by *Gilston* and *Brotherston* to *Crookston*; the Road from the Road between *Haddington* and *Pencaitland* near *Jerusalem* by the *Birk Hedges* to the Post Road; the Road from *Dunbar* by *Elmscleugh* and *Elmford* to the Boundary of the County leading towards *Dunse*; the Road from *Dunbar* to *Spott*; the Road from *Westbarns* to *Stenton*, and from thence to the Road from *Kilpallet* to *Tranent* at *Duncanlaw Toll*; the Road from *Linton* to *Whittinghame*; and the Road from *Whittinghame* by *Wilduckhall* towards *Crossgatehall*; and, lastly, the *Ormiston District* shall consist of and contain the Road from *Tranent* by *Buxley* to *Ormiston*, and from thence to the South Boundary of the County at *Saltersford*; the Road from *Ormiston*, through *Millmains* by *Clouthouses* and *Crosshouse*, Westward, into the Post Road at *Bainsly* or *Birsly Path*; the Road from *Gladsmuir Kirk* towards *Dalkeith*, by *Penston*, *Buxley*, and *Elphingstone*, to the West Boundary of the County at *Hillend*; which Roads were described in and made turnpike by the last-recited Act of the Fifty-first Year of the Reign of His Majesty King *George* the Third; and also the following Statute Labour or Parish Roads, which are hereby authorized to be made and declared to be Turnpike Roads by the said Trustees, *videlicet*, the Road from *Ormiston Kirk* by *West Peaston* and *Windymains* to *Upperkeith*: Provided always, that none of the Statute Labour Roads aforesaid hereby authorized to be made turnpike shall be or be declared to be turnpike, unless their being made turnpike shall be resolved upon and declared at a General Meeting of the Trustees of the District in which the Roads to be made turnpike are situated, after Intimation made by the Clerk in the usual Manner, Eight Days previous to such Meeting, and Notice inserted twice in some Newspaper usually circulated in the County Eight Days at least before such Meeting, of the Purpose of proposing at such Meeting to declare such Roads turnpike.

Ormiston
District.

VIII. And be it enacted, That the Trustees qualified in Terms of this Act shall hold their First stated or General Meeting in virtue

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hereof

Meetings of
Trustees.

hereof at *Haddington* upon the Second *Tuesday* of *October* next, or as soon thereafter as conveniently may be, and shall at such Meeting proceed to the Execution of this Act; and they shall thereafter annually hold Four fixed General Meetings upon the Third *Tuesday* in *March*, the First *Tuesday* in *May*, the First *Tuesday* in *August*, and the last *Tuesday* in *October*; and such First Meeting, and all subsequent Meetings of the Trustees under this Act, may be adjourned from Time to Time as the Trustees present thereat shall judge necessary, and shall be held at such Time and Place within the said County of *Haddington* as the Trustees present shall think fit; and the Trustees of each District respectively shall hold such General Meetings at such Times and at such Places as they shall think proper.

Appeal to
General
Meeting of
Trustees.

IX. And be it enacted, That it shall be in the Power of any Individual who shall think himself aggrieved by the Decision or Resolution of any District Meeting at which he had Right to vote, to appeal from such Decision or Resolution to the Determination of any stated General Meeting of the whole Trustees assembled in Terms of this Act, whose Determination shall be final, unless revoked in Terms of the Provisions in that Behalf contained in the said recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth.

Power to
take Tolls.

X. And be it enacted, That from and after the Twenty-fifth Day of *May* One thousand eight hundred and thirty-four 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 have been already erected or which may be hereafter erected upon the Roads before described, 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,

Tolls.

For every Score of Calves, Swine, Sheep, Lambs, or Goats, Ten-pence, and so in proportion for any greater or less Number:
For every Score of Oxen or Neat Cattle, and so in proportion for any greater or less Number, as under:
From the First Day of *February* to the Thirtieth Day of *September*, both inclusive, in each Year, One Shilling and Eight-pence:
From the First Day of *October* to the Thirty-first Day of *January*, both inclusive, Two Shillings and Sixpence:
For every Horse or Mule, not being saddled or harnessed, and not drawing, whether laden or unladen, Two-pence:
For every Ass, loaded or unloaded, saddled or unsaddled, One Penny:
For every saddled or harnessed Horse or Mule, with or without a Rider, Three-pence:
For every Horse or other Beast of Draught drawing any Cart, Wain, Waggon, or other Carriage with Two Wheels without Springs, Sixpence:

