



ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. lxxi.

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

[23d May 1818.]

WHEREAS an Act was passed in the Twentieth Year of the Reign of His present Majesty, intituled *An Act for converting into Money the Statute Labour in the Stewartry of Kirkcudbright, for the Purpose of repairing the Highways, Bridges, and Ferries within the said Stewartry*: And whereas another Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for more effectually making and repairing certain Roads in the Stewartry of Kirkcudbright, and for amending an Act made in the Twentieth Year of the Reign of His present Majesty, for repairing the Highways, Bridges, and Ferries within the said Stewartry*, by which Power was given to erect Turnpike Bars, and to levy Tolls, and make and repair the Roads therein and herein-after mentioned; that is to say, the great Road from the new Bridge over the River *Nith* at *Dumfries*, by *Castle Douglas* and the Bridge of *Fleet* at *Gatehouse*, to the Bridge of *Cree* near *Newton Douglas* (now *Newton Stewart*); the Road from the Bridge of *Cree* aforesaid by the Bridge over the River *Kenn* (which lately fell or was swept away by the Floods) near *New Galloway*, to *Dumfries*; the Road from the Bridge of *Fleet* aforesaid, by *Kirkcudbright* and *Dalbeaty* to

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Dumfries;

Dumfries; the Road from *Kirkcudbright* to the Confines of *Ayrshire*, in the Parish of *Dalmellington*; the Road from the high Bridge of *Cree*, near *Drumlawantie*, to the Confines of *Ayrshire*; the Road from the Bridge of *Kenn* aforesaid to the Confines of *Dumfriesshire*, near *Minnyhive*; the Road from the Port of *Dub of Hafs*, through the Parishes of *Urr* and *Kirkpatrick Durham*, to the Confines of *Dumfriesshire* in the Parishes of *Dunscore* or *Glencairn*; and the Road from *Castle Douglas* to the Port called *Garden Creek*, and the Bridges thereon: And whereas the Provisions of the said Acts have been found inadequate and insufficient for the Purposes thereby intended; and it has become necessary that further Powers should be given for the more effectually making and repairing and keeping in Repair the Roads, Highways, Bridges, and Ferries within the said Stewartry; and that Provision should be made for paying off the Debts contracted under the said recited Acts: And whereas the Roads or proposed Roads herein-after mentioned, situate within the said Stewartry, cannot be effectually made, repaired, and maintained by the ordinary Course of Law; that is to say, the Road from the present Turnpike Road, at or near the lower Bridge of *Palnure*, by *Bargaly*, to the Toll Road leading to *New Galloway*, at or near *Cardistan Craig*; the Road from the present Toll Road at or near *Creetown* by Corse of *Slakes* to *Gatehouse of Fleet*; the Road from *Gatehouse of Fleet* aforesaid, by *Darngarroch* and *Glenloch* Bridge, till it joins the present Toll Road from *Castle Douglas* to *Dumfries*; the Road from *Carsphairn Kirk*, by *Smeaton Bridge*, to the Confines of *Dumfriesshire* near *Auchenstroan*; a proposed Road from the present Toll Road at or near *Corsock Bridge*, by *Nether Bar*, *Knary*, *Mool*, and *Marglolly*, to the Confines of *Dumfriesshire*, at or near the March between *Cornlee* and *Speddoch*; a proposed Road from the Village of *Kirkpatrick Durham*, by or between the *Marwhirns*, *Largs*, *Glen*, *Glenkilns*, *Margreig*, *Shallock*, *Marglolly*, and *Cornlee*, to, at, or near the March of *Speddoch* aforesaid; the Road from the new Bridge over the *Dee* at *Tongland* to the Toll Road at High Bridge of *Tarff*; the Road from the Toll Road at *Ringford*, by *Laurieston*, *New Galloway*, and *Powharrow*, to the present Toll Road at or near *Carsphairn Kirk*; the Road or proposed Road from the Town of *Kirkcudbright*, by *Ronhouse*, to the present Toll Road from *Gatehouse of Fleet* to *Castle Douglas*, at or near the Bridge over *Kelton Milburn*; the Road from, at, or near the Town Head of *Castle Douglas*, by *Haugh of Urr* and *Lochrutton*, to the present Toll Road from *Dalbeaty* to *Dumfries*, at or near *Drumsleet*; the Road from *Kirkcudbright* by *Bombie*, *Kirkcarsel*, and *Auchencairn* to *Dalbeaty*; the Road from *Kirkcudbright* by *Grange Burn Bridge* and *Chapeltown of Netherlaw*, to join the aforesaid Road from *Kirkcudbright*, by *Auchencairn*, to *Dalbeaty*, at or near *Kirkcarsel* or *Balmangan*; the Road from *Portmary* by *Drumbuie Bridge* to *Ronhouse*; the Road from, at, or near Lower Bridge of *Tarff*, towards *Gatehouse of Fleet*, till it join the present Toll Road from *Gatehouse* to *Castle Douglas*; the Road from the Toll Road at *Mollance*, by *Leaths* and *Little Knox*, to *Dalbeaty*; the Road from the Port of *Palnackie*, by *Buittle Kirk*, till it join the last-mentioned Road at or near *Little Knox*; the Road from *Castle Douglas*, by *Parton Dalry* and *Bridge of Kenn*, to *Carsphairn*; the Road from *Crocketford*, by or near *Shawhead*, towards *Auldgirth Bridge* in *Dumfriesshire*; the Road from, at, or near *Smeaton Bridge*, by *Corlea Lorg* and *Polvedoch*, to the Confines of *Dumfriesshire*, at or near *Polshoach*; and the Road leading off from the Toll Road in *Howmuir of Corsock*, by *Crogo* and *Glaisters*,
to

to the Confines of *Dumfriesshire*, at or near the Lands of *Craigputtock*: And whereas it would tend to the more easy and effectual Repair and Support of the said Roads, Highways, Bridges, and Ferries, if the said Acts were repealed, and other and further Powers given for those Purposes: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts herein-before recited shall be and the same are hereby repealed: Save and except in so far as relates to the Arrears of Conversion Money, in lieu of Statute Labour, due and payable at and preceding the Twenty-fifth Day of *December* One thousand eight hundred and seventeen; and also save and except in so far as relates to the Arrears of Bridge Money, due and payable at and preceding the passing of this Act, and to the Assessment of the same, made and to fall due under the Authority of the last-recited Act; and also save and except in so far as relates to the Tolls authorized to be levied by the last recited Act, at and preceding the Term of *Whitsunday* One thousand eight hundred and eighteen, and to the Sets or Leases of the same theretofore made; and also save and except all Contracts, Agreements, Bargains, Engagements, Appropriations, and Loans made in pursuance of the Directions and under the Authority of the said Acts, with respect to Roads, Highways, Bridges, and Ferries, and to the Application of the Conversion Monies, Bridge Money, and Tolls thereby authorized to be levied by the Trustees thereby appointed, and with respect to the Ground taken for Toll Houses and Gardens, and the Toll Houses erected thereupon, under their Authority, in virtue of the Powers thereby given.

Acts of
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repealed.

Exceptions.

II. And be it further enacted, That every Proprietor of Land in his own Right, and the Husband of every Proprietrix of Land in the said Stewartry, valued in the Land Tax Roll or Valuation Books of the same at One hundred Pounds Scots or upwards, or worth of real Rent yearly the Sum of One hundred Pounds Sterling, and the eldest lawful Son in Life of each such Proprietor or Proprietrix, and one Guardian, or Tutor, or Curator, or Trustee of every Minor possessed of the aforesaid Qualification, and one Guardian, or Tutor, or Curator of every Person possessed of the like Qualification, who is or shall be legally cognosced, fatuous or furious, and one Trustee or Commissioner, or Factor of every Proprietor or Proprietrix, possessed of the Qualification aforesaid, and the Steward Depute of the said Stewartry and his Substitutes, and the Provost, or in his Absence the next Senior or Chief Magistrate of every Royal Borough within the Stewartry, shall for the Time be Trustees for surveying, altering, making, amending, widening, repairing, and keeping in Repair the Roads mentioned in the said recited Act of the Thirty-seventh Year of the Reign of His present Majesty, and also the other Roads or proposed Roads herein-before described; and also all the other Highways, Bridges, and Ferries within the said Stewartry, and for executing all the Powers by this Act given and granted, as well within the Limits of Royal Boroughs as without the same: Provided always, that no Trustee, Commissioner, or Factor of any Proprietor or Proprietrix shall be entitled to vote and act as such, except in the Absence of his Constituent: Provided also, that no Trustee what-
ever

Trustees.

No Trustee
to have more
than One
Vote.

ever under this Act shall be entitled to vote and act until he shall have attained the Age of Twenty-one Years complete: Provided also, that no such Steward Depute or Substitute, nor any Provost or Senior or Chief Magistrate of any Royal Burgh, shall be capable of acting as a Trustee unless he shall be qualified to act as a Commissioner of Supply for the said Stewartry, or unless he shall be possessed of a Personal Estate alone, or of a Real and Personal together, of the Amount or Value of Five hundred Pounds: Provided also, that although a Person being a Trustee in his own Right shall claim as Commissioner or Factor, or as Guardian, Tutor, Curator, or Trustee for any absent Proprietor, or for any Minor or Minors, or for any fatuous or furious Person, or appear in Two Capacities, he shall have but one Vote; and that no Person of any Description whatever claiming as a Trustee under this Act shall have more than One Vote on any Pretence whatever.

Magistrates
and Coun-
cillors of
Burghs, &c.
to be Trustees
within
their Bounds.

III. And be it further enacted, That as to all Matters occurring within the Limits of any Royal Burgh or Burgh of Barony within the Stewartry, in respect to the levying and applying the Conversion Money in lieu of Statute Labour in pursuance of this Act, the whole Magistrates and Councillors of such Burgh shall be and they are hereby appointed Trustees jointly with the other Trustees appointed by this Act.

