Anno tricesimo tertio

Georgii II. Regis.

An Act for repairing and widening the Roads from *Deanburn Bridge*, through *Greenlaw*, and Part of the *Judburgh* Road, by *Lauder*, in the Shire of *Berwick*, to *Cornhill*, in the County of *Durham*; and for building a Bridge over the *Tweed*, near *Coldstream*.

WHEREAS the high Road leading from Deanburn Bridge, on the Confines of the County of Midlothian, through Soutrahill, by Channelkirk, Greenlaw, and Antonshill, to the Side of Tweed, opposite to Coldstream, and from thence to the West End of the Village of Cornhill, in the County Palatine of Durham, is, during the Winter Season, or wet Weather, almost impassable for Coaches, Waggons, and other Carriages, and dangerous for Persons travelling on Horseback, and many Parts thereof are very incommodious, and cannot be sufficiently repaired, widened, and kept in Repair, for the Accommodation of Travellers, without some Provision be made by Parliament for raising Money, to be applied for those Purposes; 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 Right Honourable the Lord Preamble.

Trustees names.

Register of Scotland, the Honourable Alexander Home, the Honourable George Baillie, Esquires; Sir Robert Pringle of Stichell, Sir Alexander Don of Newton, Sir William Scott of Ancrum, Sir Hugh Dalrymple of North Berwick, Sir John Stuart of Allanbank, Sir John Paterson of Eccles, Baronets; John Strotherker of Litledean, George Carre of Nisbet, One of the Senators of the College of Justice; Henry Home of Kaims, One of the Senators of the College of Justice; William Grant of Prestongrange, One of the Senators of the College of Justice; John Spotswood of that Ilk, James Ker of Morriston, James Pringle, One of the principal Clerks of Session; George Pringle of Torwoodlie, Robert Kennedy of Greenknow, Mathew Bell of Mersington, Walter Scott of Harden, James Pringle the younger of Stitchell, John Swinton the younger of Swinton, John Pringle Writer to the Signet, William Ramsay of Templehall, George Peter of Chapple, James Pringle of Lees, Robert Haliburton of Newmains, Patrick Erskine of Shielfield, John Home of Abbay, Saint Bathaus, James Jamieson of Herdrig, Alexander Farrier of Coldingknows, James Haig of Beemerside, John Lauder of Carolside, John Riddell of Riddell, Esquires; Sir James Douglas Knight, John Carre of Cavers, George Brown of Ellistowne, George Mc Dougal of Mackerstone, Patrick Murray of Cherrytrees, Doctor William Ormston, William Nesbit of Dirleton, Thomas Turner of Pinnacle Hill, James Ker of Boughtrigg, Esquires; Master James Primrose of East Morriston, Patrick Home of Billie, William Hall of Whitehall, Esquires; William Robertson of Ladykirk, John Robertson of Ladykirk, Master Alexander Smith of Evelaw, John Thompson Portioner of Blainsly, John Robertson of Saint Leonards, the eldest Bailie of the Burgh of Lauder for the time being, the Bailies of the Barony of Thirlstone for the time being, the Bailie of the Barony of Coldstream for the time being, John Renton of Lamberton, John Bell of the Rigg, Francis Blake Delaval, John Delaval, Robert Fenwick, Henry Collingwood, Francis Blake, Francis Blake junior, Sir Henry Gray, William Carre of Etall, the Honourable Raby Vane, George Bowes, John Craster, George Craster, Henry Ogle, Walter Kettilby, John Jolliffe Tuffnell, Sir Walter Blackett, Thomas Watson, John Wikie, Gray Cooper, Gabriel Selby, the Curate of Cornhill for the time being, Anthony Compton, William Temple, George Delaval, the Reverend Master Lamb Vicar of Norham, or the Vicar for the time being; John Cuthbert, John Orde, Thomas Orde Clerk, Romer, John Strangeways, Richard Shuttleworth, Fenwick Stowe,

Colson Stowe, William Compton, John Mitchelson of Middleton, Robert Hepburn of Boads, Blake Stow, Walter Isaac Wood, John Tempest, Henry Lambton, Alexander Collingwood, William Jeffreys, George Marsh Rector of Ford, or the Rector for the time being; Percival Clennell, John Collingwood, Wilmot Vaughan, and William Wilkinson, he, and they are hereby nominated and appointed to be, Trustees, for surveying, ordering, altering, amending, widening, repairing, and keeping in Repair, the said Roads.

Trustees may erect Turnpikes,

And it is hereby further enacted by the Authority aforesaid, That they and the Survivors of them, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall authorize and appoint, shall and may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, cross, or on the Side of, any Part or Parts of the said Road; and also shall and may build Fences, to prevent any Person or Persons travelling the said Road from avoiding the Payment of any of the Tolls or Duties granted by this Act.

Six Miles from each other,

Provided always, That there shall be the Distance of Six measured Miles at the least between every Two Gates so to be erected across the said Road.

and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That from and after the Eighteenth Day of August, One thousand seven hundred and sixty, the said Trustees, or any Seven or more of them, or any Person authorized by them as aforesaid, may and shall, at each Gate so to be erected, demand, levy, and take, the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle great or small, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Chair, Litter, Waggon, Wain, Cart, Sledge, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

The Tolls

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse, Calash, or Chair, drawn by Six or more Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of One Shilling and Six Pence Sterling; and drawn by Four or Five Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by Two Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Six Pence Sterling.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, Mule, or other Beast of Draught, the Sum of Three Pence Sterling.

