

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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to improve and facilitate the Communication between the Highlands and Lowlands of *Scotland* if the Trustees for making and maintaining the Highways, Roads, and Bridges in the said Shire were empowered to alter, repair, and amend certain Military Roads, Bridges, and Quays in the Shire of *Argyll;* but 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 Queen'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,

Recited Act repealed.

That from and after the passing of this Act the said recited Act of the Fifty-sixth Year of the Reign of His Majesty *George* the Third shall be and the same is hereby repealed, and this Act shall be put in force instead thereof, save and except as to any Assessment or Statute Labour, or converted Price thereof, authorized to be levied or exacted by the said recited Act, which at the passing of this Act 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 from and after the passing and for the Purposes of this Act the Shire of *Argyll* shall be and is hereby divided into Ten Districts; *viz.*, *North Argyll*, *South Argyll*, *Cowall*, *Kintyre*, *Tarbert*, *Lorn*, *Mull*, *Ardnamurchan*, *Morven*, and *Islay;* that the First of the said Districts, called *North Argyll*, shall extend from the West March of the Lands of *Dunderave* to the South Marches of the Lands of *Inverae*, *Strone*, and *Feorline*, thence by the South Marches of the Lands of *Craignure* and *Ardary* to *Lochawe*, thence along the South-east Side of the said Loch to the Water of *Tettle*, excepting the Island or Peninsula of *Inistrynich*, and thence in a straight Line to the March between the Lands of *Dunderave* and the Lands of *Auchintraw;* that the Second District, called *South Argyll*, shall comprehend the whole Lands from the North and North-east Marches of the Lands of *Achagoyle*, by *Lochfine*, to the South March of the Lands of *Strondour*, the East Marches of *Drimdrisaig*, *Clachbreck*, and *Ormsary*, and the East and South Marches of *Shengart*, thence by *Loch Keolisport* and Sound of *Jura*, to the South March of *Lower Kaims*, and thence by the South-east Marches of *Upper Kaims*, *Lagganlochan*, *Duchra*, *Barlia*, and *Dalchelish* to *Lochavich*, and along the Water of *Avich* to *Lochawe*, and by the South-west March of *Ardary*, *Craignure*, *Feorline*, *Strone*, and *Inverae* to *Lochfine*, including the Islands attached to the Parishes of *North Knapdale* and *Craignish;* that the Third District, called *Cowall*, shall comprehend the whole Lands from the South Coast of *Cowall* to the West March of the Lands of *Dunderave*, from *Lochfine* to where it meets the Boundary Line between *North Argyll* and *Lorn*, thence prolonging the said Boundary Line to the Confines of the County of *Dumbarton;* that the Fourth District, called *Kintyre*, shall comprehend the whole Lands from the South End of *Kintyre* to the North Marches of the Lands of *Carnbeg* and *Cour*, including the Island of *Sanda;* that the Fifth District, called *Tarbert*, shall comprehend the whole Lands from the South Marches of the Lands of *Rannachan* and *Crossaig* to the North Marches of the Lands of *Erins*, *Sleibgoyle*, and *Drimdrissaig*, including the Parish of *Gigha;* that the Sixth District, called *Lorn*, shall comprehend the

whole Lands from the South March of *Lower Kaims* on *Lochmelford*, and thence by the South-east Marches of *Upper Kaims*, *Lagganlochan*, *Duchra*, *Barlia*, and *Dalchelish*, to *Lochavich*, and along the Water of *Avich* to *Lochawe*, and thence by *Lochawe* to the Water of *Tettle*, including the Island or Peninsula of *Inistrynich*, thence by the Northern Boundaries of the said Districts of *North Argyll* and *Cowall* to the Confines of *Dumbartonshire*, and thence by the Boundaries of *Dumbartonshire*, *Perthshire*, *Invernesshire*, and *Lochleven*, to *Linnheloch*, and thence by the *Linnheloch* to the South March of *Lower Kaims* on *Lochmelford*, including all the Islands in the United Parishes of *Appin* and *Lismore*, *Kilmore* and *Kilbride*, and *Kilbrandon* and *Kilchattan*, and the Islands of *Balnahua* and *Pladda;* that the Seventh District, called *Mull*, shall comprehend the Islands of *Mull*, *Ulva*, *Ikolmkill*, *Tyree*, *Coll*, *Inchkenneth*, *Gommetra*, and the small Islands adjacent; that the Eighth District, called *Ardnamurchan*, shall comprehend *Ardnamurchan*, *Suinart*, *Ardgour*, and that Part of the Parish of *Kilmallie* which is situated in *Argyllshire*, *Monk*, *Rum*, and *Canna*, and the small Islands adjacent; that the Ninth District, called *Morven*, shall comprehend the Parish of *Morven* and the Lands of *Kingerloch;* that the Tenth District, called *Islay*, shall comprehend the Islands of *Islay*, *Colonsay*, *Ornsay*, and all the adjacent Islands, and the Island and Parish of *Jura*, excepting the Islands of *Balnahua* and *Pladda:* Provided nevertheless, that it shall be competent for a Majority of any Meeting consisting of Ten or more of the Trustees herein-after appointed, assembled at any annual General Meeting to be held in manner herein-after 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 Meeting held not sooner than the Month of *July* thereafter, of the Intention to propose such Alteration, a Copy of which Motion shall be sent, within Fifteen Days thereafter, by the County Clerk, to the Clerk to the Trustees of the District in which such Alterations are proposed to be made.

Districts may be altered.

III. And be it enacted, That every Person, either in his or her own Right or in right of his Wife, in the actual Possession and Enjoyment 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, or of Lands, Houses, or other Heritages rated, as herein-after provided for the Purposes of this Act, at the yearly Rent or Value of Two hundred Pounds Sterling 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 qualified in respect of Property as aforesaid, who, from Non-age or otherwise, is for the Time being incapacitated, the Provost or other Chief Magistrate of the Royal Burghs of *Inveraray* and *Campbelltown* and of the Burgh of *Oban* for the Time being, shall be Trustees for executing this Act.

Qualification of Trustees.

IV. And be it enacted, That for the Purposes of this Act the said Provost or other Chief Magistrate of the Royal Burghs of *Inveraray* and *Campbelltown*, and of the Burgh of *Oban*, shall be held to possess a Quali-

Magistrate of Burghs to be deemed qualified.

a Qualification in virtue of their Offices of Two hundred Pounds Sterling each of real Rent; and the Two Senior Baillies of the Burgh of *Campbelltown* shall also be Trustees for the said District of *Kintyre*, and shall be held to possess the said official Qualification of the yearly Value of Two hundred Pounds Sterling each of real Rent within said District.

Qualification of District Trustees.

V. And be it enacted, That every Trustee possessing the foresaid Qualification within all or any of the said Districts shall be a Trustee in the District where he or she possesses such Qualification.

Quorum of Trustees.

VI. And be it enacted, That in all General Meetings of the said Trustees Five shall constitute a Quorum, and in all District Meetings of the said Trustees Three shall constitute a Quorum.

Vote by Proxy, or by Commissioner or Factor.

VII. And be it enacted, That in all Meetings, either general or district, 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 qualified as such under this Act, or by a Commissioner or Factor whose Commission or Factory is placed on Record, attending such Meeting of Trustees; but that no Trustee shall be entitled to act for more than One absent Trustee: Provided always, that the Holder of a Proxy shall produce and register it at the Time his Name is inserted in the Sederunt Book, in default of which he shall not be entitled to vote under such Proxy.

Appointment of Clerks, Collectors, and other Officers.

VIII. And be it enacted, That it shall be lawful for the said Trustees to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors, and other Officers, with reasonable Salaries or Allowances for their Trouble, and to remove all or any such Clerks and other Officers, and appoint others in their Room, as they shall think proper; but no Trustee acting under Authority of this Act shall be eligible to the Office of Surveyor or Superintendent of any District.

Officers in Control of Money to give Security.

IX. And be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether as Treasurer, Collector, or other Officer, shall enter upon his Office, the Trustees shall take sufficient Security from him for the faithful Execution of his Office.

General Meeting of Trustees.

X. And be it enacted, That the said Trustees, in order to carry this Act into execution, shall hold their First General Meeting at *Inverary* on the Twenty-seventh Day of *September* One thousand eight hundred and forty-three, and shall hold their General Meetings thereafter at *Inverary* yearly upon the Thirtieth Day of *April*, if a lawful Day, and if not then upon the first lawful Day thereafter, and upon the last *Wednesday* of *September* in each Year; and the said Trustees assembled at such First and subsequent General Meetings shall have Power 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: Provided always, that if it shall happen that a Quorum shall not be present at any such Meeting it

it shall be competent for any One Trustee present to adjourn the Meeting to any future lawful Day, whereof Fifteen Days previous Notice shall be given by Circular Letter to be addressed by the Clerk to each of the said Trustees.

District Meetings.

XI. And be it enacted, That the said Trustees shall hold the First District Meeting on *Tuesday* the Fifth Day of *September* One thousand eight hundred and forty-three, and the District Meetings thereafter annually on the first *Tuesday* in *March* at some convenient Place within their said Districts, and shall from thence, and from Time to Time thereafter, adjourn to and meet at such Times and Places in the Neighbourhood of the said Roads as they shall think proper, and may appoint a Preses and Convener to act within the said Districts respectively.

Trustees to superintend Roads within their own Districts.

XII. And be it enacted, That the Trustees of the said Districts shall superintend and have the Direction and Management of the several Roads, Bridges, and Quays within their respective Districts, and shall be entitled to apply the Assessments to be raised within the said respective Districts in the Manner herein-after provided, to the Purposes of this Act.

