



ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 40.

An Act for more effectually repairing certain Roads in the County of *Berwick*, and for building a Bridge over the River *Whitadder*, in the said County.

[6th May 1811.]

**W**HEREAS by an Act made in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act for repealing an Act of the Twelfth Year of His present Majesty, intituled, 'An Act for repairing and widening the Roads from the Confines of the County of Berwick, at or near Banghouse Walls to Compton's Lanes and Eyemouth, and from the Town of Eccles to Eyemouth, and from Whitelaw, Muir to Compton's Lanes, in the County of Berwick;'* and for repairing, widening, and amending, several Roads; and for regulating the Statute Labour in the said County of Berwick; certain Persons were appointed Trustees for making and repairing the Roads therein mentioned, and for levying Tolls and Duties thereon: And whereas the Trustees by the said Act appointed have proceeded to put the same into Execution, and have borrowed divers Sums of Money upon the Credit of the Tolls and Duties in and by the said Act granted and made payable; which Sums of Money are still due and owing; but the said Roads cannot be effectually repaired and kept in Repair, nor the Sums of Money borrowed and owing as aforesaid, be repaid, unless the Term of the said Act be continued, and

[*Loc. & Per.*]

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unless

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unless some of the Powers and Provisions thereof be altered and amended, and unless Power be given to levy additional and increased Tolls and Duties : And whereas the following Roads, *videlicet*, The present Road from *Chalkielaw* to *Edrom*, by *Manderstone Mains*, and thence by a new proposed Line through the Lands of *Edrom* to the Road leading to *Chirnside* ; a Road from *Idington Muir* through the Lands of *Whiterig*, *Prenderguest*, and *Peelwalls*, to the Bridge over the Water Eye at *Ayton*, with a Branch on the South Side of the Eye to *Eyemouth* ; which Roads are situated in the Parishes of *Dunse*, *Edrom*, *Chirnside*, *Ayton*, and *Eyemouth*, all in the County of *Berwick*, are in bad Repair, and incommodious for Travellers ; and the same cannot be effectually repaired, and kept in Repair by the Laws at present in force ; and it is expedient that a Bridge should be built over the River *Whitadder*, from the Parish of *Hutton* to the Parish of *Mordington*, and Pontage Duties levied for building and upholding the same ; 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, from and after the First Meeting of Trustees to be held in pursuance of this Act, the said recited Act, of the Thirty-second Year of the Reign of His present Majesty, in so far as concerns the Roads thereby authorized to be made Turnpike only, shall be and the same is hereby repealed ; and instead thereof this Act shall commence and be put in Execution for and during the Term hereinafter-mentioned ; and this Act, and all the Tolls and Duties which are hereby authorized to be levied, shall (under the Conditions and Provisions hereinafter contained,) be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said Act hereby in Part repealed, and the said Tolls and Duties shall also be subject and liable to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this Act, and of all Interest due, or that may become due, for the several Sums of Money aforesaid respectively ; but the said recited Act of the Thirty-second Year of the Reign of His present Majesty, in so far as it concerns the Regulation of the Statute Labour in the said County of *Berwick*, shall be and continue in full Force and Effect.

Act repealed.

Trustees.

II. And be it enacted, That every Person who is or shall be in the actual Possession and Enjoyment of the *Dominium utile* of Lands, valued in Cess Books of the County of *Berwick*, at One hundred Pounds *Scots* or upwards, either in their own Right or in the Right of their Wives, and the eldest Sons of such Persons, as also One of the Guardians or Trustees of Minors, and One of the Curators of fatuous and furious Persons, such Minors and fatuous and furious Persons having Lands of the Valuation of One hundred Pounds *Scots* as aforesaid, and the Sheriff Depute of the said County of *Berwick* for the Time being, shall be, and they are hereby appointed Trustees for surveying, making, repairing, and keeping in Repair, the several Roads hereinafter mentioned, that is to say, The Road beginning at the Confines of the County of *Berwick*, at or near *Banghouse Walls* by *Orange Lane*, *Easter Mersington*, *Huntball*, *Whitelaw Muir*, *Blackadder Bank*, and *Sunwick*, to *Compton's Lanes*, on the Confines of the said County ; the Road from *Banghouse Wall*

*Walls* aforesaid, by *Eccles*, *Leetholm*, *Bughtrigg*, *Swinton*, and *Swinton Quarries* to *Compton's Lanes* aforesaid; with a Branch leading from *Swinton Quarries* aforesaid, by *Whitsome* to the North of *Crossrigg*, and by *Broomdykes* and *Cannybank Lanes* to the Water of *Whitadder*, at or near the *Bluestone Ford*; also a Branch from where the Road from *Swinton Quarries*, through *Whitsome*, joins the present Turnpike Road through *Allantoun* to *Chirnside*, and from thence through the Grounds of *Whitehall*, by the East End of *Chirnside* and through the Town of *Ayton* to *Eyemouth*, with a Side Branch from *Idington Muir*, by *Peelwalls* to *Eyemouth*; the Road from *Whitelaw Lanes* by *Kelloe* and *Chirnside Bridge*, till it joins the aforesaid Road leading to *Eyemouth*, at the East End of *Chirnside*; the Road from *Earlston* by *Greenlaw* and *Langton*, to *Dunse*, and from *Dunse* by *Chalkielaw* and *Newton of Edrom*, till it joins the aforesaid Road by *Chirnside* to *Eyemouth*, with a Branch from the West End of *Chirnside* by the Kirk of *Chirnside*, *Idington*, and *Foulden*, to the Confines of the said County at or near the *Starch House*; the Road from *Fasney Bridge*, on the Confines of the County of *Haddington*, to *Coldstream*, by *Longformacus*, *Dunse*, *Nisbet Mill* and *Darnchester*, with a Branch from *Nisbet Mill*, by *Harcarse Lanes*, *Betrickside*, and *Swinton*, to the Ford over the River *Tweed* at *Upsetlington*; the Road from *Dunse* to *New Water Ford*, over the River *Tweed*, by *Wedderburn Mouth*, *Blackadder Bank*, *Crossrigg* and *Fishwick*; the Road from *Eccles*, by *Leetholm*, *Simprin*, *Upsetlington*, and *Wester Shields*, to the Dam Ford in the said River *Tweed*; the Road by the North Side of *Hirsel-law*, through *Skaith Muir*, and *Todhillrigg*, *Kersfield*, *Lady Kirk*, and *Horndean*, to *Fishwick* and *Compton's Lanes* aforesaid, with Branches from *New Lady Kirk Lanes* to the *Rackford*, and from *Todhillrigg*, by *Lennelhill* to *Gourlay's Ford*, on the River *Tweed*; the Road from *Leider Water*, by *Mellerstain Lanes*, *Todrig*, *Old Greenlaw*, *Fogo Rigg*, and *Bogend*, and therefrom to *Sinclair's Hill*; the Road from *Eyemouth*, by *Greystonelees*, to the Post Road at *Lamberton Race Ground*; the Road from *Chalkielaw* to *Edrom* by *Manderstone Mains*, and thence by a new proposed Line through the Lands of *Edrom*, to the Road leading to *Chirnside*; the Road from *Idington Muir* through the Lands of *Whiterig*, *Prenderguest*, and *Peelwalls*, to the Bridge over the Water *Eye* at *Ayton*, with a Branch on the South Side of the *Eye* to *Eyemouth*; for building the said Bridge over the River *Whitadder*, from the Parish of *Hutton* to the Parish of *Mordington*, and other new Bridges where such shall be requisite, and for putting in Execution all the other Powers and Authorities in and by this Act given and granted.

III. Provided always, That if any Person not qualified or described as aforesaid, shall nevertheless presume to act as a Trustee, he shall for every such acting forfeit and pay the Sum of Fifty 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 in the said County of *Berwick*, before such Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute of the said County or his Substitute, and shall be paid to the said Trustees or to their Clerk or Treasurer; and in case any such Complaint shall be brought, the Proof of Qualification shall lie upon the Person complained of; and any Vote given or Act done in the Character of a Trustee by any Person not qualified as aforesaid, shall be held to be altogether null and void, but such Nullity shall not affect any Act done or Determination made by any General or other Meeting, unless the same

Penalty on any Trustee acting if not qualified, &c.

shall have been done or made by and through the Means of such Vote of a Person not qualified to act as a Trustee.

Meetings of Trustees.

