ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xvii.

An Act for more effectually repairing and maintaining certain Roads in the County of *Roxburgh*, and other Roads connected therewith, leading into the Counties of *Berwick*, *Northumberland*, and *Durham*. [23d *March* 1815.]

WHEREAS by an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for repairing and widening that Part of the Road leading from* Kelso *towards the Town of* Selkirk *which lies to the Eastward of the Turnpike Road leading from* Jedburgh *to* Lauder, *which crosses the River* Teviot *near the Town of* Kelso; *and the Road leading from* Kelso *towards* Coldstream *to the Place where it joins the Turnpike Road leading from* Greenlaw *to* Coldstream; *and from* Kelso *through* Ednam *to* Orangelane, *in the Parish of* Eccles, *in the County of* Berwick; *and from the Ford at* Newton Mill *through* Ednam *to* Edenfoot; *and from* Kelso *to* Cornhill, *in the County of* Durham; certain Persons were appointed Trustees for making and repairing the Roads and Bridges in the said Act mentioned: And whereas the said Trustees have proceeded in the Execution of the Powers thereby committed to them, and have borrowed several Sums of Money upon the Credit of the Tolls and Duties by the said Act granted, but the said Roads and Bridges thereon cannot be effectually repaired and kept in Repair by the Laws at present in force, nor can the Sums of Money borrowed and owing upon the Credit of the Tolls and Duties by the said Act granted be repaid, unless Power be granted to levy additional Rates of Toll; and it is expedient that the said recited Act should be repealed, and that more extensive

extenſive Powers and Authorities ſhould be given in relation to the ſaid Roads and Bridges thereon; but as theſe Purpoſes cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty ſhall be and the ſame is hereby repealed, and inſtead thereof this Act ſhall commence and be put in Execution for and during the Term hereinafter mentioned; and this Act, and all the Tolls and Duties which are hereby authorized to be levied, ſhall (under the Conditions, Proviſions, and Reſtrictions hereinafter contained,) be, and the ſame are hereby made ſubject and liable to the Payment of all Sums of Money which have been advanced, whether by Loan, Subſcription, or otherwiſe, or are now due and owing on the Credit of the ſaid Act hereby repealed; and the ſaid Tolls and Duties ſhall alſo, under the Conditions, Proviſions, and Reſtrictions hereinafter contained, be ſubject and liable to the Payment of all Sums of Money which ſhall or may hereafter be borrowed on the Credit of the ſame, and of all Intereſt due, or that may become due for the ſeveral Sums of Money aforeſaid reſpectively; and all Contracts and Agreements, for the making and repairing of Roads, or any other Purpoſe, entered into by the Truſtees under the ſaid recited Act hereby repealed, ſhall continue in full force and effect; and all Tolls and Duties due, and Penalties and Forfeitures incurred in virtue of the ſaid recited Act hereby repealed, previous to the Firſt General Meeting of Truſtees to be held under the Authority of this Act, ſhall be held to be due, incurred, and exigible, by the Truſtees under this Act, any thing herein contained to the contrary notwithſtanding.

Former Acts repealed.

Truſtees.

II. And be it enacted, That from and after the paſſing of this Act, the Honourable *Elliot*, commonly called Lord Viſcount *Melgund*, The Honourable *Grey*, commonly called Lord Viſcount *Howick*, The Right Honourable *Thomas Hamilton*, commonly called Lord *Binning*, The Honourable *George Elliot*, The Honourable *John Elliot*, The Right Honourable *William Elliot* of *Wells*, Sir *Francis Blake* Baronet, Sir *William Purvis Hume Campbell*, of *Marchmont*, Baronet, Sir *Alexander Don*, of *Newton*, Baronet, Sir *George Douglas*, of *Springwood Park*, Baronet, Sir *Archibald Collingwood Dickſon*, of *Sydenham*, Baronet, Sir *Henry Hay Makdougall*, of *Makerſton*, Baronet, Sir *John Pringle*, of *Stitchell*, Baronet, Sir *John Buchanan Riddell*, of *Riddell*, Baronet, Sir *John Scott*, of *Ancrum*, Baronet, Sir *John Marjoribanks*, of *Eccles*, Baronet, *Samuel Anderſon*, of *Rowcheſter*, *James Anderſon*, of *Wilton Lodge*, *George Baillie*, of *Jerviſwood*, *George Baillie*, Younger of *Jerviſwood*, The Reverend *Charles Baillie*, of *Rumbletonlaw*, *John Baillie*, of *Chillingham*, *Adam Boyd*, of *Cherrytrees*, *David Munro Binning*, of *Softlaw*, *Alexander Carr*, of *Cavers*, *James Ramſay Cuthbert*, of *Ednam*, *Anthony Compton*, of *Carhamhall*, *Henry Collingwood*, of *Lilburn*, *Mathew Culley*, of *Akeld*, *John James Douglas*, Younger of *Springwood Park*, *Alexander Don*, Younger of *Newton*, *James Dickſon*, of *Antonſhill*, Doctor *James Douglas*, of *Cheſterhouſe*, *John Hood*, of *Stoneridge*, *James Haig*, of *Bemerſyde*, *Thomas Hood*, of *Hardacres*, *Haig*, Younger, of *Bemerſyde*, *Thomas Haggerſton*, Eſquire, Doctor *Charles Ker*, of *Gateſhaw*, *John Seton Karr*,

Karr of *Kippilaw*, *Robert Ker*, of *Chatto*, *Thomas Mein*, of *Greenwells*, *Marjoribanks*, Younger, of *Eccles*, *David Macdougal*, of *Heitt*, *Thomas Nisbet*, of *Mersington*, *Robert Nisbet*, Younger, of *Mersington*, *James Nisbet*, of *Lambden*, *James Oliver*, of *Lochside*, *John Oliver*, of *Blakelaw*, *Willam Riddell*, of *Camieston*, *Walter Buchanan Riddell*, Younger, of *Riddell*, *John Rutherford*, of *Edgerston*, *Thomas Riddell*, Younger, of *Camieston*, *William Robertson*, of *Ladykirk*, *William Roy*, of *Nenthorn*, *James Roy*, Younger, of *Nenthorn*, *Charles Robson*, of *Samieston*, *Hugh Scott*, of *Harden*, *Walter Scott*, of *Raeburn*, *William Scott*, Younger, of *Raeburn*, *Henry Scott*, Younger, of *Harden*, *William Smail*, of *Overmains*, *Thomas Tulloch*, of *Elleiston*, *Archibald Tod*, of *Dry Grange*, *Tod*, Younger, of *Dry Grange*, *Robert Henry Tulloch*, Younger, of *Elliesion*, *Robert Walker*, of *Wooden*, *Robert Walker*, Younger, of *Wooden*, *Adam Walker*, of *Muirhouse Law*, *Adam Walker*, Younger, of *Muirhouse Law*, *Williamson*, of *Maxton*, *George Waldie*, of *Hendersyde*, *William Waite*, of *Castlelaw*, *Andrew Wauchope*, of *Niddrie Marischal*, *William Wauchope*, Younger, of *Niddrie*, *John Waldie*, Younger, of *Hendersyde*, *William Jonathan Waldie*, of *Hayhope*, Dr. *James Wilson*, of *Otterburn*, the Sheriffs Depute of *Roxburghshire* and *Berwickshire* for the Time being, the Sheriffs Substitute of *Roxburghshire* and *Berwickshire* for the Time being, the Baillie of *Kelso* for the Time being, being qualified in the Manner hereinafter directed, shall be and they are hereby appointed Trustees for surveying, ordering, repairing, and keeping in Repair the Roads hereinafter mentioned; that is to say, That Part of the Road leading from *Kelso*, in the County of *Roxburgh*, towards the Town of *Selkirk*, which lies to the Eastward of the Turnpike Road from *Jedburgh* to *Lauder*, and crosses the River *Teviot* near *Kelso*; the Road leading from *Kelso* aforesaid towards *Coldstream*, to the Place where it joins the Turnpike Road between *Coldstream* and *Greenlaw*; the Road from *Kelso* aforesaid, through *Ednam* to *Orangelane*, in the Parish of *Eccles* and County of *Berwick*; the Road from the Ford at *Newton Mill*, by *Ednam*, to *Edenfoot*; and the Road leading from *Kelso* aforesaid, on the South Side of the River *Tweed*, to *Cornhill*, in the County of *Durham*; for building and repairing the Bridges erected or to be erected on the same, and for the other Purposes of this Act.

Power to choose ten Additional Trustees.

III. And be it enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting assembled, Fourteen Days' previous Notice of such Meeting and of the Purpose thereof having been first given in Manner as hereinafter directed for calling Special Meetings of Trustees, to nominate and choose Ten Trustees, in Addition to the Persons above named and appointed Trustees for the Purposes of this Act; and thereupon such additional Trustees shall have the same Powers and Authorities for executing the Purposes of this Act as if they had been therein specially named and appointed Trustees.

New Trustees to be chosen in the Place of those that die or resign.

IV. And be it enacted, That upon the Death or Resignation of any of the Persons above named and appointed, or to be named and appointed Trustees for the Purposes of this Act, or upon their or any of their becoming disqualified or incapable to act, it shall and may be lawful to and for the surviving and continuing Trustees, at a General Meeting assembled, Fourteen Days' previous Notice of such Meeting and of the Purpose thereof having been first given in Manner as hereinafter directed for calling

calling Special Meetings of Truſtees, to nominate and chooſe new Truſtees in the Room of thoſe who may die, reſign, or become diſqualified or incapable to act as aforeſaid; and thereupon ſuch new Truſtees ſhall have the ſame Powers and Authorities for executing the Purpoſes of this Act, as if they had been therein ſpecially named and appointed Truſtees.

Qualification of Truſtees.

V. Provided always, and be it enacted, That no Perſon other than the ſaid Sheriffs Depute and Sheriffs Subſtitute of *Roxburghſhire* and *Berwickſhire*, and Baillie of *Kelſo* for the Time being, ſhall be qualified to act as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right or in the Right of his Wife in the actual Poſſeſſion and Enjoyment, as Proprietor or Life-renter of the *Dominium utile*, of Lands rated in the Valuation Books of the Counties of *Roxburgh* or *Berwick* at One Hundred Pounds Scots of valued Rent, or ſhall be in his own Right or in the Right of his Wife in the actual Poſſeſſion and Enjoyment of an Eſtate in Land in the Counties of *Northumberland* or *Durham* of the Yearly Rent or Value of One Hundred Pounds Sterling, or unleſs he ſhall be the eldeſt Son of a Perſon poſſeſſed of ſuch Lands or ſuch an Eſtate as aforeſaid, or unleſs he ſhall be poſſeſſed of a Perſonal Eſtate alone or Real and Perſonal Eſtate together of the Amount or Value of One Thouſand Pounds Sterling.

