ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 56.

An Act for regulating and converting the Statute Labour in the County of *Kinroſs*, and for more effectually making and repairing the Highways within the ſaid County. [11th *June* 1803.]

WHEREAS the Laws for making and repairing Highways and Bridges in *Scotland* have been found by Experience ineffectual, in their preſent Shape, for repairing the Highways and Bridges in the County of *Kinroſs*, and it would be more convenient and advantageous for all concerned if the whole Statute Labour of the County were converted, upon equitable Terms, into Payments in Money, in place of the preſent Services, and Powers granted to borrow Money upon the Produce of the Converſion; but ſuch Purpoſes cannot be accompliſhed without the Aid of Parliament; may it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon who is at preſent or hereafter, during the Continuance of this Act, ſhall be, in his own Right or in the Right of his Wife, poſſeſſed of Lands in the ſaid County of *Kinroſs*, entitling him to be a Commiſſioner of Supply for the ſame, and the eldeſt Son or apparent Heirs of every ſuch Perſon ſo qualified ſhall be Truſtees or Commiſſioners for making, repairing, upholding, and keeping in Repair the Great and Croſs Roads, Bridges, and Ferries within the ſaid County of *Kinroſs*, and for executing all the other Powers by this Act to them given and granted; and if any Perſon or Perſons not qualified as aforeſaid ſhall, nevertheleſs, preſume to act contrary to the true Intent and Meaning of this Act, every ſuch Perſon for every ſuch Offence ſhall forfeit and pay the Sum of Twenty Pounds Sterling, beſides the Ex- Truſtees.

pence of Profecution, to be recovered by Summary Complaint, at the Suit of any Heritor of the ſaid County, before the Juſtices of the Peace at their Quarter Seſſions, or before the Sheriff Depute or Subſtitute of the ſaid County, and to be paid to the ſaid Truſtees, or their Collector, to be applied for the Purpoſes of this Act; and the Proof of Qualification ſhall lie upon the Perſon complained of.

First annual General Meeting of the Truſtees for the County.

II. And be it enacted, That the ſaid Truſtees ſhall hold their Firſt General Meeting within the County Room of *Kinroſs*, on the Firſt *Monday* of *July* One thouſand eight hundred and three, and on the Firſt *Monday* of *June* yearly and every Year thereafter, for the Purpoſe of proceeding to the Execution of this Act, any Seven of them being a Quorum, and ſhall then chooſe a Clerk for the Purpoſe of keeping the Minutes or Records of thoſe Proceedings, and which Clerk ſhall receive ſuch Salary as ſhall be fixed for him out of the Funds of the different Diſtricts hereinafter mentioned, in Proportion to the valued Rent of the ſaid Diſtricts, and the ſaid Truſtees may then and afterwards, from Time to Time, adjourn themſelves to meet again at ſuch Time as the laſt Meeting ſhall think proper, without Prejudice to their meeting ſooner, if there ſhall be Occaſion, upon Notice by the Clerk of the laſt Meeting, advertiſed at leaſt in Three *Edinburgh* Newſpapers, Ten Days previous to the intended Meeting.

Truſtees to defray their own Expences.

III. And be it enacted, That the ſaid Truſtees, at all the Meetings to be held in virtue of this Act, ſhall defray their own Charges and Expences of every Kind.

Extent of a Plough-gate.

IV. And be it enacted, That during the Exiſtence of this Act, a Plough-gate of Land within the County of *Kinroſs* in reſpect to the Statute Labour, ſhall be held and deemed to be equal to Fifty Acres of Land, whether Plantations, Arable, or Paſture Lands, or Seventy Pounds Sterling of actual Groſs Rent, paid by the Occupier, in the Option of the Proprietor, and ſo in proportion for leſſer Diviſions or Parts of a Plough-gate of Land.

Power to convert the Plough-gates at One Pound Sterling, each to be paid by the Heritor or Liferenter;

V. And be it enacted, That the ſaid Truſtees in the ſeveral Diſtricts hereinafter mentioned, or a Quorum of the ſaid Truſtees (any Five of whom being ſufficient to conſtitute a Quorum) ſhall at their Firſt General Meetings, or any Adjournment thereof, within the Year One thouſand eight hundred and three, and at the annual General Meetings thereafter of the ſaid Diſtricts, have Power to convert, and ſhall actually convert the Services exigible by Law for each Plough-gate at a Sum not exceeding One Pound Sterling, and ſo in proportion for a greater or leſſer Quantity or Produce of a Plough-gate, to be paid in the Firſt Inſtance by the Heritors and Liferenters of the Ground, but declaring, that although Power is granted to charge the Heritors to the Extent before mentioned, yet, that the Truſtees ſhall not exact more than what is annually neceſſary to anſwer the Purpoſes of the Truſt.

with Recourſe to the Occupier.

VI. And in reſpect all Leſſees, Tenants, and Occupiers of Land are by Law liable in Performance of the Statute Labour, or Payment of the converted Value thereof, be it enacted, That the Heritor or Liferenter liable for and paying the converted Value of the Statute Labour as aforeſaid,

ſaid, ſhall have Recourſe for the Amount thereof, upon the Tenants and Occupiers of the Ground, in proportion to the Extent or Rent of the Property poſſeſſed by them reſpectively, whether the ſame be held immediately of the Proprietor or by Subſet, to be aſcertained either by the Extent of the Property or Quantum of Rent, as may have been proportioned on the Heritor or Liferenter; and the Proprietor ſhall be entitled to the ſame Diligence for Recovery thereof as is authoriſed for levying the Deficiencies of the converted Values of Statute Labour, at the Inſtance of the Collector of the Ceſs, in Manner hereinafter ſpecified.

Converſion of Statute Labour for Chaiſes and Carts.

VII. And be it enacted, That the ſaid Truſtees of each particular Diſtrict, or a Quorum of them, at their Firſt or any adjourned Meeting in the Year One thouſand eight hundred and three, or any annual General Meeting aſſembled, ſhall, and they are hereby authoriſed to convert, and ſhall actually convert the Statute Labour, exigible from the Owners, of all Chaiſes with Four Wheels, drawn by Two or more Horſes, let for Hire, at any Sum not exceeding Twenty Shillings Sterling; and from the Owners of all Chaiſes with Two Wheels, drawn by One Horſe, let for Hire, at any Sum not exceeding Ten Shillings Sterling; and the Owners of all Carts or other Carriages, drawn by Two or more Horſes, or other Beaſts of Draught, let for Hire, to be uſed in conveying Perſons or Things, at a Sum not exceeding Ten Shillings Sterling each; and the Statute Labour for all Carts and other Carriages let for Hire as aforeſaid, drawn by One Horſe or other Beaſt of Draught, at a Sum not exceeding Five Shillings Sterling each.

