ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lxx.

An Act for making and maintaining Highways, Roads, Bridges, and Quays, and for regulating Ferries in the Shire of *Argyll;* and for altering and repairing certain Military and other Roads, Bridges, and Quays in the faid Shire, and in the Pariſh of *Arrochar*, and Shire of *Dumbarton*. [20th *June* 1816.]

WHEREAS an Act was paſſed in the Fifteenth Year of the Reign of His preſent Majeſty, intituled *An Act for repairing the Highways and Bridges in the Shire of* Argyll; 15 G. 3. c. 63.
And whereas another Act was paſſed in the Thirty-ninth and Fortieth Years of the Reign of His preſent Majeſty, intituled *An Act for explaining, amending, and continuing an Act made in the Fifteenth Year of the Reign of His preſent Majeſty, intituled,* 'An Act for repairing the Highways and 'Bridges in the Shire of Argyll;' 39 & 40 G. 3. c. 52.
And whereas the Powers granted by the ſaid recited Acts are inadequate for the Purpoſes therein mentioned, and it is expedient that the ſame be repealed, and that further and other Powers be granted for making and maintaining Highways, Roads, Bridges, and Quays, and for the Regulation of Ferries and Ferrymen in the ſaid Shire; and it would greatly contribute to improve and facilitate the Communication between the Highlands and Lowlands of *Scotland* if the Truſtees for making and repairing the Highways, Roads, and Bridges in the ſaid Shire were empowered to alter, repair, and amend certain Military and other Roads, Bridges, and Quays in the Shire of *Argyll*, and in the Pariſh of *Arrochar*, and Shire of *Dumbarton*: 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

Acts repealed.

Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fifth Day of *March* One thouſand eight hundred and ſeventeen, the ſaid Two recited Acts, paſſed in the Fifteenth and the Thirty-ninth and Fortieth Years of the Reign of His preſent Majeſty, ſhall be and the ſame are hereby repealed, ſave and except as to any Aſſeſſment or Statute Labour authorized to be levied or exacted by the ſaid Acts, or either of them, which on the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and ſeventeen ſhall be unpaid or unperformed, or to any Fine, Penalty, or Forfeiture relating thereto, which ſhall have been previouſly incurred.

Shire of Argyll to be divided into Diſtricts.

II. And be it enacted, That for the more eaſy and effectual Execution of this Act, the ſaid Shire of *Argyll* ſhall be divided into Seven Diſtricts; *videlicet*, *Argyll*, *Cowall*, *Kintyre*, *Lorn*, *Mull*, *Ardnamurchan*, and *Iſlay*; and that the Firſt of the ſaid Diſtricts called *Argyll*, ſhall extend from the Lands of *Dundarave* to the March between the Lands of *Inverneil* and *Stronechulline*, by *Locharel*, and the March between *Achachoiſh* and *Barenlongart* to *Lochcaeliſport*; from thence to the Kirk of *Kilmelford*, and by the Water of *Avich* to *Lochow*; from thence along the South Side of the ſaid Loch to the Water of *Tettle*, and from thence in a ſtraight Line to the March between the Lands of *Dundarave* and the Lands of *Achintraw*; excepting always the Pariſh of *North Knapdale*, which is annexed to the Diſtrict of *Iſlay*; that the Second Diſtrict, called *Cowall*, ſhall comprehend all the Lands from the South Side of *Cowall* to the Lands of *Dundarave*, incluſive, on the North, and the Water of *Long* on the South Eaſt, and alſo any Road or Roads to be made under the Authority of this Act in the Pariſh of *Arrochar* and County of *Dumbarton*; that the Third Diſtrict, called *Kintyre*, ſhall comprehend the whole Lands from the South End of *Kintyre*, to the Marches of *Inverneil* and *Achachoiſh* aforeſaid, including the Iſlands of *Gigha*, *Cara*, and *Sandy*; that the Fourth Diſtrict, called *Lorn*, ſhall comprehend the Country from *Kilmelford* to *Lochow* by *Lochavich* and the Water of *Avich*, from thence by *Lochow* to the Water of *Tettle*, including the Country of *Glenorchy* to the Head of *Lochleven*, and from thence to *Lineallich* by the Sound of *Corryvreckan* to *Lochmelford*; that the Fifth Diſtrict, called *Mull*, ſhall comprehend the Iſlands of *Mull*, *Ulva*, *Icolmkill*, *Tirie*, *Coll*, Iſland of *Monk*, *Roum*, and *Canna*, and the Pariſh of *Morven*; that the Sixth Diſtrict, called *Ardnamurchan*, ſhall comprehend *Ardnamurchan* and *Suinart*, *Kingerloch*, and that Part of the Pariſh of *Kilmalzie* which is ſituated in *Argyllſhire*; and that the Seventh Diſtrict, called *Iſlay*, ſhall comprehend the Iſlands of *Iſlay*, *Jura*, *Colonſay*, and *Oronſay*, and the Pariſh of *North Knapdale*: Provided nevertheleſs, that it ſhall be competent to a Majority conſiſting of Two-thirds of any Six or more of the Truſtees hereinafter appointed, aſſembled in any annual General Meeting, to be held in Manner hereinafter directed, in the Month of *April*, to alter ſuch Diviſion of any of the ſaid Diſtricts as they ſhall think proper; Notice in Writing being given by any Two or more of the ſaid Truſtees, at the General Meeting in *April* preceding, and at an adjourned General Meeting in the Month of *October* thereafter, of the Intention to propoſe ſuch Alteration.

Truſtees appointed.

III. And be it enacted, That every Perſon, either in his or her own Right or in the Right of his Wife, in the actual Poſſeſſion and Enjoy-

ment, as Proprietor or Liferenter, of the *Dominium utile* of Lands in the Shire of *Argyll*, valued in the Ceſs Books of the ſaid Shire at One hundred Pounds *Scots* or upwards; the eldeſt Son of every ſuch Perſon, if of lawful Age, in the Abſence of his Father or Mother, as the Caſe may be; one Guardian or Truſtee upon the Eſtate in the ſaid Shire of any Perſon entitled in reſpect of Property to be a Commiſſioner of Supply, who, from Nonage or otherwiſe, is for the Time incapacitated from acting as ſuch; one Commiſſioner of any Heritor forth of *Scotland*, having Lands in the ſaid Shire of the Valuation aforeſaid, and the Provoſt or other Chief Magiſtrate of the Burghs of *Inveraray* and *Campbelltown* for the Time being, ſhall be Truſtees for making and repairing the Highways, Roads, Bridges, and Quays, within the ſaid Shire, and for executing all the other Powers by this Act given and granted, any Six of which Truſtees ſhall conſtitute a Quorum in all General Meetings, to be held by virtue of this Act: Provided always, that it ſhall not be lawful for any ſuch Provoſt or other Chief Magiſtrate, not qualified to be a Commiſſioner of Supply in the ſaid Shire, to act as a Truſtee under this Act in any Diſtrict of the ſaid Shire other than that in which he ſhall uſually reſide.

Their Power.

