ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing and widening the Roads from the Town of *Peebles* to the *King's Eat-edge*, and to *Gatehope-know Burnfoot*, and to the Top of *Minchmoor*, and to *Loch-head*, in the County of *Peebles*.

WHEREAS the Roads in the County of Peebles, leading from the Town of Peebles to the King's Eatedge, at the Confines of the Counties of Peebles and Edinburgh, and to Gatehope-know Burnfoot, and to the Top of Minch-moor, both at the Confines of the Counties of Peebles and Selkirk, and to Loch-head, at the Confines of the Counties of Peebles and Lanerk, are in a ruinous Condition, in many Parts very narrow and incommodious, and cannot be effectually repaired, altered, widened, and kept in Repair, without some Provision being 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 all the Freeholders who now stand, or shall hereafter be admitted Preamble.

Qualification of Truſtees.

admitted on the Roll of Freeholders for the County of Peebles, during their continuing to ſtand on the ſaid Roll; and every Perſon in his own Right, or by the Right of his Wife, in the actual Poſſeſſion and Enjoyment, as Proprietor or Liferenter, of Lands lying in the ſaid County of Peebles, valued in the Tax-rolls of the ſaid County at One hundred Pounds Scots of valued Rent; and all and every the eldeſt Sons of ſuch Proprietors or Liferenters; and the Sheriff-depute of the County of Peebles; and the Chief Magiſtrate of the Town of Peebles for the Time being; ſhall be, and they are hereby nominated and appointed to be Truſtees, for ſurveying, ordering, altering, amending, widening, and repairing, and keeping in Repair, the ſaid Roads, and for executing all other the Powers by this Act given to them.

Penalty on Perſons acting if not qualified.

And be it enacted by the Authority aforeſaid, That if any Perſon not qualified in one or other of the Ways above expreſſed, ſhall nevertheleſs preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every Time he ſo acts, forfeit the Sum of Ten Pounds Sterling, to be recovered by Action or Complaint in a ſummary Way, at the Suit of One or more of the Perſons intitled to act as Truſtees, before the Juſtices of Peace of the County of Peebles, at their Quarter-ſeſſions, or before the Sheriff-depute of the County of Peebles; and which Penalty, when recovered, ſhall be applied for carrying into Execution the Purpoſes intended by this Act; and in caſe any ſuch Action or Complaint ſhall be brought againſt any Perſon for acting as a Truſtee, the Onus probandi that he is qualified to act ſhall lie upon him the Defendant; and if Judgement is given againſt him, the Juſtices of Peace, or Sheriff-depute, who ſhall pronounce ſuch Judgement, ſhall, and are hereby required to award Full Coſts of Suit againſt the Defendant.

Time and Place of Truſtees Meeting.

And be it enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall hold their Firſt Meeting for carrying this Act into Execution, in the Town-houſe of the Burgh of Peebles, on the laſt Tueſday of May in this preſent Year, One thouſand ſeven hundred and ſeventy-one, and ſhall meet at the ſaid Place upon the firſt Tueſday of the Month of October thereafter, and upon the firſt Tueſday of the Month of October yearly, during the Continuance of this Act, with Power to them, or the Majority of thoſe preſent at ſuch Meetings, to adjourn to ſuch other Times and Places as they ſhall think fit, and with Power to them likewiſe to alter the

Day of their general Annual Meetings to any other Day that they, or the Majority of them shall judge to be more convenient.

And whereas emergent or unexpected Business may render other Meetings of the Trustees necessary for carrying this Act effectually into Execution, be it therefore further enacted by the Authority aforesaid, That it shall be lawful for any Two or more of the said Trustees, by a Writing under their Hands, to appoint the Clerk of the Trustees, to be chosen in the Manner hereafter directed, to summon a Meeting of the Trustees, to be held upon any particular Day, by putting an Advertisement for that Purpose upon each of the Gates or Turnpikes to be erected in pursuance of this Act; and the said Clerk is hereby directed and ordered to put, or cause to be put up, such Advertisements accordingly; and the Trustees met in consequence of such Advertisements, not being under Five, or the Majority of them, shall and may do every Thing in Execution of this Act that the Trustees can do at any annual or adjourned Meeting.

Clerk, by affixing an Advertisement on each Turnpike, may call extraordinary Meetings.