Converſion of perſonal Services of Houſeholders.

VIII. And be it enacted, That in place of perſonal Services which Houſeholders and others are obliged at preſent by Law to perform, in making and repairing the High Roads and Bridges in the ſaid County, a Converſion ſhall be paid in Money, to be applied for that Purpoſe; and it ſhall be in the Power of the ſaid Truſtees of the Diſtricts hereinafter mentioned, and they are hereby authoriſed and directed by a Writing under their Hands, to aſſeſs all Houſeholders, Cottagers, Labourers, and Tradeſmen of every Denomination, whether Maſters or Journeymen, living together or ſeparately in One Houſe, (not being aſſeſſed in a Converſion of Statute Labour otherwiſe,) in a Converſion of ſuch Number of Days' Labour, not exceeding Six as they ſhall conſider proportioned to the Circumſtances of each Individual; declaring that the Maſters and Employers of all Journeymen ſhall in the Firſt Inſtance be liable in and obliged to pay the Converſion of the Statute Labour aſſeſſed upon their ſaid Journeymen, and ſhall have Recourſe for Payment thereof upon the Journeymen for whom they ſhall be ſo liable and obliged to pay, and ſhall be entitled to the ſame Diligence for Recovery of the ſame as is competent to the Truſtees for levying the Converſion of the Statute Labour by this Act impoſed: declaring alſo, that Servants *bonâ fide* hired by the Year for ſpecific Wages, and all Houſeholders renting a Houſe, which with the Yard and other Premiſes, does not exceed the yearly Rent of One Pound Sterling, ſhall be and are hereby exeemed from performing Statute Services or Payment of the converted Values thereof altogether.

Maſters to pay in the Firſt Inſtance for their Journeymen. Servants hired by the Year, and Houſeholders renting a Houſe, &c. not exceeding 20s. a Year not liable.

IX. And

Power to exeem indigent Perſons.

IX. And be it enacted, That it ſhall be lawful to and for the ſaid Truſtees, in any One of the Diſtricts hereinafter mentioned, or any Three of them, by a Writing under their Hands, to exeem and free from Payment of the before-mentioned Compoſition of perſonal Statute Labour altogether, all ſuch Perſons within the Diſtrict to which the ſaid Truſtees belong, as ſhall appear to them to be in indigent Circumſtances, or proper Objects to be exempted from Payment thereof.

Fixing Converſion for Day Labour.

X. And be it enacted, That the Rate of Converſion of Days' Labour ſhall be fixed by the Truſtees of each of the ſaid Diſtricts reſpectively at the Firſt Meeting to be held in purſuance hereof, or any Adjournment thereof for the Year One thouſand eight hundred and three, and at their General Meeting on the laſt *Friday* of *April* yearly, at any Sum not exceeding the ordinary Price of Labour of that Part of the Country where the Labour is to be performed.

Heritors to give in Liſts of their Plough-gates.

XI. And be it enacted, That in order to render the making up the Liſt of the ſaid Plough-gates more eaſy and expeditious, each Heritor of the County ſhall, within Two Months after the Firſt Meeting of the Diſtricts to be held in purſuance of this Act, and on or before the Firſt Day of *January* annually thereafter, deliver in to the Clerk for the Diſtrict, to be tranſmitted to the Clerk of the General Meeting of Truſtees, a Writing or Account, ſpecifying his or her Option of the Mode they incline to have their Plough-gates rated for the enſuing Year, and of the Number of Plough-gates, and proportional Parts of a Plough-gate, they are reſpectively liable in agreeably to that Option; declaring always, that all Proprietors of Land ſhall have it in their Power to make a ſeparate Option of the Mode of Converſion for each particular Farm ſeparately occupied or poſſeſſed by them or their Tenants, and ſuch Option ſhall in every Caſe be made in the Manner moſt beneficial to the Occupier or Tenant; and that Heritors occupying their own Lands, ſhall be liable in the Converſion of Statute Labour in the ſame Manner as the Tenants; and that in caſe any Objection ſhall be made to the Value ſtated by the Heritors themſelves, the yearly Value of all Grounds and other Subjects in the natural Poſſeſſion of the Heritors ſhall be aſcertained by Two neutral Men, One to be named by the Proprietor, and another on the Part of the Truſtees of the Diſtrict, who ſhall on Oath report what in their Opinion the Ground or other Subject ſo occupied by the Heritor would rent at for a Nineteen Years' Leaſe; and the Rent thus fixed ſhall be held as the annual Value of the Ground or other Subjects ſo occupied by the Heritor: Providing, That in caſe any Heritor or Heritors ſhall refuſe or neglect to give in the before-mentioned Account within the Time before ſpecified, then it ſhall be lawful for the ſaid Truſtees at any after General Meeting of the Diſtrict, to rate the ſaid Heritors as liable in Statute Labour, in the Proportion of a Plough-gate of Land for each Seventy Pounds of real Rent, as the ſame may be reported by the Surveyors in Manner hereinafter mentioned.

Proprietors to have a ſeparate Option of Converſion.

Power to cite Occupiers of Land.

XII. And be it enacted, That in caſe the ſaid Truſtees of each Diſtrict, or a Quorum of them ſhall find it neceſſary, they are hereby authoriſed to call or cite all Occupiers of Land before them, or to appoint a Committee of their Number for the Purpoſe of taking a Proof of the Rent of any Farm or Poſſeſſion, and to examine the Tenants and Occupiers on

on Oath, as to the Rents payable by them reſpectively, and which Oaths they are hereby empowered to adminiſter.

XIII. And be it enacted, That the Whole of the converted Values, leviable by this Act for the Year One thouſand eight hundred and three, ſhall be due and payable on the Fifteenth Day of *Auguſt* in the ſaid Year, and annually on the Fifteenth Day of *May* thereafter, except in the Caſe hereinafter ſpecified. At what Time the converted Values are payable.

