Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Road from *Scotts Dyke*, in the County of *Dumfries*, by or through the Villages of *Langholm* and *Hawick*, to *Haremoss*, in the County of *Roxburgh*.

WHEREAS the High Road leading from a Place called Scots Dyke, on the Confines of the County of Dumfries, and bordering upon the County of Cumberland, by or through the Villages of Langholm in the said County of Dumfries, and Hawick in the County of Roxburgh, to a Place called Haremoss, in the said County of Roxburgh, is in a very ruinous Condition, almost impassable for Carriages of any Kind, and dangerous for Persons travelling on Horseback, and many Parts thereof are very narrow and incommodious, and cannot be sufficiently repaired, altered, 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 Preamble.

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 Charles Townshend, Sir James Johnstone of Westerhall, Sir William Maxwell of Springkell, Major James Johnstone younger of Westerhall, William Johnstone of Solway-bank Esquire, John Craigie of Kilgraston Esquire, John Craigie Chamberlain to the Duke of Buccleugh, John Carruthers of Howmains, John Maxwell of Broomhalm, William Irving of Bonshaw, Robert Irving Writer to the Signet, Thomas Scott of Coums, James Paisley of Craig, Robert Paisley younger of Craig, William Elliot of Arkleton, David Armstrong of Kirtletown, William Laing of Meckledale, John Little Portioner of Langholm, George Malcolm Merchant in Langholm, Archibald Douglas of Cavers, John Douglas of Meet Shiels, Sir Gilbert Elliot of Stobbs, John Elliot younger of Stobbs, Francis Elliot youngest of Stobbs, Sir Gilbert Elliot of Minto, Gilbert Elliot younger of Minto, Walter Scott of Harden, William Scott of Well, William Ogilvie of Hartwoodmires, John Chisholm of Stirksshaws, William Scott of Burnhead, Robert Langlands of Langlands, John Elliot of Borthwickbrae, Thomas Scott of Hobsburn, Walter Elliot of Ormistoun, Walter Scott of Commonside, Robert Scott Chamberlain to the Duke of Buccleugh, shall be, and they are hereby nominated and appointed Trustees for the surveying, ordering, repairing, and keeping in Repair, the said Highway, and likewise for putting in Execution all the other Powers in and by this Act given; and that the said Trustees, or the Survivors of them, or any Three or more of them, shall or may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in or across any Part or Parts of the said Highway or 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 and Duties granted by this Act (provided always, that there shall be the Distance of Seven measured Miles at the least betwixt every Two Gates so to be erected across the said Roads) and also shall and may build a Toll-house or Toll-houses, in or upon the said Roads, and shall and may demand and take Tolls and Duties, the same not exceeding the Tolls and Duties following, before any Coach, Berlin, Landau, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage whatsoever, or any Horse, Mare, Gelding, Mule, Ass, or other Cattle

Trustees Names.

Trustees may erect Turnpikes and Toll-houses, &c.

and take the Tolls following thereat.

tle 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 or Three 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.

Which Money so to be raised and collected as aforesaid, shall and is hereby declared to be vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, for the amending and

keeping in Repair the Road aforesaid, and to and for the several Intents, Uses, and Purposes, and in such Manner as by this Act is directed and declared; and that it shall and may be lawful to and for the said Trustees, or any Three or more of them, or any such Person or Persons as they, or any Three or more of them, shall, from time to time, nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable, and to levy the same upon any such Person or Persons who shall, after Demand thereof made, neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods upon which such Tolls or Duties are by this Act imposed and laid, or by Distress of any other of the Goods of such Person or Persons who ought to pay the same, and to detain and keep such Goods so distrained until such Tolls or Duties, 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 shall be made and taken, shall and may sell the Goods so distrained, returning the Overplus, if any there be, upon Demand, to the Owners thereof, after such Tolls and Duties, and reasonable Charges of distraining and keeping the same, shall be deducted and paid.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

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

Charges of passing this Act to be first paid.

