



ANNO DECIMO

GEORGII IV. REGIS.

Cap. lx.

An Act for more effectually making, amending, widening, repairing, and maintaining the Road from *Scots Dyke* in the County of *Dumfries*, by or through the Towns of *Langholm* and *Hawick*, to *Hare Moss* in the County of *Roxburgh*.

[14th May 1829.]

WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing Two Acts made in the Fourth and Twenty-fifth Years of His present Majesty, for repairing and widening the Road from Scots Dyke in the County of Dumfries, by or through the Villages of Langholm and Hawick, to Hare Moss in the County of Roxburgh; and for the better making, repairing, and keeping in repair the said Road*: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: And whereas the Trustees appointed by the said first-recited Act, and by the Acts thereby repealed, have proceeded to put the same into execution, and various Sums of Money have been borrowed, subscribed, or are owing upon the Credit of the Tolls and Duties thereby granted; but as the said first-recited Act is about to expire, the said Sums cannot be repaid, nor the said Road amended, altered, widened,

47 G. 3.
sess. 1. c. 24.

4 G. 4. c. 49.

[Local.]

widened, and kept in repair, unless Provision be made for these Purposes: And whereas certain Alterations on the Line of the said Road, and the Erection of the Bridges necessary for the Completion of such Alterations, would be advantageous to the Public, and beneficial and convenient to the Inhabitants of the Districts through which the said Road passes: But as these Purposes cannot be effected without the Aid and Authority of Parliament, 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 the said first-recited Act of the Forty-seventh Year of the Reign of His late Majesty shall, from and after the passing of this Act, be and the same is hereby repealed.

Recited Act
47 G. 3. c. 24.
repealed.

Commence-
ment of Act.

Description
of present
Road and
intended
Alterations.

II. And be it further enacted, That this present Act shall from and after the passing thereof commence, take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purposes hereinafter specified, of surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the said Turnpike Road leading from *Scots Dyke* in the County of *Dumfries*, by or through the Towns of *Langholm* and *Hawick*, to *Hare Moss* in the County of *Roxburgh*, and which runs partly through the County of *Selkirk*, with the Bridges thereon, and Alterations on the Line of the said Road after mentioned; *videlicet*, an Alteration commencing at or near the Sandbed of *Hawick*, running through the Market Place and along the High Street of that Town, deviating from the Public Road near the East End of *Hawick*, and running from thence across the River *Tiviot* by a new Bridge to be built at or near to *Wilton Schoolhouse*, and to be continued through the Glebe of *Wilton* till it join the present Turnpike Road near *Dovemount Well*; and one other Alteration by widening that Part of the said Line at the West End of *Slitrig Bridge* in the Parish of *Hawick*, by removing so much of the Tenement belonging to *James Miller*, Merchant in *Hawick*, as will admit of the Road being widened to a proper Breadth; and one other Alteration commencing and deviating from the present Road at or near *Dovemount Well*, and running through the Glebe of *Wilton*, Part of the Lands of *Silverbuthall* and *Galalaw*, till it again joins the present Line near the March between the Lands of *Galalaw* and *Burnhead*, all situated in the County of *Roxburgh*; and one other Alteration commencing and deviating from the present Road East from the March Dyke between the Lands of *Sinton* and *Ashkirk*, and running through the Lands of *Sinton* by the East Side of the *Tathyhole Moss*, and then through the Lands of *Ashkirk*, till it again joins the present Line at or near *Ashkirk Bridge*, situated partly in the County of *Roxburgh* and partly in the County of *Selkirk*; and one other Alteration commencing and diverging from the present Road to the North of *Headshawburn*, and running through the Lands of *Headshaw* and *Dryden*, near the Farm House of *Dryden*, and from thence till it again joins the present Road at or near the Head of *Drydenhope*, situated in the County of *Roxburgh*; and for erecting new Bridges where

where the same shall be found necessary for the said Roads, and carrying into effect the several other Purposes hereinafter mentioned, according to the true Intent and Meaning of this Act.

III. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and sundry the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual, for carrying this Act into execution, as if the same had been repeated and re-enacted in this Act.