XIV. And be it enacted, That the Truſtees for the reſpective Diſtricts after mentioned, or a Quorum of them, at their Firſt Meeting to be held in virtue hereof, or any Adjournment, within the Year One thouſand eight hundred and three, and at their annual General Meetings in their reſpective Diſtricts thereafter, are hereby empowered to name Surveyors or other proper Officers, and which Surveyor or other Officer appointed for the Purpoſe, ſhall, on or before the Firſt Day of *January* One thouſand eight hundred and four, and on or before the Firſt Day of *January* annually thereafter, make up and report on Oath an exact Liſt of all the Plough-gates of Land and leſſer Diviſions thereof, belonging to the ſeveral Heritors of the Diſtrict reſpectively, to be aſcertained in Manner aforeſaid, and of all Perſons keeping Chaiſes, Carts, or other Carriages, liable in a Converſion of Statute Labour as aforeſaid, and of all Houſeholders and others liable in a Converſion for perſonal Services; and the Surveyor or other Officer ſhall immediately, after having aſcertained the Converſion due by virtue of this Act, make a Report of the ſame to the ſaid Truſtees reſpectively, who ſhall have full Power and Authority to aſſeſs any Perſon or Perſons at a higher or lower Rate, according to the Extent of the Work to be done for the Year, and the ſaid Surveyor ſhall then deliver to the ſaid Perſon or his known Factor or Agent, a Note, dated and ſubſcribed, ſpecifying the Converſion in which they are reſpectively liable; and the Perſons ſo aſſeſſed, in caſe they ſhall think themſelves aggrieved thereby, ſhall have Power, within Ten Days after receiving the ſaid Note of their Converſion, to appeal for Redreſs to the next General Meeting of Truſtees, whoſe Determination ſhall finally aſcertain the Converſion in which the Perſon ſo appealing is liable for the current Year: Provided always, That it ſhall not be in the Power of the ſaid General Meeting, to fix a higher Rate of Aſſeſſment for the Year than has been previouſly ſettled by the Truſtees of the Diſtrict; and the ſaid Surveyors ſhall, within Ten Days after the ſaid Firſt Day of *January* One thouſand eight hundred and four, and within Ten Days after the Firſt Day of *January* annually thereafter, give in to the Clerk of the Diſtrict wherein he is Surveyor, a full and diſtinct Copy of the Aſſeſſment made by him for the Year; and the Clerk for the ſaid reſpective Diſtricts ſhall lay the ſame before a Committee to be appointed for that ſpecial Purpoſe by a preceding General Meeting, and which Committee ſhall meet on the Firſt *Friday* of *February* annually.

Power to name Surveyors;

who are to give up Liſts of all thoſe liable in Statute Labour.

Powers to appeal.

Surveyors to deliver Liſts to Clerks to the Diſtricts and theſe to the General Clerk, with any Alterations.

XV. And be it enacted, That a certified Copy of the ſaid Report, ſo far as reſpects the Converſions payable for Plough-gates, ſhall, within Ten Days after Receipt thereof, be delivered by the Clerk to the Collector of the Ceſs for the ſaid County for the Time, or to any other Perſon or Perſons to be appointed Collector or Collectors by the Truſtees of each Diſtrict, at a General Meeting from Time to Time; and the ſaid Collector, Collector of the Ceſs to levy the Converſion for Plough-gates, and give Intimation of the

Time of Collection.

tor, or other Perſon or Perſons to be ſo appointed ſhall, and he is hereby authoriſed to levy the converted Value of the ſaid Statute Labour exigible on the Plough-gates; and ſhall, at the Time the Collection of the Ceſs is intimated annually, give Notice of the Time and Place of collecting the ſame; and the whole of the ſaid converted Values ſhall be payable to the Collector on or before the ſaid Fifteenth Day of *May* in each Year; and in caſe any Heritor, liable in the ſaid converted Values, ſhall neglect, delay, or refuſe to pay the Converſion of the Statute Labour reſpectively due by them, after the ſame becomes due, the Collector ſhall, within Fourteen Days thereafter, make up a certified Liſt of Deficients, ſpecifying the Sums reſpectively due by them; and it ſhall and may be lawful for any One or more of His Majeſty's Juſtices of the Peace, or the Sheriff-Depute, or his Subſtitute for the ſaid County, and they are hereby required to grant ſummary Warrant for poinding and diſtraining the Effects of ſuch Deficients, and to apprize the ſame on the Spot where they may be found, and afterwards to ſell the ſame by Auction for Payment of the Converſion Money that ſhall be due, together with One Half more, in Name of 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 poinded, which Warrants are to be 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 the Collectors, certifying that the Perſons complained of have been deficient in paying the ſaid Aſſeſſments, or Converſion above mentioned, and expreſſing therein the Arrear of each Perſon; and it ſhall be competent to Proprietors to apply for the like ſummary Diligence for recovering the Converſions paid by them from the Tenants and Occupiers of the Grounds, who may refuſe or neglect to pay the ſame to the Landlord within Ten Days after they ſhall be required ſo to do.

Diligence to be uſed for Recovery of Arrears.

Same Diligence competent at the Inſtance of Proprietors againſt Occupiers.

Converſion for perſonal Services, when payable.

XVI. And be it enacted, That all Perſons liable in Payment of Converſions (not leviable conformably to the Plough-gate) ſhall, upon the Rates being duly intimated to them in Manner before ſpecified, annually pay the ſame to the Collector, Overſeer, or other Perſon appointed by the Truſtees of each Diſtrict for that Purpoſe, on or before the ſaid Fifteenth Day of *May* of the Year for which the Converſion is due; but in caſe any Perſon or Perſons ſhall be omitted to be aſſeſſed in the converted Values, previous to the ſaid Fifteenth Day of *May*, then they ſhall be obliged to pay the Converſion to the ſaid Collector or Overſeer within Fourteen Days after the ſame is intimated to them; and if any Perſon ſhall neglect or refuſe to pay the ſaid Compoſition after the Expiry of the Time before ſpecified, it ſhall then be lawful for the Sheriff-Depute, or his Subſtitute, or for any One or more Juſtices of the Peace, for the ſaid County, and they are hereby required to grant ſummary Warrant for Recovery thereof, with One Half more in Name of Expences in Manner before expreſſed, with reſpect to the Recovery of Arrears of the Converſions due for Plough-gates.

Diligence for Recovery thereof.

Collectors, &c. liable in treble Damages.

