



ANNO QUINQUAGESIMO OCTAVO

# GEORGI III. REGIS.

\*\*\*\*\*

## Cap. X.

An Act for making more effectual Provision for Payment of the Debt due by the Trustees for Turnpike Roads, in the County of *Peebles*, and for other Purposes connected therewith. [17th *March* 1818.]

**W**HEREAS by an Act passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for repairing and amending certain Roads in the County of Peebles, and for better regulating the Statute Labour within the same*, several former Acts respectively passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and in the Eleventh, Fifteenth, and Thirty-second Years of the Reign of His present Majesty, for making, amending, widening, repairing, and keeping in Repair certain Roads in the County of *Peebles*, and for regulating the Statute Labour within the same, were from and after the Time therein-mentioned, repealed; and certain Persons were appointed Trustees for surveying, ordering, making, amending, widening, repairing, and keeping in Repair, the several Roads in the said County of *Peebles* in the said Act mentioned, and for levying and applying the Conversions for Statute Labour within the said County: And whereas the Trustees by the said several Acts appointed for the Purpose of making, amending, repairing, and keeping in Repair the Turnpike Roads in the said Acts mentioned, borrowed various Sums of Money, and by the Application thereof the said County has been provided with good and convenient Roads to the great and general Benefit of the same: And whereas the said Sums of Money were borrowed upon the Personal Security of certain of the said Trustees, upon the Expectation

[*Local.*]

3 G

that



Trustees may make a Resolution, requiring the Commissioners of Supply to make an Assessment.

that the Produce of the Tolls by the said Acts granted, would be sufficient to defray the Expence of repairing and keeping in Repair the said Roads, to pay the Interest of the Money borrowed, and to produce a Sinking Fund for the gradual Payment of the Sums borrowed; but the Produce of the Tolls has been found to be altogether insufficient to effect these Purposes; and it is expedient that Provision should be made for the gradual Payment of the Debts so contracted as aforesaid, or so much thereof as it may be judged necessary to pay off; but as these Purposes cannot be effected without the Aid and 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 it shall and may be lawful to the said Trustees in and by the said recited Act appointed, or any Three or more of them assembled at any General or Adjourned Meeting to be held after the passing of this Act, (Notice of the Time and Place of holding such General or Adjourned Meeting and of the Purpose thereof being first duly given in Terms of the Directions in the said recited Act contained for calling Special, General, or Adjourned Meetings of the said Trustees,) to make a Resolution requiring the Commissioners of Supply of the said County to make an Annual Assessment for levying a certain Sum of Money to be paid by each and every Proprietor or Liferenter of Land enjoying the *dominium utile* thereof lying in the said County of *Peebles*, to be applied in Manner hereinafter mentioned, and Notice of the Resolution so made at such Meeting shall be forthwith communicated by the Preses of the Meeting, or the Clerk of the said Trustees to the Convener of the Commissioners of Supply of the said County, or in case of his Absence from the County, to the Clerk of the said Commissioners.

Commissioners of Supply to make an Assessment accordingly.

II. And be it enacted, That as soon as conveniently may be, after such Notice shall be received by such Convener or Clerk, (as the Case may be,) such Convener or Clerk shall in the usual Form summon a General Meeting of the Commissioners of Supply of the said County, to be held at *Peebles*, at some convenient Time thereafter; and at the Meeting to be held in consequence of such Summons, the said Commissioners of Supply shall make an Assessment upon each and every Proprietor or Liferenter of Land enjoying the *dominium utile* thereof lying in the said County of *Peebles*, to be paid rateably and proportionally, according to the Amount of his or her valued Rent for the Year One thousand eight hundred and eighteen, and in every Year thereafter during the Subsistence of this Act, or till a subsequent Resolution made by the said Trustees for suspending or interrupting the Operation of any such Assessment, or for rescinding, altering, or modifying any former Resolution in regard to the same, the said Commissioners of Supply shall make a similar Assessment at their Annual Meeting for assessing the Land Tax in the said County: Provided always, that no Assessment required by the said Trustees to be made, or to be made by the said Commissioners of Supply as aforesaid, in relation to the valued Rent of any such Proprietor or Liferenter as aforesaid, shall in any One Year exceed the Sum of Sixpence Sterling in the Pound Scots, of his or her valued Rent.

