



ANNO QUADRAGESIMO SEPTIMO

# GEORGI II. REGIS.

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## Cap. 24.

An Act for repealing Two Acts made in the Fourth and Twenty-fifth Years of His present Majesty, for repairing and widening the Road from *Scots Dyke*, in the County of *Dumfries*, by or through the Villages of *Langholm* and *Hawick*, to *Haremos* in the County of *Roxburgh*; and for the better making, repairing, and keeping in Repair the said Road. [25th April 1807.]

**W**HEREAS by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled, "*An Act for repairing and widening the Road from Scots Dike, in the County of Dumfries, by or through the Villages of Langholm and Hawick to Haremos, in the County of Roxburgh,*" the Persons therein named and described were appointed Trustees, for repairing and keeping in Repair the said Road, and various Powers were granted to the said Trustees for that Purpose: And whereas by another Act, passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, "*An Act for enlarging the Term and Powers of an Act made in the Fourth Year of the Reign of His present Majesty, for repairing and widening the Road from Scots Dike, in the County of Dumfries, by or through the Villages of Langholm and Hawick to Haremos, in the County of Roxburgh,*" the Term of the Act first above-mentioned was enlarged, and certain other Powers were granted to the Trustees thereby appointed, for the better making and repairing the said Road: And whereas the Trustees appointed by the said Two Acts have proceeded in the Execution thereof, and have borrowed several Sums of Money in consequence of the Powers thereby granted,

[Loc. & Per.] 5 G which

4 Geo. 3. c. 85.  
25 Geo. 3. c. 120.

which Sums, together with the Tolls or Duties collected, have been laid out in making, repairing, and keeping in Repair the said Road, from *Scots Dyke* to *Haremsoss*, but the said Road cannot be effectually kept in Repair, nor the Money borrowed, and Interest Due thereupon repaid, unless the Term and Powers of the said former Acts be enlarged, and unless the Rate of Toll be augmented, and further Powers granted, and Regulations made: And whereas the several Purposes of the said recited Acts, would be more conveniently executed if the said Acts were repealed, and further, and other compleat Powers granted, and Provisions made for effectually repairing and keeping in Repair the said Road, and for repaying the Money borrowed, or to be borrowed for that Purpose: May it therefore please your Majesty, That it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That the said Acts of the Fourth and Twenty-fifth Years of his present Majesty's Reign, shall from and after the First General Meeting of the Trustees, appointed by the present Act, held in pursuance thereof, be, and the same are hereby repealed.

The Acts of  
4 & 25 Geo.  
3. repealed.

Saving the  
Securities to  
Creditors.

II. Provided nevertheless, and be it enacted, that the Securities granted to any Person or Persons for Money borrowed on the Credit of the Tolls authorised to be levied by the said recited Acts, and still owing, shall not be prejudiced by the Repeal thereof, but the said Securities, shall attach upon the Tolls authorised by this Act to be levied, and Tolls shall accordingly be levied upon the said Road, until the Sums of Money owing are repaid.

Trustees ap-  
pointed by  
this Act.

III. And be it enacted, That from and after the Commencement of this Act and during the Term hereby granted, every Person who is, or shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor, or Life Renter of Lands, or Heritages, lying within the Parishes of *Kirkpatrick Fleming*, *Middlebie*, *Half Morton*, *Canonbie*, *Langholm*, *Ewis*, *Westerkirk*, or *Eskdalemoor*, in the County of *Dumfries*, or within the Parishes of *Castletown*, *Cavers*, *Hawick*, *Wilton*, *Asbkirk*, or *Roberton*, in the Counties of *Roxburgh* and *Selkirk*, the valued Rent of which Lands shall appear, from the Valuation Books of the said Counties, to be not less than Two Hundred Pounds *Scots*; and all and every the Heirs Apparent of such Proprietors or Life Renters, one Tutor or Curator of every such Proprietor or Life Renter, under Minority, Lunacy or Idiocy, one Trustee upon every Estate under Trust, of the valued Rent aforesaid, one Manager for each Body Corporate, holding Lands of the valued Rent aforesaid; Sir *James Graham*, Baronet, of *Netherby*, in the County of *Cumberland*; *Adam Ogilvie*, of *Hartwood Mires*; *William Keir*, of *Millholme*, and the eldest Baillie of *Hawick* for the Time being, shall be and they are hereby nominated and appointed Trustees, for surveying, making, repairing, altering, and keeping in Repair, and causing to be surveyed, made, repaired, altered, and kept in Repair, the said Road from *Scots Dyke* in the County of *Dumfries*, by, or through the Villages of *Langholm*, and *Hawick*, to *Haremsoss* in the County of *Roxburgh*, (which Road runs partly through the said County of *Selkirk*;) and for putting in Execution all the other Powers by this present Act given and granted:

granted: Provided always, That none of the several Persons hereinbefore particularly named, shall be capable of acting as a Trustee, unless he is possessed of Lands or Heritages lying in one or other of the said Counties, of the valued Rent above-mentioned, or is possessed of a personal Estate alone, or real and personal Estate together, to the Amount of One Thousand Pounds Sterling.

IV. And be it enacted, That if any Person not entitled to be a Trustee by holding Property as aforesaid, or not hereby named or described, shall presume to act as a Trustee, such Person shall forfeit and pay for every Offence the Sum of Ten Pounds Sterling, besides the Expence of Prosecution, to be recovered by any Trustee duly qualified, or by any Heritor of Lands, in either of the Counties of *Dumfries, Roxburgh, or Selkirk*, to be applied in repairing, and keeping in Repair the said Road: Provided always that the Trustees appointed, if they see it necessary, or expedient for the Execution of this Act, may elect one or more Trustees at a Meeting called by Advertisement as aftermentioned, for that Purpose, the Persons so elected being in the Enjoyment and Possession of Lands, as Proprietors or Lite Renters, lying within the Counties of *Dumfries, Roxburgh, or Selkirk*, of the valued Rent aforesaid.

Penalty for acting, if not qualified.

New Trustees may be chosen.

V. And be it enacted, That at every Meeting of the Trustees appointed by this Act, Three shall be a Quorum; and if a Quorum of Trustees shall not attend at any Meeting, any One Trustee attending shall have Power to adjourn, but not to do any other Business; and in case of none of the Trustees attending, the Clerk of the Meeting shall be empowered to call another Meeting of the Trustees to be held within One Month at the same Place, in Manner after directed; and at all such Meetings the Trustees assembled shall pay their own Expences.

Quorum of Trustees.

Trustees to pay their own Expences.

