Anno octavo

Georgii III. Regis.

An Act for repairing ſeveral Roads leading through the County of *Selkirk*.

WHEREAS the High Roads leading from a Place called Haremoſs, in the Confines of the County of Roxburgh, to the Town of Selkirk, in the County of Selkirk; and from thence by the Bridge over Tweed, at Fairnelie, to Corſeleeburn, in the Confines of the County of Mid-Lothian; and from thence by Torewoodlee, to the Town of Gallaſhiels, in the ſaid County of Selkirk; and alſo the Road leading from the ſaid Bridge at Fairnelie, along the North Side of the River Tweed, by Holylie, in the ſaid County of Selkirk, to the Confines of the County of Peebles, are in a very ruinous Condition, almoſt impaſſable for Carriages of any Kind, and dangerous for Perſons travel- Preamble.

ling on Horseback, and many Parts thereof are very narrow and incommodious, and cannot be sufficiently repaired, altered, widened, and kept in Repair, for the Accommodation of Travellers, without some Provision being made by Parliament for raising Money to be applied for those Purposes: 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 Right Honourable Sir Gilbert Elliot of Minto Baronet, the Honourable Andrew Pringle of Alemoor Esquire, One of the Senators of the College of Justice; Sir Robert Pringle of Stitchill, Sir Alexander Don of Newton, Baronets; John Pringle of Haining, Alexander Pringle of Whitebank, George Pringle of Torewoodlee, James Pringle of Bowland, John Pringle of Crechton, Mark Pringle of Crechton, the younger; John Murray of Philiphaugh, John Murray of Philiphaugh, the younger; Walter Scot of Harden, Hugh Scot of Harden, the younger; Robert Rutherfurd of Farnilie, Andrew Plumer of Middlestead, Hugh Scott of Galla, John Scott of Galla, the younger; Alexander Scott of Sinton, William Scott of Wool, Charles Scott of Wool, the younger; John Adam of Whitsleed, John Elliot of Brothwickbrae, William Ogilvie of Hartwoodmyres, Adam Ogilvie of Hartwoodmyres, the younger; Michael Anderson of Tushalaw, William Taylor of Ettrickhall, Gideon Murray of Sundhope, John Stodart of Williamhope, Thomas Stodart of Williamhope, the younger; James Williamson of Cardrona, Walter Williamson of Cardrona, the younger; Thomas Ballantyne of Hollylie, James Russell of Ashiesteel, William Russell of Ashiesteel, the younger; George Innes of Blackhaugh, Doctor Robert Mercer of Scotsbank, George Pott of Todrigg, William Waugh Commissary of Peebles, Thomas Currer of Brownmuir, Ballantyne of Phaup, James Cunningham of Hyndhope, George Stewart of Middlemill, the eldest Magistrate of Selkirk for the Time, and all the Freeholders who now stand, or shall hereafter be admitted on the Roll of Freeholders for the County of Selkirk, intitled to vote in the Election of Members of Parliament, shall be, and they are hereby nominated and appointed to be Trustees for surveying, ordering, altering, amending, widening, repairing, and keeping in Repair, the said Roads.

Trustees Names.

And

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And be it hereby further enacted by the Authority aforesaid, That they, and the Survivors of them, or any Three or more of them, or such Person or Persons as they, or any Three or more of them, shall authorize and appoint, shall and may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, across, or on the Side of, any Part or Parts of the said Roads; and also shall and may build Fences to prevent any Person or Persons travelling the said Road from avoiding the Payment of any of the Tolls or Duties granted by this Act. Trustees may erect Turnpikes,

Provided always, That there shall be the Distance of Six measured Miles at the least betwixt every Two Gates to be erected on the same Branch of the said Roads; with Power nevertheless to the said Trustees, or any Three or more of them, to erect Toll-gates at a less Distance, in case it shall be necessary, to prevent Travellers from evading the Tolls. 6 Miles Distance from each other;

Provided always, That no Travellers or others, shall be obliged to pay Toll oftener than Once every Six Miles. (Proviso)

And be it further enacted by the Authority aforesaid, That from and after the First Thursday in June, One thousand seven hundred and sixty eight, the said Trustees, or any Three or more of them, or any Person authorized by them as aforesaid, may and shall, at each Gate so to be erected, demand, levy, and take, the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle great or small, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, or Chair, Litter, Waggon, Wain, Cart, Sledge, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say, and take Tolls thereat.