Powers of
4 G. 4. c. 49.
applied to
this Act.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said first-recited Act, or the Acts of the Fourth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Third, thereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Bonds, Assignments, and Securities duly made and entered into by the Trustees for executing the said Acts, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Act of the Fourth Year of the Reign of His present Majesty, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

Covenants
and Agree-
ments under
the 4th, 25th,
and 47th of
G. 3. to re-
main in
force.

V. And be it further enacted, That after duly providing for the Maintenance, Repairs, and Improvements of the said Road, and for the Alterations thereof, and Bridges and other Works to be erected thereon, the Tolls and Duties hereby authorized to be levied shall be and they are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls granted by the said first-recited Act, and Acts thereby repealed, in like Manner as they are or shall be liable to the Payment of any Sums that may be borrowed under the Authority of this Act.

Tolls and
Duties liable
to Debts still
owing.

VI. And be it further enacted, That every Person who is or shall be during the Continuance of this Act, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Liferenter, of the *Dominium utile* of Lands lying within the Parishes of *Half Morton*, *Canonbie*, *Langholm*, *Erwes*, *Westerkirk*, or *Eskdalemoor*, in the County of *Dumfries*, or within the Parishes of *Castleton*, *Cavers*, *Hawick*, *Wilton*, *Ashkirk*, or *Roberton*, in the Counties of *Roxburgh* and *Selkirk*, the valued Rent of which Lands shall appear from the Valuation Books of the said Counties to be not less than Two hundred Pounds *Scots*; and in the Absence of such Proprietors infest in Lands of the valued Rent aforesaid, all and every the Heirs Apparent of such Proprietors; One Tutor, Curator, or Guardian of every such Proprietor or Liferenter under Minority, Lunacy, or Idiotcy; One Trustee upon every Estate under Trust of the valued Rent aforesaid; One Manager for each Body Corporate holding

Trustees ap-
pointed by
this Act.

holding Lands of the valued Rent aforesaid; Sir *James Graham* Baronet, of *Netherby* in the County of *Cumberland*; Sir *Pulteney Malcolm*, of *Douglan* in the County of *Dumfries*, Vice Admiral of the Blue; the Chamberlain for the Time being of his Grace the Duke of *Buccleuch* for the Districts of *Tiviotdale*, *Erwes*, and *Eskdale*; the Overseer of Works for the Time being of his Grace the Duke of *Buccleuch* for the District of *Eskdale*, and the Eldest Baillie of *Harwick* for the Time being, shall be and they are hereby nominated and appointed Trustees for carrying into execution all and every the Purposes of this Act: Provided always, that none of the several Persons hereinbefore particularly named, except the Eldest Baillie of *Harwick*, shall be capable of acting as a Trustee, unless he is possessed of Lands or Heritages of the annual Value of One hundred Pounds Sterling.

Power to
elect new
Trustees.

VII. And be it further enacted, That when and as often as it shall appear to be necessary and expedient to the Trustees hereby appointed, it shall be lawful for them, or any Five or more of them, from Time to Time to elect and appoint One or more other fit Person or Persons to be a Trustee or Trustees for the Purposes of this Act, provided that public Notice of the Time and Place of meeting of the said Trustees for every such Election be given by Two several Advertisements in any One of the Newspapers published in the Counties of *Dumfries*, of *Roxburgh*, or of *Selkirk*, according as the Meeting is to be held in the County of *Dumfries*, *Roxburgh*, or *Selkirk* respectively, and if there shall be no Newspaper published in the County in which such Meeting is to be held for the Time, then in any Newspaper published in *Edinburgh*, and also by Circular Letters to be addressed by the Clerk to the said Trustees, and sent through the Post Office, to all the Trustees resident in or whose Qualification is derived from Lands or Offices situated within the County in which the Meeting is to be held, in which Circular Letters the Name of the Person proposed to be assumed as a Trustee shall be mentioned, the first of which Advertisements being published, and the said Circular Letters put into the Post Office, at least Thirty Days previous to the Day of meeting for such Election; and every Person who shall be elected and appointed a Trustee, pursuant to the Directions of this Act, shall and may act with the Trustees hereby named and appointed in the Execution of this Act, to all Intents and Purposes as if he had been named and appointed a Trustee in and by this Act: Provided always, that no Person shall be capable of being so elected or appointed a Trustee in pursuance of this Act, unless he shall be in the Possession and Enjoyment, as Proprietor or Liferenter, of the *Dominium utile* of Lands lying within the Counties of *Dumfries*, *Roxburgh*, or *Selkirk*, of the valued Rent aforesaid.