IV. And be it enacted, That the ſaid Truſtees, or any Six or more of them, ſhall, in order to carry this preſent Act into Execution, meet at *Inveraray* on the Thirtieth Day of *April* One thouſand eight hundred and ſeventeen, and thereafter Yearly upon the Thirtieth Day of *April*, if a lawful Day, and if not then upon the firſt lawful Day thereafter; and that the ſaid Truſtees aſſembled at ſuch firſt and annual General Meetings ſhall have Power, and are hereby empowered, to appoint a Preſes or Chairman, and to adjourn if neceſſary to the next or any after lawful Day, and ſo from Time to Time as they ſhall think proper; and alſo to appoint a Clerk, Surveyor and Superintendent, and Collector; with Power to remove them, or any or either of them, at any intermediate Period as they the ſaid Truſtees ſhall ſee fit; which Clerk ſhall attend all the General Meetings of the ſaid Truſtees, and ſhall enter their Proceedings regularly in a Book or Books to be kept for that Purpoſe; and ſhall, as often as required by any Perſon or Perſons having an Intereſt therein, make and give out Copies or Extracts of any of the Orders or Proceedings of the ſaid Truſtees, containing the Warrant for putting the ſame into Execution, at ſuch certain moderate Fee for ſuch Copies or Extracts as ſhall be fixed by the ſaid Truſtees in a General Meeting aſſembled; and that the ſaid Truſtees at their firſt and all annual and adjourned General Meetings aſſembled, ſhall have Power, and are hereby empowered and required, to nominate and appoint early and convenient Times and Places for the Firſt Meetings in each Year of the Truſtees within the reſpective Diſtricts hereinbefore mentioned; and that the Truſtees in ſuch Diſtrict Meetings aſſembled ſhall have Power to adjourn as they ſhall ſee cauſe; provided, nevertheleſs, that all ſuch General and Diſtrict Meetings, ſhall be held at Mid-day and not earlier; and provided alſo, that it ſhall not be lawful for any Truſtee to attend any Diſtrict Meeting who is not poſſeſſed of a Qualification within the Diſtrict according to the Qualification of this Act.

Truſtees may vote by Proxy.

V. And be it enacted, That in all General and Diſtrict Meetings of the ſaid Truſtees it ſhall be lawful for and in the Power of any abſent Truſtee to act and vote by Proxy, General or Special, to be by him given to any other Truſtee, appointed under the Authority of this Act, attending

ſuch

such General or District Meetings, but that no Trustee shall be entitled to hold more than Two Proxies; and that it shall be lawful for any Justice of the Peace to hold Two Proxies, and to vote in respect of such Proxies, although he may not be qualified to vote in his own Right.

Powers of District Meetings.

VI. And be it enacted, That the Trustees of the said Districts respectively shall (under the Restrictions after mentioned) superintend and have the Direction and Cognizance of the several Roads, Bridges, and Quays within their respective Districts; and that the Trustees of the said Districts, in such District Meeting assembled, shall have Power to appropriate the Services and Monies to be exacted, raised, and placed at their Disposal, by virtue of this Act, for the Purpose of repairing the said Roads, Bridges, and Quays, and for the other Purposes therein mentioned; and that they shall be and are hereby empowered to appoint a Preses and Convenor, and a Clerk, Surveyor or Superintendant, and Collector of the Conversions of Statute Labour for their respective Districts; with Power to remove them, or any or either of them, as they the said Trustees shall see fit; and that the Convenor of every such District Meeting shall have Power, and he is hereby empowered and required, to call Meetings of the Trustees thereof as often as he shall be required so to do by any Three Trustees within such District (upon Twenty Days' previous Notice to be given at the Church Doors within the District); and that all Questions arising among the said Trustees, in such District Meetings assembled, shall be determined by the Votes or Vote of the Trustees or Trustee holding at least Two-thirds of the valued Rent of the Trustees present in Person and by Proxy, and not according to a Majority of individual Votes; and when any Question or Matter shall not be so determined, the same shall stand referred to the Determination of the next General Meeting of the said Trustees; and that it shall be lawful for any One Trustee to act at such District Meetings, in case more than One shall not attend: Provided always, that it shall not be lawful for the Trustees of any of the said Districts, or any Person by their Authority, to commence any new Line of Road, or any Alteration of an old Line, under the Authority of this Act, without the previous Approbation of the General Meeting of Trustees; and that in every Case where the Expence shall exceed Two hundred Pounds, Plans and Estimates verified upon Oath by Persons properly qualified, shall be submitted to the District and General Meetings of Trustees, before any Order shall be issued for executing the same; the Expence of which Plans and Estimates shall be paid from the District Funds.

Proviso.

Power to alter Military Roads, &c.

VII. And be it enacted, That the said Trustees shall be and they are hereby empowered to alter the Military Road from *Inveraray* to *Butter Bridge*, and from thence by *Glencro* in the Shire of *Argyll*, or by *Lochsloy* in the Parish of *Arrochar* and Shire of *Dumbarton*, until it shall again join the Military Road in the said Parish; and to alter such Parts of the said Military Road from *Inveraray* by *Dalmally* to *Tayndrom*, and from *Tayndrom* through *Glenco* to the Ferry of *Ballachallish*, as they the said Trustees shall think proper; and also to make such Alterations, Repairs, and Amendments upon the following Lines of general Communication, and the Bridges and Quays connected therewith, as shall to them appear necessary, namely, the Road from *Inveraray* by the West Side of *Kintyre* to *Campbelltown*, the Road from *Dalmally*, passing near the Ferry of

of *Connell* to *Oban* and *Barnabuck*, and from *Oban* to *Dunoon* by *Kilmelford*, *Lochgilphead*, and the Ferry of *Otter*, and the Road from the Ferry of *Auchnacraig* to *Tobermorry* in the Iſland of *Mull*; provided that nothing herein contained ſhall limit the Power of the General Meetings of Truſtees to regulate the Order in which the general Lines laſt mentioned ſhall be executed; nor relieve or preclude the Diſtrict Meetings of Truſtees from keeping in Repair ſuch Parts of the ſaid general Lines as are ſituated within each Diſtrict from the Funds and Statute Labour of ſuch Diſtrict, in ſo far as is not inconſiſtent with the other Proviſions of this Act; and that the Proprietors and Occupiers of the Lands through which ſuch Alterations ſhall be made ſhall be indemnified in Manner hereinafter directed.

Power to take and acquire Lands.

VIII. And be it 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 Perſons and Perſon whomſoever, though under any legal Diſability or Incapacity, are hereby empowered and required to ſell and convey all ſuch Lands, Tenements, or Heritages as may be neceſſary for the making, altering, or widening the ſaid Roads, Bridges, and Quays, or any of them, or for ſtoring Materials or otherwiſe where Ground is neceſſary for the Purpoſes of this Act: Provided always, that it ſhall be in the Power of all Proprietors and Occupiers of Lands, Tenements, or Heritages, as well entailed as unentailed, Huſbands, Truſtees, Tutors, and Curators, and all and every Perſons and Perſon whomſoever, though under any legal Diſability or Incapacity, to give up, renounce, and diſcharge any Claim competent to them, him, or her, for the Value of ſuch Lands, Tenements, or Heritages ſo to be taken and acquired, or for any Damages done to the ſame, where the Amount ſhall not exceed Two hundred Pounds; and that every ſuch Renunciation and Diſcharge ſhall be effectual for veſting ſuch Lands, Tenements, or Heritages in the ſaid Truſtees for the Purpoſes of this Act, and for diſcharging ſuch Damages, in like Manner as if the ſame were ſold, conveyed, and diſcharged for a valuable Conſideration; and all Bodies Politic, Corporate, or Collegiate, and all other Perſons whomſoever ſo conveying, renouncing, or diſcharging as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale, Renunciation, or Diſcharge, which they ſhall reſpectively make, grant, and execute by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, Renunciations, and Diſcharges, ſhall be made at the Expence of the ſaid Truſtees.

If Parties cannot agree, Price to be ſettled by a Jury.