Qualification of Sheriff, &c.

VI. Provided alſo, and be it enacted, That no Sheriff Depute or Sheriff Subſtitute of the ſaid County of *Roxburgh* or *Berwick*, or Baillie of *Kelſo* aforeſaid, ſhall be capable of acting as a Truſtee in the Execution of this Act unleſs he ſhall be qualified to act as a Commiſſioner of Supply for the ſaid County of *Roxburgh* or *Berwick* reſpectively, or unleſs he ſhall be in his own Right or in the Right of his Wife in the actual Poſſeſſion or Receipt of the Rents or Profits of Lands and Heritages of the clear Yearly Value of Fifty Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of Five Hundred Pounds.

Penalty upon acting if not qualified.

VII. And be it enacted, That if any Perſon not qualified as aforeſaid ſhall nevertheleſs preſume to act as a Truſtee under this Act, he ſhall for every ſuch acting forfeit and pay the Sum of Twenty Pounds Sterling, to be recovered with full Coſts of Suit by ſummary Complaint at the Suit of any Heritor of any of the Pariſhes through which any of the ſaid Roads do paſs, before the Juſtices of the Peace of the County within which the Offender ſhall reſide, at their General or Adjourned Seſſions of the Peace, and the Money recovered ſhall be paid to the Truſtees appointed by this Act, or their Treaſurer or Collector, to be applied to the Repair of the ſaid Roads and Bridges in ſuch Manner as the ſaid Truſtees at any General Meeting aſſembled ſhall direct and appoint; and in all Caſes where ſuch Complaint ſhall be made, the Proof of Qualification ſhall lie upon the Perſon complained of; and any Vote given, or Act done in the Character of a Truſtee by any Perſon not qualified as aforeſaid, ſhall be and be held to be altogether null and void; but ſuch Nullity ſhall not affect any Act done or Determination made by any General or other Meeting.

VIII. And be it enacted, That at all General Meetings of Truſtees Three Truſtees ſhall be a Quorum. Quorum of Truſtees.

IX. Provided always, and be it enacted and declared, That if any Perſon or Perſons appointed or to be appointed by this Act as a Truſtee or Truſtees for putting this Act into Execution, ſhall have or accept of any Place of Profit ariſing out of or by reaſon of any Tolls or Duties by this Act laid or granted, ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees, from the Time of accepting and during the Enjoyment of ſuch Place of Profit as aforeſaid; and no Perſon who ſhall keep a Public Houſe for the ſelling or retailing of Beer, Ale, or Spirituous Liquors, ſhall be capable to act as a Truſtee, or to hold or enjoy any Office or Situation of Truſt or Profit under this Act. Truſtees not to hold Places of Profit.

X. And be it enacted, That the ſaid Truſtees, or any Three or more of them, ſhall meet at *Kelſo* on the Fourth *Monday* after the paſſing of this Act, or as ſoon thereafter as conveniently may be, and proceed to carry this Act into Execution; and the ſaid Truſtees ſhall thereafter hold Two ſtated General Meetings Yearly at ſuch Times and at ſuch Place or Places as the ſaid Truſtees at their Firſt or Second Meeting held after the paſſing of this Act ſhall fix and determine for putting this Act into Execution, which Meetings, or any of them, may be adjourned from Time to Time, as the Truſtees preſent thereat ſhall judge neceſſary; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act at ſuch Meeting, it ſhall be in the Power of any One or more Truſtees who may attend, to adjourn the Meeting to be held to any lawful Day, not leſs than Fourteen Days nor more than Three Weeks from the Day appointed for the laſt Meeting; and in caſe no Truſtee ſhall attend, then and in ſuch Caſe, the Clerk to the ſaid Truſtees, by Advertiſements at leaſt Ten Days before the next Meeting, in one or other of the *Kelſo* Newſpapers, as the ſaid Truſtees ſhall from Time to Time direct and appoint, ſhall appoint the ſaid Truſtees to meet on the Fourteenth Day from that on which the laſt Meeting of the ſaid Truſtees was appointed to be held; and the ſaid Truſtees at any General or Adjourned Meeting ſhall have full Power to name Committees of their Number, to have the more immediate Care and Management of particular Roads; and to give their Committees ſuch Inſtructions and Powers as they ſhall think fit and expedient, not being inconſiſtent with this Act; and at all Meetings of Truſtees to be held under the Authority of this Act, the ſaid Truſtees ſhall bear their own Expences. Meetings of Truſtees. Truſtees to defray their own Expences.

XI. And be it enacted, That the Clerk to the ſaid Truſtees, when required by a written Order, ſpecifying the Purpoſes for which, and the Place where a Meeting is deſired to be held, ſigned by any Two or more Truſtees, ſhall be, and he is hereby required to call a Special Meeting of the Truſtees, at ſuch Times and Places as ſhall be thought proper by the Truſtees making ſuch Requiſition, by Advertiſements in ſuch Newſpapers, and in ſuch Manner as aforeſaid, in which the Purpoſes and Place of Meeting ſhall be ſpecified; and all Acts and Deeds done at ſuch Meetings called by the Clerk, ſhall be as valid and effectual as if they had been done at a General or adjourned Meeting: Provided always, that Special Meetings.

nothing ſhall be done, nor any Matter diſcuſſed, at ſuch Special Meetings, but what relates to the ſpecial Purpoſes for which ſuch Meetings are called.

Orders not to be revoked without Notice.

XII. And be it enacted, That if the ſaid Truſtees at their General Meetings ſhall determine in any Matter, or appoint and order any Thing to be done with reſpect to the making, amending, or repairing the ſaid Roads, building or repairing the ſaid Bridges, or levying Tolls or Duties, or of or concerning any other Powers hereby committed to them, it ſhall not be in the Power of any ſubſequent General Meeting to alter, vary, or annul ſuch Determination, or give any Orders contrary, and in oppoſition to the Orders formerly given, unleſs Notice ſhall be given of ſuch ſubſequent General Meeting by Advertiſements publiſhed in ſuch Newſpapers as aforeſaid at leaſt Fourteen Days, and not more than Three Weeks before the Day of ſuch Meeting, expreſsly ſetting forth ſuch Reſolutions of a former General Meeting as are to be under Review.

Officers to be appointed:

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees at a General Meeting aſſembled, as alſo to the Committees of Truſtees reſpectively to be appointed as aforeſaid, when aſſembled at their reſpective Meetings, at which laſt mentioned Meetings

Quorum of Committees,

Three ſhall be a Quorum, to chuſe and appoint fit Perſons to be Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the ſaid Truſtees for receiving the Tolls and Duties granted and made payable by this Act; and alſo one or more fit Perſon or Perſons to be Surveyor or Surveyors of the ſaid Roads and Bridges, or ſuch other Officers as they ſhall think proper; and from Time to Time to remove ſuch Treaſurers, Receivers, Collectors, Clerks, Surveyors, or other Officers, or any of them, and to appoint new ones in caſe of the Death or Removal of them, or any of them, and all and every Perſon or Perſons who is, are, or ſhall be liable by this Act to pay the ſaid Tolls and Duties is and are hereby appointed to pay the ſame to the ſaid Collector or Collectors, Receiver or Receivers, ſo from Time to Time to be appointed as aforeſaid; and ſuch Collector or Collectors, Receiver or Receivers, or Perſon or Perſons to be appointed as aforeſaid, for receiving the ſaid Tolls and Duties, ſhall on the Firſt *Monday* of every Month or at any other Time or Times to be appointed by the ſaid Truſtees, during the Continuance of this Act, give in a true, particular, exact, and perfect Account in Writing, under their reſpective Hands, in ſuch Form and Manner as the ſaid Truſtees ſhall appoint, with their reſpective Vouchers, of all Money which they, every or any of them ſhall have received or paid or diſburſed by virtue of this Act, by reaſon of their reſpective Offices, and ſhall verify the ſame upon Oath when required, which Oath any One Juſtice of the Peace is hereby authoriſed to adminiſter; and in caſe any overplus Money ſo received ſhall remain in their or any of their Hands they ſhall, when thereto required, pay the ſame to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall authoriſe and appoint to receive the ſame, to be applied for the Purpoſes of this Act; and the ſaid Truſtees ſhall and may and they are hereby authoriſed and empowered, out of the Money ariſing out of the ſaid Tolls and Duties, to make ſuch Salaries or Allowances to the Officers ſo to be appointed by them, for and in Conſideration of their Care and Pains in the Execution of their reſpective Offices, and to ſuch other

to account.

other Perſon or Perſons who ſhall have been or may be aſſiſting in making or repairing the ſaid Roads or Bridges, by advancing or laying out Money or otherwiſe as to them ſhall ſeem good, over and above the neceſſary Diſburſements made by them; and it ſhall and may be lawful for any Two or more Truſtees appointed to take Charge of any particular Road, to call a Meeting of the whole Truſtees ſo appointed to take Charge of that Road, at any Time, in a ſimilar Manner and with ſimilar Notices as are hereinbefore directed in calling a General Meeting of the Truſtees by this Act appointed.

Treaſurer or Collector to find Security.

XIV. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Collector or Collectors, to be appointed for the Purpoſes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them in virtue of their ſaid Offices, as to the ſaid Truſtees ſhall ſeem meet, or failing to take any Security, the Truſtees making ſuch Appointment ſhall be individually reſponſible for the Default of the Perſons by them ſo appointed.

Turnpikes to be continued and erected.