VI. And be it enacted, That the First Meeting of the Trustees appointed by this Act shall be held at *Moss-paul Inn*, in the County of *Roxburgh*, as soon after the passing of this Act as conveniently may be, with Power to choose a Preses and Clerk of the Meeting, and to adjourn to such Time and Place in the Neighbourhood of the Road as the Trustees met shall think proper.

First Meeting of Trustees.

VII. And be it enacted, That the Trustees shall have Power to appoint a Clerk, or Clerks, for the Purpose of recording their Proceedings, and assisting them in transacting the Business of the Trust, with an adequate Salary; and the Clerk appointed shall have full Power and Authority, when directed, by a Writing under the Hands of Two or more of the Trustees to whom he is Clerk, to call a Meeting to be held at the usual Place, by Advertisement in Two of the *Edinburgh* Newspapers, and any One of the Papers published in the Counties of *Dumfries, Roxburgh, or Selkirk*, according as the Meeting is to be held in the County of *Dumfries, of Roxburgh, or of Selkirk*, Fourteen Days at least before the Day of Meeting, signifying specially the Purpose for which the Trustees are to convene; and no Person but the said Clerk shall have Power to call such Meetings, except in the Case of the Trustees failing to appoint a Clerk; or of the Death, Removal, or Refusal of such Clerk; in all which Cases

Power to appoint Clerks.

Cases

Cases it shall be lawful to any Two Trustees to call such Meeting by Advertisement published as aforesaid.

Clerks to  
keep Books.

VIII. And be it enacted, That every Clerk shall keep a Book, in which he shall faithfully record all the Proceedings of the Trustees to whom he is Clerk; and the said Book shall be open at all Times to the Inspection of every Heritor of Lands within the Counties of *Dumfries, Roxburgh, or Selkirk*, without Fee or Reward; and if such Clerk fail to keep such Book, and faithfully and regularly to record therein all the Proceedings of the Trustees to whom he is Clerk, he shall, for every Instance of Neglect, forfeit a Sum not exceeding One Year's Salary to be recovered at the Instance of One or more of the Trustees, and to be applied in repairing and keeping in Repair the said Road.

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

IX. And be it enacted, That the Trustees may sue and be sued in every Thing relating to the Execution of this Act, in the Name of their Clerk, or Treasurer for the Time being, and no Action carried on by them, either as Pursuers or Defenders, in the Name of their Clerk, or Treasurer, shall cease or determine by the Death or Removal of such Clerk, or Treasurer, but the Clerk, or Treasurer for the Time being shall be held to be Party in every such Action.

Power to  
continue and  
erect Turn-  
pike Gates.

X. And be it enacted, That the Trustees hereby appointed may continue the Turnpike Gates, Toll-Houses, and their Appurtenances already erected under the said Two former Acts, and they shall have Power to erect other Turnpike Gates, as they shall see Cause, in, upon, across, or on the Sides of the said Road, or upon the End of any Path or Lane leading into or out of such Road, with a Toll-House, Stable, and Garden for each Turnpike Gate erected, the Ground for any One Toll-House, Stable, and Garden not exceeding the Fourth Part of an *English* Acre, which they are empowered to purchase, or take in Lease for that Purpose, as also to build Walls, or Fences, on or near the Sides of the said Road, to prevent Travellers from avoiding Payment of the Tolls, or Duties by this Act; and the Right of all such Ground, with all the Turnpike Gates, Toll-Houses, Stables, Gardens, and Fences built or to be built thereon, whether held by Purchase or by Lease, shall be vested in the Trustees for the Purposes of this Act, and for no other Purpose whatever; and if any Person, or Persons, shall maliciously, or through Carelessness, demolish, destroy, or otherwise injure any Turnpike Gate, Chain, Bar, Wall, Fence, Toll-House, Stable, or Garden thereto belonging, or any Bridge or Milestone, or other Appurtenance built or erected, or that shall be erected upon the said Road, or shall forcibly pass through any of the said Turnpike Gates, without paying Toll, or Duty, or assault and maltreat the Keeper thereof, while in the Exercise of his Office, or shall assist in the Rescue of any Person, or Persons in Custody for the like Offences, every Person, or Persons so offending, shall be subject to a Penalty not exceeding Twenty Pounds Sterling, to be recovered by the said Trustees, or by the Person having their Authority to prosecute for it.

Property of  
Toll Houses,  
&c. vested in  
Trustees.

Penalty on  
injuring any  
Gate, &c.

Power to  
levy Tolls  
and appoint  
Collectors.

XI. And be it enacted, That the said Trustees shall be, and are hereby empowered to demand and take Toll or Duty at each of the Turnpike Gates

Gates erected, or to be erected; and for receiving the said Toll or Duty, to appoint Collectors, Receivers, and Treasurers, with adequate Salaries for their Trouble; which Collectors, Receivers, and Treasurers, shall give Security to the Trustees for the faithful Discharge of their Duty, and may be changed or removed from Office as the Trustees shall see cause.

XII. And be it enacted, That the Trustees shall fix the Rates of the Toll or Duties to be demanded and taken at each Turnpike Gate erected or to be erected, annually, or as often as they shall see cause for altering, increasing, or lessening the same, not exceeding the Rates hereinafter mentioned; and it shall be lawful for them to levy and collect the said Tolls or Duties by such Receivers as they shall appoint, or to let the same by Public Roup in Whole or in Parcels, for the best Rent that can be got, and to such Person or Persons as shall give sufficient Surety for Payment of such Rent, provided that no Lease of the said Tolls, or Duties be made, at One Time, for a longer Term than Three Years.

Power to diminish the Tolls.

XIII. And be it enacted, That before any Carriage, Horse, or other Cattle, be permitted to pass any of the Turnpike Gates erected, on the said Road, or to be erected, it shall be lawful for the Trustees, their Collectors, Receivers, Treasurers, or Tacksmen, to demand and take the Tolls and Duties so fixed, not exceeding the following Rates, *videlicet*:

Tolls.