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse, Calash, or Chair, drawn by Six or more Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of One Shilling and Six Pence Sterling; and drawn by Four or Five Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by Two Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Six Pence Sterling. The Tolls.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, Mule, or other Beast of Draught, the Sum of Three Pence Sterling.

For every Waggon, Wain, Cart, or other such Carriage, drawn by Six or more Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling and Six Pence Sterling; and drawn by Five Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling and Three Pence Sterling; and drawn by Four Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by Three Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Four Pence Halfpenny Sterling; and drawn by Two Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Three Pence Sterling; and drawn by One Horse, Mare, Gelding, Mule, or other Beast of Draught, the Sum of One Penny Halfpenny Sterling.

For every Horse, Mare, Gelding, Mule, or Ass, whereon any Person shall ride, One Penny Halfpenny Sterling.

For every other Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Sterling.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence Sterling per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two Pence Halfpenny per Score; and so in Proportion for any greater or less Number.

Tolls vested in Trustees.

Which Money so to be raised and collected shall and is hereby declared to be vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, for the amending and keeping in Repair the Roads aforesaid, and to and for the several Uses, Intents, and Purposes, and in such Manner, as by this Act is directed and declared: And that it shall and may be lawful to and for the said Trustees, or any Three or more of them, or any such Person or Persons as they, or any Three or more of them, shall, from time to time, nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable; and to levy the same upon any such Person or Persons who shall, after Demand thereof made, neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle, or Goods, upon which such Tolls or Duties are by this Act imposed and laid, or by Distress of any other of the Goods of such Person or Persons who

Tolls to be levied by Distress and Sale.

who ought to pay the same, and to detain and keep such Goods so distrained, until such Tolls or Duties, with the reasonable Charges of such distraining and keeping, shall be paid: And such Person or Persons so distraining, after the Space of Four Days after such Distress shall be made and taken, shall and may sell the Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owners thereof, after such Tolls and Duties, and reasonable Charges of distraining and keeping the same, shall be deducted and paid. Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls and Duties hereby granted and made payable at the several Turnpikes to be erected on the said Roads as aforesaid, or out of such Money as shall be borrowed upon the Credit thereof, the Trustees for repairing the said Roads directed to be amended, or any Three or more of them, shall, in the First Place, pay and discharge all the Expences and Charges of procuring and passing this Act, and of putting up and erecting such Turnpikes and Toll-houses as they shall think proper on the said Road: And that from and after paying such Charges and Expences, the Money arising from such Tolls and Duties as shall be collected at any Turnpike or Turnpikes which shall be then or hereafter erected or set up upon the said Roads, shall be laid out and applied for and towards the repairing of the said Roads, and other necessary Charges attending such Repairs, and the Execution of this present Act, and to no other Use, Intent, or Purpose whatsoever. Application of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as Trustee in any Case in the Execution of this Act, unless he shall be infeft in Superiority and Property, or possessed as a Proprietor in Life-rent of Lands valued in the Tax-roll of the County of Selkirk, to the Extent of Two hundred Pounds Scots per Annum, excepting the eldest Sons and Heirs Apparent of Persons who are infeft in Lands of the Extent and Valuation aforesaid: And if any Person or Persons who shall be deemed unqualified, or made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered and applied in Manner herein after directed. Qualification of Trustees. Penalty on acting if not qualified.

And

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required to, take such Security from their Treasurer or Treasurers, as to the said Trustees, or any Three or more of them, shall seem proper.

Property of Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built upon the said Roads by virtue of this Act, shall be vested in the said Trustees appointed or to be appointed to put this Act in Execution; and that they, or any Three or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper.

Trustees to keep an Account for the Use of the Heritors,

And be it further enacted by the Authority aforesaid, That the said Trustees shall keep an exact Account of the Money received by virtue of this Act, and the Application thereof, and all other their Proceedings, to be fairly ingrossed in a Book to be kept for that Purpose; to which Book the Owners of Lands in the said County of Selkirk shall be, at all reasonable Times, at Liberty to resort, and to inspect the same without any Fee or Reward.

who have Power to sue.

