



ANNO QUADRAGESIMO SEPTIMO

GEORGI II. REGIS.

Cap. 12.

An Act for further regulating and converting the Statute Labour in the County of *Fife*, and for more effectually making and repairing the Highways, Bridges, and Ferries, within the said County. [9th April 1807.]

WHEREAS by an Act passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled "An Act for regulating and converting the Statute Labour in the County of *Fife*, and for more effectually making and repairing the Highways within the said County," Power and Authority were granted to the Trustees therein named and appointed to convert the Services, leviable by Law, at a Sum therein mentioned for each Plough-gate of Land to be levied and applied for making and repairing the Roads in the said County, in the Manner specified in the said Act: And whereas the Laws for making and repairing the Highways and Bridges generally in *Scotland*, and the said in part recited Act for making and repairing the Highways, Bridges, and Ferries, in the County of *Fife*, have been found by Experience to be ineffectual, in their present Shape, for the Purposes for which they were intended, and it would be expedient and advantageous to all Persons concerned, if further and more effectual Regulations were adopted with respect to the converting the Statute Labour exigible by Law, for repairing the Highways, Bridges, and Ferries, in the said County; but such Purposes cannot be accomplished without the Aid of Parliament: May

37 Geo. 3.
c. 52.

[Loc. & Per.]

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Division in-
to Districts.

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 for the more easy and effectual Execution of the Powers herein-after to be granted, the Division of the said County of *Fife* into the Districts of *Cupar*, *St. Andrew's*, *Kirkcaldy*, and *Dunfermline*, as in the said former Act, shall remain and be continued.

Trustees.

II. And be it enacted, That every Person, who is at present, or hereafter, during the Continuance of this Act, shall be, in his own Right, or in the Right of his Wife, possessed of Lands in the said County of *Fife*, entitling him to be a Commissioner of Supply for the same, and the eldest Sons, or apparent Heirs, of every such Person so qualified, and the Provost, or Chief Magistrate, of every Royal Burgh, within the said County, for the Time being, shall be Trustees for making, repairing, upholding, and keeping in Repair, the Great and Cross Roads, Bridges, and Ferries, within the said County of *Fife*; and for executing all the other Powers by this Act to them given and granted; and the said Trustees shall have Power to act within any of the said respective Districts, although they may not have Property, or do not reside within the same; but declaring, that only one Person shall act and vote as a Trustee, in respect of the same Lands, the Person in actual Possession, or having the *dominium utile*, being preferable: and if any Person or Persons, not qualified as aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person, for every such Offence, shall forfeit the Sum of Twenty Pounds Sterling, to be applied, when received, in such Manner, for the Use of the said Roads within the County of *Fife*, as shall be judged best by the said Trustees, at a General Meeting assembled, and to be recoverable in the same Manner as other Penalties are directed by this Act.

First and
Annual Ge-
neral Meet-
ings for the
Districts.

III. And be it enacted, That the Trustees for the said respective Districts shall meet at the Towns of *Cupar*, *St. Andrew's*, *Kirkcaldy*, and *Dunfermline* respectively, upon the respective Days herein-after specified, in the Year, One thousand eight hundred and seven, or as soon after as conveniently may be, and on the said Days annually, in Time coming, that is to say, the Trustees for the District of *St. Andrew's*, on the First *Tuesday* of *April*; the Trustees for the District of *Cupar*, on the *Wednesday* after the First *Tuesday* of *April*; the Trustees for the District of *Kirkcaldy*, on the *Thursday* after the First *Tuesday* of *April*; and the Trustees for the District of *Dunfermline*, on the *Friday* after the First *Tuesday* of *April*; any Five of them being a Quorum; and shall, at such Meetings, proceed to the Execution of this Act, and may then, and afterwards, from Time to Time, adjourn themselves, to meet at such Times and Places, on or near the said Roads, as the said Trustees at the last Meeting shall think proper, without prejudice to their meeting sooner, if there shall be Occasion, upon Notice by the Clerk of the last Meeting, advertised Once at least in any Two of the *Edinburgh* Newspapers, published for the Time, Ten Days at least previous to the Meeting.

IV. And

IV. And be it enacted, That the said Trustees for the County shall hold their First General Meeting within the County-room at *Cupar*, on the First *Tuesday* of *May*, One thousand eight hundred and seven, and on the First *Tuesday* of *May* Yearly and every Year thereafter, for the Purpose of proceeding to the Execution of this Act, any seven of them being a Quorum; and may then, and afterwards, from Time to Time adjourn themselves, to meet again at such Time as the last Meeting shall think proper, without prejudice to their meeting sooner, if there shall be Occasion, upon Notice by the Clerk of the last Meeting, advertised once at least in two *Edinburgh* Newspapers, *Ten* Days previous to the intended Meeting; and the said Trustees, at all the Meetings to be held in virtue of this Act, shall defray their own Charges and Expences of every Kind.

First and Annual General Meetings for the County.

Trustees to defray their own Expences.

V. And be it enacted, That the Trustees for their respective Districts, shall, at their said First Meeting, or any after regular Meeting of the District, to be held previous to the General Meeting of the Trustees for the County, on the First *Tuesday* of *May*, make up a List of the Great and Cross Roads within each Parish of the District, to which the Funds ought, in the First Place, to be applied, with an Estimate of the Expence of making the same, and the Proportion of the Funds to be applied thereto; and report their Proceedings to the said General Meetings of the Trustees for the County; and the Lines of Road being once fixed, the same shall not be altered, or any New Road inserted in the List, until the Roads, so fixed at the said General Meeting, shall by the General Meeting of the District where the said Roads lie, be declared completely made and finished, unless, upon Application to an Annual Meeting of the District, in the Month of *April*, Notice being given in four *Edinburgh* Newspapers, One Month previous to such Meeting, of the Intention of the Party concerned to apply to have the Road inserted in the List; and the said District Meeting shall have the Power of approving or rejecting the said Application, subject to the Review of the Annual General Meetings of the County, as hereinafter mentioned; and, in case any Person interested shall consider himself aggrieved by the Resolutions of the District, and means to apply to the General Meeting for an Alteration thereof, he shall intimate his Intention to the Clerk to the District, at least Fourteen Days previous to the General Meeting of the County.

List of Roads to be made up,

not to be altered,

unless upon Application.

VI. And be it enacted, That it shall and may be lawful to and for any Two or more Justices of the Peace, in and for the said County of *Fife*, upon an Application from the said Trustees, at their Annual General Meeting in *May*, assembled, to suppress any Public or Bye Roads, (Private Roads excepted,) that appear not to be of Importance to the Public: providing always that Notice of the Proposal to shut up such Roads, be given by Advertisements affixed to the Doors of the Three nearest Parish Churches to the said Roads so to be suppressed, for Two consecutive *Sundays*, One Month at least before the Matter of the said Application shall be taken into the consideration of the said Justices, before whom all Parties alledging Interest, shall be heard.

Justices may shut up Roads.

VII. And be it enacted, That, during the Continuance of this Act, a Plough-gate of Land within the County of *Fife*, in respect to the Statute Labour, shall be held and deemed to be Fifty Acres of Land, whether

Extent of a Ploughgate.

whether Plantations, Arable, or Pasture Land, or (in the Option of the Proprietor,) Lands paying Seventy Pounds Sterling of actual Gross Rent, by the Occupier, or valued at that Sum when in the Occupation of the Proprietor, as hereinafter directed, and so in Proportion for lesser Divisions or Parts of a Plough-gate of Land.

Mode of
Conversion
of the Sta-
tute Labour
for a Plough-
gate.

VIII. And be it enacted, That the said Trustees for the respective Districts of the said County, or a Quorum of them, at any Meeting to be held in the Year One thousand eight hundred and seven, and at any after General Meeting of the District to be held in the said Year, or at any other Annual General Meeting of the Trustees for the said respective Districts, assembled at any Time thereafter, shall, and they are hereby authorized to convert the Services leviable by Law for each Plough-gate of Land, according as the Extent is fixed and ascertained by the before in part recited Act, into Money, according to the ordinary Price or Rate of Labour in that Part of the County where the Services are payable; and so in proportion for a greater or lesser Quantity or Produce of a Plough-gate, to be paid in the First Place by the Heritors or Life-Renters of the Ground.

Statute
Labour in
certain Cases
to be levied
at a higher
Rate.

