Anno nono

Georgii III. Regis.

An Act for enlarging the Term and Powers granted by an Act of the Twenty third Year of His late Majesty for repairing the Roads from *Dunglas Bridge* to the Town of *Haddingtoun*, and from thence to *Ravenshaughburn* in the County of *Haddingtoun*.

WHEREAS by an Act passed in the Twenty third Year of His late Majesty King George the Second, intituled, An Act for repairing the Roads leading from *Dunglas Bridge* to the Town of *Hadingtoun* and from thence to *Ravenshaughburn* in the County of *Hadington*; the Trustees named in the said Act were impowered to uplift the Tolls therein mentioned, to be applied for making and repairing the said Road: And whereas the said Act being to expire in the Year One thousand seven hundred and seventy two, the Tolls to be raised in virtue thereof will not be sufficient to keep the said Road in Repair, and to pay off the Debt which has been contracted by virtue of the Powers granted by the said Act: And whereas the other great Roads leading into the said Road cannot, by the ordinary Course provided by the Preamble.

Laws of this Kingdom, be effectually amended and kept in good Repair, unless some Provision be made for raising Money to be applied for that Purpose: For Remedy whereof, and to the End that the said Roads may with all convenient Speed be effectually amended and kept in good Repair, and the Debt which has been contracted in virtue of the Powers granted by the aforesaid Act, paid off, May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person who is at present, or shall be at any Time after the Commencement of this Act, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor or Life-renter of Lands lying in the County of Haddingtoun, valued in the Tax-roll of the said County at One hundred Pounds Scots of valued Rent; and all and every the eldest Sons of such Persons, and the Chief Magistrates of the Towns of Haddingtoun, Dunbar, and North Berwick, for the time being, possessed of Four hundred Pounds Sterling of Personal Estate; shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, amending, and keeping in Repair, the said Roads, and likewise for putting in Execution all the other Powers in and by this Act given; and that they, or the Survivors of them, or any Seven or more of them, at a General Meeting assembled, or adjourned Meeting, in the Manner directed by this Act, shall and may build and erect, or cause to be builded and erected, a Gate or Gates, Turnpike or Turnpikes, in or cross any particular Part or Parts of the said Roads, and also a Toll house or Toll-houses in or upon the same.

Qualification of Trustees.

Trustees.

Trustees may erect Turnpikes and Toll-houses.

Provided always, and it is hereby expressly provided and declared, That no Person shall be intitled to act as a Trustee under this Act, unless he shall be at the Time of such acting, in the actual Possession, or Apparent Heir of Lands lying in the said County of the Valuation aforesaid, or of a Personal Estate as aforesaid; and if any Person or Persons, so made incapable to act, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person 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 County, before the Justices of Peace at their Quarter Sessions, or before the Judge Ordinary;

Penalty on acting if not qualified.

the

the One half thereof to be paid to the Protector, and the other half to the Trustees aforesaid, to be applied by them for repairing the said Roads; 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 otherways 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 had taken upon him to act as a Trustee for executing the several Powers, Authorities, and Things, in this Act contained. Application of the Penalty.

And be it further enacted, That instead of the Tolls mentioned in the said former Act, it shall be lawful for the said Trustees to demand and take certain Duties and Tolls, not exceeding the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say, The Tolls following to be taken instead of those granted by the former Act.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Six Shillings Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Three Shillings and Six Pence Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Shillings Sterling. The Tolls.

For every Chaise or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Shilling and Six Pence Sterling.

For every Waggon, Wain, Cart, or Carriage, drawn by Five or Six Horses, Oxen, or Beasts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Six Pence Sterling; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Eight Pence Sterling; and drawn by One Horse, Ox, or Beast of Draught, the Sum of Four Pence Sterling.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing in any Carriage, the Sum of Four Pence Sterling.

For

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

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

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of and as a Toll or Duty; and the Money so to be raised and collected thereby, shall be, and is hereby vested in said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, for the amending and keeping in Repair the Roads aforesaid, and to and for the several Intents, Uses, and Purposes, in such Manner as by this Act is directed and declared; and it shall and may be lawful for the said Trustees, or any Seven or more of them, or any such Person or Persons as they, or any Seven 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 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 Person so distraining, after the Space of Four Days after such Distress made and taken, shall and may sell the Goods so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls or Duties, and reasonable Charges of distraining and keeping the same, shall be deducted and paid.

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Distress to be sold after 4 Days.

And, for preventing any Disputes that may arise, touching the Payment of any of the Tolls or Duties hereby granted or to be taken on the said Roads, by this Act intended to be repaired, be it further enacted by the Authority aforesaid, That if there shall be Two or more Turnpikes or Toll-bars, erected in, cross, or on the Side of the said Roads; then and in such Case the Tolls and Duties hereby granted and made payable shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any Seven or more of them, shall direct or appoint; and

If Two or more Turnpikes, Tolls to be divided.

such Parts thereof shall be taken and received at such and so many of the said Turnpikes or Toll-bars, as by the said Trustees, or any Seven or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

Trustees may erect Side-gates, &c.