The Vote of
a Person not
qualified void,
and to forfeit
50l.

IV. And be it enacted, That if any Person not qualified or described as aforesaid shall nevertheless presume to act as a Trustee, his Vote shall be null and void, and he shall for every such Act forfeit the Sum of Fifty Pounds Sterling, to be recovered and applied in Manner after mentioned, and the Proof of Qualification shall in all Cases be incumbent on the Persons acting or pretending a Right to vote.

Trustees to
pay their own
Expences,
and hold no
Contract or
Place of
Profit, &c.

Creditors not
debarred to
act as Trustees
and Magis-
trates.

V. And be it enacted, That the Trustees shall always pay their own Expences, and that no Person however qualified shall act as a Trustee whilst he holds any Contract, Office, or Place of Profit under this Act, by Appointment of a General Annual Meeting or otherwise; nor shall any Person be capable of being a Trustee, or of holding any such Office or Place of Profit as aforesaid, who shall sell Ale, Wine, or Spirituous Liquors by Retail; and that no Person having lent Money under the Authority of the said recited Acts, or either of them, or this Act, shall be debarred from acting as a Trustee under this Act, nor as a Magistrate, in any Matter relating to the same.

First Meeting
of Trustees.

VI. And be it further enacted, That the said Trustees or any Nine or more of them shall meet within the Court House of *Kirkcudbright*, upon any lawful Day within Three Weeks after this Act shall have received the Royal Assent, or as soon thereafter as conveniently may be, for the Purpose of beginning the Proceedings in pursuance of the same, and for appointing Officers, and regulating and transacting all such Matters as may be requisite for effectually carrying this Act into Execution, and which Meeting shall be considered to be the First Spring General Annual Meeting in the present Year, and shall be convened by Advertisement; to be published by the principal Clerk for the Time being in some Newspaper published in the Stewartry, or if none be published therein, then in one published nearest to it; and that the Trustees shall thereafter during the Continuance
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of this Act hold Two General Meetings in each Year, within the Court House at *Kirkcudbright*, One of which Meetings shall be held upon the Day appointed for imposing the Land Tax, which Meeting shall be called the Spring General Annual Meeting; and the other of the said Meetings shall be held upon the Second *Tuesday* of *October*, which Meeting shall be called the Autumn General Annual Meeting; and these Meetings shall be advertised in the said Newspaper by the principal Clerk at least Three Weeks previous thereto, and they may sit Day after Day, being lawful Days, until their Business be concluded; and if on the Day of either General Annual Meeting a Quorum of Trustees shall not attend, it shall be held to be adjourned to that Day Three Weeks, of which the principal Clerk shall give at least Ten Days Notice by Advertisement published in a Newspaper as aforesaid; and all District or Parish Meetings shall be called and held in the Mode to be appointed by the General Annual Meetings, in so far as not otherwise specially directed by this Act; and Committees may be appointed by any Meeting, and Nine Trustees at a General Meeting, and Three Trustees at a District Meeting, or at a Committee (except where otherwise directed in the Appointment of such Committee), shall be a Quorum; and at every General Meeting and District Meeting, and at every Meeting of a Committee, a *Præses* shall be chosen who shall always have a Vote as an ordinary Member, and in case of Equality a casting Vote.

General
Annual
Meetings.Inferior or
District
Meetings.

Committees.

Præses.

VII. And be it enacted, That the General Annual Meetings of the said Trustees shall have complete Power to direct, review, and controul the Proceedings of all other Meetings and Committees, and also that the Business of dividing the Stewartry into Districts or Divisions, with regard to the Roads upon which Turnpike Gates or Toll Bars are hereby authorized to be continued and erected, and the Business of fixing any new Line of Road within the Stewartry, or altering old Lines of Road, and the Business of shutting up old Roads, and the Business of forming or altering Regulations, and the Business of fixing or altering the Rate of Assessment of the Conversion Money in lieu of Statute Labour, and the Business of fixing or afterwards altering the Rate of any Toll Duties; or the Situation of any Toll Bar, or of erecting any Toll House or Weigh House, or taking any Lease of Ground for that Purpose, and the Business of ascertaining the Quota of Toll Duties which shall appertain to particular Lines of Road, and the Business of borrowing Money and assigning the Toll Duties in Security thereof, and the Business of otherwise appropriating any of the Toll Duties, and the Business of allowing a Claim exceeding Five Pounds Sterling for Work executed without proper Authority, and the Business of settling the Money to be paid as Satisfaction for any Injury by any Operation of this Act, shall be transacted only at the General Annual Meetings; and the Business of altering the Division of the Stewartry into Districts, with respect to the Turnpike Roads, and the Business of pulling down any House or Building under the Authority of this Act, without Consent of Proprietors, shall not be finally decided upon or concluded until such Business shall have been approved by Two General Annual Meetings in Two successive Years; and also that any District Meeting may do Business by this Act authorized, and which it is not particularly declared shall be done only at the General Annual Meetings; and the Resolution of any District Meeting shall not be altered

Business of
General
Meetings.

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by any after District Meeting called for a special Purpose; and also that the Committees may do any Business to them committed, not being Business to which a General Meeting only is competent.

Principal Clerk, upon Requisition, to call a Special General Meeting.

VIII. And be it enacted, That the principal Clerk shall upon the Requisition of any Five Trustees, call a Special General Meeting of the Trustees under this Act, to be held at *Kirkcudbright*, for the Purpose mentioned in such Requisition, and shall advertise the same in some Newspaper published in the Stewartry, or if none be published therein, then in one published nearest to it, at least Three Weeks previous to such Meeting; and at such Meeting Nine Trustees shall be a Quorum; but such Meeting when assembled shall have no Power to take up, discuss, or decide upon any Business except that which has been specified in the Requisition aforesaid, nor any Business whatever which has been previously decided at any General Annual Meeting.

Spring General Annual Meetings to appoint Clerks and other Officers, and allow them Salaries.

IX. And be it further enacted, That the Trustees shall at their Spring General Annual Meetings, or Adjournment thereof, elect and appoint fit Persons to be their Cashiers, Collectors, and Engineers, and such other Officers as they may see necessary, for a Term not exceeding One Year, and the Trustees shall at the same Time elect and appoint a proper Person to be their principal Clerk for the whole Stewartry, for the Purposes herein directed, for a Period not exceeding the Year then ensuing; and the Trustees shall out of the Monies to be raised, in virtue of this Act, upon the Assessments or Conversion in lieu of Statute Labour, and by Tolls, pay or cause to be paid to the Officers before mentioned so to be elected by them, or any other Person who shall have assisted in the Execution of this Act, such Salaries and Allowances as to the Trustees at any General Annual Meeting may appear reasonable; and the Trustees are hereby authorized and directed at any General Annual Meeting to fix and ascertain what Part of the Salaries and Allowances shall be paid yearly out of such Assessment or Conversion in lieu of Statute Labour, and what Part thereof shall be paid from the Tolls, in such Manner as to them shall seem just.

Same Person not to be Clerk and Cashier.

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

Trustees may remove Officers, and appoint others.

XI. Provided always, and be it enacted, That the Trustees may at any General Annual Meeting remove any of their Officers, and elect and appoint others in their Room, or in the Room of any Person who shall have died,

died, or otherwise vacated his Office, for any Period not longer than to the First Spring General Annual Meeting then ensuing.

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

Book of Accounts to be kept.

XIII. Provided also, and be it enacted, That the Trustees shall take from their Cashiers, Collectors, and others appointed to any Office of Trust, such Security for the faithful Execution of their Offices respectively as to the said Trustees shall seem sufficient; and no Person or Persons so appointed to such Offices of Trust shall enter upon the Execution thereof until they shall have lodged such Securities with the said Trustees, or with the Preses of the Meeting at which they may be elected.

Trustees shall take Security from their Cashier, &c.

XIV. And be it enacted, That the Trustees may sue and be sued for any thing concerning this Act in the Name of their Cashier or principal Clerk, and that no such Action shall abate by the Death or Removal of those Officers, but that in every such Action the Cashier or principal Clerk for the Time being shall be considered the Pursuer or Defender, as the Case may be.

Trustees may sue or be sued in Name of their Cashier or Principal Clerk.

XV. And be it enacted, That in case it shall appear to the Trustees at their First Meeting, or at any General Annual Meeting, that it will be proper, and tend to the more easy Execution of this Act, to divide the Stewartry into Districts, in so far as regards the Roads upon which Turnpike Gates or Toll Bars are authorized to be erected in Manner herein-after specified, it shall be lawful for them so to do under such Regulations as to the Trustees may appear proper; but such Divisions into Districts shall not be considered as final and settled, unless the Measure be approved of by a subsequent General Annual Meeting; and separate Accounts shall in that Event be kept of the Money raised within such Divisions respectively: Declaring nevertheless, that such Districts and Divisions may be afterwards altered or totally set aside by the Order of Two consecutive General Annual Meetings.

Trustees may divide the Stewartry into Districts, as to Toll Roads.

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

XVI. And be it enacted, That it shall be lawful for the said Trustees at any General Annual Meeting to make such Regulations, not inconsistent with this Act, as they shall think proper, for conducting the Business hereby authorized; and particularly to settle whatever Conditions they may think proper to be inserted in any Contracts to be entered into by them,

Trustees may make Regulations, not to be altered except at a General Annual Meeting.

them, or any Person or Persons acting under their Authority, which Regulations shall not be alterable except at a General Annual Meeting.

Proceedings,
Contracts,
&c. to be
recorded,
otherwise not
to be binding.
&c.

