ANNO DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. iv.

An Act for more effectually repairing and maintaining certain Roads in the Counties of *Roxburgh* and *Berwick*. [11th *May* 1849.]

WHEREAS an Act was passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectually repairing and amending* 46 G. 3. c. 48. *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: And whereas another Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more* 9 G. 4. c. 104. *effectually making, amending, widening, repairing, and maintaining certain Roads in the Counties of* Roxburgh *and* Berwick, by which the said first-recited Act was, in so far as regards the Turnpike Roads therein mentioned, repealed, and certain Persons were appointed Trustees for making, amending, and repairing the Roads mentioned in the said last-recited Act, and various Powers and Authorities were granted to them for that Purpose: And whereas a Third Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for further and more effectually repairing and main-* 3 & 4 Vict. *taining several Turnpike Roads in the County of* Roxburgh, whereby c. 66.

certain other Persons were appointed Trustees for repairing, improving, and maintaining the other Roads therein mentioned, and various Powers and Authorities were granted to them for that Purpose: And whereas the Trustees by the said second-recited Act appointed have proceeded to put the same into execution, and various Sums of Money to the Amount in the whole of Twenty-one thousand two hundred and ninety-five Pounds Eleven Shillings and Sixpence 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 Roads therein contained, is about to expire, the said Sums cannot be repaid, or the said Roads repaired and maintained, unless Provision be made for these Purposes: And whereas the Trustees appointed by and under the Powers of the said third-recited Act have also proceeded to put the same into execution, and have borrowed and expended considerable Sums of Money in repairing, improving, and maintaining certain of the Roads therein described, and carrying into effect the other Purposes mentioned in the said third-recited Act: And whereas it would be advantageous to the Public, and beneficial and convenient to the Inhabitants of the Districts through which the Roads comprehended under the said recited Acts pass, that the Roads comprehended under the said second-recited Act, and a certain Line of Road comprehended under the said third-recited Act, should be placed under the same Trust Management in Time to come, and that certain of the Roads maintained by Conversion Money in lieu of Statute Labour under the Acts first and third before recited, or one or other of them, should be rendered Turnpike Roads, and be managed and maintained as such along with the said other Roads; 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said second-recited Act shall be and the same is hereby repealed, excepting in so far as the said Act in part repeals the said first-recited Act, and that the said first and second recited Acts, in so far as regards the Roads heretofore maintained under the Authority of the same, and now comprehended under this Act, shall also be and the same are hereby repealed; and this Act shall, from and after the passing of the same, commence and be put in execution for and during the Term and for the Purposes herein-after mentioned: Provided always, that nothing herein contained shall extend or be construed to extend to, or in any Manner to affect, prejudice, or interfere with, any Prosecution or Cause pending in any Court of Law or before any other Tribunal, against or at the Instance of the Trustees under the said recited Acts, or their respective Clerks, but the same shall be prosecuted, carried on, adjudged, and concluded in such and the same Manner as if this Act had not been passed.

Recited Acts repealed, and this Act to take effect.

Short Title.

II. And be it enacted, That in citing this Act in any other Act of Parliament, or in any legal Instrument or Proceeding, it shall be sufficient to use the Expression "*Roxburghshire* and *Berwickshire* Roads Act, 1849."

III. And

Powers of 1 & 2 W. 4. c. 43. applied to this Act.

III. And be it enacted, That the Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, 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 hereby expressly varied, altered, or repealed,) shall be applied to this Act, and 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.

Trustees.