And be it farther enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect, and cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same, and there to take and receive such Tolls as are by this Act granted and made payable; but so as that a Ticket received at such Bar shall intitle the Receiver to pass through the next Turnpike on the said Roads Toll-free, in case he shall have Occasion to pass through such Turnpike that same Day, so as the same do not extend to a Double Charge, in case of passing through another of the Turnpikes which shall be erected or set up by virtue of this Act.

and take Tolls thereat;

Not to extend to a Double Charge.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it farther enacted by the Authority aforesaid, That the Right and Property of all and every of the Turnpikes and Toll-houses, which are or shall be erected and built upon the said Roads 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 Seven or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, or to bring Actions, or to prefer Bills of Indictment in their Names, or in the Name or Names of the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being, against any Persons who shall steal, take away, break down, or spoil, such Turnpikes or Toll-houses, or any or either of them, so erected and built as aforesaid.

Trustees may appoint Officers;

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the Tolls and Duties aforesaid, and such other Officer or Officers as the said Trustees, or any Seven or more of them, shall think necessary; and also One or more fit Person or Persons to be Overseer or Overseers of the said High Roads, Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same are repaired, and also that the Money by this Act raised be duly applied; and from time to time to remove such

and remove them, and appoint others.

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

Officers to account upon Oath.

Officers refusing to account,

Justices may enquire into the Default.

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

Trustees may allow Officers Salaries.

Treasurer, &c. to give Security.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the 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 Ground whereon any House or Buildings stand, or a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to an House, or any Place 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 Roads 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 the said Roads, or any Seven or more of them, shall adjudge reasonable: And in case of any Differences concerning the same betwixt such Owners or Occupiers and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace at their next General Quar-

Surveyors may dig Gravel, &c.

making Satisfaction to the Owners.

Justices to determine Differences.

ter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the said County, 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.

Surveyors may make Causeways, &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 Seven or more of them, to make or cause to be made a Causeway or Causeways, and to cut and

and erect Bridges, &c.

make Ditches and Drains through any Ground lying contiguous to the said Roads, and to make or erect Bridges or Arches of Brick, Timber, or Stone, upon

and widen the Roads;

the said Roads; and where any Part of the said Roads are not of a sufficient Breadth, according to the Rate and Standard established in Scotland, to widen and extend the Breadth of the said Roads to the legal Standard; and farther, where it shall appear necessary to alter the Situation of the said Roads altogether, or to widen the same beyond the legal Standard, the said Trustees, or any Seven or more of them, shall, and they hereby have full Power to alter or extend the same to such Breadth as they, or any Seven or more of them,

making Satisfaction to the Owners.

shall think proper; paying such Damages to the Owners and Occupiers respectively whose Grounds shall be prejudiced or damaged by such Alteration and Widening, as the said Trustees, or any Seven or more of them,

Justices to determine Differences.

shall judge reasonable: And in case of any Differences concerning the same between such Owners or Occupiers and the said Trustees, the Justices of the Peace of the said County at their next General Quarter Sessions, or at the Second General Quarter Sessions thereafter at farthest, or the major Part of them 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.

Buildings not to be injured, &c.

Provided always, That in altering or widening the aforesaid Roads beyond the legal Standard, nothing shall be done which may any ways prejudice or damage any House or Building, or any Garden, Orchard, Yard, Inclosure, 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.

Provided

Provided always, and it is hereby expressly provided and declared, That no Toll or Duty shall be demanded or taken at any of the Turnpikes erected or to be erected by virtue of this Act, nor shall any Person be liable to pay any Toll or Duty, for carrying any Quantities of Stone, Brick, Lime, Timber, Wood, or other Materials, for repairing the said Roads, or for mending any of the Highways in the Parishes in which the Roads directed to be repaired by this Act do lie, or going for or returning through any of the said Turnpikes with any Dung, Mould, or Compost, to be laid upon Grounds, Arable, Meadow, or Pasture, or Gardens; nor shall any Toll or Duty be demanded or taken by virtue hereof for any Carts, Wains, Waggons, or other Carriages, carrying any Hay or Corn in the Straw to be laid up in the Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes or Places through which the said Roads hereby intended to be repaired do lead (without Prejudice nevertheless to the said Commodities their paying Toll or Duty when carried for Sale along the said Roads;) nor for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever belonging to, or employed by, such Inhabitants respectively only in Husbandry, manuring or stocking of Lands lying within such Parishes or Places adjoining to the said Roads; nor shall any of the Tolls or Duties aforesaid be demanded or taken for any Corn or Meal going to or returning from the Mills of or belonging to the Town of Dunbar, being the Property of and for the Use of the Inhabitants of the said Town; nor from any Person or Persons residing in the said Parishes in which the Roads hereby directed to be repaired do lie, who shall pass through the said Turnpikes or Cross-gates to or from Church, Chapel, or other Place of religious Worship, on Sundays; or for any Horse, Gelding, or other Cattle, going to or returning from Pasture or Watering-places belonging to such Parishes or Places, or any of the neighbouring Inhabitants near to the said Roads; or for any Post Horses carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; nor for any Horses, Carts, or Carriages, travelling with Vagrants sent by legal Passes; any thing herein contained to the contrary notwithstanding.