IX. Provided always, That it shall and may be lawful for the said Trustees, if they shall think fit, at their Annual General District Meeting, assembled upon an Application from an Heritor or Heritors possessed of Two-third Parts of the Property or *Dominium Utile* of any particular Parish, or any Person or Persons duly authorized by them, to convert the Statute Labour leviable on the Plough-gates of such Parish, at a Rate higher than the Rate fixed, or to be fixed, generally for the District; Provided always, That such Rate shall in no Case exceed the actual Price or Rate of Labour; and that all such Sums, so raised, shall be subject to the same Rules and Regulations, with respect to the Collection, Application, and Management, that are or shall be provided by this Act, or by the Trustees acting under the same.

Proprietors
paying Sta-
tute Labour
to have Re-
course on
the Occu-
piers.

X. And, in respect all Lessees, Tenants, and Occupiers of Land, are by Law liable in Performance of the Statute Labour, or Payment of the converted Value thereof, Be it enacted, That the Heritor or Life-Renter, liable for and paying the converted Value of the Statute Labour as aforesaid, shall have Recourse for the Amount thereof, upon the Tenants and Occupiers of the Ground, in proportion to the Extent or Rent of the Property possessed by them respectively, whether the same be held immediately of the Proprietor, or by Sublet, to be ascertained, either by the Extent of Property, or Quantum of Rent, as may have been proportioned on the Heritor or Life-Renter; and the Proprietor shall be entitled to the same Diligence for Recovery thereof, as is authorized for levying the Deficiencies of the converted Values of Statute Labour, at the Instance of the Collector of the Cess, in Manner hereinafter specified.

Conversion
of Statute
Labour for
Chaises and
Carts.

XI. And be it enacted, That the Trustees for the respective Districts, or a Quorum of them, at their first or any adjourned Meeting, in the Year One thousand eight hundred and seven, or any Annual General Meeting assembled, shall, and they are hereby authorized to convert, and shall actually convert, the Statute Labour exigible from the Owners

of

of all Chaises with Four Wheels, drawn by Two or more Horses, let for Hire, at any Sum not exceeding Twenty Shillings Sterling; and from the Owners of all Chaises with Two Wheels, drawn by One Horse, let for Hire, at any Sum not exceeding Ten Shillings Sterling; and the Owners of all Carts or other Carriages, drawn by Two or more Horses, or other Beasts of Draught, let for Hire, to be used in conveying Persons or Things, at a Sum not exceeding Ten Shillings Sterling each; and the Statute Labour for all Carts, or other Carriages, let for Hire as aforesaid, drawn by One Horse, or other Beast of Draught, at a Sum not exceeding Five Shillings Sterling each.

XII. And be it enacted, That in place of the personal Services which Householders and others are obliged at present by Law to perform in making and repairing the High Roads and Bridges in the said County, a Conversion shall be paid in Money, to be applied for that Purpose; and it shall be in the Power of the said Trustees, or any Five or more of them, and they are hereby authorized and directed, by a Writing under their Hands, to assess all Householders, Cottagers, Labourers, and Tradesmen, of every Denomination, whether Masters or Journeymen, living together or separately in One House, (not being assessed in a Conversion of Statute Labour otherwise,) in a Conversion of such a Number of Days Labour, not exceeding Six as they shall consider proportioned to the Circumstances of each Individual. Declaring always, That all Farm-servants *bona fide*, hired by the Year for a specifick Annual Wages shall be, and are hereby exempted from performing Statute-services, on Payment of the converted Value thereof altogether.

Conversion
of Personal
Services of
House-
holders.

XIII. And be it enacted, That it shall be lawful to and for the said Trustees, or any Three or more of them, by a Writing under their Hands, to exempt and free from Payment of the before-mentioned Composition of Personal Statute Labour altogether, all such Persons as shall appear to them to be proper Objects to be exempted from Payment thereof.

Power to
exem Indi-
gent Persons.

XIV. And be it enacted, That the Rate of Conversion of Days' Labour shall be fixed by the Trustees for the respective Districts, at their First Meeting to be held in pursuance hereof, or any Adjournment thereof, for the Year One thousand eight hundred and seven, and at their Annual General Meeting in the Month of *April* in each Year, at any Sum not exceeding the ordinary Price of Labour of that Part of the Country, where the Labour is to be performed.

Amount of
Conversion
for Personal
Services
how to be
fixed.

XV. And be it enacted, That, in order to render the making up the List of the said Plough-gates more easy and expeditious, each Heritor of the County shall, within Two Months after the First Meeting to be held in pursuance of this Act, and on or before the First of *January* annually thereafter, deliver in to the Clerk of the District, a Writing or Account, specifying his or her Option of the Mode of having their Plough-gates rated for the ensuing Year, and of the Number of Plough-gates and proportional Parts of a Plough-gate they are respectively liable in, agreeable to that Option: Declaring always, that all Proprietors of Land shall have it in their Power to make a separate Option of the Mode of Conversion for each particular Farm separately occupied or

Heritors to
give in Lists
of their
Plough-gates.

Proprietors
to have a
separate
Option of
Conversion.

[*Loc. & Per.*]

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possessed by them, or their Tenants; and such Option shall in every Case be made in the Manner most beneficial to the Occupier or Tenant; and that Heritors occupying their own Lands shall be liable in the Conversion of Statute Labour, in the same Manner as Tenants; and that the yearly Value of all Grounds and other Subjects in the natural Possession of such Heritors as take the Option of paying by the Annual Value, shall be ascertained by two neutral Men, one to be named by the Proprietor, and another on the Part of the Trustees, who shall on Oath report what in their Opinion the Ground or other Subjects so occupied by the Heritor would rent at for a nineteen Years' Lease; and the Rent thus fixed shall be held as the annual Value of the Ground or other Subjects so occupied by the Heritor: Provided, that in case any Heritor or Heritors shall refuse or neglect to give in the before-mentioned Account within the Time before specified, then it shall be lawful for the said Trustees, at any after general Meetings of the District, to rate the said Heritors as liable in Statute Labour, in the Proportion of a Plough-gate of Land for each Seventy Pounds of real Rent, as the same may be reported by the Surveyors, in Manner hereinafter mentioned.

Power to cite
Occupiers of
Land.

XVI. And be it enacted, That, in case the said Trustees, or a Quorum of them, shall find it necessary, they are hereby authorised to call or cite all Occupiers of Land before them, or to appoint a Committee of their Number, for the Purpose of taking a Proof of the Rent of any Farm or Possession, and to examine the Tenants and Occupiers on Oath, as to the Rents payable by them respectively.

At what
Time the
converted
Values
are payable.

XVII. And be it enacted, That the whole of the converted Values, shall be due and payable on the Twenty Fifth of *March* in each Year, except in the Case hereinafter specified.

Power to
name Sur-
veyors.

XVIII. And be it enacted, That the Trustees for the respective Districts, or a Quorum of them, at their First Meeting to be held in virtue hereof, or any Adjournment within the Year One thousand eight hundred and seven, and at their Annual General Meetings thereafter, are hereby empowered to name Surveyors or other proper Officers, and which Surveyor or other Officer, appointed for the Purpose, shall, on or before the Fifth Day of *January*, One thousand eight hundred, and eight, and on or before the Fifth Day of *January*, annually thereafter, make up and report, on Oath, an exact List of all Plough-gates of Land, and lesser Divisions thereof, belonging to the several Heritors of the District respectively, to be ascertained in Manner aforesaid; and of all Persons keeping Chaises, Carts, or other Carriages, liable in a Conversion of Statute Labour as aforesaid; and of all Household-ers and others liable in a Conversion for personal Services; and the said Surveyor or other Officer shall immediately, after having ascertained the Conversion due by virtue of this Act, deliver to the said Person, or his known Factor or Agent, a Note, dated and subscribed, specifying the Conversion in which they are respectively liable; and the Persons so assessed, in case they shall think themselves aggrieved thereby, shall have Power, within Ten Days after receiving the said Note of their Conversion, to appeal for Redress to the next General Meeting of the District, whose Determination shall finally ascertain the Conversion in which the Person so appealing is liable for the current

who are to
give up Lists
of those lia-
ble in Statute
Labour.

