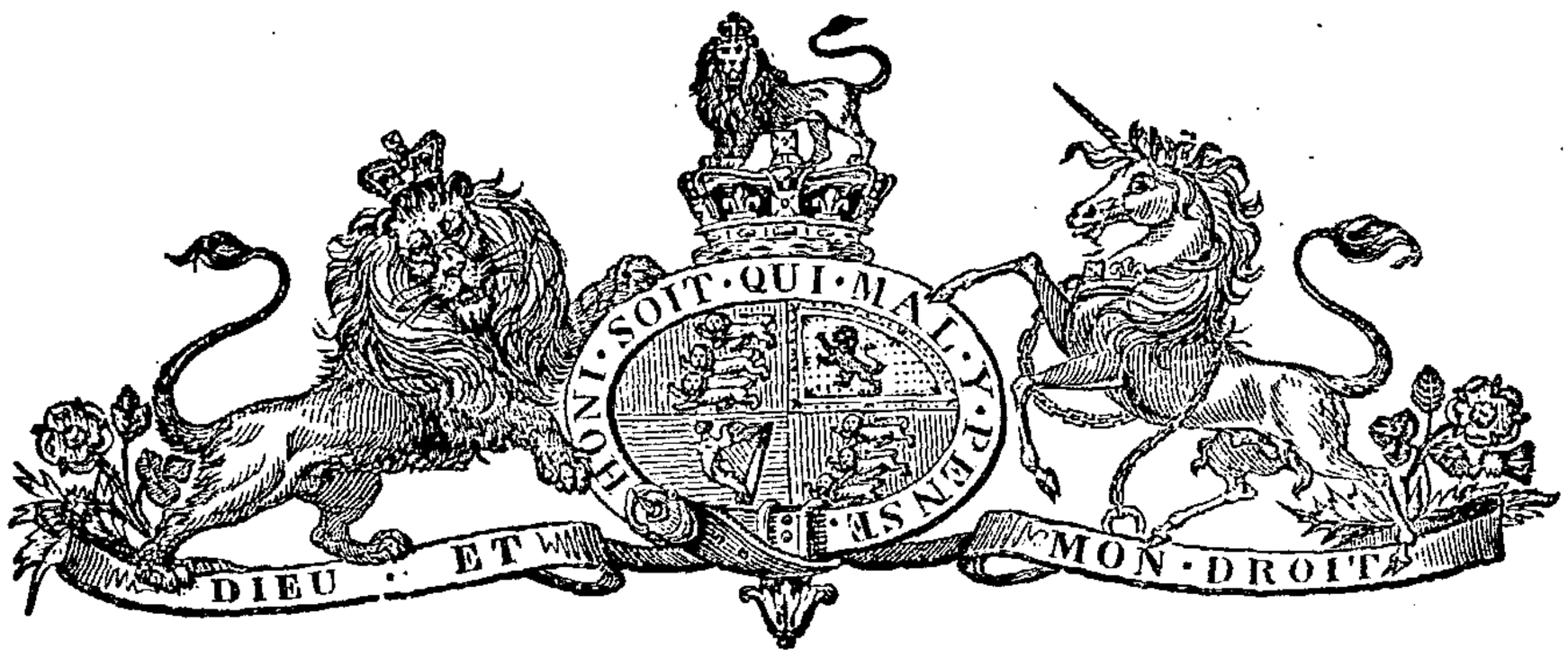


ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

***

Majesty that it may be enacted; and be it enacted by the Queen'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 Authority of the same, as follows; (that is to say,)

Recited Act 3 & 4 W. 4. c. cix. repealed.

1. That from and after the passing of this Act the said recited Act of the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth shall, subject to the Provisions of this Act, be and the same is hereby repealed.

Short Title.

2. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Haddingtonshire* Roads Act, 1863."

Interpretation of Terms.

3. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

The Word "County" shall mean the County of *Haddington:*

The Word "Sheriff" shall mean the Sheriff of the County of *Haddington*, and shall include, unless otherwise expressed, his Substitutes:

The Words "the Roads" shall mean and include all Turnpike and Statute Labour Roads, Highways, and Bridges within the County of *Haddington*, and generally all public Roads and Bridges within the said County whereon the Public have at the passing of this Act a Right of Passage, or whereon any public Traffic is carried on, and which are not herein specially excepted:

The Words "the Road Board" shall mean the Body of Road Trustees appointed and acting under this Act for the County of *Haddington:*

The Words "Town of *Haddington*," "Town of *Dunbar*," and "Town of *North Berwick*" respectively, shall include only those Portions of the Burghs of *Haddington*, *Dunbar*, and *North Berwick* respectively situated within the Municipal Boundaries of the same as are coloured Red on a Map of each of the said Burghs signed by the Honourable *Edward Gordon Douglas Pennant*, Member of Parliament, Chairman of the Committee of the House of Commons to which this Act was referred, deposited in the Private Bill Office of the House of Commons, and Duplicates whereof, also signed as aforesaid, are herein-after directed to be deposited with the Sheriff Clerk of the County:

The Word "Clerk" shall mean the Clerk of the Roads of the County of *Haddington* appointed and acting for the Time being under this Act.

1 & 2 Will. 4. c. 43. incorporated.

4. The Provisions of the said recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter Forty-three, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, in so far as the same are not inconsistent herewith shall be, and the same are hereby incor-

incorporated with this Act; and the same shall extend and apply not only to the Turnpike Roads but also to all the Roads herein-after described, also to any Roads and Bridges that may be formed and made in Terms of the said last recited-Act, or of any other Public, General, or Local Act authorizing the Formation of any new Roads or Bridges within the County: Provided always, that the Act of the Eighth and Ninth Year of the Reign of Her present Majesty, Chapter Forty-one, intituled *An Act for amending the Laws concerning Highways, Bridges, and Ferries in* Scotland, *and the making and maintaining thereof by Statute Service and by the Conversion of Statute Service into Money*, shall not extend to any of the Roads to be maintained under this Act.