Provided always, and be it further enacted by the Authority aforesaid, That no Person appointed a Trustee by this Act, or hereafter to be appointed by virtue hereof, shall be qualified or capable of acting as a Trustee

Qualification of Trustees.

sides in any Case in the Execution of this Act, unless he shall be infeoft in Superiority or Property, or possessed, as Proprietor or Life-renter, of Lands valued in the Tax-roll for one or other of the Counties aforesaid, to the Extent of Three hundred Pounds Scots, excepting the eldest Sons and Heirs Apparent of Persons who are so infeoft in Lands of the Extent and Valuation aforesaid, unless the Trustees so appointed be possessed of a Personal Estate of Two hundred Pounds Sterling or lawful Money of Great Britain; 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 true Intent and Meaning of this Act, every such Person or Persons shall forfeit the Sum of Twenty Pounds Sterling for every such Acting, to be recovered by Action, Complaint, or Petition, in a summary Way, at the Suit of any Heretor within the said Counties, before the Justices of the Peace at their Quarter Sessions, or before the Judge Ordinary; the One Half thereof to be paid to the Prosecutor, and the other Half thereof to the Trustees aforesaid, to be applied by them for repairing the said Road: And in case any such Suit or Complaint shall be entered before any of the Courts aforesaid, the Person complained of shall be obliged to prove that he is qualified as above, or otherwise shall forfeit the said Penalty of Twenty Pounds Sterling, without any Proof or Evidence to be brought on the Plaintiff's Part, other than that the Person complained of hath taken upon him to act as a Trustee for executing the several Powers, Authorities, and Things, in this present Act contained.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built upon the said Road by virtue of this Act, shall be vested in the said Trustees appointed or to be appointed to put this Act in Execution; and that they, or any Three or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, at a General Meeting assembled, shall and may choose and appoint fit Persons to be Receiver or Receivers, Collector or Collectors, and Clerk or Clerks, to the said Trustees, or Commissioners for receiving the Tolls and Duties granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors

Trustees may appoint Officers;

Surveyors of the said Highway, 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 new Ones in case of Death or Removal: And all and every Person or Persons who is or shall be liable to pay the said Tolls or Duties, are hereby required to pay the same in to the said Collector or Collectors, Receiver or Receivers, so from time to time to be appointed as aforesaid, after the Rates aforesaid; and the Person or Persons, Receiver or Receivers, Collector or Collectors, appointed as aforesaid for receiving of the said Tolls or Duties, and also all such Surveyor or Surveyors, shall, on the First Tuesday in every Month, or at any other Time to be appointed by the said Trustees, or any Three 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; 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 Three 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 Highway, and not otherwise: And the said Trustees, or any Three 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 and 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 the Care and Pains taken in the Execution of their said respective Offices, and to such other Person or Persons who shall have been or may be assisting in making and repairing the said Highway as aforesaid, by advancing or laying out any Monies, or otherwise relating thereto, as unto them shall seem good, over and above the necessary Disbursements made by them: And in case the said Collector or Collectors, Receiver or Receivers, or any other Person or Persons, concerned in the Collection or Receipt of the aforesaid Tolls or Duties, or any of them, shall not make such Account and Payment unto such Person and Persons, according to the Order and

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers refusing to account,

and Direction of the said Trustees, or any Three or more of them, at a General Meeting assembled, that then the said Trustees shall make Enquiry of and concerning such Default, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Trustees, or any Three or more of them, are hereby impowered to administer) or by other legal Evidence; and if any Person or Persons shall be convicted of the Offences aforesaid by the said Trustees, or any Three or more of them, they the said Trustees, or any Three or more of them, shall, and they are hereby impowered to impose or levy a Sum of Money from and upon such Person or Persons, not exceeding double the Sum of Money unduly detained or misapplied; and in case such Person or Persons shall refuse or be unable to pay the said Sum of Money so detained or misapplied by him, then, and in such Case, it shall and may be lawful to and for any Two Justices of the Peace for the said respective Counties, to commit such Person or Persons to the common Gaol of the County where the Offence shall be committed, there to remain until he, she, or they, shall have made and rendered a true and particular Account and Payment as aforesaid, or until he, she, or they, shall have compounded and agreed with the said Trustees, or any Three or more of them (which Composition they, or any Three or more of them, at a General Meeting assembled, are hereby impowered to make) and have paid such Composition to the Treasurer or Treasurers for the time being, or such Person or Persons as the said Trustees, or any Three or more of them, shall appoint; which Compositions so to be levied shall not be laid out or expended without the Order of the said Trustees, or any Three or more of them, at a General Meeting assembled, or of such Person or Persons as they, or any Three or more of them, shall authorize and appoint: And such Person or Persons as shall from time to time be respectively nominated and appointed by the said Trustees, or any Three 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 and they is and are hereby required respectively to give such sufficient Security for his and their true and faithful Discharge of his and their Office and Offices, as shall be approved of by the said Trustees, or any Three or more of them.