For every Coach, or other Carriage, drawn by Six or more Horses, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Five or Four Horses, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling and Threepence Sterling; and drawn by Two Horses, or other Beasts of Draught, the Sum of One Shilling Sterling; and drawn by One Horse, or other Beast of Draught, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, or other Carriage, used for carrying Articles of Commerce or Consumption, and drawn by Six or more Horses, or other Beasts of Draught, the Sum of Three Shillings Sterling; and drawn by Five Horses, or other Beasts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by Four Horses, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, or other Beasts of Draught, the Sum of Ninepence Sterling; and drawn by Two Horses, or other Beasts of Draught, the Sum of Sixpence Sterling; and drawn by One Horse, or other Beast of Draught, the Sum of Threepence Sterling:

For every Horse, Mare, Gelding, Mule, or Ass, with or without a Rider, loaded or not loaded, but not drawing, the Sum of Threepence Sterling:

For every Drove of Black Cattle, Horses, Mules, or Asses, unshod, the Sum of One Shilling and Eightpence Sterling, for each Score, and so in proportion for a greater or a lesser Number:

For every Drove of Calves, Hogs, Sheep, Lambs, Goats, or Kids, the Sum of Fivepence Sterling, for each Score, and so in proportion for a greater or lesser Number.

*Loc. & Per.*

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XIV. Provided

Power to  
compound  
for Tolls.

XIV. Provided always, and be it enacted, That the Trustees shall have Power, instead of demanding and taking Toll or Duty, according to the Rates abovementioned, to compound for any Period not exceeding Three Years, with any Person or Persons, for his or their Horses, Carriages, or other Cattle, passing through One or more of the said Turnpike Gates; and Copies of all such Compositions shall be entered by the Clerk of the Trustees in the Book, to be kept by him for recording their Proceedings; and shall be open to the Inspection of every Person or Persons interested, at all reasonable Times, without Fee or Reward.

Tolls to be  
demandable  
at every Six  
Miles only.

XV. And be it enacted, That where the Toll or Duty, authorised by this Act, shall be demanded and taken for any Carriage and Horse or Horses, or for any Horse, or other Cattle, at any One of the Turnpike Gates erected, or to be erected, on the said Road, Toll or Duty shall not be demanded or taken a Second Time for the same Carriage and Horses, or Horse, or other Cattle, within the Distance of Six Statute Miles from the Gate at which the Toll or Duty was paid; and every Person so paying shall be entitled to demand a Ticket from the Keeper of the Gate, which Ticket shall exempt the same Carriage and Horse, or Horses, or other Cattle, from Toll or Duty at every other Gate within Six Miles of that at which the said Toll or Duty was paid.

Tolls not to  
be payable  
more than  
once in the  
same Day.

XVI. And be it enacted, That Toll or Duty shall not be demanded and taken for the same Carriage and Horse, or Horses, or for the same Horse, or other Cattle, passing and repassing the same Turnpike Gate oftener than Once in a Day, computing from Midnight to Midnight.

Exemptions.

XVII. And be it enacted, That no Toll or Duty shall be demanded or taken for any Carriage, Horse, or other Cattle carrying Materials for repairing, or keeping in Repair the said Road, or any of the Bridges, Causeways, or Fences connected therewith, or for repairing any other Public Road, Bridge, Causeway, or Fence connected therewith, within the Counties of *Roxburgh, Selkirk, or Dumfries*; nor for any Carriage, Horse, or other Cattle, carrying Dung to any Land or Field, to be used upon the said Land or Field; nor carrying Corn, Hay, Straw, or Crop of any Kind, to or from any Land or Field in the natural Occupation of the Person or Persons to whom such Corn, Hay, Straw, or other Crop does belong; nor carrying Corn to any Mill to be made into Meal for the Family Use of the Owner or Owners of such Corn; nor for Meal made from such Corn returning from the Mill, without Prejudice to the taking of Toll, or Duty for Corn, Hay, Straw, Meal, or other Crop carried for Sale, or in consequence of a prior Sale; nor shall Toll be taken for any Horse, or other Cattle, going to or from a Smith's Shop to be shod, nor going to or from Water or Pasture; neither shall Toll be demanded, or taken for any Carriage, Horse, or other Cattle carrying any Person or Persons passing or repassing any of the Turnpike Gates, to or from Church, Chapel, or other Place of Religious Worship tolerated by Law, and situated within the Parish where such Person, or Persons have their usual Residence, upon the *Sabbath* Day, or any other Day on which Divine Service is, by Public Authority, to be celebrated; nor for any Carriage, Horse, or other Cattle, in passing or repassing, carrying any Person or  
Person

Persons to, from, or with the Funeral of any Person who is to be buried in the same Parish in which he or she died; nor for any Carriage, or Horse or Horses carrying any Clergyman, upon his Ministerial Duty, within his own Parish; nor for Carriages, Horses, or Cattle of any Description, in going or returning when employed in carrying Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General; nor for the Horses of Officers and Soldiers upon their March, or on Duty; nor for any Carriage, Horse, or other Cattle, in conveying the Arms or Baggage of Officers, Soldiers, or Seamen on Duty, or in carrying any Sick, Wounded, or Disabled Officers, Soldiers, or Seamen; nor for any Horse, Mare, or Gelding used or to be used by any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, in going to or returning from the Place appointed for, and on the Days of Exercise; provided always that such Person shall be dressed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements, according to the established Regulations of such Corps; nor for Carriages, Horses, or other Cattle conveying Vagrants or Criminals, under legal Warrants.

XVIII. And be it enacted, That if any Person shall claim and receive the Benefit of any of the aforesaid Exemptions, who is not entitled to the same, every such Person, for every such Offence, shall forfeit and pay a Sum, not exceeding Twenty Shillings Sterling, to the Trustees, or any Person having their Authority to prosecute for the same.

Penalty on claiming Exemptions, when not entitled.

XIX. And be it enacted, That if any Keeper of a Turnpike Gate shall, by himself or any other Person employed by him, demand and take a higher Rate of Toll, or Duty, than that which he shall be authorized to take by the Trustees, or shall demand and take Toll, or Duty, for any Carriage, Horse, or other Cattle exempted by this Act, or shall neglect to give constant Attendance at all Hours, or to give free and ready Passage to any Person, or Persons, willing to pay the Toll for their Carriages, Horses, or other Cattle, or shall assault, maltreat, or insult any Person, or Persons passing or repassing the Gate kept by him, he shall be subject to a Penalty not exceeding Five Pounds Sterling, to be recovered by the Person or Persons aggrieved, on a summary Complaint before any One or more of His Majesty's Justices of the Peace, or before the Sheriff Depute, or Sheriff Substitute of the County of *Roxburgh*, or of *Dumfries*, or of *Selkirk*, as the Offence shall be committed in One or other of the said Counties.

Penalty in case of Collectors demanding more than the legal Rates or otherwise misbehaving.

