



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 197.

An Act for regulating and converting the Statute Services in the County of *Perth*, and for more effectually making and regulating the Highways, Bridges, and Ferries within the said County.

[26th June 1811.]

WHEREAS by an Act passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act for repairing the Highways, Bridges, and Ferries in the County of Perth*, certain Persons were appointed Commissioners for repairing and ordering the said Highways, Bridges, and Ferries, for applying the Statute Labour, and for levying and applying the Conversions for Statute Labour within the County of *Perth*: And whereas by another Act passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for repairing certain Roads in the County of Perth, and for explaining and amending an Act made in the Twenty-fifth Year of the Reign of His present Majesty, for repairing the Highways, Bridges, and Ferries, in the County of Perth*, certain farther and other Powers were given to the Commissioners in the said first recited Act named: And whereas it would be greatly to the Advantage of the Public if further and other Powers and Authorities were granted, in order effectually to carry into Execution the Intention of the Laws relative to Highways, Bridges, and Ferries in the said County of *Perth*; and it is expedient that the said recited Acts with such enlarged and amended Powers and Authorities should be reduced and consolidated into one Act; but these beneficial Purposes cannot be obtained without the Aid and

[*Loc. & Per.*]

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Authority

Acts 25 G. 3.
and 29 G. 3.
repealed.

Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Twenty-fifth Year of the Reign of His present Majesty, and also the said recited Act of the Twenty-ninth Year of the Reign of His present Majesty, in so far as it relates to the ordering and repairing of Highways, Bridges, and Ferries, by Means of the Statute Labour or Conversions for the same, and all the Clauses, Powers, Authorities, Articles, Rates, Penalties, and Forfeitures, therein contained, relating to the Statute Labour or Conversion thereof, shall, from and after the First General Meeting of Trustees to be held under the Authority of this Act, be and the same are hereby repealed; and instead thereof this Act shall from thenceforth commence and be put in Execution; and all former Statutes relative to Highways, Bridges, and Ferries shall, from and after the passing of this Act, be of no Force or Effect in the said County of *Perth*, so far as they are inconsistent with the Provisions herein made, any Thing therein, or in any Law or Usage contained to the contrary notwithstanding: Provided always, that all Contracts and Agreements for the making and repairing of Roads or any other Purposes entered into by the Commissioners for repairing and ordering the Highways, Bridges, and Ferries, by Means of the Statute Labour or Conversion thereof, under either of the said recited Acts hereby repealed, shall continue in full Force and Effect; and all Rates due and Penalties and Forfeitures incurred in virtue of either of the said recited Acts hereby repealed previous to the First General Meeting of Trustees to be held under the Authority of this Act shall be held to be due, incurred, and exigible, by the Trustees under this Act; any Thing herein contained to the contrary notwithstanding.

Trustees appointed,

II. And be it enacted, That the Justices of the Peace, Commissioners of Supply and Heritors of the County of *Perth*, being in the actual Possession and Enjoyment of the *Dominium utile*, as Proprietors or Life-renters of Lands valued in the Cess Books of the said County, at One hundred Pounds *Scots* or upwards, either in their own Right or in the Right of their Wives and the eldest Sons of all such Heritors in the Absence of their Fathers, as also one of the Guardians or Trustees of Minors, and one of the Curators of fatuous and furious Persons, as also one of the Commissioners of Heritors forth of *Scotland*; such Minors, fatuous and furious Persons and Heritors forth of *Scotland* having Lands of the Valuation of One hundred Pounds *Scots* as aforesaid; such Guardians, Trustees, Curators, or Commissioners severally producing at each Meeting due Authority to act; as also the Chief Magistrate of the City of *Perth*, and the Chief Magistrate of the Royal Burgh of *Culross* for the Time being, and the Sheriff Depute of the said County of *Perth*, and the Sheriffs Substitute of the same for the Time being, shall be and they are hereby nominated and appointed Trustees for making, repairing, ordering, and regulating the Highways, Bridges, and Ferries, within the said County, and for executing all the other Powers by this Act given and granted.

Qualification of particular Trustees.

III. Provided always, and be it enacted, That no such Justice of the Peace, Commissioner of Supply, Sheriff Depute, Sheriff Substitute, or Magistrate

Magistrate respectively, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of One hundred Pounds Sterling *per Annum*, or be possessed of and entitled to a Personal Estate alone, or Real and Personal Estate together of the Value of Five hundred Pounds Sterling; nor shall any such last mentioned Person be capable of acting in the Execution of this Act until he shall have taken and subscribed the Oath following, before any Two or more of the said Trustees who are hereby authorized and required to administer the same; that is to say,

I do swear, that I truly and *bona fide* am in my own Right, or in the Right of my Wife (*as the Case may be*) in the actual Possession or Enjoyment of Lands or Heritages of the clear yearly Value of One hundred Pounds Sterling, or possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together of the Amount or Value of Five hundred Pounds Sterling.

‘ So help me GOD.’

IV. And be it enacted, That if any Person, not qualified as aforesaid, shall nevertheless presume to act as a Trustee, every such Person shall for every such acting, forfeit the Sum of Twenty Pounds besides the Expences of Prosecution, to be recovered by Complaint in a summary Way at the Suit of any Person or Persons, being a Trustee or Trustees under this Act, before the Justices of the Peace for the said County as herein-after mentioned; the One Half of which Penalty shall be paid to the Person or Persons suing for the same, and the other Half to the Clerk or Treasurer of the Trustees, whether in District or General Meetings, where the Offence may be committed, and shall be applied if such Penalty be incurred by acting at a District Meeting for the Reparation of the Highways, Bridges, and Ferries, within that District, in such Manner as shall be allocated and directed by a Meeting of the Trustees thereof; and if incurred by acting at a General Meeting, it shall be applied for the Reparation of the Highways, Bridges and Ferries in the said County in such Manner as shall be allocated and directed by a General Meeting of the said Trustees, and in case of any such Complaint being brought, the Proof of the Qualification shall lie upon the Person complained of; and any Vote given or Act done in the Character of a Trustee, by any Person not qualified as aforesaid, shall be and be held to be altogether null and void, but such Nullity shall not affect any Act done or Determination made by any General or District Meeting unless the same shall have been done or made by and through the Means of such Vote of a Person not qualified to act as a Trustee.

Penalty on Persons acting as Trustees without the necessary Qualification.

V. And be it enacted, That the said Trustees shall, in order to carry this Act into Execution, meet at *Perth* on the Fourth *Monday* after the passing of this Act, or as soon thereafter as conveniently may be, and shall thereafter hold Two stated Annual General Meetings at *Perth*, *videlicet*, the One of the said General Meetings upon the same Day that the Commissioners of Supply of the County are and shall be directed by the Land Tax Act of the Year then current to assemble for the Purpose of assessing the Land Tax, and the other of the said General Meetings upon the same Day that the Freeholders of the said County shall assemble at their

Time and Place of Meeting, and Order of Proceeding.

Michaelmas

Preses and
Clerk to
be chosen.

Michaelmas Head Court, and the said Trustees at their First General Meeting, or at either of such Annual General Meetings, or at any other General Meeting assembled, shall be and they are hereby empowered to adjourn to the next or to any after lawful Day, if they shall see Cause so to do, and so on from Time to Time as they may judge necessary; and to name a Preses or Chairman of their Meeting, and a Clerk, to hold his Office during Pleasure, who shall attend the Meetings of the said Trustees, and shall enter their whole Proceedings regularly in a Book or Books to be kept for that Purpose, and shall likewise, as often as required by any Person or Persons having an Interest in the same, make and give out Copies or Extracts of the Orders or Proceedings of the Trustees, within Three Days after such Requisition, at such certain moderate Fees for the same as shall be fixed by the said Trustees at a General Meeting assembled, and such Copies or Extracts shall contain the Warrant for putting those Orders or Proceedings of the said Trustees into Execution; and the said Trustees shall at their said First General or Adjourned Meeting, or at either of their stated Annual General Meetings or Adjournments thereof, appoint a Treasurer or Collector, Treasurers or Collectors, (who shall give such Security for the due Execution of his or their Office or Offices, as to the said Trustees shall seem fit), and such Number of Surveyors and other Officers as they may deem to be necessary for carrying this Act into Execution, with suitable Salaries for their Trouble, and remove them at Pleasure.

Power to call
General Meet-
ings.

VI. And be it enacted, That it shall be in the Power of any Five or more of the said Trustees at any Time to call a General Meeting of Trustees, proper Notice of the Time and particular Object of such Meeting being always delivered in Writing to the Clerk to the said Trustees at least Three Weeks before the Day of such Meeting, and being also given by Advertisement in such Newspaper or Newspapers as the Trustees shall at their First or any other General Meeting direct or appoint, at least once a Week for Two Weeks before such General Meeting, the First of such Advertisements being at least Fourteen Days before the Day of such General Meeting; and at all General Meetings of Trustees Five shall be a Quorum, but it shall be lawful for any Number of Trustees less than Five in case Five Trustees do not attend, or for any One Trustee, in case only One shall attend, to adjourn to any after lawful Day, but to do no other Business, the Day fixed for the adjourned Meeting being duly advertised by the Clerk to the said Trustees, in the Newspapers in the same Manner as is herein-before directed with regard to General Meetings called by any Five or more Trustees.

Quorum of
General
Meetings.

May divide
the County
into Districts.

VII. And be it enacted, That it shall and may be lawful for the said Trustees at their First General Meeting, or at any of their Two Annual stated Meetings, or at a General Meeting called for that express Purpose, to divide the County into such Number of Districts as to them shall seem expedient, for the more easy and effectual Execution of the Powers hereby granted; and every Trustee under this Act residing within any District, or possessing within the same the Qualification of a Trustee before mentioned, shall be a Member of such District Meeting respectively.

May appoint
District Con-
veners, &c.

VIII. And be it enacted, That the said Trustees at the same General Meeting in which they shall divide the said County into Districts, or
at

at a subsequent General Meeting called for the express Purpose by Advertisement in the Newspapers in the Manner before mentioned, shall appoint One or more of the Trustees in each District to be Convener or Conveners for the District, and shall fix and determine the Place of Meeting for the Trustees of each District, and the Days on which Two stated Annual Meetings of the Trustees of each District shall be held, the one whereof shall be on one of the first Eight Days of the Month of *May*, and the other on one of the first Eight Days of the Month of *September*; and the said Division of Districts and appointed Days for the stated Annual Meetings of the Trustees of the Districts shall continue until altered by a subsequent General Meeting or Adjournment thereof, upon the Petition or Application of the Trustees, or of a Majority of them, in any District, Notice of which Petition or Application shall be given in Writing to the Clerk of the District in which such Alteration is proposed to be made, and to the Clerk or Clerks of the District or Districts which would be affected by such Alteration, at least One Month previous to that One of the Two stated Annual District Meetings herein-before mentioned, which shall immediately precede the General Meeting, to which the Petition or Application is to be made, which Notice shall by the said District Clerks be laid before and read to the said District Meetings, and Copies thereof affixed on the principal Door of each of the Parish Churches within the Districts, on a *Sunday*, at least Three Weeks preceding such District Meetings; and such District Clerks shall give Intimation thereof in Writing to each of the Non-resident Trustees of the Districts, or to his or their known Factor or Agent.

IX. And be it enacted, That if any Person or Persons having Interest, shall conceive that the Trustees of any District neglect the Highways, Bridges, and Ferries within the same, or misapply or permit to be misapplied the Statute Services or Conversion in Money for the same, and if such Person or Persons, after making Application to such District Meeting, shall fail there to obtain Redress, it shall be lawful for every such Person or Persons to complain thereof to the next stated Annual General Meeting, and such General Meeting, or an Adjournment thereof, shall enquire into the Matter of such Complaint, and if such General Meeting or Adjournment thereof shall find that such Complaint is well founded, such General Meeting or Adjournment thereof is hereby empowered, if they shall think fit, to deprive the Trustees complained of, or any of them, of all Management and Superintendance of such District during such Period as to such General Meeting shall appear proper, and shall either appoint a special Committee of the said General Meeting, or of such District, to have the sole Management and Superintendance of all Matters and Things connected with the Highways, Bridges, and Ferries within such District, or shall do otherwise as to them shall seem right and proper: Provided always, that if such Complaint shall appear to such General Meeting or Adjournment thereof to have been made without sufficient Grounds for the same, it shall and may be lawful for such General Meeting or Adjournment thereof, to cause all Charges and Expences arising from such Complaint, and the Investigation thereof, to be paid by the Person or Persons making the same, and also to impose upon such Person or Persons, such Fine or Penalty not exceeding Twenty Pounds Sterling, as to such General

In case of
Complaint
against District
Trustees.

Meeting or Adjournment thereof shall seem reasonable; subject to an Appeal to the Justices of the Peace for the County of *Perth*, at their Quarter Sessions assembled, in Manner hereinafter mentioned.

Trustees to have Superintendance of Districts.

