



ANNO QUINTO & SEXTO

# GULIELMI IV. REGIS.

\*\*\*\*\*

## Cap. lxxviii.

An Act for further regulating the Statute Labour and repairing the Highways and Bridges in the County of *Edinburgh*. [3d July 1835.]

**W**HEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King George the Third, intituled *An Act to amend and render more effectual Two several Acts, passed in the Twenty-fourth and Twenty-eighth Years of the Reign of His late Majesty, for repairing the High Roads in the County of Edinburgh to and from the City of Edinburgh, and from Cramond Bridge to the Town of Queensferry in the County of Linlithgow*; and another Act was passed in the Twenty-fourth Year of the Reign of His said Majesty King George the Third, intituled *An Act for regulating and rendering more effectual the Exaction of the Statute Work within the Shire of Edinburgh, and for authorizing the Trustees for putting in execution several Acts for repairing the High Roads in the County of Edinburgh to borrow upon the Credit of the Tolls arising within the District of Lasswade a farther Sum of Money, to be applied for Payment of certain Sums borrowed on the personal Security of the said Trustees, and for farther repairing the Roads within the said District*; and another Act was passed in the Twenty-fifth Year of the Reign of His said Majesty King George the Third, intituled *An Act for opening an easy and commodious Communication from the High Street of Edinburgh to the Country Southward, and also from the Lawnmarket to the new extended Royalty on the North, and for enabling Trustees to purchase Lands, Houses, and Areas for that Purpose; for widening and enlarging the Streets of the said City and*

[Local.] 22 Z certain

4 G. 3. c. 86.  
24 G. 3. c. 18.  
25 G. 3. c. 28.

*certain Avenues leading to the same ; for rebuilding or improving the University ; for enlarging the Public Markets and Communications thereto ; for regulating certain Taxes ; for lighting the said City ; for providing an additional Supply of Water ; for extending the Royalty of the said City ; and for levying an additional Sum of Money for Statute Labour in the Middle District of the County of Edinburgh ;*

43 G.3. c.34.

*His said Majesty King George the Third, intituled An Act for enlarging and altering the Powers of and rendering more effectual several Acts of the Twenty-fourth and Twenty-eighth Years of His late Majesty, and of the Fourth, Twenty-fourth, Twenty-fifth, Twenty-ninth, and Thirty-eighth Years of His present Majesty's Reign, for repairing the Turnpike and other High Roads in the County of Edinburgh ; and another Act was passed in the Forty-ninth Year of the Reign of His*

49 G.3. c.37.

*said Majesty, intituled An Act for rendering more effectual several Acts for repairing the Turnpike and other High Roads in the County of Edinburgh, and for repairing the Roads from the City of Edinburgh to the Town of Leith ; and another Act was passed in the Third Year*

3 G.4. c.45.

*of the Reign of His late Majesty King George the Fourth, intituled An Act for more effectually repairing and maintaining the District of Roads in the County of Edinburgh termed the Leith Walk District, and for other Purposes relating thereto ; and for altering and increasing the Conversions and defining the Bounds of the Middle District of Roads in the said County : And whereas it is expedient that these several*

1 & 2 W. 4.  
c. 43.

*Acts should be consolidated, and that some of the Powers thereby granted should be altered and amended, and other Powers granted instead thereof : And whereas an Act was passed in the First and Second Year of the Reign of His present Majesty, intituled An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland : May it therefore please Your Majesty*

Recited Acts  
of the 4, 24,  
25. 43 &  
49 G. 3. and  
of 4 G. 3.  
repealed ex-  
cept as to  
certain Im-  
provements.

*that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the before-recited Acts of the Fourth, Twenty-fourth, Twenty-fifth, Forty-third, and Forty-ninth Years of the Reign of His said Majesty King George the Third, and of the Third Year of the Reign of His said late Majesty King George the Fourth, shall be and the same are hereby repealed in so far as they or any of them relate to Statute Labour Roads and to the Roads of the Middle District in the County of *Edinburgh*, or Purposes therewith connected ; saving and excepting always such Parts of the foresaid Act of the Forty-third Year of the Reign of His Majesty King George the Third as relate to the Powers therein contained of widening to a Breadth not exceeding Sixty Feet and carrying in the straightest and most approved Direction the South End of the *Lothian Road* and the Road from the said *Lothian Road* by *Lauriston* and *Tiviot Row* to *Bristo Street* in or near the said City of *Edinburgh*, and of opening an improved Communication not exceeding the foresaid Breadth from *Nicolson Street* in or near the said City of *Edinburgh* by *Drummond Street* as nearly as may be in a straight Line, passing by the South of *Holyrood House*, until it shall join the Post Road at the Watering Stone near *Jock's Lodge* ; and saving*

and

and excepting also the Powers of the Trustees of the Middle District appointed in virtue of the said recited Acts, which shall continue, for the Purpose of putting this Act into execution, until the Second *Monday of December* next as herein-after mentioned.

II. And be it further enacted, That it shall be lawful to the Trustees herein-after appointed for the Middle District, and they are hereby authorized and empowered, at any Time within Five Years after the passing of this Act, to carry the said Improvements into execution, always conforming and being subject to the Provisions of the said recited Act of the First and Second Year of the Reign of His present Majesty, which relate to the Mode of ascertaining Compensations for Property acquired, to the Mode of vesting such Property in the Trustees, and to the Application of the Compensations, for which Purposes the said last-mentioned Act shall be held applicable hereto, and be as good, valid, and effectual in relation to carrying the said Improvements into execution as if the said Powers had been repeated and re-enacted in this Act.

Powers of  
1 & 2 W. 4.  
applicable to  
Improvements.

III. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by or with any Person or Persons, to or with the Trustees for executing the said above-recited Acts hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Bonds, Assignments, Securities, Debts, and other Obligations contracted and duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be kept and observed by them according to the Terms and Stipulations and Tenor thereof respectively; and all Assessments and Conversions of Statute Labour exigible under the Authority of the said above-recited Acts hereby repealed, or any of them, due at and previous to the passing of this Act, shall notwithstanding be payable by the different Persons owing the same, and shall be recoverable by the same Means, and by the same Process of Law, and shall be applied to the same Purposes as are competent and directed by and under the Provisions of the said above-recited Acts hereby repealed; any thing in this present Act contained to the contrary notwithstanding.

Former Securities and Agreements to be in force.

Arrears of Assessment and Commutation Money under repealed Acts to be still exigible.

