



ANNO TRICESIMO NONO

GEORGI II. REGIS.

Cap. 22.

An Act for repairing several Roads in the Counties of *Dumfries* and *Roxburgh*, to continue in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

[10th May 1799.]

WHEREAS the high Road leading from the East End of *Can-* Preamble.
noby Bridge to the *Mireburn*, in the County of *Dumfries*, and from thence, by the Village of *Castletown*, *Hermitage Bridge*, *Dinlabyre*, *Daston Ridge*, *Note-of-the-Gate*, and *Woollee*, to the Junction of the Turnpike Road leading from *Abbotrule* to *Jedburgh*, in the County of *Roxburgh*, and the Road leading from *Hermitage Bridge*, by *Milnburnholm*, to *Limekiln Edge*, and from thence to the Junction of the above-mentioned Road upon *Daston Ridge*; and also the Road from the Village of *Castletown* above-mentioned, by *Tinnishill* and *Middlemoss*, to the Village of *Langholm*, in the County of *Dumfries*, are, during the Winter Season or wet Weather, almost impassable for Coaches, Waggon, or other Carriages, and dangerous for Persons travelling on Horseback; and cannot be repaired, widened, and kept in Repair, for the Accommodation of Travellers, without some Provision being made by Parliament for raising Money to be applied for those Purposes: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spirit-

[Loc. & Per.]

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tual

Trustees.

ſſual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That 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 Land lying in the Pariſhes of *Langholm, Cannoby, Caſtleſtown,* and *Southdean,* valued, in the Tax Roll of the ſaid Counties of *Dumfriess* or *Roxburgh,* at the Sum of Fifty Pounds Scots, and all and every the eldeſt Sons of ſuch Proprietors or Life Renters, and the Commissioners and Maſters of Works on the Eſtate of his Grace the Duke of *Buccleugh* for the Time being, ſhall be, and they are hereby appointed Trustees for ſurveying, ordering, altering, amending, widening, repairing, and keeping in Repair the ſaid Road.

Penalty on acting as a Trustee if not qualified.

II. Provided always, and be it enacted, That if any Perſon, not qualified or deſcribed as aforeſaid, ſhall nevertheless preſume to act as a Trustee, every ſuch Perſon ſhall, for every ſuch acting, forfeit and pay the Sum of Ten Pounds Sterling over and above the Expence of Proſecution; which Penalty ſhall be recovered by Complaint in a ſummary Way, at the Suit of any Heritor within either of the ſaid Counties, before the Juſtices of the Peace at their Quarter Sessions, or before the Sheriff Deputes of the ſaid Counties, or their Subſtitutes, and ſhall be paid to the ſaid Trustees, or any Three or more of them, or to their Clerk or Treasurer; and in caſe any ſuch Complaint ſhall be brought, the Proof of Qualification ſhall lie upon the Defendant.

Trustees may erect Turnpikes;

III. And be it further enacted, That the ſaid Trustees, or any Three or more of them, or ſuch Perſon or Perſons as they, or any Three 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, acroſs, or on the Side of any Part or Parts of the ſaid Roads; and alſo may build Fences, and ſuppreſs any Bye Roads that do not appear to be of Importance to the Publick, either upon the Petition of the Proprietor or Tenant of the Grounds through which ſuch Bye Roads run, or at the Inſtance of the Trustees themſelves, Intimation being always made at the Church Door of the Pariſh in which ſuch Bye Roads are ſituated, at leaſt Nine Days before the Meeting of Trustees, that Perſons conſidering themſelves aggrieved may have an Opportunity to object, and to appeal from the Judgement of the ſaid Trustees to the General Quarter Sessions of the County in which the ſaid Bye Roads are ſituated, and whoſe Judgements ſhall be final in the Matter.

at Six Miles diſtant from each other;

IV. Provided always, That there ſhall be the Diſtance of Six meaſured Miles at leaſt betwixt every Two Gates ſo to be erected on any of the ſaid Roads mentioned in this Act, with Power nevertheless to the ſaid Trustees, or any Three or more of them, to erect Toll Gates at a leſs Diſtance, in caſe it ſhall be neceſſary, to prevent Travellers from evading the Tolls: Provided always, That no Travellers or other Perſons ſhall be obliged to pay Tolls oftener than once every Six Miles.

and take Tolls thereat.

V. And be it further enacted, That, from and after the Fourteenth Day of *May* One thouſand ſeven hundred and ninety-nine, the ſaid Trustees, or any Three or more of them, or any Perſon authorized by them as aforeſaid, may and ſhall, at each Gate ſo to be erected, levy and take

take the Tolls and Duties following, before any Horse, Mule, Ass, Cattle great or small, Coach, Chaise, Chair, or Litter, Waggon, Carr, Sledge, or other Carriage whatever, shall be permitted to pass through the same; that is to say,

For every Coach, Chariot, Landau, Chaise, Hearse, Calash, Chair or Sociable, drawn by Six or more Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Four or Five Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Two Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling Sterling; and for every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, Mule, or other Beast of Draught, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, Sledge, or other such Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Three-pence Sterling:

And for every Horse, Mare, Gelding, Mule, or Ass, whereon any Person shall ride, Three-pence Sterling:

And for every Horse, Mare, Gelding, Mule, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Two-pence Sterling:

And for every Drove of Oxen or Neat Cattle, the Sum of Twenty-pence Sterling *per* Score; and so in Proportion for any greater or less Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence Sterling *per* Score; and so on in Proportion for any greater or less Number.