General
Meeting of
Trustees.

VIII. And be it further enacted, That the said Trustees shall hold their First Stated or General Meeting, by virtue of this Act, at *Moss-paul* in the County of *Roxburgh*, upon the third *Tuesday* after the passing of this Act, or as soon thereafter as conveniently may be; and the said Trustees shall hold their next Stated or General Meeting on the first *Wednesday* of *August* then next ensuing, and thereafter a Stated or General Meeting upon the first *Wednesday* of *August* annually,

nually, during the Continuance of this Act, at such Place or Places as the said Trustees assembled at their First Stated or General Meeting at *Moss-paul* shall fix and determine; and it shall be lawful for any Two of the said Trustees, or for the Clerk of the said Trustees, on the Requisition of any Two of them, at any Time to call a Special General Meeting of the said Trustees; and at all such Meetings the said Trustees shall be and they are hereby authorized and empowered to carry this Act into execution, and to issue their Orders for surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the said Road, and to do, order, and perform all Acts, Matters, and Things which the said Trustees appointed by this Act are authorized and empowered to do, order, and perform; and the Quorum of Trustees necessary to do Business in General or Adjourned Meetings shall be Three; but if only One or Two shall be present at any of the said Meetings, such Trustee or Trustees shall have Power to adjourn the Meeting: Provided always, that Notice shall be given of the Day and Place of every Stated General Meeting, and also of the Day, Place, and Purpose of every Special or Adjourned Meeting, by Two several Advertisements in any Newspaper published in the Counties of *Dumfries*, of *Roxburgh*, or of *Selkirk*, according as the Meeting is to be held in the County of *Dumfries*, of *Roxburgh*, or of *Selkirk* respectively, and if there shall be no Newspaper published for the Time in the County in which such Meeting is to be held; then in any Newspaper published in *Edinburgh*, the first of such Advertisements being at least Fourteen Days previous to the Day on which such Meeting is appointed to be held.

IX. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act and the Acts thereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Acts had not been repealed.

Books under former Acts to be Evidence.

X. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers, excepting the Treasurer, who have been appointed under and employed in the Execution of the said first-recited Act hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the said Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under and by virtue of this Act, without Prejudice nevertheless to the Re-election of the said Treasurer under the Powers of this Act; and all Tolls leviable at the Time of the passing of this Act, by virtue of the said Act hereby repealed, shall continue to be levied and taken until the Term of *Whitsunday* in the Year One thousand eight hundred and thirty, unless previously altered by the said Trustees.

Former Officers, except the Treasurer, to continue.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or

Treasurer and Clerk

[Local.]

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Persons

not to be the same Person.

Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer for the Purposes of this Act; or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person or Persons in the Employ of any such Treasurer, or of his Partner; the Clerk or Clerks to the said Trustees; and if any Person or Persons shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or, being the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer; every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Court of Session in *Scotland*, or, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers under the former Act to account to the Trustees for executing this Act.

XII. And be it further enacted, That all Persons who have been employed or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Act of the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Act of the Fourth Year of the Reign of His present Majesty and this Act, or any of them, inflicted in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Act and this Act.

Maps or Plans of Road to remain with the Clerks of the Peace.

XIII. And whereas Maps or Plans, describing the Alterations before mentioned on that Part of the said Road situated within the Counties of *Roxburgh* and *Selkirk*, and the Lands through which the said several Alterations are intended to pass, together with relative Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands respectively, have been deposited with the Clerks of the Peace for the said Counties of *Roxburgh* and *Selkirk*; be it enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the said Clerks

of the Peace; and every and any Person, being an Owner or Occupier of any Lands or Tenements upon the Line of the said intended Alterations, shall at all seasonable Times have Access to the said Maps or Plans, and Books of Reference, and shall be entitled to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the said Clerks the Sum of One Shilling for each Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts.