Convener to call special Meetings.

XIII. And be it enacted, That the Convener of every such District Meeting shall have Power and he is hereby required to call Special Meetings of the Trustees thereof as often as he shall be required in Writing so to do by any Two Trustees within such District, such Meetings to be held upon Fifteen Days previous Notice being given by Circular Letters, to be addressed by the Clerk to each of the Trustees of the said District: Provided always, that the Business to be brought forward at such Special Meetings shall be stated in the Notices given, and that no other Business shall be brought forward for the Consideration of the Meeting.

Determination of Questions.

XIV. And be it enacted, That all Questions arising among the said Trustees in District Meetings assembled shall be determined by the Votes or Vote of the Trustees or Trustee who shall be in the Possession, either by himself or by Proxy of those he represents, of Property yielding Two Thirds at least of the assessed real Rent of the Trustees present in Person or by Proxy, and not according to the Number 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 in case only One Trustee shall happen to be present at any such District Meeting he shall have Power to adjourn the said Meeting to a future Day, whereof Fifteen Days previous Notice shall be given in manner above provided.

Estimates of certain Works to be furnished and approved.

XV. And be it enacted, That, subject to the Provisions of this Act, in every Case where the Expence of any new Line of Road or any Alteration of an old Line shall be estimated to exceed Two hundred Pounds Sterling, such new Line of Road or Alteration, and the Plans and Estimates thereof by Persons properly qualified, shall be approved of by a Special District Meeting of Trustees before any

Order shall be issued for executing the same, of which Meeting, and the Object thereof, due Notice shall have been given at an Ordinary or Special District Meeting held not less than Three Months previously, and also by Circular Letters addressed by the Clerk to each Trustee of the District as herein-before provided; and in all Cases where such Plans and Estimates have been ordered by a District Meeting of Trustees the Expences of the said Plans and Estimates may be paid from the Funds to be placed at the Disposal of such District under the Authority of this Act.

Preses to have a casting Vote.

XVI. And be it enacted, That at all General Meetings of said Trustees, but not at District Meetings, the Preses, besides his Vote as a Member of the Meeting, shall, in Cases of Equality, have a casting Vote as Preses; and all General and District Meetings shall be held at Mid-day, and not earlier; and no Order or Resolution, once made and agreed on, shall be revoked or altered at any subsequent Meeting, unless Notice to propose such Revocation or Alteration shall have been given at a previous Meeting, and transmitted by Post to every Trustee not present at such previous Meeting, who shall have been present at the Meeting where such Order or Resolution was made.

District Meetings to report to General Meeting.

XVII. And be it enacted, That on the First *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 whole Proceedings, containing an Account of the whole Monies received and expended by them in virtue of this Act on the Highways, Bridges, Quays, and Ferries, and of the Offences against this Act committed within such Districts respectively, during the Year preceding the First Day of *February* in which such Report is made up; and such Reports, signed by the Preses or Clerks of such District Meetings, shall be transmitted, within Ten Days thereafter, by such Clerks, to the Clerk of the General Meeting of the Trustees; and the said Reports shall, by the Clerk of the said General Meeting, be entered in a Book or Books to be kept for that Purpose, which at all seasonable Times shall be open to the Inspection of all Persons interested, who may take Copies thereof or Extracts therefrom; and in case of Failure to make out and transmit such Report it shall be lawful for the said Trustees, at their annual General Meeting, to order Payment to the County Collector by the Collector of the District so failing, out of the first and readiest of the Funds of such District in his Hands, of the Sum of Ten Pounds Sterling; and the Sum so to be paid over shall remain at the Disposal of the General Meeting of Trustees for the Purposes of this Act.

Proceedings of District Meetings subject to Control of General Meetings.

XVIII. And be it enacted, That the Proceedings of the Trustees in District Meeting shall be subject to the Control of the General Meetings, to which any District, Person or Persons, who may think themselves aggrieved by such Proceedings, may appeal; and the said General Meeting shall have Power to consider and finally to decide the Appeal; and in case the District Meetings do not comply with the Orders of the General Meeting the said General Meeting shall

have Power to appoint a Committee of their own Number to carry the said Orders into execution.

No Performance of Statute Labour.

XIX. And be it enacted, That no Performance of Statute Labour shall be exacted during the Currency of this Act, and in lieu thereof the Assessment herein-after mentioned shall be paid by all Tenants and Occupiers.

Assessment of Lands, &c

XX. And be it enacted, That on the First *Tuesday* of *March* after the passing of this Act, and on the First *Tuesday* of *March* in each subsequent Year, the said District Trustees in District Meeting assembled are hereby empowered and required to assess all Lands, Houses, and other Heritages situated within their respective Districts, in a Sum not exceeding Eight-pence nor less than Four-pence Sterling on every Pound Sterling of the real annual Value of such Lands, Houses, and other Heritages, one Half of such Assessment to be payable by the Landlord, and the other Half by the Tenant or Occupier thereof: Provided always, that the Amount of Assessment under this Act payable by any Person, whether Landlord or Tenant, shall in no Case be less than Two Shillings in any One Year; and provided also, that in assessing Slate Quarries the real annual Value upon which the Assessment is laid shall in no Case exceed One Third of the Amount of the actual Rent which is payable or might fairly be obtained for the same, and that no such Quarry shall be assessed for any Year unless the same shall have been wrought during Three Months at least of the Year preceding such Assessment; and if the said Trustees shall neglect to make the Assessments in manner herein-before directed, 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 to levy the same as if such Assessment had been actually made and imposed by such Meeting.

Assessment on Persons keeping a Horse.

XXI. And be it enacted, That on the said First *Tuesday* of *March* after the passing of this Act, and on the said First *Tuesday* of *March* in each subsequent Year, the said District Trustees in District Meeting assembled are hereby empowered to assess every Person within the District who keeps a Horse in the Sum of Four Shillings, provided such Person be not otherwise assessed to that Amount under this Act.

Assessment to be remitted in Cases of Poverty.

XXII. And be it enacted, That when the real annual Value of any House is under Three Pounds the Trustees of the District may remit, on account of Poverty, the whole or any Part of the Assessment authorized by this Act to be levied in respect of such Houses.

Annual Value defined.

XXIII. And be it enacted, That the said annual Value of the Lands, Houses, and other Heritages to be assessed under the Authority of this Act shall be taken to be the Rent at which, one Year with another, the same might in their actual State be reasonably expected to let from Year to Year, and the said District Trustees are empowered to ascertain such annual Rent or Value in such Manner as they shall see expedient, and, if they shall deem it necessary, to appoint

appoint sworn Surveyors or Valuators for that Purpose, the Expence of such Valuation to be defrayed out of the District Funds at their Disposal.

Tenants under Building Leases to be held to be Proprietors.

XXIV. And be it enacted, That where Houses have been or shall be built by the Tenant of any Land held under Lease upon such Land, the Tenant, and his Heirs and Assignees in such Lease, shall, for the Purpose of this Act, be deemed and taken to be the Proprietors of such Houses.

Additional Assessment for sudden Damage, &c. leviable on Proprietors only.

XXV. And be it enacted, That it shall be lawful for the Trustees of Districts in District Meeting assembled to make an additional Assessment, leviable on Proprietors only, not exceeding Four-pence on each Pound of assessed annual Value, whenever any sudden and extensive Damage to the Roads of any District shall occur, or whenever it is expedient to make new Roads, or extensive Alterations of old ones, for which the usual Assessment of the District is inadequate: Provided always, that not less than Three Months Notice of the Intention of imposing such additional Assessment shall be given by Circular Letters, to be addressed by the Clerk to each of the Trustees of such District, except in Cases of sudden Damage, when One Month's Notice shall be sufficient.

Expence of Military Roads, &c. how to be paid.

XXVI. And be it enacted, That the yearly Account due to the Parliamentary Commissioners for Highland Roads and Bridges, for the Monies expended on the Military Roads and Bridges within the said Shire of *Argyll*, also the Clerk's Salary, and other necessary Expences of the General Meeting of Trustees, shall be apportioned among the several Districts according to the Amount of their respective Valuations for Assessment under this Act; and the Proportion falling to be paid by each District shall be paid over to the County Collector in every Year, by the Collectors of the respective Districts, out of the first Monies in their Hands raised by virtue of this Act in each such District, and in case the same shall not be paid on or before the First Day of *July* in each Year the District so failing shall be liable to a Penalty of Twenty Pounds for every One hundred Pounds, over and above the Amount thereof, to be at the Disposal of the General Meeting of Trustees for the Purposes of the Act.

Expences of Parliamentary Roads, &c. how to be paid.

XXVII. And be it enacted, That the Monies expended by the said Parliamentary Commissioners on Parliamentary Roads and Bridges situated within any of the said Districts shall be paid by the Trustees of the said Districts respectively; and in the event of the Trustees of any District failing, from Insufficiency of Funds or otherwise, to pay to the said Parliamentary Commissioners the Monies so expended by them within such District, it shall be lawful for the Trustees assembled at the next General Meeting and they are hereby fully authorized to assess the Lands, Houses, and other Heritages situated within such District in the Amount that may be necessary to pay the Account due to the said Parliamentary Commissioners, and to free and relieve the County from all Claims in respect of the Monies so expended.

XXVIII. And

Collectors to levy Assessments.

