Anno sexto

Georgii III. Regis.

An Act for repairing the Road from the Burgh of *Lauder*, in the Shire of *Berwick*, to and through *Kelso*, in the Shire of *Roxburgh*, to the *Marchburn*.

WHEREAS the High Road leading from Lauder, by Braidwoodsheils, Birkhillside, and Stobiewood, to Fawnsloan End, and from thence by Smailholm and Kelso, to the March Burn, so far as Scotland extends, is, during the Winter Season or wet Weather, almost impassable for Coaches, Waggons, and other Carriages, and dangerous for Persons travelling on Horseback; and many Parts thereof are very incommodious, and cannot be sufficiently repaired, widened, and kept in Repair, for the Accommodation of Travellers, without some Provision be made by Parliament for raising Money, to be applied for those Purposes; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Preamble.

Trustees Names.

the authority of the same, That the Right Honourable Robert Ker Esquire, commonly called Lord Robert Ker; the Right Honourable Gilbert Elliot Esquire, the Right Honourable Sir Gilbert Elliot of Minto, Lord-Justice Clerk; the Honourable Andrew Pringle of Alemoor Esquire, One of the Senators of the College of Justice; the Honourable George Baillie Esquire, of Jerriswood; the Honourable Charles Hamilton of East Gordon, Sir Alexander Don of Newton, Sir Robert Pringle of Stitchill, and Sir John Paterson of Eccles, Baronets; Sir James Douglas of Stola, Walter Scott of Harden, George Macdougal of Makerston, Colonel James Pringle younger, of Stitchill; John Strother Ker of Littledean, James Ker of Morison, William Nisbett of Darleton, Patrick Murray of Cherry-trees, Doctor William Ormiston of Henderside, Andrew Wauchope of Niddrie, Andrew Wauchope younger, of Niddrie; John Pringle of Haining, Robert Pringle of Clifton, John Carre of Cavers, George Brown of Ilieston, William Kerr of Chatto, Doctor Patrick Erskine of Sheilfield, James Haig of Bymerside, John Lauder of Carolside, Robert Haliburton of Newmains, James Edmondstoun of Ednem, James Dickson of Broughton, William Ramsay of Templehall, Thomas Turner of Pinnacle Hill, Colonel Robert Scott of Horsleyhill, Walter Ker younger, of Littledean, John Carre younger, of Cavers; William Nassau Elliot of Wells, James Primrose of East Moriston, James Peter of Chapel, Walter Scott Writer to the Signet, Captain Francis Lindsay of Sharpitlaw, George Rutherford of Fairnington, William Ker of Gaitshaw, John Ferrier younger, of Coldinknows; John Waldie of Hayhope, John Gray of Blainslie, Adam Walker of Wooden, James Hardie Merchant in Kelso, John Thomson of Cartha, Archibald Sommerville Surgeon in Lauder, the eldest Baillie of Lauder for the time being, be, and they are hereby nominated and appointed to be Trustees, for surveying, ordering, altering, amending, widening, repairing, and keeping in Repair, the said Roads.

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

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

the said Road from avoiding the Payment of any of the Tolls or Duties granted by this Act.

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

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

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

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 per Score, and so in Proportion for any greater or less Number.

And be it further enacted by the Authority aforesaid, That the respective Sum and Sums of Money shall be demanded and taken in the Name of Toll, or as a Toll or Duty, so to be raised and collected as aforesaid; and shall be and is hereby vested in the said Trustees, and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned to and for the several Purposes by this Act directed, the reasonable Charges and Expences paid, or that shall be paid, in or about, or by reason of passing this Act, being first deducted and paid out of the same by the said Trustees; and if any Person or Persons shall neglect or refuse to pay the same, the said Trustees are hereby impowered by themselves, or such Person or Persons as they, or any Five or more of them, at a General Meeting assembled, shall authorize and appoint, to levy each and every of the said Tolls and Duties, by Distress and Sale of any Horse or Horses, or other Cattle or Goods, upon which such Tolls or Duties are by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons so refusing to pay the said Toll or Duty, and to keep such Goods and Chattles so distrained until the said Toll or Duty, with the reasonable Charges of such Distress, shall be paid: And it shall and may be lawful to and for the Person and Persons so distraining, after the Space of Four Days after such Distress shall be made and taken, to appraise and sell the said Goods so distrained by publick Roup, at the Turnpike or Toll-house where the Toll ought to have been paid; returning the Overplus, if any be, to the Proprietor of such Goods or Chattles so distrained, after deducting such Toll or Duty, and the reasonable Charges for keeping up, appraising, and selling, the same.