IV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Acts had not been repealed.

Former Books to be Evidence.

V. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers (excepting the Treasurer or Treasurers) who have been appointed under and employed in the Execution of the said recited Acts hereby repealed, shall respectively

Former Officers (except Treasurers) to continue.

tively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the said Trustees, or be incapable of executing their Offices; and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects whatsoever, as if they had been appointed under and by virtue of this Act, without Prejudice nevertheless to the Re-election of the said Treasurer or Treasurers under the Powers of this Act; and no Person acting in or holding any official Situation under the said Trustees shall directly or indirectly have or hold any Share or Interest in any Contract to be entered into in the Execution of this Act, under the Penalty of One hundred Pounds, to be levied and applied as the other Penalties hereby imposed are directed to be levied and applied; and it shall be in the Option of the said Trustees and competent to them to render such Contract null and void.

Treasurer  
and Clerk  
not to be the  
same Person.

VI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who may be continued or appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as the Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with Expences, by summary Action in the Court of Session.

Qualification  
of Trustees.

VII. And be it further enacted, That every Person who is or shall be, in his own Right or in the Right of his Wife, in the Possession and Enjoyment, as Fiar or Liferenter, of the full Property or *Dominium utile* of Lands in the County of *Edinburgh* rated in the Land Tax Roll or Valuation Books of the said County at One hundred Pounds *Scots* of valued Rent, or upwards, or retoured as a Forty Shilling Land of old Extent prior to the Sixteenth of *September* One thousand six hundred and eighty-one, and every Person who is or shall be, in his own Right or in the Right of his Wife, in the Possession and Enjoyment, as Fiar or Liferenter, of Feu Duties payable from Lands in the said County of the Valuation or Extent aforesaid to the Amount of Fifty Pounds Sterling yearly or upwards, and the eldest Son

Son of every Person so qualified, being of lawful Age, the Provost and Senior Baillie of *Musselburgh*, the Provost and Senior Baillie of *Portobello*, all for the Time being, and the Cashier or Treasurer of any Hospital or other public Institution in the Possession of Lands or of Feu Duties payable from Lands in the said County of the Valuation and Extent aforesaid, shall be and they are hereby appointed Trustees for putting in execution all and every the Powers committed to them by this Act in all Parts of the said County, except that District thereof termed the Middle District, as herein-after described; and no Person shall be entitled to vote at any Parish Meeting held for the Purpose of putting in execution any of the Powers granted by this Act unless he shall be possessed of the above-mentioned Qualification, or shall be specially authorized by written Mandate by a Person having such Qualification, or by the Governors of each such Hospital or other public Institution as aforesaid.

VIII. And be it enacted, That from and after the passing of this Act the Lord Provost of the City of *Edinburgh*, the Sheriff of the County of *Edinburgh*, the Dean of Guild of the said City, the Convener of the Trades of the said City, the Convener of the Southern Districts, the Senior Baillie of *Portsburgh*, the Two Baillies of *Canongate*, the Provost of *Leith*, all for the Time being; Two Conveners of County Districts of Turnpike Roads in the said County, to be elected annually by the Conveners of the several County Districts; Seven Members of the Town Council of the said City of *Edinburgh*, to be annually elected by the Town Council of *Edinburgh*; Two Commissioners to be annually elected by the Commissioners of the said Southern Districts from their Number; the Master of the Merchant Company of *Leith*; Two Members of the Town Council of *Leith*, to be annually elected by the Town Council of *Leith*; and One Person to be annually elected by each of the following public Bodies, the Merchants Company of *Edinburgh*, the Faculty of Advocates, the Society of Writers to the Signet, and the Society of Solicitors in the Supreme Courts; and Three Persons residing within the Parish of *Saint Cuthbert's*, and possessed of the requisite Qualification to enable them to act as Trustees in any Parish of the said County not situated within the said Middle District, to be annually elected by the Justices of the Peace of the said County; shall be Trustees for putting in execution all and every the Powers committed to them by this Act within the Middle District of the said County.

Trustees for  
the Middle  
District.

IX. And be it enacted, That the said Trustees to be elected by the Conveners of the several County Districts of Roads, the Town Council of *Edinburgh*, the Commissioners of the Southern Districts, the Town Council of *Leith*, the Merchants Company, the Faculty of Advocates, the Writers to the Signet, the Society of Solicitors, and the Justices of the Peace of the said County, shall be annually elected by the said Conveners of Districts, Town Councils, Commissioners of Southern Districts, Merchants Company, Faculty of Advocates, Society of Writers to the Signet, Society of Solicitors, and Justices of the Peace respectively, at a Meeting of these respective Bodies, to be called by their own Officers respectively for that Purpose in the Month of *November* yearly; and the Persons

Elective  
Trustees  
how to be  
elected.

so to be elected shall continue in Office for One Year; but if by reason of any Neglect or any other Cause whatsoever there shall be any Default in the Election of the said Trustees so to be elected as aforesaid, or any of them, it shall still be competent to the other Trustees acting within the said Middle District, notwithstanding of such Default, to put in execution all the Powers by this Act committed to the Trustees within the said Middle District.

Yearly Meeting of Parish Trustees.

X. And be it further enacted, That the said Trustees in their several Parishes shall meet on the First *Tuesday* of *April* yearly, in order to ascertain and determine what Roads, not being situated within the said Middle District, are necessary to be repaired in the said Parishes for that Year; to fix what Part of the Statute Work is to be exacted in Service, and what Part thereof in Money; to make such Allocation of the actual Service, and such Appropriation of the Money, as to them shall seem expedient for making the said Repairs; and in case any of the Heritors, Tenants, and others within such Parishes shall think themselves hurt by the Resolutions of the said respective Meetings, it shall be lawful for them or any of them to appeal to the Justices of Peace at their next General Quarter Sessions, who are hereby authorized and empowered summarily to hear and determine the Matter in dispute, and whose Judgment shall be final, without Power of Appeal to any superior Court by Advocation, Suspension, Reduction, or otherwise.

Persons aggrieved may appeal to the Justices.

XI. And be it further enacted, That the said respective Trustees in the several Parishes may choose Committees of their own Number, or choose others residing within the respective Parishes, as they shall think proper, to have the general Oversight and Direction of the Repairs on the several Roads, not being situated within the Middle District, to be repaired for the ensuing Year, who shall have Power to draw on the respective Collectors for the Sums appropriated for such Roads, and it shall be lawful for them to appoint Overseers under them to attend and direct the Repairs, who shall be allowed a suitable Gratification for their Trouble.