XV. And be it enacted, That the ſaid Truſtees, at a General Meeting aſſembled, as alſo the Truſtees reſpectively appointed by General Meetings to take Charge of each or any of the Roads in this Act mentioned, when aſſembled at their reſpective Meetings, ſhall and may continue or erect or cauſe to be erected in and acroſs the ſaid Roads ſuch Number of Gates or Turnpikes (not exceeding the Number of the Gates or Turnpikes already erected, except in the Caſe of erecting a Bridge over the River *Eden*, in which Event the ſaid Truſtees ſhall and may erect a Gate or Turnpike thereon); and ſuch Number of Toll-houſes, with proper Stables and Gardens adjoining to ſuch Toll-houſes as to them ſhall appear to be expedient, the Scite of each ſuch Toll-houſe, Stable, and Garden, not exceeding One Quarter of an Acre, and from Time to Time to alter the Situation of ſuch Gates or Turnpikes, and Toll-houſes, Stables, and Gardens; and the ſaid Truſtees, or ſome Perſon or Perſons by them to be appointed, ſhall be and they are hereby authoriſed and empowered to demand and take, or cauſe to be demanded and taken, at the ſeveral and reſpective Gates or Turnpikes already erected, or which may hereafter be erected, upon the ſaid Roads, before Paſſage be permitted, the Tolls following; that is to ſay,

Tolls; Coaches, &c.

For every Coach, Barouche, Chariot, Landau, Chaiſe, Calaſh, Chair, Taxed Cart, Hearſe, or other ſuch Carriage, drawn by One Horſe, or Beaſt of Draught, Sixpence; and drawn by Two Horſes, or Beaſts of Draught, One Shilling; and drawn by Three Horſes, or Beaſts of Draught, One Shilling and Sixpence; and drawn by Four Horſes, or Beaſts of Draught, Two Shillings; and drawn by Five Horſes, or Beaſts of Draught, Two Shillings and Sixpence; and drawn by Six or more Horſes, or Beaſts of Draught, Three Shillings:

Stage Coaches, &c.

For every Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, the above Toll Duties; and if the ſaid Truſtees ſhall think proper, any Sum in Addition to the foreſaid Rates, not exceeding One Half more thereof:

Waggons, &c.

For every Waggon, Wain, or Cart, or other ſuch Carriage, drawn by One Horſe, Ox, or Beaſt of Draught, Four-pence; and drawn by

Two

Two Horſes, Oxen, or Beaſts of Draught, Sixpence; and drawn by Three Horſes, Oxen, or Beaſts of Draught, Nine-pence; and drawn by Four Horſes, Oxen, or Beaſts of Draught, Two Shillings; and drawn by Five Horſes, Oxen, or Beaſts of Draught, Two Shillings and Sixpence; and drawn by Six Horſes, Oxen or Beaſts of Draught, Three Shillings; and drawn by Seven Horſes, Oxen, or Beaſts of Draught, Three Shillings and Sixpence; and drawn by Eight Horſes, Oxen, or Beaſts of Draught, Four Shillings:

Horſes, &c. For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, Three-pence:

Cattle, &c. For every Score of Oxen, or neat Cattle, One Shilling and Eight-pence; and ſo in Proportion for any greater or leſs Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Five-pence; and ſo in Proportion for any greater or leſs Number:

For every Score of Horſes or Fillies, unſhod, Two Shillings and Sixpence; and ſo in Proportion for any greater or leſs Number:

And for every Perſon on Foot who ſhall paſs the Bridge erected, or to be erected over the River *Teviot*, or the Bridge over the River *Eden*, if ſuch Bridge ſhall be erected, the Sum of One Half-penny Sterling, for each and every Time of paſſing or repaſſing.

May erect Side Bars.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or the Committees of Truſtees reſpectively to be appointed as aforeſaid, to continue and erect, or cauſe to be erected, One or more Gate or Gates, Bar or Bars, on the Side or Sides of the ſaid Roads, or acroſs any Part of any Lane or Way leading out of the ſame, at any Diſtance from the ſaid Roads not exceeding Five hundred Yards; and alſo a Toll-houſe, with a proper Stable and Garden adjoining to each ſuch Toll-houſe at ſuch Bar or Gate; the Scite of each ſuch Toll-houſe, Stable, and Garden not exceeding One Quarter of an Acre; 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 any ſuch Side-gate or Bar, ſhall entitle the Receiver thereof to paſs through the next Gate or Bar on the ſame Day, and on the ſame Road, if within Six Statute Miles, Toll-free: Provided always, that no Ticket received at any ſuch Side-gate or Bar ſhall entitle the Receiver thereof to paſs the Gate or Turnpike at the ſaid Bridges over the *Teviot* and *Eden* or either of them, but ſhall entitle the Receiver thereof to paſs the next Gate or Bar, on the ſame Day, and on the ſame Road, if within Six Statute Miles, Toll-free; and all ſuch Tickets ſhall name and ſpecify the Gates or Turnpikes through which the Receivers thereof ſhall be entitled to paſs Toll-free.

Tolls to be paid only once a Day, except with new Loading.

XVII. And be it further enacted, That no Perſon or Perſons having occaſion to paſs through any Gate or Turnpike erected, and continued, or to be erected by virtue of this Act, and who ſhall return through the ſame Gate or Turnpike on the ſame Day, to be computed from Twelve of the Clock at Night to the like Hour in the ſucceeding Night, with the ſame Coach or Cart, or other Wheel Carriage, drawn by the ſame Horſes, or with the ſame Horſe, Aſs, or other Cattle, ſhall be liable or compelled to pay the Tolls or Duties more than once, but ſhall on Demand be furniſhed with a Note or Ticket, Notes or Tickets, ſignifying the Payment of ſuch Toll or Duty, which Note or Ticket, Notes or Tickets, ſhall give

Liberty and Acceſs to ſuch Perſon or Perſons, returning the ſame Day as aforeſaid, to repaſs the ſaid Gate or Turnpike, Toll-free.

Penalty on fraudulent Diſpoſal of Tickets.

XVIII. And be it further enacted, That if any Perſon or Perſons having paid the Tolls or Duties by this Act impoſed, and being poſſeſſed of a Note or Ticket, Notes or Tickets, denoting or ſignifying the Payment thereof, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons, in order to avoid the Payment of the ſaid Tolls or Duties, every ſuch Perſon ſo giving or diſpoſing thereof, and the Perſon receiving the ſame, being convicted thereof, upon Oath by One or more credible Witneſs or Witneſſes, or his own Confeſſion, before any One or more Juſtice or Juſtices of the Peace of the County where the Offence ſhall be committed, or where the Offender ſhall reſide, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, to be levied and recovered by Diſtreſs and Sale of the Offender's Effects.

Exceptions as to Saint James's Fair.

XIX. Provided always, That every Coach, Chaiſe, Waggon, Cart, Sledge, and other Carriage whatſoever, and all Horſes, Beaſts, or Cattle, going to or returning from the Annual Fair called *Saint James's Fair*, held in the Neighbourhood of *Kelſo*, ſhall be obliged to pay the Toll at the aforeſaid Bridge erected or to be erected over the River *Teviot*, as often as they ſhall paſs the ſaid Bridge on the Day on which the ſaid Fair is held.

Application of the Tolls

XX. And be it further enacted and declared, That at any of the ſtated General Meetings of the ſaid Truſtees, it ſhall be lawful for them to direct the Tolls ariſing at the Gates or Turnpikes erected or to be erected on the ſaid Roads, to be applied towards the making, repairing, and upholding of the aforeſaid Roads, and the Bridges thereon reſpectively in ſuch Manner as the ſaid Truſtees ſhall think fit; and as ſoon as the ſame ſhall be ſo adjuſted, the Clerk of the ſaid Truſtees ſhall be and he is hereby authoriſed and required to enter and record the ſame in a Book to be kept for that Purpoſe: Provided always, that in all Time thereafter during the Continuance of this Act, it ſhall not be in the Power of the ſaid Truſtees, or of any Number of them, to vary or alter the final Determination or Allocation ſo made; and the Produce of the ſaid Tolls and Duties ſhall be applied, in the firſt Place, to the Payment of the Expence of procuring and paſſing this Act, in Manner hereinafter mentioned, and, in the next Place, towards the making, repairing, and upholding the ſaid Roads and Bridges thereupon, and paying the Intereſt of the Money borrowed, advanced, and owing at the Time on the ſaid Roads reſpectively; and the Surplus ſhall be appropriated annually to extinguiſh the Principal of the Money ſo borrowed, advanced, and owing, and to no other Purpoſe whatſoever.

Weighing Engines to be erected.

XXI. And be it further enacted, That the ſaid Truſtees ſhall, if they find it neceſſary, cauſe Weighing Engines to be erected upon ſuch Parts of the ſaid Roads as they ſhall think fit, for weighing all Waggons, Wains, Carts, and other Carriages, which ſhall paſs along the ſaid Roads, and receive and take over and above the Tolls and Duties hereby granted, the following Sums of Money as additional Toll for every Hundred Weight of One hundred and twelve Pound to the Hundred Weight which any Waggon, Wain, Cart, or any ſuch Carriage, together

together with its Loading, shall weigh at any of the said Weighing Engines, over and above the Weights which such Waggon, Wain, Cart, or such Carriage is allowed to weigh without paying additional Toll; that is to say,

Additional Tolls and Pontage on heavy Carriages.

For the First and Second Hundred of such Overweight, the Sum of Three-pence for each Hundred:

For every One Hundred Weight of such Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence:

For every One Hundred Weight of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence:

For every One Hundred Weight of such Overweight above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings:

For every One Hundred Weight of such Overweight above Fifteen Hundred, the Sum of Twenty Shillings:

And that before they respectively shall be permitted to pass through such Gate or Turnpike; and the same shall be applied as the other Tolls and Duties are by this Act directed to be applied; and every Person travelling with any Waggon, Wain, Cart, or other such Carriage, shall, when required thereto by any Collector of Tolls, permit the same to be weighed, and shall assist in weighing the same; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages as aforesaid, or shall refuse to assist in weighing the same, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Weight of Carriages which shall be permitted to pass without paying additional Toll.

XXII. And be it further enacted, That every Waggon, Wain, Cart, or other such Carriage, shall be allowed to pass without paying any additional Toll, provided it, with its Loading, does not weigh more than the Weights following; *videlicet*, Every Waggon, Wain, Cart, or other such Carriage, drawn by One Horse, Ox, or Beast of Draught, One Ton Five Hundred Weight; and drawn by Two Horses, Oxen, or Beasts of Draught, One Ton and an Half; and drawn by Three Horses, Oxen, or Beasts of Draught, One Ton Fifteen Hundred Weight; and drawn by Four Horses, Oxen, or Beasts of Draught Two Tons; and drawn by Five Horses, Oxen, or Beasts of Draught Two Tons Fifteen Hundred Weight; and drawn by Six Horses, Oxen, or Beasts of Draught, Three Tons Five Hundred Weight; and drawn by Seven Horses, Oxen, or Beasts of Draught, Three Tons Fifteen Hundred Weight; and drawn by Eight Horses, Oxen, or Beasts of Draught, Four Tons Five Hundred Weight.