XX. And be it enacted, That the said Trustees, or the Persons authorized by them, shall have a Right to demand and take the Rate of Toll, or Duty fixed for the Time by the Trustees, for every Carriage, Horse, or other Cattle subject to the Payment thereof, before such Carriage, Horse, or other Cattle be permitted to pass any of the Turnpike Gates erected under this Act; and if after Demand made, any Person or Persons shall refuse or neglect to pay the same for any Carriage, Horse, or other Cattle belonging to them, or in their Custody, such Person or Persons, besides the Toll or Duty, shall be subject to a Penalty not exceeding Twenty Shillings Sterling; and it shall be lawful for the Keeper of the Turnpike Gate to seize, and detain the Carriage, Horses, or other Cattle, with their Loading,

Penalty on refusing to pay the Toll.

Loading; for which the Toll ought to be paid, in Security thereof, and of the Penalty aforesaid; as also to apprehend the Person or Persons so refusing or neglecting, and to carry him or them before any of His Majesty's Justices of the Peace, or before the Sheriff Depute or Sheriff Substitute, of the County in which the Offence is committed, or of any other County in which the Offender can be first apprehended; and upon Proof of such Neglect or Refusal, by Confession of the Offender upon Oath, by the Testimony of one or more credible Witnesses or Witnesses, or other legal Evidence, the said Justice or Justices, Sheriff Depute or Substitute, shall be, and hereby are empowered and required to grant Warrant for levying the said Toll, or Duty, and Penalty, with the necessary Charges of recovering the same, by Distress and Sale of the Carriages, Horses, or other Cattle, for which the Toll or Duty was refused or neglected to be paid, or of the Goods with which they were loaded, or of any other Goods or Chattels which belong to the Person or Persons so neglecting or refusing; and if the said Toll, or Duty, Penalty, and Charges cannot be made effectual by such Distress and Sale, the said Justice or Justices, Sheriff Depute or Substitute, shall commit the Person of the Offender to Gaol, for any Space not exceeding Two Calendar Months, unless the Toll or Duty, Penalty and Charges awarded, be sooner paid.

Compensation Money; when to be paid.

XXI. And be it enacted, That if the Trustees, or any of the Keepers of their Toll Gates, shall compound with any Person for Toll or Duty, at one or more of the Turnpike Gates upon the said Road, the Composition shall be paid in such Proportions, and at such Times as the Trustees shall appoint, or as shall be agreed upon: and if the said Composition be not paid within Fifteen Days of the Time or Term at which it becomes due, it shall be lawful for the Trustees, or for the Keeper of such Gate or Gates, to apply by summary Petition setting forth the Fact, to any one or more of His Majesty's Justices of the Peace, or to the Sheriff Depute or Sheriff Substitute of the County in which the Person compounded with shall have his ordinary Residence, and upon Oath being made by the Party petitioning, that the Composition has not been paid as aforesaid, it shall be lawful for the said Justice or Justices, Sheriff Depute or Substitute, and they are required; to grant Warrant for making the same effectual, by Distress and Sale of the readiest Goods and Chattels of the Person compounded with; and in case sufficient Goods and Chattels cannot be found, to commit his Person to Gaol for any Space not exceeding Two Months, unless the said Composition be sooner paid.

Penalty on permitting Persons to evade the Tolls.

XXII. And be it enacted, That if any Person or Persons owning or occupying Lands, or other Premises, shall knowingly and wittingly permit any other Person to pass over or through the same with any Carriage, Horse, or other Cattle, or shall open any private Road whereby Payment of the Toll or Duty authorized to be taken by this Act, shall be avoided, every Person guilty of such Offence, and the Person or Persons riding in, driving, or owning, such Carriage, Horse, or other Cattle, besides the Toll and Duty shall be subject to a Penalty not exceeding Twenty Shillings Sterling, together with the Costs of making the same effectual.

Penalty on taking off Horses to

XXIII. And be it enacted, That if any Person or Persons shall take off any Horse or other Beast of Draught from any Coach, Waggon, or other



other Carriage, at or before the same shall come to any of the Turnpike Gates erected, or to be erected on the said Road, with Intent to avoid Payment of any Part of the Toll or Duty, to which such Carriage, Horse, or other Cattle is liable; every Person guilty of such Offence, beside the Toll or Duty, shall forfeit and pay a Penalty not exceeding Twenty Shillings Sterling, together with the necessary Costs of making the same effectual.

evade Payment.

XXIV. And be it enacted, That if the Keeper of any of the Toll Gates, or any Collector of the Tolls or Duties, authorised to be taken by this Act, shall sell, or fraudulently dispose of any Note or Ticket signifying the Payment of any of the said Tolls or Duties; or if any Person having such Note or Ticket shall dispose thereof to any other Person in order to avoid Payment of the said Toll or Duty, every such Keeper, or other Person selling or disposing of such Note or Ticket, as well as the Person receiving the same, with Intent of avoiding Payment as aforesaid, shall forfeit and pay, respectively for every such Offence a Penalty not exceeding Twenty Shillings Sterling, over and above the Toll or Duty that should have been paid, together with the necessary Costs of making the same effectual.

Penalty on disposing of Tickets.

XXV. And be it enacted, That the Trustees, if they think it necessary or expedient, for repairing and keeping in Repair the said Road, more expeditiously and effectually, shall be and are hereby empowered to borrow from Time to Time such Sums of Money as they shall find necessary or expedient for the Purposes aforesaid: Provided always, that the Capital Sum or Sums, borrowed by them, shall not exceed, at any One Time, Ten thousand Pounds Sterling, in which Sum of Ten thousand Pounds is to be included, the Money advanced and borrowed under the said Two former Acts.

Power to borrow Money.

XXVI. And be it enacted, That it shall be lawful for the Trustees, to assign the Tolls or Duties, authorised to be taken by this Act, or Part thereof, to the Person or Persons from whom they shall borrow Money as aforesaid, in Security and Payment of the Sum or Sums so borrowed, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*: and all such Assignments shall be entered in the Book or Books, to be kept by the Clerk or Clerks of the Trustees for recording their Proceedings; which Book or Books may be perused at all reasonable Times, by any Person having an Interest in such Loans, or by any Heritor of Land within the Counties of *Roxburgh, Dumfries, or Selkirk*: Provided always, that no Resolution for borrowing Money on the Credit of the said Tolls or Duties shall be entered into by the Trustees, but at a Meeting convened for that special Purpose, in Terms of this Act as before mentioned: And provided always, that no Trustee, or other Person, by executing such Assignment of the Tolls or Duties, or by receiving the Money so borrowed, shall be subjected personally in Repayment of the same, or any Part thereof, unless he or they shall at the same Time come under a personal Obligation to that Effect.

