



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. lxxvii.

An Act for further regulating the Statute Labour,
and repairing the Highways and Bridges, in the
County of *Peebles*. [29th *May* 1830.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and amending certain Roads in the County of Peebles, and for better regulating the Statute Labour within the same*: And whereas it is expedient that the said Act, so far as it relates to the Regulation of the Statute Labour within the said County of *Peebles*, should be repealed, and that the regulating of the Statute Labour of the said County should be amended, and consolidated into One separate Act: But as these Purposes cannot be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 from and after the First General Meeting of Trustees to be held under the Authority of this Act, so much of the said recited Act as relates to the Statute Labour of the said County of *Peebles* shall be and the same is thenceforth hereby repealed, and instead thereof this Act shall then commence and be put into execution: Provided nevertheless, that all Sums duly assessed

49 G. 3. c. 36.

So much of recited Act as relates to Statute Labour, repealed.

[*Local.*] 26 R by

by virtue of the said Act before such Meeting shall be recoverable under Authority of the same, any thing in this Act to the contrary notwithstanding.

Trustees.

II. And be it further enacted, That all and every Person who is now or shall be at any Time, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment of the Fee or Life-rent of the *Dominium utile* of Lands lying in the said County of *Peebles* valued in the Tax Rolls of the said County to the Extent of One hundred Pounds *Scots* of valued Rent, or of the clear Value of One hundred Pounds Sterling *per Annum*, and all and every the eldest Sons of such Proprietors as shall be in the actual Possession and Enjoyment of the *Dominium utile* of Lands in the said County to the Extent of Two hundred Pounds *Scots* of valued Rent, or of the clear Value of Two hundred Pounds Sterling *per Annum*, and the Sheriff Depute of the County of *Peebles*, and the Provost or Chief Magistrate of the Royal Burgh of *Peebles*, both for the Time being, shall be and they are hereby nominated and appointed Trustees for ordering and superintending the making and repairing and keeping in repair, or causing to be surveyed, altered, and repaired, the Highways, Roads, and Bridges within the County of *Peebles*, other than and besides the Roads in the said County on which Turnpikes are or shall be erected and Tolls taken, and for levying and applying the Assessment herein-after allowed to be imposed and levied, and for carrying into execution the whole Powers given by any General Law, or by this Act, relative to such Roads and Bridges within the said County: Provided always, that if any Person not qualified as aforesaid shall notwithstanding presume to act as a Trustee as aforesaid, every such Person shall for every such acting forfeit the Sum of Twenty Pounds Sterling, besides the Expences of Prosecution, to be recovered by Complaint in a summary Way, at the Suit of any Heritor within the said County, before the Sheriff Depute of the County of *Peebles* or his Substitute, or before the Justices of the Peace at their Quarter Sessions; which Penalty shall be paid to the Trustees aforesaid, or their Clerk, to be applied by them for the Purposes of this Act; and in case of such Complaint, the Burden of Proof of the Qualification shall be upon the Person complained of.

Penalty on acting if not qualified.

First and other Meetings of Trustees.

III. And be it further enacted, That the said Trustees or any Three or more of them shall, in order to put this Act into execution, meet within the Town House of *Peebles* upon the Third *Tuesday* after the passing of this Act, at Noon, and shall thereafter hold Two Stated General Meetings at *Peebles* in each Year, one upon the Day on which the Commissioners of Supply shall meet for assessing the Land Tax, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the County, with Power to adjourn, and name a Preses, and also a Clerk, with a suitable Salary for his Trouble, who shall keep a regular Record of their Proceedings, and when required shall give out Extracts of the Orders or Proceedings of the Trustees, containing Warrants for putting their Orders into execution; and the said Trustees may also appoint Treasurers and such other Officers as they shall

shall see fit, and remove them at Pleasure ; and at all General Meetings of the said Trustees Three shall be a Quorum, and if a Quorum shall not attend, any One or more Trustees attending shall have Power to adjourn ; and at all Meetings of the said Trustees, in case of Equality, the Preses shall have both a deliberative and a casting Vote ; and no Determination of any of the said Annual Stated Meetings, or the Rules and Regulations established by them, shall be annulled or altered except at a Meeting called and advertised for that special Purpose ; and at all Meetings the said Trustees shall defray their own Expences.

Quorum of Trustees.

Determination of Annual Meeting not to be altered till a Special Meeting.

IV. And be it further enacted, That the Clerk of the said Trustees, when directed by Two or more Trustees, or any Two or more Trustees in case of his Absence or Refusal, shall and may call a General Meeting by Advertisement in any Newspaper published at *Edinburgh*, Ten Days before such Meeting, signifying the Purpose of the same.

Clerk to call Meetings.

V. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said recited Act hereby repealed, in regard to Statute Labour, according to the Provisions and Directions thereof, shall, notwithstanding such Repeal as aforesaid, remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed ; and all Contracts, Agreements, Bonds, Assignments, and Securities duly made and entered into by the Trustees for executing the said Act, in regard to Statute Labour, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them, according to the Terms, Stipulations, and Tenor thereof respectively.

Covenants and Agreements under former Acts to continue in force.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the said Trustees for executing the said recited Act hereby repealed, and thereby made Evidence, so far as regards Statute Labour, and this present Act, shall and may be given in Evidence in all Cases of Appeal, and all Prosecutions, Suits, and Actions whatsoever.

Books, &c. to be given in Evidence.

VII. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers (excepting the Treasurer or Treasurers) who have been appointed, in regard to Statute Labour, under and employed in the Execution of the said Act hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the said Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects whatsoever, as if they had been appointed under and by virtue of this Act, without Prejudice nevertheless to the Re-election of the said Treasurer or Treasurers under the Powers of this Act ; and no Person acting in or holding any official Situation under the said Trustees shall directly or indirectly have or hold any Share or Interest in any Contract to be entered into in the Execution of this Act,

Former Officers (except Treasurers) to continue.