Carriages with Wheels of a certain Description chargeable with less Toll.

XXIII. Provided always, and be it further enacted, That it shall be in the Power of the said Trustees at a General Meeting assembled, and they are hereby authorised, if they shall think fit, to exempt from Payment of any Part of the said Additional Tolls and Duties for Overweight, not exceeding One Half thereof, every Waggon, Wain, Cart, or other such Carriage as aforesaid with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Five Inches or upwards, and being cylindrical, that is to say, of the same Diameter on the Inside next to the Carriage, and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear equally on

ſuch flat Surface, and that the oppoſite Ends of the Axletrees of ſuch Carriages, as far as the ſame ſhall be inſerted in the Naves of the Wheels, ſhall not form an Angle with each other, but ſhall be in the Continuance of one ſtraight Line, ſo that in each Pair of Wheels belonging to ſuch Carriages the lower Parts which ſhall reſt on the Ground ſhall be at the ſame Diſtance from each other as the upper Parts of ſuch Pair of Wheels, and further, having the Nails ſunk level with the Rings on the Wheels; and every Waggon, Wain, Cart, or Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Seven Inches and an Half or upwards, and being cylindrical as before mentioned: Provided alſo, that every Perſon claiming the Privileges granted to Carriages with Wheels ſo conſtructed as aforeſaid, ſhall permit the ſame to be examined or meaſured by any Perſon employed in the Collection of the ſaid Tolls.

Drag-Iron of ſame Breadth with Fellies of Wheels.

XXIV. And be it enacted, That where any Drag-Iron or other Inſtrument ſhall be affixed under the Bottom or Sole of the Wheel or Wheels of any Coach, Waggon, or other Carriage paſſing along the ſaid Roads to make the Paſſage of ſuch Coach, Waggon, or Carriage, more ſafe down ſteep Hills; 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 Coach, Waggon, or other Carriage, forfeiting any Sum not exceeding Ten Shillings Sterling, at every Gate or Turnpike on the ſaid Roads through which ſuch Coach, Waggon, or other Carriage ſhall paſs.

Penalty on Toll-gatherers guilty of Malverſation.

XXV. And be it further enacted, That every Perſon employed to collect the ſaid Tolls and Duties ſhall and he is hereby required to place his Chriſtian and Surname painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe at which he is employed, and ſhall continue the ſame ſo placed during the whole Time that he ſhall be ſo employed; and if any Perſon employed to collect the ſaid Tolls and Duties ſhall not place ſuch Board as aforeſaid, and keep the ſame during the Term aforeſaid, or ſhall abſent himſelf, without employing a proper Subſtitute, from the Turnpike Gate where his Duty may be, or neglect to pay proper Attention, ſo as to occaſion Delay to Travellers, or ſhall exact any higher Rate of Toll than what is hereby authoriſed to be taken, he ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds Sterling; One Half thereof to be paid to the Informer, and the other Half to the ſaid Truſtees for the Purpoſes of this Act.

Exemption from Toll.

XXVI. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be liable to pay any Toll at any of the Gates or Turnpikes at preſent erected or to be erected by virtue of this Act, for any Carriage laden with or going empty for, or returning empty after having been laden with Stones or other Materials for repairing the ſaid Roads or any other Public Roads, or Stones for paving the Streets of any Town ſituated on the ſaid Roads or the Bridges and the Cauſeways belonging to the ſame; nor for any Carriage or Cattle or Produce paſſing from one Part of a Farm to another Part of the ſame Farm, or to or from the Yards or Offices of the Inhabitants of any Town

or

or Village within the Limits of the ſaid Roads to Fields adjoining to any ſuch Town or Village occupied by ſuch Inhabitants, without Prejudice nevertheleſs to ſuch Cattle or Produce paying Toll, when carried for Sale along the ſaid Roads; nor for any Horſe or other Cattle going to or returning from Paſture or Watering Places, or any Smithy in the ſame or next adjoining Pariſh; nor for any Carts, Wains, Waggons, or other Carriages carrying any Dung, or any Produce of a Farm not ſold or not going to Market, or Implement of Huſbandry; nor for any Waggons, Wains, Carts, or Horſes, or other Beaſts of Burthen carrying to or from any Mill any Corn, Flour, or Meal belonging to any of the Inhabitants of the Pariſh in which any ſuch Mill is ſituated, or going empty for, or returning empty after having carried the ſame; nor ſhall any Toll be demanded from any Perſon or Perſons reſiding within the Pariſh in which the Toll Bar is ſituated, who ſhall paſs through the ſaid Turnpikes to Church or Chapel or any other Place of Religious Worſhip within the ſame Pariſh, which ſuch Perſon or Perſons uſually attend, upon *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Perſons attending the Funeral of any Perſon or Perſons who ſhall die and be buried within the Pariſh in which ſuch Perſon reſides; nor from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty; nor for any Horſes or Carriages employed in carrying or conveying the Mails of Letters or Expreſſes, under the Authority of His Majeſty's Poſt-Maſter General, either when employed in conveying, or in returning after having conveyed the ſame, except in ſo far as ſuch Horſes or Carriages are ſpecially made liable to the Payment of Tolls or Duties by virtue of an Act made in the Fifty-third Year of His preſent Majeſty, intituled *An Act to repeal the Exemption from Toll granted for or in reſpect of Carriages with more than Two Wheels, carrying the Mail in* Scotland; *and for granting a Rate for Poſtage as an Indemnity for the Loſs which may ariſe to the Revenue of the Poſt Office from the Payment of ſuch Tolls;* nor ſhall any Toll be demanded for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for the Horſes or Carriages of Officers or Soldiers upon their March or upon Duty; nor 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 ſick, wounded, or diſabled Officers or Soldiers, or returning from carrying or conveying the ſame; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe; provided always, that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations appointed for each Corps reſpectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals ſent with legal Paſſes or returning from conveying the ſame; and if any Perſon ſhall claim and take the Benefit of any of the ſaid Exemptions not being legally entitled to the ſame, every ſuch Perſon ſhall for every

Penalty of claiming Exemption where not entitled.

every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

Exempting Carriages with Stores.

XXVII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Power to suppress Bye-Roads.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or the Committees of Trustees respectively to be appointed as aforesaid, and they are hereby authorized and empowered to suppress and shut up any Bye-Roads that do not appear to be of Importance to the Public, and to build Fences across the same, so as to prevent any Person or Persons travelling on the Roads hereby authorized to be made and repaired, from avoiding any of the Tolls by this Act imposed: Provided always, that Notice of the Resolution to shut up such Roads be given by Advertisement affixed to the Toll Gate or Turnpike nearest the Road proposed to be shut up, and to the Doors of the Three nearest Parish Churches for Two consecutive *Sundays*, One Calendar Month at least before the Roads shall be actually shut up; and that any Person or Persons who shall think himself, herself, or themselves injured by such Resolution, may appeal to the Justices of the Peace of the County within which the Road so shut up may be, in Manner hereinafter mentioned.

Penalty for evading the Tolls.

XXIX. And be it further enacted, That if any Person or Persons owning or occupying enclosed Lands near to any Gate or Turnpike already erected or which shall be erected in pursuance of this Act, shall knowingly or wilfully permit any Person or Persons not being his, her, or their Servant or Servants to pass through the same, or through any Gate, Passage, or Way with any Coach, Cart, or other Carriage, or with any Horse, Ass, or Cattle, for the Purpose of evading the Payment of the said Tolls, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, shall each for every such Offence respectively forfeit and pay to the said Trustees a Sum not exceeding Forty Shillings Sterling; One Half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

Penalty for forcible Evasion of the Tolls, or assaulting Officers.

XXX. And be it enacted, That if any Person or Persons liable to pay the said Tolls shall in a fraudulent or forcible Manner pass through any of the Gates or Turnpikes on the said Roads without paying Tolls thereat, or shall assault any Collector of Tolls or any other Person acting under the Authority of this Act, or of the said Trustees, or Committees

mittees of Truſtees reſpectively to be appointed as aforeſaid, every Perſon ſo offending ſhall forfeit and pay a Sum not exceeding Five Pounds Sterling, beſides making Payment of the Tolls to which ſuch Perſon was liable, to be applied by the Committee of Truſtees on the Road where the Offence is committed, to the Purpoſes of this Act.

Penalty for taking off Horſes, &c.

XXXI. 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 Merchandize or other Articles whatever, or ſhall take off or cauſe to be taken off any Horſe or Horſes, or any Beaſts of Draught from any Coach, Chaiſe, Chariot, Barouche, Landau, Calaſh, Chair, Taxed Cart, or Hearſe, or from any Waggon, Wain, Cart, or other Carriage, at or before the ſame ſhall come to any of the Gates or Turnpikes erected or to be erected on the ſaid Roads by virtue of this Act, with intent to avoid paying any Tolls and Duties hereby impoſed, each and every Perſon ſo offending in any of the Caſes aforeſaid ſhall forfeit and pay a Sum not exceeding Forty Shillings Sterling, One Half thereof to be paid to the Informer, and the other Half to the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Compoſition for Tolls.

XXXII. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby authoriſed and empowered to compound and agree, by the Year, or otherwiſe, with any Perſon or Perſons living near any Gate or Turnpike erected or to be erected by virtue of this Act, for any reaſonable Sum or Sums of Money, to be paid Quarterly, from Time to Time, for and in lieu of Payment of the Tolls by this Act granted; provided always that ſuch Compoſition Money ſhall be always paid in Advance to the ſaid Truſtees, or to their Appointment; and no Perſon or Perſons to whom any of the Gates or Turnpikes erected, or to be erected on the ſaid Roads, ſhall be let, ſhall compound or take a lower Rate of Toll than what ſhall be fixed by the ſaid Truſtees at the Roups or Auctions of the reſpective Gates or Turnpikes; and if he or they ſhall act contrary hereto, directly or indirectly, he or they ſhall be liable in a Penalty not exceeding Five Pounds Sterling.

Tolls may be let.