IX. And be it enacted, That if any Owners or Occupiers ſhall not be ſatisfied with the Offer made to them by the ſaid Truſtees, for the abſolute Purchaſe of any ſuch Lands, Tenements, or Heritages, or as a Compenſation for any Damages to ſuch Lands, Tenements, or Heritages, or ſhall neglect or refuſe to treat for the ſame, or by reaſon of Abſence, ſhall be prevented from treating, the Amount of the Value or Damages ſhall be aſcertained by a Jury, to be called by the Sheriff-depute or his Subſtitute, of the Shire within which ſuch Lands, Tenements, or Heritages are ſituated, who, upon Application made to him for that Purpoſe, is hereby authorized and required to ſummon a Number of diſcreet and ſubſtantial Perſons, being Owners or Occupiers of Land, and entitled to

be Commiſſioners of Supply within ſuch Shire, not leſs than Thirteen in Number, to come and appear before him at ſuch Time and Place as by his Warrant or Precept ſhall be directed, (Intimation of Ten Days being given by the Truſtees or their Clerk of ſuch Appointment, to the Party or Parties concerned, or to his or their Agents,) and the Number of Perſons who ſhall attend, ſhall then be reduced to Seven by the ſaid Truſtees and the Owner or Occupier ſtriking off One alternately, beginning on the Part of the Owner or Occupier, or (in caſe both or either of the Parties ſhall fail to appear) by the Sheriff ſtriking off for each abſent Party or Parties, and the remaining Seven being duly ſworn, the Sheriff ſhall proceed to examine upon Oath in their Preſence ſuch Witneſſes as ſhall be ſummoned by either Party (which Oaths the ſaid Sheriff is hereby required to adminiſter); and, upon their Depoſitions and other competent Evidence, ſuch Jury ſhall determine the Value or Damages to be paid by the ſaid Truſtees, and in ſo determining ſuch Jury ſhall take into Conſideration, not only the Value of the Land actually taken and occupied for the Purpoſes of this Act, but alſo the Loſs and Damage which the Proprietor or Proprietors of any Lands or Eſtate through which the Roads to be made by the Authority of this Act, or any of them, may paſs, will ſuſtain by the Injury which ſuch Lands or Eſtate will ſuffer as a Sheep Farm, or Sheep Walk, or otherwiſe, in conſequence of ſuch Roads or any of them paſſing through ſuch Lands or Eſtate, and the Sheriff ſhall thereupon give Judgment accordingly, and order Payment to be made of the Sum or Sums awarded by the Jury; and upon Payment, or lawful Tender thereof, the Owners and Occupiers of the ſaid Lands, Tenements, or Heritages, or their Truſtees, Tutors, Curators, or Adminiſtrators, ſhall quietly permit and ſuffer the ſaid Truſtees to take Poſſeſſion of ſuch Lands, Tenements, or Heritages, which they are hereby authorized to do as fully and effectually to all Intents and Purpoſes, as if the Owners and Occupiers had executed regular Diſpoſitions of the ſame; which ſaid Verdict, and the Judgment thereupon pronounced as aforeſaid, ſhall be final, and not removable or queſtionable to or by any other Court whatſoever; any Law or Uſage to the contrary notwithſtanding.

Expences of Jury how to be paid.

X. And be it enacted, That in caſe ſuch Jury ſhall award a greater Compenſation than the ſaid Truſtees ſhall have offered, but leſs than the Owner or Owners, Occupier or Occupiers ſhall have required, the Expence of ſuch Jury ſhall be defrayed and borne by the Truſtees, and the ſaid Owner or Owners, Occupier or Occupiers equally; but in caſe the Jury ſhall award to ſuch Owner or Owners, Occupier or Occupiers, the Sum ſo required, or any greater Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid Truſtees; and on the other Hand, if the Jury ſhall award the Sum offered by the ſaid Truſtees, or a leſs Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid Owner or Owners, Occupier or Occupiers; and in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence be prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees.

Land on Payment of Money to veſt in Truſtees.

XI. Provided always, and be it enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owner or Owners, Occupier or Occupiers, and the ſaid Truſtees, or awarded by the Verdict of ſuch Jury in Manner aforeſaid, for the

Purchaſe of any ſuch Lands, Tenements, or Heritages, or as a Compenſation for any Damages to ſuch Lands, Tenements, or Heritages to the Proprietor or Proprietors of ſuch Lands, Tenements, or Heritages, or to ſuch Perſon or Perſons as ſhall be intereſted therein, or if the Perſon or Perſons ſo entitled or intereſted, or any of them cannot be found, then upon the Inveſtment thereof in the Bank of *Scotland*, or Royal Bank of *Scotland*, in Manner directed by this Act, it ſhall and may be lawful to and for the ſaid Truſtees, and their Agents, Workmen, and Servants, to enter into and upon ſuch Lands, Tenements, or Heritages, for the Purpoſes of this Act, and no Stop ſhall in the Meantime be put to the Operations of the ſaid Truſtees, on pretence that the Owners or Occupiers have not been ſatisfied and paid.

Application of Compenſation Money when exceeding 200l.

XII. And be it 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 the Sum of 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*, 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 Purchaſe or Redemption 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, or 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 Lands, Tenements, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When under 200l. and above 20l.

XIII. Provided always, and be it enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of

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 either of the ſaid Banks, and be placed to his, her, or their Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe, the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the Truſtees appointed by this Act, (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 thereon, may be applied in any Manner hereinbefore directed, as far as the Caſe may be applicable.

When under 20l.

XIV. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid, as next before mentioned, ſhall be leſs than Twenty Pounds, 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 Two 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 Refuſal or not making out a good Title, or if Owners cannot be found; Purchaſe Money to be paid into the Bank.

XV. And be it enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Heritages to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money or any Part thereof, by Petition, ſhall be and is hereby empowered, in a ſummary Way of proceeding, or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereon, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making claim thereto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Treaſurer or Treaſurers, Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for

for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of queſtionable Title, Poſſeſſor to be deemed to be entitled till the contrary ſhall be ſhewn.

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

Expences of Purchaſes may be allowed by the Court.

XVII. Provided always, and be it 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 either of the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes, from Time to Time, to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees to aſſeſs Heritors of the Shire of Argyll.

XVIII. And be it enacted, That the ſaid Truſtees, at their firſt Meeting to be held under the Authority of this Act, and at their annual General Meeting on the Thirtieth Day of *April*, or other Day on which the Commiſſioners of Supply ſhall meet to aſſeſs the Land Tax, ſhall be and they are hereby empowered and required to aſſeſs the Heritors and all other Perſons paying Ceſs or Land Tax within the ſaid Shire of *Argyll* in a Sum not exceeding Three Shillings nor leſs than One Shilling Sterling on each Pound of their valued Rent, according to the preſent Valuation thereof; which Sum not exceeding Three Shillings nor leſs than One Shilling Sterling on the Pound of valued Rent ſhall be levied from ſuch Heritors and Perſons reſpectively by the Collector of the Land Tax of the ſaid Shire, or by any other Collector or Collectors, and at ſuch Time or Times as the ſaid Truſtees ſhall direct; and that the Money ſo to be levied ſhall be placed and remain at the Diſpoſal of the ſaid Truſtees for the Purpoſes of repairing, altering, and amending the preſent Military Roads within the Shire of *Argyll*, and in the Pariſh of *Arrochar* and Shire of *Dumbarton*, of being applied in Payment of any Aſſeſſment impoſed upon the