Trustees to inquire into the Default,

and fine the Offenders at Discretion;

or commit them, until Payment or Composition made.

Treasurer, &c. to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them,

Trustees may appoint certain of their Number to superintend particular Repairs of the Road;

at a General Meeting assembled, may, if they shall think proper, after proper Estimates laid before them of the Sums necessary for repairing each particular Part of the said Road, authorize and appoint from time to time, by a Writing under their Hands, such a Number of the said Trustees as they shall think proper, who shall live near any particular Part of the said Road; which Trustees so appointed are hereby authorized and impowered to give such Orders and Directions for the Repairs of the said Road near which they shall reside, and for which they shall be particularly appointed as aforesaid, as to them, or the Majority of them, at a Meeting assembled for that Purpose, shall seem reasonable, for the more effectual carrying this Act into Execution, and to draw Precepts upon the Treasurer or Collector to the Amount of such Sum as shall be authorized by the said General Meeting; but the said Trustees appointed for the respective Districts or Divisions of the said Road shall be accountable to the General Meeting of the said Trustees; and for that Purpose shall lay before them, once in the Year at least, a State of their Accounts, and all other their Transactions, to be by the said Trustees, at their General Meeting, examined, audited, and approved.

who may draw Precepts upon the Treasurer, &c.

but shall account to the General Meeting.

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

And be it further enacted by the Authority aforesaid, That the said Trustees shall keep an exact Account of the Money received by virtue of this Act, and the Application thereof, and all other their Proceedings, to be fairly ingrossed in a Book to be kept for that Purpose; to which Book the Owners of Lands in the said Counties of Dumfries and Roxburgh shall be at all reasonable Times at Liberty to resort, and to inspect the same without any Fee or Reward.

who may sue in case of Misapplication.

And be it further enacted by the Authority aforesaid, That in case of any Misapplication of the 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 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 of the Owners of Lands within either of the said Counties, possessed of Three hundred Pounds Scots each of valued Rent, who are hereby authorized to sue for and recover the same in an Action summarily before the Lords of Session, without abiding the Course of the Roll, with 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, to be applied

applied by them, or any Three or more of them, for the Repairs of the Road by this Act directed to be repaired; but if any Prosecution shall, after Trial, be found to be vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Treble Costs of Suit.

Surveyors may dig Gravel, &c.

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, take, and carry away any Gravel, Furze, Heath, Stones, Sand, or other Materials, out of the several Grounds of any Person or Persons (not being the Grounds whereon any Houses or Building 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 or may 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 the repairing and amending the Road aforesaid, paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Ground where and from whence the same shall be digged, gathered, carried away, or over which the same shall be carried, as the said Trustees appointed or to be appointed for repairing of the said Road, or any Three or more of them, shall judge reasonable; and in case of any Difference concerning the same betwixt such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the said respective Counties, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same, and order the same to be paid by the Treasurer or Treasurers for the time being out of the Money arising by the said Tolls.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Surveyors to make Causeways, cut Drains, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person or 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 Ground lying contiguous to the said Road, and to make or erect Bridges or Arches of Brick, Timber, or Stone; and where any Part of the said Roads is not of a sufficient

and widen the narrow Parts of the Roads;

ficient 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 further, where it ſhall appear neceſſary to alter the Situation of the ſaid Road altogether, or to widen the ſame beyond the legal Standard, the ſaid Truſtees, or any Three or more of them, ſhall and they hereby have full Power to alter or extend the ſame to ſuch Breadth as they, or any Three or more of them, ſhall think proper, paying ſuch Damages to the Owners and Occupiers reſpectively, whoſe Grounds or other Property ſhall be prejudiced or damaged by ſuch Alteration and Widening, 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 or Occupiers and the ſaid Truſtees, the Juſtices of the Peace of the ſaid reſpective Counties, 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 finally 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 from the ſaid Tolls.

making Satisfaction to the Owners of the Grounds.