XXVIII. And be it enacted, That the Collectors appointed by the respective Districts to collect the Assessment imposed in virtue of this Act shall proceed to levy the same as soon as may be after the First *Tuesday* of *March* in each Year; and to facilitate this Collection every Heritor of the County shall, on or before the First Day of *February* in each Year, furnish separate Lists of his Tenants, with the Amount of Rent payable by each, and also the Description and yearly Value of all Arable and Grazing Lands in his own Occupancy, to the Collector or Surveyor authorized to receive the same by the District Meetings of Trustees, under a Penalty of Five Pounds Sterling in case of Delay or Refusal, to be recovered and applied in manner herein-after directed.

Recovery of Assessments on real Rent.

XXIX. And be it enacted, That the Collector of each District shall give Notices in Writing to all Persons assessed of the Sums payable by them respectively, and of the Day and Place when and where the Assessments are proposed to be collected, and also of the Day and Place when and where Appeals from the said Assessments shall be heard and determined by the Trustees of the District, whose Decision shall in every Case be final, which Notices respectively shall be affixed on the principal Door of each Parish Church and of each *quoad sacra* Parish Church, on a *Sunday*, One Calendar Month at least previous to the Day of Collection, and Fourteen Days at least previously to the Day appointed for hearing and determining Appeals; and upon Failure of Payment upon the Day of Collection of the said Assessment, and a Certificate thereof being returned by the Collector, a summary Warrant for poinding the Effects of the Defaulter shall be issued by the Sheriff of the said Shire, or any One of his Substitutes, or any Two Justices of the Peace for the said Shire, for the Amount of the Sum assessed and the full Expences of the Proceedings; and it shall be lawful to appraise the poinded Subjects on the Spot where found, and to sell the same by Auction for Payment of the Assessment specified in the Warrant, and of the Expences, which shall be modified by the Magistrates granting the same, and the Surplus, if any, shall be paid, when demanded, to the Person whose Effects shall be so poinded and sold, after deducting the Charges of such Distress and Sale.

Charge of Roads within Royal Burghs to be given to Magistrates.

XXX. And be it enacted, That the said Trustees of the District of *North Argyll* shall give to the Magistrates of the Royal Burgh of *Inverary*, and the Trustees of the District of *Kintyre* shall give to the Magistrates of the Royal Burgh of *Campbelltown*, the Charge and Management of the Roads and Streets within the Royalties of the said respective Burghs, and shall pay over to the said Magistrates Two Thirds of the Assessment raised by virtue of this Act on Lands, Houses, and other Heritages situated within the said Royalties of the said respective Burghs, after deducting the Expence of assessing and collecting the same; and the Trustees of the District of *Lorn* shall give to the Magistrates of the Parliamentary Burgh of *Oban* the Charge and Management of the Roads and Streets within the Boundaries of such Burgh, as determined by an Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in Scotland*, 2 & 3 W. 4. c. 65.

Scotland, and shall pay over to the said Magistrates Two Thirds of the clear Assessment raised on Houses, Feus, and Gardens, but not on Farms or Portions of Farms, situated within the said Boundaries, after deducting the Expence of assessing and collecting the same: Provided always, that the Magistrates shall render to the District Meetings, in the Month of *March* in each Year, correct Accounts of the Expenditure of the Monies thus placed at their Disposal, and shall be bound to keep the Streets and Roads within their respective Boundaries as aforesaid, more especially the chief Thoroughfares leading to and from the District, in sufficient Repair to the Satisfaction of the said District Trustees.

Saving Rights of the Burghs of Inverary, Campbelltown, and Oban.

XXXI. 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 *Inverary*, *Campbelltown*, or *Oban*, and Communities 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.

Glebe Lands, Manses, &c. exempted.

XXXII. And be it enacted, That nothing in this Act contained shall authorize or be construed to authorize any Assessment to be levied in respect of Glebe Lands, Manses, Churches, or Chapels, nor shall any Parochial or other Schoolmaster or Teacher, regularly authorized to teach, pay any Assessment for his Dwelling House or School-house and the Land attached thereto in his own Possession.

Distinction of Parishes not to be observed.

XXXIII. And be it enacted, That the District Trustees shall not be bound to observe the Distinction of Parishes in laying out the Funds placed at their Disposal by this Act.

Roads, Bridges, and Quays to be made.

XXXIV. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually altering, maintaining, and repairing the Roads, Bridges, and Quays in the said Shire, and comprehended within the said Districts respectively, which at or before the passing of this Act were under the Superintendence, Direction, and Management of the Trustees appointed by the said recited Act, and also for the Purpose of making and keeping in repair such new Roads, Bridges, and Quays as the said Trustees, with the Consent of the Owners of the Lands through which the same may pass, as herein-after provided, may deem expedient for facilitating the Modes of Access and Communication in and through the said Shire of *Argyll*.

Power to alter Military Roads.

XXXV. And be it enacted, That it shall be lawful for the said Trustees in General Meeting assembled, with the Consent of the Parliamentary Commissioners, to alter the Military Roads within the Shire of *Argyll* as they shall think proper; and that the Proprietors and Occupiers of the Lands through which such Alterations shall be made shall be indemnified in manner herein-after directed.

XXXVI. And

Power to purchase Lands, &c.

XXXVI. And be it enacted, That for the Purpose of carrying into effect the Improvements hereby authorized, but subject to the Provisions of this Act, it shall be lawful for the Trustees to agree with the Owners of all Lands, Houses, Tenements, and other Heritages which the said Trustees may deem necessary for the Purposes of this Act, and which such Owners are willing to sell and dispose of, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Life-rent Charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights of Servitude or other Rights to which such Lands may be subject, and all other Right, Title, or Interest in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

XXXVII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, Tenements, or Heritages, or any such Right, Title, or Interest therein as aforesaid, to sell, dispone, and convey or assign the same to the Trustees, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Life-renters, or Heirs of Entail, Husbands seised by Courtesy, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Terce or other Interest therein, Tutor or Curator for a Minor or for any fatuous or furious Person, Trustee, Executor, or Administrator, or Person under any Disability; and the Power so to sell or convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion or by Destination or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women, as if they were sole, and as to such Tutor and Curator, on behalf of their Pupils and Minors and fatuous or furious Persons of whom they are the Tutors and Curators respectively, and that to the same Extent as such Wives, Pupils, and Minors, fatuous and furious Persons respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of those for whom they are Trustees, whether Infants, Issue unborn, Lunatics, Married Women, or other Persons, and that to the same Extent as such Persons so represented respectively could have exercised the same Powers under the Authority of this Act if they had been respectively under no Disability.

Acceptance of Compensation for Price of or Damage to Lands.

XXXVIII. And be it enacted, That the Owner of any such Lands, or of any such Right, Title, or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for

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any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XXXIX. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Trustees, the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as the Sheriff or any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Sheriff or Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Proprietors under Entail may burden their Estates.

XL. And be it enacted, That it shall and may be lawful for any Proprietor or Heir of Entail in Possession of any entailed Estate, or the Tutor or Curator of such Proprietor or Heir of Entail, who may be desirous of advancing or lending any Sum or Sums of Money for the Purpose of making or maintaining any Road, or building any Bridge or Quay on the same, to be made or built subsequent to the passing of this Act, either to bind himself personally as a Trustee of the Roads under this Act, and also to bind the succeeding Heirs of Entail, for the Repayment of any such Sum or Sums to any Person or Persons who may advance the same to the Trustees on account of such Road, Bridge, or Quay, or to advance such Sum or Sums, and to render the same a Burden upon the said entailed Estate and the succeeding Heirs of Entail, or, having advanced such Sum or Sums, to borrow the like Sum or Sums, and to bind himself and the said Estate and the Heirs of Entail succeeding thereto for the same; and all Bonds and Obligations for Money so to be advanced or borrowed and applied shall be held to bind such Proprietors in Cases where they have personally bound themselves, and also the Heirs of Entail in such Estates, for the Repayment of such Money; and such Bonds and Obligations shall be valid and effectual against the Granters of the same, and also against the Heirs of Entail succeeding to them in such entailed Estates; and such Sums shall be and continue to be a real Burden on such Estates till repaid out of the Funds placed in manner before mentioned at the Disposal of the Trustees of the District in which such Road, Bridge, or Quay is situated: Provided always, that the Share or Proportion of such Sum or Sums of Money to be so advanced or borrowed affecting such succeeding Heirs of Entail shall not exceed One Year's free Rent of the entailed Lands of such Proprietor situated in each District respectively in which any such Road or any Part thereof is situated, or in which any such Bridge or Quay or any Part thereof shall be built; and that the Heirs of Entail in Possession of such entailed Estates shall be obliged to keep

down the Interest of such Sum or Sums of Money so advanced or borrowed: Provided also, that it shall not be lawful to the Creditor or Creditors in right of any such Debt to adjudge or otherwise evict the entailed Estate for Payment thereof or any Part thereof, but it shall and may be competent to such Creditor or Creditors to prosecute such Remedy or Remedies against the Rents thereof as are given and allowed by the Law of *Scotland* to Heritable Creditors.

Application of Compensation Money where amounting to 200*l.*

XLI. And be it enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Buildings, or other Heritable Subjects purchased, taken, or used by virtue of the Powers of this Act, for the Purposes of any Road within the said Districts, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Trust, Incorporation, Married Woman, Infant, Lunatic, or other Person or Persons under any legal Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds Sterling, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, 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, Buildings, or other Heritable Subjects, 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, Buildings, or other Subjects, or affecting other Lands, Buildings, or Heritable Subjects 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, Buildings, or Heritable Subjects, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, 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, Buildings, or Heritable Subjects so hereby directed to be purchased in case such Purchase or Settlement were made.

