ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 69.

An Act for better regulating the Statute Labour within the County of *Stirling*. [18th *May*, 1810.]

WHEREAS an Act was made in the Eighteenth Year of the Reign of His present Majesty, intituled, *An Act for repairing the Highways and Bridges in the County of* Stirling, which was to continue in force for the Term of Twenty-five Years, and from thence to the End of the then next Session of Parliament, the Term of which Act is now expired: And whereas since the Expiration thereof, the General Laws for making and repairing Highways and Bridges in *Scotland* have been found ineffectual, in their present Shape, for repairing the Highways and Bridges in the County of *Stirling*, and it would be of great publick Utility, and highly beneficial to the said County, if further and more effectual Powers were granted, in order effectually to carry the Intention of the Laws relative to the Highways and Bridges into Execution, which beneficial Purposes cannot be obtained, without the Aid and Authority 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 for the more easy and effectual Execution of the Powers granted by this Act, the said County shall be, and the same is, hereby divided into Nine Districts, as follows, *videlicet*: The First District to comprehend the Parishes of *Buchanan*, *Drymen*, *Balfron*, *Killearn*, *Strathblane*, and *Fintry*; the Place of Meeting to be at *Balfron*: the Second District to comprehend the Parishes of *Campsie*, *Baldernock*, *Kilsyth*, and

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The Shire divided into Districts.

and *Kilpatrick*; the Place of Meeting to be at *New Berbieſton*: the Third Diſtrict to comprehend the Pariſhes of *Denny* and *Dunipace*, (excepting the Lands of *Torwoodhead*), the Lands of *Auchenbowie*, *Canglors*, *Bannockburn*, *Skeoch*, *Garduſh*, *Blackhill*, *Sauchie*, *Chatterſhall*, the Lands of *Greenyards Eaſter* and *Weſter*, in the Pariſh of *St. Ninian's*, *Seabegs*, and *Caſtle-carry*, in the Pariſh of *Falkirk*; the Place of Meeting to be at *Denny*: the Fourth Diſtrict to comprehend the Pariſhes of *Stirling*, *Gargunnock*, and *Kippen*, *St. Ninian's* on the Weſt of *St. Ninian's Burn*, the Lands of *Polmaiſe*, *Stewart-hall*, *Burrowmeadow*, *Balquhidderock*, *Dundaff*, *Craigengelt*, *Cringates*, *Touchadam*, and *Cowie*, in the ſaid Pariſh of *St. Ninian's*; the Place of Meeting to be at *Stirling*: the Fifth Diſtrict to comprehend the Pariſh of *Alva*; the Place of Meeting to be at *Alva*: the Sixth Diſtrict to comprehend the Pariſhes of *Logie* and *Lecropt*; the Place of Meeting to be at *Logie* or *Bridge of Allan*: the Seventh Diſtrict to comprehend the Pariſhes of *Polmont* and *Muiravonſide*, with the Lands of *Eaſter* and *Weſter Inches*, in *Bothkennar* Pariſh, but excepting the Lands in *Polmont* Pariſh, on the North of the River *Carron*; the Place of Meeting to be at *Polmont*: the Eighth Diſtrict to comprehend the Pariſhes of *Falkirk*, *Airth*, *Larbert*, and *Bothkennar* (excepting as aforeſaid), and the Lands of *Torwoodhead*, in the Pariſh of *Dunipace*, the Lands of *Powhouſe*, *Plean*, *Carnock*, *Kerſey*, *Throſk*, *Poppletrees*, and the Two *Bandeaths*, in the Pariſh of *St. Ninian's*, and the Lands in *Polmont* Pariſh on the North of the River *Carron*; the Place of Meeting to be at *Carron*: and the Ninth Diſtrict to comprehend the Pariſh of *Slamanan*; the Place of Meeting to be at *Slamanan Bridgend*.

Diviſion ſhall be ſubject to Alteration.

II. 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, which ſhall be held at any Time within Two Months after the paſſing of this Act, or by any General Meeting of Truſtees in every Third Year thereafter, and not otherwiſe: Provided always, That Notice of any Propoſition intended to be made at any ſuch General Meeting for ſuch Alteration of the Diſtricts or Places of Meeting, ſhall be delivered in Writing to their Clerk, and advertiſed by him in One *Edinburgh* and in One *Glaſgow* Newſpaper, at leaſt Once a Week, for Two Weeks before ſuch General Meeting, the Firſt of ſuch Advertiſements being at leaſt Fourteen Days before the Day of ſuch General Meeting.

Truſtees appointed.

III. And be it enacted, That all and 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, lying in the County of *Stirling*, valued in the Ceſs Books of the ſaid County, at One hundred Pounds *Scots* or upwards; and the eldeſt Son of every ſuch Perſon, in the Abſence of his Father; the Juſtices in the Commiſſion of the Peace for the County of *Stirling*, for the Time being; the Chief Magiſtrate of the Royal Burgh of *Stirling*, for the Time being; the Dean of Guild of the ſaid Royal Burgh of *Stirling*, for the Time being; One Maſter of each Hoſpital, in the ſaid Royal Burgh of *Stirling*, for the Time being; One Guardian or Truſtee of each Minor, or other Perſon under Guardianſhip, in the actual Poſſeſſion and Enjoyment of Lands, lying in the ſaid County of *Stirling*, of the Valuation

Valuation aforesaid; the Manager for the Time being, for *Carron* Company, while the said Company shall be in the actual Possession and Enjoyment as aforesaid, of Lands lying in the said County, of the Valuation aforesaid: the Chamberlain to his Grace the Duke of *Montrose*, for the Time being; the Factor for the Time being, of each Heritor in the actual Possession and Enjoyment as aforesaid, of Lands valued in the Cess Books of the said County, at Five hundred Pounds *Scots*, or upwards, and who may not be in *Scotland* at the Time; and the eldest Son of every Person in the actual Possession and Enjoyment as aforesaid, of Lands valued in the Cess Books of the said County, at Four hundred Pounds *Scots*, or upwards, shall be; and they are hereby nominated and appointed Trustees for making and repairing the Highways, Roads, and Bridges within the said County, and for executing all other the Powers by this Act given and granted: Provided always, That no Trustee shall be entitled to act at any District Meeting, who is not at the Time qualified to act as a Trustee in respect of Lands lying within the Bounds of such District, unless where such Trustee may be qualified in respect of Lands lying in different Districts, and which, separately, are under the valued Rent aforesaid; then such Trustee shall be entitled to act at the District Meetings of the District within which his ordinary Place of Residence is, or in his Option in the District in which the greatest Part of his Lands lie, or in which the ordinary Place of Residence of the Person for whom he acts may be, provided any Part of the Lands, in respect of which he acts, lies within such District.

Qualification of Factors.

IV. Provided always and be it enacted, That no Factor shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be qualified to act as a Commissioner of Supply for the said County, or unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Twenty-five Pounds Sterling *per Annum*; or be possessed of and entitled to a personal Estate alone, or real and personal Estate together, of the Value of Five hundred Pounds Sterling; nor shall any such Factor, not qualified to be a Commissioner of Supply, be capable of acting in the Execution of this Act, until he shall have taken and subscribed the Oath following before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; that is to say,

'I do swear, That I, truly and *bona fide* am, 'in my own Right (or in the Right of my Wife, as the Case may be) 'in the actual Possession and Enjoyment of Lands or Heritages of the clear 'yearly Value of Twenty-five Pounds Sterling; or possessed of, or entitled to a personal Estate alone, or real and personal Estate together, 'of the Amount of Five hundred Pounds Sterling.

'So help me GOD.'

Penalty on Persons acting as Trustees without the necessary Qualifications.

V. And be it enacted, That if any Person, not possessed of the necessary Qualification or Office to entitle him to be a Trustee, shall, nevertheless, presume to act as a Trustee, every such Person shall forfeit the Sum of Twenty Pounds Sterling for every such Acting, besides the Expences of Prosecution, to be recovered by Complaint, in a summary Way, at the Suit of any One or more of the said Trustees before the Justices of the Peace

Peace for the ſaid County, as hereinafter mentioned; which Penalty ſhall be paid to the Clerk or Treaſurer of the Truſtees, whether in Diſtrict or General Meetings, where the Offence may be committed; and ſhall be applied, if ſuch Penalty be incurred by acting at a Diſtrict Meeting, for the Reparation of the Roads and Bridges within that Diſtrict, in ſuch Manner as ſhall be allocated and directed by a Meeting of the Truſtees thereof; and if incurred by acting at a General Meeting, it ſhall be applied for the Reparation of the Roads and Bridges in the ſaid County, in ſuch Manner as ſhall be allocated and directed by a General Meeting of the ſaid Truſtees; and in caſe of ſuch Complaint, the Proof of the Qualification ſhall lie upon the Perſon complained of; and any Vote given, or Act done, in the Character of a Truſtee, by any Perſon not qualified as aforeſaid, ſhall be, and be held to be, altogether null and void.

Time and Place of Meeting, and Order of Proceeding.

