ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 160.

An Act to continue and amend several Acts for repairing Roads in the County of *Dumfries*, and converting the Statute Labour within the said County into Money. [10th *June* 1809.]

WHEREAS by an Act passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening several Roads, in the County of* Dumfries, *to continue in Force until the First Day of* May *One thousand eight hundred and nineteen, and from thence to the End of the then next Session of Parliment; and for converting the Statute Labour within the said County into Money, and applying the same towards repairing the Highways within the said County*, certain Trustees were appointed for making and repairing the High Road, leading from *Grateney* by *Lockerbie* to *Moffat*, and thence to the Confines of the County of *Dumfries*, with the Counties of *Peebles* and *Lanark*, and the High Road from *Dumfries* by *Lochmaben* to *Moffat*, and the High Road from *Annan* by *Dumbretton*, *Kirktlebridge*, *Springkell*, *Auchenbedrig* and *Irving*, to *Crannellpath-foot*, in the Road between *Longtown* and *Langholm*; and a Branch of Road to leave the last mentioned Road at *Barnglieſh-head*, by *Tomſhielbourn*, to the Coal Pits, near *Gillnockie* Bridge, belonging to His Grace the Duke of *Buccleugh*; and another Branch of Road to leave the said Road from *Annan* to *Langholm*, at the Farm Houses of *Burnfoot* of *Springkell*, to pass through the Lands of *Burnfoot*, *Blackwood Houſe*, *Neuk*, *Brownmuir*, *Luce*, across the River *Annan*, between *Brydekirk* and *Dalebank*, and through the Estates of *Brydekirk* Limekilns, *Breckonwhat* and *Kelhead*, till it joins the Turnpike Road from *Dumfries* to *Annan*, East of the Limestone Quarry of *Kelhead*; 38 Geo. 3. c. 9.

and for converting the Statute Labour within the ſaid County into Money, and for applying the ſame towards repairing the Highways within the ſaid County: And by another Act paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing and widening the Roads from* Dumfries *to* Moffat, *and from* Grateney *by* Annan, Dumfries, *and* Sanquhar, *to the confines of the county of* Ayr, *and ſeveral other Roads in the Counties of* Dumfries *and* Kircudbright, certain Truſtees were appointed for making and repairing the ſaid Roads; and alſo a Branch of Road leading off the ſaid Road from *Grateney* by *Annan*, *Dumfries* and *Sanquhar*, to *Ayrſhire*, at the Eaſt End of the Town of *Annan*, through *Annan* Common and *Stapleton*, by the Bridge over the Water of *Kirktle* at *Beltenmont*, or by a new Bridge to be built over the Water of *Kirktle*, and to join the Turnpike Road from *Grateney* to *Moffat*; another Branch of Road to ſtrike off the ſame Great Road to the Eaſt of the Village of *Dornock*, by *Woodhall* and *Stapleton*, through *Annan* Common, to join the Road from *Annan* to *Langholm*; another Branch to ſtrike off the ſame Road from *Thornhill* by *Penpont* and *Minyhive*, to the Confines of the Stewartry of *Kirkcudbright*; another Branch to ſtrike off the ſame Great Road to the Weſt of *Carron* Bridge, and from thence to the Confines of the County of *Lanark* towards *Elvanfoot*; and another Branch to ſtrike off the ſame Great Road at *Mennock* Toll Bar, by *Wanlockhead*, to the Confines of the County of *Lanark*: And whereas great Progreſs has ſince been made in making and repairing the ſaid Roads, and Branches leading from the ſame, except the ſaid Branch to ſtrike off the great Road laſt mentioned, to the Weſt of *Carron Bridge*, and from thence to the Confines of the County of *Lanark* towards *Elvanfoot*, which was abandoned, and large Sums of Money have been borrowed for that Purpoſe, and are ſtill owing upon the Credit of the Tolls granted by the ſaid Acts; but the ſaid Roads and Branches cannot be kept in Repair, nor can the other Pariſh or Bye Roads in the County be made and repaired, unleſs the Terms and Powers of the ſaid Acts be continued and enlarged, and all the ſaid Roads put under one Truſt; and it would be of great Advantage to the Public, if the Lines of Road aftermentioned, branching off the Great Lines of Road above ſpecified, were alſo included in the ſame Act, and Power given for making and repairing the ſame under proper Regulations; and if the Statute Labour within the ſaid County, were converted into Money, to be levied and applied in the Manner hereinafter mentioned; but the ſame cannot be effected without the Aid of Parliament; May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, that the ſaid two recited Acts ſhall, from and after the Sixth Day of *July* One thouſand eight hundred and nine, be, and the ſame are hereby repealed, and that from thenceforth this Act, and all the Powers and Proviſions therein contained, ſhall commence and take effect, and be executed, and the ſame ſhall continue, for and during the Term herein after-mentioned, for levying the Tolls, for making and repairing the ſeveral Roads herein deſcribed, and in all Time coming, ſo far as reſpects the other Matters herein contained.

41 Geo. 3. c. 49.

Acts 38th and 41ſt Geo. 3, repealed.

Money now due on Credit of ſaid Acts,

II. And be it further enacted, That all and every Sum or Sums of Money, which are now due and owing on the Credit of the ſaid Acts, or either

either of them, together with Interest for the same, shall be charged and chargeable on the Tolls granted by this Act, and may be recovered in like Manner, as if the same had been contracted on the Credit of this Act, or secured on the Credit of the Tolls hereby granted. to be chargeable on Tolls hereby granted.

III. And be it enacted, That every Person who is at present, or who shall be at any Time after the Commencement of this Act, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Liferenter of Lands lying in the County of *Dumfries*, valued in the Tax Roll of the said County, at One hundred Pounds *Scots*, or upwards, or in their Absence, a Factor on their Estate in the said County for the Time being, and all and every the eldest Sons of such Proprietors and Liferenters, and the Provosts of the Royal Burghs of *Dumfries*, *Annan*, *Lochmaben*, and *Sanquhar* for the Time being, or in their Absence, the next Senior Magistrate for the Time being, of the said Royal Burghs within the said County, and *William Keir*, in *Milnholm*, Master of Woods and Works on the Estate of his Grace the Duke of *Buccleugh*, and his Successors in that Office for the Time being, the Lessees of the Mines of *Wanlockhead* for the Time being, and *Gilbert Young* of *Youngfield*, shall be, and they are hereby appointed Trustees for surveying, making, repairing, ordering, and keeping in Repair the several Roads hereinafter mentioned, that is to say, the said Road from *Grateney* by *Lockerbie* to *Moffat*, and thence to the Confines of the County of *Dumfries*, with the Counties of *Peebles* and *Lanark*; a Branch of Road leading therefrom, at or near *Stenrieshill* or *Killbrook*, in the Parish of *Wamphray*, to go by *Nether Boreland*, *Paddockhole*, *Debate*, *Dunnabie*, *Linnbridgeford*, *Conhess*, *Chapelhill*, *Highmuir* and *Snab*; and also a Branch of Road to strike off the same Road at or near *Hoddom* Church by *Hoddom* Town, *Pellethill*, the Bridge over *Annan*, leaving the Farm of *Bogues* to the Eastward by *Clayhouses* and *Beckhead*, to the Lime Quarries of *Kelhead*; which said several Roads shall be called the first District of the Roads by this Act directed to be made or repaired; the said Road from *Dumfries* by *Lochmaben* to *Moffat*, and a Road from *Lochmaben* by the Bridges over *Kinnel* and *Annan*, to the Village of *Lockerbie*, from thence by the New Bridge over the Water of *Milk* to *Dunnabiehass*, and from thence by *Setthorns*, *Callisterhall*, *Bigholms*, and *Bloughburnfoot*, to the Village of *Langholm*; which said Roads shall be called the Second District of the Roads by this Act directed to be made or repaired; the said Road from *Annan* to *Crannellpathfoot*, in the Road between *Longtown* and *Langholm*, but with Power to alter and vary Part of the Line of that Road, by leaving the said Turnpike Road from *Longtown* to *Langholm*, at or near *Irvingburn-bridge*, from thence through the Lands of *Kerr*, *Barngliesh*, *Berkleys*, *Brantath*, the Parks of *Springkell*, and Part of the Lands of *Alderbeck*, and the Branch of Road therefrom at *Barngliesh-head* to the Coal Pits near *Gillnockie-bridge*; and the other Branch therefrom at the Farm Houses of *Burnfoot* of *Springkell*, towards the Limestone Quarry of *Kelhead*; which said Roads shall be called the Third District of the Roads by this Act directed to be made or repaired; the said Road from *Dumfries* by *Ae-bridge* to *Moffat*, which shall be called the Fourth District of the Roads by this Act directed to be made or repaired; and the said Road from *Grateney* by *Annan*, *Dumfries*, and *Sanquhar*, to the Confines of the County of *Ayr*, with the several Branches of Road therefrom hereinafter mentioned, that is to say, the said Branch of Road leading from the East End of the Town of *Annan*, through *Annan Com-*

Trustees.

First District.

Second District.

Third District.

Fourth District.

Fifth District.

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mon and *Stapleton*, by the Bridge over the Water of *Kirktle* at *Beltenmont*, or by a New Bridge to be built over the Water of *Kirktle*, and to join the Turnpike Road from *Grateney* to *Moffat*; another Branch of Road to ſtrike off to the Eaſt of the Village of *Dornock* by *Woodhall* and *Stapleton*, through *Annan* Common to join the Road from *Annan* to *Langholm*; another Branch of Road from *Thornhill* by *Penpont* and *Minyhive* to the Confines of the Stewartry of *Kirkcudbright*; another Branch of Road to ſtrike off the ſame Road at *Mennock* Toll Bar, by *Wanlockhead*, to the Confines of the County of *Lanark*; alſo a new Branch of Road, to ſtrike off the ſame Road from *Grateney* by *Annan*, *Dumfries* and *Sanquhar*, at or near *Auldgirth-bridge* by *Throughgate-foot* to the Water of *Cairn*, and from thence through the Lands of *Speddoch* to the Confines of the Stewartry of *Kirkcudbright* at *Marglolly*; alſo a Branch of Road to ſtrike off the ſaid Great Road between *Brownhill* and *Carron* Bridge, to the Lime Works of *Cloſeburn* by *Loch Etterick*, till it joins the ſaid Road from *Dumfries* to *Moffat*, between *Parkgate* and the South End of the Bridge of *Ae*; alſo a Branch of Road to ſtrike off the ſaid Great Road between *Thornhill* and *Holſtane*, to run through the Eſtate of *Queenſberry*, by the beſt Direction, to the Confines of the County of *Lanark* towards *Elvanfoot*; and alſo a Branch of Road from *Minyhive* by *Craigdarroch*, to the Confines of the Stewartry of *Kirkcudbright*, leading to the County of *Ayr*; which ſaid ſeveral Roads laſt mentioned, ſhall be called the Fifth Diſtrict of Roads by this Act directed to be made or repaired; and for repairing the Bridges on the ſaid ſeveral Roads, or erecting new ones where the ſame ſhall be neceſſary, and for levying and applying the Converſion of Statute Labour within the ſaid County of *Dumfries*, in Manner hereinafter mentioned, and for putting in Execution all the other Powers in and by this Act given and granted.

Truſtees for Royal Burghs.

IV. And be it enacted, That as to all Matters occurring to be executed within the Limits of any Royal Borough, or Burgh of Barony, in purſuance of this Act, the whole Magiſtrates, Dean, and Treaſurer of ſuch Borough or Burgh, ſhall be, and they are hereby appointed Truſtees jointly with the other Truſtees before mentioned.

Qualification of particular Truſtees.

V. Provided always, and be it enacted, That no Perſon other than ſuch Proprietors and Life Renters, or their eldeſt Sons as aforeſaid, ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be qualified to act as a Commiſſioner of Supply for the ſaid County of *Dumfries*, or unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Fifty Pounds *per Annum*, or be poſſeſſed of, and entitled to a perſonal Eſtate alone, or real and perſonal Eſtate together, of the value of Five hundred Pounds; nor ſhall any ſuch laſt mentioned Perſon, not being qualified to be a Commiſſioner of Supply, be capable of acting in the Execution of this Act, until he ſhall have taken and ſubſcribed the Oath following, before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; that is to ſay,

'I do ſwear, that I truly and *bonâ fide* am, in my own Right, (*or*, in the Right of my Wife, *as the Caſe may be*), in the actual Poſſeſſion or Enjoyment of Lands or Heritages of the clear yearly Value of Fifty Pounds, or poſſeſſed or entitled to a perſonal

' ſonal Eſtate alone, or Real or Perſonal Eſtate together of the Amount ' or Value of Five hundred Pounds.