For every Horse or other Beast of Draught drawing any Cart, Wain, Waggon, or other Carriage with more than Two Wheels and without Springs, One Shilling :

For every Ass drawing any Cart or other Carriage, Three-pence :

For every Horse or other Beast of Draught drawing any Coach, Berlin, Barouche, Landau, Chariot, Chaise, Hearse, Calash, Chair, or Cart, or other such Carriage, having Springs, Nine-pence :

For every Horse or other Beast of Draught drawing any Stage Coach, Long Coach, or other Diligence or Carriage of the like Kind, or for similar Purposes, if licensed to carry not more than Three Outside Passengers, Nine-pence :

If licensed to carry more than Three but not more than Six Outside Passengers, One Shilling :

If licensed to carry more than Six but not more than Nine Outside Passengers, One Shilling and Three-pence :

If licensed to carry more than Nine Outside Passengers, One Shilling and Sixpence :

For every Carriage worked by Steam, Four Shillings; and for every Passenger therein or upon the same, exceeding Twelve, Three-pence.

XI. And be it enacted, That the Rights and Property of all and every the Turnpikes and Toll Houses already erected, or which shall be continued, erected, or built by virtue of this Act, upon the great Post Road aforesaid, and Branch thereof from *Broxburn* to *Beltonford*, and the Tolls and Duties levied thereupon, shall be vested in the said Trustees appointed or to be appointed to put this Act into execution; and they or any Five or more of them are hereby authorized and empowered, at any General Meeting held as aforesaid, to dispose thereof as they shall think proper, for the Purpose of repairing and keeping in repair the said great Post Road and Branch thereof.

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

XII. And be it enacted, That the Right and Property of all and every the Turnpikes and Toll Houses already erected, or which shall be by virtue of this Act continued, erected, or built, upon any of the Roads lying North of the said great Post Road, and situated in the North District of the said County, 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, for the Purpose of repairing and keeping in repair the said Roads.

Toll Houses, &c. in the North District vested in Trustees having Lands North of the Post Road.

XIII. And be it enacted, That the Right 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 whole other Lines of Turnpike Road before described of the County, and the Tolls and Duties payable thereat, shall be vested in such of the said Trustees as shall be possessed of Lands lying locally within any One of the Parishes through which the different Lines of Turnpike Roads do pass, for the Purpose of repairing and keeping in repair the said Roads.

Toll Houses, &c. in other Districts vested in Trustees having Land in Parishes through which Roads run.

XIV. And

Side Gates
may be
erected.

XIV. And be it enacted, That it shall and may be lawful for the said Trustees for any or either of the said Districts, or any Five or more of them, at a General Meeting duly assembled, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, or affix a Chain or Chains, on or across the Side or Sides of any of the Roads aforesaid, and there to take and receive such Tolls as are by this Act granted and made payable; and it shall 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 a fair and just Proportion of the Sums of Money hereby authorized to be levied at such Side 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.

Fractional
Part of a
Halfpenny
in Tolls.

XV. And be it enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Amount of the Tolls hereby granted and authorized to be taken, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Distance
between
Toll Bars.

XVI. And be it enacted, That there shall be the Distance of Five Statute Miles at least between every Two Gates erected within each District of Roads before mentioned respectively; or if the said Trustees find it necessary or expedient to erect Gates within a less Distance from each other, which they are hereby empowered to do, then every Horse, Beast, Cattle, or Carriage for which Toll shall have been paid shall, on a Ticket produced denoting the Payment of such Toll, pass Toll-free through such additional Gate on the same Day before Twelve of the Clock at Night, within the same District: Provided always, that Post Horses shall be entitled to pass any such Gates in Terms of the Provisions in that Behalf contained in the said recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth; and provided further, that where Toll shall have been paid for any Horse drawing any Cart, Carriage, or Waggon at the Bar through which such Cart, Carriage, or Waggon shall have passed, and a Ticket shall have been given in respect of such Payment, such Ticket shall clear any other Bar within Five Miles of such first Bar within the same District, whether such Cart, Carriage, or Waggon be passing empty, or returning loaded the same Day through such other Bar: Provided always, 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 of the different Lines of Road or Districts, but the full Toll hereby authorized to be levied and taken shall be leviabie within each District respectively, unless, in Situations where a Toll Bar upon any of the said Roads in one District being within Five Miles of a Toll Bar or Toll Bars upon any other of the Roads of another District or Districts, it shall be resolved by the said Trustees

Trustees under this Act, at any General Meeting specially called, that a Ticket received at one of the Toll Bars shall entitle the Receiver to pass Toll-free at the others.

