ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 19.

An Act for repairing and maintaining the Road branching out of the Turnpike Road from *Edinburgh* to *Greenlaw*, and passing through or near *Thornydike*, *Westruther*, *Hardlaw*, *Bedshiell* or the *Kaim*, and *Choicelee*, to where it joins the Turnpike Road from *Greenlaw*, to *Dunse*, all in the County of *Berwick*. [25th *March* 1803.]

WHEREAS the Road commencing at, or near to where the Thirty Mile Stone is now placed, upon *Hyndside Hill*, on the Road from *Edinburgh* to *Greenlaw*, passing at or near to *Thornydike*, *Westruther*, *Hardlaw*, *Bedshiell* or the *Kaim*, and *Choicelee*, where it joins the Turnpike Road leading from *Greenlaw* to *Dunse*, in the County of *Berwick*, is in many Places in bad Repair, and often impassable for Carriages: And whereas it would be greatly to the Advantage of the Publick, and to the Trade and Agriculture of the said County, were the said Road effectually repaired and kept in Repair, and the necessary Bridges erected and maintained thereon; but the same cannot be done without the Aid and Authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Truſtees. and by the Authority of the ſame, That *George Baillie* of *Jerviſwood*; *Robert Hay* of *Drummelzier*, *James Trotter* of *Cattleſhiel*, *Patrick Home* of *Wedderburn*, *Alexander Boſwall* of *Blackadder*, *John Wauchope* Writer to the Signet, *William Roy* of *Nenthorn*, the Chief Magiſtrate of the Royal Burgh of *Lauder* for the Time being, Sir *John Stuart* of *Allanbank*, Baronet, Sir *James Stirling* of *Kimmerghame*, Baronet, *George Home* of *Paxton*, *George Buchan* of *Kelloe*, *John Spottiſwoode* of *Spottiſwoode*, *John Spottiſwoode* the younger of *Spottiſwoode*, *John Marjoribanks* of *Eccles*, *Dalhouſie Weatherſton* of *Manderſton*, *William Molle* of *Mains*; *James Dickſon* of *Antonshill*, *Alexander Robertſon* of *Prendergueſt*, *John Bogue* of *Halydown*, *William Dunbar* of *Houndwood*, *John Turnbull* of *Abbey Saint Bathans*, *Alexander Chriſtie* of *Grueldikes*, *Alexander Low* of *Whitſom Laws*, *William Stoddart* of *Whitſom Hill*, *David Renton* of *Greyſtonleys*, *George Logan* of *Edrom*, *John Logan* of *New Edrom*, *Andrew Balfour* of *Blanerne*, *James Somerville* the younger of *Evelaw*, the Reverend *William Shiels* during his Incumbency in the Pariſh of *Weſtruther*, *William Mirtle* of *Boon*, *Robert Romanes* Writer in *Lauder*, the Baron Baillie of *Wedderlie* for the Time being, the Baron Baillie of *Langton* for the Time being, and every Perſon and Perſons who already has, have, or hereafter ſhall, ſubſcribe and pay the Sum of Fifty Pounds and upwards towards the making and repairing the Road above mentioned, ſhall be, and they are hereby nominated and appointed Truſtees, for ſurveying, making, amending, widening, ſtraightening, and keeping in Repair the Road above mentioned, and for executing all the other Powers by this Act given and granted: Provided always, that no Perſon ſhall be qualified or capable of acting as a Truſtee, unleſs he be infeft in Property or Superiority, or as Life-renter of Lands, valued in the Ceſs Books of the County of *Berwick* at One hundred Pounds *Scots per Annum*, or be the eldeſt Son or Heir Apparent of a Perſon ſo infeft, or unleſs he be poſſeſſed of a Perſonal Eſtate of Five hundred Pounds at leaſt; and if any Perſon not qualified as aforeſaid, ſhall, nevertheleſs, preſume to act as a Truſtee, every ſuch Perſon or Perſons ſhall, for every Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered as herein-after directed.

Truſtees may act as Juſtices. II. And be it enacted and declared, That any Truſtees who are or may be in the Commiſſion of the Peace for the ſaid County of *Berwick*, may nevertheleſs act as Juſtices of the Peace for the more effectually putting in Execution the ſeveral Matters and Powers in this Act mentioned and contained.

Truſtees ſhall not act while holding Places of Profit. III. And be it further enacted, That if any Perſon or Perſons by this Act appointed or entitled to be a Truſtee or Truſtees, for putting this Act in Execution, ſhall accept of any Place of Profit ariſing out or by reaſon of any Tolls or Duties by this Act granted, ſuch Perſon or Perſons ſhall from thenceforth, and while they continue to hold and enjoy ſuch Place or Places, be diſabled to act as a Truſtee or Truſtees; and no Victualler, or Retailer of Beer, Ale, or Spirituous Liquors, ſhall be capable of holding any Place of Profit under this Act.

IV. And

First and subsequent Meetings.

IV. And be it enacted, That the said Trustees shall meet at *Greenlaw* on the Thirtieth Day of *April* next, or as soon thereafter as conveniently may be, and they, or any Three or more of them at such Meeting assembled, shall proceed to the Execution of this Act, and may then and afterwards, from Time to Time, adjourn to meet at such Times and at such Places as the said Trustees or any Three or more of them shall think proper, without Prejudice to their meeting sooner, or at any other Time, if there be Occasion, upon Notice from the Clerk of the last Meeting, advertised at least Once in One of the *Kelso* or *Edinburgh* Newspapers Ten Days at least before the Time fixed for such Meeting; and in case at any Time appointed for a Meeting of the Trustees, Three in Number shall not assemble, the Trustee or Trustees actually assembled, and in case none of the Trustees shall attend, their Clerk shall have Power to adjourn, though not to do any other Business relative to the Trust; and the said Trustees shall at all their Meetings defray their own Expences.

Trustees shall defray their own Expences.

Trustees to direct the Repair of the Roads.

V. And be it enacted, That the said Trustees, or any Three or more of them, at any of their Meetings, held at the Times fixed or advertised as aforesaid, shall have Power to issue and give their Orders and Directions for surveying, making, widening, straightening, and repairing the said Road, and for building and repairing the necessary Bridges on any Part of the same, and to alter or settle the particular Line or Direction of the said Road, or any Part thereof, and otherwise to proceed and act in the Execution of the Trusts hereby committed to them.

Trustees may make and widen the Road, and build the Bridges.

