ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 120.

An Act for better regulating the Statute Labour in the County of *Forfar*. [24th *May* 1810.]

WHEREAS an Act was made in the Twenty-ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing the Roads in the County of* Forfar, *and for regulating the Statute Labour within the ſame*: And whereas the Truſtees authorized to put in Execution ſo much of the ſaid Act as relates to regulating the Statute Labour within the ſaid County, have made great Progreſs therein, but find that further and other Powers are neceſſary: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Second *Monday* after the paſſing of this Act, ſo much of the ſaid Act as relates to regulating the Statute Labour within the ſaid County ſhall be and the ſame is hereby repealed; and that from thenceforth this Act, and all the Powers and Proviſion therein contained, ſhall commence and take Effect. 29 G. 3. c. 20. Act repealed.

II. Provided always, and be it further enacted, That in caſe there ſhall be any Arrears of the Aſſeſſment or Converſion Money authorized to be raiſed by the ſaid Act, due and owing on the Firſt Day of *July* One thouſand eight hundred and ten, it ſhall and may be lawful to and for the Truſtees acting under this Act, to levy, recover, and apply the ſame in like Recovery of Arrears.

like Manner as any Assessment or Conversion made under this Act, may be levied, recovered, and applied.

Divisions into Districts.

III. And be it enacted, That the said County be divided into Four Districts, as follows, viz. The First District, comprehending the Parishes of *Dundee*, *Strathmartin*, *Monikie*, *Auchterhouse*, *Liff* and *Benvie*, *Monifieth*, *Mains*, *Murroes*, *Tealing*, *Lundie*, *Kettins*, and *Foulis*, or such Parts of them as are in the County of *Forfar*, the Place of Meeting being *Dundee*: The Second District comprehending the Parishes of *Forfar*, *Kerriemuir*, *Inverarity*, *Glammiss*, *Kennettles*, *Cortachie* and *Clova*, *Dunichen*, *Rescobie*, *Lintrathen*, *Coupar*, *Airley*, *Kingoldrum*, *Eassi* and *Navy*, *Ruthven*, *Glenisla*, *Newtyle*, or such Parts of them as are in the County of *Forfar*, the Place of Meeting being *Forfar*: The Third District comprehending the Parishes of *Brechin*, *Montrose*, *Marytown*, *Farnwell* and *Kinnaird*, *Fearn*, *Menmuir*, *Lethnot*, *Strackathro*, *Edzell*, *Lochlee*, *Dun*, *Caroldston*, *Craig*, *Logie* and *Pert*, *Oathlaw*, *Aberlemno*, *Tannadice*, the Place of Meeting being *Brechin*: The Fourth District comprehending the Parishes of *Arbroath*, *Carmylie*, *Barrie*, *Lunan*, *Panbride*, *Kirkden*, *Guthrie*, *Saint Vigeans*, *Kinnel*, *Inverkeiller*, *Arberlot*, the Place of Meeting being *Arbroath*.

Districts may be altered.

IV. Provided always, That the foregoing Division of the County into Districts and Places of Meeting shall be subject to any future Alteration by any General Meeting of the Trustees under this Act; provided always, that Notice of any intended Proposition for such Alteration of the Districts, or Places of Meeting, at any Annual Meeting, shall be delivered in Writing to their Clerk, and advertised by him in a County Newspaper, if there be such at the Time, and in Two or more of the *Edinburgh* Newspapers, once every Week, for Three Weeks before such Annual Meeting.

Qualification of Trustees.

V. And be it further enacted, That every Person who is at present, or hereafter shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor or Life-renter of the full Property or *Dominium utile* of Lands in the County of *Forfar*, valued in the Cess Books of the said County to the Extent of One hundred Pounds *Scots*; and all and every the eldest Sons of such Persons, and One Guardian or Trustee of Minors possessed of Lands to that Extent, and all Persons in the Commission of the Peace of the said County who shall have qualified accordingly, the Provost and the Two eldest Baillies in each of the Five Royal Burghs within the County for the Time being, and the Sheriff Depute, and Sheriff Substitute of the said County for the Time being, shall be, and they are hereby nominated and appointed Trustees for the surveying, ordering, repairing, and keeping in Repair, the Roads and Highways, and for building New Bridges where the same shall be found necessary in the said County: Provided always, that every Trustee qualified to act as being a Proprietor or Life-renter of Lands within the said County, shall and may execute the Powers hereby granted in any of the Districts herein-before described, wherein his principal Residence shall be, although such Trustee shall not be possessed of any Lands or Heritages within such District.

Penalty on acting if not qualified.

VI. And be it enacted, That if any Person, not qualified or described as aforesaid, shall nevertheless presume to act as a Trustee, contrary to the true Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence

Offence forfeit the Sum of Fifty Pounds Sterling, to be recovered at the Suit of any Heritor in the ſaid County, and applied by the ſaid Truſtees for the Purpoſes of this Act, as to them ſhall ſeem fit.

Aſſeſſments to be made on Occupiers of Lands, &c.

VII. And be it enacted, That from and after the Firſt Day of *July* One thouſand eight hundred and ten, all Occupiers of Lands, whether Proprietors or Tenants ſhall be liable to pay yearly an Aſſeſſment or Converſion Money in lieu of Statute Labour for the Lands occupied by them reſpectively according as the ſaid Lands ſtand valued in the Ceſs Books of the County, at a Rate not exceeding the Sum of Two Pound Eight Shillings Sterling, for each One hundred Pounds *Scots* of ſuch valued Rent: Provided always, that if the Majority of Truſtees of any particular Diſtrict or Diſtricts within the County, at a regular Meeting or Meetings held, and previouſly intimated for the Purpoſe, ſhall deſire the *Maximum* to be raiſed to Three Pounds Sterling for each One hundred Pounds *Scots* of valued Rent, either for the whole Diſtrict, or any particular Pariſh or Pariſhes therein, the Truſtees of ſuch Diſtrict or Diſtricts may apply to the annual General Meeting of the County; and in that Caſe ſuch annual General Meeting ſhall have Power, and is hereby authorized to aſſeſs the Diſtrict or Diſtricts ſo applying, or any particular Pariſh or Pariſhes therein, in any Sum, not exceeding Three Pounds Sterling for and upon each One hundred Pounds *Scots* of valued Rent; and that for any Year in which the Application is made, and for any Year or Years thereafter, when ſimilar Applications are repeated: Provided always, that in the Caſe of a partial Aſſeſſment upon any particular Pariſh or Pariſhes, a Majority in Number of Heritors qualified to act as Truſtees in ſuch Pariſh or Pariſhes, ſhall concur in the Application for increaſing the Rate of Aſſeſſment as aforeſaid; and all Occupiers of Burgh Roods, or Lands lying in the Territory of Royal Burghs, whether Proprietors or Tenants, ſhall pay, as an Aſſeſſment or Converſion for Statute Labour, a Sum not exceeding Sixpence Sterling *per Annum* for each One Pound Sterling of yearly Real Rent, payable for Burgh Land ſo occupied by them, which ſhall be diminiſhed in the ſame Proportion that the aforeſaid Aſſeſſment or Converſion of Lands in the Pariſh ſhall be diminiſhed as herein-after mentioned, below the Two Pounds Eight Shillings Sterling for each One hundred Pounds *Scots* of valued Rent: And where any Perſon or Perſons occupy any profitable Land, on which a Horſe or Horſes, Ox or Oxen, are employed or uſed for its working or Improvement, which Lands are not valued in the Ceſs Books of the County, the ſaid Perſon or Perſons ſhall pay, as an Aſſeſſment or Converſion Money for Statute Labour, a Sum not exceeding Three Shillings Sterling for each Horſe, and not exceeding One Shilling and Sixpence Sterling for each Ox; all thoſe keeping Coaches or Chaiſes for private Uſe, or to be let for Hire, ſhall pay yearly, as an Aſſeſſment or Converſion Money for Statute Labour, Twelve Shillings Sterling for each Coach or Chaiſe having Four Wheels; and Six Shillings Sterling for each Chaiſe, Chair, or Gig having Two Wheels whether for private Uſe or for Hire; and all Innkeepers, Carters, Carriers, and other Perſons keeping Horſes for Hire, or for carrying Goods in their Carts for Hire, ſhall pay, as an Aſſeſſment or Converſion Money for Statute Labour, for ſuch Horſes, a Sum not exceeding Four Shillings and Sixpence Sterling yearly for each Horſe ſo kept for Hire: And all Houſeholders or Inhabitants of Royal Burghs and Villages, that now are or hereafter may be erected; and the Occupier

or Occupiers of any Houſe within the ſaid County, not having any cultivated or profitable Lands, except a Garden annexed thereto, ſhall, in place of their Statute Labour, pay yearly an Aſſeſſment or Converſion Money not exceeding One Shilling Sterling for every Dwelling Houſe occupied by them, whereof the yearly Rent is One Pound Ten Shillings and under Three Pounds Sterling; an Aſſeſſment or Converſion not exceeding One Shilling and Sixpence Sterling for every Dwelling Houſe occupied by them whereof the yearly Rent is Three Pounds, and under Five Pounds Sterling; and for every Dwelling Houſe occupied by them, whereof the yearly Rent is Five Pounds or upwards, Two and a Half *per Centum per Annum* for and upon the Amount of yearly Rent; and all Perſons who keep Carriage or Saddle Horſes ſhall pay yearly an Aſſeſſment not exceeding Six Shillings Sterling for each Horſe (excluſive of the above Rate for Coaches, Chaiſes, Chairs, or Gigs let for Hire); which ſaid Aſſeſſments or Converſions ſhall be diminiſhed in the ſame Proportion that the aforeſaid Aſſeſſment of Two Pounds Eight Shillings Sterling on each One hundred Pounds *Scots* of valued Rent ſhall be diminiſhed in each Pariſh as herein-after mentioned; declaring that all the aforeſaid Aſſeſſments ſhall be made and payable in each Year, during the Exiſtence of this Act.

Exception of Clergymen and School Maſters.