Provided always, That Ten Days at least shall intervene between the putting up the Advertisements on the Gates or Turnpikes and the Day advertised for the Meeting; and that the Place of Meeting shall be in the said Town-house of the Burgh of Peebles.

Ten Days Notice being given.

And be it enacted by the Authority aforesaid, 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 enacted by the Authority aforesaid, That the said Trustees, at any of their Meetings to be held in pursuance of this Act, may erect, or cause to be erected, One Gate or Turnpike in or cross the Road from the Town of Peebles to the King's Eatedge, and One Gate or Turnpike in or cross the Road from the said Town of Peebles to Gatehope-know Burnfoot, and One Gate or Turnpike in or cross the Road from the said Town of Peebles to the Top of Minchmoor, and One Gate or Turnpike in or cross the Road from the said Town of Peebles to Lochhead; and may erect, or cause to be erected, a Toll-house in any convenient Place near to each of the said Gates or Turnpikes; and the said Trustees, or the Majority of them, or any Person authorised by them, may and shall, at each Gate or Turnpike 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, Chariot, Landau, Berlin, Chaise, Hearse,

Trustees may erect Turnpikes and Toll-houses, and take Tolls thereat.

Hearſe, Calaſh, or Chair, Litter, Waggon, Wain, Cart, Sledge, or other Carriages 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 Horſes, Mares, Geldings, Mules, or Beaſts of Draught, the Sum of One Shilling and Sixpence 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 Nine-pence Sterling; and drawn by Two Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Sixpence Sterling; and drawn by One Horſe, Mare, Gelding, Mule, or other Beaſt of Draught, Three-pence Sterling.

For every Waggon, Wain, Cart, or other ſuch Carriage, with Four Wheels, drawn by Eight Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of One Shilling and Four-pence Sterling; and drawn by Seven Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of One Shilling and Two-pence Sterling; and drawn by Six Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of One Shilling Sterling; and drawn by Five Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Ten-pence Sterling; and drawn by Four Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Eight-pence Sterling; and and drawn by Three Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Sixpence Sterling; and drawn by Two Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Four-pence Sterling; and drawn by One Horſe, Mare, Gelding, Mule, or other Beaſt of Draught, the Sum of Two-pence Sterling.

For every Waggon, Wain, Cart, or other ſuch Carriage, with Two Wheels, drawn by Four Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Eight-pence Sterling; and drawn by Three Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Sixpence Sterling; and drawn by Two Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Four-pence Sterling; and drawn by One Horſe, Mare, Gelding, Mule, or other Beaſt of Draught, the Sum of Two-pence Sterling.

For

For every Sledge or other Carriage without Wheels, drawn by One Horse, Mare, Gelding, Mule, or other Beast of Draught, the Sum of Twopence Sterling; and the Sum of Two-pence Sterling for every Horse, Mare, Gelding, Mule, or other Beast of Draught, more than One in such Sledge or other Carriage.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing in any Carriage, the Sum of One Penny Halfpenny 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.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two-pence Half-penny per Score, and so in proportion for any greater or less Number.

Which said respective Sums of Money, so to be raised and collected, are hereby vested in the said Trustees, and shall be applied and disposed of for the amending and keeping in Repair the Roads aforesaid, and to and for the several Uses, Intents, and Purposes, and in such Manner, as by this Act is directed and declared; and it shall and may be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint, to demand and take the Tolls and Duties hereby made payable, and to levy the same upon any Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same, by Distress of any Horse, or other Cattle, passing by or on the said Roads without paying the Toll, or by Distress of any of the Goods of such Person or Persons, and to detain and keep such Cattle and Goods until such Toll or Duty, with the reasonable Charges of such distraining and keeping, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, may sell the Cattle or Goods so distrained by publick Roup or Auction, at the Turnpike or Toll-house where the Toll ought to have been paid, returning the Overplus (if any be demanded) to the Proprietor of such Cattle or Goods, such Toll or Duty, and the Charges of such Distress and Sale being first deducted. Tolls vested in Trustees.

Provided always, and be it enacted by the Authority aforesaid, That all Regulations in an Act passed in the Twenty-second Year of the Reign of his late Majesty King George the Second, intituled, An Act for the better Proviso for encouraging the Use of broad Wheels, &c.

Preservation

Preſervation of the Turnpike Roads in that Part of *Great Britain* called *Scotland*, for encouraging the Uſe of broad Wheels, and diſcouraging the Uſe of narrow Wheels, and the other Matters therein ſpecified, ſhall be obſerved, and have their full Effect in the Execution of this Act.