For every Waggon, Wain, Cart, or other such Carriage, drawn by Six or more Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling and Six Pence Sterling; and drawn by Five Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling and Three Pence Sterling; and drawn by Four Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by Three Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Four Pence Halfpenny Sterling; and drawn by Two Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Three Pence Sterling; and drawn by One Horse, Mare, Gelding, Mule, or other Beast of Draught, the Sum of One Penny Halfpenny Sterling.

For every Horse, Mare, Gelding, Mule, or Ass, whereon any Person shall ride, One Penny Halfpenny Sterling.

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

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence Sterling per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two Pence Halfpenny Sterling per Score; and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said respective Sum and Sums of Money shall be demanded and taken in the Name of Toll, or as a Toll or Duty, so to be raised and collected as aforesaid; and shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Purposes by this Act directed; the reasonable Charges and Expences paid, or that shall be paid, in, about, or by reason of, passing this Act, being first deducted and paid out of the same, by the said Trustees: And if any Person or Persons shall neglect or refuse to pay the same, the said Trustees are hereby impowered, by themselves, or such Person or Persons as they, or any Seven or more of them, at a General Meeting assembled, shall authorize and appoint, to levy each and every of the said Tolls and Duties by Distress and Sale of any Horse or Horses, or other Cattle or Goods, upon which such Tolls or Duties

Tolls may be levied by Distress and Sale.

by this Act imposed; or by Distress of any other of the Goods and Chattles of such Person and Persons so refusing to pay the said Toll or Duty, and to keep such Goods and Chattles so distrained, until the said Toll or Duty, with the reasonable Charges of such Distress, shall be paid: And it shall and may be lawful to and for the Person and Persons so distraining, after the Space of Four Days after such Distress shall be made and taken, to appraise and sell the said Goods so distrained by public Roup, at the Turnpike or Toll-house where the Toll ought to have been paid; returning the Overplus, if any be, to the Proprietor of such Goods or Chattles so distrained, after deducting such Toll or Duty, and the reasonable Charges for keeping up, appraising, and selling the same. Distress may be sold after 4 Days.

And it is hereby further enacted and declared, That the Money drawn or raised by such Toll at each Gate shall be laid out, in the First Place, in repairing, and keeping in Repair, that Part of the said Road, and likewise the Bridges that lie betwixt such Gate and the next Gate or Gates to it; and the said Trustees are ordered, after paying of the Expences of procuring this Act, to apply the Money so arising accordingly. Application of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees or any Seven or more of them, at a General Meeting assembled, to chuse and appoint fit Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Clerk or Clerk, to the said Trustees, for receiving the Tolls and Duties granted and made payable by this Act; and also One or more fit Person or Persons to be made Surveyor or Surveyors of the said Highways and Bridges, or such other Officers as they shall think proper; and from time to time to remove such Clerks, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint others in their Room; and the Person or Persons appointed Receiver or Receivers as aforesaid, and also the Surveyor or Surveyors, shall, on the First Tuesday of every Month, or at any other Time appointed by the said Trustees, or any Seven or more of them, during the Continuance of this present Act, give in a true, particular, exact, and perfect Account in Writing, under their respective Hands, with the respective Vouchers, of all Monies which he or they, every or any of them, have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices, and verify the same upon Oath, if required, before a Justice of the Peace of the said County of Berwick; Trustees may appoint Officers; and remove them, and appoint others. Officers to account upon Oath.

wick; and in case any Overplus Money shall remain in their or any of their Hands, they shall pay the same in to the said Trustees, or to such Person or Persons as they, or any Seven or more of them, at a General Meeting assembled, shall authorize or appoint to receive the same, to be disbursed and laid out in amending and repairing the said Highways and Bridges, according to the true Meaning of this Act, and not otherwise; and the said Trustees, or any Seven or more of them, at a General Meeting assembled, shall and may, and they are hereby authorized and impowered, out of the Money arising by the said Tolls or Duties, to make such Allowance unto their Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors, or other Officers appointed by them, for and in Consideration of their Care and Pains taken in the Execution of the said respective Offices, and to such other Person or Persons who shall have been, or may be assisting in making and repairing the said Bridges and Highways as aforesaid, by advancing or laying out any Monies, or otherwise relating thereunto, as unto them shall seem good, over and above the necessary Disbursements made by them.

Trustees to allow Officers Salaries,

And, in case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties so to be paid as aforesaid, or any of them, shall not give and make such Account and Payment as the said Trustees, or any Seven or more of them, shall order and direct; be it further enacted by the Authority aforesaid, That then, and in such Case, any Two or more Justices of the Peace, at any Special Meeting, or other Meeting, holden for the said County of Berwick, shall make Enquiry of and concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath, which Oath is hereby directed to be administered without Fee or Reward; and if any Person or Persons shall be thereof convicted, such Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the said County of Berwick, there to remain, without Bail, until he or they shall have made a true and perfect Account and Payment, in Manner aforesaid, or shall have compounded with the said Trustees, or any Seven or more of them, and paid the Money which shall be thereby stipulated to be paid to them; which said Compositions and Monies the said Trustees, or any Seven or more of them, are hereby authorized and impowered to make and receive.

Officers refusing to account,

Justices to enquire into the Default;

and commit the Offender,

until he shall conform, or compound for the same.