VIII. Provided always, That Clergymen and School-maſters ſhall not pay any Aſſeſſment or Converſion for their Manſes, Glebes, or Pariſh School Houſes, and Lands thereunto belonging, unleſs they ſhall be Occupiers of other Lands as Tenants or Proprietors, in which Caſe they are to pay for ſuch other Lands ſo occupied by them according to the Rate of the Claſs to which they belong.

Of indigent Perſons.

IX. Provided alſo, That it ſhall be in the Power of the ſaid Truſtees at their Diſtrict Meeting (herein-after mentioned) to exempt from Payment of Aſſeſſment, or Converſion for Statute Labour, ſuch Perſons as to them ſhall appear to be in indigent Circumſtances.

When a *cumulo* Valuation, Proprietors and their Factors to make up States.

X. And be it further enacted, That in all Caſes where any Lands rated at a *cumulo* Valuation in the Books of the ſaid County, are occupied by Diviſion, or in ſeparate Poſſeſſions, the Proprietors of ſuch Lands, or their Factors, ſhall and are hereby required to make up and deliver to the Clerk of the General Meeting upon the Firſt *Tueſday* after the Twenty-ninth Day of *September* One thouſand eight hundred and ten, as herein-after mentioned or in Ten Days thereafter, a true State or Account of the Valuation of ſuch reſpective Lands as they ſtand valued in the Ceſs Book of the County, with the Names of the Tenants who occupy the ſame, and of the Pariſhes wherein they are ſituated, and the Proportion of valued Rent falling upon each Farm ſuitable to the yearly Rent of the ſame; and ſuch Proprietors ſhall in ſuch Statement or Account, calculate and aſſeſs upon the ſeveral Farms according to the fair and actual Value that ſuch Farms would let for where the Tenants ſhall occupy Lands under Leaſes above Seven Years ſtanding; and in all Leaſes granted within Seven Years from the Time of Calculation, the Aſſeſſment ſhall be made according to the Tack Duty; and in caſe any Proprietor ſhall fail to give in ſuch State or Account, it ſhall be in the Power of any Seven or more of the ſaid Truſtees in General Meeting aſſembled, or any Perſon or Perſons authoriſed by them, to compel ſuch

In Default, may be compelled to pay for all the Lands ſo valued *in cumulo*.

Proprietor

Proprietor or Proprietors to pay for the whole of such Lands so valued *in cumulo*, according to the valued Rent thereof in the Valuation Books of the said County, and to cause the same to be levied in the Manner and for the Purpose herein-after mentioned; and in case any Tenant shall think such State of Valuation given in by the Proprietor unequal, it shall be lawful for such Tenant to complain to the next or any subsequent General Meeting of Trustees herein-after mentioned, whose Determination thereon shall be final; and the Proprietors may recover, in Manner herein-after mentioned, from their Tenants, the Sums they may be obliged to pay for them respectively.

Tenants may complain of such States.

Proprietors may have Relief.

XI. And, for ascertaining the Conversion payable by the Occupiers of Burgh Roods and Houses in Royal Burghs and Villages, and by other Householders as above-mentioned, be it further enacted, That any Seven or more of the said Trustees at their First General Meeting, as herein-after mentioned, or at any adjourned General Meeting, of the said Trustees, and yearly thereafter, shall, and they are hereby authorised and required to nominate and appoint Two or more Assessors for each Borough, Village, District or Parish within the said County, who, within the Space of One Calendar Month after their Appointment, shall yearly return upon Oath (to be administered by a Justice of the Peace, or a Magistrate of any of the Royal Boroughs) to the Clerk of the General Meeting, as herein-after mentioned, an exact List of the Occupiers of the said Burgh Roods and Houses, and the Rents of the said Burgh Roods and Houses, where the same are in Tenantry, or to the best of their Judgement the annual Value of such Burgh Roods and Houses where they are in the natural Possession of the Proprietor, or where the Rent paid by the Tenant cannot be ascertained; and the said Assessors shall and are hereby required and impowered to make up full and distinct annual Lists of all Coaches, Chaises, Chairs, or Gigs, let for Hire, and of all the Carriage and Saddle Horses, or Horses kept for Hire within each Parish, and of all Horses or Oxen kept for the Tillage of Lands not valued in the Cess Book of the County; specifying the different Classes to which such Horses belong; which Lists and Accounts, when so made up, shall be delivered to the said Trustees at their District Meeting, or to their Clerk herein-after mentioned; and the said Assessors are hereby required, and shall be obliged to act and perform their Duty faithfully, according to the Intent and Meaning of this Act, under the Penalty of Five Pounds Sterling for every Offence, to be levied and applied as herein-after mentioned: But no Person shall be obliged to hold the Office of Assessor for more than Two Years successively, nor shall again be obliged to accept of the said Office during the Space of Six Years thereafter: and the said Trustees are hereby impowered to allow the said Assessor such Sum as to them shall appear reasonable, for making up such Lists and Accounts.

Mode of assessing Burgh Roods, Burghs, Villages, &c.

Assessors.

To return on Oath a List of Occupiers of Burgh Roods and Houses; of Rents of Burgh Roods, &c.

Return also Lists of Carriage and Saddle Horses.

Assessors obliged to act.

Proviso.

XII. And be it further enacted, That the whole Sums arising from the aforesaid Assessments and Conversions shall be paid on or before the First Day of *July* yearly, to the Collectors to be appointed by the said Trustees as herein-after specified, and for which Receipts are to be given *gratis*, in case the same are demanded.

Assessment payable yearly.

Time and Place of General Meetings and Order of Proceeding, &c.

XIII. And be it enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall, in order to carry this Act into Execution, meet at *Forfar* upon the Second *Monday* after the paſſing of this Act, and ſhall afterwards meet at the ſame Place upon the Firſt *Tueſday* after the Twenty-ninth Day of *September* One thouſand eight hundred and ten, and thereafter yearly upon the ſame Day and at the ſame Place that the Commiſſioners of Supply ſhall be directed by the Land-tax Act of the Year then current to aſſemble; and upon the Firſt *Tueſday* after the Twenty-ninth Day of *September* yearly; and the ſaid Truſtees ſhall at the ſaid General Meetings have Power to adjourn from Time to Time as they ſee Cauſe, and to name a Præſes or Chairman of their Meeting, and a Clerk during Pleaſure, who ſhall attend the Meetings of the ſaid Truſtees, and ſhall enter their whole Proceedings regularly in a Book to be kept for that Purpoſe, and likewiſe ſhall, as often as required by any Perſon or Perſons having an Intereſt in the ſame, make and give out Copies or Extracts of the Orders or Proceedings of the Truſtees within Three Days after ſuch Requiſition (at ſuch certain moderate Fees for the ſame as ſhall be fixed by the ſaid Truſtees in a General Meeting aſſembled) and ſuch Copies or Extracts ſhall contain the Warrant for putting theſe Orders into Execution: Provided always, that no Order or Determination of the ſaid Truſtees, which ſhall have been made at any Annual General Meeting ſhall be annulled, varied or altered, but at ſome ſubſequent Annual General Meeting, nor unleſs Notice thereof ſhall have been given by Advertiſement to be Twice publiſhed in one of the *Edinburgh* Newſpapers, Thirty Days before ſuch ſubſequent Meeting.

Truſtees may call for Extracts of the Valuation of each Pariſh, &c.

XIV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at their ſaid Firſt General Meeting, or any Adjourned Meeting thereof, ſhall proceed to concert and give proper Inſtructions for carrying this Act into Execution; at which Meeting, or any Adjourned Meeting thereof, or at any General or Adjourned Meeting thereafter, they are alſo hereby empowered to call for Extracts from the Books of the Clerk of Supply of the Valuation of each Pariſh in the County, which Extracts the ſaid Clerk is hereby ordered to make out and give in to the Meeting *gratis*; and the ſaid Truſtees, or any Seven or more of them, ſhall at their ſubſequent annual General Meetings, or Adjourned Meetings thereof, fix the Rate of Aſſeſſment or Converſion Money for Statute Labour, to be levied in each Pariſh or Diſtrict for the then current Year, according to the Method herein-after mentioned, and ſhall alſo take into Conſideration and examine ſuch Alterations of Diviſions of *cumulo* Valuations as ſhall be from Time to Time propoſed to them by the Proprietors in conſequence of Alterations in Farms, or otherwiſe, and ſhall decide thereupon; and they ſhall hear and judge finally of all Complaints againſt Returns made by Aſſeſſors, and alſo of all Complaints made by Tenants and others for unequal Diviſions of *cumulo* Valuations; and at the ſaid Firſt General Meeting, or Adjourned Meeting thereof, and at the ſaid General Annual Meetings, or Adjourned Meetings thereof, the ſaid Truſtees, or any Seven or more of them, ſhall alſo appoint early and convenient Times for the Firſt Meeting in each Year of the Truſtees, within the reſpective Diſtricts before mentioned.

XV. And

XV. And be it enacted, That the Truſtees, at ſuch Diſtrict Meetings aſſembled, ſhall have Power afterwards to adjourn as they ſee Cauſe. And may adjourn.

XVI. And be it further enacted, That in the Caſe of any Complaint being made, that in the Diviſion of a *cumulo* Valuation an adequate Value had not been put upon Lands in the natural Poſſeſſion of the Proprietor, the ſaid Truſtees, or any Seven or more of them at a General Meeting aſſembled, are hereby empowered and required to appoint Three or more neutral Perſons ſkilled in the Value of Land for aſcertaining the ſame, who ſhall make their Report, within a Time to be limited by the Meeting, to the beſt of their Judgement, upon Oath; and the ſaid Truſtees ſhall decide accordingly; and the ſaid Valuation ſhall continue to be the Rule for aſcertaining the Proportion of valued Rent falling upon the ſaid Lands, as long as they are in the natural Poſſeſſion of the Proprietor, and no Alteration made in the Rents of the other Lands included in the ſame *cumulo* Valuation. In caſe of Complaint againſt a *cumulo* Valuation, neutral Perſons to aſcertain the Value.