III. And



III. And be it enacted, That it shall not be lawful to make any such Assessments beyond what may be necessary for the Purpose of paying off the capital Sums of Debt now due and owing, contracted as aforesaid for making, amending, repairing, and keeping in Repair the said Roads, and not exceeding in the Whole the Sum of Nineteen thousand Pounds Sterling; and in case at any Time after the Year One thousand eight hundred and twenty-four, and before the Whole of the said capital Sums of Debt shall be paid off and discharged, it shall appear to be expedient to suspend or interrupt the Operation of the said Assessment either in Whole or in Part, it shall be in the Power of the said Trustees to make a Resolution to that Effect at any General Meeting to be called for the Purpose of considering the same by the Clerk to the said Trustees, when thereto required by any Three Trustees by a Writing under their Hands, Notice of the Time and Place, and of the Purposes of such Meeting being first duly given in Terms of the Directions in the said recited Act contained for calling Special or Adjourned Meetings of the said Trustees; and such Resolution made at any such Meeting shall remain in force until the same shall be rescinded, altered, or modified by any Resolution to be made at any General Meeting of the said Trustees in any subsequent Year, during the Subsistence of this Act, to be called in the Manner and after such Notice as aforesaid; and every such Resolution of the said Trustees, whether to suspend or interrupt the Operation of the said Assessment, or to rescind, alter, or modify any former Resolution in regard to the same, shall be communicated by the Clerk of the said Trustees to the said Commissioners of Supply at their Annual Meeting for assessing the Land Tax next ensuing after the Meeting of Trustees at which such Resolutions shall have been made, and the said Commissioners shall on the same being so communicated to them proceed in Manner as before directed in Conformity thereto.

Regulations  
in regard to  
such Assess-  
ment.

IV. Provided always, and be it enacted, That it shall be lawful to and in the Power of every Person liable to be assessed as aforesaid, to make an Option to have such Assessment imposed according to the gross real Rent of his or her Lands, or any Part thereof, if he or she shall see fit, instead of the same being imposed upon the valued Rent thereof, and in pursuance of such Option, whensoever and so often as may be judged expedient, to make his or her Requisition in Writing, requiring the said Trustees at any General Meeting of such Trustees to take Proof of the gross real Rent of any Lands of the *dominium utile* of which he or she is or shall be in the Possession and Enjoyment, being liable to Assessment in Terms of this Act, and thereupon to declare that the said Lands shall be assessed, not according to their valued Rent, but at the Rate of Eight-pence Sterling for each Pound Sterling of such gross real Rent, if the general Assessment shall be at the Rate of Sixpence Sterling in the Pound Scots of valued Rent, and so in Proportion for a smaller Rate of General Assessment.

Persons liable  
to be assessed,  
may declare  
their Option  
to be assessed  
according to  
their gross  
real Rent.

V. And be it enacted, That the said Trustees on such Requisition being made to them shall be, and they are hereby authorized and required either immediately to take such Proof as aforesaid themselves, or to appoint a Committee of their Number to take the same without Delay, and for this Effect the said Trustees or their Committee shall and may examine Witnesses upon Oath, (which Oath they are hereby

Proceedings  
to be had  
thereon, by  
the Trustees.



hereby authorized and empowered to administer,) or take other legal Evidence in the Premises, and shall thereafter grant a Certificate or Certificates under the Signature of the Preses of the Meeting of Trustees or their Committee, as the Case may be, affixed to the Requisition so made as aforesaid, stating the Amount of the gross real Rent of the Lands therein referred to, as so proved; and upon Production of such Requisition and Certificate to the Commissioners of Supply, they shall thereafter make the Assessment upon the said Lands accordingly, at the Rate aforesaid, upon the gross real Rent of the same as so certified, until either a new Certificate under such Signature as aforesaid, stating an Alteration in the Amount of the gross real Rent of the said Lands shall be produced to the said Commissioners, or Notice shall be given in Writing to such Commissioners at any of their General Meetings, that the Party by whom, or on whose Behalf such Notice shall be given, being the Proprietor or Liferenter as aforesaid, of the said Lands, is desirous to have the same thereafter included in the General Assessment upon the valued Rent.