IV. And be it further enacted, That the First General Meeting of the Trustees under this Act shall be held at *Greenlaw* on the Fourth *Monday* after the passing of this Act or as soon thereafter as conveniently may be; and their Second General Meeting shall be held upon the First *Monday* of *November* thereafter; and thereafter the said Trustees shall hold Two stated General Meetings in each Year, during the Continuance of this Act, upon the First *Tuesday* of *April* and the First *Monday* of *November*; and all such General Meetings shall have Power to adjourn to such Times and Places as they shall think proper and convenient, and as often as shall be necessary; and at all such General Meetings Three Trustees shall be a Quorum; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting, it shall be in the Power of any One or more Trustees who may attend, to adjourn the Meeting to be held at the same, or any other convenient Place, on any lawful Day, not less than Fourteen Days nor more than Three Weeks from the Day appointed for the last Meeting, Fourteen Days previous Notice thereof being given in some One Newspaper published within the County of *Berwick*, or in the Town of *Kelfo*: Provided always, that any Two Trustees may at any Time call a General Meeting to be held at the same Place at which the stated General Meeting immediately preceding shall have been held, on the like previous Notice of the Time and Place, and also of the Purpose of such Meeting; and in case no Trustee shall attend at a stated General Meeting, then and in such Case the Clerk to the said Trustees shall, by an Advertisement in the Newspapers before mentioned, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting of the said Trustees was appointed to be held, on that Day Fortnight on which the last Meeting of the said Trustees was appointed to be held; and at all Meetings of Trustees to be held under the Authority of this Act, the said Trustees shall defray their own Expences.

Quorum.

Trustees to pay their own Expences.

Officers to be appointed.

To account.

V. And be it further enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting assembled as aforesaid to choose and appoint fit Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Cashier or Cashiers, Collector or Collectors to the said Trustees, for receiving the Tolls and Pontage granted and made payable by this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, or such other Officers as they shall think proper, and from Time to Time to remove such Clerks, Treasurers, Receivers, Cashiers, Collectors, Surveyors or other Officers, or any of them, and to appoint new Ones in case of the Death or Removal of them or any of them; and the Collector or Collectors, Receiver or Receivers, or Person or Persons to be appointed as aforesaid for receiving the said Tolls and Pontage, shall monthly or oftener if required during the Continuance of this Act, give in a true, particular, exact and perfect Account in Writing under their respective Hands, with their respective Vouchers, of all Money which they, every, or any of them, have received or paid and disbursed by virtue of this Act, by reason of their respective Offices, and verify the same upon Oath; and in case any Overplus Money so received shall remain in their or any of their Hands, they shall pay the same

same in to the said Trustees, or to such Person or Persons as they at a General Meeting assembled shall authorize and appoint to receive the same, within Eight Days after being required so to do by an Order signed by any Two or more Trustees; and the said Trustees, at a General Meeting assembled, shall and may and they are hereby authorized and empowered out of the Money arising out of the said Tolls and Pontage, to make such Allowances to the Officers so appointed by them, for and in Consideration of their Care and Pains in the Execution of their respective Offices, and to such other Person or Persons who shall have been or may be assisting in making or repairing the said Roads or Bridges, by advancing and laying out any Monies, or otherwise relating thereto, as to them shall seem good, over and above the necessary Disbursements made by them; and in case the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Cashier or Cashiers, Collector or Collectors, or any other Person or Persons concerned in the Collection or Receipt of the aforesaid Tolls and Pontage, or any of them, shall not make such Account and Payment as aforesaid, or shall misapply the Monies received, then it shall be lawful for any Two or more Justices of the Peace for the said County to make Enquiry of and concerning such Offence as well by the Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath any One of the said Justices is hereby empowered to administer) or by other legal Evidence; and if any Person or Persons shall be convicted of any of the Offences aforesaid before such Justices, they the said Justices shall be and they are hereby empowered to levy a Sum or Sums of Money from such Person or Persons, not exceeding Double the Amount of the Sum or Sums not accounted for, or unduly detained or misapplied as aforesaid; and in case such Person or Persons shall refuse or be unable to pay the same, then and in such Case it shall and may be lawful to and for the said Justices to commit such Person or Persons to the Common Gaol of the said County, there to remain until he, she, or they shall have rendered a true and particular Account and made Payment as aforesaid, or until he she or they shall have compounded and agreed for the same with the said Trustees, or any Three or more of them, (which Composition they or any Three or more of them are hereby empowered to make) and have paid such Composition to the Treasurer or Treasurers of the said Trustees for the Time being, or such Person or Persons as the said Trustees shall have appointed to receive the same: Provided always, that no Officer or Person who shall be committed for such Offence as aforesaid, shall be detained in Prison by virtue of this Act, for any longer Space of Time than Six Calendar Months.

Penalty for  
not account-  
ing.

VI. And be it further enacted, That the said Trustees shall be and they are hereby required to take such Security from the Clerk or Clerks, Treasurer or Treasurers, or Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of their Offices as to the said Trustees shall seem meet.

Treasurer or  
Collector to  
find Security.

VII. Provided always, and be it further enacted and declared, That no Person or Persons appointed by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of any Tolls or Pontage by this Act granted, but such Person or Persons shall be incapable of acting as a Trustee or Trustees

Trustees not  
to accept a  
Place of  
Profit, &c.

[Loc. & Per.]

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tees from the Time of accepting such Place of Profit as aforesaid ; nor shall any Person or Persons appointed by this Act a Trustee or Trustees be capable to act as a Trustee in any case relating to the contracting for, purchasing, or settling the Price, Value or Damage of any Lands or Tenements, wherein such Person or Persons shall have any Interest or Concern ; and no Person who shall keep a Public House, for the selling or retailing of Beer, Ale, or Spirituous Liquors, shall be capable to act as a Trustee, or to be appointed an Officer for the Execution of any of the Trusts or Powers of this Act.

Turnpikes to be continued and erected.

VIII. And be it enacted, That the said Trustees, at a General Meeting assembled, shall and may continue or erect or cause to be erected in and across the said Roads, such Number of Gates or Turnpikes, and such Number of Toll Houses, with proper Stables and Gardens adjoining to such Toll Houses, as to them shall appear to be expedient, but none of such Gardens shall exceed One Quarter of an Acre in Extent ; and from Time to Time to alter the Situation of such Gates or Turnpikes, and Toll Houses, Stables and Gardens ; and the said Trustees, or some Person or Persons by them to be appointed, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken at the several and respective Gates or Turnpikes already erected or which may hereafter be erected upon the said Roads, before Passage be permitted, the Tolls following ; that is to say,

Tolls.

For every Horse, Mare, Gelding, Ass, Mule or other Beast of Draught, drawing any Coach, Berlin, Landau, Chariot, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, Nine-pence Sterling :

Waggons, &c.

For every Waggon, Wain, Cart or other such Carriage, drawn by One Horse, Ox, or Beast of Draught, Three-pence Sterling :

And drawn by Two Horses, Oxen, or Beasts of Draught, Eight-pence Sterling :

And drawn by Three Horses, Oxen, or Beasts of Draught, One Shilling and Six-pence Sterling :

And drawn by Four Horses, Oxen, or Beasts of Draught, Three Shillings Sterling :

And drawn by Five Horses, Oxen, or Beasts of Draught, Six Shillings Sterling :

And drawn by Six Horses, Oxen, or Beasts of Draught, Eight Shillings Sterling :

And drawn by Seven or more Horses, Oxen, or Beasts of Draught, Ten Shillings Sterling :

For every Saddle Horse, Mare, Gelding, Ass, or Mule, with or without a Rider, Three-pence Sterling :

For every other Horse, Mare, Gelding, Ass, or Mule, laden or unladen, and not drawing, Three Halfpence Sterling :

For every Score of Oxen, Cows, or Neat Cattle, One Shilling and Eight-pence Sterling ; and so in Proportion for any greater or smaller Number :

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Five-pence Sterling ; and so in Proportion for any greater or smaller Number.

Carriages with Wheels of certain Breadth to pay but Half Toll.

IX. And be it enacted, That every Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, so that when rolling on an even horizontal Surface the whole Breadth thereof shall bear equally on such Surface,

Surface, shall be chargeable with only One Half of the Tolls and Pontage hereby granted; but no Waggons, Wains, Carts, or other Carriage whatsoever, shall be allowed to pass or travel on the said Roads drawn by more than Eight Horses, under the Penalty of Twenty Pounds Sterling, for each Horse above that Number.

X. Provided always, and be it enacted, That in case there are or shall be erected upon the said Roads, any Gate or Gates, Turnpike or Turnpikes at less Distance from each other than Six Statute Miles, then any Person or Persons producing a Ticket to shew that the Toll has been paid at one of such Gates, shall not pay any Toll at the other, which shall be within Six Statute Miles of the former, at which the Toll denoted by such Ticket shall have been paid.

Toll to be paid only once in Six Miles.

XI. And be it enacted, That no Person or Persons having paid the Tolls herein directed to be levied, 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 subject or liable to pay such Tolls for the same Coach, Barouchè, Chariot, Landau, Chaise, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle for which Tolls shall have been paid; and the Person paying such Tolls shall on Demand receive a Ticket or Note signifying the Payment thereof, on Production of which he shall be allowed to pass without further Payment.

Tolls to be paid only once a Day.

Pass Ticket to be given.

XII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to continue and erect, or cause to be erected, One or more Gate or Gates, Bar or Bars, on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same; and also a Toll House with a proper Stable and Garden adjoining to each such Toll House at each such Gate or Bar, and there to take and receive such Tolls as are by this Act granted and made payable, but so as that a Ticket received at any such Side Gate or Bar shall entitle the Receiver thereof to pass through the next Gate or Bar on the same Day, if within Six Statute Miles, Toll free.

May erect Side Bars.