And be it further enacted by the Authority aforesaid, That the said Trustees shall keep an exact Account of the Money

Money received by virtue of this Act, and of the Application thereof, in a Book in the hands of their Clerk; which Book of Accounts and Proceedings, all Heretors of the said County of Berwick shall, at all seasonable Times, be at Liberty to inspect, without any Fee or Reward; and in case of any Misapplication of Money, collected, received, or levied, by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be so misapplied, shall forfeit and pay Double the Sum so misapplied, to be recovered against him or them, at the Suit of any Two or more Heretors, within the said County, possessed of Three hundred Pounds Scots each, of valued Rent, who are hereby authorized to pursue for and recover the same, in a summary Action, before the Lords of Session, without abiding the Course of the Roll, with Full Costs of Suit; One Moiety of which Forfeiture shall belong to the Persons who sue for the same, and the other Moiety shall be paid to the said Trustees, or any Seven or more of them, who are hereby authorized to apply the same for repairing of the said Roads, by this Act directed to be repaired.

Trustees to keep an Account for the Use of the Heretors;

who have Power to sue.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall maliciously break, pull down, or otherwise destroy, any Turnpike Gates, Posts, Chains, Bars, or other Works whatsoever, or Houses erected for the Use of such Turnpikes, or shall be aiding or assisting thereto, or shall rescue, or attempt to rescue, any Person or Persons in Custody for any such Offence, every Person or Persons so offending in any of the Premisses, and being thereof lawfully convicted in any Prosecution, at the Instance of the said Trustees, or any Seven or more of them, in a General Meeting assembled, by the Oath of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace of the County where the Offence shall be committed, such Person or Persons so offending shall forfeit and pay the whole Damages and Expences sustained by the said Trustees, and shall also be publickly whipped at the nearest Market Town of the said County, or fined in One hundred Pounds Scots, toties quoties, at the Discretion of the said Justices.

Penalty on destroying Turnpike-gates, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons occupying inclosed Lands near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly, willingly, or purposely permit or suffer any Person or Persons to pass through the same, or through any Gate, Passage, or Way, leading through the same, with any Coach, Cart, or other Carriage, or with

Penalty on Persons permitting or going thro' private Passage,

to avoid paying the Tolls.

any Horse, Ass, or other Cattle, whereby the Payment of the Toll or Duty, by this Act imposed, shall be avoided, every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by the Testimony of One or more credible Witness or Witnesses, before any One or more of the said Justices of the Peace of the said County of Berwick, shall, for every such Offence respectively, forfeit and pay to the said Trustees, or their Collector or Collectors, the Sum of Twenty Shillings Sterling.

Penalty on Persons taking off Horses, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time during the Continuance of this Act, take off, or cause to be taken off, any Horse or Horses, Mares or Geldings, or other Beasts of Draught, from any Coach, Chaise, Chariot, Berlin, Landau, Calash, Chair, or Litter, or any Horse or Horses, Or or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes

to avoid paying the Tolls.

erected by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby imposed; or shall leave in any House or Place any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, or other Cattle, chargeable with, or liable to pay, the said Tolls or Duties, with such Intent as aforesaid; every such Person or Persons shall forfeit and pay to the Trustees appointed to put this Act in Execution, or to their Collector for the time being, the Sum of Twenty Shillings Sterling.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Surveyor or Surveyors, and such Persons as he or they shall appoint, by Order of any Five or more of the Trustees, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, and other Materials, for making or repairing the said Road, out of the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand, nor a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any House, nor any Piece or Parcel of Ground set apart and used as a Nursery for Trees) where such Materials are or may be found; and, from time to time, to cause the same to be carried away, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the

making Satisfaction to the Owners of the Grounds.

Roads aforesaid; paying only for the Damage done to the Owners and Occupiers of the said Grounds respectively where and from whence the same shall be digged, gathered, or taken away, or over which the same shall be carried;

ried; the Amount of which Damage shall be settled and ascertained by any Five or more of the said Trustees living in the Neighbourhood from which the said Materials are taken: And in case of any Difference between such Owners and Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace of the County where the Matter in Dispute shall arise, or any Three or more of them, shall and may judge and determine the same; but such Dispute and Difference shall not in the mean Time hinder the using or carrying off the said Materials, and applying the same towards repairing the said Roads.

Justices may determine Differences.

And be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said respective Surveyor or Surveyors, and such Person and Persons as they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Roads, and to make and erect Arches and Bridges of Brick, Timber, or Stone; and also to and for any Five or more of the said Trustees, if they find any of the Highways not to be of a sufficient Breadth, to widen and extend the Breadth of such Roads to the legal Standard; and, where it shall appear necessary, to alter the Situation of the said Roads altogether, or to widen the said Roads to a Breadth beyond the legal Standard; then, and in such Case, any Seven or more of the Trustees shall, at a General Meeting assembled, and they are hereby authorized and impowered, by Writing under their Hands, to order and direct the said Roads to be extended to such a Breadth as they shall think proper, not exceeding Forty Feet; and the said Surveyor or Surveyors shall, and they are hereby impowered, by Order of the said Trustees, or any Five or more of them, to make such Ditch or Ditches, Trench or Trenches, as the said Surveyor or Surveyors shall adjudge necessary for the draining, amending, and repairing, the aforesaid Roads; paying such Damage to the Owners or Occupiers respectively, whose Grounds shall be prejudiced or damaged by such Alteration or Widening, as the said Trustees, or any Seven or more of them, shall judge reasonable: And in case of any Difference concerning the same, between the said Owners and Occupiers and the said Trustees, the Justices of the Peace of the County where the Matter in Dispute shall arise, at their next General Quarter Sessions, or at the Second General Quarter Sessions thereafter at farthest, or the major Part of them then present, shall and may adjudge, assess, and

Surveyor may make Causeways,

erect Bridges,

and widen and extend the Roads, &c.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

and determine the same, and order the same to be paid by the Treasurer or Treasurers of the Tolls for the time being, out of the Monies arising by the said Tolls.