VI. And be it further enacted, That the Monies to be raised and collected upon the said several Roads as aforesaid, shall, and the same are hereby declared to be vested in the said Trustees; and the same and every Part thereof shall be paid, applied, and disposed of, and assigned to and for the several Uses and Purposes by this Act directed, and to no other Purpose whatsoever, the reasonable Charges expended, or that shall be paid in or about or by reason of passing this Act, being first deducted and paid in Manner herein-after mentioned: And it shall and may be lawful for the said Trustees, or any Three or more of them, or such Person or Persons as they, or any Three or more of them, at a General Meeting assembled, shall from Time to Time nominate and appoint, to demand and take the respective Tolls or Duties herein-before granted and made payable; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof, the said Trustees, or any Three or more of them, are hereby empowered, by themselves or such Person or Persons as they, or any Three or more of them, shall authorize and appoint for that Purpose, to levy the said Tolls or Duties; and also any Penalty, not exceeding Twenty Shillings Sterling, by Dis-

Tolls vested
in the Trust-
tees.

In case of Re-
fusal or Neg-
lect, to be lev-
ied by Dis-
tricts.

tricts

tres of any Horse or Horses, or other Cattle or Carriages, upon which such Tolls or Duties are by this Act imposed, and to keep such Cattle or Carriages so distrained, until the said Tolls or Duties, Penalty, and reasonable Charges of such Distress, shall be paid: But in case the same shall not be paid within the Space of Four Days after such Distress shall be made and taken, it shall and may be lawful to and for the Person so distraining, after the said Space of Four Days, to appraise and sell the Cattle or Carriage so distrained, by Publick Roup, at the Turnpike or Toll House where the Toll ought to have been paid, returning the Overplus on Demand (if any be) to the Proprietor of such Goods and Chattels so distrained, after deducting such Tolls or Duties, Penalty, and reasonable Charges of distraining, appraising, keeping, and selling the same.

Trustees may
erect Side
Gates.

VII. And be it enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, to erect, or 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 into or out of the same, and also a Toll House or Toll Houses at each such Gate or Turnpike, and there to take or receive such Tolls or Duties as are by this Act granted and made payable, but so as that a Ticket, received at such Side Gate, shall entitle the Receiver to pass through the next Gate or Turnpike within the same District free, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night.

Application of
the Tolls.

VIII. And be it further enacted, That the Charges and Expences relative to the procuring and passing this Act, shall be paid out of the Tolls arising on the said Road, or out of the First Money to be borrowed on the Credit thereof; and that, after Payment thereof, the said Trustees shall from Time to Time apply the Tolls arising on the said Road, and the Money to be borrowed on the Credit thereof, and all other Monies which shall come to their Hands by virtue of this Act, in defraying the Expences of erecting Turnpikes and Toll Houses, and making, repairing, widening, turning, and altering the said Road, and defraying all other necessary Costs, Charges, and Expences attending the same, and carrying the Purposes of this Act into Execution, in such Manner as the said Trustees shall from Time to Time direct or appoint.

Turnpikes
vested in
Trustees.

IX. And be it further enacted, That the Right and Property of all and every the Gates or Turnpikes, and Toll Houses, which shall be erected and built upon or on the Sides of the said Roads by virtue of this Act, shall be vested in the said Trustees, and they, or any Three or more of them, are hereby authorized and empowered, from Time to Time, to dispose thereof as they shall think proper, or to bring Actions or prefer Bills of Indictment in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the Time being, against any Person or Persons who shall steal, take away, break down, or spoil such Gates or Turnpikes, or Toll Houses, or any of them, so to be erected and built as aforesaid.

Trustees may
lessen the
Tolls.

X. Provided always, and be it enacted, That the said Trustees, or any Three or more of them, at any of their General Meetings, may, and

and they are hereby authorized and empowered, from Time to Time, to order and direct the Tolls or Duties hereby granted and made payable, to be collected, received, and taken, in such Parts or Portions under the Restrictions herein-before mentioned, and also with Consent of the Person or Persons who have lent or advanced Money on the Credit of the Tolls, to lessen and reduce the same from Time to Time as they shall think fit, and may also, from Time to Time, raise the said Tolls or Duties again, so as not to exceed the Tolls or Duties herein-before granted; but no such Reduction or Increase shall take place unless publick Notice thereof be given by Advertisements at the Church Doors of the Parish wherein the Turnpike at which such Reduction or Increase is intended to be made, is situated, Thirty Days before such Reduction or Increase of the Tolls shall be demanded.

XI. Provided always, and be it further enacted, That no Person or Persons having paid the Tolls or Duties herein-before granted, or lessened or reduced as aforesaid, at any of the said Gates or Turnpikes, shall, on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night), be subject or liable to pay the said Tolls or Duties again at the same Gate or Turnpike for the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Hearse, Chair, Waggon, Wain, Cart, Sledge, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any Sorts of Cattle, for which such Tolls or Duties shall have been paid; providing nevertheless, that Carriages of all Sorts, and all Horses and other Beasts of Burthen passing or returning on the same Day with a new Loading, shall be subject to the Payment of the Tolls or Duties each Time of passing or returning through any of the Gates or Turnpikes with such new Loading.

Tolls to be paid Once a Day;

unless returning with a new Loading.