Exemptions from Toll.

Exception.

Trustees may lessen the Tolls,

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any General Meeting, called by a previous Advertisement in the Edinburgh News Papers, to consider the State of the Funds arising by virtue of this Act and Expediency of diminishing the Tolls, may, and they are hereby authorized and empowered, from time to time, to lessen the several Tolls and Duties hereby granted and made payable, and to order and direct the same so lessened to be collected and received, and taken in such Manner, Parts, and Portions, as they shall think fit, and may raise the same again from time to time, so as not to exceed the Tolls hereby granted; any thing herein contained to the contrary notwithstanding.

and raise them again.

Toll to be paid but Once in a Day.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes where the Tolls and 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, Gelding, Mare, 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 Roads.

Toll to be paid for every new Loading,

except for Building Materials;

Provided always, and it is hereby expressly declared, That Carriages of all Sorts, Horses, or other Beasts of Burden, passing or returning in One Day with a new Loading, shall be subject to Toll each Time at passing and returning through any Turnpike Gate with a new Loading; excepting Carriages with Materials for Building, which shall be subjected to pay Toll only Once on the same Day, though passing and returning oftener with such Materials.

and also except on the *Spott Road* to and from *Dunbar*,

Trustees impowered to compound with Travellers on the said Road;

Provided also, That any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any other Sort of Carriage or Cattle, travelling the Road commonly called The Spott Road, to and from the Town of Dunbar, shall not be liable to pay Toll more than Once in One Day although passing with different Loadings; and that any Five or more Trustees, residing in the Eastern District, shall have Power at any adjourned Meeting to compound by the Year, or otherwise, with Persons using the said Spott Road.

Provided also, That any Seven or more of the said Trustees, at a General Meeting assembled, shall have Power to compound by the Year, or otherwise, with all Persons travelling not more than Two hundred Yards on any Part of the Post Road from Dunglas Bridge to Ravenshaugh Burn. and also with Persons travelling but a small Part on Dunglas Bridge Post Road.

And be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands or other Premises near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly and willingly permit and 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, Ass, Mule, or any other Sort of Carriage or Cattle; or shall open any new Road (without the Consent of the Justices of Peace of said County obtained, upon an Application being made to the said Justices convened at their General Quarter Sessions, which Application the said Justices are hereby authorized and required to order to lie upon the Table to their next General Quarter Sessions, and then, and not sooner, they are to determine the Propriety of opening said Road) 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, leading, or driving, 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 County, shall, for every such Offence respectively, forfeit and pay to the said Trustees hereby authorized to put this Act into Execution, or to their Treasurer for the time being, the Sum of Twenty Shillings Sterling; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale as aforesaid. Penalty on permitting, or going thro' private Passage, &c. or opening a new Road without Consent of the Justices, to avoid Payment of the Tolls.

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 unladen, 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, or 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 Penalty on evading the Tolls.

to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying all or any Part 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 County, 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 Seven 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 Perſons diſpoſing of Tickets, &c.

And, for preventing the committing of Frauds and Abuſes in the ſaid Tolls and Duties hereby granted, be it further enacted by the Authority aforeſaid, 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, and the Perſon receiving the ſame, being 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 County, ſhall reſpectively 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 Toll-gatherer, &c.

And be it further enacted by the Authority aforeſaid, That if any Toll-gatherer ſhall ſell or diſpoſe of his Notes or Tickets to any Perſon or Perſons who have not actually paſſed through his Bar, he and the Perſon or Perſons ſo receiving theſe Notes or Tickets, upon being convicted thereof upon Oath, or by the Teſtimony of One or more credible Witneſs or Witneſſes, before any Two or more Juſtices of the Peace of the ſaid County, ſhall reſpectively forfeit and pay the Sum of Twenty

ty Shillings Sterling; to be levied and disposed of as any other Penalty or Forfeiture is hereby levied, recovered, and disposed of.

Penalty on destroying Turnpikes, &c.

And be it farther 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 of the said County, 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 Haddingtoun, upon a Market Day between the Hours of One and Two in the Afternoon: And if such Person shall be 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 publickly whipped or scourged through the Town of Haddingtoun, during such Imprisonment.

Penalty of a Second Offence.

Penalty on assaulting Collector, or forcing a Passage.

And be it further enacted, 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 upon Oath before any Two or more Justices of the Peace of the said County, 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.

Engines may be erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, if they find it necessary, cause Engines to be erected at each End of the said Turnpikes for weighing all Carriages which shall pass by or 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 Seven or more of them, or such Person or Persons 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 Penalties shall be applied for making and repairing the said Roads; and in case any Person or Persons shall hinder or obstruct the Weigh-

Penalty on Over-weight.

Penalty of obstructing the Weighing thereof.

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 the Repair of any Bridges, &c. to continue so.

Provided also, and be it farther enacted by the Authority aforesaid, That where any particular Part or Parts of the said Roads, or any Bridges lying in and upon the said Roads hereby intended to be repaired, ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, Hereditaments, or otherwise however; all and every such Part and Parts of the said Roads shall from time to time be maintained and kept in Repair by such Person or Persons, Body Politick or Corporate, and in such Manner as the same were respectively kept and maintained in Repair before the passing of this Act.