Amount of valued Rent how to be ascertained in case of Persons declaring such Option.

VI. And be it further enacted, That in every such Requisition declaring the Option of any Person to have such Assessment imposed on the gross real Rent of any Lands, the Party making the same shall set forth the Amount of the valued Rent of such Lands, and shall produce the proper Evidence thereof; in case the same be already separately valued in the Cests Book or Valuation Roll of the County; and in case the same be not so separately valued, the Party making the Requisition shall produce with such Requisition as aforesaid, a regular and formal Application to the Commissioners of Supply for the Division of the valued Rent of such Lands from the Remainder of any *cumulo* Sum of valued Rent of which the same may form a Part, and shall also be bound to proceed in obtaining such Division with all reasonable Dispatch; and it shall not be lawful to the said Trustees or their Committee, to grant a Certificate as aforesaid, of the Amount of the gross real Rent of any Lands until the separate valued Rent of the same shall be duly ascertained.

Trustees and Commissioners of Supply to hold Meetings for taking Proofs, &c.

VII. And be it further enacted, That it shall and may be lawful to the said Trustees, and also to the said Commissioners of Supply and their Committees respectively, to hold adjourned Meetings as often as may be necessary for taking Proof and determining upon the Matters set forth in any such Requisition or Requisitions, or in any Application for Division of valued Rent therewith produced, and that without the Necessity of any previous Notice or Advertisement of such adjourned Meetings, so that the said Matters may be proceeded in and brought to a Conclusion with the least possible Delay.

The Lands to be assessed according to the gross Rent, to be excepted from the general Assessment.

VIII. And be it further enacted, That in case any such Requisition or Requisitions shall be duly made at any General Meeting of Trustees at which they shall make a Resolution requiring the Commissioners of Supply to make a general Assessment as aforesaid, the said Trustees shall at the same Time specify the Lands contained in any such Requisition or Requisitions, so that the said Commissioners may except, and they are hereby directed in such Case to except for the Time out of such general Assessment the said Lands so to be specified, and in that Case the said

Com.



Commissioners shall, upon the Expiration of One Calendar Month, after the Time of making such general Assessment, and within One Week thereafter at farthest, hold another General Meeting for the Purpose of receiving from the said Trustees the Certificate or Certificates of the gross real Rent of such Lands; and if the gross real Rent of any of the said Lands shall not be then duly certified to the said Commissioners as aforesaid, they shall make an Assessment with regard to such Lands upon the valued Rent in the meantime, reserving to the Party or Parties from whom the same shall be exacted, Relief out of the Assessments to be imposed in subsequent Years, in so far as such interim Assessment or Assessments may thereafter be proved to have exceeded the just Amount in Terms of the Provisions of this Act.

IX. And be it further enacted, That in case any Lands belonging to different Proprietors or Liferenters, shall at the Time of levying any Assessment under the Authority of this Act, stand valued in the Cess Books of the said County in One *cumulo* Sum, the Assessments to be imposed on such Lands shall be leviable and recoverable from such Proprietors and Liferenters, conjunctly and severally, until the valued Rents of the several Parcels shall be duly separated and disjoined, reserving always to them their mutual Claims of Relief according to Law.

Where Lands belonging to different Proprietors are valued in One *cumulo* Sum.

