



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 79.

An Act for amending Two Acts passed in the Fifty-first Year of His present Majesty, for more effectually repairing and maintaining certain Roads and Bridges in the County of *Perth*; and for regulating and converting the Statute Services in the said County, and more effectually making and regulating the Highways, Bridges, and Ferries within the same. [5th May 1812.]

WHEREAS an Act was passed in the Fifty-first Year of the Reign of His present Majesty, intituled, *An Act for more* 51 G. 3. *effectually repairing and maintaining certain Roads and Bridges in the County of Perth*: And whereas another Act was passed in the Fifty-first Year of the Reign of His present Majesty, intituled, *An Act for regulating and converting the Statute Services in the* 51 G. 3. *County of Perth, and for more effectually making and regulating the Highways, Bridges, and Ferries, within the said County*: And whereas it is expedient that certain of the Powers and Authorities in and by the said recited Acts given and granted should be repealed, and others of such Powers and Authorities altered and amended; and that further and other Powers and Authorities should be given to the respective Trustees in and by the said recited Acts appointed; May it therefore please Your Majesty
[*Loc. & Per.*] 19 R that

General and adjourned Meetings of the Turnpike Trustees to be called in the same Manner as General and adjourned Meetings of the Statute Labour Trustees are called.

Principal and Interest of the Money borrowed for Bridges to be paid.

Exemption in Favour of Persons going to Church, &c. though not within their own Parish.

Powers of Assessment repealed.

Appeal relative to Ferries extended to the Courts of Law.

that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all General Meetings of the Trustees acting under the first recited Act, shall be summoned; and all adjourned Meetings of the same Trustees shall be appointed in such and the same Manner as in and by the last recited Act is enacted in regard to the summoning of General Meetings, and appointing of adjourned Meetings of the Trustees acting under the said last recited Act.

II. And whereas in and by the said first recited Act, in regard to the Application of the Money arising from the Tolls or Pontages on the Bridges therein mentioned, no Powers or Authorities were given to pay the Interest, or to pay off the Principal Sums of the Money borrowed and owing relative to the said Bridges at the Time of passing the said recited Act, although the same were specially made a Burden on the Tolls and Pontages thereby granted; be it enacted, That the Trustees in and by the said Act appointed, shall be, and they are hereby required to pay the Interest, and pay off the Principal Sums of such Money in such and the same Manner, as they are directed to pay the Interest, and to pay off the Principal Sums of the Money to be borrowed after the passing of the said Act relative to the Bridges therein mentioned.

III. And be it enacted, That no Toll or Pontage granted in and by the said first recited Act, shall be demanded or taken from any Person or Persons who shall pass through the Turnpikes or Toll-gates, or over the Bridges in the said recited Act mentioned to Church or Chapel, or any other Place of religious Worship which such Person or Persons usually attend upon *Sundays*, or on any other Days on which Divine Service is ordered by Authority to be celebrated, whether such Church, Chapel, or Place of religious Worship be within the Parish in which such Person or Persons reside, or not; any Thing in the said Act contained to the contrary notwithstanding.

IV. And be it enacted, That from and after the passing of this Act, all and every the Powers and Authorities, Clauses, Matters and Things in the said first recited Act, enacted and declared in regard to the raising of Money for making and repairing of any of the Roads and Bridges therein mentioned, by Means of an Assessment on the Lands, benefited by the making and repairing of such Roads and Bridges, shall be, and the same are hereby repealed, in so far as they relate to any of the Roads and Bridges in the said first recited Act mentioned, excepting the Road from *Lochearnhead* towards *Perth* by *Comrie*, *Monievairst*, *Strowan*, *Hosb*, *Monzie*, and *Crieff*, and the Road from *Loch Tay* towards *Dumblane* by *Glenlednaig*, *Comrie*, *Glenlichhorn*, *Ardoch*, and *Kinbuck* and the Bridges thereon; but in so far as the same relate to such last-mentioned Roads and the Bridges thereon, such Powers and Authorities, Clauses, Matters, and Things shall remain in full Force and Effect.

V. And be it enacted and declared, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by the fixing or making of any Rates or Regulations for Ferries, made by the Trustees, in and by the said last recited Act appointed, it shall and may be lawful for such Person or

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 their General Sessions assembled, and from their Decision to any Court of Law competent, any Thing in the said recited Act contained to the contrary notwithstanding.