And to assign the Tolls to the Person lending.

XXVII. And be it enacted, That the free Produce of the said Tolls or Duties, as well as the Money borrowed upon the Credit thereof, shall be, *[Lac. & Per.]* vested

Application of Tolls and Money borrowed.

vested in the Trustees for fulfilling and carrying into Execution the Purposes of this Act; in the first Place for defraying the Expence of passing this Act itself, so far as the Money in the Hands of the Cashiers under the said former Two Acts shall be deficient; in the second Place, after deducting the necessary Expence of Management, for altering, amending, repairing, and keeping in Repair the said Road; and in the third Place in Security and Payment of the Money that shall be borrowed under this Act, with the Money already borrowed on the Authority of the said Two former Acts; and if any of the Trustees shall apply any Part of the Produce of the Tolls, or of the Money so borrowed, to any Purpose not functioned by this Act, such Trustee shall be liable to refund the Money so misapplied, with all necessary Costs and Charges, by an Action, at the Instance of any Trustee, or of any Creditor to whom the Tolls or Duties stand assigned, or of any Heritor of Land, within the County of *Roxburgh*, of *Selkirk*, or of *Dumfries*, before the Judge Ordinary of the Place, in which the Trustee guilty of such Misapplication shall have his ordinary Residence.

Treasurers, &c. to give Security.

XXVIII. And be it enacted, That the Treasurers, Receivers, Keepers of Gates, and other Persons employed by the Trustees, in receiving, or disbursing the Produce of the Tolls or Duties, and Money borrowed upon the Credit thereof, shall find Security for the regular and faithful Discharge of the Duty of their respective Offices, and shall make a faithful Account of all the Money received and disbursed by them, with the Vouchers thereof, at such Times, and as often as the Trustees shall appoint, and shall pay over the Balance or Balances remaining in their Hands to the Trustees, or to such other Person or Persons as they shall authorise to receive such Balance or Balances; and if any Person entrusted by the Trustees, in receiving or disposing of any Part of the Funds granted by this Act, shall fail in making such Account, or in paying over such Balance or Balances, such Person shall forfeit and pay double the Sum unaccounted for to the Trustees, or to any other Person having their Authority to prosecute for it, to be applied for the Purposes of this Act.

Committees may be appointed.

XXIX. And be it enacted, That the Trustees may appoint Committees of their own Number to take the Care and Management of particular Parts of the said Road, if that shall be deemed expedient, as well as of the Tolls raised on such particular Parts, and the Money borrowed, or to be borrowed for such Parts, which Committees so appointed may exercise all the Powers granted by this Act, in proportion to the said Parts of the said Road, according to such Instructions, Rules, and Regulations as shall be given and laid down by the said Trustees, in a General Meeting assembled, consistent with this Act; and the said Trustees may appoint a Surveyor or Surveyors, or authorise their Committees to appoint a Surveyor or Surveyors of the Road, or any particular Part thereof; and such Committees and Surveyors may direct the repairing and keeping in Repair such Part or Parts of the Road as shall be entrusted to their Care, and may draw upon the Treasurers or Collectors, for the Money laid out by them in the Discharge of their respective Trusts; but such Committees and Surveyors shall always be accountable for the Money which they shall draw, or which shall be entrusted to their Disposal, according to the said Instructions, Rules, and Regulations to be made by the Trustees generally; and if they embezzle or misapply any Part thereof, they shall forfeit and pay double the Sum so misapplied or embezzled, to the Trustees, or any Person having their

Penalty on Committees misapplying or embezzling the Funds.

their Authority to prosecute for it, to be applied to the Purposes of this Act.

XXX. And be it enacted, That for repairing and keeping in Repair the said Road, the Trustees shall have Power by themselves, or by such Persons as they shall authorise, to build Bridges and Arches of Stone, Brick, or Timber, and to cause Old and Decayed Bridges to be taken down, and applied for the Purposes of this Act; and also to cause such Parts of the Road as are not of sufficient Breadth to be widened, not exceeding Forty Feet, exclusive of Foot Paths, and of the Ditches that shall be necessary for conveying away and keeping the Road free from Water; as also to alter the Course of any Part of the said Road, and to direct a new Course to be followed, where they shall judge such Alteration to be necessary or expedient for promoting the Public Intercourse.

Power to  
build  
Bridges.

XXXVI. And be it enacted, That for the Purpose of widening, or of altering the Course of the said Road, it shall be lawful for the Trustees or other Persons having their Authority, to enter into and upon all Grounds enclosed, or uninclosed, and to pull down and remove all Houses, Fences, and other Impediments that shall stand in the Way of such widening or Alteration, paying always the full Value of the Damage done thereby, to the Owners and Occupiers or others interested in such Lands, Houses, and other Impediments: Provided always that no Dwelling-house shall be pulled down or removed, without Notice in Writing given to the Owner or Occupier of such Dwelling-house Six Months previous to the next Term of *Whitsunday*; nor any Out-house, without Three Months such Notice, previous to the next Term of *Whitsunday*, nor shall any Lands inclosed or uninclosed be entered upon, or taken Possession of, without Four Months such Notice, previous to the putting in of the next Crop, if under Culture, and if in Grass Three Months previous to the First Day of *March*, to the Owners or Occupiers of such Land.

Powers as to  
altering and  
widening the  
Roads.

XXXII. And be it enacted What, it shall be lawful for the said Trustees, and they are hereby empowered to contract and agree with all Bodies Politic or Corporate, and all Persons holding Lands under Entail, or subject to Life Rents, or other Incumbrances, with Tutors, Curators, Trustees, and every other Person, though under legal Disability; and all such Persons are hereby empowered and required to contract and agree with the Trustees, and to sell, let, and convey to them, all such Lands, Houses, or other Premises, as shall be necessary for repairing, altering, or widening the said Road and the Foot Paths, on the Side thereof, or for pulling down or erecting any Toll Gates, Bar, Chain, Fence, Toll House, Stable, Garden, or any other Building necessary for the Purposes of this Act.

Power to  
agree for  
Purchase of  
Ground.

XXXIII. And be it enacted, That, in the taking Possession of the Ground necessary for repairing, altering, or widening the said Road, or for any Toll House, Garden, or Stable, or other Purpose of this Act, or if in removing any House, Fence, or other Impediment, the respective Owners or Occupiers of such Lands, Houses, or other Impediments, shall not come to a voluntary Agreement with the Trustees for the Value thereof, or for the Damage sustained by, and the Recompence to be made to such Owners or Occupiers, it shall be lawful to either Party

On Disagree-  
ment with  
Owners, the  
Value to be  
ascertained  
by a Jury.