said Shire for repairing the said Roads by virtue of an Act passed in the
54G.3.c.104. Fifty-fourth Year of the Reign of His present Majesty, intituled, *An Act for maintaining and keeping in Repair certain Roads and Bridges made in* Scotland *for the Purpose of Military Communication, and for making more effectual Provision for maintaining and repairing Roads made and Bridges built in* Scotland *under the Authority of the Parliamentary Commissioners for* Highland *Roads and Bridges*, and of an Act passed in the Fifty-fifth
55G.3.c.121. Year of the Reign of His present Majesty, intituled, *An Act to amend and explain an Act passed in the Fifty-fourth Year of His present Majesty, for maintaining and keeping in Repair certain Roads and Bridges made in* Scotland *for the Purpose of Military Communication, and for making more effectual Provision for maintaining and repairing Roads made and Bridges built in* Scotland *under the Authority of the Parliamentary Commissioners for* Highland *Roads and Bridges*, and also of altering and amending the Lines of general Communication, and the Bridges and Quays connected therewith, in the said Shire of *Argyll* hereinbefore mentioned, and for the other general Purposes of this Act; and that the said Trustees at their said first and annual General Meeting shall be and they are hereby further empowered and required to assess the Heritors and other Persons aforesaid, within each District of the said Shire of *Argyll*, in the further Sum of Three Shillings Sterling on each Pound of their valued Rent in the District, to be levied as aforesaid, and placed and remain at the Disposal of the District Meetings of Trustees, under such Limitations and Restrictions as are hereinafter expressed: Provided always, that nothing herein contained shall limit the Power of the General Meetings of Trustees as to the Order in which they shall authorize or direct the said Military Roads and general Lines of Communication to be repaired, altered, or amended; and that it shall be in the Power of the said General Meetings, after One Year's Notice inserted in their Proceedings, annually to restrict the Amount of such first Assessment to any Sum not less than One Shilling Sterling, and again to raise the said Assessment to any Sum not exceeding Three Shillings Sterling on the Pound of valued Rent; and that the said Trustees, assembled as aforesaid, upon the Application of any District Meeting of Trustees, where Persons possessing Three-fourths of the valued Rent of such District shall be present by themselves or Proxies, shall be and are hereby empowered and required to restrict the further Assessment in such District to any Sum not less than One Shilling Sterling on the Pound of valued Rent, and again to raise the same to the said Sum of Three Shillings Sterling, or any Part thereof, as often as such Application shall be made by such District Meeting of Trustees; provided that Notice of at least Twenty-one Days shall be given of the Intention of proposing such a Diminution or Augmentation of the Assessment in the District previous to such District Meeting, at the Church Doors in the usual Manner.

Recovery of Assessments.

XIX. And be it enacted, That if any Heritor or Person assessed as aforesaid shall refuse or neglect to pay the Sum in which he or she shall be so assessed, at the Time or Times to be appointed for the Payment thereof, as aforesaid, it shall be lawful for the Sheriff-depute, or his Substitute, or for any Two or more of the Justices of the Peace of the said Shire of *Argyll* (having first summoned such Heritor or Person) to grant a summary Warrant for pointing the Effects of the Person so refusing or neglecting, for appraising them on the Spot where found, and afterwards for selling

selling the same by Auction, for payment of the Sum or Sums assessed as aforesaid, together with a Third Part more; and the Overplus (if any) to be paid, when demanded, to the Person whose Effects shall have been so pounded; which Warrant shall be so granted by the said Sheriff-depute or his Substitute, or the Justices aforesaid, upon an Application made by the Collector or Collectors of the said Assessments, and an Attestation signed by him or them, bearing that the Person complained of has not paid the Sum or Sums so assessed on him or her.

Collectors to keep separate Accounts.

XX. And be it enacted, That the Collector or Collectors of the said Assessments shall keep distinct and separate Accounts of the Money levied under this Act, and appointed to be placed at the Disposal of the General Meetings, and of the District Meetings respectively, and shall not allow any Heritor or other Person to run in Arrear, but shall punctually execute the Orders of the General Meetings of Trustees, with respect to the levying the said Assessments, under the Penalty of being made personally liable and answerable for all Arrears thereof, in case he or they shall fail to do Diligence for recovering the same, in Manner herein directed: Provided always, that if the said Trustees, at any annual General Meeting in *April*, shall neglect to assess the Heritors and other Persons in Manner hereinbefore directed, either for General or District Purposes, that then, and in that Event, the Assessment of the preceding Year shall be held as continued for the then current or ensuing Year, and the Collector or Collectors is and are hereby empowered and required to levy the same as if such Assessment had been actually made and imposed by such General Meeting.

Proviso in case of Neglect to make Assessments.

Power for regulating Statute Labour.

XXI. And be it enacted, That every Tenant or Sub-Tenant in Possession, paying Twelve Pounds Sterling, or more, of yearly Rent in the said Shire of *Argyll*, shall be annually liable in Performance of Six Days' Service of himself, or other able-bodied Man, and his or her Men Servants (except Herds) if hired for a Period not less than Six Months, and Horses and Carts, upon the Highways, Roads, Bridges, and Quays in the said Shire, and shall perform the same after receiving Ten Days' Notice at his Dwelling-house, or at the Church Door of the Parish in which he resides, from the Surveyor or other Person authorized for that Purpose by the District Meeting of Trustees (Seed and Harvest Times excepted), or, in the Option of the said District Meetings, every such Tenant or Sub-Tenant shall pay the Sum of Twelve Shillings Sterling annually as the converted Price of the Labour of each Person for the Term of Six Years from and after the passing of this Act; with Power to the General Meetings of Trustees, after the Expiration of such Term, to fix the Price of Conversion for another Term of Six Years, and so for every succeeding Term of Six Years during the Continuance of this Act; and that every Tenant or Sub-Tenant paying less than Twelve Pounds Sterling of yearly Rent, and all Cottagers, Labourers, Tradesmen, Herds of Tenants, and Workmen, whether Householders or not, between the Age of Eighteen and Sixty Years, and every other Person, by the Laws now in Force, liable in the Performance of Statute Labour on the Highways within the said Shire of *Argyll*, shall perform Six Days' Labour annually on the said Highways, Roads, Bridges, and Quays, by themselves, or other able bodied Men, to be employed by them, at any Time when they shall be so required (Seed and Harvest Times excepted), after receiving Notice in Manner

Manner aforesaid, or, in the Option of the District Meetings of Trustees, shall pay the Sum of Six Shillings Sterling annually as the converted Price of such Labour for the Term of Six Years after the passing of this Act; with the like Power to the General Meetings of Trustees for fixing the converted Price thereof as hereinbefore directed with respect to Tenants paying Twelve Pounds Sterling or more yearly Rent: Provided always, that the said Conversion shall not in any Case exceed the average Rate of Labour of the Six preceding Years, to be regulated by Fiar Prices of Labour as ascertained by Law; and in case no such Fiars are taken, then it shall be in the Power of the General Meetings of Trustees to adopt such other Standard as they shall think proper for ascertaining the said Rates of Labour; and that the said Statute Work, or Conversion of the same into Money, exigible from the Tenants and other Persons hereinbefore mentioned, shall only be employed and laid out in making, maintaining, and repairing the Highways, Roads, Bridges, and Quays, lying and situated in the Parishes within which such Tenants and other Persons respectively reside, excepting in so far as by this Act otherwise provided; and that it shall be in the Power of any General Meeting of Trustees, at the Termination of Six Years from the passing of this Act, and of every subsequent Six Years thereafter during its Continuance, upon Six Months' previous Notice in Writing given at a General Meeting, to raise the standard Rate of Statute Labour, if they shall think the same expedient.

Saving Rights of the Burghs of Inveraray and Campbelltown.

XXII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to take away, alter, abridge, lessen, or prejudice, any Jurisdiction or Power of the Magistrates and Town Council of the Burghs of *Inveraray*, or *Campbelltown*, and Community thereof, respectively, or any Right, Authority, or Interest of the said Burghs, or of the Duke of *Argyll*, his Heirs and Successors, under or by virtue of the Charters of Erection of the said Burghs respectively.

Proviso as to hired Servants, Clergymen, and Schoolmasters.