8 & 9 Vict. c. 41. not to apply to Roads under this Act.

5. From and after the First Meeting to be held under Authority of this Act the Persons herein-after described shall form a Board of Trustees, to be called "The *Haddingtonshire* Road Board," for executing this Act, and for surveying, ordering, widening, altering, mending, and keeping in repair the whole Roads within the County after described in manner and to the effect in this Act mentioned, and for executing all the Powers and Authorities by this Act given and granted; viz.,

Road Board constituted.

1. Every Person who at present is or shall be during the Continuance of this Act, in his own Person or in right of his Wife, in the actual Possession and Enjoyment as Proprietor or Liferenter of the full Property or Dominium utile of Lands and Heritages lying in the County rated at a Rental of Two hundred Pounds in the Valuation Roll of the County, made up in Terms of an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in* Scotland, and all and every the eldest Sons or Heirs Apparent of such Persons, as also One of the Guardians or Trustees of every Minor, or of such Proprietor or Proprietrix as may have conveyed his or her Property of the Valuation foresaid in trust, provided the Conveyance to such Trustees shall have been duly recorded in the General or Particular Register of Sasines kept at *Edinburgh*, and such Trustee shall only act in the absence of the Truster; and One of the Curators of every fatuous or furious Person having Lands of the Valuation aforesaid, such Guardian, Trustee, or Curator being specially authorized to act under this Act by the other, if any other, Guardians or Trustees of any such Minor or Truster, or Curators of such fatuous or furious Person, and the Factor for the Time being of any Proprietrix of Lands and Heritages within the said County rated in the said Valuation Roll at the said Rental of Two hundred Pounds or upwards, the Chairman or Deputy Chairman of any incorporated Company, and One of the Trustees, Directors, or Governors specially appointed from Time to Time by the other Trustees, Directors, or Governors of any public

17 & 18 Vict. c. 91.

Trust

Trust or Corporation possessed of Lands and Heritages of the aforesaid Value of Two hundred Pounds or upwards in the County; the Sheriff and Principal Sheriff Substitute of the County, and the Chief Magistrates of the Royal Burghs of *Haddington*, *Dunbar*, and *North Berwick* for the Time being accepting and acting as such:

2. Such Male Persons of full Age not exceeding Two in Number as shall be elected annually as after mentioned, within each of the Districts of the County after described, who shall be Tenants and Occupiers of Lands and Heritages within such District rated as Occupiers in the Valuation Roll of the County to the Extent of not less than Two hundred Pounds *per Annum* of Rental, but who shall not be Proprietors in such District rated in the said Roll to the Extent of Two hundred Pounds *per Annum* of Rental or upwards.

Mode of electing Trustees being Occupiers.

6. For the Purpose of electing Members of the Road Board to represent each District after described, the Persons rated as Occupiers in the Valuation Roll of the County at a Rental of not less than Two hundred Pounds *per Annum*, and being Occupiers of Lands and Heritages to that Extent of Rental within the said District, and not being Proprietors of Lands and Heritages to that Extent within the said District, shall, at a Meeting to be specially called by the General Clerk to the Trustees under the first-recited Act for a Day within Two Months after the passing of this Act in the Year One thousand eight hundred and sixty-three, and thereafter to be called by the Clerk to be appointed as herein-after provided for a Day between the Twenty-fifth Day of *May* and Fourth *Tuesday* of *June* annually, elect not more than Two male Persons of full Age to be Trustees or Members of the Road Board; and the Persons entitled to attend the said Meeting which shall be held within the District shall appoint a Chairman, who shall, in case of an Equality of Votes, have a Casting as well as a Deliberative Vote.

First Meeting of Road Board.

7. A Meeting of the Road Board shall be convened by the Sheriff by public Advertisement in One or more local Newspapers, and shall be held within Three Months after the passing of this Act, with Power to adjourn to such other Day and Hour as to the Meeting shall seem expedient; and the Person who shall then hold the Appointment of General Clerk to the Trustees under the first-recited Act shall be Clerk to the Meeting; or, in case of the Absence or Inability of the said Clerk, such other Person as the Meeting shall name shall be Clerk of the Meeting.

Annual Meeting of Road Board.

8. The Road Board shall hold an Annual General Meeting on the First *Tuesday* of *August* in every Year; and Special Meetings thereof shall be convened by the Clerk on the Requisition to that Effect of any Three Members thereof.

9. The

Appointment of Chairman and Quorum.

9. The Road Board shall at each Meeting thereof appoint a Chairman to preside at such Meeting, and in case of an Equality of Votes at any Meeting the Preses shall have a Casting as well as a Deliberative Vote, and Five shall be a Quorum of the said Board.

Conveyances to remain in force.

10. All Purchases, Sales, Conveyances, Assignments, Leases, Mortgages, Deeds, Bonds, Contracts, Agreements, Securities, and other Acts and Things made, done, entered into, executed, or instituted under or by virtue or in consequence of or confirmed by the Act hereby repealed, or with reference to any of the Purposes thereof, shall, notwithstanding the Repeal of the said Act, be as good, valid, and effectual to all Intents and Purposes as they would have been if the said Act had not been repealed, and may be proceeded on and enforced accordingly.

Continuance of Liabilities.

11. Notwithstanding the repeal of the first-recited Act, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered under or confirmed by the said recited Act shall be as valid as if such Act were not repealed; and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the said Act were not repealed and this Act were not passed would be incident to or consequent on any and every thing so done or suffered; and except only as aforesaid the Road Board shall be liable in respect of all such Rights, Liabilities, Claims, and Demands in the same Manner and to the same Extent as the Trustees under the recited Act would have been respectively liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not passed.

Actions, &c. not to abate.

12. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the Act hereby repealed, or their Clerk or other Officer on their Behalf, before the passing of this Act or otherwise, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, whether in favour of or against the Road Board, in like Manner in all respects as the same would have continued and taken effect if this Act had not been passed; and all Offences against the Provisions of the Act hereby repealed, committed before the passing of this Act, may be prosecuted and all Penalties incurred by reason of such Offences may be sued for in like Manner in all respects as if this Act had not been passed.

Persons who have acted under Road Act to account for Monies and deliver or Books, &c.

13. All Persons acting or who have acted under the Act hereby repealed as the Trustees of any of the Roads, or as any Clerks or other Officers or Servants of any such Trustees, who shall at the passing of this Act have in their Custody, Power, or Possession any Monies collected by virtue of the said Act, or any Books, Deeds, Papers, Writings,

or Effects belonging to any of the said Trustees, or relating to the Execution of the said Act, shall pay and deliver up the same to the Road Board, or to such Person as the said Board shall appoint to receive the same; and in case of Neglect or unreasonable Refusal the Person so neglecting or refusing shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds, to be recovered at the Suit of the Clerk.

Property of Road Trustees transferred to Road Board.

14. From and after the First Meeting of the Road Board under this Act all the Rights and Property of all and every the Turnpikes and Toll Houses already erected, or which shall be continued, erected, or built, as well as all the Roads, Lands, Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims and Demands whatsoever, of or in which the Trustees of any of the Roads within the County, under or by virtue of any Public, General, or any Local Statute, or otherwise, shall be vested, seised, and possessed or in any manner of way entitled to shall become and be, from and after the said Date, vested in the Road Board, who may sue for and recover the same: Provided always, that nothing contained in this Act or in the recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth incorporated herewith shall be held to confer upon the Road Board any Right of Property in or Power of Sale of the Solum of any Road or Lands, unless such Solum shall have been purchased by or conveyed to them or their Predecessors the said Trustees.

Proviso.

Contracts to be entered into by Clerk.

15. All Contracts, Agreements, Leases, or other Deeds or Writings into which the Road Board or Committees after mentioned may find it necessary to enter, or which they may require to grant or execute, and which they shall have ordered to be granted or executed, shall be entered into or granted or executed by the Clerk in their Name and on their Behalf; and the same shall remain good, valid, and effectual notwithstanding the Death, Resignation, or Removal of any such Clerk.

County Road Committee to be appointed.

16. The Road Board shall at the First Meeting thereof, or at any adjourned Meeting, proceed to nominate a Committee of their Number, to be called the "County Road Committee," consisting of Sixteen Members, of whom Five shall be a Quorum; and Four of the Members of the said Committe shall consist of One elected Member of the Road Board from each of the Districts after described; and One of the Members of the said Committee shall by the said Meeting be appointed the Convener thereof, and shall act as ordinary Chairman of the said Committee; and in case of an Equality of Votes at any Meeting of the said Committee the Chairman shall have a Casting as well as a Deliberative Vote.

County to be divided into Districts.

17. For the better Execution of this Act the Roads shall, subject to the Provisions herein-after contained, be divided into the Four following

following Districts; (that is to say,) the Western District, the Northern District, the South-western District, and the South-eastern District; which several Districts shall consist of and contain the Roads after mentioned; *videlicet*,

1st. The Western District shall consist of and contain all the Roads within the Parishes of *Tranent*, *Prestonpans*, *Gladsmuir*, *Pencaitland*, and *Ormiston*.

2nd. The Northern District shall consist of and contain all the Roads within the Parishes of *Aberlady*, *Dirleton*, *North Berwick*, *Athelstaneford*, *Whitekirk*, and *Tyninghame*, the Portion of the Parish of *Prestonkirk* lying North of the Great Post Road between the Eastern Boundary of the said Parish of *Prestonkirk* and the Western Boundary of the same, and the Portion of the Parish of *Haddington* lying North of the said Great Post Road between the Eastern Boundary of *Gladsmuir* Parish and the West Port of the Burgh of *Haddington*, and North of the Northern Boundary of the Town of *Haddington*, as defined on the Map thereof herein referred to, and of the Great Post Road from the North east Port of *Haddington* to the Western Boundary of the Parish of *Prestonkirk*, including the said Great Post Road from the said Eastern Boundary of *Gladsmuir* Parish to the said West Port of *Haddington*, and shall be exclusive of the Roads and Streets within the Towns of *Haddington* and *North Berwick*, as defined on the Maps thereof herein referred to.

3rd. The South-western District shall consist of and contain all the Roads within the Parishes of *Garvald*, *Yester*, *Bolton*, *Humbie*, *Fala*, *Salton*, *Morham*, and the Portions of the Parishes of *Haddington* and *Prestonkirk* lying to the South of the Great Post Road between the Eastern Boundary of the Parish of *Gladsmuir* and the West Port of the Burgh of *Haddington*, and to the South and East of the Southern and Eastern Boundaries of the Town of *Haddington* as defined on the Map aforesaid, and East and South of the Great Post Road between the North-east Port of *Haddington* and the Eastern Boundary of the Parish of *Prestonkirk*, including the Great Post Road from the North-east Port of *Haddington* to the said Eastern Boundary of the said Parish of *Prestonkirk*, and shall be exclusive of all Roads and Streets within the Town of *Haddington*, as defined on the said Map.

4th. The *South-eastern* District shall, so long as the Tolls herein-after authorized shall be leviable, consist of and contain all the Roads within the Parishes of *Oldhamstocks*, *Innerwick*, *Spott*, *Stenton*, *Whittingham*, and *Dunbar*, including the said Great Post Road between the Eastern Boundary of the Parish of *Prestonkirk* and *Dunglass Bridge*, and shall be exclusive of the Roads and Streets within the Royalty of *Dunbar* now maintained and repaired by the Provost, Magistrates, and Town Council of the Royal

Royal Burgh of *Dunbar*; and on the said Tolls ceasing to be leviable, as herein-after provided, there shall be excluded from the said District that Portion of the said Great Post Road commencing at the West End of the West Port of the Town of *Dunbar* to the *High Street* and along the *High Street* East to *Ashfield Road*.