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to apply to the Sheriff Depute, or Sheriff Substitute, of the County of *Roxburgh*, of *Dumfries*, or of *Selkirk*, as the Case may be, who shall be empowered to determine the same, with all Costs that may arise therefrom; and the said Sheriff Depute, or Sheriff Substitute, shall summon a Jury, to consist of not fewer than Nine qualified Persons, to inquire into the Value of such Ground, Houses, or other Impediments, into the Damage sustained by the Proprietors, and into the Recompence to be made by the Trustees for such Damage; and the Jury being sworn and impanelled, shall return a verdict upon the Matters submitted to their Inquiry and Judgment, which shall be final; and the said Sheriff Depute or Substitute shall adjudge the Value and Recompence thereby awarded, to be paid to the Person or Persons having Right thereto; and upon the Sum awarded being paid by the Trustees to the Person or Persons to whom they have been so adjudged, or in case of his, her, or their refusing to accept, upon being consigned in the Hands of the Treasurer of the Bank of *Scotland*, or of the Royal Bank of *Scotland*, or in the Hands of the Manager of any Branch of either of the said Banks, kept within the Counties of *Dumfries*, of *Roxburgh*, or of *Selkirk* the Trustees shall have right to remove the Owners and Occupiers of such Ground, Houses, or other Premises, to enter into the Possession and Use thereof, for the Purposes aforesaid, as fully and effectually as if such Owners or Occupiers had executed regular Dispositions of the same, and Infestment had followed in favour of the Trustees; and the said Proceedings and Orders of the Sheriffs Depute, or their Substitute, shall be final and not removeable or questionable by Bills or Letters of Advocation or Suspension to or by any other Court whatsoever, any Law or Usage to the contrary notwithstanding.

Expence of  
Jury, by  
whom to be  
paid.

XXXIV Provided always, and be it enacted, That in the Event of such Jury awarding a greater Compensation than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of such Jury shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally, but in case the Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and on the other Hand if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: And provided also, that after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Lands or Houses, such Sum as the said Trustees shall think reasonable, it shall and may be lawful for them to enter into, or upon such Lands or Houses, for the Purposes of this Act, and no Stop shall in the mean Time be put to the Operations of the said Trustees, on Pretence of settling the said Damage, or that they have not been satisfied and paid; and in case any Person interested shall apply for and obtain from any Judge competent a Warrant for stopping the Execution of any of the Purposes to be carried on under the Authority of this Act, the said Judge shall be, and is hereby empowered and directed to recal such Warrant, or remove any Sift obtained as aforesaid, provided sufficient Caution is found by the Trustees

tees therein named, for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in Manner hereinbefore prescribed.

XXXV. And be it enacted, That whatever Money shall be paid by Agreement, or by Award as aforesaid, for Lands, Tenements, Houses, or other Subjects, so taken or used by the Trustees, which were held under Entail, or subject to Life Rent Annuities, or other Incumbrances, or belonging to any Corporation, Married Woman, Minor, Lunatic, Idiot, or other Person under Legal Disability or Incapacity, such Money, in case the same amount to Two hundred Pounds or upwards, shall be under the Authority and Direction of the Court of Session, and shall, without Delay, be paid into the Bank of Scotland, or Royal Bank of Scotland, or such other Bank as the Court shall direct, upon the highest Interest that can be got, in order that it may be applied, with the Approbation and by the Authority of the said Court, in the Purchase of the Land Tax, or in the Discharge of any Debt or Incumbrance affecting the said Lands, Houses, or other Subjects, or affecting other Lands or Houses belonging to the same Persons, and settled to the same or like Uses, or under the like Conditions and Limitations; and when such Money cannot be applied to these or like Purposes, then the same shall be laid out in the Purchase, or on the Security of other Lands, Houses, and Subjects of the like Nature, and the Rights and Titles thereof shall be devised to the same Person or Persons, or for their Benefit, to the same Series of Heirs, for the same Uses and Purposes, and under the same Provisions, Conditions, and Limitations, as the Lands, Houses, and other Subjects, taken and used for the Purposes of this Act, were devised and settled, or such of them as shall be then existing, and capable of taking Effect; and, in the mean Time, until such Purchase or Security can be effected, the Interest of such Money shall be paid, by Authority of the said Court, to the Person or Persons who, for the Time would have been entitled to the Rents and Profits of the Lands, Houses, or other Subjects so taken and used by the Trustees.

Money payable to Persons under Entail, or Disability, how to be disposed of.

If 200l. and upwards.

XXXVI. And be it enacted, That if such Money be less than Two hundred Pounds, but shall exceed Twenty Pounds Sterling, then, at the Option of the Person or Persons who, for the Time being, would have been entitled to the Rents and Profits of the Land, Houses, or other Subjects conveyed to or taken by the Trustees, for the Purposes of this Act, to be signified in Writing under their respective Hands, or under the Hands of their Tutors, Curators, or Trustees, in Cases of Minority, Lunacy, or Trust, to be paid into One or other of the said Banks, under the same Direction and Authority, to be applied in the Manner before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved of by Three or more Trustees under this Act, in order that such Money, and the Interest arising thereon, may be applied in the Manner before directed, so far as the Circumstances of the Case shall make it practicable.

If less than Two Hundred Pounds, and above Twenty Pounds.

XXXVII. And be it enacted, That where such Money shall be less than Twenty Pounds Sterling, then the same shall be applied to the Use of the Person or Persons who, for the Time being, would have been entitled

If less than Twenty Pounds.

[Loc. & Per.]

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to the Rents and Profits of the Lands, Houses, and other Subjects so taken and conveyed for the Purposes aforesaid, in such Manner as the Trustees, or any Three or more of them shall think fit; or in case of Trust, to his or their Trustees, or in case of Minority or Lunacy, to his, her, or their Tutors or Curators, for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

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Purchase Money to be paid into the Bank.

Subject to the Order of the Court of Session.

XXXVIII. 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, Houses, or other Subjects, 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, Houses, or other Subjects, 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, Houses, or other Subjects, (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.

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

XXXIX. 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, Houses, or other Subjects, or of any Estate, Right, or Interest, in any Lands, Houses, or other Subjects, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Houses, or other Subjects, 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, Houses, or other Subjects, 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 was or were lawfully entitled to such

such Lands, Houses, or other Subjects, or to some Estate or Interest therein.