Act, under the Penalty of One hundred Pounds, to be levied and applied as the other Penalties hereby imposed are directed to be levied and applied; and it shall be in the Option of the said Trustees, and competent to them, to render such Contract null and void.

Treasurer
and Clerk
not to be the
same Person.

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

Proceedings
to be entered
in a Book,
and be good
Evidence.

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

Accounts to
be kept of
Receipts and
Disburse-
ments, which

X. 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 Clerk for the Time being, in
which

which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of the said Roads, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all the Meetings of the said Trustees be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Conversion Money hereby authorized to be levied, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and 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 Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

shall be open to the Inspection of the Trustees and Creditors.

XI. And be it further enacted, That all such Officers and Persons so to be chosen and appointed as aforesaid shall, from Time to Time when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts, in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Trustees, and such Justices are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers,

Officers to account.

Proceedings against them in case of Neglect.

Person or Persons, such Justices may and they are hereby authorized and required upon Nonpayment thereof, by Warrant or Warrants under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justices, unless for some sufficient Excuse alleged, at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County, Town, or Place where such Offender shall be or reside, there to remain until he or they shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded or agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, and which Composition the said Trustees are hereby empowered to make, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Composition
in lieu of
Statute La-
bour.

XII. And be it enacted, That all Occupiers of Land, whether Owners, Liferenters, or Tenants, shall be liable to furnish, as Statute Labour, annually Six Days Labour of a Man, with a Horse and Cart, for each One hundred Pounds Scots of valued Rent, or, in the Option of the said Trustees, to pay yearly a Composition in Money for the Lands occupied by them respectively, according to the valued Rent of such Lands, the Conversion for each One hundred Pounds Scots of valued Rent being the Value of Six Days Labour of One Man, with a Horse and Cart, and so in proportion for a higher or lower Valuation, and which Conversion shall be ascertained in manner after mentioned.

Rates pay-
able by
Carters, &c.

XIII. And be it enacted, That all Carters, Carriers, and other Persons having Places of Residence within the County of Peebles, and keeping Horses for Hire, or for carrying on their Trades and Occupations, or for Pleasure, whether constantly or occasionally, shall be liable to furnish annually One Day's Labour of a Man, with a Horse and Cart, or, in the Option of the said Trustees, instead of performing Statute Labour, shall pay a Composition or Conversion in Money not exceeding the Value of such Labour; and all Cottagers, Labourers, not being Servants hired by the Year, Colliers, Miners, Mechanics,

Mechanics, Tradesmen, and Workmen at any Manufacture within the said County, being Householders of the Age of Twenty-one Years complete and upwards, and not liable as aforesaid as Occupiers of Land or Keepers of Horses, shall be liable for Four Days Labour of One Man annually, or, in the Option of the said Trustees, to pay a Conversion in Money equal to the Value of such Labour; all such Conversions to be ascertained in manner hereinafter mentioned: Pro-

No Person to be double rated.

XIV. 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 the Conversion thereof, in respect of their Manses and Glebes in their natural Possession, or Parish Schoolmasters in respect of their School-houses, Dwelling Houses, or Lands thereto belonging.

Clergymen and Schoolmasters not liable for their Manses, &c.

XV. And be it further enacted, That it shall be lawful for the said Trustees, at their First or any subsequent General Meeting, or at any Adjournment thereof, and they are hereby authorized and required, to nominate and appoint One or more Assessors for each Village or Parish within the County, as they shall think fit; and such Assessors shall return to the Clerk of the said Trustees, and within such Time as the said Trustees shall direct, a full and correct List of all Lands which are not valued in the Cess Books of the said County, with the Names of the Owners and Occupiers thereof respectively, as also of all Houses which have no cultivated or profitable Land belonging to the same, the yearly Rent whereof may amount to Twenty Shillings or upwards, with the Names of the Occupiers thereof, together with a just and full Account of the Rent of such Lands and Houses when the same are occupied by Tenants, or the annual Value thereof to the best of their Judgment when they are occupied by the Proprietors, or when the Rent payable by the Tenant cannot be discovered; and also a List of all Persons keeping Horses as aforesaid, with a just and full Account of the Number of Horses kept by each Person, as well as of the Men employed with such Horses; and likewise a List of the Cottagers, Workmen, Manufacturers, and others above described, who are not liable as Occupiers of Land or Keepers of Horses, and that within the respective Villages or Parishes for which they are appointed to act as Assessors; and if any Person or Persons shall think himself, herself, or themselves aggrieved by such Return, it shall be competent for him, her, or them to complain to a General Meeting of Trustees, who are hereby empowered and required to hear and finally to determine upon the Matter of such Complaint; and such Assessors shall be allowed a reasonable Gratification for their Trouble.

Trustees to appoint Assessors in Parishes, &c.

XVI. Pro-

Trustees to
appoint
Collectors of
Conversion
Money.

XVI. Provided always, and be it enacted, That the said Trustees at their General Meetings assembled shall and may appoint Collectors or Cashiers for receiving and paying away the said Conversion of the Statute Labour, to whom the whole Conversions by this Act granted and made payable shall be paid, by the several Persons liable in Payment of the same in manner before mentioned; and every Collector or Cashier so to be appointed by the said Trustees shall enter all his Receipts and Payments regularly in a Book or Books to be kept for that Purpose; and the said Trustees may remove all or any of such Collectors or Cashiers, and may appoint other or others in his or their Stead, as often as they shall think proper; and all such Collectors or Cashiers so to be appointed as aforesaid shall find Security, to the Satisfaction of the said Trustees, to account annually, or as often as they shall be required, for all the Money received by them, and to pay the Balance or Balances in their Hands to the said Trustees or to their Order, when demanded, they being always allowed a suitable Gratification for their Trouble, not exceeding Five Pounds *per Centum* of the Sums which they shall collect and receive.