XVII. And be it enacted, That the Truſtees, or any Three or more of them in the ſaid Diſtricts, at their Firſt Meeting, or any Adjourned Meeting, ſhall be empowered to name a Præſes or Chairman of their Meeting, and a Clerk during Pleaſure; and that they ſhall ſuperintend and have the Direction and Cognizance of the ſeveral Roads and Bridges within their reſpective Diſtricts; and ſhall have Power to appoint the Order in which the ſame ſhall be made and repaired, and to appropriate the Monies and Services to be exacted and raiſed by virtue of this Act from each Diſtrict, but in ſuch a Manner that the Money or Services exacted from each Pariſh ſhall be laid out upon the Roads of that Pariſh only, unleſs Two Thirds of the Truſtees having Property in any Pariſh ſhall agree that the Whole or any Part of ſuch Monies or Services ſhould be applied to other Roads; and provided that the Money or Services aſſeſſed upon or exacted in Country Pariſhes ſhall be wholly expended or applied on Roads not Turnpike, excepting the Money levied in Burgh and upon Burgh Roods, which may be laid out as herein-after provided, and alſo excepting the Share of each Pariſh in the Expence of Clerks, Collectors and Surveyors, Overſeers and other Officers, which Proportion ſhall be regulated by the Diſtrict Meetings; and the ſaid Truſtees, at the ſaid Diſtrict Meetings, are hereby empowered to appoint Surveyors and Overſeers for the Repair of the Roads within their reſpective Diſtricts, and to allow them ſuitable Salaries, and to remove or diſmiſs them, and appoint others, as they ſhall find neceſſary, and the ſaid Surveyors and Overſeers may, by a Juſtice of the Peace of the Bounds, be made Conſtables, for the ſpecial Purpoſe of acting as Conſtables in the Buſineſs of the Highways and Roads, and for that Purpoſe only. Diſtrict Meeting.

XVIII. Provided always, That with reſpect to the Money to be levied by virtue of this Act in Burghs, and upon Burgh Roods, it ſhall be in the Power of the Diſtrict Meetings to which the ſaid Burghs reſpectively belong, to allocate and lay out, whenever they ſhall judge it expedient, a Sum not exceeding One Half of the Money raiſed by Aſſeſſment within ſuch Royal Burgh, upon any of the Turnpike Roads in their reſpective Diſtricts, within Three Miles of the Burgh in which the Money is levied, even although ſuch Roads are not within the Pariſh in which ſuch Burgh One Half of the Money raiſed in Burghs may be laid out on Roads within Three Miles of the Burgh.

is ſituated; and the other Half on any other Roads within the Diſtrict, not exceeding that Diſtance from the Burgh although not within the Pariſh, if there be not Roads within the Pariſh which may require it; provided ſuch Allocation is approved of by the annual General Meeting of the County in *April*, or the General Meeting upon the Day of the *Michaelmas* Head Court.

Appointment of Collectors.

XIX. And be it enacted, That the ſaid Truſtees, in Diſtrict Meeting aſſembled, ſhall have Power to appoint a Collector in each Burgh, or in every Pariſh of their reſpective Diſtrict, and to allow him a ſuitable Salary, and to diſmiſs any of the ſaid Collectors, and appoint others as they ſhall find neceſſary.

Truſtees required to take Security from Officers.

XX. And be it enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall, and they are hereby required to take ſuch Securities from the Receiver or Receivers, Collector or Collectors, or other Perſons appointed to Offices of Truſt, for the due Execution of their Offices, as to the ſaid Truſtees, or to any Seven or more of them, ſhall ſeem meet; and, in caſe of Neglect or Failure ſo to do, the Truſtees appointing any ſuch Officer or Officers, without taking Securities, ſhall be perſonally reſponſible and liable in the Payment of all Loſs, Damages and Expences that ſhall or may happen by or through his or their Default or Inſolvency.

Diſtrict Meeting to prepare State and Eſtimate, &c. for General Meeting;

XXI. And be it further enacted, That the ſaid Truſtees in each Diſtrict ſhall hold a Meeting annually, ſome Time before the General Meeting appointed to be held on the ſame Day that the Commiſſioners of Supply ſhall be directed by the Land Tax Act of the Year then current to aſſemble, and ſhall make up a particular State of the Roads and Bridges within their reſpective Diſtricts, and Eſtimates of the Sums neceſſary for the Repair of them for the then current Year, and they ſhall likewiſe make out an Account of the Application of the Aſſeſſment, Compoſition Money, and Services of the preceding Year; which State, Eſtimate, and Account ſhall be laid before the General Meeting, and engroſſed in the Book of their

who are to fix the Rate of Aſſeſſment, &c. accordingly.

Proceedings; and according to the ſaid State and Eſtimate, if it be approved of by them, the ſaid General Meeting ſhall fix the Rate of Aſſeſſment and Proportion of Compoſition Money correſponding thereto, to be levied in each Diſtrict, and in each Pariſh in that Diſtrict for the then current Year; and if the Truſtees of any Diſtrict neglect or omit to prepare ſuch State and Eſtimate, and to lay it before the ſaid General Meeting, then the

In caſe of Neglect of Diſtrict Meeting, to be aſſeſſed the *Maximum*.

Truſtees in ſaid General Meeting aſſembled are hereby empowered and required to aſſeſs the ſaid Diſtrict in the *Maximum* Aſſeſſment, and to levy the higheſt Proportion of Compoſition Money for the then current Year; and to appoint a Committee of their own Number to apply the Money to the Repairs of the ſaid Roads and Bridges within the reſpective Pariſhes where it is levied: And further, in caſe of ſuch Neglect, Omiſſion, or Failure, the Clerk of the General Meeting ſhall, and he is hereby required, to apply to the Sheriff Depute, or his Subſtitute, of the County, who ſhall grant Warrant for ſummoning the Clerk of the Diſtrict ſo failing, or other Perſon or Perſons to whom the ſaid Failure or Neglect is imputed, and, on Proof thereof, ſhall fine him and them in a Sum not exceeding Ten Pounds Sterling, to be paid to the ſaid Truſtees, and to be applied by them to the Repair of the ſaid Roads; and the Proſecutor ſhall Yearly report to the firſt adjourned General Meeting after the Thirtieth Day of *April* the Iſſue of ſuch Proſecutions.

XXII. Provided

XXII. Provided always, That if the Truſtees in any Pariſh within ſuch Diſtrict or Diſtricts ſo failing ſhall prepare ſuch State, Eſtimate, and Account for that Pariſh, and lay it before the ſaid General Meeting, in that Caſe the ſaid Pariſh ſhall be aſſeſſed according to ſuch State and Eſtimate if it be approved by the General Meeting; and the ſaid Pariſh ſhall not be ſubjected to the Payment of the *Maximum* Aſſeſſment on account of the Neglect of the Diſtrict Meeting.

Pariſhes producing States not to be liable to the *Maximum* Aſſeſſment.

XXIII. And be it further enacted, That if any Truſtee preſent, or other Perſon having Intereſt, ſhall object to the State and Eſtimate for the then current Year given in to the ſaid General Meeting by any Diſtrict or Pariſh, as being falſe or unjuſt in any Reſpect, the ſaid General Meeting ſhall appoint a Committee of Two or more of their own Number to inſpect the ſame, and to report the true State to them at their next General Meeting or adjourned General Meeting, when they are required to decide finally thereupon; but before ſuch Deciſion the ſaid General Meeting is hereby empowered to proceed, if they think fit, upon the ſaid State and Eſtimate delivered to them as a true and juſt one.

In caſe of Complaint againſt State, &c. given by Diſtrict, the General Meeting are to name a Committee to enquire, &c.

XXIV. And be it further enacted, That if any Diſtrict ſhall neglect or omit to lay before the ſaid General Meeting an Account of the Application of the Aſſeſſment and Compoſition Money of the preceding Year within that Diſtrict, in that Caſe the ſaid General Meeting are hereby impowered and required to appoint a Committee of their own Number to inquire into the Cauſe of the ſaid Neglect, and to report to them at their next General Meeting or adjourned General Meeting; and if it ſhall appear that the Truſtees of the ſaid Diſtrict have neglected to meet or to levy the Aſſeſſment for the preceding Year, or ſhall have neglected to lay out ſaid Money upon the Repairs of the Roads and Bridges after having levied it, in that Caſe the ſaid General Meeting are hereby impowered and required to appoint a Collector or Collectors, and to levy the ſaid Aſſeſſment and Compoſition Money, and likewiſe to name a Committee of Three or more of their own Number, who ſhall be veſted with all the Powers given by this Act to the Diſtrict Meetings for the Application of ſaid Aſſeſſment or Compoſition Money, towards the Repairs of the Roads and Bridges within the reſpective Pariſhes where it is levied.

In caſe of Neglect of Diſtrict Meeting to levy or apply Aſſeſſment, General Meeting to appoint Committee with Powers, &c.
In caſe of Neglect of Diſtrict Meeting, to be aſſeſſed the *Maximum*.

XXV. And be it further enacted, That in caſe at any General Meeting, or adjourned General Meeting, or at any Diſtrict Meeting or adjourned Diſtrict Meeting, a ſufficient Number of Truſtees to make a Quorum ſhall not attend, it ſhall be lawful for any One or more Truſtees preſent to adjourn the Meeting to ſome future Day; and in caſe no Truſtee ſhall have attended, the Clerk to the ſaid Truſtees, by Advertiſement in the County Newſpaper, if there be ſuch at the Time, and in Two or more of the *Edinburgh* Newſpapers, at leaſt Ten Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Place where the Meeting of the ſaid Truſtees was appointed to be held, or at ſome other convenient Place on that Day Three Weeks on which ſuch laſt Meeting of the ſaid Truſtees was appointed to be held.

Adjourning and calling of Meetings.

XXVI. And be it further enacted, That the whole Proceedings of the Truſtees in the Diſtrict Meetings ſhall always be ſubject to the Direction and Controul of the General Meetings; and in caſe the Diſtrict Meetings do

Diviſion Meeting ſubject to General Meeting.

do not comply with the Orders of the General Meetings, it shall be in the Power of the said General Meetings to appoint a Committee of Two or more of their own Members to carry said Orders into Execution.

Trustees to defray their own Expences.