X. And be it enacted, That the said Trustees at some one of their stated Annual General Meetings shall remit to the Trustees of the different Districts (under the Restrictions before and after mentioned) to superintend and have the Direction and Cognizance of the several Highways, Bridges, and Ferries, within their respective Districts, with Power to appoint the Order in which the Highways and Bridges shall be made and repaired, and to appropriate the Services and Monies to be exacted and raised by virtue of this Act from each District to any Highway or Bridge whatsoever, (not being a Road or Bridge under a Turnpike Trust) within such their respective Districts only; except (with the express Approbation in Writing of a Majority of the Trustees of the District possessing at least Three-fourths of the whole Lands within the District, in point of valued Rent), it should be thought proper at any Time to appropriate any Part thereof to any Road or Bridge immediately connected with such District.

In certain Cases Statute Labour to be applied to Turnpike Roads.

XI. Provided nevertheless, That if there shall be in any District, or Part of a District, no Highways to which the said Services and Monies may be so appropriated, or if the said Services and Monies be more than sufficient for completely making and repairing all the Highways within such District to which such Services or Monies are by this Act appropriated, it shall and may be lawful to and for the Trustees of such District to appropriate either the Whole or such Part of said Services or Monies as may, without Disadvantage to the said Highways, be otherwise appropriated, to the Maintenance and Repair of any Turnpike Road within said District or Part of a District, to which the said Trustees may think proper to apply the same; the Authority of the Trustees by this Act appointed, at a General Meeting assembled, being always first had and obtained; and the proper Funds of such Turnpike Road being proved to the Satisfaction of such General Meeting to be inadequate to the Purposes to which they are legally applicable.

Trustees to cause Lists of Roads liable to Statute Services to be made, &c.

XII. And be it enacted, That as soon as conveniently may be after the passing of this Act, the Trustees hereby appointed shall, in their respective Districts, make up or cause to be made up Lists of the Roads or Highways of the greatest Public Utility and Resort within the same, to which it is proposed to apply the Statute Services or Conversion by this Act authorized to be levied and taken, and shall transmit such Lists to the Clerk of the General Meetings of Trustees, and at the First General Meeting of Trustees to be held after receiving such Lists respectively, the same shall be laid before and taken into Consideration by such General Meeting, by which such Lists shall be amended or altered as may be necessary or proper, and finally adjusted; and the said Lists, after being thus finally adjusted, shall by the Clerk of the said General Meetings be entered or recorded in the Minutes or Records of such Meeting, and Extracts thereof shall forthwith, by such Clerk, be transmitted to the Clerks of the several Districts to be entered or recorded in the Books or Records of such Districts respectively, and the Statute Labour and Conversion for the same leviable and

levied under the Authority of this Act, shall by the Trustees of such Districts respectively be applied and appropriated exclusively to the Highways within such Districts respectively, which are or shall be contained in such respective Lists, and to no other Road or Highway whatsoever; and if the Trustees of any District, or any of them, shall appropriate or apply, or authorize or direct the Appropriation or Application of such Statute Labour or Conversion to any Road or Highway not contained in the Lists made up and recorded as aforesaid, the Trustee or Trustees so directing or authorizing the Application or Appropriation thereof to Roads or Highways not contained in such Lists, shall be subject and liable on the Petition or Complaint of any Trustee under this Act, addressed to and sustained by the said Trustees at a General Meeting assembled, to repay within One Calendar Month to the Clerk or Treasurer of the District in which the Matter of Complaint shall have occurred, for the Purposes of this Act, the Value of such Labour, or the Amount of such Conversion as by him or them directed or authorized to be misapplied or improperly appropriated, together with One-half more: Provided always, that such Lists shall be subject to be altered or amended by having any of the Roads or Highways therein contained, or any Parts or Portions thereof struck out thereof, or by having any other Roads or Highways, or Parts or Portions of Roads or Highways therein inserted, on Application to that Effect being made by any one Trustee of the District, to the Trustees at a General Meeting assembled; but such Application shall not be entertained by such General Meeting, unless satisfactory Evidence shall be produced to such Meeting, that a Copy of such Application had been lodged with the Clerk of the District, to the List whereof the Alteration or Addition is proposed, at least One Calendar Month before such General Meeting; and such District Clerk is in such Case hereby required on receiving such Copy, to call a Meeting of the Trustees of the District to consider the same, One Week at the least before the General Meeting to which such Application is addressed: Provided always, that until such Lists shall be so made up, and transmitted, adjusted, and recorded, in Manner hereinbefore mentioned, the Statute Labour or Conversion thereof, hereby authorized to be levied and applied, shall be applicable only to such Highways as have before the passing of this Act been made and repaired by the Statute Labour or Conversion for the same, heretofore exigible within the said County of Perth,

XIII. And be it enacted; That the Trustees hereby appointed shall be empowered and they are hereby required to visit and to regulate all Ferries within their respective Districts; to appoint and cause to be provided, by the Proprietors of the Ferries, fit and sufficient Boats, and all proper Accommodations for embarking and disembarking Horses, Carriages, and Cattle, and cause to be provided proper landing Places, and to fix the Rates to be taken at such Ferries, and to make proper Regulations, not repugnant to the Laws of Scotland, nor to the Provisions and Directions in this Act contained, to be observed by all Ferrymen, Boatmen, and others, under Penalties not exceeding Five Pounds for each Offence: Provided always, that no Proprietor of any Ferry or Ferries shall act as a Trustee or Justice in any Case relative to the Regulation of the Rates of any Ferry belonging to such Proprietor; and if any Person or Persons shall think himself, herself, or themselves aggrieved by the fixing or

To regulate
Ferries, &c.

or making of such Rates and Regulations, it shall and may be lawful for such Person or Persons to appeal therefrom at any Time within Eighteen Months after any such Rate or Regulation shall have been fixed or made and published, to the Justices of the Peace for the said County of Perth, at a General Meeting assembled; and the Decision of such Justices, upon hearing such Appeal, shall be final and conclusive, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

To appoint a
Preses and
Clerk, &c.

XIV. And be it enacted, That the said Trustees, in such District Meetings assembled, shall be and they are hereby empowered to appoint for each District a Preses, and if necessary a Clerk, with reasonable Remuneration for his Trouble from the Funds of the District, and to adjourn from Time to Time; and the Convener or Conveners of each respective District Meeting shall be and he and they is and are hereby empowered and required to call Meetings of the Trustees for the said Districts as often as he or they shall be required so to do, by any Two Trustees within such District, upon Twenty-one Days previous Notice to be given at the Doors of each Church within the District immediately on the Dismission of the Forenoon Congregation; and in case any one of the Trustees of any District shall either think himself aggrieved by the Decision of such Meeting of the Trustees of the District, or shall think any Appropriation of Labour or Money, or the Manner of making up any Lists of Plough-gates therein to be improper, he may complain to the next stated District Meeting, giving Fourteen Days previous Notice, in Writing, to the Clerk of the District Meeting, of his Intention to bring the Matter thereof, under the Review of such Meeting; and if he shall be dissatisfied with the Decision of such stated District Meeting, he may appeal to the next stated General Meeting; and the Trustees assembled at such stated General Meeting are hereby authorized and empowered to hear and determine the same, and to order and direct Redress to be given where necessary; and the Determination of such General Meeting shall be final and conclusive, without being subject to review in any Court by Advocation, Suspension, Reduction, or otherwise.

Quorum of
District
Meetings.

XV. And it is hereby provided and declared, That at all District Meetings Three Trustees shall be a Quorum; but in case only One Trustee shall attend, such single Trustee shall have Power to adjourn the Meeting to any after lawful Day, proper Notice of the Day fixed for the Adjourned Meeting being given by the Clerk of the District: Provided always, that it shall not be in the Power of any District Meeting to make any Alteration of any Thing that has been previously determined and ordered by any General Meeting of Trustees.

District Meet-
ings to make
Reports to
General Meet-
ings, &c.

XVI. And be it enacted, That the Trustees of each District shall at their First Meeting held under the Authority of this Act, prepare and make up a Report, stating the Manner in which it is proposed to carry this Act into Execution in such District, whether by requiring the Performance of Statute Services, or by levying and exacting a Conversion in Money for the same in manner herein-after mentioned, or partly in each Way; and at which of the Two stated Annual Meetings of the District it is proposed to allocate the Statute Services of the District, or Conversion in Money for the
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the same to the particular Highways, and Bridges, within the District for making and repairing the same; and such Reports shall be presented to the next General Meeting of Trustees or Adjournment thereof, which shall take place, and such General Meeting or Adjournment thereof shall take such Reports into Consideration, and make such Alterations and Orders thereon as they shall deem necessary, and the Manner of Proceeding approved of by such General Meeting or Adjournment thereof, for each District respectively, shall be carried into Execution within the same, and shall not at any future Period be altered, except in Manner herein-after mentioned.

XVII. And be it enacted, That the said Trustees in District Meetings assembled shall be and they are hereby empowered to appoint Overseers and Inspectors with suitable Salaries to be paid from the Funds arising within their respective Districts; and the said Overseers and Inspectors may, by any Two Justices of the Peace of the Bounds, be made Constables for the special Purpose of acting as Constables in the Business of the Highways, Bridges and Ferries, and for that Purpose only; and each such Overseer and Inspector so to be appointed by the said Trustees shall, previous to his acting as such, make Oath (which Oath any one of the Justices of the Peace for the said County of *Perth* is hereby empowered to administer) to execute the Office faithfully and impartially; and it shall be the Duty of such Overseers and Inspectors to see that the Statute Services are duly and properly performed by the Persons called out to perform the same; to see that all Fences and Houses directed under the Authority of this Act to be removed are removed to the Distance from the Centre of the Roads, and reduced to the Height above the same hereinafter specified; to see that all Water Passages, Ditches, and Drains along the Sides of or connected with the Roads, are duly and properly cleaned out, scoured, and kept open, and that all Hedges are properly pruned and cut, and all Trees properly lopped at the proper Seasons, and that Headridges are made where required by this Act, and that all Obstructions, Nuisances, and Annoyances are removed from the Highways, Bridges, and Ferries, and that no Encroachments are made on the said Highways, and to give the requisite Warnings and Notices for effecting the Purposes of this Act in due Time, and to report to the District Clerk and District Meetings, and to complain to them of all Persons neglecting or refusing to perform any of the Matters or Things required to be performed by such Persons in virtue of this Act; and if any Overseer or Inspector shall be guilty of any Neglect of Duty for which he is unable to assign a sufficient Cause or Excuse from bad Health or otherwise, such Overseer or Inspector on the Complaint of any Trustee or of any Person having Interest, shall, on Conviction before Two or more Justices of the Peace for the County of *Perth*, for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

Overseers and Inspectors to be appointed;

their Duties, &c.

XVIII. And be it further enacted, That the said Trustees in District Meetings assembled, shall be and are hereby empowered to appoint Treasurers or Collectors during Pleasure for their respective Districts, with suitable Salaries to be paid from the Funds within their respective Districts as aforesaid: Provided always, that no such Salary shall in any Year exceed Five Pounds *per Centum*, of the Value in Money of the Statute Services and Conversions in Money for the same, within the District for that

Trustees may appoint District Treasurers and Collectors who must find Security.

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Year,

Year, unless it shall be proved to the Satisfaction of the Trustees by this Act appointed, at a General Meeting assembled, that it is expedient or necessary to allow a higher Rate of Salary; and that each such Treasurer and Collector so to be appointed by the said Trustees shall give such Security for the due Execution of his Office as the said Trustees shall direct and appoint, such Security being to the Amount of at least One Year's Receipt of such Treasurer or Collector in virtue of this Act.

Majority of Trustees to decide; and to defray the r own Expences.

XIX. And be it enacted, That in all Meetings to be held under the Authority of this Act, the Matters to be decided on shall be decided in the Manner voted and determined by the Majority of the Trustees then present, except where it is herein otherwise specially provided; and in case of Equality the Preses shall, besides his Vote as an Individual Trustee, have also a casting Vote; and at all such Meetings the Trustees shall defray their own Expences.

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

XX. And be it enacted, That the said Trustees may sue and be sued for any Matter or Thing to be done in General Meetings or under their immediate Direction in the Name of their Clerk for the Time being; and the said Trustees for the several Districts may sue and be sued for any Matter or Thing to be done in District Meetings or under their Direction in the Name of the Clerks of the respective Districts for the Time being; and no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk or Clerks by virtue of this Act shall abate by the Death or Removal of any such Clerk or Clerks, but the Clerk to the Trustees for the Time, or the District Clerks respectively for the Time, shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Ploughgates how to be rated.

XXI. And be it enacted, That during the Continuance of this Act and for the Purpose of ascertaining the Statute Labour or Conversion thereof within the County of *Perth* a Plough-gate shall be held and deemed to be equivalent to such a Portion of Land (whether under Grass or Pasturage, or in Tillage), as shall, if in the Occupation of a Tenant, yield an actual Gross Rent equal to the Value in Sterling Money of One hundred and twenty Bolls of Oatmeal by Weight, converted according to the Average of the Fiar Prices of the County of *Perth* for the Seven Years immediately preceding; and if in the Occupation of the Proprietor, as shall be worth to be let on a Lease of the ordinary Indurance for an actual Gross Rent equal in Value to One hundred and twenty Bolls of Oatmeal so converted as aforesaid, and if under Timber or Coppice Wood, the Rent as aforesaid shall be ascertained by the Price or Value of such Timber or Coppice Wood, upon an Average of the Produce thereof, calculated according to the Number of Years required for cutting the same, or at which the same was last cut; and for each Plough Gate so ascertained, the Number of Days Labour hereinafter specified, or the Conversion thereof, may be annually exacted, and so in Proportion for Parts of Plough-gates.