VI. And be it enacted and declared, That all Heritors, Tenants, and Occupiers of Lands, in and by the said last recited Act, rated for Statute-services in respect of the Ploughgate, shall be liable in Statute-services to furnish for each Ploughgate of Land ascertained in Manner directed by that Act, Six Days' Labour annually of Two able Horses and Drivers, with Two proper Single-Horse Carts, or One proper Double-Horse Cart and Driver, and One able Man to fill the same, and to work upon the Highways, Bridges and Ferries, and to provide the Spades, Shovels and Picks necessary for the same, and so proportionally for any Quantity of Land less than a Ploughgate, to be ascertained as aforesaid; and the Rate of Conversion to be fixed by the Justices of the Peace for the said County, in Terms of the said last recited Act of the Statute Services leviable for each Ploughgate of Land, and so in Proportion for any greater or smaller Quantity of Land, shall be after the Rate of Six Days' Labour Annually, of Two able Horses and Drivers, with Two proper Single-Horse Carts, or One proper Double-Horse Cart and Driver, and One able Man to fill the same, and all necessary Implements as aforesaid, according to the Value in Money for which the said Services can be procured in each District; any Thing in the said last recited Act contained to the contrary notwithstanding.

Statute Service for the Ploughgate of Land.

and Rate of Conversion thereof.

VII. And be it enacted and declared, That it shall not be lawful for any Justice or Justices of the Peace, to commit any Person or Persons deficient in Payment of the Conversions for Statute Services in and by the said last recited Act and this Act granted, and for which no sufficient Distress can be had, to any Common Gaol, for a longer Period than One Calendar Month, any Thing in the said recited Act contained to the contrary notwithstanding.

No Person deficient in Conversions to be committed to Gaol for more than one Calendar Month.

VIII. And be it enacted, That so much of the said last recited Act as provides, that in any Alteration of the Course or Direction of the Highways in the County of *Perth*, or in digging or taking Materials in manner therein mentioned, no House shall be prejudiced the side Walls of which exceed Fifteen Feet in height, and which exceeds 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 thereof, shall be and the same is hereby repealed.

Repeal of Regulation respecting the altering of Highways, &c.

IX. And be it enacted and declared, That in any Alteration of the Course or Direction of, or in straightening and widening the Highways, or in digging or taking, or depositing Materials, in Manner by the said last recited Act directed, no Dwelling-house of any Landowner shall be prejudiced, the side Walls of which exceed Twelve Feet in Height, nor any Garden, Orchard, planted Walk, nor any Avenue, Lawn or Pleasure-ground adjoining to any such House, without the special Leave in Writing of the Proprietor of the same.

In case of Prejudice done to a Dwelling-house.

X. And

Reports on
Road and
Bridge Mo-
ney to be de-
termined on
by annual
General
Meetings.

X. And be it enacted and declared, That the Reports of Committees upon any Petition for any Part of the Road or Bridge-money of the County of *Perth*, in Manner directed by the said last recited Act, shall be made to and determined upon only by the annual General Meetings of Trustees, or Adjournments thereof, and not by any Special Meeting; any Thing in the said recited Act contained to the contrary notwithstanding.

Regulations
as to Fences
and Breadth
of Highway.

XI. And be it enacted and declared, That if any Owner or Occupier of Grounds adjoining to any Part of the Highways of the County of *Perth*, shall inclose such Lands on both Sides, such Owner or Occupier shall be obliged to leave Twelve Feet and an Half at least, free from the Middle of the Road to each Side thereof; and if one Side of any Part of the said Highways shall have 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 Side thereof, 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 Person shall have Right to demand from the Owner of the Side first enclosed, but not in any Case from the Trustees or Funds of the District, a Sum equal to the Value of such Part of the said Twelve Feet and an Half as has not been left out, as aforesaid; and in case of any Difference in Opinion thereon, such Value shall be determined in Manner in the said last recited Act directed; any Thing in the same contained to the contrary notwithstanding; and all Owners or Occupiers so enclosing as aforesaid shall, besides the Breadth of the Highway, leave such further Space from the Centre of such Highway to any Fence to be made, House or Building to be erected, or any Tree or Trees, or Hedge or Hedges, to be planted on the Side thereof, as is directed and prescribed by the said last recited Act.

Regulation
respecting
Materials re-
quired for
Highways.

XII. And be it enacted, That in digging or taking Materials for the Purposes of the said last recited Act from Places whence such Materials are thereby authorized to be taken, it shall and may be lawful for any one or more Justice or Justices of the Peace of the County of *Perth* to grant Warrant in the Manner directed in the said last recited Act for digging or taking any such Materials, or any Part thereof, which shall not be alledged by the Proprietor of the Materials proposed to be taken, or by the Occupier of the Grounds where such Materials are situated to be necessary for the private Uses of such Proprietor or Occupier; any Thing in the said last recited Act contained to the contrary notwithstanding.