Trustees may choose Committees, who may appoint Overseers.

Adjourned Meetings.

XII. And be it further enacted, That the said Trustees may adjourn from Time to Time as they may see Cause; and at all stated or adjourned Meetings any One or more Trustees qualified as aforesaid, and having Lands in the Parish, or any Person or Persons properly authorized by an absent Trustee or Trustees, may proceed to do Business in the Matters by this Act committed to such Parish; and if at any stated or adjourned Meeting at any Parish no Trustee or Person authorized by such Trustee shall meet to do Business or to adjourn, another Meeting shall take place on that Day Fortnight, and so on at the Distance of every Fortnight, until a legal Meeting shall be obtained.

Remedy when a Quorum does not attend.

XIII. And for the more convenient Management of the Business of the said Middle District, be it further enacted, That upon the Second *Monday* of *December* next the Trustees of the said District hereby appointed shall meet and choose One of their own Number to act as Convener for the Year ensuing, and shall annually thereafter on the Second

Meetings of Middle District.

Second *Monday* of *December* meet to choose a Convener, who shall have Power to authorize Meetings of the Trustees of the said District, to be called by the Clerk, either by Intimation sent by Post to each of the Trustees, or by inserting a Notice in any Two Newspapers usually circulated in *Edinburgh* Six Days before such Meetings being held for carrying the Purposes of this Act in regard to the Middle District into execution: Provided always, that it shall be lawful to and in the Power of the Clerk, upon a Requisition addressed to him by Three of the Trustees of the said District, to call Meetings; and at all such Meetings the Convener of the District, or in his Absence the Preses of the Meeting, to be chosen by the Trustees present, shall have a deliberative as well as a casting Vote in case of Equality; and any Three or more of the said Trustees of the said Middle District shall be a legal Quorum for carrying the whole Purposes of this Act in regard to the said Middle District into execution; and it shall and may be lawful to the said Trustees to appoint Sub-Committees of their Number for any special Purpose, and with such Powers as they may think fit, and also to appoint all necessary Officers, who shall be allowed a suitable Gratification for their Trouble: Provided always, that from and after the passing of this Act, until the said *Second Monday* of *December* next, the Trustees of the Middle District heretofore acting under the Authority of the said recited Acts shall continue to act as Trustees of the Middle District for the Purpose of carrying this Act into execution.

XIV. And be it further enacted, That the said Trustees in the several Parishes and in the said Middle District shall cause to be provided and kept proper Books, and fair and regular Entries to be made therein of all the Acts, Orders, and Proceedings of such respective Trustees relative to the Execution of this Act, and of the Names of all such respective Trustees as shall be present at their several Meetings; and all Entries in such Books, being signed by the Preses of such Meetings, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, Actions, Prosecutions, and Proceedings touching or concerning any thing done in pursuance of this Act; and such Books shall at all the said Meetings be open and liable to the Inspection of all and every the said respective Trustees, and of the Creditors on the Conversion Money hereby authorized to be levied and made payable; and any of the said respective Trustees and Creditors shall and may have and require from the Clerks of the said respective Trustees Extracts or Copies thereof, paying for every such Extract or Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words.

Proceedings to be entered in Books, and be good Evidence.

XV. And be it further enacted, That the said Trustees in the several Parishes, and the Trustees of the said Middle District, shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct Books to be provided and kept by their respective Clerks or Collectors for the Time being, in which Books such Clerks or Collectors shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which Sums of Money shall

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

shall have been disbursed, laid out, and paid; which Books shall at all the Meetings of the said respective Trustees be open to the Inspection of such Trustees, and any Creditor or Creditors on the Conversion Money hereby authorized to be levied, without Fee or Reward; and the said respective Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Books or any Part or Parts thereof without paying any thing for the same; and in case the Clerks or Collectors to the respective Trustees shall refuse to permit or shall not permit the said respective Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Collector shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Officers to  
account.

XVI. And be it further enacted, That all such Officers as shall be appointed by the said Trustees in the several Parishes and in the said Middle District shall, as often as required by such respective Trustees, render and give to them, or to such Person as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, with the proper Vouchers, of all Monies which they shall respectively to the Time of rendering such Accounts have received, paid, and disbursed by virtue of this Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands the same shall be paid to the said respective Trustees, or to such Person as they shall respectively in Writing under their Hands authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall, for the Space of Fourteen Days after being thereunto required by the said respective Trustees, so refuse or neglect to render and give up to them, or to such Person as they shall respectively direct and appoint, all Books, Papers, Writings, Tools, Matters, and Things in his Hands, Custody, or Power, belonging or relating to the Parish or District for which he shall act, then it shall be lawful for the Sheriff Deputé or his Substitutes, or the Justices of the Peace in Quarter Sessions assembled for the Shire where the Officer so refusing or neglecting shall be or reside, or to the Magistrates of the City of *Edinburgh*, if he shall reside within the Royalty of the same, upon Complaint made by or on behalf of the said respective Trustees, to hear and determine such Complaint in a summary Way, and to cause such Money as shall appear to be due and unpaid to be levied by Pounding and Sale of the Goods and Effects of such Officer, rendering to him the Surplus (if any) of the Money remaining due, after deducting the Expences of such Pounding and Sale; and if sufficient Goods and Effects cannot be found, or if it shall appear to any Sheriff Deputé or Substitutes, or Justices assembled as aforesaid, that any such Officer shall have wilfully refused to give such Account, or to deliver up all or any Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power relating to the Execution of his Office, such Sheriff Deputé or Substitutes or Justices shall commit the Person offending to the Common Gaol of the Shire where such Offender shall be or reside, there to remain until he shall make and give a true and perfect Account, and verify the same in manner aforesaid,

Proceedings  
against them  
in case of  
Neglect.



aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Direction of the said respective Trustees, or shall have compounded with such Trustees for such Money, and paid such Composition according to their Direction, which Composition the said respective Trustees are hereby empowered to make and receive, or until he shall have delivered up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or have given Satisfaction to the said respective Trustees concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Effects as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