And be it further enacted by the Authority aforesaid, That in case of any Misapplication of Money collected, received, or levied, by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sum so misapplied, to be recovered against him or them at the Suit of any Two or more of the Owners of Lands within the said County possessed of Two hundred Pounds Scots each of valued Rent, who are hereby authorized to sue for and recover the same in an Action summary before the Lords of Session, without abiding the Course of the Roll, with Costs of Suit; One Moiety of which Forfeiture shall belong to the Persons who sue for the same, and the other Moiety shall be paid to the said Trustees, to be applied by them, or any Three or more of them, for the Repairs of the Roads by this Act directed to be repaired; but if any Prosecution shall, after Trial, be found to be vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Treble Costs of Suit.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Stones, Sand, or other Materials, out of

of the Grounds of any Person or Persons (not being the Grounds whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of inclosed Ground planted, set apart, and used, as a Plantation or Nursery for Trees) where such Materials are and may be found, and from time to time to carry away the same, or so much thereof as the said Surveyor or Surveyors in their respective Places shall judge necessary for repairing and amending the Roads aforesaid, paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Ground where and from whence the same shall be digged, gathered, carried away, or over which the same shall be carried, as the said Trustees appointed or to be appointed for repairing of the said Roads, or any Three or more of them, shall judge reasonable: And in case of any Difference concerning the same betwixt such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the said County, or the major Part of them then present, shall and may adjudge, assess, and finally determine, the same, and order the same to be paid by the Treasurer or Treasurers for the time being out of the Money arising by the said Tolls; but such Dispute and Difference shall not in the mean time hinder the using and carrying off the said Materials, and applying the same towards repairing the Roads.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said respective Surveyor and Surveyors, and such Person and Persons as they shall appoint, by Order of the said Trustees, or any Three or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Roads, and to make and erect Arches or Bridges of Brick, Timber, or Stones; and also to and for any Three or more of the Trustees, if they find any of the Highways not of a sufficient Breadth, according to the Rule and Standard established in Scotland, to widen and extend the Breadth of such Roads to the legal Standard; and where it shall appear necessary to alter the Situation of the said Roads altogether, or to widen the said Roads to a Breadth beyond the present legal Standard, then, and in such Case, any Three or more

Surveyor may make Causeways, &c.

of the Trustees shall, at a General Meeting assembled, and they are hereby authorized and impowered, by Writing under their Hands, to order and direct the said Roads to be extended to such Breadth as they shall think proper, not exceeding Fourteen Yards; and for that Purpose to pull down and demolish any House or Building, whose Side Wall shall not exceed Eighteen Feet in Height, and to remove any other Obstructions, as well within the Burgh of Selkirk as in any other Village or Place through which any Part of the said Roads may pass; and the said Surveyor or Surveyors shall, and they are hereby impowered, by Order of the said Trustees, or any Three or more of them, to make such Ditch or Ditches, Trench or Trenches, as the said Surveyor or Surveyors shall adjudge necessary for the draining, amending, and repairing, the Roads aforesaid; paying such Damage to the Owners or Occupiers respectively, whose Grounds or Houses shall be prejudiced or damaged by such Alteration and Widening, as the said Trustees, or any Three or more of them, shall judge reasonable: And in case of any Difference concerning the same, between the said Owners and Occupiers and the said Trustees, the Justices of the Peace at the next General Quarter Sessions, or at the Second General Quarter Sessions thereafter at furthest, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same, and order the same to be paid by the Treasurer or Treasurers of the Tolls for the time being out of the Monies arising by the said Tolls.

making Satisfaction to the Owners.

Justices to determine Differences.

Provided always, That in altering or widening the aforesaid Roads, nothing shall be done which may anyways prejudice or damage any House or Building (except as aforesaid) or any Garden, Orchard, Yard, or planted Walk or Avenue to any House, or any Piece or Parcel of inclosed Ground set apart and used as a Plantation or Nursery for Trees; and that where it shall be found necessary to make Passages for the Water from some Ditches and Trenches through the Ground of any adjacent Proprietor, that such Proprietor, or the Possessor of such Ground, after such Passages or Outlets are so made, shall be obliged in Time thereafter to keep clear such Outlets and Passages from the said Trenches and Ditches, from time to time, as they shall be required by the said Trustees, or any Three or more of them, so as the said Outlets may not be stopped or made to restagnate into the said Trenches or Ditches, but may

Buildings, &c. not to be injured.

have

have free Passage through the said Proprietors Grounds: And in case of the Proprietor or Proprietors neglecting or refusing to clear or to cleanse such Outlets, when duly required by the Surveyor or Surveyors of the said Roads, or any Three of the Trustees; then, and in that Case, such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to levy the Expence thereof on the Owner or Proprietor of such Grounds in Manner herein after directed.