XXVII. And be it further enacted, That the said Trustees, at all their General or District Meetings, shall pay and defray their own Expences.

Deficients to be pointed.

XXVIII. And be it further enacted, That if any Person, liable to pay the said Assessment or Conversion for Statute Labour, shall refuse to pay the same to the Collector, on or before the First Day of *July* above specified, for Payment thereof, it shall then be lawful for the Sheriff Depute, or his Substitute, or for Two or more Justices of the Peace for the said County, to grant a Warrant for pointing the Effects of the Deficient, in a summary Manner, to appraise them on the Spot where found, and afterwards to sell the same by Auction for Payment of the Assessment or Conversion that shall be due, together with the full Charges attending the Recovery thereof; and the Overplus (if any be) shall be paid, when demanded, to the Person whose Effects shall have been so pointed: Which Warrants are to be so granted by the Sheriff Depute or Substitute, or Justices aforesaid, upon an Application made to them, or any of them, and an Attestation, subscribed by any of the Collectors, certifying that the Persons complained of have been deficient in paying the Assessments or Conversions above-mentioned, and expressing therein the Arrear of each Person; and the same summary Recourse shall be competent to Proprietors of Land, who may be obliged to pay the Assessment or Conversion for their Tenants, in case the Tenant shall not repay his Landlord within Ten Days after he shall be required by him so to do: Provided always, that it shall and may be lawful to and for the said Trustees at any District Meeting, to direct Intimation to be given from the Precentor's Desk in the Parish Churches situate within the District, at any Time subsequent to the First Day of *July* in each Year, to the Deficients; and every Person liable as aforesaid who shall neglect or refuse to pay the said Assessment or Conversion within Fourteen Days after such Intimation, shall be liable to pay over and besides their Assessment a Sum equal to One Half thereof, to be levied and recovered as herein-before mentioned, the Expences of which Recovery shall be defrayed by such Deficients.

Same competent to Proprietors against their Tenants.

Collectors making a false Accusation, liable in Damages;

XXIX. Provided always, That the Sheriff Depute, or his Substitute, or the Justices of the Peace for the said County, or any Two or more of them, shall award any Sum not exceeding the Amount of Triple Damages sustained by any Person or Persons aggrieved by the Execution of a Warrant granted as above; which Damages are to be paid by the Collector upon whose Attestation such Warrant shall have been granted, in case it shall appear to the said Sheriff Depute, or his Substitute, or the said Justices of Peace, that the said Collector has made a false Accusation against any Person liable as aforesaid; which Damages shall be wholly payable to the Parties aggrieved, and shall be levied as above directed with respect to pointing the Effects of Deficients: And in case any of the Collectors shall fail or omit to exact the aforesaid Assessments or Conversions, every such Collector shall be liable, by a Sentence of the Sheriff Depute or his Substitute, or any Two or more of the said Justices of Peace, to pay the Assessment or Conversion Money so failed or omitted to be exacted by him.

and to pay Sums omitted to be collected by them.

XXX. Provided

XXX. Provided always, That no Objections to the prepared States and Estimates of Expences of Highways, Bridges and Ferries, nor any Complaint or Appeal that may be made respecting the Assessments or Conversions, or other Matters hereby directed, shall stop the Payment of the several Assessments or Conversions; but the Parties who may think themselves aggrieved, shall nevertheless be at Liberty to bring an Action for Redress in Manner herein-after mentioned.

Objections, Appeal, &c. not to stop Payment

Reserving Action for Redress.

XXXI. And be it further enacted, That it shall and may be lawful for any District Meeting of Trustees, with the Consent and Approbation of the Proprietors of Two-thirds in Value of the Lands in any Parish or Parishes within such District, upon Six Weeks Intimation being given from the Precentor's Desk, to borrow, upon the Credit of the Conversion levied in such Parish, such a Sum of Money to be employed on the Roads and Bridges in that Parish, and not otherwise, as they may find to be expedient, and to assign over the Conversion Money thereof as a Security for Repayment of the Sums to be borrowed with the lawful Interest thereof; provided that the whole Sums due at any Time in any one Parish shall not exceed such a Sum as may be repaid with Interest within the Space of Ten Years, and that no more than One Half 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 Clerks in their Sederunt Books; Provided, that previous to borrowing for any particular Road where such Power is to be exercised, the whole Roads in that Parish shall be surveyed by a professional Land Surveyor, and Report made by him to the District Meeting of the present State of the Roads, what Roads may be shut up as useless, what Improvements may be made in the Lines of Direction of other Roads, or what new Roads may be necessary for the Service and Convenience of the Country, upon which Report the District Meeting may judge; and if it shall appear proper to the Trustees assembled, they may allocate such a Proportion of the Parochial Commutation Money for each Road, made or to be made, within the Parish, as they shall consider right; and they shall further have Power so to limit the Sum to be borrowed for any of these Roads, as that it shall not exceed One Half of what may be repayable with Interest within Ten Years from the annual Sum allocated by the District Meeting, to be employed in making or repairing the particular Road or Roads for which the Money is to be borrowed; and that such Sums are not to be borrowed until the District Meeting have reported to, and received the Sanction of a General Meeting: Provided also, that the Trustee or Trustees applying to such District Meeting for Liberty to raise such Money, shall, previous to the borrowing of such Money, advance and pay to any Person appointed by the District Meeting, a Sum equal in Amount to the Sum proposed to be borrowed as aforesaid, to be laid out under the Direction of the said Trustees on the Road or Roads for which the Application may be made: Provided also, that such Person or Persons, Trustee or Trustees shall be afterwards bound to keep such Road or Roads in good Repair until the Debt is paid off: Provided also, that 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

Trustees may borrow Money on Credit of Conversion.

have been paid off, or unleſs the Perſon or Perſons to whom the Money is owing ſhall conſent thereto.

Truſtees may call out Statute Labour, &c.

XXXII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at their Firſt Annual General Meeting in every Year, or at any Adjourned Meeting thereof, ſhall have Power, if they think fit, upon the Repreſentation of any Diſtrict Meeting of Truſtees, to order the Whole, or any Part of the Statute Services of any Pariſh or Pariſhes, at preſent or formerly exigible by Law, to be performed upon the Roads of ſuch Pariſh or Pariſhes, for the then current Year, according to the Practice and Forms of the Laws now or formerly exiſting for that Purpoſe, and under the ſame Penalties in caſe of Failure; in which Caſe, and upon the Perſons ſo required performing Labour accordingly, or paying ſaid Penalties, they ſhall be freed and exempted from the Payment of any Aſſeſſment or Compoſition for that Year, in Whole or in Part, according as they ſhall have been called out to perform the Whole or a Part of the Labour now or formerly exigible by Law; Certificates whereof ſhall be granted them if they require it.

Truſtees to make Roads, &c.

XXXIII. And be it further enacted, That the ſaid Truſtees, in their General or Diſtrict Meeting, or a Quorum of them, which is hereby declared to be Seven at a General Meeting, and Three at a Diſtrict Meeting, ſhall, and they are hereby authoriſed to cauſe the Highways or Roads, Bridges and Ferries, within the ſaid County, to be amended, widened, and repaired, in ſuch Manner as they ſhall think proper; and to ſettle the Direction of any of the ſaid Roads; and to make, or cauſe to be made, Cauſeways; and to cut and make Drains, Ditches, or Trenches, through any Grounds lying contiguous to the ſaid Roads; and to make Paſſage for the Water, where it ſhall be found neceſſary, from ſuch Ditches or Trenches, through the Ground of any adjacent Proprietor; and alſo to keep clear ſuch Drains, Ditches, Paſſages, or Outlets; and the Workmen, authoriſed by them, may go upon the ſaid Lands for that Purpoſe; provided always, that reaſonable Satisfacton be made to the Owner or Occupier of ſuch Lands for the Damage to be done thereby: And if the ſaid Owner or Occupier ſhall not be ſatisfied with the Allowance offered by the ſaid Truſtees, he ſhall be at Liberty to apply to the Quarter Seſſions, who ſhall have Power finally to ſettle the ſame.

Truſtees to erect Arches and Bridges; or pull down old ones.

May widen Roads, not exceeding Forty Feet, or alter Roads, and pull down Houſes.

XXXIV. And be it further enacted, That the ſaid Truſtees, in their General or Diſtrict Meeting, or a Quorum of them, ſhall and are hereby authoriſed and empowered to cauſe new Arches and Bridges, of Stone, Brick or Timber, to be made and erected upon the ſaid Roads: And any old Bridges which may become uſeleſs or unneceſſary, by changing the Courſe of the Roads, or otherwiſe, to be pulled down, and the Materials thereof to be ſold or applied in building new Arches, or for repairing the ſaid Highways or Roads, as they ſhall ſee proper: And alſo to cauſe ſuch Parts of the ſaid Roads as are not of a ſufficient Breadth to be widened, and made of ſuch Breadth as they ſhall think proper, not exceeding Forty Feet, free of Ditches: And alſo to cauſe the Courſe of ſuch Part or Parts of the ſaid Roads, as they ſhall think proper, to be changed or altered, for ſhortening the ſame, or for making them more acceſſible; and to carry the ſame through and over ſuch Grounds and Fences as to the ſaid Truſtees, may appear moſt proper, acceſſible, and convenient; and along

or

or through any Bye or other Roads, which may be more convenient than the old Courſe of any of the ſaid Roads; in which caſe the ſaid Bye Road, as far as it is joined by any of the ſaid Roads, ſhall be conſidered as Part of them; and for theſe Purpoſes, if neceſſary, to cauſe remove Fences, or pull down any Houſes, the Side-walls of which are not more than Twelve Feet high, upon giving the Occupiers of ſaid Houſes legal Intimation of Removal: And the Road ſo altered ſhall, from thenceforth, be deemed and taken to be a Publick Highway; and ſhall be repaired and amended, and kept in Repair, in the ſame Manner as the ſaid Highways directed to be repaired by this preſent Act.

Roads of Communication may be made.