XIII. And be it further enacted and declared, That at any of the stated General Meetings of the said Trustees (the Purpose of such Meeting being specially announced by public Advertisement in Two Newspapers published in the County of *Berwick*, or in the Town of *Kelfo*, Fourteen Days at least before the Day of such Meeting) it shall be lawful for them to direct the Tolls arising at the Gates or Turnpikes erected or to be erected on the said Roads to be applied towards the making, repairing, and upholding of the aforesaid Roads in such Manner as the said Trustees shall think fit; and as soon as the same shall be so adjusted, the Clerk of the said Trustees shall be and he is hereby authorized and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Time thereafter during the Continuance of this Act it shall not be in the Power of the said Trustees, or of any Number of them, to vary or alter the final Determination or Allocation so made.

Application of the Tolls.

XIV. And be it enacted, That it shall and may be lawful to the said Trustees, and they are hereby authorized and empowered to build or cause to be built a Bridge over the River *Whitadder*, from the Parish of *Hutton*, to the Parish

Trustees empowered to build a Bridge over the River Whitadder.

Parish of *Mordington*, at the most convenient Situation that can be found for the same; and to dig and make proper Foundations in the said River, and on the Banks on each Side thereof for the Piers and Abutments of such Bridge, and to cut and level such Banks as far as may be necessary for making Passages and Avenues to the said Bridge, and to cut, remove, and take away all Beds of Gravel, Sand, Mud, or other Impediments whatsoever, which may any ways hinder the Erection of the said Bridge, and to erect and make in and over the said River and the Lands adjoining the Scite of the said Bridge, Abutments, Piers, Arches, Mounds, Trenches, and Landing Places, and from Time to Time and at all Times hereafter, to do all Matters and Things necessary and convenient for the erecting, maintaining, and supporting the said Bridge.

Avenues to  
the Bridge.

XV. And be it enacted, That the said Trustees shall be, and they are hereby authorized and empowered to make proper Avenues and Roads of Thirty Feet in Breadth, to and from the said Bridge, and to raise and bank up the same, where necessary, above the Level of the highest Flood, and to maintain and repair the said Avenues and Roads to the Extent of One hundred Yards from the said Bridge; and from Time to Time and at all Times hereafter to do all Things necessary or convenient for making, maintaining, and repairing the said Avenues and Roads.

Pontage at  
the Bridge  
over the  
River Whit-  
adder.

XVI. And whereas a considerable Expence will be incurred by the said Trustees in building the said Bridge over the River *Whitadder*, and making the Roads and Avenues thereto; be it enacted, That the said Trustees may erect or cause to be erected at either End of or near to the said Bridge, a Turnpike Gate and Toll House, and they or any Person or Persons whom they shall appoint for that Purpose, shall be and they are hereby authorized and empowered to demand and take thereat the Pontage Duties following, before and as often as any Foot Passenger, Coach, Chaise, or other such Carriage, Waggon, Wain, or Cart, Horse, Mule, Ass, or other Cattle shall be permitted to pass the said Bridge; that is to say,

For every Foot Passenger One Penny Sterling :

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, laden or unladen, Sixpence Sterling :

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Coach, Barouche, Landau, Chariot, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, One Shilling Sterling :

For every Horse, Mare, Gelding, Mule, Ass, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, Sixpence Sterling :

For every Score of Oxen, Cows, or Neat Cattle, One Shilling and Eightpence Sterling; and so in Proportion for any greater or smaller Number :

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Ten-pence Sterling; and so in Proportion for any greater or smaller Number.

To prevent  
Evasion of  
the Pontage  
Duty.

XVII. And be it enacted, That all Persons passing over the said Bridge shall be liable in Payment of the Pontage Duties hereby granted, notwithstanding such Persons may be carried in or upon any Waggon, Wain, Cart, or other such Carriage, or on Horseback, or otherwise riding, and that over and above and besides the Pontage Duties payable for every such Waggon, Wain, Cart, or other such Carriage, and for every Horse  
Mare,



Mare, Gelding, Mule, or Afs, excepting always the proper Driver or Drivers of every fuch Waggon, Wain, Cart, or other fuch Carriage, and the Person or Persons for whose proper Use every fuch Waggon, Wain, Cart, or other fuch Carriage, may be *bona fide* employed when fo passing, and excepting alfo One Rider upon every Horfe, Mare, Gelding, Mule, or Afs, not drawing; and if any Person fhall claim Exemption from the Payment of the faid Pontage Duties, not being entitled thereto, every, fuch Person fhall forfeit and pay any Sum not exceeding Forty Shillings Sterling for every fuch Offence.

XVIII. And be it enacted, That as foon as the faid Bridge, and the Roads and Avenues leading to and from the fame, are completed and opened for Paffengers, the Passage over the faid Bridge fhall be the only Public Road or Passage acrofs the faid River *Whitadder*, within Half a Mile above and below the faid Bridge; and it fhall not be lawful for any Person or Persons to pafs the faid River, within the Space above mentioned; and all the Fords and Passages acrofs the faid River, within Half a Mile above and below the faid Bridge, fhall thenceforth be fhut up and ftopped by building up the Passages thereto or in any other Way, that to the faid Trustees may feem moft expedient; and in cafe any Person or Persons fhall pafs the faid River or caufe any Cattle or Carriage to pafs within the faid Space at any Ford, and be thereof convicted by his, her, or their Confeflion, or by the Oath or Oaths of One or more credible Witnefs or Witnefses, before any One or more Justice or Justices of the Peace for the County of *Berwick*, (which Oath the faid Justice or Justices are hereby empowered and required to adminifter), he, fhe, or they fhall forfeit and pay any Sum not exceeding Forty Shillings Sterling for every Person, Beaft, or Carriage fo paffing acrofs the faid River.

After the Bridge is built, no Ford to be used within Half a Mile of the fame.

XIX. And be it enacted, That when the Pontage Duties exigible under this Act fhall have been paid on paffing the Gate or Turnpike to be erected at or near the faid Bridge, the faid Pontage Duties fhall not on the fame Day (to be computed from Twelve of the Clock at Night to the like Hour in the fucceeding Night) be again exigible on repaffing the fame Gate or Turnpike, in refpect of the fame Coach, Barouche, Landau, Chariot, Chaife, Calafh, Chair, Taxed Cart, Waggon, Wain, Cart, or other fuch Carriage, Saddle Horfe, Mare, Gelding, Afs, or Mule, Oxen or Neat Cattle, Calves, Hogs, Sheep, Lambs, or Goats, for which they had been fo paid on paffing; and the Person paying Toll on paffing, fhall be entitled on Demand to receive a Ticket or Note, fignifying the Payment thereof, the Production of which Ticket or Note fhall, at the faid Bridge give a Right to repafs without Payment: Provided always that if the fame Carriage, drawn by another Horfe or Horfes, or the fame Horfe or Horfes, drawing a different Carriage, fhall repafs the fame Gate or Turnpike within the fame Day, (to be computed as aforefaid), the faid Duties fhall be again payable and paid for fuch repaffing.

Pontage to be paid only once a Day.

XX. And be it further enacted, That if any Person or Persons having paid the Tolls or Pontage by this Act impofed, and having received a Note or Ticket, Notes or Tickets, fignifying the Payment of any fuch Tolls or Pontage, fhall difpofe of or give the fame to any other Person or Persons, in order to enable him or them to avoid the Payment of the faid Tolls or Pontage, every fuch Person or Persons fo difpofing of or giving fuch Note

Penalty on fraudulent Difpofal of Tickets.

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or

or Ticket, Notes or Tickets, and the Person or Persons receiving the same, being convicted thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, or otherwise, before One or more Justice or Justices of the Peace for the said County, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Application  
of Money.

XXI. And be it enacted, That the Money arising from the Toll or Pontage on the said Bridge, and the Money to be borrowed on the Credit of the Pontage, or on the Personal Credit of any of the said Trustees, for the Purpose of erecting and upholding the said Bridge, shall be applied to and for the erecting and upholding the said Bridge, and the Gates and Toll House thereon, for making Compensation to such Persons as shall sustain any Damage or Injury in consequence of the Erection and Maintenance of the said Bridge, or any of the Works connected therewith, and for paying the Interest of the Money to be borrowed relative to the same; and in defraying all other necessary Charges and Expences attending the Execution of this Act, so far as respects the said Bridge; and the Surplus of the said Toll or Pontage shall be applied to pay off the Money so borrowed, and thereafter to the other Purposes of this Act,

Drag Irons  
of same  
Breadth  
with Fellies  
of Wheels.

XXII. And be it enacted, That where any Drag Iron or other Instrument shall be affixed under the Bottom or Sole of the Wheel or Wheels of any Coach, Waggon, or other Carriage passing along the said Roads to make the Passage of such Coach, 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 Coach, Waggon, or other Carriage, forfeiting any Sum not exceeding Ten Shillings Sterling at every Gate or Turnpike on the said Roads or Bridge through which such Coach, Waggon, or other Carriage shall pass.

Double Tolls  
and Pontage  
to be paid  
where Name  
of Owner not  
on Carriage.