Truſtees may erect additional Gates or Bars.

And whereas it may be neceſſary, for the more effectual raiſing and collecting the Tolls or Duties impoſed by this Act, to erect more Gates or Bars than One in each, or one or other of the Roads before deſcribed, be it therefore enacted by the Authority aforeſaid, That it is and ſhall be lawful for the Truſtees, at any of their Meetings, to erect, or cauſe to be erected, ſuch additional Gates or Turnpikes, in or acroſs each or ſuch of the Roads before mentioned, as they ſhall judge to be neceſſary, for the more effectual levying and collecting the Tolls or Duties by this Act granted.

Tolls to be paid but once a Day.

Provided always, That in caſe there ſhall be more than One Gate or Turnpike erected in or acroſs any of the ſaid Roads before deſcribed, no Perſon or Perſons, having paid the Toll or Duty by this Act impoſed for any Kind of Carriage or Cattle at the firſt Gate or Turnpike, through which ſuch Perſon or Perſons with ſuch Carriage or Cattle ſhall have paſſed, and producing a Note or Ticket that the ſaid Toll or Duty was ſo paid, (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby required to give gratis) ſhall be liable to pay any Toll or Duty at any other Gate or Turnpike upon that Part of the Road through which he, with ſuch Carriage or Cattle, may have Occaſion to paſs: And, provided alſo, That every Perſon or Perſons who ſhall have paid for ſuch Carriages or Cattle, at any Gate or Turnpike to be erected upon any of the Roads before deſcribed, the Tolls and Duties impoſed by this Act, may, at any Time in that Day, or before Twelve of the Clock of the Night of that Day, return with the ſame Carriages and Cattle he ſhall have paid the Toll for, through the ſaid Gate or Gates, Turnpike or Turnpikes, without paying any further Toll or Duty; it being the true Meaning and Intent of this Act, that no Toll or Duty ſhall be demanded or taken for any Coach, Berlin, Chariot, Landau, Calaſh, Chaiſe, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriages, Horſe, Mare, Gelding, Mule, Aſs, or any other Sort of Cattle, for which the Tolls and Duties impoſed by this Act have been paid, ſhall be liable for, or compelled to pay the ſaid Tolls or Duties more than once

for

for passing and returning once in the Twenty-four Hours, counting from Twelve of the Clock at Night to Twelve of the Clock at Night.

Provided always, and it is hereby further enacted and declared, That no Toll or Duty shall be demanded or taken for any Cattle or Carriage loaden only with Stones, Gravel, Brick, Lime, Timber, Wood, or other Materials, for repairing the said Roads, or any of the Roads in the Parishes in which the Roads directed to be repaired by this Act do lie; or loaded with any Kind of Dung for manuring of Lands in any of the said Parishes; or for any Cattle or Carriage loaded with Lintseed, Flax, Linen, or Linen Yarn, or with Wool, Woollen Yarn, or Cloth, or with any Corn or Meal going to or returning from any Mills within the said several Parishes; or any Hay, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants of the said Parishes, unless the said Commodities shall be carried for Sale; nor shall any Toll or Duty be demanded or taken for any Ploughs, Harrows, or other Implements of Husbandry; nor for any Person or Persons residing in the said Parishes who shall pass to or from Church, Chapel, or other Place of religious Worship, on Sundays; nor from Persons attending the Funeral 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 do lie; or for any Horses or other Cattle belonging to the Inhabitants of such Parishes, which shall be only going to or returning from Pasture or Watering-places; nor for any Post-horses carrying the Mail or Packet; or for the Horses of Soldiers passing, who are upon their March, or for Carriages attending them, or loaden with their Arms or Baggage; or for any Cattle or Carriages travelling with Vagrants sent by legal Passes; any Thing herein contained to the Contrary notwithstanding. Persons and Things exempted from Toll.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any Annual Meeting, may, and they are hereby authorised and impowered, from Time to Time, to lessen the several Tolls and Duties hereby granted and made payable, and to order and direct the same so lessened to be collected and levied in such Manner, Parts and Proportions, as they shall think fit; or, in case it shall appear to the said Trustees, or any Se- Trustees empowered to lessen the Tolls.

ven or more of them, at a General Meeting to be held for that Purpose, whereof Twenty Days Notice in Writing shall be fixed upon all the said Turnpikes, that the said Roads are sufficiently amended and repaired, the said Trustees, or any Seven or more of them so assembled, may cause the said Tolls and Duties to cease and determine.

