



ANNO DECIMO

GEORGII IV. REGIS.

Cap. lxvi.

An Act for more effectually making, amending, improving, widening, repairing, and maintaining the Road from *Lauder* in the Shire of *Berwick*, to and through *Kelso* in the Shire of *Roxburgh*, to the *Marchburn*. [14th May 1829.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing the Road from the Burgh of Lauder in the Shire of Berwick, to and through Kelso in the Shire of Roxburgh, to the Marchburn*: And whereas another Act was passed in the Twenty-seventh Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term and Powers of an Act made in the Sixth Year of the Reign of His present Majesty, for repairing the Road from the Burgh of Lauder in the Shire of Berwick, to and through Kelso in the Shire of Roxburgh, to the Marchburn*: And whereas another Act was passed in the Forty-eighth Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and enlarge the Powers of Two Acts for repairing the Road from Lauder, in the Shire of Berwick, to and through Kelso in the Shire of Roxburgh, to the Marchburn*: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: And whereas the said Three first-recited Acts were put into execution by the Trustees thereby appointed, and the Road therein mentioned has, under the Powers therein contained,

6 G. 3. c. 73.
27 G. 3. c. 79.
48 G. 3. c. 112.
4 G. 4. c. 49

[Local.] 18 L. been

been altered, amended, repaired, and maintained, and various Sums of Money have for these Purposes been borrowed on the Credit of the Tolls and Duties thereby granted, which are still due and owing; but the said Three first-recited Acts being about to expire, the said Sums of Money cannot be repaid, and the said Road effectually repaired, maintained, 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 Three first-recited Acts of the Sixth, Twenty-seventh, and Forty-eighth years of the Reign of His said late Majesty King *George* the Third, shall from and after the passing of this Act be and the same are hereby repealed.

Recited Acts of 6 G. 3., 27 G. 3., and 48 G. 3. repealed.

This Act to take effect for making and repairing the Roads herein described.

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 the Burgh of *Lauder*, in the Shire of *Berwick*, to and through *Kelso* in the Shire of *Roxburgh*, to the *Marchburn*, with the Bridges thereon, and the Alterations of the Line of the said Road after-mentioned; *videlicet*, an Alteration of the present Line of the said Road from *Stonyford* Toll Bar in the Parish of *Lauder* to *Coveridge Brae* in the Parish of *Earlstown*, by making a new Line of Road commencing at or near to *Stonyford* Toll Bar afore-said, running along the Parish Road by *Saint Leonard's*, from thence across the River *Leader* by a new Bridge to be erected thereon, thereafter running through the Lands of *Boondrigh* or *Boon Mill* Lands, *Whitslade Farm*, and *Bridgehaugh Mill* Lands, till it join the present Turnpike Road at or near to *Bridgehaugh Mill*, and again diverging from the present Line of the said Turnpike Road at or near the Bridge over *Birkhillside Burn*, running through the Lands of *Birkhillside*, *Carolside*, and *Blinkbonny*, and from thence along the Parish Road through the Village of *Earlstown*, diverging from the said Parish Road by a new Bridge over the Burn, through the Lands of *Georgefield*, *Purveshaugh*, the Lands belonging to *Wilson* of *Janefield*, *Botany Bay Muir*, *Marchfield*, and *Covehouse*, till it again join the present Turnpike Road at or near *Coveridge Brae*, all in the County of *Berwick*; and for erecting new Bridges where the same shall be found necessary, and carrying into effect the several other Purposes hereinafter mentioned, according to the true Intent and Meaning of this Act.

New Line not to pass

III. And be it further enacted, That in carrying the said Alterations into execution the Line of Road shall not pass through the
Lands

Lands of *Carolside* and *Blinkbonny*, without the Approbation and Consent of the Proprietor or Proprietors thereof for the Time being; any thing in this Act contained to the contrary in any wise notwithstanding.

through Carolside and Blinkbonny.

IV. 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.

V. 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 Three first-recited Acts hereby repealed, or any of them, 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 Agreements under the 6th, 27th, and 48th of G. 3. to remain in force.

VI. 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 Three first-recited Acts hereby 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.