XIV. And be it further enacted, That the said Trustees, in making, improving, altering, widening, or straightening the said Road, or the intended Alterations of the same, shall not deviate more than One hundred Yards over any inclosed nor more than Three hundred Yards over any uninclosed Lands or Grounds, from the Line of the said Road, or from the Line of the said intended Alterations thereof, described in the said Maps or Plans, without the Consent and Approbation, in Writing, of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees not to deviate more than a certain Extent.

XV. And whereas, after making the Alterations of the Road before mentioned, it may still be expedient to maintain and uphold the correspondent Parts of the present or old Line of the said Road; be it therefore enacted, That the said Trustees may and they are hereby authorized to continue to maintain such Portions of the old Road in all Time coming as they shall think expedient, and to expend thereon annually from the Tolls authorized by this Act to be levied, such Sums as they shall think proper, towards maintaining and keeping in repair such Portions of the old Line of the said Road.

Power to maintain Part of the old Road.

XVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make and maintain the said intended Alterations of the said Road described in the said Maps or Plans, through, across, or over the several Lands, Tenements, or Grounds of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers, of any Lands, Tenements, or Grounds over which the same are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or inaccurately described in the relative Books of Reference, in case it shall appear to any Two or more Justices of the Peace in and for the said Counties of *Roxburgh* or *Selkirk* respectively, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to make the Road notwithstanding Error in Description of Owners or Occupiers.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors, and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon any of the said Roads hereby authorized to be made, amended, improved, widened, altered, or straightened, is or are intended to pass, and to stake out the said Roads or any of them, and to cut and make any Drains or Ditches, or Arches, through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, the said Trustees making Satisfaction to the Owners and

Trustees may enter upon Lands for making Roads.

and Occupiers of such Lands and Grounds for the Damages that shall thereby be occasioned; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used or the Fences made in laying out any Part of such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings Sterling.

Power to remove House at Slitrig Bridge.

XVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, at any Time within Five Years after the passing of this Act, and they are hereby authorized and empowered, to take down and remove as much of the Dwelling House and Shop at the West End of the Bridge over *Slitrig Water* in *Hawick*, belonging to *James Miller*, Merchant in *Hawick*, as shall be necessary to widen the Road to a proper Breadth.

Houses, &c. not to be taken without Consent of Owners.

XIX. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to the taking down of any other Dwelling House or other Building the Side Walls of which exceed Twenty Feet in Height above the Level of the said Road, or taking in the Site of any Garden, Orchard, Yard, Deer Park, Paddock, inclosed Shrubbery, or planted Walk, or Avenue to a House, without the Consent of the Owners thereof respectively.

Property not to be taken after Five Years.

XX. Provided always, and be it enacted, That in case the said Trustees shall not purchase the said Heritages and Premises within the Space of Five Years from and after the passing of this Act, then and in such Case all the Powers hereby granted for purchasing the same shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Power to alter Line of Roads with Consent of the Owners of Property.

XXI. Provided always, and be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to alter or divert the Course of any of the said Roads hereby authorized to be made, amended, improved, widened, altered, straightened, repaired, and kept in repair, in such Manner as they shall think proper, for the Purpose of rendering them more commodious and useful for the Public, although such Alterations or Diversions should not be contained or described in the said Maps or Plans: Provided always, that the previous Consent in Writing of the Owner or Owners of the Lands or other Property through which each such Alteration or Diversion is intended to pass, or of the respective Agents or Factors of such Owner or Owners, shall be first had and obtained by the said Trustees.

Trustees may continue and erect Turnpikes.