Juſtices to determine Differences.

Buildings, &c. not to be injured.

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

Exemptions from Toll.

Provided always, and be it further enacted by the Authority aforeſaid, That no Toll or Duty ſhall be demanded or taken at any of the Turnpikes to be erected by virtue of this Act, for Horſes or Carriages carrying any Quantities of Stones, Brick, Timber, Wood, or other Materials for repairing the ſaid Road, or amending any of the Highways in the Pariſhes in which the Road directed to be repaired by this Act does lie, or for going or returning through any of the ſaid Turnpikes with Dung to be laid upon Grounds, Arable, Meadow, or Paſture, or Gardens, within the ſaid Pariſhes; nor for any Ploughs, Harrows, or Implements of Huſbandry; or for Stones, or other Materials for making Incloſures, or for building Houſes, within the ſaid Pariſhes; nor for Peats, Heath, or Turf, for the Uſe of the Inhabitants within the ſaid Pariſhes; nor ſhall any Toll or Duty be demanded or taken by virtue hereof for any Carts, Wains, Waggons, or other Carriages carrying

rying any Hay or Corn in the Straw to be laid up in the Houses, Outhouses, Barns, or Yards of or belonging to the respective Inhabitants of the several Parishes or Places through which the said Road hereby intended to be repaired does lead; without Prejudice nevertheless to the said Commodities their paying Toll or Duty when carried for Sale along the said Road; nor shall any Toll or Duty be taken for any Corn or Meal going to or returning from the Mills of or belonging to the said Parishes, being the Property and for the Use of the Inhabitants thereof, and not for Sale; nor for any Person or Persons residing within the Parishes where the said Road does lie, who shall pass through the Turnpikes to or from Church, Chapel, or other Place of Religious Worship on Sundays; nor for any Horses, Geldings, or other Cattle going to or returning from Labour, Pasture, or Watering-places belonging to such Parish or Parishes, or any of the neighbouring Inhabitants near the said Road; nor for any Post-horses carrying the Mail or Packet; nor shall any Duty be taken or demanded for the Horses of Soldiers passing on their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms and Baggage; nor for Horses, Carts, or Carriages travelling with Vagrants sent by legal Passes; any thing herein contained to the contrary notwithstanding.

Owners of Grounds where Watercourses are made, to keep the same open.

And be it further enacted by the Authority aforesaid, That where it shall be found necessary to make Passages for the Water from such Ditches or Trenches as shall be made for draining or amending the Road aforesaid through the Grounds of any adjacent Proprietor, that such Proprietor or Possessor of such Ground, after such Passages or Outlets are so made, shall be obliged in Time thereafter to keep clear such Outlets or Passages from the said Trenches and Ditches from time to time as they shall be required by the said Trustees, or any Three or more of them, so as the said Outlets may not be stopped or made to re-stagnate into the said Trenches or Ditches, but may have free Passage through the said Proprietor's Ground; and in case of the Propietor or Possessor neglecting or refusing to clean such Outlets, when duly required by the Surveyor or Surveyors, or any Three of the said 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.

Trustees may lessen the Tolls.

Provided always, That the said Trustees, or any Three or more of them, at any Quarterly Meeting, may, and they are hereby authorized and impowered, from time to time to lessen the several Tolls and Duties hereby granted and made payable, and particularly to lessen the said Tolls with respect to such Persons, Cattle, and Carriages, as only have Occasion to cross the said Road, and receive no further Advantage from it; and to order and direct the same so lessened to be collected, received, and taken, in such Manner, Parts, and Portions as they shall think fit; any thing herein contained to the contrary notwithstanding.

Tolls to be paid but Once a Day.

Provided always, That no Person or Persons having occasion to pass through any Turnpike or Turnpikes, where the Tolls or Duties shall be demanded and taken, and shall return the same Day through the same Turnpike or Turnpikes, before Twelve of the Clock at Night, with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, for which such Tolls or Duties have been paid, shall be liable or compelled the same Day to pay the said Tolls or Duties more than Once on the said Road.

