



ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 55.

An Act for repealing an Act, passed in the Eighteenth Year of His present Majesty's Reign, intituled, *An Act for repairing the Highways and Bridges in the County of Wigtown*; and for the more effectually amending, widening, altering, repairing, and keeping in Repair, the Road from the High Bridge of Cree, by *Newton Douglas, Glenluce, and Stranraer*, to *Portpatrick*, and from *Stranraer* to the Confines of the County of *Ayr*, near the Cairn of *Lochryan*; and for levying a Conversion Money in lieu of the Statute Labour, and otherwise regulating the making and repairing the High Roads and Bridges in the said County. [24th May 1802.]

WHEREAS, by an Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled, *An Act for repairing the Highways and Bridges in the County of Wigtown*, certain Persons were appointed Trustees for surveying, ordering, amending, and repairing, and keeping in Repair, the Roads and Bridges in the said County, and certain Powers were given to the said Trustees for the said Purposes: And whereas some Progress has been made in making and repairing the said Roads, but the Powers granted by the said Act have been found ineffectual for the Purposes thereby intended; and it would be of Advantage to the Publick if the said Act was repealed, and more effectual Powers were given for making and repairing the Roads in the said County:

[Loc. & Per.]

County: And whereas the Road through the said County, from the High Bridge of *Cree*, by *Newton Douglas*, *Glenluce*, and *Stranraer*, to *Portpatrick*, and from *Stranraer* to the Confines of the County of *Ayr*, near the Cairn of *Lochbryan*, being One of the great Communications between *England*, *Scotland*, and *Ireland*, is in bad Repair, and cannot be properly amended and kept in Repair, unless Tolls are allowed to be levied thereon, and other Powers are given: And whereas the Laws now subsisting for the making of Roads, and building Bridges, and repairing the same, have been found ineffectual in the said County of *Wigtown*, to make and maintain the Roads through the same generally, and other and farther Powers are necessary in order to carry the Purposes of the said Laws into Execution, and it is attended with Difficulty to make effectual, and properly to apply the Statute Work in the said County: And whereas a reasonable Composition in Money, in lieu of actual Labour, is in many Places found to be more useful and effectual for the Purpose of making and repairing the Roads, as well as more easy and convenient for the Persons liable in Statute Services, than the actual Performance, and it would therefore be of Advantage to the said County of *Wigtown*, to convert the Statute Services into Money, and to ascertain the Rates thereof, and the Mode of levying the same, and to authorize an additional Assessment, than that at present allowed to be imposed on the Heritors of Lands and other Persons in the said County, for making Highways and Bridges through the same; and as these several Purposes cannot be effectually accomplished without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be, and the same is hereby, from and after the passing of this Act, repealed.

repealed.

Trustees for
the Roads ap-
pointed.

II. And be it further enacted, That every Person who is at present, or shall hereafter during the Continuance of this Act, be in the actual Possession or Enjoyment of the full Property or *Dominium Utile* of Lands in the said County of *Wigtown*, valued in the Land Tax Roll or Valuation Books at One hundred Pounds *Scots per Annum* in his own Right, or in the Right of his Wife, and the eldest Sons of such Proprietors, and also One Guardian of each Minor or other Person incapacitated by Law to act for him or herself possessed of Lands in the said County of the Valuation aforesaid; and in the Absence of any Proprietor possessed of Lands within the said County, rented at Three hundred Pounds Sterling *per Annum* or upwards, or his or her Guardian when Minor, or incapacitated as aforesaid, One Factor of such Proprietor not being appointed for the Purpose of making him a Trustee under this Act, but *bonâ fide* exercising the Business usually belonging to the Office of a Factor or Land Steward; and also the Sheriff Depute of the said County, or his Substitute in his Absence, and the Chief residing Magistrate of every Royal Burgh within the said County during his Magistracy only, shall be and they hereby are nominated and appointed Trustees for surveying, ordering, making, amending, widening, altering, repairing, and keeping in Repair, and causing to be surveyed, made, amended, widened, altered, repaired, and kept in Repair, the several Roads in the said County of *Wigtown*, and the Bridges thereupon, and for putting in Execution all the Powers and Authorities

Authorities by this Act given and granted, with Power to finish any Business begun by the Trustees appointed by the said Act of the Eighteenth of His Majesty, and to call to account all Persons who acted under the Authority thereof, and to recover all Arrears and the current Year's Conversion Money payable under the said Act.

III. And be it enacted, That if any Person, not qualified as aforesaid, or as herein-after mentioned, shall, notwithstanding presume to act as a Trustee in the Execution of this Act, every such Person shall for every Offence forfeit and pay a Sum not exceeding Twenty Pounds Sterling, besides the Expence of Prosecution, to be recovered by summary Complaint at the Suit of any Heritor of the said County before the Justices of the Peace at their Quarter Sessions, or before the Sheriffs Depute or Substitute of the said County of *Wigtown*, and to be paid to the said Trustees or their Collector, to be applied for the Purposes of this Act, and the Proof of Qualification shall lie upon the Person complained of; and every Thing so acted or done by such unqualified Person shall be void and null, unless the same shall have been also agreed to by a Majority of a legal Meeting of Trustees qualified as aforesaid.

Penalty on acting if not qualified.

IV. And be it enacted, That if any of the said Trustees shall accept or hold any Place of Profit arising out of this Act, he shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit, and that no Victualler or Retailer of Beer, Ale, or Spirituous Liquors, shall be capable of holding or enjoying any Office of Trust or Profit under this Act.

Trustees not to hold any Place of Profit under this Act.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall hold their First General Meeting under this Act at *Wigtown*, upon the Third *Wednesday* after the passing of this Act; for the Purpose of arranging the Proceedings, and for appointing such Officers and regulating such Matters as may be requisite for carrying this Act into Execution, and thereafter shall hold Three General Meetings in the Year, One at *Wigtown*, on the First lawful Day after the Thirtieth of *April*, or such other Day as shall be appointed for the Meeting of the Commissioners of Supply for laying on the Cess; another at *Glenluce*, upon the First *Tuesday* of *August*; and another at *Wigtown* on the First *Wednesday* subsequent to the Day on which the *Michaelmas* Head Court for the County is held, with Power to the said Trustees, or Majority of those present at the said General Meetings, to adjourn themselves to the next lawful Day thereafter whenever necessary, without Intimation, as also with Power to adjourn to such other Times and Places as they shall think convenient, Ten Days previous Notice of the Day and Place and Purpose of the adjourned Meetings being always given by circular Letters from the Clerk of the General Meetings to the Trustees resident in the County; or to the known Factors of those who may be absent, and if a Quorum of the Trustees shall not attend any General Meeting or adjourned Meeting, the Meeting shall be virtually adjourned, and shall be held at the same Place on that Day Fortnight, and so on from Fortnight to Fortnight, until a Quorum shall attend; and it shall be in the Power of the said Trustees to name Committees of their Number, to have the more immediate

Time and Place of Meetings, Order of Proceedings, &c

Care

Care and Management of particular Parts of the said Roads, and to give the said Committees such Instructions and such Powers as they shall think fit and expedient.

Quorum of Trustees.