Buildings, &c. not to be damaged.

Provided always, That in altering or widening the aforesaid Roads, nothing shall be done which may anywise prejudice or damage any House or Building, or any Garden, Orchard, Yard, or planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground, set apart and used as a Plantation or Nursery for Trees; and that where it shall be found necessary to make Passages for the Water from such Ditches or Trenches, through the Ground of any adjacent Proprietor, that such Proprietor, or the Possessor of such Ground, after such Passages or Outlets are so made, shall be obliged, in all Time thereafter, to keep clear such Outlets and Passages from the said Trenches and Ditches, from time to time, as they shall be required by the said Trustees, or any Five or more of them, so as the said Outlets may not be stopped or made to restagnate into the said Trenches or Ditches, but may have free Passage through the said Proprietors Grounds: And in case of the Proprietor or Proprietors neglecting or refusing to clear or to cleanse such Outlets, when duly required by the Surveyor or Surveyors of the said Roads, or any Five of the Trustees, then, and in that Case, such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to levy the Expence thereof on the Owner or Proprietor of such Grounds, in Manner herein after directed.

Toll to be paid but once a Day.

And be it further enacted by the Authority aforesaid, That no Person or Persons, having Occasion to pass through any Gate or Gates on the said Turnpike Road with the same Horses or Carriages, and return again before Twelve of the Clock at Night of the same Day, shall be liable or compelled to pay the said Tolls or Duties more than once; and every Person paying Toll shall receive a Ticket for the Day, which shall intitle him to pass that Gate at which he receives it: And in case he shall give or dispose of the same to any other Person or Persons, in order that he or they may avoid Payment of the said Toll, every such Person so giving or disposing of, or receiving such Ticket or Tickets, upon being convicted thereof, upon the Oaths of One or more credible Witness or Witnesses, or otherwise, before any One or more of the Justices of the Peace of the said County of Berwick, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings Sterling, to be levied in the same Manner as before directed by this Act, in the case of refusing Payment of the Toll.

Penalty on giving or receiving Tickets, to avoid Payment of the Tolls.

Pro-

Exemptions from Tolls.

Provided always, and be it further enacted and declared, by the Authority aforesaid, That no Toll or Duty whatsoever shall be demanded or taken for any Carriages or Horses loaded with Stones, Sand, Lime, Limestone, Marle, Dung, or Manure, nor for Carriages going empty for the same; and in order to insure that empty Carriages shall not elude the said Toll, by pretending that they are to return with such Loading, they shall consign the Toll, and have it returned to them when they return with the said Loading; nor shall any Toll or Duty be taken for any Carriages or Horses loaded with any Materials for repairing the said Highways or Bridges, or any of the Causeways within or belonging to the same; nor shall any Toll or Duty be demanded for Passage of the Coins or Implements of Husbandry carrying to or from any Field, or Horses or Cattle going to Water or Pasture in the Farm or Farms in which any Gate or Gates, Turnpike or Turnpikes, may stand; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass through the said Turnpikes to Church, Chapel, or Place of religious Worship, on Sunday; nor from Persons attending the Funerals of any Person or Persons, who shall die and be buried in any of the Parishes in which the Roads, hereby directed to be repaired, shall lie; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers who are upon their March, by Rout, or the Carriages attending upon them; nor for Carts, Carriages, or Waggons, travelling with Vagrants, sent with legal Passes.

Persons, &c. chargeable to the Repair of the Roads, to continue so.

Provided always, That every Person and Persons, who are by Law chargeable in repairing and amending the said Roads and Bridges hereby intended to be repaired, shall still remain chargeable, and do their respective Works upon such Roads or Bridges, as the Trustees appointed by this Act, or any Seven or more of them, shall direct, in such Manner as he or they ought to have done before the passing this Act.

Justices to determine Differences relating thereto.

And, for removing all Doubts and Questions that may arise concerning what Persons are liable to perform the Services aforesaid; it is hereby further enacted, That the Justices of the Peace of the County where the Matter in Dispute shall arise, shall have Power, and are hereby impowered, in their Quarter Sessions, or any Adjournment thereof, to hear and determine all such Questions; and their Judgement in every such Case shall be final.

Heretors to assist in repairing the Roads.

And it is hereby further enacted and declared, That all and every Person and Persons, who by Law are chargeable towards the repairing and amending that Part of

the Road directed to be repaired by this Act, which lies in that Part of Great Britain called England, shall still remain chargeable, and do their respective Works thereon, in such Manner as he or they ought to have done, before the passing this Act: And that all and every Person, labouring and possessing his own Grounds, shall be obliged to assist at repairing the said Highways directed to be repaired by this Act, in that Part of Great Britain called Scotland, and for that Purpose to send Two Carts, at the Times and for the Days prescribed by Law, for every Ploughgate of Land he so labours and possesses; and, for preventing Questions arising what Quantity of Ground may be deemed a Ploughgate, the Trustees, or any Seven or more of them, are hereby authorized and impowered, at a General Meeting for the respective Counties of Berwick and Durham, to determine the same, with Power of Appeal to the Quarter Sessions, whose Determination shall be final.