Tolls vested in the Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

And

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

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, at a General Meeting assembled, to chuse and appoint fit Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Clerk or Clerks, to the said Trustees, for receiving the Tolls and Duties granted and made payable by this Act; and also One or more fit Person or Persons to be made Surveyor or Surveyors of the said Highways and Bridges, or such other Officers as they shall think proper; and, from time to time, to remove such Clerks, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint others in their Room: and the Person or Persons appointed Receiver or Receivers as aforesaid, and also the Surveyor or Surveyors, shall, on the First Friday in every Month, or at any other Time appointed by the said Trustees, or any Five 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 their respective Vouchers, of all Monies which he or they, every or any of them, have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices, and verify the same upon Oath, if required, before a Justice of the Peace of the said Counties of Berwick or Roxburgh, in which ever of the said Counties the said Person or Persons shall reside; and in case any Overplus Money shall remain in their or any of their Hands, they shall pay the same unto the said Trustees, or to such Person or Persons as they, or any Five or more of them, at a General Meeting assembled, shall authorize and appoint to receive the same, to be disbursed and laid out in amending and repairing the said Highways and Bridges, according to the true Meaning of this Act, and not otherwise; and the said Trustees, or any Five or more of them, at a General Meeting assembled, shall and may, and are hereby authorized and impowered, out of the Money arising out of the said Tolls or Duties, to make such Allowance Trustees to appoint Officers, and remove them, and appoint others. Officers to account upon Oath. Trustees to allow Officers Salaries.

Allowance unto their Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors, or other Officers appointed by them, for and in Consideration of their Care and Pains taken in the Execution of the said respective Offices, and to such other Person or Persons who shall have been or may be assisting in making and repairing the said Bridges and Highways as aforesaid, by advancing or laying out any Monies, or otherwise relating thereunto, as unto them shall seem good, over and above the necessary Disbursements made by them.

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

Officers refusing to account, Justices to inquire into the Default,

and commit the Offender,

until Payment or Composition made.

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 of the Application thereof, in a Book in the Hands of their Clerk; which Book of Accounts and Proceedings all Heretors of the said Counties of Berwick and Roxburgh shall, at any reasonable Times, be at Liberty to inspect without any Fee or Reward; and in case of any Misapplication of Money collected, received, or levied, by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be so misapplied, shall forfeit and pay double the Sum so misapplied,

Proceedings to be entered in Books.

to

to be recovered against him or them, at the Suit of any Two more Heretors within the said Counties, possessed of Three hundred Pounds Scots each of valued Rent, who are hereby authorized to pursue for and recover the same in a summary Action before the Lords of Session, without abiding the Course of the Roll, with Full Costs of Suit; One Moiety of which Forfeiture shall belong to the Persons who sue for the same, and the other Moiety shall be paid to the said Trustees, or any Five or more of them, who are hereby authorized to apply the same for repairing of the said Roads by this Act directed to be repaired.

Penalty on destroying Turnpikes, &c.

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

Penalty on permitting private Passage;

And be it further enacted by the Authority aforesaid, That if any Person or Persons, occupying inclosed Lands near any Turnpike which shall be erected in pursuance of this Act, shall knowingly, willingly, or purposely, permit or suffer any Person or Persons to pass through the same, or through any Gate, Passage, or Way, leading through the same, with any Coach, Cart, or other Carriage, or with any Horse, Ass, or other Cattle, whereby the Payment of the Toll or Duty by this Act imposed shall be avoided; every such Person so offending, and the Person or Persons riding or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted, by the Testimony of One or more credible Witness or Witnesses, before

any One or more of the said Justices of the Peace of the said Counties of Berwick or Roxburgh, shall, for every such Offence respectively, forfeit and pay to the said Trustees, or their Collector or Collectors, the Sum of Twenty Shillings Sterling.