' So help me GOD'.

Penalty on acting as a Truſtee, if not qualified.

VI. Provided always, and be it enacted, That if any Perſon not qualified as aforeſaid, ſhall nevertheleſs preſume to act as a Truſtee under this Act, every ſuch Perſon ſhall for every ſuch acting forfeit and pay the Sum of Fifty Pounds Sterling, over and above the Expence of Proſecution; which Penalty ſhall be recovered by Complaint in a ſummary Way, at the Suit of any Heritor within the ſaid County, before the Juſtices of Peace at their Quarter Seſſions, or before the Sheriff Depute of the County, or his Subſtitute, and ſhall be paid to the ſaid Truſtees, or to their Clerk or Treaſurer; and in caſe any ſuch Complaint ſhall be brought, the Proof of Qualification ſhall lie upon the Defendant.

For reſtraining the Truſtees from deviating beyond a certain Diſtance from the Line deſcribed in the Plans.

VII. And whereas Maps or Plans, deſcribing the Lines of the ſaid new Roads, and the Lands through which the ſame lead, together with Books of Reference, containing Liſts of the Names of the Owners and Occupiers of ſuch Lands have been depoſited at the Office of the Clerk of the Peace for the County of *Dumfries*; be it therefore enacted, That the ſaid Maps or Plans, and Books of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End, that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the ſaid Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Maps or Plans, and Books of Reference; and that the ſaid Truſtees in making the ſaid Roads ſhall not deviate more than One hundred Yards, of Three Feet each, from the Line deſcribed in the ſaid Maps or Plans, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees may make Roads through Grounds, although the Owners' Names are not in the Books of Reference.

VIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to make the ſaid Roads into, through, acroſs, or over the ſeveral Lands or Grounds of any Perſon or Perſons who is, or are, or may be Owner or Owners of Land, over which the ſame is ſet out and deſcribed in the ſaid Maps or Plans as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted in the ſaid Books of Reference, in caſe it ſhall appear to any Three or more Juſtices of the Peace for the ſaid County of *Dumfries*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees to repair both the old and new Roads between Dumfries and Annan.

IX. And be it enacted, That the ſaid Truſtees ſhall be bound to uphold and keep in ſuitable Repair, out of the Tolls hereby granted and made payable both the old and new Lines of Road leading from the Burgh of *Dumfries* to the Burgh of *Annan*; and in caſe the ſaid Truſtees ſhall at a General Annual Meeting aſſembled, determine to repair and keep in thorough good Order and Repair, that Part of the ſaid Road leading from the Town of *Dumfries* by *Ae-bridge* to *Moffat*, lying between the ſaid Town

Town of *Dumfries* and *Amisfield Burn*, from the Conversion Money in lieu of Statute Labour, to be levied within the Parish of *Dumfries*, no Turnpike-Bar shall be erected thereon nearer to the said Town of *Dumfries* than the North-east End of the Bridge over the Water of *Lochar*.

Power to take Possession of Ground, remove Houses, &c. for the Purposes of this Act.

X. And be it further enacted, That, for the Purposes aforesaid, it shall be lawful for the said Trustees, and any Person or Persons authorized by them, to mark out, and occupy, and take Possession of such Part of the Lands or Grounds in the said Lines of Direction of any of the said several Roads as shall be necessary for the Scite thereof, and also for the Scite of any Bridge or Bridges thereon, and for the Toll-houses and Turnpikes to be erected on the said Roads, or on the Sides thereof; and for Gardens adjacent to such Toll-houses, not exceeding in the whole One Rood *Scots* Statute Measure, for each such Toll-house, and Garden; and the said Trustees, and any Person or Persons authorized by them, are hereby empowered to take down and remove any Houses or Buildings which shall be in the said Lines of Direction, or so near thereto as to interfere with the making of such Roads, or with the building of such Bridges, the Side-Walls of which shall not exceed Twelve Feet in Height, giving to the Occupiers thereof Notice to remove therefrom, and paying such Price or Sum of Money for the Lands and Houses which shall be so occupied and taken Possession of, pulled down and removed; and also for any Loss or Damage which may arise to the Owners or Occupiers thereof respectively as shall be agreed upon between the said Trustees and such Owners and Occupiers respectively; and in case any Difference shall arise respecting the same between the said Trustees and any such Owners or Occupiers as aforesaid, the Compensation Price or Sum to be paid for any such Lands or Houses, or for any Damage to be done as aforesaid, shall be settled and determined by a Jury in the Manner hereinafter expressed.

Trustees may erect Turnpikes and take Tolls.

XI. And be it further enacted, That it shall be lawful for the said Trustees, at the First or any other of their General or District Meetings assembled, to direct and authorize the Gate or Gates, Turnpike or Turnpikes presently on or across any Part or Parts of the said Roads to be continued; and also to erect, or cause to be erected a Gate or Gates, Turnpike or Turnpikes on, or across any other Part or Parts of the Roads hereby directed to be made or repaired; and also to erect or build such Number of Toll-houses at or near such Gates or Turnpikes as they shall think fit, (there being always the Distance of Six Miles at least from One Gate to another on the same Line of Road, unless One of them be necessary as a Pass-Bar to the other): And provided always, That no Gate or Turnpike shall be erected within the Royalty of any Burgh, except under the Direction of the Trustees assembled in a special Meeting to be called for that Purpose by Advertisement in the *Dumfries Journal*: And provided also, That no Turnpike shall be erected or Tolls levied upon any Part of the said Roads lying within the Stewartry of *Kirkcudbright*, except with Consent of a General Meeting of the Trustees appointed by an Act made in the thirty-seventh Year of His present Majesty, intituled, *An Act for more effectually making and repairing certain Roads in the Stewartry of* Kirkcudbright, *and for amending an Act made in the Twentieth Year of the Reign of His present Majesty, for repairing the Highways, Bridges, and Ferries, within the said Stewartry*, for that Purpose first had

had and obtained: And provided alſo, That no higher Rate of Toll ſhall be taken at any One Gate or Turnpike than at another on the ſame Road; and it ſhall be lawful for the Truſtees appointed by this Act, or any Perſon or Perſons authorized by them, and they are hereby empowered to demand, levy, and take the Tolls and Duties following at the ſaid ſeveral Gates or Turnpikes erected, or to be erected, by them upon the ſaid reſpective Roads before any Coach or other Carriage, Horſe or other Cattle, ſhall be permitted to paſs through the ſame; (that is to ſay,)

Tolls.

For every Coach, Chariot, Berlin, Landau, Chaiſe, Hearſe, Calaſh, Sociable, or other ſuch Carriage with Four Wheels, drawn by Six or more Horſes, or other Beaſts of Draught, the Sum of Five Shillings Sterling; drawn by Five Horſes, or other Beaſts of Draught, the Sum of Four Shillings Sterling; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of Three Shillings Sterling; drawn by Three Horſes, or other Beaſts of Draught, the Sum of Two Shillings and Three-pence Sterling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Eight-pence Sterling:

For every Chaiſe, Gig, Chair, Curricle, or other like Carriage with Two Wheels, drawn by Two Horſes, or other Beaſts of Draught, the Sum of One Shilling Sterling; and drawn by One Horſe, or other Beaſt of Draught, the Sum of Eight-pence Sterling:

For every Carriage, commonly called a Taxed Cart, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, or other like Carriage, drawn by Six or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings Sterling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings Sterling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight-pence Sterling, and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Fourpence Sterling; for every Horſe, Mare, Gelding, Mule, or Aſs, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence Sterling:

For every Drove of Oxen, Cows, or neat Cattle, Aſſes, Horſes, or Fillies unſhod, the Sum of Eight-pence, *per* Score, and ſo in Proportion for any greater or leſs Number:

And for every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Four-pence Sterling, *per* Score, and ſo in Proportion for any greater or leſs Number.

And which ſeveral Tolls and Duties aforeſaid ſhall be accordingly levied and taken at the Gates or Turnpikes now in or acroſs any Part or Parts of the ſaid Roads, from and after the ſaid Sixth Day of *July* One thouſand eight hundred and nine.

Exemption for broad Wheels.

XII. Provided always, That every Carriage drawn on Wheels of the Breadth of Nine Inches in the Tread or Fellies, and the hind Wheels rolling in a different Tract from the fore Wheels, ſhall paſs through all the Gates or Turnpikes already erected, or to be erected by virtue of this

this Act, on Payment of One Half of the Tolls or Duties before ſpecified.

Tolls veſted in Truſtees.

XIII. And be it further enacted, That the Monies to be raiſed and collected upon the ſaid ſeveral Roads as aforeſaid, ſhall, and the ſame are hereby declared to be veſted in the ſaid Truſtees, and the ſame, and every Part thereof ſhall be paid, applied, and diſpoſed of, and aſſigned to and for the ſeveral Uſes and Purpoſes by this Act directed, and to no other Purpoſe whatſoever (the reaſonable Charges expended, or that ſhall be paid in, or about, or by reaſon of paſſing this Act being firſt deducted and paid in Manner hereinafter-mentioned); and it ſhall and may be lawful for the ſaid Truſtees, or ſuch Perſon or Perſons as they at a General or Diſtrict Meeting aſſembled ſhall from Time to Time nominate and appoint, to demand and take the reſpective Tolls or Duties hereinbefore granted and made payable; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, or any Part thereof, the ſaid Truſtees are hereby empowered by themſelves, or ſuch other Perſon or Perſons as they ſhall authorize and appoint for that Purpoſe, to levy the ſaid Tolls or Duties by Diſtreſs of any Horſe or Horſes, or other Cattle or Carriages upon which ſuch Tolls or Duties are by this Act impoſed, and to keep ſuch Cattle or Carriages ſo diſtrained until the ſaid Tolls and Duties, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; but in caſe the ſame ſhall not be paid within the Space of Four Days after ſuch Diſtreſs ſhall be made and taken, it ſhall and may be lawful to and for the Perſon or Perſons ſo diſtraining, after the ſaid Space of Four Days, to appraiſe and ſell the Cattle or Carriage ſo diſtrained by public Roup at the Turnpike or Toll-houſe where the Toll ought to have been paid, returning the Overplus on Demand, if any be, to the Proprietors of ſuch Goods and Chattels ſo diſtrained, after deducting ſuch Tolls or Duties, and the reaſonable Charges of diſtraining, appraiſing, keeping, and ſelling the ſame.

Truſtees may erect Side-Gates.

XIV. And be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to erect, or cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes on the Side or Sides of the ſaid Roads hereby directed or intended to be made or repaired, and acroſs any Lane or Way leading out of the ſame; and alſo a Toll-houſe or Toll-houſes at each ſuch Gate or Turnpike, and there to take and receive ſuch Tolls and Duties as are by this Act granted and made payable, before any Perſon ſhall be permitted to paſs through ſuch Side-Gates, but ſo as that a Ticket received at any ſuch Side-Gate, ſhall entitle the Receiver thereof to paſs through the next Gate or Turnpike on or acroſs the Road on which ſuch Side-Gate is erected Toll free, (provided the ſame be within Six Miles of ſuch Side-Gate,) on the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night; and alſo that it ſhall and may be lawful to and for the ſaid Truſtees to build Fences, and ſupprels any Bye-Roads that do not appear to be of Importance to the Public, or to Individuals, in order to prevent any Perſon or Perſons travelling the Roads, hereby directed to be made or repaired, from avoiding the Payment of any Tolls or Duties granted by this Act: Provided always, that if any Side-Gate ſhall, after Two Years' Trial, be found not to produce more than Five Pounds Sterling yearly, over and above the Expence of collecting the ſame, that then, and in that Caſe, ſuch

Side-Gate

Side-Gate ſhall be removed or diſcontinued: And provided that no Perſon ſhall be ſubject to the Payment of any of the Tolls hereby granted for or on account of croſſing any Part of the ſaid Roads, who ſhall not have travelled, or have to travel thereon more than Two hundred Yards; and it ſhall be lawful for the ſaid Truſtees to apply ſuch Sum or Sums of Money, as they may think equitable, from the Rents or Toll Duties levied at the ſaid Side-Bars, towards keeping in Repair the Roads on which ſuch Side-Bars are erected.

Application of Tolls.