XXXV. And be it further enacted, That in caſe, by altering the Courſe of any of the ſaid Roads, it ſhall become neceſſary to have Roads of Communication, for Perſons reſiding on or near the Old Roads, to the new Roads, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to make ſuch Roads of Communication in like Manner through and over ſuch Grounds and Fences, as to them may appear moſt proper for the Purpoſe.

Roads through unincloſed Grounds may be widened without Recompence.

XXXVI. And be it enacted, That where any Road in the ſaid County of *Forfar* runs through unincloſed Ground, or Ground which is incloſed on one Side of the Road only, it ſhall and may be lawful to the ſaid Truſtees, at any Meeting of the reſpective Diſtricts, to cauſe the ſame to be widened to the Breadth of Thirty Feet, (and without Prejudice to their widening the ſame to Forty Feet, if neceſſary, upon Payment of the Ground taken more than the ſaid Thirty Feet); and where ſuch widening ſhall be of a Road running through Ground incloſed on one Side, the additional Breadth ſhall be taken off the unincloſed Ground; and the Proprietor of the incloſed Ground ſhall be obliged to pay the Proprietor of the unincloſed Ground One Half of the Value of the Ground beyond Twenty-five Feet, and not exceeding Thirty Feet, taken off the unincloſed Property, as the ſame ſhall be aſcertained by any Three or more of the Juſtices of Peace of the ſaid County, at their Quarter Seſſions aſſembled.

Shutting up uſeleſs Roads.

XXXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, in Diſtrict Meeting aſſembled, to order and direct the ſeveral Roads within their reſpective Diſtricts to be ſurveyed in order the better to aſcertain with the Concurrence of Two Juſtices of the Peace for the ſaid County, whether any and which of ſuch Roads may be ſhut up and ſuppreſſed as being uſeleſs or of little Importance to the Publick: Provided always, that Notice of the Reſolution to ſhut up any ſuch Road be given by Advertiſement affixed to the Doors of the Churches of the Pariſhes through which the ſaid Road paſſes, and by having the ſame read over at the Clerk or Precentor's Deſk immediately at diſſolving of the Congregation for Two conſecutive *Sundays*, One Month at leaſt before the ſaid Road ſhall be actually ſhut up; and that any Perſon or Perſons who ſhall think himſelf or themſelves aggrieved by ſuch Reſolution, may apply to the Sheriff of the County or his Subſtitute, who, if he ſees Cauſe, is hereby empowered to ſuſpend the Execution thereof, until the next General Meeting of the Truſtees who ſhall determine therein; ſubject to Appeal to the Quarter Seſſions as hereinafter mentioned.

Sheriff to summon a Jury for fixing the Value of Land, Houſes, &c. neceſſary for altering or widening Roads;

XXXVIII. And be it further enacted, That in altering or widening the ſaid Roads, or in making ſuch new Courſe of the Roads, or ſuch Roads of Communication, or in pulling down any Houſe or Houſes, or Part or Parts of any Houſe or Houſes, by the Authority of this Act, in caſe no Agreement ſhall have been made with the Owner or Owners, Occupier or Occupiers of the Land where the Roads are to be ſo altered or widened, or ſuch new Courſe of Roads, or Roads of Communication made, or whoſe Fences are to be altered or removed; or with the Owner or Owners, Occupier or Occupiers of any Houſe or Houſes, or Part or Parts of any Houſe or Houſes which are to be pulled down, Application ſhall be made to the Sheriff Depute, or his Subſtitute, to ſummon a Jury, in order to value the Ground neceſſary to be taken and uſed, or Houſes neceſſary to be pulled down; and the Loſs or Damage enſuing from the altering or removing of Fences; and the ſaid Sheriff Depute, or his Subſtitute, is hereby empowered and required, upon ſuch Applications, to order Intimation thereof to be made to the Owner or Owners, Occupier or Occupiers, of ſuch Ground or Houſes; and afterwards to iſſue a Summons, in the uſual Manner, for calling together and impannelling a Jury, to conſiſt of Fifteen Perſons in Number, to examine into, and after ſuch Examination, to return a Verdict upon Oath as to the Value of ſuch Land, Fences, or Houſes; and thereupon the Sheriff Depute, or his Subſtitute, is hereby required to adjudge Payment of the Value and Amount of the Loſs and Damage ſo aſcertained to the Owner or Owners, Occupier or Occupiers thereof: And upon Payment being made by the ſaid Truſtees out of the Money ariſing from the Converſions impoſed by this Act of the Sum awarded to the Party or Parties intereſted, or Conſignation of the ſaid Sum in any of the Public Banks of *Scotland*, the ſaid Truſtees, ſhall from thenceforth have Right, and be at Liberty to take and uſe the Ground, and to pull down the Houſes or Fences ſo valued, for the Purpoſe of altering, widening, and extending the Highways aforeſaid, as fully and effectually ever after to all Intents and Purpoſes, as if the Owner or Owners of ſuch Grounds had executed regular Diſpoſitions of the ſame, and thereupon Infeftments had followed: And the ſaid Proceedings and Orders of the Sheriff Depute or his Subſtitute ſhall be final, and not removeable or queſtionable by Bills or Letters of Advocation or Suſpenſion, to or by any other Court whatever: Provided always, that the ſaid Jury, in aſſeſſing ſuch Value and Damages, ſhall have Power to take under their Conſideration all the Advantages and Diſadvantages ariſing to the ſaid Owners and Occupiers by the altering or widening any of the ſaid Roads.

and to adjudge Payment to the Owners; upon which to become the Property of the Truſtees.

Incapacitated Perſons empowered to ſell.

XXXIX. And be it enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, married Women, Truſtees, Heirs of Entail, Tutors or Curators for Infants, Minors, Idiots, furious or other Perſons, and to and for all and every other Perſon or Perſons whatſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in any Lands, Houſes, Tenements, or other Heritages, or any Part thereof, to ſell the ſame for the Purpoſes of this Act; and all Contracts, Agreements, Sales, or other Conveyances that ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof notwithſtanding; and all ſuch Truſtees, Heirs of Entail, Tutors or Curators, Corporations, Proprietors or Incumbrancers,

and

and all other Perſons, are and ſhall be indemnified for what they ſhall do by virtue or in purſuance of this Act.

Satisfaction to be made.

XL. And be it further enacted, That the ſaid Truſtees ſhall be obliged to ſatisfy and pay the Proprietors, or Owners and Occupiers, and other Perſons intereſted in any Lands, Tenements, Houſes, or Heritages required for the Purpoſes of this Act, the Value thereof, and of the Damages done, as ſhall be agreed upon between the ſaid Truſtees and ſuch Proprietor or Proprietors, Occupier or Occupiers, and other Perſons intereſted therein; and in the Event that they cannot agree, then the ſaid Truſtees ſhall be obliged to pay ſuch Sum or Sums of Money as ſhall be awarded by a Jury of Fifteen Perſons, ſummoned and choſen by the Sheriff of the County wherein ſuch Lands, Tenements, Houſes, or Heritages ſhall be ſituated, in ſuch Manner as Juries are ſummoned and choſen by Sheriffs of Counties in *Scotland*, whoſe Determination is hereby declared to be final, without being ſubject to Advocation, Suſpenſion, or Reduction; and the Sheriff Depute of ſuch County or his Subſtitute, upon the Petition of either Party, ſetting forth the Circumſtances of the Caſe, is hereby required within a reaſonable Time thereafter, to ſummon and chooſe ſuch Jury; and in the Event that no Compenſation ſhall have been offered by the ſaid Truſtees, or if ſuch Jury ſhall award a greater Sum than ſhall have been offered by the ſaid Truſtees, the Expence of ſuch Jury ſhall be borne by the ſaid Truſtees; and in the Event that ſuch Jury ſhall award the ſame or a leſs Sum than ſhall have been offered by the ſaid Truſtees, 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 Abſence, be prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees; and provided alſo, that after having offered to the Owner or Owners, Occupier or Occupiers of any Lands or Houſes ſuch Sum as the ſaid Truſtees ſhall think reaſonable, it ſhall and may be lawful for them to enter into or upon ſuch Lands or Houſes for the Purpoſes of this Act, and no Stop ſhall in the mean Time be put to the Operations of the ſaid Truſtees on Pretence of ſettling the ſaid Damage, or that they have not been ſatisfied and paid; and 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 to be carried on under the Authority of this Act, the ſaid Judge ſhall be and is hereby empowered and directed to recall ſuch Warrant, or remove any Siſt obtained as aforeſaid, provided ſufficient Caution ſhall be found by the Truſtees therein named for the Amount of ſuch Damages as may ultimately be awarded to the Perſon ſuing for the ſame, and aſcertained in Manner herein preſcribed.

Expences of Jury by whom to be paid.

Money payable to Perſons under Entail or Diſability, how to be diſpoſed of.

If 200l. and upwards.

XLI. And be it enacted, That whatever Money ſhall be paid as aforeſaid for Lands, Tenements, Houſes, or other Heretages ſo taken, or uſed by the ſaid Truſtees, which were held under Entail, or ſubject to Life-rent Annuities or other Incumbrances, or belonging to any Corporation, married Woman, Minor, Lunatic, Idiot, or other Perſon under legal Diſability or Incapacity, ſuch Money, in caſe the ſame amount to Two hundred Pounds or upwards, ſhall be under the Authority and Direction of the Court of Seſſion, and ſhall without Delay be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or ſuch other Bank as the Court ſhall direct, upon the higheſt Intereſt that can be got, in order that it may be applied,

applied, with the Approbation and by the Authority of the ſaid Court, in the Purchaſe of Land Tax, or in the Diſcharge of any Debt or Incumbrance affecting the ſaid Lands, Houſes, or other Subjects, or affecting other Lands, Houſes, or Subjects belonging to the ſame Perſons, and ſettled to the ſame or like Uſes, or under the like Conditions and Limitations; and when ſuch Money cannot be applied to theſe or like Purpoſes, then the ſame ſhall be laid out in the Purchaſe or on the Security of other Lands, Houſes, and Subjects of the like Nature, and the Rights and Titles thereof ſhall be deviſed to the ſame Perſon or Perſons, or for their Benefit, to the ſame Series of Heirs, for the ſame Uſes and Purpoſes, and under the ſame Proviſions, Conditions, and Limitations, as the Lands, Houſes, and other Subjects taken and uſed for the Purpoſes of this Act, were deviſed and ſettled, or ſuch of them as ſhall be then exiſting and capable of taking Effect; and in the mean Time, until ſuch Purchaſe or Security can be effected, the Intereſt of ſuch Money ſhall be paid, by Authority of the ſaid Court, to the Perſon or Perſons who for the Time would have been entitled to the Rents and Profits of the Lands, Houſes, or other Subjects ſo taken and uſed by the ſaid Truſtees.