XXIII. And be it further enacted, That in case the Owner of any Waggon, Wain, Cart, or other such Carriage shall fail to have his Name and Place of Abode painted or affixed in legible Characters, upon some conspicuous Part of such Waggon, Wain, Cart, or other such Carriage, the said Trustees shall order and direct the Person or Persons employed to collect any of the Tolls or Pontage leviable under this Act, and such Person or Persons is and are hereby expressly authorized and required to levy, demand, and take at every Gate or Turnpike, and at the said Bridge, before any such Waggon, Wain, Cart, or other such Carriage on which the Owner's Name shall not be so painted, shall pass through such Gate or Turnpike, or over such Bridge, double the Tolls and Pontage Duties by this Act authorized to be levied and taken.

Penalty on  
Toll Gather-  
ers guilty of  
Malversation.

XXIV. And be it further enacted, That if any Person employed to collect the said Tolls and Pontage shall permit any Waggon, Wain, Cart, or other such Carriage on which the Name and Place of Abode of the Owner shall not be painted or affixed as herein-before directed, to pass through any of the said Gates or Turnpikes, or over the said Bridge, without exacting Double Tolls and Pontage as before mentioned, or shall absent himself from the Turnpike Gate or Bridge, where his Duty may be, so as to occasion Delay to Travellers, or shall knowingly exact  
any

any higher Rate of Toll or Pontage than what is hereby authorized to be taken, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, One Moiety thereof to be paid to the Informer, and the other to the said Trustees for the Purposes of this Act.

XXV. Provided also, and it is hereby further enacted, That no Person or Persons shall be liable to pay any Toll or Pontage at any of the Gates or Turnpikes, at present erected or to be erected by virtue of this Act, or at the said Bridge, for any Carriage laden with or going empty for, or returning empty after having been laden with Stones or other Materials for repairing the said Roads or any other public Roads, or Stones for paving the Streets of any Town situated on the said Roads or the Bridges, and the Causeways belonging to the same, nor for any Carriage or Cattle passing from one Part of a Farm to another, nor for any Waggon, Wain, Cart, or other Carriages carrying any Hay, Corn in the Straw, or any Produce of a Farm, or going empty for, or returning empty after having carried the same to be laid up in the Houses, Outhouses, Barns, or Yards belonging to such Farm, (without Prejudice nevertheless to the said Tolls and Pontage being paid for Hay, Corn in the Straw, or any other Produce of a Farm, when carried for Sale or for Delivery after being sold), nor for Horses or Cattle going to or returning from Pasture, or to or from Watering Places or going to be shod or farried, or returning therefrom; nor for Waggon, Wain, Cart, or other Carriages belonging to the Inhabitants of Towns or Villages, when employed in carrying out Dung or Compost from their Yards or Offices within such Towns or Villages, to Fields occupied by them, situated within One Mile of such Yards or Offices or when returning empty from carrying out the same, or when employed in bringing home to their Yards and Offices within such Towns and Villages, the Crops raised on such Fields, or when going empty to bring home the same; nor shall any Toll or Pontage be demanded from any Person or Persons who shall pass through the said Turnpikes or over the said Bridge to Church or Chapel, or any other Place of Religious Worship in the Parish within which the Person resides, upon *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for Persons attending the Funeral of any Person or Persons who shall die and be buried within the Parish in which such Person resided, nor from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty; nor for any Horses or Carriages employed in carrying or conveying the Mails of Letters or Expresses, under the Authority of His Majesty's Post Master General, either when employed in conveying the same, or in returning after having conveyed the same; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same, nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going

Exemptions  
from Toll and  
Pontage.

Penalty of claiming Exemption, where not entitled.

to or returning from the Place appointed, for and on the Days of Exercise; provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations appointed for each Corps respectively; nor for Carts, Carriages, or Waggon travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same; and if any Person shall claim and take the Benefit of any of the said Exemptions not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Exempting Carriages with Stores.

XXVI. And be it further enacted, That no Person owning or driving or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by Reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Penalty for allowing a private Passage.

XXVII. And be it further enacted, That if any Person or Persons occupying inclosed Lands near to any Turnpike which shall be erected in pursuance of this Act, or near to the said Bridge over the River *Whitadder*, shall knowingly or wittingly permit any Person or Persons to pass through the same, or through any Gate, Passage, or Way, with any Coach, Cart, or other Carriage, or with any Horse, Ass, or Cattle whereby the Payment of the Tolls and Pontage by this Act imposed shall be evaded, every such Person so offending, and the Person or Persons riding on or driving such Cart or other Carriage, Horse, Ass, or other Cattle, being thereof convicted by the Testimony of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace for the said County, shall for every such Offence respectively, forfeit and pay to the said Trustees a Sum not exceeding Forty Shillings Sterling.

Penalty for forcible Evasion of the Toll or Pontage, or assaulting Officers.

XXVIII. And be it enacted, That if any Person or Persons liable to pay the said Tolls or Pontage shall in a fraudulent or forcible Manner pass through any of the Gates on the said Roads, without paying Tolls thereat, or over the said Bridge, without paying the Pontage, or shall assault any Collector or Tacksmen of the Tolls or Pontage or any other Person acting under the Authority of the said Trustees, and shall be convicted of any such Offence before any One or more Justice or Justices of the Peace for the said County, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls or Pontage to which such Person was liable, the One Half of such Penalty or Forfeiture to be paid to the Person aggrieved or suing for the same, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

XXIX. And

XXIX. And be it further enacted, That if any Person or Persons shall at any Time during the Continuance of this Act, take off or cause to be taken off any Horse or Horses, or any Beasts of Draught from any Coach, Chaise, Chariot, Barouche, Landau, Calash, or Chair, or from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Toll Gates or Turnpikes erected or to be erected on the said Roads by virtue of this Act, or at the said Bridge over the River *Whitadder*, and shall harness or put on any Horse or Horses, or other Beast or Beasts of Draught, to such Carriages respectively, after he, she, or they shall have passed through any of the said Toll Gates or Turnpikes, with Intent to avoid paying any Tolls or Pontage hereby imposed, each and every Person so offending in any of the Cases aforesaid, shall forfeit and pay a Sum not exceeding Forty Shillings Sterling, One Half thereof to be paid to the Informer, and the other Half to the said Trustees, to be applied to the Purposes of this Act.

Penalty on taking off Horses, &c.

XXX. And be it further enacted, That the said Trustees, at a General or Adjourned Meeting assembled, shall be and they are hereby empowered, as they shall see convenient or think fit, to compound or agree, for any Term not exceeding One Year, with any Person or Persons using to travel the said Roads, or any of them, or over the said Bridge, and living within One Mile of any Gate or Turnpike erected or to be erected on the said Roads, or of the said Bridge over the River *Whitadder*, with any Coach, Barouche, Landau, Chariot, Chaise, Waggon, Wain, Cart or other Carriage, Horse, Gelding or Mule, or any other Beast of Draught, for any Sum or Sums of Money as to the said Trustees shall seem reasonable, and such Composition Money shall be paid in advance, otherwise such Agreement shall be void, and all such Composition Money shall be applied in the same manner as the Tolls and Pontage hereby authorized to be levied are directed to be applied; and Copies of all such Agreements or Compositions so to be made by the said Trustees as aforesaid, shall be entered at length in a Book or Books to kept for that Purpose by their Clerk or Clerks, Treasurer or Treasurers, Cashier or Cashiers, which said Book or Books shall be seen and perused by any Person or Persons whatsoever at all seasonable Times, without paying any Fee or Reward.

Composition for Tolls and Pontage.

XXXI. And be it further enacted, That the said Trustees at a General or Adjourned Meeting assembled are hereby authorized and empowered by public Roup, to let the said Tolls and Pontage respectively, in Whole or in Parcels from Time to Time, during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for paying thereof as shall be approved of by the said Trustees at a General Meeting as aforesaid: Provided always, that Notice of the Intention of letting such Tolls or Pontage shall be given by Advertisement in some one Newspaper published in the County of *Berwick*, or in the Town of *Kelfo*, Ten Days at least before the Day of such Meeting.

Tolls and Pontage may be let.

XXXII. And be it further enacted, That the said Trustees at a General Meeting assembled shall be and they are hereby empowered (with the Consent of the Persons entitled to Three-fourths of the Money that may be due upon the Credit of the said Tolls or Pontage at the Time), to diminish or lessen the said Tolls

Tolls and Pontage may be lessened.

or Pontage as they shall see Cause, and to raise the same again so as the same shall not at any Time exceed the Tolls and Pontage granted by this Act.

Turnpikes,  
&c. vested in  
the Trustees.

XXXIII. And be it further enacted, That the Right, Interest, and Property of and in all and every the Turnpikes, Toll Houses and Premises erected or to be erected by virtue of this Act, and the Materials of which the same shall be built, and all Materials which shall be dug, quarried, or collected for repairing the said Roads and Bridges, and the Money to be raised and collected by the said Tolls and Pontage as aforesaid, shall be and the same are hereby declared to be vested in the said Trustees; and the said Trustees are hereby authorized and empowered to bring Actions and Suits in the Name of their Clerk or Treasurer for the Time being against all and every Person and Persons who shall injure or disturb the same, or molest the said Trustees or their Officers, in the Possession or Use thereof, and the same and every Part of the Money to be raised and collected as aforesaid, 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.