XV. And be it further enacted, That the Produce of the Tolls or Duties ariſing within each Diſtrict of the ſaid Roads, ſhall be applied by the ſaid Truſtees (after deducting the Charges of Management, and a proportional Part of the Expence of obtaining this Act) towards making, amending, repairing, and upholding the Roads within the particular Diſtrict where ſuch Tolls or Duties ſhall reſpectively be collected, or to the repairing and building new Bridges thereupon, where the ſame ſhall be found neceſſary, and to no other Purpoſe whatſoever.

Turnpikes veſted in Truſtees.

XVI. And be it further enacted, That the Right and Property of the Ground requiſite for the Scite of the ſaid Roads and Bridges, and of all and every of the Gates or Turnpikes, Toll Houſes, and Fences already erected, or which ſhall be erected and built upon or acroſs the ſaid Roads, or the Sides thereof, by virtue of this Act, and the Materials of ſuch Roads, Bridges, Gates or Turnpikes, Toll Houſes, and Fences, ſhall be and the ſame are hereby veſted in the ſaid Truſtees; and they are hereby authorized and empowered from Time to Time to diſpoſe thereof as they ſhall think proper, and to bring Actions, or prefer Bills of Indictment in their Names, or in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, againſt any Perſon or Perſons who ſhall ſteal, take away, break down, deſtroy, damage, or ſpoil ſuch Gates, Turnpikes, Toll Houſes, or Fences, or the Materials thereof, or any of them, or diſturb them, the ſaid Truſtees, in the Poſſeſſion thereof.

Truſtees may leſſen the Tolls.

XVII. Provided always, and be it enacted, That the ſaid Truſtees, at any of their General or Diſtrict Meetings, may, and they are hereby authorized and empowered from Time to Time to order and direct the Tolls or Duties hereby granted and made payable to be collected, received, and taken, in ſuch Parts and Portions, under the Reſtrictions hereinbefore mentioned, and alſo to leſſen and reduce the ſame from Time to Time as they ſhall think fit, and alſo from Time to Time to raiſe the ſaid Tolls or Duties again, ſo as not to exceed the Tolls or Duties hereinbefore granted; but no ſuch Reduction or Increaſe ſhall take place unleſs public Notice thereof be given by Advertiſement Two ſeveral Days in one of the *Edinburgh* Newſpapers, and in the *Dumfries Weekly Journal*, Thirty Days before ſuch General or Diſtrict Meeting: Provided alſo, that until the Money borrowed on the Credit of the ſaid Acts, or this Act, ſhall be paid off, ſuch Tolls ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five-ſixths of the Money remaining due on the Credit of the ſaid Tolls.

Tolls to be paid but once a Day,

XVIII. Provided always, and be it further enacted, That no Perſon or Perſons having paid the Tolls or Duties hereinbefore granted, or leſſened, or reduced as aforeſaid, at any of the ſaid Gates or Turnpikes, ſhall on the ſame

ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) be ſubject or liable to pay the ſaid Tolls or Duties again at the ſame Gate or Turnpike, for the ſame Coach, Berlin, Chariot, Landau, Calaſh, Sociable, Chaiſe, Chair, Hearſe, Waggon, Wain, Cart, or other Carriage, drawn by the ſame Horſes or other Beaſts of Draught, or for the ſame Horſe, Mare, Gelding, Mule, Aſs, or any other Sort of Cattle for which ſuch Tolls or Duties ſhall have been paid: Provided nevertheleſs, that Stage Coaches, Diligences, Waggons, Wains, Carts, or other like Carriages, and all Horſes and other Beaſts of Burthen paſſing or returning on the ſame Day with a new Loading, ſhall be ſubject to the Payment of the Tolls or Duties each Time of paſſing or returning through any of the Gates or Turnpikes with ſuch new Loading excepting Carriages laden with Lime, or Marle, or other Manure, which ſhall pay once a Day only.

Unleſs returning with a new Loading.

Exemptions from Tolls.

XIX. Provided always, and be it enacted, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid, for paſſing through any of the Turnpikes or Gates already erected, or to be erected by virtue of this Act, who ſhall not travel above Two hundred Yards on the ſaid Roads, nor ſhall any Toll or Duty be demanded or taken at any of ſuch Turnpikes or Gates, for any Carriages going unladen, for, or carrying, or conveying, or returning from carrying or conveying Stone, Brick, Lime, Wood, or other Materials, for making or repairing the ſaid Highways, or any of the Bridges, erected, or to be erected thereon, or any other Roads or Bridges within the ſaid County, or any of the Cauſeways within or belonging to the ſame, nor for any Carts, Waggons, Wains, or Horſes, or other Beaſts of Burden, belonging to, or uſed by any Occupier or Occupiers of Land, which ſhall or may be paſſing from one Part to another of the ſame Farm, or carrying or conveying, or returning from carrying or conveying any Dung, Mould, Compoſt, or other Manure, to be laid upon any Fields, or Lands, of any ſuch Occupier or Occupiers of Fields, or burrow Roods, on which no Offices or Barn-yards are erected for the Uſe of the ſaid Fields or Lands, or carrying any Corn in the Straw, Hay, or Graſs, being the Produce of the ſaid Fields, or Roods, to the Place where the ſaid Corn in the Straw, Hay or Graſs is uſually kept, or uſed, by the ſaid Occupier or Occupiers, without prejudice, nevertheleſs, to the ſaid Tolls or Duties being paid, for the ſaid ſeveral Commodities, when carried for Sale, or after being ſold; nor ſhall any Toll or Duty be demanded for any Ploughs, Harrows, or other Implements of Huſbandry, nor for any Carts, Waggons, Wains, Horſes, or other Beaſts of Burden, going empty for Coal, or Lime, but only upon their returning with a Loading, nor from any Perſon or Perſons who ſhall paſs through the ſaid Turnpikes, in going to or returning from any Church, Chapel, or other Place of religious Worſhip, within the Pariſhes where they ſeverally live, on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, nor for Perſons who ſhall paſs the ſaid Turnpikes in attending the Funeral of any Perſon or Perſons who ſhall be buried in the Pariſhes where they ſhall reſpectively die, nor from any Clergyman going to perform, or returning from his Duty, at any Church or Chapel, or to or from viſiting his ſick Pariſhioners, nor for Horſes or other Cattle going to or returning from Paſture or Watering Places, or to or from being ſhoed, within the Pariſh where the Toll-Bar is ſituated; nor for any Horſes or Carriages loaded with

Peat

Peat or Turf for Fuel, or Horſes or Carriages carrying the Produce of Lands to or from Mills to which they are aſtricted; nor for any Horſes, or Carriages, of whatever Deſcription, employed, or to be employed, in carrying the Mails of Letters, or Expreſſes, under the Authority of His Majeſty's Poſt-Maſter General, either when employed in conveying or guarding ſuch Mails, or Expreſſes, or in returning back from conveying the ſame; nor for the Horſes or Carriages of Officers or Soldiers who are upon their March, or on Duty, or the Carriages attending upon them, or carrying any ſick, wounded, or diſabled Officers, or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe, or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores, of, or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for Carts, Carriages, or Waggons, travelling with Vagrants, ſent with legal Paſſes; and that no Toll ſhall be demanded or taken, for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by them, in going to, or returning from, the Place appointed for, and on the Days of Exerciſe: Provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption as aforeſaid: And if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being legally entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Stores.

XX. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

Penalty on Perſons permitting a private Paſſage.

XXI. And be it further enacted, That if any Perſon or Perſons, owning, renting, or occupying any Lands or other Premiſes, ſhall knowingly and willingly permit, and ſuffer any Perſon or Perſons to paſs over the ſame, or through any Gate, Paſſage, or Way, with any Coach, Chariot, Landau, Berlin, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, Carriage, Horſe, Mare, Gelding, Mule or Aſs, or any other Carriage or Cattle, or ſhall open a new Road whereby the Payment of the Tolls or Duties by this Act granted ſhall be avoided, every Perſon ſo offending, ſhall and the Perſon or Perſons riding in, driving or owning ſuch Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Waggon, Wain, Cart, Carriage, or Cattle, or riding, leading, or driving ſuch Horſe, Mare, Gelding, Mule or Aſs, ſhall

shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

Penalty for evading the Tolls.

XXII. And be it further enacted, That if any Person or Persons shall take off, or cause to be taken off any Horse or Horses or other Beasts of Draught from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair or Hearse, or from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the said Gates or Turnpikes, with intent to avoid paying all or any Part of the said Tolls or Duties hereby granted, each and every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

Penalty on Collectors or other Persons disposing of Tickets.

XXIII. And be it further enacted, That if any Collector of the said Tolls shall sell or fraudulently dispose of any Notes or Tickets to any Person or Persons, or if any Person having a Note or Ticket signifying the Payment of any of the said Tolls or Duties shall give, or dispose of such Note or Ticket to any other Person, in order to avoid the Payment of the said Tolls or Duties, or any Part thereof, every such Collector or other Person so selling, giving or disposing of such Notes or Tickets, and the Person receiving the same, shall respectively forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings Sterling.

Penalty for assaulting Collectors, or forcibly passing through any Gates.

XXIV. And be it further enacted, That if any Person shall assault any Collector of the said Tolls or Duties, or by Force pass through any of the said Gates or Turnpikes without paying the Tolls or Duties, which such Person ought to pay, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds Sterling.

Punishing Gate-Keepers failing in their Duty.

XXV. And be it enacted, That if any of the Keepers or Tacksmen of the Turnpike Gates, erected by virtue of the said recited Acts, or to be erected by virtue of this Act, shall fail in the due Performance of their Duty, or shall neglect to give constant Attendance at all Hours, and a free and ready Passage to all Persons and Carriages on Payment offered of the Toll, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Trustees may compound with Travellers.

XXVI. And be it enacted, That the said Trustees at a General or District Meeting assembled, shall, and they are hereby empowered, as they shall see convenient or fit, to compound and agree by the Year, or otherwise, with any Person or Persons using to travel through the Turnpikes, and living within Three Miles of his next Toll-Bar only, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mule, or any other Beast of Draught, for any Sum or Sums of Money, to be paid quarterly, per Advance, after such Agreement is made, and that Copies of all such Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose by the respective Clerk or Clerks, Treasurer, or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever, at all reasonable Times, without paying any Fee or Reward; and in case any such Composition-Money shall not be paid within Fifteen Days

Days next after the ſame ſhall become payable according to ſuch Agreement; then, and in ſuch Caſe, it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Dumfries*, by Warrant under their Hands, to empower the Perſon or Perſons authorized by the ſaid Truſtees to receive ſuch Compoſition-Money (Oath having been firſt made before ſuch Juſtices, and which they are hereby required to adminiſter, that the ſame has been demanded and remains unpaid) to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons having ſo compounded, returning the Overplus (if any be), on Demand, after deducting the Charges of ſuch Diſtreſs and Sale.

Tolls may be let.

XXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to let the ſaid Tolls or Duties, in whole or by Parcels, from Time to Time, during the Continuance of this Act, by Way of public Roup, for the beſt Rent that can be got for the ſame, to ſuch Perſon or Perſons as ſhall give ſuch ſufficient Security for the Payment of ſuch Rent as ſhall be approved of by the ſaid Truſtees; provided that no Leaſe of ſuch Tolls or Duties be made for any longer Term than One Year at any one Time, unleſs authorized by a General or Diſtrict Meeting to let the ſame, for Three Years at one Time, and no longer.