XXXIII. And be it further enacted, That the ſaid Truſtees, or Committees of Truſtees reſpectively to be appointed as aforeſaid, ſhall be and they are hereby authoriſed and empowered by public Roup, to let the ſaid Tolls, in Whole or in Parcels, from Time to Time during the Continuance of this Act, by Leaſe or otherwiſe, for any Term not exceeding Three Years, for the higheſt Rate or Rates they can get for the ſame, to ſuch Perſon or Perſons as ſhall from Time to Time give ſuch good and ſufficient Security for Payment thereof as ſhall be approved of by the ſaid Truſtees at a General Meeting aſſembled.

Tolls may be eſſened.

XXXIV. And be it further enacted, That the ſaid Truſtees, or Committees of Truſtees reſpectively to be appointed as aforeſaid, ſhall be and they are hereby empowered to exact ſuch Parts of the ſaid Tolls as they ſhall think reaſonable, and with the Conſent in Writing of Five-ſixths in Value of the Creditors thereon for the Time being, to diminiſh or leſſen the ſaid Tolls, or ſuch Parts thereof as they ſhall ſee cauſe, and to raiſe the ſame again, ſo as the ſame ſhall not at any Time exceed the Tolls granted by this Act.

XXXV. And

Turnpikes, &c. veſted in Truſtees.

XXXV. And be it further enacted, That the ſaid Truſtees, or Committees of Truſtees reſpectively to be appointed as aforeſaid, ſhall be, and they are hereby empowered to purchaſe or to take on Leaſe for the Purpoſe of erecting Toll Houſes, with ſuitable Offices and Gardens thereto, ſuch Pieces of Ground as they ſhall think moſt convenient, not exceeding One Quarter of an Acre, for each Toll Houſe, Offices, and Garden; and the Right, Intereſt, and Property of and in all and every the Gates or Turnpikes, Toll Houſes, Weighing Engines, and Premiſes, continued, erected, or to be erected by virtue of this Act; and the Money to be raiſed and collected by the ſaid Tolls as aforeſaid, ſhall be, and the ſame are hereby declared to be veſted in ſaid Truſtees; and the ſame and every Part of the Money to be raiſed and collected as aforeſaid, ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral Uſes and Purpoſes by this Act directed, and to no other Purpoſe whatſoever.

Tolls, how to be levied and recovered.

XXXVI. And be it enacted, That if any Perſon or Perſons, liable in Payment of the ſaid Tolls, or any of them, ſhall neglect or refuſe to pay the ſame, when demanded, the ſaid Truſtees are hereby empowered, by themſelves, or ſuch Perſon or Perſons as they ſhall authoriſe or appoint for that Purpoſe, to levy ſuch Tolls by Diſtreſs and Sale of any Horſe or Horſes, or other Cattle, upon which Tolls are hereby impoſed, or by Diſtreſs and Sale of any other of the Goods and Effects of the Perſon ſo neglecting or refuſing to pay the ſaid Tolls, and to keep and detain ſuch Goods and Effects, ſo diſtrained, until ſuch Tolls, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and in caſe of any Diſpute about the Amount of the Tolls due, or the Charges of ſuch Diſtreſs, the ſame ſhall be aſcertained and determined by ſome Juſtice of the Peace, of the County where ſuch Diſpute ſhall ariſe; provided always, that it ſhall not be lawful in making ſuch Diſtreſs to take any Bridle or Halter off any Horſe or other Cattle; and it ſhall and may be lawful to and for the Perſon or Perſons ſo diſtraining, after the Space of Six Days after ſuch Diſtreſs ſhall be made and taken, if ſuch Tolls ſhall not be ſooner paid, to appraiſe and ſell the Goods ſo diſtrained, returning the Overplus, if any there be, upon Demand, to the Owners thereof, after ſuch Tolls and the reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Money to be borrowed.

XXXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees at any of their Annual Meetings, or at a ſpecial General Meeting called for the Purpoſe, as alſo to the Committees of Truſtees reſpectively appointed by General Meetings to take Charge of each or any of the Roads in this Act mentioned, when aſſembled at their reſpective Meetings, to borrow from Time to Time on the Credit of the ſaid Tolls ſuch Sums of Money for the Purpoſes of this Act as they ſhall judge neceſſary, (including the Sums already owing on the Credit thereof,) not exceeding ſuch Amount as that the Tolls aforeſaid ſhall be ſufficient to pay the Intereſt of the Sums borrowed: Provided always, that nothing in this Act contained ſhall extend to prejudice or leſſen the Securities already given by the ſaid recited Act, or any of ſuch Securities, without the Conſent in Writing of Five-ſixths in point of Value, of the ſeveral Perſons who have advanced or lent Money on the Credit thereof.

Tolls may be assigned.

XXXVIII. And be it further enacted, That the said Trustees, or Committees of Trustees respectively to be appointed as aforesaid, shall be and they are hereby empowered to bind the Funds of the Roads, and to assign and make over the Whole or any Part of the said Tolls to the Person or Persons from whom the said respective Sums as aforesaid shall be borrowed, as a Security for the Payment of the Sum or Sums of Money so lent by them, with the Interest thereof.

Entry of Assignments

XXXIX. Provided always, and it is hereby declared, That the Bonds and Assignments of the Tolls for all or any Sum or Sums of Money so borrowed, shall be entered in a Book or Books to be kept by the said Trustees, or such Person or Persons as they shall appoint; which Book or Books may be seen and perused at all seasonable Times by any Person or Persons interested, without Fee or Reward.

Trustees not personally liable.

XL. And be it enacted and declared, That no Trustee shall be held or adjudged to have rendered himself personally liable for the Re-payment of the Money borrowed, or Interest thereof, by reason of having attended any of the Meetings of the said Trustees, or his having acted and voted at any such Meetings, or of his having signed such Bonds or Assignments as aforesaid, or for Payment of any Sum borrowed, or Debt contracted under the Authority of this Act, unless he shall have bound himself as an Individual, his Heirs, and Executors.

Bonds and Assignments to be transferrable by indorsement.

XLI. And be it enacted, That the Bonds and Assignments to be granted in Security of the Money to be borrowed in virtue of the Powers contained in this Act, shall be transferrable by Indorsement: Provided always, that every such Transfer by Indorsement shall, on being presented by or on Behalf of the Indorsee to the Clerk, (Treasurer, Collector, or other Officer of the said Trustees appointed for that Purpose,) be by him recorded in the Book kept for the Purpose of having Assignments engrossed therein.

Accounts to be kept by the Trustees.

XLII. And be it enacted, That the said Trustees shall keep an exact Account of all the Money to be received or borrowed by virtue of this Act and the Application thereof, and all their Proceedings, and shall enter the same in a Book or Books to be kept for that Purpose, to which Book or Books any of the said Trustees shall at all reasonable Times be at Liberty to resort and to inspect the same without Fee or Reward.

No Money to be paid without the Order of the Trustees.

XLIII. And be it enacted, That the Sums of Money arising and to be levied by virtue of this Act shall not be laid out or expended without the Order of the said Trustees, or of such Person or Persons as they or a Quorum of them as aforesaid shall authorize and appoint.

Trustees may contract for Grounds to widen or alter the Roads.

XLIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or Committees of Trustees respectively to be appointed as aforesaid, to contract and agree with the Owners and Occupiers of the adjacent Lands and Grounds for the Grounds and Premises necessary for widening the said Roads, and altering the Direction thereof, where they shall judge necessary, and thereupon to order and direct all the said Roads hereinbefore mentioned, or any of them, to be made or repaired, and to be extended to such Breadth as they shall think proper, not exceeding

ceeding Forty Feet, including the Ditches, or Water-runs at the Side of the Roads, and to alter and vary the Directions or Lines of the said Roads, or any of them.

Where Persons neglect or refuse to treat Damages to be settled by a Jury.

XLV. And be it enacted, That if such Owners or Occupiers shall neglect or refuse to treat, or shall not agree with the said Trustees, or by Reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves, or shall not produce and evince a clear Title to the Lands or Premises which they are or shall be in Possession of, or to the Interest which they claim therein, then and in every such Case the said Trustees shall be, and they are hereby empowered and required from Time to Time, to make Application in Writing to the Sheriff's Depute or Substitute of the said Shires of *Roxburgh* or *Berwick*, or to the Sheriffs of the said Counties of *Northumberland* and *Durham*, or any of their Under Sheriffs, where the Lands or other Premises in Question shall lie, to proceed therein as hereinafter mentioned; and the said Sheriff's Depute or Substitute, or Sheriffs, or Under Sheriffs, are thereupon accordingly hereby required to impannel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified, if in *Scotland*, to be returned upon justiciary Trials in *Scotland*, or if in *England* according to the Laws thereof, to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to meet at such Time and Place, as in such Warrant or Warrants shall be appointed; and in Case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff's Depute or Substitute, or Sheriffs, or Under Sheriffs respectively, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff's Depute or Substitute, or Sheriffs or Under Sheriffs, are hereby empowered to summon and call before them all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses, touching the Matter in Question, by or before any Jury or Juries as aforesaid, and the said Sheriff's Depute or Substitute, or Sheriffs or Under Sheriffs, may order and authorize the said Jury, or any Three or more of them, to view the Place or Places, or Matters in controversy, which Jury upon their Oaths (which Oaths, as well as the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Sheriff's Depute or Substitute, or Sheriffs or Under Sheriffs, are hereby empowered to administer,) shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or Premises, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff's Depute or Substitute, or Sheriffs or Under Sheriffs, shall give Judgment for such Purchase Monies or Recompence to be assessed by such Juries, which said Verdict and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff's Depute or Substitute, or Sheriffs or Under Sheriffs, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; and if any such Sheriff's Depute or Substitute, or Sheriffs or Under Sheriffs, shall make Default in the Premises, every such Person shall for every such Offence forfeit and pay

any Sum not exceeding Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be ſworn and examined, or give Evidence, every Perſon ſo offending having no reaſonable Excuſe, to be allowed by the ſaid Sheriff's Depute, or Subſtitute, or Sheriffs or Under Sheriffs, ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds for the Benefit of the Jury, in whoſe Behalf ſuch Perſon was ſo ſummoned.

How expences of Jury to be paid.