Justices to determine Differences.

And in case any Difference shall arise between the said Trustees and the Person or Persons, Body Politick or Corporate, touching where, how, and in what Manner such a particular Part or Parts of the said Roads, or Bridges lying in and upon the same, are or ought to be repaired and maintained as aforesaid; be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Justices of the Peace for the said County, and they are hereby required and impowered at their General or Adjourned Sessions, upon Application to them by the said Trustees, or any Seven or more of them, or their Clerk or Clerks for the time being, to adjudge and determine where, how, and in what Manner such particular Part or Parts of the said Roads or Bridges aforesaid, shall from time to time be repaired and maintained by such Person or Persons, Body Politick or Corporate, who are or shall be chargeable to repair the same.

Persons chargeable to the Highways to continue so.

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

Justices to determine the Statute-work to be done on the Roads.

And, in case any Difference shall arise between the said Trustees and the Overseers of the Highways for the time being for the several Parishes or Places through which the said Roads do lead, touching what Part of the Statute-work in any Parish or Place ought to be done

done on the Roads by this Act directed to be repaired, be it further enacted by the Authority aforesaid, That it shall and may be lawful to or for any Two or more Justices of the Peace for the said County, and they are hereby required and impowered, at any General or Adjourned Sessions of the Peace, upon Application made to them by the said Trustees, or any Seven or more of them, to adjudge and determine what Part and Proportion of the Statute-work shall yearly, and every Year, be done in the Roads aforesaid by the Inhabitants of each or any of the Parishes in which the said Roads hereby directed to be amended do lie.

Justices to determine the Statute-work to be done on the Road.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, during the Continuance of this Act, to compound and agree with all and every Person or Persons, or Body Corporate or Politick, who are or shall be liable or chargeable to the Repair of any Part of the said Roads, for a certain Sum of Money by the Year or otherwise, as the Trustees, or any Seven or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Person, or Body Corporate or Politick, chargeable as aforesaid; and they are also 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 Roads with 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.

Trustees may compound for Statute-work.

And it is hereby farther enacted, That all Agreements and Compositions made by the said Trustees, or any Seven or more of them, with any Person or Body Politick or Corporate whatsoever, shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk, Treasurer or Treasurers, 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.

Compositions to be entered in a Book, &c.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid upon any of the different Accounts aforesaid, shall not be paid within Fifteen Days next after the same shall become payable, according to such Composi-

Composition-money how to be recovered.

tion or Agreement, that then it shall be lawful for any Two or more Justices of the Peace of the said County, by Warrant under their Hands, to impower the Person or Persons authorized by the said Trustees, or any Seven or more of them, to receive such Composition-money (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justices are hereby impowered and required to administer) to levy such Composition-money by Distress and Sale of the Goods of the Person or Persons having so compounded upon any of the Accounts aforesaid, returning the Overplus (if any be) upon Demand, after Deduction of the Charge of such Distress and Sale.

For appointing Persons to inspect the Roads.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of Peace for the County of Haddingtoun, at any or either of their respective General Quarter Sessions to be holden in and for the said County, to appoint One or more fit Person or Persons to survey or view the said ruinous Roads by this Act directed to be amended, and to inquire of and concerning the Application of the Tolls and Duties taken and received in pursuance of this Act; and in case such Person or Persons so appointed shall find any Misapplication of the Monies collected, levied, or raised, by virtue of this Act, or any other Abuses of the Powers or Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of Peace at their next General Quarter Sessions, who are hereby authorized and required to hear, examine, and determine, the same; and all such Sum or Sums of Money, or other Satisfaction, as the said Justices, at any Quarter Sessions to be holden as aforesaid, or the major Part of them then 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 Turnpike 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 Deduction of the Tolls and Charges of such Distress and Sale, to the Person or Persons so neglecting to make such Payment or Satisfaction; and for want of sufficient Distress to be found for

Misapplication of Money, &c. to be certified to Justices.

that

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

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 County of Haddingtoun, 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 putting in Execution the several Authorities and Powers in this Act mentioned and contained. Trustees who are in the Commission of the Peace may act as Justices.

Provided always, and be it further enacted and declared, That if any 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, 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 farther enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, 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 Seven or more of them; provided that such Lease be not made for more than Three Years. Trustees may let the Tolls.

And be it farther enacted by the Authority aforesaid, That the Tolls, Duties, and Powers hereby granted and given, shall take Place from and after Whitsunday, in the Year One thousand seven hundred and sixty nine, and shall be paid and have Continuance from thence for and during the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty one Years, and from thence to the End of the next Session of Parliament (except as is herein after expressed): But if at any Time before the Expiration of the said Term the Roads hereby directed to be repaired shall be sufficiently amended, and so adjudged by the Justices of the Peace for the County of Haddingtoun, or any Seven or more of them, met at their General Quarter Sessions to be holden for the said County; that then, from and after such Adjudi- Commencement and Continuance of this Act. When Roads are repaired, &c. Tolls to cease.

cation made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls or Duties hereby granted, with Interest for the same, and the Costs and Charges thereof, and of obtaining this present Act of Parliament, and a Fund in ready Money provided sufficient for supporting and maintaining the said Post Road in good Repair for ever, the aforesaid Tolls, Duties, and Powers hereby granted shall cease and determine; any thing herein contained to the contrary notwithstanding.