X. And be it enacted, That it shall and may be competent to any One or more of the said Trustees, at any General Meeting of such Trustees, if he or they shall see fit, to require that a new Proof should be taken of the gross real Rent of any such Lands standing for the Time assessed in respect of the real Rent, with the View of shewing that the same exceeds the Amount at which they are rated, as then liable in Assessment: Provided always, that such Trustee or Trustees shall give Notice in Writing to the Party concerned; or in case of Absence from *Scotland*, to his, her, or their known Agent, at least Fourteen Days before such Meeting, of the Intention to make such Requisition thereat, and shall produce a Copy of such Notice to the Meeting, with a Certificate of the due Delivery thereof; and on such Requisition being so intimated, the said Trustees, or their Committee or Committees, shall take and receive Proof in relation thereto, and shall certify the Result to the Commissioners of Supply; in Manner as before directed, in Cases of Proof taken as aforesaid, and the said Commissioners of Supply shall thereafter make the Assessment in conformity to the gross real Rent of the Lands, as so last certified to them.

Trustees may require a new Proof to be led, as to the gross real Rent.

XI. And be it enacted, That the said Trustees shall and may from Time to Time as shall be necessary, appoint a sufficient Person to be their Treasurer, for the Purposes of this Act, (such Treasurer always granting Security for the faithful Administration of his Office,) and every such Assessment as aforesaid, shall be paid to such Treasurer, and shall be applied in such Form and Manner, and under such Superintendance as hereinafter directed to the Purpose of paying off the capital Sums of Debts now due and owing, contracted as aforesaid, for making, amending, repairing, and keeping in Repair the said Roads, and to no other Purpose whatsoever, and the same shall be payable and be paid on the Fifteenth Day of *May*, in each Year, or within Three Days thereafter; and the said Treasurer shall give Attendance at an Office or Place in *Peebles*

Trustees to appoint a Treasurer.

[Local.]

3 H

upon



upon the said Three Days in each Year (being lawful Days) from Twelve of the Clock Noon, till Two of the Clock Afternoon, for the Purpose of receiving the same, Intimation thereof being publicly given by the Treasurer, at the Meeting of the Commissioners of Supply in each Year, in assessing the Land Tax; and in case of Failure in Payment on one or other of the said Days, the Sums payable shall bear legal Interest from the said Fifteenth Day of *May*, in each Year, till paid, and in case of Failure, to make such Payment within One Calendar Month after the said Fifteenth Day of *May*, the Defaulter or Defaulters shall be farther liable to pay One-twentieth Part more in Name of Penalty, besides the full Costs which may be incurred in prosecuting for and recovering the same; and the said Penalty shall be paid and levied in every Case without Modification, and shall, together with the Interest, when recovered, be applied for the Purposes of this Act; and such and the like Remedies and Powers are hereby given for the levying and recovering of every such Assessment, as well as of the said Penalties and Interest, with such Costs, which are given or may be applied and enforced for the levying and recovering of the Land Tax, payable to His Majesty, his Heirs and Successors; or in the Option of the said Trustees, or of their Committee hereinafter directed to be appointed, the same may be levied and recovered by means of a Suit or Action, to be raised and insisted on by the Treasurer before the Court of Session, or Judge Ordinary of the Bounds.

Clerk restrained from acting as Treasurer, and *vice versa*.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act, and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act and this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Act and this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of the said Act and this Act, or if any Person being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said Act and this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any Court competent within *Scotland*.

Assessments not to be liable to Review except by Process of Reduction.

XIII. And be it enacted, That the Assessments made under the Authority of this Act shall not be liable to Review or Question in the Form of Suspension or Advocation, but only by Process of Reduction; and all necessary Execution shall in the meantime be allowed to proceed for Recovery of the Sums assessed in the Manner before-mentioned, reserving nevertheless to the Party or Parties complaining all Claims of Relief or Repetition as Accords, in case of the said Assessment or Assessments being in due Course of Law reduced and set aside in Whole, or in Part.

Treasurer to pay Monies received into a Banking Company.