Exemptions from Toll.

Provided always, and be it further enacted and declared by the Authority aforesaid, That no Toll or Duties whatsoever shall be demanded or taken for any Carriages or Horses loaded with Coal, Sand, Lime, Limestone, Marl, Dung, or Manure, nor for Carriages going empty for the same; and in order to insure that empty Carriages shall not elude the said Toll by pretending they are to return with such Loading, they shall consign the Toll, and have it returned to them when they return with the said Loading; nor shall any Toll or Duty be taken for any Carriages or Horses loaded with any Materials for repairing the said Highways or Bridges, or any of the Causeways within or belonging to the same; nor shall any Toll or Duty be demanded for Passage of the Corns or Implements of Husbandry carrying to or from any Field, or Horses and Cattle going to Water or Pasture in the Farm or Farms in which any Gate or Gates, Turnpike or Turnpikes, may stand; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass through the said Turnpikes to Church, Chapel, or Place of religious Worship, on Sunday; nor from Persons attending the Funerals of any Person or Persons who shall die and be buried in any of the Parishes in which the Roads hereby directed to be repaired shall lie; nor from any Post-house carrying the Mail or Packet; nor for the Horses of Soldiers who are upon their March by Rout, or the Carriages attending upon them; nor for the Carts, Carriages, or Waggons, travelling with Vagrants sent with legal Passes.

Trustees may lessen the Tolls.

Provided always, That the said Trustees, or any Three or more of them, at any Quarterly Meeting, may, and they are hereby authorized and impowered, from time to time, to lessen the several Tolls and Duties hereby granted and made payable, and particularly to lessen the said Tolls with respect to such Persons, Cattle, and Carriages, as only have Occasion to cross the said Roads, and receive no further Advantage from it; and

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to order and direct the same, so lessened, to be collected, received, and taken, in such Manner, Parts, and Proportions, as they shall think fit; any thing herein contained to the contrary notwithstanding.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That no Person or Persons having Occasion to pass through any Gate or Gates on the said Turnpike Roads with the same Horses or Carriages, and return again before Twelve of the Clock at Night of the same Day, shall be liable and compelled to pay the said Tolls or Duties more than Once; and every Person paying Toll shall receive a Ticket for the Day, which shall intitle him to pass that Gate at which he receives it: And in case he shall give or dispose of the same to any other Person or Persons in order that he or they may avoid Payment of the said Toll; every such Person so giving or disposing of or receiving such Ticket or Tickets, upon being convicted thereof upon the Oath of One or more credible Witness or Witnesses, or otherways before any One or more of the Justices of the Peace of the said County of Selkirk, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling, to be levied in the same Manner as before directed by this Act in the Case of refusing Payment of the Toll.

Penalty on permitting, or going thro' private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands or other Premisses near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly or willingly permit or suffer any Person or Persons to pass over the same, or through any Gate, Passage, or Way, with any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Litter, Waggon, Wain, Cart, Carriage, Horse, Mule, Ass, or any other Sort of Carriage or Cattle, whereby the Payment of the Tolls and Duties by this Act laid is or shall be avoided; every such Person or Persons so offending, and the Person or Persons riding in, driving, or owning such Coach, Chariot, Landau, Berlin, Chaise, Calash, Waggon, Wain, Cart, Carriage, or Cattle, or riding, driving, or leading, such Horse, Mule, or Ass, and being thereof convicted upon Oath, or by the Testimony of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace for the said County, shall, for every such Offence respectively, forfeit and pay to the said Trustees hereby authorized to put this Act in Execution, or to their Treasurer

surer for the time being, the Sum of Twenty Shillings Sterling; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale as aforesaid.