Penalty on going through or permitting private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands or other Premisses near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly or wittingly permit or suffer any Person or Persons to pass over the same, or through any Gate, Passage, or Way, with any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Litter, Waggon, Wain, Cart, Carriage, Horse, Mule, Ass, or any other Sort of Carriage or Cattle, whereby the Payment of the Tolls or Duties by this Act laid is or shall be avoided, every such Person or Persons so offending, and the Person or Persons riding in, driving, or owning such Coach, Chariot, Landau, Berlin, Chaise, Calash, Waggon, Wain, Cart, Carriage, or Cattle, or riding, driving, or leading, such Horse, Mule, or Ass, and being thereof convicted upon Oath, or by the Testimony of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace for the said respective Counties, shall, for every such Offence respectively, forfeit and pay to the said Trustees hereby authorized to put this Act in Execution, or to their Treasurer for the time being, the Sum of Twenty Shillings Sterling,

to avoid paying the Tolls.

Sterling, which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale as aforesaid.

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, unload or cause to be unloaded, any Sort of Goods or Merchandize, or take off, or cause to be taken off, any Horse or Horses, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter, or any Horse or Horses, Or or Oxen, or other Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed, or shall conceal or secrete any Goods or other Things chargeable with the Tolls or Duties aforesaid, or shall put or leave in any House or Place, any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with or liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending, and being thereof convicted upon Oath, or by the Testimony of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace for the said respective Counties, shall forfeit the Sum of Twenty Shillings Sterling, and shall pay the same to the Trustees appointed or to be appointed to put this Act in Execution, or to any Three or more of them, or to their Treasurer for the time being; which Sum, in case the same be not forthwith paid when demanded, shall be levied by Distress and Sale as aforesaid.

Penalty on unloading Goods, or taking off Horses, &c.

to avoid paying the Tolls.

And, for preventing the committing of Frauds and Abuses in the said Tolls and Duties hereby granted; be it further enacted, That if any Person or Persons having paid the Tolls and Duties by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Tolls or Duties, shall give or dispose of such Notes or Tickets, or each or any of them, to any other Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being convicted upon Oath, or by the Testimony of One or more credible Witness or Witnesses, before

Penalty on giving or receiving Tickets, &c.

to avoid paying the Tolls.

before any Two or more Justices of the Peace for the said respective Counties, shall forfeit and pay the Sum of Twenty Shillings Sterling, to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Penalty on destroying Turnpikes, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall maliciously break down, pluck up, or otherwise destroy any Turnpike-gates, Posts, Rails, Chains, Bars, or other Parts thereof, or the Houses erected for such Turnpikes, or shall rescue any Person in Custody for any of the said Offences, every Person so offending in any of the Premisses, and being thereof convicted by the Oath of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace for the said respective Counties, shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also be publickly whipped or scourged through the Town of Langholm or Hawick, or set in the Stocks on a Market-day between the Hours of One and Two in the Afternoon; and if such Person shall be so convicted as aforesaid a Second Time of the like Offence, it shall be lawful for the said Justices to adjudge such Person to be imprisoned for any Time not exceeding Six Calendar Months, and to be Twice whipped or scourged through the Town of Langholm or Hawick, or Twice set in the Stocks during such Imprisonment.

and of obstructing Officers in their Duty, &c.

And be it further enacted by the Authority aforesaid, That if any Person shall assault any Collector of the Toll, or by Force pass through any Turnpike-gate without paying the Tolls or Duties hereby granted, every such Person so offending, and being thereof convicted on Oath before any Two or more Justices of the Peace of the said respective Counties, shall, for every such Offence, forfeit and pay to the said Trustees, the Sum of Five Pounds Sterling, to be recovered by Distress and Sale as aforesaid.

Trustees may erect Weighing Engines.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, shall, if they find it necessary, cause Engines to be erected at each of the said Turnpikes for weighing all Carriages that shall pass by and through the said Turnpikes; and in case any of the said Carriages shall be found to weigh more than Six thousand Weight, it shall be lawful for the said Trustees, or any Three or more

more of them, or such Person or Persons as shall be appointed and authorized by them, to take, over and above the usual Toll, the Sum of Twenty Shillings Sterling, for every Hundred Weight the said Carriage shall weigh more than Six thousand Weight; which said Penalty shall be applied for making and repairing the said Road; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriage as aforesaid, such Person or Persons respectively shall forfeit the Sum of Ten Shillings Sterling to the said Trustees, to be recovered and levied in Manner aforesaid.