Power of
Appeal.

rent Year; and the said Surveyor shall, within Ten Days after the said Fifth of *January*, One thousand, eight hundred and eight, and within Ten Days after the Fifth of *January*, annually thereafter, give in to the Clerk of the District wherein he is Surveyor, a full and distinct Copy of the Assessment made by him for the Year; and the Clerks for the said respective Districts shall lay the same before a Committee to be appointed for that special Purpose by a preceding General Meeting, and which Committee shall meet on the First *Tuesday*, of *February*, annually; and the Clerks for the said respective Districts shall, within the Space of Ten Days after the Meeting of the said Committee, transmit Copies of the said Assessment to the general Clerk for the County; and, in case any Alteration shall be made upon the Assessments, by Appeal or otherwise, the Clerks to the Districts within which the said Alterations take place, shall immediately give Notice thereof to the general Clerk to the County.

Surveyors to deliver Lists to the Clerks to the Districts, and these to the General Clerks, with any Alterations.

XIX. And be it enacted, That a certified Copy of the said Report, so far as respects the Conversions payable for Plough-gates, shall, within Ten Days after Receipt thereof, be delivered by the general Clerk of the County to the Collector of the Cess for the said County for the Time; and the said Collector shall be, and he is hereby authorized to levy the converted Value of the said Statute-Labour exigible on the Plough-gates; and shall, at the Time of intimating his Collection of the Cess, give Notice of the Time and Place of collecting the said Conversion, within the respective Districts annually; and the Whole of the said converted Values shall be payable to the Collector, on or before the said *Twenty-fifth of March*, in each Year; and, in case any Heritor, liable in the said converted Values, shall neglect, delay, or refuse to pay the Conversion or the Statute-Labour respectively due by him after the same becomes due, the Collector shall, within Fourteen Days thereafter, make up a certified List of Deficients, specifying the Sums respectively due by them; and it shall and may be lawful for any One or more of His Majesty's Justices of the Peace, or the Sheriff-Depute, or his Substitutes, for the said County, and they are hereby required to grant summary Warrant for pointing and distraining the Effects of such Deficients, and to appraise the same on the Spot where they may be found, and afterwards to sell the same by Auction, for Payment of the Conversion-Money that shall be due, together with the Charges attending the Recovery thereof; and the Overplus (if any be) shall be paid, when demanded, to the Person whose Effects shall have been so pointed; which Warrants are to be so granted by the Sheriff-Depute, or Substitute, or Justices aforesaid, upon an Application made to them, or any of them, and an Attestation, subscribed by the Collectors, certifying that the Person or Persons complained of are deficient in paying the said Assessments, or Conversion above mentioned, and expressing therein the Arrear of each Person: and it shall be competent to Proprietors to apply for the like summary Diligence for recovering the Conversions paid by them from the Tenants and Occupiers of the Ground, who may refuse or neglect to pay the same to the Landlord, within Ten Days after they shall be required to do so.

Collector of the Cess to levy the Conversion for Plough-gates, and give Intimation of the Time of Collection.

Diligence to be used for Recovery of Arrears.

Same Diligence competent at the Instance of Proprietors against Occupiers.

XX. And be it enacted, That all Persons liable in Payment of Conversions, (not leviable conformably to the Plough-gate,) shall, upon the Rates

Conversion for Personal Services

when pay-
able.

Rates being duly intimated to them in Manner before specified, annually pay the same to the Collector, Overseer, or other Person appointed by the Trustees for that Purpose, on or before the said Twenty-fifth of *March*, of the Year for which the Conversion is due; but, in case any Person or Persons shall be omitted to be assessed in the converted Values, previous to the said Twenty-fifth of *March*, then they shall be obliged to pay the Conversion to the said Collector or Overseer, within fourteen Days after the same is intimated to them; and if any Person shall neglect or refuse to pay the said Composition, after the Expiry of the Time before specified, it shall then be lawful for the Sheriff-Depute, or his Substitute, or for any One or more Justices of the Peace for the said County, and they are hereby required to grant summary Warrant for recovering thereof, with the Expences, in Manner before expressed, with respect to the Recovery of Arrears of the Conversions due for Plough-gates.

Diligence
for Recovery
thereof.

Collectors,
&c. liable in
Damages.

XXI. And be it enacted, That in case of a Warrant being improperly obtained against any Person for Payment of the converted Values due by them, the Sheriff Depute, or his Substitute, or any One or more of the Justices of the Peace for the said County, shall have Power to award any Sum, not exceeding Treble the Amount, as Damages sustained by any Person or Persons aggrieved by the Execution of a Warrant granted as above mentioned; which Damages are to be paid by the Collector, Surveyor, or other Officer, upon whose Attestation such Warrant shall have been granted, in case it shall appear to the said Sheriff Depute, or his Substitute, or the said Justices of the Peace, that the said Collector, or other Officer, has made an improper Application against any Person liable as aforesaid; which Damages shall be wholly payable to the Parties aggrieved, and shall be levied as above directed, with respect to pouding the Effects of Deficients; and in case any of the Collectors shall fail or omit to exact the aforesaid Assessment or Conversion, every such Collector shall be liable by a Sentence of the Sheriff Depute, or his Substitute, or any Two or more of the Justices of the Peace of the said County, to pay the Assessment or Conversion Money, omitted to be exacted by him, with One half more, in Name of Expences.

Assessment of
3s. 4d. Scots
on the 100l.
Scots of
Valued
Rent:

XXII. And whereas, it has been found by Experience from the great Number of Roads and Bridges, and the daily Increase of Carriages within the said County of *Fife*, that the Sum of Twenty Shillings Scots Money upon each One hundred Pounds Scots of valued Rent, authorized to be levied by former Acts of Parliament, is insufficient for keeping the said Roads and Bridges in repair: Be it further enacted, that it shall and may be lawful to and for the said Trustees, at their General Meeting at *Cupar*, on the First *Tuesday* of *May*, One thousand eight hundred and seven; and at every Annual Meeting on the First *Tuesday* of *May*, thereafter, to assess the whole Heritors of the County, in a Sum not exceeding Three Shillings, and Fourpence, Sterling, upon every One hundred Pounds Scots of valued Rent; and in case the said General Meeting shall not assess the whole County to the Extent of the said Sum of Three Shillings, and Fourpence, Sterling, then it shall be lawful to, and in the Power of all or any of the Districts, at a General Meeting, to assess the said District

District or Districts, to what further Sum they shall judge necessary, the said Assessments not exceeding the Sum of Three Shillings and Fourpence Sterling, in the whole, upon every One Hundred Pounds *Scots* of valued Rent; and which additional Assessment shall be certified to the Collector of Supply, in Writing, under the Hands of the Preses and Clerk of the said Meeting, and which respective Sums shall be levied by the said Collector, along with the Cess or Land-tax of the said County; and shall be applied towards the building, making, repairing, and upholding, the Highways and Bridges within the Districts where levied: and the said Collector shall keep an exact and separate Account of the Sums levied out of each of the said Districts, which shall only be applicable to the Bridges and Roads within the said several Districts within which the same shall be levied, and shall be drawn out only by Orders of the General Meetings of the said Districts or Committees appointed by them; and it shall not be lawful to apply any Part of the Sums, raised in One District, towards the Reparation of Roads and Bridges in another District, except in the Case hereinafter mentioned.

How applied.

XXIII. Provided always, and it is hereby enacted and declared, That in case the rebuilding or repairing of any One Bridge, within the said County, shall exceed the Sum of Eighty Pounds Sterling, the District within which the said Bridge is situated shall only be subject and liable to pay One Half of the said Sum, and the other Three Districts shall be subject and liable to pay the other Half thereof, and that in proportion to the valued Rents of the said several Districts; and the rebuilding or repairing, of the said Bridge, shall be done, made, and executed, by the Direction only of a General Meeting of the Trustees for the whole County; and the Sum appointed to be applied for that Purpose shall be drawn, in virtue of an Order, in Writing, of the said General Meeting, certified by their Clerk: Declaring always, that no Money shall be granted for any Bridge, the Expence of which may exceed Eighty Pounds Sterling, until an Application shall be made to the First, or some other General Meeting of the District wherein the same is situated, who shall thereupon appoint a Committee to cause the said Bridge to be inspected; and in case it is found necessary, to be repaired, the said Committee shall advertise in at least Three of the Newspapers published at *Edinburgh*, for Contractors for repairing the same, and report the Estimates, and their Opinion, to the First Annual General Meeting of the District, who shall, if they judge it expedient, recommend to the Annual General Meeting of the Trustees for the County, to grant the Aid from the other Districts, hereby authorized and appointed to be given: Declaring also, that if the Trustees for the respective Districts shall, by a Resolution of the First General Meeting to be held in virtue hereof, or at any Annual General Meeting thereafter, find and declare, that the additional One Shilling and Eightpence on the One hundred Pounds *Scots* authorized by this Act to be laid on, is not necessary for making and repairing the Roads and Bridges within their District, the First General Meeting of the Trustees for the County to be held in pursuance hereof, or any Annual General Meeting thereafter, shall, upon the said Resolution being reported to them, assess the Heritors of the District from which such Resolution is reported, in the Sum of One Shilling and Eightpence Sterling only on each One

Aid to Bridges the Expence of which exceeds

Districts may resolve not to lay on the additional on the 100l. Scots,

[*Loc. & Per.*]

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hundred

Additional
1s. 8d. not
to be ap-
plied out
of the Dis-
trict where
levied.

hundred Pounds *Scots* of valued Rent within the said District, to be levied and applied in Manner before mentioned: Declaring likewise, that the additional One Shilling and Eightpence Sterling on each One hundred Pounds *Scots* of valued Rent, authorised by this Act to be laid on and levied, shall be wholly applicable to the Roads and Bridges within the District where the same is levied, and no Part thereof liable to be laid out or applied towards the making or repairing any Roads or Bridges within other Districts, notwithstanding the same may exceed the Sum of Eighty Pounds Sterling.