If leſs than 200l. and above 20l.

XLII. And be it enacted, That if ſuch Money be leſs than Two hundred Pounds, but ſhall exceed Twenty Pounds Sterling, then at the Option of the Perſon or Perſons who for the Time being would have been entitled to the Rents and Profits of the Lands, Houſes, and other Subjects conveyed to or taken by the Truſtees for the Purpoſes of this Act, to be ſignified in Writing under their reſpective Hands, or under the Hands of their Tutors, Curators, or Truſtees, in Caſes of Minority, Lunacy, or Truſt, to be paid into one or other of the ſaid Banks, under the ſame Direction and Authority, to be applied in the Manner before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be named by the Perſon or Perſons making ſuch Option, and approved of by Two or more Truſtees under this Act, in order that ſuch Money, and the Intereſt ariſing thereon, may be applied in the Manner before directed, ſo far as the Circumſtances of the Caſe ſhall make it practicable.

If leſs than 20l.

XLIII. And be it enacted, That where ſuch Money ſhall be leſs than Twenty Pounds Sterling, then the ſame ſhall be applied to the Uſe of the Perſon or Perſons who for the Time being would have been entitled to the Rents and Profits of the Lands, Houſes, and other Subjects ſo taken and conveyed for the Purpoſes aforeſaid, in ſuch Manner as the Truſtees, or any Two or more of them, ſhall think fit; or in caſe of Truſt to his or their Truſtees, or in caſe of Minority or Lunacy, to his, her, or their Tutors or Curators, for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c.

XLIV. 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, Houſes, or other Subjects, 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, Houſes, or other Subjects, be not known

or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Two or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Houses, or other Subjects [*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 the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Banks as aforesaid.

Purchase Money to be paid into the Bank;

subject to the Order of the Court of Session.

XLV. 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, Houses, or other Subjects, or of any Estate, Right, or Interest in any Lands, Houses, and other Subjects, to be purchased in pursuance thereof, the Person or Persons who shall have been in the Possession of such Lands, Houses, and other Subjects, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Houses, or other Subjects, 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, Houses, or other Subjects, or to some Estate or Interest therein.

Where any Question shall arise touching the Right to such Money.

XLVI. 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, Houses, or other Subjects, 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, Houses, or other Subjects, 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.

The Court may order reasonable Expences of Purchases to be paid by Trustees.

How Lands to be veſted in the Truſtees.

XLVII. And be it further enacted, That all Lands and Houſes which may be acquired by the ſaid Truſtees in purſuance of this Act, ſhall be veſted in the ſaid Truſtees by the ſimple Diſcharge for the agreed Price, or appraiſed Value thereof, or by Conſignation of the ſaid Price or Value (in caſe of the Abſence or Refuſal of the Perſon or Perſons entitled thereto) in the Bank of *Scotland*, or Royal Bank thereof; and it ſhall be ſufficient to record the Diſcharge, or the Voucher of the Conſignation, in the Sheriff Court Books of the ſaid County, whereupon the Truſtees ſhall be entitled to take and uſe the ſaid Lands and Houſes, and ſhall hold the ſame as validly and effectually, to all Intents and Purpoſes, as if the reſpective Owners thereof had executed in their Favour regular Diſpoſitions of the ſame and Infeoftments had followed thereupon.

Old Road to be ſold.

XLVIII. Provided always, and be it further enacted, That in caſe the Courſe of any of the ſaid Roads ſhall be altered as aforeſaid, the ſaid Truſtees in their General Meeting, or a Quorum of them ſhall, and they are hereby authoriſed and empowered, as ſoon as the ſaid new Road ſhall be completed and made paſſable and convenient for Carriages, to value the old Road by a Jury as aforeſaid, and diſpoſe of and ſell the Grounds compriſed in or through which the old or former Road did lead, the Proprietor or Proprietors of the Ground through which the ſaid old Road did paſs, having always an Offer thereof at ſaid Valuation; and the Money ariſing from ſuch Sale ſhall be applied and diſpoſed of for the mending the ſaid Roads; and the Sale and Conveyance or Conveyances to be made of ſuch Lands and Grounds compriſed in the ſaid old Road, being executed by the ſaid Truſtees in their General or Diſtrict Meeting, or a Quorum of them, ſhall be good and effectual in Law to all Intents and Purpoſes whatever.

Application of the Money.

XLIX. Provided always, and be it enacted, That the ſaid Power ſhall only extend to and be exerciſed in the Caſes where the ſaid old Road can be ſhut up and ſuppreſſed without Inconvenience, and is declared to be uſeleſs, according to the Forms herein-before mentioned and preſcribed.

Owners of Lands uſed in making new Road, to have the firſt Offer of the old Road.

L. Provided always, and be it enacted, That wherever the Courſe of any Part of the ſaid Road ſhall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner or Owners of the Land through which ſuch old Road paſſed, and if he refuſes, then to the Owner of ſuch adjoining Land, which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Perſon ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Perſon ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury in ſuch and the like Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner or Owners ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by the Jury to be the Value thereof; and in caſe ſuch Perſon ſhall refuſe to pay ſuch Money, upon Demand made thereof by the Treaſurer or Clerk to the Truſtees, and upon an Offer in Writing being made to convey ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees by Action before the Court of Seſſion, together with Expences

of Proceſs or Coſts of Suit; and in caſe any ſuch Owner or Owners ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons (not intereſted in the Premiſes) to ſubſcribe a Statement in Writing, and to make Oath to the Truth thereof before One of His Majeſty's Juſtices of the Peace for the County where ſuch old Road ſhall be, ſtating that ſuch Offer has been made by or on the Behalf of the ſaid Truſtees, and that ſuch Perſon has not agreed or has refuſed to purchaſe ſuch old Road, (as the Caſe may be), and ſuch Statement in Writing, and Oath relating thereto, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or refuſed by ſuch Perſon; and it ſhall thereafter be lawful for the ſaid Truſtees to ſell and diſpoſe of the ſaid old Roads as they ſhall think proper.

Roads may be altered and widened.

LI. And be it further enacted, That in altering the Courſe of the ſaid Roads or widening the ſame, it ſhall be in the Power of the ſaid Truſtees, or any Three or more of them in their reſpective Diſtricts to make the ſame through any Miniſter's Glebe: Provided always, that Damages are paid to the Miniſter or Miniſters, and that ſuch Quantity of Ground ſhall be added to the Glebe lying moſt contiguous and convenient thereto as ſhall be deemed a ſufficient Compenſation for that taken for the ſaid Roads, which the ſaid Truſtees ſhall have Power to purchaſe from the contiguous Owner or Owners, Occupier or Occupiers of Land, and the Owner or Occupier ſhall be obliged to ſell; and in caſe of any Difference with regard to the Damages to be paid to ſuch Miniſter or Miniſters, or the Addition to be made to ſuch Glebe, or the Price to be paid to ſuch Owner or Owners, Occupier or Occupiers of Land, Application ſhall be made to the Sheriff Depute of the ſaid County or his Subſtitute, who ſhall proceed to ſummon a Jury, and to determine and adjudge the Amount thereof in Manner as herein-before in ſimilar Caſes is directed, and upon Payment being made by the ſaid Truſtees or ſuch Damages to the Miniſter or Miniſters, and of ſuch Price to the Owner or Owners, Occupier or Occupiers of Land and Conſignation thereof in any of the Public Banks of *Scotland*, the ſaid Truſtees ſhall from thenceforth have Right to be at Liberty to take and uſe that Part of the Glebe for the Purpoſe of altering or widening the ſaid Roads fully and effectually ever after to all Intents and Purpoſes, and the Proceedings and Order of the ſaid Sheriff Depute or his Subſtitute ſhall be final and concluſive.

Truſtees may take Materials, &c.

LII. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, or ſuch Perſon or Perſons as they ſhall appoint, may dig, gather, take, and carry away Gravel, Furze, Heath, Stones, or ſuch like Materials out of the ſeveral Grounds of any Perſon where Materials may be found, not being dug or raiſed for the private Uſe of the Proprietor of ſuch Grounds, for making, repairing, and amending the ſaid Roads, or for building Arches and Bridges as aforeſaid, and to open Acceſſes for carrying off the ſaid Materials, ſuch Acceſſes, and the Places from which the ſaid Materials ſhall be propoſed to be taken, being firſt marked out by any Three or more of the ſaid Truſtees, if ſo required by the ſaid Proprietor of ſuch Grounds, or his or her Factor, or by the Occupier thereof, they the ſaid Truſtees making reaſonable Satisfaction out of the Money ariſing by virtue of this Act to the Owners or Occupiers of the Grounds reſpectively from which ſuch Materials ſhall be taken,

taken, or over which the ſame may be carried, for the Damages to be done thereby; but if ſuch Proprietor, Factor, or Occupier, ſhall not be ſatisfied with the Compenſation offered by the ſaid Truſtees, the ſame ſhall be aſcertained by a Jury, to be impannelled by the Sheriff Depute, or his Subſtitute, in the ſame Manner as herein-before directed for determining the Value of the Houſes or Fences found neceſſary to be pulled down, or Ground to be taken for altering or widening the ſaid Roads, or for Valuation of old Roads, which Proceedings ſhall in like Manner be final; but ſuch Application ſhall not prevent the ſaid Truſtees from cauſing ſaid Materials to be carried off and uſed in the mean Time; and in caſe the ſaid Jury ſhall find that the Compenſation which had been offered by the ſaid Truſtees to the Perſon or Perſons applying to the Sheriff, was adequate to the Damages they may have ſuſtained, then and in that Caſe ſuch Perſon or Perſons ſhall be liable in Payment to the Truſtees of ſuch a Sum, in lieu of Coſts, as the ſaid Jury ſhall judge reaſonable.

on paying Damages.

