ANNO UNDECIMO

Georgii III. Regis.

CAP. LIII.

An Act for widening the Highways in that Part of *Great Britain* called *Scotland*.

WHEREAS by an Act of the Parliament of Scotland, passed in the Year One thousand six hundred and sixty-nine, and intituled, Act for repairing Highways and Bridges, it is enacted, That the said Highways shall be Twenty Feet of Measure broad at least, or broader, if the same have been so of before: And whereas by the Law of Scotland, the making, repairing, and keeping in repair, the Highways, Roads, and Bridges, within that Part of the united Kingdom, are put under the Direction and Management of the Justices of Peace, and Commissioners of Supply, within the several Shires and Stewartries respectively, (except in such Cases where Turnpike Roads have, under the Authority of Special Acts of Parliament, been made, and Tolls granted therefore, and the same by such Acts put under the Management and Direction of certain Justices or Commissioners by these Acts named and appointed: And whereas many Inconveniencies and frequent Obstructions to the free Passage of the publick and most frequented Highways and Roads have been occasioned by the Narrowness of these Highways and Roads: And whereas it would be of great Publick Be- Preamble.

nefit to that Part of the united Kingdom, that the Juſtices of Peace, and Commiſſioners of Supply, in each Shire and Stewartry reſpectively, and the Truſtees and Commiſſioners of Turnpike Roads, eſtabliſhed by Special Acts of Parliament, were impowered to widen and extend the Highways and Roads under their reſpective Managements, where-ever they ſaw neceſſary Occaſion for ſo doing; 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 Juſtices of Peace, and Commiſſioners of Supply, for the reſpective Shires and Stewartries, and the Commiſſioners and Truſtees of Turnpike Roads, eſtabliſhed by Special Acts of Parliament, within that Part of Great Britain called Scotland, ſhall have Power, and they are hereby authoriſed and impowered to make, repair, clear, widen, and extend, and to keep in good Repair, after being ſo cleared, widened, and extended, the ſeveral Highways and Roads, under their Management and Direction reſpectively, ſo as the ſame ſhall be in all Places full Twenty Feet Width of clear paſſable Road, excluſive of the Bank and Ditch on each Side of ſuch Highway or Road reſpectively.

Juſtices, and Commiſſioners of Supply, for the Shires and Stewartries,

to make, repair, clear, widen, and extend the Highways under their Direction;

which are to be 20 Feet in Width.

And whereas it will be of great publick Utility, that the ſaid Highways and Roads were, in particular Places, ſtill further widened and enlarged; be it alſo enacted, That the ſaid Juſtices of Peace, and Commiſſioners of Supply or the ſaid Truſtees, or Commiſſioners for Turnpike Roads eſtabliſhed by ſpecial Acts of Parliament, or the Majority of them, in a General Meeting for that Purpoſe aſſembled, may order and direct the Highways and Roads aforeſaid to be ſtill farther widened and enlarged, in ſuch Places, and for ſuch Diſtances as they judge to be for the publick Benefit.

Juſtices, &c. to order the Roads to be farther enlarged.

Provided always, and be it further enacted, That the Breadth of the Highways and Roads ſo to be widened and enlarged ſhall not, at any Place, exceed Thirty Feet, excluſive of the Bank and Ditch on each Side, and that full Satisfaction, to be aſcertained in Manner herein-after provided for, ſhall be made to the Owners and Leſſees of the Lands, for ſo much Ground as ſhall be taken for the Widening and Enlargement of the ſaid Highways and Roads, over and above, and in Addition to the preſent Breadth, or the Twenty Feet Width of Ground, allowed by the Laws now in being for the Breadth of every Highway and Road.

Breadth of the Roads to be widened and enlarged not to exceed 30 Feet.