Application where less than 200*l.* and amounting to 20*l.*

XLII. And be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Buildings, or Heritable Subjects 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 Sterling, and not less than the Sum of Twenty Pounds Sterling, then

and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Subjects 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 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 Trustees of the District in which the Road or Roads are situated on account of which such Money shall have been agreed or awarded to be paid (such Nomination and Approbation to be signified in Writing under the Hands of the nominating or approving Parties), in order that such Principal Money, and the Interest arising therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where less than 20*l.*

XLIII. And be it 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 Subjects so purchased, taken, or used for the Purposes of this Act, in such Manner as the Trustees of any Road as aforesaid, or any Two or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title Purchase Money to be paid into a Bank, subject to the Order of the Court of Session.

XLIV. And be it enacted, That in case any Person or Persons to whom any Sums of Money shall be awarded for the Purchase of any Lands, Buildings, or other Heritable Subjects to be purchased by virtue of this Act shall refuse to accept of 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 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 nor discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Two 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*, or Bank of the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Buildings, or other Heritable Subjects, (describing them,) subject to the Order, Control, and Disposal 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 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, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Right to such Money, the Persons in Possession shall be deemed to be entitled.

XLV. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks, for the Purchase of any Lands, Buildings, or other Heritable Subjects as aforesaid, the Person or Persons who shall have been in Possession of such Lands, Buildings, or other Heritable Subjects 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, Buildings, or other Subjects 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 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, Buildings, or other Heritable Subjects.

Valued Rent not to be altered in respect of Ground taken.

XLVI. And be it enacted, That in every Case where it may be necessary to exchange or take Ground, as herein-before allowed, for the Purposes of any Road within the said Districts, the same shall not affect, alter, nor diminish the valued Rent of the Lands from which such Ground shall be so taken.

Power to widen Roads to Twenty Feet without Compensation;

and to Thirty Feet, with Compensation.

XLVII. And be it enacted, That the Trustees within the said Districts respectively shall have Power and they are hereby authorized to widen and extend any of the existing Roads within the said Districts so that the same shall be in all Places Twenty Feet in Width of clear passable Road, exclusive of the Bank, Ditch, or Fence on either Side thereof, and the said Trustees shall not be liable to pay for any Ground necessary to make any such Road of the requisite Width, reserving all Claims of Damages to the Proprietor for any Fences which may be altered or removed by widening such Road as aforesaid; and the said Trustees within the said respective Districts shall have further Power, and they are hereby authorized, if they shall see fit, to extend any of the existing Roads within the said Districts to the Width of Thirty Feet of clear passable Road, exclusive of the Bank, Ditch, or Fence on either Side thereof, on making full Satisfaction, in manner herein-after directed, to the Proprietors and Occupiers of any Ground, Buildings, or Fences taken or removed for the Purposes of such widening, over and above the Width of Twenty Feet as aforesaid.

In case of Disagreement as to Compensation.

XLVIII. And be it enacted, That in the event of the Trustees and the Proprietors not agreeing as to the Consideration Money or Compensation for any Ground, Buildings, or Fences taken or removed for

for the last-mentioned Purposes, such Consideration Money or Compensation shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Trustees, the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as the Sheriff or any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Sheriff or Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Power to get Materials from Commons, &c.

XLIX. And be it enacted, That it shall be lawful for the said Trustees, or any Person authorized by them, to search for, dig, and carry away Materials for making or repairing any Road and the Footpaths thereof, or building, making, or repairing any Bridge, or any other Work connected with such Road, from any Common Land, open uncultivated Land or Waste, or to deposit Mud or Rubbish thereon, without paying any Surface Damages or any thing for such Materials, except for Stone to be used for building, and to carry the same through the Ground of any Person, such Trustees or other Persons authorized by them filling up the Pits or Quarries, levelling the Ground wherefrom such Materials shall be taken, or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Person or Cattle, and paying for or tendering the Damage done by going through and over any inclosed or arable Lands for or with such Materials, Mud, or Rubbish, such Damages to be ascertained as herein-after mentioned.

Power to get Materials from inclosed Lands.

L. And be it enacted, That it shall be lawful for such Trustees, and other Persons authorized by them as aforesaid, to search for, dig, and carry away any such Materials in or out of the inclosed Land of any Person where the same may be found, and to land or carry the same through or over the Ground of any Person, (such Materials not being required for the private Use of the Owner or Occupier of such Land, and such Land or Ground not being an Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk or Avenue to any House, nor inclosed Ground planted as an Ornament or Shelter to a House, unless where Materials have been previously in use to be taken by the said Trustees,) making or tendering such Satisfaction for Stones to be used for building, and for the Surface Damage done to the Lands from whence such Materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees shall judge reasonable.

Amount of Damages, &c. in case of Dispute, to be settled by Sheriff or Justices.

LI. And be it enacted, That in case such Trustees and the Proprietor or Occupier of such Lands shall differ as to the Amount of such Payments and Damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the said Shire of *Argyll*, on the Application of either Party, with an Inducíæ of Fifteen Days, to hear and determine all Questions as to the Amount of such Payments and Damages, and the Expences attending the same.

Notice to be given before Materials are

LII. Provided always, and be it enacted, That before taking Materials from any inclosed Land from which the same shall not previously have been in use to be taken Ten Days previous Notice in Writing, signed by

Two Trustees, shall be given to or left at the usual Residence of the Proprietor and Occupier of the Land or Quarry from which it is intended to take the same, or his or her known Agent, to appear before the Sheriff or any Two Justices of the Peace acting for the said Shire, to show Cause why such Materials shall not be so taken; and in case such Proprietor, Occupier, or Agent shall attend pursuant to such Notice, or shall neglect or refuse to appear (Proof on Oath in such Case being duly made of the Service of such Notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such Materials, or make such Order as they shall think fit.

taken from inclosed Lands.

LIII. And be it enacted, That it shall not be lawful for any Person to take away any Materials which shall have been procured or provided or used for the Repair or Use of any Road, or to take any Materials out of any Quarry which shall have been opened by the said Trustees for the Purpose of getting Materials for any Road, so as to interrupt or interfere with the Workings carried on by such Trustees; and every Person so offending shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds, to be recovered and applied in manner herein-after directed.

Penalty on taking away Materials provided for repairing Roads.

LIV. And be it enacted, That it shall be lawful for the said Trustees to make a Road through the Grounds adjoining to any ruinous or narrow Part of any Road (not being an Orchard, Garden, Lawn, Policy, planted Walk or Avenue to any House, or Nursery for Trees), to be made use of as a public Highway whilst the old Road is repairing or widening, making Recompence to the Proprietor or Occupier of such Grounds for the Damages they may thereby sustain; and in case such Trustees and such Proprietor or Occupier shall differ as to the Amount of such Damages, it shall be competent to the Sheriff or Justices of the Peace for the said Shire, on the Application of either Party, upon an Induciæ of Fifteen Days, to hear and determine all Questions as to the Amount of such Damage, and the Expences attending the same.

Power to use adjoining Ground as a temporary Road.

LV. And be it enacted, That it shall be lawful for the said Trustees to make sufficient Side Drains on any Road, with Power to conduct the Water therefrom into any adjoining Land, Ditch, or Watercourse, (such Land not being the Site of any House or Garden,) in such Manner as shall be least injurious to the Proprietor or Occupier of such Land, the said Side Drains to be maintained at the Expence of the Trustees.

Trustees to make Side Drains.

LVI. And be it enacted, That it shall be lawful for the said Trustees to make sufficient Ditches along the Side of any Road, provided that if the Land is inclosed on the Side of such Road such Ditch shall be made on the Field Side of the Fence, and also to make proper Ditches and Outlets from the said Side Ditches through any Lands adjoining any such Road (not being the Site of any House or Garden), in such Manner as shall be least injurious to the Proprietor and Occupier of such Land; and the Occupier of such Land (unless such Land be uninclosed and waste) shall be obliged in all Time thereafter to keep clear such Side Ditches and other

Trustees to make Ditches.

Ditches or Outlets, as well as all such Ditches already made along the Sides of any Road, when so required by the said Trustees or their Surveyor; and in case the Proprietor or Occupier shall neglect or refuse to cleanse such Side Ditches or other Ditches or Outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby empowered to cleanse such Side Ditches or other Ditches or Outlets, and levy the Expence thereof from the Occupier of such Grounds in the same Manner as other Penalties by this Act imposed: Provided always, that nothing herein contained shall prohibit any Proprietor or Occupier from substituting, to the Satisfaction of the Trustees, any other equally effectual Ditch or Outlet in place of that constructed by the Trustees.

Regulations as to Junctions of Roads.

LVII. And be it enacted, That in case any private Road or Passage shall be made by any Person to enter upon any of the Roads under the Management of the Trustees appointed by this Act, the Proprietor or Occupier of such private Road or Passage shall be obliged to construct the same in such a Way as to enter as nearly as possible upon the Level of the public Road so entered upon, and shall build sufficient Conduits or Bridges over the Side Drains and Ditches of any Road so joined or entered upon opposite to any such other private Road or Passage, and thereafter maintain and uphold the same, all to the Satisfaction of the said Trustees; and in case the Proprietor or Occupier of such private Road or Passage shall neglect or refuse to maintain the said Conduits or Bridges it shall be lawful for the said Trustees to repair the same, and charge such Persons respectively with the Expence thereof; and it shall not be lawful for any such Proprietor or Occupier to make or keep any Mound, sloping Bank or Projection, into or upon the Sides of any Road, or to cut or slope away any Part of the Sides of any Road, or keep or use any such Slope; and if any such Proprietor or Occupier shall neglect or refuse to remove such Mounds, Bank, or Projection, or to make up such cutting or sloping, it shall be lawful for the said Trustees to remove such Obstruction, and repair such Defects, at the Expence of such Proprietor or Occupier.