Where Lands are let at an under Value.

XXII. Provided always, That in the case of Lands not in the Occupation of the Owner thereof, where it shall appear to the Trustees of the said Districts that the Rent or Consideration payable on prestable on Account

of

of such Occupation does not bear a just and true Proportion to the Value of the Lands so occupied it shall be in the Power of the Trustees of the District in which such Lands are situated to ascertain, by the Survey and Report or Evidence of skilful and impartial Persons (whom for that Purpose they are hereby authorized to employ and examine upon Oath), the true Value of such Lands according to the Annual Rent at which they may then be worth to be let on a Lease of ordinary Indurance, and such Value or estimated Rent shall be the Measure of the Number of Plough-gates, or of Parts of Plough-gates, in respect whereof the Statute Labour or Conversion thereof shall be chargeable against the Occupiers of such Lands.

XXIII. Provided always, That in any District or Districts in which the Lists of Plough-gates made up, or to be made up, in Terms of the before recited Acts of the Twenty-fifth and Twenty-ninth of His present Majesty, shall appear to the Majority of Trustees of such District or Districts assembled at their First Meeting held under the Authority of this Act, or at any General Meeting of the District called expressly for the Purpose of considering such Lists, to form a just and equitable Rule for calling out the Services or assessing the Conversion in lieu thereof; it shall and may be lawful to the Trustees of such District or Districts, or to the Majority of them, to continue to call out the Statute Services, or to assess the Conversion thereof according to such Lists, and also to make such Alterations on the same from Time to Time as to such Trustees or the Majority of them shall appear to be just and reasonable, any Thing in this Act contained to the contrary notwithstanding.

Former Lists of Plough-gates may be continued.

XXIV. And be it enacted, That the Trustees for each District, shall at one or other of the Two first stated Meetings in the Months of *May* or *September* held under the Authority of this Act, or at some subsequent Meeting called expressly for that Purpose, make up or cause to be made up an exact List of the Number of Ploughgates of Land, ascertained in Manner before mentioned, within the District; and for the Purpose of ascertaining the same, shall take such Proofs as they shall deem necessary, and shall cite Heritors, Occupiers and other Witnesses before them and examine such Witnesses on Oath if necessary (which Oath any one of the said Trustees, being a Justice of the Peace for the County of *Perth* is hereby authorized to administer); and each Estate or Farm or separate Possession or Piece of Ground within the District, shall be held to contain as many Ploughgates or Parts of a Plough-gate as the Rent or Value of the same divided according to the Rules before mentioned shall amount to.

Lists of Ploughgates to be made up.

XXV. And be it enacted, That such Lists of Ploughgates and Parts of a Ploughgate contained in each District distinguishing the Proprietors, Occupiers and Lands, shall be entered in a Book to be kept for the Purpose by the Clerk of the District, and a Copy of the same shall without Delay be transmitted to the Clerk of the General Meetings of Trustees, which Copy if approved of shall determine, and continue to determine the Amount of Statute Labour chargeable on the District in respect of Ploughgates, until altered in Manner after mentioned; but the Trustees at District Meetings assembled, are hereby empowered and required on the Application of any

Lists to be transmitted to the Clerk of General Meetings.

Party having Interest to alter their respective Lists, in such Manner as changes of Property or Occupancy may require: Provided always, that no such Alteration shall tend to diminish the Number of Ploughgates and Parts of a Ploughgate into which any District may have been divided, as contained in the original Lists, approved of by a General Meeting of Trustees.

May be altered.

XXVI. And be it enacted, That the District Meetings shall be, and they are hereby required from Time to Time, so often as any material Variations in the Rent or Value of the Lands within the District shall arise, to make up new and amended Lists, and transmit Copies thereof to the Clerk of the General Meetings of Trustees in Manner above mentioned.

Lists may be petitioned against to Justices.

XXVII. Provided also, and be it enacted, That if any Person or Persons shall conceive that any such Lists so made up as aforesaid, are improperly made up; or that they are aggrieved thereby, it shall be lawful to such Person or Persons to appeal to the Justices of the Peace of the County at one or other of their Two General Meetings which shall be held within the Space of Six Months after the making up of such Lists; but till such Appeal shall be brought and discussed, such Lists so to be made up by the District Meetings shall take place and remain to be the Rule; and the Determination of the Justices of the Peace upon such Appeal at such General Meeting (not less than Five Justices being present thereat) shall be final, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise; but such Petition shall not be taken into Consideration by such Justices, unless a Copy thereof shall have been delivered to the Clerk of the District at least Three Months before such General Meeting, and such District Clerk is hereby required without Delay to intimate such Petition to the Convener of the District.

Statute Services to be performed for each Ploughgate, or Conversion to be paid.

XXVIII. And be it enacted, That all Heritors who are in the actual Possession of their own Lands (under which Description shall be included enclosed Grass Grounds let without Liberty of Tillage, unless the Occupier or Occupiers thereof shall reside within the Parish in which such Grass Grounds are situated,) and all Tenants and Occupiers of Land throughout the County of *Perth*; excepting Cottagers whose Possession exclusive of their Gardens does not exceed One Acre of Land, shall be liable in Name of Statute Services to furnish for each Ploughgate of Land ascertained as aforesaid Six Days Labour annually of Two able Horses and Drivers, with Two proper Single Horse Carts, or One proper Double Horse Cart, and One able Man to fill the same and to work upon the Highways, Bridges and Ferries, and to provide the Spades, Shovels or Picks necessary for the same, and so proportionally for any Quantity of Land less than a Ploughgate so to be ascertained as aforesaid: Provided always, that no Possessor or Occupier of Land, however small the Quantity, shall be assessed at a Rate lower than that of a Householder possessing a House the Rent whereof does not exceed Ten Pounds *per Annum*: Or in the Option of the District Trustees such Heritors, Possessors, Tenants and Occupiers shall in lieu of these Services pay such a Rate of Conversion Assessment in Money, for the same as shall have been declared by the Justices of the Peace for the County of *Perth* to be the Rate of Conversion for such District, in Manner herein-after mentioned.

XXIX. And

XXIX. And be it enacted, That the Justices of the Peace for the County of *Perth* at their Quarter Sessions assembled, or at any General Meeting called for that express Purpose, at which not fewer than Five Justices shall be present, shall be and they are hereby authorized to convert the Services leviabie for each Ploughgate of Land within the County of *Perth*, and so in Proportion for a greater or smaller Quantity of Land after the Rate of Six Days Labour annually of Two able Horses with proper Drivers and Carts, and One able Labouring Man and all necessary Implements as aforesaid, according to the Value in Money for which the said Services can be procured in each District, of which Value in Money the said Justices shall be and are hereby required to adduce and examine proper Evidence, and the said Justices upon Consideration of such Evidence shall declare what is then the Rate of such Labour within each District, and the Clerk of the Peace shall enter the same in the Minutes of the Meeting; and the said Justices are hereby empowered on the Application of a General Meeting of Trustees in Manner herein-after mentioned from Time to Time (but not oftener than Once in each Year) in the same Manner to reconsider such Conversion in lieu of Statute Services for all or any of the said Districts, and upon Examination of proper Evidence to alter the Rate of such Conversion according to the Rate of Labour at the Time of such Reconsideration.

Rate of Conversion to be fixed by the Justices of the Peace.

XXX. And be it enacted, That all and every Persons or Person keeping any Horse, Ass or Mule for Hire, or who shall occasionally use any Horse, Ass or Mule, Cart or Carriage for drawing Coal, Lime, Stones, or any Commodities or Goods whatsoever for Hire, or shall let out the same for Hire, shall be subject and liable to perform annually Three Days Labour on the Highways and Bridges, within the said County with each such Horse, Ass or Mule, Cart or Carriage, so kept or used as aforesaid, and shall be obliged to send therewith proper Drivers and necessary Implements, or in the Option of the said Trustees shall pay a Conversion in Money for the same according to the Rate declared by the said Justices of the Peace in Manner before directed with regard to the Conversion for Statute Labour exigible for each Ploughgate: Provided always, that where any Heritors in the actual Possession and Occupation of their own Lands or any Tenants or Sub-tenants shall keep any Horse, Ass or Mule, Cart or Carriage for Hire, they shall be liable to perform the Services and to pay the Conversions according to the highest Rate, but shall not be chargeable for the same Horses, Asses, Mules, Carts or Carriages both in respect of Land and also as being kept or used for Hire.

Statute Services for Horses kept for Hire, or Conversion for the same.

XXXI. And be it further enacted, That all Householders possessing Houses without any Land or with a Garden and a Portion of Land not exceeding One Acre in Extent, the yearly Rent or Value of which Houses shall not exceed Ten Pounds Sterling, and all Artificers, Manufacturers, Tradesmen, Labourers, and resident Inhabitants and their Servants of the Age of Eighteen Years and upwards, such Householders and other Persons not being Servants hired by the Year or Half Year, nor Persons on the Poores' Roll or entitled so to be, shall be subject and liable by themselves or by proper Persons employed by them to perform annually Three Days Statute Labour in each Year on the Highways and Bridges; and all Householders without any Land but a Garden and a Portion of Land not exceeding One Acre in Extent, the Rent or Value of whose Houses shall exceed

Householders, &c.

Ten Pounds Sterling *per Annum*, but shall not exceed Twenty Pounds, shall be subject and liable to perform Three and a Half Days Statute Labour in each Year; all Householders as aforesaid, the Rent or Value of whose Houses shall exceed Twenty Pounds *per Annum*, but shall not exceed Thirty Pounds, shall be subject and liable to perform Four Days Statute Labour in each Year; all Householders as aforesaid, the Rent or Value of whose Houses shall exceed Thirty Pounds, but shall not exceed Forty Pounds, shall be subject and liable to perform Five Days Statute Labour in each Year; all Householders as aforesaid, the Rent or Value of whose Houses shall exceed Forty Pounds, shall be subject and liable to perform Six Days Statute Labour; the Rent or Value of such Houses being taken as they are rated in the Books of the Collector of the Tax upon Houses; or in the Option of the Trustees of the respective Districts, approved of by a General Meeting of Trustees in Manner before mentioned, such Householders and other Persons respectively shall pay a Conversion in Money for the same according to the Rate declared in Manner before directed, with regard to the Conversion for Statute Services exigible for each Ploughgate of Land: Provided always, that if any such Householder as aforesaid shall be also in the Possession of Land chargeable as a Ploughgate or Part of a Ploughgate, such Householder shall in such Case be only chargeable, for which ever of such House or Land shall produce the highest Rate, but not for both, unless such House shall be situated in one District and such Land in another District, in which Case such Householder shall be liable to perform Statute Labour, or to pay the Conversion for the same for both of such House and Land.

XXXII. Provided always, and be it enacted, That no Statute Services nor Conversions for the same, shall be exigible or leviabie from the Inhabitants within the Royalty of the City of *Perth* by virtue of this Act, so long as any Act of Parliament shall exist for assessing the said Inhabitants for paving and repairing the Streets of the said City.

XXXIII. Provided also, That the Statute Services and Conversions for the same shall be exigible and leviabie from the Inhabitants of the Royal Burgh of *Culross*, as herein before directed with regard to the Inhabitants of the other Parts of the said County of *Perth*, any Usage or Practice to the contrary notwithstanding.

XXXIV. Provided always, and it is hereby declared, That nothing in this Act contained shall subject Clergymen of the established Church of *Scotland* to the Performance of Statute Labour, or to be assessed for Statute Services, or for a Conversion thereof in Money in respect of their Manfes and Glebes in their natural Possession, or Parish Schoolmasters in respect of themselves, of their Schoolhouses, Dwelling Houses, occupied by them as Schoolmasters, or Lands thereto belonging.

XXXV. And be it further enacted, That it shall be lawful to the said Trustees at a General Meeting assembled, or Adjournment thereof, from Time to Time to authorize and empower the said District Trustees to require and exact the Whole or any Part of the before mentioned Statute Services in Kind or the Conversions for the same in Money, according to the Rate to be fixed in Manner before mentioned; or to exact and take such

City of Perth
not to be
liable.

Burgh of Cul-
ross how to
be assessed.

Clergymen
and School-
masters not
liable for their
Manfes, &c.

Labour or
Money may
be exacted,
or less La-
bour or Mo-
ney may be
taken.

such lesser Number of Days Labour or Conversion Money in lieu thereof from those liable for the same, as the said Trustees at their General Meetings shall judge proper: Provided always, that a due Proportion shall be observed between the different Classes of Persons liable for Statute Services, or Conversions for the same, in any Alteration that may be made from Time to Time of the Amount of the Services or Conversions to be exacted.