Power to
apply Part
of Statute
Labour
Money to
Bridges
where the
Expence of
repairing or
rebuilding
exceeds

XXIV. And be it enacted, That the said Trustees, or a Quorum of them, at the First General Meeting of the Trustees for the County, assembled, or at any Annual General Meeting in *May*, at which they shall be assembled under the Authority of this Act, shall be, and they are hereby authorised and empowered to appropriate and set apart, from the General Funds of the County, arising from the Conversion of Statute Labour from the Plough-gates of Lands leviable within the same, a Sum not exceeding Two Shillings and Sixpence Sterling, on each Plough-gate of Land within the County, to be paid from the Plough-gates of the respective Districts of the County, according to the Number of Plough-gates within the said respective Districts, out of the Produce of the Plough-gates leviable therein, to be applied in building or repairing such Bridges within the County, as the said General Meeting shall deem expedient to be built or repaired, and the Expence of which respectively shall exceed the Sum of Three hundred Pounds Sterling; and which Sum so to be set apart for the Purpose aforesaid, the said Trustees shall, and they are hereby authorised and empowered, to cause to be retained in the Hands of the Collector of the Conversion of the Statute Labour of the said County, out of the Monies levied by him from the converted Values of the Services payable for the Plough-gate of Land, until the same shall be disposed of by the Trustees at a General Meeting for the Purposes for which it is intended: Declaring always, that it shall not be in the Power of the said Trustees to appropriate or set apart any further or additional Sum out of the Produce of the said Statute Labour, for building and repairing the said Bridges, until the Sum formerly set apart for that Purpose, and remaining in the Hands of the Collector, or at least Three hundred Pounds thereof, shall have been applied, or ordered to be applied, for the Purposes for which it was appropriated.

Money for
repairing
Bridges on-
ly to be ap-
plied in
Cases where
the Expence
exceeds

XXV. And be it enacted, That the Sum so to be appropriated and set apart out of the Produce of the Statute Labour arising from the Plough-gate within the District shall only be applied for the building or repairing of such Bridges within the said County, of which the Expence shall exceed the Sum of Three hundred Pounds Sterling; the building or repairing of which Bridges shall be made and executed by the Direction of the said General Meeting of the County only, and the Sum appointed to be applied for that Purpose shall be drawn only by virtue of an Order in Writing of any of the said General Meetings, certified by their Clerk.

Collector
to lodge the

XXVI. And be it enacted, That the Collector of the Cess for the said County shall, on the First of *May* next, and on the said Day annually there-

thereafter, lodge with the Agents for the Bank of *Scotland*, within the respective Districts, the Proportions of the Conversions of the Statute Labour, and all other Money collected in virtue of this Act, due to the said respective Districts, which may then have been levied by him, and obtain a Receipt from the Treasurer of the Bank of *Scotland* therefor; which Receipt, along with a List of the Persons then in Arrear, shall be lodged with the Clerks of the respective Districts; and the said Collector shall be allowed for his Trouble in levying, recovering, and paying over the Conversions and other Monies, authorised by this Act to be levied, the Sum of One Pound *per Centum*, and no more for the Money so levied and paid over by him.

Funds in
the Bank.

XXVII. And be it enacted, That the whole Produce of the Conversions of Statute Labour to be levied under the Authority of this Act, and all Sums of Money which shall be borrowed upon the Credit thereof, shall be laid out and expended upon the Roads within the Parishes respectively from which such Conversion shall be levied, or on which the Interest of such Monies to be borrowed shall be charged, and no otherwise, unless an Heritor or Heritors possessed of Two-thirds of the Property or *dominium utile* of the Parish, ascertained by their Plough-gates, shall agree to lay out the Whole, or any Part of the same, on Roads adjoining to or connected with the Parish, which they are hereby authorised to do, although not situated therein; excepting always the Fund to be levied within the Territories of a Royal Burgh, which it shall be in the Power of the said Trustees, at their first Meeting, as directed by this Act, and at their Annual General District Meetings respectively, in the Month of *April*, to allocate upon the different Roads leading thereto, to the Extent of Two Miles therefrom, whether the Roads to which the same are applied are within the Parish where the Conversion is exigible or not: Declaring always, that when it may be necessary to build or repair a Bridge across a Rivulet, hollow Ground, or other Space which is the Boundary betwixt Two Parishes, the Expence of the Bridge so to be built shall be defrayed by the Two Parishes, betwixt which it forms the Junction, and that in proportion to the Number of Plough-gates within the said respective Parishes.

Conversion
Money how
to be laid
out.

XXVIII. And be it enacted, That in order that the Roads may be more speedily and effectually put in Repair, and the Public derive immediate Advantage therefrom, the Trustees of the respective Districts, or any Seven or more of them, at a General Meeting assembled, to be held after the Annual General Meeting of the Trustees for the County, shall have Power to borrow Money on the Security of the Funds leviable by virtue of this Act, to be applied in making and repairing the great and cross Roads within the District, Notice of the Intention of borrowing, and the Extent of the Sums to be borrowed, being always given by Advertisement in any Four *Edinburgh* Newspapers, published for the Time, at least Ten Days previous to such borrowing: Provided always, that no Sum shall be borrowed, unless it clearly appears that a Sum equal at least to Five Pounds *per Centum per Annum*, of the capital Sum so proposed to be borrowed, over and above the legal Interest of the Money borrowed the Sum to be appropriated by the Trustees for keeping the Roads in repair, and Expence of Management, can be appropriated and

Power to
borrow
Money.

set

set apart as a Sinking Fund, to be applied in diminishing and extinguishing the Debt to be incurred, and the same shall be carefully and attentively so applied; and if any Trustee, or Set of Trustees, shall borrow Money for making the Roads, without adopting and following these Regulations, he or they shall be personally liable for the Money so borrowed, and the same shall not be held as a Debt on the Funds of the District; And provided also, That all Monies so borrowed, shall be lodged in the Hands of the Agents for the Bank of Scotland, upon a Receipt from the Treasurer, there to remain till the making and repairing the Roads for which it is borrowed actually commence, and afterwards to be drawn as the Operations require, in Manner hereinafter specified.

Power to reduce Sinking Fund.

XXIX. Provided always, That it shall and may be lawful to and for the Trustees, at their Annual General District Meeting assembled, if they shall think fit, upon a special Application from the Heritor or Heritors of any particular Parish, possessed of Two Thirds of the *dominium utile*, or Property of such Parish, to be ascertained as aforesaid, or any Person or Persons duly authorised to act for them, setting forth the peculiar Circumstances of such Parish, to reduce the Amount of the Sinking Fund herein directed to be set apart for the Repayment of Sums to be borrowed under the Authority of this Act, to any Sum they may think reasonable, not less than Two Pounds *per Centum*, on the Capital borrowed, or proposed to be borrowed upon the Funds arising out of such Parish, which said reduced Sinking Fund shall be applied in the same Manner, and under the same Regulations, as are provided for the Application of the Sinking Fund hereinbefore required.

Power to assign the Funds in Security of Money borrowed.