XLVI. And be it further enacted, That in all Caſes where a Verdict ſhall be given for more Monies as a Recompence or Satisfaction for any Lands or Premiſes of any Perſon or Perſons whomſoever, or for any Damage to be done to any Lands or Premiſes of any Perſon or Perſons, than had been previouſly offered by or on Behalf of the ſaid Truſtees, then all the Expences of ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be defrayed by the ſaid Truſtees; but if any Verdict ſhall be given or made for the ſame, or for a leſs Sum than had been previouſly offered by or on Behalf of the ſaid Truſtees, or in caſe no Damage ſhall be given by the Verdict, where the Diſpute is for Damages only, then and in every ſuch Caſe, the Coſts and Expences of ſummoning ſuch Jury and taking Inqueſt, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or adjudged, or otherwiſe ſuch Coſts and Expences in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees, in and by ſuch Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures; provided always, that whenever any Perſon or Perſons ſhall by Reaſon of Abſence, or otherwiſe, have been prevented from treating with the ſaid Truſtees, ſuch Coſts, Charges, and Expences ſhall be borne and defrayed by the ſaid Truſtees in Manner aforeſaid.

Jury, &c. to be under the ſame Regulations as in Courts of Law.

XLVII. And be it further enacted, That every ſuch Jury and Juryman as aforeſaid, if in the ſaid County of *Roxburgh* or *Berwick*, ſhall be under and ſubject to the ſame Regulations, Pains, and Penalties, as if ſuch Jury or Juryman had been returned to paſs upon any Juſticiary Trial in *Scotland*, and if in the ſaid County of *Northumberland* or *Durham*, ſhall be under and ſubject to the ſame Regulations, Pains, and Penalties, as if ſuch Jury or Juryman had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts of Record at *Weſtminſter*; and that all and every Perſon and Perſons, who in any Examination to be taken by virtue of this Act, ſhall wilfully and corruptly give falſe Evidence before any ſuch Jury as aforeſaid, ſuch Perſon or Perſons ſhall and may be proſecuted for the ſame, and upon Conviction thereof, ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon or Perſons can or may be ſubject to for wilful and corrupt Perjury, by the Laws or Statutes

Statutes of that Part of the Realm within which the Offence shall be tried.

Trustees, &c. empowered to take Materials.

XLVIII. And be it enacted, That it shall and may be lawful for the said Trustees, or Committees of Trustees respectively to be appointed as aforesaid, and any Person or Persons having an Order from them, or either of them, to open Quarries, and dig, gather, take, and carry away any Stones or Gravel or other Materials out of any Waste or Common within any Part of the Counties through which the said Roads pass, for making and repairing the said Roads, or any of them, without paying for the same, and to dig, gather, and carry away all such Materials from Quarries already opened, or out of the Bed of any Burn or River, on paying Damages as after mentioned, and from any other Ground within the said Counties, Ten Days' Notice in Writing being in this Case given to the Proprietor or Occupier of such Ground, and paying such Damages for the same as shall be ascertained by any Two Justices of the Peace of the County within which such Materials may be situated, with Power to the said Proprietor or Occupier to appeal from the Decision of the said Justices to the next Quarter Sessions for the same County, whose Decision shall be final; and any Dispute with respect to the Amount of such Damages shall not prevent the said Trustees or Committees aforesaid, or those empowered by them, from using and carrying away the said Materials, and applying them to making and repairing the said Roads or the Bridges on the same; provided always, that the same Price shall be paid by the said Trustees or Committees aforesaid, for Stones taken from Quarries wrought for Sale for making and repairing any of the said Roads, which shall be paid or payable by other Persons purchasing Stones from the Quarries at the same Time.

Notice being previously given.

No House or Orchard, &c. to be prejudiced.

XLIX. Provided always, That in altering, widening, or making any of the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced, of which the Side Walls are above Twenty Feet in Height from the Surface of the adjoining Ground, nor any Garden, Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground or Plantation of Trees, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

Places for depositing Materials to be provided.

L. And be it further enacted, That it shall and may be lawful for the said Trustees, or Committees of Trustees respectively to be appointed as aforesaid, to give Orders for purchasing or taking in Lease such Pieces of Ground adjacent to the said Roads (not exceeding a Quarter of an Acre each) as shall be judged most convenient, wherein the Mud that may be raked off the Roads may be deposited, and the Stones or other Materials for repairing the said Roads may be broken or kept, so as not to be laid upon the said Roads until they are immediately to be used for repairing or amending the same; and in case the said Trustees or Committees aforesaid, or their Surveyor, cannot agree with the Owner or Occupier as to the Price, Rent, or Damages to be paid for the same, such Price, Rent, or Damages shall be settled and determined by a Jury of the County within which such Pieces of Ground are situated, as before mentioned.

Proprietors under Entail or not may renounce Claims of Damage.

LI. Provided always, That it ſhall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage, or otherwiſe competent to them, in regard to the whole Matters aforeſaid; and that ſuch Renunciation is and ſhall be equally binding on the Heirs of ſuch Proprietors.

Incorporated Perſons, &c. empowered to convey.

LII. And be it further enacted, That the ſaid Truſtees ſhall be, and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Truſtees, Tutors, and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, are hereby empowered and required to ſell, feu, let, and convey all ſuch Lands or Houſes as may be neceſſary for the making, altering, or widening the ſaid Roads or any of them, and erecting any Gate or Turnpike or Toll Houſe, with a Stable and Garden adjoining thereto, or for ſtoring Materials or otherwiſe where Ground is neceſſary for the Purpoſes of this Act, upon ſuch Satisfaction being made to the Owner or Owners, and Occupier or Occupiers as ſhall be ſettled by and between the ſaid Truſtees and ſuch Owner or Owners, Occupier or Occupiers, in Manner aforeſaid.

Application of Compenſation where exceeding 200l.

LIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, 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 Liferents, Annuities, or other Incumbrances, or ſhall belong to any Incorporation, married Woman, Infant, Lunatic, 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, if ſuch Lands, Tenements, or Heritages be ſituated in the ſaid Counties of *Roxburgh* or *Berwick*, into the Bank of *Scotland*, or Royal Bank of *Scotland*; and if ſuch Lands, Tenements, or Heritages be ſituated in the ſaid Counties of *Northumberland* or *Durham* into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees appointed by this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Courts reſpectively, as the Caſe may be, to be ſignified by an Order made upon a Petition to be preſented 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 Heritages, in the Redemption or Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or other Incumbrance, or Part thereof, which the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, 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 Courts reſpectively, in the Purchaſe of other Lands, Tenements, or Heritages, 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 Lands, Tenements, and Heritages 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 capable of taking Effect; and in the Meantime, and until ſuch Purchaſe ſhall be made, the Intereſt, Dividends, or Annual Produce of ſuch Money ſhall from Time to Time be paid by Order of the ſaid Courts reſpectively, as the Caſe may be, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200l, nor leſs than 20l.

LIV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Incorporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds Sterling, and not leſs than the Sum of Twenty Pounds Sterling, 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 Lands, Tenements, or Heritages 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 hereinbefore 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 Three 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 therefrom, may be applied in any Manner hereinbefore directed, ſo far as the Caſe be applicable.

Application where the Money is leſs than 20l.

LV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned, ſhall be leſs than Twenty Pounds Sterling, then 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 Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Three 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.

In caſe of not making out Titles, &c.

LVI. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Heritages to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or into the Bank of *England*,

Purchaſe Money to be

paid into the Bank, subject to the Order of the Court of Session.

England, as the Case may be, in Manner as respectively before directed, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them,) subject to the Order, Controul, and Disposition of the Court of Session, or Court of Chancery respectively; which said Courts, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Courts shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Courts shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland* or Royal Bank of *Scotland*, or of the Bank of *England* respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the said Banks as aforesaid.

Where any Question shall arise touching the Right to such Money.

LVII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session, or Court of Chancery; and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Courts that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by Trustees.

LVIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied to the Purchase of other Lands, Tenements, or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Courts respectively to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Courts shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Courts shall direct.

LIX. And

As to deserted Stations of Toll-houses, &c.

LIX. And be it enacted, That if the Situation of any Toll Gate, Toll House, and Premises, or Place for depositing Materials, or either of them, shall be changed, and the same be no longer requisite for the Purposes of the Trust, the said Trustees are hereby empowered in like Manner to sell the same, giving the Proprietor or Proprietors of the Grounds from which such Piece or Pieces of Ground have been originally taken, the first Offer of the same; and failing of any Agreement about the Value of such Ground, the same shall be determined in Manner as before mentioned, with regard to Places of Deposit; and the Money arising from such Sales shall be applied to the Purposes of this Act; and the Sales and Conveyances to be made of the Ground comprised in the said Situations of old Toll Gates, Toll Houses, and Premises, and Places for depositing Materials, being executed by a Quorum of the said Trustees, shall be good and effectual in the Law to all Intents and Purposes.

Regulations respecting the erecting of Houses, Fences, &c.

LX. And be it enacted, That no House or other Building of any Description other than a Wall for the Purpose of Inclosure, not exceeding Six Feet in Height from the Surface of the Ground, shall be erected within Twenty-five Feet of the Centre of any of the said Roads under a Penalty not exceeding Forty Shillings Sterling for each Offence, and the Expence of taking down and removing such House or other Building; and it shall be lawful for any Justice of the Peace of the County to stop the Erection of every such House or Building which shall be within the said Distance from the Centre of any of the said Roads; and if any House or Building shall hereafter be erected within the said Distance from the Centre of any of the said Roads, it shall and may be lawful for any One or more Justice or Justices of the Peace of the County, upon Application made to him or them by any One or more Trustee or Trustees, and upon Proof being adduced that such House or other Building is within the Distance aforesaid from the Centre of any of the said Roads, to order and direct the Person or Persons erecting such House or other Building to take down and remove the same, and upon their failing so to do within Thirty Days after such Order or Direction, notified to such Person or Persons in Writing under the Hand or Hands of such Justice or Justices of the Peace, it shall and may be lawful for such Justice or Justices to order such House or other Building to be taken down and removed at the Expence of the Erector or of the Proprietor of the Ground, and to grant Warrant for levying and recovering the Expence thereof, together with the said Penalty.

Regulation of Fences.