XVII. And be it further enacted, That within Six Calendar Months from the passing of this Act, the Trustees of each Parish shall make up and transmit to the Clerk of the Peace of the said County a correct List and Specification, containing, under one Head, the several Roads not being situated within the said Middle District in each respective Parish necessary to be kept up as Public Roads, not being Turnpike Roads, and, under another Head, the exact Number of Ploughgates in each Parish, with the Names and Designations of the Persons liable to be assessed for or in respect thereof, and also another List of the Carters and Householders in every such Parish liable to perform Statute Labour; and for those Purposes the said Trustees shall take such Evidence and appoint such Officers as they may think necessary; and if any Person shall think himself or herself aggrieved or injured by the Lists so made up it shall be lawful for him or her to appeal to any General Quarter Sessions of the Justices of the Peace for the said County which may be held within the Space of One Year after the making up of such Lists, whose Determination thereon, after hearing the Matter of such Appeal, shall be final; and in case the Trustees of any Parish shall fail to make up and transmit such Lists and Specifications as aforesaid, the Justices of the Peace shall have Power and they are hereby required to make up the same in like Manner and to the like Effect as if they had been made by the Trustees of such Parish; and after the Specifications shall have been adjusted and approved of by the said Justices of the Peace they shall be inserted by the Clerk of the Peace in a Book to be appropriated by them for that Purpose, subject nevertheless to such Alterations as may from Time to Time be authorized by the said Justices at any of their General Quarter Sessions; and it shall not be lawful to allocate any of the Services, or to appropriate any of the Conversions, except only to the Roads which shall be contained in the Lists and Specifications so authorized and recorded.

Specifications to be reported by the Parishes.

Consequences of Omission.

Specifications to be recorded.

XVIII. And be it further enacted, That all Heritors and Life-renters in the natural Possession of their own Lands, and all Tenants occupying Lands, such Lands respectively not being situated within the said Middle District, shall be obliged to assist at repairing the Cross or Parish Highways in the said County, and for that Purpose, when required by the Overseers in their respective Parishes, to furnish

All Occupiers of Land to assist in repairing Highways.

[*Local.*]

23 B

for

for the Number of Days ascertained by Law Two Carts, Two able Servants, and Four able Horses for each Ploughgate of Land possessed by them respectively, upon Fourteen Days Warning being given them by the Overseer of the Parish for that Purpose: And it is hereby provided and declared, that Grass Grounds let separately, without Liberty of Tillage, shall be held to be in the natural Possession of the Heritors, who shall be obliged to pay the converted Value for the Ploughs they might keep for such Grounds.

Grass  
Grounds let  
separately,  
how to pay.

XIX. And be it further enacted, That all Persons keeping Carts or Wains, and occupying no Land, or less than a Ploughgate of Land, not being situated within the said Middle District, shall be obliged in like Manner, upon such Warning being given them, to assist at repairing the said Roads, with their Carts or Wains, for the Days ascertained by Law; and that all Householders, not being Servants hired by the Year, nor liable to send out Carts or Wains, shall be obliged, when required, to perform Statute Work annually on the said Roads, by themselves or by Persons properly employed by them: And it is hereby provided and declared, that no Person shall be obliged to perform Service, or to send out Carts or Wains to the Roads, during the Period of Seed Time or Harvest in that Part of the County where he or she lives.

Persons  
keeping  
Carts,  
though not  
occupying  
Lands, to  
work on the  
Highways;  
also House-  
holders:

but not in  
Seed Time  
or Harvest.

XX. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Trustees in their respective Parishes, not being situated within the said Middle District, and they are hereby authorized, in lieu of the personal Services of any Person or Persons liable by this Act to the Repair of the said Roads, to demand from all and every Person liable in these Services an annual Conversion in Money, as under specified; *videlicet*,

For each Plough or Ploughgate of Land, One Pound Sixteen Shillings:  
For each Double Horse Cart, Eighteen Shillings:  
For each Single Horse Cart, Twelve Shillings:  
For each additional or supernumerary Draught Horse, Nine Shillings:  
For each Householder occupying a House whereof the yearly Rent or Value is above Forty Shillings, Three Shillings:

To be assessed, levied, and applied in manner herein-after directed; but with Power nevertheless to the Justices of the Peace for the said County, at any of their General Quarter Sessions, upon Cause shown by the Trustees of any Parish, to diminish or lessen all or any of those Conversions, and to authorize smaller Rates or Conversions to be levied in any such Parish, and again to raise and augment the said Conversions to any Rates not exceeding those hereby authorized, all in such Manner as from the State of the Roads or Funds in any Parish may to the said Justices seem to be just and proper; and reserving to the Trustees of the respective Parishes, as heretofore, either to charge the Conversions or to demand the Services, as they may judge proper: And it is hereby provided and declared, that it shall be lawful for the said Trustees to relieve such Persons as they shall know to be in indigent Circumstances from the Payment of all or any Part of the Conversions aforesaid.

Rates of  
Statute  
Labour.

Justices may  
lower these  
Conversions:

Indigent  
Persons to  
be relieved.

XXI. And

XXI. And be it further enacted, That when any Person or Persons shall be liable to be assessed, either by the Ploughgate, or for Carts or Horses, or in any other double Capacity in manner above-mentioned, they shall be chargeable and charged only in One Capacity, but in all Cases in the Manner most beneficial for the Roads under the Charge of the said Trustees.

Regulations for assessing Persons liable in different Capacities.

XXII. And be it further enacted, That the whole of the aforesaid Sums payable as Conversions for Statute Labour shall be paid, on or before the Twentieth Day of *June* yearly, to a Collector or Collectors to be appointed or continued by the said Trustees of the Parishes in the County, and such Collector or Collectors shall keep an exact Account of the Money so collected, and shall be allowed a suitable Compensation for his or their Trouble, at the Discretion of the said Trustees.

Conversions to be paid on or before the 20th June yearly to the Collectors.

XXIII. And be it further enacted, That if any Person liable as aforesaid shall refuse or neglect, on or before the Twentieth Day of *June* in each Year, to pay the aforesaid Conversions or any of them, or to perform Services on the Highways when thereto required, it shall be lawful for the Justices of the Peace of the said County, or any Two of them, to grant summary Warrants for pouding the Effects of the Person or Persons deficient for Payment of the converted Values as above mentioned, and a Third Part more, which Warrants shall be granted, and the Justices aforesaid are required and empowered to grant, upon an Application made by the said Collector or Collectors, and an Attestation in Writing, signed by him or them, or by the Overseers of the Highways or Parish Roads in the said County, bearing that the Person or Persons complained of had been deficient in paying the Conversions above mentioned, or any of them, or in coming out to the Highways to perform the Services thereon when required so to do at least Fourteen Days before; and it is hereby provided and declared, that it shall and may be lawful for the Justices of the Peace aforesaid to award Damages to Treble the Value to be paid to the Person or Persons aggrieved by the Collectors or Overseers, if they shall find that the Collectors or Overseers have wilfully made a false or improper Accusation against any Person or Persons liable in Payment as aforesaid.