XIV. And be it enacted, That the said Treasurer shall from Time to Time pay all Sums of Money received by him pursuant to this Act, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the British Linen Company of *Scotland*, or some Branch of one or other

other of the said Banks, as the said Trustees shall direct, upon an Account to be opened for the Purposes of this Assessment, at such Rate of Interest as shall be allowed by such Banks respectively, which Interest shall be applied along with the Sums so collected and paid in for the Purposes of this Act; and if the said Treasurer shall at any Time keep in his Hands, for the Space of more than Fourteen Days, a larger Sum than Fifty Pounds Sterling of Money received by him pursuant to this Act, or shall draw from the said Banks or Branches thereof respectively the Sums paid in upon the said Account, or any Part of the same, without the Special Authority in Writing to such Effect of the Committee hereinafter directed to be appointed, or shall fail to render to the said Committee a full and true Account of his Receipts and Payments in pursuance of this Act, when thereto required, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds Sterling, besides the Interest which might have been received if the Money had been duly deposited in Terms of this Act, to be recovered with Expences of Process by Way of summary Complaint at the Instance of any One or more Trustee or Trustees before the Sheriff Depute or Substitute, or any Two or more of His Majesty's Justices of the Peace of the said County; which Penalty and Interest shall be applied when recovered for the Purposes of this Act.

XV. Provided always, That such Treasurer may retain for his own Use, out of the Monies to be received as aforesaid, such Allowance for his Trouble in collecting, paying in, and applying the said Monies under the Directions of the said Committee as the said Trustees, or the said Committee by Authority from them, shall fix and appoint, not exceeding Sixpence in the Pound of the Sums collected.

May retain an Allowance for his Trouble.

XVI. And be it enacted, That the said Trustees shall, at the said First General Meeting to be held after the passing of this Act, name and appoint a Committee for the Purposes of this Act, consisting of any Three or more of their Number, and it shall be lawful to them, at any of their General stated Meetings, to alter such Nomination and Appointment in Whole or in Part, but so as to keep up a permanent Committee, consisting of Three or more of their Number, which Committee shall hold such and so many Meetings as they may think proper, the major Part of those named being a Quorum; and such Committee shall hold Two stated Annual Meetings at *Peebles*, whereof the One shall be on the Third *Saturday* in *April*, and the other on the Third *Saturday* in *September*, in each Year, at Twelve of the Clock, Noon, of both Days.

Trustees may appoint a Committee for the Purposes of this Act.

XVII. And be it enacted, That the said Committee shall at each of the said Half-Yearly Meetings, require and receive from the Treasurer aforesaid, a Statement of the Balance at the Time (exclusive of Interest after the latest Settlement of the Account) remaining in the Hands of the said Banks or Branches thereof respectively, on the Account aforesaid; and of any Sums not at the Time collected, but due and payable to him in pursuance of this Act, and shall then, and at all other Meetings to be held by them, give such Directions to the said Treasurer as they may think fit; and particularly shall, when and so often as they may find it proper and convenient, direct him to draw out from

Powers of such Committee in the Payment of Debts, &c.



from the said Banks, or Branches thereof respectively, such Sum and Sums of Money as may be necessary for paying off any Portion of the Capital Sums of the Debts contracted as aforesaid, which may be selected by them to be paid off, and to apply the same in Payment thereof accordingly; and the said Committee shall be bound at all Times to make the Selection of the Debts to be so paid off and discharged in such Way and Manner that the gradual Diminution of the Debts owing by and on account of the Two Districts into which the Turnpike Roads of the said County have been divided, shall be made as nearly as can conveniently be accomplished, in proportion to the Amount of the Debts now due, and owing by such Districts respectively; and at the Meeting on the Third *Saturday* of *September* in each Year, such Committee shall settle an Account with their Treasurer, after due Examination of the Vouchers of the same, and shall ascertain the Balance due on such Account, by a Docket to be annexed thereto, and signed by the Preses of such Committee.

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

XVIII. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their said Treasurer for the Time being; in which Book or Books such Treasurer shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended under the Authority of this Act, and of all Articles, Matters, and Things, for which the same shall have been so expended; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the said Roads, or any Person or Persons liable in the Payment of Assessments under the Authority of this Act, without Fee or Reward; and the said Trustees, Creditors, or Person or Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Treasurer shall refuse to permit the said Trustees, or Creditors, or Person or Persons aforesaid, to inspect the same, or take such Copies or Extracts as aforesaid, such Treasurer shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered as hereinbefore mentioned.

Minutes of Proceedings to be kept.