Trustees may remove Mounds, Projections, &c. upon Sides of Road.

No Timber, Stones, &c. to be left on Roads.

LVIII. And be it enacted, That no Person shall lay or cause to be laid any Timber, Stone, Lime, Dung, Compost, Ashes, Peats, Rubbish, or other Matter or Thing whatsoever on or within Two Yards of the Sides of any of the said Roads; and any Person so offending shall forfeit and pay a Penalty not exceeding Five Pounds Sterling, to be recovered, levied, and applied in manner herein-after directed; and it shall also be lawful for the Surveyor of such Road, or for any Trustee or other Person authorized by the said Trustees, to seize and carry off *brevi manu* any Matter or Thing laid down as aforesaid, and to sell or otherwise dispose of the same as a Forfeiture, in such Manner as the said Trustees shall direct, unless such Matter or Thing shall be previously redeemed by the Owner thereof by Payment of the Penalty above mentioned: Provided always, that the Proprietor or Occupier of any Lands or Houses may lay down any Materials for building or repairing any House or Wall immediately adjoining any Road, such Materials being laid down so as not to interrupt a free Passage along the Road, nor the Course of the Water

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in the Drains, and not being allowed to remain for more than a reasonable Time, such Proprietor or Occupier giving Three Days previous Notice in Writing to the Clerk of the District or to the Surveyor of the Road, and erecting such Fence round such Materials, and fixing and lighting Lamps thereon, in such Manner as the said Trustees may require.

Owners of the adjoining Lands to cut the Hedges and Branches of Trees prejudicing the Roads.

LIX. And be it enacted, That the Owners and Occupiers of Lands adjoining to every Road shall cut, prune, and trim all Branches of Trees, Bushes, Shrubs, and Hedges growing adjacent thereto, which shall hang over the said Roads or any Part thereof, or which shall impede or annoy any Carriage or Person travelling thereon; and if such Owner and Occupier shall not, within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and trim such Branches of Trees, Bushes, Shrubs, and Hedges in manner aforesaid, it shall be lawful for such Surveyor and he is hereby required to make Complaint to the Sheriff or Justices of the Peace, who shall grant Warrant to summon the Occupier of such Lands and the Owner thereof, or his Agent or Factor in his Absence, Twenty Days after Service, to appear and answer the said Complaint; and if it shall appear to such Sheriff or Justices that such Occupier or Owner has not complied with the Requisites of this Act in that Behalf, it shall be lawful for such Sheriff or Justices, upon hearing the Surveyor and Occupier or Owner of such Land, or an Agent authorized to appear for either of them, or, in default of their Appearance, upon having due Proof of the Service of such Summons, and considering the Circumstances of the Case, to order such Branches of Trees, Bushes, Shrubs, and Hedges, to be cut, pruned, and trimmed in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Lands shall not obey such Order within Ten Days after it shall have been made, and he shall have had due Notice thereof, he shall forfeit the Sum of Two Shillings as a Penalty for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, and the Sum of Twopence as a Penalty for every Tree, Bush, or Shrub which shall be so directed to be cut, pruned, or trimmed; and the Surveyor, in case of such Default made by the Occupier, shall cut, prune, and trim such Branches of Trees, Bushes, Shrubs, and Hedges, in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above such Penalties, the Expences of such cutting, pruning, and trimming.

If neglected for Ten Days, Surveyor may complain to the Justices, who may order them to be cut.

Penalty for Neglect after Order of Justices.

Time of cutting or pruning.

LX. And be it enacted, That no Person shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*, nor to cut, prune, or lop the Branches of any ornamental Trees (unless the same shall hang over the Road or Footpath, or any Part thereof, so as to impede or annoy any Carriage or Person travelling thereon), if the Proprietor or Tenant of the Lands shall become bound to pay the additional Expences which their remaining uncut or unlopped may occasion to the said Trustees in keeping any such Roads in repair.

LXI. And

Penalties on Persons making Encroachments.

LXI. And be it enacted, That if any Person shall fill up or obstruct any Ditch at the Side of any Road, or any Ditch used for conveying Water from the said Road, or any Side Drain thereof, or Ditch or Drain under the same, or shall encroach by making any Dwelling House or other Building, or any Hedge, Ditch, or other Fence, or in any other Manner whatever, on any Road, or shall make any Drain, Gutter, Sink, or Watercourse across, under, or upon, or shall turn or conduct any Drain or Water across, under, or upon, or in any way break up the Surface of any Road, without the Consent in Writing of the said Trustees or of their Surveyor, such Person shall forfeit for every such Offence a Penalty not exceeding Five Pounds; and it shall be lawful for the said Trustees to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down or filled up at the Expence of the Person so offending.

No Dikes or Rails, as Inclosures, to be erected within 12 Feet from Centre of the Road, and no Houses within 20 Feet of the Centre of the Roads.

LXII. And be it enacted, That no Person shall erect or be at liberty to erect any Dikes or Rails as Inclosures within Twelve Feet from the Centre of the Road, or any House or Houses or other Building within Twenty Feet from the same, excepting Houses for the Purpose of filling up any Vacancies in any Street already formed or proposed to be formed upon a regular Plan in any of the several Burghs or Villages within the said Shire of *Argyll*, and of which a Plan or Plans, or a Copy thereof, shall be lodged with the Clerk of Supply within Three Years from the passing of this Act; and if any such House or Building, or new Inclosure or Plantation, shall be erected within the said Distance, excepting as aforesaid, any Two of the said Trustees, being authorized so to do by the District Meeting, after causing One Month's Notice to be given to the Person who erected the same, or to the Occupier of the Land, may order the same to be pulled down and removed at the Expence of such Person or Occupier; and every Person so offending shall be liable in a Penalty not exceeding Five Pounds Sterling, to be recovered and applied in manner herein-after directed.

No Gate to be erected without Licence.

LXIII. 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 Meeting of Trustees of the District; and every such Licence shall be void and of no effect unless the Person obtaining the same shall erect a House, not more than Forty Feet from such Gate, and not less than Twenty Feet from the Centre of the Road, for the Residence of a Person who shall always be in attendance to open the Gate when required by Passengers, and unless such Gate be not less than Ten Feet in Width; and that any Person erecting a Gate upon any of the said Roads without such Licence, or in any Manner inconsistent with the Provisions before specified, shall forfeit and pay a Penalty not exceeding Five Pounds Sterling, to be recovered, levied, and applied in manner herein-after directed; and it shall be lawful for the Sheriff or any Justice, and they are hereby fully authorized, upon Application being made to them, and upon Proof being adduced before them, to order such Gate to be taken down and removed at the Ex-

pence of the Person who may have erected the same, and to grant Warrant for Recovery of the said Expence in the same Mode as a Penalty under the Provisions of this Act.

Milestones and Direction Posts to be erected.

LXIV. And be it enacted, That the said Trustees, in General or District Meetings assembled, may cause the said Roads to be measured, and Milestones and Guide Posts to be erected thereon, as near the Sides thereof as they may judge convenient.

Penalty for Offences on the Roads, &c.

LXV. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, on any Road, Bridge, or Quay within the Limits of this Act, shall commit any of the following Offences; (that is to say,)

Every Person who shall slaughter or dress any Beast, Swine, Calf, Lamb, or other Cattle, except in the Case of any over-driven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the Public Safety and other Purposes may require to be killed on the Spot:

Every Person who shall suffer any Sow or Pig to be at large, so as to root up or damage any Road, or the Fences or Ditches or the Sides thereof:

Every Person who shall suffer to be at large any troublesome or ferocious Dog, or set on or urge any Dog or other Animal to attack, annoy, worry, or put in fear any Person, Horse, or other Animal:

Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footpath or Causeway made or set apart for the Use and Accommodation of Foot Passengers; or hold or fasten any Horse or other Animal so that it may stand across or upon such Footpath or Causeway:

Every Person, having the Care of any Waggon, Cart, or other Carriage, who shall ride on any Part thereof, or on the Shafts, or on any Horse or other Animal drawing the same, without having Reins, and holding the same; or who shall be at such a Distance from such Waggon, Cart, or other Carriage as not to have the complete Control over every Horse or other Animal drawing the same; or shall not keep the Waggon, Cart, or Carriage to the Left or Near Side, except in case of actual Necessity, or some sufficient Reason for Deviation; or shall wilfully prevent any Person or Carriage from passing him or any Carriage under his Care:

Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare:

Every Person who shall leave any Waggon, Cart, or other Carriage in any Thoroughfare or on the Side thereof, without a proper Person in charge of the same, longer than may be necessary to load or unload the same:

Every Person in the sole Charge of driving more than One such Waggon, Cart, or other Carriage, who shall have more than One

Horse or other Animal drawing the same, and which Horse or other Animal shall not be attached by a Rein not exceeding Six Feet in Length to the Back of the Waggon, Cart, or other Carriage which shall be foremost, and shall not follow in the same Line therewith:

Every Person in charge of any Waggon or Cart, or of any Coach, Post Chaise, or other Carriage let for Hire, who shall omit to have painted in a straight Line horizontally upon some conspicuous Part of the Off or Right Side of such Waggon or Cart, or upon the Panels of the Doors of such Coaches and Post Chaises, the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large legible Roman Letters, either of a dark Colour on a light Ground or of a light Colour on a dark Ground, and not less than One Inch in Height, with Arabic Numerals of like Size, denoting the Numbers of such Waggons, Carts, Coaches, Post Chaises, and other Carriages, if more than One belonging to One Proprietor; and every Person driving or in charge of such Waggon or Cart, or Coach, Post Chaise, or other Carriage, who shall refuse to stop, or permit the Name and Number to be read or uncovered by any Person requiring him so to do:

Every Person who shall draw any Timber, Stone, or other weighty Article without the same being placed upon or suspended from a wheeled Carriage proper for that Purpose:

Every Person who, in driving any Cart or other Carriage containing any Iron, Timber, Stone, or other weighty Article, (excepting Hay and Straw,) shall suffer the same to project by more than Thirty Inches from the Side of the Horse or other Animal drawing such Cart or other Carriage:

Every Person who, having blocked or stopped any Cart or other Carriage in going up a Hill or other rising Ground, shall suffer to remain the Stone or other Article whereby the Cart or other Carriage may have been blocked or stopped:

Every Person who, in ploughing or harrowing any uninclosed adjacent Land, shall turn any Horse, Plough, or Harrow in or upon any Thoroughfare, or the Side Drains or Ditches thereof:

Every Person who shall wilfully break, destroy, or damage any Bridge, Quay, Parapet, Wall, Building, Fence, Hedge, Post, Rail, Milestone, or Guide Post or Erection, or shall remove or displace any Trestles, Bars, Materials, or other Articles whatsoever belonging to the Trustees under this Act:

Every Person who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare:

Every Person occupying or using a Blacksmith's Shop, Foundry, Smelting-house, Iron or Brass Work, Soda, Soap, or Chemical Work, and having a Door, Window, or Aperture fronting or opening into or towards any Thoroughfare within the Limits of this Act, and who shall not close such Door, or fasten the Shutters or other Fastenings of such Windows, or close such

Aperture,

Aperture, every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture upon the Thoroughfare:

Every Person who shall wantonly discharge any Fire-arm or Firework within One hundred Feet of the Centre of the Thoroughfare, or who shall throw or discharge any Stone or other Missile to the Damage or Danger of any Person, or make or set fire to any Fire or Bonfire in the Thoroughfare:

Every Person who shall fly any Kite, or play at Shinty, Foot-ball, or other Game, to the Annoyance of Passengers:

Every Person who shall place any Line, Cord, or Pole, or hang or place any Clothes, Linen, or other such Article thereon, or on the Hedges and Fences of the Thoroughfare, to the Danger or Obstruction of any Person:

Every Person who shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing to run or flow into or upon the Thoroughfare:

Every Person who shall pull down or damage any Lamp or Lamp Post, or shall extinguish the Light of any such Lamp in the Thoroughfare:

Every Person who shall throw or put any Ballast, Earth, Dust, Ashes, Stones, or other Thing into the Sea within Three hundred Yards of the Extremities of any of the Quays within the said Districts respectively:

Every Person who shall assault, interrupt, or hinder any Collector, Surveyor, or other Person employed in the Execution of this Act:

Every Gipsy, Hawker, Higgler, or other Person who shall pitch any Tent or encamp upon or by the Side of any Thoroughfare:

Every Person who shall draw up any Boat, or who shall erect or place any Line, Cord, or Pole, and hang any Net or Sail thereon, within Thirty Feet of the Centre of the Thoroughfare, or to the Danger and Obstruction of any Person.

Children not to drive Carts, &c.

LXVI. And be it enacted, That no Waggon or Cart travelling on any Road shall be driven by any Person who shall not be of the full Age of Fourteen Years, under a Penalty for each such Offence not exceeding Forty Shillings, to be paid by the Owner of such Waggon or Cart.

Persons opening up or conveying Water across the Roads or Causeways to repair them.

LXVII. And be it enacted, That if any Road, or any Part thereof, shall be opened up by any Person or Persons, with Leave of the said Trustees, or otherwise having Authority so to do, for the laying of Pipes or for any other Purpose whatever, and the same shall not immediately thereafter be repaired, renewed, and rendered completely sufficient and good by the Person opening up the same, to the Satisfaction of the said Trustees or their Surveyor, then the said Trustees or their Surveyor shall have full Power and they are hereby authorized to execute the necessary Repairs on the Part or Parts of such Roads so opened up, and to restore the same completely, and to charge the Expence thereof against the Person opening up the same; and such Expence shall be ascertained by an Account under the Hands of the said Trustees or a Quorum of them, or of their Clerk

Clerk or Surveyor; and if any Damage shall happen to the Public from the Operations of the Persons opening up the Road as aforesaid, such Persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof and of all Expences attending the same; and in all Cases where any Injury shall arise to any Road from any Drain, Conduit, Pipe, Water, Matter, or Thing whatsoever being conveyed across, in, under, or upon, or by any thing done upon any Part of any such Road, by any Person having leave or otherwise entitled so to do, and such Injury shall not be immediately repaired to the Satisfaction of the Trustees, they or their Surveyor are hereby authorized to repair the same, and charge the Expence thereof as aforesaid against the Person occasioning the said Injury, or for whose Uses or Purposes the Thing occasioning the same shall be done or kept.

Surveyors, &c. not to leave Nuisances on Roads.

LXVIII. And be it enacted, That if the Surveyor of any Road, or any Contractor or other Person employed on such Road, shall lay on any Part of any such Road any Heap of Stones or other Materials for the Repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such Materials, or shall lay on any such Road any Matter or Thing, or shall knowingly permit to remain on any Part of any such Road any Matter or Thing which may endanger the Safety of any Passenger, or shall dig any Pit or make any Cut on any Road without sufficiently fencing the same, or shall neglect in Towns or Villages to place a Light thereat in the Night-time, such Person shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds, over and above the Damages occasioned thereby, and Expences; and it shall be lawful for any Person travelling along any Road to prosecute for such Sum, Damages, and Expences in manner herein-after provided: Provided always, that it shall be lawful for any such Surveyor, Contractor, or other Person to have on any such Road during Daylight any Trestles or Bars in any such Manner as the said Trustees may judge necessary to prevent Interruption of the Work during the repairing of the Road, or to prevent Carts or Carriages from running in Tracks injurious to the Road: Provided always, that such Trestles or Bars shall at all Times be placed in such Manner as not to be more inconvenient to Passengers than may be necessary to prevent Interruption to the Work, or to prevent Carts or Carriages from running in Tracks injurious to the Road.

Proprietors to fence Pits made near the Roads.

LXIX. And be it enacted, That if the Proprietor or Occupier of any Lands adjacent to any Road shall dig any Pit or make any Cut upon or within Twenty Feet of the Centre of such Road, and shall leave the same unfenced, so as to be dangerous to Travellers, and shall not fence the same when required so to do by any Two of the said Trustees, or the Procurator Fiscal of the said Shire of *Argyll*, such Proprietor or Occupier shall forfeit and pay a Penalty not exceeding Five Pounds for every Day such Pit or Cut shall continue to be unfenced beyond Three Days after Notice shall have been given as aforesaid; and it shall be lawful, after such Notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the Expence of such Proprietor or Occupier.

LXX. And

No Animal to be pastured on the Roads.

LXX. And be it enacted, That if any Horse, Cattle, Ass, Sheep, Swine, or other Beast of any Kind shall be pastured or left or permitted to remain or found straying on any Road or the Sides thereof (except on such Parts of any Road as pass through or over any Common or Waste Ground or Land, not inclosed or arable, on both Sides), or tethered so near as to enable the Animal to come within Twenty Feet of the Centre of the Road, the Person so pasturing or leaving such Beast, or permitting the same to remain, or so tethering, or the Person having the Charge of such Beast, or the Owner thereof, if such Person cannot be found, shall forfeit and pay a Penalty not exceeding Five Shillings for every such Beast; and it shall be lawful for any Trustee, or the Surveyor of such Trustees, or any other Person authorized by them, *brevi manu* to seize and detain the same until such Penalty, and the Expences of Process and Proceedings, shall be paid; and in case the said Penalty and Expences shall not be paid within Three Days after Notice of such Detention shall be given at the Church Door of the Parish in which the Road is situated where such Animal shall be found, the said Surveyor or other Person shall sell the same, with the Authority of the Sheriff or any Justice of the Peace for the Shire, who are hereby empowered to grant such Authority, and after deducting the Amount of the said Penalty and Expences such Surveyor or other Person shall pay the Surplus, if any, to the Owner of such Animal so detained.

Side Ridges to be made in uninclosed Lands.

LXXI. And be it enacted, That every Person in ploughing any uninclosed Land adjoining any Road shall make Side Ridges along the Sides of such Road, of the Breadth of Twelve Feet at the least, under a Penalty not exceeding Five Pounds.

Gates to open inwards.

LXXII. And be it enacted, That no Gate of any Park, Field, or Inclosure whatsoever shall be made to open into or towards any Part of any Road, or of any Footpath belonging thereto, or be suffered so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Road as that no Part of such Gate shall when open project over any Part of such Road, or of any Footpath belonging thereto; and the Occupier of any Park, Field, or Inclosure having any Gate opening outwards, contrary to the Meaning of this Act, shall, within Six Days after Notice to him or her given, either personally or in Writing, from the said Trustees or their Surveyor, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of such Road, or of any Footpath belonging thereto; and if such Occupier fail so to do the Surveyor of such Road shall cause the Gate to be hung as hereinbefore directed, and charge the Expence of making such Alteration and hanging such Gate against the said Occupier, who shall, over and above such Expence, forfeit and pay a further Penalty not exceeding Five Pounds for such Neglect.