VI And be it enacted, That Five Trustees at a General Meeting assembled, and Two Trustees in any Committee, (except where otherwise directed in the Appointment of such Committee), shall be a sufficient Quorum; and at every Meeting a Preses shall be chosen, who, besides his Vote as an ordinary Member, shall in Case of Equality have a casting Vote; but no Person shall have more than One Vote on any Pretence excepting as Preses.

For erecting Turnpikes, &c.

VII. And be it enacted, That the said Trustees at the First or any of the stated General Meetings assembled, may cause to be erected Gates and Turnpikes across any Part of the said Road, from the High Bridge of Cree by *Newton Douglas, Glenluce, and Stranraer*, to *Portpatrick*, and from *Stranraer* to the Confines of the County of *Ayr*, near the *Cairn of Lockbryan*; and to erect, or cause to be erected, such Number of Toll Houses as they shall think fit, and may authorize the Collectors or Tacksmen under their Authority, to take and levy at each of the said Gates, before any Passage is permitted, the Rates, Tolls, and Duties after mentioned; (that is to say),

Tolls:

For each Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Chair, or other such Carriage, at the Rate of Sixpence Sterling for every Horse, Mare, Gelding, or Mule, drawing the same:

And for every Waggon, Wain, Cart, Sledge, or other such Carriage, at the Rate of Three-pence Sterling for every Horse, Mare, Gelding, or Mule, drawing the same; and at the Rate of One Penny Halfpenny Sterling for every Bull, Cow, or Ox, drawing the same:

And for every Horse, Mare, Gelding, or Mule, laden or unladen, or whereon any Person shall ride, and not drawing, the Sum of Two-pence Sterling:

And for every Ass, Bull, Cow, Ox, or neat Cattle, the Sum of One Penny Sterling:

And for every Hog, Calf, Sheep, Lamb, or Goat, the Sum of One Farthing Sterling.

Proportion of Tolls may be applied in repairing Road from *Newton Douglas* and *Portpatrick*.

VIII. And be it further enacted, That it shall be lawful to, and in the Power of the said Trustees, at General Meetings assembled, from Time to Time to direct such Part of the Tolls and Duties by this present Act authorized, to be levied as they shall think proper, not exceeding One Fifth Part of the annual Produce thereof in any One Year, to be laid out and applied for the repairing the Roads made or to be made within the County of *Wigtown*, branching out of or leading from *Newton Douglas*, by *Glenluce* and *Stranraer* to *Portpatrick*: Provided always, that no Money shall in any Case be allowed for such branching Roads, unless at a General Meeting called by circular Letters Ten Days before the Day of Meeting, in which it shall be stated that a Proposal for granting such Allowance is to be laid before the Meeting.

Trustees may lower Tolls, and raise them again.

IX. And be it enacted, That the said Trustees, shall be, and they hereby are empowered, at any General Meeting, to diminish or lessen any or all of

of the said Rates upon the said Roads, or any Part thereof, with the Consent of the Persons entitled to the Money then due and owing on the Credit of the said Tolls, if any be, and not otherwise; and also to raise the Rates again if they shall see cause, but so as not at any Time to exceed the Rates authorized as aforesaid by this Act; and a large and distinct Table of the Toll Duties demandable at each Gate, shall be put up and remain in a conspicuous Place upon or near the same.

X. And be it further enacted, That it shall be lawful for the said Trustees to erect, or cause to be erected, One or more Gate or Gates, on the Side or Sides of the Turnpike Road, and across any Lane or Way leading into or out of the same; and a Toll House at each such Gate, and there to demand and take such Tolls as are authorized by this Act, on the main Road, declaring that these Side Bars shall affect no other Road than the said Turnpike Road before described, and only to prevent Evasions on that Road.

Trustees may erect Toll-gates, and take Toll.

XI. And be it enacted, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes to be erected by virtue of this Act, and who shall return the same Day through the said Turnpike or Turnpikes before Twelve of the Clock at Night, with the same Coach, Cart, or other Wheel Carriage drawn by the same Horse or Horses, or other Beasts of Draught, shall be liable to pay the Tolls or Duties more than Once, but shall, on Demand, be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty; and these shall give Right to the said Person or Persons returning the same Day as aforesaid, to repass the said Turnpike or Turnpikes Toll free.

Tolls not to be taken more than Once a Day.

XII. Provided always, and be it enacted, That for Carriages employed in carrying Manure or Fuel of any Kind, or going for the same, or returning empty after carrying the same, only One Half of the Rates by this Act before imposed shall be demandable; and that no Tolls shall be levied for or in respect of Carriages, Horses, or Cattle, employed in carrying Materials for making or repairing any of the Roads or Bridges in the said County, or any Corn in the Straw or Utensils of Husbandry, or returning empty after carrying the same, or carrying any Person to or from Church, or any Place of religious Worship, belonging to or situated within the Parish where such Person resides, or on attending the Funeral of any Person who shall die, and be buried within the County, or in conveying the Mails, Letters, or Expresses under the Authority of His Majesty's Postmaster General, or in returning back from conveying the same, or for the Horses belonging to Officers or Soldiers on their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in conveying any sick, wounded, or disabled Officers or Soldiers, or for Horses, Carts, or Carriages travelling with Vagrants sent with legal Passes, or Horses or Cattle going or returning from their usual Places of Pasture or watering, or going to Smithies for the Purpose of being shod, or returning therefrom; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling.

Exemptions from Tolls.

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XIII. And

Compositions
may be made.

XIII. And be it enacted, That it shall be lawful for the said Trustees at any General Meeting to compound with any Person or Persons keeping Carriages, Horses, or Cattle, in the Neighbourhood of any of the said Turnpike Gates, or being under Circumstances which render the Payment of the full Duties particularly burdensome, and that for any reasonable Sum to be paid by Advance in lieu of the Toll Duties to which such Person or Persons might be subjected; provided that such Composition shall not be made at One Time for longer than the Period the Tolls are then let at, and all such Compositions shall be entered in Books to be kept by the principal Clerk of the said Trustees.

For erecting
Weighing En-
gines.

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

Charging Car-
riages with
heavy
Weights an
additional
Toll.

XV. And whereas much Hurt and Damage has been done to the Roads intended to be made and repaired by this Act, and by the said former Act, by Carriages carrying great Weights, the Fellies of the Wheels of which are not broader than the Fellies of the Wheels of ordinary Carriages, therefore it is reasonable that such Carriages should pay a higher Toll or Duty than other Carriages; be it therefore enacted, That the said Trustees shall and may from and after the First Day of *November* One thousand eight hundred and two, levy, or cause to be levied, demanded, and taken at the several Turnpike or Turnpikes, Gate or Gates, erected or to be erected on or across all or any of the Roads hereby intended to be made or kept in Repair, before any Waggon, Wain, Cart, or other Wheel Carriages drawn by One or more Horses, Mares, Geldings, or Mules, pass through the same, the Weight of which Carriage, with the Burden or Draught therein or thereon, shall amount to Two thousand Weight or upwards, and the Fellies of the Wheels of which shall not measure Seven Inches in breadth, at least; if drawn by One, and Nine Inches in breadth, if drawn by One or more

Horses,

Horses, Mares, Geldings, or Mules, Double the Tolls and Duties, which the said Trustees are empowered to levy for such Carriages upon the Roads above mentioned, if such Waggon, Wain, or Cart, with the Burden or Draught therein shall amount to Two thousand Weight or upwards, and the Fellies of the Wheels of which shall not measure Seven Inches in breadth at least, if drawn by One, and Nine Inches in breadth; if drawn by Two or more Horses, Mares, Geldings, or Mules; but Double the Tolls shall be levied therefore as would have been leviabie had such Carriages not been entitled to any Exemption; excepting always, Carriages carrying the Mail or Packet, Carriages attending Soldiers who are upon their March or carrying their Baggage, and Carts, Carriages, or Waggon travelling with Vagrants sent with legal Passes, which in no Case whatever shall be liable in any Toll or Duty; and declaring that Carriages loaded with Manure or Fuel of any Kind, shall only be liable for the Half of the said Rates; and the Toll or Duty on such Carriages is hereby expressly declared not to be a Penalty, but the just and fair Toll Duty leviabie on such Carriages.