XII. Provided always, and be it enacted, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, who shall not travel above Two hundred Yards on the said Roads or Highways, or when carrying Stones or other Materials for repairing the said Highways, or any of the Bridges erected thereon, or any other Roads and Bridges within the said Counties, or any of the Causeways within or belonging to the same; nor shall any Occupier or Occupiers of Land be charged with any of the Tolls or Duties aforesaid, for passing from One Part to another of the same Farm, nor the Inhabitants of the Villages of *Langholm* and *Castletown*, in passing to and from the Fields occupied by them, nor for Implements of Husbandry, or for Horses or Carriages carrying Manure or Corn, or Straw, Hay, or Grass, to or from the said Fields, without Prejudice nevertheless to the said Tolls or Duties being paid for the said several Commodities, when carried for Sale along any of the said Roads; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass through the said Turnpikes in going to or returning from Church, Chapel, or other Place of religious Worship, within the Parishes where they severally live, on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be performed; nor for Persons who shall pass the said Turnpikes in attending the Funeral of any Person or Persons who shall be buried in the Parishes where they shall respectively die; nor for Horses, Geldings, or other Cattle, going or returning from Pasture or Watering

Exemptions from Toll.

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Places

Places within the Farm where the Toll Bar is situated; nor for any Horse or Carriages with Peat or Turf for Fuel, or Horses or Carriages carrying the Produce of Lands to or from Mills to which they are ascribed; nor for any Horses or Carriages of whatever Description, employed, or to be employed, in carrying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; nor for the Horses or Carriages of Officers or Soldiers who are upon their March, or on Duty, or the Carriages attending upon them; nor for Carts, Carriages, or Waggon, travelling with Vagrants sent with legal Passes: And if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling.

Trustees may compound with Travelers.

XIII. And be it further enacted, That the said Trustees at a General Meeting assembled, or any Three or more of them, shall, and they are hereby empowered, as they shall see convenient or fit, to compound or agree, by the Year or otherwise, with any Person or Persons using to travel through the Turnpikes, and living within Three Miles of any Toll Bar, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, Sledge, or other Carriage, Horse, Gelding, Mule, or any other Beast of Draught, for any Sum or Sums of Money, to be paid Quarterly in advance, after such Agreement is made; and that Copies of all such Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen by any Person or Persons whatsoever, at all reasonable Times, without paying any Fee or Reward.

Penalty on Persons permitting Private Passage.

XIV. And be it enacted, That if any Person or Persons owning, renting, or occupying any Lands or other Premises, 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, Waggon, Wain, Cart, Sledge, Carriage, Horse, Mare, Gelding, Mule, or Ass, or any other Carriage or Cattle, or shall open any new Road whereby the Payment of the Tolls and Duties by this Act granted shall be avoided, every Person so offending, and the Person or Persons riding in, driving, or owning such Coach, Chariot, Landau, Berlin, Chaise, Calash, Waggon, Wain, Cart, Sledge, Carriage, or Cattle, or riding, leading, or driving such Horse, Mare, Gelding, Mule, or Ass, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling: Provided always, That nothing herein contained shall subject any Person to any Penalty or Forfeiture for opening any such new Roads, with the Consent of the Justices of the Peace of the said Counties obtained, upon Application being made to them for that Purpose, at their General Quarter Sessions.

Penalty for evading the Tolls.

XV. And be it further enacted, That if any Person or Persons shall unload, or cause to be unladen, any Sort of Goods or Merchandize at or before the same shall come to, or after the same shall have passed through,

through, any of the said Gates or Turnpikes, or shall take off, or cause to be taken off, any Horse or Horses, or other Beasts of Draught, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, or Hearse, or from any Waggon, Wain, Cart, Sledge, or other Carriage, at or before the same shall come to any of the said Gates or Turnpikes, with Intent to avoid paying all or any Part of the Tolls or Duties hereby granted, 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, Waggon, Wain, Cart, Sledge, or other Carriage, Horse, Mare, Gelding, 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 shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling.

XVI. And be it further enacted, That if any Collector of the said Tolls or Duties shall sell, or fraudulently dispose of, any Notes or Tickets to any Person or Persons, or if any Person having a Note or Ticket signifying the Payment of any of the said Tolls or Duties, shall give or dispose of such Note or Ticket to any other Person, in order to avoid the Payment of the said Tolls or Duties, or any Part thereof, every such Collector, or other Person, so selling, giving, or disposing of such Notes or Tickets, and the Person receiving the same, shall respectively forfeit and pay, for every such Offence, any Sum not exceeding Twenty Shillings Sterling; nor shall any Collector give to any Person who may have compounded with the said Trustees, any Ticket for the Purpose of passing any other Bar, under a Penalty not exceeding Twenty Shillings Sterling.

Penalty on Collectors or other Persons disposing of Tickets.

XVII. And be it further enacted, That if any Person shall assault any Collector of the said Tolls or Duties, or by Force pass through any of the said Gates or Turnpikes, without paying the Tolls or Duties which such Person ought to pay, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling.

Penalty on assaulting Collectors, or forcibly passing through Gates.

XVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three 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 Rent that can be got for the same, to such Person or Persons as shall give such sufficient Security for the Payment of such Rent, as shall be approved of by the said Trustees, or any Three or more of them, provided, that no Lease of such Tolls or Duties be made for any longer Term than Three Years at any One Time.

Tolls may be let.