VI. And whereas in forming and making the said Road, widening and straightening the same, and in building the said Bridges, it may be requisite to occupy Part of the Grounds of different Proprietors, to obtain a proper Scite for the said Road and Bridges; be it therefore enacted, That the said Trustees or any Three or more of them shall be and they are hereby empowered to form the aforesaid Road, and build the aforesaid Bridges, through and upon such different Grounds as shall appear to them most proper and convenient for the said Road and Bridges, and to occupy such Part of the said Grounds as shall be necessary for the Scite of the said Road and Bridges, not exceeding the Breadth of Forty Feet, and for building the Toll-houses, with a Yard and Stable adjoining thereto, not exceeding a Quarter of an Acre for each Toll-house, with the Yard and Stable included; and where it shall appear necessary, they are hereby empowered to take down any House or Building, whose Side Walls shall not exceed Ten Feet in Height, or be of more Value than Fifty Pounds Sterling, and to remove any other Obstructions, paying such Price or Damage to the Owners or Occupiers respectively, whose Grounds or Houses shall be taken, prejudiced, taken down, or damaged by the forming, making, and widening the said Road, and building the said Bridges, or building Toll-houses, as the said Trustees respectively, or any Three or more of them, shall judge reasonable; and in Case of any Difference respecting the same, between such Owners and Occupiers and the said Trustees, the Justices of the Peace for the County of *Berwick*, at their next General Quarter Sessions, or at the Second General Quarter Sessions thereafter, at farthest, or the major Part of them there present, shall and may adjudge, assess, and determine the same to be paid by the Treasurer or Treasurers of the Tolls for the Time being, out of the

Roads 40 Feet broad.

Toll House, Stable, and Yard, a Quarter of an Acre.

Take down Houses whose Side Walls are not above 10 Feet high, or of more Value than 50*l.*

Value of Ground, &c. how to be settled.

the Money arising from the Tolls and Duties hereby granted; and such Determination shall be final and binding on all Parties, who shall be obliged to perform to each other the respective Parts of the same, and a Copy thereof shall be fairly written on Paper or Parchment, and shall be signed by the presiding Justice at such General Quarter Sessions, and shall be entered in the Records of the said Court; and the same, or Extracts thereof, shall be deemed and taken as good and lawful Evidence in all Courts of Law or Equity whatever; but no Stop in the mean Time shall be put to any of the said Works, on Pretence of settling the said Price or Damage.

Resolutions and Orders of One Meeting not to be altered by a subsequent Meeting, but in certain Cases.

VII. Provided always, and be it enacted, That when the aforesaid Course or Line of Direction of the said Roads shall have been determined by the Trustees at any Meeting held as aforesaid, or when the said Trustees have at any such Meeting determined or settled any other Matter or Thing to be done in the Execution of this Act, such Determination shall not be altered thereafter, except by the Orders of a subsequent Meeting, specially convened for the Purpose of reviewing what may have been done or resolved upon by a former Meeting, of which Notice shall be given in One of the *Kelso* or *Edinburgh* Newspapers, and by Writings affixed upon all the Turnpike Gates erected in pursuance of this Act, Twenty Days at least before the Date of the Meeting, and unless Three-Fourths of the Trustees assembled at such Meeting, concur in making such Alteration.

Application of Compensation Money when exceeding 200*l.*

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in Case the same shall amount to the Sum of Two hundred Pounds, under the Direction, and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land-Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined

and

and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200*l.* and above 20*l.*

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

Where under 20*l.* Sterling.

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

To erect Toll Houses and Turnpike Gates,

XI. And be it enacted, That the said Trustees, or any Three or more of them may, and they are hereby authorized and empowered to build and erect, or cause to be built and erected, Toll Houses, and Fences round the Gardens of such Toll Houses, near to or upon any Part of the said Road by this Act intended to be made and repaired, and Turnpike Gates in, upon, or across the said Road, and shall and may make or build Fences to prevent any Person or Persons travelling the said Road, from evading the Payment of the Tolls and Duties to be imposed and levied by virtue of this Act; and the Right and Property of the Tolls and Duties so levied and paid, and the several Turnpike Gates, Toll Houses, and Fences, to be erected and provided, and the Materials thereof shall be, and they are hereby vested in the said Trustees respectively; and they, or any Three or more of them, are hereby empowered to bring or cause to be brought, from Time to Time, any Action

vested in Trustees.

Actions may be brought in the Names of Treasurers or Clerks.

Action or Actions in their own Names, or in the Name or Names of any of their Treasurers or Clerks, against any Person or Persons who shall destroy or damage the same, or disturb them in the Possession or Enjoyment thereof.

Trustees may erect Side Gates,

XII. And be it enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and across any Lane or Way leading into or out of the same, and there to take and receive such Tolls as are by this Act granted and made payable, but so as that a Ticket received at such Side Bar shall entitle the Receiver to pass through the next Turnpike on the said Road Toll-free, on the same Day; and also that it shall be lawful for the said Trustees to suppress any Bye Roads that are not of Importance to the Publick: Provided always, that no Person shall be liable to pay Toll at such Side Bars or Gates to be erected across or on the Side of the said Turnpike Road, or be subject to any Penalty for any Carriage, Cart, Horse, or Beast, which shall only cross such Road, and shall not pass above Two hundred Yards thereon.

and take Tolls thereat.

Bye Roads may be suppressed.

No Toll at Side Bars, unless Persons travel above 200 Yards.

Tolls.

XIII. And be it further enacted, That the said Trustees, or any Person or Persons authorized by them, or any Three or more of them, may and they are hereby empowered to 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, Sociable, Curricle, Chair, Litter, Waggon, Wain, Cart, Sledge, or other Carriage whatsoever, shall be permitted to pass through any of the Gates or Turnpikes to be set up and erected upon or across the said Road, or upon or across any of the Roads, Ways, or Lanes, leading into or out of the same; *videlicet*,

For every Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Sociable, Curricle, or Litter, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Two Shillings Sterling; and drawn by Five or Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Ninepence Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling Sterling:

For every Chaise or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Four-pence Sterling:

For every Waggon, Wain, Cart, or Carriage, drawn by Eight Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by Seven Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Three-pence Sterling; and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence Sterling:

For

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

For every Drove of Oxen, Cows, or Neat Cattle, *per* Score, the Sum of One Shilling and Three-pence Sterling; and ſo in Proportion for any greater or leſs Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, *per* Score, the Sum of Ten-pence Sterling; and ſo in Proportion for any greater or leſs Number.

Breadth of Wheels.

XIV. And be it enacted, That no Waggon, Wain, or Cart, having the Bottom, Sole, or Fellies of the Wheels of leſs Breadth than Nine Inches, always rolling a flat or level Surface, ſhall be allowed to paſs or travel on the ſaid Road, drawn by more than Four Horſes or Six Oxen, or Six of any other Cattle or Beaſts of Draught; and no Waggon, Wain, or Cart whatever, ſhall be allowed to travel or paſs on the ſaid Road, drawn by more than Eight Horſes or other Beaſts of Draught, under a Penalty not exceeding Twenty Shillings Sterling for each Horſe or other Beaſt of Draught above the reſpective Numbers herein-before ſpecified; ſuch Penalties to be recovered, levied, and applied, in Manner herein-after directed.

Tolls paid only Once a Day, unleſs returning with a new Loading.

XV. Provided always, and be it further enacted, That no Perſon or Perſons having Occaſion to paſs through any Turnpike Gate or Gates on the Road above mentioned, intended to be made and repaired by this Act, and return again before Twelve of the Clock at Night of the ſame Day, ſhall be liable or obliged to pay the ſaid Tolls or Duties more than Once; and every Perſon paying Toll ſhall receive a Ticket for the Day, which ſhall entitle him to paſs the Gate at which he received it.

Exemptions from Toll.

