ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 39.

An Act for amending an Act passed in the Forty-first Year of His present Majesty respecting the High Roads in the County of *Selkirk*.

[15th *April* 1813.]

WHEREAS by an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for levying Conversion Money in lieu of Statute Labour, and otherwise regulating, making, and repairing the High Roads in the County of* Selkirk; the Persons therein described were appointed Trustees, for levying and applying the Conversion of the Statute Labour within the County of *Selkirk*, with Power to levy or cause to be levied the several Rates therein mentioned, and apply the same in making and repairing the Roads therein specified, with Power to borrow Money to a certain Extent, upon the Credit of the Conversion Money in the several Parishes: And whereas some Progress has been made in making and repairing the said Roads, by means of the Money levied and borrowed under the Authority of the said Act, but it has been found by Experience, that the Rates thereby authorised are not sufficient to accomplish the same, and that other and further Powers are necessary for that Purpose: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful to and for the Trustees appointed by the said recited Act, to levy or cause to be levied annually, from

41 G. 3. c. 17.

For raising an additional Assessment.

from or in respect of all Lands and Heritages which are rated in the Valuation or Cess Books of the said County of *Selkirk*, a Composition according to the Valuation of such Lands and Heritages, not exceeding the Sum of Three Pounds Sterling for each One hundred Pounds *Scots* of valued Rent and proportionally for a lower or higher Valuation, and from all other Lands within the said County which are not valued in the Cess Books thereof, and understood not to be a Part and Pertinent of any House or Tenement of Houses, a Composition in Money not exceeding the Sum of Nine-pence for every Pound Sterling of the real Rent of such Lands, and the said Trustees shall have Power, and are hereby authorised at their General Meetings to fix and determine the particular Rate of Assessment, in each Parish, for the Current Year, not exceeding the said Maximum Rates.

No Assessment above a certain Rate without Notice,

II. Provided always, and be it enacted, That it shall not be in the Power of the said Trustees, to impose or give Orders for collecting any higher Assessment than at the Rate of Twenty Shillings Sterling, on each One hundred Pounds *Scots* of valued Rent, unless such higher Rate is authorised by and with the Consent of a Majority in Number of the Trustees present, qualified according to the said recited Act, of the Parish wherein such higher Rate of Assessment is to be imposed as aforesaid; nor shall it be in the Power of the said Trustees to impose or give Orders for collecting, or levying any higher Assessment than at the Rate of Two Pounds Sterling upon each One hundred Pound *Scots* of valued Rent, unless such higher Rate is authorised by and with the Consent of at least Three-fourths in Number of the Heritors possessing Four-fifths of the valued Rent of the Lands within the Parish where such higher Rate of Assessment is imposed as aforesaid, signified by a Writing or Writings under their Hands, and that the Heritors of such Parish shall have at least One Month's previous Notice of the Meeting of the Trustees, at which it is intended to lay on an Assessment exceeding Twenty Shillings on each One hundred Pounds *Scots* of Valuation, Proof of such Intimation having been regularly made being produced at such Meeting of Trustees, which Intimation shall be by Letter under the Hand of the Clerk, addressed to each of such Heritors, and left at his or her Dwelling House if within the County, or in his or her Absence left at the House of his or her Factor, and by Advertisement to the same Effect in any Two of the *Edinburgh* Newspapers, in order that any Heritor meaning to object to such higher Rate of Assessment may have it in his Power to attend; and in the Event of there being only Two Heritors present qualified as aforesaid, and belonging to such Parish, and of their differing in Opinion, the Rate of Assessment shall be fixed by the Decision of the General Meeting of Trustees.

Apportioning the Assessment.

III. And be it enacted, That the Assessment, to be imposed in Manner hereinbefore directed, shall be apportioned between the Heritors or Proprietors, and the Tenants or Occupiers in Manner following; that is to say, when the Rate of Assessment shall not exceed Ten Shillings Sterling for each One hundred Pounds *Scots* of valued Rent, the whole shall be paid by the Tenant or Occupier; when such Assessment shall exceed Ten Shillings, and shall not exceed Twenty Shillings for each One hundred Pounds *Scots* of valued Rent, Ten Shillings shall be paid by the Tenant or Occupier, and the Remainder by the Heritor or Proprietor, and when

the ſaid Aſſeſſment ſhall exceed Twenty Shillings for each One hundred Pounds *Scots* of valued Rent and ſhall not exceed Two Pounds, Ten Shillings thereof ſhall be paid by the Tenant or Occupier, Ten Shillings by the Heritor or Proprietor, and the Remainder ſhall be divided and paid in equal Moieties between the Heritor and Proprietor, and the Tenant or Occupier; and when the ſaid Aſſeſſment ſhall exceed Two Pounds for each One hundred Pounds *Scots* of valued Rent, the whole of the Exceſs ſhall be paid by the Heritor or Proprietor or Perſon entitled directly to draw or receive the Rents or Profits of the Lands alone; and all Heritors or Proprietors who ſhall have paid the whole of the Aſſeſſment to be impoſed in Manner as hereinbefore directed, ſhall be entitled to Relief and Repayment from the actual Tenants or Occupiers in the Proportions and in Manner before mentioned, each Tenant or Occupier paying a Sum correſponding to the valued Rent of their Poſſeſſions, or in caſe the Lands ſo occupied by different Perſons be valued *in Cumulo*, in a Sum bearing the ſame Proportion to the Aſſeſſment payable for the whole Lands, as the real Rent or Value of each Poſſeſſion bears to the real Rent or Value of the whole, a juſt Share of the ſaid Aſſeſſment being always laid upon Lands in the natural Poſſeſſion of the Proprietor; and the like Action and Execution ſhall be competent to ſuch Heritors or Proprietors for their Relief and Repayment of ſuch Aſſeſſment as by Law is competent to them for the Payment and Recovery of their Rents, and ſuch Relief ſhall alſo be competent in all Caſes where an Occupier or Tenant is by Leaſe or Agreement exempted from the Payment of all Public Burdens, unleſs the Aſſeſſments impoſed by this Act be expreſsly included in ſuch Exemption.