XVII. And be it enacted, That in caſe of a Warrant being improperly obtained againſt any Perſon for Payment of the converted Values due by them, the Sheriff Depute or his Subſtitute or any One or more Juſtices of the Peace for the ſaid County, ſhall have Power to award any Sum not exceeding Triple the Amount as 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, Surveyor, or other Officer, 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 the Peace, that the ſaid Collector or other Officer has made an improper Application 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 poinding the Effects of Deficients; and in caſe any of the Collectors ſhall fail or omit to exact the aforeſaid Aſſeſſment or Converſion, every ſuch Collector ſhall be liable by a Sentence of the Sheriff Depute, or his Subſtitute, or any Two or more of the Juſtices of the Peace, to pay the Aſſeſſment or Converſion Money ſo failed or omitted to be exacted by him, with One Half more in name of Expences.

Aſſeſſments of 3*s.* 4*d.* Sterling on the 100*l.* *Scots*, of Valuation.

XVIII. And whereas it has been found by Experience from the Number of Roads and Bridges, and the daily Increaſe of Carriages within the ſaid County, that the Sum allowed to be levied has been inſufficient for keeping the ſaid Bridges in Repair; be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees of each Diſtrict at their General Meeting on the Second *Friday* of *June* One thouſand eight hundred and three, and at every annual Meeting on the laſt *Friday* of *April* thereafter, to aſſeſs the whole Heritors of the Diſtrict in a Sum not exceeding Three Shillings and Four-pence Sterling upon every Hundred Pounds *Scots* of valued Rent; and which Aſſeſſment ſhall be levied by the ſaid Collector along with the Converſions of Statute Labour before mentioned, and ſhall be applied towards the building, making, repairing, and upholding the Highways and Bridges within the ſaid Diſtrict; declaring always that no Money ſhall be granted for any Bridge the Expence of which may exceed Eighty Pounds Sterling, until an Application ſhall be made to a Meeting of the Truſtees of the Diſtrict who ſhall thereupon appoint a Committee to cauſe the ſaid Bridge to be inſpected; and in caſe it is found neceſſary to be repaired, the ſaid Committee ſhall adverтiſe in at leaſt Three *Edinburgh* Newſpapers for Contractors for repairing the ſame, and report the Eſtimates and their Opinion to the Firſt annual or other General Meeting, who ſhall, if they judge it expedient, grant the Aid required to be levied and applied in Manner before mentioned.

How applied.

Aid to Bridges, the Expence of which exceeds 80*l.*

Collector to lodge the Funds in Bank.

XIX. And be it enacted, That the Collector of the Ceſs for the ſaid County, or other Collector or Collectors to be appointed by the Truſtees, of the ſeveral Diſtricts, ſhall, on the Firſt Day of *September* One thouſand eight hundred and three, and on the Firſt Day of *July* annually thereafter, lodge with the Bank of *Scotland* at *Edinburgh* or the Branch of ſaid Bank at *Dunfermline* the Proportions of the Converſions of the Statute Labour, and all other Money collected in virtue hereof which may then have been levied by him, and obtain a Receipt from the Treaſurer of the Bank of *Scotland* therefor, which Receipt, along with a Liſt of the Perſons then in Arrear, ſhall be lodged with the Clerk, and the Collector ſhall be allowed for his Trouble in levying, recovering, and paying over the Converſions and other Monies authoriſed by this Act to be levied, the Sum of One Pound *per Centum* for the Money ſo levied and paid over by him.

XX. And

Conversion of Money how to be laid out.

XX. And be it enacted, That the whole Produce of the Conversions of Statute Labour to be levied under the Authority of this Act, and all Sums of Money which shall be borrowed upon the Credit thereof, shall be laid out and expended upon the Roads within the Districts respectively from which such Conversion shall be levied, or on which the Interest of such Monies to be borrowed shall be charged, and no otherwise.

County to be divided into Three Districts.

XXI. And be it enacted, That for the more easy and effectual Execution of the Powers hereby granted, the said County of *Kinross* shall be divided into Three Districts; the Parishes of *Kinross* and *Orwell* to be one District, the Parishes of *Portmoak* and *Arngask* to be another District, and the Parishes of *Cleish* and *Tullybole* to be another District; declaring always, that when it may be necessary to build or repair a Bridge across a Rivulet, Hollow Ground, or other Space which is the Boundary betwixt Two Districts, the Expence of the Bridge so to be built shall be defrayed by the Two Districts betwixt which it forms the Junction, and that in Proportion to the Number of Plough-gates within the said respective Districts, and every Measure relative thereto shall be settled at a joint Meeting of the Trustees of the Two Districts concerned.

Meeting of Trustees.

XXII. And be it enacted, That the said Trustees for the said respective Districts shall meet alternately at the Churches of the Parishes within each District, upon the Second *Friday* of *June* One thousand eight hundred and three, at Twelve of the Clock Mid-day, and on the last *Friday* of *April*, at Twelve of the Clock Mid-day annually in Time coming, any Five of them being a Quorum, and shall proceed to the Execution of this Act, and may then and afterwards adjourn themselves to meet at such Times and Places on or near the said Roads as the said Trustees at the last Meeting shall think proper, without Prejudice to their meeting sooner, if there shall be Occasion, upon Notice by the Clerk of the last Meeting, advertised once at least in any Three of the *Edinburgh* Newspapers published for the Time Ten Days at least previous to the Meeting.

Trustees to form Lists of Roads to be repaired.

XXIII. And be it enacted, that the said Trustees for their respective Districts shall, at their said First Meeting, or any after regular Meeting of the District to be held previous to the Annual General Meeting of the Trustees for the County, on the Days before-mentioned make up a List of the Great and Cross Roads within each Parish of the District to which the Funds ought in the First Place to be applied, with an Estimate of the Expence of making the same, and the Proportion of the Funds to be applied thereto, and report their Proceedings to the said General Meeting of the Trustees for the County, which General Meeting shall insert the said Report from each of the said Districts in their Minutes or Records for the Information and Inspection of all concerned, and the Lines of Road being once fixed, the same shall not be altered or any new Road inserted in the Lists until the Roads so fixed at the said General Meeting of the District where the Roads lie be declared completely made and finished, unless upon Application to an annual Meeting of the District in the Month of *April*, Notice being given in Three *Edinburgh* Newspapers One Month previous to such Meeting, of the Intention of the Party concerned to apply to have the Road inserted in the List.

XXIV. And

Power to borrow Money.