XVI. Provided always, and it is hereby expreſsly provided and declared, That no Toll or Duty ſhall be demanded or taken at any of the Turnpikes, erected by virtue of this Act for Carriages loaded with Stone, Brick, Lime, Timber, Wood, or other Materials for making and repairing the ſaid Road, and for building and repairing the Bridges and Toll Houſes by this Act intended to be made, repaired, and built, and for amending any of the Highways within the Pariſhes in which the Roads directed by this Act to be made and repaired do lie, or for going or returning through any of the ſaid Turnpikes with any Dung, Mould, or Compoſt to be laid upon Grounds, Arable, Meadow, or Paſture (Lime and Lime Stone excepted); nor ſhall any Toll or Duty be demanded or taken by virtue hereof, for any Carts, Waggons, Wains, or Horſes carrying Corn to any Mill, or Flour or Meal from any Mill, or for any Carts, Wains, Waggons, or other Carriages carrying Hay or Corn in the Straw, (without Prejudice nevertheleſs to the ſaid Commodities paying Toll or Duty when carried for Sale, or after having been ſold, along the ſaid Road), nor for any Ploughs, Harrows, or other Implements of Huſbandry; nor ſhall any of the Tolls and Duties aforeſaid, be demanded from any Perſon or Perſons reſiding in the ſaid Pariſhes, in which the Road hereby directed to be repaired do lie, who ſhall paſs through the ſaid Turnpikes or Croſs Gates to or from their Pariſh Church, Chapel, or other Place of religious Worſhip, on *Sundays* or any other Days on which Divine Service is ordered by Authority to be performed, nor from any Perſon who ſhall paſs the ſaid Turnpikes in attending the Funeral of any Perſon or Perſons who

ſhall

ſhall be buried in the Pariſhes where they ſhall reſpectively die; or for any Horſe, Mare, Gelding, or other Cattle going to, or returning from Water or Paſture, or to or from Smithies belonging to ſuch Pariſhes or Places, or any of the neighbouring Inhabitants which ſhall not, in ſo going or returning, paſs upon any of the ſaid Roads for more than the Space of Two Miles; nor for any Horſes or Carriages of whatever Deſcription, employed or to be employed in conveying the Mails of Letters or Expreſſes, under the Authority of His Majeſty's Poſt Maſters General, either when employed in conveying ſuch Mails or Expreſſes, or in returning back from conveying the ſame; nor ſhall any Toll or Duty be demanded for Horſes of Soldiers who are upon their March or upon Duty, or for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſuch wounded or diſabled Officers or Soldiers; nor for Horſes belonging to, or furniſhed by, or for any Perſon or Perſons belonging to any Corps of Volunteer or Yeomanry Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, ſuch Perſon or Perſons being dreſſed in the Uniform of their reſpective Corps with their Arms and Accoutrements; nor for Horſes, Carts, or Carriages travelling with Vagrants, ſent by legal Paſſes; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being legally entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Ten Shillings Sterling.

Drag Iron to be of the ſame Breadth of the Fellies of the Wheels.

XVII. And be it further enacted, That where any Drag Iron or other Inſtrument ſhall be affixed under the Bottom or Sole of the Wheel or Wheels of any Waggon or other Carriage paſſing along the ſaid Roads to make the Paſſage of ſuch Waggon or Carriage more ſafe down Hill, every ſuch Drag Iron or other Inſtrument ſhall be flat at the Bottom or Sole thereof, and ſhall not be of leſs Breadth than the Fellies of the Wheels under which the ſame ſhall be affixed, on Pain of the Owner of every ſuch Waggon or other Carriage, forfeiting any Sum not exceeding Ten Shillings Sterling nor leſs than Five Shillings Sterling.

No Toll to be erected till 3 Miles of adjacent Road is made.

XVIII. Provided always, and it is hereby enacted and declared, That it ſhall not be lawful for the ſaid Truſtees to erect any Toll Gate or Turnpike, nor to levy any Toll upon the Road hereby directed to be repaired until Three Miles of the ſaid Road adjacent to the Place where ſuch Tolls are to be collected, ſhall have been previouſly made, completed, and put in ſufficient Repair.

Two general yearly Meetings for the Application of the Money.

XIX. And be it further enacted, That, from and after the Commencement of this preſent Act, the ſaid Truſtees, or any Three or more of them, ſhall hold Two ſtated General Meetings yearly, for the Application of the Monies ariſing from the ſeveral Tolls, Duties, and Forfeitures, impoſed by this Act, at ſuch Time, and at ſuch Place or Places as the ſaid Truſtees, or any Three or more of them, at their Firſt or Second Meeting ſhall fix and determine; at which Meetings and at no other (except in the Caſes after mentioned) all Orders for iſſuing and borrowing Money, and aſſigning the Tolls in Security thereof, or for erecting Turnpikes and Side Bars ſhall be given, with Power to the ſaid Truſtees, or any Three or more of them, at each of their ſaid General Meetings, to adjourn

journ their next General Meeting for the Purpoſe of executing this Act, to *Whiteburn*, *Weſtruther*, *Greenlaw*, *Polwarth*, or *Dunſe*, or to any other Place they ſhall think proper, which other Place ſhall be within the Diſtance of One Mile and no farther from ſome Part of the ſaid Road by this Act directed to be made and repaired; and if there ſhall happen not to appear at the Firſt or any ſubſequent Meeting a ſufficient Number of Truſtees to act at ſuch Meeting according to the Powers hereby granted, then and in that Caſe the next ſubſequent General Meeting for the Purpoſes above mentioned, ſhall be held at the laſt Place where the laſt effective Meeting was held for the ſame Purpoſe; and further, that the Clerk to the ſaid Truſtees, ſhall cauſe to be inſerted in One of the *Kelſo* or *Edinburgh* Newſpapers, an Advertiſement of ſuch General Meeting, Fourteeen Days before the Day appointed for holding ſuch reſpective General Meetings.

Truſtees may leſſen the Tolls.

XX. Provided always, and it is hereby enacted and declared, That the ſaid Truſtees, or any Three or more of them, at a General Meeting, called by previous Advertiſement in One of the *Kelſo* or *Edinburgh* Newſpapers in Manner aforeſaid, to conſider the State of the Funds ariſing by this Act, and Expediency of diminiſhing the Tolls, may, and they are hereby authorized and empowered, from Time to Time, with Conſent of Five-ſixths of the Perſon or Perſons who have advanced Money on the Credit of the Tolls, to leſſen the ſeveral Tolls and Duties hereby granted and made payable, and to order and direct the ſame ſo leſſened to be collected, received, and taken in ſuch Manner, Parts, and Portions as they ſhall think fit; and may raiſe the ſame again from Time to Time, ſo as not to exceed the Tolls hereby granted; any Thing herein contained to the contrary notwithſtanding.

Truſtees may compound for Tolls.

XXI. Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, from Time to Time, during the Continuance of this Act, 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 Road with any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, or with any Horſe, Mare, Gelding, Aſs, Mule, or other Beaſt or Beaſts, for any Sum or Sums of Money, to be paid quarterly or otherwiſe, from Time to Time, after ſuch Agreement ſhall be made.

Compoſitions to be entered in a Book.

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

How to be recovered.