XVII. And be it enacted, That Minutes of all the Proceedings of the Trustees, as well in their General and District Meetings as in their Committees, and likewise all Contracts and Agreements made by them, shall be recorded in Books to be kept by the Clerks of the General and District Meetings respectively; and also, that no such Proceedings, Contracts or Agreements, shall be binding unless the same shall be so recorded, and shall have been delivered to the Clerks respectively for that Purpose within Thirty Days after such Proceedings were held, or such Contracts made; and also that the Minutes of the Proceedings of the Trustees shall state the Substance of all Deliverances on any Petitions, or other Papers presented to them; and that all the Original Minutes, Reports, Petitions, Deliverances, and other Documents, on which Proceedings or Resolutions shall have been founded, shall be deposited with the Clerks.

Original
Minutes, &c.
to be depo-
sited with
Clerks.

Accounts of
Tolls to be
kept.

XVIII. And be it enacted, That a full and exact Account of all the Money arising from the Tolls hereby authorized, and of the Application thereof, with proper Vouchers for the same, shall be kept by the Cashier, Collector or Collectors, or other Officer or Officers appointed to receive such Duties, who shall annually enter in a Book or Books a clear State or States of his or their Accounts, which State or States shall set forth not only the whole Sums leviable and levied during each Year from the Tolls, and the Particulars of the Sums paid out, and the Names of the Persons by whose Orders, and the Persons to whom the same were paid, but shall also contain an Account or Description of the Work for which each Sum was paid, with the Places and Times at which the Work was done, and, as far as can be easily known, the Quantity of such Work; and these Particulars shall, as far as may be, be also specified in all Orders or Drafts for Payments; and in case the said Stewartry shall be divided into Divisions or Districts, the Cashier, Collector, or other Officer shall keep a full and exact Account of the Money arising from the said Tolls within each District or Division, and of the Application thereof, with the Vouchers of the same, in Manner aforesaid, and shall annually enter in a Book or Books, a clear State of his Accounts, setting forth and containing the Particulars before mentioned; and the principal Clerk shall every Year enter in a Book an Abstract of the said Accounts, keeping the Particulars of each Division by itself (in case the said Stewartry shall be divided into Districts as aforesaid), and distinguishing how much Money in each District, and in the whole Stewartry, is paid for the Expences of Management, and to the Officers appointed by the Trustees; and such Abstract Account Book of each Year shall always be laid before the ensuing General Annual Meeting; and no Person shall pay away any of the Tolls to be levied under the Authority of this Act, except to the Order of some Person expressly authorized thereto by a General Annual Meeting of Trustees.

Abstract of
Accounts to
be laid yearly
before a
General
Annual
Meeting.

Surveys of
Roads to be
entered in a
Book.

XIX. And be it enacted, That the Surveys of all Roads to be made by the Authority of General or District Meetings shall by the Engineer making such Surveys be entered in a Book, to be kept by the principal Clerk for that Purpose, within the Space of Two Months after the Date of such Surveys respectively.

XX. And

XX. And be it enacted, That the Books containing the Records of the Proceedings of the Trustees, and the Papers relative thereto, and the Books of Surveys and Books of Accounts, shall be open at all Times *gratis* to the Inspection of any Trustee, and to any other Person, upon Payment of One Shilling Sterling, and no more; and any Person shall, on Requisition made, be entitled to get an Extract or certified Copy of any Parts thereof, or of any Petition and Deliverance thereon, or other Paper, from the Clerk, on Payment of Sixpence Sterling for each Page of such Copy.

Books, Records, &c. to be open to Inspection, and Extracts, &c. to be given.

XXI. And be it further enacted, That all Occupiers of Land, whether Proprietors or Tenants, within the said Stewartry, shall pay a Conversion in Money or Composition in lieu of Statute Labour, at a Rate not less than Fifteen Shillings, and not exceeding Thirty Shillings Sterling yearly, (except in the Case herein-after mentioned), for every One hundred Pounds *Scots* of the valued Rent of the Lands occupied by them respectively, as the same stand in the Tax Roll or Valuation Books of the Stewartry: Provided always nevertheless, that it shall be lawful for the said Trustees, at the Time of imposing the Conversion Money yearly as after mentioned, to extend the said Maximum of Thirty Shillings Sterling to a Rate not exceeding the Sum of Forty Shillings Sterling yearly for every One hundred Pounds *Scots* of such valued Rent, in any Parish or Parishes of the said Stewartry, in case the Circumstances of such Parish or Parishes shall appear to the said Trustees to render such Extension necessary, and in case Three-fourths of the Trustees of such Parish or Parishes shall agree thereto; and in all such Cases the Proprietors only, and not the Tenants and Occupiers of the Land, shall be liable to and shall pay such Extension.

Conversion Money in lieu of Statute Labour.

XXII. And be it further enacted, That the Clerk of Supply, or Clerk to the Commissioners of the Land Tax for the said Stewartry, shall at the First Meeting of Trustees under this Act, to be held in Manner herein-before mentioned, exhibit and produce a full and complete Extract of the Valuation Roll of the said Stewartry, distinguishing the Valuation of each Parish therein, and he shall thereafter, on or before the Day of the Spring General Annual Meeting, yearly, produce and lodge with the principal Clerk to the said Trustees an Extract of all the Alterations, Variations, and Divisions of Valuation that may have been made in each Parish in the said Stewartry by the Commissioners of the Land Tax for the Year preceding, on pain of forfeiting any Sum not exceeding Five Pounds for each Offence; and all such Extracts as aforesaid shall be so exhibited, produced, and lodged as aforesaid by the said Clerk of Supply, without Fee or Reward.

Clerk of Supply to produce to First Meeting of Trustees an Extract of the Valuation Roll, and to lodge with the Principal Clerk yearly an Extract of the Alterations.

XXIII. And be it further enacted, That the Proprietor or Proprietors of Lands, and his, her, or their Factor or Factors, or his, her, or their Trustee or Trustees, or his, her, or their Tutors or Curators, shall, and he, she, or they are hereby required yearly, on or before the First Day of *November* after the passing of this Act, to make out and lodge in the Hands of the Collector or Collectors of the respective Districts or Parishes a complete List of the Tenants and Occupiers of Lands on their several Estates, and of the Names and the Extent of the Valuation of the Lands so occupied by such Tenants respectively, with the Parishes in which such Lands severally lie: Provided always, that in all Cases where any Lands

Proprietors and Factors to make out Lists of Tenants, and to divide Cumulo Valuations amongst them;

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otherwise to be liable to the Assessment.

rated at a Cumulo Valuation in the Tax Roll or Valuation Books of the Stewartry are or shall be occupied in separate Possessions, the Proprietor or Proprietors of such Lands, or his, her, or their Factor or Factors, or his, her, or their Trustee or Trustees, or one of his, her, or their Tutors or Curators, shall, and he, she, or they are hereby required to divide such Cumulo Valuation among such separate Possessions in an equitable Manner in proportion to the real Rents payable for the same respectively; and failing thereof, such Proprietor or Proprietors shall be held and considered as the Occupier or Occupiers, and shall be assessed for and pay the whole Conversion in lieu of Statute Labour hereby authorized to be charged upon and levied from the same.

Tenants may complain of such Divisions.

XXIV. Provided always, and be it enacted, That in case any Tenant or Occupier of such separate Possessions shall think himself aggrieved by the Division of such Cumulo Valuation, it shall be lawful for such Tenant or Occupier to complain to the First General Annual Meeting of the Trustees that shall happen thereafter, and which General Annual Meeting is hereby authorized to hear Parties, and decide upon such Complaint.

Proprietors to have Relief.

XXV. Provided also, and be it enacted, That any Proprietor or Proprietors failing to make out Lists, or to divide a Cumulo Valuation as aforesaid, and to lodge such Lists and Division with the Names of the Occupiers of the separate Possessions thereof, the Proportion of Valuation falling upon each, and the Name of the Parish in which they lie, in the Hands of the Collector or Collectors aforesaid in manner before expressed, shall notwithstanding thereof be entitled to recover from such Occupier or Occupiers the fair and equitable Sum paid or advanced for him, her, or them, in lieu of Statute Labour, and that by any Action or Suit in Law before any competent Court, or in the same Manner as the Conversion Money in lieu of Statute Labour is authorized to be recovered and levied in virtue of this Act.

Assessment paid Half-yearly.

XXVI. And be it enacted, That the whole of the aforesaid Assessment or Conversion Money in lieu of Statute Labour shall be paid yearly to the respective Collectors to be appointed to receive the same in manner hereinafter mentioned, at two Terms in the Year, *Martinmas* and *Whitsunday*, in equal Portions, and for which Receipts shall be given if demanded, the Person or Persons demanding such Receipts paying the Stamp Duty in every Case where a Stamp is necessary.

Stewartry arranged into Divisions for managing Assessments, &c.

XXVII. And be it further enacted, That for the Purpose of more effectually managing and applying the Assessment or Conversion in lieu of Statute Labour, and for the better making, repairing and keeping in Repair the High Roads within the Stewartry (upon which Turnpike Gates or Toll Bars shall not be continued or placed in virtue of this Act), the said Stewartry shall be classed and arranged into Eight Divisions or Districts; that is to say, the First Division or District shall consist of the Parishes of *Kirkcudbright*, *Rerrick*, *Borgue*, and *Twynholm*; the Second Division or District shall consist of the Parishes of *Tongland*, *Balmagbie*, and *Kelton*; the Third Division or District shall consist of the Parishes of *Girthon*, *Anwoth*, *Kirkmabreck*, and *Minnigaff*; the Fourth Division or District shall consist of the Parishes of *Kells*, *Carsphairn*, *Dalry*, and *Balmaclellan*; the Fifth Division or District shall consist of the Parishes of *Parton*, *Kirk-*

patrick Durham, and Crossmichael; the Sixth Division or District shall consist of the Parishes of *Urr, Buittle, and Kirkgunzeon*; the Seventh Division or District shall consist of the Parishes of *Colvend, Kirkbean, and Newabbey*; and the Eighth Division or District shall consist of the Parishes of *Troqueer, Kirkpatrick Irongray, Terrègles, and Lochbrutton*.

