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farther Improvements should still be made, and that Bridges should be erected over each of the Rivers *Tweed* and *Ettrick*, on the *Galashiels* Branch of Road, and on the *Ettrick-bank* Branch of Road: And whereas it is expedient that Provision should be made for the gradual Discharge and Liquidation of the Debts contracted as aforesaid, by means of an Assessment on the County; but the said Improvements cannot be made, nor the said Roads effectually repaired, nor kept in repair, nor the said Debts paid off, unless further and other Powers are granted for the said Purposes: And whereas, in consequence of the opening of a new Line of Road commencing at a Point on the Farm of *Shootinglees* in the said County of *Selkirk*, near the Village of *Traquair* in the County of *Peebles*, passing thence to the Southward across the Rivers of *Yarrow* and *Ettrick*, and following up the Course of the River *Tima*, to a Point called *Tamleuchar-cross* on the March with the County of *Dumfries*, a great additional Facility has been afforded to Travellers and Carriages of all Descriptions passing on the Line of Road from the City of *Edinburgh* to the City of *Carlisle*, through the County of *Selkirk*; and as the said Road cannot be otherwise properly made and maintained, it is necessary that Power should be given to levy Tolls on the said Road: And whereas it is expedient, and would be of advantage to the Public, if certain other Roads in the said County were made and repaired; that is to say, the Road from *Blakehopehaugh* to *Cadonlee Cliffs*; the Road from the Centre of the Bridge over the River *Gala* in the County of *Roxburgh* to the Confines of the County of *Selkirk* in the Village of *Galashiels*, through the said Village, and by or near the Farm Steadings of *Netherbarns* and *Boldside*, to and along Bridges to be built over the Rivers *Tweed* and *Ettrick* above the Junction of the said Rivers, and from thence through Part of the County of *Roxburgh*, to the Confines of the County of *Selkirk* at or near a Place called *Bridgelands*, and from thence to the Town of *Selkirk*; as also a Road from or at or near a Place called *Ovenscloss*, or *Ettrick-bank*, in the County of *Roxburgh*, to and along a Bridge to be built over the River *Ettrick* near to the *Nettlyburn*, and from thence to the said Town of *Selkirk*; as also the Road before mentioned from a Point on the Farm of *Shootinglees* in the said County of *Selkirk*, near the Village of *Traquair* in the County of *Peebles*, Southward across the Rivers *Yarrow* and *Ettrick*, and up the Course of the River *Tima*, to a Place called *Tamleucharcross*, on the Confines between the Counties of *Selkirk* and *Dumfries*: And whereas it would be convenient that the making, repairing, and keeping in repair the whole of the aforesaid Roads should be committed to the Charge of the same Trustees, and suitable Powers granted as to the whole, and that the said recited Act should be repealed: And whereas it would be advantageous, and tend to the more speedy Accomplishment of the Objects intended, if the Tolls authorized to be levied by the said recited Act were increased, and Powers granted to levy adequate Duties on all the said Roads when made Turnpike, and Pontage upon such Bridges as it may be found necessary to build, with Power to set apart yearly a certain Proportion of the said Tolls and Pontages as a Sinking Fund for the Liquidation of the Debts of the Trust in future, and also to lay on and levy an Assessment from the Proprietors and Life renters of Lands in the said County of *Selkirk*, for the Purpose of the gradual Liquidation of the Debts incurred by the Trustees for the present Turnpike Roads in the said County, and for what is now due and owing on account of the said Roads: And

whereas

whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for regulating Turnpike Roads in that Part of* Great Britain *called* Scotland: 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 recited Act passed in the Forty-seventh Year of the Reign of His late Majesty shall, from and after the First Meeting of the Trustees to be held in pursuance of this Act, be and the same is hereby repealed. 4 G. 4. c. 49.

Recited Act of 47 G. 3. repealed.

II. Provided nevertheless, and be it enacted, That the Securities granted to any Person or Persons for Money borrowed upon the Credit of the Tolls authorized to be levied by the said recited Act, and still owing, shall not be prejudiced by the Repeal thereof; but the said Securities shall attach upon the Tolls authorized by this Act to be levied upon the several Roads subjected by the said Securities, and Tolls shall accordingly be levied thereupon until the Sums of Money owing are paid.

Not to prejudice Creditors under the said Act.

III. 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 recited Act hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall 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 hereby repealed, 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 all and every Sum or Sums of Money subscribed by any Person or Persons for defraying the Expence of passing the said recited Act hereby repealed, and carrying the Purposes thereof into Execution, shall remain in full Force, and shall be paid to and be applied by the Trustees under this Act, towards defraying the Expence of passing the same, and carrying the Purposes thereof into Execution.

Bonds, &c. to remain in force.

IV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Act hereby repealed, and made Evidence thereby, shall and may 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 the said Act had not been repealed.

Books to continue Evidence.

V. 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 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 or by virtue of this Act; without Prejudice, nevertheless, to the Re-election of the said Treasurer, under the Powers of this Act.

Officers (except the Treasurer) to continue.