Maps to be deposited with the Sheriff Clerk for the County.

7 Will. 4. & 1 Vict. c. 83.

18. The duplicate Maps before referred to of the Towns of *Haddington*, *Dunbar*, and *North Berwick*, signed as aforesaid, shall be deposited with the Sheriff Clerk for the County, who is hereby required to receive the same; and such Deposit shall be deemed to have been made in pursuance of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*; and the several Provisions of that Act (except so far as the same shall be inconsistent with this Act) shall form Part of this Act.

Appointment of District Road Committees.

19. The Members of the Road Board who shall be possessed of Lands and Heritages to the Extent aforesaid in any of the Districts herein defined, together with the elected Members within the Limits of such District, shall be the Members of a Committee for such District, to be called "The Western District Road Committee," "The Northern District Road Committee," "The South-western District Road Committee," or "The South-eastern District Road Committee," as the Case may be, of which District Committees respectively Three shall be a Quorum; and each such District Committee shall appoint a Convener, who shall be Chairman, and who shall, in case of an Equality of Votes, have a Casting as well as a Deliberative Vote.

Powers of Road Board, County Road Committee, and District Road Committees.

20. The Road Board shall exercise in regard to the Roads the whole Powers, Rights, and Privileges conferred on Turnpike Trustees contained in the before-recited Act of the First and Second Year of the Reign of of His late Majesty King *William* the Fourth, Chapter Forty-three, except in so far as herein otherwise expressly provided; and the County Road Committee shall have the general Administration and Superintendence of the whole of the Roads; and subject to the Authority of the Road Board and County Road Committee the District Road Committees shall have the Administration and Superintendence of the Roads within their respective Districts; and it is hereby provided that any Trustee who shall think himself aggrieved by the Decision or Resolution of any District Road Committee at a Meeting at which he had a Right to vote may appeal from such Decision or Resolution to the Determination of the County Road Committee; and it shall also be in the Power of any Trustee who shall think himself aggrieved by the Decision or Resolution of

of the County Road Committee, whether he had a Right to vote in such Committee or not, to appeal from such Decision or Resolution to the Determination of the Road Board, whose Determination shall be final.

Meetings of County Road Committee, and District Road Committees.

21. The County Road Committee and every District Road Committee shall meet so soon as conveniently may be after the same shall have been severally appointed, and thereafter from Time to Time so often as shall be necessary in order to the due Disposal of the Business to them committed; and it shall be the Duty of the Convener of the County Road Committee and of every District Road Committee to call Special Meetings thereof, on the Requisition to that Effect of any Three Members of the said Committees respectively.

Members of County Road Committee to hold Office for One Year.

22. The Members of the County Road Committee shall continue in Office for One Year, and shall be annually appointed and nominated as aforesaid; and in case of any Vacancy arising during the Year it shall be lawful for the said Committee to elect a Member to act in the Room and Place of the Member through whom the said Vacancy may have arisen until the Expiration of his Year of Service, and the said Members of the County Road Committee may be re-elected.

Road Clerk to be appointed.

23. A general Clerk shall be appointed for and by the Road Board, and where duly qualified in the Opinion of the Board the Person acting as general Clerk to the Trustees of the Turnpike Roads within the said County immediately previous to the Time this Act comes into operation shall be appointed to the said Office, and it shall be his Duty to attend all Meetings of the Road Board, County Road Committee, and District Road Committees, and to collect and recover the Tolls and Assessments to be imposed in virtue of this Act; and when at any Time thereafter the said Office shall become vacant, the said Board shall appoint thereto a fit and proper Person, and it shall be in the Power of the Road Board, as they shall see Cause, to remove any Person appointed to the said Office and to appoint a Successor.

Surveyors to be appointed.

24. It shall be lawful for the Road Board to appoint a Chief Surveyor of the Roads within the County, with such Duties, Salary, and Allowances and under such Conditions as the Road Board shall from Time to Time fix and prescribe; and the said Chief Surveyor shall have a general Superintendence of the Surveyors under him, and shall appoint One or more such Surveyor or Surveyors of the Roads within each District, with such Duties, Salaries, and Allowances and under such Conditions as the said Chief Surveyor with the Approbation of the District Committees respectively shall from Time to Time fix and prescribe, and the Road Board may at any Time, as they shall see fit, remove the said Chief Surveyor.

Salaries of Clerk and Surveyor.

25. The Road Board shall either directly or by means of the County Road Committee from Time to Time fix and determine the Salaries and Allowances to be paid to the Clerk and to the Chief Surveyor of Roads rerpectively, and all such Salaries and Allowances shall be paid as provided for by this Act.

Rates of Tolls.

26. From and after the Twenty-fifth Day of *May* One thousand eight hundred and sixty-four the Road Board or any Person duly authorized by such Board shall and may demand and take or cause to be demanded or taken at each of the Gates or Turnpikes after mentioned, viz.:

Upon the existing Great Post Road District the Gates or Turnpikes following: *Dolphingston*, *St. Lawrence House* near *Haddington*, *North-east Port* near *Haddington*, *Belhaven*, *Cleekimin*, *Broxburn*:

Upon the existing North District the Gates or Turnpikes following: *Ravenshaugh*, *Wallyford*, *Lochbridge* near *North Berwick*, *Balgone* near *North Berwick*, *Abbey* near *North Berwick*, to the West of the Road to the Railway Station, *Blackmains*, *Drem*:

Upon the existing South District the Gates or Turnpikes following: *Nungate* of *Haddington*, *Waterloo Bridge* near *Haddington*, *Letham* near *Haddington*:

Upon the existing *Kilpallet* District the Gates or Turnpikes following: *Kilpallet North* near *Tranent*, *Winton*, *Salton*, *Inglisfield*.