For appointing Officers,

XXVIII. And be it further enacted, That the ſaid Truſtees ſhall and may, from Time to Time, continue, chuſe and appoint One or more fit Perſon or Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls or Duties aforeſaid, and ſuch other Officer or Officers as the ſaid Truſtees ſhall think neceſſary; and alſo One or more fit Perſon or Perſons to be Overſeer or Overſeers, Surveyor or Surveyors of the ſaid Roads, to view the Condition of the ſaid Roads, and to ſee that the ſame are properly repaired; and alſo that the Money to be raiſed by virtue of this Act is duly applied; and the ſaid Truſtees ſhall, from Time to Time, remove ſuch Clerks, Treaſurers, Collectors, Overſeers or Surveyors, or other Officers, or any of them, and appoint new ones, as they ſhall ſee Occaſion; and all Perſons hereby made liable to pay the ſaid Tolls, or Duties, ſhall pay the ſame to ſuch Collector or Collectors, as ſhall from Time to Time be appointed to receive the ſame; and the Perſon or Perſons ſo appointed to collect and receive the ſaid Tolls or Duties as aforeſaid, ſhall, upon Oath, before any One or more Juſtice or Juſtices of the Peace of the ſaid County of *Dumfries*, on the Firſt *Wedneſday* of every Month, or oftener, if required, during the Continuance of this Act, give in to the ſaid Truſtees, or their Treaſurer or Treaſurers for the Time being, a true, exact, and perfect Account, in Writing, under their reſpective Hands, with the Vouchers thereof, of all Monies which he, ſhe, or they ſhall to ſuch Time have received, paid and diſburſed, by virtue of this Act, or by reaſon of their reſpective Offices; and in caſe any Money ſo received ſhall remain in his, her, or their Hands, the ſame ſhall be paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers for the Time being, and ſhall be laid out and applied for the Purpoſes of this Act; and in caſe ſuch Collector or Collectors, or any other Perſon or Perſons concerned in the Collection or Receipt of the ſaid Tolls or Duties, ſhall not give in and make ſuch Account and Payment when there unto required by the ſaid Truſtees, or any Five or more of them, then any Two or more Juſtices of the Peace of the ſaid County of *Dumfries* ſhall and may make Enquiry of and concerning ſuch Default as aforeſaid, in a ſummary Way, as well by Confeſſion of

the Parties themſelves as by the Teſtimony of One or more credible Witneſs or Witneſſes, upon Oath, which Oath ſuch Juſtices are hereby empowered to adminiſter; and if any Perſon or Perſons ſhall be thereof convicted by ſuch Juſtices, they ſhall, upon Conviction, either iſſue their Warrant for Diſtreſs and Sale of the Goods of the Defaulters, in a ſummary Manner, by appraiſing them at the Spot where found, or may commit the Party or Parties to the Common Goal of the ſaid County of *Dumfries*, therein to remain for any Time notexceeding Six Months in the whole, unleſs he, ſhe, or they ſhall have ſooner made a perfect Account and Payment as aforeſaid, or ſhall have compounded and agreed for the ſame with the ſaid Truſtees, and have paid ſuch Compoſition to their Treaſurer or Treaſurers, which Compoſition the ſaid Truſtees, at any Meeting aſſembled in purſuance of this Act, are hereby authorized and empowered to make and receive.

And allowing them Salaries.

XXIX. And be it further enacted, That the ſaid Truſtees ſhall and may, out of the Money ariſing from the ſaid Tolls or Duties, make ſuch Allowance to their Treaſurer or Treaſurers, Collector or Collectors, Overſeer or Overſeers, Surveyor or Surveyors, Clerk or Clerks, or other Officer or Officers to be appointed as aforeſaid, for and in Conſideration of his or their Care and Pains reſpectively taken in the Execution of his or their reſpective Office or Offices, and alſo to ſuch other Perſon or Perſons as ſhall be aſſiſting in and about procuring the ſaid Roads to be amended and repaired as the ſaid Truſtees ſhall think proper; and the ſaid Truſtees are hereby required to take ſuch Security from their Treaſurer or Treaſurers, and Collector or Collectors, for the due Execution of his or their Office or Offices, as they the ſaid Truſtees ſhall think proper.

Truſtees may take Materials.

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

On paying Damages.

the

the mean Time; and it shall also be lawful for the said Trustees to cause to be made such Causeways, Dykes, Drains, Ditches, Embankments, and Aqueducts, or Water Courses, as may be found to be necessary upon, or through any adjacent Grounds, for the Preservation of the Roads and Bridges across the same, by this Act directed to be made or repaired, Notice being given, and Damages to be ascertained and allowed by a Jury, to the Owners and Occupiers of the Grounds through which such Causeways, Drains, Dykes, Ditches, Embankments, and Aqueducts, or Water Courses, are carried in Manner aforesaid; and it shall also be lawful for the said Trustees, from Time to Time, to order and direct such Drains, Ditches, and Passages, for Water to be kept clear, and such Causeways, Dykes, and Aqueducts, to be repaired; for which Purposes it shall be lawful for the said Trustees, and the Persons employed by them, to go upon such adjacent Grounds, where it may be necessary; the said Trustees making reasonable Compensation, if required, to the Owners or Occupiers of such adjacent Ground, for the Damage done thereby, such Compensation (in case any Difference shall arise respecting the same) to be settled and determined by any Justice of the Peace for the said County of *Dumfries*.

Notice to be given to Occupiers of Lands before Materials are taken for making and repairing the Roads.

XXXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, quarry, take, and carry away Materials for making and repairing the said Roads, from any inclosed Land or Ground, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Three or more of them, or Two Justices of the Peace, acting for the County, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend, pursuant to such Notice, the said Trustees, or any Three or more of them, or such Justices shall, if they think proper, authorize such Surveyor, or other Persons, to dig, gather, quarry, take, and carry away such Materials, at such Time or Times, as to such Trustees, or any Three or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself, or his Agent, the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein, as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his Agent had attended.

Trustees may make Causeways, Drains, &c.

and widen the Roads,

and alter the Course of the Roads.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, to make or erect Bridges or Arches of Brick, Timber, or Stone, upon the said Roads; and where any Part of the said Roads are not of a sufficient Breadth, according to the Rate and Standard established in *Scotland*, to widen and extend the Breadth of the said Roads to the legal Standard; and where it shall appear necessary to the said Trustees to alter the Course or Situation of the said Roads, or any of them, or to widen the same beyond the legal Standard, then the said Trustees shall, and they have hereby full Power to alter the Course or Situation of the said Roads, or any of them, or any Part thereof, or to extend the same to such Breadth as they shall think proper, not exceeding Forty Feet, exclusive of Ditches, and for that Purpose to pull down any House, the side Walls whereof

whereof are not more than Twelve Feet high, provided that by such Widening and Altering of the said Roads, the same, or any Part thereof, be not brought nearer than Two hundred Yards to the Mansion House, or ordinary Residence of the Proprietor of the Lands through which such Roads shall be made, nor pass through any Yard, Garden, or Orchard, of such Proprietor, nor through any Park, Planted Walk or Nursery for Trees; and the said Trustees shall pay such Damages to the Owners and Occupiers respectively, of any Lands, Grounds, or Houses, which shall be prejudiced or damaged by altering and widening the said Roads, or any Part thereof, beyond the legal Standard, or by pulling down any House or Houses, on the Sides of the said Roads, as the said Trustees shall judge reasonable; and in case of any Difference concerning such Damages, betwixt such Owners and Occupiers, and the said Trustees, then the same shall be ascertained by a Jury, in Manner hereinafter mentioned.

Penalty on destroying Turnpikes.

XXXIII. And be it further enacted, That if any Person or Persons shall maliciously break down, pull up, or otherwise destroy, injure, or damage any of the said Gates or Turnpikes, or any Posts, Rails, Chains, Bars, or other Works, or any of the Toll-Houses to be erected in pursuance of this Act; or shall rescue any Person being in Custody for any of the said Offences, every Person offending in any of the Cases aforesaid, and being thereof convicted, by the Oath of One or more credible Witness or Witnesses before Two or more Justices of the Peace of the said County of *Dumfries*, shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also be imprisoned for Six Weeks, or pay a Fine not exceeding Five Pounds Sterling.

For erecting Weighing-Machines.

XXXIV. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Carriages which shall pass along the said Roads; and in case any Carriage, drawn on Wheels of less Breadth than Nine Inches, shall be found to weigh more than Six thousand Pounds Weight, the Owner of every such Carriage shall forfeit and pay a Sum not exceeding Twenty Shillings Sterling for each Hundred Weight such Carriage shall weigh above Six thousand Pounds Weight; and it shall be lawful for the Collector of the said Tolls or Duties to receive and take, over and above the usual Toll, the said Penalty, not exceeding Twenty Shillings Sterling for each Hundred Weight; or in case any Carriage, drawn on Wheels of Nine Inches, or of a greater Breadth than Nine Inches, shall be found to weigh more than Twelve thousand Pounds Weight in Summer, or Ten thousand Pounds Weight in Winter, it shall be lawful for the Collector of the said Tolls or Duties to receive and take, over and above the ordinary Toll, the like Penalty, not exceeding Twenty Shillings Sterling for each Hundred Weight such Carriage shall weigh more than Twelve thousand Pounds Weight, or Ten thousand Pounds Weight respectively, before the same respectively shall be permitted to pass through such Gate or Turnpike, and the same shall be applied as the other Penalties are by this Act directed to be applied; and in case any Person or Persons shall hinder or obstruct the Weighing of any such Carriage as aforelaid, such Person or Persons shall for every such Offence forfeit a Sum not exceeding Twenty Shillings Sterling.

XXXV. And

Drag Irons to be of the same Breadth with the Wheels.

XXXV. And be it further enacted, That where any Drag Iron or other Instrument shall be affixed under the Bottom or Sole of the Wheel or Wheels of any Waggon or other Carriage passing along the said Roads, to make the Passage of such Waggon or Carriage more safe down steep Hills, every such Drag Iron or other Instrument shall be flat at the Bottom or Sole thereof, and shall not be of less Breadth than the Fellies of the Wheels under which the same shall be affixed, on Pain of the Owner of every such Waggon or other Carriage forfeiting a Sum not exceeding Twenty Shillings Sterling for every such Offence.

Penalty on drawing Timber or Stones except on Wheel Carriages.

XXXVI. And be it further enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads any Tree or Piece of Timber, or any Stone or other Thing whatsoever, otherwise than upon Wheel Carriages, or shall suffer any Tree or Piece of Timber, or Stone, or other Thing whatsoever, which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Roads, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings Sterling.

Appointing Persons to inspect the Roads.

XXXVII. And be it further enacted, That it shall and may be lawful for the Justices of the Peace for the County of *Dumfries*, at any or either of their General Quarter Sessions to be holden in and for the said County, to appoint One or more fit Person or Persons to survey or view the said Roads, and to enquire of and concerning the Application of the Monies to be collected, levied, or raised in pursuance of this Act; and in case such Person or Persons so appointed shall find any Misapplication of such Monies, or any other Abuses of the Powers and Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace at their next General Quarter Sessions, who are hereby authorized and required to hear, examine into, and determine the same; and all such Sum or Sums of Money or other Satisfaction which the said Justices at any Quarter Sessions to be holden as aforesaid, or the major Part of them then present shall think fit to order and direct to be paid, shall, by the Person or Persons guilty of such Misapplication, or of committing any such Abuses, be paid to the Treasurer or Treasurers for the Time being, to the said Trustees within Ten Days after such Determination of the said Justices, and Demand thereof made; and in Default of such Payment, it shall and may be lawful for the said Justices, at their then next General Quarter Sessions, or the major Part of them then present, by their Warrant to levy the same by Distress and Sale of the Goods and Chattels of the Offender, returning the Overplus (if any be), after Deduction of all such Sum or Sums of Money which ought to be paid as aforesaid, and also the Charges of such Distress and Sale to the Person or Persons so neglecting to make such Payment or Satisfaction as aforesaid; and for want of sufficient Distress to commit the Person or Persons to the common Goal of the said County, there to remain for any Time not exceeding Six Weeks, unless Payment or Satisfaction shall be sooner made.

Trustees may act as Justices.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for such of the said Trustees as are, or shall be in the Commission of the Peace for the said County of *Dumfries*, to act as Justices of the Peace in all such Cases, Matters, or Things, as shall be necessary for the more speedy and effectual putting in Execution the several Authorities

and Powers in this Act mentioned and contained, except in such Cases only where they are personally interested.

Trustees not to hold Places of Profit under the Act.

XXXIX. Provided always, and be it enacted and declared, That if any of the said Trustees shall accept any Place of Profit under this Act, such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid.

Nor Victuallers.

XL. And be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, shall be capable of acting as a Trustee, or of holding any Place of Profit under this Act.

Trustees may borrow Money.

XLI. And for the more speedy and effectual making and repairing the said Roads, be it enacted, That it shall and may be lawful to and for the said Trustees, at any of their General or District Meetings assembled, and they are hereby authorised and empowered, to borrow any Sum or Sums of Money, not exceeding in the whole together with the Sums already borrowed under the said recited Acts, or either of them, the respective Sums following, (that is to say), the Sum of Five thousand Pounds Sterling, upon the Credit of the Tolls or Duties to be collected upon the First District of the said Roads; the Sum of Three thousand Pounds Sterling, upon the Credit of the Tolls or Duties, to be collected on the Second District of the said Roads; the Sum of Two thousand five hundred Pounds Sterling, upon the Credit of the Tolls or Duties to be collected upon the said Road from *Annan* to *Irving Burn* Bridge; the Sum of One thousand Pounds Sterling, upon the Credit of the Tolls or Duties to be collected upon the Branch of Road from *Barnglieshhead* to the Coal Pits near *Gillnockie* Bridge; the Sum of Two thousand five hundred Pounds Sterling, upon the Credit of the Tolls or Duties to be collected upon the Branch of Road from the Farm Houses of *Burnfoot* of *Springkell* towards the Limestone Quarry of *Kelhead*; the Sum of One thousand five hundred Pounds Sterling, upon the Credit of the Tolls or Duties to be collected upon the Fourth District of the said Roads; and the Sum of Ten thousand five hundred Pounds Sterling, upon the Credit of the Tolls or Duties to be collected upon the Fifth District of the said Road; which respective Sums of Money so to be borrowed as aforesaid, shall be applied proportionally towards Payment of the Expence of obtaining this Act, and the Remainder of the said respective Sums of Money so to be borrowed shall be applied towards making and repairing the Roads, and in defraying all other Charges and Expences attending the Execution of this Act, within the particular District for which such Monies shall be so respectively borrowed as aforesaid, and to no other Use or Purpose whatsoever.