VI. And

Trustees.

VI. And be it enacted, That from and after the passing of this Act, and during the Continuance of the same, every Person who is at present, or shall be at any Time, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor or Life Renter of Lands lying in the said County of *Selkirk*, valued in the Cess Books of the said County at Two hundred Pounds *Scots per Annum*, or upwards; and the Heirs Apparent of Persons who are infeft in Lands of the Value aforesaid; the Sheriff Depute and Sheriff Substitute of the said County for the Time being; the Chief Magistrate or Eldest Bailie of the Burgh of *Selkirk* for the Time being; and in the Absence of the Duke of *Buccleugh* and *Queensberry*, his Factor or Chamberlain over his Estates in the said County; and in the Absence of the Earl of *Traquair*, his Factor or Chamberlain over his Estates in the said County; and in the Absence of the Earl of *Minto*, his Factor or Chamberlain over his Estates in the said County; and in the Absence of Lord *Napier*, his Factor or Chamberlain over his Estates in the said County; and in the Absence of Lord *Elibank*, his Factor or Chamberlain over his Estates in the said County; such Factor or Chamberlain respectively being infeft for his own Use in Lands in the said County of the yearly Value of One hundred Pounds, or being possessed of Personal Estate of the Amount of Two thousand Pounds Sterling, or upwards; shall be and they are hereby appointed Trustees for ordering, superintending, surveying, making, improving, altering, repairing, and keeping in repair the Roads hereinafter mentioned; (that is to say,) the Road leading from a Place called *Haremoss* on the Confines of the County of *Roxburgh*, by and through the Town of *Selkirk*, to the Bridge over the River *Tweed* at *Fairnilee*, and to *Corslieburn* on the Confines of the County of *Midlothian*; and also the Road from the Burgh of *Selkirk* to the Confines of the County of *Roxburgh* at or near a Place called *Bridgelands*; and also the Road from *Blakehopehaugh* to *Cadonlee Cliffs*; and also the Road from the Confines of the County of *Peebles*, by *Whitebanklee* and *Torwoodlee*, to *Hemphaugh* in the County of *Selkirk*, and from thence to the Centre of the Bridge over the River *Gala* in the County of *Roxburgh* near the Village of *Galashiels*; and also a Road from the Centre of the said Bridge over the River *Gala* in the County of *Roxburgh* to the Confines of the County of *Selkirk* in the Village of *Galashiels*, through the said Village, and by or near the Farm Steadings of *Netherbarns* and *Boldside*, to and along Bridges to be built over the Rivers *Tweed* and *Ettrick* above the Junction of the said Rivers, and from thence through Part of the County of *Roxburgh*, to the Confines of the County of *Selkirk* at or near a Place called *Bridgelands*, and from thence to the Town of *Selkirk*; as also a Road from or at or near a Place called *Ovenscloss*, or *Ettrick-bank*, in the County of *Roxburgh*, to and along a Bridge to be built over the River *Ettrick* near to the *Nettlyburn*, and from thence to the said Town of *Selkirk*; as also the Road before mentioned from a Point on the Farm of *Shootinglees* in the said County of *Selkirk*, near the Village of *Traquair* in the County of *Peebles*, Southward across the Rivers *Yarrow* and *Ettrick*, and up the Course of the River *Tima*, to a Place called *Tamleuchar-cross* on the Confines between the Counties of *Selkirk* and *Dumfries*; and also for building, maintaining, and repairing the said Bridges over the Rivers *Tweed* and *Ettrick*.

Roads and Bridges to be made and amended.

VII. And

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

VII. And be it enacted, That the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every 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 the Body of this Act.

Maps deposited with Clerks of the Peace to remain there, and be open to Inspection.

VIII. And whereas Maps or Plans describing the Roads intended to be made, or to be repaired and rendered Turnpike, and Lands through which they lead, together with Books of Reference containing the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the said Counties of *Selkirk* and *Roxburgh*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks; 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 or Extracts thereof, at their Will and Pleasure, paying the said Clerk at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference.

Trustees not to deviate from Plan.

IX. And be it further enacted, That the said Trustees in making or altering the said Roads shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, or take down or remove any Dwelling House or other Building the Side Walls of which exceed Twenty Feet in Height, or take or make use of any Policy, Orchard, or Garden, the Contents of which exceed Half of an Acre, or any Lawn, planted Walk, or Avenue to a House, or any enclosed Ground planted as an Ornament or Shelter to a House, without the Consent in Writing of the Owner thereof.

Land may be taken for the Road, although Names of Persons may be omitted in the Book of Reference.

X. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees to make the said Roads into, through, across, or over the several Lands, Grounds, or Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Owner or Owners of Land over, in, or through which the same is set out and described in the said Maps or Plans, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the County in which the Question shall arise, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Meetings of Trustees.