IV. And be it enacted, That *J G Anderson* of *Tushielaw*, Sir *Edmund Antrobus* of *Rutherford*, Baronet, *George Baillie* of *Jerviswoode*, *George Bell* of *Menslaws*, *Adam Brack Boyd* of *Cherrytrees*, *John Brack Boyd* younger of *Cherrytrees*, *J Boyd* of *Broadmeadows*, Sir *Thomas MacDougal Brisbane* of *Makerston*, Knight, *Thomas Australia MacDougal Brisbane* younger of *Makerston*, Major *David Brown* of *Old Belses*, *David Brown* younger of *Old Belses*, *Thomas Bruce* of *Langlee*, the Honourable *William Frederick Campbell*, eldest Son of Lord *Campbell*, Captain *Robert Riddell Carre* of *Cavers*, *John Chisholm* of *Stirches*, *Scott Chisholm* of *Chisholm*, *George Cleghorn* of *Weens*, *James Cleghorn* of *Hawkburn*, *Archibald Cochrane* of *Ashkirk*, *James Curle* of *Whitlaw*, *William Currie* of *Linthill*, Sir *William Dickson* of *Sydenham*, *James Dickson* of *Chatto*, Sir *George Henry Scott Douglas* of *Springwood Park*, Baronet, *Archibald Pringle Douglas* of *Adderstone*, *James Douglas* of *Cavers*, *Alexander Douglas* of *Hownam*, *Charles Dunlop* of *Whitmuirhall*, Sir *William Francis Eliott* of *Stobs* and *Wells*, Baronet, the Honourable *William Hugh Elliot* commonly called Viscount *Melgund*, the Honourable *John Edmund Elliot* of *New Belses*, Captain *Edmund James Elliot*, his eldest Son, *James Elliot* of *Wolflee*, *Robert Kerr Elliot* of *Harwood*, *John Elliot* of *Binks*, *James Erskine* of *Shielfield*, *James Shortreed Elliot Fair* of *Langlee*, *Adam Fairholm* of *Chapel*, *James Gilfillan* of *Cowdenknowes*, *James Haig* of *Bemerside*, *Robert Henderson* of *Abbotrule*, *John Grey Henderson* younger of *Abbotrule*, *James Horsburgh* of *Firth*, *James Johnston* of *Alva*, *George Jerdan* of *Grange*, *John Seton Kerr* of *Kippielaw*, *William Scott Kerr* of *Chatto*, *William Kerr* of *Gateshaw*, *John Lang* of *Overwells*, *Allen Elliot Lockhart* of *Borthwick Brae*, *Roderick MacKenzie* of *Pinnacle*, *James Mein* of *Hunthill*, *Andrew Whitelock Mein* of *Hunthill*, *Nicol Milne* of *Faldonside*, *William Ogilvie* of *Chesters*, *Thomas Elliot Ogilvie* younger of *Chesters*, *Robert Oliver* of *Blakelaw*, *Robert Oliver* younger of *Blakelaw*, *John Ord* of *Muirhouselaw*, *William Thomas Ormiston* of *Glenburnhall*, *John Paton* of *Crailing*, Sir *John Pringle* of *Stitchel*, Baronet, *James Pringle* of *Torwoodlee*, *George Pringle* of *Buckholm*, *George Pott* of *Todrig*, *George Pott* of *Knowsouth*, *Gideon Pott* younger of *Knowsouth*, *John Richardson* of *Kirklands*, *Charles Riddell* of *Muselee*, *William Oliver Rutherford* of *Edgerston*, *William Alexander Oliver Rutherfurd* younger of *Edgerston*, *Thomas Rutherfurd* of *Fairnington*, the Honourable *James St. Clair* of *Stonedge*, Sir *William Scott* of *Ancrum*, Baronet, *Archibald Scott* of *Howcleuch*, *William Scott* of *Raeburn*, *Walter Scott* of *Wauchope*, *Thomas*

Thomas Macmillan Scott younger of *Wauchope*, *Thomas Scott* of *Peel*, *John Scott* of *Riccalton*, *John Scott* of *Teviot Bank*, Captain *George Scott* of *Wooden*, Royal Navy, *James Scott* of *Whitehaugh*, *John Scott* of *Samieston*, *John Scott* younger of *Samieston*, *John Scott* of *Sinton*, *John Scott* of *Wool*, *Robert Selby* of *Samieston*, *Ephraim Selby* younger of *Samieston*, *Thomas Simson* of *Blainslie*, *Mark Sprot* of *Riddell*, *John Stavert* of *Hosecoat*, *James Stedman* younger of *Broomhill*, *John Govan Stewart* of *Hermiston*, the Honourable *John Chetwynd Talbot* of *Bonjedward*, *Thomas Tod* of *Drygrange*, *Robert Henry Tulloch* of *Ellieston*, *John Waldie* of *Henderside*, *William Watson* of *Burn Grove*, *Alexander White* of *Fens*, *James Wilson* of *Otterburn*, 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, the Sheriff Depute of the County of *Roxburgh* for the Time being, and the Chamberlains or Factors of the Duke of *Buccleuch and Queensberry*, the Duke of *Roxburghe*, the Marquis of *Tweeddale*, the Marquis of *Lothian*, the Earl of *Buchan*, the Earl of *Lauderdale*, the Earl of *Minto*, Lord *Somerville*, Lord *Polwarth*, Lord *Douglas*, and Lord *Campbell* respectively, upon their Estates in the County of *Roxburgh*, shall be and are hereby nominated and appointed Trustees for carrying into execution the Purposes of this Act.

