ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

****

Cap. cx.

An Act for making and maintaining certain Turnpike Roads within the County of *Dumfries*, and the other Highways, Bridges, and Ferries therein; and for more effectually converting into Money the Statute Labour in the ſaid County.

[21ſt *June* 1819.]

WHEREAS by an Act paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, intituled, *An Act for making* 42 G. 3.
and maintaining a new Road, to extend from or near to a Place c. 40.
called Beattock, *in the Pariſh of* Kirkpatrick Juxta, *in the County of* Dumfries, *by the Boroughs of* Lochmaben *and* Annan, *to the River of* Sark, *at or near to the preſent Bridge there*, certain Truſtees were appointed for making and repairing the ſaid Road: And whereas by another Act paſſed in the Forty-ninth Year of the Reign of His preſent Majeſty, intituled *An Act to continue and amend ſeveral Acts for repairing* 49 G. 3.
Roads in the County of Dumfries, *and converting the Statute Labour within* c. 160.
the ſaid County into Money, certain Truſtees were appointed for making and repairing the ſeveral Roads therein particularly mentioned: And whereas great Progreſs has ſince been made in making and repairing the Roads mentioned in the ſaid recited Acts, 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Roads cannot be kept in Repair, nor can the other Roads in the ſaid County be made or repaired unleſs the ſaid Acts be repealed, and other and further Powers granted; and it would be a great Advantage to the Public if the Lines of Roads hereinafter mentioned were alſo included in the ſame Act, and Power given for making and repairing the ſame under proper Regulations; 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shall from and after the Fourteenth Day of *July* One thousand eight hundred and nineteen, be and the same are hereby repealed.

42 & 49 G. 3. repealed.

Trustees.

II. And be it enacted, That every Person in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment as Proprietor or Life-Renter of the *Dominium utile* 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 of Lands or Houses situated therein, or in the several Burghs therein, worth of real Rent yearly the Sum of One hundred Pound Sterling, and all and every the eldest Sons of such Proprietors and Life-Renters, and One Guardian, or Tutor, or Curator, or Trustee of every Minor possessed of the aforesaid Qualification, and One Guardian, or Tutor, or Curator of every Person possessed of the like Qualification, who is or shall be legally cognosced fatuous or furious, and One Trustee, Commissioner, Factor, Steward, or other accredited Agent of any Proprietor or Proprietrix possessed of the Qualification aforesaid, 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, the Master of Woods and Works on the Estate of His Grace the Duke of *Buccleuch* and *Queensberry*, and his Successors in that Office for the Time being, the Lessees of the Mines of *Wunlockhead* for the Time being, Sir *Pulteney Malcolm* residing at *Irvine*, *Gilbert Young* of *Youngfield*, *George Scott Elliot* of *Larieston*, *James Bell* in *Woodhouslie*, *William Curl* in *Bellholm*, Major *William Miller* residing in *Dumfries*, the Reverend Doctor *William Singer*, Minister of *Kirkpatrick Juxta*, and *Alexander Stevens* of *Larch-hill*, shall be, and they are hereby appointed Trustees for surveying, altering, making, repairing, ordering, and keeping in Repair the several Roads hereinafter mentioned; that is to say, the Great Road from the Toll-bar at *Headlesscross* near *Graitney*, by *Lockerbie*, *Landshawbushbar*, and through the Lands of *Chapel* and *Hillhouse*, till it joins the present Turnpike Road along the Water of *Evan* towards *Glasgow*, at the Farm of *Craikscraig*; 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*, *Chaplehill*, *Highmuir*, and *Snab*, to continue from thence along the present Parish Road by the Farm of *Branteth*, *Oakwoodhill*, *Chapelknow*, *Stobyknow*, *Milikenbush*, and *Headlesscross*, and from *Stobyknow* aforesaid, by *Staffler*, to *Sark* at *Corriesmiln*; or by leaving the said Parish Road to the Southward of the Farm of *Branteth*, by a new Line through the Farms of *Smailholms*, *Loganhouse*, *Becktonhall*, *Stoneylee*, *Southwoodfoot*, *Raeburnfoot*, *Goldie's Lee*, *Aitchison's Bank*, and *Quinton's Hill*, and thence till it joins the Great Road from *Carlisle* to *Glasgow*; and a Branch of a Road from the Village of *Ecclefechan*, by the Lands of *Hall*, *Mire*, *Langdyke*, *Orchard*, *Brownknowe*, *Axletreewell*, *Hairgills*, *Relief*, the East End of *Burnswalk*, *Burnswarklees*, *Hazleberry*, *Tundergarth*, and *Castlehill*, till it joins the Road from *Lochmaben*, by *Lockerbie*, to *Langholm*, near *Castlehillgreen*; the Great Road from *Dumfries* to *Lochmaben* (the Road from thence to *Moffat* never having been made) to be continued from thence by the Bridges over the Waters of *Kinnel* and *Annan* to the Village of

of *Lockerbie*; from thence by the Bridge over the Water of *Milk* at *Scroggs* by *Paddockhole*, *Dunnabie*; a Bridge over the Water of *Kirktle*, at *Fallford*, through the Lands of *Setthorns Callister Hall*, *Bigholm*, and *Bloughburnfoot*, to the Village of *Langholm*, with Power to vary the said Line of Road between the Burghs of *Dumfries* and *Lochmaben*, by leaving the said Road at or near the Village of *Torthorwald*, and running through the Lands belonging to the Marquis of *Queensberry*, and others to the North-west of the present Road; the great Road from *Annan* to *Crannelpathfoot*, on the Road between *Longtown* and *Langholm*, but with Power to alter and vary a Part of the present Line of the said Road by leaving the said Turnpike Road, from *Longtown* to *Langholm*, at or near *Irvingburnbridge*, from thence through the Lands of *Kerr*, *Barnglieſh*, *Berklees*, *Branteth*, the Parks of *Springkell*, and Part of the Lands of *Alderbeck*; a Branch of Road therefrom at *Barnglieſhhead* to the Coal Pits near *Gilnockie* Bridge, and another Branch of Road therefrom at or near the Farm Houses of *Burnfoot* of *Springkell*, towards the Limestone Quarry of *Kelhead*; the Road from *Dumfries*, by *Aebridge*, to *Moffat*, and from thence to the Confines of the said County, with the Counties of *Peebles* and *Lanark*, by the present Line, or by a new Line to be made through the Lands of *Chapel*, *Gardenholm*, *Hillhouse*, *Meckleholmside*, *Auldhousehill*, and *Errickstain* to *Tweedscross*; with Power to the said Trustees, with Concurrence of the Tustees of the *Glasgow* and *Carlisle* Turnpike Road, to conjoin or unite the said Roads in the Parish of *Kirkpatrick Juxta*, if they shall find the same expedient and advantageous for the Public, by a Road through a small Part of the Farms of *Kirkton* and *Bootsburn*; the great Road from the Bridge over the Water of *Sark*, by *Graitney*, the Burghs of *Annan*, *Dumfries*, *Maxwelltown*, and *Sanquhar*, to the Confines of the County of *Ayr*, with Power to the said Trustees to improve that Part of the said Road between the Old Windmiln at *Rig*, and the Village of *Graitney*, by leaving the same at a Place called *Steele*, in the Parish of *Graitney*, through the Lands of *Newhouse*, *Steel*, *Hillstonemuir*, and *Surrone*, until it shall join the Road from *Glasgow* to *Carlisle* a little to the South-east of the Farm Houses of *Surrone*, and along that Road to the River *Sark* at *Alisonsbank*, with Power also to improve and amend the Entrance into the Burgh of *Dumfries*, by leaving the present Road between the Lands of *Noblehill* and the Houses of *Milndamhead*, and passing through the Lands belonging to the Reverend *James Mitchell*, *John Richardson*, the Property of the Burgh of *Dumfries*, the Lands of *William Hood*, *Robert Jardine*, Mistress *Blair*, *James Milligan*, *Robert Thompson*, the Heirs of *Thomas Bushby*, and the Property occupied as the *King's Arms* Inn, to the *High Street* of the said Burgh, with a Branch leading off the said Alteration at a Point in the Lands of *Creswell*, from thence through the Lands of *James Henry*, the Glebe Lands, and the Property belonging to the Kirk Session of *Dumfries*, till it joins the *Kirkgate Street* of the said Burgh, near *Saint Michael*'s Church-yard, also with Power to improve the Entrance into the said Burgh, by leaving the said great Line of Road opposite to the House of *William Hood*, and passing through the Fields belonging to Sir *David Maxwell* Baronet, till it enters *English Street* of the said Burgh, together with the several Branches of Roads from the said great Line hereinafter described; *videlicet*, the Branch of Road from the East End of the Town of *Annan*, through the Lands within the Royalty of *Annan*, formerly called *Annan Common*, and the Lands of *Stapleton*, by the Bridge, over the Water of *Kirktle*, at *Belltenmont*, till it joins the said great