XI. And be it further enacted, That the Trustees by this Act appointed, or any Two or more of them, shall hold their First stated or General Meeting by virtue of this Act at *Selkirk*, as soon after the passing of this Act as conveniently may be, and shall proceed at the said Meeting, and thereafter, according to the Mode prescribed by said recited

recited Act passed in the Fourth Year of the Reign of His present Majesty; and at the said First Meeting, and all General Meetings held in pursuance of this Act, the Quorum of the Trustees necessary to be present to do Business shall be Two; but if only One shall be present at any of the stated or other General Meetings, such Trustee shall have Power to adjourn the Meeting to such Time and Place as to him shall seem expedient, Notice of such Adjourned Meeting being always given by an Advertisement signed by the Clerk, and published at least Twice in some one Newspaper published in the Counties of *Selkirk*, *Roxburgh*, or *Edinburgh*, the first of such Advertisements being at least Ten Days before the Day of such Adjourned Meeting; and at all such Meetings a Chairman shall be appointed, who, in case of an Equality of Votes upon any Question, shall in addition to his own Vote be entitled to the decisive or casting Vote; and such General Meetings shall have the Power to appoint Committees of their Number to have the more immediate Care and Management of particular Parts of the said Roads, and to give such Committees (whereof Two to be a Quorum) such Instructions and Powers as they shall think fit and expedient, not being inconsistent with the Powers by this Act given; and each Heritor, being a Member of such Committee, and not being himself present, shall have Power to act by his Agent or Factor specially authorized by a Writing under his Hand for that Purpose.

Turnpike Gates to be continued and erected.

XII. And be it enacted, That the said Trustees shall be and they are hereby empowered to continue the Turnpike Gates already erected upon any of the Roads before described, and to erect or cause to be erected Turnpike Gates upon or across any of the said Roads, and upon the Side or Sides thereof, together with Houses necessary for the Accommodation of the Collectors of the Tolls at each of the said Gates, and to collect, levy, and take at each of the Gates so erected and continued, or to be erected, the Rates and Duties following; (that is to say,)

Rates of the Tolls.

For every Coach, Chariot, Chaise, Berlin, Hearse, or other such Carriage, if drawn by Six or more Horses or Beasts of Draught, the Sum of Five Shillings Sterling; and if drawn by Five or Four Horses or Beasts of Draught, the Sum of Three Shillings Sterling; and if drawn by Three Horses or Beasts of Draught, the Sum of Two Shillings Sterling; and if drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and Sixpence Sterling; and if drawn by One Horse or Beast of Draught, the Sum of Nine-pence Sterling:

For every Waggon, Wain, Cart, or other such Carriage, if drawn by Six or more Horses or Beasts of Draught, the Sum of Five Shillings Sterling; and if drawn by Five Horses or Beasts of Draught, the Sum of Four Shillings Sterling; and if drawn by Four Horses or Beasts of Draught, the Sum of Three Shillings Sterling; and if drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence Sterling; and if drawn by Two Horses or Beasts of Draught, the Sum of Nine-pence Sterling; but if the said Waggon, Wain, Cart, or other such Carriage be upon Four Wheels, though only drawn by Two Horses or Beasts of Draught, or be composed of Two Waggons, Wains, Carts, or other such Carriage, having each Two Wheels joined or attached to each other so as to serve the Purpose of One Carriage, the Sum of Two Shillings Sterling;

Sterling; and if drawn by One Horse or Beast of Draught, the Sum of Sixpence Sterling:

For every Horse, Mule, or Ass, with or without a Rider, loaded or not loaded, and not drawing, the Sum of Four-pence Sterling:

For every Drove of Oxen or Neat Cattle the Sum of Two Shillings and Sixpence Sterling *per* Score; and so in proportion for any greater or less Number:

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

Broad-wheel Carriages to pay a smaller Sum.

XIII. Provided always, and be it enacted, That all Waggons, Wains, Carts, or other Carriages which shall travel with Broad Wheels of the Description after specified shall be liable to pay One Half only of the Tolls and Duties hereinbefore charged on such Waggons, Wains, Carts, and other Carriages respectively, provided such Waggon, Wain, Cart, or other such Carriage with Two Wheels shall have the Soles or Bottoms of the Fellies of all the Wheels thereof of the Breadth of Six Inches, and be cylindrical, that is to say, of the same Diameter on the Inside next the Carriage as in the Outside, and in every intermediate Part between the Inside and Outside, so that when such Wheels shall be rolling on a flat or level Surface the whole Breadth thereof shall bear equally on such flat or level Surface; and provided that the opposite Ends of the Axletrees of such Waggon, Wain, Cart, or other Carriage, so far as the same shall be inserted in the respective Naves of the Wheels thereof, shall be horizontal, and in the Continuance of one straight Line, without forming any Angle with each other, and so that in each Pair of Wheels belonging to such Carriage the lower Parts when resting 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, the Wheels thereof being cylindrical, as before mentioned, and having the Axletrees thereof of such different Lengths that the fore and hind Wheels shall roll only one single Surface or Path of Seven Inches and a Half wide at least on each Side of such Waggon, Wain, Cart, or Carriage; provided also, that every Person claiming the Privilege so granted to Broad-wheeled Carriages shall permit the same to be examined and measured by any Person appointed by the said Trustees, or concerned in the Collection of the said Tolls or Duties.