Upon the existing *Ormiston* District the Gates or Turnpikes following: *Ormiston North*, *Ormiston Kirk*:

The Tolls and Duties following, and no other; (that is to say,)

For every Score of Calves, Swine, Sheep, Lambs, or Goats, Fivepence; 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, Tenpence:

For every Horse or Mule, not being saddled or harnessed, and not drawing, whether laden or unladen, One Penny:

For every Ass, loaded or unloaded, saddled or unsaddled, One Half penny:

For every saddled or harnessed Horse or Mule, with or without a Rider, Three Halfpence:

For every Horse or other Beast of Draught drawing any Cart, Wain, Waggon, or other Carriage with Two Wheels, without Springs, Twopence Halfpenny:

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

For every Ass drawing any Cart or other Carriage, One Penny:

For every Horse or other Beast of Draught drawing any Coach, Berlin, Barouche, Landau, Chariot, Brougham, Chaise, Hearse, Chair, or Cart, or other such Carriage, having Springs, Fourpence;

For

For every Horse or other Beast of Draught drawing any Stage Coach, long Coach, Omnibus, or other Diligence or Carriage of the like kind, or for similar Purposes, if licensed to carry not more than Three Outside Passengers, Fourpence;

If licensed to carry more than Three but not more than Six Outside Passengers, Sixpence;

If licensed to carry more than Six but not more than Nine Outside Passengers, Eightpence;

If licensed to carry more than Nine Passengers outside, Ninepence:

For all Carriages drawn or propelled by Steam such Tolls as are leviable under the Act of the Twenty-fourth and Twenty-fifth Year of the Reign of Her present Majesty, Chapter 70.

As to the fractional Part of a Halfpenny in Tolls.

27. 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.

Tickets to clear Toll Bars within Five Miles.

28. 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 said County, whether such Cart, Carriage, or Waggon be passing empty or returning loaded the same Day through such other Bar.

Exemptions from Toll.

29. 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 County, or going empty to carry or convey, or returning empty after carrying the same; 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 County to Burgh Roods or Fields adjoining to any such Towns 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 Burghs, 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, Waggon, or other Carriage conveying empty Barrels belonging to any Distiller or Brewer residing within the County, provided that Toll shall have been previously paid the same Day for the Horse drawing the same

Cart,

Cart, Waggon, or Carriage conveying full Barrels; nor shall any Toll be exigible from the Superintendent or principal Officer of Police for the County travelling in the Execution of his Duty.

Travelling Regulations.

30. It shall not be lawful for any Person to ride, or for the Driver of any Cart or Carriage to drive any Horse in a furious Manner along any of the 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 Costs of Suit.

Cutting Grass on Sides of Roads prohibited. Road Scrapings to be removed.

31. It shall not be lawful for any Person to cut Grass on the Sides of any of the Roads without Permission in Writing of the Chief Surveyor or of the District Road Committee, under a Penalty for each Offence not exceeding Forty Shillings; and the Surveyors of Districts may require the Removal of all Road Scrapings or Cleanings of Roads which may have accumulated on the Side or Sides of any of the Roads within such District; and if, on a Notice of Fourteen Days to the Occupier or Occupiers of the immediately adjoining Lands, he or they shall not remove the same from off the said Roads, or any of them, he or they shall be liable in a Penalty for each Offence not exceeding Forty Shillings, besides the Expense of the Removal of such Road Scrapings or Cleanings.

Hedges.

32. The Hedges adjoining any of the Roads, excepting such as may enclose Policies, shall not 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 certain Distance of Centre of Roads.

33. No Houses or other Buildings shall after the passing of this Act be built on the Sides of the Roads, other than the Roads within the Towns of *Haddington*, *Dunbar*, and *North Berwick*, within Twenty-four Feet of the Centre of such of the Roads as shall be Forty-two Feet in Width, or within Eighteen Feet of the Centre of the said Roads that shall or should be Thirty-one Feet in Width, under a Penalty not exceeding Twenty Pounds for every Offence, over and above the Expense of pulling down such House or Edifice; and it shall be lawful for Two or more of the Justices of the Peace of the 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 be lawful for any Two or more of the said Justices to order the same to be pulled down and removed at the Expense of the Person erecting the House or occupying the Ground, and to grant Warrant for levying the same by Distress and Sale.

34. Where

Power to alter or widen Roads.

34. Where it shall appear to the Road Board to be necessary or convenient to widen or alter the Course or Situation of the Roads, the same may be authorized at a Meeting of the Road Board called for that Purpose by public Advertisement, which Advertisement shall expressly set forth the proposed Alteration or Alterations as a Subject for the Consideration of such Meeting; and the Road Board so assembled shall and they are hereby empowered to alter the Course or Direction of the Roads, or any Part thereof, or to extend the same to such Width as they shall think proper, not exceeding Forty-two Feet for the Great Post Road and Thirty-one Feet for the other Roads, including the necessary Watercourses, on making full Satisfaction in manner directed by the Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth incorporated herewith to the Proprietors, Lessees, and Occupiers of any Land, Buildings, or Fences taken or removed for the Purpose of such Alteration or widening.

Roads to be left of sufficient Width when enclosed.

35. And whereas considerable Damage and Prejudice has arisen to the Great Post Road aforesaid and the other Roads from Owners or Occupiers of Lands along the Side thereof enclosing their said Lands and not leaving the Roads aforesaid of a sufficient Width, it shall not be lawful for any Person whatever to enclose any of the Lands lying along the Side of any of the Roads which shall be at the Time of the passing of this Act unenclosed without giving previous Notice of their Intention to enclose the said Lands to the Road Board aforesaid; and the Road Board or any Committee of their Number to be named by them, which they are hereby authorized to do, shall with all convenient Despatch visit the Lands proposed to be enclosed as aforesaid and mark off the Width 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 Roads, which respective Widths shall include the Watercourses that may be necessary to be made for the Preservation of the Road only.