XVI. And be it further enacted, That the said Trustees shall have Power to feu, purchase, or take on Lease, such Pieces of Ground as may be necessary for the Scite of the Toll Houses and Gardens to the same, not exceeding Half an Acre for each House and Garden; and in case the Trustees cannot agree with the Proprietors or Occupiers for the Price, Feu Duty, or Rent of such Ground, the same shall be ascertained by a Jury, as herein-after mentioned; and the said Trustees may, at any General Meeting, let the Toll Duties leviabie at any Gate, for any Term not exceeding Three Years, to the highest Offerer, giving Security for the Payment of the Rent, to be approven of by the Trustees.

May purchase
Lands for
Toll Houses,
&c.

XVII. And be it enacted, That the said Trustees, at any General Meeting assembled, may, from Time to Time, borrow upon the Credit of the Toll Duties aforesaid, such Sum and Sums of Money as they find necessary, not exceeding the Sum of Six thousand Pounds Sterling of Principal, to be due at any One Period; and when any Part of the Principal Money borrowed is paid off, they may again borrow to the same or a less Amount, and may assign over the Toll Duties to the Person or Persons from whom the Money is borrowed, as a Security for the Repayment thereof, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*; and every such Loan shall, within Ten Days after it is made, be recorded in a Book to be kept by the Clerk of the General Meetings; and the Repayments of Loans, or any Part thereof, shall in like Manner be recorded.

May borrow
Money on the
Turnpike
Roads.

XVIII. And be it enacted, That the said Tolls and Duties, and the Gates, Toll Houses, and Gardens, shall be vested in the said Trustees; and the said Toll Duties and Money borrowed on the Credit thereof shall be applicable towards making and repairing the said Roads upon which Turnpikes are hereby authorized to be erected, and the Bridges thereon, and erecting the Gates and Toll Houses, and paying for the necessary Ground, and for Damages sustained by the Owners and Occupiers of Gound or Materials taken for the Use of the said Roads, or for Houses or Fences demolished, or for new Fences where necessary to be made, and for defraying the Expences of carrying this Act into Execution relative to the

Toll Houses,
&c. vested in
Trustees.

Application
of Toll Du-
ties, and Mo-
ney borrowed
on Credit of
Tolls.

the said Turnpike Road, and towards paying the Interest of Money borrowed and Repayment of the Principal, and for or to no other Purpose whatsoever, except paying a Proportion of the Expence of procuring and passing this Act, as after mentioned; the other Proportion being to be paid in Manner after mentioned.

Penalty on
Persons evad-
ing Payment
of Tolls.

XIX. And be it enacted, That if any Person shall unduly evade Payment of the Duties authorized to be levied as aforesaid, or shall counterfeit a Ticket importing Payment thereof, or give away or dispose of a Ticket to any other Person, who has not actually paid the Duties, or shall pass through any Land, or any Gate or Way, not being a Common Road, in order to evade the going through any adjacent Turnpike; every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling nor less than Twenty Shillings Sterling.

Penalty on
destroying
Turnpikes,
&c.

XX. And be it enacted, That if any Person shall maliciously destroy, pull down, break, deface, or injure any Turnpike Gate, or Toll House, or other Edifice, or Work erected or put up for the Purposes of the said Turnpike Roads, or any Bridge thereon, or Parapet or other Wall on the Side of the Roads, or Bridges, or any Mile Stones or Posts erected thereupon, or shall maltreat any Collector or other Person in the Performance of his Duty under this Act, or shall be aiding or assisting therein, or shall rescue, or attempt to rescue, any Person in Custody for such Offence, every Person so offending shall not only pay for the whole Damages sustained by his tortious Act, but also shall be either imprisoned for Three Months, or fined in any Sum not exceeding Five Pounds Sterling.

Tolls to be
applied.

XXI. And it is hereby further enacted and declared, That at any General Meeting of the said Trustees, (the Purpose of the said Meeting being specially announced by publick Advertisement in One *Dumfries* and One of the *Edinburgh* Newspapers), it shall be lawful for them to direct the Tolls arising at the Turnpike or Toll Bars erected or to be erected on the said Roads, to be managed and 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 is hereby authorized and required to enter and record the Resolution, in a Book to be kept for that Purpose; and if the Resolution shall be approved of by Two consecutive General Meetings, it shall not be in the Power of the said Trustees, or of any Number of them, to vary or alter the final Resolution, Determination, or Allocation so made, at any Time thereafter, excepting with the Approbation of Three consecutive General Meetings.

Obliging Pay-
ment of Sub-
scription Mo-
ney.

XXII. And be it enacted, That if any Person or Persons who has or have subscribed, towards the Expence of making and repairing the said Turnpike Roads by this Act directed or intended to be made and repaired, shall neglect or refuse to pay his, her, or their Subscription Money, at such Time and Place as shall be appointed by the said Trustees, it shall and may be lawful to and for the said Trustees, to sue for and recover the same in any Court competent in that Part of *Great Britain* called *Scotland*: Provided always, that the Money so subscribed and paid, shall be repaid
out

out of the Monies allowed to be borrowed by this Act, upon the Credit of the Tolls to be levied on the said Turnpike Roads, and out of the Monies arising from the said Tolls, and until Repayment, the Monies so advanced shall be a Lien and preferable Charge upon the said Tolls and Duties.

XXIII. And be it enacted, That the Powers in this Act, respecting the said Roads on which Turnpikes are intended to be erected and Tolls levied, shall commence on the said Third *Wednesday* after the passing of this Act, and continue for the Term of Twenty-one Years thereafter, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of Act.

XXIV. And, for the more effectually making, repairing, and keeping in Repair, the Roads and Bridges in the said County of *Wigtown*, generally, be it enacted, That, from and after the passing of this Act, Persons heretofore chargeable to perform Statute Services in the said County, shall be no longer so chargeable, but shall, in lieu thereof, be obliged to pay an Assessment in Money, without Prejudice to the Recovery of Arrears due under the said Act of the Eighteenth Year of His present Majesty.

Conversion of the Statute Labour into Money.