Trustees may erect Weighing Engines, and take additional Tolls on certain Carriages.

XIV. And be it further enacted, That the said Trustees shall, if they find it necessary, by virtue of the Powers conferred by the said recited Act passed in the Fourth Year of the Reign of His present Majesty, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Carts or other Carriages that shall pass along the said Roads and Bridges; and may demand and take, at the several Turnpike Gates or Pontage Bars on the said Roads and Bridges, for and in respect of all Carts and other Carriages used for the Purposes of Trade, Husbandry, or Commerce, the additional Tolls and Duties following; *videlicet*, if the Carriage with its Burden or Loading shall exceed Twenty-eight Hundred Weight, and shall be under Thirty-six Hundred Weight, One Half more than the Tolls and Duties before authorized by this Act to be levied; and if the said Carriage and its Burden or

Loading

Loading shall be Thirty-six Hundred Weight, or upwards, Double the said Tolls and Duties; which additional Tolls and Duties so authorized to be levied shall not be held to be Penalties, but the just and fair Toll Duties due and payable for such Carriages used for the Purposes aforesaid.

Distance between Gates.

XV. Provided always, and be it enacted, That there shall be the Distance of Five Statute Miles between every Two Gates erected on the same Line or Branch of Road; or if the said Trustees find it necessary or expedient to erect Gates within a less Distance from each other, then every Person paying at one Gate shall receive a Ticket which shall entitle such Person to pass the next Gate with the same Carriage or Cattle on the same Day, without paying, if such Gate be within Five Statute Miles of the Gate at which Payment was made; and every Person paying Toll shall accordingly receive a Ticket for the Day, on Production of which he shall be entitled to pass and repass the Gate at which he receives it Toll-free on the same Day, reckoning from Twelve of the Clock at Midnight to the same Hour in the succeeding Night, in the same Coach, Cart, or other Wheel Carriage, drawn by the same Horses or other Beasts of Draught, or for the same Horse or other Beast or Cattle for which any such Toll shall have been before paid.

Persons paying Toll to receive a Ticket for the Day.

Stage Coaches to pay every Time of passing.

XVI. Provided nevertheless, and be it further enacted, That the Tolls made payable by this Act shall be paid for or in respect of all Horses and other Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage travelling for Hire, Pay, or Reward, for every Time of passing or repassing along the said Roads or any of them.

Post Chaises to pay for every fresh Hiring.

XVII. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of the Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire for every Time of passing and repassing along the said Roads on the same Day, as often as a fresh Hiring thereof shall take place.

Exception as to Distances between Tolls, in certain cases.

XVIII. Provided nevertheless, and be it enacted, That it shall be lawful for the said Trustees to erect a Toll or Pontage Gate at each of the said Bridge or Bridges to be built across the Rivers *Tweed* and *Ettrick* on the said Line of Road from the Bridge over the *Gala* at or near the Village of *Galashiels* to the Town of *Selkirk*, as also at the Bridge to be erected over the River *Ettrick* near to the *Nettlyburn* upon the Road from the Place called *Ovens-closs*, or *Ettrick-bank*, to the said Town of *Selkirk*, and in the Event of the Bridge over the River *Tweed* at *Fairnilee*, or of the Bridge over the *Ettrick* near *Selkirk*, being swept away or becoming ruinous, at any Bridge or Bridges which may be erected in their Place, and to levy the Rates or Duties before specified at the said Gate or Gates, notwithstanding that the same may be within Five Miles of another Gate or Gates on the same Lines of Road; provided always, that the Right of levying such Pontages shall only endure till the Expence incurred in the Erection of the said Bridges, and making the Approaches into and from the same, and the Toll or Pontage Houses thereon, and the Interest of the said Expences, shall be defrayed; but that in the Event of any of the said Bridges being demolished or becoming ruinous or unsafe for Travellers, and requiring

to be rebuilt, either in the same or near the same Place, then it shall be lawful for the said Trustees to continue to levy Pontage as aforesaid at the Bridge so to be rebuilt, or to resume levying it, if the said Trustees had previously ceased levying it in consequence of the Expence of the original Bridge having been defrayed.

Additional Gates on certain Parts of the Roads.

XIX. Provided also, and be it enacted, That it shall be lawful for the said Trustees to continue to have and maintain Three Turnpike Gates on either of the Lines of Road between the Place called *Haremoss* on the Confines of the said County of *Roxburgh* on the South, and the Extremity of the said great Road from *Edinburgh* to *Carlisle* on the Confines of the said County of *Selkirk* on the North, and to levy Toll thereat, notwithstanding that such Turnpike Gates may be at less Distances from each other than Five Miles, and that besides the Gate or Gates to be erected at the said Bridge or Bridges as before mentioned, and without giving Tickets as before enacted; provided also, that in the Event of Bridges being erected by the said Trustees, out of or by means of the Money raised by virtue of this Act, over the River *Tweed* at *Fairnilee*, or over the River *Ettrick* near *Selkirk*, upon the direct Road from *Edinburgh* to *Selkirk*, in case of any such Alteration as before mentioned, or of the present Bridges at these Places, or either of them, being demolished, or becoming ruinous or unsafe for Travellers, that it shall and may be lawful to erect a Turnpike Gate at any and each Bridge so to be built, and to levy thereat the full Rates or Duties before specified, notwithstanding that there may be another Turnpike Gate within the Distance of Five Miles upon the Road leading to and from such Bridge; and on the Erection of any of the Bridges before mentioned the Powers of this Act shall extend to the Accesses to and from the said Bridges, as making Part of the Roads by this Act intended to be made and repaired.

