ANNO NONO

GEORGII IV. REGIS.

Cap. civ.

An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads in the Counties of *Roxburgh* and *Berwick*.

[19th *June* 1828.]

WHEREAS an Act was passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing and amending certain Roads in the Counties of* Roxburgh *and* Berwick; *and for better regulating the Statute Labour, and making and repairing the High Roads and Bridges in the said County of* Roxburgh; whereby certain Persons were appointed Trustees for making, amending, and repairing the Turnpike Roads therein mentioned, and various Powers and Authorities were granted to them for those Purposes: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of* Great Britain *called* Scotland: And whereas the Trustees by the said first-recited Act appointed have proceeded to put the same into Execution, and various Sums of Money have been borrowed, subscribed, or are owing upon the Credit of the Tolls and Duties thereby granted; but as the said Act, so far as respects the said Turnpike Roads, is about to expire, the said Sums cannot be repaid, or the said Roads amended, altered, widened, and kept in repair, unless Provision be made for these Purposes: And whereas the making and maintaining certain new Lines of Road, and erecting the Bridges necessary for the Formation of such Roads, would be advantageous to the Public;

46 G. 3. c. 48.

4 G. 4. c. 49.

and beneficial and convenient to the Inhabitants of the Districts through which such Roads pass, or are intended to pass; 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 the said first-recited Act, so far as respects the Turnpike Roads therein mentioned, shall from and after the passing of this Act be and the same is hereby repealed.

Recited Act 46G.3.c.48., so far as it relates to the Roads, repealed.

Not to repeal Powers of 48 G. 3. as to Drygrange Bridge and the Statute Labour of the County of Roxburgh.

II. Provided always, and be it enacted, That nothing herein contained shall be held or construed to alter or affect all or any of the Enactments, Powers, Provisions, Matters, and Things of and in the said first-recited Act hereby in part repealed, or the Trusts thereby created, in so far as the same relate to the Bridge over the River *Tweed* at *Drygrange*, or to the regulating the Statute Labour in the said County of *Roxburgh;* but that such Enactments, Powers, Provisions, Matters, and Things shall be and remain in full Force and Effect as they were before the passing of this Act.

Commencement and Purposes of this Act.

III. And be it further enacted, That this present Act shall, from and after the passing thereof, commence, take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purposes hereinafter specified, of surveying, making, amending, improving, widening altering, straightening, repairing, and keeping in repair the Roads made by the Trustees under the said recited Act, or authorized to be made in virtue thereof, and the Cuts, Communications, and other Works authorized to be made by this Act; *videlicet*, the Road leading from the *Red Swyre* upon the Mid Border between *England* and *Scotland*, through the Burgh of *Jedburgh*, to the Confines of the County of *Midlothian* at or near the Farm of *Caitha*, by *Ancrum* Bridge, *Saint Boswell's Green*, and *Melrose;* the Road leading from or near from the West of the present Toll Bar situated at the East End of *Hawick* to *Denholm*, and from thence till it join the Road above described at or near *Ancrum* Bridge aforesaid; the Road leading from the Road first above described at the *Carter*, by *Southdean* Kirk and *Bonchester* Bridge, till it join the Road last above described at the Guide Post at or near *Haugh Heads;* the Road leading from the Road last above described at or near *Chester Smithy*, by *Abbotrule* and *Swinnie*, till it join the Road first above described at or near *Linthaugh;* the Road leading from the High Road from *Kelso* to the East Border at or near *Maxwellheugh*, by *Highton* and *Crailing*, to the Bridge over the *Jed* at *Jedfoot*, and from thence till it join the Road first above described at the Village of *Boonjedward*, by Two Branches, the one towards *Jedburgh*, and the other towards *Hawick;* the Road leading from the Road first above described at or near the Village of *Eildon* to the Bridge over the *Tweed* at *Drygrange*, and from thence till it join the Road leading from *Kelso* to *Lauder* near *Nether Blainslies*, with an Alteration thereof crossing the River *Leader* at or near *Earlstone* Bridge, and from thence through the Lands of *Earlstone*, *Carolside*, and *Birkhillside*, till it again join the present Turnpike Road to *Lauder* at or near *Nether Blainslies* or *Bridge Haugh;* and the Road from the said Bridge over the *Tweed* at *Drygrange* to the Town of *Melrose;* — for amending, repairing, and keeping in repair the Road from *Jedburgh* to *Kelso*, with