XXIV. And be it enacted, That in order that the Roads may be more ſpeedily and effectually put in Repair, and the Public derive immediate Advantage therefrom, the Truſtees for each Diſtrict, or any Five or more of them, at a General Meeting aſſembled, ſhall have Power to borrow Money on the Security of the Funds leviable by virtue of this Act, to be applied in making and repairing the Great and Croſs Roads within the Diſtrict, Notice of the Intention of borrowing, and the Extent of the Sums to be borrowed, being always given by Advertiſement in any Three *Edinburgh* Newſpapers publiſhed for the Time, at leaſt Ten Days previous to ſuch borrowing: Provided always, That no Sum ſhall be borrowed unleſs it clearly appears that a Sum equal at leaſt to Five Pounds *per Centum per Annum* of the Capital Sum ſo propoſed to be borrowed (over and above the legal Intereſt of the Money borrowed, the Sum to be appropriated by the Truſtees for keeping the Roads in Repair and Expence of Management), can and ſhall actually be appropriated and ſet apart as a Sinking Fund, carefully and attentively to be applied in diminiſhing and extinguiſhing the Debt to be incurred; and that if any Truſtee or ſet of Truſtees ſhall borrow Money for making the Roads without adopting and following out theſe Regulations, he or they ſhall be perſonally liable for the Money ſo borrowed, and the ſame ſhall not be held as a Debt on the Truſt Funds of the Diſtrict; and all Monies borrowed ſhall be lodged in the Bank of *Scotland* at *Edinburgh* or in the Branch of that Bank at *Dunfermline*, upon a Receipt from the Treaſurer, there to remain till the Making and Repairing the Roads for which it is borrowed actually commence, and afterwards to be drawn as the Operations require, in Manner hereinafter ſpecified.

Power to aſſign the Funds in Security of Money borrowed.

XXV. And be it enacted, That the ſaid Truſtees or a Quorum of them at any General Meeting for the reſpective Diſtricts aſſembled, are hereby empowered to aſſign and convey the Funds leviable by this Act in Security of the Money to be borrowed upon the Credit of the Produce thereof, to any Perſon or Perſons from whom the ſaid Money ſhall be borrowed; and all Aſſignments of the ſaid Funds ſhall be entered by the Clerk in a Book to be kept for that Purpoſe, and which Book may be ſeen and peruſed at all ſeaſonable Times without Fee or Reward.

XXVI. And be it enacted, That the Aſſignation to be granted for the Sums of Money ſo to be borrowed ſhall be agreeable to the following Form, or in other Words to the ſame Purport; that is to ſay,

Form of Bond or Aſſignation.

" BY virtue of an Act made in the Forty-third Year of the Reign
" of His Majeſty King *George* the Third, intituled, An Act
" (*here inſert the Title of the Act,*) we the Truſtees for putting the ſaid
" Act into Execution aſſembled at a General Meeting of the Diſtrict of
" called agreeable to the aforeſaid Act in conſidera-
" tion of the Sum of advanced by
" *A. B.* for the Purpoſe of making and repairing the Roads in the Pariſh
" of (*or* the Line of Road from, *as the Caſe may be*)
" do hereby aſſign to the ſaid *A. B.* his Executors and Aſſignees ſuch
" Proportion of the Funds appropriated for making and repairing the
" Roads in the ſaid Pariſh of (*or* the Line of
" Road from, *as the Caſe may be*) as the ſaid Sum of
" doth or ſhall bear to the whole Sum borrowed, or to be borrowed,

" to be held by the said *A. B.* his Executors and Assignees from this
" Day of in the Year of our Lord
" until the aforesaid Sum of
" with Interest at the Rate of *per*
" *Centum per Annum* shall be repaid. In Witness whereof we have sub-
" scribed this Assignation, written by *C. D.* Clerk to the said Trustees
" (*or any other Person*) at the
" Day of Years, in the Presence of the said *C. D.*
" and *E. F.* of

Bonds to be transferable by Indorsation.

XXVII. And be it enacted, That the Bonds and Assignations to be granted in Security of Money to be borrowed in virtue of the Powers contained in this Act, shall be transferable from Time to Time, by a simple Indorsation by the Creditor on the Back thereof, in the following Words, or Words to the same Purport, without the Necessity of any other Conveyance, *videlicet*;

Form of Transference.

" I Do hereby transfer this Assignation with all my Right and Title to
" the Principal and Interest thereby secured and now due unto *C. D.*
" his Executors and Assignees. Witness my Hand at the
" Day of in the Year
" before these Witnesses, *E. F.* and *G. H.*"

Application of the Money borrowed.

XXVIII. And be it enacted, That the Funds to be levied in virtue of this Act shall be, and are hereby vested in the said Trustees, and the same shall be applied and disposed of in Re-payment of the Money borrowed, and in making and repairing, and keeping in Repair, the said Roads: Declaring always, That the Funds of each District shall only be applied in Re-payment of the Money borrowed on the Credit of the Sum arising within the District, and to the Sinking Fund for discharging the Debt thereon, and in making and repairing the Lines of Road within that District and no otherwise.

Proportion of Funds to be allocated.

XXIX. And be it enacted, That the Trustees for the respective Districts shall, at the First Meeting to be held in pursuance hereof, or any Adjournment thereof, in the Year One thousand eight hundred and three and every annual General Meeting thereafter, ascertain the Proportion of the Funds of each District, to be allocated for the respective Roads within the same for the ensuing Year: Declaring, That when a particular Portion of the said Fund of any District has been once allocated for making and repairing any Line of Road within the District, and Money has been borrowed upon the Faith of that Allocation, it shall not be in the Power of the Trustees to alter the Allocation until the Money so borrowed is paid off and discharged.

Grants of Money how to be obtained.

XXX. And be it enacted, That none of the Funds or Money shall be allocated or granted but on the Application of One or more Trustees, or other respectable Persons, who, by obtaining the Grant, shall be held responsible and strictly accountable for the faithful Expenditure of the Sum granted, and who before obtaining any Grant for Money, shall give in a List of the respective Roads meant to be made and repaired by them, and at the same Time shall give in an Estimate, specifying the Expence *per* Rood of the proposed making or Repairs.

XXXI. And

XXXI. And be it enacted, That the Money ſhall be applied to the reſpective Roads for which it was granted, and to no other Road, under the Penalty of repaying the Sum drawn with legal Intereſt for the ſame from the Day it was paid, and One Half more by way of Fine on the Perſon applying the ſame. To be applied to the Road for which granted.

XXXII. And be it enacted, That the Money, to the Extent of the Sum granted, ſhall not be paid until the Work is begun, when it may be drawn for at One or more Inſtalments, by Order of the Perſon or Perſons to whom it was granted, on the Clerk to the ſaid Diſtrict, who ſhall accept and direct it for Payment by the Bank of *Scotland*, or Branch thereof as aforeſaid. Not to be paid till the Work commences.