Trustees to compound.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a General Meeting assembled, shall, and they are hereby impowered to compound and agree with all or any of the said Persons chargeable to repair the said Highways and Bridges within the respective Counties of Berwick and Durham, for such Sums annually as to the said Trustees shall seem reasonable; such Compositions and Agreements to be entered in Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, respectively: And in case the Composition-money shall not be paid within Twenty Days after the same shall become due, it shall and may be lawful for any Two of the Justices of the Peace of the County where such Payment shall be in Arrear, by Warrant under their Hands, to impower the Person or Persons authorized by the said Trustees, at a General Meeting assembled, to receive such Composition-money, to levy the same in Manner herein after directed.

Rates of Compositions.

Provided always, and be it further enacted by the Authority aforesaid, that the respective Trustees by this Act appointed, or any Seven or more of them, at a General Meeting assembled, shall, and they are hereby authorized and required to compound for the said Work so to be performed by Law; and instead of the said personal Service of any Person or Persons liable to repair the said Roads, or instead of the Attendance of his or their Carriage or Carriages, to receive and take from such Person or Persons, at the Rate of Three Pence Sterling by the Day for each Man, and One Shilling Sterling by the

Day

Day for each Man and Cart with One Horse, and One Shilling and Six Pence Sterling by the Day for each Man and Cart with Two Horses; which Compositionmoney so agreed to be paid in lieu of such Statute-work, shall be paid at such Time or Times, and to such Person or Persons, as the said respective Trustees, or any Seven or more of them, at a General Meeting for the said County assembled, shall direct and direct. And in case such Person or Persons, so compounding, shall neglect or refuse the Payment of such Composition-money for the Space of Twenty Days after the same shall become due, then it shall and may be lawful to levy the same by Distress and Sale of the Offender's Goods and Chattles in Manner herein after directed.

Trustees to have only such Services under their Direction as shall be allotted by the Justices.

And whereas there are many other Roads in the said County of Berwick where Statute-work is due to it is therefore hereby further enacted and declared, That the Trustees before mentioned in this Road shall have no Power over any of the Statute-work or Compositions in the said County, but over such Persons only as shall be allotted to them as their Share of the County by the Justices of the Peace at their Quarter Sessions; any thing contained in this Act to the contrary notwithstanding; which Allotment the Justices of the Peace of the said County are hereby authorized, impowered, and required, to make at their Quarter Sessions; whose Judgements shall be final.

Share of the Bridge-money to be allotted to the said Road by the Justices.

And whereas a certain Share of the Bridge-money of the said County of Berwick, when levied, belongs properly to the said Road; it is therefore hereby further enacted and declared by the Authority aforesaid, That the Justices of the Peace of the said County, at their Quarter Sessions, shall, and they are hereby authorized and impowered to declare and allot the Share of the Bridgemoney falling to this Road, when so levied; which Allotment the Justices of the Peace of the said County are hereby authorized, impowered, and required, to make in their Quarter Sessions; whose Judgement shall be final.

Trustees may pull down old Bridges, &c.

And it is hereby further enacted and declared, That it shall be in the Power of the said Trustees, or any Seven or more of them, to pull down any old Bridges that are useless by the Road's being turned about, or otherwise, and to apply them to building new Ones, or as they shall see proper for repairing the said Roads.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the respective Trustees, or any Seven or more of them, at a General Meeting assembled, shall, and they are hereby impowered, as they shall see convenient, and think

think fit, to compound and agree by the year, with any Person or Persons using to travel through the Turnpikes, and living within Three Miles of any Turnpike or Turnpikes to be erected in the said Roads, with any Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Beast of Draught, for any Sum or Sums of Money, as to the said Trustees shall seem reasonable, to be paid quarterly, from time to time, after such Agreement is made: And that Copies of all such Compositions or Agreements, so made by the said Trustees as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose, by the respective Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person whatsoever, at all seasonable Times, without paying any Fee or Reward.

Composition-money how to be recovered and applied.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money, so agreed to be paid for Passage through the said Turnpikes or Gates, to be erected by virtue of this Act, shall not be paid within Twenty Days next after the same shall become due or payable, according to such Composition or Agreement, Oath being first made that the same had been demanded, and remains unpaid (which Oath a Justice of the Peace of the said County is hereby impowered to administer) that then it shall and may be lawful for any Two of the Justices of the Peace of the said County, by Warrant under their Hands, to impower the Person or Persons authorized by the said Trustees to receive such Composition-money, to levy such Composition-money on the Person or Persons so refusing or neglecting to pay the same, in Manner herein after mentioned.

Trustees may let the Toll by Roup.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a General Meeting for the said County assembled, are hereby authorized and impowered, by publick Bidding, Auction, or Roup, to let the said Toll or Duty, levied at each Gate, separately, from time to time, during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, separately, to such Person or Persons as shall, from time to time, give such good and sufficient Security for paying thereof, as shall be approved by the said Trustees, or any Seven or more of them.