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

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

Truſtees may rent Ground as Repoſitories.

LIV. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby empowered to rent any Piece or Pieces of Land or Ground on the Sides of the ſaid Roads, as Repoſitories for Stone, Gravel, and other Materials for repairing the ſame.

No Houſe, Garden, &c. to be prejudiced.

LV. Provided always, That in altering, widening, or making the Roads aforeſaid, or in digging or taking away the aforeſaid Materials, nothing ſhall be done that may anyway prejudice any Houſe or Building, the Side-walls of which are above Twelve Feet high, or any Garden, Orchard, planted Walk, Lawn, or Pleaſure Grounds appertaining and adjoining to ſuch Houſe.

Poſſeſſors to clean Ditches made by them.

LVI. And be it further enacted, That the Proprietors or Occupiers of any Lands which ſhall hereafter be incloſed, ſhall make the Ditches on the Side next the Fields, as far as ſuch Incloſure ſhall extend along the Side of any of the ſaid Roads, and that where any Ditches have been or

in

in Time coming shall be made near the Sides of the said Roads, or through any Fields adjoining to any of the said Roads, by the Proprietors or Occupiers of the said Fields, then such Proprietors or Occupiers shall and are hereby required to keep those Ditches properly scoured, and not to allow the Water to stagnate therein; and in case of their failing so to do, after Ten Days Notice previously given, the Overseers of the said Roads being so ordered by any One of the said Trustees may, and are hereby required to order such Ditches to be altered, cleaned, opened, and scoured, at the Costs and Expences of the Proprietors or Occupiers of the Fields through which these Ditches shall be made; and upon their refusing Payment of such Costs and Expences, it shall and may be lawful for the Justices of the Peace for the said County, or any Two or more of them, or the Sheriff Depute or his Substitute, to levy such Costs and Expences by Distress and Sale, in the same Manner as is herein-before directed for poinding those deficient in the Payment of their Conversions for Statute Labour: Provided always, that the Ditches and Drains which shall be made by Order of the said Trustees, shall be scoured and kept in Repair out of the Money arising by virtue of this Act; and if any Proprietor or Occupier of Land, through which any such Ditches or Drains are or shall be made, shall obstruct or fill up any of them, the Person or Persons so offending shall forfeit and pay Triple the Expence of repairing and scouring the same, to be recovered in Manner herein-after mentioned; and the said Proprietor or Occupier shall be deemed the Transgressor, unless it shall be proved that the Transgression was committed by some other Person; and in the Course of making or repairing the Roads or clearing out Ditches at the Sides thereof, under the Direction of the Trustees, if the Earth or Scourings of the Ditches be not within Six Days removed and carried away by the Proprietor or Occupier of the adjoining Grounds, it shall be lawful for the said Trustees to cause the same to be thrown off the Road upon the nearest Ground of such Proprietor or Occupier, but so as not in any Case to fill up or injure any Ditch cut upon the Inside of a Fence; and where any Passage for Cattle or Carriages across any Road, for the Convenience of the Occupier of the Ground through which it passes, shall be made, the Occupier of such Grounds shall always cover the Drains crossing the Sides of such Road with sufficient Stones, in such Manner as the Course of the Water in the Drains may not be interrupted, or the Road thereby prejudiced: Provided always, that no Occupier of Land shall turn any Water upon the Side of any of the said Roads, nor conduct any Water across any of the said Roads for the meliorating of his Fields, or other Purposes, until he shall have applied for and obtained the Consent of the said Trustees in their General or District Meeting, or a Quorum of them; and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain of such Depth and Construction as that the Water may not prejudice the Road.

In Default, Trustees may order it at their Cost.

Ditches and Drains made by Trustees, to be scoured at public Expence.

Possessors obstructing the same, to pay Triple Expence.

Water carried across any Road, Manner thereof.

LVII. And be it enacted, That when the Lands on One Side, or on both Sides of any Part or Parts of any of the said Roads are not inclosed, the Proprietor or Occupier of such Lands shall not, from and after the passing of this Act, make Inclosures along the Sides of the Road without giving at least Six Months previous Notice to the said Trustees, and if he fail so to do, he shall not be entitled to any Compensation for the Expence of the Inclosures, in case the said Trustees shall at any future Time think it necessary to demolish the same for the Purpose of widening the Road;

Notice to be given of new Inclosures upon Sides of Roads to Trustees.

and which ſaid Notice ſhall be given to the Truſtees by a Letter addreſſed to their Clerk at *Forfar*, who ſhall lay the ſame before the next General or Adjourned Meeting, and the ſaid Meetings are hereby required to inſert a Copy of the ſaid Letter in their Minutes.

Penalty on riding on Foot Paths.

LVIII. And be it enacted, That if any Perſon ſhall ride or drive any Carriage upon the Paths made or which may be made along the Side of any of the ſaid Roads for the Benefit of Foot Paſſengers, or ſhall in any Way wantonly hurt or injure the ſame, he ſhall, for every ſuch Offence, forfeit a Sum not exceeding Twenty Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Poſſeſſors to lop the Trees and Hedges on Sides of Roads.

LIX. And be it further enacted, That where the Ground on the Side of any of the ſaid Roads is incloſed or planted, the Proprietor or Occupier of ſuch Ground on each Side ſhall be obliged to lop up the Trees and Hedges in a proper Manner, ſo as to give ſufficient Breadth and Air to ſuch Road; and in caſe they neglect ſo to do for Six Months after being required by an Order of the Diſtrict Meeting, properly intimated to them, the ſaid Diſtrict Meeting ſhall have Power to appoint the ſame to be done on the Defaulter's Expence, at ſuch Seaſons of the Year as are proper for doing the ſame; but in the Caſe of Hedges being lopped by Order of the ſaid Truſtees, they ſhall not be cut lower than Two Feet from the Ground if they be upon a Dike, or Four Feet from the Ground when the Hedge is not upon a Dike.

Truſtees may act as Juſtices.

LX. And be it further enacted and declared, That any Truſtee or the Truſtees appointed to put this Act in Execution, who is, are, or ſhall be in the Commiſſion of the Peace for the County of *Forfar*, ſhall and may act nevertheleſs as a Juſtice or Juſtices of the Peace within their reſpective Juriſdiction, for the more effectually putting in Execution the ſeveral Authorities and Powers in this preſent Act mentioned and contained.

Truſtee not to hold any Place of Profit under this Act.

LXI. Provided always, and be it further enacted and declared, That if any Perſon or Perſons appointed or to be appointed by this Act, as a Truſtee or Truſtees for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of it, ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees from the Time of accepting, and during the Enjoyment of ſuch Place of Profit as aforeſaid.

Truſtees may erect Mile Stones, &c.

LXII. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, may cauſe any of the ſaid Roads to be meaſured, and Stones or Poſts to be erected on the Sides thereof, denoting the Diſtance at each Mile, or at ſuch other Diſtances as they may judge convenient; and alſo to order or cauſe to be erected Guide Poſts, upon ſuch Part of the ſaid Roads where the Roads are croſſed or joined by other Roads, as they ſhall judge proper; and if any Perſon or Perſons ſhall break down, deſtroy, or deface any ſuch Mile Stones or Guide Poſts, or ſhall break down the Cape Stones on the Ledges or Parapet Walls on the Sides of any of the Bridges on the ſaid Roads, or turn any Stream of Water upon any Part of the ſaid Roads, unleſs a ſufficient covered or arched Drain or Paſſage ſhall have been previouſly made as before directed, or ſhall be aiding and aſſiſting therein, or ſhall reſcue, or attempt to reſcue, any Perſon apprehended for any ſuch Offence, every Perſon offending in any of the

Penalty on defacing theſe Stones, &c.

For breaking Parapet Walls or Bridges.

Caſes

Caſes aforeſaid, and being thereof lawfully convicted by the Oath of One or more credible Witneſs or Witneſſes, before the Sheriff Depute of the ſaid County, or his Subſtitute, or before Two or more Juſtices of the Peace for the ſaid County, ſhall be not only adjudged to pay the Whole of the Damages and Expences ſuſtained, but alſo a Penalty not exceeding Five Pounds Sterling; and in caſe the ſaid Penalty, Damages, and Expences ſo adjudged, ſhall not be inſtantly paid, or ſufficient Security given for the ſame, the ſaid Sheriff or Juſtices are hereby impowered and required to commit ſuch Perſon or Perſons ſo convicted to Priſon for any Term not exceeding Three Calendar Months, or until ſuch Penalty ſhall be paid.

No Annoyances to be laid on the Roads, &c.

LXIII. And, for preventing Annoyances in the ſaid Roads, be it further enacted, That from and after the Twenty-ninth Day of *September* One thouſand eight hundred and ten, every Perſon in plowing any Field contiguous to any of the ſaid Roads, ſhall always make Head Ridges along the Side of the Roads, of the Breadth of Eighteen Feet at leaſt; and all Gates upon Incloſures next to any of the High Roads ſhall open inwards to the Field; and no Perſon or Perſons whatſoever ſhall lay any dead Horſe or other Carrion upon any of the ſaid Roads (except in Caſes of Accident), or within Twenty Yards of the Sides of any of the ſaid Roads, or any Dung, Lime, Soil, or Compoſt, or Matter whatſoever, either for manuring Land, or for any other Purpoſe, upon any of the ſaid Roads, or within Ten Yards of the Side (unleſs within a Fence) of any Part of the ſaid Roads; and that in making any covered or arched Paſſage or Drain for Water acroſs any of the ſaid Roads, a ſafe and eaſy Paſſage along One Half of ſuch Road ſhall be left without any Obſtruction, either by breaking the Road or laying down Materials; but the ſaid covered Drain or Paſſage ſhall be made acroſs, and completely finiſhed acroſs One Half of the Road, before the other Half ſhall be opened; and the Whole, or the open Part thereof, ſhall, if practicable, be completed in One Day, or otherwiſe the Materials for executing the ſame ſhall be ſo well fenced off, that Paſſengers may ſuffer no Injury thereby; which Precautions, and Manner of executing covered Drains as aforeſaid, ſhall be ſtrictly obſerved by all Contractors or others employed in making or repairing the ſaid Roads; and every Perſon offending herein ſhall not only forfeit the Materials laid down, but alſo a Sum not exceeding Forty Shillings Sterling for every Offence, to be levied and recovered in Manner herein-after directed; One Half thereof to be paid to the Informer, and the other Half to be applied for making or repairing the ſaid Roads.