Weeds to be cut.

LXXIII. And be it enacted, That the said Trustees shall cut or cause to be cut all Weeds growing on the said Roads or the Sides thereof, when inclosed, at a proper Season of the Year, in order to prevent such Weeds coming into Seed, and if they fail so to do for Eight Days after being required by the Proprietor or Occupier

of the adjoining Land, by Notice in Writing given to their Clerk or Surveyor, such Proprietor or Occupier may cut the same, and charge the Expence thereof against the said Trustees.

No Windmill to be erected within Fifty Yards of any Road.

LXXIV. And be it enacted, That no Person shall hereafter erect any Windmill, Water-mill, Steam Engine, or Limekiln, within the Distance of Fifty Yards from any Part of any Road, under the Penalty of Five Pounds for every Day such Windmill, Water-mill, Steam Engine, or Limekiln shall continue, unless the same shall be so placed or screened as to prevent Damage or Detriment to any Traveller on such Road, by frightening Horses or otherwise; and all Mill Wheels already erected within Fifty Yards of the Road shall be so screened by the Proprietors, and on their failing to do so, after Fifteen Days Notice given to him or her, it shall be competent for the Trustees to order the same to be screened at the Expence of the said Proprietors; nor shall any Person hereafter place any Powder Mill or Skinner's Washing Pond within the Distance of Fifty Yards from any Part of any Road, under a Penalty not exceeding Five Pounds for every Day the same shall continue.

Penalties to be summarily recovered before the Sheriff and Justices.

LXXV. And for the Purposes of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made by the Procurator Fiscal, or by the said Trustees, or any Person authorized by them, before the Sheriff or One or more Justices; and on the Complaint being made to the said Sheriff or Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for the said Sheriff or Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for the said Sheriff or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as the said Sheriff or Justices shall think fit.

Penalties may be levied by Distress or Poinding.

LXXVI. And be it enacted, That if forthwith upon any such Conviction as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Cost of the Distress or Poinding, shall be levied by Distress or Poinding, and the Sheriff or any One Justice shall issue Warrants of Distress or Poinding accordingly.

Distress how to be levied.

LXXVII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Damages, Penalty, or otherwise, is

is directed to be levied by Distress or Poinding, such Sum of Money shall be levied by Distress or Poinding and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress or Poinding and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Imprisonment in default of Distress.

LXXVIII. And be it enacted, That it shall be lawful for the Sheriff or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can conveniently be made to the Warrant of Distress or Poinding to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security to the Satisfaction of the Sheriff or Justices for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress or Poinding it shall appear to the Sheriff or Justices, by the Admission of the Offender or otherwise, that no sufficient Distress or Poinding can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress or Poinding; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then the Sheriff or Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

LXXIX. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed shall award the same to the Trustees of the District within which such Penalty or Forfeiture shall have been imposed, to be applied towards the Purposes of this Act within such District, except in Cases when Conviction of the Offence may have proceeded on Information, in which Event One Half of such Penalty or Forfeiture shall be awarded to the Informer.

Penalty on Witnesses making default.

LXXX. And be it enacted, That it shall be lawful for the Sheriff or any Justice to summon any Person to appear before him as a Witness in any Matter in which the Sheriff or any Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before the Sheriff or any Justice, touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse

refuse to be examined upon Oath or to give Evidence before such Sheriff or Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

LXXXI. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Surveyor or other Officer duly appointed by the Trustees of any District, and all Persons called by him to his Assistance, or any Person seeing any Offence committed against this Act, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown, and may convey him with all convenient Dispatch before the Sheriff or any Justice, without any Warrant or other Authority than this Act, and the Sheriff or Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Warrants, &c. may be enforced in any other County.

LXXXII. And be it enacted, That all Warrants, Interlocutors, Judgments, and Sentences of Sheriffs and Justices issued or pronounced under the Authority of this Act may be enforced against the Person or Effects of any Party or Witness in any other County as well as in the County where the same are issued or pronounced: Provided always, that such Warrants, Interlocutors, Judgments, and Sentences shall be indorsed by the Sheriff or a Justice of the Peace of such other County; and such Indorsation shall be sufficient Authority to the Constables or Sheriff Officers of both Jurisdictions respectively to put the same into execution within such other County.

Power to borrow Money.

LXXXIII. And be it enacted, That it shall be in the Power of any District Meeting of the said Trustees, specially convened for the Purpose in the Manner herein-before directed, 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 Half Part of the annual Amount of the said Assessments so placed at the Disposal of the said District Meeting, and to assign any Part of the said Funds of the District in Security therefor in manner herein-after directed: Provided always, that besides the Sum necessary to pay the Interest of the Money so borrowed a further Sum of not less than Five Pounds for every One hundred Pounds of the Amount borrowed shall be laid aside each Year as a sinking Fund for the Extinction of the Debt, and that the Money so borrowed shall be applied in the same Manner as the Monies placed at the Disposal of the District Meeting are by this Act directed to be applied, and not otherwise.

Form of Assignment.

LXXXIV. And be it enacted, That every such Assignment shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands of any Three or more of the Trustees, and may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Register of Assignments to be kept, and to be open to Inspection.

LXXXV. And be it enacted, That a Register of such Assignments shall be kept by the Clerk to the Trustees, and within Twenty-one Days after the Date of any such Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Designations, shall be made in such Register, and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignments to be without Preference.

LXXXVI. And be it enacted, That all Persons to whom such Assignments or Securities shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Securities or Assignments respectively.

Expences of Assignment.

LXXXVII. And be it enacted, That the Expences of every Assignment shall be from Time to Time defrayed by the District Trustees out of the Monies raised by the same.

Transfer of Assignment.

LXXXVIII. And be it enacted, That from Time to Time any Party entitled to any such Assignment may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

LXXXIX. And be it enacted, That within Twenty-one Days after the Date of every such Transfer it shall be produced to the Clerk to the Trustees, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Assignment; and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assignees, to the full Benefit of the original Assignment in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Assignment so transferred, or any Money thereby secured.

Non-liability of Trustees personally.

XC. And be it enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money borrowed, or Interest thereof, by reason of having signed the said Securities, but such Securities shall be held and considered as granted upon the sole Credit and Security of the Funds of such District, nor shall any Trustee be held personally liable upon any Pretext for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office of Trustee under this Act; and if any Damage or Loss, or Claim of Damage or Loss, should arise or become competent to any Person, in consequence of any of the Provisions or Stipulations herein contained, or in consequence of any Road Operations, or others authorized to be made or undertaken by

virtue of this Act of Parliament (or by virtue of the Act herein above recited), such Damage or Loss, or Claim of Damage or Loss, shall in no way be enforced, or be capable of being enforced, against the said Trustees in their individual or personal Character, but shall be payable from and out of the Funds of the said Trust hereby created, allenarly, and that notwithstanding any Law or Custom to the contrary; and it shall be lawful for the said Trustees or any of them, in the event of any Action being raised against them or any of their Number in their individual or personal Characters as aforesaid, in any competent Court to produce this Act of Parliament, and plead such personal Immunity, before entering into the Merits of such Action, and the Judge in such Court before whom such Action may be brought shall thereupon immediately assoilzie and free the said Trustees from the whole Conclusions thereof as aforesaid: Provided always, that nothing herein contained shall be understood to bar the Right of any Person who may have sustained any such Damage or Loss, in consequence of the said Road Operations or others, to sue the said Trustees in that Character only, and to recover any such Damage or Loss from the Trust Funds, to be levied as herein-before specially enacted and provided.

Assessments not to be reduced until Money borrowed be repaid.

XCI. And be it enacted, That after such Assignment shall be made it shall not be in the Power of the said Trustees to lessen or reduce the annual Amount of the Monies placed at the Disposal of such District Meeting of Trustees, and 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 Assessment.

XCII. 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 or Monies borrowed before the passing of this Act by the Authority of the General or District Meeting of the Trustees appointed by the said recited Act passed in the Fifty-sixth Year of the Reign of His Majesty *George* the Third, in making and repairing Roads, Bridges, and Quays in the said Shire of *Argyll*, the same shall be paid or retained out of the Proportion of the Monies 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; provided that all Claims be laid before and established to the Satisfaction of the District Trustees within Twelve Months after the passing of this Act, and that the whole Lands which belong to any District which has borrowed Money previous to the First Day of *January* One thousand eight hundred and forty-two shall remain liable to Assessment for Payment of the same till repaid, notwithstanding any subsequent Alteration of the Boundaries of Districts.

How sudden Damages may be repaired.

XCIII. And be it enacted, That in case of any sudden Damage happening to any Bridge, Road, or Quay within the said Shire of *Argyll* which may require an immediate Support or Repair, it shall be in the Power of any one of the Surveyors or Superintendents 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 Superintendent, 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 Superintendent, or Trustee or Trustees, and shall be allowed to him in his Accounts with the District in which the Damage shall arise.

General and District Meetings may appoint Committees.

XCIV. 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, on which Committees respectively Three of the said Trustees at least shall be nominated, and Two at least shall be required to form a Quorum.

Power to regulate Ferries.