Penalty on Persons giving or receiving Tickets.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, having paid any of the said Tolls and Duties, and having a Note or Ticket, Notes or Tickets, signifying the Payment thereof, shall give or dispose of the same to any other Person or Persons, in order to avoid Payment of the said Tolls and Duties; every Person so giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving and using the same, shall respectively forfeit and pay the Sum of Twenty Shillings Sterling.

Penalty on permitting private Passage.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning or occupying any Lands or other Tenements near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly permit or suffer any Person or Persons to pass over the same, or through any Gate, Door, Passage, Inclosure, or Way, in his Lands, with any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Ass, Mule, or any Sort of Cattle, whereby the Payment of the said Tolls or Duties, or any Part thereof, shall be avoided; or if any Person or Persons shall pass over any such Lands, or through any such Gate, Door, Passage, Inclosure, or Way, with Intent to avoid the Payment of the said Tolls or Duties, with any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Ass, or any Sort of Cattle, whereby the Payment of any of the said Tolls or Duties, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any such Carriage as aforesaid, with an Intent to avoid paying any of the said Tolls or Duties, or any Part thereof, or shall with the same Intent unload any Goods; every Person so offending in any of the Cases aforesaid shall respectively forfeit the Sum of Twenty Shillings Sterling.

And

And be it further enacted by the Authority aforesaid, That if any Person shall maliciously break down, or otherways damage or destroy any Turnpike-gates, Posts, Rails, Chains, Bars, or other Parts thereof, or the Houses erected for such Turnpikes, or deface or destroy any Mile-stones set up by Order of the Trustees, or rescue any Person in Custody for the said Offences; every Person so offending, on being lawfully convicted thereof before any Two or more of the Justices of Peace of the said County, or before the Sheriff-depute thereof, shall not only be condemned to pay the whole Damages and Expences, but shall also pay a Penalty not exceeding Five Pounds, nor less than Forty Shillings; and if Payment is not made in Forty-eight Hours after pronouncing the Decree, the said Justices or Sheriff-depute who pronounced the Decree shall commit the Offender to Prison, there to remain for Three Months, unless the Monies are sooner paid; and for a Second Offence shall, besides paying such Damages and Expences, pay a Penalty not exceeding Ten Pounds, nor less than Five Pounds, or be imprisoned for Four Months; all which Penalties shall be applied by the Trustees for the Use of the Roads.

Penalty on Persons destroying Turnpike-gates.

Punishment of Persons convicted of a Second Offence.

And be it further enacted, That if any Person shall assault any Collector of the Tolls, or by Force pass through any Turnpike-gate, every Person so offending, being convicted thereof, by Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justices of the Peace, or Sheriff of the County of Peebles, shall, for every such Offence, forfeit and pay to the said Trustees the Sum of Five Pounds; to be recovered by Distress and Sale as aforesaid.

Penalty on Persons assaulting Collectors.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at any of their Meetings, shall and may, from Time to Time, chuse and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls and Duties aforesaid, and such other Officer or Officers as the said Trustees, or any Five or more of them, shall think necessary; and also One or more fit Person or Persons to be Overseer or Overseers of the said high Roads, Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same are repaired, and that the Money by