XXX. And be it enacted, That the said Trustees, or a Quorum of them, at any General Meeting for the respective Districts assembled, are hereby empowered to assign and convey the Funds leviable by this Act, in Security of the Money to be borrowed upon the Credit of the Produce thereof, to any Person or Persons from whom the said Money shall be borrowed; and all Assignments of the said Fund shall be entered by the Clerk in a Book to be kept for that Purpose, and which Book may be seen and perused at all reasonable Times without Fee or Reward.

And Rights of Persons who have lent Money not to be hurt by any after Transactions.

XXXI. Provided nevertheless, and it is hereby declared, That the Rights and Securities of Persons who have advanced Money on the Credit of the Conversion Money, in any of the Districts prior to the passing of this Act, shall not be hurt or infringed by any after Transactions of the Trustees, and all Contracts heretofore made by the said Trustees, or any of them, in pursuance of the former Act, shall be performed in the Terms thereof.

Assignations for Money borrowed.

XXXII. And be it enacted, That the Assignation to be granted for the Sums of Money so to be borrowed shall be agreeable to the following Form, or in any other Words to the same Purport; that is to say,

Form of Bond or Assignation.

‘ BY virtue of an Act made in the Forty-seventh Year of the Reign of His Majesty King George the Third, intituled, An Act [*here insert the Title of this Act,*] We, the Trustees for putting the said Act into Execution, assembled at a General Meeting of the District of

‘ called

alter the Allocation, until the Money so borrowed is paid off and discharged.

Grants of Money how to be obtained.

XXXVI. And be it enacted, That none of the Funds or Money shall be allocated, or granted, but on the Application of One or more Trustees, or other respectable Persons, who, by obtaining the Grant, shall be held responsible and strictly accountable for the faithful Expenditure of the Sum granted; and who, before obtaining any Grant for Money, shall give in a List of the respective Roads meant to be made and repaired by them, and, at the same Time, shall give in an Estimate, specifying the Expence per Rood of the proposed Making or Repairs.

To be applied to the Road for which granted.

XXXVII. And be it enacted, That the Money shall be applied to the respective Roads for which it was granted, and to no other Road, under the Penalty of repaying the Sum drawn, with legal Interest for the same from the Day it was paid, and One Half more by way of Fine on the Person applying.

Not to be paid till the Work commences.

XXXVIII. And be it enacted, That the Money, to the Extent of the Sum granted, shall not be paid until the Work is begun; when it may be drawn for at one or more Instalments, by Order of the Person or Persons to whom it was granted, on the Clerk to the District, who shall accept and direct it for Payment by the Bank.

Persons obtaining Grants to lodge Accounts, attested on Oath.

XXXIX. And be it enacted, That whoever obtains a Grant for and receives Money, shall make up, and lodge with the Clerk to the District, an attested Account, on Oath, with regular Vouchers for the fair Expenditure of the Money, distinguishing the Sum expended on each Road; or if the whole or any Part of the Money granted shall have been paid, and not expended or accounted for as aforesaid, the same shall be repaid immediately after the First of *January* thereafter, and One Half more by way of Penalty and legal Interest for both, from the said First of *January*, until paid.

Where Accounts are not lodged, Money to be held as not laid out.

XL. And be it enacted, That all Grants, for the Expenditure of which regular Accounts, as aforesaid, shall not be lodged, and the Payment demanded, on or before the First of *January*, yearly, shall be held as not laid out or expended as the same was allocated, and, together with all unappropriated Money, shall remain at the future Disposal of the Trustees of the District, at their Annual General Meeting in *April*, or afterwards, to be applied on such Roads as they think proper.

Districts to report their Proceedings.

XLI. And be it enacted, That the Proceedings of the District Meetings shall be reported to the First General Meeting of the Trustees for the County, to be held in consequence of this Act; and at every Annual General Meeting thereafter, there shall be laid before them a Summary of the Proceedings of the Trustees for their respective Districts, previous to the said Meetings of the County, containing a List of the Roads adopted for Repair, an Account of the Money levied, and Money borrowed, (if any,) in virtue of this Act, with the Proportion of these Funds allocated to each Line of Road upon the List; and the whole Proceedings of the Trustees for the Districts, in case of Complaint, shall,
(except

(except in the Event above mentioned, of Money being borrowed,) be subject to the Review and Alteration of the said General Meetings of the County.

XLII. And be it enacted, That the said Trustees, at their First Meeting, and every Annual General Meeting for the County, and at the First and Annual General Meetings of their respective Districts, shall have Power to nominate and appoint Clerks, Collectors, Surveyors, or other Officers, they may consider necessary for carrying this Act into Execution, and to remove these Officers at pleasure.

Trustees to name Officers for putting the Act into Execution.

XLIII. And be it enacted, That the said Trustees shall keep a Record of their Proceedings, and an exact Account of the Money received by virtue of this Act; and of the Application thereof, in a Book, in the Hands of their Clerks; which Book of Accounts and Proceedings, all Heritors of the said County of *Fife* shall, at any reasonable Time, be at Liberty to inspect, without Fee or Reward; and, in case of any Misapplication of Money collected, received, or levied by virtue of this Act, all and every Person or Persons who shall misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sum so misapplied, to be recovered from him or them at the Suit of any Two or more Heritors within the said County of *Fife*, possessed of Three Hundred Pound *Scots* each of valued Rent, who are hereby authorized to pursue for and recover the same, in a summary Action, before the Judge Ordinary, with full Costs of Suit, One Moiety of which Forfeiture shall belong to the Person who sues for the same, and the other Moiety shall be paid to the said Trustees for the District where the Misapplication may have taken place, who are hereby appointed to apply the same for the repairing of the said Roads by this Act directed to be made and repaired.

Trustees to keep Books and Accounts.

XLIV. And be it enacted, That the said Trustees, in their General Meetings for the County, or at their respective District Meetings, shall, and they are hereby authorized to cause the Great and Cross Roads, Bridges, and Ferries, within the said County, to be altered, amended, widened, and repaired, in such Manner as they shall think proper, not exceeding the Breadth herein after mentioned, and to settle the Direction of any of the said Roads, and to make or cause to be made, new Lines of Roads, if necessary: Provided always, that such new Roads shall in no case be carried through any Lawn, Avenue, Garden, Orchard, or Pleasure Ground, or within Three Hundred Yards of any Mansion House, upon Ground being the exclusive Property of the Owner of such Mansion House, so as to incommode the same.

Trustees to make the Great and Cross Roads.

XLV. And whereas by the said recited Act, the Trustees are authorized to cut and make Drains, Ditches, or Trenches, through any Grounds lying contiguous to the said Roads, and also to keep clear such Drains, Ditches, Passages, or Outlets; Be it enacted, that no such Drains, Ditches, or Trenches, shall be made through any Lawn, Garden, Orchard, or Pleasure Ground, except in Cases, where the Water cannot be otherwise carried off from the Roads without incurring an Increase of Expence, in which case it shall be in the Option of the Proprietor of such Lawn, Garden, Orchard, or Pleasure-Ground, on Payment of such Additional Expence, to cause the said Drains, Ditches,

Drains to be kept clear and not to be made through Pleasure-Grounds.

Ditches, and Trenches, to be made in another Direction, so as not to interfere with the Rights of any other Proprietor, and so as that the said new Direction of the Water shall be equally effectual for the Benefit of the Roads: Provided always, that reasonable Satisfaction shall be made to the Owner, or Occupier of Lands taken, and for all Damages done, to be ascertained in Manner hereinafter specified: Declaring that if any such Owners or Occupiers shall not be satisfied with the Offer made to them by the said Trustees, or shall refuse to treat, or shall alledge that the Grounds which it is proposed to occupy by the Road are such as cannot be broken in upon; in any of these Cases, the Propriety, of going through such Grounds, and the Amount of the Damages, shall be ascertained by a Jury, to be called by the Sheriff-Depute of *Fife*, or his Substitutes, who, upon Application are hereby authorised and required to summon a Number of discreet and substantial Persons, being Owners and Occupiers of Land, entitled to be Commissioners of Supply within the said County, not less than Twenty-two in Number, to come and appear before him or them at such Time and Place as by their Warrant and Precept shall be directed, Intimation of Ten Days being given by the Trustees of such Appointment to the Party concerned, or his or her Agent: and the Number of Persons who shall attend, shall then be reduced to Eleven by the Trustees and the Proprietor striking off One alternately, beginning on the Part of the Proprietor, or in case both Parties shall fail to appear, by the Sheriff striking off, until the Number be so reduced; and the remaining Eleven being duly sworn, the Sheriff shall proceed to examine upon Oath, in their Presence, such Witnesses as shall be summoned by either Party; and upon their Depositions, or other competent Evidence, such Jury shall determine, not only the Propriety of the proposed widening or Alteration, but also of the Damages to be paid by the said Trustees, and their Verdict shall be final and conclusive to all Parties without any Power of Appeal whatsoever; and the Sheriff shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Grounds, or other Subjects, or their Trustees, Tutors, Curators, or Administrators, upon Payment, or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the Grounds or other Subjects; and the Right and Title of the said Trustees to the said Grounds so to be occupied, shall be sufficient to all Intents and Purposes, upon a Receipt alone subscribed by the Person to whom the Ground formerly belonged for the Value thereof, ascertained as above, without any special Conveyance to the said Ground, any Law or Practice to the contrary notwithstanding.