XIX. And be it enacted, That the said Committee shall keep regular Minutes of the Proceedings at all their Meetings, which shall be entered in a Book or Books to be kept for that Purpose, by the Clerk of the said Trustees; and the Minutes of each Meeting shall be subscribed by the Preses of the same, and a Copy of every Account settled with the Treasurer, and of the Docket thereto annexed, shall be engrossed in such Book or Books, which Book or Books shall be at all Times open for Inspection without Fee or Reward, to all or any of the said Trustees when required; and shall be exhibited to all the General stated Meetings of the Trustees; and at each and every such Meeting all the Entries made in such Book or Books since the Date of the preceding Meeting shall be read and considered by the Trustees present, who may give, from Time to Time, such Directions thereupon as they may think fit, provided such Directions be consistent with the Enactments and Provisions of this Act and with the Law of *Scotland*.

XX. And



XX. And be it enacted, That the Power of borrowing Money on the Credit of the Tolls leviabie at any of the Turnpike Gates in the said County, granted to the said Trustees by the said recited Act, shall from and after the passing of this Act, cease and determine, except in so far as may be necessary for the Purpose of paying off and discharging any Part of the Capital Sums of Debt now due and owing, contracted as aforesaid, of which the Payment may be required before the Funds for that Purpose to be provided in pursuance of this Act shall be ready and forthcoming.

Power of borrowing Money under former Act to cease.

XXI. Provided nevertheless, and be it enacted, That if at any Time during the Subsistence of the said recited Act, it shall appear to be adviseable to alter the Line and Direction of any of the Roads therein-mentioned, or to cause the Course of Rivers or Waters to be altered in Manner authorized by the said Act, it shall be lawful to the said Trustees, in case of their giving their Sanction and Approbation to any such Alteration or Alterations as aforesaid, at any General Meeting to be specially summoned for the Purpose of considering the same by due Advertisement, given in Terms of the said recited Act for calling special General Meetings of Trustees, but not otherwise, to assign and make over to the Person or Persons advancing the Monies required for the Execution of such Alteration or Alterations any Part of the Tolls or Duties which may be exigible at any Turnpike or Turnpikes to be hereafter erected in pursuance of the Powers by the said Act granted in relation to the same, and that for such Period as they may think fit, but such Assignment shall only be made in Security of Re-payment of the Monies so to be advanced, with the legal Interest thereof, reserving always such Portion of the said Tolls or Duties as may be deemed necessary for defraying any additional Expence to be incurred in keeping the Roads in Repair which may arise from such Alteration or Alterations.

In case of Alterations of Roads, &c. Tolls may be assessed.

XXII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course of any Part or Parts of the said Roads, or the Line or Course pointed out for the same in the said recited Act, to deviate more than One hundred Yards from such Line or Course of the said Roads respectively, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being, of the Lands or Grounds which may be affected by any such Diversion or Alteration.

In altering the Course of the present Roads Trustees not to deviate more than 100 Yards.

XXIII. And be it enacted, That every Proprietor of an Entailed Estate within the said County, who shall pay Assessments under this Act, shall be a Creditor to the succeeding Heirs of Entail in Manner after-mentioned, for Three-fourth Parts of the Money so to be paid as appearing from the Books of the Proceedings of the Trustees under this Act, and from the Receipts of their Treasurer as aforesaid.

Proprietors of Entailed Estates to have Relief.

XXIV. And be it enacted, That the Person or Persons having Right to the Claim arising from Money so to be paid as aforesaid, by the Proprietor of an Entailed Estate in discharge of Assessments under this Act may, after the Expiration of One Year from the Death of such Proprietor, require the

Payment to be made to their Representatives.

[Local.]

3 I

Heirs



Heirs succeeding to such Estate to repay the said Three-fourth Parts of the Money so paid, with the legal Interest thereof, from the Term at which the succeeding Heir's Right to the Rents of the Estate shall commence, upon receiving a proper Assignment and Conveyance of the said Claim, and if the Money so due be not paid within Three Months after such Requisition, it shall be lawful for the Person or Persons having Right thereto, to sue the said Heirs in the Manner directed for the Recovery of Money expended in the Improvement of Entailed Estates, by an Act passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments, in that Part of Great Britain called Scotland, held under Settlements of strict Entail.*

Rules for Relief among Heirs of Entail.