For taking off Horses, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time during the Continuance of this Act, take off, or cause to be taken off, any Horse or Horses, Mares, or Geldings, or other Beasts of Draught, from any Coach, Chaise, Chariot, Berlin, Landau, Calash, Chair, or Litter, or any Horse or Horses, Dr or Dren, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby imposed, or shall leave in any House or Place any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, or other Cattle, chargeable with or liable to pay the said Tolls or Duties, with such an Intent as aforesaid; every such Person or Persons shall forfeit and pay to the Trustees appointed to put this Act in Execution, or to their Collector for the time being, the Sum of Twenty Shillings Sterling.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Surveyor or Surveyors, and such Persons as he or they shall appoint, by Order of any Five or more of the said Trustees, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, and other Materials, for making or repairing the said Road, out of the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand, nor a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any House, nor any Piece or Parcel of Ground set apart and used as a Nursery for Trees) where such Materials are or may be found, and from time to time to cause the same to be carried away, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Roads aforesaid, paying only for the Damage done to the Owners and Occupiers of the said Grounds respectively, where and from whence the same shall be digged, gathered, or taken away, or over which the same shall be carried; the Amount of which Damage shall be settled and ascertained by any Five or more of the said Trustees living in the Neighbourhood from which the said Materials are taken: And in case of any Difference between such Owners and Occupiers and the said Trustees touching such Damages as

making Satisfaction to the Owners.

Justices to determine Differences.

as aforesaid, the Justices of the Peace of the County where the Matter in Dispute shall arise, or any Three or more of them, shall and may judge and determine the same; but such Dispute and Difference shall not in the mean Time hinder the using and carrying off the said Materials, and applying the same towards repairing the Roads.

Surveyors may make Causeways, &c.

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

and widen the narrow Parts of the Road;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Provided always, That in altering or widening the aforesaid Roads, nothing shall be done which may any wise prejudice or damage any House or Building, or any

Buildings, &c. not to be damaged.

Garden,

Garden, Orchard, Yard, or planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground set apart and used as a Plantation or Nursery for Trees; and that where it shall be found necessary to make Passages for the Water for such Ditches or Trenches through the Ground of any adjacent Proprietor, that such Proprietor, or the Possessor of such Ground, after such Passages or Outlets are so made, shall be obliged in all Time thereafter to keep clear such Outlets and Passages from the said Trenches and Ditches, from time to time as they shall be required by the said Trustees, or any Five or more of them, so as the said Outlets may not be stopt or made to restagnate into the said Trenches or Ditches, but may have free Passage through the said Proprietors Grounds: And in case of the Proprietor or Proprietors neglecting or refusing to clear or to cleanse such Outlets, when duly required by the Surveyor or Surveyors of the said Roads, or any Five of the Trustees; then and in that Case such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to levy the Expence thereof on the Owner or Proprietor of such Grounds, in Manner hereinafter directed.

Tolls to be paid but Once a Day.

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

Exemption from Tolls.

Provided always, and be it further enacted and declared by the Authority aforesaid, That no Toll or Duty whatsoever shall be demanded or taken for any Carriages

or Horſes loaded with Sand, Lime, Lime-ſtone, Marl, Dung, or Manure, nor for Carriages going empty for the ſame; and in order to inſure that empty Carriages ſhall not elude the ſaid Toll, by pretending they are to return with ſuch Loading, they ſhall conſign the Toll, and have it returned to them when they return with the ſaid Loading; nor ſhall any Toll or Duty be taken for any Carriages or Horſes, loaded with any Materials for repairing the ſaid Highways or Bridges, or any of the Cauſeways within or belonging to the ſame; nor ſhall any Toll or Duty be demanded for Paſſage of the Corns or Implements of Huſbandry, carrying to or from any Field, or Horſes or Cattle going to Water or Paſture in the Farm or Farms in which any Gate or Gates, Turnpike or Turnpikes, may ſtand; nor ſhall any Toll or Duty be demanded from any Perſon or Perſons who ſhall paſs through the ſaid Turnpikes to Church, Chapel, or Place of religious Worſhip, on Sunday; nor from Perſons attending the Funerals of any Perſon or Perſons who ſhall die and be buried in any of the Pariſhes in which the Roads hereby directed to be repaired ſhall lie; nor from any Poſt-horſe carrying the Mail or Packet; nor for the Horſes of Soldiers who are upon their March by Rout, or the Carriages attending upon them; nor for the Carts, Carriages, or Waggons, travelling with Vagrants ſent with legal Paſſes.

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

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

Juſtices to determine Diſputes.

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

Inhabitants to do Statute-work.

And be it further enacted and declared, That all and every Hereto, labouring and poſſeſſing his own Grounds, ſhall be obliged to aſſiſt at repairing the ſaid Highways

directed to be repaired by this Act; and for that Purpose to send Two Carts, at the Times and for the Days prescribed by Law, for every Ploughgate of Land he so labours and possesses; and, for preventing Questions arising what Quantity of Ground may be deemed a Ploughgate, the Trustees, or any Five or more of them, are hereby authorized and impowered, at a General Meeting for the respective Counties of Berwick and Roxburgh, to determine the same, with Power of Appeal to the Quarter Sessions, whose Determination shall be final.