XXIII. Provided nevertheless, and be it enacted, That the Heritors of the said Shire of *Argyll*, and the hired Servants of any Person or Persons paying the Assessments by this Act authorized to be levied, when employed upon the Lands of such Person or Persons, and engaged for a Period not less than Six Months, shall not be liable in the Performance of any Statute Labour, or the Payment of any converted Price thereof, excepting in so far as such converted Price would exceed the Assessments payable by such Heritors, Person or Persons, in Terms of this Act; and that no Clergyman or Schoolmaster, or Person producing a Certificate, under the Hands of any Proprietor on whose Lands he may reside, that he has *bonâ fidê* kept and taught a School thereon for the Space of Three Months immediately preceding, shall be liable for the Performance of any such Statute Labour, or for the Payment of any converted Price thereof; and that it shall be lawful to the Collectors or Surveyors, to be appointed by the said District Meetings of Trustees, upon the Certificate of any Two Trustees or of the Clergyman or Two Elders of the Parish, residing within the same Parish, to free or exempt from all or any Part of the said Labour or Conversion thereof all such Persons, within such Parishes, as from Lameness, Blindness, or other bodily Infirmity, are unable to perform the said Statute Labour.

XXIV. And

XXIV. And be it enacted, That every Heritor of the said Shire of *Argyll*, or his Factor, shall, within Twenty-one Days after being personally required in Writing so to do, deliver to the Collector, Surveyor, or Person authorized to receive the same by the District Meetings of Trustees, separate Lists of his Tenants, paying under and above Twelve Pounds Sterling of Yearly Rent, or such other Rent as any General Meeting of Trustees shall appoint as the Standard (distinguishing such Rents), under a Penalty of Five Pounds Sterling in case of Delay or Refusal, to be recoverable by virtue of a Warrant or Order of the Trustees assembled in General or District Meetings. Heritors to furnish Lists of Tenants.

XXV. And be it enacted, That every Person liable in Statute Work as aforesaid, who shall neglect to perform the same, or to make Payment of the converted Price thereof, when required, within Ten Days after such Requisition made to him or her, either personally or at his or her Dwelling-house, or by Advertisement at the Parish Churches on a *Sunday*, shall be liable in Manner following; *videlicet*, each Tenant or Sub-Tenant in Possession, paying Twelve Pounds Sterling or more of Yearly Rent, in Twelve Days' Service of himself, and his or her Men Servants, Horses, and Carts, to be converted at the ordinary Price of Labour for the Time, and each Tenant or Sub-Tenant paying less than such Rent, and each Cottager or other Person, in Twelve Days' Service, to be converted at the ordinary Price of Labour; and that the converted Prices of such Labour shall be levied by virtue of a Warrant under the Hands of any Two or more Justices of the Peace of the said Shire, proceeding upon a Certificate under the Hand of the Collector, Superintendant, or Surveyor, that the Person liable for the same had not performed his Statute Labour, or paid the converted Price thereof, such Person having been summoned by the said Justices, and that such Warrants shall contain Authority for arresting such Person's Effects, and for poinding and distraining the same, and that the Officer to whom the same shall be directed shall summarily seize and distrain the readiest Goods or Effects of the said Person, and shall, at the End of Three Days after such Distress, sell the same by public Roup or Auction to the highest Offerer, at the next convenient Place to the Lands upon which such Distress was made, for Payment of the Sum for which such Person shall be liable, and of the necessary Charges, rendering the Overplus to the Owner; and that no Suspension, Appeal, Complaint, or Action shall stop the Performance of the Statute Services, or Payment of the converted Prices thereof, for the Year in which they shall have been appropriated; saving always nevertheless to the Parties their Redress, either from the Persons by whom they shall have been aggrieved, or out of their several Services and Conversions for the Year next after such Seizure, Distress, and Sale shall have taken place. Penalty for neglecting to perform Statute Labour.

XXVI. And be it enacted, That the said Trustees of General and District Meetings shall, and they are hereby authorized and required to take such Security from the Collectors of the Assessments, and converted Prices of Statute Labour hereby authorized to be assessed and exacted, as to the said Trustees respectively shall seem proper. Collectors to give Security.

Aſſeſſments not appropriated by Diſtrict Meetings how to be applied

XXVII. And be it enacted, That if the annual Aſſeſſment upon the Pound of valued Rent, or any Part thereof, placed by this Act at the Diſpoſal of any Diſtrict Meeting of Truſtees, ſhall not be levied, applied, and expended in any Year within ſuch Diſtrict, it ſhall be in the Power of the Truſtees at the firſt or any ſubſequent General Meeting after ſuch Neglect, and they are hereby required to direct that ſuch Aſſeſſment ſhall be levied and applied in or towards the making or repairing any Road or Roads within the ſaid Shire of *Argyll* which they ſhall judge proper, unleſs where it ſhall have been previouſly otherwiſe ordered by the General Meeting of Truſtees upon the Application of the Truſtees of any Diſtrict or Diſtricts; and that the Statute Work, or Converſion thereof, in the reſpective Pariſhes, ſhall not be capable of being expended in any other Pariſh than that from which the ſaid Statute Labour or Converſion thereof ſhall ariſe, unleſs where a Majority of the Truſtees having Property in ſuch Pariſhes ſhall have given their Conſent in Writing thereto, in which Caſe it ſhall be lawful for the ſaid Diſtrict Meeting to order the ſaid Statute Work or Converſion thereof to be expended in any of the adjoining Pariſhes; and if any Pariſh ſhall conſiſt of more than One Iſland, the Statute Labour or Converſion thereof ſhall not be expended out of ſuch Iſland, unleſs with the Conſent of a Majority of the Truſtees having Property in the ſaid Iſland, in which Caſe it may be applied in any other Iſland in the ſame Pariſh.

Statute Labour not to be employed out of the Pariſhes in which it ſhall ariſe.

Diſtrict Meetings to report to General Meeting.

XXVIII. And be it enacted, That on the laſt *Tueſday* of *March* annually the ſaid Truſtees, in Diſtrict Meetings aſſembled, or in their Abſence, the Clerks of ſuch Diſtrict Meetings, ſhall make up full and exact Reports of their Proceedings, containing an Account of the whole Money received and expended on the Highways, Bridges, and Quays, and alſo of the Services employed, the Work performed, and the Offences committed during the preceding Year within ſuch Diſtricts reſpectively; and that ſuch Reports, ſigned by the Preſes or Clerks of ſuch Diſtrict Meetings, ſhall be tranſmitted by ſuch Clerks to the Clerk of the General Meeting of Truſtees, at leaſt Eight Days before the ſaid General Meeting of Truſtees to be held at *Inveraray* on the Thirtieth Day of *April*, and the ſame ſhall, by the Clerk of the General Meeting, be entered in a Book or Books to be kept for that Purpoſe, and laid before the Truſtees at their ſaid Meeting; and, in caſe of Failure, to make out and tranſmit ſuch Report, the Collector of the ſaid Aſſeſſments is hereby authorized and required to retain out of the firſt and readieſt of the ſpecial Funds of ſuch Diſtrict in his Hands the Sum of Ten Pounds Sterling; and in caſe ſuch Sum ſhall not be in his Hands at the Time, it ſhall be in the Power of the General Meeting of the Truſtees, and they are hereby empowered and required to aſſeſs ſuch Diſtrict for the ſame, to be levied in like Manner as the Aſſeſſments hereinbefore mentioned, and the Sum ſo to be retained or aſſeſſed ſhall remain at the Diſpoſal of the General Meeting of Truſtees for the Purpoſes of this Act.

Materials may be taken for making Roads, &c.

XXIX. And be it enacted, That the ſaid Surveyors or Superintendants, (after having obtained Warrant for ſo doing under the Hands of Two or more Juſtices of the Peace,) ſhall be, and they are hereby empowered to take out of any adjacent Lands, (other than Houſes, Gardens, Orchards,

chards, Nurſeries, and planted Walks,) Stones, Sand, Gravel, and other Materials, for making and repairing the ſaid Highways, Roads, Bridges, and Quays, doing the leaſt Damage poſſible; the ſaid Truſtees making the Owners or Occupiers of the Ground ſuch Satisfaction as to the ſaid Juſtices, or any Two of them, ſhall ſeem reaſonable.