XXV. And be it enacted, That the same Rules of Relief among succeeding Heirs of Entail, and their Heirs and Successors, of the Claims of Debt and of Preference in Competition for Rents, and in subjecting Defenders to the Payment of Costs, shall take place with regard to Monies expended by Proprietors of Entailed Estates in Payment of Assessments under this Act, as are enacted by the said Act passed in the Tenth Year of the Reign of His present Majesty, with respect to Monies expended by Proprietors of Entailed Estates, in making Improvements upon their Estates for encreasing the Rents and Value thereof.

For preventing Injury to Ditches, &c.

XXVI. And whereas the Ditches, Drains, and Water-Tables at the Sides of the said Roads are occasionally injured by the Treading of Cattle and Horses pasturing on unenclosed Grounds adjacent thereto; be it enacted by the Authority aforesaid, That the Occupier or Occupiers of such Grounds in all Cases in which the Cattle or Horses pasturing thereon, are for the Time herded or watched for the Care and Preservation either of the Animals or of any adjacent Fields under Culture, shall be bound to provide by the same Herding or Watching for the Safety of the said Ditches, Drains, and Water-Tables, and shall be bound to repair any Injury done to the same, by such Cattle or Horses, through the Neglect of the Person or Persons employed by him, her, or them in such Herding or Watching; and on Failure to make such Repairs within Ten Days after being thereto required, the same shall and may be made at his, her, or their Expence by the said Trustees, who shall be entitled to recover the Sums expended in making the same with full Costs, to be levied by Distress and Sale in Manner directed for the Recovery of any other Costs, Charges, and Expences by the said recited Act.

Trustees may sue and be sued in the Name of their Treasurer.

XXVII. And be it further enacted, That the said Trustees may sue or be sued for or concerning any Thing arising under, or to be done by virtue or in pursuance of this Act, in the Name of their said Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name of their Treasurer, shall abate or be discontinued by the Death or Removal of any such Treasurer, nor by the Act of such Treasurer, without the Consent of the said Trustees, or any Three or more of them; but that the Treasurer for the Time being to the said Trustees shall be deemed to be Pursuer or Defender (as the Case may be) in every such Action or Suit: Provided always, that every such Treasurer, in whose Name any  
Action



Action or Suit shall be commenced, prosecuted, or defended as aforesaid, shall be fully reimbursed and paid out of the first Money to arise by virtue of the said recited Act or this Act, after such Action or Suit shall be commenced or discontinued, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action, Suit, or Proceeding, he shall bear, pay, expend, or be put unto, or become chargeable with, by reason of his being so made Pursuer or Defender as aforesaid.

XXVIII. And be it further enacted, That the whole Expences in advertising for, preparing, procuring, and passing this Act, and all other Expences attending the same, to be ascertained at the said First General Meeting of Trustees, or at any subsequent Meeting to be held under the Authority of this Act, shall be paid by an Assessment to be made on all the Proprietors and Liferenters of Lands enjoying the *dominium utile* thereof, lying in the said County rateably and proportionally in such and the same Manner as the First Assessment under this Act shall be made and apportioned among them; and the said Expences shall be levied by the said Treasurer, together with the said First Assessment, and applied in Payment to those to whom the same shall be due, without any separate or additional Charge for the Collection or Application thereof.

Expences of the Act, how to be defrayed.

XXIX. And be it enacted, That the whole Powers, Authorities, Provisions, Clauses, Matters, and Things, of and in the said recited Act of the Forty-ninth Year of the Reign of His present Majesty, shall continue in force, in so far as not altered by this Act.

Former Act to be continued where not altered.

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

Public Act.

XXXI. And be it also enacted, That this Act shall commence from the passing thereof, and that the Power of making Assessments in virtue thereof shall remain in full Force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Its Commencement and Endurance.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the KING's most Excellent Majesty. 1818.