Trustees may compound for Statute-work.

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

Rates of Composition.

Provided always, and be it further enacted by the Authority aforesaid, That the respective Trustees by this Act appointed, or any Five or more of them, at a General Meeting assembled, shall and they are hereby authorized and required to compound for the said Work so to be performed by Law, and instead of the personal Service of any Person or Persons liable to repair the said Roads, or instead of the Attendance of his or their Carriage or Carriages, to receive and take from such Person or Persons at the Rate of Three Pence Sterling by the Day for each Man, and One Shilling Sterling by the Day for each Man and Cart with One Horse, and One Shilling and Six Pence Sterling by the Day for each Man and Cart with Two Horses; which Composition-money so agreed to be paid in lieu of such Statute-work, shall be paid at such Time or Times, and to such Person or Persons, as the said respective

spective Trustees, or any Five or more of them, at a General Meeting for the said County assembled, shall order and direct; and in case such Person or Persons so compounding, shall neglect or refuse the Payment of such Composition-money, for the Space of Twenty Days after the same shall become due, then it shall and may be lawful to levy the same by Distress and Sale of the Offender's Goods and Chattles, in Manner herein after directed.

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

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

Share of the Bridge Money to be allotted by the Justices.

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

Trustees to pull down Bridges, &c.

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

Trustees may compound with Travellers, &c.

And be it further enacted by the Authority aforesaid, That the respective Trustees, or any Five or more of them, at a General Meeting assembled, shall, and they are hereby impowered, as they shall see convenient and think fit, to compound and agree by the Year with any Person or Persons using to travel through the Turnpikes, and living within Three Miles of any Turnpike or Turnpikes to be erected in the said Roads, with any Coach,

Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Beast of Draught, for any Sum or Sums of Money, as to the said Trustees shall seem reasonable, to be paid quarterly, from time to time, after such Agreement is made; and that Copies of all such Compositions or Agreements so made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the respective Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person whatever, at all seasonable Times, without paying any Fee or Reward.

Composition-money how to be recovered.

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

Trusteees may lett, &c. the Tolls.

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

And, for the more speedy and effectual Reparation of the said Roads and Bridges, be it further enacted by the Authority aforesaid, That it shall and may be lawful to

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

Trustees may borrow Money upon the Credit of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be infeoft in Superiority or Property, or possessed as a Proprietor in Life-rent of Lands, valued in the Tax-roll of the Counties of Berwick or Roxburgh respectively, to the Extent of One hundred Pounds Scots per Annum, excepting the eldest Sons and Heirs Apparent of Persons who are infeoft in Lands of the Extent and Valuation aforesaid; and 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, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered and applied in Manner herein after directed.

Qualification of Trustees.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such Securities from their Treasurers, to be appointed for the Purposes

Treasurers to give Security.

of this Act, for the due Execution of their Offices, as to the said respective Trustees, or any Five or more of them, shall seem meet.

Trustees who are in the Commission of the Peace to act as Justices.

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

Trustee not to accept of a Place of Profit under this Act.

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

Time and Place of Trustees Meeting.

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

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

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

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 Seal of Two or more Justices of the Peace of the County where the Offence shall be committed; and the Persons distraining for such Penalties are hereby authorized and impowered to sell the Goods and Chattles so distrained, and return the Overplus Money, if any be, upon Demand, to the Owners of such Goods or Chattles, after such Tolls, Duties, Penalties, and Forfeitures, with the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid. Penalties and Forfeitures how to be recovered and applied.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him or themselves aggrieved, by any Order or other Proceedings of the said Trustees, it shall and may be lawful for him or them to appeal to the Justices of the Peace of the County where the Cause of Complaint shall arise, in their General Quarter Sessions assembled, who are hereby authorized and impowered to hear and determine the Matter Persons aggrieved may appeal to the Quarter Sessions.

Matter in Dispute, and whose Order therein shall be final and conclusive.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls and Duties hereby granted, shall take Place from and after the First Friday in July in the Year One thousand seven hundred and sixty six; and that this Act shall continue in Force for the Space of Twenty one Years, and to the End of the then next Session of Parliament.

Publick Act.

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

FINIS.