Persons liable to do Statute-work to continue so.

Provided always, That all and every Person and Persons who by Law are chargeable towards the repairing and amending the said Road hereby intended to be repaired, shall still remain chargeable, and do their respective Works in the Parishes and Places in which the said Road does lie, in such Manner as he, she, or they, did or ought to have done before the passing of this Act.

Trustees may compound with Travellers.

Provided also, That the said Trustees, or any Three or more of them, shall have Power, and they are hereby impowered, from time to time, as they shall see convenient or think fit, to compound and agree by the Year or otherwise, with any Person or Persons using or travelling through the Turnpike or Turnpikes to be erected on the said Road, for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, or with any Horse, Mare, Gelding, Ass, or Mule, for any Sum or Sums of Money, to be paid quarterly from time to time after such Agreement shall be made.

Proceedings, &c. to be entered in a Book.

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

Composition-money to be levied by Distress and Sale.

Provided always, That in case any Composition-money agreed to be paid as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful for any Two or more Justices of the Peace of the said County, to grant

a Warrant under their Hands to the Person or Persons who shall be authorized to receive such Composition-money by the said Trustees, or any Three or more of them (Oath being first made that the same has not been paid, which Oath the said Justices are hereby impowered and required to administer) by virtue of which Warrant he or they shall levy such Composition-money by Distress and Sale of the Goods of the Person or Persons having so compounded as aforesaid, returning the Overplus, if any be, upon Demand, after Deduction of the Charge of such Distress and Sale.

Justices to appoint Persons to inspect the Road, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace for the said Counties of Dumfries and Roxburgh, at any of their respective General Quarter Sessions to be holden in and for the said Counties, to appoint One or more fit Person or Persons to survey or view the said ruinous Road by this Act directed to be amended, and to enquire of and concerning the Application of the Tolls and Duties taken and received by virtue of this Act; and in case such Person or Persons so appointed shall find any Misapplication of the Monies collected, levied, or received, by virtue of this Act, or any other Abuses of the Powers or Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace at their next General Quarter Sessions, who are hereby authorized and required to hear, examine, and finally determine the same, without further or other Appeal; and all such Sum or Sums of Money, or other Satisfaction, as the said Justices at any Quarter Session 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 of the Turnpikes 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 next General 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, returning the Overplus, if any be, after deducting the Tolls, and Charges of such Distress and Sale, to the Person or Persons so neglecting to make such Payment or Satisfaction; and

for

for want of sufficient Distress to be found for that Purpose, to commit the Person or Persons to the Common Gaol of the said respective County, there to remain until Payment or Satisfaction be made as aforesaid.

Trustees who are in the Commission of the Peace to 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 Trustee or Trustees, appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the said Counties of Dumfries or Roxburgh, to act as a Justice or Justices of the Peace in all Cases, Matters, or Things, as may be necessary for the more speedy and effectual Execution of the several Authorities and Powers in this Act mentioned and contained.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons 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 directed or appointed, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the said County; or in case the said Cause of Complaint shall arise within Fifteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be to the said Justices at the Second General Quarter Sessions of the Peace for the said County; who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, and, if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to levy, by their Order or Warrants, such Costs so awarded by Distress and Sale of the Goods of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress, to commit the Party to the Common Gaol for the County for any Time not exceeding Three Months, or until Payment of such Costs shall made: But the Person or Persons so appealing as aforesaid, shall and they

Notice of Appeal to be given.

are

are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the time being of the Tolls and Duties granted by this Act where the Offence was committed, of such their Intentions of bringing or prosecuting such Appeal, Fifteen Days before the said Quarter Sessions; and shall, within Five Days after such Notice given, lodge in the Hands of the Clerk of the Peace a Bond, signed by him and Two sufficient Securities, obliging himself to prosecute such Appeal, and in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal shall, at the then next General Quarter Sessions, be there heard and finally determined.