great Road from *Headleſs Croſs*, by *Lockerby* and *Moffat*, and croſſing the ſaid great Road, and through the Lands of *Kirkpatrick Fleming*, the Eſtates of *Moſsknowe* and *Springkell*, to the Water of *Sark*, at or near the Tower of *Sark*, and from thence through the Eſtate of the Duke of *Buccleuch* and *Queenſberry*, by *Becklees*, *Glenzier*, *Gillnockie Bridge*, the Coal Pits at *Byreburn*, by *Clay-yett* and *Harlawhill*, to *Hairlawhole*, on the Turnpike Road from *Cannobie*, up *Liddiſdale*, with Power to join the ſaid Branch of Road from *Stobyknow* to *Sark*, at *Corrieſmiln*, by leaving the ſame at or near *Stoneylee*, in nearly a ſtraight Line to *Stobyknow*; a Branch of Road from *Raeburnhead Muir*, by *Hougillſide*, to the Pariſh Road near *Braehead*, and along that Road till it joins the Turnpike Road from *Annan* to *Crannel Pathfoot*, and along that Turnpike Road to *Blackcleuch*, and from thence along the Pariſh Road by the Lands of *Gair*, *Craigſhaws*, *Gowkhall* and *Fallford*; a Branch of Road from the ſaid great Road, by *Woodhall* and *Stapleton*, through *Annan Common*, to join the ſaid road from *Annan* to *Crannel Pathfoot* and *Langholm*; alſo a Branch of Road to ſtrike off the ſaid great Road, at the Lime Quarries of *Kelhead*, by *Clay Houſes*, *Beckhead*, the Eaſtward of the Farm of *Bogues*, the Bridge over *Annan*, *Pelletthill*, *Hoddamtown*, to or near *Hoddam Church*; 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 Branch of Road to ſtrike off the ſame great Road, at or near *Auldgirth Bridge*, by *Throughgatefoot*, 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 *Carronbridge*, to the Lime Works of *Cloſeburn*, by *Lochetterick*, till it joins the ſaid Road from *Dumfries*, by *Aebridge* to *Moffat*, between *Parkgate* and *Auchanflowerhill*; alſo a Branch of Road to ſtrike off the ſaid Great Road between *Thornhill* and *Holeſtain*, running through the Eſtate of *Queenſberry* to the Confines of the County of *Lanark*, towards *Elvanfoot*; alſo a Branch of Road from *Minyhive* by *Craigdarrock*, to the Confines of the Stewartry of *Kirkcudbright*, and leading to the County of *Ayr*; alſo a Branch of Road from the ſaid Great Road, at a Point between *Portrackhill* and *Auldgirthbridge*, through the Lands of *Burnhead*, *Grange Mill*, *Allanton*, *Moat*, *Hallidayhill*, *Glenmidge*, *Blackwood*, the Eſtate of *Queenſberry*, the Eſtates of *Barjarg*, *Waterſide*, *Capenoch*, *Eccles*, and *Ellioch*, to *Sanquhar*; and a Branch of Road from the ſaid Great Road, from a Point at or near *Howes*, to run through the Lands of *Howes*, *Corrisknow*, *Spittleridinghill*, *Murthwaite* Limekilns, the lower Muir of *Trailtrow*, the Lands of *Bogues* and *Bridgend*, to *Hoddambridge*; and from thence to continue through the Lands of *Hallguards*, the Lands of *Knockhill*, along the Pariſh Road to the Junction of the Road by *Kettleholmbridge* at *Townhead*, of *Knockhill*; and to continue along that Road till it joins the Turnpike Road from *Graitney*, by *Lockerbie* and *Moffat*, near *Lockerbie*; and the Road commencing at or near *Beattock*, by or near the Kirk of *Kirkpatrick Juxta*; from thence by or near *Johnſtone Cleuch*; from thence by a Bridge to be built acroſs the River or Water of *Kinnell*, at or near *Righeads*, in the Pariſh of *Lochmaben*; from thence by or through the Burgh of *Lochmaben*, by or near the Village of *Dalton*, till it falls into the ſaid Great Road from *Sark* by *Annan*, to *Dumfries* and *Ayrſhire*, at or near *Charlesfield-yett*; and alſo for

for ſurveying, altering, making, repairing, ordering, and keeping in Repair, the Bridges on the ſaid ſeveral Roads, and erecting new ones where the ſame ſhall be neceſſary; and alſo for ſurveying, altering, making, repairing, ordering, and keeping in Repair, all the other Roads, Highways, Bridges, and Ferries within the ſaid County of *Dumfries*, upon which Tolls are not authorized to be levied either by this or any other Act of Parliament; and for levying and applying the Converſion of the Statute Labour within the ſaid County; and for putting in Execution all the other Powers in and by this Act given and granted.

Truſtees on the ſeveral Diviſions.

III. And be it further enacted, That as to all Matters in regard to levying and applying the Converſion Money in lieu of Statute Labour, within the Limits of any of the Eight Diviſions of the ſaid County hereinafter mentioned, every Perſon poſſeſſed in his own Right, or in the Right of his Wife, of Lands or Houſes worth of Real Rent yearly the Sum of Seventy-five Pounds Sterling, or upwards, ſhall be and they are hereby appointed Truſtees in the reſpective Diviſions in which their Property is ſituated, jointly with the other Truſtees before mentioned.

Truſtees for Royal Burghs.

IV. And be it further enacted, That as to all Matters occurring to be executed within the Limits of any Royal Borough or Burgh of Barony, or within the Pariſh in which any ſuch Borough or Burgh is ſituate, in reſpect to the levying and applying the Converſion Money in lieu of Statute Labour, in purſuance of this Act, every Proprietor of Lands or Houſes, in his own Right, or in Right of his Wife, worth of real Rent yearly Fifty Pounds Sterling, or upwards, in ſuch Borough or Burgh, and the whole Magiſtrates, Dean and Treaſurer, and the Convener of the incorporated Trades of ſuch Borough or Burgh, ſhall be and they are hereby appointed Truſtees jointly with the other Truſtees before mentioned.

Further Qualifications of Truſtees.

V. Provided always, That no Truſtee, Commiſſioner, or Factor of any Proprietor or Proprietrix ſhall be entitled to vote and act as ſuch except in the Abſence of his Conſtituent: Provided alſo, that no Truſtee whatever under this Act ſhall be entitled to vote and act until he ſhall have attained the Age of Twenty-one Years complete.

No Perſon to have more than one Vote.

VI. Provided always, That although a Perſon being a Truſtee in his own Right ſhall claim as Truſtee, Commiſſioner, Factor, Steward, or accredited Agent, or as Guardian, Tutor, or Curator for any abſent Proprietor, or for any Minor, or for any fatuous or furious Perſon, or appear in two Capacities, he ſhall have but one Vote; and that no Perſon of any Deſcription whatever claiming as a Truſtee under this Act ſhall have more than one Vote on any Pretence whatever.

Truſtees not to hold Places of Profit under this Act. Victuallers, &c. not to be Truſtees. Lenders of Money not debarred.

VII. And be it enacted, That no Perſon however qualified ſhall act as a Truſtee whilſt he holds any Contract, Office, or Place of Profit under this Act, by Appointment under a General Meeting or otherwiſe; nor ſhall any Perſon be capable of being a Truſtee, or of holding any ſuch Office or Place of Profit as aforeſaid, who ſhall ſell Ale or Spirituous Liquors by Retail; and that no Perſon having lent Money under the Authority of the ſaid recited Acts or of this Act ſhall be debarred from acting

acting as a Truſtee under this Act, nor as a Magiſtrate in any Matter relating to the ſame.

Penalty on acting as a Truſtee if not qualified.

VIII. Provided always, 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 the 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 be upon the Defender: Provided always, that all Acts and Proceedings touching the Execution of this Act which ſhall be done and performed by any ſuch Perſon previous to his being convicted of the Offence before mentioned ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Powers of Act not to extend to Roads made under 56 G. 3.

IX. Provided alſo, and be it further enacted, That none of the Powers or Authorities granted by this Act ſhall extend or be conſtrued to extend to all or any Part of the Road made or occupied or to be occupied by the Commiſſioners or Truſtees appointed by a certain Act paſſed in the Fifty-ſixth Year of His preſent Majeſty, intituled *An Act for improving the Road from the City of* Glaſgow *to the City of* Carliſle, which Road runs or is to run nearly in the following Courſe; from *Beattock* down the *Annan* to at or near *Dinwoodie Green*, and from thence by at or near the preſent Line of Road to *Lockerbie*, by the Back of *Caſtlemilk*, to *Ecclefechan*, and from thence alſo along or nearly along the preſent Line of Road to *Sark*, and at or near *Graitney*, and to *Aliſon's Bank*; all which Road ſhall, from and after the Fifteenth Day of *May* One thouſand eight hundred and nineteen, be upheld and kept in Repair out of the Tolls and Duties to be levied in virtue of the Powers and Authorities of the ſaid Act paſſed in the Fifty-ſixth Year of His preſent Majeſty.

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

X. 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 Fifteenth Day of *July* One thouſand eight hundred and nineteen, or as ſoon thereafter as conveniently may be; which Meeting ſhall be convened by an Advertiſement to be publiſhed in the *Dumfries* Newſpapers, by the Convener of the Commiſſioners of Supply for the ſaid County of *Dumfries*, Fourteen 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 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, Highways, Ferries, and Bridges, and to exercise and execute all and every the Powers and Authorities vested in them under and by virtue of this Act; and the said Trustees, besides such General Meetings, shall also yearly hold such several District Meetings, and at such several Times and Places as shall at the said General Meetings be fixed for that Purpose; 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, 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 a Quorum of the said Trustees shall not appear at the First or any other General or District Meeting, it shall be in the Power of any One or more Trustees who may attend to adjourn the Meeting to any lawful Day not less than Fourteen Days, nor logner than Three Weeks after such Meeting; and in case no Trustee shall attend at such adjourned Meeting, then and in that Case the Clerk to the said Trustees, by Notice in Writing under his Hand, to be published in the *Dumfries* Newspapers, 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 such Notice shall be published at least Ten Days before the Day of Meeting; 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.

XI. 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.

XII. 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 Roads, 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 Commitees 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.

XIII. And

Orders of Truſtees not to be altered unleſs at a General Meeting for that Purpoſe.

XIII. 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 making, amending, and repairing 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 or more of the *Dumfries* Newſpapers Thirty Days before ſuch ſubſequent General or Diſtrict Meeting.