Notice of getting Materials.

XXX. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor or Superintendant, or any other Perſon or Perſons acting under the Authority of this Act, to dig, gather, take, and carry away Materials for making and repairing the ſaid Highways, Roads, Bridges, or Quays, until Ten Days' Notice in Writing ſhall have been given to the Proprietors, or their Factors or Agents, and to the Occupiers of the Premiſes from which ſuch Materials are intended to be taken, or left at their uſual Places of Reſidence, if within the Shire, to appear before the ſaid Truſtees, or any Three or more of them, or before Two Juſtices of the Peace acting for the Shire in which ſuch Premiſes ſhall be ſituated, to ſhew cauſe why ſuch Materials ſhall not be had from ſuch Lands, or any Shores, Brooks, Rivers, or Grounds; and in caſe ſuch Proprietors and Occupiers ſhall not attend purſuant to ſuch Notice, ſuch Truſtees or Juſtices aforeſaid ſhall and may, if they think fit, authorize ſuch Perſon or Perſons aforeſaid to dig, gather, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Truſtees or Juſtices ſhall ſeem proper; and if any ſuch Proprietor or Occupier, or his Agent, ſhall neglect or refuſe to appear, ſuch Truſtees or 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 Proprietors or Occupiers, or their Agents, had attended.

No Gate to be erected without Licence;

XXXI. And be it enacted, That no Perſon ſhall be entitled to erect or keep erected any Gate upon any of the ſaid Roads and Highways without having obtained a Licence to that Effect from a General Meeting of Truſtees, and every ſuch Licence ſhall be void and of no Effect unleſs the Perſon obtaining the ſame ſhall erect a Houſe cloſe to ſuch Gate for the Reſidence of a Perſon who ſhall always be in Attendance to open the Gate when required by Paſſengers; and that no Perſon ſhall lay, or cauſe to be laid, any Timber, Stone, Lime, Dung, Compoſt, Aſhes, Peats, or Rubbiſh whatever, on or within Two Yards of the Sides of the ſaid Roads or Highways, (except the Materials for building Houſes and enclofing Grounds, which may be laid down for a reaſonable Time, but ſo as not to interrupt a free Paſſage along the Roads or Highways, nor the Courſe of the Water in the Drains,) nor commit any Nuiſance whatever thereon; and that any Perſon ſo offending ſhall forfeit the Materials ſo laid down, and alſo forfeit and pay any Sum not exceeding Five Pounds Sterling, to be recovered and levied in the ſame Manner as the converted Price of Labour hereinbefore directed, One-half thereof to be paid to the Informer and the other Half to be applied for making and repairing the Roads within the Diſtrict where the Offence ſhall be committed; and in caſe it ſhall not be diſcovered by whom the ſame was committed, the Occupier or Occupiers of the Ground next adjacent ſhall remove ſuch Nuiſance, and in caſe he, ſhe, or they ſhall neglect or refuſe ſo to do, after Twenty-four Hours' Notice given for that Purpoſe by any Truſtee or Surveyor under this Act, he, ſhe, or they ſhall be deemed and held to

and no Nuiſance to be committed;

be the Perſon or Perſons guilty thereof, reſerving Recourſe to the ſaid Party or Parties, within Six Months after his, her, or their Conviction, againſt any Perſon or Perſons by whom the Offence was actually committed.

Penalty for certain Offences.

XXXII. And be it enacted, That the Owner or Owners of any Horſes, Mules, Aſſes, Cattle, Sheep, Pigs or Swine, which ſhall be permitted to run looſe on the ſaid Roads, without a Perſon having the Care or Charge of them, or which ſhall be tethered thereon, or on the Sides thereof, ſhall be deemed guilty of a Nuiſance, and ſhall forfeit and pay for ſuch Offence a Sum not exceeding Five Pounds Sterling; and if any Driver paſſing on the ſaid Road ſhall ſit on his Cart, or allow his Horſes to go without holding a double Rein attached to them, or if the Drivers of any Carriage, Cart, Car, or loaded Horſe, when meeting another upon the Road, ſhall not drive to the left, the Owner of any ſuch Horſes, and every ſuch Driver ſhall forfeit a Sum not exceeding Five Pounds Sterling for each Offence.

And for ploughing Fields without making Head Ridges, &c.

XXXIII. And be it enacted, That if any Perſon ſhall plough any Field contiguous to any of the ſaid Roads, where ſuch Field is not incloſed from the Road, without making Head Ridges along the Sides of the Roads, of the Breadth of Eighteen Feet at leaſt, or ſhall draw or haul upon any Part of the ſaid Roads any Tree, Piece of Timber, or any Stone, Iron, or other Thing, otherwiſe than upon a Wheel Carriage, (except Sledge Cars for carrying large Stones, Grain, Hay, and Manure,) every ſuch Perſon ſhall for every ſuch Offence forfeit a Sum not exceeding Twenty Shillings Sterling.

Ditches and Drains to be made of a certain Breadth.

XXXIV. And be it enacted, That no Ditch or Drain ſhall, after the paſſing of this Act, be made at the Sides of the ſaid Roads, or, if already made, continued of any other Breadth or Depth than ſuch as ſhall be preſcribed from Time to Time by the Truſtees of the reſpective Diſtricts, at their annual Meeting on the laſt *Tueſday* of *March*, or at the immediate ſucceeding adjourned Meeting of ſuch Truſtees; and if any Perſon ſhall make or cauſe to be made, or continue any Ditch or Drain otherwiſe than ſhall be ſo preſcribed, ſuch Perſon ſhall forfeit a Sum not exceeding Ten Pounds Sterling for each Offence.

Mile Stones to be erected.

XXXV. And be it enacted, That the ſaid Truſtees, in General or Diſtrict Meetings aſſembled, may cauſe the ſaid Roads to be meaſured, and Mile Stones and Guide Poſts to be erected thereon, as near the Sides thereof as they may judge convenient; and if any Perſon or Perſons ſhall wilfully break, deſtroy, damage, pull down, or remove any ſuch Stones, or Poſts, or obliterate or deface any Letters or Figures that ſhall be inſcribed or put thereon, or ſhall injure or deface any Part of the Stones in the Bridges, Quays, Breaſt Works, or Boundary Wall, on or connected with the ſaid Roads, or the Parapets of the ſame, and ſhall be thereof convicted by the Confeſſion of the Party offending, or the Oath of One or more credible Witneſs or Witneſſes, before One or more of the Juſtices of the Peace for the ſaid Shire of *Argyll*, or for the County or Place where the Offenders ſhall reſide, ſuch Perſon or Perſons ſo offending ſhall reſpectively forfeit and pay any Sum not exceeding Ten Pounds Sterling for

for every such Offence; and it shall be competent for the said Trustees to grant any Reward they may deem expedient for discovering the Person or Persons guilty of such Offence, and which Reward shall be paid out of the General or District Funds for the Purposes of this Act.

How sudden Damages shall be repaired.

XXXVI. Provided always, and be it enacted, That in case of any sudden Damage happening to any Bridge, Road, or Quay, within the said Shire of *Argyll*, or to any Road to be made under the Authority of this Act in the Parish of *Arrochar* and Shire of *Dumbarton*, or any Bridge thereon, which may require an immediate Support or Repair, it shall be in the Power of any One of the Surveyors or Superintendants to be appointed as aforesaid, or of any One of the said Trustees, and he is hereby empowered to give Orders for executing such Repair, provided the Expence thereof shall not exceed the Sum of Five Pounds Sterling; and such Surveyor or Superintendant, and One Trustee, or any Two or more Trustees, are hereby empowered to order the same, provided the Expence thereof shall not exceed the Sum of Fifteen Pounds Sterling; and the Sum so expended shall be paid by the Collector of the said Assessments to the Order of such Surveyor or Superintendant or Trustee or Trustees, and shall be allowed to him in his Accounts with the District in which the Damage shall arise.