with Power to build a new Bridge over the Water of *Oxnam* near *Crailing*, and to deviate from the present Line of Road on both Sides of the Water, so as to form a direct Communication, by such new Bridge, to the present Line of Road; the Road from or near *Wallace's Nick* towards *Maxwellheugh;* the Road from the Bridge over the *Jed* at *Kameburnfoot*, till it join the present Turnpike Road at or near *Old Jedwood;* — for making and maintaining the following new Lines of Road; *videlicet*, a Road from or near from *Saint Boswell's Green*, by *Hilton's Hill* and *Green-End*, till it join the Turnpike Road described in an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining several Roads in the Counties of* Roxburgh *and* Selkirk, at or near *Ashyburn*, in place of the Road from or near from *Ancrum* Bridge to *Saint Boswell's Green*, by *Lilliard's Edge* and *Hilton's Hill;* a Road from or near from *Saint Boswell's Green*, by *Holmes*, *Hawkslees*, *Langlands*, and *Newstead*, to *Melrose*, in place of the Road from *Saint Boswell's Green* to *Melrose* by *Newtoun* and *Eildon;* and a Road from the Border between *England* and *Scotland*, over *Hobswyre*, and through the Farms of *Uplaw* and *Arks*, till it join the present Road at or near *Huntford;* — and to repair and maintain the Road from near *Langhaugh* to the Bridge at *Galashiels*, and from thence along *Bridge Street* in that Village, to where it joins the County of *Selkirk* at or near the House presently occupied as the Post Office, and from thence by *Wilderhaugh* to the Damhead to where it joins the County of *Selkirk* on the *Peebles* Road; — and for carrying into Effect the several other Purposes hereinafter mentioned, according to the true Intent and Meaning of this Act.

Powers of 4 G. 4. c. 49. applied to this Act.

IV. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and sundry the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual, for carrying this Act into Execution, as if the same had been repeated and re-enacted in this Act.

Covenants and Agreements under 46G. 3. c. 48. to remain in force.

V. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said first-recited Act hereby in part repealed, according to the Provisions and Directions thereof, shall, notwithstanding of such Repeal as aforesaid, remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Bonds, Assignments, and Securities duly made and entered into by the Trustees for executing the said Act, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and the said recited Act of the Fourth Year of the Reign of His present Majesty, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

Tolls and Duties liable to Debts owing.

VI. And be it further enacted, That after duly providing for the Maintenance, Repairs, and Improvement of the said Roads, the Tolls and Duties hereby authorized to be levied shall be and are hereby made subject

subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls granted by the said recited Act hereby in part repealed, in like Manner as they are or shall be liable to the Payment of any Sums that are or may be borrowed under the Authority of this Act.

Trustees.