Owners, &c.
to pay Con-
version to
Collectors.

XVII. And be it enacted, That the respective Owners and Liferenters of Lands in the said County shall in the first instance make Payment of the said Composition chargeable on their whole respective Properties in the said County to the Collector or Collectors from Time to Time appointed by the said Trustees, as before mentioned, and that by Two half-yearly Moieties upon the Twenty-fifth Day of *March* and Twenty-ninth Day of *September*, beginning the first half-yearly Payment thereof on the Twenty-fifth Day of *March* One thousand eight hundred and thirty-one; and, when so paid, such Owners and Liferenters shall be entitled to Repayment and Relief, from their respective Tenants, of a Proportion of the said Composition corresponding to the Proportion that the real Rent or annual Value of the Lands occupied by such Tenants respectively shall bear to the total Rent of the Owner's and Liferenter's Lands in the Parish where the Possession is situated; and in the event of any Dispute betwixt an Owner or a Liferenter and Tenant, with regard to the annual Value of any Lands in the Occupation of such Owner or Liferenter, the same shall be determined by the Sheriff Depute of the said County or his Substitute, at the Suit of either Party, and such Determination shall be final and conclusive.

In case of
Dispute as to
the valued
Rent.

Treasurer to
pay Monies
received into
a Banking
Company.

XVIII. And be it further enacted, That the Treasurer to the said Trustees 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*, or some Branch of one or other of the said Banks, as the said Trustees shall direct, upon an Account to be opened for the Purposes of this Act, 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, without the special Authority of the said Trustees, keep in his Hands for the Space of more than Three 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

respectively the Sums paid in upon the said Account, or any Part of the same, except for the Purpose of immediately and *bonâ fide* applying the same for the Purposes of this Act, 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 full Expences of Process, by summary Action or Petition, at the Instance of any Two or more of the said Trustees, before the Sheriff of the said County, or in the Court of Session; which Penalty and Interest shall be applied, when recovered, for the Purposes of this Act: Provided always, that it shall be lawful to the said Trustees, if they shall see fit, to permit the present Treasurer, on his finding Security to their Satisfaction, to retain in his Hands the Monies which may be in his Hands at the Time of the Commencement of this Act, until the same shall be required for the Purposes of this Act, or until the said Trustees shall at some subsequent Time, at any of their General Meetings, direct the same to be paid into one or other of the Banks aforesaid, in manner herein-before provided.

XIX. And be it enacted, That the said Trustees shall, at their First Annual General Meeting on the Day on which the Commissioners of Supply shall meet for assessing the Land Tax, or at some Adjournment thereof, settle and fix the Rate of Conversion of the Statute Labour in respect of Lands as aforesaid, for each Parish respectively within the County; for which Purpose it shall be lawful for the Trustees in each Parish in which they are Heritors, or the eldest Sons of Heritors, to meet at any Time previous to such Annual General Meeting, and make a Resolution declaring their Opinion what ought to be the Rate of such Conversion in and for the Year next ensuing; and on a Report duly made of such Resolution of the Trustees in and for any Parish, the Trustees at their said Annual General Meeting shall settle and fix the Rate in such Parish for such Year in conformity therewith, and shall make the Assessment accordingly, and failing such Report shall make the Assessment according to the Rate existing in the Parish at the Time; and it shall and may be lawful for the said Trustees as aforesaid to ascertain the Value of Labour of a Man and a Horse and a Cart for a Day, which Value so ascertained shall remain the Rule of Assessment under this Act until altered by a subsequent Annual General Meeting on the Day on which the Commissioners of Supply shall meet for assessing the Land Tax; and the said Trustees may enlarge or diminish in the same Proportion the Sums above mentioned to be payable by Carters, Carriers, Cottagers, Workmen, Mechanics, Manufacturers, and others, in manner before mentioned.

Trustees may raise or lessen the Rate of Conversion.

XX. Provided always, and be it enacted, That the Money raised by the Conversion of the Statute Labour in each Parish shall, after defraying the Expence of collecting the same, be applied according to such Directions, consistent with this Act, as may be given by any Meeting of the Trustees, being Heritors, or the oldest Sons of Heritors, within such Parish, to the Roads and Bridges other than Turnpike Roads and Bridges within the same respectively, and to no other Purpose, unless a Majority of the Heritors of that Parish, being

Application of the Money.

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Trustees,

Trustees, shall at a General Meeting assembled agree to apply a Part thereof to Roads or Bridges in any other Parish; and if the Composition Money of any Parish, or any Part thereof, shall be applied otherwise than as hereby directed, the Trustees who shall authorize such Misapplication shall be liable to refund the Money so misapplied, with full Costs of suing for the same by any of the other Trustees, or of any Owner of Lands or Houses within the Parish in which it was raised and levied, in any Action, to be pursued before the Sheriff Depute or his Substitute, or any Two or more Justices of the Peace of the said County of *Peebles*; and the Money so recovered shall be applied to the repairing of the Roads of the Parish in which the Money so misapplied was raised.

Returns of Parish Roads to be made out.

XXI. And be it further enacted, That the Trustees of every Parish within the said County shall be bound, within Six Months after the passing of this Act, to make a Return in Writing to the Clerk of the General Meetings of the Trustees of all the Parish Roads within their respective Parishes; and it shall not be in the Power of any of the said Parish Trustees to expend any Money arising from the Conversion of Statute Labour on any of the Parish Roads until such Return of their Parish Roads shall have been made and entered in the Books kept by the General Trustees; and in case any Road shall afterwards be added by the Trustees in any Parish to the List of Parish Roads, a Return of the same shall in like Manner be made; and after the said Return shall have been entered in the Books kept by the General Trustees, it shall then be competent to the different Parish Trustees to lay out the Statute Labour Money upon such of the Parish Roads as shall have been returned and entered as Parish Roads in the Books of the General Meetings.