And, for the more speedy and effectual Reparation of the said Roads and Bridges; be it further enacted by,

the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at a General Meeting assembled, to borrow any Sum of Money at any Time, not less than half a Year after the Commencement of the Toll imposed by this present Act, not exceeding the Sum of Five hundred Pounds Sterling on each Gate, at an Interest not exceeding Five Pounds per Centum per Annum, the Money borrowed upon each Gate always to be applied, in the first Place, to the paying off and discharging a proportional Share of the Money expended in procuring this present Act, and in the next Place to the Reparation of and keeping in Repair that Part of the Road and the Bridges that lie nearest such Gates; and the said Trustees, or any Seven or more of them, at a General Meeting assembled, are hereby impowered to assign and make over the Tolls and Duties on such Gate or Gates, by this Act imposed, to the Person or Persons from whom the Money shall be so borrowed, as a Security for Repayment of such Sum or Sums of Money so lent by them, with Interest thereupon, declaring always, that when such Sum or Sums of Money, or any Part thereof, shall be repaid by the said Trustees, it shall be then in the Power of the said Trustees, or any Seven or more of them, at a General Meeting assembled, to borrow Money again in the Manner above expressed, so as the whole Sum due, on any One Gate at One Time, do not exceed the Sum of Five hundred Pounds.

Trustees may borrow Money on the Credit of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee, in any Case, in the Execution of this Act, unless he shall be infeoft, in Superiority or Property, or possessed as Proprietor in Life Rent, of Lands, valued in the Tax Roll of the Counties of Berwick or Roxburgh respectively, to the Extent of One hundred Pounds Scots, per Annum, excepting the eldest Sons and Heirs Apparent of Persons who are infeoft in Lands of the Extent and Valuation aforesaid; and that no Person shall be qualified or capable of acting as a Trustee in any Case in the Execution of this Act, by virtue of any Estate in the Counties of Durham or Northumberland, unless he is seised of an Estate for Life, or by the Courtesy of England, or of some greater Estate in Lands Freehold or Copyhold, in the said Counties, or One of them, of the yearly Value of Forty Pounds; and if any Person or Persons, who shall be deemed unqualified, or made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the

Qualification of Trustees.

Penalty on acting not being qualified.

true Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered and applied in Manner herein after directed.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and they are hereby required to take such Securities from their Treasurers, to be appointed for the Purposes of this Act, for the due Execution of their Offices, as to the said respective Trustees, or any Seven or more of them, shall seem meet.

A Turnpike, &c. may be erected within 1 Mile of *Lauder*.

And whereas the Road leading from Kelso and Jedburgh by Lauder, into the above-mentioned Road, is, at Times, ruinous and dangerous for Passengers: And whereas the Water of Leider is frequently impassable by reason of Floods; be it therefore hereby further enacted and declared, That the said Trustees, or any Seven or more of them, at a General Meeting assembled, shall and may place a Gate or Turnpike, and Toll-house, on the said Road, any where at One Mile distant or farther from the Burgh of Lauder, and to exact the same Tolls for Carriages or Cattle of whatever Kind, as is by this Act ordered to be exacted and taken at any of the other Gates or Turnpikes on the said high Road; and which Toll or Duty, so to be exacted and taken, is hereby vested in the said Trustees, and to be laid out by them, for repairing, amending, and keeping in Repair, that Part of the said Road leading from Lauder to Channelkirk Brafoot, and for building a Bridge over the Water of Leider, at any proper Place within a Mile and a Half of the Burgh of Lauder, and for repairing the Road from the said Burgh of Lauder to the said Bridge; and the same Powers are hereby granted to the said Trustees, with respect to exacting the said Toll or Duty, borrowing Money upon the Toll, building the said Bridge, and repairing and amending the said Road, as is by this Act herein before granted for putting this Act in Execution, with regard to any other Gate or Road intended to be placed or repaired by this Act.

Trustees may contract for building a Bridge;

And whereas the River Tweed is often dangerous and impassable for Travellers, and the aforesaid Roads will be incomplete, unless there is a Bridge upon the said River near Coldstream, the erecting and building of which will be attended with considerable Expence; it is therefore hereby further enacted and declared by the Authority aforesaid, That it shall be in the Power of the said Trustees, or any Seven or more of them, at a General Meeting assembled, and they are hereby fully authorized and impowered

powered to erect and build a Bridge, and to make such Contracts and Agreements as they shall think proper, with any Artificers, Workmen, or other Persons, for erecting, building, and making, such Bridge, Ramparts, Wings, Walls, Banks, Ways, and others Works, or any Part or Parts thereof; such Artificers and others contracting, always giving Security, to be approved of by the said Trustees, that their Work shall be completely and properly finished.

and erect a Toll-gate, and receive Toll.

And it is hereby further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a General Meeting assembled, shall and may erect, and cause to be erected, a Turnpike or Toll-gate, and Toll-house, either upon or at either End of the said Bridge, and shall lay and assess a Duty or Pontage in the Nature of a Toll, to be paid before any Passage over the said Bridge shall be permitted; which Toll shall be the same and equal with the Rates mentioned in this Act for passing through any other Turnpike, with this Difference, that no Carriage, Horse, or other Beast whatsoever, shall be exempted from paying Toll.

Powers respecting the other Turnpikes, extended to this, and also to the Bridge.