Conversions, how to be enforced.

XXIV. And be it further enacted, That from and after the Term of *Whitsunday* in the present Year there shall and may be levied yearly from all Tenants and Occupiers of Houses of the Descriptions hereafter expressed within the City of *Edinburgh*, *Canongate*, *Leith*, and other Suburbs and Liberties thereof, and from all other Householders within the Bounds of the Middle District of Roads in the County of *Edinburgh*, as herein-after described, in lieu and place of the whole Six Days Labour, and of the Conversions thereof, at present exigible from them, the several Rates and Duties corresponding to the yearly Rental or Value of the Dwelling House or Tenement which each Person may occupy, as follows; *videlicet*,

Conversions to be levied in the Middle District.

If amounting to 2*l.* and under 5*l.* a Composition or Conversion of, 2*s.*  
 If amounting to 5*l.* and under 15*l.* . . . . . 4*s.*  
 If amounting to 15*l.* and under 20*l.* . . . . . 6*s.*

If

If amounting to 20 <i>l.</i> and under 30 <i>l.</i> a Composition or Conversion of	8 <i>s.</i>
If amounting to 30 <i>l.</i> and under 40 <i>l.</i>	10 <i>s.</i>
If amounting to 40 <i>l.</i> and under 50 <i>l.</i>	16 <i>s.</i>
If amounting to 50 <i>l.</i> and under 60 <i>l.</i>	18 <i>s.</i>
If amounting to 60 <i>l.</i> and under 70 <i>l.</i>	20 <i>s.</i>
If amounting to 70 <i>l.</i> and under 80 <i>l.</i>	24 <i>s.</i>
If amounting to 80 <i>l.</i> and under 90 <i>l.</i>	26 <i>s.</i>
If amounting to 90 <i>l.</i> and under 100 <i>l.</i>	28 <i>s.</i>
If amounting to 100 <i>l.</i> and under 110 <i>l.</i>	30 <i>s.</i>
If amounting to 110 <i>l.</i> and under 120 <i>l.</i>	32 <i>s.</i>
If amounting to 120 <i>l.</i> and under 130 <i>l.</i>	34 <i>s.</i>
If amounting to 130 <i>l.</i> and under 140 <i>l.</i>	36 <i>s.</i>
If amounting to 140 <i>l.</i> and under 150 <i>l.</i>	38 <i>s.</i>
If amounting to 150 <i>l.</i> and under 160 <i>l.</i>	40 <i>s.</i>
And for 160 <i>l.</i> and upwards	42 <i>s.</i>

which several Rates and Compositions shall be calculated from *Whitsunday* to *Whitsunday*, and shall be payable at *Martinmas* yearly, and shall be levied upon and paid by the Occupier or Occupiers for the Time being of the Houses or Tenements assessed without any new or amended Assessment, notwithstanding of any Change during the Year in the Occupation of such Houses or Tenements; and no Assessment shall be impeached or affected by reason of any Mistake or Variance in the Christian or Surname or Designation of any Person chargeable therewith; but all such Assessments shall be valid and effectual against the Person or Persons intended to be charged and *bonâ fide* liable in Payment of the same.

Mode of  
making As-  
sessments  
within the  
Middle Dis-  
trict.

XXV. And be it further enacted, That in order to ascertain the yearly Rents or yearly Values of all Dwelling Houses or Tenements within the Bounds of the said Middle District liable in Payment of the said Conversions, the Trustees of the said Middle District may either appoint a Surveyor or Surveyors, with suitable Salaries and Allowances, with Power to survey and report upon the yearly Rents or yearly Value of all such Premises as aforesaid, or to call upon the Tenants, Occupiers, and Possessors of such Premises, liable as aforesaid, to make Returns of the yearly Rents or yearly Value thereof, according to such Schedule or other Mode as the said Trustees shall prescribe, and in default of such Returns being made, to survey and report upon the yearly Rents or yearly Value of all such Premises as aforesaid, or the said Trustees may adopt the Valuations contained in the Surveys or Assessments made by the Surveyors, Assessors, or other Officers appointed or to be appointed to make Surveys or Assessments for the Purpose of collecting any of the Taxes payable to His Majesty or His Successors, or the Valuations contained in the Surveys or Rentals by which the Police or any other general or local Assessment in the City or County of *Edinburgh* is or may for the Time be raised or levied; and from the Returns to be made to or the Surveys or Reports to be made by their own Surveyors, or from the Excerpts or Copies of the Rent Rolls or Valuations made by the Surveyors or other Officers for public or local Taxes or Assessments, the said Trustees for the Middle District shall annually cause a Rent Roll of the yearly Rents or yearly Value of the aforesaid Premises within the Bounds afore-  
said

said to be made up, according to which the Assessment of the said Rates and Compositions shall be made and levied.

XXVI. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Assessment imposed in the said Middle District it shall be lawful to and in the Power of such Person or Persons, within the Space of Three Calendar Months after such Assessment shall be imposed, but not afterwards, to appeal from the same to the next General Quarter Sessions of the Justices of the Peace for the said County in relation thereto, the Appellant giving Fifteen Days previous Notice of such Appeal to the Clerk of the Trustees for the said Middle District, and finding Caution to pay the Expences of such Appeal; and the Decision of the Justices of the Peace in Quarter Sessions assembled shall be final and conclusive in the Matter of such Appeal. Appeal.

XXVII. And be it further enacted, That it shall be in the Power of the said Trustees of the Middle District to diminish and lessen all or any of the Rates or Compositions to be levied within such Middle District, and again to raise and augment the same to any Rates or Compositions not exceeding those hereby authorized, all in such Manner as from the State of the Funds of the said Middle District may to the said Trustees appear to be just and proper; and it is hereby provided and declared, that it shall be lawful for the said Trustees altogether to remit the Payment of Rates or Compositions upon Houses under Five Pounds of Rent, and to relieve such Persons as they shall know to be in indigent Circumstances from the Payment of all or any Part of the said Rates or Compositions aforesaid; but all other Exemptions shall cease and determine. Power to Trustees to make Abate-ments.