XVII. And be it enacted, That the said Trustees may, at the Weighing Machines to be erected upon the said Roads, demand and take, at the several Turnpike Gates on the said Roads, or any of them, for and in respect of all Waggon, Carts, or other Carriages, the additional Tolls and Duties following; that is to say, if the Carriage with its Loading shall exceed Twenty Hundred Weight and shall be under Twenty-eight Hundred Weight, One Fourth more than the Tolls and Duties authorized by this Act to be levied for One Horse drawing One Cart or Carriage; and if the said Carriage with its Loading shall be or shall exceed Twenty-eight Hundred Weight but shall not be Thirty-six Hundred Weight, One Half more than the said Tolls and Duties; and if the said Carriage with its Loading shall be Thirty-six Hundred Weight or upwards, Double the said Tolls and Duties; which additional Tolls and Duties so authorized to be levied shall not be held to be Penalties, but the just and fair Tolls and Duties payable for such Carriage.

Tolls to be increased for Excess of Weight.

XVIII. And whereas the Road commonly called the Spott Road joins the great Post Road at a very short Distance from the Royal Burgh of *Dunbar*, and it is expedient to regulate the Payment of Toll at any Gate erected or to be erected between the said Spott Road and the said Royal Burgh of *Dunbar* in manner herein-after mentioned; be it therefore enacted, That no Horses or Cattle drawing any Cart, Wain, or Waggon, nor any Horse, Mule, or Ass (not being a Riding Horse, Mule, or Ass) with a Loading, or going unladen for or returning unladen after carrying such Loading, travelling the said Road termed the Spott Road, to and from the said Burgh of *Dunbar*, shall be liable to pay Toll more than once in One Day at any Toll Bar erected or to be erected between the said Spott Road and the said Burgh.

Regulation of Toll on the Spott Road.

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

Toll Gatherers may give Evidence.

XX. And be it enacted, That no Toll shall be demanded or taken for or in respect of Carriages or Horses employed in carrying Stones or other Materials for making or repairing any Causeways belonging to any of the Royal Burghs within the said County of *Haddington*, or going empty to carry or convey, or returning empty after carrying the same, or carrying Sea Ware not bought or being for Sale; nor shall any Toll be taken for Ploughs, Harrows, or other Implements of Husbandry, Work Horses or Cattle, passing from the Yard or Offices of the Inhabitants of Towns or Villages within the said County to Burgh Roads or Fields adjoining to any such Town

Exemptions from Toll.

[Local.]

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or

or Villages occupied by such Inhabitants where there are no Yard or Offices; nor shall Toll be exigible for Horses or Carts employed in bringing cut Grass from such Burgh Roods or Fields into such Towns or Villages, provided the same is for the Use only of the Horses employed in working or Cattle fed with the Produce of such Farm; nor for any Horse drawing any Cart, Carriage, or Waggon conveying or going to convey, or returning empty after having conveyed, Vagrants or Criminals under legal Passes or Warrants; nor for any Horse drawing any Cart, Carriage, or Waggon conveying empty Barrels belonging to any Distiller or Brewer residing within the said County, provided that Toll shall have been previously paid the same Day for the Horse drawing the same Cart, Carriage, or Waggon conveying full Barrels; nor shall any Toll be exigible from the Superintendent or principal Officer of Police for the said County travelling in the Execution of his Duty.

Travelling
Regulations.

Penalty for
furious
Driving.

XXI. And be it enacted, That it shall not be lawful for any Person or Persons, or the Driver of any Cart or Carriage, to ride or drive any Horse or Horses in a furious Manner along any of the said Roads, so as to be dangerous to Passengers travelling thereon; and any Person offending in any of the Particulars above specified shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds Sterling, besides the full Costs of Suit.

Hedges.

XXII. And be it enacted, That the Hedges adjoining any of the said Roads, excepting such as may enclose Policies, shall never be allowed to exceed in Height Five Feet from the Surface of the Ground at the Bottom of the Hedge.