As Creditors are paid off, Trustees may borrow more Money.

XLII. Provided always, and be it further enacted and declared, That if at any Time the Principal Monies borrowed or to be borrowed as aforesaid, or any Part thereof shall be paid off, it shall be lawful for the said Trustees, from Time to Time, at any of their General or District Meetings, to borrow again any Sum or Sums of Money in like Manner as aforesaid, so that the whole of the Money which shall be due and owing upon the Credit of the said Tolls or Duties to be collected within each District, do not exceed at any one Time the original Sum herein-before authorised to be

borrowed

borrowed upon the Credit of the Tolls or Duties to be collected within such District.

Trustees may assign the Tolls.

XLIII. And be it enacted, That the said Trustees at any General or District Meeting assembled may, and they are hereby empowered to assign and make over the whole, or any Part of the Tolls or Duties by this Act imposed and vested in them as aforesaid, to any Person or Persons from whom the Money shall be so borrowed as aforesaid, as a Security for the Re-payment of the Sum or Sums of Money so lent by him or them, together with Interest for the same, and all such Assignments of the said Tolls or Duties, shall be entered in a Book to be kept for that Purpose; which said Book shall and may be seen and perused at all reasonable Times by any Person or Persons interested therein without Fee or Reward; and the Securities so to be granted by the said Trustees shall be transferrable by Indorsement, duly subscribed by the Party transferring in the Presence of One or more subscribing Witness or Witnesses: Provided always, That no Trustees or Trustee shall be held or adjudged to have rendered himself personally liable for the Repayment of any Money subscribed or borrowed, or the Interest thereof, by reason of having signed the Securities; which Securities are to be held and considered as granted upon the sole Credit and Security of the Tolls.

For giving Notice of the Time for borrowing Money.

XLIV. Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the said Tolls or Duties, after their first General Meeting, unless Notice for that Purpose shall be published Twice in one of the *Edinburgh* Newspapers, at least Fourteen Days before the borrowing of such Money.

For measuring the Roads and erecting Mile-Stones.

XLV. And be it further enacted, That the said Trustees, at any of their General or District Meetings, may cause the said Roads, or any Part thereof, to be measured, and Stones or Posts to be erected on the Sides thereof, with Inscriptions thereon, denoting the Distance of each Mile, or such other Distances as they shall judge convenient from *Dumfries*, or any other Town or Place; and if any Person or Persons shall wilfully break, destroy, damage, pull down, or remove any such Stones or Posts, or obliterate or deface any Letters or Figures that shall be made, inscribed, or put thereon, or shall break down the Capestones on the Ledges or Parapet Walls erected on the Sides of any of the Bridges on the said Roads, and shall be thereof convicted before any One or more Justice or Justices of the Peace for the County of *Dumfries*, by the Oath or Confession of the Offender, or by the Oath of One or more Witnesses, every such Person so offending shall, besides making good the Damages, forfeit and pay the Sum of Five Pounds Sterling for each Stone or Post so wilfully destroyed, damaged, pulled down, removed, obliterated or defaced, and for every Capestone so broken down from the Ledges of the said Parapet Walls, to be levied and recovered in the same Manner as other Penalties are by this Act directed to be levied and recovered; and all such Forfeitures shall be applied, one Moiety to the Informer, and the other Moiety in repairing the said Roads.

Penalty on breaking and destroying Mile-Stones.

Orders of Trustees not to be altered unless at a

XLVI. And be it further enacted, That if the said Trustees, at any of their General or District Meetings, shall determine any Matter, or appoint and order any Thing to be done with respect to the amending and repairing

General Meeting for that Purpose.

ing the said Roads, or levying the said Tolls or Duties, or otherwise concerning the Execution of the Powers hereby vested in them, it shall not be in the Power of any of the said Trustees, at any subsequent General or District Meeting, to alter, vary, or annul such Determination, or give any Orders contrary thereto, unless Notice of the Business so to be brought forward at such General or District Meeting shall have been first given by an Advertisement to be twice published in One of the *Edinburgh* Newspapers Thirty Days before such subsequent or General District Meeting.

First Meeting under this Act, and the Places and Days of Annual Meeting.

XLVII. And be it further enacted, That the said Trustees shall hold their first General Meeting under this Act within the New Court House of *Dumfries*, in the County aforesaid, on the Sixth Day of *July* One thousand eight hundred and nine, or so soon thereafter as conveniently may be, which Meeting shall be convened by an Advertisement to be published in the Newspapers called the *Edinburgh Evening Courant* and *Dumfries Weekly Journal*, by the Convener of the Commissioners of Supply for the said County of *Dumfries*, Ten Days at least previous to the said Day of Meeting; and thereafter, the said Trustees shall hold Two General Meetings in every Year, that is to say, the one of such Meetings on the Day that is or shall be appointed for the Meeting of the Commissioners of Supply for imposing the Land Tax in every Year, within the said New Court House, or in such other Place as they the said Trustees shall, at any such General Meeting, hereafter appoint for that purpose: And the other of such Meetings on the Day on which the Freeholders of the said County shall hold their *Michaelmas* Head Court in every Year, within the said Court House, or in such other Place, as aforesaid; and at such General Meetings the said Trustees shall proceed to determine, order, and appoint all Matters and Things whatsoever, with respect to the making, surveying, repairing, and keeping in Repair all and singular the said Roads and Bridges, and to exercise and execute all and every the Powers and Authorities vested in them the said Trustees, under or by virtue of this Act; and the said Trustees, besides such General Meetings, shall also yearly, and every Year, hold the several District Meetings at the several Times and Places which are hereinafter mentioned, that is to say, at *Annan* on the Second *Tuesday* in the Month of *May*, and at *Moffat* on the First *Friday* of *September* for the first District of the said Roads; at *Dumfries* on the last *Friday* in the Month of *May*, at *Lockerby*, aforesaid, on the first *Thursday* in the Month of *September* for the Second District of the said Roads; at *Annan* aforesaid on the Second *Tuesday* in the Month of *May*, and at *Langholm* on the First *Wednesday* in the Month of *September* for the Third District of the said Roads; and at *Annan* on the Second *Tuesday* in the Month of *May*, and at *Dumfries* on the First *Thursday* in *September* for the Fourth District of the said Roads; and at *Annan* aforesaid on the Second *Tuesday* in the Month of *May*, at *Brownhill* on the First *Tuesday* of *June*, at *Dumfries* on the First *Thursday* in *September*, and at *Annan* on the First *Friday* in *September* for the Fifth District of the said Roads; and at such District Meetings the said Trustees shall also proceed to exercise and execute all and every the Powers and Authorities vested in them under or by virtue of this Act, so far as relates to such respective Districts, and so far as the same shall not have been previously done or provided for at the aforesaid General Meetings; and any Five or more of the said Trustees, being present at any such General or District Meetings,

Meetings, shall be a Quorum, and competent to act in all the Business of such Meetings; and it shall and may be lawful for the said Trustees, at any of the General or District Meetings, to be held in pursuance of this Act, from Time to Time to adjourn themselves to such Times and Places as they shall think proper or convenient, and if it shall happen that Five or more of the said Trustees shall not appear at the first or any other General or District Meeting, then, and in such Case, the Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands, to be published in the *Dumfries Weekly Journal*, in case of General Meetings, or to be fixed on all the Gates or Turnpikes which shall be erected by virtue of this Act upon the Road within the District where such Meeting was to have been holden in Cases of District Meetings, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House or Place near the same, on that Day Three Weeks, on which such last Meeting of the said Trustees was appointed to be held; and in Default or Failure of such Appointment by the Clerk or Clerks, it shall be lawful for any Two of the said Trustees, upon Twenty Days' Notice, to be published Twice in the *Dumfries Weekly Journal*, or one of the *Edingburgh* Newspapers, to appoint the said Trustees to meet at such Times and Places as shall be expressed in such Notice: Provided always, that the said Trustees, at their first, and all their subsequent Meetings, whether General or District Meetings, shall defray their own Charges and Expences.

Trustees may alter Places of Annual Meetings.

XLVIII. And be it enacted, That it shall be in the Power of the said Trustees, at a General Annual Meeting assembled, to vary or alter the Days and Places of their Annual Meetings, whether General Meetings or District Meetings, as they shall see proper; but no such Alteration shall take Place unless the same has been proposed at one General Meeting, and has the Sanction and Approbation of a second General Meeting.

Power to choose Committees and Conveners to oversee the Roads, &c.

XLIX. And be it further enacted, That the said Trustees at any of their General or District Meetings shall have Power to choose Committees and Conveners from among themselves, to consist of such a Number as they may judge proper, to have the general Oversight and Direction of the said great Lines of Road, and the respective Branches leading therefrom above mentioned, and to grant such Powers not repugnant to the Laws of *Scotland* or this Act to these Committees as to such General or District Meetings may appear proper, such Committees always reporting their Proceedings to the First General or District Meeting of the Trustees, by whom they were chosen.

Trustees may apportion the Produce of the Tolls.

L. And it is hereby further enacted and declared, That at the Two First Annual stated General Meetings of the said Trustees, or either of such Meetings (the Purpose of the said Meeting being specially announced by public Advertisement in the *Dumfries Weekly Journal* Ten Days before the Time of such Meeting), it shall be lawful for them to direct the Tolls arising at the Turnpike or Toll-bars erected or to be erected on the said Roads, to be applied towards the making, repairing, and upholding of the aforesaid Roads, in such Manner as the said Trustees shall think fit, and as soon as the same shall be so adjusted, the Clerk of the

ſaid Truſtees is hereby authorized and required to enter and record the ſame in a Book to be kept for that Purpoſe: Provided always, that in all Time thereafter, during the Continuance of this Act, it ſhall not be in the Power of the ſaid Truſtees, or of any Number of them, to vary or alter the final Determination or Allocation ſo made, unleſs the ſame ſhall be propoſed and agreed to at one General Annual Meeting, and approved of by another ſuch General Annual Meeting, the Purpoſe of ſuch reſpective Meetings being alſo ſpecially announced by public Advertiſement in the *Dumfries Weekly Journal* Ten Days before the Times of ſuch Meetings reſpectively.

To prevent Nuiſances on he Roads.

LI. And be it further enacted, That from and after Two Months from the Commencement of this Act, no Perſon or Perſons whomſoever ſhall lay or leave for any longer Time than ſhall be neceſſary till the ſame can be removed, any dead Horſe, or other Carrion, or build any Wind Mills, or Kilns for burning Bricks upon any of the ſaid Roads, or within Twenty Feet of the Centre of any of the ſaid Roads, or lay any Timber, Goods, Dung, Lime, Soil, or Compoſt, Cart, Carriage, or Matter whatſoever either for manuring Land, or for any other Purpoſe, upon any of the ſaid Roads, or within Twenty Feet of the Centre of any Part of the ſaid Roads, or in the Streets, Lanes, or Paſſages of the Burghs of *Dumfries*, *Sanquhar*, *Annan*, or *Lochmaben*, or of the Villages of *Springfield*, *Thornhill*, *Carronbridge*, *Penpont*, *Minyhive*, or *Kirkconnell*, or any other Villages through which the ſaid Great Roads, or Branches thereof paſs, upon Pain of forfeiting for every ſuch Offence a Sum not exceeding Twenty Shillings Sterling: And further, that all Signs, Sign Poſts, and other Obſtructions that ſhall be found to occaſion Inconvenience to Paſſengers, through the Streets, Lanes, or Paſſages of the ſaid Burghs of *Dumfries*, *Sanquhar*, *Annan*, or *Lochmaben*, or of the Villages of *Springfield*, *Thornhill*, *Carronbridge*, *Penpont*, *Minyhive*, or *Kirkconnell*, or other Villages aforeſaid, ſhall be removed by the Owners thereof, or ſo altered as to remove any Cauſe of Complaint under the like Penalty, not exceeding Twenty Shillings for every ſuch Offence; which ſaid Penalties and Forfeitures ſhall be levied and recovered as any Penalty or Forfeiture by this Act directed to be levied and recovered, and ſhall be applied One Moiety to the Perſon who ſhall inform of the ſame, and the other Moiety towards repairing and widening the Roads within the Diſtrict where ſuch Offence ſhall be committed, reſerving to the ſaid Burgh of *Dumfries* and their Commiſſioners of Police, all the Rights and Privileges they already have within their Territory by any Act or Acts now in force and effect.