XIX. And be it further enacted, That the said Trustees, or any Three 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 or Duties aforesaid, and such other Officer or Officers as the said Trustees, or any Three or more of them, shall think necessary; and also One or more fit Person or Persons to be Overseer or Overseers, Surveyor or Surveyors, of the said Roads, to view the Condition of the said Roads, and to see that the same

For appointing Officers,

are

are properly repaired, and also that the Money to be raised by virtue of this Act is duly applied; and shall, from Time to Time, remove such Clerks, Treasurers, Collectors, Overseers, or Surveyors, or Officers, or any of them, and appoint new Ones, as they shall see Occasion: and all Persons hereby made liable to pay the said Tolls or Duties shall pay the same to such Collector or Collectors as shall, from Time to Time, be appointed to receive the same; and the Person or Persons so appointed to collect and receive the said Tolls or Duties as aforesaid, shall, upon Oath, if thereunto required, before any One or more Justice or Justices of the Peace of the said County of *Dumfries* and *Roxburgh*, on the First *Wednesday* of every Month, or oftener if required, during the Continuance of this Act, give in to the said Trustees, or their Treasurer or Treasurers for the Time being, a true, exact, and perfect Account in Writing under their respective Hands, with a Voucher thereof, of all Monies which he, she, and they 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 their Treasurer or Treasurers for the Time being, and shall be laid out and applied for the Purposes of this Act; and in case such Collector or Collectors of the said Tolls or Duties shall not give and make such Account and Payment as aforesaid, that then any Two or more Justices of the Peace of the said Counties of *Dumfries* and *Roxburgh* shall and may make Enquiry of and concerning such Default as aforesaid, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witnesses or Witnesses upon Oath, which Oath such Justices are hereby empowered to administer; and if any Person or Persons shall be thereof convicted by such Justices, they shall, upon Conviction, either issue their Warrant for Distress and Sale of the Goods of the Defaulters in a summary Manner, by appraising them at the Spot where found, or may commit the Party or Parties to the Common Gaol of the said Counties of *Dumfries* or *Roxburgh*, there to remain until he, she, or they shall have made a perfect Account and Payment as aforesaid, or shall have compounded and agreed for the same with the said Trustees, or any Three or more of them, and have paid such Compositions to their Treasurer or Treasurers; which Composition the said Trustees, or any Three or more of them, at any Meeting assembled in pursuance of this Act, are hereby authorized and empowered to make and receive.

and allowing
them Salaries.

XX. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may, out of the Money arising from the said Tolls or Duties, make such Allowance to their Treasurer or Treasurers, Collector or Collectors, Overseer or Overseers, Surveyor or Surveyors, Clerk or Clerks, or other Officer or Officers to be appointed as aforesaid, for and in Consideration of his or their Care or Pains respectively taken in the Execution of his or their respective Office or Offices, and also to such other Person or Persons as shall be assisting in and about procuring the said Roads to be amended and repaired, as the said Trustees, or any Three or more of them, shall think proper; and the said Trustees are hereby required to take such Security from their Treasurer or Treasurers, and Collector or Collectors, for the due Execution of his or their Office or Offices as the said Trustees, or any Three or more of them, shall think proper.

XXI. And

XXI. And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors; and such Person or Persons as he or they shall appoint for the Purpose, to dig, gather, or 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 the principal Mansion House of the Proprietor of the Land stands, or a Garden, Orchard, Yard; Planted Walk or Walks, or Avenue to such House; or within Two hundred Yards of such Mansion House), where such Materials are or may be found, as the said Surveyor or Surveyors shall judge necessary for the repairing and amending the said Roads, on paying such Sum or Sums of Money for the Damage done to the Owners or Occupiers respectively of the Ground where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried; as the said Trustees, or any Three or more of them, shall adjudge reasonable; and in case of any Difference concerning the same betwixt such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace at their then next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in and for the said Counties of *Dumfries* or *Roxburgh*, or the major Part of them, shall and may adjudge, assess, and finally determine the same, and order the same to be paid, by the Treasurer or Treasurers to the said Trustees for the Time being; out of the Money arising by the said Tolls or Duties; but such Difference or Dispute shall not in the mean Time hinder the digging and carrying off the said Materials, and applying them towards repairing the said Roads.

Surveyors
may dig Gravel;

XXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away, Materials for making or repairing the said Roads to or from any inclosed Lands or Grounds, until Notice in Writing shall be given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Three or more of them, or Two or more Justices of the Peace acting for the said Counties of *Dumfries* or *Roxburgh*, to shew Cause why any Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Three or more of them, or such Justices, shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away such Materials at such Time or Times as to such Trustees, or any Three or more of them, or to such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agents, the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Notice to be given to Occupiers before Materials taken.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, or such other Person as they, or any Three or more of them, shall appoint, to make or cause to be made Causeways, and to cut and make Ditches and Drains through any Ground lying contiguous to the said Roads or any of them, and to make or erect Bridges

Trustees may make Causeways, Drains, &c.

[Loc. & Per.]

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or

and widen the
Roads;

and alter
the Course of
the Roads.

or Arches of Brick, Timber, or Stone, upon the said Roads, and to erect Toll Houses on the Sides of the said Roads; and where any Part of the said Roads are not of a sufficient Breadth according to the Rate or Standard established in *Scotland*, to widen and extend the Breadth of the said Roads to the legal Standard, being Twenty Feet of clear Road Way, exclusive of Dikes, Ditches, and Fences; and where it shall appear necessary to the said Trustees, or any Three or more of them, to alter the Course or Situation of the said Roads, or any of them, to widen the same beyond the legal Standard, then the said Trustees, or any Three or more of them, shall, and they have hereby full Power to alter the Course or Situation of the said Roads, or any of them, or any Part thereof, or to extend the same to such Breadth as they, or any Three or more of them, shall think proper, not exceeding Forty Feet, exclusive of Ditches; and for that Purpose to pull down any House, the Side Walls whereof are not more than Twelve Feet high, provided that by such Alterations of the said Roads the same, or any Part thereof, be not brought nearer than Two hundred Yards to the Mansion House or ordinary Residence of the Proprietor of the Lands through which such Roads shall be made, nor pass through any Garden, Orchard, Planted Walk, or Avenue of such Proprietor; and that the said Trustees, or any Three or more of them, shall pay such Damages to the Owners and Occupiers respectively of any Lands, Grounds, or Houses, which shall be prejudiced or damaged by altering and widening the said Roads, or any Part thereof, beyond the legal Standard, or by pulling down any House or Houses, or by erecting Toll Houses on the Sides of the said Roads, as the said Trustees, or any Three or more of them, shall judge reasonable; and in case of any Difference concerning such Damages betwixt such Owners and Occupiers and the said Trustees, then the Justices of the Peace of the said Counties of *Dumfries* or *Roxburgh*, at their then next General Quarter Sessions, or at their Second General Quarter Sessions thereafter at farthest, or the major Part of them, shall and may adjudge, assess, and finally determine the same, and order the same to be paid by the Treasurer or Treasurers to the said Trustees for the Time being, out of the Monies arising by virtue of this Act.