VII. And be it further enacted, That Sir *Edmund Antrobus* of *Rutherford*, Baronet, *George Baillie* of *Jerviswood*, *George Baillie* younger of *Jerviswood*, *Sir Thomas Makdougall Brisbane* of *Makerston* and *Brisbane*, Knight Commander of the Bath, *David Monro Binning* of *Softlaw*, *Sir John James Scott Douglas* of *Springwood Park*, Baronet, *Sir William Dickson* of *Sydenham*, Baronet, *William Dawson* of *Graden*, *Sir William Francis Elliott* of *Stobs* and *Wells*, Baronet, Major General *Henry Elliot* of *Rosebank*, *Adam Fairholme* of *Chapel*, *James Haig* of *Bemerside*, *James Haig* younger of *Bemerside*, *James Home* of *Carolside*, Doctor *James Home* of *Cowdenknows*, *Francis Home* younger of *Cowdenknows*, *Gilbert Innes* of *Stow*, *Sir Charles Kerr* of *Gateshaw*, Knight, *Robert Kerr* of *Chatto*, *Kerr* younger of *Chatto*, *Sir John Marjoribanks* of *Lees*, Baronet, *Marjoribanks* younger of *Lees*, *William Oliver*, Younger of *Dinlabyre*, *John Oliver* of *Blakelaw*, *Sir John Pringle* of *Stitchill*, Baronet, *James Pringle* younger of *Stitchill*,
John

Trustees appointed by this Act.

John Pringle of Clifton, John Rutherford of Edgerston, James Roy of Nenthorn, Hugh Scott of Harden, Henry Francis Scott younger of Harden, Robert Haldane Scott of Wooden, John Waldie of Hendersyde, Adam Walker of Muirhouselaw, Adam Walker younger of Muirhouselaw, Sir George Warrender of Lochend, Baronet, the Sheriffs of Roxburghshire and Berwickshire for the Time being, the Eldest Baillie of Lauder for the Time being, and all and every the Person and Persons to be nominated and appointed by virtue of this Act in Manner hereinafter mentioned, shall be and they are hereby nominated and appointed Trustees for carrying into execution all and every the Purposes of this Act.

Power to
elect new
Trustees.

VIII. 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 Three 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 Newspaper to be published in either of the Counties of *Roxburgh* or *Berwick*, and if there shall be no such Newspaper published in either of the said Counties, then in any Newspaper published in *Edinburgh*, the first of such Advertisements being at least Fourteen Days before the Day of Meeting for such Election; and every Person who shall be so elected and appointed a Trustee pursuant to the Directions of this Act shall and may act to all Intents and Purposes as if he had been named and appointed a Trustee in and by this Act.

Qualification
of Trustees.

IX. Provided always, and be it enacted, That no Person other than and except the Sheriffs of *Roxburghshire* and *Berwickshire*, and the Eldest Baillie of *Lauder*, all for the Time being, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in the actual Possession and Enjoyment, in his own Right or in Right of his Wife, as Fiar or Liferenter, of the Rents and Profits of Lands lying in one or other of the said Counties of *Roxburgh* or *Berwick*, valued in the Cess Books of the said Counties respectively at One hundred Pounds *Scots*, or the Heir Apparent of a Person so qualified as aforesaid, or a Guardian of a Minor or incapacitated Person enjoying and possessing Lands of the Valuation aforesaid.

General
Meetings.

X. And be it further enacted, That the said Trustees shall hold their First Stated or General Meeting by virtue of this Act at *Kelso* upon the Fourth *Monday* after the passing of this Act, or as soon thereafter as conveniently may be, and shall at such Meeting proceed to the Execution of this Act, and may then and from Time to Time afterwards adjourn to meet annually, or at such Times and at such Places during the Continuance of this Act, as the said Trustees shall think proper to appoint, without Prejudice to their meeting at any other Time, if there be Occasion, upon Notice from the Clerk of the last Meeting, affixed upon each respective Turnpike Gate on the said Road, and advertised at least Twice in some One Newspaper published at *Kelso*, if any Newspaper be there published for the Time, and failing there of

thereof, in some One Newspaper published in *Edinburgh*, the first of such Advertisement, being Ten Days at least before the Day fixed for such Meeting; and the Quorum of Trustees necessary to do Business in General or Adjourned Meetings shall be Three; but if only One, or any Number less than Three, shall be present at any of the said Meetings, such Trustees or Trustee shall have Power to adjourn the Meeting: Provided always, that Notice shall be given of the Day and Place of every Stated or General Meeting, as also of the Day, Place, and Purpose of every Adjourned Meeting, by Two several Advertisements in any One Newspaper published at *Kelso*, if any Newspaper be there published for the Time, and failing thereof, then in any One Newspaper published in *Edinburgh*, the first of such Advertisements being at least Ten Days before the Day on which such Meeting is appointed to be held.