XL. Provided always, and be it further enacted, That where, by rea-son of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Houses, or other Subjects, 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, Houses, or other Subjects, 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 Purchasers to be paid by Trustees.

XLI. And be it enacted, That it shall be lawful to the Trustees, to their Committees, to their Surveyors, or to the Persons acting under their Orders, or under their Authority, to make such Ditches and Drains as shall be necessary for conveying Water from the said Road, or keeping the Road free from Water, through the Grounds contiguous or adjacent thereto, and to maintain and keep up such Ditches and Drains; as also to open Pits and Quarries, and to dig and carry away Stones, Gravel, and other Materials, necessary for repairing, altering, or widening, the said Road, or for erecting and repairing Toll Gates, Toll Houses, and other Buildings under this Act, from any Ground contiguous or adjacent thereto; provided the same can be done with Safety to the Passage of the Road, and shall not be the Ground on which any House stands, nor Ground used for the Avenue to any House, for a Garden, Orchard, Nursery for Trees, or Plantation of Trees; and in like Manner to dig and carry away all such Materials from the Bed or Channel of any River or Rivulet, within the Counties of *Roxburgh*, *Dumfries*, or *Selkirk*, provided it can be done without Injury likely to arise to any Public Building or Work, or to the Property of any Individual, the Trustees, or the Persons employed by them, filling up and levelling all such Pits and Quarries as shall be opened by them, and surrounding them with sufficient Fences while they are kept open, and paying all Damage thereby done to the Owners or Occupiers, or other Persons interested in them, which Damage shall be ascertained, in case of Difference between the said Trustees and the said Owners or Occupiers, or others interested, by any Two or more of His Majesty's Justices of the Peace for the Counties of *Dumfries*, *Roxburgh*, or *Selkirk*, as the Case may be, or by the Sheriff Depute, or Sheriff Substitute of the said Counties respectively.

Power to make Ditches and Drains.

To take Materials for the Roads, &c.

XLII. Provided always, That it shall not be lawful for the Trustees, or any Person acting under their Authority, to dig, gather, or take away any Materials for altering, widening, repairing, or keeping in Repair the said Road, or other Purpose of this Act, until Ten Days Notice, in Writing, shall have been given to the Proprietors or Occupiers of the Lands, or others, from which such Materials are intended to be taken, or shall have been left for such Proprietors or Occupiers, or their ordinary Agents,

Notice being previously given.

Agents, at their usual Places of Residence, to appear before the Trustees, or before Two or more Justices of the Peace for the Counties of *Dumfries*, *Roxburgh*, or *Selkirk*, to shew Cause why such Materials should not be taken from such Lands, Rivers, Brooks, or others; and in case such Proprietors or Occupiers shall attend, pursuant to such Notice, the Trustees, or any Two or more of them, or the said Justices, shall, if they think fit, authorise the Person or Persons aforesaid, to dig, gather, and carry away such Materials, at such Time or Times, as they shall think proper, and if such Owners or Occupiers shall neglect or refuse to appear by themselves or their Agents, the said Trustees or Justices may and shall make such Order thereupon, as they shall think fit, as fully and effectually as if such Proprietors or Occupiers, or their Agents had attended.

Inclasures on  
the Sides of  
the Road.

XLIII. And be it enacted, That after the Commencement of this Act, every Person who shall inclose Land upon the Sides of the said Road with Hedge and Ditch, shall make the Ditch and plant the Thorns towards the Field to be inclosed, and lay the Soil or Mould taken out of the Ditch towards the Road, leaving sufficient Breadth of Ground between the Bank and Road for a Conduit to convey Water along the Sides of the Road and into the Ditch; and every Person who shall find it convenient to make a Passage into any Field from the said Road, shall make sufficient Conduits upon the Sides thereof, so as to give a free Passage to the Water running along the same, to the Satisfaction of the Trustees, their Surveyor or Surveyors, under the Penalty of Twenty Shillings Sterling; and that where Dikes or Ditches are now, or shall be made hereafter, on the Sides of the said Road, by the Owners or Occupiers of Lands adjacent thereto, such Owners or Occupiers shall be obliged to repair and keep up such Dikes, and to cleanse such Ditches regularly, when required by the Trustees, or by any other Person acting under their Authority; and if any Trees, Bushes, or Hedges, shall hurt or annoy any Part of the said Road, the Trustees, or any Person acting under their Authority, shall require the Owners or Occupiers, as the Case may be, to lop and prune the same: and if such Owners or Occupiers, when required in Writing, and at the proper Seasons for such Operations, shall refuse or neglect to repair such Dikes, or to cleanse such Ditches, or to lop or prune such Trees, Bushes, or Hedges, it shall be lawful to the Trustees to employ proper Persons for repairing, cleansing, lopping, and pruning as aforesaid, the Expence whereof shall be recovered from the said Owners or Occupiers, in an Action, at the Instance of the Trustees, or Persons acting under their Orders, before any Two or more Justices of the Peace, or before the Sheriff Depute or Sheriff Substitute of the Counties of *Dumfries*, of *Roxburgh*, or of *Selkirk*, as the Case may be; and the said Sheriffs and Justices of the Peace are authorized and required to enforce and give Effect to the Orders of the Trustees in all these Points.

Nuisances on  
the Road.

XLIV. And be it enacted, That it shall not be lawful for any Person or Persons, in tilling or dressing any Ground upon the Sides of the said Road, to turn any Plough, Cart, or other Instrument of Husbandry thereupon, or on the Ditches or Drains thereto belonging, nor the Cattle employed with such Instruments of Husbandry; nor to lay down or leave any Carrion, or other Nuisance, except in case of Accident, upon the said Road, or upon the Streets



Streets of any Town or Village through which the same shall pass, or within Twenty Yards thereof; nor to lay down Lime, Sand, Wood, Iron, Rubbish, or other Materials, upon the said Road, except for building Fences, or repairing the Road, or within Five Yards thereof, where the Ground is not inclosed; nor to draw, or cause to be drawn, any Tree, Timber, or other Weighty Material along or across the said Road, otherwise than in a Wheel-Carriage or Sledge; nor without Necessity to leave Carts, or other Carriages, loaded or unloaded, upon any Part of the said Road, or upon the Streets of any of the Towns or Villages through which it does or shall pass, for any longer Period of Time than shall be necessary for loading or unloading the same; nor to dig Holes or Pits upon the said Roads or Streets; nor to turn any Water-course upon, or prevent the free Passage of Water from or along the said Road, whereby the same shall stand or stagnate thereupon; and every Person guilty of any of the said Offences, shall forfeit and pay a Penalty not exceeding Twenty Shilling Sterling.