Houses not
to be built
within a cer-
tain Distance
of the Sides
of the Roads.

XXIII. And be it 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 Buildings 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 hereinbefore directed.

Power to al-
ter or widen
the Roads.

XXIV. And be it 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

that Purpose by public Advertisement in the *Edinburgh* Newspapers, as directed in the said Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth, which Advertisement shall expressly set forth the proposed Alteration or Alterations as a Subject for the Consideration of such General Meeting, or to widen the same in case they shall be enclosed 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; which Breadths are hereby declared to be the legal Breadths of these Roads respectively.

XXV. 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 Occupiers of Lands along the Side thereof enclosing 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 enclose 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 unenclosed, without giving previous Notice of their Intention to enclose 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 enclosed 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 said County; which respective Breadths shall include the Watercourses that may be necessary to be made by the Trustees for the Preservation of the Road only.

Owners of Lands to enclose the same so as to leave the Road of a sufficient Breadth.

XXVI. Provided always, and be it enacted, That if one Side of any Road has been enclosed before the passing of this Act, and the other not enclosed, and the Ground on both Sides of the Road belong to the same Proprietor, he shall be bound at enclosing the other Side to leave the full Breadth required by this Act, and where the Ground on the opposite Sides of the Roads shall belong to different Proprietors, the Proprietor of the enclosed Ground shall, providing the enclosing of the said Ground had taken place within the Period of Ten Years immediately preceding, be obliged to instruct that he left out the full Half of the Breadth from the Middle of the Road to the Line of his Enclosure required by the Acts of Parliament regulating the Breadth of such Road at the Time of making such Enclosure, and upon Proof thereof to the Satisfaction of the said Trustees the Proprietor of the unenclosed 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 enclosed Ground shall fail to instruct that he left out

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

out

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 Enclosure, the Proprietor of the unenclosed 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 mentioned in the said recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth.

Penalty on Owners of Land enclosing without Notice.

XXVII. And be it enacted, That where any Owner or Occupier of unenclosed Lands lying as aforesaid shall enclose his Lands or suffer them to be enclosed 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 pay a Penalty not exceeding Ten Pounds Sterling for each Offence; and every Fence that shall be so made upon the unenclosed Lands lying as aforesaid shall be removed at the Expence of the Owner or Occupier of Land so enclosed; 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.

Provisions of this Act extended to cross Roads.

XXVIII. And be it enacted, That all the Powers contained in this Act and the recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth, 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 Statute Labour, cross Roads, and all other public Roads in the said County which are not turnpike.

Power to shut up unnecessary Roads.

XXIX. And be it enacted, That if any Heritor of the said County shall present a Petition to the Justices of the Peace of the said County in General or Adjourned Sessions assembled, stating that any Road therein has become useless or unnecessary to the Public, it shall be lawful for the said Justices and they are hereby empowered to appoint a Special Committee of their Number to enquire
and

and ascertain if the said Road has, as stated in such Petition, become useless and unnecessary to the Public, and to hear all Parties therein interested; and if such Committee shall report to the next or any ensuing General or Adjourned Sessions that the said Road has become useless and unnecessary to the Public, then it shall be lawful for the Justices in the said General or Adjourned Sessions to order that the said Road shall be shut up: Provided always, that Notice of the Time and Place of meeting of the said Committee shall be given by the Clerk of the Peace by Advertisement at the Church Doors of the Parishes through which the said Road passes, for Two consecutive *Sundays*, Fourteen Days at the least before the said Meeting, and that the like Notice shall be given of the Time when and Place at which the said Justices are to decide upon the Question: Provided also, that no Trustee or Heritor or other Person belonging to the Parish wherein such Road proposed to be shut up is situated, who shall be a Petitioner for or interested in the shutting up of such Road, shall, in the Capacity of a Justice of the Peace, act as a Member of the Committee on such Petition, or at the Sessions when the Question as to shutting up any such Road shall be determined: Provided further, that any such Decision given by such General or Adjourned Sessions shall be final and conclusive, and shall not be subject to Review by Suspension or Advocation to the Court of Session, or by Reduction, or by any Process of Law whatever, any Law or Usage to the contrary notwithstanding: Provided that the Person or Persons applying for having such useless Road or Roads shut up shall, after an Offer has been made of the Ground occupied by such Road to the adjoining Owner, in Terms of the said recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth, pay such a fair and adequate Value for the Ground occupied thereby as shall be ascertained and fixed by a Committee of the Justices of the Peace of the said County, and which Ground shall thereupon become the Property of the Person or Persons who shall so pay the Value thereof; which Price shall be applied to the Repair of any Road or Roads in the Parish or Parishes through which such old and useless Road shall run, or in the immediate adjoining Parish, at the Discretion of the said Justices of the Peace; and the Provisions of the said recited Act of the Reign of His Majesty King *William* the Fourth, in relation to the shutting up Bye Roads which shall have become useless, shall, in so far as the same is or may be construed to be applicable to Roads in the County of *Haddington*, be and the same is hereby repealed.