And it is hereby further enacted, That the said Turnpike or Toll-gate, as well as the Building of the said Bridge, with regard to the Materials, shall be regulated in the same Manner as any other Turnpike in this Act; and all concerned shall be liable in the same Penalties, and under all the other Clauses therein contained, with the Difference only above-mentioned, that no Carriage whatsoever shall be excepted from the Payment of the Toll.

Tolls may be assigned for Money borrowed.

And it is hereby further enacted, That it shall be in the Power of the said Trustees, or any Seven or more of them, at a General Meeting assembled, either before the Building of such Bridge, or after it, to assign the said Toll to any Person lending Money for the Building of such Bridge, either as an absolute or collateral Security to such Person as shall lend them Money, or as a Security or collateral Security to such Persons as shall subscribe to raising a Sum of Money to build the said Bridge.

Continuance of the Toll.

And it is hereby further enacted, That the said Toll shall continue upon the said Bridge, until such Time as the whole Expences for erecting it, and the Interest of the Money borrowed for that Purpose, shall be paid.

Bridge not to be begun, till Satisfaction be made to the Proprietors of *Coldstream* Ferry.

Provided always, and be it further enacted by the Authority aforesaid, That it shall not be lawful to erect or build the said Bridge, or any Part thereof, before or until full and ample Satisfaction shall be made for all such Prejudice, Loss, or Damage, as shall or may be sustained or suffered, by any of the Owners, Proprietors, Lessees,

Lessees, or others, having any Property or Interest in the present Ferry over the Tweed at Coldstream, or the adjacent Lands, which Damage or Prejudice shall be determined and adjusted by the said Trustees, in Manner following; that is to say, The said Trustees, or any Seven or more of them, shall and may, and are hereby authorized and required, upon Application made to them by any of the Owners, Proprietors, Lessees, or others, having any Property or Interest in the aforesaid Ferry or Lands, to enquire into what Prejudice, Loss, or Damage, they, or any of them, may in any wise respectively receive or sustain, by or on Occasion of building the said intended Bridge, or any Erection to be made by this Act; and thereupon, by Writing or Writings under the Hands of the said Trustees, or any Seven or more of them, appoint and settle what Recompence and Satisfaction shall be made for the same, and to whom, and in what Manner; that is to say, whether by the Payment of an annual Sum of Money, or the Payment of a Gross Sum, in Consideration of their respective Interests in the said Ferry.

Disputes how to be adjusted.

And be it further enacted by the Authority aforesaid, That if any Dispute shall arise between the Owners, Proprietors, Lessees, or others, having any Property or Interest in the aforesaid Ferry or Lands, and the said Trustees, in regard to the Recompence and Satisfaction to be made to such Owners, Proprietors, or Lessees, for the respective Loss or Damage to be sustained by building the said Bridge, that then the Matter shall be referred to George Carre of Nesbit, one of the Senators of the College of Justice, Sir John Stuart of Allanbank Baronet, John Craster Esquire, and William Carr of Eatall Esquire, who, at their First Meeting, shall chuse One other of the Trustees for putting this Act in Execution, to be joined with them; and they, or the major Part of them, are hereby authorized and impowered to hear, adjust, and fully determine, what Recompence shall be made to such Party or Parties, for such their respective Interests in such Ferry or Lands; and the Judgement and Determination of the said George Carre, Sir John Stuart, John Craster, and William Carr, and the said Trustee so chosen and joined with them, or the major Part of them, set down in Writing, and signed by them, or the major Part of them, shall be binding and conclusive to all Parties concerned, without any further or other Appeal.

Damages, &c. to be paid out of the Pontage-monies;

And be it further enacted by the Authority aforesaid, That all such Sums of Money, Consideration, Recompence, or Satisfaction, as shall be agreed for or determined to be paid as aforesaid, for the Purchase or Damage

mage aforesaid, shall be, and is and are hereby charged and chargeable upon the Pontage by this Act granted and made payable, and shall be paid thereout, or out of the Monies borrowed upon the Credit of the same, to the respective Persons intitled thereto; and that upon Payment of such Sum or Sums, which shall be so agreed for or determined to be paid for the Purchase of such respective Interest, or Tender thereof, or in case any Person or Persons, after Twenty Days Notice to be given to him, her, or them, or left at the House of the Occupier of the Premisses, shall refuse or neglect to receive the same, then, upon leaving the same in the Hands of the Treasurer or Clerk to the said Trustees, to be paid upon Demand to such Person or Persons, the said Trustees, or their Successors, shall be deemed in Law to be in the actual Possession thereof, and to be seised thereof, in Fee-simple, freed and discharged from all Claims, Demands, and Equity of Redemption, either at Law or in Equity, to all Intents and Purposes; and it shall be lawful for the said Trustees, or any Seven or more of them, their Workmen or Agents, to enter upon, and take Possession of, the Premisses as aforesaid, or such Part thereof as they shall think fit, for the Purposes of this Act; and to do all and every such Act, Matter, and Thing, with relation thereto, as they the said Trustees, or any Seven or more of them, shall, from time to time, think necessary or convenient.

in case of Refusal to accept thereof, after Notice;

the same to be paid into the Hands of the Treasurer.

And, for preventing the evading the Tolls and Pontage granted by this Act, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they shall appoint, to destroy or shut up any Ford or Fords cross the River of Tweed, as they shall think necessary, to prevent the evading of the said Tolls or Pontage; any Law, Custom, or Usage to the contrary notwithstanding.