XXIII. Provided always, and be it enacted, That in caſe any Compoſition Money, agreed to be paid upon any of the different Accounts aforeſaid, ſhall not be paid within Fifteen Days next after the ſame ſhall become payable, according to ſuch Compoſition or Agreement, that then it ſhall be lawful for any Two or more Juſtices of the Peace of the ſaid County

of *Berwick*, by Warrant under their Hands, to empower the Perſon or Perſons authorized by the ſaid Truſtees reſpectively, or any Three or more of them, to receive ſuch Compoſition Money, (Oath being firſt made that the ſame has been demanded and remains unpaid, which ſaid Oath the ſaid Juſtices are hereby empowered and required to adminiſter), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons having ſo compounded upon any of the Accounts aforeſaid, returning the Overplus (if any be) upon Demand, after Deduction of the Charges of ſuch Diſtreſs and Sale.

Tolls may be let.

XXIV. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Three or more of them, to let the ſaid Tolls or Duties, in Whole or by Parcels, from Time to Time, during the Continuance of this Act, by publick Roup, for the beſt Price that can be got for the ſame, to ſuch Perſon or Perſons as ſhall give ſufficient Security for the Payment thereof, to be approved of by the ſaid Truſtees, or any Three or more of them, provided that ſuch Leaſe be not made for more than Three Years.

For making Foot Paths.

XXV. And be it further enacted, That it ſhall be in the Power of the ſaid Truſtees, or any Three or more of them, at a General Meeting aſſembled, to order Foot Paths to be made upon the Side of the ſaid Road or any Part thereof, and to put Poſts and Rails in or upon the ſaid Foot-Paths for the Preſervation thereof; and where ſuch Foot Paths ſhall be ſo made, no Perſon or Perſons ſhall ride or drive, or cauſe or permit any Horſe or Carriage to travel along the ſaid Foot Paths, or roll any Wheelbarrow thereon; nor ſhall any Horſe, Cow, Mule, Aſs, Sheep, or other Animal be ſuffered to graze on the Sides of the ſaid Road or Foot Paths, or on the Drains and Ditches for defending the ſame from Water; and every Perſon or Perſons offending in any of the Particulars aforeſaid, ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Shillings Sterling, nor leſs than Five Shillings Sterling for each Offence, to be recovered and applied in Manner as directed with regard to the other Fines and Penalties by this Act impoſed.

Truſtees may ſue and be ſued in the Name of their Treaſurer or Clerk.

XXVI. And be it further enacted and declared, That the ſaid Truſtees may ſue and be ſued for any Matter or Thing to be done or omitted to be done in the Execution of this Act, in the Name of their Clerk or Treaſurer for the Time being; and no Action or Suit, wherein the ſaid Truſtees ſhall be concerned as Purſuers or Defenders, in the Names of their Clerk or Treaſurer, by virtue of this Act, ſhall abate by the Death or Removal of any ſuch Clerk or Treaſurer; but that the Clerk or Treaſurer to the ſaid Truſtees, for the Time being, ſhall be deemed to be the Purſuer or Defender (as the Caſe may be) in every ſuch Action or Suit.

Old Road to be ſold,

XXVII. And be it enacted, That whenever the Courſe of the ſaid Road ſhall be altered, and as ſoon as the new Road ſhall be completed and made paſſable for Carriages, in caſe the old Road ſhall thereby become uſeleſs and may be ſhut up without Inconvenience to the Publick, the ſaid Truſtees, or any Three or more of them, are hereby empowered to diſpoſe of and ſell the Land comprizing ſuch old or former Road, the Proprietor or Proprietors of the Grounds through which the ſaid old Road did paſs having

having always the First Offer of the same, at such Valuation as the Justices of the Peace of the said County of *Berwick*, or the major Part of them, at their next General Quarter Sessions after the opening of such new Road, shall and may adjudge, assess, and finally determine; and in case such Proprietor or Proprietors shall refuse to accept of such old Road, at the Valuation aforesaid, the same shall be sold and disposed of, by publick Roup or Auction, to the highest Bidder; and the Money arising from the Sale of such old Road, shall be applied and disposed of for the Purposes of this Act; and the Sale and Conveyance or Conveyances to be made by the said Trustees, or any Three or more of them, of such Lands and Grounds comprizing the said old Road, shall be good and effectual in Law to all Intents and Purposes whatsoever.

XXVIII. Provided always, That the said Trustees before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Lands or Buildings; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, any Affidavit to be made and sworn before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie, by some Person or Persons no way interested in the said Lands or Buildings, stating that such Offer was made by or on Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Notices to be given to Trustees of new Inclosures.

XXIX. And be it further enacted, That where the Lands adjacent to the said Road, or any Part or Parts thereof, are not inclosed, the Proprietor or Occupier of such Lands shall not make Inclosures along the Sides of the Road without giving at least Two Months previous Notice to the said Trustees; which Notice may be given by a Letter addressed either to the Clerk of the General Meeting of the said Trustees, or to any Committee having charge of that Part of the Road adjacent to which any Inclosure or Inclosures are intended to be made; and the next General Meeting or Committee are hereby required to insert a Copy of the said Letter in their Minutes; and in case such Proprietor or Proprietors shall fail to give such Notice as aforesaid, he shall not be entitled to any Compensation for the Expence of the Inclosures, in case the said Trustees shall at any future Period injure or take down the same, for the Purpose of improving or widening the said Road.

No Drivers to drive their Carriages or Horses abreast.

XXX. And be it enacted, That no Driver of any Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, whether the same be loaded or unloaded, shall drive or permit the same to travel or pass upon the said Road or any Part thereof abreast or alongside of any other Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Road or any Part thereof; and every Person and Persons offending in the Premises shall forfeit a Sum not exceeding Twenty Shillings Sterling, and not less than Five Shillings Sterling for each Offence.

XXXI. And

Drivers of Carriages, *etc.* on meeting other Carriages, *etc.* to drive to the left Hand or near Side.

XXXI. And be it enacted, That the Driver of every Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden upon the ſaid Road or any Part thereof, ſhall be obliged upon meeting another Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden, to make way by holding or driving to his own Left Hand, or what is commonly called holding to the Near Side, and that without Diſtinction whether the Carriage, Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden ſo meeting one another are loaded or unloaded; and every Perſon offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling, and not leſs than Five Shillings Sterling for every ſuch Offence.

Truſtees may contract for making the Road and building the Bridges.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to contract and agree with able, ſkilful, and reſponſible People, for the making and upholding all or any Part or Parts of the ſaid Road and Foot Paths hereby appointed to be repaired, and for building, upholding, and keeping in Repair the Bridges to be built thereon, and the neceſſary Fences aforelaid.

Sum allowed to be borrowed.

XXXIII. And, for the more effectual and ſpeedy making and repairing the ſaid Road and building the neceſſary Bridges, be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees reſpectively, or any Three or more of them, at a General Meeting aſſembled for the ſpecial Purpoſe, and they are hereby authorized and empowered to borrow any Sum or Sums of Money, not exceeding Three thouſand Pounds Sterling in the Whole, upon the Security of the Tolls to be levied and collected upon the ſaid Road, and at an Intereſt not exceeding Five Pounds Sterling *per Centum per Annum*.

When One Creditor is paid, Truſtees may borrow as much.