Quorum of Trustees.

XI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said Three first-recited Acts hereby 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.

XII. 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 Three first-recited Acts hereby repealed, or any of them, 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 leviabie at the Time of the passing of this Act by virtue of the said Acts 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.

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

Treasurer and Clerk not to be the same Person.

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.

XIV. 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 Three first-recited Acts hereby repealed, or any of them, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Road, 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 Acts and this Act.

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

XV. And whereas a Map or Plan describing the Alterations before mentioned, on that Part of the said Road situated within the County of *Berwick*, and the Lands through which the said several Alterations are intended to pass, together with a relative Book of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands respectively, have been deposited with the Clerk of the Peace for the said County of *Berwick*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk 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 Map or Plan and Book 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 to the said Clerk the Sum of One Shilling for each Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts.

Trustees not to deviate more than to a certain Extent.

XVI. 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 Map or Plan, without the Consent and Approbation, in Writing, of the Person or Persons,
Body

Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XVII. 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.

XVIII. 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 Map or Plan, 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 Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or inaccurately described in the relative Book of Reference, in case it shall appear to any Two or more Justices of the Peace in and for the said County of *Berwick*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

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

XIX. 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 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.

Trustees may enter upon Lands for making Roads.

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.

Property not to be taken after Five Years.

XXI. 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 Dwelling House or other Building, or taking in the Site of any Garden, Orchard, Yard, Lawn,

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

Lawn, inclosed Shrubbery, or planted Walk, or Avenue to a House, without the Consent of the Owners thereof respectively.

Power to alter Lines with Consent of the Owners of Property.

XXII. 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 Part of the said Road 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 it more commodious and useful for the Public, although such Alterations or Diversions should not be contained or described in the said Map or Plan; 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.

Power to continue and erect Turnpikes.

XXIII. 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 of the Alterations before mentioned, or on any of the Alterations that may be hereafter made, or on the Sides thereof, across any Way leading into or out of the same, 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 One 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.

Trustees empowered to take Tolls.

XXIV. 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),

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.

XXV. 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 by this Act 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 :

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.

XXVI. 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*,

Regulations
concerning
the Weight
of Carriages.

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 Five 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 :

[*Local.*]

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Every

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.

XXVII. 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 Three first-recited Acts hereby repealed, or which shall be acquired by virtue of this Act, are and shall be vested in the said Trustees appointed in or by virtue of this Act.

Tolls to be
taken only
once a Day
within Six
Miles.

XXVIII. 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 on 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.

Tickets to
be given.

XXIX. And be it enacted, That in all Cases where Toll shall be paid, the Collector of such Toll shall on Receipt thereof deliver *gratis* to every Person requiring the same a Ticket or Tickets denoting such Payment, as also the Gate or Gates freed by such Payment (if any), which Ticket or Tickets shall be sufficient Evidence to all Collectors of Tolls on the said Road of such Payment, and the Horse or Horses, Cattle, or other Beast or Beasts, or Carriages, in respect of which such Payment was made, shall be allowed to pass and repass any Number of Times in the same Day the Toll Gate or Bar at which such Toll was paid, and also any other Toll Gate or Bar within Six Miles thereof, measured on the Line of the said Road,

or of any corresponding Alteration thereof, without any farther Payment of Toll on that Account: Provided always, that nothing herein contained shall prevent or be construed to prevent the taking the Tolls hereby granted for any such Horse, Cattle, or other Beast for or in respect of which Toll has been already paid, as often as such Horse, Cattle, or other Beast shall pass or repass any of the said Turnpike Gates or Bars with a new Rider or Loading, or drawing any Coach, Chaise, or other such Carriage let for Hire, upon every new Hiring thereof, or conveying Passengers or Goods for Pay or Reward, or any Coach, Chaise, Waggon, Cart, or Carriage other than the said Coach, Chaise, Waggon, Cart, or Carriage which such Horse, Cattle, or other Beast was drawing when Toll was before on the same Day paid in respect of such Horse, Cattle, or other Beast.