XXXVI. And, in order to render more easy and expeditious the making up Lists of the said Ploughgates, be it enacted, That each Heritor of the County shall within Forty Days after Requisition to that Effect being made to him or her or to his or her Factor by a Writing signed by the Clerk of the District, deliver in to such Clerk or other Officer to be appointed for that Purpose as herein-after mentioned, a List signed by such Heritor or his or her Factor, of all Occupiers of Lands on the Estates of such Heritors respectively, distinguishing the Lands in their respective Occupation, together with a Description of the Lands (if any) in the Occupation of such Heritors; and if any Heritor shall refuse or neglect to give in such Lists as aforesaid, such Lists shall be made up by proper Persons to be appointed by the Trustees of the District for that Purpose, and the Expence of making up such Lists shall be paid by the Heritor refusing or neglecting to give in such Lists, which Expence shall be levied and recovered in the same Manner as is herein-after directed with respect to the levying and recovering the Conversion in lieu of Statute Labour.

Heritors, etc.
to give in Lists
of Occupiers.

XXXVII. And be it enacted, That it shall and may be lawful for the Trustees for the respective Districts at their First Meeting to be held in virtue of this Act, or at any Adjournment thereof, and at either of their Two stated Annual Meetings in any Year thereafter, to appoint such a Number of proper Persons in each Parish of the District to be Assessors within the same as they shall think necessary, with suitable Allowance for their Services and Trouble, payable out of the Funds of the District, and such Assessors shall before entering to the Execution of their respective Offices make Oath (which Oath any One of the Justices of the Peace of the said County of *Perth*, is hereby empowered to administer), to execute their Offices faithfully and impartially, and each of such Assessors shall make up and deliver to the Clerk of the District at such Time as shall be appointed by the Trustees of the District, on or before the First Day of *June* in each Year, a List for the Parish or Portion of a Parish for which such Assessor is appointed, of the Names of all Householders possessing Houses without any Land, but a Garden and a Portion of Land not exceeding One Acre in Extent, the Rent or yearly Value of which Houses shall not exceed Ten Pounds Sterling; of all Artificers, Manufacturers, Tradesmen, Labourers and Resident Inhabitants, and others liable to perform Statute Labour, or to pay a Conversion in Money for the same; all which Lists shall be made up by Parishes or Portions of Parishes, and the said Clerk of the District shall immediately on receiving such Lists make separate Copies of the Parts thereof which shall relate to each separate Parish or Part of a Parish within the District, and shall affix, or cause to be affixed the Parts relating to each Parish on the principal Door of the Church of such Parish on either the First or Second *Sunday* which shall happen after the said Clerk of the

Power to
name Asses-
sors who are
to give up
Lists of those
liable for Sta-
tute Labour.

Power of Appeal therefrom.

the District shall have received such Lists from the Assessors as aforesaid; and any Person or Persons so assessed, who may think himself, herself, or themselves aggrieved thereby, shall have Power within Ten Days after such Notice and Lists shall have been so affixed on the Church Doors as aforesaid, to appeal for Redress to the next Meeting of Trustees for the District, by giving Notice in Writing, of such his, her, or their Intention, to the Clerk of the District; and the Trustees at such Meeting, or at any Adjournment thereof, shall upon hearing such Appeal, finally ascertain the Statute Labour or Conversion for which the Person or Persons so appealing is or are liable for the then current Year; and the Trustees for the District at one of their Two stated Annual Meetings shall adjust and finally settle such Lists, and also the Number of Days Statute Services, or Conversions for the same in Money, which shall be exacted and taken for the Year then current, and after such Lists, Services, and Conversions shall have been so finally adjusted, settled, and fixed, the Clerk of the District shall within Ten Days transmit a Copy of such Lists, containing a Statement of the Services or Conversions to be exacted and taken from each Person mentioned in such Lists, to the Clerk to the General Meetings of Trustees; and where it shall be deemed proper by the Trustees of any District so to direct, the Houses possessed by Persons within the District who are liable only for Personal Services, or a Conversion in Money for the same, shall be regularly numbered in the Books kept by the Overseers or Collectors for the District.

Conversions when payable.

XXXVIII. And be it enacted, That the whole of the converted Values of Statute Services shall be due and payable on or before the First Day of *August* in each Year.

Time and Manner of working.

XXXIX. And be it enacted, That all Persons who are liable, and shall be ordered by the Trustees of the District, or by Persons duly authorized by them by Notice affixed to the principal Door of the respective Parish Churches within the District, at least Four Days previous to the First Day of Working, to perform Statute Services, in respect of their Occupation of Land or otherwise, shall be obliged to furnish, send out, and employ, for the Number of Days herein-before limited, such Number of Horses, Asses, Mules, Carts or Carriages, Drivers or Labourers, and necessary Implements mentioned in the said Lists, so made up as aforesaid, for which they may be respectively liable, and shall be obliged, during each Day's Labour, to work for and during the Spaces of Time following, *videlicet*, all Horses, Asses, Mules, and Drivers, with their Carts, and other Carriages, shall continue at work, to the Satisfaction of the Overseers to be appointed as aforesaid, for the Space of at least Eight Hours each Day, in one or more Yokings; and each Cart or Carriage shall at every Loading carry such Weight of Materials for repairing the said Highways, Bridges, and Ferries, as shall be directed by the Trustees of each District Meeting respectively, under the Authority of a General Meeting of Trustees first had to that Effect; and all Persons performing Statute Services personally or by proper Persons employed by them as Labourers in their Stead, shall bring with them the necessary Implements for enabling them to perform such Statute Services, and shall continue to work to the Satisfaction of the said Overseers, for the Space of at least Eight Hours each Day; otherwise each Day's Work which shall not be so done and performed to the Satisfaction of the said Overseers, by any such

Horses, Asses, Mules, Carts, Carriages, Drivers, or Labourers, shall be held as not done or performed at all, and the Person or Persons failing therein shall still continue liable to complete his, her, or their Statute Services, and shall become liable to the Penalties herein specified for Non-performance as if he, she, or they had altogether neglected or refused to perform such Services, in Manner herein-after directed: Provided nevertheless, that no Person shall be obliged to perform Statute Services during Seed Time or Harvest, nor to perform Statute Services on any Highway, Bridge or Ferry, at a greater Distance than Three measured Miles from his or her Place of Residence, unless in particular Cases when it shall appear necessary to the said Trustees for the District, in which Cases the Time employed in passing over any Space further than Three Miles going from and Three Miles returning to the Place of Residence of such Persons shall be accounted as Part of the Time during which such Persons shall in each Day be obliged to perform Statute Services as aforesaid.

XL. And be it enacted, That all and every Person and Persons liable for such Statute Services as aforesaid who shall neglect or refuse to perform the same when required, or if the same shall have been converted, shall neglect or refuse to make Payment of the converted Prices thereof at such Place or Places within their respective Parishes and upon such Day or Days as shall be appointed for the Purpose, Notice of such Appointment being given by Advertisements affixed to the principal Door of their respective Parish Churches on a *Sunday*, at least Eight Days before the Day or Days appointed, shall be liable in Manner following; *videlicet*, each Person failing to perform the Statute Services when required, or to pay the converted Prices thereof where the Services shall have been converted, shall be liable in Payment of Double the Sum at which his, her or their Service or Labour might be or shall be converted.

Penalty on Persons liable and neglecting or refusing to perform Work or pay Conversion.

XLI. Provided always and be it enacted, That it shall be lawful to the Collectors of the several Districts and they are hereby required to exempt from Payment of any Conversion in Money in lieu of Personal Statute Services, all and every Persons or Person who shall produce to them a Certificate or Certificates under the Hands of the Minister of the Parish in which such Persons or Person shall respectively reside, and of Two Occupiers of Land, (each occupying Land to the Extent of a Ploughgate at least,) certifying that the Persons or Person therein described are, or is from Indigence, or other sufficient Cause, unable to pay the Conversions for which he, she, or they is or are liable, such Certificate being also signed by a Justice of the Peace for the said County of *Perth*, as having been produced before him, and such Collectors shall produce and deliver in to the next stated Annual Meeting of their respective Districts, all such Certificates, and such Meeting shall then on a Consideration of each Case either sustain such Certificates as a Ground for the Exemption of the Person or Persons therein described, in whole or in Part from Payment of the Conversion Money for which he, she, or they is, or are respectively liable, or shall reject such Certificates altogether; and in so far as such Certificates shall not be sustained as a Ground of Exemption, shall direct such Conversion Money to be levied accordingly.

Certificates of Exemption, &c.

Conversion
Money how
to be levied.

XLII. And be it enacted, That the whole of the said Conversions in Money and the Penalties for Non-performance or defective Performance of Statute Services, if not paid within Six Days after the same shall have been demanded, shall be levied in virtue of a Warrant under the Hands of any One or more Justice or Justices of the Peace of the said County, proceeding upon the Deposition upon Oath of the Clerk, Collector or Overseer of any District (which Oath the said Justice or Justices is and are hereby authorized and required to administer) that the Person or Persons mentioned in such Deposition was or were required to perform such Statute Services or to pay such Conversions as therein specified, and has or have not performed or has or have not paid the same (as the Case may be); and such Warrants shall contain Authority for arresting, pouding, and distraining the Wages or Sums due to such Person or Persons and their other Goods and Effects; and the Officer to whom Execution of the same shall be committed may summarily arrest, poud, seize, and distrain as much of the readiest of such Wages, Sums, Goods or Effects of such Person or Persons (if such Distress can be found) as will cover and satisfy such Conversion Money and Penalties as aforesaid, and the Costs and Charges of distraining and selling the same, or as nearly thereto as may be; and shall at the End of Five Days after such Distress taken, sell the same by public Roup or Auction to the highest Offerer at the Town or Village nearest to the Lands upon which such Distress was taken, for Payment of the Sum or Sums for which such Person or Persons shall respectively be liable, as Conversion Money or Penalties and of the necessary Costs and Charges of such Distress and Sale, rendering the Overplus of such Distress and Sale, if any, to the Owner or Owners, on Demand; and if no sufficient Distress can be had, and if such Conversion Money and Penalties, Costs and Charges, shall not be forthwith paid, it shall and may be lawful for any One or more Justice or Justices of the Peace of the said County to commit such Person or Persons so deficient to the Common Gaol of the County or of the Division thereof wherein such Person or Persons shall have become liable for such Statute Services or Conversions thereof, for any Time not exceeding One Calendar Month, unless the said Conversion Money, Penalties, Costs and Charges shall respectively be sooner paid; and if such Person or Persons liable and ordered to pay the same respectively shall live out of the Jurisdiction of the Justices hereby authorized to grant such Warrant, it shall and may be lawful for any One or more Justice or Justices of the Peace of the County or Stewartry wherein such Person or Persons shall reside, and all such Justices are hereby required upon Request to them for that Purpose, and upon Deposition so made upon Oath as aforesaid by the Clerk, Collector, or Overseer of the District in which such Statute Services, Conversion Money and Penalties shall have become due, by Warrant under the Hands of any One or more of such Justices, to cause such Conversion Money and Penalties to be levied by Distress and Sale together with the Costs and Charges of such Distress and Sale as aforesaid, and if no sufficient Distress can be had, and such Conversion Money, Penalties, Costs and Charges shall not be forthwith paid, to commit such Person or Persons so deficient as aforesaid to the Common Gaol of the County or Stewartry or of the Division thereof wherein such Person or Persons shall be apprehended for any Time not exceeding One Calendar Month, unless the said Conversion Money, Penalties, Costs and Charges shall respectively be sooner paid; and no Suspension, Advocation, Appeal, Complaint or Action shall stop the Performance

Performance of the Statute Services or Recovery of the Payment of the Conversions thereof for that Year in which they shall have been assessed and returned to the Clerk of the General Meetings: Saying always nevertheless, to the Party or Parties, Complainers, his, her or their Redress either from the Person or Persons by whom he, she, or they shall have been aggrieved, or out of his, her, or their several Services or Conversions for the Year next after the Determination of the Complaint made; and the said Trustees for the Districts shall apply the Monies so to be levied and recovered as aforesaid, in the First Place to the Payment of the Costs and Charges of levying and recovering the same, in the Second Place to the Payment of a reasonable Gratification to the Clerk, Collector, or Overseer, suing for the same, and the Remainder to the Repair of the Highways, Bridges and Ferries within the District.

XLIII. And be it enacted, That in case any Warrant shall have been improperly obtained against any Person for Payment of Conversions in Money or Penalties for Non-performance or defective Performance of Statute Services, the Sheriff Depute or any of his Substitutes, or any Two or more of the Justices of the Peace for the said County, shall award any Sum not exceeding Treble the Amount as Damages to the Person or Persons aggrieved by the Execution of such Warrant; which Damages shall be paid by the Clerk, Collector, Overseer, or other Person upon whose Deposition such Warrant shall have been so improperly obtained as aforesaid; and which Sum so awarded as Damages shall be levied and recovered in the same Manner as is before directed with respect to Conversions in Money and Penalties for Non-performance or defective Performance of Statute Services; and in case any Overseer, Collector or other Person duly appointed shall fail or omit to exact any of the aforesaid Statute Services, or Conversions in Money, every such Overseer, Collector, or other Person, if such Failure or Omission shall have arisen from the Fault or Neglect of such Overseer, Collector, or other Person, shall be liable, on being thereof lawfully convicted by a Sentence of the Sheriff Depute or any of his Substitutes, or any One or more of the Justices of the Peace for the said County, to pay Double the Amount of the Sum at which such Statute Services so neglected or omitted to be exacted by him may be converted, or to pay Double the Amount of such Conversions in Money so neglected or omitted to be exacted by him.