VI. And be it enacted, That the ſaid Truſtees ſhall, in order to carry this Act into Execution, meet at *Stirling*, upon the Fourth *Monday* after the paſſing of this Act, and ſhall thereafter meet at *Stirling* upon the Thirtieth Day of *April* yearly; or when that ſhall happen to fall upon a *Sunday*, then on the Firſt lawful Day thereafter; and the ſaid Truſtees, at their Firſt General Meeting or at ſuch Annual General Meeting, or at any other General Meeting aſſembled, ſhall be and they are hereby empowered to adjourn to the next, or to any after lawful Day, if they ſhall ſee cauſe ſo to do, and to name a Preſes or Chairman of their Meeting, and a Clerk to hold his Office during Pleaſure, who ſhall attend the Meetings of the ſaid Truſtees, and ſhall enter their whole Proceedings regularly in a Book or Books to be kept for that Purpoſe, and ſhall likewiſe, 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 thoſe Orders or Proceedings of the ſaid Truſtees into execution; and the ſaid Truſtees ſhall, at their ſaid Firſt General or adjourned Meeting, and annually at their General Meeting or adjourned Meeting, appoint a Treaſurer or Collector, Treaſurers or Collectors, (who ſhall give ſuch Security for the due Execution of his or their Office or Offices as to the ſaid Truſtees ſhall ſeem fit,) and ſuch Number of Surveyors and other Officers as they may deem to be neceſſary for carrying this Act into execution, with ſuitable Salaries for their Trouble, and to remove them at Pleaſure; and the ſaid Truſtees ſhall, at ſuch Meetings as aforeſaid, appoint early and convenient Times for the Firſt Meetings in each Year of the Truſtees within their reſpective Diſtricts, and at the Places before mentioned, or at ſuch Times and Places as ſhall be fixed at the General Meetings authorized to be held for that Purpoſe as before ſpecified; and the Truſtees, at ſuch Diſtrict Meetings aſſembled, ſhall have Power afterwards to adjourn as they ſhall ſee Cauſe.

Preſes and Clerk to be choſen.

Power to call General Meetings, and any Number of Truſtees may adjourn.

VII. And be it enacted, That it ſhall be in the Power of any Five or more of the ſaid Truſtees, at any Time, to call a General Meeting of Truſtees, proper Notice of the Time of ſuch Meeting being always given by Advertiſement in One *Edinburgh* and One *Glaſgow* Newſpaper, in Manner before mentioned with regard to the Notices to be publiſhed in ſuch Newſpapers by the Clerk to the ſaid Truſtees; and that at all General

Meetings of Truſtees Five ſhall be a Quorum, but it ſhall be lawful for any Number of Truſtees leſs than Five, in caſe Five Truſtees do not attend, or for any One Truſtee, in caſe only One ſhall attend, to adjourn to any after lawful Day, but to do no other Buſineſs, the Day fixed for the adjourned Meeting being always duly advertiſed by the Clerk to the ſaid Truſtees in ſuch Newſpapers as aforeſaid, in Manner before mentioned. Quorum.

VIII. And be it enacted, That the Truſtees of the different Diſtricts ſhall (under the Reſtrictions after mentioned) 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 Services and Monies to be exacted and raiſed by virtue of this Act from each Diſtrict, to any publick Road whatſoever within ſuch their reſpective Diſtricts only; and the ſaid Truſtees, in ſuch Diſtrict Meetings aſſembled, ſhall be, and they are hereby empowered to appoint a Preſes or Convener, and, if neceſſary, a Clerk for each Diſtrict, and to adjourn from Time to Time; and the Preſes or Convener of each reſpective Diſtrict Meeting ſhall be, and he is hereby empowered and required to call Meetings of the Truſtees for the ſaid Diſtricts, as often as he ſhall be required ſo to do by any Two Truſtees within ſuch Diſtrict, upon Ten Days previous Notice to be given at the Church Doors within the Diſtrict, upon a *Sunday* immediately on the Diſmiſſion of the Forenoon Congregation; and in caſe any One of the Truſtees of any Diſtrict ſhall either think himſelf aggrieved by the Deciſion of any Meeting of the Truſtees of ſuch Diſtrict, or ſhall think the Appropriation therein determined upon improper, he may complain to the next Annual General Meeting, giving Fourteen Days previous Notice in Writing to the Clerk of the Diſtrict Meeting of his Intention to bring an Appeal, and of the Matter thereof; and the Truſtees aſſembled at ſuch Annual General Meeting are hereby authorized and empowered to hear and determine the ſame, and to order and direct Redreſs, where neceſſary, to be given by the Truſtees of ſuch Diſtrict at their Firſt Annual Meeting thereafter, for allocating the Services and Monies within the Diſtrict, and the Determination of the ſaid General Meetings ſhall be final and concluſive; but the Works ſhall, notwithſtanding ſuch Complaint, proceed as directed by the ſaid Diſtrict Meeting, until the Determination of ſuch Appeal; and at all Diſtrict Meetings, the Matters to be decided on ſhall be decided by the Voices of the Majority then preſent; but it ſhall be lawful for any One Truſtee to act at a Diſtrict Meeting, in caſe the other Truſtees do not attend. The Truſtees to have the Superintendance of the Roads and Bridges in the different Diſtricts.

IX. And whereas the great and conſtant Intercourſe between the Town of *Falkirk* and the *Carron* Works through the Villages of *Grahamſtoun* and *Bainsford*, renders a continual Repair of that Road neceſſary; Be it therefore enacted, That One Half of the Statute Labour, or of the Converſion Money of the Statute Labour ariſing from the Town of *Falkirk*, together with all the Statute Labour or Converſion Money of the Statute Labour ariſing from the Villages of *Grahamſtoun* and *Bainsford*, ſhall be excluſively applied to the ſaid Road leading from *Falkirk* to *Carron* Works.

X. And whereas the Paſſage of the Horſes, Carts, and other Carriages, belonging to or employed by *Carron* Company on various Roads within

the County of *Stirling* is very great, and in consequence materially injurious to the said Road, and it would be for the Advantage of the Publick, if the same were regulated; Be it therefore enacted, That the said Trustees shall be, and they are hereby empowered, upon such Terms and Conditions as shall be agreed upon between them and *Carron* Company, to appropriate and set apart such Portion of the Width of the said Roads as they shall think proper and expedient, for the sole and separate Use of the Horses, Carts, and other Carriages, belonging to or employed by *Carron* Company, so as to leave the Rest of the Roads more commodious for the Use of the Publick, and to enforce the Agreement to be entered into as aforesaid, with such Penalties on the Persons employed by *Carron* Company, and on the Publick, not exceeding Forty Shillings for each Offence, as to them shall seem expedient.

Overseers to be appointed.

XI. And be it enacted, That the said Trustees in District Meetings assembled shall be, and they are hereby empowered to appoint Overseers, with suitable Salaries to be paid from the Funds within their respective Districts; and the said Overseers may, by any Justice of the Peace of the Bounds, be made Constables, for the special Purpose of acting as Constables in the Business of the Highways, Roads, and Bridges, and for that Purpose only.

Trustees may appoint District Treasurers, and Collectors who must find Security.

XII. And be it further enacted, that the said Trustees, in District Meetings assembled, shall be, and they are hereby empowered, to appoint Treasurers or Collectors during Pleasure, for their respective Districts, with suitable Salaries to be paid from the Funds within their respective Districts as aforesaid; and that each such Treasurer and Collector, so to be appointed by the said Trustees, shall give such Security for the due Execution of his Office, as the said Trustees shall direct and appoint, such Security being to the Amount of at least One Year's Receipt of such Treasurer or Collector, in virtue of this Act.

All Meetings to begin at Mid-day, and Trustees to defray their own Expences.

XIII. And be it enacted, That all Meetings to be held under the Authority of this Act, whether General Meetings or District Meetings, shall begin to be held at Mid-day; and at all such Meetings the Trustees shall defray their own Expences.

Extent of a Ploughgate.

XIV. And be it enacted, That during the Continuance of this Act, a Ploughgate of Land, within the County of *Stirling*, in respect of the Statute Labour, shall be held and deemed to be Fifty Acres of Land, whether Plantations, Arable or Pasture Land, or, (in the Option of the Proprietor,) Lands paying One hundred Pounds Sterling, of actual gross Rent, by the Occupier, or valued at that Sum, when in the Occupation of the Proprietor, as herein-after directed, and so in proportion, for lesser Divisions or Parts of a Ploughgate of Land.

Rate of Conversions to be fixed at Annual General Meetings.