XXX. And be it enacted, That it shall and may be lawful for the Justices of Peace of the said County, in a General Meeting assembled, to stent or assess the Heritors of the same from Time to Time, as they may see cause, in any Sum in Name of Bridge Money, 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 an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-nine, intituled *Act for repairing Highways and Bridges*, is therein directed to be levied and applied.

[*Local.*]

27 L.

XXXI. And

Bridge Money.

Statute
Labour.

XXXI. And whereas it is expedient that the Mode of levying and converting the Statute Labour within the said County should be ascertained and settled, and that a new List of Ploughgates should be made up and prepared; be it enacted, That the Heritors possessed of One hundred Pounds *Scots* of valued Rent, and the First Magistrate qualified as aforesaid of each of the Royal Burghs of the several Parishes of the said County of *Haddington* through which any Public or Statute Labour Roads may lead, or Persons properly authorized by them, shall meet at their respective Parish Churches during the Month of *July* One thousand eight hundred and thirty-three, with Power of Adjournment, and such One or more as shall meet shall make up or cause to be made up an exact List of the Number of Ploughgates in their respective Parishes, and that each Estate and Farm shall be held to contain as many Ploughgates as the Number of Ploughs which the Arable and Pasture Land would require for their Cultivation if under Tillage: Provided always, that the Heritors and Magistrates so convened shall have Power to take such Proofs as to them shall seem necessary for ascertaining the Number of Ploughgates; and that Copies of the Lists so made up shall be forthwith transmitted to the Clerk of the Peace, and be entered in the Books kept by him, in sufficient Time to be reported to the General Quarter Sessions in *October* next; and if any Person shall think himself aggrieved or lesed by the Lists so made up, it shall be lawful for him to appeal to the said General Quarter Sessions, or any other General Quarter Sessions which shall happen within the Space of One Year after the making up of such Lists; and in case the Magistrates and Heritors of any Parish shall neglect to make up their Lists in Manner aforesaid, or to transmit the same before the next Quarter Sessions, the Justices of the Peace shall have Power to make up Lists of the Number of Ploughgates, in the same Manner and to the same Effect as if they had been made up by the Heritors and Magistrates.

Appeal to
Quarter
Sessions.

Qualification
of Heritors
empowered
to allocate
the Statute
Labour.

XXXII. And be it enacted, That no Person shall be entitled to vote at any Parochial Meeting held for the Allocation of the Statute Labour unless he shall be possessed of the Qualification required by this Act to entitle a Person to act as a Trustee under the same, or be specially authorized by written Mandate by a Person having such Qualification.

Conversion
of Statute
Labour to
be levied
from Occu-
piers of
Land.

XXXIII. And be it enacted, That all Persons chargeable with Statute Labour within the said County shall hereafter pay a Conversion in Money in lieu of such Statute Labour to the Collectors to be appointed as after mentioned for receiving the same, according to the Rules following; that is to say, all Heritors in the natural Possession of their own Lands, and all Tenants occupying Lands, shall be obliged annually to pay to the said Collectors a Conversion or Sum of Money, to be fixed in Manner after provided, equivalent to the Value or Hire for Six full Days of One Cart with One able Servant and Two able Horses for each Ploughgate of Land possessed by them respectively, which Conversion shall not exceed the ordinary Rate of Hire of Labour in that Part of the County where the Lands are situated; provided that Grass Parks set separately, without

Liberty of Tillage, shall be held to be in the natural Possession of the Heritor, who shall be obliged to pay the converted Value for the Ploughs they might keep for such Parks if in Tillage.