XXV. And be it enacted, That all Occupiers of Lands within the said County, whether Proprietors, Liferenters, or Tenants, shall pay yearly for the Lands occupied by them respectively, at a Rate not exceeding Thirty Shillings Sterling for each One hundred Pounds *Scots* of valued Rent, as the Lands stand valued in the Cess Books of the said County, or shall be valued in Manner herein-after mentioned; and in order to fix the Conversion Money payable out of such Lands as are not valued in the Cess Books, the Trustees appointed by this Act shall name One Arbiter on their Part, and intimate that they have made such Choice to the principal Heritor in each Parish, whose Lands are not valued, and he, in Conjunction with the other Heritors in the same Parish possessed of such Lands, shall, within Ten Days after such Intimation, name an Arbiter on their Part, and failing such Nomination the Trustees shall be entitled to apply by summary Petition to the Sheriff Depute of the County, who shall thereupon name an Arbiter on the Part of the Heritors, and these Two Arbiters shall fix and determine the Rates of Valuation, at which the aforesaid Lands, not valued in the Cess Books, shall pay Conversion Money for Statute Labour, in Proportion to the Valuation of Lands of similar Quality in the same Parish; and the said Arbiters shall have Power to name an Overseer in case of Difference, or if they cannot agree upon an Overseer, the Sheriff shall name one upon the summary Application of either Party or Arbiter, and the Decree arbitral of such Arbiters or Overseers shall be final and conclusive; and all Occupiers of Houses within Royal Burghs or Villages, having no Land excepting a Garden connected therewith, and rented at Five Pounds Sterling of yearly Value, whether Proprietors or Tenants, shall pay as an Assessment or Conversion for Statute Labour, the Sum of Two Shillings and Sixpence Sterling *per Annum* for each Person; and where the Rent or yearly Value exceeds Five Pounds, they shall pay Sixpence for every Pound Sterling thereof; and where there is no fixed Rent, One shall be settled by Arbitration in case of Difference, in the same Way

Rates of Conversion.

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as is before mentioned, with regard to the Valuation of Lands; and all Labourers, and all Persons exercising any Craft, Art, or Profession, and their Servants or Journeymen, (Apprentices only excepted), and all Occupiers of Houses at a Rent or yearly Value below Five Pounds Sterling, having no Land, except a Garden connected therewith, and their Male Lodgers and Inmates, shall pay at a Rate not exceeding Two Shillings and Sixpence Sterling, yearly, for each Person; and all Persons keeping Horses for travelling; and all Innkeepers, Carters, Carriers, and all other Persons keeping Horses for Hire, shall pay Five Shillings Sterling, yearly, for each Horse used by them for these Purposes, to be levied on the greatest Number of such Horses kept by any Person at any Time within each Year for which the Payment becomes due, and which shall be diminished in the same Proportion as the Conversion of Thirty Shillings Sterling upon the One hundred Pounds Scots of Valuation upon Lands: Provided always, that so far as the said Labourers, Persons exercising Craft, Art, or Profession, Occupiers of Houses below and above Five Pounds Sterling of yearly Value, and their Male Lodgers, Persons keeping Horses for Travelling, Innkeepers, Carriers, and other Persons keeping Horses for Hire, shall rent any Lands, and be assessed in the Quality of Tenants for the Lands occupied by them respectively, they shall be entitled to a Deduction of the Sum of the lesser from the Sum of the greater Assessment; all which Payments or Assessments shall be in lieu of all Statute Services for Highways within the County of *Wigtown*; and all which shall be payable, on the First Day of *May* yearly, to the Trustees appointed by this Act, or to Persons appointed by them to collect the same: Provided always, that no Servant or Labourer who shall be *bonâ fide* hired or engaged to work during the Year, or Half Year, under any Matter, subject to pay Conversion Money for the Land on which such Servant or Labourer resides or works, shall be liable in any Conversion, except for Land which such Servant or Labourer may occupy on his own Account: And provided also, that Parish Schoolmasters shall not be liable to pay Conversion Money for themselves or their Houses or Servants employed therein, unless they are Occupiers of Lands, as Proprietors or Tenants, in which last Character they shall be liable to pay; and further, the Trustees may exempt such Persons as appear to them to be in indigent Circumstances from the Payment of Conversion Money, not being for Land occupied by them; and the Trustees shall fix and ascertain the Rates of Conversion as they shall deem expedient, not exceeding the Rates herein-before mentioned, and the Whole of the Conversion Money collected in each Parish shall be applied in making and repairing the Roads in such Parish, unless the Heritors possessed of Two Third Parts of the valued Rent of such Parish, agree that the said Conversion Money or Part thereof may be laid out elsewhere, and in that Case the same may be applied, by the Orders of the Trustees in a General Meeting, to any Roads leading from thence through the next adjoining Parishes only; and the said Trustees may, at any General Meeting, after any of the Roads in One Parish are completed, diminish and let down the Conversion Money aforesaid, in such Parish, to such Rates as they judge necessary, provided that all Debts previously contracted be first discharged.

List of Occupiers to be delivered in, &c.

XXVI. And be it enacted, That every Proprietor of Lands shall give in to the Collector of the Conversion Money, for that Parish in which his Lands

or

or Part thereof lie, an exact List of all the Occupiers of such Lands; and the Proportion of Valuation belonging to each, on or before the First of *March* next after the passing of this Act, in so far as not already done under the said Act of the Eighteenth of His Majesty, and shall annually thereafter give in similar Lists of all Alterations in the Occupiers or Proportions of Valuation, when any such shall occur, and the Collection shall be made accordingly.

XXVII. And be it enacted, That the said Trustees, at any General Meeting, may annually elect and appoint, for each Parish and Royal Burgh in the said County, One or more fit Persons resident therein, to be Assessors for such Parish or Burgh, and every Person so appointed an Assessor; neglecting or refusing to act, shall forfeit a Sum, not exceeding Five Pounds Sterling, for each Time he is elected and so neglects or refuses, unless such Person gives to the Justices of the Peace of the said County, assembled at their Quarter Sessions, a Reason for such Neglect or Refusal allowed of by the said Justices as satisfactory; and every Person appointed as an Assessor as aforesaid, shall, before acting as such, take the following Oath:

Assessors may be appointed for each Parish.

‘ I *A. B.* do solemnly swear, That I will faithfully execute the Office of Assessor of Conversion Money, in lieu of Statute Labour, for the Parish or Burgh of *C*, in the County of *Wigtown*.’

Assessor's Oath.

But no Person shall be obliged to hold the Office of Assessor after Once exercising it, till after an Interval of Four Years.