XV. And be it enacted, That the said Trustees at any General Meeting, to be held within Twelve Months after the passing of this Act, and at any Annual General Meeting, assembled at any Time thereafter, (Two of the Trustees present at any such Meeting being Justices of the Peace,) shall be, and they are hereby authorized to convert the Services leviable for each Ploughgate of Land, within the County of *Stirling*, and so in proportion for a greater or smaller Quantity of Land, after the Rate of Six Days

Labour

Labour Annually, of Two able Men, Two able Horſes, Two proper Carts, and other neceſſary Implements for each Ploughgate, according to the Converſion Aſſeſſment, or Value in Money, for which the ſaid Services can be procured within each Diſtrict, (of which Value in Money, the ſaid Truſtees ſhall be, and are hereby required to adduce and examine proper Evidence before the Meeting;) and the ſaid Truſtees, upon Conſideration of ſuch Evidence, ſhall declare what is then the Rate of ſuch Labour, within each Diſtrict, and the Clerk ſhall enter the ſame in the Minutes of the Meeting, and the ſaid Truſtees ſhall direct the ſame to be levied upon each Fifty Acres of Land, or, in the Option of the Proprietor, upon each One hundred Pounds Sterling, of actual groſs Rent or Yearly Value, and ſo in proportion for a larger or ſmaller Quantity of Land, or actual groſs Rent, or Yearly Value.

No Occupier of Land to be rated lower than a Houſeholder.

XVI. Provided always, That no Poſſeſſor or Occupier of Land, however ſmall the Quantity, ſhall be aſſeſſed at a Rate lower than that of a Houſeholder; and if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by the Proceedings of the Truſtees, in fixing and declaring the Rate of Converſion for Labour, in Manner before-mentioned, ſuch Perſon or Perſons may appeal to the Sheriff of the County or his Subſtitute, giving Fourteen Days previous Notice in Writing, to the Clerk of the General Meeting, of ſuch Appeal, and of the Matter thereof; and the ſaid Sheriff Depute, or his Subſtitute, ſhall determine the ſame, and his Judgment ſhall be final and concluſive, without being ſubject to Review, by Advocation, Suſpenſion, or otherwiſe howſoever.

Heritors, Tenants, &c. of Land, liable for Statute Labour, or Converſion.

XVII. And be it further enacted, That all Heritors who are in the actual Poſſeſſion of their own Lands, (under which Deſcription ſhall be included Graſs Grounds let without Liberty of Tillage, for a Term not exceeding Three Years), and all Tenants and Occupiers of Land throughout the County of *Stirling*, ſhall be liable, in Name of Statute Services, to furniſh for each Fifty Acres of Land, or for each One hundred Pounds Sterling of actual groſs Rent or yearly Value, Six Days' Labour annually of Two able Men, Two able Horſes, with Two proper Carts, and other neceſſary Implements, or, in the Option of the Diſtrict Truſtees they ſhall, in lieu of theſe Services, pay ſuch a Rate of Converſion Aſſeſſment in Money for the ſame, as ſhall have been declared by a General Meeting of Truſtees to be the Rate of Converſion for ſuch Diſtrict in Manner before mentioned.

Converſion of Statute Labour, for Horſes, &c.

XVIII. And be it enacted, That all and every Perſon or Perſons who ſhall keep a Horſe or Horſes, Cart or Carts, or other Carriage or Carriages, or occaſionally ſhall uſe any Horſe or Horſes, Cart or Carts, or other Carriage or Carriages, for drawing Coal or Lime, or any Commodities or Goods whatſoever, for Hire; and all Perſons keeping Draught Horſes beyond what ſhall be neceſſary for the Purpoſe of labouring the Lands occupied by them, excepting all Horſes employed excluſively in Collieries, or Mines, or upon Railways or Canals, not uſing the publick Roads, ſhall be ſubject and liable to perform annually Four Days' Labour on the Highways and Bridges within the ſaid County, with each ſuch Horſe and Cart, or other Carriage ſo kept or uſed as aforeſaid, and ſhall be obliged to ſend therewith proper Drivers and neceſſary Implements, or in the Option of the ſaid Truſtees ſhall pay a Converſion

verſion in Money for the ſame, according to the Rate declared by the ſaid Truſtees in Manner before directed: Provided always, That where any Heritors in the actual Poſſeſſion and Occupation of their own Lands, or any Tenants or Subtenants ſhall keep any Horſe or Horſes, Cart or Carts, or other Carriage or Carriages for Hire, they ſhall be liable to perform the Services, and to pay the Converſions according to the higheſt Rate, but ſhall not be chargeable for the ſame Horſes, Carts, or Carriages, both in reſpect of Land, and alſo as being kept or uſed for Hire.

Cottagers, &c. Miners, Colliers, Salters, &c. to pay 3s. Sterling.

XIX. And be it further enacted, That all Cottagers, Houſeholders, Labourers, Tradeſmen, and reſident Inhabitants, of the Age of Eighteen Years and upwards, not being Servants hired by the Year or Half Year, nor Perſons liable to ſend out Carts or Wains; and alſo all Miners, Colliers, Salters, Nailers, Diſtillers, Ship-builders, and Workmen at Furnaces, Bleachfields, Printfields, Cotton Mills, or any other Manufactories, of the Age of Eighteen Years and upwards ſhall, in lieu of the Statute Labour formerly exigible from them, pay annually the Sum of Three Shillings Sterling each Perſon: Provided always, That it ſhall be lawful for the ſaid Truſtees, in their Annual Diſtrict Meetings aſſembled, to free or exempt from Payment of the Converſion Money aforeſaid, all ſuch Perſons as ſhall appear to them to be in indigent Circumſtances, or unable to pay the ſame.

Indigent Perſons may be exempted.

Labour or Money may be exacted, or leſs Labour or Money may be taken.

XX. And be it further enacted, That it ſhall be lawful to, and the ſaid Diſtrict Truſtees are hereby authorized and empowered to require and exact the Whole or any Part of the before-mentioned Statute Services in Kind, or the Converſions for the ſame in Money, according to the Rate to be fixed in Manner before mentioned; or to exact and take ſuch leſſer Number of Days' Labour, or Converſion Money in lieu thereof, from thoſe liable for the ſame, as the ſaid Truſtees at their Diſtrict Meetings ſhall judge proper.

Heritors to give in Lifts of their Ploughgates.

XXI. And in order to render the making up the Liſt of the ſaid Ploughgates more eaſy and expeditious, be it enacted, That each Heritor of the County ſhall, within Two Months after the Firſt Meeting to be held in purſuance of this Act, and on or before the Firſt Day of *January* in each Year thereafter, deliver into the Surveyor for the Diſtrict, or other Officer to be appointed for that Purpoſe, as hereinafter mentioned, a Writing or Account ſpecifying his or her Option as to the Mode of having their Ploughgates rated for the enſuing Year, and of the Number of Ploughgates, and proportional Parts of a Ploughgate for which they are reſpectively liable according 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 the yearly Value of all Grounds, and other Subjects in the natural Poſſeſſion and Occupation of Heritors, who ſhall take the Option of paying by the yearly Value, ſhall be aſcertained by Two neutral Men, One to be named by the Proprietor, and another on the Part of the Truſtees, who ſhall, upon Oath, (which Oath any One of the Juſtices of the Peace of the ſaid County of *Stirling* is hereby empowered to adminiſter,) report at what Sum, in their Opinion, the Grounds or other

Proprietors to have a ſeparate Option of Converſion.

Subjects so occupied by the Heritor would rent for a Nineteen Years' Lease; and in case of their differing in Opinion as to such Sum, and each reporting a different Sum, the Average between the Two Sums so reported shall be taken as the Rent, and the Rent thus fixed shall be held as the annual Value of the Grounds or other Subjects so occupied by the Heritor; and if any Heritor or Heritors shall refuse or neglect to give in the before-mentioned Account within the Time before specified, then, and in such Case, it shall be lawful for the said Trustees, at any after General Meeting of the District, to rate the said Heritors as liable for Statute Labour in the Proportion of a Ploughgate of Land for each Fifty Acres of Land, or One hundred Pounds Sterling of actual gross Rent or yearly Value, in the Option of the said Trustees, as the same may be reported by the Surveyors, in Manner hereinafter mentioned.

Power to cite Occupiers of Land.

XXII. And be it enacted, That in case the said Trustees shall find it necessary, they are hereby authorized to call or cite all Occupiers of Land before them, or appoint a Committee of their Number, for the Purpose of taking a Proof of the Rent or yearly Value of any Farm or Possession, and to examine the Tenants and Occupiers on Oath, as to the Rents payable by them respectively.

Conversions when payable.

XXIII. And be it enacted, That the Whole of the converted Values of Statute Labour shall be due and payable on or before the Term of *Lanimas* in each Year.

Power to name Surveyors, who are to give up Lists of those liable for Statute Labour.