XXXIV. Provided always, and be it enacted and declared, That when the ſaid Sum borrowed as aforeſaid ſhall in Whole or in Part be applied and accounted for to the reſpective Truſtees at a General Meeting aſſembled, and by their Order paid off to the Perſon or Perſons advancing or lending the ſame, it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, at a General Meeting aſſembled, and they are hereby authorized to borrow another Sum of Money, equal to or leſs than that by them ſo paid off as aforeſaid.

Truſtees may aſſign the Tolls.

XXXV. And be it enacted, That the ſaid Truſtees or any Three or more of them, at a General Meeting aſſembled may, and they are hereby empowered to, aſſign and make over the whole or any Part of the Tolls or Duties by this Act impoſed and veſted in them, to any Perſon or Perſons from whom the Money ſhall be ſo borrowed, as a Security for the Repayment of the Sum or Sums of Money ſo lent by them, and the Intereſt thereof; and ſuch Aſſignments of the Tolls, for all and every Sum or Sums of Money ſo borrowed, ſhall be entered in a Book, to be kept for that Purpoſe, which Book ſhall be ſeen and peruſed at all ſeaſonable Times, by any Perſon or Perſons having Intereſt, without Fee or Reward.

The borrowing to be advertiſed.

XXXVI. Provided always, and it is hereby declared, That no Money ſhall be borrowed by the Truſtees appointed by this Act, on the Credit of the Tolls hereby granted, excepting at the General Meetings aforeſaid, unleſs Notice

Notice for that Purpoſe ſhall be given in One of the *Kelſo* or *Edinburgh* Newſpapers, at leaſt Fourteen Days before the borrowing of ſuch Money.

Application of the Money borrowed and levied.

XXXVII. And be it further enacted, That the ſeveral Sum or Sums of Money borrowed as aforeſaid, ſhall be applied and diſpoſed of in making, repairing, and keeping in Repair the Road herein mentioned and deſcribed, and in building, upholding, and keeping in Repair the Bridges built or to be built thereon; and that all and every the Sum and Sums of Money levied upon the ſaid Road in Name of Toll, by virtue of this Act, ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and the ſame, and every Part thereof ſhall be applied and diſpoſed of either in making, repairing, and keeping in Repair the ſaid Road, and in building, upholding, and keeping in Repair the ſaid Bridges, or in Repayment of the ſaid Money ſo borrowed, and the Intereſt thereof, and to no other Uſe or Purpoſe whatever, except to pay the Expence of obtaining this Act, which Expence ſhall be diſcharged out of the firſt and readieſt of the Monies borrowed or levied.

Tolls, if refuſed, may be levied by Diſtreſs and Sale.

XXXVIII. And be it enacted, That if any Perſon or Perſons ſhall refuſe or neglect to pay the Tolls or Duties demanded from them by this Act, the ſaid Truſtees, or any Perſon authorized by them, or by any Three or more of them, may collect and levy the ſaid Tolls and Duties by Diſtreſs and Sale of any Horſe or other Cattle, upon which any Toll or Duty is by this Act impoſed, and to keep ſuch Horſe or other Cattle ſo diſtrained, until the ſaid Tolls, with the reaſonable Charges of ſuch Diſtreſs ſhall be paid, and it ſhall and may be lawful to and for ſuch Perſon or Perſons ſo diſtraining, after the Space of Three Days after ſuch Diſtreſs ſhall be made and taken, to appraiſe and ſell the Horſe or other Cattle ſo diſtrained by publick Roup or Auction, at the Turnpikes or Toll-houſes where the Toll ought to have been paid, (returning the Overplus if any be, and demanded), to the Proprietors of ſuch Horſe or other Cattle ſo diſtrained, after deducting ſuch Tolls and the reaſonable Charges for diſtraining, appraiſing, and ſelling the ſame.

Truſtees may appoint Officiers,

who are to account upon Oath,

XXXIX. And be it enacted, That the ſaid Truſtees, or any Three or more of them, ſhall and may from Time to Time chooſe and appoint One or more fit Perſon or Perſons, to be Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, of the Tolls and Duties aforeſaid, and ſuch other Officer or Officers, as the ſaid Truſtees, or any Three or more of them ſhall think neceſſary; and alſo One or more fit Perſon or Perſons, to be Overſeer or Overſeers of the ſaid Road and Bridges, and Surveyor or Surveyors, to view the Condition of the ſaid Road and Bridges, and to ſee that the ſame is repaired; and alſo that the Money by this Act raiſed be duly applied, and from Time to Time to remove ſuch Clerks, Treaſurers, Collectors, Surveyors, or other Officers, or any of them, as they ſhall ſee Occaſion, and to appoint new ones in caſe of Death or Removal; and ſuch Perſon or Perſons as is or are hereby made liable to pay the ſaid Tolls and Duties, ſhall pay the ſame, after the Rate aforeſaid, to ſuch Collector or Collectors, or other Officers, as ſhall from Time to Time be appointed for that Purpoſe, and the Perſon or Perſons ſo appointed to collect and receive the ſaid Tolls or Duties as aforeſaid, ſhall upon Oath before One or more Juſtice or Juſtices of the Peace of the ſaid County, on the Firſt *Tueſday* of every

Month or oftener, if required, during the Continuance of this Act, give in to the ſaid Truſtees reſpectively, or their ſaid Treaſurer or Treaſurers for the Time being, a true, exact, and perfect Account in Writing, under their reſpective Hands, with the Vouchers thereof, of all Monies which he, ſhe, and they, and every, or any of them, ſhall at ſuch Time have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Offices; and in caſe any Money ſhall remain in his, her, or their Hands, the ſame ſhall be paid to the ſaid Truſtees reſpectively, or to the Treaſurer or Treaſurers for the Time being, and ſhall be laid out, diſburſed, and applied according to the true Intent and Meaning of this Act, and not otherwiſe; and in caſe the ſaid Collector or Collectors of the Tolls and Duties to be paid as aforeſaid, ſhall not give and make ſuch an Account and Payment as aforeſaid, that then any Three or more Juſtices of the Peace of the ſaid County of *Berwick* ſhall and may make Enquiry of and concerning ſuch Default as aforeſaid, in a ſummary Way, as well by the Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtices are hereby authorized and empowered to adminiſter); and if any Perſon or Perſons ſhall be thereof convicted by ſuch Juſtices, they ſhall, upon Conviction, commit the Party or Parties to the Common Gaol of the ſaid County, therein to remain until he, ſhe, or they ſhall have made a perfect Account and Payment as aforeſaid, or until he, ſhe, or they ſhall have compounded and agreed with the ſaid Truſtees, or any Three or more of them, and ſhall have paid ſuch Compoſition to the ſaid Treaſurer or Treaſurers for the Time being, or have given ſufficient Security for the ſame, which Compoſition the ſaid Truſtees, or any Three or more of them, at a Meeting aſſembled, are hereby authorized and empowered to make; and the ſaid Truſtees, or any Three or more of them, ſhall and may, out of the Money ariſing from the ſaid Tolls and Duties make ſuch Allowance to the ſaid Treaſurer or Treaſurers, Collector or Collectors, Surveyor or Surveyors, Clerk or Clerks, or other Officers, by the ſaid Truſtees, or any Three or more of them, ſo appointed as aforeſaid, for and in Conſideration of his or their Care and Pains reſpectively, in the Execution of his or their reſpective Office or Offices, and to ſuch other Perſon or Perſons as have been or ſhall be aſſiſting in and about procuring the ſaid Road and Bridges to be made, amended, and repaired, as the ſaid Truſtees, or any Three or more of them, ſhall think proper.

and give Security.