VII. And be it further enacted, That Sir *William Francis Eliott* of *Stobs* and *Wells* Baronet, Sir *William Scott* of *Ancrum* Baronet, Sir *John Pringle* of *Stitchill* Baronet, Sir *John James Scott Douglas* of *Springwood Park* Baronet, Sir *Walter Scott* of *Abbotsford* Baronet, Sir *Alexander Keith* of *Dunottar* Knight, Sir *Thomas Mackdougall Brisbane* of *Makerston* Knight, Sir *Charles Ker* of *Gateshaw* Knight, *John Rutherfurd* of *Edgerston*, *William Oliver* of *Dinlabyre*, *William Riddell* of *Camieston*, *Hugh Scott* of *Harden*, *George Baillie* of *Jerviswood*, *Walter Scott* of *Raeburn*, *Thomas Elliot Ogilvie* of *Chesters*, *Charles Riddell* of *Muselee*, *William Elliot* of *Harwood*, *James Pringle* of *Torwood-lee*, *James Haig* of *Bemerside*, *Nicol Milne* of *Faldonside*, *Archibald Jerdon* of *Bonjedward*, *William Elliot Lockhart* of *Borthwickbrae*, *William Fair* of *Langlee*, *Adam Boyd* of *Cherrytrees*, *Robert Ker* of *Chatto*, *John Corse Scott* of *Sinton*, *Archibald Oliver* of *Bush*, *William Sibbald* of *Pinnacle*, *Archibald Dickson* of *Westerhousebyres*, *James Anderson* of *Wilton Lodge*, *James Elliot* of *Wolflee*, *William Scott* younger of *Raeburn*, *George Pott* of *Todrig*, *William Oliver* younger of *Dinlabyre*, *William Ogilvie* younger of *Chesters*, *James Johnston* of *Alva*, *Gilbert Innes* of *Stow*, *James Pringle* younger of *Torwood-lee*, *Harry Davidson* of *Belses*, *Archibald Dickson* of *Huntlaw*, *Thomas Bruce* of *Langlee*, *Adam Fairholme* of *Chapel*, *Walter Scott* of *Wauchope*, *George Bell* of *Hunthill*, Captain *R Carre* of *Caverse*, *Thomas Scott* of *Peal*, Captain *Steedman* of *Broomhill*, *David Brown* of *Rawflatt*, *Andrew Seton Kerr* of *Kippilaw*, *William Mein* of *Ormiston*, *John Oliver* of *Blakelaw*, *John Pringle* of *Clifton*, *John Paton* of *Crailing*, *John Rutherfoord* of *Knowsouth*, *R H Tulloh* of *Elliestown*, *Thomas Williamson* of *Maxton*, *George Williamson* younger of *Maxton*, *William Henderson* of *Eildon Hall*, *Mark Sprott* of *Riddell*, *William Currie* of *Linthill*, *Henry Francis Scott* younger of *Harden*, *John Andrew Ormiston* of *Glenburnhall*, *Thomas Stavert* of *Hosecot*, *Robert Elliot* younger of *Harwood*, *Archibald Douglas* of *Adderstone*, *Nicol Milne* younger of *Faldonside*, *William Turnbull* of *Fenwick*, *William Bell* of *Mens-laws*, *George Bell* younger of *Mens-laws*, *George Cleghorne* of *Wrens*, *John Wilson* of *Hall-rule*, *William Bell* of *Hunthill*, *Thomas Philip Ainslie* of *Overwells*, *Adam Walker* of *Muirhouselaw*, *Adam Walker* younger of *Muirhouselaw*, *Robert Henderson* of *Abbotrule*, *Robert Bell* of *Hunthill*, *Joseph Bell* of *Hunthill*, the Provost of the Burgh of *Jedburgh* for the Time being, the Bailie of the Lordship of *Melrose* for the Time being, the eldest Bailie of *Lauder* for the Time being, the Eldest Bailie of *Hawick* for the Time being, and the Sheriff Depute of the said County of *Roxburgh* for the Time being, shall be and they are hereby nominated and appointed Trustees for carrying into Execution all and every the Purposes of this Act.

Power to elect new Trustees.

VIII. And be it further enacted, That when and as often as it shall appear to be necessary and expedient to the Trustees hereby appointed, it shall be lawful for them or any Five or more of them from Time to Time to elect and appoint one or more other fit Person or Persons to be a Trustee or Trustees for the Purposes of this Act, provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be

given by Two several Advertisements in any Newspaper to be published in the County of *Roxburgh*, and if there shall be no such Newspaper published in the said County, then in any Newspaper published in *Edinburgh*, the first of such Advertisements being at least Fourteen Days before the Day of Meeting for such Election; and every Person who shall be elected and appointed a Trustee pursuant to the Directions of this Act shall and may act with the Trustees by this Act named and appointed in the Execution of this Act, to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

Qualification of Trustees.

IX. Provided always, and be it enacted, That no Person other than and except the Provost of *Jedburgh*, the Baillie of the Lordship of *Melrose*, the eldest Baillie of *Lauder*, the eldest Baillie of *Hawick*, and the Sheriff Depute of the said County of *Roxburgh*, all for the Time being, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in the actual Possession and Enjoyment, in his own Right or in Right of his Wife, as Fiar or Liferenter, of the Rents and Profits of Lands lying in the said County of *Roxburgh*, or in those Parishes of the County of *Berwick* through which the Direction of any of the said Roads shall or may pass, valued in the Cess Books of the said Counties respectively at Two hundred Pounds *Scots*, or the Heir Apparent of a Person so qualified as aforesaid, or a Guardian of a Minor enjoying and possessing Lands of the Valuation aforesaid.

General Meetings.