Tolls and  
Pontage how  
to be levied  
and reco-  
vered.

XXXIV. And be it enacted, That if any Person or Persons liable in Payment of the said Tolls and Pontage, or any of them, shall neglect or refuse to pay the same when demanded, the said Trustees are hereby empowered, by themselves or such Person or Persons as they shall authorize or appoint for that Purpose, to levy such Tolls and Pontage by Distress and Sale of any Horse or Horses or other Cattle upon which Tolls or Pontage are by this Act imposed, or by Distress and Sale of any other of the Goods and Effects of the Person so neglecting or refusing to pay the said Tolls and Pontage, and to keep and detain such Goods and Effects so distrained until such Tolls or Pontage with the reasonable Charges of such Distress shall be paid; and it shall and may be lawful to and for the Person or Persons so distraining after the Space of Six Days after such Distress shall be made and taken, if such Tolls or Pontage shall not be sooner paid, to appraise and sell the Goods so distrained, returning the Overplus (if any there be) upon Demand to the Owners thereof after such Tolls or Pontage and the reasonable Charges of distraining, keeping, and selling the same shall be deducted and paid.

Money to be  
borrowed.

XXXV. And be it further enacted, That it shall and may be lawful for the said Trustees at any of their Annual General Meetings, or at a General Meeting called for that Purpose, or Adjournment thereof, to borrow such Sums of Money on the Personal Credit of any of the said Trustees, who may be willing to interpose the same, or on the Credit of the said Tolls and Pontage respectively for the Purposes of this Act as they shall judge necessary (including the Sums already owing on the Credit of the said Tolls granted by the said recited Act) not exceeding such Amount, as that the Tolls or Pontage aforesaid shall be sufficient to pay the Interest of the Sums borrowed, and to set apart yearly and every Year a certain Proportion thereof for a Sinking Fund in manner after mentioned.

Tolls and  
Pontage may  
be assigned.

XXXVI. And be it further enacted, That the said Trustees shall be and they are hereby empowered to assign and make over such Part or Parts of the Tolls and Pontage as they may think proper to the Person or Persons from whom the said respective Sums as aforesaid shall be borrowed, as a Security

For the Payment of the Sum or Sums of Money so lent by them with the Interest thereof, or to the Trustees so interposing their Personal Credit as aforesaid, until the Sums so borrowed and the Interest thereof and Expences incurred by Reason of such Loans, shall be completely paid, and the Trustees so interposing their personal Credit as aforesaid relieved of all Responsibility they may have incurred by Reason of such Interposition of their personal Credit, and the Persons so lending or interposing their personal Credit as aforesaid shall, after Payment of the Expences of erecting Toll Gates and Toll Houses, and the Expence of Collection of Tolls and Pontage, be preferable Creditors on the Tolls or Pontage to be levied at the Gates upon the Credit of which the Sums of Money are respectively lent.

XXXVII. And be it further enacted, That for every Sum or Sums of Money which shall hereafter be borrowed by the said Trustees on the Credit of the said Tolls or Pontage as aforesaid, the said Trustees shall set aside and apportion a certain annual Sum arising out of the Produce of the said Tolls and Pontage as a Sinking Fund for the Redemption of the Sums so borrowed, over and above the Interest payable for the Sums so borrowed as aforesaid; and the said Sum so set aside as a Sinking Fund shall not be in a less Proportion to the Sum or Sums so borrowed than *Three per Centum per Annum*; and the Assignment of the Tolls or Pontage for all or any Sum or Sums of Money so borrowed shall be entered in a Book or Books to be kept by the said Trustees or such Person or Persons as they shall appoint; which Book or Books may be seen and perused at all reasonable Times by any Person or Persons interested, without Fee or Reward.

Sinking Fund established.

XXXVIII. And be it declared, That no Trustee shall be held or adjudged to have rendered himself personally liable for the Repayment of the Money borrowed or Interest thereof by reason of having signed such Assignment as aforesaid, or for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Trustee under this Act.

Trustees not personally liable.

XXXIX. And be it enacted, That the said Trustees shall keep an exact Account of all the Money to be received by virtue of this Act and the Application thereof, and all their Proceedings, and shall enter the same in a Book or Books to be kept for that Purpose, by their Clerk, who is hereby required to enter and record regularly all the Proceedings and Accounts of the said Trustees, and for that Purpose to call for and oblige the Receivers, Cashiers, Tacksmen and others acting under the Authority of this Act, to deliver to him their Accounts and Instructions thereof, and in case of his neglecting so to do, such Clerk shall forfeit his Year's Salary for every Year he shall neglect so to do; to which Book or Books every Heritor of the County of *Berwick* shall at all reasonable Times be at Liberty to resort and to inspect the same, without Fee or Reward.

Accounts to be kept by the Trustees.

XL. And be it enacted, That the Sums of Money arising and to be levied by virtue of this Act shall not be laid out or expended without the Order of the said Trustees at a General or adjourned Meeting assembled, or of such Person or Persons as they or a Quorum of them as aforesaid shall authorize and appoint.

No Money to be paid without the Order of the Trustees.

XLI. And

Penalty for  
Misapplica-  
tion.

XLI. And be it further enacted, That in case of any Misapplication of the Money collected, received, or levied by virtue of this Act, all and every Person or Persons who shall so misapply the same, or by whose Authority the same shall be so misapplied, shall forfeit and pay Double the Sums so misapplied, to be recovered from him or them at the Suit of any One or more Heritors within the said County of *Berwick*, possessed of One hundred Pounds *Scots* of valued Rent, who are hereby authorized to sue for and recover the same in a summary Action or Complaint before the Court of Session to be determined without abiding the Course of any Roll, with full Costs of Suit, One-fourth Part of which Forfeiture shall belong to the Persons who shall sue for the same, and the other Three-fourth Parts shall be paid to the said Trustees to be applied by them as aforesaid for the Purposes of this Act; but if any such Prosecution shall after Trial be found vexatious and groundless, the Prosecutor or Prosecutors shall be liable to pay Double Costs.

Roads may  
be widened  
to legal  
Standard.

XLII. And be it further enacted, That where any Part of the said Roads is not of a sufficient Breadth according to the lowest legal Rate and Standard of Twenty-five Feet, including the Ditches or Water Runs at the Side of the Roads, it shall and may be lawful for any Two of the said Trustees to widen and extend the Breadth of the said Roads to the said legal Standard, without giving any Compensation to the adjoining Proprietors on that Account.

Power to  
alter and  
widen beyond  
the legal  
Standard.

XLIII. And be it further enacted, That where it shall appear to be necessary or convenient to the said Trustees, to alter the Course or Situation of any of the said Roads, or to widen the same beyond the legal Standard, at an Annual or General Meeting called for that Purpose by such Advertisement in some One Newspaper published in the said County of *Berwick*, or Town of *Kelso*, as aforesaid, then the said Trustees so assembled, shall be, and they are hereby empowered, to alter the Course or Direction of the said Roads, or any Part thereof, or to extend the same to such Breadth as they shall think proper, not exceeding Forty Feet, including Ditches as aforesaid, and for that Purpose to pull down any House or Houses or Parts thereof, the outside Walls of which do not exceed Twelve Feet in Height, or any Walls or Fences; provided, that in any such Alteration of the said Roads no Mansion House or ordinary Residence of the Proprietor of the Lands through which such Roads shall be made, shall be prejudiced, nor shall such Roads pass through any Garden, Orchard, Lawn, Planted Walk, or any Avenue to any such House, nor any Piece or Parcel of inclosed Ground, which before the passing of this Act shall have been used and set apart as a Nursery for Trees, without the special Consent in Writing of the Proprietor thereof: Provided always, that it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage, or otherwise competent to them, in regard to the Matters aforesaid, and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

Proprietors  
under Entail  
or not may  
renounce  
Claims of  
Damage.

Compensa-  
tion to be  
made to  
Owners and  
Occupiers of  
Grounds.