Times and Place of Meeting of the Trustees:

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet at the Town-house of Haddingtoun upon the last Thursday in the Month of May, and upon the First Tuesday in the Month of September yearly, with Power to them at their aforesaid Meetings, to adjourn themselves to such Times and Places as they shall think proper or convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting, or any adjourned Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act in 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 said Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was appointed to be held, or at some other convenient House in or near the said Roads, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their First and all their subsequent Meetings, shall defray their own Charges and Expences.

How to act.

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 Meetings appointed by this Act, or at any of their adjourned Meetings aforesaid.

Limitation of Actions.

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

And be it farther enacted by the Authority aforesaid, That from and after the Commencement of this Act, the whole free Tolls raised at all the Bars (except as herein after expressed) shall be applied in Manner following; that is to say, In the First Place, for Payment and discharging all the Expences and Charges of passing this Act; in the next Place, for Payment of the Interest of the Debt contracted in consequence of the Powers granted by the former Act above recited; in the next Place, that the Sum of One hundred Pounds Sterling shall be annually allotted as a Sinking Fund for Payment of the Principal of said Debt; and that the Remainder shall be laid out in completing and keeping in Repair the Turnpike Road; and lastly, that the Surplus, after answering these Purposes, shall be applied in making and repairing the other great Roads leading into the said Post Road from the South. Application of the Tolls.

And be it farther enacted by the Authority aforesaid, That from and after Whitsunday One thousand seven hundred and seventy two, a Bye-bar shall be erected at Morrison's Haven, or any other Place within Five hundred Yards of the said Morrison's Haven, upon the Road leading from Preston Pans, or Preston, to Ravenshaugh, and Tickets given at said Bye-bar shall be received; and Travellers possessed of such Tickets allowed to pass Toll-free at Ravenshaugh; and the Tickets given at Ravenshaugh shall be allowed to pass Toll-free at said Bye-bar; the Toll-gatherers at Ravenshaugh always accounting to the Toll-gatherer of the said Bye-bar for the Value of those Tickets. A Bye-bar at *Morrison's Haven*;

And be it farther enacted by the Authority aforesaid, That the free Produce of the Money levied by the Toll-gatherer at the said Bye-bar shall be applied, in the First Place, in keeping in Repair the Turnpike Road from the said Bye-bar to Ravenshaugh Burn, in the Proportion that the Money levied at the said Bye-bar bears to the Money levied at all the other Bars on the Post Road; and the Remainder shall be applied in Aid of the Statute-work, in making and keeping up the Road from said Bye-bar Eastward by Longniddrie, Redhouse, Ballencrief Drem, Congalton, and to Whitkirk; and thereafter in repairing the Roads leading into the Post Road from the North, under the Direction of the Trustees aforesaid possessing Lands upon the North Side of the said Post Road, who shall have Power to erect another Gate on the said Road, if they see Cause. Application of the Tolls.

Proviso. Provided always, That the Toll to be taken at the last mentioned Gate shall not exceed the Toll to be taken at the said Bye-bar.

Rates of the said Tolls. And be it further enacted by the Authority aforesaid, That the Rate of the Tolls to be levied at the Bye-bar shall be the same with those to be levied at the principal Bar at Ravenshaugh, and shall at no Time exceed the Rate of the Tolls to be collected at the other principal Bars to be erected in pursuance of this Act.

Bars in Eastern Road may be taken away. And whereas it is supposed that that Part of the Road lying to the Eastward of Linton Bridge, having been already effectually made, may in Time coming be kept in Repair by the Statute-work without the Aid of any Toll, be it therefore enacted by the Authority aforesaid, That the Toll-bars at Dunglas Bridge, at each End of the Town of Dunbar, and at Linton Bridge, (all situate locally within the Eastern District of the said County of East Lothian) shall be removed as soon as the said Eastern District shall have paid the Sum of Seven hundred and ninety one Pounds Sixteen Shillings and Three Pence Halfpenny Sterling, with Interest from Whitsunday last, being the Debt owing by the said Eastern District to the other Two Districts of the said County; the said Eastern District always having Credit for the One Half of the free Produce of the Toll levied at Linton Bridge, and the Whole of the other Tolls in the said District.

What Tolls to be levied at the other Bars. And be it farther enacted by the Authority aforesaid, That after the said Toll-bars at Dunglas Bridge, Dunbar, and Linton Bridge, shall be removed, it shall not be lawful to levy at the other Toll-bars in the said County above One Half of the Tolls and Duties by this Act allowed to be levied for passing through the Whole of the said County.

Bar in Eastern District may again be erected. And be it farther enacted by the Authority aforesaid, That if the Statute-work allotted by the Eastern District for keeping in Repair the Post Road to the Eastward of Linton Bridge after the Tolls shall cease to be levied, shall be found insufficient for that Purpose; then, and in that Event, the said Eastern District shall be obliged to erect Toll-bars, and levy Tolls during the Continuance of this Act: Provided always, That they shall not be compelled to levy more Money than shall be necessary for repairing and keeping in Repair the said Post Road from Linton Bridge to Dunglas Bridge.