Expence of
Jury, by
whom to be
paid.

XLVI. 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

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 abovementioned 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 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.

XLVII. 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 Liferent 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, Houses, or Subjects 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 the said recited Act, or 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.

XLVIII. 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 Lands, Houses, or other Subjects conveyed to or taken by the Trustees, for the Purposes of the said recited

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

[*Loc. & Per.*]

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cited

cited Act, or 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 Two 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
Twenty
Pounds.

XLIX. 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 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 Two 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.
Purchase
Money to be
paid into
the Bank.

Subject to
the Order of
the Court of
Session.

L. 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 the said recited Act, or 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 Two 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.

LI. And

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

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

LII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Houses, or other Subjects, to be purchased under the Authority of the said recited Act, or 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 the said recited Act or 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 the said recited Act or 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.

LIII. And be it enacted, That the said Trustees, in their General or District Meeting, shall, and they are hereby authorized and empowered to cause new Arches and Bridges of Stone, Brick, or Timber, to be made or erected upon the said Roads, and any old Bridges which may become useless or unnecessary, by changing the Course of the Road, or otherwise, to be pulled down, and the Materials thereof to be sold, or applied in building new Arches, or for repairing the said Roads, as they shall see proper; and also to cause such Parts of the said Roads as they shall consider not of a sufficient Breadth, to be widened and made of such Breadth as they shall see necessary, not exceeding Forty Feet, free of Ditches and Side Drains; and also to cause the Course of such Part or Parts of the said Roads as they shall think proper to be changed or altered, for shortening the same, or for making them more accessible; and for these Purposes, if necessary, to cause remove Fences, or pull down any House or Houses, upon giving the Proprietor or Proprietors of the said Houses, (or his known Factor or Agent, in case of his being forth of Scotland,) Six Months previous Notice of their Intention of purchasing the House or Houses so to be pulled down; and also upon giving the Occupiers of Houses legal Intimation of removing, the said Trustees being always liable to the Owners of Houses and Fences so to be pulled down, in the Damages thereby incurred, to be ascertained in the Man-

Trustees to erect Arches and Bridges.

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ner directed by the said recited Act of the Thirty-seventh Year of His present Majesty, and the Roads, so altered, shall from thenceforth be deemed and taken to be a public Highway, and shall be repaired and amended, and kept in Repair, in the same Manner as the said Great and Cross Roads to be made and repaired by virtue of this Act.

District
Meetings
may appoint
Committees.

LIV. And be it enacted, That, for the more easy and effectual putting in Execution of this Act, the said Trustees, at any General Meeting of their said respective Districts, may authorise and appoint such a Number of the said Trustees as they shall think proper, who may live near to each of the said Roads, by this Act to be made and repaired, as a Committee, Three being a Quorum, and empower them to give such Orders and Directions for the Repair of the said Roads as to them shall seem reasonable; such Committees being always accountable to the Trustees for the District; and for that Purpose, shall lay before them, once in the Year, a State of their Accounts, and all their Transactions, with proper Vouchers of the Disbursements made by them, to be by the said Trustees, at their said District Meetings, examined, audited, and approved, and to be entered in the Book kept by the Clerk for the District.

Roads run-
ning through
uninclosed
Grounds to
be widened.

LV. And be it enacted, That where any Road in the said County of *Fife* runs through uninclosed Ground, or Ground which is inclosed on one Side of the Road only, it shall and may be lawful to the said Trustees, at any Meeting of the respective Districts, to cause the same to be widened to the Breadth of Thirty Feet, without any Recompence from the Trustees, (and without Prejudice to their widening the same to Forty Feet, if necessary, upon Payment of the Ground taken more than the said Thirty Feet;) and where such Widening shall be of a Road running through Ground inclosed on one Side, the additional Breadth shall be taken off the uninclosed Ground, and the Proprietor of the inclosed Ground shall be obliged to pay the Proprietor of the uninclosed Ground One Half of the Value of the Ground beyond Twenty-Five Feet, and not exceeding Thirty Feet, taken off the uninclosed Property, as the same shall be ascertained by any Three or more of the Justices of the Peace of the said County, at their Quarter Sessions assembled.

Ground of
Old Roads
to be sold.

LVI. And be it enacted, That in case the Course of any of the said Roads shall be altered or widened as aforesaid, the said Trustees, in their General District Meetings, shall, and they are hereby authorized and empowered, as soon as the said new Road shall be completed, and made passable and convenient for Carriages, to cause value the old Road, and dispose of and sell the Grounds comprised in or through which the old or former Road did lead, and the Money arising from such Sale shall be applied and disposed of for the amending the said Roads; and a Receipt subscribed by the said Trustees, or a Quorum of them, shall be held and deemed as sufficient Evidence of the Value of the Ground of the said old Road being paid; and the Ground so purchased shall pertain and belong in all Time thereafter to the Person so purchasing as Part and Pertinent of his Property through which the same did run, without any special Conveyance or other Title thereto.

Old Road to
be offered to
Persons

LVII. Provided always, and be it further enacted, That the said Trustees, or any Three or more of them, before they shall sell and dispose of any

any Piece or Pieces of Old Road, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and in case such Proprietor or Proprietors of the adjoining Lands, respectively, shall not then or thereupon agree, or shall refuse to purchase the same respectively; any Affidavit to be made and sworn before One of His Majesty's Justices of the Peace, for the County of Fife, by some Person or Persons no ways interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, or any Three or more of them, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever, be sufficient Evidence and Proof, that such Offer was made and was not agreed to, or was refused by the Person or Persons, to whom such Offer was made, (as the Case may be,) and in case such Person or Persons, shall be desirous of purchasing the same, and he, she, or they, and the said Trustees, or any Three or more of them, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof, shall be ascertained by a Jury, in Manner hereinbefore directed, with respect to the disputed Value of the Premises to be purchased by the said Trustees, or any Three or more of them, in pursuance of this Act, and the Expence of hearing and determining such Difference, shall be borne, and paid in like Manner, as hereinbefore directed, with respect to such Purchase, made by the said Trustees, *mutatis mutandis*, and the Purchaser or Purchasers, shall not be answerable or accountable for any Misapplication, or Non-application of such Money.

LVIII. And be it enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as he or they shall appoint, by Order of any Five or more of the said Trustees, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, and other Materials, for making or repairing the said Roads, out of the several Grounds of any Person or Persons, (not being the Ground whereon any Houses stand, the side Walls of which are Twelve Feet high, nor a Garden, Orchard, Yard, planted Walk or Walks, Lawn, or any Avenue to any House, except such Gravel Pits as have been opened and used for the Purpose of repairing the Roads within Three Years previously to the passing of this Act,) where such Materials are or may be found, and from time to time to cause the same to be carried away, or so much thereof as the said Surveyor or Surveyors shall judge necessary for making, repairing, and amending the Roads aforesaid, paying only the Damage done to the Owners and Occupiers of the said Grounds respectively, where and from whence the same shall be digged, gathered, taken away, or over which the same shall be carried.

LIX. And be it enacted, That in all Cases where the Owners and Occupiers of Houses and Grounds do not agree with the Trustees concerning the Amount of Damages done by digging Gravel and other Materials necessary to be taken for the making or repairing the said Roads, the same shall be ascertained in the Manner directed by the said recited Act, of the Thirty-seventh Year of His present Majesty's Reign.

[Loc. & Per.] 29 LX. And

whose Lands
adjoin

Power to dig
Gravel, &c.

Value of
Ground
damaged,
how to be as-
certained.

Notice to be given to Proprietors before Materials are taken.