No House to be erected within Twenty Feet of the Center of Roads.

XXXVII. And be it enacted, That no Person or Persons shall hereafter be at liberty to erect any House or Houses, or other Building or Buildings, within Twenty Feet from the Center of any of the said Roads, excepting for the Purpose of filling up Vacancies in any Street or Streets already formed, upon a regular Plan, in any of the several Villages within the said Shire of *Argyll*, and of which a Plan or Plans, or a Copy or Copies thereof, shall be lodged with the Clerk of Supply, on or before the Thirtieth Day of *April* One thousand eight hundred and seventeen; and if any such House or Building shall be erected within the said Distance, excepting as aforesaid, any Two of the said Trustees, after causing One Month's Notice to be given to the Person or Persons who erected the same, or to the Occupier or Occupiers of the Land, may order the same to be pulled down and removed, at the Expence of such Person or Persons, Occupier or Occupiers, and may fine the Offender or Offenders in a Sum not exceeding Ten Pounds Sterling.

Power to borrow Money.

XXXVIII. And be it enacted, That it shall be in the Power of the said Trustees, in General Meetings assembled, and they are hereby empowered, to borrow, from Time to Time, upon the Credit of the Assessments by this Act authorized to be levied and placed at their Disposal, any Sum or Sums of Money, the legal Interest whereof shall not exceed One-third Part of the annual Amount of the said Assessments, and in Security of the same to assign over the said Assessments, or such Part thereof as may be necessary for extinguishing the Sum or Sums of Money which shall be so borrowed, with the Interest thereof; and that Copies of such Assignments, or Abstracts thereof, shall be entered in a Book to be kept for that Purpose by the Clerk of the General Meeting of Trustees; and which Assignments shall be transferrable by Indorsation

on the Back thereof, or by a ſeparate Paper; and that the Money ſo borrowed ſhall be applied in the ſame Manner as the ſaid Aſſeſſments are by this Act directed to be applied, and not otherwiſe; and it ſhall be in the Power of a Majority at any Diſtrict Meeting of the ſaid Truſtees, where Perſons poſſeſſing Four-fifths of the valued Rent of the Diſtrict ſhall be preſent by themſelves or Proxies, upon having previouſly obtained the Conſent of the General Meeting of Truſtees, to borrow, from Time to Time, upon the Credit of the Aſſeſſments by this Act placed at the Diſpoſal of ſuch Diſtrict Meeting of Truſtees, any Sum or Sums of Money, the legal Intereſt whereof ſhall not exceed One-third Part of the annual Amount of the ſaid Aſſeſſments ſo placed at the Diſpoſal of the ſaid Diſtrict Meeting, and in Security of the ſame to aſſign over the ſaid Aſſeſſments, or ſuch Part thereof as may be neceſſary for extinguiſhing the Sum or Sums of Money, with the Intereſt thereof, which ſhall be ſo borrowed; and that Copies of ſuch Aſſignments, or Abſtracts thereof, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk of the Diſtrict Meeting of Truſtees; and which Aſſignments ſhall be tranſferrable by Indorſation on the Back thereof, or by a ſeparate Paper; and that the Money ſo borrowed ſhall be applied in the ſame Manner as the Aſſeſſments placed at the Diſpoſal of the Diſtrict Meeting are by this Act directed to be applied, and not otherwiſe.

Aſſeſſments not to be reduced till Money borrowed be paid.

XXXIX. Provided always, and be it enacted, That after ſuch Aſſignment or Aſſignments ſhall be made, it ſhall not be in the Power of the ſaid Truſtees to leſſen or reduce the Aſſeſſments ſo aſſigned in Security, until the Money borrowed, with the Intereſt thereof, ſhall be repaid.

Expences of Roads incurred before the paſſing of this Act to be paid out of new Aſſeſſments;

XL. And be it enacted, That in ſo far as the unapplied Funds of all or any of the ſaid Diſtricts are not ſufficient to diſcharge the Expences incurred before the paſſing of this Act, by the Authority of the General or Diſtrict Meetings of the Truſtees appointed by the ſaid recited Act paſſed in the Thirty-ninth and Fortieth Year of the Reign of His preſent Majeſty, in making and repairing Roads and Bridges in the ſaid Shire of *Argyll*, the ſame ſhall be paid or retained out of the Proportion of the Aſſeſſments by this Act placed at the Diſpoſal of the Diſtrict in which ſuch Expences were incurred, in Terms of the Covenants or Agreements under which the ſame were contracted, in preference to all ſubſequent Allocations; and when any Funds ſhall remain, at the paſſing of this Act, unexpended in the Poſſeſſion of any Diſtrict Meeting of the ſaid Truſtees, the Truſtees of ſuch Diſtricts ſhall, at their firſt Meeting after the paſſing of this Act, report the ſame to the General Meeting of Truſtees, who are hereby empowered to direct their Collector to receive the ſame and place it to the Credit of the Funds for the general Purpoſes of this Act.

how unappropriated Funds ſhall be applied.

Uſeleſs Roads may be ſhut up.

XLI. And be it enacted, That it ſhall and may be lawful to the ſaid ſeveral Diſtrict Meetings of Truſtees, or to any Perſon or Perſons conceiving himſelf or themſelves intereſted therein, to apply, by Petition, to any of the General Meetings of the ſaid Truſtees, to have any ſuperfluous or uſeleſs Road or Roads in the ſaid Shire of *Argyll* ſhut up; which General Meeting ſhall thereupon name a Committee of at leaſt Five Truſtees, Three of whom to be a Quorum, to inſpect ſuch Road or Roads, and report

their Opinion of what is propoſed to the next General Meeting, and ſhall alſo order the ſaid Petition to be intimated to the Proprietor or Proprietors of the Grounds through which ſuch Road or Roads paſſes or paſs, and to which ſuch Road or Roads leads or lead, either perſonally or at his or their Place or Places of Abode, if reſiding within the ſaid Shire, and to the Poſſeſſors of the Grounds, either perſonally or at their Places of Abode, Two Calendar Months before the Day of the Meeting of ſuch Committee for that Purpoſe, and alſo by public Advertiſements at the Doors of the Church of the Pariſh in which the Road or Roads ſhall be ſituated, and of the Churches of the Two next adjacent Pariſhes on the Six preceding *Sundays*, immediately on the Diſmiſſal of the Forenoon Congregation; and upon ſuch Report being made to the then next General Meeting of the ſaid Truſtees, they ſhall hear all Parties having an Intereſt therein, and they are hereby empowered, if they ſhall ſee juſt Cauſe, and it ſhall be made appear that the Intereſt of the Shire will not be thereby hurt, to order and ordain ſuch Road or Roads thus become ſuperfluous or uſeleſs to be ſhut up: Provided always, that if any Perſon or Perſons conſider himſelf, herſelf, or themſelves aggrieved by ſuch order of the ſaid Truſtees, he, ſhe, or they may appeal to the Court of Juſticiary at the firſt Circuit at *Inveraray* after the ſaid Order ſhall be made, and if the ſaid Court, by their Deciſion, which is hereby declared to be final, ſhall affirm ſuch Order, then and in that Caſe the Perſon or Perſons appealing ſhall be liable to the Reſpondents in full Expences.

General and Diſtrict Meetings may appoint Committees.

XLII. And be it enacted, That the ſaid General and Diſtrict Meetings of Truſtees reſpectively ſhall be and they are hereby empowered, from Time to Time, to appoint a Committee or Committees for executing ſuch Part or Parts of the Powers granted to them reſpectively by this Act, which are not herein ſpecially required to be done at ſuch Meetings, as they ſhall ſee fit, (ſave and except the Powers herein contained, for inflicting Fines, Pains, or Penalties,) which Committees reſpectively ſhall conſiſt of at leaſt Three of the ſaid Truſtees.