Trustees may appoint Officers,

by this Act raiſed be duly applied; and may, from Time to Time, remove ſuch Clerks, Treaſurers, Collectors, Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and appoint new ones in caſe of Death or Removal; and ſuch Perſon or Perſons as is or are hereby made liable to pay the ſaid Tolls or Duties, ſhall pay the ſame after the Rates aforeſaid, to ſuch Collector or Collectors, or other Officers as ſhall from Time to Time be appointed for that Purpoſe; and the Perſon or Perſons ſo appointed to collect and receive the ſaid Tolls and Duties as aforeſaid, ſhall, upon Oath, if thereunto required, before any One or more Juſtice or Juſtices of the Peace of the ſaid County, on the Firſt Tueſday of every Month, or ſo often as required, during the Continuance of this Act, give in to the ſaid Truſtees, or to their ſaid Treaſurer or Treaſurers for the Time being, a true, exact and perfect Account in Writing under their reſpective Hands, with the Vouchers thereof, of all Monies which he, ſhe, or they, and every or any of them ſhall to ſuch Time have received, paid and diſburſed by virtue of this Act, or by Reaſon of their reſpective Offices; and in caſe any Money ſo received ſhall remain in his, her, or their Hands, the ſame ſhall be paid to the ſaid Truſtees, or to the ſaid Treaſurer or Treaſurers for the Time being, and ſhall be diſburſed, laid out, and applied, according to the true Intent and Meaning of this Act, and not otherwiſe: And in caſe the ſaid Collector or Collectors of the Tolls and Duties ſo to be paid as aforeſaid ſhall not give and make ſuch an Account and Payment as aforeſaid when required, that then any Two or more Juſtices of Peace of the ſaid County ſhall and may make Enquiry of and concerning ſuch Default as aforeſaid in a ſummary Way, as well by Confeſſion of the Parties themſelves as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath; and if any ſuch Perſon or Perſons ſhall be thereof convicted by ſuch Juſtices, they ſhall, upon Conviction, commit the Party or Parties to the Common Gaol of the ſaid County, therein to remain until he, ſhe, or they have made a perfect Account and Payment as aforeſaid, or until he, ſhe, or they ſhall have compounded and agreed with ſuch Truſtees, or any Five or more of them, and have paid ſuch Compoſition to the ſaid Treaſurer or Treaſurers for the Time being, which Compoſition the ſaid Truſtees, or any Five or more of them, at any Meeting aſſembled, are hereby

who are to account upon Oath.

Collectors not making Account and Payment,

to be committed.

authorised and impowered to make; and the said Trustees, or any Five or more or more of them, shall and may, out of the Money arising from the said Tolls and Duties, make such Allowance to the said Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, Clerk or Clerks, or other Officers by the said Trustees, or any Five or more of them, so appointed as aforesaid, for and in consideration of his and their Care and Pains respectively taken in the Execution of his or their respective Office or Offices, and to such other Person or Persons as have been or shall be assisting in and about procuring the said Roads to be amended and repaired, as to the said Trustees, or any Five or more of them, shall seem good; and such Person or Persons as shall from Time to Time be respectively nominated and appointed by the said Trustees, or any Five or more of them, to be Treasurer or Treasurers, Collector or Collectors of the Tolls and Duties hereby granted and made payable, shall, and he, she, or they is and are hereby required respectively to give such sufficient Security for his, her, or their Office or Offices, as shall be approved by the said Trustees, or any Five or more of them.

Trustees to appoint Officers Salaries.

Officers to give Security.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, gather, and take any Gravel, Stones, Sand, Furze, Heath, or other Materials fit for repairing the said Roads, out of any Waste or Common Ground of the said County, without paying any Thing for such Materials, such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes or Pits from whence such Materials shall be taken, so as the same may not be left dangerous for Carriages or Cattle; and when such Materials shall not be found in any Waste or Common Ground, then to dig, gather, and take the same from the several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery for Trees) where such Materials are to be found, and, from Time to Time, to carry away the same, or so much thereof as the said Surveyor or Surveyors, in their respective Places, shall judge necessary for repairing the said Roads; and also it shall and may be lawful to and for the said

Surveyors may dig Gravel, &c. in Waste Grounds,

levelling the Pits;

and when there is not sufficient of Materials to be had there, they may be taken from private Grounds.

Surveyors may make Causeways, and cut Drains,

Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, by Order of the said Trustees, or any Three or more of them, to make, or cause to be made, a Causeway or Causeways, and to cut and make Ditches and Drains through any Grounds lying contiguous to the said Roads, and to make or erect Bridges or Arches upon the said Roads; and where any Part of the said Roads are not of a sufficient Breadth, according to the Rate and Standard established in Scotland, to widen and extend the Breadth of the said Roads to the legal Standard, and to alter the Situation of the said Roads altogether, or to widen the same beyond the legal Standard, paying such Damages to the Owners and Occupiers respectively, whose Grounds shall be prejudiced or damaged by such digging of Gravel, making of Causeways, or by such Alteration and Widening of the Roads beyond the legal Standard, as the said Trustees, or any Three or more of them, shall judge reasonable; and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, the Justices of the Peace of the said County, at their next General Quarter Sessions there at farthest, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same, and order such Sum as they judge to be a sufficient Recompence for the Damage, to be paid by the Treasurer or Treasurers of the Tolls for the Time being, out of the Monies arising from the said Tolls.

making Satisfaction to the Owners of such Grounds.