Fords to be destroyed.

XX. And for preventing the Evasion of the Tolls which may be erected at the Bridges over the said Rivers *Tweed* and *Ettrick*, or either of them, or any of the Lines of Road before mentioned, be it further enacted, That it shall and may be lawful to the said Trustees to shut up and destroy, or maintain so shut up and destroyed, any Ford or Fords within One Statute Mile, according to the Course of the River, above and below the said Bridge or Bridges; and if any Person or Persons shall cause any Cattle or Carriage to pass the said River at any Ford within the said Space, he, she, or they shall forfeit and pay to the said Trustees, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling for each Beast or Carriage.

Tolls vested in Trustees.

Application thereof.

XXI. And be it further enacted, That the Money so to be raised and collected as aforesaid shall and is hereby declared to be vested in the said Trustees, and shall be strictly applied to and for the Uses and Purposes of this Act; nor shall any Part thereof be expended without their Orders, or the Orders of their Committees, or other Persons authorized by General Meetings.

Toll Houses, &c. vested in the Trustees.

XXII. And be it further enacted, That the Right and Property of all and every the said Turnpike, Toll Houses, and Bridges on the said Roads already erected, or to be erected by virtue of this Act, and the Materials thereof, with the Materials that shall be collected and dug up for

for making and repairing the said Roads and Bridges, shall be vested in the said Trustees, who may and they are hereby authorized to dispose of the same as they shall think proper, for the Purposes of this Act only.

Trustees may erect Side Gates.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees to continue or cause to be erected One or more Gate or Gates on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same, and at any Part of the said Ways or Lanes, and also a Toll House at each such Gate, and there to take and receive such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate or Cross Bar shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike of the said Roads, if within Five Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night.

Any Warrant for stopping Works to be recalled, on Caution found.

XXIV. And to prevent unnecessary Trouble and Delay, be it further enacted, That in case any Person interested shall apply for and obtain from any Judge competent a Warrant for stopping the Execution of any of the Purposes aforesaid to be carried on under the Authority of this Act, the said Judge is hereby directed and empowered to recall such Warrant and remove any Sist obtained as aforesaid, provided sufficient Caution is found by the respective Trustees therein named for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in manner hereinbefore mentioned.

Power of assessing the County for Payment of the Debts of the Trust.

XXV. And be it enacted, That it shall be lawful to the said Trustees under this Act, or any Two or more of their Number, assembled at any General or Adjourned Meeting to be held after the passing of this Act (Notice of the Time and Place of holding such General or Adjourned Meeting, and of the Purpose thereof, being first duly given in the same Manner as is required as to any other General or Adjourned Meeting to be held under this Act), to require by a Resolution of the said Meeting the Commissioners of Supply of the said County to make an Annual Assessment for levying a certain Sum of Money to be paid by each and every Proprietor or Life Renter of Land enjoying the *Dominium utile* thereof lying in the said County of *Selkirk*, to be applied in manner hereinafter mentioned; and Notice of the Resolution so made at such Meeting shall be forthwith communicated by the Preses of the Meeting, or the Clerk of the said Trustees, to the Convener of the Commissioners of Supply of the said County, or, in case of his Absence from the County, the Clerk of the said Commissioners.

Commissioners of Supply to make said Assessment.

XXVI. And be it enacted, That so soon as conveniently may be after such Notice shall be received by such Convener or Clerk (as the Case may be), such Convener or Clerk shall, in the usual Form, summon a General Meeting of the Commissioners of Supply of the said County, to be held at *Selkirk* at some convenient Time thereafter, not being more than Thirty Days nor less than Ten Days after the receiving by the said Convener or Clerk such Notice as aforesaid; and at the Meeting to be held in consequence of such Summons the said Commissioners of Supply shall make an Assessment upon each and every Proprietor or Life Renter of Land enjoying the *Dominium utile* thereof lying in the said County

of *Selkirk*, to be paid rateably and proportionally, according to the Amount of his or her valued Rent, as the same shall appear in the Cess or Valuation Books of the said County, to be levied for the Year preceding the Fifteenth Day of *May* One thousand eight hundred and twenty-eight; and the said Commissioners of Supply shall make a similar Assessment yearly to such Amount as they shall see proper, at their Annual Meeting for assessing the Land Tax in the said County; provided always, that no Assessment to be made by the said Commissioners of Supply as aforesaid shall in any One Year exceed the Sum of Ten Shillings Sterling on each One hundred Pounds *Scots* of valued Rent, and so in proportion on a greater or lesser Sum.