At Parish Meetings Proxies may vote.

XXII. And be it further enacted, That at all Parochial Meetings of Trustees every Person duly qualified to vote at such Meetings may vote by Proxy.

Statute Labour Trustees to keep regular Books.

XXIII. And be it further enacted, That the Trustees of each Parish shall keep a regular Sederunt Book, and Book for Receipts and Disbursements, and shall exhibit therein the Way in which the Statute Labour Money of each Parish has been applied; and which Book shall be opened for the Inspection of every Person paying Statute Labour within the Parish, on Payment of a Fee of Two Shillings and Sixpence for each Person so inspecting; and the said Parish Trustees shall also be bound to direct a Return to be annually made before *Michaemas* to the Clerk to the General Trustees, showing the Way and Manner in which the Sums disbursed have been applied.

For compelling Payment of the Conversion.

XXIV. And be it further enacted, That if any Person or Persons liable to pay the said Conversion shall refuse or neglect, on or before the said respective Days above mentioned, to pay the same, it shall then be lawful for the Sheriff Depute or his Substitute, or for Two or more Justices of the Peace for the said County, to grant a Warrant for poinding the Effects of the Defaulter, in a summary Way, to appraise them on the Spot where found, and afterwards to sell the

same by Auction, for Payment of the Assessment or Conversion which shall be due, together with the full Charges attending the Recovery thereof; and the Surplus (if any) shall be paid, when demanded, to the Person whose Effects shall have been so poided; and in case sufficient Distress cannot be found, or sufficient Security given, for Payment, it shall be lawful for the said Sheriff Depute or his Substitute, or Justices aforesaid, by Warrant under their Hands, to imprison such Defaulter for any Time not exceeding Three Calendar Months, unless such Conversion, and all reasonable Charges, shall be sooner paid; which Warrants shall be granted by the Sheriff Depute or his Substitute, or Justices aforesaid, upon an Application made to them or any of them, and an Attestation signed by any of the Collectors, certifying that the Person complained of had made default in paying the Assessments or Conversions above mentioned, and expressing therein the Arrears of such Person.

XXV. And be it further enacted, That it shall and may be lawful to and for the Magistrates of the Royal Burgh of *Peebles* to levy or cause to be levied, from the Inhabitants of the said Burgh (excepting the Clergyman of the Parish, unless he be in the Occupation of Lands other than his Glebe, valued in the Cess or Stent Books of the Burgh), a Composition in Money in lieu of Statute Labour, not exceeding the Sum of Two Shillings and Sixpence yearly for each Man within the said Burgh liable to perform Statute Labour; and also to levy or cause to be levied, from Carters, Carriers, and all other Persons within the said Burgh (excepting as aforesaid), keeping a Horse or Horses for Draught, Labour, or riding, a Composition in Money not exceeding Three Shillings yearly for such Horse; the said several Compositions to be payable at the Term of *Whitsunday* yearly; and as the said Sums of Two Shillings and Sixpence for the Labour of each Man and Three Shillings for each Horse are considered to be the present Value of One Day's Labour of each Man and each Horse, the said Magistrates are hereby empowered annually in Time coming to ascertain the Value of One Day's Labour of a Man and a Horse, and to demand Payment of the same, although it be more than the Sums above mentioned, and on the other Hand they shall be obliged to restrict their Demand to the said Value, in case it shall be less than the above specified Sums; and if any Person or Persons shall refuse or neglect to make Payment of the said Compositions at the said Term to the Magistrates, or to the Collector or Collectors appointed by them for levying the same, then the Proceedings, at the Suit of the Magistrates or their Collector, for compelling Payment thereof, shall be in the same Manner as herein-before directed for compelling Payment of the County Compositions; and which Monies, when so levied, shall (after defraying the Expence of the Collection thereof) be applied, under the Authority and Controul and by the Direction of the said Magistrates, to the Streets and Roads in use to be repaired by the Statute Labour of the said Burgh, and to no other Purpose, unless a Majority of the Magistrates and Town Council assembled shall agree to apply the said Monies or Part thereof to other Roads in the Parish of *Peebles*, or in any of the adjoining Parishes.

Composition
for the
Royal Burgh
of Peebles.

XXVI. Pro-

Persons
aggrieved
may receive
Treble Damages.

XXVI. Provided always, and be it enacted, That if it shall appear to the said Sheriff Depute or his Substitute, or to the said Justices, that any Collector or Collectors shall have made an oppressive Complaint before them, it shall be lawful to the said Sheriff Depute or his Substitute, or Justices as aforesaid, to award to the Person or Persons injured or oppressed Treble the Amount of the Damages which shall be sustained by any such Person who may have been injured and oppressed by such Warrant or Warrants, such Damages to be paid to the Person or Persons injured by the Collector or Collectors upon whose Application such Warrant or Warrants was or were granted.

Trustees under this Act may appoint Overseers for Parishes in case of Neglect of Parish Trustees.

XXVII. And be it further enacted, That if at any Time after the passing of this Act it shall appear to a General Meeting of the said Trustees that the Trustees in any Parish have for a whole Year neglected to perform the Duties hereby enjoined, then and in such Case the said Trustees, at their General Meetings or Adjournments thereof, may appoint such Person or Persons as they shall think capable to have the general Oversight and Direction of making the necessary Repair upon the Roads within such Parish, with Power to such Overseers to grant to the Workmen whom they may employ an Order on the Collector for Payment of their Work, and in which Order the said Overseers shall describe the Road or Roads for which it is issued, and the Person or Persons employed in making or repairing such Roads, entitled to receive the Money for Work actually done: Provided always, that after the Lapse of One Year from and after such Appointment it shall be lawful to the Trustees to recall the same thereafter, on a satisfactory Assurance of the Willingness of the Trustees in the Parish in future duly to perform their Duties aforesaid.