And forasmuch as the Money to be collected by the Receipts of the Tolls and Duties by this Act laid and made payable as aforesaid, will not at present be sufficient for the speedy repairing of the said Road; be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Three or more of them, from time to time, to borrow such Sums of Money as they shall have Occasion for, so as that the whole Sum to be borrowed shall not exceed the Sum of Six thousand Pounds Sterling, and to assign over the Tolls and Duties arising by virtue of this Act, or any Part thereof, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons as shall advance and lend the same, to secure the Re-payment thereof, with such Interest as shall be agreed upon, not exceeding the legal Interest for the time being; which Money so to be borrowed shall be applied in the first Place to pay off the Charges and Expences in obtaining this Act, and then shall be applied and disposed of as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

Provided always, and be it further enacted by the Authority aforesaid, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted and to be collected after their First Meeting, unless Notice for that Purpose be fixed in Writing under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon all the Turnpike Gate or Gates erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money.

Notice to be given of borrowing Money.

And be it further enacted by the Authority aforesaid, That 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 without Fee or Reward. Assignments to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons, to whom any Assignment shall be made by the said Trustees, or any Three or more of them, as a Security for any Sum or Sums of Money by him, her, or them, lent and advanced on the Credit and for the Purposes mentioned in this Act, 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 Three or more of them, who shall cause an Entry to be made of such Transfer or Conveyance in the said Book to be kept for entering the original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings Sterling and no more. Assignments may be transferred. Entries of all Assignments to be made. Clerk's Fee.

Provided always, and be it further enacted and declared 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, 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. Trustee not to accept of a Place of Profit.

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 a General Meeting, to let the said Tolls or Duties in Whole or by Parcels, from time to time, during the Continuance of this Act, by way of publick Roup, for the best Price that can be got for the same, to such Person or Persons as shall give sufficient Security for the Payment thereof, to be approved of by the said Trustees, or any Five or more of them, at a General Meeting as aforesaid; provided that such Lease be not made for more than Three Years. Trustees may lease, &c. the Tolls.

Commencement and Continuance 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 Twenty fifth Day of May, One thousand seven hundred and sixty four, and shall be paid and have Continuance from thence for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, at any publick Meeting, shall and may cause the said Road to be measured, and Stones or Posts to be erected upon the said Road, or near the Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall judge convenient for the better enabling them to carry on the Purposes of this Act.

Penalty on defacing Mile-stones;

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove, any such Stones or Posts, or obliterate or deface any of the Letters or Figures that shall be made, inscribed, or put thereon, and shall be thereof convicted before any Two or more Justices of the Peace for the County wherein the Offence shall be committed, such Person or Persons so offending shall respectively forfeit and pay the Sum of Twenty Shillings Sterling for every such Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced, to be levied and recovered in the same Manner as the other Penalties are by this Act directed to be levied and recovered; and such Forfeitures shall be applied, One Moiety to the Informer, and the other Moiety in repairing the Stones or Posts so broken, pulled up, damaged, or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeiture, the same shall be laid out in repairing the said Road; and in case the Person or Persons so offending and convicted, shall have no sufficient Goods and Chattles whereon such Forfeitures may be levied, then it shall and may be lawful for any Two or more Justices of the Peace for the County wherein the Offence shall be committed, by Warrant under their Hands, to commit such Person or Persons to the Common Gaol of the County where the Offence shall be committed, there to remain for any Space not exceeding Three Calendar Months, or until the Payment of such Penalty as aforesaid.

to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees

Truſtees appointed or to be appointed to put this preſent Act in Execution, or any Three or more of them, at a General Meeting aſſembled, to order ſuch Perſon or Perſons as they ſhall, by Writing under their Hands, direct and appoint, to turn or alter any Part of the ſaid Road, within the Counties of Dumfries and Roxburgh, by this Act directed to be repaired, for the better Accommodation of Coaches, Carriages, and Paſſengers; and the ſaid Truſtees ſhall, and they, or any Three or more of them, are hereby authorized and impowered from time to time to treat for, purchaſe, contract, and agree with any Perſon or Perſons, Bodies Politick or Corporate, that are or ſhall be Owners, Proprietors, or Occupiers of, or intereſted in, any Lands or Grounds, Tenements or Premiſſes, lying contiguous to or near the ſaid Road, for ſuch Lands or Grounds, Tenements or Premiſſes, or for the Loſs or Damage which they, or any of them, ſhall or may any ways receive by ſuch turning or altering the ſaid Road, and thereupon, or upon Payment of ſuch Sum or Sums of Money ſo agreed upon accordingly, it ſhall and may be lawful for the ſaid Truſtees, or any Three or more of them, to turn the ſaid Road over the ſaid Ground or Land; which ſaid new Road ſhall from thenceforth be deemed and taken to be a publick Highway, and ſhall be repaired, amended, and kept in Repair, and ſhall be made of the like Breadth and in the ſame Manner as the ſaid Highway directed to be repaired by this Act.