XXVIII. And be it enacted, That the Trustees shall at their First General Annual Meeting to be holden after the passing of this Act, or at the Adjournment thereof, appoint a Convener for each of the said Eight Divisions or Districts, who shall continue in Office until the next Spring General Annual Meeting then ensuing; and the Trustees shall also at their Spring General Annual Meetings in every Year, or at the Adjournment thereof, appoint a Convener for each of the said Eight Divisions or Districts, who shall continue in Office for one Year; and which Conveners respectively are hereby required to write or cause to be written a Letter to every Trustee residing or having Property in each of the Eight Divisions or Districts respectively, appointing them to meet at such Places in each Division or District as may be most convenient to the Generality of the Trustees so residing or having Property within the same; which Division or District Meeting shall be yearly holden not later than Forty Days after the Meeting which appointed the Conveners; and the Trustees at such Division or District Meetings shall proceed to execute the Powers hereby committed to them, and the Instructions that shall be given to them by the General Annual Meetings, and shall ascertain the Highways, to which the Assessment or Conversion in lieu of Statute Labour is by this Act applicable, most necessary to be made or repaired, and shall contract with proper Persons for executing the same; and shall also appoint a Collector for each Parish, or for each Division or District respectively, for collecting and receiving the Assessment or Conversion in lieu of Statute Labour in the Parish, Division, or District for which he is so appointed; and every such Collector shall find Caution to the Satisfaction of the Trustees therein, or any Three or more of them, for the faithful Execution of the Trusts reposed in him, and that he shall collect at the Periods above fixed, or at least once every Year betwixt *Whitfunday* and *Martinmas*, such Assessment or Conversion at the General Annual Meeting shall have ascertained to be paid upon Lands conformably to the Valuation thereof, and Divisions of the same, made in pursuance of this Act in manner hereby directed; and every such Collector shall account faithfully to the Trustees in each Parish for the whole Conversion Money thereof, and the same shall be regularly entered in Books to be kept by him for that Purpose, and every such Collector shall so account every Six Months, or at least every Year within One Month after *Martinmas*, if the Trustees at a General Annual Meeting shall so appoint, or oftener (if required by any Three or more of the said Trustees); and in case any Collector, after Ten Days Notice being given to him for that Purpose in Writing by Three or more of the Trustees of the Parish, District, or Division, shall refuse to give in such Account or Accounts, or shall refuse to pay the Balance due thereon, to the Person or Persons appointed by the Trustees of the District or Division, or any Three or more of them, to receive the same, then and in such Cases it shall and may be lawful for any Two Justices of the Peace of the Stewartry to commit the Offender to the County Gaol, therein to remain until such Accounts, and all the Expences attending the Recovery of the Balance due thereon, shall be paid and fully satisfied, or until he shall be liberated

Conveners of Division Meetings to be appointed;

their Duty.

Division Meetings;

their Business.

Collectors to be appointed for receiving Assessments;

to find Caution;

their Duty;

to account unto the Trustees in each Parish.

Assessments to be entered in Books.

Penalty on Collectors refusing to account and pay.

liberated in due Course of Law, saving and reserving Action against his Cautioner according to Law.

Spring
General
Meetings
may appoint
Collectors
for whole
Stewartry.

XXIX. Provided always, and be it enacted, That it shall be lawful for the Trustees hereby appointed, at any of their Spring General Annual Meetings, if they shall think proper, to elect One fit Person as Collector of the Conversion Money in lieu of Statute Labour for the whole of the said Stewartry for the Year then ensuing, and to grant him such Allowance for his Trouble as they shall think proper, consistent with this Act, which Collector shall be subject and liable to all the Rules, Regulations, and Penalties herein mentioned with respect to Parish or District Collectors; and in case the said Trustees at any of their Spring Annual Meetings shall so elect One Person to collect the Conversion Money of the whole Stewartry, then, during the Existence of such Appointment, the Power hereinbefore given to the District Meetings to appoint Parish or Division Collectors shall be suspended.

Conveners
may call a
Special
Meeting.

XXX. Provided always, and be it enacted, That if any necessary Business shall occur in any of the said Districts or Divisions between the Annual Meeting of the Trustees of such District or Division hereby appointed, and any Adjournment thereof, or the next succeeding Annual Meeting, in case no such Adjournment shall have been made, it shall be lawful for the Convener of such District or Division, upon a Requisition signed by any Two Trustees residing or having Property therein, specifying such necessary Business, to call a Special Meeting of the Trustees of the same (by writing or causing to be written a Letter to each of them, stating such necessary Business as specified in the said Requisition), to be holden upon some convenient Day and at some convenient Place within the District, to take into Consideration and decide upon such Business; and such Special Meeting shall have Power to consider and decide upon such Business in the same Manner as could have been done by an Annual Meeting of the Trustees of the said District or Division or any Adjournment thereof, provided the said Letters be written and dispatched at least Ten Days before such Special Meeting; and at such Special Meeting no Business whatever shall be taken up except what shall have been specified in the said Requisition, nor any Business whatever which shall have been previously decided at a District Meeting.

Parish Meet-
ings yearly
to make up
States and
Estimates
to be reported
to General
Annual
Meeting in
October.

XXXI. And be it further enacted, That the Trustees in each Parish, or any Two or more of them, shall meet at some convenient Place within the Parish, upon a Day to be fixed by the District Meeting to which the Parish is attached, in the Months of *March* or *April* yearly, and there make up particular States of the several Roads and Bridges within the Parish (upon which Toll Bars shall not be placed under the Authority of this Act); and Estimates of the Sums necessary for making, widening, and repairing or altering the same for the Year ensuing, and shall also make up an Account of the Application of the Assessment or Conversions in lieu of Statute Labour theretofore levied, and of the Debts theretofore contracted upon the same (both Principal and Interest), whether by way of Loan or otherwise, either under the said Acts hereby repealed or under the Authority of this Act; which States, Estimates, and Accounts shall be reported to the Spring General Annual Meeting yearly, a Copy of them being previously lodged with the Collector of the District or Division

Copy to be
previously
lodged with
the Collector
of the Dis-
trict.

Division within which the Parish is situated, to be at all Times open to the Inspection of the Trustees of the District or Division to which the Parish belongs, *gratis*; and such States, Estimates, and Accounts shall be lodged with the principal Clerk, to be by him kept amongst the Records of the General Meetings.

XXXII. Provided always, That if the Trustees in any Parish shall neglect to make up and report yearly States, Estimates, and Accounts in Manner before directed, then and in such Case the Trustees hereby appointed shall fix and impose the Assessment or Conversion Money for such Parish at the Rate of the preceding Year.

Parishes failing to give in States, &c. to be assessed in Maximum.

XXXIII. And be it enacted, That it shall and may be lawful for the Trustees hereby appointed, and they are hereby authorized and required, at the First General Meeting to be held under the Authority of this Act or at the Adjournment thereof, and at every Spring General Annual Meeting thereafter, to fix and impose the Assessment or Conversion in lieu of Statute Labour to be paid upon the Valuation of Lands, either by the whole Stewartry or by each of the Districts or Divisions, or by each Parish, at such a Rate as to them shall seem requisite, upon due Consideration, for the Year then ensuing; which Assessment or Conversion so to be fixed and imposed shall be applied by the Trustees in each District or Division aforesaid, but in such Manner as that the whole Money levied or authorized to be levied in each Parish shall be applied in the first place in repairing the Roads within the same, and to the Payment of the Debts contracted upon the Assessment or Conversion in lieu of Statute Labour of such Parish, either in virtue of the Acts hereby repealed or of this present Act, and afterwards in making new Roads within the same, excepting the necessary Expences of Management and Salaries to Clerks, Collectors, and other Officers; which Expences of Management, and Salaries to Clerks, Collectors, and other Officers, as well those of the General as of the District or Division Meetings, shall not in the whole exceed Seven and One Half *per Centum* of the Amount of the highest Rate of the Assessment or Conversion by this Act authorized to be taken and levied, and shall be divided and proportioned as the Trustees at a General Annual Meeting shall direct, but which Divisions and Proportions may afterwards be altered, and new Divisions and Proportions made by after General Annual Meetings from Time to Time as may be found necessary: Provided always, that no Part of the said Conversion Money shall be applied in making or repairing any Road upon which Toll Bars are erected, except as herein-after mentioned.

General Spring Annual Meeting to fix Assessments.

How such Assessment is to be applied.

Expence of Management.

XXXIV. Provided always, and be it further enacted, That such Part of the Assessment or Conversion Money of any Parish (not exceeding One Fourth Part thereof yearly), as shall be consented to by Four-fifths in Number of the Trustees residing or having Property in such Parish, may be applied towards making, widening, or repairing any useful and necessary High Road leading from the same through any adjoining Parishes, in case no Turnpike Gate or Toll Bar be erected on such High Road in virtue of the Authority of this Act; but no Part of the Assessment or Conversion Money of any Parish shall be applied to any Roads out of the said Parish further or otherwise than as herein-before and herein-after is mentioned.

Part of the Assessment of any Parish, (not exceeding One-Fourth) may, with Consent, be applied to other Roads.

[Local.]

Procedure of
the Division
Meetings, &c.
subject to
Review.

XXXV. Provided always, and be it enacted, That the whole Procedure of the Trustees at their District or Division Meetings shall be subject to the Review and Control of the General Annual Meetings.

Persons re-
fusing to pay
Assessments
to be poulded,
&c.