XXVIII. And be it enacted, That the Assessor or Assessors and Collector for each Parish and Royal Burgh shall, annually; to the best of their Knowledge, make up a State or List of all the Persons in such Parish or Burgh liable to pay Conversion Money, with the Sum payable by each; and also a List of the Persons who were charged in the preceding Year, distinguishing those who paid and those in Arrear; which States and Lists shall, from the First Day of *April* in each Year, either be affixed on the most patent Door of the Parish Church, or shall be lodged for publick Inspection at the House of some Person in the Parish, and Notice thereof affixed in Writing on the Church Door, in order that if there be Errors in the same, Notice may be taken of them, and the said Collectors, and Assessor or Assessors shall report the same to the next Meeting of Parish Trustees after the said First Day of *April*, and at the said Meeting all Parties interested shall be heard, and the Trustees shall finally adjust the same, and declare their Approbation thereof; and the Collector shall exact and levy the Conversion Money according to such final States and Lists, and failing so to do or to report exact Diligence, shall himself be liable to pay any Sums by him omitted to be exacted, and an annual Collection Day shall be held in each Parish, within Ten Days after the First Day of *May*, which Day of Collection shall be advertised at the Church Door of the said Parish, on a *Sunday* at least One Week previous thereto, declaring that the Collector of the Cefs of each Royal Burgh, if required by a General Meeting of the Trustees appointed by this Act, shall be obliged to collect the Conversion Money due by the Inhabitants of the said Royal Burgh, and likewise that due for any Lands belonging to or held of such Royal Burgh, and to pay the same after deducting Five Pounds *per Centum* for

Assessors to make up Lists, etc.

for his Trouble to any Person authorized to receive it by the said Trustees; and any Collector of a Royal Burgh, who refuses or neglects so to do, shall forfeit a Sum not exceeding Five Pounds Sterling for every Offence.

County may
be divided in-
to Districts.

XXIX. And be it enacted, That the said Trustees, at any General Meeting assembled, may, for the Purpose and better levying of the said Conversion Money, divide the County into Two or more Districts or Parish Divisions, and separate Accounts of the Conversion Money raised shall be kept within each District and Division, and such Districts and Divisions may be afterwards altered by the Order of Three consecutive General Meetings of the Trustees.

Division Pro-
ceedings sub-
ject to Gene-
ral Meetings
Directions.

XXX. And be it enacted, That the whole Proceedings of the Trustees in the District or Parish Meetings, shall always be subject to the Direction and Controul of the General Meetings, and in case the District or Parish Meetings do not comply with the Orders of the General Meetings, it shall be in the Power of the General Meetings to appoint a Committee of Three or more of their Numbers to carry such Orders into Execution.

Proceedings,
etc. to be re-
corded.

XXXI. And be it enacted, That Minutes of all the Proceedings of the Trustees as well in their Committees and District or Parish Meetings, as in their General Meetings or Adjournments thereof, and likewise all Contracts and Agreements made by them, shall be recorded in Books to be kept by the Clerks of the General District, Parish, or Division Meetings respectively; and in case any Person making any Contract or Agreement with the Trustees, shall not within One Month thereafter present the same to the Clerk to be recorded, such Person shall forfeit and pay a Sum not exceeding Five Shillings Sterling, and any Clerk refusing or neglecting to record any Contract or Agreement within One Month after the same shall be presented to him, shall forfeit and pay any Sum not exceeding Five Shillings Sterling for each Offence; and the Minutes of the Proceedings of the Trustees shall state the Substance of all Deliverances on any Petitions or other Papers presented to them, otherwise the said Deliverances shall be of no Effect, and the Originals shall be deposited with the Clerks.

Bridge Money
Assessment.

XXXII. And be it enacted, That it shall and may be lawful to and for the said Trustees of the Roads for the said County, or the Majority of those present at the annual Meeting appointed by the Land Tax Act, in Time coming, to assess the whole County to the Extent of Four Shillings and Two-pence Sterling upon every One hundred Pounds Scots of valued Rent yearly, as the Lands stand valued in the Cels Books, or shall be valued in Manner aforesaid, in lieu of the Assessment authorized by the Sixteenth Act of the Second Parliament of King Charles the Second, to be levied by the Collector of Supply at the same Time with the Land Tax of the said County, and applied towards building, making, repairing, and upholding the Bridges, and repairing the Roads in the said County, where the said Trustees shall direct, upon which no Tolls shall be levied by virtue of this Act: Provided always, that no Part of the said Assessment shall be applied towards the making or erecting of any new Bridge or Bridges, unless the same be made in a Line of Road approved of by the said Trustees.

XXXIII. And

XXXIII. And be it enacted, That the said Trustees shall be and they hereby are empowered to borrow upon the Credit of the Conversion Money leviable in each Parish in lieu of the Statute Services as aforesaid, such Sums of Money as they shall find to be expedient, and to assign over the Conversion Money in Security for the Repayment thereof, with the Interest thereupon, at any Rate not exceeding Three Pounds *per Centum per Annum*, provided that the whole Sums due at any Time on the Credit of the Conversion Money of any One Parish, including the Money borrowed and still owing under the Authority of the said Act of the Eighteenth Year of the Reign of His present Majesty, shall not exceed Six Years Amount of such Conversion Money, taken at the *Maximum Assessment*, and that no more than One Half of the annual Conversion Money in such Parish shall be used as a Fund of Credit whereupon to borrow or be assignable in Security of the Money borrowed and Interest thereof; and all Transactions for raising Money on the Credit of the Conversion Money shall in other Respects be subject to the same Regulations that are made requisite in borrowing Money on the Credit of the Tolls by the preceding Part of this Act.

For borrowing
Money on
Conversion.

XXXIV. And be it enacted, That the Money authorized by this Act to be levied in Name of Conversion, in lieu of Statute Services, and the Money borrowed on the Credit thereof, shall be vested in the said Trustees, as a Fund to be applied in Payment of the Money borrowed upon the Credit of the said Conversion Money and the Interest thereof in each Parish respectively, and in defraying the Charges attending the Execution of this Act relative thereto, and in making, repairing, and keeping in Repair, the Roads in the respective Parishes in which, or upon the Credit of the Conversion of which, such Money shall have been raised, and thereafter in the adjoining Parishes as before-mentioned, and to no other Purposes whatsoever, except the paying a Proportion of the Expence of procuring and passing this Act, as after-mentioned.

Application of
Conversion
Money, and
Money bor-
rowed.

XXXV. Provided always, That in case the Trustees of any of the said Parishes shall neglect to execute the Powers committed to them by this Act, and shall not have levied and applied the Conversion Money according to the Regulations of this Act, it shall be lawful for the Trustees, at their annual General Meeting, to apply the Conversion Money not levied or unapplied of each Parish in Fault, to the Use of the Roads in that or any other Parish within the County.

XXXVI. And be it enacted, That the said Trustees acting as well in Execution of the Powers given by this Act respecting the Roads on which Tolls are authorized to be levied, as in Execution of the Powers given respecting the Conversion Money and Roads of the County generally, (this and the subsequent Regulations and Enactments regarding both Departments of their Duty), may at any General Meeting assembled propose standing Rules for conducting the Business by this Act authorized, and particularly may settle whatever Clauses and Obligations they think proper to have inserted in Contracts to be entered into by the Trustees, which Rules, when once made and confirmed by Two consecutive General Meetings, shall be printed and published, and shall not be alterable, except by the Approbation of Three consecutive General Meetings.

Standing
Rules, etc. to
be settled.

[*Loc. & Per.*]

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XXXVII. And

Accounts of
Money levied,
etc. to be
entered in
Books.