Regulations as to enclosing.

36. If One Side of any Road shall have been enclosed before the passing of this Act and the other be 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 Width 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, provided the enclosing of the said Ground shall have taken place within the Period of Ten Years immediately preceding, be obliged to instruct that he left out the full Half of the Width from the Middle of the Road to the Line of his Enclosure required by the Acts of Parliament regulating the Width of such Road at the Time of making such Enclosure, and upon Proof thereof to the Satisfaction of the Road Board the Proprietor of the unenclosed Ground shall be bound to leave out the full Width required by this Act to be left for

the Road from the opposite Fence; and if the Proprietor of the enclosed Ground shall fail to instruct that he left out the full legal Half of the Width, 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 Road Board, to purchase or acquire as much Ground from the Proprietor of the opposite Side as will be necessary to make up the full legal Half of the Width hereby required for the Road, after deducting the Width 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 Width required by this Act; and the Proprietor on the opposite Side of the Road is hereby required if necessary to sell to him that Quantity at the Sight of the Road Board; and in case of any Difference of Opinion as to the Value of the Ground the same shall be determined in manner mentioned in the recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth.

Penalty for enclosing Roads without Notice.

37. When 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 for each Offence; and every Fence that shall be so made upon the unenclosed Lands lying as aforesaid shall be removed at the Expense of the Owner or Occupier of Land so enclosed; and the Road Board shall cause such Penalties to be recovered in Terms of the recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth.

Footpaths to be maintained.

38. The District Road Committees may make and maintain such Footpaths as they shall consider proper along the Side or Sides of the Roads in their respective Districts.

Assessments.

39. The Road Board may for the Purposes of this Act, in addition to the Tolls and Duties by this Act authorized, impose and levy from and after the Twenty-fifth Day of *May* One thousand eight hundred and sixty-four the following Assessments; viz.,

1. An Assessment to be imposed and levied on the Tenants and Occupiers of Lands and Heritages within the County, including the Royal Burghs of *Haddington*, *Dunbar*, and *North Berwick*, as the same shall appear in the Valuation Rolls of the said County and Burghs, made up in Terms of an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in* Scotland: Provided always, that the said Assessment shall in no Case be at a higher Rate than Twopence for every Pound of the said annual Value of the said

17 & 18 Vict. c. 91.

said Lands and Heritages; and the said Assessment shall be held to be equivalent to and in lieu of the Statute Labour Conversion authorized to be levied by the first recited Act hereby repealed; provided also, that the said Assessment shall not be assessed and levied in respect of any Building occupied exclusively for the Purposes of Public Worship or public Charity, or of any Barracks for Soldiers, or of any Buildings used as Government Offices, or of the Courts of Justice and Offices connected therewith, so far as such Offices are occupied exclusively for public Purposes, or Police Buildings, County Buildings or Town Halls, or Prisons:

2. An additional Assessment to be imposed and levied on the Proprietors and also on the Tenants and Occupiers of Lands and Heritages within the County, including the Royal Burghs of *Haddington*, *Dunbar*, and *North Berwick*, as the same shall appear in the said Valuation Rolls, but with and under the Exemptions before expressed in regard to the Assessment last mentioned: Provided always, that the said additional Assessment shall in no Case be at a higher Rate than Twopence for every Pound of the said Annual Value of the said Lands and Heritages on the said Proprietors, and Twopence for every Pound of the said annual Value of the said Lands and Heritages on the said Tenants and Occupiers, making the maximum of such Assessment in aid Fourpence for every Pound of the said annual Value, equally divisible between Proprietors and Tenants or Occupiers.

County Road Committee to report.

40. The County Road Committee shall, not later than Ten Days previously to a Special Meeting of the Road Board to be called by Advertisement, prepare and circulate among the Members of the same resident in the County a Report to the Road Board containing a Statement of the Accounts for the Year ending on the Twenty-fifth Day of *May* next preceding of Funds and Expenditure of the Road Board and Committees, which Accounts shall have been made out, balanced, and audited in such Way as the Board shall direct, and which Report shall also contain an Estimate, made up on Consideration of Information to be derived from the several District Road Committees, of the anticipated Expenditure for the Year next ensuing, in the Liquidation of Debts, in the Payment of the Interest on any borrowed Monies, in the Repair, Improvement, and Maintenance of the Roads, and whole other ordinary Disbursements and shall set forth the Rates of Assessments which in the Opinion of the said County Road Committee shall be necessary in order to raise the requisite Monies, and which Report shall also contain a Statement of the whole subsisting Debts of the Road Board, and any Proposals or Suggestions by the Committee for the Liquidation thereof.

Road Board to impose Assessments

41. At the Special Meeting of the Road Board so called for the Purpose the said Board shall, on Consideration of the Report of the County

and allocate Funds to Districts.

County Road Committee, fix and determine the Rates of the Assessments hereby authorized to be imposed for the Year from and after the Twenty-fifth Day of *May* then next ensuing, and the Amount to be paid to the several District Road Committees for Repair, Maintenance, and Improvement of the Roads under their Charge for such Period, and shall authorize the levying of such Assessments and Payments of such Sums to such District Road Committees as to the said Road Board shall seem expedient.

Assessment Roll to be made out.

42. So soon as conveniently may be after the Road Board shall have resolved to impose any of the Assessments under this Act, and at the latest before the First Day of *March* of each Year, the County Road Committee shall cause a Roll of Assessments to be prepared for the County showing the Name and Description of each Person, Corporation, or Company therein liable in any Part thereof, and the Amount of the same for which each Person, Corporation, or Company is so liable; and the Amount leviable on any Tenant and Occupier of any Lands and Heritages shall be distinguished from the Amount leviable on the Proprietor thereof, and the said Roll shall be authenticated in such Manner as the County Road Committee shall prescribe, and any Omissions in such Roll or List of Persons, Corporations, or Companies liable to be assessed may be supplied by means of a supplementary Roll or List.