XXXIV. And be it enacted, That all Persons keeping Carts and Wains, and occupying no Land, or less than a Ploughgate of Land, and not assessed for a Ploughgate or Part of a Ploughgate, shall be obliged in like Manner annually to pay a Conversion or Sum of Money to the said Collectors equivalent to the Hire of the whole Carts and Wains kept by them for Three Days; and all Persons assessed by Ploughgate, and keeping more Horses and Carts than are necessary for the working of the Land for which they are so assessed, shall be obliged to pay, over and above such Ploughgate Assessment, a Conversion or Sum of Money to the said Collectors equivalent to the Hire of such extra Horses and Carts for Three Days annually; and that all Householders, not being Servants hired by the Year, and not keeping Carts or Wains, shall be obliged to pay a Conversion or Sum of Money annually to the said Collectors equivalent to the Hire of Six Days Work of One able Man, not exceeding One Shilling and Sixpence *per Diem* for each Day's Labour.

Persons keeping Carts, and Householders, to be assessed.

XXXV. And be it enacted, That no Person, being a Householder, not hired by the Year, or keeping any Cart or Wain, who occupies a House whereof the yearly Rent or Value is under Forty Shillings Sterling, shall be liable to pay any Conversion in lieu of Statute Labour: Provided always, that it shall be lawful for the said Heritor and Magistrates, or any Three or more of them, to relieve such Persons as they shall know to be in indigent Circumstances from the Payment of all or any Part of the Conversion aforesaid.

Certain Householders and indigent Persons to be relieved.

XXXVI. And be it enacted, That the whole of the aforesaid Sums shall be paid, on or before the Fifteenth Day of *April* yearly, to a Collector or Collectors, to be appointed by the Heritors and Magistrates aforesaid of the respective Parishes, and such Collector or Collectors shall keep an exact Account of the Money so collected, and shall be allowed a suitable Compensation for their Trouble, at the Discretion of the Heritors.

Time of Payment of Conversion.

XXXVII. And be it enacted, That if any Person liable as aforesaid shall refuse or neglect, on or before the said Fifteenth Day of *April*, to pay the aforesaid Conversion, it shall be lawful for the Sheriff of the said County of *Haddington*, or his Substitute, or for any Two or more of the Justices of the Peace of the said County, to grant summary Warrants for poinding the Effects of the deficient for Payment of the converted Values above mentioned, and a Third Part more of such Conversion Money, which Warrants the Justices aforesaid are hereby authorized and required to grant, upon an Application made by the Collector, and an Attestation signed by him, or by the Overseers of the Highways, bearing that the Persons complained of in such Application had been deficient in paying the Conversion above mentioned.

Conversion to be levied by Distress.

XXXVIII. Pro-

Penalty on
wrong Com-
plaint.

XXXVIII. Provided always, and it is hereby expressly provided and declared, That it shall and may be lawful for the Sheriff or his Substitute, or the Justices of the Peace aforesaid, to award Damages to the Treble Value to be paid to the Persons aggrieved by such Warrants by the Collectors or Overseers, if they shall find that the Collectors or Overseers have made a false or improper Complaint against any Persons liable as aforesaid.

Application
of Con-
version
Money.

XXXIX. And be it enacted, That the whole of the Money raised by the aforesaid Conversion in each Parish shall be applied to the Roads lying within the same, and under the Direction of the Heritors qualified as aforesaid, and Magistrates thereof, and to no other Purpose, until such Time as the Roads in each Parish shall be effectually repaired, unless Three Fourths of the said Heritors and Magistrates shall at any Time agree to apply Part thereof to Roads in any other adjoining Parishes, which it shall be lawful for them to do: Provided always, that in case any of the said Heritors or Magistrates in the said Parishes shall apprehend that they are lesed by such Application, it shall be lawful for them to appeal to the next Quarter Sessions.

Time of He-
ritors, &c.
meeting.

XL. And be it enacted, That the Heritors and Magistrates aforesaid in the several Parishes shall meet on the First *Tuesday* of *April* yearly, and determine what Roads in the respective Parishes are to be repaired that Year, to fix the Rate or Hire of Labour in that Part of the County for regulating said Conversion, and make such Allocations of the Statute Work, and such Appropriation of the Money, as to them shall seem proper for making the said Repairs; and in case any of the said Heritors and Magistrates shall think themselves lesed by the Resolutions of the Meeting, it shall be lawful for them or any of them to appeal to the next General Quarter Sessions.