Penalty on unloading Goods, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time during the Continuance of this Act, unload, or cause to be unloaded, any Sort of Goods or Merchandize, or take off, or cause to be taken off, any Horse or Horses, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter, or any Horse or Horses, Ox or Oxen, or any Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed; or shall conceal or secrete any Goods or other Things chargeable with the Tolls or Duties aforesaid; or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with, or liable to pay, the said Tolls or Duties, with such Intent as aforesaid; each and every Person so offending, and being thereof convicted upon Oath, or by the Testimony of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace for the said County, shall forfeit the Sum of Twenty Shillings Sterling; and shall pay the same to the Trustees appointed or to be appointed to put this Act in Execution, or to any Three or more of them, or to their Treasurer for the time being; which Sum, in case the same be not forthwith paid when demanded, shall be levied by Distress and Sale as aforesaid.

Penalty on breaking down Gates, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall maliciously break, pull down, or otherwise destroy, any Turnpike Gates, Posts, Chains, Bars, or other Works whatsoever, or Houses erected for the Use of such Turnpikes; or shall break, deface, or remove, any Mile-stones erected on the said Roads, or shall be aiding or assisting thereto; or shall rescue, or attempt to rescue, any Person or Persons in Custody for any such Offence; or if any Person or Persons shall beat or abuse the Keepers of any of the Toll-bars in the Exercise of his or their Office, or shall violently force their Way through any of the Toll-bars without Payment; every Person or Persons so offending in any of the Premisses, and being

thereof lawfully convicted in any Prosecution at the Instance of the said Trustees, or any Three or more of them, in a General Meeting assembled, by the Oath of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace of the said County; such Person or Persons so offending shall forfeit and pay the whole Damages and Expences sustained by the said Trustees, or by the said Keepers of the Toll-bars who shall be so beat or abused, and shall also be fined in any Sum not exceeding Twenty Pounds Sterling; and in case of Inability to pay such Fine shall be publickly whipt through the said Burgh of Selkirk toties quoties, at the Discretion of the Justices.

Persons, &c. chargeable to the Highways, to continue so.

Provided always, That all and every Person or Persons who by Law are chargeable towards the repairing and amending the said Roads hereby intended to be repaired, shall still remain chargeable, and do their respective Works in the Parishes and Places in which the said Roads do lie, in such Manner as he, she, or they, did, or ought to have done before the passing of this Act.

Trustees may compound with Travellers.

Provided also, That the said Trustees, or any Three or more of them, shall have Power, and they are hereby impowered from time to time, as they shall see convenient or think fit, to compound and agree by the Year or otherwise, with any Person or Persons using or travelling through the Turnpike or Turnpikes to be erected on the said Roads, for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, or with any Horse, Mare, Gelding, Ass, or Mule, for any Sum or Sums of Money to be paid quarterly, from time to time, after such Agreement shall be made.

Compositions to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Agreements and Compositions made by the said Trustees, or any Three or more them, with any Person or Persons, Body Politick or Corporate, shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk, Treasurer or Treasurers, to be appointed by the said Trustees; which said Book or Books shall and may be seen by any Person or Persons whatsoever without Fee or Reward.

Composition-money how to be recovered.

Provided always, That in case any Composition-money agreed to be paid as aforesaid shall not be paid within Fifteen Days next after the same shall become payable, according to such Composition and Agreement, that then it shall and may be lawful for any Two or more Justices of the Peace of the said County to grant a War-

a Warrant under their Hands to the Person or Persons who shall be authorized to receive such Composition-money by the said Trustees, or any Three or more of them (Oath being first made that the same has not been paid, which Oath the said Justices are hereby impowered and required to administer) by virtue of which Warrant he or they shall levy such Composition-money, by Distress and Sale of the Goods of the Person or Persons having so compounded as aforesaid, returning the Overplus (if any be) upon Demand, after Deduction of the Charges of such Distress and Sale.

Justices to appoint Persons to inspect the Roads, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace for the said County of Selkirk, at any of their General Quarter Sessions to be holden in and for the said County, to appoint One or more fit Person or Persons to survey or view the said ruinous Roads by this Act directed to be amended, and to enquire of and concerning the Application of the Tolls and Duties taken and received by this Act; and in case such Person or Persons so appointed shall find any Misapplication of the Money collected, levied, or received, by virtue of this Act, or any other Abuses of the Powers or Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace at their next General Quarter Sessions, who are hereby authorized and required to hear, examine, and finally determine the same without further or other Appeal; and all such Sum or Sums of Money, or other Satisfaction as the said Justices at any Quarter Session to be holden as aforesaid, or the major Part of them present, shall think fit to order or direct to be paid or given, shall, by the Person or Persons making such Misapplication, or committing any such Abuses, be paid or given to the Treasurer or Treasurers of the Turnpikes for the time being, within Ten Days after such Determination and Demand thereof made; and, in Default thereof, it shall and may be lawful for the said Justices at their next General Quarter Session, or the major Part of them then present, from time to time, after such Determination made, by Warrant to levy the same by Distress and Sale of the Offender's Goods and Chattles, returning the Overplus (if any be) after deducting the Tolls and Charges of such Distress and Sale, to the Person or Persons so neglecting to make such Payment or Satisfaction; and for want of sufficient Distress to