For appointing Officers;

XIV. And be it further enacted, That the ſaid Truſtees ſhall and may, from Time to Time, continue, chooſe, 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 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, 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 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 thereunto required by the ſaid Truſtees, then any Two or more Juſtices of the Peace of the ſaid County of *Dumfries* ſhall and may make Enquiry of and concerning ſuch Defaulters 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 the ſaid Juſtices are hereby empowered to adminiſter); and if any Perſon or Perſons ſhall be convicted by ſuch Juſtices, they ſhall, upon Conviction, 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 Jail of *Dumfries*, therein to remain for any Time not exceeding Six Months in the Whole, unleſs he, ſhe, or they ſhall have ſooner made a perfect Account and Payment

as

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.

XV. 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 the said Trustees shall think proper.

Same Person not to be Clerk and Cashier.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their principal Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the principal Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of principal Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such principal Clerk shall act as Treasurer for the said Purposes, or being the Partner of such Treasurer shall act as principal Clerk in the Execution of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts in *Scotland* by summary Complaint.

Book of Accounts to be kept.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book to be kept by the principal Clerk to the said Trustees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without any Fee or Reward; and the said Trustees and Creditors shall and may take any Copies or Extracts from such Book without paying any Thing for the same; and in case such Clerk shall refuse to permit or shall not permit such Trustees or Creditors, or any of them, to inspect the same, or take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Ten Pounds.

Truſtees may act as Juſtices.

XVIII. 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 to ſue and be ſued in Name of the Clerk or Treaſurer.

XIX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for any Matter or Thing to be done in the Execution of this Act, in the Name of their principal Clerk or Treaſurer for the Time being; and that no Action or Suit wherein the ſaid Truſtees ſhall be concerned as Purſuers or Defenders in the Name of their ſaid Clerk or Treaſurer by virtue of this Act ſhall abate by the Death or Removal of any ſuch Clerk or Treaſurer, but that the Clerk or Treaſurer to the ſaid Truſtees for the Time ſhall be deemed to be the Purſuer or Defender (as the Caſe may be) in every ſuch Action.

Toll-bar Keepers may give Evidence.

XX. And be it enacted, That in all Caſes where any Diſpute, Suit, or Litigation ſhall ariſe in anywiſe relating to the ſaid Tolls or Duties, the Perſon or Perſons appointed to collect the ſame, or the Leſſees thereof, or any other Perſon or Perſons acting under the Authority of the ſaid Truſtees, ſhall not be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his ſo being Collector or Leſſee.

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

XXI. And whereas Maps or Plans deſcribing the Lines of the new Roads hereinbefore mentioned 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 Clerks 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 new Roads or altering any old 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.

XXII. 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 the 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 a Writing under their Hands that such Error or Omiſſion proceeded from Miſtake.

Truſtees to repair the Roads between Dumfries and Annan; and if the Road from Dumfries to Amisfield Burn is repaired from the Converſion, no Toll to be nearer Dumfries than the Bridge over Lochar.

XXIII. 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 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.

XXIV. And be it further enacted, That 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 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 the neceſſary Acceſſes to ſuch Bridges, and for Gardens adjacent to ſuch Toll Houſes, not exceeding in the whole One Eighth Part of an Acre, Scots Statute Meaſure, for each ſuch Toll Houſe and Garden; and for Places near the ſaid Roads proper and ſufficient for Depôts for Stores or other Materials neceſſary for making and keeping in Repair the ſaid Roads; 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.

Roads may paſs through Miniſters' Glebes.

XXV. And be it further enacted, That in making and altering the Courſe of the ſaid Roads, or widening the ſame, it ſhall be in the Power of the ſaid Truſtees to cauſe the ſame to be carried through any Miniſter's Glebe: Provided always, that ſuch Quantity of Ground ſhall be added to the Glebe lying moſt contiguous and convenient thereto, as ſhall be, by the ſaid Truſtees, deemed a ſufficient Compenſation for that taken for the ſaid Roads; which Grounds the ſaid Truſtees ſhall have Power to purchaſe from the contiguous Owner or Owners, Occupier or Occupiers thereof,

thereof, whether the ſame be under Entail or otherwiſe; and in caſe of any Difference with regard to the Addition to be made to ſuch Glebe, or the Price to be paid to ſuch Owner or Owners, Occupier or Occupiers, the ſame ſhall be determined by a Jury in manner hereinafter directed; and upon ſuch Determination, and upon Payment being made by the ſaid Truſtees of ſuch Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Conſignation thereof in the Public Banks of *Scotland*, in Manner by this Act directed, the ſaid Truſtees ſhall from thenceforth have a Right to cauſe the Addition to be made to the Glebe, and to take and uſe the Part of the Glebe neceſſary for the Purpoſe of altering or widening the ſaid Roads.

Getting Materials.

XXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or their Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint, to dig, gather, and carry away Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials out of any Common River or Brook, or out of or from any Waſte or Common proper and convenient for repairing and amending the Roads aforeſaid, without paying any Thing for the ſame, ſuch Surveyor or Surveyors, or other Perſons, levelling or cauſing to be levelled all ſuch Holes and Pits where any Materials as aforeſaid ſhall be digged, gathered, or taken, and from whence the ſame ſhall be carried away, or making a ſafe and ſufficient Fence round all ſuch Holes or Pits; and where a ſufficient Quantity of Materials cannot be had from ſuch Rivers, Brooks, or Common, for repairing and amending the ſaid Roads, it ſhall and may be lawful for ſuch Surveyor or Surveyors, or other Perſons as aforeſaid, by Order of any Juſtice or Juſtices of the Peace for the County in which ſuch Materials are to be gotten, to be made upon the Application of the ſaid Truſtees, to dig and gather ſuch Materials in and carry the ſame out of and from the Lands and Grounds of any Perſon or Perſons, not being the Ground whereon any Houſe ſtands, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk, or Avenue to any Houſe, or a Piece or Parcel of Ground ſet apart or uſed as a Nurſery for Trees, where ſuch Materials are or may be found within the reſpective Pariſhes in which the ſaid ſeveral Roads ſhall lie or be ſituate, and from Time to Time to carry away the ſame, or ſo much thereof as the Surveyor or Surveyors ſhall judge neceſſary for repairing and amending the ſaid Roads, paying ſuch Rates for ſuch Materials, and for the Damage done to the Owners and Occupiers reſpectively of the Lands or Grounds where and from whence the ſame ſhall be digged, gathered, or carried away, or over which the ſame ſhall be carried, as alſo for the Damage done to the Owners and Occupiers of any private Lands or Grounds over which ſuch Materials gotten in any River, Brook, or Waſte Ground ſhall be carried or conveyed, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages as aforeſaid, then Two Juſtices of the Peace, acting in and for the ſaid County, ſhall and may adjudge, aſſeſs, and determine the ſame.

Notice to be given of taking Materials.

XXVII. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away ſuch Materials for repairing ſuch Roads out of or from any incloſed Land or Ground, until Fourteen Days Notice in Writing, ſigned by ſuch Surveyor,

veyor, 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 Abode, to appear before any One or more Juſtice or Juſtices of the Peace, acting in and for the ſaid County, to ſhew Cauſe why ſuch Materials ought not to be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then, and in ſuch Caſe, it ſhall be lawful for ſuch Juſtice or Juſtices, by their Order, to authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Juſtice or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, purſuant to ſuch Notice, the ſaid Juſtice or Juſtices 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.

Puniſhing Perſons taking away Materials.

XXVIII. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been dug or gathered for the Purpoſe of making, completing, or amending the ſaid Roads, or ſhall get or take away any Materials out of any Pit or Quarry, which ſhall be made for the Purpoſe of getting Materials for the ſaid Roads, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Twenty-one Days, (except the Owner or Occupier of any private Ground, and any Perſon or Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only and not for Sale,) every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

Truſtees may erect Bridges; and widen the Roads; and alter the Courſe of the Roads.

XXIX. 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 are hereby authorized and empowered 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 are not more than Twelve Feet high; 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.

No Encroachment on Garden, &c.

XXX. Provided always, and be it enacted, That in making, repairing, altering, widening, and keeping in Repair, all or any of the Roads or Highways

without Consent.

ways hereby authorized to be made, maintained, or repaired, and Bridges thereon, or in digging and taking Materials for the ſame, or in any other of the Caſes hereinbefore mentioned, no Encroachment whatever ſhall be made, without the Conſent of the Proprietor on any Garden, Orchard, Lawn, Avenue, or Policy appertaining to a Manſion-Houſe or Place, or on any Houſe or Building in the Country, the Side Walls of which are above Twelve Feet high, or any Houſe or Building in any Town or Village the Side Walls of which are above Twenty Feet high.

Truſtees not to deviate in making old Roads.

XXXI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to deviate more than One hundred Yards from the preſent Line or Courſe of the Roads comprized in the ſaid Acts, without the Conſent in Writing of the Owner or Owners of the Lands or Grounds through which ſuch Deviation ſhall be made firſt had and obtained thereto.

In caſe of ſudden Damage to a Bridge, Truſtees may order Repairs, &c.

XXXII. And be it further enacted, That in caſe of any ſudden Damage to a Bridge it ſhall be in the Power of any Two Truſtees of the Diſtrict in which it is ſituated, or if it be ſituated on the Confines of Two Diſtricts, to any Two Truſtees of either Diſtrict, to give Orders for making ſuch immediate Repairs as may be neceſſary, the Expence of the ſame not exceeding Twenty Pounds Sterling; and the Money ſo expended ſhall be provided for and paid by Order of the next Meeting of Truſtees within ſuch Diſtrict or Diſtricts; or on their Failure or Neglect, by Order of the next General Meeting of Truſtees out of the Funds of the Diſtrict on an Application for that Purpoſe, and on Proof of the Neceſſity of the Order, and that the Money was expended, and in caſe any of the ſaid Roads ſhall be ſhut up and Public Communication obſtructed by means of Snow, it ſhall, in like Manner, be in the Power of the ſaid Truſtees to cauſe the ſaid Roads to be cleared, the reaſonable Expence of the ſame to be provided for and paid in like Manner.