Re-investing
Purchase Mo-
ney of Lands.

XXIV. And be it enacted, That in case the Lands, Houses, or any other Premises, taken or used for the Purposes of this Act, or to which Damage is done in the Execution of the same, are held under Entail, or are subject to Life Rents, Annuities, Jointures, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, the Purchase Money or Recompence to be paid for the same, if not exceeding Twenty Pounds Sterling, shall be paid to or for the Use of the Person or Persons then entitled to the Rents and Profits of the Lands, Houses, or other Premises, so taken, used, or damaged, for his, her, and their own Use and Benefit; but the said Purchase Money or Recompence, if exceeding the Sum of Twenty Pounds Sterling, shall be laid out and invested by the Authority, and under the Direction of the Court of Session, in the Purchase of other Lands, Houses, or Premises of the like Nature, and the Rights, Titles, and Securities thereof, shall be devised and taken to the same Person or Persons, and to the same Series of Heirs, and for the Benefit of the same Person or Persons, and for the same Uses and Purposes, and under the same Conditions, Provisions, and Limitations,

as

as are mentioned and contained in the Title Deeds of the Lands, Houses, or other Premises, taken, used, or damaged for the Purposes of this Act, or such of them as shall be then existing, or capable of taking Effect; and in the mean Time, until such Purchase can be made, such Money shall, under the Direction and by the Authority of the Court of Session, be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, at the highest Rate of Interest that can be obtained for the same; and such Interest arising upon all Sums that shall exceed Twenty Pounds, and shall not amount to One hundred Pounds, shall go and be applied to or for the Use of the respective Person or Persons who would be entitled to the Rents and Profits of the Lands, Houses, or other Premises so to be purchased with such Money, in case such Purchase had actually been made and completed: But if the Money so paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, as aforesaid, shall amount to One hundred Pounds or more, then and in that Case the Interest arising thereon shall annually be accumulated and added to the principal Sum itself, to carry Interest together until a proper Purchase or Purchases shall be found, and shall be approved of by the said Court of Session; and it shall be lawful to and for the said Court to make such Order or Orders in a summary Way touching the Payment or Application of the Monies so to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, and the Interest that from Time to Time may arise thereon, as the said Court shall think fit.

XXV. And be it further enacted, That all and every Person or Persons who may find it convenient to make a Passage into any of their Fields from any of the Branches of the said Roads, shall be obliged to make proper Conduits over the Ditches upon the Side of the said Roads, so as to permit a free Passage for the Water running along the same, to the Satisfaction of the Trustees, or their Treasurer, under a Penalty not exceeding Twenty Shillings Sterling; and in case he or they shall neglect to make or repair the same for the Space of One Week after due Intimation given, it shall and may be lawful for the said Trustees to make or repair the same at his or their Expence over and above the said Penalty.

Occupiers of
Fields to make
Conduits:

XXVI. And be it further enacted, That the said Trustees, or any Three or more of them, or their Surveyor, or the Person or Persons contracting with them for keeping the said Roads in Repair, shall be empowered to lay the Mud, Soil, or other Materials they find necessary to remove from the said Roads at any Time, for the Purpose of cleansing or repairing the same, into any of the Fields or Lands adjoining to the same.

Trustees may
lay the Mud
from the Road
on the adja-
cent Field.

XXVII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, by order of the said Trustees, or any Three or more of them, to require, by a Writing under his or their Hand or Hands, the Owner or Owners of the Grounds through which the said Roads pass, at a proper Season of the Year, to lop or prune any Trees, Bushes, or Hedges, which overhang the said Road, or any Part thereof, and to scour and keep up any Ditches and Dikes that injure or incumber the said Road; and if the said Owner or Owners shall refuse or neglect to comply with the said Requisition within Ten Days after the Delivery of the same, it shall and may be lawful for the said Trustees, or any Three or more of them, to order the said Trees, Bushes, or Hedges, to be lopped or pruned, and the Ditches to be scoured, and Dikes to be rebuilt,

Trees and
Hedges to be
pruned.

rebuilt, by Persons appointed by them; and the Sheriffs and Justices of the Peace for the said Counties of *Dumfries* and *Roxburgh* are hereby authorized and required to enforce the Execution of the said Order, and the Expence attending the same shall be levied on the said Owner or Owners so refusing as aforesaid, in the same Manner as other Penalties and Forfeitures imposed by this present Act.

Punishing
Persons de-
stroying
Turnpikes,
&c.