XXXIII. And be it enacted, That whoever obtains a Grant for and receives Money, ſhall make up and lodge with the Clerk to the Diſtrict an atteſted Account on Oath, with regular Vouchers for the fair Expenditure of the Money, diſtinguiſhing the Sum expended on each Road; and if the Whole or any Part of the Money granted ſhall have been paid and not expended or accounted for as aforeſaid, the ſame ſhall be repaid immediately after the Firſt Day of *January* thereafter, and One Half more by way of Penalty, and legal Intereſt for both from the ſaid Firſt Day of *January*, until paid. Thoſe obtaining Grants to lodge Accounts atteſted on Oath.

XXXIV. And be it enacted, That all Grants for the Expenditure of which regular Accounts as aforeſaid ſhall not be lodged, and the Payment demanded, on or before the Firſt Day of *January* yearly, ſhall be held as not laid out or expended as the ſame was allocated, and, together with all unappropriated Money, ſhall remain at the future Diſpoſal of the Truſtees of the Diſtrict, at their annual General Meeting in *April* or afterwards, to be applied on ſuch Roads as they ſhall think proper. Accounts not lodged; the Money ſhall not be deemed to be laid out.

XXXV. And be it enacted, That the Proceedings in the different Diſtricts ſhall be reported to the Firſt annual General Meeting of the Truſtees for the County, to be held in conſequence of this Act; and at every annual General Meeting thereafter there ſhall be laid before them a Summary of the Proceedings of the Truſtees for their reſpective Diſtricts previous to the ſaid Meetings of the County, containing a Liſt of the Roads adopted for Repair, an Account of the Money levied and Money borrowed (if any) in virtue of this Act, with the Proportion of thoſe Funds allocated to each Line of Road, which ſhall be regularly inſerted in their Minutes or Records. Diſtricts to report their Proceedings.

XXXVI. And be it enacted, That the ſaid Truſtees of each Diſtrict, at their Firſt Meeting, and every annual General Meeting of their reſpective Diſtricts, ſhall have Power to nominate and appoint Clerks, Collectors, Surveyors, or other Officers they may conſider neceſſary for carrying this Act into Execution, and to remove theſe Officers at Pleaſure. Truſtees to name Officers for putting the Act into Execution.

XXXVII. And be it enacted, That the ſaid Truſtees of each Diſtrict ſhall keep a Record of their Proceedings, and an exact Account of the Money received by virtue of this Act, and of the Application thereof, in a Book in the Hands of their Clerk; which Book of Accounts and Proceedings, all Heritors Truſtees to keep Books and Accompts.

ritors of the ſaid Diſtrict ſhall at any reaſonable Time be at Liberty to inſpect without Fee or Reward; and the Truſtees for the County at large ſhall alſo keep a Record of their Proceedings and of the Reports from the ſeveral Diſtricts, which ſhall be open to the Inſpection of every Heritor within the County, likewiſe without Fee or Reward; and in caſe of any Miſapplication of Money collected, received, or levied by virtue of this Act, all and every Perſon or Perſons who ſhall miſapply, or by whoſe Authority the ſame ſhall be miſapplied, ſhall forfeit and pay double the Sum ſo applied, to be recovered from him or them at the Suit of any Two or more Heritors within the ſaid County poſſeſſed of Two Hundred Pounds *Scots* each of valued Rent, who are hereby authoriſed to purſue for and recover the ſame in a Summary Action before the Judge Ordinary, with full Coſts of Suit, One Moiety of which Forfeiture ſhall belong to the Perſons who ſhall ſue for the ſame, and the other Moiety ſhall be paid to the ſaid Truſtees for the Diſtrict where the Miſapplication may have taken place, who are hereby directed to apply the ſame for the repairing of the ſaid Roads.

Truſtees to make the Great and Croſs Roads.

XXXVIII. And be it enacted, That the ſaid Truſtees in the General Meetings of their reſpective Diſtricts ſhall, and they are hereby authoriſed to cauſe the Great and Croſs Roads, Bridges, and Ferries, within the ſaid Diſtricts, to be altered, 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 new Lines of Roads if neceſſary: Provided always, That ſuch new Roads ſhall in no Caſe be carried through any Lawn, Avenue, Garden, Orchard, Pleaſure or Nurſery Ground, or within Three Hundred Yards of any Manſion-houſe, ſo as to incommode the ſame; and further, to cut and make Drains, Ditches, or Trenches, through any Grounds lying contiguous to the ſaid Roads, and to make Paſſages 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 Satisfaction be made to the Owner or Occupier of ſuch Lands for the Damage to be done thereby, to be aſcertained in Manner after ſpecified: Declaring, That if any ſuch Owners or Occupiers ſhall not be ſatisfied with the Offer made to them by the ſaid Truſtees, or ſhall refuſe to treat, or ſhall allege that the Grounds which it is propoſed to occupy by the Road are ſuch as cannot be broken in upon; in any of thoſe Caſes, the Propriety of going through ſuch Grounds, and the Amount of the Damages, ſhall be aſcertained by a Jury to be called by the Sheriff Depute of *Kinroſs* or his Subſtitutes, who, upon Application, are hereby authoriſed and required to ſummon a Number of diſcreet and ſubſtantial Perſons, being Owners and Occupiers of Land, entitled to be Commiſſioners of Supply within the ſaid County, not leſs than Twenty-two in Number to come and appear before him or them at ſuch Time and Place as by their Warrant and Precept ſhall be directed, Intimation of Ten Days being given by the Truſtees of ſuch Appointment to the Party concerned, or his or her Agent; and the Number of Perſons who ſhall attend ſhall then be reduced to Eleven, by the Truſtees and the Proprietor ſtriking off One alternately, beginning on the Part of the Proprietor, or in caſe both Parties ſhall fail to appear, by

by the Sheriff ſtriking off until the Number be ſo reduced; and the remaining Eleven being duly ſworn, the Sheriff ſhall proceed to examine upon Oath, in their Preſence, ſuch Witneſſes as ſhall be ſummoned by either Party, and upon their Depoſitions and other competent Evidence, ſuch Jury ſhall determine not only the Propriety of the propoſed Widening or Alteration, but alſo of the Damages to be paid by the ſaid Truſtees, and their Verdict ſhall be final and concluſive to all Parties, without any Power of Appeal whatſoever; and the Sheriff ſhall thereupon order Payment to be made of the Sums awarded by the Jury, and ſhall ordain the Owners and Occupiers of the Grounds or other Subjects, or their Truſtees, Tutors, Curators, or Adminiſtrators, upon Payment or lawful Tender thereof, quietly to permit and ſuffer the ſaid Truſtees to take Poſſeſſion of the Grounds or other Subjects.