Paſſages for Water, and Ditches and Drains.

XXXIII. And be it further enacted, That the ſaid Truſtees may, where they ſhall judge it neceſſary, order Paſſages for the Water from the Ditches on the Sides of the Road to be made through the Grounds of any adjacent Proprietor, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a Houſe; and alſo may order ſufficient Drains or Ditches to be made within the Fences parallel to the ſaid Road; and the Occupiers of the Grounds ſhall be obliged thereafter to keep the ſaid Paſſages, Ditches, and Drains always clear and open to the original Depth; and where any Ditch or Drain runs along the Side of the Road, or leads from the Sides of the ſaid Road, the Occupiers of the adjacent Grounds ſhall be and they are hereby required to keep the ſame clear and open, ſo as to allow a free Paſſage to the Water, as well by the Road Side, as into and acroſs the adjacent Grounds; and if they ſhall fail therein, after Six Days Notice previouſly given to ſuch Occupiers, ſuch Occupiers ſhall forfeit and pay a Penalty of Ten Shillings for each Offence, or One Penny for each Foot in Meaſure, of ſuch Ditches and Drains ſo neglected to be cleared and opened, if the Penalty ſo eſtimated ſhall amount to a larger Sum than Ten Shillings; and the Truſtees ſhall be and they are hereby empowered to order the ſaid Paſſages, Ditches, and Drains to be cleared from Time to Time, and to recover the Expence thereof, to be aſcertained by the Account of the Overſeer or other Perſon employed to do the

ſame,

ſame, certified by Two or more Juſtices of the Peace for the County wherein the ſame ſhall be ſituated, from the Occupiers of ſuch adjacent Grounds in Manner herein mentioned; and if any Occupier of Land, through which ſuch Paſſages, Ditches, and Drains are or ſhall be made, ſhall wilfully obſtruct or fill up any of them ſo as to be injurious to the ſaid Road, the Perſon or Perſons ſo offending ſhall forfeit and pay Treble the Expence of repairing and ſcouring the ſame, to be recovered in Manner hereinafter mentioned; and the ſaid Occupier ſhall be deemed the Tranſgreſſor, unleſs it ſhall be made to appear that ſuch Occupier was not in Fault; and where any Paſſage for Cattle or Carriages ſhall be made, communicating with any Part of the ſaid Road, over the Paſſages, Ditches, or Drains along the Sides of ſuch Road, for the Convenience of the Occupier of the Ground through which it paſſes, ſuch Occupier ſhall cover ſuch Paſſages, Ditches, and Drains with a Bridge of Stones, or other proper Materials, which Bridges ſhall be conſtantly kept free and clear that the Water may paſs freely through below the ſame; and in Caſe any Occupier of Ground adjacent to any Part of the ſaid Road ſhall omit or fail ſo to do, it ſhall be competent for any Juſtice of the Peace, by an Order ſubſcribed by him, to order the ſame to be performed at the Expence of ſuch Occupier; and the Expence thereof (to be aſcertained by the Account of the Surveyor or other Perſon employed to do the ſame) ſhall and may be recovered from ſuch Occupier in Manner hereinafter mentioned; and no Occupier of Land ſhall turn any Water upon the Side of any Part of the ſaid Road, or conduct it acroſs any Part thereof, until he ſhall have obtained the Conſent in Writing of Two Juſtices of the Peace of the County wherein the ſame ſhall be ſituated, who ſhall have previouſly examined the Place, and ſuch Conſent ſhall be depoſited with the Clerk of the Road acroſs which the Water is to be carried; and every ſuch Occupier ſhall be obliged to carry the Water acroſs the ſaid Road in a covered or arched Paſſage or Drain, of ſuch Depth and Conſtruction as may prevent the Water from being of Prejudice to the ſame; and in making any ſuch covered or arched Paſſage or Drain acroſs any Part of the ſaid Road, a ſafe and eaſy Paſſage along One Half of ſuch Road ſhall be left without any Obſtructions, either by breaking the Road or laying down the Materials; and ſuch covered Paſſage or Drain ſhall be made acroſs and finiſhed on the One Half of the ſaid Road before the other Half ſhall be broken and opened; and the whole or at leaſt the open Part ſhall if practicable, be completed in One Day, or otherwiſe ſuch open Part and the Materials for executing the Work ſhall be ſo well fenced off that Paſſengers may ſuffer no Injury thereby; which Precaution and Manner of executing covered Drains as aforeſaid ſhall be ſtrictly obſerved by all Perſons whatſoever employed in directing or executing the ſame; and every Perſon neglecting to uſe ſuch Precaution and ſo to execute ſuch Drains ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds over and above the Damages ſuſtained and Expence incurred, to be levied and recovered in Manner hereinafter directed, One Half thereof to be paid as a Reward to the Informer, and the other Half to be applied to the making and repairing the Portion of the ſaid Road whereon the ſame ſhall have happened; and every Surveyor, Overſeer, Contractor, or other Perſon employed in the Execution of this Act ſhall be expreſsly prohibited from digging Pits within Twelve Feet of the Sides of the ſame, unleſs ſuch Surveyor, Overſeer, Contractor or other Perſon employed as aforeſaid ſhall erect a ſufficient

cient Fence between the Sides of the ſaid Road and the Pit which it may be found neceſſary to dig for the Purpoſes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

Footpaths to be made.

XXXIV. And be it further enacted, That the ſaid Truſtees may cauſe Footpaths to be made along the Sides of any of the Roads by this Act directed to be made or repaired in all ſuch Places as can conveniently admit of the ſame; and if any Perſon ſhall ride or drive a Carriage or Wheelbarrow, or Cattle of any Deſcription, upon any Footpath already made or that may hereafter be made, or ſhall in any Way wantonly injure the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit a Sum not exceeding Five Shillings Sterling, to be levied in Manner hereinafter mentioned.

Truſtees may erect Turnpikes, and take Tolls.

XXXV. 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 hereinbefore deſcribed; 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 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 Fifty-eighth Year of His preſent Majeſty, intituled *An Act for more effectually converting into Money the Statute Labour in the Stewartry of* Kirkcudbright; *and for repairing the Highways, Bridges, and Ferries therein; and for making and maintaining certain Turnpike Roads within the ſaid Stewartry.*

Turnpike Roads, &c. veſted in Truſtees.

XXXVI. And be it further enacted, That the Right and Property of the Ground requiſite for the Scite of the ſaid Roads, Bridges, and Footpaths, and 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 the ſaid Truſtees in the Poſſeſſion thereof.

Tolls.

XXXVII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, and any Perſon or Perſons authorized by them, and they are hereby authorized and empowered to levy and take at each ſuch Gate

to

to be erected or continued by them, or their Order, the Tolls and Duties following; (that is to say,)

For every Horse or Beast drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, One Shilling:

For every Horse or Beast drawing any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, the above Toll Duties; and if the said Trustees shall think proper any Sum in Addition to the aforesaid Rates not exceeding One Half more:

For every Horse or Beast drawing any Waggon, Wain, or Cart, or other such Carriage, drawn by not more than Two Horses, Oxen, or Beasts of Burden, Ten-pence each; and drawn by Three or more Horses, Oxen, or Beasts of Draught, One Shilling each:

For every other Horse or Mule, saddled or unsaddled, laden or unladen, and not drawing, Three-pence:

For every Ass loaded or unloaded, Two-pence:

For every Score of Oxen or Neat Cattle One Shilling and Eight-pence; and so in Proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Ten-pence; and so in Proportion for any greater or less Number:

For every Drove of Horses or Fillies unshod, Two Shillings and Six-pence *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 from and after the said Fourteenth Day of *July* One thousand eight hundred and nineteen, at the Gates or Turnpikes now in or across any Part or Parts of the said Roads, or at any Gates or Turnpikes hereafter to be set up and erected across the same under or by virtue of this Act.

Carriages with Broad Wheels to pay One Half Toll only. Same Rate of Toll at all the Gates on same Road.

XXXVIII. 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 Track from the Fore Wheels, shall pass through all the Gates and Turnpikes already erected or to be erected by virtue of this Act, on Payment of One Half of the Tolls or Duties before specified: Provided also, that no higher Rate of Toll shall be taken at any One Gate or Turnpike than at another on the same Road.

Exemption from Tolls.

XXXIX. Provided always, and be it enacted, That this Act shall not extend to charge with Toll any Horses or Carriages belonging to His Majesty or any of the Royal Family, or any Horses or Carriages attending His Majesty or any of the Royal Family; and that no Person or Persons shall be charged with any of the Tolls and 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 on their returning with a Loading; nor from any Perſon or Perſons who ſhall paſs through the ſaid Turnpikes in going to or returning from his or her proper Parochial Church or Chapel, or from any Perſon or Perſons going to or returning from his, her, or their uſual Place of Religious Worſhip, tolerated by Law, on a *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; nor for any Horſes or Carriages loaded with Peat or Turf for Fuel, unleſs for Sale, or Horſes or Carriages carrying the Produce of Lands to or from Mills in the Pariſhes to which they belong, or any other Mills to which they are aſtricted; nor for any Drove or Droves of Sheep returning to the Grounds to which they belong, and from whence they ſhall have been driven in Time of Snow in ſearch of Paſture; nor for any Carts or other Carriages carrying Stones from *Locker Bridge* Quarry for the Purpoſe of building in the Burgh and Burgh Roods of *Dumfries*; 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, except in ſo far as ſuch Horſes or Carriages are ſpecially made liable to the Payment of Tolls, by virtue of an Act paſſed in the Fifty-third Year of His preſent Majeſty, intituled *An Act to repeal the Exemption from Toll granted for or in reſpect of Carriages with more than Two Wheels carrying the Mail in* Scotland, *and for granting a Rate for Poſtage, as an Indemnity for the Loſs which may ariſe to the Revenue of the Poſt Office, from the Payment of ſuch Tolls*; nor for the Horſes or Carriages of Officers or Soldiers who are upon their March or upon 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

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, or returning therefrom, or conveying Criminals with legal Warrants, or returning therefrom; 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 Exemptions 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, over and above the said Tolls and Duties.