XLV. And be it enacted, That from and after the Commencement of this Act, no House, nor other Building shall be built or erected so as to encroach on the Road, or the Foot-paths on the Sides thereof; and if any House or Building shall be so erected, the Sheriff Depute or Sheriff Substitute of the County, or any Two or more Justices of the Peace thereof, shall be and hereby are authorised and required to cause the same to be demolished and removed, upon Complaint made by the Trustees, or by any Person acting under their Authority; and every Person offending against this Provision shall forfeit and pay a Sum not exceeding Forty Shillings Sterling, beside the Expence of pulling down and removing the Materials of such House or Building, to be applied to the repairing of the said Road.

Buildings not to be erected so as to encroach on the Road and Foot-paths.

XLVI. And be it enacted, That no Driver of any Carriage, loaded or unloaded, or of any loaded Horse or other Cattle, shall drive, or permit the same to travel upon the said Road, abreast or alongside of any other Carriage, loaded or unloaded, or of any other loaded Horse, or other Cattle, and that all such Carriages, Horses, or other Cattle loaded, shall follow one another in a Line, but so as the Wheels of any Carriage or Carriages following, shall not run in the same Tract with the Wheels of any Carriage or Carriages preceding it or them; and the Driver of every Carriage, Horse, or other Cattle, loaded or not loaded, shall be obliged, in meeting with any other Carriage, Horse, or other Cattle to make Way; by keeping or driving to the left; or what is commonly called to the near Side, and in overtaking any other Carriage, to the right or off Side, and that without Distinction, whether such Carriage, Horse, or other Cattle be loaded or not loaded; and every Person offending in the Premises shall forfeit and pay a Penalty not exceeding Twenty Shillings Sterling, to the Trustees, or any Person having their Authority to prosecute for the same, beside all Damage or Costs, to the Person or Persons injured or aggrieved by the Offence.

Manner of driving Carriages on the Road.

XLVII. And be it enacted, That if the Trustees, at any General or Committee Meeting, shall determine in any Matter in execution of the Powers committed to them by this Act, such Determination shall not be annulled or altered, nor any Order contrary thereto be issued by any subse-

Orders of Trustees not to be altered without Notice.

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quent Meeting, unless such subsequent Meeting be called upon Fourteen Days' Notice, by Advertisement in Two at least of the *Edinburgh* Newspapers, *Roxburgh* or *Selkirkshire* Newspapers, or the *Dumfries* Newspapers, as the Case may be, signifying the Time and Place of such Meeting, as well as the Purpose for which it is called.

Trustees not to hold Places of Profit under this Act.

XLVIII. And be it enacted, That if any of the Trustees shall accept of any Place of Profit under this Act, such Trustee shall be incapable of acting as a Trustee, during the Enjoyment of such Place of Profit; and as often as he shall act in the Capacity of a Trustee, during such Enjoyment, he shall be subject to the Penalty of Ten Pounds Sterling.

Trustees may act as Justices.

XLIX. And be it enacted, That it shall be no Objection to any Person acting as a Justice of Peace or Judge, in any Matter relative to this Act, that he is hereby appointed a Trustee, except where he is personally interested, in which Case he shall not sit nor act as Justice of the Peace or Judge, under the Penalty of Twenty Pounds Sterling, for every Time he shall so sit or act; but in every other Case, it shall be lawful for him to sit or act as fully as if he were not appointed a Trustee.

Power to Justices to shut up Bye-Roads and Fords.

L. And be it enacted, That it shall be in the Power of any Two or more Justices of the Peace for the said respective Counties of *Dumfries*, *Roxburgh*, and *Selkirk*, upon the Application of a Quorum of the Trustees hereby appointed, to cause any unnecessary Bye-Roads to be shut up, and such Fords in the Rivers *Esk*, *Ewes*, or *Tiviot*, as they shall judge of little Consequence to the Public Intercourse, to be shut up, due Notice being always given to every Person interested, that they may be heard why the said Bye-Roads or Fords should not be shut up or stopped.

Penalties; how to be recovered.

LI. And be it enacted, That all Penalties and Forfeitures incurred under the Authority of this Act, the Recovery of which is not specially provided for, may be recovered by summary Complaint, at the Instance of the Trustees, or of any Person acting by their Orders, before the Sheriff Depute, or Sheriff Substitute, or before any One or more of the Justices of the Peace of the County in which the Offence shall be committed, or in which the Offender can be first apprehended; and the Fact being verified, and proved by the Confession of the Offender, upon Oath, by the Oath of One or more credible Witness or Witnesses, or by other legal Evidence, the said Sheriffs and Justices of the Peace shall be authorized and required to grant Warrant for pinding and selling the readiest moveable Goods of the Offender, to the Amount of the Penalty incurred, with the Expence of such Warrant and Execution thereof, returning the Overplus, if any there be; and if it shall appear to the said Sheriffs or Justices, that such Offenders have not sufficient Goods within their respective Jurisdictions, or upon Execution returned by their respective Officers, that Goods sufficient are not to be found, it shall be lawful to them, and they are hereby authorized and required to commit the Person of the Offender to Gaol, for any Space not exceeding Three Calendar Months, unless the said Penalty and Expences shall be sooner paid: Provided always, that all Actions for Penalties incurred under the Authority of this Act, shall be prosecuted within Six Calendar Months

Months from the Time of committing the Offence, otherwise they shall cease and determine; and all Penalties and Costs recovered by the Trustees, or any Person prosecuting by their Orders, shall be applied towards repairing and keeping in Repair the said Road.

LII. And be it enacted, That if any Person or Persons shall think themselves aggrieved by any Order of the Trustees, or by any Thing done in consequence of such Order, or by any Person or Persons acting under their Authority, every Person so aggrieved or injured, where no other Remedy is provided by this Act, may complain by Summary Petition, to the Sheriff Depute or Sheriff Substitute, or to the Justices of the Peace assembled in their General Quarter Sessions for the County of *Dumfries*, of *Roxburgh*, or of *Selkirk*, as the Case may be, and such Sheriffs and Justices are hereby authorised and required to hear and determine all such Cases as shall be brought before them, and their Determination shall be final and conclusive against all Parties.

Appeal in  
case of being  
aggrieved.

LIII. 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.

Public Act.

LIV. And be it enacted, That the Powers of this Act shall commence and take place from the First Meeting of the Trustees held in pursuance thereof, and shall be in full Force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-  
ment and  
Continu-  
ance of this  
Act.

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