XXX. And be it further enacted and declared, That the Produce of the said Tolls and Duties so to be raised, levied, and collected as aforesaid shall, after Payment of the Expences of preparing, applying for, procuring, and passing this Act, as hereinafter provided, be applied towards making, maintaining, altering, and improving the said Road, and paying the Interest of the Money borrowed, subscribed, advanced, or owing at the Time; and the Surplus shall be appropriated annually to extinguish the Principal of the said Debt, and to no other Purpose.

Application
of Tolls.

XXXI. 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 Horse or Cattle belonging to any Person resident in any Town in the Line of the said Road, going to or returning from any of the Town Fields belonging to any such Town occupied by any such Person, and on which there shall be no Farm Steading at the Time; nor for any Cart or other Carriage, Horse or other Beast of Draught or Burden, carrying, or going unloaded to carry or convey, or returning after carrying or conveying, any Corn, Hay, Straw, Manure, or Implements of Husbandry to or from any such Town Field, or to or from any Field through any Turnpike Gate or Toll Bar situated on any Farm to which any such Corn, Hay, Straw, Manure, or Implements of Husbandry belong, nor for Corn of any Kind sent to or returning from Mills or Kilns, manufactured for the sole Use of Persons residing within One Statute Mile from any Turnpike Gate or Toll Bar, nor for Seed Corn or other Seeds or Plants carried from any Town to be sown or planted upon any Town Field belonging to the same; and if any Person shall claim and take the Benefit of any of the said Exemptions, not being legally entitled thereto, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Local Ex-
emptions
from Toll.

XXXII. And whereas it would be convenient to Travellers using the said Road, and to Carters and others driving Corn, Coals, or other Goods or Merchandize along the said Road, or crossing the same at *Maxwellheugh*, to or from the Eastern or Western Parts of the County, that the Tacksman, Toll Gatherer, or Collector, or other Person stationed at the Toll Bar at *Maxwellheugh*, should be licensed to sell Provisions, and Ale and Spirituous Liquors, by Retail; be it enacted,

Justices may
grant Li-
cence to Toll
Gatherers at
*Maxwell-
heugh*.

That

That it shall be lawful for the Justices of the Peace for the County of *Roxburgh* to grant to the Tacksman, Toll Gatherer, or Collector, or other Person stationed at the said Toll Bar at *Maxwellheugh*, a Licence in the Form granted by Justices to Publicans; and such Tacksman, Toll Gatherer, Collector, or other Person may thereon receive the other Licences granted to Publicans by the Commissioners of Excise; which said Excise Licences the said Commissioners, or the Person by them authorized to grant the same, are hereby empowered to grant, any thing in an Act passed in the Thirty-third Year of the Reign of His late Majesty, intituled *An Act for repealing the Duties on Coals, Culm, and Cinders brought or carried Coastwise into Scotland, and for granting other Duties or Licences to sell certain distilled Spirituous Liquors in lieu thereof*, or in the said recited Act of the Fourth Year of the Reign of His present Majesty, or in any other Act of Parliament, to the contrary notwithstanding; and after obtaining such Licences, it shall be lawful for such Tacksman, Toll Gatherer, or Collector, or other Person to whom the same shall be granted, to hold such Place of Profit as Tacksman, Toll Gatherer, or Collector, and at the same Time to exercise the Trade of a Victualler at such Toll House, and to sell by Retail the Articles specified in such Licences, for the Time for which such Licences shall be granted; and every such Tacksman, Toll Gatherer, or Collector, or other Person so obtaining such Licences, shall be subject and liable to such and the like Pains, Penalties, and Forfeitures, Rules, Regulations, and Restrictions, as any other Person licensed to deal in Ale or other Spirituous Liquors is or may be subject and liable to by Law.

Expence of
this Act how
to be paid.

XXXIII. 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 Three first-recited Acts hereby repealed or of this Act.

Public Act.

XXXIV. 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.

XXXV. 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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