Power to elect new Trustees.

V. And be it enacted, That when and so 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 One 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 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.

VI. Provided always, and be it enacted, That no Person, other than and except the Provost of *Jedburgh*, the Bailie of the Lordship of *Melrose*, the eldest Bailie of *Lauder*, the eldest Bailie 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: Provided always, that any Chamberlain or Factor hereby appointed shall be capable of acting if possessed of Real or Personal Estate of the Value of Five hundred Pounds Sterling; but no Chamberlain or Factor, unless when otherwise duly qualified, shall be entitled to vote at any Meeting where his Constituent is present as a Trustee: Provided also, that no Person claiming as a Trustee under this Act shall have more than One Vote on any Pretence whatever, excepting he be the Preses of any Meeting, who shall, in case of an Equality of Votes, in addition to his deliberative Vote, have a casting Vote.

General Meetings.

VII. And be it 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 on 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.

Quorum of Trustees.

VIII. And be it enacted, That the Quorum of Trustees at general or adjourned Meetings shall be Five; but if any Number less than Five shall be present at any of the said Meetings, such Trustees or Trustee shall have Power to adjourn the Meeting.

Roads to be maintained.

IX. And be it enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purposes of surveying, amending, improving, widening, altering, straightening, repairing, and keeping in repair the Roads made and maintained by the Trustees under the said second-recited 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 *Mid Lothian* 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's 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 *Heiton* 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 *Bonjedward* 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 *Earlston Bridge*, and from thence through the Lands of *Earlston*, *Carolside*, and *Birkhillside*, till it again join the present Turnpike Road to *Lauder* at or near *Nether Blainslies* or *Bridge Haugh*; the Road from the said Bridge over the *Tweed* at *Drygrange* to the Town of *Melrose*; the Road from near *Langhaugh* to the Bridge at *Galashiels*, and from thence along *Bridge Street* in that Town to where it joins the County of *Selkirk* at or near the House presently or formerly 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*; also the following Road, heretofore maintained under the Act third before recited, but in Time coming to be maintained under this Act along with the Roads before described, *videlicet*, the Road from the Royal Burgh of *Jedburgh*, over *Rewcastle Edge*, till it join the *Kelso and Hawick* Turnpike Road at or near *Rule Water* or *Spittal Bridge*; and the following Lines of Road, heretofore maintained by Conversion Money in lieu of Statute Labour, but hereby rendered and declared to be Turnpike Roads, when and so soon as the Trustees hereby appointed shall assume them as such, which they are hereby empowered to do, *videlicet*, that Part of the Road from the said Royal Burgh of *Selkirk* situated in the County of *Roxburgh*, from the said Confines of the County of *Selkirk*, by *Toftsbarns*, to the *Jedburgh* Turnpike Road at or near *Ancrum* Side Bar in the County of *Roxburgh*, or such Part or Parts thereof as the Trustees herein appointed shall think proper; a Road leading from the *Edinburgh and Jedburgh* Turnpike Road at or near the *Townfoot Bridge* of *Jedburgh*, by the Back of the Boundaries, to the Junction with the Road first above described at or near *Kenmuir Lodge*; for building, repairing, and maintaining the Bridges, Fences, and other Works and Buildings made or to be made on the said several Roads or any of them, and for putting in execution all and every the Powers and Authorities, and for carrying into effect the several other Purposes, in and by this Act given and granted, according to the true Intent and Meaning of this Act.

Bonds, &c. entered into under recited Acts to remain valid.