Truſtees may contract for the Purchaſe of Lands to be taken into the Road.

And whereas it may happen that ſome Perſons or Bodies Politick, Corporate or Collected, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees, are ſeiſed or poſſeſſed of ſome Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this Act, may by the ſaid Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Road, either for extending, widening, enlarging, turning, altering, or amending the ſame as aforeſaid, and they may be willing to treat and agree to ſell ſuch Lands, Grounds, Tenements, or Hereditaments, for the Purpoſes aforeſaid, but are incapable of granting, ſelling, or conveying the ſame, by reaſon of Infancy, Deed of Entail, or other Diſability; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for

Bodies Politick, &c. may treat for the Sale of ſuch Lands.

or

or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Three or more of them, for Satisfaction to be made to them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be made shall be valid to all Intents and Purposes whatsoever; any Statute, Usage, or other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Penalty on laying Carrion, &c. on the Road;

on within 20 Yards of the Sides thereof.

And be it further enacted, That from and after the said Twenty fifth Day of May, no Person or Persons whatsoever shall lay any dead Horses or other Carrion upon the said Road, or within Twenty Yards of the Sides of the said Road, or any Dung, Lime, Soil, Compost, or Matter whatsoever, for manuring of Land, or any other Purpose, upon the said Road, or within Five Yards of the Side of any Part of the Road directed to be repaired by this Act, or in the Streets of the said Village of Langholm or Hawick, in the Counties of Dumfries and Roxburgh; and in case any Person or Persons shall lay any dead Horses or other Carrion upon the said Road or Streets, or within Twenty Yards from the said Road, or any Dung, Lime, Soil, Compost, or other Matter whatsoever, upon the said Road or Streets, or within the Distance of Five Yards from the said Road, 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 or Forfeiture is by this Act directed 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 Road.

And

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 Offender's Goods and Chattles, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said Counties of Dumfries and Roxburgh respectively, 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 there be, upon Demand, to the Owners of such Goods and Chattles, after such Tolls, Duties, Penalties, or 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 Three 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, by Writing under his Hand, to be fixed on all the Turnpike Gates to be erected by virtue of this Act, to chuse, nominate, and appoint, in the Room of the Trustee or Trustees so deceased or refusing to act, some other fit or 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 a 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. 14 Days Notice of Election to be given.

And be it further enacted by the Authority aforesaid, That the said Trustees for repairing the Road aforesaid, or any Three or more of them, shall meet at Mosspaul Green, upon the said Twenty fifth Day of May, in this present Year One thousand seven hundred and sixty four, with Power to them to adjourn themselves to such Times and Places as they shall think proper Time and Place of Trustees Meeting.

or competent, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear in any Meeting, or at any adjourned Meeting, which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands, to be fixed on all the Turnpike-gates to be erected by virtue of this Act, and upon the respective Market Crosses of the said Villages of Langholm and Hawick, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the Meeting of the said Trustees was appointed to be had, 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.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

And, failing of such Appointment of the Clerk or Clerks, by Death, Removal, or otherwise, be it hereby enacted and declared, That it shall be in the Power of Three of the said Trustees to call a Meeting on Twenty Days Warning in the Edinburgh News Papers; and that the said Trustees, at their First and all their subsequent Meetings, shall defray their own Charges and Expences.

On Death, &c. of Clerk, Trustees may call a Meeting.

Trustees to defray their own Expences.

Provided always, That the said Trustees shall have no Power to act in any of the Matters or Things hereby committed to them, otherwise than at the said First Meeting, or at any of their Quarterly or adjourned Meetings aforesaid, or by Authority from such Meetings.

Trustees not to act but at a publick Meeting.

Provided always, and be it further enacted by the Authority aforesaid, That all Actions for all and every the Penalties imposed by this Act, or for any Thing done in the Execution thereof, shall be commenced within Six Months after the Fact was done or committed, and not afterwards.

Limitation of Actions.

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

Public Act.

FINIS.