Preventing Nuiſances near the Road.

LII. And be it further enacted, That no Perſon or Perſons whomſoever ſhall build, make, or erect any Windmills or Kilns for burning of Bricks, or Lime, or any other Nuiſance, within Twenty Yards from the Sides of any of the ſaid Roads, whereby Danger or Detriment ſhall or may be occaſioned to Perſons travelling on the ſame, or lay any Timber, Goods, Dung, Lime, Soil, or Compoſt, or Matter whatſoever, either for manuring or any other Purpoſe, within Five Yards of the Side of any of the ſaid Roads, unleſs the ſame be ſufficiently fenced off from the Road; and if any Perſon or Perſons ſhall build, make, or erect any ſuch Windmills, Kilns, or other Nuiſances as aforeſaid, or lay any Timber, Goods, Dung, Lime, Soil, or Compoſt, or other Matter as aforeſaid, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the

ſaid

ſaid County of *Dumfries* to cauſe the ſame to be pulled down or removed by the Perſon or Perſons building, making, erecting, or laying the ſame.

LIII. And be it further enacted, That from and after the paſſing of this Act no Perſon or Perſons within the ſaid County ſhall be allowed to build any Houſe or Houſes, where there was no Houſe before, within Twenty-five Feet from the Centre of any Public Road, excepting only on the narrow Streets within the Royal Burghs, with Conſent of the Magiſtrates thereof, or the Villages of *Ecclefechan*, *Lockerbie*, *Moffatt*, *Langholm*, or *Minyhive*, with Conſent of Two Juſtices of the Peace for the ſaid County. No Houſes to be built within 25 Feet of the Centre of the Road.

LIV. And be it further enacted, That no Trees ſhall in future be planted within Twenty-five Feet of the Middle of any Public Road within the ſaid County, and where any Hedges or Trees are alongſide any High Road, it ſhall be in the Power of the ſaid Truſtees, or any Three or more of them, to cauſe ſuch Hedges to be cut in the proper Seaſon of the Year, after Four Weeks' Notice, at the Expence of the Owner of ſuch Hedge, ſo that the Top thereof ſhall never be higher than Four Feet in perpendicular Height above the Level of the Center of ſuch Road, and ſo that no Part thereof ſhall over-hang the Road; and to cauſe the Branches of any Trees that ſhall overhang any Road to be lopt off in the proper Seaſon, after Four Weeks' Notice to the Proprietors of the ſame. No Trees to be planted within 25 Feet of the Centre of the Road.

LV. And it is further enacted, That, where Fences ſhall be made in Time coming on the Sides of the ſaid Turnpike Roads, the Ditch and Hedge ſhall be on the Inſide next the Field, and the plain Face of the Fence or Bank ſhall face the Road; and no Earth-bank, Hedge, or Stone Wall ſhall be placed nearer the Side of the Road than Three Feet, proper Conduits being made in different Places for carrying the Water from the Road under the ſaid Fence or Bank into the Ditch. Hedges to be next the Field.

LVI. And be it further enacted, That all Perſons chargeable with Statute Labour within the ſaid County, ſhall hereafter pay a Converſion in Money, or Compoſition in lieu of ſuch Statute Labour, to the Collectors to be appointed by the ſaid Truſtees for receiving the ſame, according to the Rates following: *videlicet*. All Occupiers of Land, whether Heritors or Tenants, ſhall be liable to pay yearly a Compoſition in Money for the Lands occupied by them reſpectively according to the valued Rent of ſuch Lands, not exceeding the Sum of One Pound Ten Shillings Sterling for each One hundred Merks of ſuch valued Rent. For converting the Statute Labour of the whole County into Money.

LVII. Provided always, and be it enacted, That the Tenants and Poſſeſſors of all Houſes, Shops, Cellars, Warehouſes, and Store or Timber Yards within the Royal Burghs ſituate within the ſaid County, or within any Village or Villages, erected or to be erected within the ſaid County; and the Occupier and Occupiers of any Houſe, Shop, Cellar, Warehouſe, Store, or Timber Yard within the ſaid County, not having any cultivated or profitable Land adjoining thereto, and the Tenants and Poſſeſſors of the Burgh Roods lying within the Territory of the ſaid Royal Burghs ſhall, in the Place of their Statute Labour, pay yearly a Compoſition not exceeding One Shilling Sterling, for every Dwelling-Houſe, Apartment, or Converſion for Burghs and Villages.

Room,

Room, Shop, Cellar, Warehouſe, and Store, or Timber Yard occupied by them whereof the yearly Rent is Thirty Shillings and under Three Pounds Sterling; a Compoſition not exceeding Two Shillings Sterling, for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe and Store or Timber-Yard occupied by them, whereof the yearly Rent is Three Pounds, and under Seven Pounds Sterling; a Compoſition not exceeding Three Shillings Sterling, for every Dwelling Houſe, Apartment, Room, Shop, Cellar, Warehouſe, and Store or Timber-Yard, occupied by them, whereof the yearly Rent is Seven Pounds, and under Ten Pounds Sterling; a Compoſition not exceeding Four Shillings Sterling, for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe, and Store or Timber-Yard occupied by them, whereof the yearly Rent is Ten Pounds, and under Fifteen Pounds Sterling; a Compoſition not exceeding Five Shillings Sterling, for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe, and Store or Timber-Yard occupied by them, whereof the yearly Rent is Fifteen Pounds, and under Twenty Pounds Sterling; a Compoſition not exceeding Seven Shillings Sterling, for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe and Store or Timber-Yard occupied by them, whereof the yearly Rent is Twenty Pounds, and under Twenty-five Pounds Sterling; a Compoſition not exceeding Eight Shillings and Sixpence Sterling, for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe, and Store or Timber-Yard, occupied by them, whereof the yearly Rent is Twenty-five Pounds, and under Thirty Pounds; a Compoſition not exceeding Ten Shillings Sterling; for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe, and Store or Timber-Yard occupied by them, whereof the yearly Rent is Thirty Pounds, and under Forty Pounds Sterling; a Compoſition not exceeding Fifteen Shillings Sterling, for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe, and Store or Timber-Yard, occupied by them, whereof the yearly Rent is Forty Pounds, and under Fifty Pounds Sterling; a Compoſition not exceeding One Pound Five Shillings Sterling, for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe, and Store or Timber-Yard, occupied by them, whereof the yearly Rent is Fifty Pounds, and under Sixty Pounds Sterling; and a Compoſition not exceeding One Pound Ten Shillings Sterling, for every Dwelling-Houſe, Apartment, Room, Shop, Cellar, Warehouſe, and Store or Timber-Yard, occupied by them, whereof the yearly Rent is Sixty Pounds Sterling and upwards; and at a Rate not exceeding Three Pence Sterling on every Pound Sterling of the real Rent of the Burgh Roods, ſo poſſeſſed by them: and for that Purpoſe the ſaid Truſtees, at their Firſt General Meeting, or ſome Adjournment thereof, and yearly thereafter at their General Meeting in *April* or *May* ſhall, and they are hereby empowered and required to nominate and appoint Two or more Aſſeſſors for each Burgh, Village or Diſtrict within the ſaid County of *Dumfries*, who, in Fourteen Days after their Appointment, ſhall yearly return, upon Oath, to the Clerk to be appointed as hereinafter mentioned, a Liſt of the Occupiers of the ſaid Houſes and Lands, and Perſons keeping Carriage or Saddle Horſes, and a full Account of the Rents of the ſaid Lands where the ſame are in Tenantry, or Value thereof where they are in the natural Poſſeſſion of the Proprietor, or where the Rent payable by the Tenant cannot be diſcovered: Provided always, that it ſhall and may be lawful for the ſaid Truſtees, or any Three or more of them, to relieve ſuch Perſons

Power to Truſtees to relieve Per.

Perſons as they ſhall know to be in indigent Circumſtances, from the Payment of all or any Part of the ſaid Compoſition.

ſons in indigent Circumſtances.

LVIII. And be it enacted, That any Perſon appointed to be an Aſſeſſor by a General or Adjourned Meeting of the Truſtees, who ſhall refuſe or neglect to act without ſufficient Excuſe to be determined by the ſaid Truſtees, after having got Notice in Writing of his Appointment, from the Clerk of the ſaid Truſtees, ſhall forfeit a Sum not exceeding Five Pounds, to be recovered and applied as other Penalties ſpecified in this Act are directed to be recovered and applied; but no Perſon ſhall be obliged to hold the ſaid Office for more than Two ſucceſſive Years, nor ſhall any Perſon having ſo held the Office for Two ſucceſſive Years be obliged to hold ſuch Office again until Three complete Years ſhall have intervened ſince he laſt held it.

Perſons refuſing to act as Aſſeſſors.

LIX. And be it further enacted, That the ſaid Truſtees ſhall at their firſt General Meeting, in *April* or *May*, or ſome Adjournment thereof, and yearly thereafter at their General Meeting, appoint a Clerk for tranſacting ſuch Buſineſs relating to the Converſion of the ſaid Statute Labour as they ſhall think proper, with an adequate Salary, not exceeding Twenty Pounds Sterling per Annum; and they ſhall alſo at the ſame Time appoint a Collector or Collectors in each Diviſion hereafter mentioned for receiving and paying away the Compoſitions aforeſaid, for which ſuch Collectors are to be accountable, and are to enter ſuch their Receipts and Payments into regular Books to be kept by them; and the ſaid Truſtees may from Time to Time diſcharge ſuch Clerk and Collectors, or any of them, and may appoint others in their Stead, as they ſhall think proper; and the ſaid Collectors ſhall find Security to the Satisfaction of the ſaid Truſtees, to account annually, or as often as they ſhall be required, for all the Money which ſhall be received by them, and to pay the Balances in their Hands when demanded, ſuch Collectors being always allowed a ſuitable Gratification for their Trouble, not exceeding Five Pounds Sterling *per Centum* of the Sums which they ſhall reſpectively collect.

Truſtees to chuſe a Clerk and Collectors of Compoſitions.

LX. And be it further enacted, That the Proprietors of Land in the ſaid County, or their Factors, ſhall, and they are hereby required within Thirty Days after the paſſing of this Act, or within ſuch other Time as the ſaid Truſtees ſhall fix for that Purpoſe, to deliver to the Clerk to be appointed by the ſaid Truſtees as laſt aforeſaid a true State or Account of the Valuations of their reſpective Lands, according to which they are in Uſe to pay the Land-Tax and bear Public Burdens; which State or Account ſhall ſpecify all the Farms belonging to each Heritor, and the Pariſhes wherein they are ſituated, and the Proportion of valued Rent falling upon each Farm ſuitable to the yearly Rent of the ſame, where the Proprietor has been in uſe to pay the Land-Tax himſelf for the Whole, or certain Parts of his Eſtate; and in caſe any Heritor ſhall fail ſo to do, it ſhall be in the Power of the ſaid Truſtees, or any Perſon or Perſons authorized by them, to compel ſuch Heritors to pay for their whole Eſtates according to the valued Rent in the Ceſs Books of the ſaid County, and to cauſe the ſame to be levied in Manner hereinafter mentioned for that Purpoſe; and ſuch Heritors may recover from their Tenants ſuch Sums as they ſhall be obliged to pay in Manner hereinafter mentioned; and the Whole of the

Heritors to give in Accounts of the Valuation of Lands, &c.

aforesaid Sums shall be paid in equal Moieties, on or before the Twenty-fifth Day of *June* and the Twenty-fifth Day of *December* yearly, to the Collectors to be appointed by the said Trustees as aforesaid, the First of such Payments being to be made on the Twenty-fifth Day of *December* next ensuing after the passing of this Act.

The County to be divided into Eight Divisions.