Stores exempted.

XL. And be it further enacted, That no Person owning or driving 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 such Waggon, Wain, or 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.

Power of Distress.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and any Person or Persons authorized by them to levy the said Tolls or Duties, by Distress of any Horse or Horses, or other Cattle or Carriages, upon which 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 Carriages 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.

Settling Disputes concerning Tolls.

XLII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector, or Person distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen) until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping

ing the Diſtreſs, as the Caſe ſhall happen, ſhall be aſcertained by the Sheriff Depute of the ſaid County, or any of his Subſtitutes, or ſome Juſtice of the Peace for the ſaid County, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or One or more credible Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Sheriff Depute, or any of the Subſtitutes, or Juſtice, ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered in caſe of Non-payment thereof forthwith by Warrant under the Hand of ſuch Sheriff Depute, or any of his Subſtitutes, or Juſtice, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Truſtees may erect Side Gates.

XLIII. 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 or 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 the 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: 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 ſhall be removed or diſcontinued; 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.

For ſhutting up unneceſſary Roads.

XLIV. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Dumfries*, at any ſpecial Seſſion, by Order under their Hands, to ſtop and diſcontinue any Bye-Lane or Road opening into or communicating with the ſaid Roads, or either of them, by Means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they ſhall think it proper ſo to do, but ſubject to ſuch private or occupation Roads (if any) as they ſhall think neceſſary, ſo that previous Notice be given three Times in ſome Newſpaper publiſhed in the ſaid County of the Time, Place, and Purpoſe of ſuch ſpecial Seſſion, which Order ſhall be ſubject to Appeal in Manner hereinafter mentioned.

Tolls to be paid but once a Day,

XLV. Provided always, and be it further enacted, That no Perſon or Perſons having paid the Tolls or Duties hereby authorized at any of the ſaid Gates or Turnpikes ſhall on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the ſucceeding Night)

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, Chaiſe, Calaſh, Sociable, Chair, Hearſe, Waggon, Wain, Cart, or other Carriage drawn by the ſame Horſes or other Beaſts of Draught, or for the ſame Horſe, Mare, or 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 Burden 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, except Carriages laden with Lime, Marle, or Manure, which ſhall pay once a Day only.

unleſs returning with a new Loading.

XLVI. 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 (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants) 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, Mule, or Aſs, or any other Carriage or Cattle, with the Intent to evade the Payment of the ſaid Tolls, or any of them, every Perſon ſo offending, 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 for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Penalty on Perſons permitting a private Paſſage.

XLVII. And be it further enacted, That if any Perſon or Perſons ſhall counterfeit or fraudulently obtain or uſe any Toll Tickets, or 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, or paſs through any Land near to ſuch Gates or Turnpikes, or any Gate, Paſſage, or Way through ſuch Land, not being the Owner or Owners, Occupier or Occupiers thereof, or any of his or their Family or Servants, 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 for evading Tolls.

XLVIII. And be it further enacted, That every Perſon paying Toll ſhall be offered by and entitled to receive from the Toll Gatherer a Note or Ticket denoting ſuch Payment; and ſuch Note or Ticket ſhall be provided by the ſaid Truſtees, and ſhall ſpecify the ſeveral or reſpective Gates which ſuch Note or Ticket ſhall free, or which ought under the Proviſion of this Act to be paſſed free for One Payment of Toll, and ſhall authorize the Carriage, Horſe, or other Cattle, for which the ſaid Toll was paid to repaſs at any Time before Twelve of the Clock at Night of the ſame Day, without again paying Toll at the ſame Gate.

Tickets to be offered upon Payment of Toll.

XLIX. And be it further enacted, That if any Collector of the ſaid Tolls ſhall ſell or fraudently diſpoſe of any Notes or Tickets to any Perſon or

Penalty on Collectors or other Per-

sons disposing of Tickets.

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.

L. And be it further enacted, That if any Person shall assault any Collector of the said Tolls or Duties, or fraudulently 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 a Sum not exceeding Five Pounds Sterling.

Regulations in order to prevent Collectors from taking undue Tolls, &c.

LI. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees, to collect the Tolls payable at any of the Turnpike or Toll Gates to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters on the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of Toll and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, or absent himself without employing a proper Substitute, or be found drunk or intoxicated, or shall demand or take Toll from any Person or Persons who shall be exempt from the Payment thereof, or exact any higher or lower Rate of Toll or Duty than what is hereby authorized to be taken, or shall use any other Means whereby the Tacksman of any other Gate erected under this Act may be deprived of the Toll or Duty which ought to be paid thereat, or shall in any other Manner fail in the due Performance of his Duty, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Trustees may compound with Travellers.

LII. 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

and living within Three Miles of the 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.

Penalty on deſtroying Turnpikes.

LIII. And be it further enacted, That if any Perſon or Perſons ſhall maliciouſly break, pull up, 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 theſe Caſes aforeſaid, upon his own Confeſſion, or on being convicted thereof on the Oath of One or more credible Witneſſes before Two or more Juſtices of the Peace for 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 Six Weeks, or pay a Fine not exceeding Five Pounds Sterling.

For erecting Weighing Machines.

LIV. And be it further enacted, That the ſaid Truſtees ſhall, if they find it neceſſary, cauſe Weighing Machines 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 in Summer or Ten thouſand Pounds Weight in Winter, reſpectively, before the ſame ſhall reſpectively 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 Cartiage as aforeſaid, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Pounds Sterling.

Truſtees may divide the

LV. And be it enacted, That it ſhall be lawful for the ſaid Truſtees, at their firſt Meeting, or at any General Annual Meeting, to divide the ſaid

County into Diſtricts as to Toll Roads.

Diviſion not final till approved of at a ſubſequent General Annual Meeting.

ſaid County into Diſtricts, in ſo far as regards the Roads upon which Turnpike Gates or Toll Bars are hereby authorized to be erected or continued, and under ſuch Regulations as to the Truſtees may appear proper; but ſuch Diviſions into Diſtricts ſhall not be conſidered as final and ſettled unleſs the Meaſure be approved of by a ſubſequent General Annual Meeting, and ſeparate Accounts ſhall in that Event be kept of the Money raiſed within ſuch Diviſions reſpectively; declaring, nevertheleſs, that ſuch Diſtricts and Diviſions may be afterwards altered or totally ſet aſide by the Order of Two conſecutive General Annual Meetings.

Produce of Tolls to be applied within each Diſtrict.

LVI. And be it further enacted, That after deducting the Charges of Management, and a proportional Part of the Expence of obtaining this Act, and other Burdens legally incurred, the Produce of the Tolls or Duties ariſing within each Diſtrict of the ſaid Roads ſhall be applied by the Road Truſtees towards making, amending, repairing, and upholding the ſeveral 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.

Truſtees may apportion the Produce of the Tolls.

LVII. And it is hereby enacted, 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 Adverti ſement in the *Dumfries* Newſpapers Fourteen 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 alter or vary the Determination or Allocation ſo made, unleſs the ſame ſhall be propoſed and agreed to at one, and approved of at another General Annual Meeting, the Purpoſe of each ſuch Meeting being alſo ſpecially announced by Public Advertiſement in the *Dumfries* Newſpapers Fourteen Days before the Time of ſuch Meetings reſpectively.

Truſtees may leſſen the Tolls.

LVIII. 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 Toll 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 and 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 or more of the *Dumfries* Newſpapers, Thirty Days before ſuch General or Diſtrict Meeting: Provided alſo, that until the Money heretofore borrowed on the Credit of the ſaid recited Acts, or which ſhall hereafter be borrowed on the Credit of 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 may let.

LIX. 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 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 Time 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.

Ejecting Farmers of Toll in Arrear.

LX. Provided always, and be it enacted, That if any Person or Persons to whom the said Tolls or Duties shall be let as aforesaid shall fail to make Payment of the Rent at which such Tolls and Duties shall be let at the stipulated Terms of Payment thereof, it shall be lawful to and in the Power of any Two of His Majesty's Justices of Peace for the said County of *Dumfries*, upon a Complaint of the Clerk or Treasurer of the said Trustees, within One Month after such stipulated Term of Payment, by a Warrant under their Hands, to eject such Person or Persons from the Collection of such Tolls or Duties, and from the Toll Houses and Pertinents let to them, and to authorize the said Trustees or their Clerk or Treasurer to relet such Tolls or Duties and Premises for the remaining Period of the Agreement with the Person or Persons who shall have failed in Payment as aforesaid, and that notwithstanding of the Security found by such Person or Persons as aforesaid, declaring that the Person or Persons so failing as aforesaid, and their Sureties, shall nevertheless continue liable to the said Trustees for Payment, not only of the stipulated Rent to the Period of Ejection, but shall also be liable to the said Trustees for any Deficiency in reletting the said Tolls or Duties, and the Expences incurred therethrough.

Trustees may borrow Money.

LXI. 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 authorized 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 Sum of Ten thousand Pounds in the Whole; and it shall be lawful for the said Trustees at any of their General Annual Meetings to apportion the Money so to be borrowed, in such Shares and Manner as they shall think fit, upon the respective Districts into which the said Roads shall be divided.

As Creditors are paid, Trustees may borrow more Money.

LXII. 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 Time the original Sum hereinbefore

authorized to be borrowed upon the Credit of the Tolls or Duties to be collected.