For compounding with Persons carrying Corn to *Haddingtoun* Market. And be it further enacted, That for the Purpose of compounding with the Heretors and Tenants who carry Corn to Haddingtoun Market from the Eastern District,

or

or the adjoining County of Berwickshire, at the Rate of a certain Annual Sum in Place of the Tolls to be levied in consequence of this Act, it shall and may be lawful for the said Trustees, or any Seven or more of them, to direct the Toll-gatherers at the several Bars at Linton Bridge and at the East End of the Town of Haddingtoun, to keep an Account of all Carts and Horses laden with Corn coming to Haddingtoun Market from the said Eastern District and County of Berwick, distinguishing from what Estates they come, and to deliver in the said Account Weekly to the Clerk of the Trustees, to be entered by him in a Book; and the Expence attending the keeping such Account shall be paid by the Heretors of the Eastern District, or by such of them as shall desire such Account to be kept.

The Average Amount of the Tolls to be the Rule for Composition.

And be it enacted, That the Average Amount of the Tolls, which by the said Account shall appear to have been received during Two or Three Years next after such Account shall be begun to be kept, shall be the Rule for compounding with such Heretors or Tenants as shall desire to compound in lieu of Payment of the said Tolls.

Heretors, &c. to make Lists of Plough-gates.

And whereas Doubts have arisen concerning the Interpretation of certain Clauses in some former Acts of Parliament relating to the Highways, and particularly with regard to the Persons who are chargeable towards the repairing the same; therefore, and in order to the more effectual Execution of this Act, be it enacted, That the Heretors possessed of One hundred Pounds Scots of valued Rent, and the First Magistrate, qualified as aforesaid, of the Royal Burghs of the several Parishes in the Shire of Haddingtoun through which the said Roads or any of them lead, or Persons properly authorized by them, shall meet at their respective Parish Churches on the Fourth Tuesday of August next, with Power of Adjournment; and such One or more as shall meet shall make up an exact List of the Number of Plough-gates in their respective Parishes, and that each Estate and Farm shall be held to contain as many Plough-gates as the Arable and Pasture Land might reasonably keep of Ploughs, if under Tillage: And it is hereby provided, that the Heretors and Magistrates so convened shall have Power to take such Proofs as to them shall seem necessary for ascertaining the Number of Plough-gates, and that Copies of the Lists so made up shall be forthwith transmitted to the Clerk of the Peace, and entered in the Books kept by him; and if any Person shall think himself aggrieved or lesed by the Lists so made up, it shall

The Lists are to be entered in a Book.

Appeal to Quarter-Sessions.

shall be lawful for him to appeal to the next General Quarter Sessions, or any other General Quarter Sessions which shall happen within the Space of One Year after the making up of such Lists; and in case the Magistrates and Heretors of any Parish shall neglect to make up their Lists in Manner aforesaid, or to transmit the same before the next Quarter Sessions, the Justices of Peace shall have Power to make up Lists of the Number of Plough-gates, in the same Manner, and to the same Effect, as if they had been made up by the Heretors and Magistrate.

On Heretors neglecting, Justices may make Lists.

Persons liable to Repairs.

And be it farther enacted by the Authority aforesaid, That all Heretors in the natural Possession of their own Lands, and all Tenants occupying Lands, shall be obliged to assist at repairing the Highways; and for that Purpose, when required by the Overseers in their respective Parishes, to furnish for the Number of Days ascertained by Law One Cart, with One able Servant, and Two able Horses for each Plough-gate of Land possessed by them respectively: And it is hereby provided, that Grass Grounds, let separately without Liberty of Tillage, shall be held to be in the natural Possession of the Heretor, who shall be obliged to pay the converted Value for the Ploughs they might keep for such Grounds.

Persons keeping Carts, &c. to assist in repairing the Highways.

And be it further enacted by the Authority aforesaid, That all Persons keeping Carts or Wains, and occupying no Land, or less than a Plough-gate of Land, shall be obliged in like Manner to assist at repairing the Highways with their whole Carts and Wains for Three Days yearly; and that all House-holders, not being Servants hired by the Year, not liable to send out Carts or Wains, shall be obliged, when required, to perform Statute-work annually on the Highways, by themselves, or by proper Persons employed by them.

Seed-Time and Harvest.

Provided always, and it is hereby expressly provided and declared, That no Person shall be obliged to perform Service, or send out Carts or Wains to the Highways during the Period of Seed-time or Harvest, in that Part of the Country where he lives.

Sea-Ware.

Provided always, That if any Person shall be required to perform said Service during the Time he shall be employed in leading Sea-Ware from the Shore, it shall be optional to the Person so required to liberate himself from Performance of the Service at that Time, upon Payment of the Value thereof, returnable upon his actually performing the Service within Two Weeks after he shall have been required to perform as aforesaid; and

If he shall not be so required, he shall be intitled to demand back the said Value paid by him, upon giving Notice of his Willingness to perform the said Service within Two Weeks, if desired.