Collectors making a false Accutation liable in Damages.

XLIV. And be it further enacted, That if any Collector or Overseer shall neglect or refuse to give in to the Clerk of the District to which he shall be Collector or Overseer, on or before such Day in each Year as shall be fixed by the Trustees of each District respectively, full, complete and exact Accounts of the whole Monies received and expended by him for the Year preceding, and of the Statute Services committed to his Charge, and of the Application of the same, and of Conversions in Money, to the respective Highways, Bridges or Ferries to which they may have been appropriated, such Collector or Overseer shall for every such Neglect or Refusal forfeit and pay a Sum not exceeding Five Pounds Sterling, to be recovered, levied and applied in Manner herein-after mentioned.

Collectors and Overseers neglecting to give in exact annual Accounts to be fined.

XLV. And be it enacted, That if it shall at any Time appear to be expedient to make any Alteration of the Districts into which the County shall have

For Alteration of Districts, &c.

have been divided in manner before mentioned, or of the Days of the stated Annual Meetings of any District or Districts, from any One of the First Eight Days of *May* or *September* to any other of the First Eight Days of the said Months respectively, or to alter the Day which has been in manner before mentioned, fixed in any District or Districts for allocating the Statute Services or Conversions in Money for the same; or to exact a Conversion in Money instead of Statute Services which may have been previously exacted in such District or Districts, or *vice versa* to exact the Statute Services instead of a Conversion in Money for the same, or to make any Alteration in the List of Ploughgates, of any District or Districts other than such as may arise from the Sale or new letting of Lands in manner before mentioned, or to make any Alteration in the Amount of the Statute Services or Conversion in Money for the same, levied in any District or Districts, by demanding and exacting a greater or smaller Number of Days Labour, or Conversion in Money, for the same, than may have been previously fixed and determined on, or if it shall appear necessary or expedient to apply to the Justices of the Peace for the County of *Perth*, to raise or reduce the Rate or Value put upon such Statute Services, the Person or Persons proposing any and every such Alteration shall at One or other of the Two stated Annual Meetings of the District or Districts for which any such Alteration may be proposed, give Notice in Writing to the Clerk or Clerks of the District or Districts, of his or their Intention to make a Motion, proposing the Alterations which such Person or Persons wish to have made at the next of the Two stated Annual Meetings of the District or Districts, which Notice in Writing the Clerk of any District to whom any such Notice shall be given, shall deliver to the Preses of the Meeting at which it is presented, who shall read the same to the Meeting, and the Clerk shall cause to be affixed a Copy thereof on the principal Door of each Parish Church within the District, at least Three Weeks previous to the Day on which such Motion is to be taken into Consideration, and shall give Notice thereof in Writing to each non-resident Trustee of the District; and if any such Motion shall be approved of by the Majority of the Meeting by which it is taken into Consideration, it shall then be reported to the next stated General Annual Meeting of Trustees, and if approved of by such General Meeting, shall be carried into Effect, but not otherwise.

Power to borrow Money on Credit of Conversions.

XLVI. And be it enacted, That it shall and may be lawful for the Trustees of any District, if they shall think it expedient, at either of their Two stated Annual Meetings, or at any District Meeting called for the special Purpose, to borrow such Sum or Sums of Money as they shall judge necessary, on the Security of the Funds leviable by virtue of this Act, to be applied in making and repairing the Highways, Bridges, and Ferries within the District or immediately connected therewith; Notice of the Proposal to borrow, of the Extent of the Sums to be borrowed, and the Road or Roads on which the Sums to be borrowed are to be expended; being specified in a written Notice to be given in to the Clerk of the District in which such Proposal is to be made at one of the Two stated annual Meetings of the District, which Notice the Clerk shall deliver to the Preses of the Meeting who shall read the same to the Meeting, and a Minute shall then be made in the Books of the District Meeting, that the Subject is to be taken into Consideration at the next stated

stated annual Meeting of the District, and the said Clerks of the District shall give public Notice thereof by causing Advertisements of the same to be affixed on the principal Door of each of the Parish Churches within the District, and by giving Notice in Writing to each Non-resident Trustee of the District at least Three Weeks previous to the Day on which the said Proposal is to be taken into Consideration as aforesaid: Provided always, that no Money shall be borrowed by any District on any Appropriation or Assignment of the Conversion in Money for the Statute Services, unless the Majority of the Trustees present at any District Meeting in which any Proposal to that Effect shall be taken into Consideration, shall agree to the same; and unless Trustees possessing at least Three Fourths of the landed Property within the District in point of valued Rent, shall in Writing or otherwise have consented thereto, and unless the same shall have been approved of by a General Meeting of Trustees: Provided also, that the whole Sums which may be borrowed, or shall at any Time be due by any District, shall not exceed such an Amount as may be repaid with the Interest, by an Appropriation or Assignment of One Half of the Conversion in Money, of the Whole of the Statute Services exigible within the District at the Time of any such borrowing, for the Space of Ten Years; and such Portion of the said Conversion Money as shall be necessary for paying the Interest of the borrowed Money then due, shall in each Year be faithfully and carefully applied by the Trustees of the District for these Purposes; and if any of the Trustees of any District shall borrow any larger Sum of Money than is hereby permitted and allowed, or shall borrow any Money in any other Way, and without following the Regulations herein-before prescribed, such Trustees 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.

XLVII. And be it enacted, That the said Trustees of the respective Districts at any District Meeting assembled, may and they are hereby empowered to assign and convey the Funds leviable by this Act within the District, to the Extent of One Half thereof, in Security of the Money so to be borrowed as aforesaid, 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 Funds shall be made and entered by the Clerk of the District in a Book to be kept for that Purpose, and which Book may be seen and perused at all reasonable Times by any Trustee, Creditor, or other Person interested, without Fee or Reward.

Power to
assign the
Funds in
Security.

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

Form of
Assignment.

BY virtue of an Act made in the _____ Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [*here insert the Title of this Act*] We, the Trustees of the District of _____ in the County of *Perth*, assembled at a Meeting of the said District, agreeably to the Directions of the aforesaid Act, in Consideration of the Sum of _____ advanced by *A. B.* for the Purpose of making and repairing the Highways, Bridges, and Ferries, within the said District, do hereby assign to the said *A. B.* his Executors and Assignees, the annual Sum of _____ arising out of the Conversion
[*Loc. & Per.*] 50 I for

' for the Statute Services of the said District to be held by the said *A. B.*,
 ' his Executors and Assignees, from the Day of
 ' in the Year of Our Lord until the said
 ' Principal Sum of with Interest at the Rate
 ' of *per Centum per Annum* shall be repaid; and we
 ' hereby authorize *C. D.* our Clerk (Collector or other Officer appointed
 ' for that Purpose) and his Successors in Office to pay the said Sum of
 ' to the said *A. B.* and his aforesaid, or to any
 ' Person duly authorized by him or them to receive the same, until the
 ' said principal Sum and Interest shall have been fully paid, for which this
 ' shall be a sufficient Authority to our said Clerk, Collector or other Officer,
 ' and his Successors in Office. In Witness whereof these Presents, written
 ' by the said *C. D.* [*or any other Person*] are subscribed by our Preses in
 ' our Presence, at this Day of also in Presence of
 ' these Witnesses, the said *C. D.* and *E. F.* of

And any such Assignment shall be held to be full and sufficient
 without any Challenge thereof being competent to any Person whatever,
 and a Duplicate thereof signed in a similar Manner by the Preses, shall be
 delivered to the Person or Persons lending the Money on such Assignment,
 or to such Person or Persons as may be duly authorized to receive the
 same.

Entry of
Assignment.

XLIX. Provided always, and it is hereby declared, That the Assignments
 of the said Funds for all or any Sum or Sums of Money so borrowed, shall
 be entered in a Book or Books to be kept by the said Trustees authorized
 to borrow Money as aforesaid, or such Person or Persons as they shall ap-
 point; which Book or Books may be seen and perused at all reasonable
 Times by any Person or Persons interested, without Fee or Reward.

Trustees not
personally
liable.

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

Assignments
to be transfer-
able by In-
dorsement.

LI. And be it enacted, That the Assignments to be granted in Security of the
 Money to be borrowed in virtue of the Powers contained in this Act, shall
 be transferable by Indorsement, in the following Form of Words, or in any
 other Words to the same Purport, without the Necessity of any other Con-
 veyance; that is to say,

' I Do hereby transfer this Assignment with all my Right and Title to the
 ' principal Sum and Interest thereby secured, and now due, unto *G. H.*
 ' his Executors and Assignees. Witness my Hand at
 ' the Day of in the Year of our Lord
 ' before these Witnesses *I. K.* of and *L. M.* of

Provided always, That every such Transfer by Indorsement shall, on
 being presented by or on Behalf of the Indorsee to the Clerk, Collector or
 other Officer appointed for that Purpose, of the District, be by him recorded
 in the Book kept for the Purpose of having Assignments engrossed therein.

LII. And be it further enacted, That the said respective District Meetings shall annually at one of their stated Meetings in the First Eight Days of *May* or *September* in each Year make up or cause to be made up, an exact and regular Report, containing an Account of the whole Money received and expended on the Highways, Bridges, and Ferries, and also of the Number of Persons who have performed Statute Services, or paid a Conversion in Money for the same, of the Statute Services which have been performed, and Amount of the Conversions in Money which have been levied, Appropriations of the same, and Work done in consequence thereof, and of the Offences committed for the preceding Year, within the District, for which Penalties may have been incurred respectively, and also an Account of the Sums due by the District on the Credit of the Conversions; and such Report shall be entered in the Books of the District, and an Abstract thereof, signed by the Preses of the Meeting, and the Clerk of the District, shall within One Week after the said stated Annual District Meeting, be transmitted by such Clerk to the Clerk of the General Meetings to be by him retained and preserved; and in case of Failure to make out such Reports, and to transmit such Abstracts, the Clerks of the District Meetings so failing shall be liable to pay a Penalty or Fine of Five Pounds Sterling for each Offence, unless such Failure shall have arisen from the Neglect or Refusal of any Collector or Overseer to give in full, complete, and exact Accounts in due Time in Manner before-mentioned; and the Penalty for such Neglect or Refusal shall be sued for and recovered, in Manner herein-after mentioned, Recourse being hereby reserved and given to such District Clerks for Relief, and full Indemnity against the Preses of the Meeting, in case such Failure shall have arisen from such Preses having refused to sign such Report.

The several Districts to make up their Accounts annually.

LIII. And be it enacted, That the said District Trustees at either of their Two stated Annual Meetings assembled, shall have Power to cause to be built Bridges of Stone or Timber, or other Materials on the said Highways, and to cause old Bridges become unnecessary to be taken down, and to apply the Materials thereof as they shall see proper, for the Purposes of this Act, and shall also have Power to shut up Highways which shall have become unnecessary, and to cause to be straightened, and to cause to be widened any Highway to a Breadth not exceeding Forty Feet including the Drains on each Side thereof; and also to cause the Course or Direction of any Part of the said Highways to be changed or altered, for the Purpose of shortening or rendering them more level or commodious; and for these Purposes, to take the Ground required for such Alterations, and if necessary, to remove Fences and Houses, and other Buildings, or other Obstructions, Six Months Notice being always given to the Owners or Occupiers of such Fences, Houses or other Buildings before the same are removed, and Satisfaction being always made to such Owners and Occupiers for the Fences, Houses, and other Buildings, that shall be removed, and for the Ground taken for such Alterations, and for so much Ground as shall be taken for widening the said Highways above and beyond Twenty-five Feet wide, including the Drains on each Side thereof: Provided, that in any such Alteration of the Course or Direction of the said Highways, or in digging or taking Materials in Manner herein-after mentioned, no House shall be prejudiced, the Side Walls of which exceed Fifteen Feet in Height, and which exceeds

Power to build Bridges, repair Highways, &c.

Power to alter Roads.

Five

Five Hundred Pounds in Value, nor any Garden, Orchard, Planted Walk, or any Avenue, Lawn, or Pleasure Ground adjoining to any such House, without the special Leave, in Writing, of the Proprietor of the same.

Applications
for altering
Roads; No-
tices to be
given, &c.

LIV. Provided always, and be it enacted, That no Alteration in the Line, Direction, or existing Breadth of any Highway, shall be made, except on the Application in Writing of some Person having Interest therein, to one or other of the said Two stated annual Meetings of the District in which such Alteration is proposed to be made; and that on any Petition being presented or Application made to any District Meeting for straightening or widening, or for changing or altering the Course of any Highway, or for shutting up any Highway within the District, such District Meeting shall appoint a Committee of at least Three Trustees, Two of whom shall be Justices of the Peace of the said County, to inspect such Highway and to report their Opinion of what is proposed to be done, to the next or any subsequent stated Annual Meeting, and shall also order Intimation of the Meeting of such Committee, and of the Purpose of such Meeting, to be given One Calendar Month previous to its meeting, to inspect the Roads so proposed to be straightened, widened, changed, altered, or shut up, to the Owners of the Grounds through which the Highways proposed to be altered lead, and through which, when changed or altered, they are proposed to be carried, either personally, or at their Dwelling Places, if they reside within the County, or if they do not, to their Agent or Factor, and to the Occupiers of the Grounds; and also by Advertisements to be affixed on the Principal Door of the Church or Churches of the Parish or Parishes in which the Grounds lie, for at least Two consecutive *Sundays* previous to the Meeting of such Committee; and upon such Report being made to such subsequent stated Annual District Meeting, they shall hear all Parties having Interest therein, and they are hereby empowered; if they shall see just Cause, to ordain such Highways to be straightened, widened, changed, or altered, or shut up, unless any Person or Persons having Interest shall object thereto; in which Case the whole Matter shall be laid before the next stated Annual General Meeting of Trustees, who shall determine therein, subject to an Appeal to the Justices of the Peace for the said County of *Perth*, at their then next Quarter Sessions assembled in Manner herein-after mentioned.