XXXVII. And be it enacted, That a full and exact Account of all the Money levied within each Parish, from the Conversion Money for Statute Labour, and also of the Money arising from the Toll Duties, and of the Application thereof respectively, with proper Vouchers, shall be kept by the respective Collectors, and shall, with all former unsettled Accounts, be annually exhibited to a General Meeting of the Trustees, who shall finally settle the said Accounts; and the Collector or Collectors, when Accounts are settled, shall enter in a Book a clear State thereof, mentioning not only the whole Sum leviabie, and what is actually levied during each Year within his Department, and the Particulars of the Sums laid out and the Names of the Persons by whose Orders, and the Persons to whom the same were paid, but the said State shall also contain an Account and Description of the Work for which each Sum was payable, with the Places and Times at which the Work was done, and as far as can easily be known the Quantity of such Work; and these Particulars shall also be specified in all Orders or Drafts for Payment; and the said Books of Accounts shall at all Times be kept in the Parish or Division, and the original Account of each Parish or Division settled by a General Meeting, shall lie with the principal Clerk; who shall every Year enter into a Book an Abstract of the Accounts of every Parish and Division in the County; which Abstract Accounts shall particularly distinguish how much Money in each Parish and in the whole County is paid for Expence of Management and to the Officers appointed by the Trustees, and the Abstract Account-Book of each Year shall always be laid before the ensuing General Meeting; and no Person shall pay away any Money levied by virtue of this Act, except to the Order of some Person expressly authorized to issue Orders by a General Meeting of the Trustees; and all such Books, States, and Accounts, shall always be open to the Inspection of any Trustee *gratis*.

General
Meetings may
appoint Of-
ficers, etc.

XXXVIII. And be it enacted, That the Trustees, at any General Meeting, may elect and appoint fit Persons to be their Clerks, Cashiers, Collectors, Surveyors, and other Officers, for a Time not exceeding One Year, and may continue the said Officers, or elect others in their Stead, after the Expiration of the said Time; and also may, out of the Money raised by virtue of this Act, pay to them, or to any Person assisting in the Execution thereof, such Allowances as to the Trustees shall appear reasonable, and the said Trustees shall appoint a Person to be their principal Clerk for the whole County for the Purposes of this Act; and the said Trustees may, at any Meeting, remove any of their Officers, and may elect and appoint Officers in their Stead, but not for a longer Period than till the next General, Stated, or Periodical Meeting: Provided nevertheless, that the said Trustees, at any General Meeting, may remit to and empower a Meeting in any District, Parish, or Division, to elect and appoint any Officers to Employment, the Business whereof relates only to such District, Parish, or Division; and the said Trustees shall take from the Cashiers or others appointed to any Office of Trust, such Security for the faithful Execution of these Offices as the said Trustees shall deem sufficient.

Mode of bor-
rowing Mo-
ney, etc.

XXXIX. And be it enacted, That it shall not be lawful for the said Trustees at any General or other Meeting assembled, to treat of borrowing any Sum or Sums of Money, unless Intimation has been made by Letter to
their

their Clerk that it is intended to apply to the next General Meeting for that Purpose. Two Calendar Months previous to such Meeting, upon receiving which Letter, the Clerk shall mark thereon the Day he receives it, and immediately write circular Letters, intimating the Contents and Purpose thereof to the whole Trustees of the Division or Parish for which the Loan is proposed to be made; and whenever any Money shall be borrowed it shall be declared and entered in the Minutes of Proceedings, and in the said Record Book of Loans, for what Road or Part of a Road, or for what Bridge, the same is borrowed, and whether for repairing, or for altering, or for making new the same; and such Money shall not be laid out otherwise than for the Road or Part of a Road, or the Bridge, or for the precise Purpose for which it is so declared to be borrowed.

XL. And be it enacted, That all Persons having lent Money to the Trustees appointed by the said Act of the Eighteenth Year of the Reign of His present Majesty, or having advanced Money for the Roads and Bridges under the Faith of that Act, so as to have been entitled to the Repayment and Interest thereof, shall continue to be secured as under the said Act, provided that they and each of them produce to the First, Second, or Third General Meeting of Trustees, to be held under this Act, their several Claims, specifying the whole Debts due to them, and the Nature thereof, and the Roads for which they were contracted, and Funds on which they were secured, and a State of all partial Payments thereof, shewing the Amount of what is still owing, and declaring that no Debts which shall not be claimed as aforesaid at the said First, Second, or Third General Meeting, shall be thereafter acclamable from the said Conversion Money.

Security to
Persons who
lent Money
under 18 Geo.
3.

XLI. And be it enacted, That the said Trustees shall have Power, in their respective Departments, but under the Conditions and Provisions herein-after mentioned, to cause the said several Roads and Bridges in the said County of *Wigtown* to be made, repaired, and kept in Repair, and to cause Foot Paths along the said Roads to be made and repaired, if deemed necessary, and also to cause Drains along the same or through any contiguous Lands, to be made and repaired for the Use of the same, and to cause Fences to be made and repaired along the Side of or near the same, to render the same safe for Travellers, or to prevent Persons from evading to pass through Toll Gates, and to cause any improper Lines of Road to be altered, and new Lines of Road which may be useful to the Publick, to be opened; and to cause any Road to be widened, to a Breadth not exceeding Thirty Feet clear within the Side Drains, and for these Purposes to cause any House or Building, not exceeding Ten Feet high in the Side Walls, to be pulled down at or after any Term of *Whitsunday*, upon Warning given to the Occupier Six Months at least previous to such Term, and to cause all other Obstructions to be removed, and to cause Materials for making or repairing the Roads and Bridges (not actually raised or collected by Authority of the Proprietor or Occupier for any other Purpose), to be taken from any Ground, One Week's Notice being always given to the Proprietor or Occupier of such Ground, and the Place thereafter marked out by Two of the Trustees, and to cause any Roads, which, by making new Lines of Road, or altering the Course of old Roads, or otherwise, shall have become useless to the Publick, to be suppressed, and likewise to suppress or stop any

Powers to
make Roads,
and to take
Grounds, etc.

any Roads which are of little Importance to the Publick and of no particular Use to any Individual, but which give an Opportunity or Facility to Persons travelling any Road where Toll Gates shall have been erected, to avoid passing through such Gates, and to cause any old Bridges that shall be useless to be pulled down, and the Materials of such suppressed Roads and Bridges to be disposed of or used for the Purposes of this Act, and likewise to cause any Hedge, within Twenty Feet of the Centre of any High Road, to be lopped in the proper Season, so as that it shall not overhang the Road, at the Expence of the Owner of such Hedge, in case such Owner does not do it himself after Six Months Notice and also to cause the Branches of any Tree, overhanging any Road, to be lopped in the proper Season, after Notice to the Proprietor, and in the Time aforesaid; and for surveying, and the other Purposes in the Execution of this Act, it shall be lawful for the said Trustees, or any Person authorized by them, to go through any private Property, doing as little Damage as possible, and paying for the Damage that may be done: Provided always, that in altering, widening, or making the Roads aforesaid, or in digging or taking away the aforesaid Materials, nothing shall be done that may any way prejudice any House or Building, or any Garden, Orchard, or planted Walk, or any Avenue to any House or any Piece or Parcel of inclosed Ground, which, before the passing of this Act, has been set apart and used as a Plantation for Trees.

Power to remove certain Buildings.