Application of the Assessment.

XXVII. And be it enacted, That the Sums so to be assessed and levied shall be applied towards the gradual Liquidation and Payment of the Capital Sums of the Debts now resting owing by Bonds granted by certain of the said Trustees, amounting, the said Capital Sums, to the Sum of Three thousand Pounds Sterling, and to the Payment of One thousand and fifty Pounds Sterling, being One Fourth Part, or Twenty-five *per Centum* of the Capital Sum of Four thousand two hundred Pounds Sterling, subscribed in the Year One thousand seven hundred and seventy-seven by the then Trustees for the Turnpike Roads in the said County, and others, for the making and repairing of the said Roads, and paying off the Debts then contracted for making and repairing the same; the Sums so to be assessed for as aforesaid amounting together to the Sum of Four thousand and fifty Pounds Sterling; the said Sum of One thousand and fifty Pounds, or Twenty-five Pounds Sterling upon each One hundred Pounds Share, being to be paid to the said original Subscribers, or their Assignees, or the Representatives or Assignees of such of them as are deceased, by Instalments of not less than Five Pounds Sterling *per Annum* on each Share; and the Payment of the first of these Instalments being to be made in the first Year after the Commencement of this Act, and an Instalment in each of the Four following Years, when the Payment of the said One thousand and fifty Pounds will be completed; and that it shall not be lawful to make any such Assessment beyond what may be necessary for the Purpose of paying off the said Sum, together with the necessary Expences to be incurred in the assessing and levying the said Assessments, and paying off the said Debts.

Payment of the 1050*l.* declared to be in full to the Subscribers of 1777.

XXVIII. And be it further enacted, That the said Trustees and others who subscribed the said Sum of Four thousand two hundred Pounds Sterling in the Year One thousand seven hundred and seventy-seven, and the Heirs and Representatives of such of them as are deceased, and their Assignees, having consented to accept of the Sum of Twenty-five Pounds Sterling in full of the Capital Sum of each of their Shares or Subscriptions of One hundred Pounds Sterling, and of all Interest which has become due thereon, therefore, on Payment being made to the said Subscribers or their Assignees, and the Heirs and Representatives or Assignees of such of them as are deceased, of the Sum of Twenty-five Pounds Sterling for each One hundred Pounds Share, the said Trustees under this Act, and under all the previous Acts for the said Turnpike Roads, and the Heirs and Representatives of those Trustees who are deceased, and the Tolls and Pontages and Assessments leviable or to be levied under this Act, shall be for ever freed and discharged of the said Subscription Debt of Four thousand

two

two hundred Pounds Sterling, and of the whole Interest already due or to become due thereon, and of all Claim competent therefor, at the Instance of the original Subscribers of the said Sum, and their Heirs or Assignees, and every other Person whatsoever.

Lands belonging to different Proprietors valued in One cumulo Sum.

XXIX. And be it further enacted, That in case any Lands belonging to different Proprietors or Life Renters shall, at the Time of levying any Assessment under the Authority of this Act, stand valued in the Cess Books of the said County in One *cumulo* Sum, the Assessments to be imposed on such Lands shall be leviable and recoverable from such Proprietors and Life Renters conjunctly and severally, until the valued Rents of the several Parcels shall be duly separated and disjoined, reserving always to them their mutual Claims of Relief according to Law.

Trustees to appoint a Treasurer.

XXX. And be it enacted, That the said Trustees shall and may, from Time to Time as shall be necessary, appoint a sufficient Person to be their Treasurer for the Purposes of the said Assessment (such Treasurer always granting Security for the faithful Administration of his Office); and every such Assessment as aforesaid shall be paid to such Treasurer, and shall be applied, in such Form and Manner and under such Superintendence as hereinafter directed, to the Purpose of paying off the Capital Sums of Debts before mentioned, and to no other Purpose whatsoever; and the same shall be payable and be paid on the Fifteenth Day of *May* in each Year, or within Three Days thereafter; and in case of Failure in the Payment on one or other of the said Days, the Sums payable shall bear legal Interest from the said Fifteenth Day of *May* in each Year until paid; and in case of Failure to make such Payment within One Calendar Month after the said Fifteenth Day of *May*, the Defaulter or Defaulters shall be further liable to pay One Twentieth Part more in Name of Penalty, besides the full Costs which may be incurred in prosecuting for and recovering the same; and the said Penalty shall be paid and levied in every Case without Modification, and shall, together with Interest when recovered, be applied for the Purposes of this Act; and the said Assessment, Interest, and Penalties shall and may be recovered by Suit or Action to be raised and insisted in by the Treasurer before the Court of Session or Judge Ordinary of the Bounds.

Treasurer to pay Monies received into a Banking Company.