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be found for that Purpose, to commit the Person or Persons to the Common Gaol of the said County, there to remain until Payment or Satisfaction be made as aforesaid.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all or any of the said Trustee or Trustees appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the said County of Selkirk, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual Execution of the several Authorities and Powers in this Act mentioned and contained.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons shall think him, her, or themselves, aggrieved by any thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already directed or appointed, it shall be lawful to and for him, her, or them, to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held for the said County; or in case the said Cause of Complaint shall arise within Fifteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be to the said Justices at the Second General Quarter Sessions of the Peace for the said County; who are hereby authorized and required to take Cognizance thereof, and to hear and finally determine the Complaint or Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherways may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to levy by their Order or Warrant such Costs so awarded by Distress and Sale of the Goods of any Person or Persons who shall refuse to obey the same; and, for want of sufficient Distress, to commit the Party to the Common Gaol of the County for any Time not exceeding Three Months, or until Payment of such Costs shall be made; but the Person or Persons so applying as aforesaid shall, and they are hereby directed to give Notice in Writing to the Treasurer or Treasurers

Treasurers for the time being of the Tolls and Duties granted by this Act where the Offence was committed, of such their Intentions of bringing or prosecuting any Appeal, Fifteen Days before the said Quarter Sessions; and shall, within Five Days after such Notice given, lodge in the Hands of the Clerk of the Peace a Bond, signed by him and Two sufficient Securities, obliging himself to prosecute such Appeal; and in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal shall, at the then next General Quarter Sessions, be there heard and finally determined.

And forasmuch as the Money to be collected by the Receipts of the Tolls and Duties by this Act laid and made payable as aforesaid will not at present be sufficient for the speedy repairing of the said Roads; be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Three or more of them, from time to time, to borrow such Sums of Money as they shall have Occasion for, so as that the whole Sum to be borrowed shall not exceed the Sum of Three thousand Pounds Sterling; and to assign over the Tolls and Duties arising by virtue of this Act, or any Part thereof, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose to such Person or Persons who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding the legal Interest for the time being; which Money, so to be borrowed, shall be applied in the First Place to pay off the Charges and Expences in obtaining this Act, and then shall be applied and disposed of as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

Provided always, and be it further enacted by the Authority aforesaid, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, and to be collected after the First Meeting, unless Notice for that Purpose be given in Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon all the Turnpike-gate or Gates erected by virtue of this Act at least Fourteen Days before the Borrowing of such Money.

Notice to be given of borrowing Money.

Entries to be made of all Assignments.

And be it further enacted by the Authority aforesaid, That all and every the Assignment and Assignments, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be seen and perused by any Person or Persons whatsoever, without Fee or Reward.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment shall be made by the said Trustees, or any Three or more of them, as a Security for any Sum or Sums of Money by him, her, or them, lent and advanced on the Credit and for the Purposes mentioned in this Act, shall and may, from time to time, transfer and dispose of their Security or Securities, with the whole Money due thereon, to any Person whatsoever; which said Transfer or Conveyance shall be produced or notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any Three or more of them, who shall cause an Entry to be made of such Transfer or Conveyance in the said Book to be kept for entering the original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings Sterling, and no more.

Clerk's Fee.

Trustee not to accept a Place of Profit.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons, appointed or to be appointed by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of, any Tolls or Duties by this Act laid or granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Three or more of them, at a General Meeting, to let the said Tolls or Duties in Whole or by Parcels, from time to time, during the Continuance of this Act, by way of publick Roup, for the best Price that can be gotten for the same, to such Person or Persons as shall give sufficient Security for the Payment thereof, to be approved of by the said Trustees, or any Three or more of them, at a General Meeting as aforesaid; provided

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ed that such Lease be not made for more than Three Years.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls, Duties, and Powers, hereby granted and given shall take Place from and after the First Thursday of June, One thousand seven hundred and sixty eight Years, and shall be paid and have Continuance from thence for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Bodies Politick, &c. may contract for the Sale of such Lands.