Truſtees may aſſign the Tolls to Lenders.

LXIII. 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 Repayment of the Sum or Sums of Money ſo lent by him or them, togther with the 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 Truſtee or Truſtees ſhall be held as 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, and that ſuch 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.

LXIV. 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 Meetings unleſs Notice for that Purpoſe ſhall be publiſhed Twice in One or more of the *Dumfries* Newſpapers at leaſt Fourteen Days before the borrowing of ſuch Money.

Toll Duties and Loans veſted in Truſtees. Application thereof.

LXV. And be it enacted, That the Money to be levied in Name of Tolls, and the Money to be borrowed on the Credit thereof, in conſequence of the Powers hereby given, ſhall be veſted in the ſaid Truſtees, and ſhall be applied in paying the Money borrowed upon the Credit of the Tolls, authorized to be levied by the ſaid recited Acts, with the Intereſt of the ſame, and in paying the Money to be borrowed upon the Credit of the Tolls by this Act authorized to be levied, and the Intereſt thereof, and in defraying ſuch Parts of the Expences of paſſing this Act, and the previous and preparatory Expences, as hereinafter mentioned, and the Charges attending the Execution of this Act, and in making and repairing and keeping in Repair the Roads and Bridges on which Turnpike Gates or Toll Bars are hereby authorized to be continued or placed, and to no other Purpoſe.

Sums borrowed and Appropriations made under recited Acts preferable.

LXVI. Provided always, and be it enacted, That all and every Sum or Sums of Money borrowed upon the Credit of the Tolls leviable under the ſaid recited Acts, or either of them, and all Appropriations of ſuch Tolls made by the Truſtees under thoſe Acts, ſhall be preferable upon the Tolls hereby authorized to be levied, to any Sum or Sums to be borrowed on the Credit thereof, or any Appropriations to be made under this Act, in ſo far as reſpects the Gate or Gates, or Line or Lines, or Diſtrict or Diſtricts of Road, upon the Credit of the Tolls ariſing at and upon which ſuch Sum or Sums were borrowed, and ſuch Appropriations made under the Authority of the ſaid Acts reſpectively.

LXVII. And

LXVII. 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 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.

Money now due on Credit of former Acts to be chargeable on Tolls hereby granted.

LXVIII. 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 Mile Stones and Guide or Directing Poſts to be erected on the Sides thereof; and if any Perſon or Perſons ſhall wilfully break down, 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 Cape Stones on the Ledges or Parapet Walls erected on the Sides of any of the Bridges, or any other Walls on or along the ſaid Roads, it ſhall be lawful for any Perſon, *brevi manu*, to ſeize and carry ſuch Offender or Offenders, in any of the above Particulars, before any One or more Juſtice or Juſtices of the Peace for the County of *Dumfries*, for the Purpoſe of Examination; and on any ſuch Offender being convicted of any of the ſaid Offences, by the Confeſſion of the Offender himſelf, or by the Oath of One or more Witneſſes, every ſuch Perſon ſo offending ſhall, beſides making good the Damages, forfeit and pay for each Stone or Poſt ſo wilfully deſtroyed, damaged, pulled down, removed, obliterated, or defaced, and for every Cape Stone ſo broken down from the Ledges of the ſaid Parapet Walls, or other Walls, the Sum of Five Pounds Sterling, 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.

For meaſuring the Roads and erecting Mile Stones. Penalty on breaking down and deſtroying Mile Stones, or Cape Stones of Bridges.

LXIX. 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 Iron Drag 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.

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

LXX. And be it enacted, That if any Perſon ſhall in ploughing any unincloſed Field contiguous to any of the ſaid Roads not make Head Ridges along the Side of ſuch Road for Sixteen Feet in Breadth at leaſt, or ſhall turn a Plough on any of the Roads, or ſhall hang a Gate acroſs any of the Roads in any Manner, or ſhall lay or leave or cauſe to be laid or left any Cart, Chaiſe, or other Carriage loaded or unloaded, except in caſe of Accident, or during the Time of loading and unloading thereof, or ſetting down, taking up, or waiting for Paſſengers, or any Implement of Huſbandry, or any Timber, Lime, Marl, Shells, Gravel, Sand, Stones, Carrion, Dung, Soil, Compoſt, Aſhes, Rubbiſh, or other Article or Matter, upon any of the Roads, or within Five Yards thereof, if there be no Fence between ſuch Article or Matter and ſuch Road, (except Materials for making

Puniſhing Perſons injuring Road.

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ing and repairing Fences or Houſes adjoining to ſuch Road, which ſhall be laid down ſo as to leave a ſafe and eaſy Paſſage along ſuch Road for Two Carriages abreaſt, and a free Courſe for the Water to and along the Side Drains); or ſhall carry along any of the Roads, on any Carriage, any Timber, Iron, or other Matter, projecting beyond the outer Part of ſuch Carriage, and not placed as nearly as may be parallel with the Shafts of ſuch Carriage, or ſhall haul or draw or cauſe to be hauled or drawn upon any Part of the ſaid Road, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, or Harrow, or other Thing whatſoever, otherwiſe than upon a Wheel-Carriage, or ſuffer any ſuch Thing being upon a Wheel-Carriage to touch or rub upon any Part of the Roads to the Prejudice thereof; or ſhall drive on any of the Roads any Carriage the Nails on the Tire of whoſe Wheels are not ſunk ſo as to make the Sole that touches the Ground flat, or ſhall uſe any Drag or other Thing to retard the Motion of a Carriage going down Hill by rubbing along any of the Roads with a narrower Surface than the Breadth of the Sole of the Wheel of ſuch Carriage, or ſhall make any Hole or Cut upon any of the Roads; or if any Perſon, after having blocked or ſtopped any Carriage whatſoever in going up any Hill or other riſing Ground, ſhall leave or permit, or ſuffer to remain on the ſaid Roads, or any of them, the Stone or other Thing ſo made uſe of in blocking or ſtopping ſuch Carriage, or ſhall do any Thing whereby any of the ſaid Roads ſhall be unneceſſarily injured, every ſuch Perſon ſo offending ſhall pay the whole Damage thereby ſuſtained, and ſhall alſo for every ſuch Offence forfeit and pay the Sum of Five Pounds Sterling, beſides filling up or removing the Subject or Matter of Annoyance, and repairing the Damage done to the Roads, Ditches, or Drains, Streets, Lanes, or Paſſages, without Delay, at his or her own Expence; and in caſe of Failure or Neglect ſo to do the ſaid Truſtees are hereby authorized to cauſe the Matter of Annoyance to be removed at the Expence of the Party offending; and in caſe of Failure in Payment of the Penalty and Expence of Removal as aforeſaid, it ſhall be lawful to any Two or more Juſtices of the Peace for the ſaid County of *Dumfries*, upon Two Days Intimation to the Owner or Owners of any Matter whatſoever laid down in Violation of the Prohibition aforeſaid, to authorize the ſaid Truſtees, or their Clerk or Surveyor, to ſell the ſame for Payment of the Penalty and Coſts of Sale; and further, that all Signs, Sign Poſts, and other Obſtructions, that ſhall be found to occaſion Inconvenience to Paſſengers, through the Streets, Lanes, and Paſſages of the Burghs and Villages within the ſaid County, ſhall be removed by the Owners thereof, or ſo altered as to remove any Cauſe of Complaint, under a Penalty not exceeding Twenty Shillings Sterling for every ſuch Offence; reſerving, nevertheleſs, to the Burgh of *Dumfries*, and their Commiſſioners of Police, all the Rights and Privileges they already have within their Territory by any Act or Acts preſently in Force.

No Houſes to be built within Forty Feet of the Centre of the Road.

LXXI. And be it further enacted, That from and after the ſaid Fourteenth Day of *July* no Perſon or Perſons within the ſaid County ſhall be allowed to build any Houſe or Houſes, Wind or Water Mills, or Kilns, where there was no Houſe, Mill, or Kiln before, or open any Area or Cellar within Forty 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*, *Moſfat*,

fat, *Langholm*, or *Minyhive*, with Consent of Two Justices of the Peace for the said County.

No Trees to be planted within Forty Feet of the Centre of the Road.

LXXII. And be it further enacted, That no Trees shall in future be planted within Forty Feet of the Centre 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 Centre of such Road, and so that no Part thereof shall overhang the Road, and to cause the Branches of any Trees that shall overhang any Road or that obstruct Carriages to be lopt off in the proper Season, after Four Weeks Notice to the Proprietors of the same.

Ditches to be next the Field.

LXXIII. And be it further enacted, That where the Fences shall be made in Time coming on the Sides of any Public Road within the said County, Ditches where necessary shall be on the Inside next the Field or Inclosure, and no Thorns shall be planted nearer the Side of the Road than Three and a Half Feet, nor shall any Wall of any Description be erected nearer the Side of the Road than Two and a Half Feet, the Owners or Occupiers of the said Grounds being bound to clear out at all Times all the Weeds, Earth, or Stones, which the cleaning and repairing the Hedges and Walls may bring down into the Rib of the Road so continued by them, and to give the Water a free Run along the same, otherwise, upon their neglecting or refusing so to do after Ten Days Notice, the Trustees are authorized to cause the same to be done in a proper Manner at the Expence of the said Owner or Occupier, and to recover the Expences thereof in Manner by this Act directed; the said Owners or Occupiers shall also make proper Conduits over the said Ribs at the Gate of every Field, and at the Commencement of every private Road, and shall keep the Mouths of the Conduits at all Times clear so that the Water may not lodge there.

No Person to pasture Cattle, &c. on the Roads.