XXXI. And be it enacted, That the said Treasurer shall from Time to Time pay all Sums of Money received by him from the said Assessments into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, or some Branch of one or other of the said Banks as the said Trustees shall direct, upon an Account to be opened for the Purposes of this Assessment, at such Rate of Interest as shall be allowed by such Banks respectively; which Interest shall be applied along with the Sums so collected and paid in for the Purposes of this Act; and if the said Treasurer shall at any Time keep in his Hands for the Space of more than Fourteen Days a larger Sum than Fifty Pounds Sterling of Money received by him pursuant to this Act, or shall draw from the said Banks or Branches thereof respectively the Sums paid in upon the said Account, or any Part of the same, without the special Authority in Writing to such Effect of the Committee hereinafter directed to be appointed, or shall fail to render to the said Committee a full and true Account of his Receipts and

and Payments in pursuance of this Act, when thereto required, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds Sterling, besides the Interest which might have been received if the Money had been duly deposited in Terms of this Act, to be recovered with Expences of Process by way of summary Complaint at the Instance of any One or more Trustee or Trustees before the Sheriff Depute or Substitute, or any Two or more of His Majesty's Justices of the Peace of the said County; which Penalty and Interest shall be applied, when recovered, for the Purposes of this Act: Provided always, that such Treasurer may retain for his own Use, out of the Monies to be received as aforesaid, such Allowance for his Trouble in collecting, paying in, and applying the said Monies, under the Directions of the said Trustees or the said Committee, as the said Trustees or the said Committee by Authority from them shall fix and appoint, not exceeding Sixpence in the Pound of the Sums collected.

Treasurer may retain an Allowance for his Trouble.

XXXII. And be it enacted, That the said Trustees shall at the said First General Meeting to be held after the passing of this Act name and appoint a Committee for the Purposes of this Act, consisting of any Two or more of their Number; and it shall be lawful to them at any of their General stated Meetings to alter such Nomination and Appointment in whole or in part, but so as to keep up a permanent Committee consisting of Two or more of their Number; which Committee shall hold such and so many Meetings as they may think proper.

Trustees may appoint a Committee for the Purposes of this Act.

XXXIII. And be it enacted, That the said Committee shall at each of the Half-yearly Meetings require and receive from the Treasurer aforesaid a Statement of the Balance at the Time (exclusive of Interest after the latest Settlement of the Account) remaining in the Hands of the said Banks or Branches thereof respectively on the Account aforesaid, and of any Sums not at the Time collected, but due and payable to him in pursuance of this Act, and shall then, and at all other Meetings to be held by them, give such Directions to the said Treasurer as they may think fit, and particularly shall, when and so often as they may find it proper and convenient, direct him to draw out from the said Banks or Branches respectively such Sum and Sums of Money as may be necessary for paying off any Portion of the Capital Sums of the Debts contracted as aforesaid, which may be selected by them to be paid off, and to apply the same in Payment thereof accordingly.

Powers of such Committees in the Payment of Debts, &c.

XXXIV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their said Treasurer for the Time being, in which Book or Books such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended from the said Assessments, and of all Articles, Matters, and Things for which the same shall have been so expended; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or any Creditor or Creditors on the said Roads, or any Person or Persons liable in the Payment of Assessments under the Authority of this Act, without Fee or Reward; and the said Trustees, Creditors, or Person or Persons aforesaid, or any of them, shall or may take

Accounts to be kept of Receipts and Disbursements.

take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Treasurer shall refuse to permit or shall not permit the said Trustees or Creditors, or Person or Persons aforesaid, to inspect the same, or take such Copies or Extracts as aforesaid, or any of them, such Treasurer shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered as herein mentioned.

Proprietors of entailed Estates to have Relief.

XXXV. And be it enacted, That every Proprietor of an entailed Estate within the said County who shall pay Assessments under this Act shall be a Creditor to the succeeding Heirs of Entail in manner after mentioned for Three Fourth Parts of the Money so to be paid, as appearing from the Books of the Proceedings of the Trustees under this Act, and from the Receipts of their Treasurer as aforesaid.

Payment to be made to the Representatives of Proprietors of entailed Estates.

XXXVI. And be it enacted, That the Person or Persons having Right to the Claim arising from Money so to be paid as aforesaid by the Proprietor of an entailed Estate in discharge of Assessments under this Act, may, after the Expiration of One Year from the Death of such Proprietor, require the Heirs succeeding to such Estate to repay the said Three Fourth Parts of the Money so paid, with the legal Interest thereof, from the Term at which the succeeding Heir's Right to the Rents of the Estate shall commence, upon receiving a proper Assignment and Conveyance of the said Claim; and if the Money so due be not paid within Three Months after such Requisition, it shall be lawful for the Person or Persons having right thereto to sue the said Heirs in the Manner directed for the Recovery of Money expended in the Improvement of entailed Estates by an Act passed in the Tenth Year of the Reign of His said late Majesty, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland, *held under Settlements of strict Entail.*

10 G. 3. c. 51.

Rules for Relief among Heirs of Entail.