XXIV. And be it enacted, That it shall and may be lawful for the Trustees for the respective Districts, at their First Meeting to be held in virtue hereof, or at any adjourned Meeting within the Year One thousand eight hundred and ten, and at their Annual General Meetings thereafter, to name Surveyors or other proper Officers for the Purpose hereinafter mentioned, with suitable Salaries, to be paid from the Funds arising within each District; and such Surveyors or other Officers shall, on or before the Fifth Day of *January*, One thousand eight hundred and eleven, and so on or before the Fifth Day of *January*, in every Year thereafter, make up and report, upon Oath, (which Oath any One of the Justices of the Peace of the said County of *Stirling* is hereby empowered to administer,) an exact List of all Ploughgates 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 Horses, Carts, or other Carriages liable for Statute Labour as aforesaid, or for a Conversion for the same, and of all Cottagers, Householders, and others, liable for a Conversion for personal Services, and the said Surveyor or other Officer shall, immediately after having ascertained the Conversions due by virtue of this Act, deliver to each Person liable for Statute Labour, or a Conversion for the same, or his known Factor or Agent, a Notice, dated and subscribed by such Surveyor or other Officer, specifying the Statute Labour or Conversion for the same for which such Person is liable; and any Person or Persons so assessed, who may think himself, herself, or themselves aggrieved thereby, shall have Power within Ten Days after receiving the said Notice of their Statute Labour, or Conversion for the same, to appeal for Redress to the next General Meeting of Trustees for the District; and the Trustees, (Two of whom shall be Justices of the Peace), at such General Meeting for the District, shall, upon

Power of Appeal.

upon hearing such Appeal, finally ascertain the Statute Labour or Conversion for which the Person or Persons so appealing is, or are liable for the current Year; and the said Surveyor of such District shall, within Ten Days after the said Fifth Day of *January*, One thousand eight hundred and eleven, and within Ten Days after the Fifth Day of *January* in each Year thereafter, give in to the Clerk of the District a full and distinct Copy of the Assessment made by him for the Year; and the Clerk for such respective District shall lay the same before a Committee, to be appointed for that special Purpose by a preceding General District Meeting, and which Committee shall meet on the First *Tuesday* of *February* in every Year, and the Clerk for such respective District shall, within Ten Days after the Meeting of the said Committee, transmit a Copy of the said Assessment to the general Clerk for the County; and in case any Alteration shall be made upon the Assessment, upon Appeal or otherwise, the Clerk to each District within which the said Alteration shall take Place, shall immediately give Notice thereof to the general Clerk for the County.

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

Time and Manner of working.

XXV. And be it enacted, That all Persons who are liable in, and shall be ordered by the said Trustees at their District Meetings to perform Statute Services, in respect of their Occupation of Land, shall be obliged to furnish, send out, and employ, for the Number of Six whole Days annually, at least Two Horses and Two Carts, with proper Drivers and the necessary Implements, for each Fifty Acres of Land, or One hundred Pounds Sterling of actual gross Rent or yearly Value, he, she, or they may possess, and so in proportion for a greater or smaller Quantity of Land, or actual gross Rent or yearly Value; and which Drivers, Horses, and Carts, as well as all other Horses and Carts, with their Drivers, liable to perform Services in Terms of this Act, shall be obliged, when ordered and required to work as aforesaid, to continue at Work, to the Satisfaction of the Overseers to be appointed as aforesaid, at least Eight Hours each Day, in One or more Yokings; and each Cart shall, at every Loading, carry at least Ten Hundred Weight of Materials for repairing the said Roads; and all Persons liable by virtue of this Act to perform Service personally in the repairing of the said Roads, and who shall be ordered so to do, shall be bound and obliged to come when required as aforesaid personally, or by proper Persons employed by them, furnished with the necessary Implements for so doing, and to work to the Satisfaction of the said Overseers, for the Space of Ten Hours at least each Day, otherwise each Day's Work which shall not be so done and performed to the Satisfaction of the said Overseers, either by Horses, Carts, and Drivers or Labourers, shall be held as not done or performed at all; and the Person or Persons failing therein shall still continue liable to complete his, her, or their Statute Services, or to pay the proportional Conversion thereof, and shall become liable to the Penalties herein specified for Non-performance or Non-payment, as if he, she, or they had altogether neglected or refused to perform such Services, or pay the Conversion thereof, in Manner hereinafter directed: Provided nevertheless, that no Person shall be obliged to perform Statute Work on any Road at a greater Distance than Five measured Miles from his or her Place of Residence.

Penalty on Persons liable neglecting or refusing to

XXVI. And be it enacted, That all and every Person and Persons liable for such Statute Work as aforesaid, who shall neglect or refuse to perform the same when required, or if the same shall have been converted, shall neglect

neglect or refuse to make Payment of the converted Prices thereof, when demanded, (within Ten Days after Requisition made to them either personally, or at their Dwelling-Houses, or by Advertisements at their respective Parish Churches on a *Sunday*,) shall be liable in Manner following, *viz.* each Person failing to perform the Statute Work when Services are required, or to pay the Conversion Money where the Services have been converted, shall be liable in Payment of double the Sum at which his, her, or their Service or Labour shall or might be converted. perform the Work, or pay the Money.

XXVII. And be it enacted, That the whole of the said Conversions in Money, and the Penalties for Non-performance or defective Performance of Statute Work, shall be levied in virtue of a Warrant under the Hands of any Two Justices of the Peace of the said County, proceeding upon the Oath of the Collector or Overseer of any District, (which Oath the said Justices are hereby authorized and required to administer,) that the Person or Persons mentioned in such Oath was or were required to perform such Statute Labour, or to pay such Conversion as therein specified, and has or have not performed or has or have not paid the same, (as the Case may be;) and such Warrants shall contain Authority for arresting the said Person or Persons, his, her, or their Wages, Sums of Money due to them, and their Goods or Effects, and for poinding and distraining the same; and the Officer to whom the same shall be directed may summarily seize and distrain as much of the readiest Goods or Effects of the said Person or Persons, if such Distress can be found, as will cover and satisfy such Conversion Money and Penalties as aforesaid, and Expences of distraining and selling the same, or as nearly thereto as may be; and shall, at the End of Five Days after such Distress taken, sell the same by publick Roup or Auction to the highest Offerer, at the Town or Village nearest to the Lands upon which such Distress was taken for Payment of the Sum or Sums for which such Person or Persons shall respectively be liable as Conversion Money or Penalties, and of the necessary Charges as aforesaid, rendering the Overplus in Money (if any be) to the Owner or Owners; and no Suspension, Appeal, Complaint, or Action, shall stop the Performance of the Statute Services, or Recovery of Payment of the converted Prices thereof, for that Year in which they have been appropriated; saving always nevertheless to the Party or Parties Coimplainers, his, her, or their Redress, either from the Person or Persons by whom he, she, or they shall have been aggrieved, or out of his, her, or their several Duties, Services, and Conversions, for the Year next after the Determination of the Complaint made. Conversion Money, how to be levied.

XXVIII. And be it enacted, That if the Statute Work or Conversions thereof, or any Part of the same, in any District, shall not have been applied to the Roads and Bridges within the District, the Trustees, at their next General Meeting, shall have Power, and they are hereby empowered, if they shall see Cause, to direct such Statute Work or Conversions to be applied in any Parish adjoining to such District within the Limits of this Act: Provided always, that the Consent of the Trustees of the District, where such Statute Work, or Conversions thereof shall not have been applied, be previously had to that Effect. General Meeting may dispose of unapplied Statute Work.

XXIX. And, in order that the Roads and Bridges may be more speedily and effectually put in repair, and the Publick derive more early Advantage Power to borrow Money.

tage therefrom, be it enacted, That the Truſtees of each reſpective Diſtrict, or any Five or more of them, at a Diſtrict Meeting called for the ſpecial Purpoſe, ſhall have Power to borrow ſuch Sum or Sums of Money as they ſhall judge neceſſary, not exceeding Five hundred Pound Sterling for every One hundred Pounds Value of the Converſion Money of the Diſtrict, and ſo in proportion for a greater or leſſer Sum, on the Security of the Funds leviable by virtue of this Act, to be applied in making and repairing the Highways 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 Two *Edinburgh* Newſpapers, and in One *Glaſgow* Newſpaper, at leaſt Ten Days previous to ſuch borrowing: Provided always, that no Sum ſhall be borrowed (except as herein-after mentioned) unleſs it clearly appears that a Sum not leſs than 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 be appropriated and ſet apart as a ſinking Fund to be applied in diminiſhing and extinguiſhing the Debt to be incurred, and the ſame ſhall be faithfully and carefully ſo applied; and if the Truſtees of any Diſtrict ſhall borrow Money for making the Roads, without adopting and following theſe Regulations, ſuch Truſtees ſhall be perſonally liable for the Money ſo borrowed, and the ſame ſhall not be held as a Debt on the Funds of the Diſtrict: And provided alſo, that all Monies ſo borrowed ſhall be lodged with the Bank of *Scotland*, or Royal Bank of *Scotland*, or with the Agent or Manager of any Branch of either of the ſaid Banks, upon Receipt, there to remain till the making and repairing the Roads for which it is borrowed ſhall actually commence, and afterwards to be drawn out as the Operations ſhall require, in Manner herein-after ſpecified.

Power to reduce ſinking Fund.

XXX. Provided always, That it ſhall and may be lawful, to and for the ſaid Truſtees at their Annual General Meeting aſſembled, if they ſhall think fit, upon a ſpecial Application from the Heritor or Heritors of any particular Pariſh, poſſeſſed of Two-thirds of the full Property, or *dominium utile* of ſuch Pariſh, to be aſcertained to the Satisfaction of the ſaid Truſtees, or any Perſon or Perſons duly authorized to act for him, her, or them, ſetting forth the peculiar Circumſtances of ſuch Pariſh, to reduce the Amount of the ſinking Fund herein-directed, to be ſet apart for Repayment of Sums to be borrowed, under the Authority of this Act, to any Sum they may think reaſonable, ſo far as regards ſuch Pariſh, not leſs than Three Pounds *per Centum*, on the Capital Sum borrowed, or propoſed to be borrowed upon the Funds ariſing out of ſuch Pariſh; which ſaid reduced Sinking Fund ſhall be applied in the ſame Manner, and under the ſame Regulations as are provided for the Application of the Sinking Fund herein-before mentioned.