Householders possessing Houses under 20s. Rent.

And it is hereby farther provided, That no Person liable as a House-holder, who occupies a House whereof the yearly Rent or Value is under Twenty Shillings Sterling, shall be obliged to perform Service on the Highways at any Time, otherwise than upon Payment to them of the ordinary Rate of Labour in that Part of the Country for the Time.

Heretors, &c. may demand a Conversion for Carts and Wains.

And whereas it has been found that the Statute-work cannot be made effectual, nor properly applied, without a Fund of ready Money, which has not been sufficiently provided for by the former Statutes; be it therefore enacted by the Authority aforesaid, That it shall be lawful for the Heretors and Magistrates aforesaid in the several Parishes, if they shall find it necessary, annually to demand a Conversion in Money for all or any Part of the Service above mentioned: Provided always, that the Conversion to be demanded for Carts or Wains shall not exceed the ordinary Rate or Hire of Labour in that Part of the Country where the Service should have been performed.

From Householders.

Provided always, and it is hereby enacted, That the Composition to be demanded from Housholders shall not exceed Three Pence per Diem for each of the Six Days Labour.

May relieve indigent Persons.

And it is farther enacted, That it shall and may be lawful for the Heretors and Magistrates aforesaid to relieve such Persons as they know to be in indigent Circumstances from the Payment of all or any Part of the said Composition: But it is hereby provided, that even where the aforesaid Conversion shall be demanded, and Payment made thereof, or where an Immunity shall be granted, it shall still be lawful to compel all labouring Men, not being Servants hired by the Year, to perform Service on the Highways for Six Days in the Year, on Payment to them of the ordinary Rate of Labour in that Part of the Country where the Service is to be performed, and that under the Penalties mentioned in the former Statutes.

Labouring Men obliged to work Six Days for Hire.

Persons keeping more Horses than necessary, to pay, &c.

And be it farther enacted, That all Persons keeping Horses for Draught more than what is necessary for working the Ploughs and Carts usually kept by them, shall be obliged for every Pair of such additional Horses to pay the Half of the converted Value of the Service of One Plough.

Time of Payment of Conversion.

And be it farther enacted by the Authority aforesaid, That the whole of the aforesaid Sums shall be paid, on or before the Fifteenth Day of April yearly, to a Collector or Collectors to be appointed by the Heretors and Magistrate aforesaid of the respective Parishes, who are to keep an exact Account of the Money so collected, and to have the Custody of the Tools belonging to the Highways, and shall be allowed a suitable Gratification for their Trouble, at the Discretion of the Heretors.

Conversion to be levied by Distress.

And be it farther enacted by the Authority aforesaid, That if any Person liable as above shall refuse or neglect on or before said Day to pay the aforesaid Conversion, or to perform Services on the Highways when required, that it shall be lawful for the Sheriff, Deputy or his Substitute, or for the Justices of Peace, or any Two of the said Justices, to grant summary Warrants for poinding the Effects of the Deficient for Payment of the converted Values above mentioned, and a Third Part more; which Warrants shall be granted, and the Justices aforesaid are hereby authorized and required to grant the same, upon an Application made by the Collector, and an Attestation signed by him or by the Overseers of the Highways, bearing that the Persons complained on had been deficient in paying the Conversion above mentioned, or in coming out to the Highways when required.

Penalty on wrong Complaint.

Provided always, and it is hereby expressly provided and declared, That it shall and may be lawful for the Sheriff Deputy or his Substitute, or the Justices of Peace aforesaid, to award Damages to the Treble Value; to be paid to the Persons aggrieved by such Warrants by the Collectors or Overseers, if they shall find that the Collectors or Overseers have made a false or improper Accusation of any Person liable as aforesaid.

Conversion of each Parish to be applied here.

And be it enacted by the Authority aforesaid, That the Whole of the Money raised by the aforesaid Conversion in each Parish shall be applied to the Roads lying within the same, and under the Direction of the Heretors and Magistrate thereof, and to no other Purpose, till such Time as the Roads in each Parish shall be effectually repaired, unless Three Fourths of the said Heretors and Magistrate, qualified as aforesaid, shall at any Time agree to apply Part thereof to Roads in any other adjoining Parishes, which it shall be lawful for them to do: Provided always, that in case any of the said Heretors or Magistrate in the said Parishes shall apprehend that they are leied by such Application,

Heretors, &c. may apply Part to the Roads in the adjoining Parish.

it

it shall be lawful for them to appeal to the next Quarter Sessions. Power to appeal.

And be it further enacted by the Authority aforesaid, That the Heretors and Magistrate aforesaid in the several Parishes shall meet on the First Tuesday of April yearly, and determine what Roads in the respective Parishes are to be repaired that Year, and make such Allocations of the Statute-work, and such Appropriation of the Money, as to them shall seem proper for making the said Repairs; and in case any of the said Heretors and Magistrate shall think themselves lesed by the Resolutions of the Meeting, it shall be lawful for them, or any of them, to appeal to the next General Quarter Sessions. Times of Heretors, &c. Meeting.