XLIV. And be it enacted, That the said Trustees shall pay such Damages to the Owners and Occupiers respectively of any Lands, Grounds, or Houses, Walls, or Fences which shall be damaged by altering or widening the said Roads or any Part thereof, beyond the legal Standard, or by pulling



pulling down any House or Houses as aforesaid, as the said Trustees shall judge fair and reasonable; but if any such Owners or Occupiers shall not be satisfied with the Offer made to them by the said Trustees, such Owners and Occupiers, on Requisition being made to them for that Purpose under the Hands of any Three or more of such Trustees, shall set forth in Writing, what Recompence he, she, or they, is or are willing to accept for their Lands, Houses, or other Premises, so intended to be taken, and deliver the same within Ten Days after such Requisition shall have been made, to the Clerk to the said Trustees, after which if the said Trustees shall still decline to pay the Sum or Sums so demanded, in Name of Recompence, or any such Owners or Occupiers shall refuse to treat with them, the said Trustees shall be and they are hereby authorized to apply to the Sheriff Depute, or Sheriff Substitute, of the said County, who, upon such Application, is hereby authorized and required to order Notice thereof to be given to the Person or Persons interested in the Lands, Houses, or other Premises, so intended to be taken, or to his, her, or their known Agent or Agents, and after the Lapse of Ten Days from such Notice being given, to summon in the usual Form and Manner a competent Number of discreet, substantial, and disinterested Persons within the County, to come and appear before him at such Time and Place as by his Warrant and Precept shall be directed, Intimation of Ten Days being given by the Trustees of such Appointment to the Parties or their known Agents; and the Number of the Persons who shall attend shall then be reduced to Twelve, by the Trustees and the Proprietors or Occupiers striking off One alternately, beginning on the Part of the Proprietors; or in case both Parties shall not appear, by the Sheriff Depute striking off until it be so reduced; and the remaining Twelve being duly sworn, the Sheriff Depute shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence, such Jury shall determine the Price and Damages to be paid by the said Trustees; and in making up their Verdict, which shall be returned in Writing, they are hereby empowered and required to take into their Consideration all Circumstances, (particularly the Advantages arising to the Owners or Occupiers by the said Roads), which in their Opinion ought to encrease or diminish the Price or Damages to be awarded to such Owners or Occupiers, and their Verdict shall be final and conclusive on all Parties, without being subject to Review or Stay in any Court by Advocation, Suspension, or Reduction, or in any Manner whatsoever; and the Sheriff Depute, or his Substitute, shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds; and the Verdict of the Jury shall be fairly written on Paper or Parchment, and shall be signed by the Chancellor of the Jury, and by the said Sheriff Depute, or his Substitute, and shall be entered in the Records of the Sheriff Court of *Berwickshire*; and the same, or Extracts thereof, shall be deemed and taken as good and lawful Evidence in all Courts of Law and Equity whatsoever.

XLV. And be it enacted, That if any Person summoned as a Juryman, or a Witness under the Authority of the said Sheriff Depute, or his Substitute, If Jurymen refuse to act,  
[Loc. & Per.] 9 B in

in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence, the said Sheriff Depute, or his Substitute, is hereby empowered to fine every such Person for every such Offence, in any Sum not exceeding Five Pounds Sterling.

Expences of Jury by whom to be paid.

XLVI. Provided always, and be it enacted, That if such Jury shall by their Verdict, adjudge the said Premises to be of greater Value than the said Trustees shall have offered for the same, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury shall be borne and defrayed by such Trustees, and such Owner or Owners, or Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum required, or any greater Sum, the whole of the said Expence shall be paid by the said Trustees; and in case the said Jury shall award the Sum so offered by the said Trustees, or any less Sum, the whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided also, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Expences shall be borne by the said Trustees in Manner aforesaid.

How Lands are to be vested in the Trustees.

XLVII. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees, by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of Scotland or Royal Bank of Scotland, in Manner herein-after directed, with regard to Consignations, as the Case may be; and it shall be sufficient to record the Discharge of the Voucher of Consignation in the Sheriff Court Books of the said County, whereupon the said Trustees shall be entitled to take and use the said Lands, and Houses, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

Incorporated Persons, &c. empowered to convey.

XLVIII. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let, and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads or any of them, and erecting any Gate or Turnpike or Toll House, and a Stable and Garden adjoining thereto, or for storing Materials or otherwise where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers as can be agreed upon, by and between the said Trustees, and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury in the Manner herein-before directed.

Application of Compensation where exceeding 200l.

XLIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid, for any Lands, Tenements, or Heritages, purchased,

chafed, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability, or Incapacity; such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Heritages, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

L. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages so purchased, taken or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner herein before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option and approved of by Three or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Interest arising therefrom may be applied in any Manner herein before directed, so far as the Case be applicable.

Application where the Compensation does not exceed 200l. nor less than 20l.

LI. Provided

Application where the Money is less than 20l.

LI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds Sterling, then and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

LII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof by Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland* or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Purchase Money to be paid into the Bank:

subject to the Order of the Court of Session.

Where any Question shall arise touching the Right to such Money.

LIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session, and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons

sons was or were lawfully entitled to such Lands, Tenements, or Heritages; or to some Estate or Interest therein.

LIV. Provided always, and be it further enacted; That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses, in pursuance of this Act; it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order; to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by Trustees.

LV. And be it further enacted, That after the Alteration of the Lines of any of the said Roads shall have been completed, it shall and may be lawful for the said Trustees, if they shall see fit, to keep and maintain the present Lines of Road or any Part thereof, for the Use and Accommodation of the Public as well as the new Lines; and it shall and may be lawful for them to collect thereon the several Duties by this Act granted.

Trustees enabled to maintain the present as well as the New Line.

LVI. Provided always, and be it further enacted, That the said Trustees, assembled at a General Meeting as aforesaid, shall be and they are hereby authorized and empowered, as soon as the said new Roads shall be complete and made passable and convenient for Carriages, to shut up so much of the old or former Roads as shall have thereby become unnecessary, and to sell the Grounds comprised in or through which so much of the old or former Roads did lead, as shall not be kept up and maintained by the said Trustees, to such Person or Persons as shall be willing to become Purchasers thereof, for the best Price that can be reasonably gotten for the same, the Person through whose Grounds the old Roads passed having always the Preference of Purchase; and in case the said Trustees and such Person shall not agree as to the Price to be paid therefore, then the same shall be ascertained by a Jury in Manner herein-before directed; and any Affidavit made by the Clerk to the said Trustees of such Offer of Preference having been made, shall be good Evidence of such Offer having been made, in all Courts and Causes whatsoever, and the Money arising by such Sale shall be applied and disposed of for amending the said Roads; and the Sale and Conveyance and Conveyances to be made of such Lands and Grounds comprised in the said old Roads being executed by the said Trustees, or a Quorum of them, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Roads may be sold.

LVII. And be it further enacted, That in altering the Course of the said Roads, or widening the same, it shall be in the Power of the said Trustees to cause the same to be carried through any Minister's Glebe: Provided always, that such Quantity of Ground shall be added to the Glebe lying most contiguous and convenient thereto, as shall be by the said Trustees deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees shall have Power to purchase from the contiguous Owner or Owners, and Occupier or Occupiers thereof, whether

Roads may pass through a Minister's Glebe.

the same be under Entail or otherwise; and in case of any Difference with regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, the Extent of such Addition and Amount of such Price shall be determined by a Jury in Manner before mentioned; and upon such Determination, and upon Payment being made by the said Trustees, of such Price to the Owner or Owners, Occupier or Occupiers, of the Ground, or Consignation thereof, in the Bank of *Scotland*, or Royal Bank of *Scotland*, the said Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe necessary for the Purpose of altering or widening the said Roads.

Ground taken not to diminish valued Rent.

LVIII. Provided always, and be it declared, That in every Case where it may be necessary to exchange or take Ground as herein-before allowed for the Purposes of this Act, the same shall not affect, alter or diminish the valued Rent or old Extent of the Lands for which such Ground shall be so taken.

For erecting Parapet Walls.

LIX. And be it further enacted, That the said Trustees shall, before they open any new Line of Road for the Accommodation of the Public, erect or cause to be erected good and sufficient Parapet Walls on the Sides of all the Bridges, and upon the Sides of the Roads where the same shall be dangerous for Persons passing along the said Roads, and they shall from Time to Time repair and keep in Repair the said Walls or Parapets.

Footpaths to be made.

LX. And be it enacted, That it shall be lawful for the said Trustees to make and maintain along the whole of the said Roads safe and convenient Footpaths for the Accommodation of Foot Passengers; and if any Person shall ride upon the Footpaths made, or which may be made along the Sides of any Part of the said Roads, or shall in any way wantonly damage or injure the same, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings Sterling, together with the Expence of repairing the Damage done, to be recovered and levied in Manner hereinafter directed.

Materials for repairing the Road.

LXI. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors appointed or to be appointed by the said Trustees, or for such Person or Persons as he or they shall appoint, upon an Order of any Two or more of the Trustees, to dig, gather, take and carry away, any Gravel, Sand, Stones, Furze, Heath, or other Materials for making or repairing the said Roads, Bridges, Toll Houses, or other Property vested in the said Trustees, out of any Waste or Common in the said County, without paying any Consideration on that Account, and also to take and carry away such Gravel and Stones, Furze, Heath, or other Materials, upon paying for the same, out of the Lands or Grounds of any Person or Persons where such Materials are and may be found, not being any Ground where the Mansion House or ordinary Residence of the Proprietor of such Lands or Grounds is, nor any Garden, Orchard, Lawn, Planted Walk or any Avenue to any such House, nor any Ground set apart and used as a Nursery or Plantation for Trees, before the passing of this Act; but it shall not be in the Power of any Proprietor or Occupier of such Lands or Grounds to deprive the Trustees of the Right of resorting to any Quarries and Gravel Pits that they have been in use to work and have actually worked any Time within Three Years preceding the passing

passing of this Act; but the said Trustees shall pay to the Owners and Occupiers of the said Lands or Grounds respectively from whence Stones, Gravel, or other Materials have been taken, or over which the same shall have been carried, such Damage as they shall sustain thereby; and in case of any Difference between such Owners and Occupiers, and the said Trustees touching such Damages as aforesaid, the same shall be settled by any Two or more Justices of the Peace of the said County, who shall finally determine the same; but such Difference shall not in the mean Time hinder the using or carrying off the said Materials, and applying the same towards the making and repairing the said Roads and Bridges.