Power to aſſign the Funds in Security of Money borrowed.

XXXI. And be it enacted, That the ſaid Truſtees, or a Quorum of them, at any Meeting of Truſtees for the reſpective Diſtricts aſſembled, are hereby empowered to aſſign and convey the Funds leviable by this Act, in ſecurity of the Money ſo to be borrowed as aforeſaid, 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 Fund ſhall be entered by their Clerk, in a Book or Books to be kept for that Purpoſe, and

and which Book or Books may be seen and perused at all reasonable Times, by any Trustee, Creditor, or other Person interested, without Fee or Reward.

Form of Assignments for Money borrowed.

XXXII. And be it enacted, That the Assignments to be granted for the Sums of Money so to be borrowed, shall be agreeably to the following Form, or in any other Words to the same Purport, that is to say,

'BY virtue of an Act made in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, An Act, (*here insert the Title of this Act*,) We of the Trustees for putting the said Act into Execution, assembled at a Meeting of the District of called agreeably to the Directions of the aforesaid Act, in consideration 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 to (*as the Case may be*) do hereby assign to the said *A. B.* his Executors and Assignees, the Funds appropriated for making and repairing the Roads in the said Parish of or the said Line of Road from to (*as the Case may be*) to be held by the said *A. B.* his Executors and Assignees, from the 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 subscribed this Assignment, written by *C. D.* Clerk to the said Trustees (*or any other Person*) at the Day of In Presence of the said *C. D.* and *E. F.* of

Assignments to be transferable by Indorsement.

XXXIII. And be it enacted, That the Assignments to be granted in security of Money, to be borrowed in virtue of the Powers contained in this Act, shall be transferable by Indorsement in the following Form of Words, or in any other Words to the same Purport, without the Necessity of any other Conveyance, that is to say.

'I do hereby transfer this Assignment, with all my Right and Title to the principal Sum 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. G. H.*'

The several Districts to make up their Accounts annually.

XXXIV. And be it further enacted, That the respective District Meetings shall annually, on or before the last *Tuesday* of *March* in every Year, make up, or cause to be made up, an exact and regular Report, containing an Account of the whole Money received and expended on the Highways and Bridges, and also of the Number of Persons who have performed Statute Work, or paid the Conversion for the same; the Work performed, and the Offences committed for the preceding Year, within the District under their Direction for which Penalties may have been incurred respectively; and that such Report, signed by their Preses and Clerk, shall be transmitted by each District Clerk, to the Clerk of the General Meeting, at least Four Weeks before the Annual General Meeting to be held at *Stirling*; and shall by the Clerk of the General Meeting, be entered in his Book and laid before the Trustees at such General Meeting; and in case of Failure to make out and transmit

mit such Report, the Clerks of the District Meetings so failing, shall each be liable in a Penalty or Fine of Twenty Shillings Sterling for each Offence, Recourse being hereby reserved and given to such Clerks for Relief and full Indemnity, against the Overseer or Overseers of the respective Districts, if they or any of them shall be in default, by not furnishing and giving in, in due Time previously, (as they are hereby required to do,) the requisite Reports, to the District Meetings.

Trustees may straighten and widen Roads.

XXXV. And be it enacted, That the said Trustees, in a General or District Meeting assembled, shall be, and are hereby empowered, to straighten or cause to be straightened, and to widen or cause to be widened, any Road to a Breadth not exceeding Thirty Feet exclusive of the Ditches or Drains on each Side thereof: Provided always, That in the Entries to Towns and Villages, and within the Distance of One Mile of each of the Towns of *Stirling* and *Falkirk*, the said Trustees assembled as aforesaid shall have Power to widen such Entries to a Breadth not exceeding Fifty Feet; and shall also have Power to widen the Road from the said Town of *Falkirk*, through the Villages of *Grahamstoun* and *Bainsford* to the *Carron* Works, to a Breadth not exceeding Fifty Feet, and if that Breadth cannot be conveniently obtained in One Tract in the Village of *Bainsford*, the said Trustees shall be, and they are hereby empowered to make the Road through the said Village of *Bainsford*, in Two Branches, provided that the united Breadth of the Two Branches does not exceed Fifty Feet; and for that Purpose the said Trustees shall be, and they are hereby empowered to remove Fences and Houses whose Side Walls do not exceed Fifteen Feet in Height, or other Obstructions, Six Months Notice being always given to the Owners or Occupiers of such Fences or Houses before the same are removed, and Satisfaction being always made to such Owners and Occupiers for the Fences and Houses that shall be removed, and for so much Ground as shall be taken in order to widen the said Roads above and beyond Twenty Feet wide of clear passable Road.

Trustees may alter the Roads, or shut up useless Roads.

XXXVI. And whereas great Inconvenience is often occasioned to the Publick for want of proper Powers to alter the Direction and Course of improper and inconvenient Roads, and to shut up superfluous and useless Roads: Be it further enacted, That it shall and may be lawful to the Trustees, in their several District Meetings assembled, or to any Person or Persons in the County conceiving themselves interested therein, to apply, by Petition, to any of the said District Meetings, to have such Alteration made, or such superfluous and useless Roads shut up; which Meetings shall thereupon name a Committee of at least Three Trustees, Two of them being Justices of the Peace of the said County, to inspect such Roads, and to report their Opinion of what is proposed to be done to a subsequent District Meeting; and shall also order the said Petition to be intimated One Calendar Month before the Meeting of such Committee, to the Owners of the Grounds through which the Roads lead and are proposed to be carried, either personally or at their Dwelling Places, if they reside within the County, or if they do not, to their Agent or Factor; and to the Occupiers of the Grounds, and by publick Advertisements to be affixed on the principal Door of the Church or Churches, of the Parish or Parishes in which the Grounds lie, for at least Two consecutive *Sundays*: And upon such Report being made to such Dis-

trict Meeting, they shall hear all Parties having Interest therein; and they are hereby empowered, if they shall see just Cause, to ordain the Direction and Course of such Road or Roads to be altered and changed; and also to ordain such superfluous or useless Road or Roads to be shut up: Provided always, That the new Roads shall in no Case be carried through any Lawn, Avenue, Garden, Plantation, or Pleasure Ground adjoining to any Mansion House, or through any Timber Yards, Building Yards, Rope Walks, or other Manufactories, without the Consent in Writing of the Owner or Owners thereof; and the said District Meeting shall appoint a Committee as aforesaid to oversee and fix the Line of Direction of the new Highway as directed by the said Meeting, and to set off the Land necessary for the same, not being more than Thirty Feet in Width clear of Ditch and Hedge.

For making Fences.

XXXVII. Provided always, and be it further enacted, That where, in widening, altering, or changing the Direction of any Road, any Fences are removed by Authority of this Act, new and sufficient Fences shall be made by the Owners and Occupiers of the Land; and where Ditches shall be made on the Sides of the Roads, the same shall be cast on the Field Side of the Fences, and shall be made within Eight Calendar Months after the Removal of such Fences, under a Forfeiture of a Sum equal to the Money to be paid to such Owners or Occupiers for the Fences or Ditches removed as aforesaid.

Heirs of Entail, &c. may give up Claims for Damage, &c.

XXXVIII. Provided always, and be it further enacted, That it shall be in the Power of all Owners and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwise competent to them by this Act, for such Grounds as any of the said Roads when straightened, widened, or altered as aforesaid may occupy, or for the Materials required for making the said Roads, where the same does not exceed the Value of Twenty Pounds, and that such Remuneration is and shall be equally binding on the Heirs of such Proprietors.

Corporations, &c. authorised to sell, &c.

XXXIX. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Persons and Person whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, let, and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads or any of them, or for storing Materials or otherwise where Ground is necessary for the Purposes of this Act.

On Disagreement with Owners, the Value to be ascertained by a Jury.