Roll to be open for Inspection.

Persons aggrieved may appeal.

43. The Roll of Assessments to be made up as aforesaid shall be open to the Inspection of any Person, Corporation, or Company interested therein during not less than Fourteen Days, at such Place and in such Manner as the County Road Committee shall determine; and any Person, Corporation, or Company deeming himself or themselves aggrieved by any Assessment therein, may, within any Time to be specified by the County Road Committee, appeal, by any Notice or Writing addressed by Post or delivered to the Clerk of the Intention of so appealing; and the County Road Committee shall fix a Day or Days for the hearing of Appeals, and shall give public Notice by Advertisement of the Time so fixed; and the said County Road Committee shall have Power to adjourn the Meeting thereof from Day to Day, and the said County Road Committee, or any Three Members thereof, shall judge in the said Appeals and their Decision shall be final, and subject to Review of the Road Board only, on Appeal made within Six Days from the Decision appealed from.

After Appeals disposed of Assessment Roll to be completed.

44. So soon as conveniently may be after the Appeals shall have been disposed of by the County Road Committee or Road Board the said Roll of Assessments, which may be either printed or written, or partly written and partly printed, shall be corrected, if necessary, and shall be completed and authenticated in such Manner as the County Road Committee

Committee or Road Board on Appeal shall determine; and the said Roll shall thereafter be conclusive Evidence that the Persons, Corporations, or Companies therein named and described are, subject to the Provisions of this Act, liable in the Sums respectively therein stated, and shall be a sufficient Warrant and Authority for the Collection of the Sums therein specified; and no such Assessments shall be invalid because of any accidental Omissions or any Errors in the Name or Description of any Person, Corporation, or Company or in the Amount for which any Person, Corporation, or Company, may be liable; but all such Errors shall be corrected by the Clerk in Terms of any special Orders given to such effect by the County Road Committee.

Assessments to be levied under Direction of County Road Committee.

45. The Assessments so to be levied shall be collected by the Clerk under the Directions of the County Road Committee, and in such way as the said Committee shall deem expedient and shall direct, and the same shall be due and payable in advance at such Times and Places as the County Road Committee shall from Time to Time determine.

Assessors of Taxes, &c. to give Access to Rolls.

46. In order to facilitate the making up of the Assessment Roll as aforesaid, the Assessors under the Valuation Act and Collectors of County Rates are hereby required to give Access to the Valuation Rolls of the County to the Clerk, or such other Person as the County Road Committee may appoint, at all reasonable Hours, and on Payment of reasonable Fees to such of the said Officers as shall be entitled to the same.

Summary Modes of enforcing Payment of Assessments.

47. The whole Power and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to Assessments imposed in virtue hereof; and the Sheriff, Magistrates, Justices of Peace, and other Judges may grant the like Warrants for the Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes: Provided always, that it shall nevertheless be competent to prosecute for and recover such Assessments by Action in the Sheriff Small Debt Courts, at the instance of the Clerk or other Person authorized by the said County Road Committee, to the Extent to which Debts in these Courts are recoverable.

When no Assessment imposed previous Year's Assessment to be held as continued.

48. Where in any Year the Road Board shall have failed or omitted to impose any Assessment provided by this Act to be levied for the Purposes of the same, then and in that Event the like Assessment as for the preceding Year shall be held as continued for the then current or ensuing Year, and the Clerk is hereby empowered to collect and recover

recover the same as if such Assessment had been actually made and imposed under Authority of this Act.

Road Board to collect Tolls and Conversions for a Period and apply the same.

49. Notwithstanding the Repeal of the first-recited Act the Road Board shall be entitled to levy and collect the Tolls and Duties by the said Act granted until the Twenty-fifth Day of *May* One thousand eight hundred and sixty-four, and the Conversions in lieu of Statute Labour until the Fifteenth Day of *April* in the said Year, and shall apply the said Tolls and Duties and Conversions in Terms of the Provisions of the said first-recited Act and of this Act in so far as regards the Expenses of the same as herein provided.

Road Board may borrow on Credit of Assessments.

50. It shall be lawful for the Road Board to borrow and take up at Interest for the Repair, Maintenance, and Improvement only of the Roads, on the Credit of the Assessments to be levied under this Act, and to burden the same with the Repayment of such Sums of Money, any Sums not exceeding Ten thousand Pounds, exclusive of the existing Debts, as they shall from Time to Time think proper, and to assign the said Assessments, or any Part thereof, as a Security to any Person, Corporation, or Company advancing such Sums; and every such Assignation in Security shall be subscribed by any Three or more Members of the Road Board, and shall otherwise be in the Form, as near as may be, of Assignation contained in the recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, and the Expenses of such Assignations shall be paid out of the said Assessments, and Copies thereof shall be entered by the Clerk in any Book to be kept for that Purpose; and it shall be lawful for all Persons, Corporations, or Companies respectively to whom any Assignation on the Security of Assessments shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to transfer, by Indorsation on such Assignation, in the Form, as near as may be, contained in the Act last mentioned, his or their Right and Interest in and to such Assignation of Assessments and the Principal Money and Interest thereby secured to any other Person, Corporation, or Company whomsoever; and every such Transfer or Indorsation, on Notice being given to the Clerk, and on the Entry thereof in any such Book, shall operate as an intimated Assignation, and every Indorsee may in like Manner indorse the same, and such further Indorsation with Notice as aforesaid shall operate as an intimated Assignation, and so *toties quoties*; and all Persons, Corporations, or Companies to whom any such Assignation or Indorsation shall be made as aforesaid shall, in proportion to the Sum of Money thereby secured, be Creditors on the said Assessments in equal Degree one with another; and the Members of the Road Board shall be free from any personal Liability for such Advances although they subscribe the Assignations in Security as aforesaid: Provided always, that all Money borrowed under

Authority

Authority of this Act shall be paid off and discharged at or before the Term hereby assigned for the Expiry thereof.