XXVIII. And be it further enacted, That from and after the passing of this Act all Dwelling Houses or Tenements situated within the City of *Edinburgh* and Town of *Leith* respectively, or within the Toll Bars next adjacent to the said City of *Edinburgh* and Town of *Leith* respectively as the said Toll Bars shall be placed for the Time being by Authority of any General Meeting of the Trustees for the Turnpike Roads in the County of *Edinburgh*, and also all Dwelling Houses or Tenements having a Horse Road or Access to the City of *Edinburgh* or Town of *Leith* without passing through any Toll Bar erected by Authority of the said Trustees, shall be deemed to be within the Bounds and Limits of the Middle District, and shall be chargeable with the Compositions or Conversions in lieu of Statute Labour before directed: Provided always, that no Toll Bar shall be erected nearer to the said City of *Edinburgh* than the present Toll Bars adjacent thereto, except Check Bars for preventing the Evasions of the Payment of Toll at the present Toll Bars; and such Check Bars, when so erected, shall not be held in anywise to alter the Bounds of the Middle District. For ascer-taining the Bounds of the Middle District.

XXIX. And be it further enacted, That the whole of the aforesaid Sums payable as Conversions for Statute Labour in the said Middle District shall be paid as before directed on or before the Term of *Martinmas* yearly to a Collector or Collectors to be appointed or Conversions to be paid on or before *Martinmas* to the Col-lectors.

continued by the Trustees of the said Middle District; and such Collector or Collectors shall keep an exact Account of the Money so collected, and shall be allowed a suitable Compensation for his or their Trouble, at the Discretion of the said Trustees.

Conversions  
how to be  
enforced.

Poin-  
ding of  
Effects of  
Defaulters,  
on Appli-  
cation of the  
Collectors.

Damages  
may be  
awarded to  
Persons ag-  
grieved by  
Collectors.

XXX. And be it further enacted, That if any Person liable as aforesaid shall refuse or neglect, on or before the First Day of *March* yearly, to pay the aforesaid Conversions in the said Middle District, it shall be lawful for the Sheriff or his Substitutes, or for the Justices of the Peace of the said County, or any Two of them, or for the Magistrates of the said City of *Edinburgh*, if the Person so refusing or neglecting shall be resident within the Royalty of the same, to grant summary Warrants for poiding the Effects of the Person or Persons deficient, for Payment of the converted Values as above mentioned, and a Third Part more, which Warrants shall be granted upon an Application made by the said Collector or Collectors, and an Attestation in Writing signed by him or them, bearing that the Person or Persons complained of had been deficient in paying the Conversions above mentioned on or before the said First Day of *March* yearly: And it is hereby provided and declared, that it shall and may be lawful for the Sheriff and his Substitutes, or for the Justices of the Peace or Magistrates aforesaid, to award Damages to Double the Value to be paid to the Person or Persons aggrieved by the Collector or Collectors, if they shall find that the Collector or Collectors have wilfully made a false or improper Accusation against any Person or Persons liable in Payment as aforesaid: Provided always, that nothing herein contained shall prevent the said Collector or Collectors from suing for and otherwise recovering the said Rates and Assessments, according to the ordinary Course of Law.

Causeway  
Mail to be  
paid to the  
Middle Dis-  
trict.

XXXI. And be it further enacted, That the Causeway Mail heretofore levied by the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh*, and by the Magistrates of *Canongate*, for the Repair of the Streets within the Royalty of the said City and of the Burgh of *Canongate*, shall from and after the passing of this Act be payable and belong to the Trustees of the said Middle District, with Power to the said Trustees to levy or let the same by public Auction for any Term not exceeding Three Years, and that the same shall be applied by them, along with the Conversions hereinbefore provided, towards the Repair of the Streets and Roads within the said District.

Trustees of  
the Middle  
District to  
maintain the  
Streets and  
Roads within  
the Royalty,  
with certain  
Exceptions.

XXXII. Provided always, and be it further enacted, That from and after the passing of this Act the Trustees of the said Middle District shall, out of the Funds hereinbefore provided to them, maintain and uphold the whole Streets, Side Pavements, and Roads within the Royalty of the said City of *Edinburgh* and in the Town of *Leith* heretofore maintained and upheld by the Magistrates and Town Council of the said City of *Edinburgh*, together with the whole Roads and Streets heretofore maintained and upheld by the Magistrates of *Canongate* and by the Trustees of the Middle District, with the Exception of the following Roads and Streets, which shall henceforward be maintained and upheld out of the Funds of the Turnpike Roads of

of the County of *Edinburgh*; *videlicet*, the Road from *Rose Lane* by the *London Road* till it joins *Leith Walk* at *Baxter's Buildings*; the *Calton Hill Road* to the *Calton Convening House*; the *Old London Road* from *Clockmill* to *Rose Lane*, with *Rose Lane* itself; the Road from *Mayfield Loan* by *Saint Leonard's Street* to the *Cross Causeway*; *East Preston Street*; the *Newington Road* from *Mayfield Loan* to the *Cross Causeway*; the Road by *Causewayside* to the *Cross Causeway*; *West Preston Street*; the Road within the *Wrights' Houses Toll Bar* to *Toll Cross*; the Road from *Tyne Castle Toll Bar* by *Fountainbridge* to the *Lothian Road* at the *Canal Basin*; the Road through *Maitland Street* to the West End of *Princes Street*; the Road through *Tobago Street* to the *Lothian Road*; the Road through *Queensferry Street* to the West End of *Princes Street*; and the Road from the Toll Bar in *Stockbridge* to the Water of *Leith*.

XXXIII. And be it further enacted, That the Tolls and Duties authorized to be levied on the Roads within the *Leith Walk* District shall cease and determine upon the Twenty-fifth Day of *May* in the Year One thousand eight hundred and thirty-six, and be no longer due and payable, and the Powers and Authorities of the Trustees of the said *Leith Walk* District shall then come to an End, and the Roads in the aforesaid *Leith Walk* District shall thenceforward be included in the said Middle District, and thereafter be kept in repair by the Trustees of the said Middle District, to whom the Trustees of the said *Leith Walk* District shall then account for, pay, and make over the whole Monies, Funds, and Effects remaining in their Hands or due to them, and the Trustees of the said Middle District shall thereupon become bound to free and relieve the said Trustees of the *Leith Walk* District of all Obligations and Claims against them in relation to the said District.

Regulations  
as to *Leith*  
*Walk* Dis-  
trict.