XL. And be it enacted, That if in the taking Possession of the Ground necessary for altering or widening the said Roads, or opening new Roads, or if in removing any House, Fence, or other Impediment by Authority of this Act, the respective Owners or Occupiers of such Lands, Houses, or other Impediments, shall not come to a voluntary Agreement with the said Trustees for the Value thereof, or for the Damage sustained by, and the Recompence to be made to such Owners or Occupiers, or in case the Claim of Damages or otherwise which may be thence incurred has not been renounced in Manner aforesaid, it shall be lawful for either Party to apply to the Sheriff Depute or Sheriff Substitute of the County of *Stirling*

to

to ſummon a Jury in order to value the Ground neceſſary to be taken and uſed for the Purpoſes of this Act, or Houſes, or Parts of Houſes neceſſary to be taken down as aforeſaid, and the Loſs or Damage enſuing from the altering or removing of Fences; and the ſaid Sheriff Depute or Sheriff Subſtitute is hereby empowered and required, upon Application, to order Notice thereof to be given to the Parties concerned, and afterwards to iſſue a Summons in the uſual Manner for calling together and impannelling a Jury to conſiſt of not fewer than Twelve qualified Perſons, to inquire into the Value of ſuch Ground, Houſes, or other Impediments, into the Damage ſuſtained by any Owners or Occupiers, and into the Recompence to be made by the Truſtees for ſuch Damage; and the Jury, being impannelled and ſworn, ſhall return a Verdict upon the Matters ſubmitted to their Inquiry and Judgment; which ſhall be final; and the ſaid Sheriff Depute or Subſtitute ſhall adjudge the Value and Recompence thereby awarded to be paid to the Perſon or Perſons having Right thereto; and upon the Sum awarded being paid by the Truſtees to the Perſon or Perſons to whom it has been ſo adjudged, or in caſe of his, her, or their refuſing to accept the ſame upon Conſignation thereof in the Bank of *Scotland*, or Royal Bank of *Scotland*, or in the Hands of the Manager of any Branch of either of the ſaid Banks kept within the County of *Stirling*, the Truſtees ſhall have right to remove the Owners or Occupiers of ſuch Ground, Houſes, or other Premiſes, to enter into the Poſſeſſion and Uſe thereof for the Purpoſes aforeſaid, as fully and effectually as if ſuch Owners or Occupiers had executed regular Diſpoſitions of the ſame, and Infeftment had thereupon followed; and the ſaid Proceedings and Orders of the Sheriff Depute or his Subſtitute ſhall be final and concluſive, and not removeable or queſtionable by Bills or Letters of Advocation or Suſpenſion, to or by any other Court whatſoever, any Law or Uſage to the contrary notwithſtanding.

Expences of Jury, by whom to be paid.

XLI. Provided always, and be it enacted, That in the Event of ſuch Jury awarding a greater Compenſation than the Truſtees ſhall have offered, but leſs than the Owner or Owners, Occupier or Occupiers, ſhall have required, the Expence of ſuch Jury ſhall be defrayed and borne by the ſaid Truſtees, and ſuch Owner or Owners, Occupier or Occupiers equally; but in caſe the Jury ſhall award to ſuch Owner or Owners, Occupier or Occupiers, the Sum required, or any greater Sum, the whole of the ſaid Expence ſhall be paid by the ſaid Truſtees; and in caſe the ſaid Jury ſhall award the Sum offered by the ſaid Truſtees, or a leſs Sum, the whole of the ſaid Expence ſhall be paid by the ſaid 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 and paid to the Owner or Owners, Occupier or Occupiers of any Lands or Houſes, or their Agents or Factors, ſuch Sum as the ſaid Truſtees ſhall think reaſonable, or in caſe of his, her, or their Refuſal to accept ſuch Sum, the ſame ſhall be offered to them under Form of Inſtrument, and afterwards lodged in the Bank of *Scotland*, or Royal Bank of *Scotland*, or in the Hands of the Manager of any Branch of either of the ſaid Banks kept within the County of *Stirling*, there to remain at ſuch Intereſt as the ſaid Banks may allow, at the Peril of ſuch Owner or Owners, Occupier or Occupiers; it ſhall and may be lawful for them to enter into or upon ſuch

Lands

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 above mentioned, the ſaid Judge ſhall be and is hereby empowered and directed to recal ſuch Warrant, or remove any Siſt obtained as aforeſaid; provided ſufficient Caution is found by the Truſtees therein named for the Amount of ſuch Damages as may be ultimately awarded to the Perſon ſuing for the ſame, to be aſcertained in Manner herein-before directed.

Overſeers empowered to take Materials, and to provide Places for depoſiting them.

XLII. And be it further enacted, That the Overſeer or Overſeers to be appointed in Manner aforeſaid, (after having firſt obtained Warrant for ſo doing under the Hand of One or more Juſtices of the Peace of the ſaid County,) ſhall be, and he and they is and are hereby empowered to take out of any Lands, Rivers, Watercourſes, or other Places that ſhall appear to him or them moſt proper and convenient, (other than Gardens, Orchards, Nurſeries, planted Walks, Lawns, or Pleaſure Grounds, Timber Yards, Building Yards, Rope Walks or other Manufactories,) Stones, Sand, Gravel, and other Materials for making and repairing the ſaid Roads and Bridges, and to provide proper Places adjacent to the ſaid Roads for depoſiting Materials for repairing the ſame, and the Mud that may be raked off the Roads; making Satisfaction to the Owner or Occupier of the Ground for the Damage occaſioned thereby, the Amount of ſuch Satisfaction to be aſcertained as herein-after directed: Provided always, that it ſhall not be in the Power of any Proprietor or Occupier of ſuch Lands, by any Operations he may carry on, to deprive the Truſtees of the Right of reſorting to ſuch Quarries and Gravel Pits as they have been in uſe to work for that Purpoſe, and have actually worked at previouſly to the Firſt Day of *January* One thouſand eight hundred and nine.

Notice to be given to Occupiers.

XLIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Overſeer, or any other Perſon under the Authority of this Act, to take Materials for making or repairing the ſaid Roads or Bridges from any encloſed Lands or Grounds, without Authority in Writing from Two or more Truſtees, and until Notice ſhall have been given to the Occupier of the Premiſes, from or to which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the Truſtees for the Diſtrict, or any Two or more of them, or any Two Juſtices of the Peace for the County, to ſhew Cauſe why ſuch Materials ſhould not be taken as aforeſaid; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or Juſtices ſhall, if they think proper, authorize ſuch Overſeer or other Perſons to take ſuch Materials at ſuch Time or Times as to ſuch Truſtees or ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf, or his Agent, ſuch Truſtees or 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.

Application of Compenſation Money.

XLIV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchaſed,

Satisfation where amounting to 200 *l.*

chaſed, taken, or uſed, by virtue of the Powers of this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Life-rents, Annuities, or other Incumbrances, or ſhall belong to any Incorporation, 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 Sterling 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 Heritages, in the Redemption or Purchaſe 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 Heritages, or affecting other Lands, Tenements, or Heritages, ſtanding ſettled therewith, to the ſame or the like Intents, Uſes, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Heritages, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking effect; and in the 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 Heritages, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not amount to 200*l.* nor leſs than 20*l.*

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

XLVI. Pro-

Application where the Money is less than 20l.

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

In case of not making out Title, &c.

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

Purchase Money to be paid into the Bank, subject to the Order of the Court of Session,

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

XLVIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, shall be

paid,

paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was, or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

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

XLIX. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of this Act; the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases, from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes, as the said Court shall direct.

Old Roads to be sold.

L. And be it further enacted, That wherever the Course of any of the said Roads shall be altered, as soon as the new Road shall be completed, and made passable for Carriages, in case the old Road shall thereby become useless, and may be shut up without Inconvenience, the Trustees for the said respective Districts shall be, and are hereby empowered, if they shall see proper, to dispose of or sell the Land or Ground, comprising such old or former Road, the Proprietor or Proprietors of the Grounds, through which the said old Road did pass, having always an Offer of Preference in the Purchase, at the Value to be put thereon by a Jury in Manner before-mentioned; and in case of a Sale to any Person, other than such Proprietor or Proprietors of the Grounds, through which such old Road did pass, Affidavit shall first be made by the Clerk of the District, within which the old Road is situated, of such Offer of Preference having been made, and the Money arising from such Sale, shall be applied and disposed of for the Purposes of this Act; and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds, comprising the said old Road, when sold either to the Proprietors of the Ground through which the said old Road did pass, or, (if he, she, or they shall refuse to become the Purchaser or Purchasers thereof,) to any other Person or Persons, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

Ground taken, not to diminish valued Rent.

LI. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground, as herein-before allowed, for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Ground shall be so taken.

Trustees may make Foot-Paths, Passages for Water, Drains, and Ditches.

LII. And be it further enacted, That the said Trustees in their District Meetings assembled, shall be, and they are hereby empowered, to cause Foot-paths to be made along the Sides of the said Roads, in such Places, and of such Breadth as they shall think fit, and to cause the same to be kept free and clear of all Obstructions, Nuisances, or Impediments whatsoever; and to order, where they shall judge it necessary, Passages for the Water from the Ditches on the Sides of the Roads to be made through the Grounds of any adjacent Proprietor; and also to make sufficient

Drains or Ditches within the Fences parallel to the said Roads; and that the Owners and Occupiers of the Grounds shall be obliged thereafter to keep the said Passages, Ditches, and Drains always clear and open; and where any Drain or Ditch runs along the Side of any Part of the said Roads, the Owners and Occupiers of the adjacent Grounds shall be, and they are hereby required to keep the same clear and open, so as to allow a free Passage to the Water; and if they shall fail therein, after Six Days Notice previously given to such Owners or Occupiers, the said Trustees shall be, and they are hereby empowered, to order the said Passages, Ditches, and Drains, to be cleared from Time to Time, and to recover the Expence thereof (to be ascertained by the Account of the Overseer or other Person employed to do the same) from the Owners or Occupiers of such adjacent Grounds, in such and the same Manner as the Conversions for Statute Services are herein before directed to be recovered.