LXI. And be it further enacted, That for the better Application of the Money to be levied in lieu of Statute Labour in consequence of this Act, the said County of *Dumfries* shall be divided into Eight Divisions, *videlicet*, the First Division comprehending the Parishes of *Moffatt*, *Kirkpatrick-Juxta*, *Wamphray*, and *Johnston*; the Second Division comprehending the Parishes of *Lochmaben*, *Applegirth*, *Dryfdale*, *Hutton*, *Saint Mungo*, and *Tundergarth*; the Third Division comprehending the Parishes of *Annan*, *Hoddom*, *Dornock*, *Grateney*, *Kirkpatrick-Fleeming*, *Middlebie*, and *Half-Morton*; the Fourth Division comprehending the Parishes of *Cummertrees*, *Ruthwell*, *Dalton*, *Mousewald*, and *Torthorwald*; the Fifth Division comprehending the Parishes of *Dumfries*, *Kirkmahoe*, *Tinwald*, *Kirkmichael*, and *Carlaverock*; the Sixth Division comprehending the Parishes of *Sanquhar*, *Kirkconnell*, *Durisdeer*, *Morton*, *Closeburn*, *Keir*, and *Penpont*; the Seventh Division comprehending the Parishes of *Glencairn*, *Tynron*, *Dunscore*, and *Holywood*; and the Eighth Division comprehending the Parishes of *Westerkirk*, *Eskdalemuir*, *Langholm*, *Ewes*, and *Canoby*; and that the Whole of the aforesaid Conversions in Money in lieu of Statute Labour shall be solely applicable, under the Direction of the said Trustees assembled at their General Meetings to the several Roads within the respective Divisions where the said Money shall be so levied, and no otherwise: Provided always, that the Money raised by the aforesaid Conversion in each Parish shall be applied to the Roads lying within the same, and to no other Purpose, till such Time as the Roads in that Parish shall be effectually repaired, unless a Majority of such of the Trustees as are Proprietors of Land within the said Parish shall at any Time agree to apply a Part thereof to Roads in any of the adjoining Parishes within the same Division: And provided also, that it shall be lawful for the Trustees at their aforesaid Meetings, with Consent of the Proprietors of Land within the respective Parishes, or Two-thirds of such Proprietors, to apply and lay out a Portion or Share of the Conversion Money of the Parish not exceeding One Half thereof, to the repairing the Turnpike Roads running through such Parish.

The Money raised in each Parish to be applied within the same.

Ascertaining the Composition for Statute Service, for Horses kept for Hire and Men employed with such Horses.

LXII. And be it enacted, That all Carters, Carriers, and other Persons keeping Horses for Hire and Labour residing within the said County, shall, by Way of Composition for Statute Service, pay at the Rate of Three Shillings yearly for each Horse, and One Shilling and Sixpence yearly for each Man employed with such Horses, notwithstanding that they may occupy Lands or Houses within other Counties through which they are in use to travel in the Course of their Employment: Provided always, that so far as the said Carters, Carriers, and other Persons so keeping Horses for Hire or Labour, shall rent and occupy any Lands, and shall be assessed in Quality of Tenants or Occupiers of the said Lands within the said County of *Dumfries*, they shall be entitled to a Deduction out of such Assessment to the Extent of the Rate or Composition to which they are hereby made subject in respect of their Horses and Men employed with such Horses.

LXIII. And

Trustees to fix the Rate of Conversion.

LXIII. And be it enacted, That the said Trustees shall meet at *Dumfries* on the Sixth Day of *July* One thousand eight hundred and nine, and shall proceed to execute this Act, so far as relates to Conversion of Statute Labour, and thereafter the said Trustees shall meet yearly at *Dumfries* on the Day that is appointed for the Meeting of the Commissioners of Supply for imposing the Land Tax, and shall fix and ascertain the Rate of Conversion to be levied on each Hundred Merks of valued Rent, and shall also proportion the particular Sum to be levied within each of the several Divisions above mentioned, agreeable to the Valuation of the Lands in the said Divisions, and also the Sums to be levied in the several Burghs and Villages; and the said Trustees shall have another Annual Meeting at *Dumfries* on the Day on which the Freeholders of the said County shall hold their *Michaelmas* Head Court, with Power to them at their aforesaid Meetings respectively to adjourn themselves to such Times and Places as they shall think proper or convenient, as often as it shall be necessary for putting this Act in Execution.

Trustees to report the State of the Roads.

LXIV. Provided always, and it is hereby declared, That the said Trustees shall meet on the Sixth Day of July, One thousand eight hundred and nine, and yearly thereafter on the Twentieth Day of *April* in every Year, if a lawful Day, or on the first lawful Day thereafter, and at which Meetings any Three or more of the said Trustees being present shall be a Quorum, and be competent to act in the Business thereof, and at such Meetings the said Trustees shall proceed to make up a particular State of the different Roads within each of the said Divisions, with an Estimate of the Sums necessary to be levied in the ensuing Year for repairing thereof, which State and Estimate is to be by them reported to the said Trustees at their next General Annual Meeting, who are hereby empowered to ascertain the Sums to be raised upon the Hundred Merks in each Division, and also the Sums to be raised in the several Burghs and Villages in such Manner as to them shall seem equitable, the Rule for ascertaining and fixing thereof being the State of Repair in which the Roads in such Division shall be found by the Trustees at such General Meeting to be, and that the Sums appointed to be raised upon Lands within the Territory of Burghs, shall be in proportion to and corresponding with the Sum to be levied upon the other Lands in the Division wherein the said Borough Rood Lands lie, which Sums so ascertained are to be levied by the said Trustees within each Division as aforesaid: Provided always, That in case no such State and Estimate shall be reported as aforesaid of any of the said Divisions, then the said Trustees at their General Meeting shall assess such of the said Divisions of which no such State or Estimate shall be reported as aforesaid in the full Sum of Thirty Shillings Sterling, on each One Hundred Merks of valued Rent and Three Pence Sterling on the Pound Sterling of the Rent of Borough Rood Lands for that Year in which no such State and Estimate shall be reported; and also the Maximum Sum to be laid on Houses, Shops, Cellars, Warehouses, Storehouses, and Store or Timber Yards, within the said several Burghs and Villages, and in case any Person shall complain to the said Trustees at their General Meeting, that the Report made of any of the said Divisions with respect to the State of the said Roads is not just, then it shall be in the Power of the said Trustees at any of their General Meetings to appoint a Committee from among themselves to inspect the Roads in such Division, and to report the Situation thereof to the said Trustees at their then next General Meeting,

who

who ſhall have full Power finally to determine with reſpect only to the State of the ſaid Roads: Provided always, that the ſaid Truſtees at their ſaid Annual Meeting previous to the General Annual Meeting ſhall have power in the State and Eſtimate before mentioned to ſpecify any Pariſh or Pariſhes within any of the ſaid Diviſions where the Converſion Money ought to be more or leſs than the Rate of Converſion within the other Pariſhes of the Diviſion, and their Reaſons for thinking ſo, and if the ſame appear ſatisfactory to the General Meeting, ſuch Pariſh or Pariſhes ſhall be rated agreeably to ſuch State and Eſtimate, notwithſtanding the other Pariſhes may be rated at a higher or leſſer Sum.

Truſtees may borrow Money upon the Credit of the Converſion Money.

LXV. And be it further enacted, That if the Truſtees of any Pariſh ſhall produce to a Diſtrict Meeting of Truſtees ſatisfactory Evidence that the Public might be better accommodated by an immediate Outlay of a Sum of Money beyond the yearly Amount or Income from the Compoſition in lieu of Statute Labour, it ſhall and may be lawful for ſuch Diſtrict Meeting with the Conſent and Approbation of the Proprietors of Two Thirds in Value of the Lands in ſuch Pariſh, to borrow upon the Credit of the Converſion levied in ſuch Pariſh, ſuch a Sum of Money to be employed on the Roads and Bridges in that Pariſh, and not otherwiſe, as they may find to be expedient, and to aſſign over the Converſion Money of ſuch Pariſh as a Security for Repayment of the Sums to be borrowed with the lawful Intereſt thereof: Provided that the whole Sums due at any Time in any One Pariſh, ſhall not exceed Seven Years Amount of the Converſion Money of ſuch Pariſh, and that not more than Two Thirds of the Annual Converſion Money of the Pariſh at the Time of borrowing ſuch Money, ſhall be aſſigned in Security of ſuch Loan; and every ſuch Aſſignment ſhall be executed at the Diſtrict Meeting of the Truſtees, and recorded by their Clerk in their Sederunt Books; but no Money ſhall be borrowed unleſs the Aſſeſſment has been previouſly laid at the higheſt Rate; and when any Money ſhall have been ſo borrowed, it ſhall not be in the Power of the ſaid Truſtees, whether at a Diſtrict Meeting or otherwiſe, to diminiſh the Rate of Converſion which exiſted at the Time when the Money was ſo borrowed, until the Debt ſo contracted, Principal and Intereſt, ſhall have been paid off, or unleſs the Perſon or Perſons to whom the Money is owing, ſhall conſent thereto.

Appeals not to ſtop Payment of the Converſions.

LXVI. Provided always, and be it further enacted, That no ſuch Complaint as aforeſaid ſhall ſtop the Payment of any of the ſaid ſeveral Converſions for the Year in which they are due, reſerving nevertheleſs to the Party aggrieved, Action for Redreſs before the Juſtices of the Peace for the ſaid County at their Quarter Seſſions, who may and ſhall award Relief as they ſhall ſee Cauſe, and whoſe Sentence ſhall be final.

Deficients to be poinded.

LXVII. And be it further enacted, That if any Perſon liable to pay the ſaid Converſion, ſhall refuſe or neglect, on or before the ſaid reſpective Days to pay the ſame, then and in ſuch Caſe it ſhall be lawful for the Sheriff Depute or his Subſtitute, or for the Juſtices of the Peace for the ſaid County of *Dumfries*, or any One or more of them, to grant Warrants for Poinding the Effects of the Deficients in a ſummary Manner, by appraiſing them at the Spot where found, and afterwards ſelling the ſame for Payment of the converted Values before mentioned, together with the Charges attending ſuch Poinding, and the Overplus (if any) to be paid

to the Perſon ſo deficient as aforeſaid, which Warrants the Sheriff Depute or his Subſtitute and Juſtices aforeſaid, are hereby required to grant, upon any Application to be made to them by the ſaid Collectors, and an Atteſtation upon Oath ſubſcribed by them, that the Perſons complained of had been deficient in paying the Converſions above mentioned.

Collectors liable in Damages for making falſe Accuſation of any Perſon.

LXVIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Sheriff Depute or his Subſtitute, or the Juſtices of the Peace for the ſaid County of *Dumfries*, or any One or more of them to award treble the Value of the Damages which ſhall be ſuſtained by any Perſon or Perſons aggrieved by ſuch Warrant or Warrants, ſuch Damages to be paid to ſuch Perſon or Perſons by the Collector or Collectors, upon whoſe Atteſtation ſuch Warrant or Warrants ſhall have been granted, in caſe it ſhall appear to ſuch Sheriff Depute, or his Subſtitute, or Juſtices of the Peace, that the ſaid Collectors have made a falſe or improper Accuſation of any Perſon liable as aforeſaid.

Clergymen, &c. not to be aſſeſſed or taxed.

LXIX. Provided always, and it is hereby declared, That nothing in this Act ſhall ſubject Clergymen or Schoolmaſters to be taxed or aſſeſſed for Statute Labour or the Converſion thereof, for, or in reſpect of their Manſes or Glebes, or Pariſh School Houſes, and the Lands thereunto belonging in their natural Poſſeſſion.

Truſtees to chuſe Committees to overſee the Roads.

LXX. And be it further enacted, That the ſaid Truſtees ſhall, at any of their General or adjourned Meetings, chooſe Committees and Conveners from among themſelves to have the general Overſight and Direction of the Repairs of the ſaid Roads within each Diviſion for the enſuing Year, and who ſhall have Power to chooſe a Præſes and Clerk at the firſt and ſubſequent Meetings of the ſaid Committees; alſo to draw on the Collectors for the Sum appropriated for the Roads within each Diviſion, and to ſettle the Accounts of the Collectors, and direct all other Buſineſs within their reſpective Diviſions; but the ſaid Committee ſhall be obliged to report their Collectors' Accounts to the next General Annual Meeting, and lodge the ſame, with the Vouchers thereof, in the Hands of the Clerk to ſuch General Meeting, under a Penalty not exceeding Five Pounds Sterling annually until reported.

One or more of the Committee may act.

LXXI. Provided always, That any One or more Members of the ſaid Committee, who ſhall attend on the ſtated Days of Meeting, is and are hereby empowered to act, ſo as the Execution of this Act may not be fruſtrated or delayed.