Trustees may borrow Money.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered to borrow any Sum or Sums of Money which they shall deem necessary for making and repairing the Roads of any Parish within the County, upon the Credit of the Conversion Money raised or to be raised in the said Parish, so as the Sum borrowed shall not at any Time exceed Five Years Conversion of the Statute Labour in the said Parish, and to assign a Portion of the said Conversion Money not exceeding One Half thereof for such a Term of Years as shall be necessary for repaying the Sum or Sums borrowed, with Interest until the same shall be repaid; which Sum or Sums so borrowed shall be laid out within the particular Parish upon the Conversion Money of which the Assignment is granted, and upon the Roads of no other Parish whatever, unless with the Consent of the Heritors and Trustees of such Parish, as hereinbefore mentioned: Provided always, that such Transactions shall be entered in the Books of the said Trustees; and that such Loan and Assignment be agreed to by Two Thirds of the Trustees qualified as aforesaid, Proprietors of Land in the Parish for the Use of which the Money is to be borrowed.

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

XXIX. And be it further enacted and declared, That the said Trustees may sue or be sued, for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk for the Time being,
or

or in the Name of any One of the said Trustees ; and that no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders, in the Name of their Clerk or in the Name of any One of the said Trustees, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Trustee, but that the Clerk to the said Trustees for the Time being, or any One of the said Trustees to be for that Purpose nominated, if Pursuer, or who may be sued if Defender, shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees to build Fences, and to shut up and suppress any of the public Roads other than Turnpike Roads which may appear useless or of little Importance to the Public : Provided always, that Notice of the Resolution to shut up any such Road be given by Advertisement at the Churches of the Parishes through which the said Road passes, for Two consecutive *Sundays*, One Month at least before the said Road shall actually be shut up ; and that any Person or Persons who shall think himself, herself, or themselves aggrieved by such Resolution may apply to the Sheriff Depute of the County of *Peebles*, or his Substitute, who, if he sees Cause, is hereby empowered to suspend the Execution thereof until the next General Meeting of the Trustees, who shall hear and determine therein, subject to Appeal to the Quarter Sessions as herein mentioned.

Trustees may shut up useless Roads, on giving a Month's previous Notice at Parish Churches.

XXXI. And be it further enacted, That the said Trustees shall be and they are hereby authorized to cause the Roads to be amended and altered in such Manner as they shall think proper, and also to be widened to any Breadth not exceeding Twenty-four Feet, exclusive of the Footways, and clear of the Ditches ; and for these Purposes to cause all Dwelling Houses, Office Houses, or other Buildings falling within the Line of Road, the Side Walls whereof shall not exceed Twenty Feet in Height, and all Outside or Fore Stairs or projecting Buildings in any Town, Village, or Place, and all Fences and other Impediments, to be taken down and removed, after giving to the Owners and Occupiers thereof Six Months Notice of the Purpose intended ; and to contract and agree with all and every the Owner and Owners of Lands, Grounds, and other Heritages, for the Purchase of such Lands, Grounds, and other Heritages as may be necessary for such widening and Alterations ; and to employ Engineers, Surveyors, and other Persons, with suitable Allowances for their Trouble ; and also to make or cause to be made new Arches and Bridges on any of the said Roads, and to cut and make Drains, Ditches, and Passages for Water through any Ground adjacent, and to keep clear such Ditches or Outlets ; and for such Purposes the Workmen employed by them may go upon the said Lands : Provided always, that nothing herein contained shall be construed to empower the said Trustees to remove or encroach upon any House the Side Walls of which exceed Twenty Feet in Height, nor any Garden, Orchard, Yard, planted Walk, nor the Avenue to any House, nor any Ground set apart, inclosed, and used as a Nursery for Trees ; and the Road so amended, widened, and altered shall thereafter be taken and held to be a Public Highway, and comprehended within this Act : Provided also, that

Trustees may cause Roads to be altered.

reasonable Satisfaction be made to the Owners and Occupiers of such Lands, Houses, and Premises, for the Damage done; and if such Owners or Occupiers be not satisfied with the Allowance offered by the said Trustees, and they shall be at liberty to apply to the Quarter Sessions of the said County, who shall have Power finally to settle the same.

Notice of new Inclosures to be given to the Trustees.

XXXII. And be it further enacted, That where the Lands adjacent to any of the said Roads, or any Part or Parts thereof, are not inclosed, the Proprietor or Occupier of such Lands shall not make any Inclosure within Twenty Feet of the Centre of the Roads, without giving at least Two Months previous Notice to the said Trustees, which Notice may be given by a Letter to the Clerk of the Meeting or of the Committees who have the Charge of that Part of the Road adjacent to which such Inclosure is proposed to be made; and such Meeting or Committee are hereby required to insert a Copy of each such Letter in their Minutes; and in case such Proprietor or Occupier shall fail to give such Notice as aforesaid, he or she shall not be entitled to any Compensation for the Expence of any such Inclosure, in case the said Trustees shall at any future Period think it necessary to demolish the same, for the Purpose of widening the said Roads, and making Footpaths thereon.

Proprietors, under Entail or not, may renounce Claims of Damage.

XXXIII. Provided always, and be it enacted, That it shall be in the Power of all Proprietors and Occupiers of Lands, as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwise competent to them by this Act for such Ground and Materials as may be required on their respective Properties for the Purposes of this Act, in Cases where the Sum does not exceed the Value of Twenty Pounds; and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors, and shall in no way infer an Irritancy under such Entail against the Grantor of such Renunciation.

Incapacitated Persons may sell Lands.

XXXIV. 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, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons 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, altering, or widening the said Roads or Bridges, or any of them, or for storing Materials, or otherwise, where Ground is necessary for the Purposes of this Act.

How Lands are to be vested in Trustees.