XXVIII. And be it further enacted, That if any Person or Persons shall maliciously break down, pull up, or otherwise destroy, injure, or damage any of the said Gates or Turnpikes, or any Posts, Rails, Chains, Bars, or other Works, or any of the said Toll Houses, Mile Stones, or Parapets of Bridges, to be erected in pursuance of this Act, or shall rescue any Person being in Custody for any of the said Offences, any Person so offending in any of the Cases aforesaid, 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 Counties of *Dumfries* or *Roxburgh*, shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also be imprisoned for Six Weeks, or pay a Fine not exceeding Five Pounds Sterling: And if such Person or Persons 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 Three Calendar Months, or to pay a Fine not exceeding Ten Pounds Sterling, besides paying the whole Damages and Expences sustained by the said Trustees.

For erecting
Weighing En-
gines.

XXIX. And be it further enacted, That the said Trustees, or any Three or more of them, shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Carriages which shall pass along the said Roads; and in case any Carriage drawn on Wheels of less Breadth than Nine Inches shall be found to weigh more than Six thousand Weight, the Owner of every such Carriage shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling, for each Hundred Weight such Carriage shall weigh above Six thousand Weight; and it shall be lawful for the Collector of the said Tolls or Duties to receive and take, over and above the usual Toll, the said Penalty, not exceeding Twenty Shillings Sterling; and in case any Carriage, drawn on Wheels of Nine Inches, or of a greater Breadth than Nine Inches, shall be found to weigh more than Twelve thousand Weight in Summer, or Ten thousand Weight in Winter, it shall be lawful for the Collector of the said Tolls or Duties to receive and take, over and above the ordinary Toll, the like Penalty not exceeding Twenty Shillings Sterling, for each Hundred Weight such Carriage shall weigh more than Twelve thousand Weight, or Ten thousand Weight respectively, before the same respectively shall be permitted to pass through such Gates or Turnpikes, and the same shall be applied as the other Penalties are by this Act directed to be applied; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriage as aforesaid, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings Sterling, besides all necessary Expences.

Drag Iron to
be of the same
Breadth with
the Wheels.

XXX. And be it further enacted, That where any Drag Iron or other Instrument shall be affixed under the Bottom or Sole of the Wheel or Wheels of any Waggon or other Carriage passing along the said Roads, to
I
make

make the Passage of such Waggon or Carriage more safe down steep Hills, every such Drag Iron or other Instrument shall be flat at the Bottom or Sole thereof, and shall not be of less Breadth than the Fellies of the Wheels under which the same shall be affixed, on pain of the Owner of every such Carriage or Waggon forfeiting and paying any Sum not exceeding Twenty Shillings Sterling for every such Offence.

XXXI. And be it further enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, or other Thing whatsoever, otherwise than upon Wheel Carriages, or shall suffer any Tree or Piece of Timber or Stone, or other Thing whatsoever, which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Roads, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling.

Penalty on drawing Timber or Stones except on Wheel Carriages.

XXXII. And be it enacted, That no Driver of any Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, whether the same be loaded or unloaded, shall drive or permit the same to travel or pass upon the said Road, or any Part thereof, abreast or alongside of any other Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, so as wilfully to obstruct the free Passage of the said Roads, or any Part thereof; and that for every Waggon, Wain, Cart, or other Carriage, drawn by Two or more Horses, Oxen, or other Beasts of Draught, there shall be at least One Driver; and that there shall be One Driver at the least for every Two Waggon, Wain, Cart, or other Carriages, drawn by One Horse, Ox, or other Beast of Draught; and every Person and Persons offending in the Premises, shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling, and not less than Five Shillings Sterling, for each Offence.

No Drivers to drive their Carriages or Horses abreast.

XXXIII. And be it enacted, That the Driver of every Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, upon the said Roads, or any Part thereof, shall be obliged, upon meeting another Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, to make way by holding or driving to his own Left Hand, or what is commonly called holding to his near Side, and that without Distinction, whether the Carriage, Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burthen, so meeting one another, are loaded or unloaded; and every Person offending in the Premises shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling, nor less than Five Shillings Sterling, for every such Offence.

Drivers of Carriages or Horses, on meeting other Carriages or Horses, to drive to the Left Hand or near Side.

XXXIV. And be it further enacted, That it shall and may be lawful for the Justices of the Peace for the Counties of *Dumfries* and *Roxburgh*, at any or either of their General Quarter Sessions to be holden in and for the said Counties, to appoint One or more fit Person or Persons to survey or view the said Roads, and to enquire of and concerning the Application of the Monies to be collected, levied, or raised, in pursuance of this Act; and in case such Person or Persons so appointed shall find any Misapplication of such Monies, or any other Abuses of the Power and Authorities hereby

Appointing Persons to inspect the Roads.

[Loc. & Per.]

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given,

given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace at their next General Quarter Sessions, who are hereby authorized and required to hear, examine into, and determine the same; and all such Sum or Sums of Money, or other Satisfaction which the said Justices, at any Quarter Session to be holden as aforesaid, or the major Part of them then present, shall think fit to order and direct to be paid, shall, by the Person or Persons guilty of such Misapplication, or of committing any such Abuses, be paid to the Treasurer or Treasurers for the Time being, to the said Trustees, within Ten Days after such Determination of the said Justices, and Demand thereof made; and in Default of such Payment it shall and may be lawful for such Justices at their then next General Quarter Sessions, or the major Part of them then present, by their Warrant, to levy the same by Distress and Sale of the Goods and Chattels of the Offender, returning the Overplus, (if any be), after Deduction of all such Sum or Sums of Money which ought to be paid as aforesaid, and also the Charges of such Distress and Sale, to the Person or Persons so neglecting to make such Payments or Satisfaction as aforesaid, and for Want of sufficient Distress to commit the Person or Persons to the Common Gaol of the said Counties, there to remain for any Time not exceeding Six Weeks, unless Payment or Satisfaction shall be sooner made.