XXII. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered to continue all or any of the Gates or Turnpikes already erected, or to remove the same to any other Part of the Road under their Charge, as they shall think proper, and to erect or cause to be erected other Gates or Turnpikes in, upon, or across any Part or Parts of the said Road already made, or to be made by Authority of this Act, and on any Part or Parts of the said Road which may be continued to be maintained after making any

any of the Alterations before mentioned, or on any of the Alterations that may be hereafter made, or on the Sides thereof, in such Places as they shall think fit; and also to erect Toll Houses at all or any such Gates, with such Buildings and Gardens adjacent thereto as shall appear to them to be expedient; and the said Trustees are hereby empowered to purchase or take on Lease such Pieces of Ground as they shall judge most convenient, not exceeding the Eighth Part of an Acre, for each Toll House, Building, and Garden, and from Time to Time to alter the Situation of such Gates or Turnpikes, with the Toll Houses, Buildings, and Gardens respectively connected therewith.

XXIII. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at each of the Gates or Turnpikes which shall be continued or erected by virtue of this Act, before any Passage be permitted (save and except as hereinafter mentioned), the Tolls and Duties following, or such other Sum or Sums as the said Trustees shall from Time to Time determine, not exceeding the Rates after specified; that is to say,

Power to
take Tolls.

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Hearse, Calash, Chair, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Cart, or other such Carriage, when drawn by Four or more Horses or other Beasts of Draught, the Sum of Sixpence; and when drawn by One, Two, or Three Horses or other Beasts of Draught, the Sum of Three-pence:

For every Horse or Beast of Burden, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence:

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies unshod, the Sum of One Shilling and Eight-pence *per* Score; and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, Lambs, or Goats, the Sum of Five-pence *per* Score; and so in proportion for any greater or less Number.

XXIV. And be it further enacted, That for every Hundred Weight which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any Weighing Machine erected or to be erected upon such Parts of the said Roads as the said Trustees shall think fit, over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh without paying any additional Toll as hereinafter regulated, shall be received and taken the following additional Tolls, or such other Sum or Sums as the said Trustees shall from Time to Time determine, as additional Tolls, not exceeding the Rates after mentioned, before such Waggon, Cart, or Carriage shall be permitted to pass through any of the said Gates or Turnpikes; (that is to say),

Additional
Tolls for
Overweight.

For the First and Second Hundred Weight of such Overweight, the Sum of Three-pence for each Hundred Weight:

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For

For every Hundred Weight of such Overweight above Two Hundred Weight and not exceeding Five Hundred Weight, the Sum of Sixpence :

For every Hundred Weight of such Overweight exceeding Five Hundred Weight and not exceeding Ten Hundred Weight, the Sum of Two Shillings and Sixpence :

For every Hundred Weight of such Overweight above Ten Hundred Weight and not exceeding Fifteen Hundred Weight, the Sum of Ten Shillings :

For every Hundred Weight of such Overweight above Fifteen Hundred Weight, the Sum of Twenty Shillings.

Regulations concerning the Weight of Carriages.

XXV. And be it further enacted, That every Waggon, Cart, or Carriage shall be allowed to pass without paying any additional Toll, provided such Waggon, Cart, or Carriage, with its Loading, do not weigh more than the Weights following; *videlicet*,

Every Waggon or Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer and Seven Tons in Winter :

Every Waggon or Four-wheeled Carriage having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Six Tons in Summer and Five Tons Ten Hundred Weight in Winter :

Every Cart having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Three Tons in Summer and Two Tons Fifteen Hundred Weight in Winter :

Every Waggon having the Sole or Bottom of the Fellies of the Breadth of Six Inches, Four Tons Six Hundred Weight in Summer and Three Tons Fifteen Hundred Weight in Winter :

Every Cart having the Sole or Bottom of the Fellies of the Breadth of Six Inches, Two Tons Twelve Hundred Weight in Summer and Two Tons Seven Hundred Weight in Winter :

Every Waggon having the Sole or Bottom of the Fellies of less Breadth than Six Inches, Three Tons Ten Hundred Weight in Summer and Three Tons in Winter :

Every Cart having the Sole or Bottom of the Fellies of less Breadth than Six Inches, and drawn by Two or more Horses or other Beasts of Draught, One Ton Ten Hundred Weight in Summer and One Ton Seven Hundred Weight in Winter :

And every such Cart drawn by One Horse or other Beast of Draught, One Ton both in Summer and Winter :

And for the aforesaid Purposes it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter from the First Day of *November* to the Thirtieth Day of *April* in every Year, both inclusive.