Surface Da-
mages only
to be given,
unless in the
Case of Stone
Quarries.

XIII. And be it enacted and declared, That the Amount of the Recompence due to the Owners and Occupiers of any Lands from which Materials shall be taken, in making or repairing the Highways and building the Bridges in the said last recited Act mentioned, shall be confined to the surface Damages, except in the case of Stone Quarries, the Damage to which shall be ascertained by a Jury, in Manner and under the Powers and Provisions by the said last recited Act directed, where Damages in other Cases are thereby directed to be ascertained by a Jury.

XIV. And

XIV. And be it enacted and declared, That no Occupier of Land in the County of *Perth*, shall turn any Water upon the Side of any of the Highways in the said County, or conduct it across any Part thereof, until he shall have obtained the previous Consent in Writing of two Justices of the Peace of the said County, who shall have previously examined the Place; and such Consent shall be deposited with the Clerk of the District; but it shall not be necessary to obtain the Consent of a District Meeting of the Trustees in and by the said last recited Act appointed for that Purpose; any Thing in the same contained to the contrary notwithstanding.

Two Justices may authorize the conducting of Water along the Roads, &c.

XV. And be it enacted and declared, That in regard to the Highway and Bridge-money authorized to be levied by an Act of the Parliament of *Scotland*, made in the Second Parliament of King *Charles* the Second, 1669, intituled, "Act for repairing Highways and Bridges," and by the said last recited Act, the Collector of the Cels for the said County is hereby required to levy the Assessment of Thirty Shillings Scots on each One hundred Pounds Scots of valued Rent, along with the Cels of the said County, and to pay over One Half thereof collected within each District, to the respective District Collectors or Clerks, on Production by them of a Warrant signed by the Preses of the District, and on Receipt given by such respective Collectors or Clerks, and to pay the other Half of such Assessment in such Manner as shall be directed by Warrants issued by the General Meetings of Trustees; any Thing in the said last recited Act contained to the contrary notwithstanding.

Regulation of the Highway and Bridge-Money.

XVI. And whereas in the said last recited Act a Power is given to any Person or Persons who shall think himself, herself, or themselves aggrieved by any Proceedings to be had in the Execution of that Act, for which no particular Relief was thereby provided, to appeal therefrom to the Justices of the Peace of the said County, at their Quarter Sessions assembled; and it is enacted, that their Judgment shall in all Cases be final, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise; be it enacted and declared, that if the Subject of any such Appeal shall relate to the Alteration of the Course or Direction of any Part or Portion of the Highways in the said last recited Act mentioned, but not otherwise, it shall be lawful for any Person or Persons who shall think himself, herself, or themselves aggrieved by any Judgment of such Justices of the Peace at their Quarter Sessions assembled, to appeal therefrom, within One Month from the Date of such Judgment, but not afterwards, to any Court of Law competent; any Thing in the said last recited Act contained to the contrary notwithstanding.

Regulation of the Power of Appeal.

XVII. And be it enacted and declared, That in the Case of Objections made to the taking of Materials for making and repairing the Roads in the said first recited Act, or Highways in the said last recited Act mentioned, by the Owners or Occupiers of the Grounds in which such Materials are situated, such Objections shall be decided on by Two or more Justices of the Peace of the County of *Perth*: Provided always, that the Decision of such Justices shall be subject to Review by Appeal to the Justices of the Peace of the said County, at their Quarter Sessions assembled; and the Determination of such Justices in Quarter Sessions assembled shall be final and conclusive without being subject to Review by Advocation, Suspension, Reduction,

Regulation of the Manner of taking the materials.

or otherwise; any Thing in the said recited Acts, or either of them, contained to the contrary thereof notwithstanding.

Expences of
this Act how
to be paid.

XVIII. And be it enacted, That the Expences in preparing, procuring, and passing this Act, and all other Expences attending the same shall be paid One Half thereof by the Trustees in the said first recited Act appointed, and the other Half by an Assessment on all the Proprietors of Lands valued in the Cefs Books of the said County of *Pertb.*, agreeably to the respective valued Rents at which the said Lands stand rated in the Cefs and Valuation Books of the said County; and the said last mentioned Half of such Expences, shall be levied and collected by such Person or Persons as the Trustees in and by the said last mentioned Act appointed, shall direct.

Public Act.

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

Commence-
ment and
Continuance
of this Act.

XX. And be it enacted, That this Act shall commence from and after the passing of this Act; and the Regulations, Matters and Things therein contained, in so far as the same relate to the said first recited Act, shall continue during the Term of Twenty Years, and from thence to the End of the then next Session of Parliament.

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