LXXIV. And be it further enacted, That no Person shall have Power to pasture Black Cattle, Horses, Asses, Sheep, or Swine, upon any of the Roads within the said County, or on the Sides thereof, or of the Fences along the same, or to have such Cattle, Horses, Asses, Sheep, or Swine, tied or tethered thereon or to go at large, or to leave Carts, pitch Tents, or light Fires, or do any Thing that may tend to the Obstruction of Travellers upon any of the said Roads, or on any of the Streets or Lanes within any of the Burghs or Villages within the said County, and every Person so offending shall be liable in a Fine not exceeding One Pound Sterling; and it shall be lawful to any of the said Trustees, their Surveyors, Toll Gatherers, or any Constable employed by them, to seize and detain any Cow, Calf, Horse, Ass, Sheep, or Swine, Carts or Tents, that may be so found on said Roads, Streets, or Lanes, until the said Penalty and the reasonable Expence of the Seizure and Detention shall be paid by the Owner.

No Driver to drive Carriages, &c. abreast.

LXXV. And be it enacted, That no Driver of any Waggon, Wain, Cart Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, whether the same be loaded or unloaded, shall drive or permit the

the ſame to travel or paſs upon the ſaid Road, or any Part thereof, abreaſt or alongſide of any other Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden, ſo as wilfully to obſtruct the free Paſſage of the ſaid Road, or any Part thereof, and every Perſon and Perſons offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling for each Offence.

Carriages to keep the Near Side of the Road.

LXXVI. And be it further enacted, That the Drivers of Carts and Carriages of any Kind, on meeting other Carriages on any of the ſaid Roads, ſhall each of them conduct the Carriage or Carriages they are ſeverally driving to their own Left Hands, or hold to the Near Side of the Road; and in caſe of a Carriage being overtaken by another, the foremoſt ſhall keep to the Left Hand Side of the metalled Part of the Road, and the Carriage overtaking or paſſing ſhall keep to the Right Hand Side, and ſhall wait behind until there be a ſafe and proper Opportunity for paſſing, ſo as in every ſuch Occurrence the Carriages may paſs the more ſafely without interfering with each other; and every Driver or Drivers offending in any of theſe Caſes, or being foremoſt and wilfully hindering or obſtructing any Carriage overtaking and endeavouring to paſs, and being thereof lawfully convicted by the Oath of One or more credible Witneſs or Witneſſes, or by his or their own Confeſſion, before the Sheriff Depute of the ſaid County, or any of his Subſtitutes, or One or more Juſtice or Juſtices of the Peace of the ſaid County, at the Suit of the other Driver or Drivers, or of any other Perſon or Perſons, ſhall be adjudged to pay not only the Whole of the Damages and Expences ſuſtained but alſo a Penalty not exceeding Twenty Shillings Sterling.

Penalty for offending therein.

Carriages when loading to be placed near the Side of the Road.

LXXVII. And be it enacted, That when Carriages are loading and unloading the Perſon or Perſons having the Charge thereof ſhall place the ſaid Carriage as near the Side of the Road as may be ſo as not to obſtruct the Paſſage, and any Perſon or Perſons acting otherwiſe ſhall forfeit and pay a Sum not exceeding Twenty Shillings Sterling for every ſuch Offence.

Owner of Waggons, &c. to have his Name and Abode painted thereon.

LXXVIII. And be it further enacted, That in caſe the Owner of any Waggon, Wain, Cart, or other Carriage of that Deſcription, ſhall fail to have his Name and Place of Abode, and the Number of ſuch Waggon, Wain, Cart, or other Carriage, painted in legible Characters, properly placed upon ſome conſpicuous Part of ſuch Waggon, Wain, or Cart, or the Tilt or Cover thereof, or where there is not a Bridle on the Head of each of the Horſes employed in the ſaid Waggons, Wains, or Carts, it ſhall in both or either of theſe Caſes be lawful for the ſaid Truſtees to order and direct the Tackſman of the Tolls, or the Toll Gatherers, or other Perſons employed to collect any of the Tolls or Duties leviable under this Act, and ſuch Tackſman or Toll Gatherers are hereby expreſsly authorized and required to levy, demand, and take at the ſaid Turnpike Gate or Gates before any ſuch Waggon, Wain, Cart, or any other Carriage on which the Owner's Name ſhall not be painted or Number marked, or where there are not Bridles or Halters, ſhall paſs through the ſame, Double Tolls by this Act authorized to be levied and takn, and which Tolls ſhall be recovered and applied in the ſame Manner as the other Tolls and Duties are by this Act directed to be recovered and applied.

LXXIX. And

For converting the Statute Labour of the whole County into Money.

LXXIX. 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 Rules following; that is to say, 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 Two Pounds Sterling, for each One hundred Merks of such valued Rent: Provided always, that whenever the said Composition shall exceed One Pound Ten Shillings Sterling for each One hundred Merks the Excess shall always be paid by the Heritor or Proprietor.

Conversion for Burghs and Villages.

LXXX. Provided always, and be it enacted, That the Tenants and Possessors of all Houses, Shops, Cellars, Warehouses, and Store or Timber Yards, 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 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 exeeeding 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, 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

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.

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

LXXXI. 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 Carters, Carriers, and other Perſons ſo keeping Horſes for Hire or Labour ſhall rent or occupy any Lands, and ſhall be aſſeſſed in Quality of Tenants or Occupiers of the ſaid Lands, within the ſaid Country 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.

Power to appoint Aſſeſſors.

LXXXII. And be it enacted, for the above Purpoſes, That 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 as they ſhall know to be in indigent Circumſtances from the Payment of all or any Part of the Compoſition.

Power to Truſtees to relieve Perſons in indigent Circumſtances.

Perſons refuſing to act as Aſſeſſors.

LXXXIII. 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: Provided always, that no Perſon who ſhall be infirm or above the Age of Sixty Years ſhall be appointed to act as Aſſeſſor under this Act, nor ſhall any Perſon who ſhall have paid the ſaid Penalty be eligible

eligible to be re-appointed an Aſſeſſor within leſs than Three Years thereafter.

Truſtees to chooſe a Clerk and Collector of Compoſitions.

LXXXIV. And be it further enacted, That the ſaid Truſtees ſhall at their firſt General Meeting, or ſome Adjournment thereof, and yearly thereafter at their General Meeting, appoint a Clerk for tranſacting ſuch Buſineſs relating to the Converſion of the 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, and in each of the Royal Burghs 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.

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

LXXXV. And be it further enacted, That the Proprietors of Lands 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 aforeſaid, a true State or Account of the Valuation 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 and 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 aforeſaid Sums ſhall be paid in equal Moieties on or before the Twenty-fifth Day of *June* and 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* One thouſand eight hundred and nineteen.

The County to be divided into Eight Diviſions.

LXXXVI. 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 *Moffat*, *Kirkpatrick Juxta*, *Wamphray*, and *Johnſtone*; the Second Diviſion comprehending the Pariſhes of *Lochmaben*, *Applegirth*, *Dryſdale*, *Hutton*, *Saint*, *Mungo*, and *Tundergarth*; the Third Diviſion comprehending the Pariſhes of

of *Annan*, *Hoddom*, *Dornock*, *Graitney*, *Kirkpatrick*, *Fleeming*, *Middlebie*, and *Half Morton*; the Fourth Diviſion comprehending the Pariſhes of *Cummertrees*, *Ruthwell*, *Dalton*, *Mouſewald*, and *Torthowald*; the Fifth Diviſion comprehending the Pariſhes of *Dumfries*, *Kirkmahoe*, *Tinwald*, *Kirkmichael*, and *Carlaverock*; the Sixth Diviſion comprehending the Pariſhes of *Sanquhar*, *Kirkconnel*, *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*, *Eſkdalemeur*, *Langholm*, *Ewes*, and *Cannoby*; 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, excepting in ſo far as regards the Converſions levied within the ſeveral Royal Burghs within the ſaid County, Two Third Parts whereof it ſhall be in the Power of the Truſtees for the ſaid ſeveral Burghs to apply in repairing the Roads or Streets within each ſuch Royal Burgh, and the remaining Third Part thereof in repairing the other Roads within the Pariſh in which each ſuch Royal Burgh is ſituated: Provided always, that it ſhall be in the Power of the Truſtees, with 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 Diviſion, or within the Pariſhes of another Diviſion lying contiguous thereto, as they may judge moſt neceſſary and expedient, or 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 included in this Act, and the ſaid Act paſſed in the Fifty-ſixth Year of His preſent Majeſty.

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

Truſtees to fix the Rate of Converſion.

LXXXVII. And be it enacted, That the ſaid Truſtees ſhall meet at *Dumfries* on the Twenty-eighth Day of *July* One thouſand eight hundred and nineteen, 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 One 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 appoint Committees in the Diviſions to overſee the Roads, &c.

LXXXVIII. And be it further enacted, That the ſaid Truſtees ſhall at their General Annual Meeting held upon the Day appointed for the Meeting of the Commiſſioners of Supply, for impoſing the Land Tax, yearly appoint the whole Truſtees within each of the ſaid Diviſions reſpectively as Committees, to have the general Overſight and Direction of the Repairs of the ſaid Roads within each ſuch Diviſion for the enſuing Year, and who ſhall ſeverally have Power to chooſe a Preſes and Clerk

at the first and subsequent Meetings of the said Committees, also to draw on the Collectors for the Sums 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 Committees shall be obliged to report their Collectors Accounts to the next General Annual Meeting, and to lodge the same at least Ten Days previous to such General Annual Meeting, with the Vouchers thereof, in the Hands of the Clerk to the General Meeting, under a Penalty not exceeding Five Pounds Sterling, annually until reported; and the said General Annual Meeting shall also appoint Conveners of such Committees respectively, and shall fix the Days and Places of their first Meeting, at which Meetings the said Committees shall have Power to adjourn from Time to Time, and to appoint Sub-Committees for the better enabling the Trustees to execute the Business hereinbefore committed to them, and are hereby empowered to act, so as the Execution of this Act may not be frustrated or delayed.