LX. 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 Roads or other Purposes of this Act until Ten Days Notice in Writing shall have been given to the Proprietors or Occupiers of the Lands, or other Hereditaments from which such Materials are intended to be taken, or shall have been left for such Proprietors or Occupiers, or their ordinary Agents, at their usual Places of Residence, to appear before the Trustees, or before Two or more Justices of the Peace for the said County of *Fife*, to shew cause why such Materials should not be taken; and in case such Proprietors or Occupiers shall attend pursuant to such Notice, the Trustees, or any Five or more of them, or the said Justices, shall, if they think fit, authorise the Person or Persons aforesaid to dig, gather, or 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.

Ditches and Drains to be cleaned and kept in Repair at the joint Expence of them and the Proprietor and Occupier.

LXI. And be it enacted, That all Ditches and Drains which have been made, or which shall hereafter be made along the Side of any of the Roads, hereby authorised to be made and repaired, or through any of the Fields adjoining thereto, shall be scoured and kept in Repair at the joint Expence of the said Trustees and the Proprietor of the Lands through which any such Ditches or Drains are, or shall be made; and it shall be lawful to, and in the Power of the said Trustees to call upon the Proprietors and Occupiers of Land, or either of them for the Time being, to perform the whole Work necessary for keeping the said Ditches and Drains clean and in good Order, upon Payment making, or lawful Tender to them of the One Half of the Expence thereof, to be ascertained when the Work is finished; and in case the Proprietor or Occupier for the Time shall neglect or refuse to clean and repair the said Ditches or Drains, after Ten Days Intimation to that Effect, the said Trustees shall be, and they are hereby authorised and empowered to cause the said Ditches or Drains to be cleaned and put in Repair, at the joint Expence of the Proprietor or Occupier and Trustees as aforesaid; and the said Proprietor and Occupier, or either of them, shall be liable to the said Trustees for the One half of the Expence disbursed by them in cleaning and scouring the said Ditches and Drains, to be recovered in the Manner hereinbefore directed, for recovering the converted Values leviable by this Act: And if any Proprietor or Occupier of Land, through which any such Ditches or Drains are, or shall be made, shall obstruct or fill up any of them, the Person or Persons so offending, shall forfeit and pay triple the Expence of repairing and scouring the same, to be recovered in Manner hereinafter mentioned; and the said Proprietor or Occupier shall be deemed the Transgressor, unless it shall be proved, that the Transgression was committed by some other Person; and where any Passage for Cattle or Carriages across any Road, or an Access into any Field, for the Convenience of the Occupier of the Ground through which it passes, shall be made, the Occupier of such Ground shall always cover the Drains, crossing the Sides of such Road, with sufficient Stones, in such Manner as the Course of the Water in the Drains may
not

Proprietors obstructing the same to pay triple the Expence.

not be interrupted, or the Road thereby prejudiced: Providing always, that no Occupier of Land shall turn any Water upon the Side of any of the said Roads, nor conduct any Water across any of the said Roads, for the meliorating of his Fields, or other Purposes, until he shall have applied for, and obtained the Consent of the said Trustees, in their General or their District Meetings; and in that Case every such Occupier shall be obliged to carry the Water across the Road, in a covered Drain of such Depth and Construction as that the Water may not prejudice the Road.

Water carried across any Road; Manner thereof.

LXII. And be it enacted, That when the Lands on one Side, or on both Sides of any Part or Parts of the said Roads are not inclosed, the Proprietor or Occupier of such Lands shall not, from and after the passing of this Act, make Inclosures along the Sides of the Road, without giving at least Two Months previous Notice to the Trustees for the District where the Inclosures are to be made, and if he fails so to do, he shall not be entitled to any Compensation for the Expence of the Inclosures, in case the said Trustees shall, at any future Time, think it necessary to demolish the same for the Purpose of widening the Road; Provided always, That the said Notice shall be given to the Trustees by a Notification in Writing pasted of a *Sunday* upon the Church Door of the Parish where the Grounds intended to be inclosed lie, and by a Letter directed to the Clerk to the Trustees for the District, who shall lay the same before the next General or adjourned Meeting, and the said Trustees are hereby required to insert a Copy of the said Letter in their Minutes.

Notice to be given of New Inclosures upon Sides of Roads to Trustees.

LXIII. And be it enacted, That the said Trustees may, and they are hereby authorized, to cause Foot-paths to be made along the Sides of the Roads, not exceeding the Breadth of Five Feet, and if any Person shall ride or drive any Carriage upon the Paths which may be made, or shall in any Way hurt or injure the same, he shall, for every such Offence, forfeit a Sum not exceeding Five Shillings Sterling, to be recovered and levied in Manner hereinafter directed.

Penalty on injuring Foot-Paths.

LXIV. And be it enacted, That where the Ground on the Side of any of the said Roads is inclosed or planted, the Proprietor or Occupier of such Ground on each Side, shall be obliged, at the proper Season of the Year, to cut the Hedges to the Height of Five Feet from the Level of the Road, and to prune the Trees in a proper Manner, so as to give sufficient Breadth and Air to such Road; and in case they neglect so to do, Three Months after being required, by an Order of the District Meeting properly intimated to them, the said District Meeting shall have Power to appoint the same to be done at the Defaulter's Expence.

Possessors to cut the Hedges on Sides of Roads.

LXV. And be it enacted, That the Trustees appointed to put this Act in Execution, who are or shall be in the Commission of the Peace for the County of *Fife*, shall and may act nevertheless as Justices of the Peace, within their respective Jurisdictions, for the more effectually putting in Execution the several Authorities and Powers in this present Act mentioned and contained, and also to act as Trustees in any District, although their Property may not be situated therein.

Trustees may act as Justices.

LXVI. And

Trustees not
to hold any
Place of Pro-
fit under this
Act.

LXVI. And be it enacted, That if any Person or Persons appointed, or to be appointed, by this Act, as a Trustee or Trustees, for putting the same in Execution, shall have or accept of any Place of Profit arising out of it, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Time of enjoying such Place of Profit as aforesaid.

Trustees
may erect
Mile-stones.

LXVII. And be it enacted, That the said Trustees, or any Five or more of them, may cause any of the said Roads to be measured, and Stones or Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient; and also to order or cause to be erected Guide Posts upon such Part of the said Roads where the Roads are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons, shall break down, destroy, or deface, any such Mile Stones; or Guide Posts, or shall break down the Cape Stones or Parapet Walls on the Sides of any of the Bridges of the said Roads, or turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made as before directed; or be aiding and assisting therein, or shall rescue or attempt to rescue any Person apprehended for such Offence; every Person offending in any of the Cases aforesaid, and being thereof lawfully convicted, by the Oath of One or more credible Witness or Witnesses, before the Sheriff Depute of the said County, or his Substitute, or before Two or more Justices of the Peace for the said County, shall, for the First Offence, not only be adjudged to pay the whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds Sterling, and for a Second, or any subsequent Offence, shall, besides paying the Damages and Expences, pay a Penalty not exceeding Ten Pounds Sterling; and in case the said Penalty, Damages, and Expences so adjudged, shall not be instantly paid, or sufficient Security given for the same, the said Sheriff or Justices are hereby empowered and required to commit such Person or Persons so convicted to Prison, for any Term not exceeding Three Calendar Months, nor less than One Calendar Month, or until such Penalty shall be paid.

Penalty on
defacing
these Stones.
For break-
ing Parapet-
Walls of
Bridges.

No Annoy-
ances to be
laid on the
Roads.
Head
Ridges.
Gates.

LXVIII. And be it enacted, That, for preventing Annoyances on the said Roads, from and after the Passing of this Act every Person in ploughing any Field contiguous to any of the said Roads, shall always make Head Ridges along the Side of the Roads, of the Breadth of Eight Feet, at least; and all Gates upon Inclosures, next to any of the High Roads, shall open inwards to the Field; and no Person or Persons whatsoever shall lay any dead Horse, or other Carriage, upon any of the said Roads, or within Twenty Yards of the Sides of the Roads, (except in case of Accidents, when the same shall be removed as soon as the Owner, or Person, having the Charge thereof, reasonably can,) or any Dung, Lime, Soil, or Compost, or Matter whatsoever, either for manuring Lands, or for any other Purpose, upon any of the said Roads, or within Three Yards of the Sides (unless within a Fence) of any Part of the said Roads, or in the Streets of any of the Royal Burghs, Towns or Villages, within the said County, under the Penalty of Ten Shillings Sterling, for each Offence, and the

the Forfeiture of the said Dung, or other Matter, which may be removed and carried off by an Order in Writing, from any Two or more of the said Trustees.