Trustees may
act as Justices.

XXXV. And be it further enacted, That it shall and may be lawful to and for such of the said Trustees as are or shall be in the Commission of the Peace for the said Counties of *Dumfries* and *Roxburgh*, to act as Justices of the Peace in all such Cases, Matters, or Things, as shall be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained, except in such Cases only where they are personally interested.

Trustees not
to hold Places
of Profit under
the Act;

XXXVI. Provided always, and be it enacted and declared, That if any of the said Trustees shall accept of any Place of Profit under this Act, 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.

nor Victual-
lers.

XXXVII. And be it enacted, That Victuallers, Retailers of Ale, Beer, or Spirituous Liquors, shall be incapable of holding any Place of Profit under this Act.

Trustees may
borrow Mo-
ney.

XXXVIII. And, for the more speedy and effectual Reparation of the said Roads, be it enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, at any of their General Meetings assembled, and they are hereby authorized and empowered at any Time or Times, to borrow any Sum or Sums of Money, not exceeding Five thousand five hundred Pounds upon the Credit of the Tolls or Duties to be collected upon the said Roads; which Sum or Sums so to be borrowed, shall in the First Place be applied towards the Expence of obtaining this Act, and the Remainder thereof, towards making and repairing the said Roads, and in defraying all the other Charges and Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

XXXIX. And

XXXIX. Provided always, and be it further enacted and declared, That if at any Time the Principal Money to be borrowed as aforesaid, or any Part thereof, shall be paid off, it shall be lawful for the said Trustees, or any Three or more of them, from Time to Time, at any of their General Meetings, to borrow again any Sum or Sums of Money in like Manner as aforesaid, upon the Credit of the said Tolls or Duties, so that the Whole of the Money to be borrowed do not exceed at any One Time the original Sum herein-before authorized to be borrowed.

As Creditors paid off Trustees may borrow more Money.

XL. And be it enacted, That the said Trustees, or any Three or more of them, at any General Meeting assembled, may, and they are hereby empowered to assign and make over the Whole or any Part of the Tolls or Duties by this Act imposed and vested in them as aforesaid, to any Person or Persons from whom the Money shall be so borrowed as aforesaid, as a Security for Repayment of the Sum or Sums of Money so lent by him or them; and all such Assignments of the said Tolls or Duties shall be entered in a Book to be kept for that Purpose; which said Book shall and may be seen and perused at all reasonable Times, by any Person or Persons interested therein, without Fee or Reward.

Trustees may assign the Tolls.

XLI. Provided always, and be it hereby declared; That no Money shall be borrowed by the said Trustees on the Credit of the said Tolls or Duties after their First Meeting, unless Notice for that Purpose shall be published Twice in One of the *Edinburgh* and *Kelso* Newspapers, at least Fourteen Days before the borrowing of such Money.

For giving Notice of the Time for borrowing Money.

XLII. Provided always, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or any Persons appointed to receive the said Money so to be borrowed as aforesaid, or any Part thereof, to any Payment of the same, by reason of any of them signing the said Entries, Mortgages, or Assignments, or any or either of them.

Trustees not liable to Debts for having signed the Deeds, &c.

XLIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, at any General or Quarterly Meeting or Meetings, upon such respective Mortgages or Assignments being produced by the respective Proprietors thereof as aforesaid, to direct their Clerk to give Notice to him, her, or them respectively, that the Money secured by such Mortgages or Assignments respectively, or any of them, will be paid and discharged at the Time limited in such Notice as aforesaid; which being given to such Proprietors respectively, the Interest of the Money contained in such Security shall cease from the End of such Notice, in case such respective Proprietors shall not attend to receive or give proper Authority for receiving his, her, or their Principal and Interest, pursuant to such Notice.

Trustees may pay off Creditors, upon giving Notice.

Proprietors not attending to receive the same, Interest to cease.

XLIV. And be it hereby further enacted, That in case any Person or Persons who shall lend or advance Monies on the Credit of the said Tolls, or the Possessors of any of the said Mortgages or Assignments, at any Time shall be desirous to be repaid the Money due to them, and shall deliver a Notice in Writing, signed by them, signifying such their Desire to the Clerk of the said Trustees at any of their General or Quarterly Meetings, then and in such Case unless the Principal and Interest due and to accrue to them on the

Creditors not being repaid on Notice given by them to the Clerk, signifying such their Desire,

they may receive the Tolls, and apply the same rateably to the Payment of their Principal and Interest.

the Security of the said Tolls shall be fully paid unto, or tendered unto and refused to be accepted by such Creditors signing such Notice, within Six Calendar Months after the Delivery thereof as aforesaid, it shall and may be lawful to and for the said Creditors to receive and collect, or cause to be received and collected, the Tolls and Duties granted by this Act, in respect of the Road whereon such Monies shall be charged, and to apply the same rateably and proportionally in Payment of the Principal and Interest of their respective Debts, until the same shall be discharged.

Roads to be measured and Mile Stones to be erected.

XLV. And be it further enacted, That the said Trustees, or any Three or more of them, at any of their Meetings, may cause the said Roads, or any Part thereof, to be measured, and Stones or Posts to be erected upon the Sides thereof, with Inscriptions thereon, denoting the Distance of each Mile, or such other Distance as they shall judge convenient, from *Jedburgh* or any other Town or Place.

Orders of Trustees not to be altered, unless at General Meetings for that Purpose.