Hedges and Trees to be lopped and pruned.

LIII. And be it further enacted, That where any Hedges or Branches of Trees shall hang over the Roads, so as to annoy or obstruct the free Passage thereof, or injure the same, the Owners and Occupiers of the Lands shall cut and dress up such Hedges to a Height not exceeding Five Feet from the Level of the Road, and lop off all such Branches of Trees so as to give sufficient Air and Breadth to the said Roads; and on their failing so to do within Fourteen Days after being thereto required by the Overseer of the District, or other Person duly authorized, by an Order of any Two or more of the said Trustees, any Two or more of the said Trustees, being Justices of the Peace, may appoint Persons so to cut or lop such Hedges or Branches of Trees, at the Expence of the Owners and Occupiers of the Lands; and such Owners and Occupiers shall be obliged to carry what Brushwood or Branches of Trees are so cut or lopped, off the Road, and out of any Drains or Ditches adjoining thereto, within Three Days after being so cut or lopped, under a Penalty not exceeding Twenty Shillings Sterling for each Offence, to be recovered, levied, and applied in Manner as hereinafter directed, besides the Expence of removing the said Brushwood or Branches: Provided always, That no Person shall be compelled, nor any Person under the Direction of the said Trustees permitted to cut or prune any Hedge at any other Time than between the last Day of *September*, and the last Day of *February*; and that no Person shall be obliged, nor any Person under the Direction of the said Trustees, permitted to fell any Trees growing in Hedges, at any Time whatsoever, except where the Highway or Road shall be ordered to be enlarged as is herein-before directed, or to cut down, grub up, or lop Branches off any Oak Trees, except in the Months of *April*, *May*, *June*, or *July*, or off any Ash, Elm, or other Trees, in any other Months than *December*, *January*, and *February*.

Houses not to be built, or Trees planted within a certain Distance of the Road.

LIV. And be it also enacted, That from and after the passing of this Act, it shall not be in the Power of any Person or Persons to erect, or cause to be erected any Dwelling House or other Building, or to plant Trees adjoining to the aforesaid Roads, or any Part thereof, nearer to the Centre of the Roads than Twenty Feet, under a Penalty not exceeding Forty Shillings for each Offence, over and above the Expence of demolishing such Building, or removing such Trees; and it shall and may be lawful for any Two or more of the said Trustees, being Justices of the Peace, by an Order in Writing, under their Hands,

to ſtop the erecting of every ſuch Houſe or Building, and the planting of ſuch Trees as ſhall bewithin the ſaid Diſtance from the Middle of the ſaid Roads; and if any Building ſhall be erected hereafter within the Diſtance aforeſaid, it ſhall and may be lawful for any Two or more of the ſaid Truſtees (being Juſtices of the Peace) to order the Buildings to be taken down and removed, and the planted Trees removed at the Expence of the Erector or of the Owners of the Ground, and to grant a Warrant for levying and recovering ſuch Penalty and Expences as aforeſaid, in Manner hereinafter-directed.

Truſtees may erect Mile-ſtones.

LV. And be it further enacted, That the ſaid Truſtees at their Diſtrict Meetings, may cauſe the Roads to be meaſured, and Stones or Poſts to be erected near the Sides thereof denoting the Diſtance of each Mile, or ſuch other Diſtance as they ſhall judge convenient; and may alſo cauſe Guide Poſts and Railings to be erected on ſuch Parts of the ſaid Roads as they ſhall judge proper: And if any Perſon or Perſons ſhall wilfully break, deſtroy, damage, pull up, or remove any ſuch Stones, or Poſts or Railings, or obliterate or deface any Letters or Figures that ſhall be made, inſcribed, or put thereon, or ſhall wilfully break up, injure, or deſtroy, or ride, or drive Horſes, Carriages, or Cattle, upon any Foot-path made or to be made along the Side of any of the ſaid Roads, and ſhall be thereof convicted before any One or more Juſtice or Juſtices of the Peace for the ſaid County, upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, ſuch Perſon or Perſons ſo offending, ſhall reſpectively forfeit and pay a Sum not exceeding Forty Shillings Sterling for every Stone or Poſt ſo wilfully broken, deſtroyed, damaged, pulled up, removed, obliterated, defaced, or Foot-path ridden or treſpaſſed upon, broken up, injured, or deſtroyed, over and above the Expence of repairing the Damage done to the ſame: And if any Perſon or Perſons ſhall throw down, break, or otherwiſe wilfully deſtroy or damage any of the ſaid Bridges or Ledges, or other Parts thereof, and ſhall be convicted of ſo doing before any One or more Juſtice or Juſtices of the Peace of the ſaid County, upon the Oath or Oaths of One or more Witneſſes, ſuch Perſon or Perſons ſo offending, ſhall each, beſides being liable for the Expence of repairing the Damage done, forfeit a Sum not exceeding Ten Pounds Sterling for each Offence, to be levied and recovered in the Manner hereinafter mentioned; and ſuch Forfeitures ſhall be applied, One Half to the Informer, and the other Half in repairing the Roads and Bridges in the Diſtrict where the Damage ſhall be done.

Penalties for damaging Mile-ſtones or Foot-paths.

Or Bridges.

Head-ridges to be made, and Gates on Sides of the Roads, to open inwards.

LVI. And be it further enacted, That from and after the paſſing of this Act, every Perſon in ploughing any unencloſed Field contiguous to any of the ſaid Roads, ſhall make Head-ridges along the Side of the Roads, of the Breadth of Ten Feet at leaſt; and all Gates upon Incloſures next to any of the High Roads ſhall open inwards to the Field; and oppoſite to any Gate or Entry communicating with the ſaid Highways there ſhall be laid a covered Way or Bridge of Stones, or other proper Materials, over the Drain on the Side of the Highway, which covered Way or Bridge ſhall be conſtantly kept free and clear, that the Water may paſs through below the ſame; and in caſe any Owner or Occupier of Ground adjacent to the ſaid Highways ſhall omit and fail to perform any of the Matters above-mentioned, it ſhall be competent for any Two of the Truſtees, by an Order ſubſcribed by them, to ordain the ſame to be performed at

the Expence of ſuch Owner or Occupier as aforeſaid, ſuch Expence to be recovered by Application to, and Warrant of, any One of His Majeſty's Juſtices of the Peace, who ſhall alſo award againſt the Offender the Expences of the Application.

No Perſons under a Penalty, to leave Obſtructions on the Roads,

LVII. And be it enacted, That no Perſon ſhall leave any Cart or other Carriage, or ſhall lay, or cauſe to be laid, any Timber, Stone, Lime, Dung, Compoſt, Soil, or Matter whatſoever, on or within Five Yards of the Sides of the ſaid Roads, unleſs within a ſufficient Fence between the ſame and the Roads, (except where the ſaid Roads are near to any navigable River or Canal, and where it may be neceſſary for the Purpoſe of loading or unloading Veſſels, to lay any of the Matters ſo to be loaded or unloaded nearer to the ſaid Roads, and except Materials for repairing the ſaid Roads, and that under the Authority, and with the expreſs Approbation of One or more of the ſaid Truſtees, and except Lime-ſtone, Iron-ſtone, Iron-ore, or Coal, all properly ſtacked, or Materials for building Houſes and incloſing Grounds, but no Part of which Matters to be loaded or unloaded into or out of Veſſels, Lime-ſtone, Iron-ſtone, Iron-ore, Coal, or Materials ſhall be laid on the ſaid Roads, or into the Ditches or Drains along the Sides thereof); and that any Perſon or Perſons offending in the Premiſes, and the Fact or Facts being verified and proved by the Confeſſion or Oath of the Party or Parties, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or by other legal Evidence, ſhall, beſides being obliged at his, her, or their own Expence, immediately to remove the Matters aforeſaid, forfeit and pay for each Offence a Sum not exceeding Forty Shillings Sterling, to be recovered and levied in Manner hereinafter directed; One Half thereof to be paid to the Informer, and the other Half thereof to be applied for making and repairing the Roads within the Diſtrict; nor ſhall any Perſon or Perſons, under the Penalty aforeſaid, to be recovered, levied, and applied as aforeſaid, after the paſſing of this Act, make, erect, or conſtruct, or cauſe to be made, erected, or conſtructed, any Saw-pits, Tan-pits, Lint-ponds, Lime-kilns, Cinder-kilns, Furnaces, Water or Wind-mills, and Steam Engines, or any Nuiſances, within Twenty Yards of the Sides of the ſaid Roads, beſides being obliged immediately to remove the ſame, unleſs a ſufficient Fence ſhall be interpoſed between ſuch Erections and Conſtructions and the ſaid Roads, the Sufficiency to be determined by the Truſtees of the Diſtrict, ſubject to an Appeal to a General Meeting of the Truſtees, whoſe Determination ſhall be final; nor ſhall any Perſon or Perſons, under the Penalty aforeſaid, to be recovered, levied, and applied as aforeſaid, make, erect, or conſtruct, or cauſe to be made, erected, or conſtructed, any looſe Stone Fences, commonly called Rickle Dikes, within Twenty Feet of the Centre of the ſaid Roads, unleſs by Permiſſion of the ſaid Truſtees at a Diſtrict Meeting aſſembled.

or erect Nuiſances.