XXXV. And be it further enacted, That all Lands, Tenements, or Heritages which may be acquired by the said Trustees in pursuance of this Act shall be vested in the said Trustees by the simple Discharge for the agreed Price or Value thereof, to be ascertained and determined as after mentioned, or by Consignation of the said Price or Value in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, within One Calendar Month after the same shall be so agreed for, ascertained, and determined; and it shall be sufficient to record the Discharge or the Voucher of

Consignation

Consignation in the Sheriff's Court Books of the said County of *Peebles*, whereupon the said Trustees shall be entitled to take and use the said Lands, Tenements, or Heritages, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

XXXVI. And be it further enacted, That the Extent of the Satisfaction to be made to any Person or Persons for the Damage sustained by such Person or Persons in consequence of the Powers granted by this Act, except where otherwise specially directed by this Act, shall be ascertained and determined by a Sentence of Two Justices of the Peace; and that in case any such Person or Persons shall think themselves aggrieved by such Sentence, they may apply for Redress in manner herein-after mentioned.

For ascer-
taining Da-
mages.

XXXVII. 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 Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to Two hundred Pounds, 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*, or Bank of the *British Linen Company 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 meantime 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 said Lands, Tenements, or Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compen-
sation when
amounting to
200*l.*

XXXVIII. Pro-

Application when the Compensation shall be less than 200*l.* and not less than 20*l.*

XXXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages so 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, and not less than the Sum of Twenty Pounds, 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 Lands, Tenements, or 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 any 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 Three 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 may be applicable.

Application when the Money is less than 20*l.*

XXXIX. Provided always, 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 Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three 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 Titles, &c. Purchase Money to be paid into the Bank, subject to the Order of the Court of Session.

XL. 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, by virtue of this Act, shall refuse to accept the same, or shall not be able to make out 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 Three or more of them to order the said Sum of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company 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

out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company of Scotland*, as the Case may be, 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 Banks aforesaid.

XLI. And be it further enacted, That where any Question shall arise touching the Right or 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 shown 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.

XLII. 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 Banks, and to be applied to 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 the Expences of Purchases to be paid by the Trustees.

XLIII. And be it further enacted, That whenever the Course of the said Road shall be or shall have been altered, and after the new Road shall be or shall have been completed and made passable for Carriages, in case the old Road shall thereby become useless, and may be shut up without Inconvenience, the said Trustees shall be and are hereby empowered, if they shall see proper, to sell the Land or Ground composing such old or former Road, and that according

Old Roads to be sold.

to the Value of unimproved or uncultivated Lands in the Neighbourhood, the Proprietor or Proprietors of the Grounds through which the said old Road did pass having always the Preference of Purchase at the Valuation to be put upon it by Two Appraisers, to be named one by the said Trustees and the other by the Proprietor or Proprietors; and Affidavit shall be made by the Clerk of the said Trustees of such Offer of Preference having been made; and in case of such Offer being declined the said Trustees may then dispose of such Land or Ground to any other Person; and the Money arising from such Sale shall be applied and disposed of, in the first place, in the Purchase of the Land for the new Road in place of the old one, and the Balance for the Purposes of this Act in the Parish in which the Road is situated; and the Sale to be made of such Lands and Grounds comprising the said old Road shall be good and effectual in Laws to all Intents and Purposes whatsoever.

Ground taken
not to diminish
valued
Rent.

XLIV. Provided always, and be it declared, That in every Case where it may be necessary to exchange or take Ground as hereinbefore allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Ground shall be so taken.

Trustees may
take Materials,
&c.
on paying
Damages.

XLV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall appoint, may dig, gather, take, and carry away Gravel, Furze, Heath, Stones, or such other like Materials, for the making, amending, and repairing of the said Roads, and for building Arches and Bridges, or repairing the same, as aforesaid, out of any Grounds where the same may be found within the said County of *Peebles*, (such Materials not having been dug or raised for the private Use of the Proprietor of such Grounds,) and to open Accesses for carrying off the said Materials, such Accesses, and the Places from whence the said Materials shall be proposed to be taken, being first marked out by any Two or more of the said Trustees, after Notice in Writing given by them, or Intimation before Two Witnesses, or by some Person by their Order, to the Proprietor of such Grounds, or his or her Factor, and to the Occupier thereof, Six Days previous to marking out the same, the Trustees making reasonable Satisfaction, if demanded, to the Owners and Occupiers of such Grounds respectively from which the Materials shall be taken, or over which the same may be carried, for the Damages to be done thereby, and for the Value of such Materials; but if such Proprietor, Factor, or Occupier shall not be satisfied with the Compensation offered by the said Trustees, the same shall be ascertained by a Jury to be impanelled by the Sheriff Depute or his Substitute as aforesaid, whose Proceedings shall be final; but such Applications shall not prevent the said Trustees from causing the said Materials to be carried off and used in the meantime.

Notice to be
given before
Materials
taken.

XLVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away Materials for making and repairing the said Roads, Arches, or Bridges, from any inclosed Lands or Grounds, until either the Con-

sent

sent of the Proprietor is obtained, or Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees or any Three or more of them, or Two Justices of the Peace acting for the County from which such Materials are to be taken, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or any Three or more of them, or such Justices, shall, if they think proper, authorize such Surveyor or other Person to dig, take, and carry away such Materials at such Time or Times as to such Trustees or any Three or more of them, or to such Justices, shall seem proper; and if such Occupier neglect or refuse to appear by himself or his Agent, the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