XL. And be it enacted, That the ſaid Truſtees, or any Three or more of them, ſhall take from ſuch Perſon or Perſons as ſhall be from Time to Time reſpectively nominated and appointed Treaſurer or Treaſurers, Collector or Collectors, of the Tolls and Duties hereby granted and made payable, ſuch ſufficient Security for his or their Office, as ſhall be approved of by the ſaid Truſtees, or any Three or more of them.

Road to be meaſured, and Mile Stones and Guide Poſts to be erected.

XLI. And be it enacted and declared, That the ſaid Truſtees reſpectively, or any Three or more of them, at any publick Meeting, may cauſe the ſaid Road to be meaſured, and Stones or Poſts to be erected on the ſaid Road, or near the Sides thereof, denoting the Diſtance of each Mile, or ſuch other Diſtance as they ſhall deem adviſeable, or for directing or guiding Travellers on the ſaid Road or any Part thereof.

Penalties on deſtroying Turnpikes, &c.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall maliciouſly break down, pluck up, or otherways deſtroy the Turnpike Gates,

Gates, Posts, Rails, Chains, Bars, or other Parts thereof, or the Houses erected for such Turnpikes, or shall break, deface, or remove any Mile Stones or Posts, or Direction or Guide Posts, erected on the said Road or Foot Paths, or shall remove, injure, or destroy any Parapet Walls or Bridges, Coping, or other publick Work whatsoever already erected, or to be erected on the said Road, or shall be aiding or assisting therein, or shall rescue or attempt to rescue any Person in Custody for any of the said Offences, every Person so offending in any of the Matters aforesaid, and being thereof convicted by the Oath of One or more credible Witness or Witnesses, or by his or her own Confession before any Two or more Justices of the Peace of the said County of *Berwick*, shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also be fined in a Sum not less than Five Pounds Sterling, and not exceeding Ten Pounds Sterling, and, in Default of Payment, to be imprisoned for a Term not exceeding Three Months.

Penalties for assaulting Collectors.

XLIII. And be it further enacted, That if any Person shall assault any Collector of the Tolls, or by Force pass through any Turnpike Gate without paying the Tolls or Duties hereby granted, every Person so offending, and being thereof convicted upon Oath before any Two or more Justices of the Peace of the said County of *Berwick*, shall, for every such Offence, forfeit and pay to the said Trustees a Sum not exceeding Five Pounds Sterling, nor less than Forty Shillings Sterling, to be recovered by Distress and Sale as aforesaid.

Penalties on Persons permitting private Passage.

XLIV. And be it further enacted, That if any Person or Persons owning renting, or occupying any Lands or other Premises near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly and wilfully permit and suffer any Person or Persons to pass over the same, or through any Gate, Passage, or Way, with any Coach, Chariot, Landau, Berlin, Calash, Sociable, Curricle, Chaise, Chair, Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any other Sort of Carriage or Cattle, or shall open any new Road or Passage (without the Consent of the Justices of the said County of *Berwick*, obtained upon an Application being made to the said Justices, convened at their General Quarter Sessions, which Application the said Justices are hereby empowered, authorized, and required to order to lie upon their Table to their next General Quarter Sessions, and then and not sooner, they are to determine the Propriety of opening the said Road), whereby the Payment of the Tolls and Duties by this Act granted is or shall be avoided; every such Person or Persons so offending, and the Person and Persons riding in, driving, or owning such Chariot, Coach, Landau, Berlin, Chaise, Calash, Sociable, Curricle, Chaise, Chair, Litter, Waggon, Wain, Cart, or Carriage, or riding, leading, or driving such Horse, Mule, Ass, or Cattle, and being thereof convicted upon the Testimony of One or more credible Witness or Witnesses, upon Oath before Two or more Justices of the Peace for the said County of *Berwick*, shall, for every such Offence, respectively forfeit and pay to the said Trustees, or to their Treasurer for the Time being, any Sum not exceeding Twenty Shillings Sterling nor less than Ten Shillings Sterling, which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale as aforesaid.

XLV. And

Penalty for evading the Tolls.

XLV. And be it further enacted, 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 Merchandizes, or take off or cauſe to be taken off any Horſe or Horſes from any Coach, Chariot, Berlin, Landau, Chaiſe, Calaſh, Sociable, Curricle, Chair, Hearſe, or Litter, or any Horſe or Horſes, Ox or Oxen, from any Waggon, Wain, Cart, or other Carriages, 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 all or any Part of the Tolls or Duties hereby impoſed, or ſhall conceal or ſecrete any Goods or other Things chargeable with the Tolls and Duties aforeſaid, or ſhall put or leave in any Houſe or Place any Coach, Chariot, Berlin, Landau, Chaiſe, Calaſh, Sociable, Curricle, 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 and Duties, with ſuch Intent as aforeſaid, each and every Perſon ſo offending, and being thereof convicted by the Teſtimony of One or more credible Witneſs or Witneſſes, upon Oath before any Two or more Juſtices for the ſaid County of *Berwick*, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Twenty Shillings Sterling, nor leſs than Ten Shillings Sterling, and ſhall pay the ſame to the Truſtees appointed or to be appointed to put this Act in Execution, or 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 diſpoſing of Tickets.

XLVI. And be it further enacted, That if any Perſon or Perſons having paid the Tolls and Duties by this Act granted, and having received a Note or Ticket ſignifying the Payment of ſuch Tolls and Duties, ſhall give or diſpoſe of ſuch Note or Ticket, or each or any of them, to any other Perſon or Perſons in order to avoid the Payment of ſuch Tolls and Duties, every ſuch Perſon giving or diſpoſing of ſuch Note or Ticket, and the Perſon receiving the ſame, being convicted by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath before any Two or more Juſtices of the Peace for the ſaid County of *Berwick*, ſhall reſpectively forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor leſs than Ten Shillings Sterling, to be levied, recovered, and diſpoſed of as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and diſpoſed of.

Penalty on Toll Gatherers ſelling or diſpoſing of Tickets, and on the Receivers thereof.

XLVII. And be it further enacted, That if any Collector of the Tolls ſhall ſell or diſpoſe of any Notes or Tickets to any Perſon or Perſons who have not actually paſſed through any Turnpike or Gate, ſuch Collector, and the Perſon or Perſons ſo receiving ſuch Notes or Tickets, upon being convicted thereof upon the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, before any Two or more Juſtices of the Peace for the ſaid County of *Berwick*, ſhall reſpectively forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor leſs than Ten Shillings Sterling, to be levied, recovered, and diſpoſed of as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and diſpoſed of.