X. And be it further enacted, That the said Trustees shall hold their first Stated or General Meeting by virtue of this Act at *Jedburgh*, upon the Third *Tuesday* after the passing of this Act, or as soon after as conveniently may be, and their next Stated or General Meeting on the Second *Wednesday* of *September* then next ensuing, and thereafter a Stated or General Meeting shall be held upon the Second *Wednesday* of *September* annually during the Continuance of this Act, at such Place or Places as the said Trustees assembled at their first Stated or General Meeting at *Jedburgh* shall fix and determine; and at such Meetings the said Trustees shall be and they are hereby authorized and empowered to carry this Act into Execution, and to issue their Orders for surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair all the said Roads, and to do, order, and perform all Acts, Matters, and Things which the said Trustees appointed by this Act are authorized and empowered to do, order, and perform; and the Quorum of Trustees necessary to do Business in General or Adjourned Meetings shall be Five; but if only One, or any Number less than Five, shall be present at any of the said Meetings, such Trustee or Trustees shall have Power to adjourn the Meeting: Provided always, that Notice shall be given of the Day and Place of every Stated or General Meeting, as also of the Day, Place, and Purpose of every Adjourned Meeting, by Two several Advertisements in any Newspaper published in the County of *Roxburgh*, and if there shall be no Newspaper published in the said County for the Time, then in any Newspaper published in *Edinburgh*, the first of such Advertisements being at least Fourteen Days before the Day on which such Meeting is appointed to be held.

Quorum of Trustees.

Books under the recited Act hereby

XI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act

in part repealed to be given in Evidence.

Act hereby in part repealed, and made Evidence thereby, shall and may, so far as concerns the Turnpike Roads therein mentioned, and hereby authorized to be made, amended, widened, altered, straightened, repaired, and kept in repair, be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if no Part of the said Act had been repealed.

Former Officers, except the Treasurer, to continue.

XII. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers, excepting the Treasurer, who have been appointed under and employed in the Execution of the said Act hereby in part repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the said Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under and by virtue of this Act; without Prejudice, nevertheless, to the Re-election of the said Treasurer under the Powers of this Act; and all Tolls leviable at the Time of the passing of this Act, by virtue of the said Act hereby in part repealed, shall continue to be levied and taken until the Term of *Whitsunday* in the Year One thousand eight hundred and twenty-nine, unless previously altered by the said Trustees.

Treasurer and Clerk not to be the same Person.

XIII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as the Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling to any Person or Persons who shall sue for the same; to be recovered, with Expences, by summary Action in the Court of Session.

Plans of the Roads to remain with the Clerk of the Peace, and to be open to Inspection.

XIV. And whereas Maps or Plans describing the Alterations on existing Roads, and the Lines of the said new Roads, and the Lands through which the same are severally intended to pass, together with relative Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands respectively, have been deposited with the Clerk of the Peace for the said County of *Roxburgh*; be it enacted, That the said Maps or Plans

Plans and Books of Reference shall remain in the Custody of the said Clerk of the Peace; and every and any Person, being an Owner or Occupier of any Lands or Tenements upon the Lines of the said Roads, shall at all seasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to inspect and peruse the same, and to take Copies and Extracts thereof at their Will and Pleasure, paying the said Clerk the Sum of One Shilling for each Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts.

Trustees not to deviate more than 100 Yards from the Plan, &c.

XV. And be it further enacted, That the said Trustees, in making, improving, altering, widening, or straightening any of the said Roads, shall not deviate more than One hundred Yards over any inclosed nor more than Three hundred Yards over any uninclosed Lands or Grounds from the Line of each Road respectively described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees to make the Road, notwithstanding Error in Description of Owners or Occupiers.

XVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make and maintain the said Roads through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers, of any Lands over which the same are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the relative Books of Reference, in case it shall appear to any Two or more Justices of the Peace in and for the said County of *Roxburgh*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may enter upon Lands for making Roads.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon any of the said Roads hereby authorized to be made, amended, improved, widened, altered, or straightened, is or are intended to pass, and to stake out the said Roads or any of them, and to cut and make any Drains or Ditches, or Arches, through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall thereby be occasioned; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used or the Fences made in laying out any Part of such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings Sterling.

If Purchases are not made within Five Years, Power of purchasing to cease.

XVIII. Provided always, and be it enacted, That in case the said Trustees shall not purchase the said Lands and Grounds within the Space of Five Years from and after the passing of this Act, then and in such Case all the Powers hereby granted for purchasing the same shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Houses, &c. not to be taken with-

XIX. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to

out the Consent of Owners.

to the taking down of any Dwelling House or other Building, or taking in the Site of any Garden, Orchard, Yard, Park, Paddock, inclosed Shrubbery, or planted Walk, or Avenue to a House, without the Consent of the Owners thereof respectively.