Petitions for
Money for
Bridges, &c.

LV. And be it further enacted, That all Petitions presented to the said General Annual Meetings, or to any of the respective District Meetings, for any Part of the Road or Bridge Money of the County of *Perth*, for building or repairing of any Bridge or Bridges, shall be remitted to a Committee, other than those immediately interested, to report upon the Usefulness and Propriety of the Bridge proposed to be built and repaired, who shall order a Plan and Estimate of the Work to be made and signed by some reputable Tradesman, who can find Caution for executing and upholding the same, according to Estimates, if approved of; and upon such Report being made to the said General Meeting, or to an adjourned Meeting, they may determine upon and appoint the same to be executed, and the Expences thereof to be paid out of the Road and Bridge Money of the County.

LVI. And

LVI. And be it further enacted, That in altering the Course of any of the said Highways, or widening the same, it shall be in the Power of the said District Trustees to cause the same to be carried through any Minister's Glebe, under the Limitations herein-before mentioned: Provided always, that such Quantity of Ground, taken also under the like Limitations, shall be added to the Glebe lying most contiguous and convenient thereto, as shall be by the said Trustees deemed a sufficient Compensation for that taken for the said Highways; which Grounds the said Trustees shall have Power to purchase from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be under Entail or otherwise; and in case of any Difference with regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, Application shall be made to the Sheriff Depute, or one of his Substitutes, of the County of *Perth*, who shall summon a Jury (the Expence of such Jury to be defrayed in Manner before mentioned), and determine the Extent of the said Addition, and Amount of such Price in Manner herein-after directed, and upon such Determination, and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Consignation thereof in the Bank of *Scotland*, or Royal Bank of *Scotland*, in Manner by this Act directed, the said Trustees shall from thenceforth have a Right to cause the said Addition to be made to the Glebe, and in the mean Time to take and use such Part of the Glebe as shall be necessary for the Purpose of altering or widening such Highway.

Highway may pass through a Minister's Glebe.

LVII. And be it enacted, That when the Grounds on one Side or upon both Sides of any Highway in the County of *Perth* are not enclosed, the Owner or Occupier of such Grounds shall not from and after the passing of this Act, make Enclosures along the Sides of such Highway, without giving at least Two Months previous Notice in Writing to the Clerk of the District in which such Highway is situated; and any Owner or Occupier failing to give such previous Notice shall not afterwards be entitled to any Compensation for the Expence or Value of such Enclosures, in case the said Trustees shall at any future Time think it necessary to demolish the same for the Purpose of widening the Highway; and the said Clerk of the District is hereby required on receiving any such Notice to insert a Copy of it in the Sederunt Book of the Trustees of the District, and to lay such Notice before the next Meeting of the Trustees of the District, under a Penalty not exceeding Forty Pounds Sterling.

Notice to be given to Trustees of new Enclosures upon Sides of Highways.

LVIII. And be it enacted, That if any Owner or Occupier of Grounds adjoining to any Part of the Highways of the County of *Perth*, shall enclose such Lands on both Sides, such Owner or Occupier shall be obliged to leave Twelve Feet and a Half at least, free from the Middle of the Road to the Fence; and if one Side of any Part of the said Highways has been enclosed before the passing of this Act, and the other not enclosed, and it shall appear that the Owner or Occupier of the Ground so enclosed, has not left Twelve Feet and a Half free from the Middle of the Highway to the Fence, the Owner or Occupier of such Ground on the other Side of the Highway shall be obliged at enclosing the same, to leave the full Breadth of Twenty-five Feet for the Breadth of the Highway; and in case the Ground on the enclosed opposite Side does not belong to the Person so enclosing, such

Breadth to be left for Highways where Grounds are enclosed.

[*Loc. & Per.*]

50 K

Person

Person shall have Right to demand from the Owner of the Side first enclosed, or from the Trustees of the District, from the Funds of the District, according as such Owner has or has not left the Highway of the full Breadth to which he was bound to leave it by the Laws existing at the Time when the Enclosure was made, a Sum equal to the Value of such Part of the said Twelve Feet and a Half as has not been left out as aforesaid, and in case of any Difference of Opinion thereon, such Value shall be determined in Manner herein-after directed.

Heirs of Entail, &c. may give up Claim for Damage, &c.

LIX. Provided always, and be it further enacted, That it shall be in the Power of all Owners and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwise competent to them by this Act for such Grounds as any of the said Highways when straightened, widened, or altered as aforesaid may occupy, or for the Materials required for making the said Highways, where the same does not exceed the Value of One hundred Pounds Sterling, and such Renunciations shall be equally binding on the Heirs of such Owners and Occupiers.

Corporation, &c. authorized to sell, &c.

LX. And be it further enacted, That the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Persons and Person whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, let, and convey all such Lands or Houses as may be necessary for the making, straightening, widening, changing or altering the said Highways, or any of them, or for storing Materials or otherwise, where Ground is necessary for the Purposes of this Act.

On Disagreement with Owners, the Value how to be ascertained.

LXI. And be it enacted, That if in the taking Possession of the Ground necessary for straightening, widening, changing, or altering the said Highways, or opening new Highways, or if in removing any House, Fence, or other Impediment under the Authority of this Act, the respective Owners or Occupiers of such Lands, Houses, Fences, or other Impediments, shall alledge that the same ought not to be taken as being protected under any Clause herein contained, or shall not come to a voluntary Agreement with the said Trustees for the Value thereof, or for the Damage sustained by and the Recompence to be made to such Owners or Occupiers, or in case the Claim of Damages or otherwise which may be thence incurred has not been renounced in Manner aforesaid, it shall be lawful for either Party to apply to the Sheriff Depute of the County of *Perth*, or one of his Substitutes, who, upon such Application, is and are hereby authorized and required to summon a competent Number of discreet, substantial, and disinterested Persons, being either Owners or Occupiers of Lands within the County, to come and appear before them at such Time and Place as by their Warrant and Precept shall be directed, Intimation of Fifteen Days being given by the Trustees of such Appointment to the Parties or their known Agents, and the Number of Persons who shall attend shall then be reduced to Fifteen, by the Trustees and the Proprietors striking off one alternately, beginning on the Part of the Proprietors; or in case both Parties shall not appear by the Sheriff Depute or his Substitute until it be so reduced, and the remaining Fifteen being

being duly sworn, the Sheriff Depute or his Substitute shall proceed to examine upon Oath, in their Presence, such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence, such Jury shall determine as to the Relevancy of the Fact alleged against taking such Ground, and if such Facts shall be found irrelevant, shall determine the Price to be paid by the said Trustees; and the said Sheriff Depute or his Substitute shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds; and the Proceedings of the said Sheriff Depute or his Substitute, and the Verdict of the said Jury shall be final and conclusive on all Parties, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

LXII. Provided always, and be it enacted, That if such Jury shall by their Verdict adjudge the said Premises to be of greater Value than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury, and all Expences connected therewith, shall be defrayed and borne by the said Trustees, and such Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum required, or any greater Sum, the whole of the said Expence shall be paid by the said Trustees; and in case the said Jury shall award the Sum offered by the said Trustees, or a less Sum; the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall, by reason of unavoidable 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 and paid to the Owner or Owners, Occupier or Occupiers of any Lands or Houses, or their Agents or Factors, such Sum as the said Trustees shall think reasonable, or which shall have been awarded in Manner aforesaid, or in case of his, her, or their Refusal to accept such Sum, the same having been offered to them under Form of Instrument, and afterwards lodged in the Bank of Scotland, or Royal Bank of Scotland, it shall and may be lawful for the said Trustees to enter into or upon such Lands or Houses for the Purposes of this Act.

Expences in
ascertaining
Value how to
be paid.

LXIII. And be it further enacted, That the Overseer or Overseers to be appointed in Manner aforesaid, after having first obtained Warrant for so doing under the Hand of one or more Justice or Justices of the Peace of the County of Perth, which Warrant shall contain a Certificate that the said Justice or Justices has or have inspected the Grounds from which the Materials are to be taken shall be, and he and they is and are hereby empowered to take out of any Lands, Rivers, Watercourses or other Places that to him or them shall appear most convenient, Stone, Sand, Gravel, Furze, Heath, and other Materials, for making and repairing the said Highways, Bridges, and Ferries, and to provide proper Places adjacent to the said Highways for depositing Materials for repairing the same, and the Mud that may be raked off the same, Satisfaction being made to the Owners and Occupiers for any Land

Overseers en-
powered to
take Materi-
als, and pro-
vide Places of
deposit.

that may be so taken for Places of Deposit in the Manner above prescribed in the case of Land taken in the Alteration of Roads: Provided always, that it shall not be in the Power of any Proprietor or Occupier of such Lands, by any Operations he may carry on to deprive the Trustees of the Right of resorting to such Gravel Pits and Quarries as they have been in use to work for the Purpose of their Trust, and which have actually been worked before the passing of this Act, unless with the Consent of a General Meeting of Trustees previously obtained.

Upon giving Notice, &c.

LXIV. Provided always, That it shall not be lawful for any Justice of the Peace to grant Warrant to any Overseer or Overseers to dig for, or carry away any Materials for repairing the said Highways, Bridges and Ferries, unless Fourteen Days previous Notice in Writing shall have been given to the Proprietor or to his or her Factor, Agent or Overseer, and to the Occupier of the Lands from which such Materials are intended to be taken by leaving the same at their respective Places of Residence, of which Notices the Return of any Constable shall be sufficient Evidence, and which Notice shall contain a Requisition for such Owner and Occupier, or some Person or Persons for his, her, or their Behalf, to appear before any one or more Justice or Justices of the Peace for the County to shew Cause why such Materials should not be taken as aforesaid; and in case such Occupier shall attend pursuant to such Notice, the said Justice or Justices shall if they think proper, authorize such Overseer or other Persons to take such Materials at such Time or Times as to such Trustees or such Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices shall and may make such Order therein he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

In case of Damages to Houses, &c.

LXV. Provided always, That if the Cause assigned against digging, or taking away such Materials, or making such Places of Deposit, shall be that any such House as aforesaid, or any Garden, Orchard, Planted Walk, Avenue, Lawn, or Pleasure Ground, would be thereby hurt or damaged, or if it shall be alledged by the Proprietor of Materials proposed to be taken, or by the Occupier of the Grounds where such Materials are situated, that the whole of such Materials, or any Part thereof, proposed to be taken, is necessary for the private Uses of such Proprietor or Occupier, it shall not be lawful to any Justices of the Peace to grant Warrant as above directed; but the Sheriff Depute of the said County, or One of his Substitutes, shall, on the Requisition of the Trustees, or of the said Owners and Occupiers, summon a Jury as directed in the Case of Lands taken for the Purposes of altering Highways, (the Expence of such Jury to be defrayed in Manner before mentioned), which Jury shall determine as to the Fact alledged by such Owners or Occupiers, as a Cause against digging or taking away such Materials, or making such Places of Deposit; and if the Causes assigned by such Owners or Occupiers shall by such Verdict be declared to be unfounded, the said Sheriff Depute or his Substitute shall grant Authority for digging and carrying away such Materials, and for making such Places of Deposit; but if the Causes assigned by such Owners or Occupiers shall by such Verdict be declared to be well founded, such Owners or Occupiers shall not be molested
in

in the Enjoyment and Occupation of such Materials, or proposed Places of Deposit, and the Proceedings of the said Sheriff Depute and his Substitute, and the Verdict of such Jury in the Matters aforesaid, shall be final and conclusive without being subject to Review in any Court, by Suspension, Advocation, Reduction or otherwise: Provided always, that it shall be lawful to any One or more Justice or Justices of the Peace of the said County of *Perth*, to fix and determine the Amount of Recompence due to the Owners and Occupiers of any Lands from which Materials as aforesaid are taken, for making and repairing the said Highways, Bridges, and Ferries, which Recompence shall, in all Cases, be confined to the Surface Damage.

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

If Jurymen refuse to act.

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

Application of Compensation where amounting to 200l.

Application where the Compensation is less than 200l. and not less than 20l.

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

Application where the Money is less than 20l.

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

In case of not making out Title, &c.

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

Purchase Money to be paid into the Bank,

subject to the Order of the Court of Session.

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.

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

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

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

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

LXXIII. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground, as herein-before allowed, for the Purposes of this Act, the same shall not affect, alter or diminish the valued Rent nor old Extent of the Lands from which such Grounds shall be so taken.

Ground taken, not to diminish valued Rent.