XXXVI. And be it further enacted, That if any Person or Persons liable to pay the Assessments or Conversion in lieu of Statute Labour shall refuse to pay the same to the Collector or Collectors authorized to receive the same at the respective Terms above specified for Payment thereof, it shall be lawful for the Steward Depute, or any of his Substitutes, or for any Two or more Justices of the Peace for the said Stewartry, and they are hereby respectively required, to grant Warrant or Warrants for poulding the Effects of the Person or Persons so refusing in a summary Manner, and to appraise them on the Spot where found, and if not redeemed within Six Days thereafter, to sell the same by Auction, after due Advertisement to be made on a *Sunday* at the Church Door of the Parish in which the said Effects are found, at least Two free Days previous to the Sale, for Payment of the said Assessment or Conversion Money, together with the full Charges attending the Recovery thereof; and after such Payment, the Overplus, if any, shall be paid, when demanded, to the Person or Persons respectively whose Effects shall have been so poulded; which Warrants are to be so granted by the Steward Depute or any of his Substitutes, or by any Two or more Justices of the Peace aforesaid, upon Application for that Purpose, and Attestation subscribed by the Collector or Collectors respectively, certifying that the Person or Persons complained of has or have been deficient in paying the Assessment or Conversion Money due by him or them, and expressing the Arrear of such Person or Persons; and the same summary Recourse shall be competent to the Proprietors of Land who may be obliged to pay the Assessment or Conversion Money for their Tenant or Tenants, in case the Tenant or Tenants shall not repay his or their Landlord within Ten Days after he or they shall be required by him so to do.

Collectors
making false
Returns liable
to Treble
the Sums
claimed.

XXXVII. Provided always, That in case it shall appear to the Steward Depute, or any of his Substitutes, or to the said Justices of the Peace, upon the Complaint of any Person or Persons liable as aforesaid, that any Collector has knowingly or wilfully made an unfounded Application or given a false Certificate against such Person or Persons, and that Warrant or Warrants shall have been granted thereupon as above mentioned, and that such Person or Persons have been aggrieved by the Execution thereof, then and in that Case the Steward Depute, or any of his Substitutes, or any Two or more of the Justices of the Peace, shall award Treble the Amount of the Sum or Sums claimed, in Name of Damages, against such Collector giving in such unfounded Application and making such false Certificate; which Damages shall be wholly payable to the Parties aggrieved, and shall be levied as above directed with respect to poulding the Effects of Persons refusing to pay as aforesaid.

Trustees at
District
Meetings
may borrow
Money on
Credit of
Conversion,

XXXVIII. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, at any of their aforesaid District or Division Meetings for the several Districts or Divisions of the said Stewartry, to borrow from Time to Time, upon the Credit of the Assessment or Conversion Money aforesaid, such Sum or Sums of Money as they may think necessary and expedient for making and repairing any Road or Roads within

within any particular Parish or Parishes in such Districts or Divisions respectively, and for paying off the Debts already contracted, or hereafter to be contracted, upon the Assessment or Conversion Money of such Parish or Parishes respectively, either in virtue of the Acts hereby repealed, or of the present Act; and to pledge and appropriate the Assessment or Conversion Money of such Parish or Parishes to the Person or Persons from whom the Money shall be so borrowed, as a Security for Repayment of the same, together with the legal Interest thereof, or a lower Interest, if the Money can be obtained at a Rate under legal Interest.

for making and repairing Roads, and paying off the Debts, and to pledge Conversion Money in Security.

XXXIX. Provided always, That the Money to be borrowed upon the Credit of the Assessment or Conversion Money of any Parish shall be employed solely for making and repairing the particular Road or Roads for which it was borrowed, and for paying off such Debt or Debts as then is or are owing, or which may have been previously contracted upon the Credit of the Assessment or Conversion Money of such Parish, either in virtue of the Acts hereby repealed, or of the present Act as aforesaid.

How the Money borrowed is to be applied.

XL. Provided also, and be it enacted, That the Rate of Assessment or Conversion fixed at the Time of borrowing such Sum or Sums of Money shall not be lowered until the whole Loan or Loans upon the Credit of such Assessment or Conversion shall have been paid off, unless with the Consent of the Creditor or Creditors who may have lent the same.

Assessment not to be diminished until Loans are paid off, &c.

XLI. Provided also, That the Sums to be borrowed on the Credit of such Assessment or Conversion Money shall never exceed in the whole such a Sum as the One Half of the Conversion Money of the Parish or Parishes borrowing the same, taken at the Maximum hereby authorized, will be sufficient to pay the Interest of; and that no Sum or Sums of Money shall be so borrowed, unless the Trustees of the respective Districts shall have been previously authorized by a General Annual Meeting to procure such Loans, and to pledge and appropriate the Assessment or Conversion Money to the Lender or Lenders in Manner hereinbefore mentioned.

Limitation as to borrowing.

Loans and Assignments to be previously authorized.

XLII. Provided always, and be it enacted, That all and every Sum or Sums of Money heretofore lent or advanced upon the Credit of the Assessment or Conversion Money of any Parish or Place, leviable by the Acts hereby repealed, shall be preferable upon the Assessment or Conversion Money hereby authorized to be levied upon such Parish or Place, to all Sums which shall be hereafter borrowed or advanced on the Credit of such Assessment or Conversion in virtue of this Act; and that all existing Preferences among the Creditors upon the Assessment or Conversion Money leviable under the Acts hereby repealed, shall remain in equal Force as if the said Acts had not been repealed.

Sums lent or advanced under repealed Acts preferable to this Act.

Preferences among Creditors under repealed Acts to remain.

XLIII. And be it enacted, That all Balances or Sums of Money now due for Assessments or Conversions in lieu of Statute Labour, up to the said Twenty-fifth Day of *December* One thousand eight hundred and seventeen, under or by virtue of the Acts hereby repealed, whether by the Persons liable in Payment thereof, or by the Collectors appointed to receive

Balances for Sums due for Assessment under repealed Acts to be paid and accounted for.

Application thereof.

receive the same, shall be paid and accounted for to the Trustees under this Act, or to the Collectors to be by them appointed, and shall, after deducting all Expences of Management, and other Charges thereon, be applied in Manner following; that is to say, in the first Place in Payment of all Assignments or Appropriations thereof heretofore made, and in the next Place towards making and repairing the Roads and Bridges to which the same are applicable by the Acts hereby repealed.

Trustees under this Act may compel Collectors under repealed Acts to account and pay.

XLIV. And be it further enacted, That the Trustees under this Act shall have the same and the like Powers to compel the several Collectors appointed under the said Acts hereby repealed to do their Duty, and account for, and pay the Balances or Sums of Money now due in respect of the said Assessment or Conversion Money up to the said Twenty-fifth Day of December, as the Trustees thereby appointed had or would have had if the said Acts had still remained in full Force.

Roads to Sea-ports, &c. under Act of 20 G. 3.

XLV. And whereas, by the aforesaid Act of the Twentieth Year of the Reign of His present Majesty, it was enacted, that it should be in the Power of the Trustees thereby appointed, at their General Annual Meetings, to order and cause any Roads to be made within the Limits of the Stewartry, in the nearest and most convenient Direction from the Great Roads, not only to the different Ports or Places within the Stewartry mentioned in the Book of Rates, but also towards the Places therein-after mentioned: And whereas it will be beneficial to the Public that the Trustees under this Act should have sufficient Power to carry into Effect the Purposes of the said Act, so far as not already done; be it therefore enacted, That the Trustees hereby appointed shall have full Power at any of their General Annual Meetings to order and cause Roads to be made within the Limits of the said Stewartry, in the nearest and most convenient Direction from the Great Roads, not only to the Ports and Places within the said Stewartry mentioned in the Book of Rates, but also to the following Places, in so far as not already done under Authority of the said Act of the Twentieth Year of the Reign of His present Majesty; that is to say, Carnshaw, Park M'Clurg, Palneur Bridge, Skyreburn, Fleetbridge, the Isle Mouth of Knockbren, Kirk Andrews, Brighthousebay, Balmanganbay, Tongland, Tarff Bridge, Mankmanslake, Mullockbay Netherlawburnfoot, Auchencairn, Garden Creek, Dub of Hafs or Dalbeaty Burn, Southwickburn, Southernesspoint, Newabbyburn, Laghall, and Orchardtownburn; and also towards the following Places on the Loch of Kenn and the River Dee, that is to say, at and opposite to the Boat Croft of Livingston on both Sides of the River Dee at Little Kenmore, on the West Side of the Loch Kenn, and at and opposite to the Place called Cubbox Isle, on both Sides of the Kenn.

Trustees under this Act to have Power to make Roads to Ports, &c. so far as not already done.

Ground for Landing-Places.

XLVI. And be it further enacted, That the Trustees shall at any of their General Annual Meetings have Power to order and direct a Piece of Ground the most convenient, and not exceeding One Acre, to be taken off and set apart at or near to all or any of the said Places, for a Landing-place, and for the Purpose of laying down Lime, Shells, Coals, or other Goods, for the Accommodation of the Public, until the same can be conveniently taken away; and which Piece of Ground shall be marked off by any Committee or Committees to be appointed so to do by a General Annual Meeting of Trustees, and shall thereafter be vested in the Trustees

Ground vested in Trustees who shall have

tees

tees under this Act, for the Purpose aforesaid, who shall have full Power to regulate or cause to be regulated the Mode in which it is to be occupied in every respect. Power to regulate the Occupation.

XLVII. Provided always, and be it enacted, That Six Months previous Notice at the least be given to the several Proprietors of the Lands through which such Roads shall pass, and from whom such Pieces of Ground shall be taken as aforesaid respectively; and that Payment be previously made to such Proprietors respectively of the Value of the Land to be used for such Roads, and the Fences on both Sides thereof, and of the Pieces of Ground to be taken off, in Manner and for the Purpose aforesaid, by an Assessment to be made upon the said Stewartry. Notice to be given, and Proprietors to be previously paid.

XLVIII. Provided always, and be it enacted, That no Warehouse or other Building whatever shall be erected on any of the said Pieces of Ground, or upon any of the Roads leading to the same, whether taken off and made under the Authority of the said Act of the Twentieth Year of the Reign of His present Majesty, or to be taken off and made in virtue of this Act; and that in case an Agreement cannot be made for the Values of the Land to be used for such Roads, and the Fences on both Sides thereof, or for the Value of the Pieces of Ground to be taken as before mentioned for the Purpose before expressed, such Values respectively shall be ascertained by a Jury to be impannelled in Manner herein-after prescribed. No Building to be erected.