And be it farther enacted by the Authority aforesaid, That the Heretors and Magistrate aforesaid in the several Parishes shall on the same Day choose Committees of their own Number, or such other residing within the Parishes, as they shall think proper, to have the general Oversight and Direction of the Repairs on each of the several Roads to be repaired for the ensuing Year, who shall have Power to draw on the Collector for the Sums appropriated for each Road; and it shall be lawful for them to appoint Overseers under them, to attend and direct the Repairs, who shall be allowed a suitable Gratification for their Trouble. To appoint Overseers.

And be it farther enacted by the Authority aforesaid, That the Committees to be appointed by the Heretors and Magistrate as above shall be obliged annually to make up an exact Account of the whole Money expended on the Highways in each Parish; which Accounts, with the Vouchers thereof, shall be annually laid before the Justices of Peace convened at their Quarter Sessions in the Month of March, to be examined by them, or such of their Number as they shall appoint, and Abstracts thereof to be recorded in the Books kept by the Clerk of the Peace: And in case the Heretors and Magistrate aforesaid of any Parish shall at any Time neglect to execute the Powers committed to them by this Act, either by not naming Collectors and Overseers, or by not doing what is necessary for making the Services effectual, as has been above directed; then, and in that Case, it shall be lawful for any One Heretor in the said County to apply to the Justices of Peace convened at their General Quarter Sessions, who are hereby authorized and required to appoint Collectors for uplifting the converted Value of the whole Services in such Parish for the Year wherein they have been deficient, and to apply the Committees to make up Accounts, to be examined by Justices. Penalty of any Parish not making the Services effectual.

same for repairing any other Roads in the next adjoining Parish, as to them shall seem proper.

Provision in case of only Part of a Parish being deficient.

Provided always, and it is hereby expressly declared, That if One Part of a Parish has performed their Statute-work, and paid their Composition as aforesaid, and another Part of the said Parish has been deficient; then, and in that Event, the Money levied from such Deficients shall be applied in that Part of the Parish where the Work has been performed, or where the Heretors of such Part shall direct.

Penalty of Overseers not giving in their Account.

Provided always, and it is hereby expressly declared, That if any Overseer shall neglect to give in his Accounts as before directed, he shall be liable to be fined by the Justices, or any Two of them of said County, in a Sum not exceeding Five Pounds Sterling, to be applied upon the Roads as said Justices shall direct.

No Parish can be compelled to levy Compositions, &c.

Provided always, and it is hereby expressly declared, That no Parish in which the full Services shall not have been made effectual, shall be liable in paying the converted Value thereof, if they can show that the Roads in their Parish are in sufficient Repair.

Headrigs to be made on Road Sides.

And be it farther enacted by the Authority aforesaid, That every Person having Lands adjoining to any public Road shall be obliged to make Headrigs One on each Side of the said Road, and leave Twenty five Feet at least between said Headrigs; the Heretor being always paid for the Ground so taken over and above the legal Breadth.

Where Grounds shall be inclosed, 25 Feet free of the Ditch to be left.

Provided always, and it is hereby expressly declared, That if such Persons shall inclose their Grounds, they shall be obliged to leave Twenty five Feet at least free of Ditch or Dyke.

Ground to be purchased for leaving the Road of a due Breadth where one Side is unequally inclosed.

Provided always, and it is hereby expressly declared, That if One Side of any Road has been inclosed before passing this Act, and the other not inclosed, and if it appear that the Proprietor of the Ground so inclosed has not left Twelve and One Half Feet free from the Middle of the Road to his Dyke and Ditch, he shall be obliged, at inclosing the other Side, to leave the full Breadth of Twenty five Feet; and in case that the Ground on the opposite Side does not belong to him, he shall be obliged, at the Sight of the Justices, to purchase as much Ground as he ought to have left between the Middle of the Road and his Fences; and such Proprietor is hereby authorized and required to sell him that Quantity, at the Sight of the Justices aforesaid.

Heretors obliged to scour Ditches, &c.

And be it farther enacted by the Authority aforesaid, That where any Ditches have been, or shall in Time coming

coming be made upon the Side of the Road, the Occupiers of the said Ditches shall be obliged to keep them scoured; and failing their so doing, when required, it shall and may be lawful for the Justices of Peace, or any Two of them, to appoint proper Persons to scour the said Ditches at the Expence of such Occupier; and upon his refusing Payment of the Expence thereby incurred, it shall and may be lawful for the Justices of Peace, or any Two of them, to levy such Expence by Distress and Sale, in the same Manner as is directed for levying the Composition aforesaid.

Appeal to Quarter Sessions.

Provided always, and be it farther 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 hereby directed or appointed, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of 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 be made; but the Person or Persons so appealing as aforesaid shall, and they 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 Intention of bringing or prosecuting any Appeal Fifteen Days before the said Quarter Sessions,

For want of Distress, Person to be committed.

Notice of Appeal to be given.

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 Cost 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.

Publick Act. And be it enacted by the Authority aforesaid, That this Act shall be deemed a Publick Act; and shall be judicially taken Notice of by all Judges, Justices, and others whatsoever, without specially pleading the same.

FINIS.