Application of Compenſation Money when exceeding 200*l.*

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

If under 200*l.* and above 20*l.*

XL. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſons under Diſability or Incapacity

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

Where under 20*l.* Sterling.

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

Truſtees to erect Arches and Bridges.

XLII. And be it enacted, That the ſaid Truſtees in their ſaid Diſtrict Meetings ſhall, and they are hereby authoriſed and empowered to cauſe new Arches and Bridges of Stone, Brick, or Timber, to be made or erected upon the ſaid Roads, and any old Bridges which may become uſeleſs or unneceſſary by changing the Courſe of the Road or otherwiſe, to be pulled down, and the Materials thereof to be ſold or applied in building new Arches, or for repairing the ſaid Roads as they ſhall ſee proper; and alſo to cauſe ſuch Parts of the ſaid Roads, as they ſhall conſider not of ſufficient Breadth, to be widened and made of ſuch Breadth as they ſhall ſee neceſſary, not exceeding Forty Feet free of Ditches and ſide Drains, 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 for theſe Purpoſes, if neceſſary, to cauſe remove Fences, or pull down any Houſe or Houſes, not exceeding Twelve Feet in Height, upon giving the Proprietor or Proprietors of the ſaid Houſes (or his known Agent, in caſe of his being forth of *Scotland*) Six Months previous Notice of their Intention of purchaſing the Houſe or Houſes ſo to be pulled down, and alſo upon giving the Occupiers of Houſes legal Intimation of removing, the ſaid Truſtees being always liable to the Owners of Houſes and Fences ſo to be pulled down in the Damages thereby incurred to be aſcertained in Manner herein mentioned; and the Road ſo altered ſhall from thenceforth be deemed and taken to be a public Highway, and ſhall be repaired and amended and kept in Repair in the ſame Manner as the ſaid Great and Croſs Roads to be made and repaired in virtue of this Act.

XLIII. And

District Meetings may appoint Committees.

XLIII. And be it enacted, That for the more eaſy and effectual putting in Execution this Act, the ſaid Truſtees, at any Meeting of their ſaid reſpective Diſtricts, may authoriſe and appoint ſuch a Number of the ſaid Truſtees as they ſhall think proper, who may live near to each of the ſaid Roads by this Act to be made and repaired, as a Committee, Three being a Quorum, and empower them to give ſuch Orders and Directions for the Repair of the ſaid Roads as to them ſhall ſeem reaſonable, ſuch Committees being always accountable to the Truſtees for the Diſtrict, and for that Purpoſe ſhall lay before them, once in the Year, a State of their Accounts, and all their Tranſactions, with proper Vouchers for the Diſburſements made by them, to be by the ſaid Truſtees, at their ſaid Diſtrict Meetings, examined, audited, and approved, and to be entered in the Book kept by the Clerk for the Diſtrict.

Roads running through unincloſed Grounds to be widened.

XLIV. And be it enacted, That where any Road in the ſaid County 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, without any Recompence from the Truſtees (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 the Peace of the ſaid County, at their Quarter Seſſions aſſembled.

Ground of Old Roads to be ſold.

XLV. And be it enacted, That in caſe the Courſe of any of the ſaid Roads ſhall be altered or widened as aforeſaid, the ſaid Truſtees in their Diſtrict Meetings, ſhall, and they are hereby authoriſed and empowered, as ſoon as the ſaid New Roads ſhall be completed and made paſſable and convenient for Carriages, to cauſe to be valued the Old Roads, 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 the ſaid Valuation, and the Money ariſing from ſuch Sale ſhall be applied and diſpoſed of for the Mending of the ſaid Roads; and the Sale or Conveyance, or Conveyances, to be made of ſuch Lands and Grounds compriſed in the ſaid Old Road being executed by the Preſes of the ſaid Truſtees, in their Diſtrict Meeting, ſhall be good and effectual in Law to all Intents and Purpoſes whatever: Provided always, That the ſaid Truſtees, before they ſhall ſell and diſpoſe of ſuch Lands or Buildings, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Lands or Buildings; and in caſe ſuch Perſon or Perſons ſhall not then and thereupon agree, or ſhall refuſe to repurchaſe the ſame, any Affidavit to be made and ſworn before One of His Majeſty's Juſtices of the Peace for the County where ſuch Lands or Buildings ſhall lie, by ſome Perſon or Perſons no way intereſted in the ſaid Lands or Buildings, ſtating that ſuch Offer was made by or on Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon

agreed

agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom it was made, as the Caſe may be.

Power to dig Gravel, &c.

XLVI. And be it enacted, That it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Roads, and ſuch Perſons as he or they ſhall appoint, by Order of any Five or more of the ſaid Truſtees of the ſaid Diſtricts to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, and other Materials for making or repairing the ſaid Roads out of the ſeveral Grounds of any Perſon or Perſons (not being the Ground whereon any Houſes ſtand, the Side-walls of which are Twelve Feet high, nor a Garden, Orchard, Yard, Planted Walk or Walks, Lawn, or any Avenue to any Houſe, nor any Piece or Parcel of Ground ſet apart and uſed as a Nurſery for Trees, except ſuch Gravel Pits as have been opened and uſed for the Purpoſe of repairing the Roads within Three Years previous to the Paſſing of this Act) where ſuch Materials are or may be found; and from Time to Time to cauſe the ſame to be carried away, or ſo much thereof as the ſaid Surveyor or Surveyors ſhall judge neceſſary for making, repairing, and mending the Roads aforeſaid, paying only the Damage done to the Owners and Occupiers of the ſaid Grounds reſpectively, where and from whence the ſame ſhall be digged, gathered, taken away, or over which the ſame ſhall be carried.

Value of Ground damaged how to be aſcertained.

XLVII. And be it enacted, That in all Caſes where the Owners and Occupiers of Houſes and Grounds do not agree with the Truſtees concerning the Amount of Damages done by digging Gravel and other Materials neceſſary to be taken for the making and repairing the ſaid Roads, the ſame ſhall be determined by a Jury in Manner hereinbefore mentioned; but ſuch Difference between the Truſtees and Owners or Occupiers, ſhall not in the mean Time hinder the proceeding with the carrying off and uſing any Gravel, Stones, Sand, or other Materials, and applying the ſame towards making and repairing the ſaid Roads; and the Determination of the ſaid Jury is hereby declared to be final.