And whereas it may happen that some Person or Persons, Bodies Politick, Corporate, or Collected, Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, are seised and possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this Act, may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, either for extending, widening, turning, altering, or amending, the same as aforesaid, and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, or Hereditaments, for the Purposes aforesaid, but are incapable of granting, selling, or conveying, the same, by reason of Infancy, Deed of Intail, or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Three or more of them, for Satisfaction to be made to them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be made, shall be valid to all Intents and Purposes whatsoever; any Statute, Usage, or other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate

Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of, or in pursuance of, this Act.

No Person to lay Dung, &c. within 20 Yards of the Roads.

And be it further enacted, That from and after the said First Thursday of June, no Person or Persons whatsoever shall lay dead Horses or other Carrion upon the said Roads, or within Twenty Yards of the said Roads, or any Dung, Lime, Soil, Compost, or Matter whatsoever, for manuring of Land, or any other Purpose, upon the said Roads, or within Five Yards of the Side of any Part of the Roads directed to be repaired by this Act, or in the Streets of the said Town of Selkirk, or other Villages in the County of Selkirk: And in case any Person or Persons shall lay any dead Horse or other Carrion upon the said Roads or Streets, or within Twenty Yards from the said Roads, or any Dung, Lime, Soil, Compost, or other Matter whatsoever upon the said Roads or Streets, or within the Distance of Five Yards from the said Roads; such Person or Persons shall, for every such Offence, forfeit the Sum of Twenty Shillings Sterling, and also all such Dung, Lime, Soil, Compost, or other Matter as aforesaid; which said Penalties and Forfeitures shall be recovered and levied as any Penalty and Forfeiture is by this Act appointed to be recovered and levied; and shall be applied, One Moiety to the Person who shall inform of the same, and the other Moiety towards repairing and amending the said Roads.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That upon the Death of any One of the Trustees named and appointed by this Act, or upon their or any of their Refusal to act in the said Trust (such Refusal being signified in Writing to a Board of Trustees at their publick Meeting by the Trustee or Trustees so refusing to act;) it shall and may be lawful for any Three or more of the said Trustees at any General Meeting assembled,

Notice thereof to be given.

Fourteen Days previous Notice of the said Meeting, and of the Intent and Business thereof, having been first given by the Clerk to the Trustees, by Writing under his Hand, to be fixed on all the Turnpike-gates to be erected by virtue of this Act, to choose, nominate, and appoint, in the Room of the Trustee or Trustees so deceased or refusing to act, some other fit or able Person or Persons qualified as aforesaid to be joined with the other or surviving Trustees in the Execution of all

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and every the Powers and Trusts in them reposed and vested by this Act; and all and every Person or Persons so chosen, nominated, and appointed, as Trustee or Trustees as aforesaid, shall and may, and they are hereby authorized and impowered to, act to all Intents and Purposes in as full and ample Manner for putting this Act in Execution, as the other Trustees nominated and appointed by this Act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees for repairing the Roads aforesaid, or any Three or more of them, shall meet at Selkirk upon the said First Thursday of June, in this present Year One thousand seven hundred and sixty eight, with Power to them to adjourn themselves to such Times and Places as they shall think proper or convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear in any Meeting, or at any adjourned Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then, and in such Case, the Clerk or Clerks to the said Trustees, by Notice under his or their Hand or Hands, to be fixed on all the said Turnpike-gates to be erected by virtue of this Act, and upon the Market cross at Selkirk, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the Meeting of the said Trustees was appointed to be had, or at some other convenient Place, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and, failing of such Appointment of the Clerk or Clerks, by Death, Removal, or otherways, be it hereby enacted and declared, That it shall be in the Power of any Three of the said Trustees to call a Meeting on Twenty Days Warning in the Edinburgh News-papers; and that the said Trustees, at their First and all their subsequent Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

Provided always, and be it further enacted by the Authority aforesaid, That all Actions for all and every the Penalties imposed by this Act, or for any thing done in the Execution thereof, shall be commenced within Six Months after the Fact was done or committed, and not afterwards.

Actions to be commenced within 6 Months.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be, a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.