LXI. And be it further enacted, That when any Fences shall in Time coming be made on the Side of any of the said Roads by Means of a Hedge and Ditch, the Hedge and Ditch shall be placed on the Inside next the Field, and the plain Surface of the Bank shall be next to the Road, and the Hedges on the Sides of all the said Roads shall never be allowed to exceed Five Feet in Height from the Surface of the Ground at the Bottom of the Hedge; and all Persons having Hedges and Trees on the Sides of the said Roads shall be obliged to keep the same properly dressed and pruned so as not to overhang the Road, and if they shall refuse or neglect so to do within Ten Days after Notice being given them in Writing by the Surveyor, or by any Two Trustees, it shall be lawful for a Quorum of the said Trustees to order the same to be properly dressed and pruned at the Charge and Expence of the Owner of such Hedges and Trees, to be recovered in the same Manner as other

Penalties

Penalties by this Act impoſed, as hereinafter mentioned: Provided always, that no perſon ſhall be required to dreſs or prune any Hedge or Tree, nor ſhall the ſaid Truſtees be entitled to order the ſame to be done between the Firſt Day of *May* and the Firſt Day of *November* in any Year.

Truſtees may make Foot-paths.

LXII. And be it further enacted, That the ſaid Truſtees, or Committees of Truſtees, reſpectively to be appointed as aforeſaid, may cauſe Foot-paths of ſuch Breadth as they ſhall think fit, not exceeding Eight Feet, to be made along the Sides of the ſaid Roads, in ſuch Places as can conveniently admit of the ſame, and cauſe the ſame to be kept free and clear of all Obſtructions, Nuiſances, or Impediments whatſoever; and if any Perſon ſhall ride or drive any Carriage or Cattle upon any Foot-path made or to be made, or ſhall in any Way wantonly or maliciouſly injure the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, together with the Expence of repairing the Damage done, to be levied in Manner hereinafter directed.

And Paſſages for Water, and Ditches and Drains.

LXIII. And be it further enacted, That the ſaid Truſtees, or Committees of Truſtees reſpectively to be appointed as aforeſaid, may, where they ſhall judge it neceſſary, order Paſſages for the Water from the Ditches on the Sides of the Roads to be made through the Grounds of any adjacent Proprietor, and alſo may order ſufficient Drains or Ditches to be made within the Fences parallel to the ſaid Roads; and the Occupiers of the Grounds ſhall be obliged thereafter to keep the ſaid Paſſages, Ditches, and Drains always clear and open to the original Depth; and where any Ditch or Drain runs along the Side of any Part of the ſaid Roads, or leads from the Sides of the ſaid Roads, the Occupiers of the adjacent Grounds ſhall be and they are hereby required to keep the ſame clear and open, ſo as to allow a free Paſſage to the Water, as well by the Road Side as into and acroſs the adjacent Grounds; and if they ſhall fail therein after Six Days' Notice previouſly given to ſuch Occupiers, ſuch Occupiers ſhall forfeit and pay a Penalty of Ten Shillings for each Offence, or One Penny for each Foot in Meaſure of ſuch Ditches and Drains ſo neglected to be cleared and opened, if the Penalty ſo eſtimated ſhall amount to a larger Sum than Ten Shillings; and the ſaid Truſtees, or Committees aforeſaid, ſhall be, and they are hereby empowered to order the ſaid Paſſages, Ditches, and Drains to be cleared from Time to Time, and to recover the Expence thereof (to be aſcertained by the Account of the Overſeer or other Perſon employed to do the ſame, certified by Two or more Juſtices of the Peace for the County,) from the Occupiers of ſuch adjacent Grounds in Manner herein mentioned; and if any Occupier of Land through which ſuch Paſſages, Ditches, and Drains are or ſhall be made, ſhall wilfully obſtruct or fill up any of them, ſo as to be injurious to the ſaid Roads, the Perſon or Perſons ſo offending ſhall forfeit and pay Treble the Expence of repairing and ſcouring the ſame, to be recovered in Manner hereinafter mentioned; and the ſaid Occupier ſhall be deemed the Tranſgreſſor, unleſs it ſhall be made to appear to the Truſtees that ſuch Occupier was not in Fault; and where any Paſſage for Cattle or Carriages ſhall be made communicating with any of the ſaid Roads acroſs the Paſſages, Ditches, or Drains along the Sides of ſuch Roads, for the Convenience of the Occu-

pier of the Ground, such Occupier shall cover such Passages, Ditches, and Drains with a Bridge of Stones, or other proper Materials, which Bridge shall be constantly kept free and clear, that the Water may pass freely through below the same; and in case any Occupier of Ground adjacent to any of the said Roads, shall omit or fail so to do, it shall be competent for any Two of the said Trustees, or any One of them being a Justice of the Peace, by an Order subscribed by him or them, to order the same to be performed at the Expence of such Occupier, and to recover the Expence thereof (to be ascertained by the Account of the Surveyor or other Person employed to do the same,) from such Occupier in Manner hereinafter mentioned; and no Occupier of Land shall turn any Water upon the Side of any of the said Roads, or conduct it across any Part thereof, until he shall have obtained the Consent in Writing of Two Justices of the Peace of the County, who shall have previously examined the Place, and such Consent shall be deposited with the Clerk of the Road across which the Water is to be carried; and every such Occupier shall be obliged to carry the Water across the said Roads in a covered or arched Passage or Drain, of such Depth and Construction as may prevent the Water from being of prejudice to the same; and in making any such covered or arched Passage or Drain across any of the said Roads, a safe and easy Passage along One Half of such Road shall be left without any Obstruction, either by breaking the Road or laying down the Materials; and such covered Passage or Drain shall be made across and finished on the One Half of the said Road before the other Half shall be broken or opened, and the whole, or at least the open Part, shall if practicable be completed in One Day, or otherwise such open Part, and the Materials for executing the Work shall be so well fenced off, that Passengers may suffer no Injury thereby; which Precaution and Manner of executing covered Drains as aforesaid, shall be strictly observed by all Persons whatsoever employed in directing or executing the same; and every Person neglecting to use such Precaution, and so to execute such Drains, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, over and above the Damage sustained and Expences incurred, to be levied and recovered in Manner hereinafter directed, One Half thereof to be paid as a Reward to the Informer, and the other Half to be applied to the making and repairing the said Roads; and every Surveyor, Overseer, Contractor, or other Person employed by the said Trustees or Committees aforesaid for making, amending, widening, or repairing any of the said Roads, shall be expressly prohibited from digging Pits within Twelve Feet of the Sides of the same, unless such Surveyor, Overseer, Contractor, or other Person employed as aforesaid, shall erect a sufficient Fence between the Side of the Road and the Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

Cattle not to be pastured on the Sides of the Roads where inclosed.

LXIV. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, pasture or leave, or allow to be pastured or left on the aforesaid Roads, or any of them, where there are Fences on the Sides thereof, any Horses, Cows, Sheep, or other Cattle, it shall and may be lawful for any One or more of the Justices of the Peace of the County, upon Application made to him or them, by any Heritor or Landholder of the County, or by any Person or Persons having Authority from the said Trustees, to issue his or their Summons, to the Person or

Perſons ſo offending as aforeſaid, to appear and to bring them before him or them for Examination; and upon ſuch Offender or Offenders having been ſo ſummoned and not appearing, or being convicted of ſuch Offence, by the Oath of One or more credible Witneſs or Witneſſes, or the Oath or Confeſſion of the Party offending, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace to fine and amerciate ſuch Offender or Offenders ſeverally, in any Sum not exceeding Twenty Shillings Sterling for each and every Offence, to be levied and recovered in caſe of Non-payment, and to be applied in Manner as after directed.

Roads to be meaſured.

LXV. And be it further enacted, That the ſaid Truſtees, or Committees of Truſtees reſpectively to be appointed as aforeſaid, ſhall and may cauſe the ſaid Roads to be meaſured, and Stones or Poſts denoting the Diſtances to be erected upon the ſaid Roads, or near the Sides thereof, at the End of each Mile, or ſuch other Diſtance as they ſhall think convenient; and that they alſo ſhall cauſe proper Direction-Poſts to be erected where they ſhall judge it neceſſary; and if any Perſon or Perſons ſhall break, deſtroy, damage, pull up, or remove any ſuch Stones or Poſts, or alter, obliterate, or deface any Letters or Figures that ſhall be made, inſcribed, or put thereon, or ſhall deſtroy, injure, or damage the Parapets, or any other Parts of the Bridges on the ſaid Roads, or any of the Gates or Turnpikes, or any of the Toll-houſes erected, or to be erected, or any of the Weighing Engines, or other of the Works belonging to the ſaid Truſtees, or any Gate, Railing, or Fence, upon the Side of any of the ſaid Roads, or ſhall be aiding or aſſiſting therein, or ſhall reſcue any Perſon in Cuſtody for any of the ſaid Offences, and ſhall be thereof convicted by the Oath or Oaths of One or more credible Witneſs or Witneſſes before any One or more Juſtice or Juſtices of Peace of the County where the Offenders reſide, ſuch Perſon or Perſons ſo offending, and being thereof convicted, ſhall pay the whole Expence of repairing the Damages ſuſtained, and ſhall reſpectively forfeit and pay a Sum not exceeding Twenty Pounds Sterling for every ſuch Offence; and ſuch Forfeitures, or ſuch Part thereof as ſhall be recovered, ſhall be paid to the Informer, and in caſe it ſhall happen from Indigence, or other Cauſes, that ſuch Forfeitures ſhall not be recovered from the Offender or Offenders, then and in every ſuch Event the Informer ſhall be entitled to, and the ſaid Truſtees or their Committees aforeſaid, are hereby authoriſed to make Payment to him or them of the Sum of Forty Shillings out of the Truſt Funds of the Diſtrict of Roads where the Offence or Offences ſhall or may be committed; and it ſhall be lawful for any Perſon *brevi manu* to ſeize and carry ſuch Offender or Offenders, in any of the above Particulars, before any Juſtice of the Peace for the Purpoſe of Examination.

Penalties on deſtroying or injuring Mile ſtones, &c.

Head-Ridges to be made, and Gates on the Sides of Road to open inwards.