XXXIV. And whereas under the Authority of an Act of the Fifty-fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend an Act passed in the last Session of Parliament for erecting and maintaining a new Gaol and other Buildings for the County and City of Edinburgh, for opening Communications to the new Gaol, building a Bridge over the Low Calton, and for other Purposes relating thereto*; and of another Act of the Fifty-sixth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to alter and amend Two Acts of the Fifty-third and Fifty-fourth Years of His present Majesty, for erecting and maintaining a new Gaol and other Buildings for the County and City of Edinburgh, and to alter and amend Two Acts of the Forty-third and Forty-ninth Years of His present Majesty, in regard to the Statute Labour of the Middle District of the said County*; and of another Act of the First and Second Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to alter and amend Three Acts, of the Fifty-third, Fifty-fourth, and Fifty-sixth Years of His late Majesty, for enabling Commissioners to erect and maintain a new Gaol and other Buildings for the County and City of Edinburgh, and for opening Communications with the same; and to enable the Trustees for Turnpike and other High Roads in the said County of Edinburgh to advance further Sums of Money to the said Commissioners*; certain Roads and

*Calton* Roads  
to be Part of  
Middle Dis-  
trict.  
54 G. 3.  
c. 170.

56 G. 3. c. 42.

1 & 2 G. 4.  
c. 100.

Streets

Streets within the said Middle District have been formed and made by the Commissioners appointed by the said Acts, and the whole Purposes of the said Acts relative to the said Roads and Streets have now been completed in so far as regards the same; be it further enacted, That the Trustees of the said Middle District shall henceforth maintain and uphold the said Roads and Streets, in so far as the same are not to be maintained and upheld out of the Funds of the Turnpike Roads of the County of *Edinburgh* in manner herein-before directed; and the Trustees of the said Middle District shall from and after the passing of this Act have Right to the whole Property, Funds, Claims, and Debts belonging to the Commissioners appointed under the said last-recited Acts, in so far as they relate to the said Roads and Streets; and the Trustees of the said Middle District shall at the same Time relieve the said Commissioners of all the Debts incurred by them in relation to the said Roads and Streets, and to the Bridge over the *Low Calton* in the said City of *Edinburgh*, forming Part of the said Streets.

Conversions of Leith to be paid over to Trustees for Town of Leith.

XXXV. And be it further enacted, That the Trustees of the Middle District shall, after deducting a proportionate Share of the general Expences and Burdens affecting the said Middle District, annually account for and pay over to the Trustees herein-before appointed belonging to the Town of *Leith*, or to any Person to be appointed by them to receive the same, the whole Conversions in lieu of Statute Labour collected within the Town of *Leith* and within the Toll Bars next adjacent thereto, as heretofore; and all the Roads and Streets hitherto supported by the Magistrates of *Leith* from the Funds of the Middle District shall be supported and maintained by the Trustees herein-before appointed belonging to the Town of *Leith*, who shall annually lay an Account before the Trustees of the Middle District of the Expenditure of the Conversions collected within the Town of *Leith*, the Trustees of the Middle District being bound as herein-before mentioned to maintain and uphold those Streets and Roads in the Town of *Leith* heretofore maintained and upheld by the Magistrates and Town Council of the City of *Edinburgh*: Provided always, that nothing herein contained shall tend to affect, alter, or diminish the existing Obligations on the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, or on the Commissioners for the Harbour and Docks of *Leith*, or any Party who may be in the Receipt of the Revenues thereof, in regard to the Streets of *Leith* and Shore thereof, and the Streets connected with the said Harbour and Docks.

Accounts of Middle District to be annually printed and circulated.

XXXVI. And be it further enacted, That the Trustees of the Middle District shall annually make up to such Period as they shall fix at their Meeting on the Second *Monday* of *December* next, or at some subsequent Meeting, an Account of all Monies received and expended by them or under their Authority or Control in the Course of the immediately preceding Year, including the Account connected with the Town of *Leith*, and shall annex a full Abstract of the same thereto; and the Clerk of the said Middle District shall, with all convenient Speed thereafter, print and circulate such a Number of such Abstracts as may be necessary for the Information of the Trustees of the District, and shall also transmit Copies of such Abstracts to



to the several Public Bodies by this Act authorized to elect or send Persons as Trustees of the said Middle District.

XXXVII. And be it further enacted, That the whole Statute Services in each Parish of the said County of *Edinburgh* (exclusive of the Middle District), and the Money raised by the Conversions of the same, shall be applied to the Roads lying within such Parish and under the Direction of the Trustees, and to no other Purpose, unless Three Fourths of the said Trustees, qualified as aforesaid, shall at any Time agree to apply Part thereof to Roads in any other adjoining Parishes, which it shall be lawful for them to do; and that the Conversions for Statute Labour in the said Middle District, and the Causeway Mail herein-before directed to be made over to the Trustees of the said District, shall be applied to the Roads within the same, and to the Discharge of any Obligations incumbent on the said Trustees with respect to the said District, and to no other Purpose.

Statute Service and Conversion to be applied to Repairs of the Roads in the Parish where it is raised.

XXXVIII. And be it further enacted, That the Committee in each Parish, to be appointed by the said Trustees in manner herein-before authorized and directed in regard to the Parishes of the said County, exclusive of the said Middle District, shall be obliged annually to make up an exact Account of the whole Money levied and expended on the Highways in such Parish, which Account, with the Vouchers thereof, shall be annually laid before the Justices of the Peace assembled at their Quarter Sessions in the Month of *March* of the said County, to be examined by them, or such of their Number as they shall appoint; and an Abstract thereof shall be recorded in the Books kept by the Clerk of the Peace, as before provided for recording the Specifications herein-before directed to be prepared; and in case the Trustees of any Parish shall at any Time neglect to execute the Powers committed to them by this Act, either by not naming Collectors or Overseers, or by not doing what is necessary for making the Services effectual as above directed, then and in that Case it shall be lawful for any One Trustee in the said County to apply to the Justices of Peace in their General Quarter Sessions assembled, who are and shall be hereby authorized and required to appoint Collectors or Overseers for uplifting the converted Values of the Services in such Parish for the Year wherein they shall have been deficient, and to apply the same for repairing any other Roads in the next adjoining Parish, as to them shall seem proper.

Committees to account to Heritors.

Accounts to be annually reported to Justices.

Proceedings in case the Trustees neglect to execute the Act.