Power to alter any Line of Road with Consent of Owners of Property.

XX. Provided always, and be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to alter or divert the Course of any of the said Roads hereby authorized to be made, amended, improved, widened, altered, straightened, repaired, and kept in repair, in such Manner as they shall think proper, for the Purpose of rendering them more commodious and useful for the Public, although such Alterations or Diversions should not be contained or described in the said Maps or Plans: Provided always, that the previous Consent in Writing of the Owner or Owners of the Lands or other Property through which each such Alteration or Diversion is intended to pass, or of the respective Agents or Factors of such Owner or Owners, shall be first had and obtained by the said Trustees.

Power to continue and erect Turnpikes and Side Gates.

XXI. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered to continue all or any of the Gates or Turnpikes already erected, or to remove the same to any other Part of the Roads under their Charge they shall think proper, and to erect or cause to be erected other Gates or Turnpikes in, upon, or across any Part or Parts of the said Roads already made, or to be made by Authority of this Act, or on the Sides thereof, across any Way leading into or out of the same, in such Places as they shall think fit; and also to erect Toll Houses at all or any of such Gates, with such Buildings and Gardens adjacent thereto as shall appear to them to be expedient; and the said Trustees are hereby empowered to purchase or take on Lease such Pieces of Ground as they shall judge most convenient, not exceeding the Fourth Part of an Acre, for each Toll House, Building, and Garden, and from Time to Time to alter the Situation of such Gates or Turnpikes, with the Toll Houses, Buildings, and Gardens respectively connected therewith.

Power to take the following Tolls.

XXII. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at each of the Gates or Turnpikes which shall be continued or erected by virtue of this Act, before any Passage be permitted, (save and except as hereinafter mentioned,) the Tolls and Duties following, or such other Sum or Sums as the said Trustees shall from Time to Time determine, not exceeding the Rates after specified; that is to say,

Coaches, &c. For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Hearse, Calash, Chair, or other such Carriage, the Sum of Sixpence Sterling:

Waggons, &c. For every Horse or other Beast of Draught drawing any Waggon, Cart, or other such Carriage, when drawn by Four or more Horses or other Beasts of Draught, the Sum of Sixpence Sterling; and when drawn by One, Two, or Three Horses or other Beasts of Draught, the Sum of Three-pence Sterling:

Horses, &c. For every Horse or Beast of Burden, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence Sterling:

For

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies, unshod, the Sum of One Shilling and Eight-pence Sterling *per* Score; and so in proportion for any greater or less Number: Droves of Cattle, &c.

For every Drove of Calves, Swine, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling *per* Score; and so in proportion for any greater or less Number. Droves of Sheep, &c.

XXIII. Provided always, and be it enacted, That no higher Rate of Toll shall be demanded or taken at any of the said Gates or Turnpikes, for any Cart or other Carriage loaded with Lime to be used as Manure, than the Rates following; *videlicet*, for every Horse or other Beast of Draught drawing any Cart or other Carriage so loaded, the Sum of One Penny Halfpenny Sterling. Toll on Lime.

XXIV. And be it further enacted, That for every Hundred Weight which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any Weighing Machine erected or to be erected upon such Parts of the said Roads as the said Trustees shall think fit, over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh without paying any additional Toll as hereinafter regulated, shall be received and taken the following additional Tolls, or such other Sum or Sums as the said Trustees shall from Time to Time determine as additional Tolls, not exceeding the Rates after mentioned; that is to say, Additional Tolls for Overweight.

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

For every Hundred Weight of such Overweight above Two Hundred Weight and not exceeding Five Hundred Weight, the Sum of Six-pence Sterling:

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

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

And for every Hundred Weight of such Overweight above Fifteen Hundred Weight, the Sum of Twenty Shillings Sterling, before such Waggon, Cart, or Carriage shall be permitted to pass through any of the said Gates or Turnpikes.