X. And be it 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 recited Acts shall 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 Acts, to or with any Person or Persons, shall remain in full Force and Effect, and shall, as far as regards the Roads herein comprised, be binding on the Trustees for executing this Act, and be observed and kept by them, according to the Terms, Stipulations, and Tenor thereof respectively.

Tolls and Duties on the Roads only liable for Debts presently owing

XI. And be it enacted, That, after providing for the Maintenance, Repairs, and Improvement of the said Roads as aforesaid, the Tolls and Duties hereby authorized to be levied from the Roads contained in the said second-recited Act shall be liable for that Part of the Debt presently existing against the Trust created by the said second-recited

recited Act only, but for no other existing Debt; and the Tolls and Duties hereby authorized to be levied from the Road contained in the said third-recited Act, now included under this Act, shall be liable for the Debts presently existing against the Trust created by the said third-recited Act, so far as applicable to the said Road only, or for such Proportion of the said Debts as shall be agreed on by the Trustees under the said third-recited Act and this Act, and the Creditors therein, but for no other existing Debt: Provided always, that nothing herein contained shall be held to prevent the Trustees under this Act, borrowing Money under the Authority of the same, from burdening the Tolls and Duties leviable upon the whole Roads herein comprised, or such Part of the same as they shall think proper.

on these respective Roads.

XII. Provided always, and be it enacted, That the Clerks, Surveyors, Collectors, and all other Officers who have been appointed under and employed in the Execution of the said second-recited Act, hereby repealed, shall respectively be the Officers under this Act, and shall continue to hold their Offices until they shall respectively be displaced or removed by the said Trustees, or be incapable of executing the same.

Clerks, &c. under secondly-recited Act to continue under this Act.

XIII. And be it enacted, That, notwithstanding the Repeal of the said recited Acts to the Extent before mentioned, the several Tolls thereby respectively granted and made payable shall continue to be paid at the Toll Gates or Toll Bars on or on the Sides of the Roads comprised in this Act, till the Expiry of the respective existing Lettings of the said Tolls, and that the Roads heretofore maintained by Statute Labour Money shall be so maintained until assumed as Turnpike under this Act.

Present Tolls continued till Expiry of Lettings.

XIV. And be it 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 herein-after 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,)

Power to take the following Tolls.

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Dog Cart, Car, Hearse, Calache, Chair, or other such Carriage, the Sum of Sixpence Sterling:

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:

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 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:

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.

Additional Tolls for Overweight.

XV. And be it 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 any Parts of the said Roads, over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh without paying any additional Toll, as herein-after regulated, there 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,)

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 and not exceeding Five Hundred, the Sum of Sixpence Sterling;

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

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

For every Hundred Weight of such Overweight above Fifteen Hundred, 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.

Regulations as to additional Weights.

XVI. And be it 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 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 to be taken only Once a Day within the Distance of Six Miles.

XVII. And be it 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 Keepers of Gates neglecting their Duties.

XVIII. And be it 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 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.

XIX. And be it enacted, That the Produce of the said Tolls and Duties so to be raised, levied, and collected as aforesaid shall, after Payment of the Expenses of preparing, applying for, procuring, and passing this Act, as herein-after provided, be applied towards making, maintaining, and improving the Roads comprehended under this Act, 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 whatsoever.

Local Exemptions from Tolls.

XX. And be it enacted, That, besides the Exemptions from the Payment of Toll Duties specified in the said recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, no Toll whatsoever shall be demanded or taken for any Carriage, Horse, or Cattle loaded with Corn of any Kind going to Mills or Kilns for the Purpose of being manufactured, or returning therefrom, for the Use of Farmers, their Families and Cottagers, residing within One Mile of any Toll Bar which may be passed through.

Tolls, &c. vested in Trustees.

XXI. And be it 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 comprehended under this

this Act, or which shall be acquired by virtue hereof, are and shall be vested in the Trustees appointed in or by virtue of this Act.

Expenses of Act.

XXII. And be it enacted, That the Expenses 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 under this Act, 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 second and third recited Acts.

Roads not exempt from Provisions of any future general Act.

XXIII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXIV. And be it enacted, That this Act shall continue from and after the Commencement thereof during the Term of Thirty-one Years, and from thence to the End of the then next ensuing Session of Parliament.

Public Act.

XXV. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

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