Overseers
of Roads
may be ap-
pointed.

XLI. And be it enacted, That the Heritors and Magistrates aforesaid in the several Parishes shall on the same Day choose Committees of their own Number, or such other Persons residing within the Parishes as they shall think proper, to have the general Oversight and Direction of the Repairs on each of the several Roads to be repaired for the ensuing Year, who shall have Power to draw on the Collector for the Sums appropriated for each Road; and it shall be lawful for them to appoint Overseers under them to attend and direct the Repairs, who shall be allowed a suitable Compensation for their Trouble.

Committees
to make up
Accounts,
which shall
be examined
by Justices.

XLII. And be it enacted, That the Committees to be appointed by the Heritors and Magistrates as aforesaid shall be obliged annually to make up an exact Account of the whole Money expended on the Highways in each Parish; which Accounts, with the Vouchers thereof, shall be annually laid before the Justices of the Peace convened at their Quarter Sessions in the Month of *August*, to be examined by them or such of their Number as they shall appoint, and Abstracts thereof to be recorded in the Books kept by the Clerk of
the

the Peace ; and in case the Heritors and Magistrates aforesaid of any Parish shall at any Time neglect to execute the Powers committed to them by this Act, either by not naming Collectors and Overseers, or by not doing what is necessary for making the Services effectual as has been above directed, then and in that Case it shall be lawful for any One Heritor in the said County to apply to the Justices of the Peace convened at their General Quarter Sessions, who are hereby authorized and required to appoint Collectors for uplifting the converted Value of the whole Services in such Parish for the Year wherein they have been deficient, and to apply the same for repairing any other Roads in the next adjoining Parish, as to them shall seem proper.

Penalty on any Parish not making the Services effectual.

XLIII. Provided always, and be it enacted, That if any Overseer shall neglect to give in his Accounts as before directed he shall be liable to be fined by the Justices, or any Two of them, of the said County, in a Sum not exceeding Five Pounds Sterling, to be applied upon the Roads as the said Justices shall direct.

Penalty on Overseers not giving in their Accounts.

XLIV. And be it enacted, That it shall and may be lawful for the Justices of the Peace of the said County, assembled at their Quarter Sessions, and they are hereby authorized and empowered, to fix and determine what Proportion of the Statute Labour of each of the Parishes through which the several Turnpike Roads aforesaid do pass shall be annually set apart for such Line of Turnpike Road respectively ; which Sums, after being so fixed and apportioned, shall be paid to the Clerk or Clerks appointed by the Trustees to receive the same, and be applied for repairing the said several Lines of Turnpike Road respectively, and that either annually or for a Term of Years, as to them shall seem meet.

Trustees to apportion the Statute Work.

XLV. And be it enacted, That the Rates of Toll levied at the Time of passing this Act by virtue of the said second-recited Act shall continue to be levied and taken until the Twenty-fifth Day of *May* One thousand eight hundred and thirty-four, at Twelve o'Clock Noon, and the Statute Labour authorized to be levied by the before-recited Act of the Ninth Year of the Reign of His Majesty King *George* the Third shall be levied as the same became due and payable upon the Fifteenth Day of *April* One thousand eight hundred and thirty-three.

Tolls to be levied.

XLVI. And be it enacted, That the Expences of preparing, applying for, and procuring and passing this Act shall be paid out of the first and readiest of the Tolls and Duties received and levied by the said Trustees under and by virtue of this Act, and shall be ascertained and apportioned upon the several Turnpike Districts by any General Meeting of the Trustees under this Act.

Expences of Act.

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

Public Act.

Continuance
of the Act.

XLVIII. And be it further enacted, That this Act shall, except in so far as regards the Tolls as aforesaid, and Regulations applicable thereto previous to the said Twenty-fifth Day of *May* One thousand eight hundred and thirty-four, commence and be put in execution from and after the passing of this Act, and shall have Continuance from thence, in so far as relates to Turnpike Roads, for and during the Period of Thirty-one Years, and from thence to the End of the then next Session of Parliament, and in so far as relates to Bridge Money and Statute Labour shall have Continuance in all Time coming.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.