LXIX. And be it enacted, That if any Person or Persons shall, from and after the passing of this Act, pasture, or leave or allow to be pastured, or left on the aforesaid Roads, or any of them, any Horses, Sheep, Cows, or other Cattle, it shall and may be lawful for any One or more of the Justices of the Peace for the County upon Application made to him by any Heritor or Occupier of Lands in the said County, or by any Person or Persons having Authority from the said Trustees, to issue his or their Warrant for apprehending the Person or Persons so offending as aforesaid; and to bring them before him or them for Examination; and upon such Offender or Offenders being convicted of such Offence, by the Oath of One or more credible Witness or Witnesses, or the Oath or Confession of the Party offending, it shall and may be lawful for such Justice or Justices of the Peace to fine and amerciate such Offender or Offenders severally, in any Sum not exceeding Five Pounds Sterling, for each and every Offence, to be levied and recovered, in case of Non-payment, and to be applied as hereinbefore directed.

Horses, &c.
not to be
pastured on
the Roads.

LXX. And whereas the Roads, to be made under the Authority of this Act, may be much prejudiced by the Narrowness of the Wheels of the several Carriages, Be it enacted, that no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches shall go or be drawn with more than Eight Horses, and that no Cart having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches shall go or be drawn with more than Five Horses, and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, and rolling on each Side a Surface of Nine Inches, shall go or be drawn with more than Seven Horses, and that no Waggon rolling a Surface of Six Inches only, shall go or be drawn with more than Six Horses, and that no Cart having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches shall go or be drawn with more than Four Horses, and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches shall go or be drawn with more than Five Horses, and that no Cart having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Five Inches shall go or be drawn with more than Three Horses, and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches shall go or be drawn with more than Four Horses, and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Four Inches shall be drawn with more than Three Horses upon the said Highways, nor shall any Cart or Waggon, drawn with One or more Horses, having the Bottom of the Fellies of the Wheels of the Breadth of Four Inches or less, be allowed to be drawn upon any of the said Roads, where the Weight of such Carriage and Loading shall exceed Thirty-five hundred Weight, under the Penalties after mentioned; that is to say, that the Owner of such Waggon or Cart respectively shall forfeit a Sum not exceeding Forty Shillings Sterling, and the Driver not being the Owner, the Sum of Five Shillings

Breadth of
Wheels of
Carriages.

Penalty on
Owners and
Drivers of
Carriages,
the Wheels
of which are

[Loc. & Per.]

R r

Sterling

not of proper Dimensions.

Sterling for every Horse or Beast by which the same shall be drawn above the Number hereby so limited respectively as aforesaid, One Half whereof shall be paid to the Informer, and the other Half applied to the Repair of the Roads within the District where the Offence is committed: Declaring, that it shall be in the Power of the said Trustees, or any Overseer or Overseers appointed by them, when they shall find any loaded Waggon or Cart travelling along the said Roads having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches or less, and drawn with One or more Horses, and which they have Reason to believe, may weigh, including the Weight of the Carriage itself, above Thirty-five hundred Weight, to cause stop the said Carriage, and to convey the same to the nearest Weighing Machine, at or near the said Roads, in order to ascertain the true Weight of the said Carriage and, where the said Trustees may find it necessary, to place Stones or other Obstructions to prevent any new Road from being cut or rutted by the Wheels of Carriages running in the same Tract, the Owner or Driver of such Carriages on being convicted before any Justice of the Peace by the Oath of One or more credible Witness or Witnesses of having removed or destroyed such Stones or Obstructions placed for the Purpose aforesaid, shall respectively be liable in the same Penalties to be incurred by such Owner or Driver in Manner as before directed.

Things drawn on the Roads must be on a Wheeled Carriage.

LXXI. And be it enacted, That if after the passing of this Act any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than on a wheeled Carriage, or shall suffer any Tree or other Matter whatsoever, which can be conveyed upon a wheel Carriage to drag upon any part of the said Roads, every such Person shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied as herein after directed.

Houses to be built near the Sides of the Roads to be Ten Feet from the Side of such Road.

LXXII. And be it enacted, That in conformity with the before recited Act, of the Thirty-seventh Year of his present Majesty, in case any Houses shall, after the passing of this Act, be built near the Sides of any of the said Roads, or in any Villages; or in case any Houses, or other Buildings of any Kind, shall be erected at or near the Outlets of any Town within the said County, no such House or other Building shall be built within Ten Feet from the Side of the said Roads, (free of Ditches and Side-Drains,) under the Penalty of Forty Shillings Sterling for every Offence, and the Expence of demolishing such House or Edifice; and it shall be lawful for any One or more of the said Trustees to stop the building or erecting of every such House or Building, as he or they shall apprehend to be within the said Distance, from the Side of the said Roads, by an Order in Writing under his or their Hand or Hands.

Penalties and Forfeitures how to be recovered.

LXXIII. And be it enacted, That all Forfeitures and Penalties inflicted, or authorised to be imposed, in relation to any Matter or Thing in this Act contained, the Manner of levying and recovering whereof is not otherwise particularly directed, shall, upon Proof of the Offence before Two or more Justices of the Peace, or the Sheriff-Depute of the said County, or his Substitute, either by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and

and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of Two Justices, or of the said Sheriff, Depute, or his Substitute, (which Warrant is hereby authorised, and required to be granted, and Oaths administered by the said Justices, or Sheriff-Depute, or his Substitute, (gratis,) such Sale being always made by public Auction to the highest Offerer, at such Places as shall be directed in the said Warrant, within Three Days after such Distresses shall have been made; and the overplus Money arising from such Sale, (after the Penalties and Forfeitures are recovered, and the Charges thereof deducted,) shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all such Penalties and Forfeitures, when recovered, shall be paid to the said Trustees, or their Collectors for the Time being, and shall be laid out and applied in repairing of such of the Roads, upon or in respect whereof such Penalties and Forfeitures shall be incurred; and in case sufficient Distress cannot be found, or such Forfeitures and Penalties shall not forthwith be paid, or sufficient Security given for the same, it shall be lawful for any Two of the said Justices of the Peace, or for the Sheriff Depute of the said Shire, or his Substitute, together with One Justice of the Peace, and they are hereby authorised and required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to any House of Correction, or Common Gaol, in the said County, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Now to be applied.

On Failure of Distress, Offender to be committed.

LXXIV. And be it enacted, That if any Person shall think him or herself aggrieved by any of the Proceedings in the Execution of this Act, for which no particular Method of Relief has been hereby provided, such Person or Persons may, within Six Months after the Matter complained of shall be done, (but not afterwards,) appeal to the Justices of the Peace at their Quarter Sessions for the said County, the Person or Persons appealing, first giving Fifteen Days previous Notice of such Appeal to the Clerk of the said Trustees, and also to the Clerk of the said Justices of the Peace, and lodging with him, at the Time of the said Appeal, a Recognizance to prosecute the same, also giving legal Notice thereof to the Defender or Defenders; and the said Justices of the Peace are hereby authorised to take Cognizance of such Complaints and Appeals, and to make such Determination therein as they shall think proper, and such Determination shall be final; and the Proceedings of the Trustees and the Justices on Appeal, shall not be subject to Suspension or Advocation, or challengeable by Process of Reduction.

How Parties aggrieved may obtain Redress.

LXXV. And be it enacted, That the Expence attending the passing of this Act, as the same shall be settled and allowed at a General Meeting of the Trustees for the County, shall be paid by the several Districts of the County out of the First Part of the Monies to be levied within the respective Districts by virtue of this Act upon the said Plough-gates, in proportion to the Number of the Plough-gates within the said respective Districts, and to be collected and paid to any Person whom the Trustees shall direct.

Expence of this Act to be paid out of the Money levied in virtue hereof.

LXXVI. And be it enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrongs,

Limitation of Actions.

Wrongs done, or Injuries suffered in any Manner thereto relative, 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.

Act 37 Geo. 3.
repealed so
far as hereby
altered.

LXXVII. And be it enacted, That the Powers and Provisions made by the before recited Act, passed in the Thirty-seventh Year of His present Majesty's Reign, so far as the same are varied or altered by the present Act, shall from and after the passing of this Act be, and the same are hereby repealed; but the said recited Act in so far as not hereby varied, altered or repealed, shall remain in full Force and Effect, for all the Purposes therein specified.

Public Act:

LXXVIII. 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.

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