Justices to determine Differences.

Provided always, That in altering or widening the said Roads beyond the legal Standard nothing shall be done which may any-ways prejudice or damage any House or Building, Garden, Orchard, Yard, Inclosure, or planted Walk or Avenue to any House, or other Piece or Parcel of inclosed Ground set apart and used as a Plantation or Nursery for Trees.

Trustees not to injure any Dwelling-house, &c.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons, Bodies Politick or Corporate, who are by any Law or Custom liable to repair any particular Part or Parts of the said Roads, or any Bridges lying in, or upon the said Roads hereby intended to be repaired, shall still remain liable to and chargeable with the Repair of the said Road or Bridges, in the same Manner they respectively were before the passing of this Act; any Thing in this Act to the Contrary notwithstanding.

Persons, &c. chargeable to the Highways, &c. to continue so.

And

And in case any Difference shall arise betwixt the said Trustees and the Person or Persons, Body Politick or Corporate, touching where, how, and in what Manner, such a particular Part or Parts of the said Roads, or Bridges lying in and upon the same are or ought to be repaired and maintained as aforesaid, be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace of the said County, and they are hereby required and impowered, at their General or adjourned Sessions, upon Application to them by the said Trustees, or by any Three or more of them, or by any Person authorised by them for that Purpose, to adjudge and determine where, how, and in what Manner, such particular Part or Parts of the said Roads or Bridges aforesaid shall, from Time to Time, be repaired and maintained by such Person or Persons, Body Politick or Corporate, who are or shall be chargeable to repair the same; whose Judgement therein shall be final, without any other Appeal.

Justices may determine the Repairs to be done on the Roads.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person or Persons, who are chargeable towards or liable to the Performance of Statute-work upon the said Roads hereby intended to be repaired, shall still remain chargeable, and do their respective Works in the Parishes and Places in which the said Roads do lie, in such Manner as he, she, or they, ought to have done before the passing this Act.

Persons liable to do Statute-work to continue so.

And be it further enacted by the Authority aforesaid, That in case any Difference shall arise between the said Trustees and the Surveyors of the Highways for the Time being for the several Parishes and Places through which the said Roads do lead, touching what Part of the Statute-work ought to be done on the said Roads by this Act directed to be repaired, it shall and may be lawful to and for any Two or more Justices of the Peace for the said County, and they are hereby required and impowered, at any General or adjourned Sessions of the Peace, upon Application made to them by the said Trustees, or any Three or more of them, or of the Inhabitants of such Parish or Place where such Disputes shall arise, to adjudge and determine what Part or Proportion of the Statute-work shall yearly and every Year be done in the Roads aforesaid by the Inhabitants of each, or any of the Parishes in which

Justices to determine Differences relating to Statute-work.

which the said Roads hereby directed to be amended do lie.

Trustees may compound with Persons, &c. for Statute-work.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time, during the Continuance of this Act, to compound and agree with all and every Person or Persons, Bodies Politick or Corporate, who are or shall be liable or chargeable to the Repair of any Part of the said Roads, for a certain Sum of Money by the Year, or otherwise, as the said Trustees, or any Five or more of them shall think reasonable, in lieu of the Statute or other Work to be done by such Person, or Bodies Politick or Corporate, chargeable as aforesaid; and they are hereby impowered, from Time to Time, to compound and agree by the Year, or otherwise, with any Person or Persons using to travel through the said Roads, or any Part thereof, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, or with any Horse, Mare, Gelding, Ass, Mule, or other Cattle, for any Sum or Sums of Money, to be paid Quarterly, in lieu of Tolls, from Time to Time, after such Agreement shall be made.

Trustees may compound with Travellers.

Compositions to be entered in a Book.

And it is hereby further enacted by the Authority aforesaid, That all Agreements and Compositions made by the said Trustees, or any Five or more of them, with any Person, or Body Politick or Corporate whatsoever, shall be entered at length in a Book or Books, to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, appointed by the said Trustees; which said Book or Books shall and may be seen by any Person or Persons whatsoever, at all seasonable Times, without Fee or Reward.

Composition-money how to be recovered.