XXXVII. And be it enacted, That the same Rules of Relief among succeeding Heirs of Entail, and their Heirs and Successors, of the Claims of Debt and of Preference in Competition for Rents, and on subjecting Defenders to the Payment of Costs, shall take place with regard to Monies expended by Proprietors of entailed Estates in Payment of Assessments under this Act as are enacted by the said Act passed in the Tenth Year of the Reign of His late Majesty, with respect to Monies expended by Proprietors of entailed Estates in making Improvements upon their Estates for increasing the Rents and Value thereof.

A Sinking Fund to be established for Payment of future Debts.

XXXVIII. And be it further enacted, That in order to provide a Fund for redeeming and discharging any Debts which may be hereafter contracted by the said Trustees under this Act, it shall be lawful to their Treasurer, and he is hereby required, annually, to retain out of the Monies which may come into his Hands from the said Tolls a Sum equal to One Fifth of the gross Revenue arising from the said Tolls in the preceding Year, and so on in each successive Year; which Sums so retained shall be formed into a Sinking Fund, to be applied towards the Discharge of the Debts which may be hereafter contracted by the said Trustees, in such Order as the said Trustees may judge most useful and beneficial for the Trust, but subject always to the Directions

and

and Control of the General Meetings of Trustees; which Sum or Sums so retained shall be applied to no other Purpose whatever, save and except the Reduction of the said Debts; and until they shall be so applied, the said Trustees and their Treasurer are hereby required from Time to Time to lodge the same in the Bank of *Scotland*, or the Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or some Branch of one or other of the said Banks, as the said Trustees at any General Meeting shall direct and appoint, at such Interest as can be procured for the same; and the Receipt or Receipts of such Bank or its Agents shall in the meantime be a sufficient Voucher to the Treasurer; but the Money so deposited shall not be again uplifted from the said Bank or Banks otherwise than upon an Order countersigned by a Quorum of the said Trustees.

Sinking Fund may be limited or discontinued in certain Cases.

XXXIX. Provided always, and be it enacted, That it shall be lawful for any General Meeting of Trustees, on its appearing to them expedient so to do, to limit the Amount of the Annual Sinking Fund to any Sum not less than One Sixth of the gross Revenue arising from the said Tolls or Pontages; and so soon as the whole Debts which may be contracted shall have been paid off, or shall be reduced to a Sum not exceeding Two Years Sinking Fund, it shall in like Manner be lawful to any General Meeting of Trustees, on proper Evidence of the Fact, to discontinue the Sinking Fund; but with Power, nevertheless, to order the said Sinking Fund to be revived so soon and as often as any new Debts shall be contracted, and to continue the same until the said Debts shall be again paid off or reduced as aforesaid.

Tolls on the Shootinglees Road to be applied to that Road only.

XL. And be it enacted, That the Tolls which may be levied and collected at any Toll Bars which may be erected on the aforesaid Road from a Point on the Farm of *Shootinglees* to *Tamleuchar-cross* shall be held as a separate and distinct Fund for making, repairing, altering, and keeping in repair the said Road; and which Fund accordingly shall be exclusively appropriated to the Purposes of the said Road.

No other Tolls to be applied to Shootinglees Road.

XLI. And be it further enacted, That no Part of the Tolls to be levied at the Toll Bars erected or to be erected on the other Roads contained in this Act, or any of them, shall be applied to the Purposes of the said Road from *Shootinglees* to *Tamleuchar-cross*.

Trustees for Conversion of Statute Labour may continue to make their Annual Assessments.

XLII. And be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent the Trustees for the Conversion of Statute Labour in the County of *Selkirk* from making and levying Annual Assessments, and apportioning the same, should they deem it expedient so to do, for the Repair and Maintenance of the aforesaid Road from *Shootinglees* to *Tamleuchar-cross*, in the same Manner as they might have done if the said Road had not been included in this present Act.

Compelling Payment of Subscription Money.

XLIII. And be it further enacted, That if any Person or Persons who has or have subscribed or shall subscribe towards the making and repairing the Roads by this Act intended to be made and repaired, shall, after Twenty-one Days Notice given by any Person or Persons authorized by the said Trustees to receive and recover the Subscription Money, neglect or refuse to pay the Sum by him, her, or them subscribed, to the Person or Persons so authorized,

authorized, it shall be lawful to such Person or Persons, and he and they are hereby required, to sue for and recover the said Subscription Money in any Court competent in *Great Britain*, declaring that the Persons actually paying shall have a Lien on the Tolls collected on the Road for the Use of which the Money was subscribed, next after any Assignments that may have been made of such Tolls for Money borrowed as aforesaid, previously to the actual Payment of such Subscription Money.

Expences of this Act how to be paid.

XLIV. And be it enacted, That the whole Expence of preparing, procuring, and passing this Act, and all other Expences attending the same, to be ascertained at the First, Second, or Third General Meeting of the said respective Trustees, shall be paid out of the Monies collected, borrowed, or recovered by the said Trustees by virtue of this Act.

Public Act.

XLV. 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 Endurance of this Act.

XLVI. And be it also enacted, That this Act shall commence from the passing thereof, and shall remain in full Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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