Application of the Aſſeſſment.

IV. And be it further enacted, That the ſaid Truſtees, at their General Meetings, ſhall and they are hereby required to order and appoint the whole Monies, to be annually impoſed and levied upon each Pariſh in lieu of Statute Labour, to be laid out and expended upon the reſpective Roads and Bridges within ſuch Pariſh where it is levied; and where a public Road happens to be the Boundary between two Pariſhes, it ſhall be made and ſupported by each Pariſh contributing equally to its Expence ſo far as concerned together: Provided always, that it ſhall be in the Power of the ſaid Truſtees, with the Conſent of the Heritors poſſeſſing Four-fifths of the valued Rent of any Pariſh, to apply the whole or Part of the Aſſeſſment ariſing therefrom to ſuch Roads within other Pariſhes of the County lying contiguous as they may judge moſt neceſſary and expedient; and if without ſuch Conſent any of the Truſtees, or any Perſon acting under ſuch Truſtee or Truſtees, ſhall apply any of the Money raiſed in one Pariſh to the Roads in any other Pariſh, the Perſon or Perſons guilty of ſuch Miſapplication ſhall be obliged to refund the Money ſo miſapplied, with Coſts of Suit, in an Action at the Inſtance of any Heritor or other Perſon intereſted, who may ſue for the ſame.

Right of repairing Bridges.

V. Provided nevertheleſs, and be it enacted, That in the Caſe of a Bridge being ordered to be built on any of the ſaid Roads of Forty Feet Span, or upwards, it ſhall and may be lawful to the ſaid Truſtees to cauſe the Expence thereof to be defrayed out of the Converſion Money levied in the whole Pariſhes of the County, by a rateable Proportion; and in the like Manner in the Caſe of a Bridge requiring Two or more Arches of Twenty-five Feet Span, or upwards; ſuch Bridges being always upon the principal Pariſh Roads of the County.

VI. And

For borrowing Money.

VI. And be it enacted, That it shall be lawful to, and in the Power of the said Trustees, with the Consent of Three-fourths in Number of the Heritors possessing Four-fifths of the Valuation, to borrow Money on the Credit of the Conversion Money and Rates authorized to be levied in any Parish by the said former Act, and this present Act, so as the Sum borrowed shall not at any Time exceed Six Years Conversion of the Statute Labour in the said Parish, including what may have been borrowed and remains due, under the Authority of the said former Act; which Money shall be borrowed and applied in the Manner and in the Terms of the said former Act.

Preventing Cattle straying on the Roads.

VII. And be it further enacted, That if any Person or Persons shall, after the passing this Act, pasture or leave or allow to be pastured or left on the aforesaid Roads, or any of them where there are Fences on the Sides thereof, any Horses, Cows, Sheep, or other Cattle, it shall and may be lawful for any one or more of the Justices of the Peace of the County where the Offence shall be committed, upon Application made to him or them by any Heritor of the County, or by any Person or Persons having Authority from the said Trustees, to issue his or their Warrant for apprehending the Person or Persons so offending as aforesaid, and to bring them before him or them for Examination; and upon such Offender or Offenders being convicted of such Offence by the Evidence of one or more credible Witness or Witnesses, or the Confession of the Party offending, it shall and may be lawful for such Justice or Justices of the Peace to fine and amerciate such Offender or Offenders severally in any Sum not exceeding Twenty Shillings for each and every Offence, to be levied and recovered in case of Non-payment, and to be applied and laid out for the Purposes of this Act.

Extending Powers of former Act to the Bill.

VIII. And be it enacted, That all the Powers, Provisos and Regulations in the said former Act contained, shall be applicable to and observed in the Execution of this present Act in so far as the same are not hereby altered.

Expences of the Act.

IX. And be it enacted, That the Expence of procuring and passing this Act shall be defrayed by the Proprietors of Lands within the County of *Selkirk*, in Proportion to their respective valued Rents therein; and the said Trustees are authorized and required, at their first General Meeting after the passing of this Act or some Adjournment thereof, to assess the whole Heritors of the County in a Sum equal to the said Expence, and to appoint a Collector or Collectors for levying the same, and the said Assessment shall be made effectual against the said Heritors, or other Persons who are entitled directly to receive the Rents and Profits of their Lands, in the same Manner as is provided by the said former Act for compelling Payment of the Conversion Money.

Public Act.

X. 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.

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