LXII. Provided always 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 and Bridges from any inclosed Lands or Grounds without Authority in Writing from the said Trustees, and until Notice in Writing shall have been 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 Two or more of them, or any Two Justices of the Peace of the said County, on any Day after the Expiration of Six Days after such Notice shall have been given, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Two or more of them, or such Justices shall if they think proper authorize such Surveyor or Surveyors or other Person or Persons to dig, take, and carry away such Materials at such Time or Times as to such Trustees or any Two 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 Agent, without sufficient Excuse, the said Trustees or any Two 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.

LXIII. And be it further enacted, That it shall not be lawful for the said Trustees, or their Surveyor or Surveyors, or Contractor or Contractors, for the Purpose of repairing the said Roads, or any other Person or Persons whatsoever, to lay any Stones broken or unbroken, Gravel, or any other Materials whatsoever in Heaps upon the said Roads, but the Trustees and their Surveyor or Surveyors, or Contractor or Contractors, or other Person or Persons, are hereby required to provide proper Places, along the whole Line of the said Roads, for depositing the Materials for repairing the same; and the said Trustees shall be and they are hereby empowered to purchase Ground for the said Purposes, which the Proprietors thereof are hereby required to sell to the said Trustees, or to pay for any Damages that may be occasioned by the Ground being occupied by such Places for depositing Materials; and in case of any Difference between the Owners and Occupiers of such Grounds, and the said Trustees touching the Prices thereof, or the Damages to be paid for the same, such Prices or Damages shall be settled and determined by any Two or more Justices of the Peace of the said County in Manner as last before mentioned, and such Difference shall not in the mean Time prevent the using or occupying such Places for depositing Materials;

Places for depositing Materials.

Materials; and if such Surveyor or Surveyors, Contractor or Contractors, or other Person or Persons aforesaid, shall nevertheless lay such Stones or other Materials in Heaps upon the said Roads, the Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling; One Moiety to the Informer, the other Moiety to the said Trustees for the Purposes of this Act.

Roads to be measured.

LXIV. And be it further enacted, That the said Trustees shall and may cause the said Roads to be measured, and Stones or Posts denoting the Distances to be erected upon the said Roads, or near the Sides thereof, at the End of each Mile, or such other Distance as they shall think convenient, and they also shall cause proper Direction Posts to be erected where they shall judge it necessary.

Penalties for destroying or injuring Mile Stones, &c.

LXV. And be it further enacted, That if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any such Stones or Posts, or alter, obliterate, or deface any Letters or Figures, that shall be made, inscribed, or put thereon, or shall destroy, injure, or damage the Parapets or any other Parts of the Bridges on the said Roads, or any of the Gates or Turnpikes, or any of the Toll Houses erected or to be erected, or any other of the Works belonging to the said Trustees, or shall be aiding or assisting therein, or shall rescue any Person in Custody for any of the said Offences, and shall be thereof convicted by the Oath or Oaths of One or more credible Witness or Witnesses before any One or more Justice or Justices of the Peace for the County in which the Offence is committed, or where the Offender resides, such Person or Persons so offending shall pay the whole of the Expence of repairing the Damages sustained, and shall respectively forfeit and pay a Sum not exceeding Twenty Pounds for every such Offence; and such Forfeitures shall be applied One Half thereof to the Informer, the other Half to the said Trustees, to be applied to the Purposes of this Act; and it shall be lawful for any Person *brevi manu* to seize and carry any such Offender or Offenders, in any of the above Particulars, before any Justice of the Peace for the Purpose of Examination.

Trees and Hedges to be dressed.

LXVI. And be it further enacted, That all Persons having Hedges or Trees on the Sides of the said Roads shall be obliged to dress and lop the same at a proper Season of the Year, in such Manner that the said Hedges shall not exceed the Height of Six Feet from the Level of the Roads, and so that no Part of any of the said Hedges or Trees shall overhang the Roads or Drains at the Sides thereof; and if they shall refuse or neglect so to do within Twenty-one Days after Notice given in Writing by the said Trustees or any Two of them, it shall be lawful for the said Trustees to order the same to be dressed and lopped in a proper Manner and at a proper Season at the Charge and Expence of the Owner of such Trees and Fences, to be recovered in the same Manner as other Penalties by this Act imposed: Provided always, that no Hedges shall be dressed or lopped but between the last Day of *September* and the last Day of *February*, nor any Branches lopped off any Oak Trees except in the Months of *May*, *June*, or *July*, or off any Ash Elm, or other Trees, in any other Months than *December*, *January*, or *February*.



LXVII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to make sufficient Ditches or Drains, where the same are not already made, along the Sides of the said Roads in the Grounds of any adjacent Proprietor, and the Ditches or Drains already made or hereafter to be made, by the said Trustees shall be scoured, cleaned, and kept in Repair, at the Expence of the Proprietors and Occupiers of the Lands through which any such Ditches or Drains are or shall be made; and it shall be lawful to and in the Power of the said Trustees to call upon the Proprietors and Occupiers of such Lands, or either of them, for the Time being, to perform the whole Work necessary for keeping the said Ditches and Drains clean and in good Order; and if the Proprietors or Occupiers for the Time shall neglect or refuse to clean and repair the said Ditches or Drains, after Six Days Intimation to that Effect, the said Trustees, or any Two or more of them, shall be and they are hereby authorized and empowered to cause the said Ditches and Drains to be cleaned and put in Repair, at the Expence of the Proprietors and Occupiers, or either of them, and the said Proprietors or Occupiers, or either of them, shall be liable to the said Trustees for the Expence disbursed by them in cleaning and scouring the said Ditches and Drains, to be recovered in Manner herein-after directed.

Ditches to be made and scoured.

LXVIII. And be it further enacted, That when any Passage shall be made for Cattle or Carriages from any of the said Roads across the Ditches and Drains along the Sides of such Roads, for the Convenience of any Proprietor or Occupier, into whose Ground the same may pass, such Proprietor or Occupier shall always cover such Passages with a Bridge of Stones, or other proper Materials, in such a Manner as that the Course of the Water in the Drains may not be interrupted or the Roads thereby prejudiced, and that no Occupier of Lands shall turn any Water upon the Sides of any of the said Roads, nor conduct any Water across any of the said Roads, for any Purpose whatsoever, until he shall have applied for and obtained the Consent in Writing of any Two or more of the said Trustees; and every such Proprietor or Occupier shall be obliged to carry the Water across the Roads in a covered Drain of such Depth and Construction as that the Water may not prejudice the Roads; and in making any covered or arched Passage or Drain for Water across any of the said Roads, a safe and easy Passage along One Half of such Road shall be left without any Obstruction, either by breaking the Road or laying down the Materials, and such covered Drain or Passage shall be made across and completely finished on the One Half of the said Road before the other Half shall be opened, and the whole or the open Part thereof shall if practicable be completed in One Day, or otherwise the Materials for executing the same shall be so well fenced off, that Passengers may suffer no Injury thereby, which Precautions and Manner of executing covered Drains as aforesaid, shall be strictly observed by all Contractors or others making such Drains; and every Person offending herein shall not only forfeit the Materials laid down, but also a Sum not exceeding Forty Shillings Sterling for each Offence, One Half to be paid to the Informer, and the other Half to the Trustees for the Purposes of this Act; and every Contractor or other Person employed by the said Trustees upon the said Roads, shall be expressly prohibited from digging Pits or breaking up any Ground within Twelve Feet from the Sides of the said Roads, unless such Contractor or other Person shall erect a sufficient Fence between the Sides

Passages into Fields not to prejudice Drains, &c.

In making Drains across a Road One Half to be left clear of Obstructions.

Contractor not to dig Pits, or if necessary to fence them.

[Loc. & Per.]

9 D.

of

of the said Roads and any Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Forty Shillings Sterling.

Drains may  
be made  
through ad-  
joining Lands.

LXIX. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Trustees, and for such Person or Persons as they shall appoint, by Order of the said Trustees, or any Two or more of them, to make such Trenches, Ditches, or Drains, with proper Passages and Outlets for the same, through any Lands contiguous to the said Roads, as they shall judge necessary for the better repairing and upholding the said Roads, and for conveying away the Water from Ditches, which are or hereafter shall be made along the Sides of the said Roads; and after such Passages and Outlets have been so made, the Proprietor or Occupier of such Ground shall be obliged in all Time thereafter to keep clear such Outlets and Passages from the said Trenches and Ditches from Time to Time as they shall be required by the said Trustees, or any Two or more of them, so as the Outlets may not be stopped or made to restagnate into the said Ditches or Trenches, but may have free Passage through the said Grounds; and in case of such Proprietors or Occupiers neglecting or refusing to clear or cleanse such Outlets and Passages, when thereunto required by the Surveyor or Surveyors of the said Roads, or any Two or more of the Trustees, then and in that Case such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to charge and levy the Expence thereof on the Owner or Proprietor of such Grounds in Manner herein-after mentioned.