XLIX. And be it enacted, That no new Line of Road on which Toll Bars are not authorized to be erected shall be made in consequence of the Powers given by this Act, nor shall any of the present Roads (except Turnpike Roads) be repaired at an Expence exceeding Twenty Pounds Sterling for each Mile, until the best Line of Direction for such Road shall have been ascertained and approved of, as follows; that is to say, the making or repairing of the Road shall be proposed at a General Annual Meeting of Trustees, and the Engineer to be appointed under the Authority of this Act shall mark and level the Line proposed, and any other Line ordered by such Meeting within Three Months thereafter, declaring what Line is the most level in which the Road can be carried, and a Committee shall view those Lines, and report in Writing their Opinion thereupon, (giving their Reasons at full Length, if against adopting the Line most level), nor until the Surveys by the County Engineer and the Report of the Committee shall have been submitted to and decided upon by a General Annual Meeting. Best Line of Road to be adopted.

L. Provided always, That the Committee so appointed to view and report upon those Lines of Road shall report also upon the proper Width of the same; and that none of the said new Lines of Road nor of the present Roads, when so repaired, shall be of a lesser Width than Twenty-five Feet, nor of a greater Width than Forty Feet of clear passable Road, exclusive of the Bank and Ditch upon each Side of the same. Width not less than 25 Feet.

LI. Provided always, That no Part of the Money authorized to be levied by the Authority of this Act shall be applied towards making or erecting any new Bridge or Bridges within the said Stewartry, unless such No new Bridge to be erected but upon a Line

of Road ap-
proven of.

Bridge or Bridges shall be made on a Line of Road approven of in Manner herein-before mentioned.

Repeal of
16 C. 2.
confirmed.

Trustees may
in lieu thereof
raise an Assess-
ment not ex-
ceeding 4s.
2d. per 100l.
Scots.

Application
thereof.

How to be
recovered.

LII. And be it further enacted, That so much of the Sixteenth Act of the Second Parliament of King *Charles* Second as authorized a Stent or Assessment not exceeding Ten Shillings *Scots* upon each Hundred Pounds of valued Rent in one Year for the Purpose therein mentioned, and which was repealed by the said recited Act of the Thirty-seventh Year of His present Majesty, shall, in so far as the same extends to the said Stewartry, not be revived by this Act; and the Trustees under this Act, or Quorum of them, at their Autumn General Annual Meeting yearly shall and may in lieu of the said Stent or Assessment, assess the whole Heritors of the said Stewartry at a Rate not exceeding the Sum of Four Shillings and Two-pence Sterling upon every One hundred Pounds *Scots* of valued Rent yearly; which Assessment shall become due upon the Twenty-fifth Day of *March* in every Year, and shall be levied in such Manner as the Trustees under this Act shall direct, and shall be by and under their Authority applied towards building, making, repairing, and upholding the Bridges within the said Stewartry, situated upon Roads whereon Turnpike Gates or Toll Bars shall not be continued or placed in virtue of this Act; and the said Rate or Assessment shall be recoverable in the same Manner as the Stent or Assessment authorized by the said Act of the Second Parliament of King *Charles* the Second, was recoverable or might be recovered; or if not paid on the Twenty-fifth Day of *March* yearly to the Collector appointed by the said Trustees to receive the same, shall upon Complaint made by such Collector be recovered in like Manner and by the same Authority that the Land Tax for the said Stewartry is recoverable, together with the necessary Expence of recovering the same; or upon Complaint by such Collector it shall be lawful for the Steward Depute or any of his Substitutes, or for any Two or more Justices of the Peace for the said Stewartry, and he or they respectively are hereby required to grant Warrant for pouding the Effects of the Deficients respectively, in a summary Manner to appraise them on the Spot where found, and if not redeemed by the Owner within Six Days thereafter, to sell the same by Auction (after due Advertisement on a *Sunday* at the Church Door of the Parish in which they are found, at least Two free Days previous to the Sale) for Payment of such Assessment, together with the full Charges of Recovery thereof; and the Overplus, if any, shall be paid when demanded to the Person or Persons respectively whose Effects shall have been so pouded.

Trustees may
continue and
erect new
Turnpike
Gates on
Turnpike
Roads.

Toll Houses
may be hired
or erected.

LIII. and be it further enacted, That it shall be lawful for the Trustees hereby appointed, and they are hereby authorized and empowered, at any of their General Annual Meetings, to continue the present Turnpike Gates or Toll Bars, and to erect or cause to be erected, where they shall think proper and necessary, other Turnpike Gates or Toll Bars, on or across all or any of the Roads or proposed Roads in the said Stewartry herein-before particularly described, (save and except those which are herein-before mentioned and included in the said Act of the Twentieth Year of the Reign of His present Majesty,) and on or across any of the Side Roads leading into the same at the Junction thereof; and to hire or erect where necessary a Toll House with a suitable Garden at or near every Turnpike Gate or Toll Bar, and at or near every Side Bar hereby authorized to be con-

tinued or erected, and for the Purpose of such Erection to take in Lease for any Term they shall think proper, not exceeding Twenty-one Years, such Piece or Pieces of Ground as they shall judge necessary, not exceeding One Sixth Part of an Acre for every Toll House and Garden; and the Property of all the Turnpike Gates or Toll Bars, with the Side Bars authorized to be continued or erected as aforesaid, and the Toll Houses and Gardens appertaining thereto, with the Materials of the Toll Houses, and every Right and Title to the same, shall be and they are hereby vested in the Trustees appointed by this Act for and during the Continuance of such Rights and Titles, and until the same are respectively expired, the said Trustees always paying the stipulated Rents for the same; and the said Trustees, or any Committee or Person or Persons authorized by them as aforesaid, are hereby empowered of new to hire such Toll Houses and Gardens for any Period during the Continuance of this Act, after the Expiry of such Rights and Titles to the same, in Manner aforesaid: Provided always, that the said Trustees, or the Committees or Persons so authorized by them, may, if they think proper, purchase the Lands necessary for any such Toll House and Garden, instead of taking a Lease of the same; and in case the Trustees, or the Committees or Person or Persons authorized by them, cannot agree with the Proprietor or Occupier for the Rents of the Houses and Pieces of Ground hereby authorized to be hired and taken in Lease, or for the Rent of the Toll Houses and Gardens hereby authorized to be hired of new, or for the Price or Prices of the Lands hereby authorized to be purchased, such Rents or Prices shall be fixed and ascertained by a Jury to be called and impanelled in Manner herein-after mentioned.

Turnpike
Gates, Toll
Houses, &c.
vested in the
Trustees.

If Parties
cannot agree,
Rent, &c. to
be fixed by a
Jury.

LIV. And be it enacted, That the said Trustees at any of their General Annual Meetings, or at any Adjournment thereof, may appoint and direct the Turnpike Gates or Toll Bars, and the Tolls leviable thereat, to be let by Public Roup or Auction, for any Term not exceeding Three Years, to the highest Offerer or Offerers; and may appoint a Committee, or any Person or Persons they shall think proper, to expose and let the Turnpike Gates or Toll Bars and Tolls by Public Roup or Auction accordingly, under such Articles and Conditions as may be thought proper, the highest Offerer or Offerers preferred to the Sets respectively always finding such sufficient Security for the Rent or Rents, or Sum or Sums offered by them respectively, as shall be approved of by the Trustees, or the Committee, or Person or Persons authorized by them as aforesaid.

Trustees may
let Toll Bars
by Auction,

LV. Provided always, and be it enacted, That in case any of the Turnpike Gates or Toll Bars cannot be set by Public Roup or Auction, it shall be in the Power of the Trustees to let the same for a Period not exceeding One Year, by private Bargain for the best Rent that can be got for the same, or to authorize any Person they may think proper, and upon such Securities as they may deem necessary, to keep such Gate, and levy the Tolls exigible thereat, for any Time not exceeding that Period, and to allow such Person such reasonable Gratification for his Trouble as to them may seem proper.

In case they
cannot be set
by Auction,
Trustees may
set them for a
Year by pri-
vate Bargain,
or employ a
Person to levy
Duties.

LVI. And be it enacted, That the said Trustees, or any Person or Persons authorized by them, shall and may at each Turnpike Gate or Toll Bar hereby authorized to be continued or erected upon the several Roads herein

Rate of Tolls;

herein-before described, and at each Side Bar aforesaid, before any Carriage or Cattle shall be permitted to pass through the same respectively, demand, levy, and take Toll Duties not exceeding the Rates after mentioned; that is to say,

For every Horse or Mule drawing any Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Chair, or other such Carriage, the Sum of Six-pence Sterling:

And for every Horse or Mule drawing any Waggon, Wain, Cart, Sledge, or other such Carriage, the Sum of Three-pence Sterling; and for every Bull, Cow, Ox, or Heifer drawing the same, the Sum of One Penny Halfpenny Sterling:

And for every Horse or Mule laden or unladen, or whereon any Person shall ride, and not drawing, the Sum of Two-pence Sterling:

And for every Ass, Bull, Cow, Ox, Heifer, or Neat Cattle, the Sum of One Penny Sterling:

And for every Hog, Calf, Sheep, Lamb, or Goat, the Sum of One Farthing Sterling.

Exemptions.

LVII. Provided always, and be it enacted, That no Toll Duties shall be levied for or in respect of any Carriage, Horse, or other Cattle laden with, or going empty for, or returning after having been laden with, any Materials for making any Roads or Bridges within the said Stewartry; or going a less Distance than Four hundred Yards upon a Turnpike Road, unless in that Space passing a Bridge erected on the Credit of such Toll Duties; or going from one Part to another of the same Farm, or of an adjoining Farm occupied by the same Person; or for any Horses or other Cattle going to or returning from their usual Pasture or Watering-places, or going to or returning from Smithies, or carrying any Person to or from his or her proper Parochial Church, Chapel, or other Place of religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is by public Authority ordered to be celebrated; or carrying any Person attending the Funeral of any Person who shall die and be buried within the Parish; or carrying any Clergyman within his Parish; or for any Horses or Carriages employed in carrying or conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying the same, or in returning after having conveyed the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls by virtue of an Act made in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland; and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; or employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or conveying Criminals with legal Warrants, or returning therefrom; nor shall any Toll be taken or demanded for any Horse furnished

furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from any Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Two Pounds Sterling.