XLVII. And be it further enacted, That where any Ditches have been or shall hereafter be made near the Sides of the said Roads, or through any Fields adjoining thereto, by the Proprietors or Occupiers of the said Fields, such Proprietors or Occupiers shall be and they are hereby required to keep the Ditches properly scoured, and not allow the Water to stagnate therein so that the Roads may be thereby damaged; and if they fail to do so, after Six Days Notice previously given, the said respective Trustees, or the Overseers of the Roads by the Direction of any of the Trustees, may and are hereby required to order the said Ditches to be opened, scoured; and cleansed at the Costs of the said Proprietors or Occupiers, such Costs to be recovered by Distress and Sale of any moveable Effects in the same Manner as herein-before directed for levying the Assessment hereby granted; and if any Occupier of Land shall turn any Water across or upon the Side or Sides of any of the said Roads, he or she shall conduct such Water either in an open or covered Drain, of such Form and Dimensions as the said Trustees in a General, District, or Committee Meeting assembled shall order and direct; and if such Occupier of Land shall after Ten Days Notice refuse or neglect to make such Drain according to the Directions of the said Trustees as aforesaid, it shall be lawful for the said Trustees to order and cause such Drain to be made, and the Person or Persons refusing or neglecting to make the same, agreeably to the Orders and Directions of the said Trustees as aforesaid, shall repay to the said Trustees all the Costs, Charges, and Expences attending the making such Drain, and shall likewise pay a Penalty of Treble the Amount of such Costs, Charges, and Expences, the said Costs and Penalty to be levied by Distress and Sale in manner herein-before directed, and to be applied for the Purposes of this Act: Provided always, that if any Occupier of Land through which any Drains and Ditches are or shall be made, by Order of the said Trustees, or of any other Person, shall wilfully obstruct or fill up any of them, 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 where any Passage
for

Proprietors
or Occupiers
to cleanse
Ditches, &c.

Occupiers to
make Drains
along the
Road by the
Direction of
the Trustees.

Penalty on
filling up
Ditches.

for Cattle or Carriages across any Road, for the Convenience of the Occupier of the Ground through which it passes, are or shall be made, the Occupier of such Ground shall in no Case fill up the Water Table or Drain, but shall always cover the Drains crossing the Sides of such Road with sufficient Stones or other proper Materials, so as the Course of the Water may not be interrupted, or the Road thereby prejudiced; and no Occupier of Land shall turn any Water upon the Side of any of the said Roads, or let it run over the said Roads, but shall be obliged to conduct the Water across the Road in a covered Drain of such Depth and Construction as the Water may not prejudice the Road.

Property
vested in
Trustees.

XLVIII. And be it enacted, That the Conversion in lieu of Statute Labour hereby authorized to be levied, and also all Sums of Money borrowed on the Security thereof in manner herein mentioned, together with the Right and Property of every Bridge, Rail, Post, Fence, Milestone, Drain, and the whole Premises erected on the said Roads, or to be erected, and acquired, whether by Purchase or in Feu or Lease, by Authority of this Act, as also all Materials for building or repairing the same, as also all Tools, Implements, Stones, Gravel, or Sand gotten or had for making, amending, repairing, and improving the said Roads and Bridges, are and shall be vested in the said Trustees.

For prevent-
ing Obstruc-
tions on the
Roads.

XLIX. And be it further enacted, That no Person shall leave any Cart or other Carriage for a longer Time than may be necessary, or (with the Exception of Materials for repairing the said Roads, and that under the Authority and with the express Approbation of One or more Trustees,) shall lay or cause to be laid any Timber, Stone, Lime, Dung, Compost, Soil, or Matter whatsoever, on or within Five Yards of the said Roads, unless within a sufficient Fence, except Materials for building Houses and inclosing Grounds, no Part however of which shall be laid on the Road, or into the Ditches or Drains along the Sides thereof; and any Person or Persons so offending, and being convicted thereof before any One or more Justice or Justices of the Peace, upon his or her own Confession, or upon the Oath of One or more Witness or Witnesses, shall forfeit a Sum not exceeding Forty Shillings for each Offence, to be recovered and levied in the same Manner as the converted Price of Labour is hereby directed to be recovered and levied, one Half to be paid to the Informer, and the other Half to be applied in making and repairing the Roads within the Parish; and if any such Materials or other Matter or Thing shall be allowed to lie and remain on any of the said Roads for the Space of One Day, it shall moreover be lawful for the said Trustees or any Two of them, or the Collector or Overseer, to carry off, and sell the same by Public Auction, and to apply the Proceeds thereof, after deducting Expences, to the Repair of the Roads within the Parish; and no Person, under a similar Forfeiture or Penalty of Forty Shillings, to be recovered and applied as aforesaid, shall make, erect, or construct any Saw Pit, Tan Pit, Lint Pond, Quarry or Gravel Pit, or other Pit whatsoever, within Five Yards of the said Roads, nor any Lime Kiln, Brick Kiln, Cinder Kiln, Furnace, or other Nuisance, within Twelve Yards of the said Roads,

Roads, besides being obliged immediately to remove the same, unless the same shall be fenced off in such Manner as to prevent any Danger or Detriment to Persons travelling on the said Roads.

L. And be it enacted, That no Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the Roads, any Tree, Log, Piece of Timber, or any Stone or other Thing whatsoever, otherwise than upon a Wheel Carriage, nor shall any Person suffer any Tree, Log, Piece of Timber, Stone, or other Thing which shall be conveyed on a Wheel Carriage to drag upon any Part of the said Roads; nor shall any Person turn a Plough upon any Part of the said Roads, or pasture Horses or Cattle of any Kind on the Sides thereof; and all Logs of Timber exceeding Twenty-four Feet in Length shall be carried on Four Wheels, or on a Double Carriage; and every Person who shall be convicted in manner before mentioned of any of the said Offences shall for every such Offence forfeit a Sum not exceeding Forty Shillings, to be recovered and applied in manner before directed; and no Person shall make any new Cut or Opening across any Part of the said Roads, for the Purpose of directing any Watercourse or otherwise, without the Authority of Two or more Trustees previously obtained in Writing; and every Person who shall be convicted in manner before mentioned of any such Offence shall forfeit a Sum not exceeding Forty Shillings for each Offence, to be recovered and applied in manner before directed, besides being obliged to restore the Road so injured to its former State.