XLII. And be it enacted, That, after the passing of this Act, no House or other Building shall be erected within the Distance of Twenty Feet from the Middle of any of the said publick Roads or Highways, under the Penalty of Forty Shillings Sterling for every Offence, and the Expence of demolishing such House or Edifice; and any Justice of the Peace may stop the building of every such House or Edifice; and if any Building shall be erected hereafter within the Distance aforesaid, any Two Justices of the Peace, upon Application made to them by any One of the Trustees under this Act, and Proof given that the said Building is within the Distance aforesaid, may order such Building to be pulled down and the Materials removed at the Expence of the Erector or of the Occupier of the Ground on which the same stands, and grant Warrant for levying the same in the same Manner as is directed for levying the Composition Money for Statute Labour as aforesaid.

Best Lines of Road to be adopted.

XLIII. And be it enacted, That no new Line of Road shall be made in pursuance of this Act; nor shall any of the present Roads be repaired at an Expence exceeding Ten Pounds Sterling *per* Mile, until the best Line of Direction for such Road shall have been ascertained and approved of in the following Course; that is to say, the making or repairing of the Road shall be proposed at a Meeting of the Trustees, and the Surveyor to be appointed under the Authority of this Act shall, upon Oath, mark or level the Line proposed, and any other Lines pointed out by such Meeting, or by any Trustee, within Three Months thereafter, declaring what Line in which the Road can be carried is most level, and a Committee shall view these Lines, and report in Writing their Opinion thereon, giving their Reasons, if against adopting the Line most level; and such new Line of Road shall not be so made, nor shall any of the present Roads be repaired at an Expence exceeding the said Sum of Ten Pounds Sterling *per*

per Mile, until all those Lines have remained marked on the Ground for Two Months and until after all the said Proceedings have been had, and the Trustees, at One General Periodical Meeting or adjourned Meeting, shall have declared their Approbation of One of the Lines, and in case they shall adopt a Line different from that which the Surveyor shall have declared to be the most level, the said Road shall not be made or repaired until the Line of Road be approved of by the next General Meeting which shall be held thereafter.

XLIV. And be it enacted, That before the said Trustees shall, at any General Meeting, or at any Time, order any Grounds to be taken, or Fence or Building pulled down, in order to make, alter, or widen any Road or Bridge, the Proprietor and Occupier of such Ground and Premises shall receive Forty Days Notice of such Intention, by Writing left at their or their known Agents usual Place of Abode; and that whenever any Building or Fence is to be taken down, or Ground taken for widening, altering, making, or repairing any Road or Bridge, the doing thereof shall be approved of by a General Meeting of the Trustees, and previous Notice of the Operation intended, shall be given to the Proprietor and Occupier, and an Offer shall, at the same Time, be made of what the Trustees are willing to give, as for the Value or Damages; and if the said Proprietor or Occupier does not incline to accept of the Offer so made, he shall, within Fourteen Days after such Notice given him, exhibit to the General Clerk of the Trustees, in Writing, an Offer on his Part of the Value or Sum for Damages which he is willing to accept of; and if the Trustees at their next Meeting do not agree thereto, it shall be lawful for them to apply to the Sheriff Depute of the County of *Wigtown*, or his Substitute, to summon a Jury, in order to value the Ground necessary to be taken or used for widening and enlarging the Highways and Roads aforesaid, and the Loss or Damage arising from the altering or removing of Fences; and the said Sheriff Depute or his Substitute are hereby empowered and required, upon such Application, to order Information thereof to be made to the Owner or Owners, and immediate Occupier or Occupiers of the Grounds proposed to be so taken and used, and afterwards to issue a Summons in the usual Manner for calling together and impannelling a Jury, to consist of at least Fifteen Persons in Number, to examine into, and after Examination to report, upon their Oaths, to the Sheriff, the Value of the Ground so to be taken and used for the widening and enlarging the Highways and Roads over and above Twenty-four Feet in Breadth, including the Drains on each Side, and the Loss or Damage to arise to the Owner or Owners, Occupier or Occupiers of the Lands, by altering and removing of Fences where that is proposed to be done, and thereupon the Sheriff shall order and adjudge Payment of the Value and Amount of the Loss and Damage so ascertained to the Owner or Owners, Occupier and Occupiers of the Ground, according to their several Interests; and upon such Payment being made, and a Discharge thereof lodged with the Sheriff Clerk, the said Trustees shall from thenceforth have Right to, and be at Liberty to take and use the Grounds so valued and paid for, in widening and extending the Highways and Roads aforesaid, as fully and effectually to all Intents and Purposes as if the Owner or Owners of such Grounds had executed regular Dispositions of the same, and Infeftment had followed: Provided always, that Thirty Days Notice at least shall

Notice to be given to the Proprietors, etc.

Application on Refusal of Offers to the Sheriff.

Value and Damages to be ascertained by a Jury, etc.

[Loc. & Per.]

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be given to the Owner or Owners, Occupier or Occupiers of the Grounds, so to be valued, and Fences intended to be altered or removed, of the Day upon which the Jury is to be impannelled for those Purposes, and that no Proceedings and Orders of the said Sheriffs in the Premises, made in pursuance of this Act, shall be reviewable by Bills or Letters of Advocation or Suspension to or questionable by any Court whatsoever, any Law or Usage to the contrary notwithstanding; and the Expences of ascertaining the Value or Damages by a Jury as aforesaid shall be paid by the Parties jointly, if the Sum awarded be higher than that offered by the Trustees, and lower than that required by the Owner, but in any other Case the Party appearing to the Jury to be most in Fault, shall, by the same Verdict, be subjected to the Expences; and where any Damage shall be done by taking and leading Materials for making and repairing the said Roads or Bridges, the Proprietor or Occupier of the Ground shall be paid such Damage as shall, on his Application to a General Meeting of the Trustees, be ascertained by them, or a Committee appointed by them, after Inspection and due Consideration, but such Application and Examination shall not prevent the taking the Materials in the mean Time.

Application of
Compensation
where exceed-
ing 200^l.

XLV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatick, 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 Hereditaments, in the Purchase or Redemption 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 Hereditaments, or affecting other Lands, Tenements, or Hereditaments, 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 Messuages, Lands, Tenements, or Hereditaments, 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 Messuages, Lands, Tenements, and Hereditaments, 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 Hereditaments so hereby directed

directed to be purchased, in case such Purchase or Settlement were made.

XLVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and held under Entail, or subject to Liferents, Annuities, or other Incumbrances, or belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, 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 Hereditaments 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 thereon, may be applied in any Manner herein-before directed, as far as the Case be applicable.

If under 200^l.
and above 20^l.

XLVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, 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 Hereditaments 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.

Where under
20^l. Sterling.

XLVIII. And be it enacted, That all Sums paid as Satisfaction or Damages for Buildings or Fences taken down or injured, or Ground taken for the Use of the Roads, and the Expence of new Fences, where necessary, and all Damages for taking or leading Materials as aforesaid, (excepting such of the said Particulars as respect or are for the Use of the Roads on which Tolls are levied under the Authority of the First Part of this Act), shall be paid by an Assessment on the Heritors of the County, in Proportion to their respective Valuations, as ascertained by the County Cess Books, or to be valued and ascertained in Manner aforesaid.

Damages to
be paid by an
Assessment on
the Heritors of
the County.