Penalty for fraudulently claiming Exemptions.

LVIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Exempting Carriages with Stores.

LIX. And be it enacted, That the said Trustees at any General Annual Meeting may from Time to Time as they may see expedient, reduce all or any of the Tolls hereby authorized to be levied at all or any of the Turnpike Gates or Toll Bars hereby authorized to be continued and erected, and may also increase the same from Time to Time not exceeding the Rates aforesaid.

Trustees may reduce Toll Duties, and again increase the same, not exceeding Maximum;

LX. Provided always, and be it enacted, That such Reduction shall not take place at any Turnpike Gate or Toll Bar, the Tolls leviable at which have been appointed for any particular Purpose, or assigned to any Person or Persons in Security and for Payment of any Sums, Loans, or Advances made on the Credit of the same, in virtue of the aforesaid Act of the Thirty-seventh Year of the Reign of His present Majesty, unless with the Consent of the Person or Persons who have Right to such Appropriations, or who have lent such Sum or Sums of Money, or made such Advances, and that no such Reduction shall take place at any Turnpike Gate or Toll Bar upon the Credit of the Toll Duties leviable at which any Person or Persons may hereafter lend or advance any Sum or Sums of Money in virtue of this Act, without the previous Consent of the Person or Persons so lending or making such Advances.

but so as not to injure Creditors.

LXI. Provided also, and be it further enacted, That all Assignments or Appropriations of the Tolls leviable at any Gate or Gates for the Security of Creditors who have lent or advanced any Sum or Sums of Money thereon under the Authority of the aforesaid Act of the Thirty-seventh Year of the Reign of His present Majesty, shall be preferable to any Assignments or

Assignments or Appropriations of Toll Duties under 37 G.3. preferable to this Act.

[Local.]

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Appro-

Appropriations of Tolls leviabie at such Gate or Gates hereafter to be made in consequence of this Act.

Persons paying Toll to be offered Tickets, and to pay only Once a Day, and Once in Six Miles, and excepting as to expen- five Bridges.

LXII. And be it enacted, That every Person paying Toll shall be offered by and entitled to receive from the Toll Gatherer a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and which shall specify the several or respective Gates which such Note or Ticket shall free, or which ought, under the Provisions of this Act, to be passed free for One Payment of Toll, and which shall authorize the Carriage, Horse, or other Cattle for which the said Toll was paid, to repass, at any Time before Twelve of the Clock at Night of that same Day, without again paying Toll at that same Gate, or at any other Gate within Six Miles thereof, whether upon the same or any other Line of Road: Provided always, that no such Note or Ticket which shall be given at any Gate within Half a Mile of any Bridge which shall after the passing of this Act be built at an Expence exceeding Five Hundred Pounds Sterling out of the Tolls to be raised and levied in virtue of this Act, shall be an Exemption from the Payment of Toll, unless so far as such Exemption shall be specially ordered by a General Annual Meeting.

Stage Coaches to pay every Time.

LXIII. Provided always, and be it further enacted, That every Stage Coach, Long Coach, Diligence, and also every Post Chaise travelling for Hire, and chargeable for the Duty upon a fresh Hiring, shall be chargeable to the Tolls hereby granted each Time they shall pass on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night) through any Turnpike or Toll Gate where Toll is payable by virtue of this Act.

Narrow-wheeled Carriages limited in Weight and Number of Horses;

or pay daily for Overplus 5s. per cwt.

and 2os. for each Horse.

Broad Wheels to pay only Double Toll Duty.

LXIV. And be it enacted, That every Carriage having Two Wheels, if each of the Wheels be Four Inches broad, may be loaded so as to weigh Thirty-two Hundred Weight and no more, and may be drawn by Two Horses or other Cattle; and that every Carriage of more than Two Wheels, if each of the Wheels be Four Inches broad, may be loaded with Forty-eight Hundred Weight and no more, and may be drawn by Three Horses or other Cattle; and that every Carriage with the Wheels of greater or less Breadth than above mentioned, may be loaded with greater or less Weights, and may be drawn by a greater or less Number of Cattle than above mentioned, according to the aforesaid Proportion of Weight and Number of Cattle to the Number and Breadth of the Wheels; and also, that if any Carriage be loaded with a greater Weight, or drawn by a greater Number of Cattle, in proportion to the Number and Breadth of its Wheels, than as above directed, the Owner or Conductor of every such Carriage shall pay to the said Trustees, for every Day that such Carriage shall travel on any Part of the said Turnpike Roads, the Sum of Five Shillings Sterling for each additional Hundred Weight; and also the Sum of Twenty Shillings Sterling for each additional Horse or other Cattle which there shall be over and above the Number of Cattle before directed; which Sums shall be levied at the Toll Gates, or in any other Mode the said Trustees shall direct; and also, that every Carriage, having all its Wheels of One Half more than the Breadth above specified, or which shall cover one single Tract or Path on each Side of such Carriage of Double the said Breadth in proportion to the above said Number of Cattle drawing the same, shall only be liable to pay One Half

of the Tolls hereby granted : Provided always, that the said Trustees shall not have a Right to exact any such Tolls on narrow Wheels for any Carriage drawn by Two Horses, however narrow the Wheels may be, if the Weight do not exceed what is above specified ; nor for any Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Chair, or other such Carriage, or any Carriage attending Soldiers on their March or Duty ; and that any Person may put to any Carriage Three Oxen or Neat Cattle in lieu of Two Horses, without being liable thereby to any additional Payment : Provided always, that the Breadth of the Wheels shall be reckoned by the Measure of the narrowest Part of the Shoeing of the Felly which touches the Ground, and that the aforesaid Weight shall be reckoned, including the Weight both of the Carriage and the Loading ; and that no Waggon, Cart, or other such Carriage, shall be permitted to pass on any of the said Turnpike Roads, if the Person having the Charge of such Carriage shall refuse to allow the same to be weighed.

Coaches, &c,
not liable.

Three Oxen
equal to Two
Horses.

Mode of
measuring
Wheels and
weighing
Carriages.

LXV. And be it enacted, That if any Person shall counterfeit or fraudulently give or dispose of, or receive or use any Toll Tickets, or shall leave in any Place any Carriage, Horse, or other Cattle, or shall take off or cause to be taken off any Horse or other Beast of Draught, or any Loading from any Carriage, at or before the same shall come to any Turnpike, or shall refuse to let any Carriage be weighed, or shall pass through any Land near any Turnpike, or through any Gate, Passage, or Way leading through such Land, with any Carriage or Horse or other Cattle, or, being Occupier of such Land, shall knowingly and willingly permit or suffer any Person or Persons, not being his or her Servant or Servants, or of his or her Family, to pass through the same, or through any Gate, Passage, or Way, with any Coach, Cart, or other Carriage, Horse, Ass, or other Cattle, with Intent to evade the Payment of any Toll by this Act imposed, or, being liable in such Tolls, shall refuse or neglect to pay the same on Demand to any Person authorized to receive Payment thereof, every such Person so offending shall forfeit for every such Offence any Sum not exceeding Two Pounds Sterling.

Penalties for
evading Tolls.

LXVI. And be it further enacted, That if any Person or Persons liable to pay Tolls shall in a forcible Manner pass through any of the Gates on the said Roads without paying Toll thereat, or shall assault any Collector of the said Tolls, or any other Person acting under the Authority of the Trustees, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls to which such Person was liable.

Penalty for
passing forcibly
through
the Gates, or
assaulting the
Toll Keeper.

LXVII. And be it further enacted, That in case any Dispute, Suit, Litigation, or Appeal shall arise touching or in anywise relating to the said Tolls or any of them, the Lessee or Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be disqualified from giving Evidence in any such Dispute, Suit, Litigation, or Appeal, by reason of his, her, or their being appointed to collect such Tolls, or acting under such Authority as aforesaid.

Collectors of
Tolls may
give Evi-
dence.

LXVIII. And be it further enacted, That all and every Toll Collector being Lessee of the said Tolls, or appointed either by the said Trustees,

Regulations
in order to
or

prevent Col-
lectors from
taking undue
Tolls, &c.

or by any such Lessee or Lessees, to collect the Tolls payable at any of the Turnpike or Toll Gates to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in any ways hinder, any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of Toll, and naming and specifying the several Gates freed by such Payment; or, upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate; or shall make use of any scurrilous or abusive Language to any Passenger or Passengers; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds Sterling for every such Offence.

Malversation
of the Toll
Collectors.

LXIX. And be it enacted, That if any Tacksman, Toll Keeper, or other Person concerned in the Collection of the Tolls and Duties payable at any of the said Gates, shall absent himself therefrom so as to occasion Delay or Inconvenience to Travellers, or shall compound, transact, or connive with any Person or Persons passing through any of the said Gates with Horses or Carts, or other Beasts or Carriages, or shall use any other Means whereby the Tacksman or Keeper of any other Gate or Turnpike erected under this Act shall be defrauded or unjustly deprived of the Payment of the Toll or Duty which ought to be paid at the same, every such Tacksman, Toll Keeper, or other Person so offending in any of the said Particulars, and the Person or Persons so conniving with him, shall forfeit and pay for each Offence a Sum not exceeding Five Pounds Sterling.

Settling Dis-
putes con-
cerning Tolls.