For destroying Fords.

Provided always, That nothing in this Act contained shall extend to impower the said Trustees to stop up any Ford, at any greater Distance than One Mile and an Half, according to the Course of the River, above the said intended Bridge, or any Ford that shall lie lower on the River than Oxendenburn; any thing in this Act contained to the contrary notwithstanding.

Proviso.

And whereas the several Fords, cross the River Tweed, which may decrease the Pontage imposed by this Act, may be destroyed or shut up: And whereas Persons have frequently gone to the said several Fords, through the Lands of Brownrigg and Low Field of Cornhill; be it therefore

Bye Roads not to be used after the Bridge is finished.

enacted by the Authority aforesaid, That so soon as the said Bridge shall become passable, or the said Fords shall be stopped up or obstructed, it shall not be lawful for any Person or Persons whatsoever to make use of any Road or Passage, excepting only the present Turnpike Road from Berwick upon Tweed, and the Road directed to be repaired by this Act, over the Lands of Brownrigg or the Low Field of Cornhill, between Oxendenburn and the said Fords or intended Bridge; any Custom or Usage to the contrary notwithstanding.

Trustees in Commission of the Peace may act as Justices.

And be it further enacted and declared by the Authority aforesaid, That such Trustee or Trustees appointed to put this Act in Execution, as is or shall be in the Commission of the Peace within the Counties of Berwick, Roxburgh, Durham, or Northumberland, shall and may act as Justice or Justices of the Peace within the said Cou[illegible]s, for the more effectual putting in Execution the ser[illegible] Authorities and Powers in this present Act mentioned and contained, notwithstanding such Justice or Justices is, are, or shall be, a Trustee or Trustees as aforesaid.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons, appointed, or to be appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of, any Tolls or Duties by this Act laid or granted.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees for repairing the said Roads shall meet at Greenlaw on the Eighteenth Day of August next ensuing, with Power to them to adjourn themselves to such Times and Places as they shall think proper and convenient for putting this Act in Execution; and if it shall happen, that there shall not appear at any Meeting, or at any adjourned Meeting, that shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at the said Meeting, and to adjourn to any other Day; then, and in such Case, the Clerk or Clerks, by Notice under his or their Hand or Hands, to be fixed on the said Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, may appoint the said Trustees to meet at the Place where the Meeting of the said Trustees was appointed to be held, or at some other convenient Place on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and, failing of such Appointment of the Clerk or Clerks, by Death, Removal, or otherwise, it is hereby enacted and declared, That it shall be in the Power of any Two of the said Trustees

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

to call a Meeting, on Twenty Days Warning in the Edinburgh News Papers.

And it is hereby further enacted and declared, That the said Trustees, at their First, and all their subsequent Meetings, shall defray their own Charges and Expences. Trustees to defray their own Expences.

And be it further enacted by the Authority aforesaid, That all Tolls, Duties, Penalties, and Forfeitures, by this Act imposed, if not otherwise directed to be levied by this Act, shall be levied by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hands and Seals of Two or more Justices of the Peace of the County where the Offence shall be committed; and the Persons distraining for such Penalties are hereby authorized and impowered to sell the Goods and Chattles so distrained, and return the Overplus Money, if any be, upon Demand, to the Owners of such Goods or Chattles, after such Tolls, Duties, Penalties, and Forfeitures, with the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid. Penalties to be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That upon the Death of any One of the Trustees named and appointed by this Act, or upon their or any of their Refusal to act in the said Trust (such Refusal being signified in Writing to a Board of Trustees, at their publick Meeting, by the Trustee or Trustees so refusing to act) it shall and may be lawful for any Seven or more of the said Trustees, at any General Meeting assembled, Fourteen Days previous Notice of the said Meeting, and of the Intent and Business thereof, having been first given by the Clerk to the Trustees, in the aforesaid Manner, by any Writing or Writings, under their Hands, to chuse, nominate, and appoint, in the Room of the Trustee or Trustees so deceased, or refusing to act, some other fit and able Person or Persons, qualified as aforesaid, to be joined with the other or surviving Trustees, in the Execution of all and every the Powers and Trusts in them reposed and vested by this Act; and all and every Person or Persons, so chosen, nominated, and appointed, as Trustee or Trustees as aforesaid, shall and may, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full and ample Manner, for putting this present Act in Execution, as the other Trustees nominated and appointed by this Act. On Death, &c. of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him or themselves aggrieved by any Order or other Proceedings of the said Trustees, it shall and may be lawful for him or them to appeal to the Justices of the Peace for the County Persons aggrieved may appeal to the General Quarter Sessions.

where the Cause of Complaint shall arise, in their General Quarter Sessions assembled, who are hereby authorized and impowered to hear and determine the Matter in Dispute, and whose Order therein shall be final and conclusive.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls and Duties hereby granted shall take Place from and after the Eighteenth Day of August, One thousand seven hundred and sixty; and that this Act shall continue in Force for the Space of Twenty one Years, and to the End of the then next Session of Parliament, excepting the Toll imposed by this Act for erecting a Bridge over the River of Tweed, and the Powers relating thereto, which shall continue as before mentioned.

Publick Act.

And be it further enacted and declared by the Authority aforesaid, That this Act shall be taken and allowed, in all Courts in the Kingdom, as a Publick Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.