Power to regulate Ferries.

XLIII. And be it enacted, That the Juſtices of the Peace and Commiſſioners of Supply of the Shire of *Argyll*, at their Annual Meeting on the Thirtieth Day of *April*, or on the Day for aſſeſſing the Land Tax, ſhall be and are hereby empowered and required, from Time to Time, to regulate the Ferries and Ferrymen in the ſaid Shire in ſuch Manner as the Situation of ſuch Ferries reſpectively ſhall appear to them to require, and to impoſe and inflict ſuch Fines or Puniſhments upon all Perſons guilty of any Breach of ſuch Rules and Regulations as ſhall be made by them for the above Purpoſes, but no ſuch Fine ſhall exceed the Sum of Five Pounds Sterling, and no ſuch Puniſhment ſhall be but by Impriſonment for a Period not exceeding One Month: Provided always, that before the ſaid Juſtices of the Peace and Commiſſioners of Supply ſhall make any ſuch Rules and Regulations, they ſhall order and receive from the Juſtices of the Peace and Commiſſioners of Supply of the Diſtrict wherein ſuch Ferry is ſituated, (who are hereby required to furniſh the ſame when ſo ordered at any General Meeting of the ſaid Juſtices of the Peace and Commiſſioners of Supply,) a ſpecial Report of every Particular reſpecting ſuch Ferry, ſpecifying

cifying the Number of Ferrymen, and the Number and Deſcription of Boats kept and neceſſary to be kept at ſuch Ferry; a Copy of which Report ſhall be tranſmitted to the Proprietor of the Ferry, if reſiding in the Shire, and, if not reſident, to the Tenant, Leſſee, Occupier, or Ferryman of ſuch Ferry, at leaſt Three Months before the Meeting of the ſaid Juſtices of the Peace and Commiſſioners of Supply for the Conſideration of the ſame, who are required to receive and conſider all Objections to the ſaid Report which ſuch Proprietor, Tenant, Leſſee, Occupiers, or Ferryman ſhall deliver in Writing to ſuch Meeting, otherwiſe ſuch Rules and Regulations ſhall be null and of no Effect.

Rules and Regulations to be affixed on Ferrymen's Houſes.

XLIV. And be it enacted, That after the ſaid Rules and Regulations ſhall from Time to Time be made, the Tenant, Leſſee, Occupier, or Ferryman of every ſuch Ferry ſhall have a Copy thereof, or of ſo much thereof as the ſaid Juſtices of the Peace and Commiſſioners of Supply ſhall direct (of which the Rates or Fares exigible at ſuch Ferry ſhall always form a Part) painted on a Board in conſpicuous Roman Characters, and affixed on the Front of the Houſe occupied by him at ſuch Ferry, under the Penalty of Five Pounds Sterling for every Month during which he ſhall neglect or refuſe to affix the ſame; and that all Complaints for Breach of ſuch Rules and Regulations ſhall be made to any One or more of the Juſtices of the Peace for the ſaid Shire, who are hereby empowered and required, after duly ſummoning the Party complained of to appear, ſummarily to decide the ſame upon the Evidence of One or more credible Witneſs or Witneſſes, or upon the Oath of the Complainer, or the Oath or Confeſſion of the Ferryman or other Perſon or Perſons complained of; and if the Tenant, Leſſee, Occupier, or Ferryman of any ſuch Ferry ſhall be Thrice convicted of any ſuch Offence, it ſhall be in the Power of the Proprietor of ſuch Ferry, immediately after ſuch Third Conviction, if he ſhall think fit, to remove ſuch Tenant, Leſſee, Occupier, or Ferryman therefrom, and from all Houſes and Lands held therewith, without any legal Warning, notwithſtanding any Covenant or Leaſe granted by ſuch Proprietor; and then and in that Caſe ſuch Covenant or Leaſe ſhall be and the ſame is hereby declared null and void and of no Effect for the Remainder of the Term which ſhall be then unexpired thereof, but ſhall be effectual for the Recovery of the Rent and the Performance of the Obligations which, on the Part of ſuch Tenant, Leſſee, Occupier, or Ferryman, ſhall be due and unperformed at the Time of ſuch Removal.

Penalty for interrupting Perſons employed under this Act.

XLV. And be it enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or promote to be aſſaulted, interrupted, or hindered, any Collector, Surveyor, or Superintendant, or any other Perſon or Perſons employed in the Execution of this Act, while doing or performing any Work, Matter, or Thing authorized to be done or performed by virtue of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Pounds Sterling.

Expence of paſſing this Act how to be paid.

XLVI. And be it enacted, That the Sums to be raiſed and levied by virtue of this Act ſhall be applied by the ſaid Truſtees, in the firſt Place, to defray and pay the Charges of obtaining this Act, and afterwards wholly to

to the Uſes and Purpoſes hereinbefore mentioned, and to no other Uſe or Purpoſe whatever.

How Penalties and Forfeitures ſhall be recovered and applied.

XLVII. And be it enacted, That all Penalties and Forfeitures hereby impoſed, or authorized to be impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed,) with the Coſts and Charges attending the Conviction of the Offender or Offenders, if not immediately paid, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand of any One of His Majeſty's Juſtices of the Peace for the Shire in which the Offence ſhall have been committed, rendering the Overplus of ſuch Diſtreſs (if any) to the Party or Parties, after deducting the Charges of making, keeping, detaining, and ſelling the ſame; which Warrant ſuch Juſtice is hereby empowered and required to grant upon Conviction of the Offender or Offenders either by Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath or Oaths ſuch Juſtice is hereby authorized, empowered, and required to adminiſter); and ſuch Penalties and Forfeitures when ſo paid, levied, or raiſed, ſhall be paid One-half to the Informer, and the other Half to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and, in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand, to commit ſuch Offender or Offenders to the neareſt common Gaol of the Shire in which the Offence ſhall have been committed for any Time not exceeding Three Calendar Months, unleſs ſuch Penalty or Forfeiture, with the Coſts and Charges attending the Conviction and Commitment, ſhall be ſooner paid.

Perſons aggrieved may appeal to the Quarter Seſſions.

XLVIII. And be it enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order, Judgment, or Determination of the ſaid Truſtees, or of any Juſtice or Juſtices of the Peace, or Commiſſioner or Commiſſioners of Supply, relating to any Matter or Thing in this Act mentioned or contained, and for which no particular Mode of Relief hath been already appointed, may within Six Calendar Months after ſuch Order, Judgment, or Determination ſhall have been made or given (firſt giving Twenty Days' Notice of ſuch Complaint to the Perſon or Perſons againſt whom the ſame is intended to be made), appeal to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the Shire in which the Cauſe of Appeal ſhall ariſe, at which not fewer than Five Juſtices ſhall be preſent, whoſe Judgment thereupon ſhall be final, and of which no Review or Appeal ſhall be competent, by Advocation or any other Proceſs whatſoever.

Limitation of Actions.

XLIX. And be it enacted, That all Actions, Suits, and Complaints againſt any Perſon or Perſons, for any Thing done by virtue or in purſuance of this Act, ſhall be commenced and made within the Space of Six Calendar Months after the Fact ſhall be committed, and not afterwards; and every ſuch Action, Suit, and Complaint ſhall be laid and tried in the Shire in which the Fact ſhall be committed, and not elſewhere; and the ſame ſhall not be removed or removeable by Suſpenſion, Advocation, or otherwiſe howſoever.

Public Act. L. 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.

Continuance of Act. LI. And be it enacted, That this Act ſhall commence and take Effect upon the laſt *Tueſday* of *March* One thouſand eight hundred and ſeventeen, and ſhall continue and be in Force for Twenty-five Years, and from thence to the End of the then next Seſſion of Parliament.

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