Provided always, and be it further enacted, That in case any Composition-money, agreed to be paid upon any of the different Accounts aforesaid, shall not be paid within Twenty Days next after the same shall become payable, it shall and may be lawful for any Two or more Justices of the Peace, by Warrant under their Hands, to impower the Person or Persons authorised by the said Trustees to receive such Composition-money, on Oath being first made that the same has been demanded and remains unpaid, (which Oath the said Justices are hereby impowered and required to administer)

to levy such Composition-money by Distress and Sale of the Goods of the Person or Persons having so compounded upon any of the Accounts aforesaid, returning the Overplus (if any be) upon Demand, after the Deduction of Charges of such Distress and Sale.

Justices may appoint Persons to inspect the Roads, and to inquire of the Application of the Tolls, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of Peace of the said County, at any of their respective General Quarter Sessions to be holden in and for the said County, to appoint One or more fit Person or Persons to survey or view the Roads by this Act directed to be amended, and to inquire of and concerning the Application of the Tolls and Duties taken and received in pursuance of this Act; and in case such Person or Persons, so appointed, shall find any Misapplication of the Monies collected, levied, or raised, by virtue of this Act, or any other Abuses of the Powers and Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace, at their next General or Quarter Sessions, who are hereby authorised and required to hear, examine, and finally determine the same: And all such Sum and Sums of Money, or other Satisfaction as the said Justices, at any Quarter Sessions to be holden as aforesaid, or the major Part of them present, shall think fit to order or direct to be paid or given, shall, by the Person or Persons making such Misapplication, or committing any such Abuses, be paid or given to the Treasurer or Treasurers, to be appointed in consequence of this Act for the Time being, within Ten Days after such Determination and Demand thereof made; and in Default thereof, it shall and may be lawful for the said Justices, at their General or Quarter Sessions, or the major Part of them then present, from Time to Time, after such Determination made, by Warrant, to levy the same by Distress and Sale of the Offender's Goods, in Manner above mentioned; and for Want of sufficient Distress to be found for that Purpose, to commit the Person or Persons to the Common Gaol of the said County of Peebles, there to remain without Bail, until such Sums of Money to be paid, or Satisfaction made, as aforesaid, or until such Person or Persons shall have compounded for the same, and paid such Composition-money, (which Composition the said Trustees are hereby authorised and impowered to make).

Satisfaction to be made within Ten Days,

or be levied by Distress and Sale.

For want of Distress the Offender to be committed.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all or any of the said Trustees appointed, or that shall be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the said County, to act as a Justice or Justices of Peace in all Causes, Matters, or Things, as may be necessary for the more speedily and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

No Trustee to accept of any Place of Profit, &c.

And be it further enacted and declared by the Authority aforesaid, That no Person or Persons appointed, or that shall become a Trustee or Trustees in pursuance of this Act, 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; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid; unless the Warrants, Commissions, or other Writings, appointing such Trustee or Trustees to such Office or Offices, expressly bear, that such Trustee or Trustees are to discharge the Duty of such Office or Offices without any Fee or Reward for their Services in the same; but that the said Office or Offices is or are undertaken by him or them to lessen the Expence of Management that must be incurred in the Execution of this Act.

Trustees may let the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any of their Meetings, to let the said Tolls or Duties, in Whole or in Parcels, from Time to Time, for any Term not exceeding Three Years, by way of Publick Roup, for the best Price or Rent that can be got for the same, to such Person or Persons as shall give sufficient Security for Payment thereof, to be approved of by the said Trustees, or any Five or more of them.

Trustees impowered to borrow Money on the Credit of the Tolls.

And whereas the Money collected by the Receipts of the Tolls or Duties by this Act laid and granted, will not, at present, be sufficient for the speedy repairing of the said Roads, be it further enacted by the Authority aforesaid, That it shall and may