Surveyors may dig Gravel,

XLVIII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint

appoint by Order of any Three or more of the Truſtees, to quarry, dig, gather, take, and carry away Stones, Gravel, Furze, Heath, Sand, or other Materials for making and repairing the ſaid Road, Gates, Houſes, and Bridges, and that out of the ſeveral Grounds of any Perſon or Perſons (not being the Ground on which any Houſe or Building ſtands, or a Garden, Orchard, Yard, Planted Walk or Walks, or Avenue to any Houſes, or any Piece or Parcel of incloſed Ground, which before the Commencement of this Act has been planted, ſet apart, or uſed as a Plantation or Nurſery for Trees), where ſuch Materials are or may be found, and from Time to Time to carry away the ſame, or ſo much thereof, as the ſaid Surveyor or Surveyors in their reſpective Places ſhall judge neceſſary for the Purpoſes aforeſaid, on paying ſuch Sum or Sums of Money for the Damage done to the Owners and Occupiers reſpectively of the Grounds where and from whence the ſame ſhall be digged, gathered, or carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Three or more of them, ſhall judge reaſonable; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages as aforeſaid, the Juſtices of the Peace of the ſaid County of *Berwick*, at their next General Quarter Seſſions thereafter at the fartheſt to be holden in and for the ſaid County of *Berwick*, 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 ſaid Treaſurer or Treaſurers for the Time being, out of the Money ariſing from the ſaid Tolls; but ſuch Difference or Diſpute ſhall not in the mean Time hinder the digging or carrying off the ſaid Materials, and applying them towards repairing the ſaid Roads.

making Satisfaction to the Owners;

and in caſe of Difference, Juſtices to determine.

XLIX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take, and carry away Materials for making or repairing the ſaid Road, or for building or repairing the ſaid Bridges and Toll Houſes from any incloſed Lands or Grounds until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Three or more of them, or Two Juſtices of the Peace acting for the ſaid County of *Berwick*, to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees reſpectively or any Three or more of them, or ſuch Juſtices ſhall, if they think fit, authorize ſuch Surveyor or other Perſons to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or any Three or more of them, or ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, the ſaid Truſtees or any Three or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended.

Notice to be given to Occupiers of Lands before Materials taken.

L. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, ſhall be, and they are hereby empowered 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

Truſtees may make Arches and Drains, widen and alter the Road, take Stones for

Materials, paying Damages.

Arches or Bridges of Bricks, Timber, or Stone, upon the ſaid Roads, and pull down any old Arches or Bridges that are uſeleſs by the Roads, being turned about or otherwiſe, and apply the Materials to the building of new Ones, or, as they ſhall ſee proper, for repairing the ſaid Road, and to remove every other Obſtruction, paying ſuch Damages to the Owners and Occupiers reſpectively, whoſe Houſes or Grounds ſhall be pulled down, demoliſhed, prejudiced, or damaged by making of ſuch Drains, Arches, or Bridges as the ſaid Truſtees reſpectively ſhall judge reaſonable; and in Caſe of any Difference concerning the ſame, between ſuch Owners and Occupiers, and the ſaid Truſtees, the Juſtices of the Peace of the ſaid County of *Berwick*, at their next General Quarter Seſſions thereafter at furtheſt, or the major Part of them preſent, ſhall and may adjudge, aſſeſs, and finally determine the ſame to be paid by the Treaſurer or Treaſurers of the Tolls for the Time being, out of the Money ariſing from the ſaid Tolls, but no Stop ſhall be put in the mean Time to any of the ſaid Works on Pretence of ſettling the ſaid Damages.

No Damages to Houſes, *etc.*

LI. Provided always, and be it enacted, That in altering or widening the Road aforeſaid, beyond the legal Standard, nothing ſhall be done that may anywiſe prejudice any Houſe or Building (except as aforeſaid); and that where it ſhall be found neceſſary to make Paſſages for the Water from the Ditches or Trenches through any adjacent Grounds, the Poſſeſſors of ſuch Grounds, after ſuch Paſſages or Outlets are ſo made, ſhall be obliged from thenceforth to keep clean 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 the Waters made to reſtagnate in the ſaid Trenches or Ditches, but may have free Paſſage through the adjacent Grounds; and in Caſe of the Poſſeſſors neglecting or refuſing to clear or cleanſe ſuch Outlets when duly required by the Surveyor or Surveyors of the ſaid Road, or ſuch Perſon as they ſhall reſpectively appoint, then the ſaid Surveyor or Surveyors ſhall and may clear or cleanſe ſuch Outlets and Paſſages, and levy the Expence thereof on the Poſſeſſors of ſuch Grounds ſo required or refuſing to cleanſe the ſame, in Manner herein-after directed.

Poſſeſſors of adjacent Grounds ſhall keep Ditches ſcoured.

For preventing Annoyances on the Roads.

LII. And, for preventing Annoyances, be it enacted, That no Perſon ſhall leave for any longer Time than ſhall be neceſſary, till the ſame can be removed, any dead Cattle, or ſhall lay, or cauſe to be laid, any Timber or Stones, or any Dung, Aſhes, Lime, Soil, or Compoſt, Rubbiſh, or other Matters upon the ſaid Road, or within Five Yards of the Sides thereof, unleſs the ſame be ſufficiently fenced off from the Road, neither ſhall any Perſon or Perſons turn their Plough on the ſaid Road, or leave any Cart, Waggon, Wain, or other Carriage loaded or unloaded ſtanding upon the ſaid Road or Bridges, or do any Thing whatſoever whereby the ſaid Road or Bridges may be unneceſſarily incumbered or damaged, or the Paſſage thereof obſtructed; and every Perſon or Perſons ſo offending, ſhall pay any Sum not exceeding Forty Shillings Sterling, nor leſs than Ten Shillings Sterling, for every ſuch Offence, to be levied and recovered in the ſame Manner as other Penalties are by this Act directed, the One Half to be paid to the Informer, and the other Half to be paid to the Truſtees or their Treaſurer, for the Time being, to be applied for the Uſe of the ſaid Road.

LIII. And

Stones, broken or unbroken, not to be laid on the Road Side.

LIII. And be it further enacted, That it ſhall not be lawful for the Contractors for making or repairing the ſaid Road, or any other Perſon whatſoever, to lay any Stones, broken or unbroken, Gravel, or any other Obſtruction whatſoever, upon the ſaid Road, but the Truſtees or their Contractors or Overſeers, are hereby required and empowered to provide proper Repoſitories for the high Road Materials, Damages, if required, being always paid for the Grounds occupied by ſuch Repoſitories, to be aſcertained in the ſame Manner as other Damages which may be incurred in the Execution of this Act; and if the ſaid Contractors, or any Perſon or Perſons ſhall nevertheleſs, lay and leave any ſuch Stones, or other Things upon the ſaid Road, the Perſons ſo offending, ſhall for every ſuch Offence, forfeit any Sum not exceeding Twenty Shillings Sterling, nor leſs than Ten Shillings Sterling.

Penalty for drawing Timber, Stones, *etc.* except on Wheel Carriages.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone or any other Thing whatſoever, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Tree or Piece of Timber, or Stone, or any other Thing whatſoever, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of the ſaid Road, every Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling, nor leſs than Twenty Shillings Sterling.

Trees and Hedges to be pruned.