XXV. And be it further enacted, That every Waggon, Cart, or Carriage shall be allowed to pass without paying any additional Toll, provided such Waggon, Cart, or Carriage, with its Loading, do not weigh more than the Weights following; *videlicet*, every Waggon or Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven Tons in Winter; every Waggon or Four-wheeled Carriage having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons Ten Hundred Weight in Winter; every Cart having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Three Tons in Summer, and Two Tons Fifteen Hundred Weight in Winter; every Waggon having the Sole or Bottom of the Fellies of the Breadth of Six Inches, Four Tons Five Hundred Weight in Summer, Regulations concerning the Weight of Carriages.

and Three Tons Fifteen Hundred Weight in Winter; every Cart having the Sole or Bottom of the Fellies of the Breadth of Six Inches, Two Tons Twelve Hundred Weight in Summer, and Two Tons Seven Hundred Weight in Winter; every Waggon having the Sole or Bottom of the Fellies of less Breadth than Six Inches, Three Tons Ten Hundred Weight in Summer, and Three Tons in Winter; every Cart having the Sole or Bottom of the Fellies of less Breadth than Six Inches, and drawn by Two or more Horses or other Beasts of Draught, One Ton Ten Hundred Weight in Summer, and One Ton Seven Hundred Weight in Winter; and every such Cart drawn by One Horse or other Beast of Draught, One Ton both in Summer and Winter; and for the aforesaid Purposes it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter, from the First Day of *November* to the Thirtieth Day of *April*, in every Year, both inclusive.

Tolls, &c. vested in Trustees.

XXVI. And be it further enacted, That all the Tolls and Duties hereby granted and made payable, together with the Right of Property of and in every Gate or Turnpike, Toll House, Building, Garden, Bridge, Milestone, Post, Rail, and all Road Materials, and every other Matter or Thing belonging to the said Roads, which have been acquired by the said Trustees under the said first-recited Act hereby in part repealed, or which shall be acquired by virtue of this Act, are and shall be vested in the said Trustees appointed in or by virtue of this Act.

Tolls to be taken only once a Day within the distance of Six Miles.

XXVII. And be it further enacted, That the Tolls hereby authorized to be taken having been paid at any of the said Turnpike Gates or Bars, no further Toll shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night) be again exigible, either at the same Turnpike Gate or Bar or at any other Turnpike Gate or Bar within Six Miles (measured on the Line of the said Roads) of the Gate or Bar at which such Tolls shall have been paid, for the same Horse or other Beast, or for the same Coach, Waggon, or other Carriage for which such Toll shall have been previously paid on the same Day.

Penalty on the Keepers of the Gates for not attending, &c.

XXVIII. And be it further enacted, That if any of the Keepers of the Turnpike Gates continued or erected by virtue of this Act shall fail in due Performance of his or their Duty, or shall neglect to give constant Attendance at all Hours, and a free and ready Passage to all Persons and Carriages, on Payment offered of the Toll or Tolls exigible, every such Keeper so offending shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence.

Application of Tolls.

XXIX. And be it further enacted and declared, That the Produce of the said Tolls and Duties so to be raised, levied, and collected as aforesaid, shall, after Payment of the Expences of preparing, applying for, procuring, and passing this Act, as hereinafter provided, be applied towards making, maintaining, and improving the said Roads, and paying the Interest of the Money borrowed, subscribed, advanced, or owing at the Time; and the Surplus shall be appropriated annually to extinguish the Principal of the said Debt, and to no other Purpose.

Local Exemptions from Toll.

XXX. Provided also, and be it further enacted, That besides the Exemptions from the Payment of Toll Duties specified in the said recited Act of the Fourth

Fourth Year of the Reign of His present Majesty, no Toll whatsoever shall be demanded or taken for any Carriage, Horse, or Cattle loaded with Corn of any kind, going to Mills and Kilns for the Purpose of being manufactured, or returning therefrom, for the Use of Farmers, their Families and Cottars, residing within One Mile of any Toll Bar which may be passed through.

Expence of this Act how to be paid.

XXXI. And be it further enacted, That the Expences of preparing, applying for, procuring, and passing this Act, shall be paid out of the first and readiest of the Tolls and Duties received and levied, or by or out of the first Monies that shall come to the Hands of the said Trustees under and by virtue of the said first-recited Act hereby in part repealed, or of this Act.

Public Act.

XXXII. 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 other Persons whomsoever, without being specially pleaded.

Continuance of this Act.

XXXIII. And be it further enacted, That this Act shall continue from and after the Commencement thereof during the Term of Twenty One Years, and from thence to the End of the then next ensuing Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.