XLVI. And be it further enacted, That if the said Trustees, or any Three or more of them, at their General Meetings, shall determine any Matter or appoint and order any Thing to be done with respect to the amending and repairing the said Roads, or levying the said Tolls or Duties, otherwise concerning the Execution of the Powers hereby vested in them, it shall not be in the Power of any of the said Trustees, at any subsequent General Meeting, to alter or vary or annul such Determination, or give any Orders contrary thereto, unless Notice of the Purpose of calling such General Meeting shall be given by an Advertisement to be Twice published in One of the *Edinburgh* Newspapers, Thirty Days before such subsequent General Meetings.

Appointing the Meeting of Trustees.

XLVII. And be it enacted, That the said Trustees, or any Three or more of them, shall meet at the Village of *Castletown*, upon the Fourteenth Day of *May* One thousand seven hundred and ninety-nine, or as soon thereafter as conveniently may be, and upon the Third *Tuesday* of *April* yearly, in all Time thereafter, for the Purpose of making and repairing the several Branches of Roads herein contained; and it shall and may be lawful for the said Trustees, or any Three or more of them, at any of their Meetings to be held in pursuance of this Act, from Time to Time to adjourn to such Time and Place as they shall think proper or convenient; and if it shall happen that there shall not appear at the First or any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meetings, or to adjourn to any other Day, then and in such Cases, 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 Gates or Turnpikes which shall be erected by virtue of this Act, upon the Road within the District where such Meeting was to have been holden, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House or Place near the same, on that Day Three Weeks, on which such last Meeting of the said Trustees was appointed to be held; and in Default or Failure of such Appointment by the Clerk or Clerks, it shall be lawful for any Two of the said Trustees, upon Twenty Days Notice to be published Twice in the *Kelfo Mail*, to appoint the said Trustees to meet at such Time and Place as shall be expressed in such Notice: Provided always, That the said Trustees, at their First and

all

all their subsequent Meetings, shall defray their own Charges and Expences.

XLVIII. And be it further enacted, That, from and after the Commencement of this Act, no Person or Persons whomsoever shall lay any dead Horse or other Carrion, or build any Wind Mills or Kilns for burning Lime upon any of the said Roads, or within Twenty Yards of the Sides of any of the said Roads, or lay any Timber, Goods, Dung, Lime, Soil, or Compost, Cart, Carriage, or Matter whatsoever, either for manuring Land, or for any other Purpose, upon any of the said Roads, or within Five Yards of the Side of any Part of the said Roads, or in the Streets, Lanes, or Passages of the Villages of *Langholm* and *Castletown*, upon Pain of forfeiting for every such Offence a Sum not exceeding Twenty Shillings Sterling, and also all such Timber, Goods, Dung, Lime, Soil, Compost, or other Matter as aforesaid; and further, that all Signs, Sign Posts, and other Obstructions that shall be found to occasion Inconvenience to Passengers through the Streets, Lanes, or Passages of the said Villages of *Langholm* and *Castletown*, shall be removed by the Owners thereof, or so altered as to remove any Cause of Complaint, under the like Penalty, not exceeding Twenty Shillings Sterling for every such Offence.

To prevent Nuisances on the Roads.

XLIX. And be it further enacted, That all Forfeitures and Penalties by this Act inflicted, or authorized to be imposed in relation to the said Roads, Turnpikes, or Tolls, or in any Matter or Thing of and concerning the same, the Manner of levying and recovering whereof is not otherwise particularly directed, shall, upon Proof of the said Offences before any Justice or Justices of the Peace, for the Counties of *Dumfries* or *Roxburgh* respectively, either by the Confession of the Party, or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand or Hands of such Justice or Justices of the Peace, (which Warrant such Justice and Justices is and are hereby authorized and required to grant for these Purposes, and also to administer Oaths *gratis*), such Sale being always made by Publick Roup or Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Four Days after such Distress shall have been made; and the overplus Money arising from such Sale (after such Penalties are recovered, and the Charges of levying and recovering the same are deducted) shall be returned on Demand to the Owner or Owners of such Goods and Chattels, and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall, from Time to Time, be paid to the said Trustees respectively, or any Three or more of them, or to their Treasurer or Treasurers for the Time being, and shall be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for the said Counties of *Dumfries* and *Roxburgh*, and he and they are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Offender or Offenders to be committed to the House of Correction, or Common Gaol of the County or Place where the Offence shall be committed, therein to remain for any Time not exceeding Three Calendar Months; unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

How Penalties are to be recovered.

[*Loc. & Per.*]

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L. And

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

L. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order or other Proceeding of the said Trustees, or by the Order of One or more Justice or Justices of the Peace not assembled in Quarter Sessions, it shall and may be lawful for him, her, or them, to appeal to the Justices of the Peace for the said Counties at their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in Dispute, and whose Order thereon shall be final and conclusive, and not subject to the Review of any superior or other Court.

Limitation of
Actions.

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

Compelling
Payment of
Subscription

LII. And be it enacted, That if any Person or Persons who has or have subscribed, or shall subscribe towards making and repairing the Roads by this Act authorized to be made and repaired, after Forty Days previous Notice, shall neglect or refuse to pay his, her, or their Subscription Money at such Time and Place as shall be appointed by the said Trustees, it shall be lawful for the said Trustees, or any Three or more of them, specially authorized to that Effect, by a General Annual Meeting, to sue for and recover the same in any Court in *Great Britain*, with Interest thereof from the Time of such Demand until Payment.

Publick Act.

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

Commence-
ment and
Continuance
of the Act.

LIV. And be it further enacted, That this Act, and all the Tolls or Duties and Powers hereby granted and given, shall commence and take place from and after the Twelfth Day of *May* in this present Year One thousand seven hundred and ninety-nine; and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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