For prevent-
ing Nuisances
on the Roads.

LI. And be it further enacted, That each Heritor or Owner of Ground adjacent to any of the Highways or Roads within the said County shall, at a proper Season of the Year, as soon as conveniently may be after the passing of this Act, reduce the Hedges on the Sides of the said Highways to a Height not exceeding Five Feet (excepting the Fences of Pleasure or Garden Grounds), and shall by annually lopping or cutting them at a proper Season of the Year keep them at or under the said Height; and every Gate adjacent to the said Highways shall be so constructed as to open inwards only into each Field or Inclosure; and opposite to every Gate or Entry communicating with the said Highways there shall be laid, by the Owner or Occupier of the Ground to which such Gate or Entry leads, a covered Way or Bridge of Stones or other proper Materials over the Drain on the Side of the Highways, which covered Way or Bridge shall be constantly kept free and clear by such Owner or Occupier, that the Water may pass through below the same; and in case any Owner or Occupier of Ground adjacent to the said Highways shall omit and fail to perform any of the Requisites above mentioned, it shall be competent for any Two of the Trustees hereby appointed, by an Order signed by them, to order the same to be performed at the Expence of the Owner or Occupier, such Expence to be recovered by Application to any One of His Majesty's Justices of the Peace, who shall also award against the Offender the Expence of the Application.

Hedges to be
kept at a cer-
tain Height,
and Gates to
open in-
wards.

LII. And be it further enacted, That all Forfeitures and Penalties by this Act imposed, the Manner of levying and recovering whereof is not particularly specified, shall, on Proof of the Offence before Two
[Local.] 26 Y—Z or

Penalties and
Forfeitures
how to be
recovered and

applied, where
not otherwise
particularly
specified.

or more Justices of the Peace or the Sheriff Depute of the said County of *Peebles*, or his Substitute, either by the Confession of the Party, the Oath of One or more credible Witness or Witnesses, or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of such Justices or Sheriff, (which Warrant they or any of them are hereby authorized and required to grant, and to administer the Oath, *gratis*;) such Sale being always made by Public Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Six Days after such Distress shall have been made; and the overplus Money arising from such Sale, after Deduction of the Penalties imposed, and Charges in Recovery thereof, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid to the said Trustees or their Collectors, to be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, or sufficient Security given for Payment, it shall be lawful for any Two of the said Justices of the Peace, or the said Sheriff Depute or his Substitute, and they are hereby authorized and required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to Gaol or to a House of Correction for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid.

If not paid,
Offenders
may be com-
mitted.

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

LIII. Provided always, and be it further enacted, That any Person who shall think himself or herself 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, appeal to the Justices of the Peace at the Quarter Sessions of the County of *Peebles*, the Appellant giving Fifteen 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 the Peace; which Justices shall have Authority to hear and determine the Matters in dispute, and their Judgments therein shall be final, without being subject to Review, Advocation, Suspension, or otherwise howsoever.

Bonds for
borrowed
Money to be
transferable
by Indorse-
ment.

LIV. And be it further enacted, That the Bonds and Securities to be granted by the said Trustees, for the Money to be borrowed by them in the Manner directed by this Act, shall be transferable from one Person to another by Indorsement, duly subscribed by the Party transferring in the Presence of Two or more subscribing Witnesses, and specifying the Date of Indorsation, with the Names and Additions of the Indorsee or Indorsees; which Indorsation shall not transfer the Bond to the Indorsee or Indorsees until the same be notified to the Clerks or Treasurers of the said Trustees, and entered into their Books, as well as marked on the Bond itself, by the said Clerks or Treasurers; and the said Bonds shall contain in themselves a Clause to this Effect, that no Person may pretend Ignorance thereof.

Trustees may
act as Justices
or Jurymen.

LV. And be it enacted, That it shall be no Objection to any Person acting as a Judge or Justice of the Peace, or as a Jurymen,
under

under this Act, in any thing relative hereto, that he is appointed a Trustee, except where he is personally interested.

LVI. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrongs done or Injuries suffered in any Matter thereto relative, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred or Wrong done or Injury suffered, and not afterwards. Limitation of Actions.

LVII. And whereas the Sums leviabie by Assessment under the Name of Bridge Money, under Authority of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-nine, intituled *An Act for repairing Highways and Bridges*, are insufficient for the Purposes intended; be it enacted, That it shall be lawful to the said Trustees at their Annual General Meeting upon the Day on which the Commissioners of Supply shall meet for assessing the Land Tax, to stent and assess the Heritors of the said County of *Peebles* in such Sum as shall be deemed necessary for building and repairing Bridges within the same, not exceeding the Rate of Five Shillings Sterling upon every Hundred Pounds *Scots* of valued Rent in any One Year, which Assessment shall be levied and recovered along with and in the same Manner as the Conversion for Statute Labour; and the said Trustees at any of their General Meetings shall and they are hereby empowered to direct the Application of such Assessments for building or repairing such particular Bridge or Bridges on any of the Lines of Road maintained by the Statute Labour as they shall think fit, or for or towards repairing any Bridge or Bridges on any of the Turnpike Roads within the County, if it shall be deemed expedient and necessary so to apply any such Assessments. Further Assessment for Repairs of Bridges.

LVIII. 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 First or some adjourned future 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 *Peebles*, agreeably 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. Expences of this Act how to be paid.

LIX. 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. Public Act.

1911

1. On 1st of January 1911 the following was received from the Hon. Secy. of the Interior, Washington, D.C.

2. On 1st of January 1911 the following was received from the Hon. Secy. of the Interior, Washington, D.C.

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15. On 1st of January 1911 the following was received from the Hon. Secy. of the Interior, Washington, D.C.