Headings to be made on Road Sides.

LXXII. And be it further enacted, That every Perſon having Arable Lands adjoining to any of the ſaid Public Roads ſhall be obliged to make Headings, One on each Side of the ſaid Roads, of the Breadth of Eighteen Feet at leaſt.

Truſtees to have Power to alter the Roads, &c. in the ſame Way as the Truſtees on the Turnpike Roads.

LXXIII. And be it further enacted, That the ſaid Truſtees ſhall have the ſame Powers for widening and altering Roads whereon no Gates or Turnpikes ſhall be erected, and for taking Gravel and other Materials for repairing the ſame out of the neighbouring Grounds, as is hereby granted to them for repairing the ſeveral Turnpike Roads hereinbefore directed to be made

made or repaired, and subject to the like Rules, Regulations and Restrictions.

For Recovery and Application of Penalties.

LXXIV. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not otherwise particularly directed), shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace for the said County of *Dumfries*, either by the Confession of the Party or Parties, or by the Oath or Oaths of One or more credible Witness or Witnesses, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (all which Warrants such Justice or Justices is and are hereby authorized and required to grant, and also to administer such Oaths *gratis*), be levied by Distress and Sale of the Goods and Chattels of the Defaulters, such Sale being always made by public Roup or Auction to the highest Offerer, at such Place as shall be directed by such Warrant or Warrants, within Seven Days after such Distress shall have been made, and the Overplus (after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted), shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all such Penalties and Forfeitures (if not otherwise directed to be applied by this Act) shall from Time to Time be paid to the said Trustees, or to their Treasurer for the Time being, and shall be laid out and applied in the repairing such of the said Roads upon or in respect whereof such Penalties or Forfeitures shall be incurred; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the respective Defaulters to be committed to the common Gaol of the said County of *Dumfries*, or to the nearest Gaol within the said County, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same shall be sooner paid and satisfied; and all Prosecutions for the Penalties inflicted by this Act shall be raised and carried on at the Instance of the Clerk or Treasurer to the said Trustees for the Time being.

Compensation to be made for Lands and Houses taken or damaged.

LXXV. Provided always, and be it further enacted, That full Compensation shall be made to the Owners and Occupiers of all Lands and Houses which shall be occupied and taken Possession of, pulled down, or removed by the said Trustees under the Authority of this Act, and also to the Owners and Occupiers of all Lands from which any Materials shall be taken for the Use of the said Roads, or upon which any Dykes, Drains, Embankments, Aqueducts, or Watercourses shall be carried or made, for all Loss or Damage which may thereby arise to such Owners and Occupiers respectively, and for the Value of Materials taken; and for that Purpose, the Trustees shall, before entering upon any such Lands or Houses, or injuring the same, give One Month's Notice at the least to the Owners and Occupiers thereof, (unless where any other Notice is hereby directed) and make an Offer to them of what the Trustees consider to be the Value or a just Compensation; and the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail,

Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whomsoever, though under legal Disability or Incapacity, are hereby empowered and required to sell and convey all such Lands or Houses as may be necessary for the making, altering, and widening the said Roads in Manner by this Act directed, or any of them, and erecting any Toll House, Turnpike Gate, or Toll Bar thereon, or for storing Materials or otherwise, where Ground is necessary for the Purposes of this Act.

Sheriff to summon a Jury to fix Value of Lands and Houses.

LXXVI. And be it further enacted, That in the several Cases in this Act mentioned, where the Amount of Damages or Compensation to be made by the said Trustees to any Person or Persons is directed to be settled by a Jury, Application shall be made by either of the Parties to the Sheriff Depute of the County of *Dumfries*, or his Substitute, to summon the same, and the said Sheriff Depute or his Substitute is hereby empowered and required, upon such Application, to order Notice thereof to be given to the other of the said Parties, and afterwards to issue a Summons in the usual Manner for calling together and impannelling a Jury, consisting of Fifteen Persons in Number, to examine into, and after such Examination to return a Verdict upon Oath as to the Damage sustained; and after a Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto; and upon Payment being made by the said Trustees out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested, or Consignation of the said Sum in any of the Public Banks of *Scotland*, the said Trustees shall from thenceforth have Right to take and use the Ground, and to take down the Houses and Fences so valued for the Purposes aforesaid as fully and effectually ever after to all Intents and Purposes as if the Owner or Owners, Occupier or Occupiers of the Grounds, Houses, or Fences had executed regular Dispositions of the same, and thereupon Infeftment had followed; and the said Proceedings and Orders of the Sheriff Depute or his Substitute shall be final and conclusive, without being subject to Review, Advocation, Suspension, or otherwise howsoever.

Sheriff to adjudge Payment of the Sum awarded by the Jury.

Expences of the Proceedings how to be paid.

LXXVII. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Trustees and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Trustees; and on the other Hand if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers; provided always, that in all Cases where any Person or Persons shall by reason of Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, That after having paid to the Proprietor or Proprietors, Occupier or Occupiers of any Lands or Houses, such Sum as shall have been agreed or awarded to be paid, or depositing the same in the Bank of *Scotland*, or

Royal

Royal Bank of *Scotland*, as the Caſe may be, in Manner by this Act directed, it ſhall and may be lawful for them to enter into and upon ſuch Lands or Houſes for the Purpoſes of this Act, and no Stop ſhall in the mean time be put to the Operation of the ſaid Truſtees on Pretence of ſettling the Damages, or that they have not been ſatisfied and paid.

Any Warrant for ſtopping the Work, to be recalled on Caution found.

LXXVIII. And, to prevent unneceſſary Trouble and Delay, be it further enacted, That in caſe any Perſon intereſted ſhall apply for and obtain from any Judge competent a Warrant for ſtopping the Execution of any of the Purpoſes aforeſaid, to be carried on under the Authority of this Act, the ſaid Judge is hereby directed and empowered to recal ſuch Warrant, and remove any Siſt obtained as aforeſaid, provided ſufficient Caution is found by the ſaid Truſtees for the Amount of ſuch Damages as may be ultimately awarded to the Perſon ſuing for the ſame, and aſcertained in Manner hereinbefore mentioned.

Re-inveſting purchaſe Monies, if amounting to 200l.

LXXIX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Life-rents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, Married Woman, Infant, Lunatic, or Perſon or Perſons under Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds under the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland* or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Heritages in the Purchaſe or Redemption of the Land Tax or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Parts thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, ſtanding ſettled therewith to the ſame or like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Heritages, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled, or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting undetermined, and capable of taking Effect; and in the mean time, and until ſuch Purchaſe ſhall be made, the Intereſt or Annual Produce of ſuch Money ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

If leſs than 200l. and exceeding 20l.

LXXX. Provided always, and be it further enacted, That if any Money ſo agreed and awarded to be paid for any Lands, Tenements, or Heritages, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation

ration or to any Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds; then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority be paid into either of the Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Two or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money and the Intereſt ariſing therefrom, may be applied in any Manner hereinbefore directed, as far as the Caſe be applicable.

Under 20l.

LXXXI. Providedalſo, and be it further enacted, That where ſuch Money ſo agreed and awarded to be paid as laſt beforementioned, ſhall be leſs than Twenty Pounds; then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act in ſuch Manner as the ſaid Truſtees, or any Two or more of them ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Tutors or Curators to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Title.

LXXXII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of Lands, Tenements, or Heritages to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *Scotland* or Royal Bank of *Scotland* to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages, deſcribing them, ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof by Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe as to the ſame Court ſhall ſeem meet, to order 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* 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 Questions arise touching the Title.

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

Expences in case of Disability.

LXXXIV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases, from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Old Roads to be sold.

LXXXV. And be it enacted, That in case the Course of any of the said Roads shall be altered as aforesaid, the said Trustees shall, and they are hereby authorized and directed, as soon as the new Roads shall be completed and made passable and convenient for Carriages, to sell the Ground of the old or former Road to the Proprietor or Proprietors of the Ground through which the same did pass, willing to purchase the same for a fair and just Consideration; and in case such Proprietor and the Trustees cannot agree, the Value of the old Road shall be ascertained by a Jury, and the Expences of the Jury shall be defrayed in Manner above mentioned, and in the Event that any such Proprietor shall not choose to purchase the said old Road, the said Trustees are hereby empowered to dispose of the same by Public Auction, and the Price or Prices to be got for such old Road shall be applied to the Purposes of this Act.

Allowing an Appeal to the Quarter Sessions.

LXXXVI. Provided always, and be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already hereby directed or appointed, he, she, or they may appeal to the Justices of the Peace at their then next Quarter Sessions for the said County of *Dumfries*, or in case

caſe the Cauſe of Complaint ſhall ariſe within Fifteen Days next before ſuch Quarter Seſſions, then ſuch Appeal may be made to the ſaid Juſtices at their ſecond Quarter Seſſions for the ſaid County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Matter of every ſuch Appeal, and may at their Diſcretion (if they ſee Cauſe) mitigate all or any of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to cauſe ſuch Coſts ſo awarded to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons liable to pay the ſame; and for want of ſufficient Diſtreſs, to cauſe the Perſon or Perſons liable to pay ſuch Coſts to be committed to the Common Gaol of the ſaid County of *Dumfries* for any Time not exceeding Three Calendar Months, unleſs ſuch Coſts and the Charges attending the Recovery thereof ſhall be ſooner paid: Provided alſo, that the Perſon or Perſons ſo appealing do give Notice in Writing to the Treaſurer or Treaſurers to the ſaid Truſtees of his or their Intention of bringing ſuch Appeal at leaſt Fifteen Days before the Quarter Seſſions at which ſuch Appeal is to be heard, and do alſo within Five Days after ſuch Notice given, lodge in the Hands of the Sheriff's Clerk of the ſaid County of *Dumfries* a Bond executed by him and Two ſufficient Sureties, obliging himſelf to proſecute ſuch Appeal; and in caſe ſuch Appeal ſhall be diſallowed, to pay ſuch Coſts and Charges as the ſaid Juſtices ſhall direct in that Behalf; and the Determination of the ſaid Juſtices ſhall be final, binding, and concluſive upon all Parties.

Limitation of Actions.

LXXXVII. Provided always, and be it further enacted, That all Actions for all and every the Penalties impoſed by this Act, or for any Thing done in the Execution thereof, ſhall be commenced within Six Calendar Months after the Fact was done or committed, and not afterwards.

For compelling Payment of Subſcriptions.

LXXXVIII. And be it enacted, That if any Perſon or Perſons who has or have ſubſcribed, or ſhall ſubſcribe towards making and repairing the Roads by this Act authorized to be made and repaired, any or either of them after Forty Days previous Notice ſhall neglect or refuſe to pay his, her, or their Subſcription Money at ſuch Time and Place as ſhall be appointed by the ſaid Truſtees, it ſhall be lawful for the ſaid Truſtees, or any Three or more of them ſpecially authorized to that Effect, by a General Annual Meeting, to ſue for and recover the ſame in any Court in *Great Britain*, with Intereſt thereof from the Time of ſuch Demand until Payment.

Certain Aſſeſſment allowed by an Act of Car. II. repealed.

LXXXIX. And be it enacted, That ſo much of the Sixteenth Act of the Second Parliament of King *Charles* the Second, intituled "Act for Repairing High Ways and Bridges," as authorizes a Stent or Aſſeſſment not exceeding Ten Shillings Scots upon each Hundred Pounds of valued Rent in one Year, for the Purpoſe therein mentioned, ſhall, in ſo far as the ſame extends to the ſaid County of *Dumfries* be, and the ſame is hereby repealed.

New Aſſeſſment to be made for

XC. And be it further enacted, That the Commiſſioners of Supply for the ſaid County of *Dumfries*, at their General Annual Meeting for aſſeſſing the

Building of Bridges.

the Land-Tax, may, in lieu of the ſaid Stent or Aſſeſſment, aſſeſs the whole Heritors of the ſaid County of *Dumfries* in a Sum not exceeding Two Shillings and Sixpence Sterling, upon every Hundred Merks Scots of valued Rent yearly, to be levied annually along with the Land-Tax, which Aſſeſſment ſhall be applied by the ſaid Commiſſioners of Supply to the building and repairing of Bridges within the ſaid County only.

Public Act.

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

Continuance of the Act.

XCII. And be it further enacted, That this Act ſhall commence and take Place upon the Sixth Day of *July*, One thouſand eight hundred and nine, and ſhall have Continuance from thence for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, in ſo far as it reſpects the impoſing of Tolls, and in ſo far as it relates to other Matters, ſhall have Continuance in all Time coming.

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