Poſſeſſors to clean Ditches made by them.

XLVIII. And be it enacted, That where any Ditches have been or in Time coming ſhall be made near the Sides of the ſaid Roads, or through any of the Fields adjoining thereto, by the Proprietors or Occupiers of the ſaid Fields, then ſuch Proprietors and 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 Truſtees of the Diſtrict, may and are hereby required to order ſuch Ditches to be cleaned, opened, and ſcoured, at the Coſt and Expences of the Proprietors or Occupiers of the Fields through which thoſe 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 hereinbefore directed for recovering the converted Values leviable by this Act.

In default, Truſtees may order it at their Coſts.

XLIX. Provided

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

XLIX. 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 hereinafter 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 where any Passage for Cattle or Carriages across any Road, or an Access into any Field for the Convenience of the Occupier of the Ground through which it passes, shall be made, the Occupiers 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: Providing 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 District Meetings; and in that Case 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.

Possessors obstructing the same to pay triple Expences.

Water carried across any Road, Manner thereof.

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

L. 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 Two Months previous Notice to the Trustees for the District where the Inclosures are to be made, and if he fails 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: Provided always, That the said Notice shall be given to the Trustees by a Notification in Writing, pasted of a *Sunday* upon the Church Door of the Parish where the Grounds intended to be inclosed lie, and by a Letter directed to the Clerk to the Trustees for the Districts, 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 injuring Foot-paths.

LI. 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 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 hereinafter directed.

Possessors to cut the Hedges on Sides of Roads.

LII. And be it 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 cut the Hedges to the Height of Five Feet from the Level of the Road, and to prune the Trees in a proper Manner, so as to give sufficient Breadth and Air to such Road;

and in case they neglect so to do Three 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 at the Defaulter's Expence.

Trustees may act as Justices.

LIII. And be it enacted, That the Trustees appointed to put this Act in Execution, who are or shall be in the Commission of the Peace for the County of *Kinross*, shall and may act nevertheless as Justices of the Peace within their respective Jurisdictions for the more effectually putting in Execution the several Authorities and Powers in this present Act mentioned and contained.

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

LIV. And be it enacted, That if any Person or Persons appointed or to be appointed by this Act as a Trustee or Trustees for putting the same in Execution, shall have or accept of any Place of Profit arising thereout, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Time of enjoying such Place of Profit as aforesaid.

Trustees may erect Mile stones, &c.

Penalty on defacing these Stones.

For breaking Parapet Walls of Bridges.

LV. And be it enacted, That the said Trustees 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 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 or Parapet Walls on the Sides of any of the Bridges of 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 be aiding and assisting therein, or shall rescue or attempt to rescue any Person apprehended for such Offence, every Person offending in any of the 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, for the First Offence not only be adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds nor less than Twenty Shillings Sterling; and for a Second or any subsequent Offence shall, besides paying the Damages and Expences, pay a Penalty not exceeding Ten Pounds nor less than Two 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 empowered and required to commit such Person or Persons so convicted to Prison, for any Term not exceeding Three Calendar Months, nor less than One Calendar Month, or until such Penalty shall be paid.

No Annoyances to be laid on the Roads.

Head Ridges.

Gates.

LVI. And be it enacted, That for preventing Annoyances in the said Roads, from and after the passing of this Act, every Person in ploughing any Field contiguous to any of the said Roads shall always make Head Ridges along the Sides of the Roads, of the Breadth of Eighteen Feet at least; and all Gates upon Inclosures next to any

of

of the High Roads shall open inwards to the Field, and no Person or Persons whatsoever shall lay any dead Horse (except in Case of Accidents), or other Carrion, upon any of the said Roads, or within Twenty Yards of the Sides of the Roads, or any Dung, Lime, Soil, or Compost or Matter whatever, either for manuring Lands, or for any other Purpose, upon any of the said Roads, or within Five Yards of the Sides (unless within a Fence) of any Part of the said Roads, under the Penalty of Ten Shillings Sterling for each Offence, and the said Dung or other Matter, may be removed and sold by an Order in Writing from any Two or more of the said Trustees, they paying the Value thereof after deducting the Penalty and the Expences of removing and selling the same. Dead Horses. Dung.

LVII. And be it enacted, That if after the passing of this Act any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than on a Wheeled Carriage, or shall suffer any Tree or other Matter whatsoever which can be conveyed on a Wheeled Carriage, to drag upon any Part of the said Roads, every such Person shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied as hereinafter directed. Every Thing drawn on the Roads must be on a Wheeled Carriage.

LVIII. And be it enacted, That all Forfeitures and Penalties inflicted or authorised to be imposed in relation to any Matter or Thing in this Act contained, 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 Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of Two Justices, or of the said Sheriff-Depute, or his Substitute, (which Warrant is hereby authorised 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 Public 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 such Penalties and Forfeitures, when recovered, shall be paid to the said Trustees or their Collectors for the Time being, and shall be laid out and applied in repairing of such of the Roads upon or in respect whereof such Penalties and Forfeitures shall be incurred; 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 Recovery of Penalties. How to be applied. On Failure of Distress Offenders to be committed.

Penalties

Penalties or Forfeitures and reasonable Charges shall be sooner paid and satisfied.

How Parties aggrieved may obtain Redress.

LIX. And be it 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 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 authorised 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.

Expence of this Act to be paid out of the Money levied in virtue hereof.

LX. And be it enacted, That the Expence attending the passing of this Act, as the same shall be settled and allowed at a General Meeting of the Trustees for the County, shall be paid by the several Districts out of the first Part of the Monies to be levied within the said Districts by virtue of this Act, in Proportion to the valued Rent of said Districts.

Limitation of Actions.

LXI. And be it enacted, That all Actions and Complaints of all and every the Penalties and Forfeitures imposed by this Act, or for any Wrongs done or Injuries suffered in any Manner 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.

Public Act.

LXII. And be it enacted, That this Act shall be taken and allowed in all Courts within this Kingdom as a Public Act, and all Judges, Justices, and other Persons, are hereby required judicially to take Notice thereof as such, without specially pleading the same.

Commencement and Continuance of the Act.

LXIII. And be it further enacted, That this Act shall commence and take Place from and after the passing thereof, and shall remain in Force during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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