And whereas it would greatly facilitate the making and repairing of the Highways and Roads within that Part of Great Britain called Scotland, that the Justices of Peace, and Commissioners of Supply, within the respective Shires and Stewartries, met more frequently, and at the most convenient Times and Seasons, be it therefore further enacted by the Authority aforesaid, That hereafter, instead of the Meeting appointed to be held by an Act made in the Fifth Year of the Reign of his late Majesty King George the First, intituled, An Act for amending and making more effectual the Laws for repairing the Highways, Bridges, and Ferries in that Part of *Great Britain* called *Scotland*, there shall be held Two General Meetings in every Year of the said Justices of Peace, and Commissioners of Supply, for the special Purpose and Business of the Highways, Roads, Bridges, and Ferries, within their respective Bounds; and, by the Laws in being for the Time, under their Direction and Management, the First upon the same Day, and at the like Place that the Commissioners of Supply of such Shires and Stewartries respectively are and shall be directed by the Land-tax Act of the Year then current, to assemble for the Purposes of assessing the Land-tax, and of chusing a Convener, Collector, and Clerk, and the Second of the said General Meetings upon the same Day, and the like Place that the Freeholders of the said Shires and Stewartries respectively assembled at their Michaelmas Head Court annually; and that the Conveners of the Shires and Stewartries respectively shall, and they are hereby required to give the same previous Notices for these Two General Meetings of the Justices and Commissioners of Supply, as are given for ordinary General Meetings of Commissioners of Supply within their respective Bounds.

Instead of a Meeting appointed by Act 5 *Geo.* I.

Two General Meetings to be held annually.

Conveners of Shires, &c. to give previous Notice of such Meetings.

And be it further enacted by the Authority aforesaid, That it shall be in the Power of any Two or more Justices of the Peace, or Commissioners of Supply, within any Shire or Stewartry in that Part of Great Britain called Scotland, to examine and survey, or cause to be examined and surveyed, the Highways and Roads, or any Part or Parts of them within such Shires and Stewartries respectively, and to order and direct that the said Highways and Roads shall every where be made Twenty Feet wide of clear passable Road, exclusive of the Banks and Ditches upon each Side of the same; and in such Cases where it shall appear to the said Justices and Commissioners to be for the publick Benefit, that any Part or Parts of the said Highways and Roads

Justices, &c. to examine and survey the Highways, &c.

should be further widened and extended, or that Fences of any Kind whatever should be removed, for the Purpose of widening the said Roads, that they shall state their Reasons in Writing, and report the same to the next or any following General Meeting of the Justices and Commissioners for the Shire or Stewartry; and that if the said Justices and Commissioners assembled at such General Meeting, or the Majority of them, upon advising the said Report, and after hearing all Parties having an Interest, shall be of Opinion that it will be of publick Benefit so to widen and extend the said Highways and Roads, or to remove Fences, that the same shall be accordingly done, Satisfaction being always previously made in Manner as herein after directed to the Owners and Lessees of Land, for so much Ground as shall be taken to widen and enlarge the said Highways and Roads beyond and over, and above Twenty Feet in Width on the present Breadth of the Road, if more than Twenty Feet wide, and for the Loss or Damage the Owner or Owners of the Land may sustain by removing Fences where such are to be removed.

Heritors or Occupiers of Lands may appeal to General Meetings,

Provided always, That it shall be lawful to and in the Power of any Heritor or Occupier of Lands through which the said Highways and Roads go, who may apprehend Wrong to have been done by the said Two or more Justices and Commissioners in surveying, examining, ordering, and directing as aforesaid, to appeal against the same to the First or next following General Meeting of the said Justices and Commissioners; and that whatever they, or the Majority of them shall determine upon such Appeal shall be final and conclusive.

which shall be final.

In case of General Meetings being of Opinion that the Roads should be further widened, &c.