Articles to be  
drawn on a  
Wheel Car-  
riage.

LXX. And be it further enacted, That if after the passing of this Act any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall allow any Timber, Iron, or other solid Matter, (excepting Machinery framed or put together, or any Article of Metal cast in one Piece,) to project or extend more than One Foot over the Wheels of the Waggon, Cart or other Carriage, whereon the same shall be drawn and transported, so as to occupy above Two Feet more of the said Roads in Breadth than is occupied by such Waggon, Cart, or other Carriage including the Wheels, or shall allow the Timber, Iron, or other Matter to drag or trail upon any Part of the said Roads, or shall draw or transport on any Part of the said Roads, upon any Cart or Carriage with less than Four Wheels, any Timber or other Matter exceeding Twenty-four Feet in Length; or shall leave any Horse or other Beast yoked or unyoked, or any Waggon, Cart or other Carriage, or the Loading thereof, upon any of the said Roads or Ditches, or Drains on the Sides thereof, longer than may be necessary for loading or unloading the same, except in Cases of Accidents, or shall pasture, or leave or allow to be pastured or left on the aforesaid Roads, or the Ditches or Drains on the Sides thereof, any Horse, Sheep, Cow or other Bestial, or shall lay down or leave upon any of the said Roads, or Bridges, or Ditches or Drains on the Sides thereof, or within Six Feet thereof, (unless the same be sufficiently fenced off from the said Roads, Bridges, Ditches, or Drains) any Timber, Stone, Lime, Hay, Straw, Manure, Dung, Soil, Rubbish, or other Matters; or shall hammer, hew, or saw any Piece of Stone or Timber, or flake, mix or wet any Lime, or mix any Mortar upon or in any Part of

For prevent-  
ing Annoy-  
ances.

the said Roads, Bridges, Ditches, or Drains, or shall make any Saw-pits or other Pits, Holes or Hovels, or shall do any Thing, whereby the said Roads, Bridges, Ditches, or Drains, may be damaged or unnecessarily encumbered, or shall lay or leave any dead Horfe (except in Cafes of Accident, to be made out to the Satisfaction of the Sheriff or Justices before whom the Complaint shall be brought), or other Carrion, upon or in any of the said Roads, Bridges, Ditches, or Drains, or within Twenty Yards of the Sides thereof; every Person offending in any Case aforesaid, shall for each Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, One Half to the Informer, and the other Half to the said Trustees for the Purposes of this Act, besides removing the Matter of Annoyance, and repairing the Damage done to the Roads, Bridges, Ditches, or Drains, without Delay, at his or her own Expence, and in case of Failure or Neglect so to do, forfeiting the Matter, causing the Nuisance or Annoyance, and paying the Expence of removing what is not of sufficient Value to defray the Expence of Removal, and also paying the Charges of repairing the Damage done to the said Roads, Bridges, Ditches, and Drains; which Matters of Nuisance and Annoyance the said Trustees are hereby authorized and empowered to cause to be removed on such Failure or Neglect, and the forfeited Matters to be sold, and the said Forfeitures and Expences shall be levied and recovered in Manner herein-after directed.

LXXI. And be it further enacted, That from and after the passing of this Act, no Person whatsoever shall use or drive any Waggon, Cart, or other Carriage of the like Nature on any of the said Roads, unless there shall be affixed or inscribed on some conspicuous Part on the Right or Off Side of the same in distinct Characters or Letters of at least One Inch in Length, the Name or Names, and Place or Places of Residence of the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature, or of the House or Farm where the same is generally used and kept, and also the Numbers (beginning with Number One and so upwards) where more of such Carriages than One belong to the same Person; and every Person who shall drive any such Waggon, Cart, or other Carriage of the like Nature upon any of the said Roads, without such Name, Place of Residence, and Number being so affixed or inscribed thereon, shall for each Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling, to be levied, recovered, and applied as herein-after directed, reserving to every such Person his Relief against the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature, if the want of such Name, Place of Residence, or Number shall have arisen from the Fault or Neglect of such Owner or Owners, and not from the Fault or Neglect of the Driver; and every Time that the Property of such Waggon, Cart, or other Carriage of a similar Nature shall be altered, the succeeding Owner or Owners shall always, within Fourteen Days next after he, she, or they shall have become Owner or Owners thereof, and shall have used the same, cause the Name or Names and Residence of the former Owner or Owners and Number thereof to be taken off, and the Name or Names and Place of Residence of such succeeding Owner or Owners and Number thereof, where more of such Carriages than One belong to the same Person, to be affixed and inscribed in Manner before directed, under a similar Penalty of Twenty Shillings on the Person driving the same without such Name, Place of Residence, and Number affixed or inscribed, to be applied in a similar Manner, reserving to such  
Driver

Names of  
Owners to be  
affixed on  
Waggons,  
etc.

Driver his Relief in a similar Manner against the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature; and if any Person or Persons shall affix or inscribe a false Name, Place of Residence, or Number upon any such Waggon, Cart, or other Carriage of the like Nature driven by or belonging to him, her, or them, the Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

No Driver to drive Carriages, etc. abreast.

LXXII. And be it enacted, That no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, whether loaded or unloaded, shall drive or permit the same to travel or pass upon the said Roads, or any Part thereof, abreast or along-side of any other Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Roads or any Part thereof; and no one Person shall drive or take Charge of more than Two One-Horse Carts, loaded or unloaded (the Halter of the Horse drawing the last Cart being tied to the other Cart) upon the said Roads or any Part thereof, and every Person and Persons so offending shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

To drive to the Left Hand or Near Side.

LXXIII. And be it enacted, That the Driver of every Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, and the Rider or Driver of every Horse, Ass, Mule or other Beast of Burden upon the said Roads, or any Part thereof, shall be obliged, upon meeting another Coach, Chaise, Waggon, Cart or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, to make way, by holding or driving to his own Left Hand, or what is commonly called Holding to the near Side, and that without Distinction, whether the Coach, Chaise, Waggon, Cart or other Carriage, Horse, Ass, Mule, or other Beast of Burden so meeting one another are loaded or unloaded; and every such Carriage, Horse, or other Beast of Burden, overtaking any other Carriage, Horse, or other Beast of Burden, shall pass on the Right Hand thereof; and every Person offending in the Premises shall for each Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

Trustees may sue and be sued in the Name of their Clerk or Treasurer.

LXXIV. And be it enacted and declared, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk or Treasurer for the Time being; and no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but the Clerk or the Treasurer to the said Trustees for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Trustees may act as Justices.

LXXV. And be it further enacted, That any Trustee appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the County of *Berwick*, shall and may act as a Justice of the Peace within the same, for the more effectually putting into Execution the several Authorities and Powers in this present Act mentioned and contained, notwithstanding such Justice of the Peace is or shall be a Trustee as aforesaid, or a Creditor upon the Tolls.

LXXVI. And

LXXVI. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching, concerning, or in any ways relating to the said Tolls or Pontage, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by Reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Tollgatherers  
may give  
Evidence.

LXXVII. And be it further enacted, That all Tolls and Pontage, and all Penalties and Forfeitures by this Act imposed, the Recovery whereof is not herein otherwise provided for, may be recovered by summary Complaint at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any Two or more of the Justices of the Peace for the County of *Berwick*, and the Fact or Facts being verified and proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, or by other legal Evidence, the said Justices are hereby authorized and required to grant Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender, and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the Overplus Money (if any there be) upon Demand to the Owners of such Goods or Effects, after such Tolls, Pontage, Penalties, and Forfeitures, the Expence of the Warrant and the reasonable Charges of distraining, keeping, and selling such Goods or Effects, shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Tolls, Pontage, Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for the said County, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders to be committed to the House of Correction or Common Gaol of the said County, there to remain for any Time not exceeding Six Calendar Months unless the said Tolls, Pontage, Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Recovery of  
Tolls, Penal-  
ties, &c.

LXXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or other Proceedings of the said Trustees, or of any One or more Justice or Justices of the Peace of the said County, not assembled in Quarter Sessions, it shall and may be lawful for him, her, and them (except in the Cases which are already otherwise provided for), to appeal to the said Justices of the Peace for the said County, in their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in Dispute, and whose Order therein shall be final and conclusive; and the Proceedings of the Justices on Appeal shall not be subject to Review in any Court by Suspension, Advocation, Reduction, or otherwise.

Appeal.

LXXIX. And be it further enacted, That the Expence of procuring and passing this Act shall be paid out of the first Monies subscribed, levied, or borrowed by virtue of this Act; and be apportioned on the Toll and Pontage Duties hereby granted, in such Manner as the Trustees at a General Meeting assembled shall direct and appoint.

Expences of  
this Act.

[*Loc. & Per.*]

9 E

LXXX. And

Public Act.

LXXX. And be it 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 others, without being specially pleaded.

Commence-  
ment and  
Continuance  
of this Act.

LXXXI. And be it further enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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