LV. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Road, by Order of the ſaid Truſtees, or any Three or more of them, to require, by Writing under his or their Hand or Hands, the Owner or Owners of the Grounds through which the ſaid Road paſſes, at a proper Seaſon of the Year to lop or prune any ſuch Trees, Buſhes, or Hedges, which overhang the ſaid Road, or any Part thereof, and to ſcour and keep up any Ditches or Dykes that injure or encumber the ſaid Road; and if the Owner or Owners ſhall refuſe or neglect to comply with the ſaid Requiſition within Ten Days after the Delivery of the ſame, it ſhall and may be lawful for the ſaid Truſtees, or any Three or more of them, to order the ſaid Trees, Buſhes, or Hedges, to be lopped or pruned, and the Ditches to be ſcoured, and the Dykes to be rebuilt by Perſons appointed by them; and the Sheriff and Juſtices of the Peace for the ſaid County of *Berwick*, are hereby authorized and required to enforce the Execution of the ſaid Order; and the Expence attending the ſame, ſhall be levied on the ſaid Owner or Owners ſo refuſing as aforeſaid, in the ſame Manner as other Penalties and Forfeitures impoſed by this Act.

How Penalties are to be recovered.

LVI. And be it further enacted, That all Forfeitures and Penalties by this Act inflicted, or authorized to be impoſed in relation to the ſaid Road and Bridges, Turnpike or Tolls, or in any Matter or Thing of and concerning the ſame, the Manner of recovering and levying whereof is not otherwiſe particularly directed, ſhall, upon Proof of the ſaid Offence before any Juſtice or Juſtices of the Peace for the County of *Berwick*, either by the Confeſſion of the Party or other legal Evidence, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ſo offending, by Warrant under the Hand or Hands of ſuch Juſtice or Juſtices of the Peace, (which Warrant ſuch Juſtice and Juſtices is and

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are hereby authorized and required to grant for these Purposes, and to administer Oaths *gratis*), such Sale being always made by publick Roup or Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Four Days after such Distress shall have been made, and the Overplus Money arising from such Sale (after such Penalties are recovered, and the Charges of levying and recovering the same are deducted), shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall from Time to Time be paid to the said Trustees respectively, or any Three or more of them, or to their Treasurer or Treasurers for the Time being, and shall be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for the said County of *Berwick*, and he and they are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Offender or Offenders to be committed to the House of Correction, or Common Gaol of the County or Place where the Offence shall be committed, therein to remain for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Limitation of Actions.

LVII. Provided always, and be it further enacted, That all Actions for all and every the Penalties by this Act imposed, shall be commenced within Six Calendar Months after the Act, from which the Penalty arises, was done or committed, and not afterwards.

Persons aggrieved may appeal to the Quarter Sessions.

LVIII. And be it enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order or other Proceeding of the said Trustees, or by the Order of One or more Justice or Justices of the Peace, not assembled in Quarter Sessions, it shall and may be lawful for him, her, or them to appeal to the Justices of the Peace for the said County, at their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in Dispute, and whose Order therein shall be final and conclusive, and not subject to the Review of any superior or other Court.

Accounts to be kept.

LIX. And be it further enacted, That the said Trustees shall keep an exact Account of the Money received by virtue of this Act, and of the Expenditure thereof, in a Book or Books to remain in the Hands of their Clerk or Clerks, which Books all Heritors of the said County of *Berwick* at One hundred Pounds *Scots* Valuation, shall be at Liberty to inspect, at any reasonable Time, without Fee or Reward; and it shall and may be lawful for the Justices of the Peace for the said County of *Berwick*, 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 Road or Bridges by this Act directed to be made, built, and kept in Repair, and to enquire of and concerning the Application of the Tolls and Duties taken and received in pursuance of this Act; and in case such Person or Persons so appointed shall find any Misapplication of the Money collected, levied, or raised by virtue of this Act, or any other Abuses of the Powers 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

Misapplication of Money to be certified by Justices.

are

are hereby authorized and required to hear, examine, and determine the same; and all such Sum or Sums of Money, or other Satisfaction, as the said Justices at any Quarter Session to be holden in and for the said County as aforesaid, or the major Part of them then present, shall think fit to order and direct to be paid or given, shall, by the Person or Persons making such Misapplications or committing such Abuses, be paid or given to the Treasurer or Treasurers of the said Road for the Time being, for the Purposes of this Act, 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 General Quarter Sessions, 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, returning the Overplus (if any be) after the Deduction of the 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 be found for that Purpose, to commit the Person or Persons to the Common Gaol of the County, there to remain till Payment or Satisfaction be made as aforesaid.

Justices to enforce Payment of Subscription Money.

LX. And be it further enacted, That if any Person or Persons who has or have or hereafter shall subscribe towards making and repairing the Road, and building, upholding, and keeping in Repair the Bridges by this Act intended to be made, built, upheld, and kept in Repair, shall neglect or refuse to pay his, her, or their Subscription Money at such Times and Places and by such Proportions as shall be appointed by the said Trustees, or any Three or more of them, it shall and may be lawful to and for the said Trustees respectively, or any Three or more of them, to sue for and recover the same in any Court competent either in *England* or *Scotland* respectively.

Money subscribed and paid, a Lien on the Tolls.

LXI. Provided nevertheless, That the Money so subscribed and paid shall be repaid out of the Monies allowed to be borrowed by this Act, or out of the Money arising from the Tolls and Duties by this Act imposed; and until Repayment, the Monies advanced by the Subscribers shall be a Lien and preferable Charge upon the Tolls and Duties arising upon the said Roads.

Trustees may choose new Trustees in Place of those that die or resign

LXII. And be it further enacted, That upon the Death of any One of the Persons named and appointed by this Act Trustees for making and repairing the aforesaid Road, and building, upholding, and keeping in Repair the aforesaid Bridges, or upon their or any of them resigning the Office, it shall and may be lawful for any Three or more of the Trustees, at a General Meeting assembled, Fourteen Days previous Notice of the said Meeting and of the Intent and Business thereof having been first given to the said Trustees in the aforesaid Manner, by any Writing or Writings under their Hands, to choose, nominate, and appoint in the room of the Trustee or Trustees so deceased or resigning, some other fit and able Person or Persons to be joined with the other or surviving Trustees in the Execution of all and every the Powers and Trusts in them by this Act vested and reposed; and all and every the Person or Persons so chosen, nominated, and appointed a Trustee or Trustees as aforesaid, shall and may, and they are hereby authorized and empowered to act to all Intents and Purposes

in as full and ample a Manner for putting this present Act in Execution as the other Trustees nominated and appointed by this Act.

Trustee only to be liable so far as bound in his individual Capacity.

LXIII. And be it enacted, That nothing herein contained shall extend, or be construed to extend, to charge any Trustee acting under the Authority of this Act with the Payment of any Sum or Sums of Money borrowed or contracted to be paid under the Authority of this Act further than such Trustee shall or may specially by Writing undertake to pay in his individual Capacity.

Publick Act.

LXIV. And be it enacted, That this Act shall be deemed a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others whomsoever, without specially pleading the same.

Commencement and Continuance of the Act.

LXV. And be it further enacted, That the Tolls, Duties, and Powers hereby granted and given in Manner aforesaid, shall take place from and after the Fifth Day of *April* One thousand eight hundred and three, and shall have Continuance from thence for and during the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN Printers to the King's most Excellent Majesty. 1803.