LXXIV. And be it further enacted, That so soon as the said new Roads shall be completed, and rendered conveniently passable for Carriages, the said Trustees shall be and they are hereby required to tender to the Proprietors of the adjacent Lands, so much of the old or former Road or Roads as shall not be retained by the said Trustees, at such reasonable Price as to them shall seem proper, which Tenders specifying such Price shall be made in Writing under the Hands of Two or more of the Trustees;

Old Roads to be sold.

Trustees; and if such Tender, within Three Months from the Time of its being made, be accepted of by such Proprietors, they and the Trustees shall be forthwith reciprocally bound, the latter to give up to the former such old Road or Roads, and the former to pay to the latter the Price tendered and accepted in Manner above-mentioned; and in case the said Parties shall not agree as to the Price, it shall be competent to them, or to either or any of them, to apply to the Sheriff of the County, or One of his Substitutes, to summon a Jury in Manner before mentioned, to put a Value on such old Roads to such adjacent Proprietors, at which Value upon Payment thereof, the Property of such Road or Roads shall belong to such Proprietors, if they be willing to take the Ground at that Price; and the Proceedings of such Sheriff Depute, or his Substitutes, and of such Jury, shall be in such Manner and Form, and as valid and effectual as is herein-before in similar Cases directed and declared; and in case such Proprietors shall refuse to take such Road or Roads at such Valuation, it shall and may be lawful to the said Trustees, and they are hereby empowered, to sell to the best Advantage either by Public Auction or Private Sale, the Grounds occupied by such old or former Road or Roads to such Person or Persons as may be willing to purchase the same, Oath being first made by the Clerk of the District within which the old Roads are situated, of such Tender or Offer of Preference, as is before mentioned, having been made to the Proprietors of the Grounds through which the said old Roads did pass, and the Price shall be applied to the Purposes of this Act, and to no other Purpose or Purposes whatsoever, saving the reasonable Expences of the Proceedings above mentioned; and the Sale and Conveyance of such Lands or Grounds comprized in the said old Roads, being executed by the said Trustees, or any Three of them, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Trustees may
make Foot-
paths,

LXXV. And be it further enacted, That the said Trustees in their respective Districts may cause Footpaths not exceeding Five Feet in Breadth to be made along the Sides of the said Highways, in such Places as can conveniently admit of the same, and cause the same to be kept free and clear of all Obstructions, Nuisances, or Impediments whatsoever; and if any Person shall ride or drive any Carriage or Cattle upon any Foot Paths made or to be made, or shall in any Way wantonly or maliciously injure the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, together with the Expence of repairing the Damage done, to be levied in Manner herein-after directed.

and Passages
for Water,
and Ditches,
and Drains.

LXXVI. And be it further enacted, That the said Trustees in their respective Districts may, where they shall judge it necessary, order Passages for the Water from the Ditches on the Sides of the Highways to be made through the Grounds of any adjacent Proprietor, and also may order sufficient Drains or Ditches to be made along the Sides of the said Highways, and the Occupiers of the Grounds shall be obliged thereafter to keep the said Passages, Ditches, and Drains always clear and open; and where any Ditch or Drain runs along the Side of any Part of the said Highways, or leads from the Sides of the said Highways, the Owners and Occupiers of the adjacent Grounds shall be and they are hereby required to keep the same clear and open so as to allow a free Passage to the Water; as well by the Road Side as into and across the adjacent Grounds;
and

and if they shall fail therein after Fourteen Days Notice previously given to such Owners or Occupiers, such Owners and Occupiers shall forfeit and pay a Penalty of Ten Shillings for each Offence, or One Penny for each Foot in Measure of such Ditches and Drains so neglected to be cleared and opened, if the Penalty so estimated shall amount to a larger Sum than Ten Shillings; and the said Trustees shall be and they are hereby empowered to order the said Passages, Ditches, and Drains to be cleared from Time to Time, and to recover the Expence thereof, (to be ascertained by the Account of the Overseer or other Person employed to do the same, certified by One or more Justice or Justices of the Peace for the County of *Perth*) from the Owners or Occupiers of such adjacent Grounds, in such and the same Manner as the Conversions for Statute Services are herein-before directed to be recovered; and if any Occupier of Land through which such Passages, Ditches, and Drains are or shall be made, shall wilfully obstruct or fill up any of them, so as to be injurious to the Roads, the Person or Persons so offending shall forfeit and pay Treble the Expence of repairing and scouring the same, to be recovered in Manner herein-after mentioned; and the said Occupier shall be deemed the Transgressor, unless it shall be made to appear to the Trustees, that such Occupier was not in Fault; and where any Passage for Cattle or Carriages shall be made communicating with any Highway across the Passages, Ditches, and Drains along the Sides of such Highway for the Convenience of the Occupier of the Ground through which it passes, such Occupier shall cover such Passages, Ditches, and Drains with a Bridge of Stones or other proper Materials, which Bridge shall be constantly kept free and clear that the Water may pass through below the same; and in case any Occupier of Ground adjacent to the said Highways shall omit and fail so to do, it shall be competent for any Two of the said Trustees, one of them being a Justice of the Peace, by an Order subscribed by them to ordain the same, to be performed at the Expence of such Occupier, and to recover the Expence thereof, (to be ascertained by the Account of the Overseer or other Person employed to do the same), from such Occupier in such and the same Manner as the Conversions for Statute Services are herein-before directed to be recovered; and no Occupier of Land shall turn any Water upon the Side of any of the said Highways, or conduct it across any Part thereof, until he shall have obtained the Consent of the said Trustees in a District Meeting assembled, and every such Occupier shall be obliged to carry the Water across the Highways in a covered or arched Passage or Drain, of such Depth and Construction as may prevent the Water from being of Prejudice to the same: And in making any such covered or arched Passage or Drain across any of the said Highways, a safe and easy Passage along the One Half of such Highway shall be left without any Obstruction either by breaking the Road or laying down the Materials, and such covered Passage or Drain shall be made across and finished on the One Half of the said Road before the other Half shall be broken or opened, and the whole or at least the open Part shall if practicable be completed in One Day, or otherwise such Open Part and the Materials for executing the Work shall be so well fenced off, that Passengers may suffer no Injury thereby; which Precaution and Manner of executing covered Drains as aforesaid, shall be strictly observed by all Persons whatsoever employed in directing, or executing the same; and every Person neglecting to use such Precaution, and so to execute such Drains, shall for every Offence forfeit and pay a Sum not

exceeding Forty Shillings Sterling for every Offence, over and above the Damages sustained and Expences incurred, to be levied and recovered in Manner herein-after directed; one Half thereof to be paid as a Reward to the Informer, and the other Half to be applied to the making and repairing the said Highways, Bridges, and Ferries; and every Overseer, Contractor, or other Person employed by the said Trustees for making, amending, widening, or repairing any of the said Highways shall be expressly prohibited from digging Pits within Twelve Feet of the Sides of the same, unless such Overseer, Contractor, or other Person employed as aforesaid shall erect a sufficient Fence between the Side of the said Highway and the Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

No Fences,
&c. above a
certain Height.

LXXVII. And be it enacted, That from and after the passing of this Act the Height of all Fences erected, or to be erected, on the Sides of the Highways, shall not be greater than Six Feet above the Level of the Centre of the Highways, unless they shall be at a greater Distance from the Centre of the said Highways than is hereinafter prescribed in making Fences after the passing of this Act, in which Case such Fences may exceed the Height of Six Feet, by Half as much in Height as they are farther in Distance from the Centre of the said Highways.

Otherwise to
be demo-
lished.

LXXVIII. And be it enacted, That if, after the passing of this Act, any Fence be made, or any House or other Building be erected, or if any Tree or Trees, Hedge or Hedges, be planted nearer to the Centre of the said Highways than Twenty Feet, or so as to encroach upon the Space herein-before allowed for making, or the Space occupied or to be occupied by Foot Paths on the Sides thereof, the Person or Persons making such Fences, erecting such Houses, or other Buildings, or planting such Trees or Hedges, shall respectively be liable in a Penalty not exceeding Forty Shillings Sterling for each Offence, over and above the Expence of demolishing such Fences, Houses, or Buildings, or removing such Trees or Hedges; and it shall be lawful for any Two or more of the said Trustees, being Justices of the Peace, by a Writing under their Hands, to stop the erecting of every such Fence, House, or other Building, and the planting of such Trees or Hedges as shall be within the said Distance of the Centre of the said Highways; and if any Fence, House, or Building, shall hereafter be erected of greater Height than that above prescribed, and the Erector thereof, or Owner of the Ground, shall fail to remove the same for the Space of Three Weeks after having been warned so to do by the Trustees of the District, or by any Person authorized by them, it shall and may be lawful for any Two Trustees, being Justices of the Peace, to order the Fences and Houses or other Buildings, to be taken down and removed at the Expence of the Erector or Owner of the Ground: Provided always, that it shall be lawful for the Magistrates of Towns, and for the Trustees of any District, at a stated District Meeting assembled, to permit and suffer the Erection of Fences, Houses, or other Buildings of greater Height; and the Planting of Trees or Hedges nearer to the Centre of the Roads than as above prescribed in case the Person so erecting or planting, or desirous to erect or plant the same, shall enter into a sufficient and valid Obligation to the Satisfaction of the Trustees of the District, binding themselves, their Heirs and Successors, to pay
annually

annually a Sum equal to the extra Expence of maintaining the Highways opposite to such Fences, Houses, or other Buildings, or opposite to such Trees, in complete Repair, either calculated on that particular Piece of Highway or on the annual Expence of maintaining the whole Length of that Line of Highway within the District at the Option of the said Trustees; and provided also, that where the Trustees of any District shall require any Fence, House or other Building already erected to be removed to such Distance from the Centre of any Highway, or to be built or erected in such Manner that the Owner or Occupier of such Lands shall be deprived of the Use of more of the Land than Twelve Feet and an Half from the Centre of the said Highway; or if the said Trustees shall require Trees or Hedges already planted to be removed from the said Highways, so as to prevent more than Twelve Feet and an Half of the said Highway distant from the Centre from being overhung by such Trees, or by the Branches thereof, the said Trustees shall be obliged to satisfy the Owners and Occupiers of the Land on which such Fences, Houses, or other Buildings, or Trees, or Hedges are made, erected, or planted, for so much of the Ground as shall exceed Twelve Feet and an Half from the Centre of the said Highway; or if the said Owners and Occupiers are or shall be dissatisfied with the Offer made by the said Trustees, the Value of the Ground and Recompence due, shall be fixed and determined in Manner above directed, in the Case of Ground taken for the Alteration of any Highways.

LXXIX. And be it further enacted, That when the Ground on the Sides of the Highways is enclosed or planted, the Owner or Occupier thereof shall be obliged to cut and dress up all Hedges to a Height not exceeding that herein-before prescribed, and to lop off all Branches of Trees or Parts of Hedges which shall hang over the Highway, so as to give sufficient Air and Breadth to the same, and on their failing so to do within One Calendar Month after being thereto required by the Overseer or other Person duly authorized by the Trustees of the District, any Two or more of the said Trustees, being Justices of the Peace, may appoint Persons so to cut or lop such Hedges or Branches of Trees at the Expence of the Owner and Occupier of the Lands; and such Owner and Occupier shall be obliged forthwith to carry what Brushwood or Branches of Trees are so cut or lopped off the Highways, and out of any Ditches or Drains adjoining thereto, under a Penalty not exceeding Twenty Shillings Sterling for each Offence; to be recovered, levied, and applied in Manner herein-after directed, besides the Expence of removing such Brushwood or Branches: Provided always, that no Person shall be compelled, nor any Person under the Direction of the said Trustees permitted, to cut or prune any Hedge at any other Time than between the last Day of *November* and the last Day of *February*; and that no Person shall be obliged, nor any Person under the Direction of the said Trustees permitted, to fell any Trees growing in Hedges at any Time whatsoever, except where the Highway shall be ordered to be enlarged as is herein-before directed; or to cut down, grub up, or lop Branches of any Oak Trees, except in the Months of *April*, *May*, *June*, or *July*, or off any Ash, Elm, or other Trees in any other Months than *December*, *January*, or *February*; and where Fences of any Kind shall have been previously made of a greater Height than that

Hedges and Trees to be pruned and lopped.

Fences to be lowered.

before

before prescribed above the Level of the Centre of any Highway, the Owners and Occupiers of the Lands upon which Fences have been made shall pay a Sum equal to the annual extra Expence of keeping up the said Roads, incurred by Occasion of the Height of such Fences, and on their failing so to do, the said Trustees shall lower or cause to be lowered such Fences to the said prescribed Height above the Level of the Centre of the Highway, and on their failing so to do within Three Weeks after being thereto required by the Overseer of the District, or other Person duly authorized by an Order of any Two or more of the said Trustees, any Two or more of the said Trustees, being Justices of the Peace, may appoint Persons so to lower such Fences: Provided always, that where such Fences shall have been made previous to the passing of this Act, the same shall be lowered at the Expence of the District; and the Owners and Occupiers of the Lands on which such Fences stand, shall receive from the District such Sum as shall be awarded in Name of Damages for so lowering such Fences by the Sheriff Depute of the County of *Perth*, or One of his Substitutes, after having ascertained the same in Manner herein-before directed, with respect to the Value of Ground taken for straightening and widening the said Highways; but where such Fences shall hereafter be erected of a greater Height than is hereby allowed, the Expence of lowering the same, and of removing the Materials taken down shall be paid by the Owner or Owners of such Fences.