Application of Tolls and Duties.

51. The Tolls and Duties leviable under this Act from and after the Twenty-fifth Day of *May* One thousand eight hundred and sixty-four shall, after Deduction of the Expenses of Management and Collection, be applied, first, in Payment of the Interest of the existing Debts of the several Turnpike Trusts contained in Schedule (A.) hereunto annexed and in and towards Extinction of the said Debts, and secondly, in Payment of the existing Debts of the several Turnpike Trusts contained in Schedule (B.) hereunto annexed, and of any Interest which may be legally due thereon: Provided always, that at the Twenty-fifth Day of *May* next following the Period at which the said several Debts so due shall be paid off and extinguished the Tolls and Duties hereby leviable at the Gates or Turnpikes for Payment of the Debts of the said Trusts shall cease and determine: Provided also, that the existing Toll Houses except those authorized to be continued by this Act and the Land on which the same are erected shall be sold so soon as conveniently may be after the Twenty-fifth Day of *May* One thousand eight hundred and sixty-four, according to the Provisions of the second-recited Act, and the Prices thereof applied to the Extinction of the Debt now due by the Road Trustees.

Application of Assessments.

52. Subject to the Provisions of this Act the Assessments hereby authorized to be levied shall be applied as follows:

First, in Payment of the Expenses of the Road Board and County Road Committee, including the Salaries of the Clerk and Surveyor, and the Expenses of applying for and obtaining this Act and incidental thereto, which shall not have been paid from other Sources:

Secondly, in Payment of the Expense of surveying, ordering, widening, altering, mending, improving, and keeping in repair the Roads within the several Districts of the County, and the Expenses of the several District Road Committees:

Thirdly, in Payment of all Debts and Interest thereon hereafter to be incurred and legally due under the Provisions of this Act.

Maintenance of Roads within Towns.

53. On the Twenty-fifth Day of *May* next following the Extinction of all the existing Debts due by the several Road Trusts within the County, and on the Tolls and Duties leviable under this Act thereby ceasing to be so leviable, the Road Board shall also cease to levy and collect the Assessments hereby authorized within the Town of *Haddington*, Town of *Dunbar*, and Town of *North Berwick*, and the Magistrates and Council of each of the Burghs of *Haddington*, *Dunbar*, and *North Berwick* respectively shall become entitled to levy and collect within the said Town of *Haddington*, Town of *Dunbar*, and Town of *North Berwick* the Assessments hereby authorized, or such or so much of the same

same as to them severally shall seem expedient, and shall have and exercise all the Powers, Rights, and Privileges in regard to such Assessments hereby conferred on the Road Board, and shall severally pay and apply the Proceeds of such Assessments in the Maintenance, Repair, and Improvement of the several Roads and Streets within the Town of *Haddington*, Town of *Dunbar*, and Town of *North Berwick* respectively.

Statute Labour Road Debt.

54. The Sums borrowed on the personal Security of Statute Labour Road Trustees specified in Schedule (C.) to this Act annexed shall be repaid by the Persons legally liable in Payment of the same at the Date of the passing of this Act.

Customs, &c. in Burghs not to be affected.

55. Nothing in this Act contained shall be held to abolish or affect any Causeway Mails, or other Dues, Rates, or Customs which at the Time of the passing of this Act may be lawfully imposed and levied within the Royal Burghs of *Haddington*, *Dunbar*, and *North Berwick*.

Roads not exempt from Provisions of future General Acts.

56. Nothing herein contained shall be deemed or construed to exempt this Act, or the Roads by this Act authorized to be repaired and maintained, from the Provisions of any General Act relating to Roads, or the Valuation of Lands and Heritages in *Scotland*, which may pass during the present or any future Session of Parliament.

Expenses of Act.

57. The Expense of applying for and obtaining this Act and incidental thereto shall be paid by the Road Board out of any Monies received by them under the Powers of the first-recited Act and out of the Assessments authorized by this Act.

Continuance of Act.

58. This Act shall have Continuance from the passing thereof for and during the Period of Twenty-one Years.

SCHE.

SCHEDULE (A.)

Debts on the several Turnpike Trusts for which the Trustees, or some of them, are personally liable.

	£	£
GREAT POST ROAD:		
TheTrustees of the late Mr. Robert Hunter - -	1,800	
Mrs. Robert Richardson - - - -	1,000	
Mrs. Stevenson's Trustees - - - -	1,000	
		3,800
NORTH ROADS:		
Bank of Scotland - - - - -		434
SOUTH TRUST:		
Miss Isabella Haldane - - - - -	1,000	
Miss Catharine Sawers - - - -	750	
		1,750
KILPALLET TRUST:		
Miss Isabella Haldane - - - - -	1,300	
Trustees of Bishop Burnett - - - -	1,000	
		2,300
ORMISTON TRUST:		
Mr. Peter B. Swinton - - - - -		300
		£8,584

The Interest has been paid on these Debts till Martinmas 1862.

SCHEDULE (B.)

Debts of the several Turnpike Trusts for which the Trustees are not personally liable.

The North British Railway Company holds Assignations to Bonds of the several Turnpike Trusts after mentioned, videlicet:

	£	s.	d.
Great Post Road Trust - - - - - -	2,536	12	11
South Trust - - - - - - -	707	17	2
Kilpallet Trust - - - - - -	870	12	3
Ormiston Trust - - - - - -	184	17	8
	£4,300	0	0

These Debts are postponed to the other Debts, and to the ordinary Expenditure of the several Trusts, and no Interest has been paid on the same since the Advance was made under an Agreement entered into in the Year 1844.

SCHEDULE (C.)

Debt due by Statute Labour Trusts.

	£	s.	d.
Debt by the Statute Labour Trustees of the Parishes of Yester, Garvald, and Whittingham, in equal Proportions, to Peter B. Swinton - - - - - -	600	0	0

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