Head Ridges.

Gates.

Drains.

Penalty.

Cattle not to be left on the Roads.

LXIV. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, paſture or leave, or allow to be paſtured or left on the aforeſaid Roads, or any of them, any Horſes, Sheep, Cows, or other Beaſtial, it ſhall and may be lawful for any One or more of the Juſtices of the Peace for the County, upon Application made by any Heritor or Occupier in the ſaid County, or by any Perſon or Perſons having Authority from the ſaid Truſtees, to iſſue his or their Warrant for apprehending the Perſon or Perſons ſo offending as aforeſaid, and to bring them before him or them for Examination, and upon ſuch Offender or Offenders being convicted of ſuch Offence, by the Oath of One or more credible Witneſs or Witneſſes, or the Oath or Confeſſion of the Party offending, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace to fine ſuch Offender or Offe ders ſeverally in any Sum not exceeding

ing

ing Five Shillings Sterling for each and every Offence, to be levied and recovered by Imprisonment, not exceeding Seven Days, and to be given to the Poor of the Parish where the Offence shall be committed.

Every Thing drawn on the Roads must be on a Wheel-Carriage.

LXV. And be it further enacted, That if, after the Twenty-ninth Day of *September* One thousand eight hundred and ten, any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall suffer any Tree or other Matter whatsoever, which can be convey'd upon a Wheel Carriage, to drag upon any Part of the said Roads; every such Person shall, for every such Offence, forfeit a Sum not exceeding Forty Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Penalty.

Houses not to be built within Twenty Feet from the Middle of the Road.

LXVI. And be it further enacted, That in case any Houses shall, after the passing of this Act, be built near the Sides of any of the said Roads, or in any Villages, or in case any Houses or other Buildings of any Kind shall be erected at or near the Outlets of any Town within the said County, no such House or other Building shall be built within the Distance of Twenty Feet from the Middle of the said Roads or Highways, under a Penalty not exceeding Five Pounds Sterling for every Offence, and the Expence of demolishing such House or Edifice; and also that, in the Case of any House being pulled down by the Proprietor, for the Purpose of re-building, near the Edges of any of the said Roads, or in any Village, or at or near the Outlets of any Town or Village through which the said Roads pass, it shall be in the Power of the said Trustees, or their Quorum, to cause the Foundation of the same to be removed back to the Distance of Twenty Feet from the Middle of the said Road; and it shall be lawful for any One or more of the said Trustees to stop the building or erecting of every such House or Building as he or they shall apprehend to be within the said Distance from the Middle of the said Roads or Highways, by an Order in Writing under his or their Hand or Hands, until such Time as sufficient Evidence shall be brought before him or them that such Building shall be built or erected beyond the Distance aforesaid; and if such Proof shall not be adduced at or before the next General Quarter Session for the said County, it shall and may be lawful for any Two or more of the said Trustees to order such Building to be pulled down and removed at the Expence of the Erector or of the Occupier of the Ground, and to grant a Warrant for levying the same as herein-after mentioned: And further, in the case of any House near the Sides of any of the said Roads being under Repair, and either the Walls partly taken down, or the House unroofed, it shall be in the Power of the said Trustees, or their Quorum, to cause such House to be entirely taken down, and the Foundation of the same to be removed back to the Line of any neighbouring Houses, if such other Houses are further from the Middle of the Road, but not distant from the same more than Twenty Feet; or to be removed back to the Distance of Twenty Feet from the Middle of the said Road, if there are no other Houses adjoining or near to it; but, in this Case, the said Trustees shall be liable in the Value of what they shall so order to be taken down; and, if they shall not come to an Agreement with the Owner or Owners, Occupier or Occupiers of the same, the Value thereof shall be ascertained by a Jury to be summoned,

moned, upon an Application for that Purpoſe by the Sheriff Depute of the ſaid County, or his Subſtitute; and who ſhall determine and adjudge ſuch Value in Manner as herein-before, in ſimilar Caſes, is directed.

Breadth of Wheels of Waggons and Carts drawn by more than Two Horſes.

LXVII. And whereas the Highways, not being Turnpike Roads, may be much prejudiced by the Narrowneſs of the Wheels of the ſeveral Carriages travelling thereon, and by the exceſſive Burthens loaded in ſuch Carriages; be it enacted, That no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, ſhall go or be drawn with more than Eight Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, ſhall go or be drawn with more than Five Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, and rolling on each Side a Surface of Nine Inches, ſhall go or be drawn with more than Seven Horſes; and that no ſuch Waggon, rolling a Surface of Six Inches only, ſhall go or be drawn with more than Six Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, ſhall go or be drawn with more than Four Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, ſhall go or be drawn with more than Five Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Five Inches, ſhall go or be drawn with more than Three Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches, ſhall go or be drawn with more than Four Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Four Inches, ſhall be drawn by more than Three Horſes upon ſuch Highways, under the Pains, Penalties, and Forfeitures herein-after mentioned; that is to ſay, that the Owner of ſuch Waggon or Cart reſpectively ſhall forfeit any Sum not exceeding Forty Shillings Sterling, and the Driver, not being the Owner, any Sum not exceeding Five Shillings Sterling for every Horſe or Beaſt which ſhall be ſo drawn above the Number hereby ſo reſpectively limited as aforeſaid; One Half whereof to be paid to the Informer, and the other Half to be applied to the Repair of the Roads within the Diſtrict where the Offence is committed.

Penalties and Forfeitures how to be levied and applied.

LXVIII. And be it further enacted, That all Forfeitures and Penalties inflicted or authoriſed to be impoſed in relation to any Matter or Thing in this Act contained ſhall be beſides the Expence of Proſecution, or Coſts of Suit; and that all ſuch Forfeitures and Penalties, the Manner of levying and recovering whereof is not otherwiſe particularly directed, ſhall, upon Proof of the Offence before Two or more Juſtices of the Peace, or the Sheriff Depute of the ſaid County, or his Subſtitute, either by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of ſuch Juſtice, or of the ſaid Sheriff Depute, or his Subſtitute (which Warrant is hereby authorized and required to be granted, and Oaths adminiſtered by the ſaid Juſtices, or Sheriff Depute, or his Subſtitute, *gratis*); ſuch Sale being always made by publick Auction to the higheſt Offerer, at ſuch Places as ſhall be directed in the ſaid Warrant, within Three Days after ſuch Diſtreſs ſhall have been made; and the Overplus Money ariſing from ſuch Sale (after the Penalties and Forfeitures are recovered, and the

Charges thereof deducted) ſhall be returned on Demand, to the Owner or Owners of ſuch Goods and Chattels; and all Penalties and Forfeitures impoſed by this Act, if not otherwiſe hereby appropriated, ſhall be paid, One Half to the Informer or Informers, and the other Half to the ſaid Truſtees, or their Clerk or Treaſurer, to be laid out and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Forfeitures and Penalties ſhall not forthwith be paid, or ſufficient Security given for the ſame, it ſhall be lawful for any Two of the ſaid Juſtices of the Peace, or for the Sheriff Depute of the ſaid Shire, or his Subſtitute, together with One Juſtice of the Peace, and they are hereby authorized and required by Warrant under their Hands, to cauſe ſuch Offender or Offenders to be committed to any Houſe of Correction or Common Gaol in the ſaid County, there to remain for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

On Failure of Diſtreſs, Offender to be committed.

How Parties aggrieved may obtain Redreſs.

LXIX. Provided always, and be it further enacted, That if any Perſon ſhall think him or herſelf aggrieved by any of the Proceedings in the Execution of this Act, for which no particular Method of Relief has been hereby provided, ſuch Perſon or Perſons may, within Six Months after the Matter complained of ſhall be done (but not afterwards), appeal to the Juſtices of the Peace at their Quarter Seſſions for the ſaid County, the Perſon or Perſons appealing firſt giving Fifteen Days previous Notice of ſuch Appeal to the Clerk of the ſaid Truſtees, and alſo to the Clerk of the ſaid Juſtices of the Peace, and lodging with him, at the Time of entering the ſaid Appeal, a Recognizance to proſecute the ſame; alſo giving legal Notice thereof to the Defender or Defenders; and the ſaid Juſtices of the Peace are hereby authorized and required to take Cognizance of ſuch Complaints and Appeals, and to make ſuch Determination therein as they ſhall think proper, and ſuch Determination ſhall be final.

Aſſeſſment for building and repairing Bridges to continue as at preſent.

LXX. Provided always, and be it further enacted and declared, That nothing in this Act ſhall take away or leſſen the Power which the Commiſſioners of Supply and Juſtices of the Peace now have to aſſeſs themſelves for the Expence of building and repairing Bridges in the ſaid County.

Land Owners to pay Expences of obtaining this Act.

LXXI. And be it further enacted, That all the Expences attending the previous Meaſures for, and the procuring and paſſing of this Act, as the ſame ſhall be ſettled and allowed at the Firſt Meeting of the ſaid Truſtees ſhall be defrayed and levied by a Tax upon the Heritors or Land Owners within the ſaid County of *Forfar*, to be impoſed at the ſaid Firſt Meeting, according to the Valuation of their reſpective Lands, and to be collected by the Collector of the Land Tax, or any other Perſon appointed by the General Meeting of the ſaid Truſtees to be holden as aforeſaid.

Limitation of Actions.

LXXII. And be it enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures impoſed by this Act, or for any Wrongs done, or Injuries ſuffered in any Matter thereto relative, or in conſequence of any of the Powers by this Act given and granted, ſhall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury ſuffered, and not afterwards.

LXXIII. And

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1810.