Tolls, &c. vested in Trustees.

XXVI. And be it further enacted, That all the Tolls and Duties hereby granted and made payable, together with the Right of Property of and in every Gate or Turnpike, Toll House, Building, Garden, Bridge, Milestone, Post, Rail, and all Road Materials, and every other Matter or Thing belonging to the said Roads which have been acquired by the said Trustees under the said first-recited Act, and Acts thereby repealed, or which shall be acquired by virtue of this Act,

Act, are and shall be vested in the said Trustees appointed in or by virtue of this Act.

XXVII. And be it further enacted, That the Tolls hereby authorized to be taken having been paid at any of the said Turnpike Gates or Bars, no farther Toll shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night) be again exigible, either at the same Turnpike Gate or Bar or at any other Turnpike Gate or Bar within Six Miles (measured on the Line of the said Road, or of such correspondent Part of the old Road as shall still be kept up and maintained as hereinbefore mentioned,) of the Gate or Bar at which such Tolls shall have been paid, for the same Horse or other Beast, or for the same Coach, Waggon, or other Carriage for which such Toll shall have been previously paid in the same Day: Provided always, that this Regulation shall not affect the Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty regarding the Tolls payable in respect of all Horses or Beasts of Draught drawing any Stage Coach, Caravan, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, and in respect of all Horses or Beasts of Draught let out for Hire, and drawing any Post Chaise or other Carriage, whenever any new Hiring thereof shall have taken place.

Tolls to be taken only once a Day, and only once in Six Miles.

XXVIII. And be it enacted, That the free Produce of the said Toll or Duties, as well as the Money borrowed upon the Credit thereof, shall be applied by the said Trustees, in the first place, for defraying the Expence of passing this Act itself, so far as the Money in the Hands of the Treasurer under the said first-recited Act passed in the Forty-seventh Year of the Reign of His late Majesty shall be deficient; in the second place, after deducting the necessary Expence of Management, for altering, amending, repairing, and keeping in repair the said Road; and in the third place, in Security and Payment of the Money that shall be borrowed under this Act, with the Money already borrowed on the Authority of the said first-recited Act, and Acts thereby repealed; and if any of the Trustees shall apply any Part of the Produce of the Tolls, or of the Money so borrowed, to any Purpose not sanctioned by this Act, such Trustee shall be liable to refund the Money so misapplied, with all necessary Costs and Charges, by an Action at the Instance of any Trustee, or of any Creditor to whom the Tolls or Duties stand assigned, or of any Heritor of Land within any of the Counties of *Dumfries*, of *Roxburgh*, or of *Selkirk*, before the Judge Ordinary of the Place in which the Trustee guilty of such Misapplication shall have his ordinary Residence.

Application of Produce of Tolls and Money borrowed.

XXIX. Provided also, and be it further enacted, That besides the Exemptions from the Payment of Toll Duties specified in the said recited Act of the Fourth Year of the Reign of His present Majesty, no Toll whatsoever shall be demanded or taken for any Carriage, Horse, or Cattle loaded with Corn of any Kind going to Mills and Kilns to which the Owners thereof are astricted, or which Mills and Kilns shall be situated within the Parish in which they reside, for the

Corn manufactured for the Use of Families within the Parish exempted from Toll.

Purpose

Purpose of being manufactured for the Use of their Families and Cottars, or returning from such Mills or Kilns.

Expence of
this Act how
to be paid.

XXX. And be it further enacted, That the Expences of preparing, applying for, procuring, and passing this Act shall be paid out of the first and readiest of the Tolls and Duties received and levied, or by or out of the first Monies that shall be in or come to the Hands of the said Trustees under and by virtue of the said first-recited Act hereby repealed or of this Act.

Public Act.

XXXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without being specially pleaded.

Continuance
of this Act.

XXXII. And be it further enacted, That this Act shall continue from and after the Commencement thereof during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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