LXVI. And be it enacted, That from and after the paſſing of this Act every Perſon in ploughing any unincloſed Land contiguous to any of the ſaid Roads, ſhall make Head-Ridges along the Sides of the Roads, of the Breadth of Eighteen Feet at leaſt, and every Perſon neglecting or failing ſo to do, ſhall for every ſuch Neglect or Failure, forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Sides of the ſaid Roads of the Land ſo ploughed without Head-Ridges having been made, to be levied and recovered and applied in Manner hereinafter directed; and all Gates upon Incloſures next to any

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of the ſaid Roads, ſhall open inwards to the Field, or be removed from the Side of the Road to a Diſtance equal at leaſt to the Length of the Gate, under a Penalty not exceeding Forty Shillings Sterling for each Offence, on the Occupier or Occupiers of ſuch Incloſures, beſide being obliged to alter ſuch Gates; and if ſuch Occupier or Occupiers ſhall fail ſo to do within Ten Days after being required thereto by the Overſeer or other Perſon duly authoriſed by the ſaid Truſtees, it ſhall be competent to any Two of the ſaid Truſtees by an Order ſubſcribed by them, to order the ſame to be done at the Expence of ſuch Occupier or Occupiers, and to recover the Expence thereof, to be aſcertained by the Account of the Overſeer or other Perſon employed to do the ſame.

Articles to be drawn on a Wheel Carriage.

LXVII. And be it further enacted, That if, after the paſſing of this Act, any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatſoever, otherwiſe than upon a Wheel Carriage, or ſhall allow any Timber, Iron, or other ſolid Matter, (excepting Machinery framed or put together, or any Article of Metal caſt in one Piece), to project or extend more than One Foot over the Wheels of the Waggon, Cart, or other Carriage, whereon the ſame ſhall be drawn and tranſported, ſo as to occupy above Two Feet more of the ſaid Roads in Breadth than is occupied by ſuch Waggon, Cart, or other Carriage, including the Wheels, or ſhall allow the Timber, Iron, or other Matter, to drag or trail upon any Part of the ſaid Roads, or ſhall draw or tranſport on any Part of the ſaid Roads, upon any Cart or Carriage with leſs than Four Wheels, any Timber or other Matter exceeding Twenty-four Feet in Length, or ſhall leave any Horſe or other Beaſt, yoked or unyoked, or any Waggon, Cart, or other Carriage, or the Loading thereof, upon any of the ſaid Roads, Bridges, or Ditches or Drains on the Sides thereof, longer than may be neceſſary for loading or unloading the ſame, except in caſe of Accidents, or ſhall lay down or leave upon any of the ſaid Roads or Bridges, or Ditches or Drains on the Sides thereof, or within Fifteen Feet thereof, (unleſs the ſame be ſufficiently fenced off from the ſaid Roads, Bridges, Ditches, or Drains,) any Timber, Stone, Lime, Hay, Straw, Manure, Dung, Soil, Rubbiſh, or other Matters whatſoever, (excepting always Stones, Wood, or other Materials for building Houſes, which may occupy One-third Part of the Road only,) or ſhall make any Sawpits or other Pits, or Holes, or ſhall do any Thing whereby the ſaid Roads, Bridges, Ditches, or Drains may be damaged or unneceſſarily encumbered, or ſhall lay or leave any dead Horſe, (except in caſe of Accident,) or other Carrion, upon or in any of the ſaid Roads, Bridges, Ditches, or Drains, or within Twenty Yards of the Sides thereof; every Perſon offending in any Caſe aforeſaid, ſhall for every Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, beſides filling up or removing the Subject or Matter of Annoyance, and repairing the Damage done to the Roads, Bridges, Ditches, or Drains, without Delay, at his or her own Expences, and in caſe of Failure or Neglect ſo to do, forfeiting the Matter, cauſing the Nuiſance or Annoyance, and paying the Expence of removing what is not of ſufficient Value to defray the Expence of Removal, and alſo paying the Charges of repairing the Damage done to the ſaid Roads, Bridges, Ditches, and Drains; which Matters

For preventing Annoyances.

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of Nuiſance and Annoyance the ſaid Truſtees, or Committees of Truſtees reſpectively to be appointed as aforeſaid, are hereby authoriſed and empowered to cauſe to be removed on ſuch Failure or Neglect, and the forfeited Matters to be ſold; and the ſaid Forfeitures and Expences ſhall be levied and recovered in Manner hereinafter directed, the One Half of ſuch Forfeiture to be paid to the Informer, and the other Half to the ſaid Truſtees where ſuch Offence ſhall be committed.

No driver to drive Carriages, &c. abreaſt.

LXVIII. And be it enacted, That no Driver of any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage whatſoever, Horſe, Aſs, Mule, or other Beaſt of Burden, whether loaded or unloaded, ſhall drive or permit the ſame to travel or paſs upon the ſaid Roads, or any Part thereof, abreaſt or alongſide of any other Coach, Chaiſe, Waggon, Cart, or other Carriage whatſoever, Horſe, Aſs, Mule, or other Beaſt of Burden, ſo as to obſtruct the free Paſſage of the ſaid Roads, or any Part thereof, and no Driver of any Coach, Chaiſe, Waggon, Cart, or other Carriage ſhall drive or permit the ſame to travel or paſs upon the ſaid Roads without check Reins; and every Perſon offending in the Premiſes ſhall forfeit and pay a Sum not exceeding Five Pounds Sterling.

To drive to the left Hand or near Side.

LXIX. And be it enacted, That the Driver of every Coach, Chaiſe, Waggon, Cart, or other Carriage whatſoever, and the Rider or Driver of every Horſe, Aſs, Mule, or other Beaſt of Burden upon the ſaid Roads, or any Part thereof, ſhall be obliged upon meeting or upon being overtaken by another Coach, Chaiſe, Waggon, Cart or other Carriage whatſoever, 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 ſame are loaded or unloaded; and every ſuch Carriage, Horſe, or other Beaſt of Burden, overtaking any other Carriage, Horſe, or other Beaſt of Burden, ſhall paſs on the right Hand thereof; and every Perſon offending in the Premiſes ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

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

LXX. And be it enacted, That the ſaid Truſtees may ſue and be ſued for any Matter or Thing 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 Name 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.

Toll-gatherers, &c. may give Evidence.

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

LXXII. And

Truſtees may act as Juſtices.

LXXII. And be it further enacted, That any Truſtee appointed to put this Act into Execution, who is or ſhall be in the Commiſſion of the Peace for the Counties of *Roxburgh*, *Berwick*, *Northumberland*, or *Durham*, ſhall and may act as a Juſtice of the Peace within the ſame, for the more effectually putting into Execution the ſeveral Authorities and Powers in this preſent Act mentioned and contained, notwithſtanding ſuch Juſtice of the Peace is or ſhall be a Truſtee as aforeſaid, or a Creditor upon the Tolls.

Recovery of Tolls, Penalties, &c.

LXXIII. And be it enacted, That all Tolls and Duties, and all Expences, Penalties, and Forfeitures by this Act impoſed, the Recovery whereof is not otherwiſe herein provided for, may be recovered by ſummary Complaint, at the Inſtance of any of the ſaid Truſtees, or of any Perſon acting by their Orders, before any One or more of the Juſtices of Peace for the ſaid Counties of *Roxburgh*, *Berwick*, *Northumberland*, or *Durham*, within which the Matter of Complaint may ariſe; and the Fact or Facts being verified or proved by the Confeſſion of the Party, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes, (which Oath or Oaths ſuch Juſtices are hereby authorized to adminiſter,) or by other ſatisfactory Evidence, the ſaid Juſtice or Juſtices is and are hereby authorized and required to grant a Warrant for diſtraining the readieſt moveable Goods or Effects of the Defaulter or Offender; and the Perſons diſtraining the ſame are hereby authorized and empowered to ſell the Goods and Effects ſo diſtrained, and to return the Overplus Money (if any there be) upon Demand, to the Owner of ſuch Goods or Effects, after ſuch Tolls, Penalties, and Forfeitures, the Expence of the Warrant, and the reaſonable Charges of diſtraining, keeping, and ſelling ſuch Goods or Effects ſhall be deducted and paid; and all Penalties and Forfeitures, if not otherwiſe directed to be applied by this Act, ſhall be paid to the ſaid Truſtees, and ſhall be laid out for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Tolls, Expences, Penalties, and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required by Warrant under his or their Hand or Hands, to cauſe ſuch Defaulter or Defaulters, Offender or Offenders, to be committed to the Common Gaol of the County within which he or they may reſide, there to remain for any Time not exceeding Six Calendar Months, unleſs the ſaid Tolls, Expences, Penalties, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Appeal.

LXXIV. Provided always and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved, and to have Cauſe of Complaint by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been hereinbefore appointed, ſuch Perſon may appeal to the Juſtices, if in *Roxburghſhire* or *Berwickſhire*, at a General Seſſions of the Peace, and if in the Counties of *Northumberland* or *Durham*, at the General Quarter Seſſions of the Peace to be holden for the County or Place wherein the Cauſe of Complaint ſhall ariſe, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days' Notice at leaſt, in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and to the Perſon or Perſons complained of, and within

Seven Days after such Notice entering into a Bond or Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal and abide the Order of and pay such Costs as shall be awarded by the said Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Bond or Recognizance, shall hear and fully determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of such Sessions shall be final, binding, and conclusive, to all Intents and Purposes, and shall not be subject to Review by Advocation or Suspension, if in *Scotland*, or by *Certiorari* if in *England*, or otherwise howsoever.

Limitation of Actions.

LXXV. Provided always, That all Actions for all and every Penalties and Forfeitures imposed by this Act, or for any Thing done in the Execution thereof, shall be commenced within Six Calendar Months after the Fact was done or committed, and not afterwards.

Table of Tolls and Duties to be made and published.

LXXVI. And be it further enacted, That the said Trustees, or Committees of Trustees respectively to be appointed as aforesaid, shall within Six Calendar Months after the passing of this Act direct a Table of the Tolls payable by virtue of this Act to be printed or painted in large and legible Characters, and affixed to some conspicuous Part of every Toll Bar on the said Roads respectively; and the said Trustees shall in like Manner direct a List of all the Penalties enacted by this Act to be printed and affixed in the same Manner; and the said Trustees or Committees aforesaid shall also print, or cause to be printed, the various Regulations which are by this Act enacted for the Regulation of those who may travel or drive Carriages or Carts, or who may ride along the said Roads, and circulate and publish the same for the Use of the said Travellers as aforesaid, in order that the said Regulations may be made as public as possible.

Expences of this Act.

LXXVII. And be it enacted, That the Expence of procuring and passing this Act shall be paid out of the first Monies levied, or borrowed, by virtue of this Act, and be apportioned on the Tolls or Duties hereby granted, in such Manner as the Trustees at a General Meeting assembled, shall direct and appoint.

Public Act.

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

Commencement and Continuance of this Act.

LXXIX. And be it further enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Twenty One Years, and from thence to the End of the then next Session of Parliament.

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