XLIX. And be it enacted, That no Person shall drive a Carriage, or ride upon any of the Foot Paths along the Side of any of the said Roads, or shall plough any uninclosed Field contiguous to any of the said Roads, without making Head Ridges along the Side of such Road Twenty-four Feet at least in Breadth, or shall turn a Plough on any of the said Roads, or shall hang or place a Gate across any of them, or along the Side of any of the said Roads, in such a Manner as that, when open, it shall lie upon or

Penalty for in-
juring Roads,
etc.

come

come over any Part of the said Roads, or shall lay or leave, or cause to be laid or left unnecessarily, any Cart, Chaise, or Carriage, loaded or unloaded, or any Implement of Husbandry, or any Timber, Lime, Mortar, Shells, Gravel, Stones, Carrion, Dung, Soil, or Compost, upon any of the said Roads, or within Five Yards thereof, if there be no Fence betwixt such Articles or Matter and such Road, (except Materials for making or repairing Fences or Houses adjoining to such Road, which may remain for any Space of Time not exceeding Six Months, provided there be always left a safe and easy Passage along such Road for Two Carriages abreast, and a free Course for the Water to and along the Side Drains), nor shall lay or leave any Sand or Ashes on the said Roads, except in Time of Frost, nor shall stop or detain Cattle for the Purpose of milking or marking them on any of the said Roads, or shall graze, or leave upon any of the said Roads any Animal whatsoever, or shall shoe Horses on the Roads or Streets of the Royal Burghs and Towns of the said County, except in Cases of Accidents happening, or shall carry along any of them, upon any Carriage, any Timber, Iron, or other Matter, projecting beyond the outer Part of such Carriage, and not placed as nearly as may be parallel with the Shafts of such Carriage, or shall draw or cause to be drawn on any of the said Roads, any Piece of Timber, Stone, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or suffer any such Thing, being upon a Wheel Carriage, to touch or drag on any of the said Roads, or shall drive along any of the said Roads any Carriage, of which the Nails on the Tier of the Wheels are not sunk so as to make the Sole that touches the Ground flat, or shall make any Hole or Cut in any of the said Roads, or shall do any Thing whereby any of the said Roads, or the Streets of Burghs, Towns, or Villages, may be unnecessarily injured or obstructed; and every Person offending, or counteracting in any of the said Particulars, shall be liable to pay the whole Damage thereby sustained, and repair the Injury done to the Road or Street, and remove the Nuisance and desist from the Encroachment, and shall also, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Twenty Shillings Sterling.

Persons to cover Drains, etc.

L. And be it enacted, That any Person who shall make a Way or Passage from any Land or Field to any of the said Roads shall be obliged to cover the Side Drain of such Road at such Part with an Arch or Pen of sufficient Stone Work, so as that the Course of the Water in the Drain may not be impeded; and any Person who conducts Water across any of the said Roads shall carry the same in a Drain, so deep and sufficiently covered with Stone Work, as that the Water or Drain may never prejudice the Road, and in making such Way or Drain shall leave a safe and easy Passage along such Road for Carriages, and shall do the Work as quickly, and with as little Inconvenience to the Passage of the Road as possible; and no Person shall obstruct or fill up any Ditch or Drain made across any Road, or through any Fence or Land adjoining to the said Roads by Authority of the said Trustees, or along the Side of any of the said Roads, or shall let any Water flow into any Ditch along side of any of the said Roads, where it did not flow before, or shall let any Water flow upon the said Roads; and every Person being the Occupier of Land, in which such Ditch or Drain shall have been so made, or in which such Water shall run, shall, when required by any Person

Application of the Collector, and Production of an Attestation by him, that the same are due, and have been required, before One or more of the Justices of the Peace of the said County, be levied by virtue of a Warrant or Warrants of the said Justice or Justices, which they are hereby empowered and required to grant, by summary Distress, Pounding, or Sale of the Cattle, or Harnels or Accoutrements of the Carriages, chargeable for the same, belonging to the Person or Persons liable for the same, such Sale being always by publick Auction at the Place where the said Effects were found, or at any other Place directed by the Warrant, and not sooner than Two Days nor longer than Eight Days after such Distress; and the Overplus, if any be, shall be returned on Demand to the Owner, deducting the full Costs of Suit and Execution, and where Money is due for any Forfeiture or Penalty, if the Officer reports that sufficient Effects for Distress cannot be found, and the Money due shall not forthwith be paid, it shall be lawful for any One Justice of the Peace for the said County to commit the Offender to the Common Gaol, there to remain for any Time not exceeding Three Months, unless such Money, with the reasonable Charges, be sooner paid.

Trustees may
sue in Name
of their Clerk,
etc.

LIV. And be it enacted, That the said Trustees may sue and be sued for any Matter in pursuance of this Act, in the Name of their Cashier or principal Clerk; and no Action shall be discontinued or abated by the Death or Removal of these Officers, but that in every such Action the Cashier or principal Clerk for the Time being shall always be deemed the Pursuer or Defender.

Persons ag-
grieved may
appeal.

LV. And be it enacted, That any Person considering him or herself aggrieved by any Order, Proceeding, Sentence, or Judgement, with respect to any of the Matters of this Act, referred to the Determination of the said Trustees, or to One or more Justices of the Peace in the First Instance, it shall and may be lawful to and for such Person to appeal or apply for Redress to the Justices of the Peace for the said County, in their then next Quarter Sessions, giving Fourteen Days previous Notice to the Parties interested or complained of; but in case there shall not be Fourteen Days to elapse till the next Quarter Sessions, then such Person shall be at Liberty to appeal to the Justices at their next subsequent Quarter Sessions, who are hereby authorized and empowered to hear and determine the Matter in Dispute, and their Judgement therein shall be final and conclusive.

Limitation of
Actions.

LVI. Provided always, and it is hereby declared, That Action and Complaint for every or any of the Penalties and Forfeitures by this Act imposed, or for any Wrong alledged to be done, or Injury suffered in any Matter relative thereto, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done or Injury suffered, and not afterwards.

Trustees not
to act in Mat-
ters where
they are in-
terested.

LVII. And be it enacted, That no Trustee shall be entitled to vote or act in settling any Satisfaction to be paid to him for Damages under the Authority of this Act; and in case the County be divided into Districts for the Levying and Application of the Conversion Money for Statute Labour, every Trustee shall have Power to act in every District, whether

whether the Lands qualifying him, or his Residence, be within the same District or not; and it shall afford no Objection to a Person acting as Justice of the Peace, or Sheriff Depute or Substitute of the County, that he is a Trustee appointed by and acting as such under this Act, or that he is a Creditor for Money lent for the Uses of the Trust; and at all their Meetings the Trustees shall pay their own Charges.

LVIII. And be it enacted, That the Expence relative to the procuring and passing this Act, shall be paid One Half by the Heritors of the County, ^{Expence of Act.} by an Assessment to be levied according to their Valuations as already ascertained by the County Cess Books, or to be valued and ascertained in Manner foresaid, along with the Land Tax, and the other Half out of the Money raised by the Toll Duties, or Money borrowed on the Credit thereof.

LIX. And be it enacted, That this Act shall be deemed a publick Act, ^{Publick Act.} and shall be judicially taken Notice of by all Judges, Justices, and others whatsoever, without specially pleading the same.

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