may be lawful for the said Trustees, or any Five or more of them, from Time to Time, to borrow such separate and distinct Sums of Money as they shall have Occasion for, upon the Credit of the Tolls and Duties arising from each of the said Roads, and to assign over such respective Tolls or Duties collected or levied upon each of the said Roads, or any Part of such respective Tolls or Duties, for any Term or Time during the Continuance of this Act, as separate and distinct Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons as shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon; which Money so to be borrowed shall be applied to the same Uses and Purposes as the Tolls and Duties arising upon such respective Roads are by this Act directed to be applied and disposed of: But that no Money shall be borrowed by the said Trustees on the Credit of the said Tolls after their first Meeting, unless Notice for that Purpose shall be fixed in Writing upon all the Turnpike-gates erected by virtue of this Act, at least Twenty Days before the borrowing such Money: And all and every the Assignment and Assignments, so to be 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 Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be seen and perused by any Person or Persons whatsoever, at all seasonable Times, without Fee or Reward; And that all and every Person or Persons to whom any such Assignments shall be made by the said Trustees, shall and may, from Time to Time, transfer and dispose of their Security or Securities, with the whole Money due thereon, to any Person whatsoever; which said Transfer or Conveyance shall be produced or notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed, or to be appointed, by the said Trustees, or any Five or more of them, who shall cause an Entry to be made of such Transfer and Conveyance in the said Book, kept for entering the original Assignments.

Notice to be given of borrowing Money.

Assignments be entered in a Book.

Assignments may be transferred.

And

Application of the Money.

And be it further enacted by the Authority aforesaid, That out of the first Money arising from the Tolls or Duties hereby granted, and made payable at the several Turnpikes to be erected on the said Roads in pursuance of this Act, the Trustees for repairing the said Roads directed to be amended, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences of procuring and passing this present Act, and of putting up and erecting such Turnpikes and Toll-houses as they shall think proper on the said Roads; and that from and after paying such Charges and Expences, the Money arising from the respective Tolls and Duties, collected and levied upon each of the said Roads, and the Money borrowed upon the Credit of such Tolls and Duties, shall be laid out, and applied for and towards the repairing of the respective Road on which such Tolls and Duties shall be collected and levied, paying the Interest of the Money borrowed upon the Credit of such Tolls and Duties, and defraying the other necessary Charges attending the Execution of this present Act, and to no other Use or Purpose whatsoever.

Commencement and Continuation of the Tolls.

And be it further enacted by the Authority aforesaid, That the Tolls, Duties, and Powers, hereby granted and given, shall take Place from and after the last Tuesday of May, in the present Year One thousand seven hundred and seventy-one, and shall continue for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament:

No Person to lay Carrion, &c. within 20 Yards of the Road.

And be it further enacted by the Authority aforesaid, That from and after the said last Tuesday of May, in the present Year One thousand seven hundred and seventy-one, no Person or Persons whatsoever shall lay dead Horses, or other Carrion, upon the said Roads, or within Twenty Yards of the said Roads, or any Dung, Lime, Soil, Compost, or Matter whatsoever, for manuring of Land, or any other Purpose, upon the said Roads, or within Five Yards of the Side of any Part of the Roads directed to be repaired by this Act, or in the Streets of the said Town of Peebles; and in case any Person or Persons shall lay any dead Horse, or other Carrion, upon the said Roads or Streets, or within Twenty Yards from the said Road, or any Dung, Lime, Soil, Compost, or other

other Matter whatsoever, upon the said Roads, or Streets, or within the Distance of Five Yards from the said Roads, such Person or Persons shall, for every such Offence, forfeit the Sum of Twenty Shillings Sterling, and also all such Dung, Lime, Soil, Compost, or other Matter as aforesaid; which said Penalties and Forfeitures shall be recovered and levied as any Penalty and Forfeiture is by this Act appointed to be recovered and levied, and shall be applied, One Moiety to the Person who shall inform of the same, and the other Moiety towards repairing and amending the said Roads.

Penalties and Forfeitures, how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, if not otherwise directed by this Act to be recovered and applied, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands of any Two or more Justices of Peace for the said County of Peebles, returning the Overplus (if any there be) to the Owner, after such Penalties, and all reasonable Charges shall be deducted; One Third of which Penalties shall be allowed to the Person who shall sue for the same, and the remaining Two-thirds shall be applied in and upon Account of repairing of the respective Road, upon or in relation to which the Offence was committed.

Persons aggrieved may appeal to a General Meeting.

And be it further enacted by the Authority aforesaid, That in case any Person shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Remedy, or Method of Relief, hath been already hereby directed and appointed, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace of the said County, at their General Quarter Sessions assembled, who are hereby authorised and impowered to hear and determine the Matter in Dispute, and whose Order therein shall be final and conclusive.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That all Actions for all and every the Penalties imposed by this Act, shall be commenced within the Space of Six Months after the Fact from which the Penalty arises was committed, and not afterwards.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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