And be it further enacted by the Authority aforesaid, That in all Cases where the General Meetings aforesaid, or the Meetings of Trustees or Commissioners for Turnpike Roads, established by Acts of Parliament, are of Opinion that it will be for the publick Benefit to have the Highways and Roads, or any particular Parts of them, farther widened and enlarged beyond the Breadth of Twenty Feet, or the present Breadth, if broader, or to have Fences of any Kind removed or altered in widening of the said Roads, and that no Agreement shall have been made with the Owner or Owners of the Land where the Roads are to be widened, or whose Fences are to be altered or removed, Application shall be made to the Sheriff or Steward of the Shire or Stewartry within which such Highways and Roads lie, to summon a Jury in order to value the Ground necessary to be taken and used for so widening and enlarging the Highways and Roads aforesaid,

Application to be be made to the Sheriff to summon a Jury to value the Ground, &c.

aforesaid, and the Loss or Damage ensuing from the altering or removing of Fences; and the said Sheriffs and Stewards, and the Sheriffs and Stewards-depute, and their Substitutes, are hereby impowered and required, upon such Application, to order Intimation thereof to be made to the Owner and Owners, and immediate Occupier or Occupiers of the Ground proposed to be so taken in and used, and afterwards to issue a Summons in the usual Manner for calling together and impannelling a Jury, to consist of at least Seven, and not exceeding Fifteen Persons in Number, to examine into, and, after such Examination, to report upon their Oaths to the Sheriff or Steward the Value of the Ground so to be taken and used for the Widening and Enlargement of the Highways and Roads over and above Twenty Feet in Breadth, and the Loss or Damage that will arise to the Owner or Owners of the Land by altering or removing of Fences where that is proposed to be done, and thereupon to order and adjudge Payment of the Value and Amount of the Loss and Damage so ascertained to the Owner or Owners of the Grounds, with such Costs as he or they may have been put to in the Liquidation of the said Value; and that upon such Payment being made, and a Discharge thereof lodged with the Sheriff or Steward Clerk, the said Justices and Commissioners, or the said Trustees and Commissioners, according as the Case may be, shall from thenceforth have Right, and be at Liberty to take and use the Ground so valued and paid for in the widening and extending the Highways and Roads aforesaid, as fully and effectually ever after, to all Intents and Purposes, as if the Owner and Owners of such Grounds had executed regular Dispositions of the same, and thereupon Infeftments had followed.

Intimation to be made to Owners, &c.

Jury to be impannelled,

who are to ascertain Damages to Owners, and adjudge Payment.

Provided always, That Thirty Days Notice at least shall be given to the Owner and Owners of the Grounds so to be valued, and of the Fences intended to be altered or removed, of the Day upon which the Jury are to be impannelled for those Purposes; and that all Proceedings and Orders of Sheriffs and Stewards in the Premises, made by virtue of this Act, shall not be removeable or questionable by Bills or Letters of Advocation or Suspension to, or by any other Court whatsoever, any Law or Usage to the Contrary notwithstanding.

30 Days Notice to be given to Owners of Grounds and Fences to be valued or altered.

And be it enacted by the Authority aforesaid, That the Commissioners of Supply of every Shire and Stewartry in Scotland assembled, annually, upon the Day appointed by Act of Parliament for the Assessment of the Land-tax, shall have Power, and they are hereby impowered and required

Commissioners of Supply to lay additional Assessment for Payment of Sums, adjudged by the Sheriff, the preceding Year.

required to lay an additional Assessment for the Payment of such Sum and Sums of Money as shall have been for the preceding Year adjudged by the Sheriff or Steward in Manner aforesaid to the Owner and Owners of Grounds to be taken, and of Fences to be removed or altered, for the widening and enlarging the Highways Roads, as herein before directed, and to issue Precepts upon the Collector and Collectors for the Payment thereof; and that in all Cases where the Ground so valued, or Fences altered or removed as aforesaid, shall be taken or done, for the Widening and Enlargement of a Turnpike Road as established by Act of Parliament, that the Money adjudged by the Sheriff or Steward therefore shall be paid by the Commissioners or Trustees of such Road, out of the Tolls arising from the same. 6

FINIS.