XCV. And be it enacted, That it shall be lawful for the said Trustees in General Meeting assembled, concurrently with the Justices of the Peace and Commissioners of Supply of the Shire of *Argyll*, and they are hereby fully authorized and required, from Time to Time to regulate the Rates and other Matters connected with 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 Fines 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 Trustees, Justices, and Commissioners of Supply shall make any such Rules and Regulations they shall order and receive from the Trustees of the District wherein such Ferry is situated (who are hereby required to furnish the same, when so ordered, at any such General Meeting,) a special Report of every Particular respecting such Ferry, specifying 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 General Meeting of the said Trustees, Justices, 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, Occupier, 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

XCVI. And be it enacted, That after the said Rules and Regulations shall from Time to Time have been made, the Tenant, Lessee, Occupier,

to Ferrymen's Houses.

Occupier, or Ferryman of every such Ferry shall have a Copy thereof, or of so much thereof as the said Trustees, Justices, and Commissioners of Supply at their General Meeting 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 Arabic Numerals, 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 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.

Heritors may surrender Ferries.

XCVII. And be it enacted, That if any Heritor of the said Shire of *Argyll*, on whose Property one or both Sides of a Ferry may be situated, desires to surrender his Right of Ferry, the Trustees of the District in which such Ferry is situated shall be empowered to undertake the Management of the said Ferry, and to provide and maintain the Boats and Men requisite for the Purposes of such Ferry, subject to the Rules and Regulations to be prescribed by the General Meeting of Trustees as aforesaid: Provided always, that such Heritor is not bound by the Title Deeds of his Estate to keep up such Ferry, or is not prevented by any legal Disability, arising from the Nature of his Title Deeds or otherwise, from making such Surrender, and that Twelve Months Notice of such Intention of Surrender shall be given by such Heritor, in Writing, to the Clerk of the General Meeting of Trustees.

Useless Roads may be shut up.

XCVIII. And be it enacted, That it shall be lawful to the said several District Trustees, or to any Person conceiving himself interested, to apply by Petition to any of the General Meetings of the said Trustees to have any superfluous or useless Road 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, and report their Opinion of what is proposed

proposed to the next General Meeting, and shall also order the said Petition to be intimated to the Proprietor of the Grounds through which such Road passes, either personally or at his Place of Abode (if residing within the said Shire), and to 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 Advertisement at the Doors of the Church of the Parish in which the Road 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 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 or of the adjoining Property shall not be thereby hurt, to order and ordain such Road thus become superfluous or useless to be shut up: Provided always, that if any Person consider himself aggrieved by such Order of the said Trustees he may appeal at any Time within Six Months from the Date of such Order, and not afterwards, to the Sheriff of the said Shire of *Argyll*, whose Decision shall be final and conclusive, and shall not be subject to Challenge or Review in any Court or by any Process or Proceeding whatever, except in the Cases herein-after provided.

Application of Money to be raised.

XCIX. 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 the Uses and Purposes herein-before mentioned, and no other Use or Purpose whatever.

No Trustee to be disqualified as Sheriff or Justice.

C. And be it enacted, That no Trustee appointed under this Act shall be disqualified from acting as a Sheriff or Justice of the Peace in the Execution of this Act by reason of his being such Trustee.

No Lender of Money to be disqualified as Trustee, Sheriff, or Justice.

CI. And be it enacted, That no Lender of Money upon the Credit of the Assessments to be raised in virtue of this Act, nor any Assignee of such Lender, nor any Person receiving Interest out of said Assessments for Money lent, shall on that Account be disqualified to act as a Trustee or Sheriff or Justice of the Peace in the Execution of this Act.

Trustees may sue and be sued in Name of their Clerk.

CII. And be it enacted, That the Trustees appointed by this Act may sue and be sued in all Actions or Processes in the Name of their Clerk for the Time being; and that no Action or Process, brought or commenced by or against any of the said Trustees by virtue of this or of any other Act of Parliament, in the Name of their Clerk, shall cease by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees, but that the Clerk for the Time to the said Trustees shall always be deemed to be the Pursuer or Defender, as the Case may be, in every such Action or Process.

Persons aggrieved may appeal to Quarter Sessions.

CIII. And be it enacted, That any Person thinking himself aggrieved by any Order, Judgment, or Determination of the said Trustees, or of any Justice of the Peace or Commissioner 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 Appeal to the Clerk to the Trustees or other Person, as the Case may be, against whom the same is intended to be made,) appeal to the Justices of the Peace at the General Quarter Sessions, at which not fewer than Five Justices shall be present, whose Judgment thereupon shall be final, and not subject to Review or Appeal by Advocation or any other Process whatsoever, excepting as herein otherwise provided.

Prosecution to be brought within Six Months.

CIV. And be it enacted, That all Civil Causes, Petitions, Complaints, and Processes whatsoever, and Prosecutions for Expences, Penalties, Forfeitures, and Fines imposed by this Act, or for any Damages incurred, or any Wrongs done or Injuries suffered, in any Matter thereto relating, or for any thing done in pursuance of any of the Powers by this Act given and granted, shall be commenced within Six Calendar Months after the Penalty, Forfeiture, Fine, or Damage shall have been incurred, or Wrong done or Injury suffered, or Fact committed, and not afterwards, and shall be laid and tried in the said Shire of *Argyll*, and not elsewhere; and the same shall not be removed or removeable by Suspension, Advocation, or otherwise howsoever, any Law or Usage to the contrary notwithstanding, excepting as herein otherwise provided.

Certain Orders of Trustees, Sheriff, and Justices to be subject to Appeal.

CV. And be it enacted, That it shall be lawful to any Proprietor of Lands in the said Shire who shall conceive himself aggrieved in respect of any Right of Real Property by any Order for the shutting up of any Road, or the Alteration, Surrender, Transference, or Appropriation of any Ferry or Quay, to appeal the Order of the said Trustees to the Sheriff, or to the Justices in General or Quarter Sessions assembled, and thereafter to bring the Decisions of the said Sheriff or Justices respectively under Review of the Court of Session, by Suspension, Advocation, or other competent Process.

Trustees may give up any of the Roads or Bridges under their Care to the Parliamentary Commissioners for Roads and Bridges in the Highlands.

CVI. And be it further enacted, That in case the Commissioners for maintaining and keeping in repair the Military and Parliamentary Roads and Bridges in the Highlands of *Scotland* shall at any Time, in virtue of the Powers to them granted, deem it expedient for the Public Service to assume to themselves the Care and Superintendence of any of the Roads or Bridges under the Superintendence of the said Trustees, it shall be lawful for the said Trustees, at the Request and special Application of any District, and on the Guarantee of such District to relieve the County of all Expence which may be incurred thereby, at any of their stated General Meetings, or at any Special General Meeting to be called for the Purpose (which Special General Meeting shall be called by the Clerk to the said Trustees, on the Requisition in Writing of any Five of the said Trustees, and

Notice of such Special General Meeting, and of the Day, Place, and Purpose thereof, shall be given by Circular Letter, to be addressed by the Clerk to each Trustee, at least Thirty Days previous to such Meeting), to surrender and give up to the said Commissioners, during the Continuance of this Act, or for such Term as may be agreed on, the Care and Superintendence of such Roads or Bridges or any of them, upon such Terms and in such Manner as may be agreed upon between the said Commissioners and the said Trustees, in which Case it shall be lawful for the said Trustees, instead of the several Assessments authorized to be levied by this Act, or the Monies borrowed on the Credit of the same, being applied within the several Districts in which the same shall be received or receivable, annually to pay over to the said Commissioners, out of the general Amount of the said Assessments, or of the Monies borrowed on the Credit of the same, such Sums of Money as may be agreed upon between the said Commissioners and the said Trustees: Provided always, that such Sums so to be paid to the said Commissioners shall not in any one Year exceed the Amount which may be fixed and agreed upon between the said Commissioners and Trustees at the Meeting of the said Trustees at which the said Trustees shall surrender and give up to the said Commissioners the Care and Superintendence of such Roads or Bridges, or any of them, and that whatever Balance there may be of such several annual Assessments, after Payment to such Commissioner of such Sums as shall be agreed upon, shall be repaid to the several Districts.

Interpretation of Act.

CVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether aggregate or sole:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Sheriff" shall include "Sheriff Substitute," and shall mean the Sheriff or Sheriff Substitute of the Shire of *Argyll*:

The Expression "the Trustees" shall mean the Trustees appointed by virtue of this Act:

The Word "Bank" shall mean any Bank in *Scotland* established by Act of Parliament or Royal Charter:

The Word "Justice" shall mean any Justice of the Peace qualified to act within the Limits of this Act:

The Word "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Shire of *Argyll*:

The

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act:

The Word "Lands" shall extend to Lands, Tenements, and Heritages of any Tenure.

Public Act.

CVIII. 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.

CIX. And be it enacted, That this Act shall commence and take effect from and after the passing thereof, excepting so far as otherwise specially provided, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Assignment.

By virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], we Trustees for putting the said Act into execution, in consideration of the Sum of Pounds advanced and paid to us by do hereby assign and make over to the said his Executors, Administrators, and Assignees, all and sundry the Assessments payable to us by virtue of the said Act, and all our Right, Title, and Interest of, in, and to the same, to be held by the said and his foresaids until the said Sum of with Interest thereof at the Rate of per Centum per Annum for the same, shall be fully satisfied and paid. In witness whereof we have subscribed these Presents, written by at the Day of before these Witnesses

SCHEDULE (B.)

Form of Transfer of Assignment.

I of in consideration of the Sum of paid to me by of do hereby transfer a certain Assignment made by the Trustees for putting into execution an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], to me, bearing Date the Day of for securing the Sum of and Interest, and all Interest now due and to become due thereon, and all my Right and Property therein, to the said

said his Executors, Administrators, and Assignees.
In witness whereof I have subscribed these Presents, written by
at the Day of
before these Witnesses

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