Committees to report the State of the Roads.

LXXXIX. Provided always, and it is hereby declared, That the said Committees shall meet within their respective Divisions on the Twenty-second Day of *July* One thousand eight hundred and nineteen, 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 of Committees 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 Committees 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 are 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 One 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 Meetings of Committees 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 Estimates shall be reported as aforesaid of any of the said Divisions, then the said Trustees at their said General Annual 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 Two Pounds Sterling on each One hundred Merks of valued Rent, and Three-pence Sterling on the Pound Sterling of the Rent of the 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 Annual Meeting that the Report made by 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 Annual Meetings,

Meetings, to appoint a Committee from among themſelves to inſpect the Roads in ſuch Diviſions, and to report the Situation thereof to the ſaid Truſtees at their then next General Annual Meeting, who ſhall have full Power finally to determine with reſpect only to the State of the ſaid Roads: Provided always, that the ſaid Diviſion Meetings 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 ſhall appear ſatisfactory to the General Annual 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 Rate.

Appeals not to ſtop Payment of the Converſions.

XC. 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.

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

XCI. 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 Money 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 Intereſts 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, unleſs the Perſon or Perſons to whom the Money is owing ſhall conſent thereto.

Deficients to be poinded.

XCII. 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

praiſing 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 Converſion above mentioned.

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

XCIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Sheriff Depute and 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.

XCIV. 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.

Headrigs to be made on Road Sides.

XCV. And be it further enacted, That every Perſon having Arable Lands adjoining to any of the ſaid Public Roads that are not fenced with Stone Dykes or Thorn Hedges ſhall be obliged to make Headrigs, One on each Side of the ſaid Road of the Breadth of Eighteen Feet at leaſt.

Gates to open Inwards.

XCVI. And be it further enacted, That no Gate of any Park, Paddock, or Field ſhall be made to open towards the ſaid Road, or ſhall be ſuffered to continue ſo to open unleſs the Hanging Poſts thereof ſhall be Thirty Feet at leaſt from the Centre of the ſaid Road; and the Occupier or Occupiers of every Park, Paddock, or Field, the Gate whereof ſhall open towards the ſaid Road, ſhall after Ten Days Notice from the Surveyor or Surveyors of the ſaid Road, cauſe ſuch Gate to be altered in ſuch a Manner as that no Part of the Gate when open ſhall project over any Part of the ſaid Road; and in default thereof, the ſaid Surveyor or Surveyors is and are hereby authorized to cauſe ſuch Gate to be taken down and afterwards fixed up in the Manner hereinbefore directed; and the Perſon or Perſons making Default ſhall, upon Conviction thereof before any Juſtice of the Peace for the County or Stewartry where the Offence ſhall be committed on the Oath of One credible Witneſs, pay to ſuch Surveyor or Surveyors ſuch Sum as the ſaid Juſtice ſhall direct for defraying the Expence of ſuch Alteration, and ſhall alſo forfeit and pay any Sum not exceeding Forty Shillings for his or their Default therein.

Truſtees to have Power to alter the Roads, &c. in the ſame.

XCVII. And be it further enacted, That the ſaid Truſtees ſhall have the ſame Powers for making, widening, and altering the Roads, whereon no Gates or Turnpikes ſhall be erected, and for taking Gravel and other Materials for repairing the ſame, as is hereby granted to them, for

Way as Truſtees on the Turnpike Roads.

making and repairing the ſeveral Turnpike Roads hereinbefore directed to be made or repaired, and ſubject to the like Rules, Regulations, and Reſtrictions.

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

XCVIII. Provided always, and be it further enacted, That full Compenſation ſhall be made to the Owners and Occupiers of all Houſes which ſhall be pulled down or removed by the ſaid Truſtees under the Authority of this Act, and alſo to the Owners and Occupiers of all Lands which ſhall be taken Poſſeſſion of; 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, Huſbands, Truſtees, Tutors, and Curators, and all and every Perſon or 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, at ſuch Prices as ſhall be agreed upon or aſſeſſed by a Jury in Manner hereinafter mentioned.

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

XCIX. 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 empannelling 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 the Bank of *Scotland*, or Royal Bank of *Scotland*, or *Britiſh* Linen Company, in Manner by this Act directed, 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 by Advocation, Suſpenſion, or otherwiſe howſoever.

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

Expences of the Proceedings how to be paid.

C. Provided always, and be it enacted, That in the Event that ſuch Jury ſhall award a greater Compenſation than the Truſtees ſhall have offered,

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 Expences 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 Expences 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 unavoidable 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 Bank of *Scotland*, or *Britiſh* Linen Company, as the Caſe may be, in Manner by this Act directed, it ſhall and may be lawful for the ſaid Truſtees to enter into and upon ſuch Lands or Houſes for the Purpoſes of this Act; and no ſtop ſhall in the Meantime be put to the Operations of the ſaid Truſtees on pretence of ſettling the Damages, or that they had not been ſatisfied and paid.

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

CI. 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 recall ſuch Warrant, and remove any Siſt obtained as aforeſaid; provided a 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.

Gardens, &c. not to be encroached upon without Conſent.

CII. Provided always, and be it enacted, That in making, repairing, altering, widening, and keeping in Repair all or any of the Roads or Highways hereby authorized to be made, maintained, or repaired, and Bridges thereon, or in digging and taking Materials for the ſame, under the Powers and Authorities herein contained, no Encroachment whatever ſhall be made without the Conſent of the Proprietor, on any Garden, Orchard, Lawn, Avenue, or Policy appertaining to a Manſion-Houſe or Place; or on any Houſe or Building in the Country the Side Walls of which are about Twelve Feet high; or any Houſe or Building in any Town or Village the Side Walls of which are above Twenty Feet high.

Re-inveſting Purchaſe Monies if amounting to 200l.

CIII. 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*, or *Britiſh* Linen Company, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation,

tion, of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Manner 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 Incumbrances, or Parts thereof, as the ſaid Court ſhall authoriſe to be paid affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, 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 Meantime, and until ſuch Purchaſe ſhall be made, the Intereſt or annual Produce of ſuch Money ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

If leſs than 200l. and exceeding 20l.

CIV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Incorporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds Sterling, and not leſs than the Sum of Twenty Pounds Sterling, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner hereinbefore directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the 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 Manner hereinbefore directed, ſo far as the Caſe may be applicable.

Under 20l.

CV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than Twenty Pounds Sterling, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Five 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.

CVI. And

In case of not making out Title.

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

Where Questions arise touching the Title.

CVII. 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.

CVIII. 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.

CIX. 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 adjoining willing to purchaſe the ſame, for a fair and juſt Compenſation; 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 Roup, and the Price or Prices to be got for ſuch old Road ſhall be applied to the Purpoſes of this Act.

Power to ſhut up unneceſſary Roads.

CX. And be it further enacted, That if any Heritor of the County ſhall preſent a Petition to the Truſtees in a General Meeting aſſembled ſtating that any Road has become uſeleſs or unneceſſary to the Public, it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered to appoint a Committee of their Number to enquire and aſcertain if the ſaid Road is, as ſtated in the ſaid Petition, become uſeleſs and unneceſſary to the Public; and if the ſaid Committee ſhall report to the next, or any enſuing General Meeting, that the ſaid Road is become uſeleſs and unneceſſary to the Public, then it ſhall be lawful for the Truſtees, in the ſaid General Meeting aſſembled, to order that the ſaid Road ſhall be ſhut up: Provided always that Notice that ſuch Petition is to be preſented ſhall be given by Advertiſement at the Church Doors of the Pariſhes through which the ſaid Road paſſes for Two conſecutive *Sundays*, Fourteen Days at leaſt before the ſaid Petition ſhall be preſented to the General Meeting of Truſtees; and that the like Notice ſhall be given when the General Meeting of Truſtees is to decide upon the Queſtion: Provided alſo, that the Order for ſhutting up any Road ſhall be ſubject to Appeal in Manner hereinafter mentioned.

For Recovery and Application of Penalties.

CXI. 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 Witneſſes, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice or Juſtices, (all which Warrants ſuch Juſtice or Juſtices 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 and 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 Trustees, or to their Treasurer for the Time being, and shall be laid out and applied in the repairing of such of the 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 under his or their Hand and Seal, or Hands and Seals, to cause the respective Defaulters to be committed to the common Jail of the said County of *Dumfries*, or to the nearest Jail 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.

Allowing an Appeal to the Quarter Sessions.

CXII. Provided always, and be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order, Judgement, or Determination of any Justice or Justices of the Peace, or by any Thing done in pursuance of this Act, 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 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 Jail 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.

CXIII. 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

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.

CXIV. 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 or 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, or any Three or more of them, specially authorized to that Effect by a General Annual Meeting, it shall be lawful for the said Trustees 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 Assessments allowed by an Act of Car. 2. repealed.

CXV. And be it enacted, That so much of the Sixteenth Act of the Second Parliament of King *Charles* the Second, intituled *Act for repairing Highways and Bridges*, as authorizes a Stent or Assessment not exceeding Ten Shillings *Scots* upon each One 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.

How Assessments to be made for building of Bridges.

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

Expences of the Act.

CXVII. And be it further enacted, That the Expence of passing this Act, including all previous and preparatory Expences relative, shall be paid One Half by an Assessment on the County of *Dumfries*, to be levied with the Land Tax, and the other Half out of the first of the Tolls to be collected under or by virtue of this Act, or Money borrowed thereon.

Public Act.

CXVIII. 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.

CXIX. And be it further enacted, That this Act shall commence and take place upon the said Fifteenth Day of *July* One thousand eight hundred and nineteen, and shall have Continuance from thence in so far as relates to Turnpike Roads for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and, in so far as relates to other Matters, shall have Continuance in all Time coming.

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