Trustees shall
erect Mile
Stones.

LXXX. And be it further enacted, That the said Trustees at their District Meetings, shall direct the Highways to be measured, and Stones or Posts to be erected near the Sides thereof, denoting the Distance of each Mile or such other Distance as they shall deem expedient, and may also cause Guide Posts and Railings to be erected on such Parts of the said Highways as they shall think proper, and if any Person or Persons shall wilfully break, destroy, damage, pull up or remove any such Stones or Posts or Railings, or obliterate or deface any Letters or Figures that shall be made, inscribed, or put thereon, and shall be thereof convicted, before any One or more Justice or Justices of the Peace, for the said County, upon the Oath or Oaths of One or more credible Witness or Witnesses, such Person or Persons so offending, shall respectively forfeit and pay a Sum not exceeding Ten Pounds Sterling for every Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced, over and above the Expence of repairing the Damage done to the same, and if any Person or Persons shall throw down, break or otherwise wilfully destroy or damage any of the said Bridges or Ledges or other Parts thereof, and shall be convicted of so doing, before any One or more Justice or Justices of the Peace of the said County, upon the Oath or Oaths of One or more Witness or Witnesses, such Person or Persons so offending shall respectively forfeit and pay a Sum not exceeding Ten Pounds Sterling for each Offence over and above the Expence of repairing the Damage done, such Penalties and Forfeitures for destroying or damaging Mile Stones or Posts, Guide Posts, Railings or Bridges, and the Expence of repairing the same, to be levied and recovered in Manner herein-after directed; and such Penalties and Forfeitures shall be applied one Half as a Reward to the Informer, and the other Half in repairing the Highways, Bridges, and Ferries, in the District where the Damage shall have been done.

LXXXI. And

LXXXI. And be it enacted, That from and after the passing of this Act every Person in ploughing any unenclosed Land, contiguous to any of the said Highways, shall make Headridges along the Sides of the Roads, of the Breadth of Eighteen Feet at least, and every Person neglecting or failing so to do, shall for every such Neglect or Failure, forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Side of the said Highways of the Land so ploughed without Headridges having been made, to be levied and recovered and applied in Manner herein-after directed; and all Gates upon Enclosures next to any of the said Highways, shall open inwards to the Field, or be removed from the Side of the Road to a Distance equal at least to the Length of the Gate, under a Penalty not exceeding Forty Shillings Sterling for each Offence, on the Occupier or Occupiers of such Inclosures, besides being obliged to alter such Gates; and if such Occupier or Occupiers shall fail so to do within Fourteen Days after being thereto required by the Overseer of the District, or other Person duly authorized, it shall be competent for any Two of the said Trustees by any Order subscribed by them, to ordain the same to be done at the Expence of such Occupier or Occupiers, and to recover the Expence thereof, (to be ascertained by the Account of the Overseer or other Person employed to do the same), from such Occupier or Occupiers in such and the same Manner as the Conversions for Statute Services are herein before directed to be recovered.

Headridges to be made and Gates on Sides of Roads to open inwards.

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

Articles to be drawn on a Wheel Carriage.

For preventing Annoyances.

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

No Fair,
Market, &c.
to be held on
Highways.

LXXXIII. And be it enacted, That, from and after the passing of this Act, no Fair, Market, Race, or publick Meeting, shall be held on any of the Highways or Bridges of the County of *Pertb*, so as to obstruct the Passage of Travellers along the same, for which Purpose a sufficient Space shall at all Times be left, and in all Cases where it shall be practicable, all Fairs, Markets, Races, and publick Meetings, shall under the Direction and Authority of the Sheriff Depute, or one of his Substitutes, or of any Two Justices of the Peace for the said County, be removed to some other Place, where the same can conveniently be held without obstructing the said Highways, Roads, and Bridges.

Names of
Owners to
be affixed on
Waggons,
etc.

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

dence of the former Owner or Owners and Number thereof to be taken off, and the Name or Names, and Place of Residence of such succeeding Owner or Owners and Number thereof, where more of such Carriages than One belong to the same Person, to be affixed and inscribed in Manner before directed under a similar Penalty of Twenty Shillings on the Person driving the same without such Name, Place of Residence and Number affixed or inscribed, to be applied in a similar Manner; reserving to such Driver his Relief in a similar Manner against the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature; and if any Person or Persons shall affix or inscribe a false Name, Place of Residence or Number upon any such Waggon, Cart, or other Carriage of the like Nature driven by or belonging to him, her, or them, the Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

LXXXV. And be it enacted, That no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beasts of Burden, whether loaded or unloaded, shall drive or permit the same to travel or pass upon the said Highways or any Part thereof, abreast or alongside of any other Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Highways or any Part thereof; and no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, shall drive or permit the same to travel or pass upon the said Highways without Check Reins; and every Person and Persons so offending shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

No Driver to drive Carriages, abreast.

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

To drive to the Left Hand or near Side.

LXXXVII. And be it enacted, That on the Highways and Bridges of the County of Perth, no Waggon shall go or be drawn with more than Eight Horses, and no Cart shall go or be drawn with more than Five Horses, and no Waggon having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Nine Inches shall go or be drawn with more than Seven Horses, and no Waggon having the Sole or Bottom of the Fellies of the Wheels such that the fore and hind Wheels by moving in different Tracks shall not roll on each Side a Surface of Nine Inches, shall go or be drawn with more than Six Horses, and no Cart having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Nine Inches shall go or

Breadth of Wheels of Carriages.

be

be drawn with more than Four Horses; and no Waggon having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Six Inches shall go or be drawn with more than Five Horses, and no Cart having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Six Inches shall go or be drawn with more than Three Horses; and no Waggon having the Sole or Bottom of the Fellies of the Wheels of no greater Breadth than Four Inches shall go or be drawn with more than Four Horses; and 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, under the Penalties and Forfeitures herein-after mentioned; (that is to say); that the Owner of such Waggon or Cart respectively shall forfeit and pay the Sum of Forty Shillings Sterling, and the Driver not being the Owner the Sum of Five Shillings for every Horse or Beast which shall be so drawing above the Number hereby so respectively limited as foresaid, to be levied and recovered in Manner herein-after directed and applied, the one Half to the Use and Benefit of the Informer, and the other Half to the Repair of the Highways, Bridges and Ferries within the District where the Offence shall have been committed.

Trustees may assess County in the additional Sum of 20s. Scots for every 100l. Scots.

LXXXVIII. And whereas it has been found by Experience, that the Sum of Ten Shillings Scots upon each One hundred Pounds Scots of valued Rent, authorized to be levied by an Act of the Parliament of Scotland made in the Second Parliament of King Charles the Second, One thousand six hundred and sixty-nine, intituled, *Act for repairing Highways and Bridges*, is insufficient for keeping the Roads and Bridges in the said County in Repair; be it therefore enacted, That it shall be in the Power of the Trustees at their stated Annual General Meeting held on the Day on which the Commissioners of Supply shall meet for assessing the Land Tax, to assess the County in a farther Sum not exceeding Twenty Shillings Scots upon each One hundred Pounds Scots of valued Rent; the one Half whereof together with one Half of the old Assessment of Ten Shillings Scots on each One Hundred Pounds Scots of valued Rent to be expended and laid out by the Trustees of the several Districts, upon the Highways, Bridges, and Ferries within the District, and the other Half together with the other Half of the old Assessment of Ten Shillings Scots on each One hundred Pounds Scots of valued Rent, to be applied under the Direction of the said Annual General Meeting of Trustees, in such Manner as to them shall seem proper; and the Collector of the Cess for the County is hereby required to levy such Assessments of Thirty Shillings Scots on each One hundred Pounds Scots of valued Rent, along with the Cess of the said County, and to pay over One Third Part thereof collected within each District to the respective District Collectors, on Production by them of a Warrant signed by the Preses of the District, and on Receipt given by such respective Collectors, and to pay the other Two Third Parts of such Assessment in such Manner as shall be directed by Warrants issued by the said General Meetings of Trustees.

Sudden Damage to Bridges may be repaired by Trustees.

LXXXIX. And be it further enacted, That in case of any sudden Damage being done to any Bridge or Bridges, Ferry or Ferries, within the said County, and which may require an immediate Support and Repair, it shall be in the Power of any One or more of the said Trustees, being a Justice or Justices of the Peace, to give Orders for making such Repair or Repairs;

Repairs; but so as the Sum to be expended thereupon shall not exceed Ten Pounds Sterling for any One Bridge or Ferry, and the Money so expended shall be provided for and paid by an Order of the next General Meeting; on an Application to them for that Purpose.

XC. And be it enacted, That the said Trustees shall be empowered, and they are hereby required at any of their General Meetings to sue for, recover, and receive all Tolls on, and Monies levied at, and Donations to Highways, Ferries, and Bridges within the said County, in order that the same may be applied to the Purposes for which they were destined; and all Tolls or Customs which by any Statute, Deed, or Act have been payable at Bridges or Causeways for repairing the same, shall be employed for that Purpose, and not otherwise.

XCI. And be it further enacted, That all Expences incurred by the said Trustees or any Person or Persons employed under them, for which any other Person or Persons is or are liable (the Recovery whereof is not herein otherwise provided for) shall, when the Account thereof shall be certified under the Hands of Two or more Justices of the Peace, be levied and recovered in the same Manner as is herein-before directed with respect to the levying of Conversions for Statute Services, and all Penalties and Forfeitures incurred under the Authority of this Act, (the Recovery or Application whereof is not herein otherwise provided for), may be recovered by summary Complaint, at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of the Peace for the County of Perth; and the Fact or Facts being verified and proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, or by other legal Evidence; the said Justice and Justices is and are hereby authorized and required to grant Warrant for poinding and selling the readiest moveable Goods of the Offender, to the Amount of the Penalty in which such Offender shall be found liable, with the Expence of such Warrant and Execution thereof, such Sale being always made by publick Auction to the highest Offerer at such Place as shall be directed in the said Warrant, within Five Days after such Poinding shall have been made, and the Overplus Money (if any be) arising from such Sale, after Deduction of the Penalties imposed, and Charges of the Recovery thereof, shall be returned, on Demand, to the Owner or Owners of such Goods; and if it shall appear to the said Justice or Justices that such Offender has not sufficient Goods within the County, or, upon Execution returned by their Officers respectively, that Goods sufficient are not to be found, it shall be lawful to him and them, and he and they are hereby authorized and required to commit the Person of the Offender to the Common Gaol of the County, until the Penalty and Expences shall be paid, but not in any Case exceeding the Space of Six Calendar Months: Provided always, that all Actions for Penalties, incurred under the Authority of this Act, or for any Wrongs done or Injuries suffered in any Matter relative thereto, or in consequence of any of the Powers by this Act given and granted, shall be commenced and prosecuted within Six Calendar Months from the Time of committing the Offence, or otherwise they shall be incompetent, or shall cease and determine; and all Penalties recovered shall be paid to the said Trustees, for the general Purposes of this Act, or to the said District Trustees, or their Collector for the District, to be applied (unless otherwise hereby provided) to the repairing of the Roads of the District in

Mode of Recovery, and Application of Penalties.

Limitation of Actions.

which the Offence was committed, according to the Nature of the Offence for which such Penalties and Forfeitures may have been incurred.

Trustees
may act as
Justices or
Jurymen, &c.

XCII. And be it further enacted, That it shall be no Objection to any Person acting as a Justice of the Peace, or as a Jurymen under this Act, in any Thing relative hereto, that he is hereby appointed a Trustee, or that he may be a Creditor upon the Conversion Money herein-before mentioned, except where he is personally interested; and it shall be no Objection to any Person being examined as a Witness, in any Matter arising under this Act, that he is a Trustee, or a Clerk, Collector, Overseer, or other Officer, appointed by, and acting under the said Trustees.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

XCIII. Provided always, and be it enacted, That any Person or Persons, who shall think himself, herself, or themselves aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Six Months after the Matter complained of shall be done, but not afterwards, lodge an Appeal to the Justices of the Peace at the Quarter Sessions of the County of *Perth*, the Appellant giving Fourteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and to the Clerk of the Justices of Peace, and lodging with such Appeal a Bond with sufficient Caution for implementing the Sentence to be finally pronounced by such Justices, and for paying such Expences as may be ultimately awarded, and such Justices shall have Authority to hear and determine the Matters in Dispute, and their Judgments therein shall be final, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

Expences of
this Act how
to be paid.

XCIV. And be it enacted, That the whole Expences in preparing, procuring, and passing this Act, and all other Expences attending the same, to be ascertained at the First, Second, and Third General Meeting of the said Trustees, shall be paid by an Assessment on all the Proprietors of Lands valued in the Cess Books of the said County of *Perth*, agreeable to the respective valued Rents at which the said Lands stand rated in the Cess and Valuation Books of the said County; and the said Expences shall be levied and collected by such Person or Persons as the said Trustees shall appoint.

Publick Act.

XCV. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.