XXXIX. And be it further enacted and declared, That the said Trustees in their respective Parishes, and the Trustees of the said Middle District, may sue or be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Clerk or Clerks for the Time being, or in the Name of any One of the said Trustees; and that no Action or Suit wherein the said respective Trustees shall be concerned as Pursuers or Defenders, in the Name of their Clerk or in the Name of any One of the said Trustees, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Trustee, but that the Clerk to the said Trustees for the Time being, or any One of the said Trustees to be for that Purpose

Trustees may sue and be sued in the Name of their Clerk, &c.

[Local.]

23 D

nominated,

nominated, if Pursuer, or who may be sued if Defender, shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Bridge  
Money.

XL. And be it enacted, That it shall and may be lawful for the Justices of the Peace of the said County in a General Meeting assembled to stent or assess the Heritors of the same, from Time to Time as they may see Cause, in any Sum, in Name of Bridge Money, not to exceed on the whole Two Shillings and Sixpence Sterling yearly upon each Hundred Pounds *Scots* of valued Rent, to be levied and applied in the same Manner as the old Assessment authorized to be levied by an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-nine, intituled *An Act for repairing Highways and Bridges*, is therein directed to be levied and applied.

Where  
Maintenance  
of Streets is  
imposed on  
Proprietors  
of Houses.

XLI. And whereas there are certain Streets within the Limits of the Middle District the Burden of maintaining which remains with or is imposed upon the Superiors or upon the Proprietors of Houses and other Premises in such Streets; be it enacted, That it shall and may be lawful to the Trustees of the said District to contract and agree with the Superiors and Proprietors of such Houses and other Premises for maintaining and upholding of such Streets along with the other Streets of the District: Provided always, that the said Superiors and Proprietors shall, at a Meeting to be called for that Purpose by any One of their Number, or by the Clerk of the Trustees of the said District, resolve by a Majority in Value of Rentals that such Street shall be placed under the Charge of the Trustees of the said District, and shall also by such Majority in Value agree to pay and contribute annually, along with the Conversions due and payable from their respective Properties, such Sum as shall be fixed by and between them and the said Trustees as an Equivalent for relieving the said Superiors and Proprietors of the Burden of maintaining and upholding the said Streets, and which Equivalent shall be allocated upon the respective Properties according to the Rental by which the Conversion Money due and payable for the same is herein-before directed to be raised and levied, and shall be made effectual by the same Rules and Methods and in the same Manner as the said Conversion is directed to be raised, levied, and made effectual.

Power to  
widen and  
improve  
Roads and  
Streets in  
the Middle  
District.

XLII. And be it further enacted, That the said Trustees of the said Middle District, in making and improving any Part of the Roads or Streets within the same, shall be and they are hereby empowered to widen the said Roads or Streets as shall appear to them expedient and necessary; and where it shall appear to the said Trustees to be necessary for improving or altering the said Roads or Streets it shall be lawful to the said Trustees and they are hereby authorized to raise, lower, or widen, as they may think proper, any Road, Street, Passage, or Highway communicating with the said Roads or Streets: Provided always, that the said Trustees shall not have Power to alter the Lines of the Roads made or making under the Authority of an Act of the Seventh and Eighth Year of the Reign of His late Majesty, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh*

burgh and adjacent to the same, and another Act of the First and Second Year of the Reign of His present Majesty, intituled *An Act to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled 'An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same,'* except in so far that it shall be lawful to the said Trustees of the Middle District, with the Consent of the Commissioners under the said Two last-recited Acts, to vary the Line of the new Road leading from the Westward to the *Lawnmarket* through the Grounds belonging to the said Commissioners under the said Two last-recited Acts to the Extent in Length of Six hundred Yards of the said Road, measured from the *Lawnmarket* Westward as aforesaid.

1 & 2 W. 4.  
c. 45.

XLIII. And in order to enable the said Trustees of the said Middle District to execute such Improvements as they may deem necessary upon any of the Roads or Streets within the said District, be it further enacted, That it shall and may be lawful for them from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they may require, not exceeding in the whole at any One Time the Sum of Ten thousand Pounds, and to bind the Trustees of the said District for the Repayment of the same, and also to assign and make over the Conversions herein-before authorized to be levied on the said District to the Person or Persons from whom the Money shall be so borrowed, for Repayment of the same, with the Interest due thereon.

Trustees of  
the Middle  
District may  
borrow  
Money.

XLIV. And be it further enacted, That all the Powers, Authorities, Penalties, Matters, and Things contained in the said first-recited Act of the First and Second Years of the Reign of His Majesty King *William* the Fourth, which relate to the making, repairing, widening, and altering Turnpike Roads, to digging for, taking, and carrying away Materials for the Use of said Roads, and ascertaining Damages for the same, to removing Nuisances from the said Roads, and preventing Obstructions therein, to erecting Buildings along or near the Sides of the Roads, laying down Materials for Buildings thereon, shutting up old Roads, making Drains or Ditches, watering Roads and Streets, and appointing Officers, and for regulating the Drivers of Carts, Waggons, and other such Carriages, and also which relate to the prohibiting and preventing any Injury from being done to the said Roads, shall be and they are hereby extended to the Statute Labour, Cross Roads, and all other Public Roads in the County of *Edinburgh* and within the Middle District.

Powers of  
General  
Turnpike  
Act as to  
providing  
Materials,  
and prevent-  
ing Nui-  
sances and  
Injuries, ex-  
tended to  
Statute  
Labour and  
Cross  
Roads.

XLV. Provided always, and be it enacted, That in making any Drain or Ditch the Water at present carried into any Main Drain shall not be diverted therefrom without the Consent in Writing of the Persons severally interested in such Water, and of the respective Owners and Occupiers of the Land on either Side of such Main Drain throughout the Course thereof.

Drains.

XLVI. And be it further enacted, That the whole Expences incurred or to be incurred in preparing, applying for, procuring, and passing this Act, and all other Expences attending the same, shall

Expences of  
this Act  
how to be  
paid.

shall be ascertained by the Justices of the Peace of the said County at their First General or Adjourned Quarter Sessions assembled after the passing of this Act, and shall be paid, the one Half by an Assessment on all the Proprietors of Lands valued in the Cess Books of the said County of *Edinburgh* agreeably to the valued Rents at which the same stand rated in the Cess and Valuation Books of the said County, and the other Half out of the Conversions hereby authorized to be levied in the said Middle District respectively; and the said Expences shall be rated and collected by such Person or Persons as the said Justices in their said Quarter Sessions assembled shall direct and appoint for that Purpose.

Public Act.

XLVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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