Nothing to be drawn on the Roads, except on a Wheel Carriage, &c.

LVIII. And be it further enacted, That if any Perſon or Perſons ſhall drag or draw, or cauſe to be dragged or drawn, upon any Part of the ſaid Roads, any Tree, Log, or Piece of Timber, or any Stone, or other Thing whatſoever, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Tree, Log, Piece of Timber, or Stone, or other Matter whatſoever, which ſhall be conveyed upon a Wheel Carriage, to drag upon any Part of the ſaid Roads, to the Prejudice thereof, or ſhall ſuffer any Part of ſuch

Loading

Loading to project more than Two Feet beyond the Carriage on either Side (except Machinery, Apparatus, or Materials, framed or put together,) or ſhall turn a Plough on any Part of the ſaid Roads, or paſture, or cauſe to be paſtured any Horſes or Cattle of any Kind on the Sides thereof, every ſuch Perſon ſhall, on Conviction before any One or more of the Juſtices of the Peace of the ſaid County, by the Confeſſion of the Party, or upon the Oath of One or more Witneſs or Witneſſes, for every ſuch Offence, forfeit and pay a Sum not exceeding Forty Shillings Sterling; and no Perſon or Perſons ſhall make or cauſe to be made any Cut or Opening acroſs any Part of the ſaid Roads, for the Purpoſe of diverting any Water-courſe, or otherwiſe, without the Authority of Three or more Truſtees of the Diſtrict previouſly obtained for that Purpoſe in Writing, under a Penalty not exceeding Forty Shillings Sterling for each Offence, beſides being obliged to reſtore the Road to its former State.

Truſtees may aſſeſs Diſtricts in the Sum of 2*s.* 6*d.* Sterling for 100*l.* Scots.

LIX. And whereas it has been found by Experience that the Sum of Ten Shillings *Scots* upon each One hundred Pounds *Scots* of valued Rent, authorized to be levied by an Act of the Parliament of *Scotland*, made in the Second Parliament of King *Charles* the Second, One thouſand ſix hundred and ſixty-nine, and intituled, "*Act for repairing "Highways and Bridges*," is inſufficient for keeping the Roads and Bridges in the ſaid County in repair; Be it therefore enacted, That it ſhall be in the Power of the Truſtees of each Diſtrict, at their annual Meeting, to aſſeſs the Diſtrict in a farther Sum not exceeding Two Shillings and Sixpence Sterling upon each One hundred Pounds *Scots* of valued Rent, to be expended and laid out by them upon the Highways and Bridges within the Diſtrict; and that the old Aſſeſſment of Ten Shillings *Scots* on each One hundred Pounds *Scots* of valued Rent ſhall be, and the ſame is hereby reſerved for the Diſpoſal of the Juſtices of the Peace as formerly.

Sudden Damage to Bridges may be repaired by Truſtees.

LX. And be it further enacted, That in caſe of any ſudden Damage being done to any Bridge or Bridges within the ſaid County, and which may require an immediate Support and Repair, it ſhall be in the Power of any Two or more of the ſaid Truſtees, and they are hereby empowered to give Orders for making ſuch Repair or Repairs; but ſo as the Sum to be expended thereupon ſhall not exceed Ten Pounds Sterling for any One Bridge, and that the Money ſo expended ſhall be provided for and paid by an Order of the next General Meeting, on an Application to them for that Purpoſe.

Damages to be aſcertained by Juſtices of the Peace.

LXI. And be it further enacted, That the Extent of the Satisfaction to be made to any Perſon or Perſons, for any Damage ſuſtained by ſuch Perſon or Perſons, in conſequence of the Powers granted by this Act; (except as to ſtraightening and widening the Roads as before mentioned, and except as to altering, changing, and ſhutting up Roads, and removing Fences and Ditches, as alſo before mentioned,) ſhall be aſcertained and determined by a Sentence of Two or more Juſtices of the Peace of the ſaid County; and that in caſe any ſuch Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by ſuch Sentence, he, ſhe, or they may apply for Redreſs in Manner hereinafter mentioned.

LXII. And

Mode of Recovery, and Application of Penalties.

LXII. And be it further enacted, That all Penalties and Forfeitures incurred under the Authority of this Act, (the Recovery or Application whereof is not herein otherwise provided for,) may be recovered by ſummary Complaint, at the Inſtance of any of the ſaid Truſtees, or of any Perſon acting by their Orders, before any Two or more of the Juſtices of the Peace for the County of *Stirling*; and the Fact or Facts being verified and proved by the Confeſſion of the Party, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or by other legal Evidence, the ſaid Juſtices are hereby authorized and required to grant Warrant for poinding and ſelling the readieſt moveable Goods of the Offender, to the Amount of the Penalty in which ſuch Offender ſhall be found liable, with the Expence of ſuch Warrant and Execution thereof, ſuch Sale being always made by publick Auction to the higheſt Offerer at ſuch Place as ſhall be directed in the ſaid Warrant, within Five Days after ſuch Poinding ſhall have been made, and the Overplus Money (if any be) ariſing from ſuch Sale, after Deduction of the Penalties impoſed, and Charges of the Recovery thereof, ſhall be returned, upon Demand, to the Owner or Owners of ſuch Goods; and if it ſhall appear to the ſaid Juſtices that ſuch Offender has not ſufficient Goods within the County, or, upon Execution returned by their Officers reſpectively, that Goods ſufficient are not to be found, it ſhall be lawful to them, and they are hereby authorized and required to commit the Perſon of the Offender to the common Gaol of the County, until the Penalty and Expences ſhall be paid, but not in any Caſe exceeding the Space of Six Calendar Months: Provided always, that all Actions for Penalties, incurred under the Authority of this Act, ſhall be commenced and proſecuted within Six Calendar Months from the Time of committing the Offence, otherwiſe they ſhall be incompetent, or ſhall ceaſe and determine; and all Penalties recovered ſhall be paid to the ſaid Truſtees, or their Collector for the Diſtrict, to be applied (unleſs otherwiſe hereby provided) to the repairing of the Roads of the Diſtrict in which the Offence was committed.

Limitation of Actions.

Truſtees may act as Juſtices or Jurymen, &c.

LXIII. And be it further enacted, That it ſhall be no Objection to any Perſon acting as a Juſtice of the Peace, or as a Juryman under this Act, in any Thing relative hereto, that he is hereby appointed a Truſtee, or that he may be a Creditor upon the Converſion Money herein-before mentioned, except where he is perſonally intereſted; and it ſhall be no Objection to any Perſon being examined as a Witneſs, in any Matter ariſing under this Act, that he is a Truſtee, or a Clerk, Collector, Overſeer, or other Officer, appointed by, or acting under the ſaid Truſtees.

Perſons aggrieved may appeal to the Quarter Seſſions, and thence to the Court of Seſſion upon finding Caution.

LXIV. Provided always, and be it enacted, That in caſe any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, it ſhall and may be lawful to the ſaid Perſon or Perſons, to appeal for Redreſs to the next General Quarter Seſſions of the Peace for the ſaid County, at which not fewer than Three Juſtices ſhall be preſent; and ſuch Appeal ſhall be lodged within Six Days after the Matter complained of ſhall have been done; and if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by the Judgment of the Quarter Seſſions, or of any General Meeting of Truſtees for altering the Direction and Courſe of improper and inconvenient Roads, and for ſhutting up ſuperfluous and uſeleſs Roads, it ſhall be

be lawful for such Per son or Persons, to apply for Redress, by Summary Complaint, to the Court of Session; provided always, that before such Application, the Party making the same, shall pay into Court the Sum of Ten Pounds Sterling, besides finding Caution to pay the full Costs of Suit, which the Judges of the said Court are hereby directed to award, in case such Party shall not prevail in the same; and the Judgments of the said Court of Session thereon shall be final, without being subject to Review by Appeal; Provided also that such Application to the said Court of Session for Redress, shall be presented within Fourteen Days after the Date of such Judgment of the Quarter Sessions, otherwise the same shall be final and conclusive on all Parties.

County to be assessed for the Expences of this Act.

LXV. And be it further enacted, That it shall and may be lawful, to and for the said Trustees, and they are hereby authorized and required at the First General Meeting, to be held under this Act, or at any other General or Adjourned Meeting, to assess the said County in a Sum sufficient to defray the Charges and Expences of obtaining and passing this Act, and of the Application formerly made to obtain a Renewal of the said recited Act, of the Eighteenth Year of the Reign of His present Majesty, together with the Expences of collecting the said Assessment; such Assessment to be made, laid on, levied from, and paid by the Proprietors of Lands in the said County, according to the valued Rent, and in the same Manner as the Land Tax has been in use to be levied; and until the said Assessment shall be made and levied, and the Expences of obtaining this Act paid, the same shall remain a Charge upon the other Sums to be raised by virtue of this Act.

Act to be deemed a Public Act.

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

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