LXX. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress (as the Case shall happen), shall be ascertained by the Steward Depute or any of his Substitutes, or some Justice of the Peace for the said Stewartry, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or One or more credible Witness or Witnesses, and shall

shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Steward Depute or any of his Substitutes, or Justice, shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand of such Steward Depute or any of his Substitutes, or Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

LXXI. And be it enacted, That the said Trustees at any of their General Annual Meetings assembled may from Time to Time borrow or authorize to be borrowed, upon the Credit of the Tolls hereby authorized to be levied, such Sum or Sums of Money as they shall think necessary and expedient for the Purposes of this Act, and when any Part thereof shall be paid off, may borrow again, upon the Credit of the said Tolls, such further or other Sum or Sums of Money as they shall think requisite; and may assign over or appropriate the said Tolls to the Person or Persons from whom the Money shall be so borrowed as a Security for Repayment of the Sums borrowed, together with the Interest thereof; and every such Loan and Assignment or Appropriation shall, within Six Months after it is made, be produced to the principal Clerk to the said Trustees, and be by him forthwith recorded in a Book to be kept for that Purpose, otherwise the same shall not be valid; and all Payments of any Loan, or of any Part thereof, shall be so recorded in the same Book: Provided always, that the Sums so borrowed shall not exceed the Sums which have been estimated to be requisite for making and repairing the said Roads respectively, and the Bridges thereon; and the Bonds and Securities to be granted by the Trustees for any Sum or Sums of Money to be borrowed as aforesaid shall be transferrable by Endorsement duly subscribed by the Party transferring in the Presence of One or more subscribing Witnesses or Witneses.

Trustees may borrow Money on Tolls, and assign them as Security.

Loans, Assignments, and Payments, to be recorded.

Limitation of Loans.

Bonds and Securities transferrable by Endorsement.

LXXII. And be it enacted, That whenever Authority is given by a General Annual Meeting for making any of the Turnpike Roads authorized by this Act with Money borrowed on the Credit of the Tolls, the particular Toll Bars, on the Credit of which the Loan is to be made shall be specified in the Minutes of such Meeting, and their Produce assigned and appropriated to the Subscribers for such Road, for the Purpose, first, of making and keeping the Road in Repair; secondly, of paying the Interest of the Money borrowed for making the Road; and thirdly, the Surplus to be applied as a Sinking Fund for paying off the Debt: Provided always, that every such Appropriation shall be subject to its Share of the general Expences of Management of the Turnpike Roads.

Produce of Road appropriated to pay Interest of Money borrowed.

LXXIII. And be it enacted, That whenever any Money shall be borrowed on the Credit of the Tolls of any of the Turnpike Roads authorized by this Act, it shall be declared and entered in the Minutes of the Proceedings of the Trustees, and in the Record Book of Loans, for what Road or Part of a Road, or for what Bridge, the same is borrowed, and whether for repairing or altering, or for making new the same; and that such Money shall be laid out no otherwise than for the Road or Piece of Road, or the Bridge, for which it was borrowed, and shall be expended

Money may be borrowed for a specific Purpose,

and applied accordingly.

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No Person to manage his own Loan.

in conformity to the Purpose for which the Loan was procured and made; and that the Trustees shall not authorize any Work to be done, and declare the Cost, or any Part of the Cost thereof, a Debt on the Tolls, until the Amount of such Cost shall have been first fixed and ascertained; and also that no Person, though a Trustee, shall be appointed to manage the Application of any Money advanced by himself, unless Two other Trustees be appointed to join in the Management, who shall have agreed, and who shall be obliged, faithfully to attend to the same.

Money levied at each Gate to be proportioned in Quotas among its various Roads.

LXXIV. And be it enacted, That before any Money be borrowed upon the Credit of the Tolls to be levied at any Toll Gate, the Trustees at any General Annual Meeting, and upon Examination of Evidence upon Oath by any Committee of Trustees to be by them appointed for that Purpose (in case such Examination shall be judged necessary), shall give their deliberate Opinion what Proportion of the Money leviable at such Toll Gate is or is likely to be paid by Persons travelling on each Line of Road therewith connected, and shall in conformity thereto declare that each of the Proportions of the Money to be levied at such Gate shall be the Quotas appertaining to the Lines of Road separately; and when Money is borrowed on the Credit of the Tolls, the Payment of the principal Sum and Interest, and the Assignment or Appropriation in security thereof, shall be made out of and upon the Quota only of the Tolls appertaining to the Road for which the Loan was made: Provided always, that the Declaration of the Quotas appertaining to different Lines of Road may be altered by any General Annual Meeting, but such Alteration shall not prejudice the Security previously given to any Creditor; and if any other Gate shall be afterwards erected, and any Part of the Money levied thereat shall be found to belong as the Quota to any Piece of Road whereon Money has been borrowed, the Creditor shall be entitled to a collateral Security on the Quota of the new Gate which belongs to that Road on which he lent his Money.

Quotas may be altered, but so as not to injure Creditors.

Money borrowed to be applied to the Road nearest the Toll Gate.

LXXV. And be it enacted, That Money borrowed on the Credit of the Tolls leviable at any particular Toll Gate, and for any particular Road, shall, as well as the Tolls themselves, be applied first to those Parts of such Road nearest to such Gate, until they be put into good Repair, before any of the Money be applied to any more distant Parts; and where the Trustees do not find it expedient to levy Toll on the whole of any particular Road on which Toll Bars may by this Act be erected, by placing Toll Bars on every Six Miles as hereby authorized, the Trustees in their Districts shall have the Power, if they shall judge it expedient, to make or repair the Part or Parts on which Tolls shall not be levied, out of the Conversion Money in lieu of Statute Labour in the Parish or District through which such Road runs, in the same Manner as if there were no Toll Bars on any Part of such Road.

Toll Duties and Loans vested in Trustees;

Application thereof.

LXXVI. And be it enacted, That the Money to be levied in Name of Tolls, and the Money to be borrowed on the Credit thereof, in consequence of the Powers hereby given, shall be vested in the said Trustees, and shall be applied in paying the Money borrowed upon the Credit of the Tolls authorized to be levied by the said Act of the Thirty-seventh Year of the Reign of His present Majesty hereby repealed, with the Interest of the same, and in paying the Money to be borrowed upon the Credit of the
Tolls

Tolls by this Act authorized to be levied, and the Interest thereof, and in defraying such Part of the Expences of passing this Act, and the previous and preparatory Expences as herein-after mentioned, and the Charges attending the Execution of this Act, and in making and repairing and keeping in Repair the Roads and Bridges on which Turnpike Gates or Toll Bars are hereby authorized to be continued or placed, and to no other Purpose.

LXXVII. Provided always, and be it enacted, That all and every Sum or Sums borrowed upon the Credit of the Tolls leviabie under the said Act of the Thirty-seventh Year of the Reign of His present Majesty, and all Appropriations of such Tolls made by the Trustees under that Act, shall be preferable, upon the Tolls hereby authorized to be levied, to any Sum or Sums to be borrowed on the Credit thereof, or any Appropriations to be made under this Act, in so far as respects the Gate or Gates, or Line or Lines, or District or Districts of Road, upon the Credit of the Tolls arising at and upon which such Sum or Sums were borrowed, and such Appropriations made under the Authority of the said Act of the Thirty-seventh Year of the Reign of His present Majesty.

Sums borrowed and Appropriations made under 37 G.3. preferable.

LXXVIII. And whereas Maps or Plans describing the Line of the said intended new Roads, and the Lands, Hereditaments, and Premises through or over which the same is to be made and carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of Peace for the said Stewartry of *Kirkcudbright*; be it therefore enacted, That the said Maps or Plans and Book of Reference shall remain in the Custody of the Clerk of the Peace of the said Stewartry, to the end that all Persons at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Book of Reference; and that the said Trustees, on making the said Roads, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Map of new Roads to be attended to in making Roads.

LXXIX. Provided always, and be it enacted, That it shall be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Land over which the same are set out in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said Stewartry, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Road may be made through Lands omitted in Book of Reference.

LXXX. And be it enacted, That the said Trustees shall have Power to cause the Roads herein-before described, within the said Stewartry, upon which

Trustees empowered to

make and
repair Roads
and Bridges ;

Footpaths
and Drains ;

Fences for
Safety or
securing
Tolls ;

alter Roads,
and make
new Lines
and Bridges ;

widen Roads ;

remove
Houses,
Buildings,
&c.

suppress use-
less Roads ;

pull down
old Bridges,
&c.

erect
Engines ;

which Turnpike Gates or Toll Bars are authorized to be continued and erected, and Tolls levied as aforesaid, and the Bridges upon the same, to be made, repaired, and kept in Repair, and to widen the Course or Path of any of the said Turnpike Roads, but so as not to divert, alter, vary, or turn the Course or Line of the Turnpike Roads made in pursuance of the said Act of the Thirty-seventh Year of the Reign of His present Majesty, more than One hundred Yards from the present Line of the said Turnpike Roads, without the Consent in Writing of the Owners and Occupiers of the Lands and Premises through which such Alteration shall be made ; and also to cause the other Roads within the said Stewartry, to which the Conversion Money in lieu of Statute Labour is to be applied in Terms of this Act, and the Bridges upon the same, to be made, repaired, and kept in Repair ; and to cause Footpaths to be made, repaired, and kept in Repair, along or on the Side or Sides of all the said Roads, where the same shall be thought necessary ; and to cause Drains along or on both or either Sides of all or any of the said Roads, or through any Lands contiguous thereto, to be made, repaired, and kept in Repair for the Use and Benefit of the same, and that from Time to Time, as often as may be thought necessary ; and to cause all or any of the Fences along or near the Sides of all or any of the Roads aforesaid to be repaired and kept in Repair, in order to render the same safe for Travellers, or to prevent Persons from avoiding to pass through any Toll Gates ; and to cause the Lines of any of the Roads upon which the Conversion Money is to be applied, that may be found improper, incommodious, or inconvenient, to be altered, and to cause new Lines of Road (except Turnpike Roads), more useful to the Public, to be opened, made, and repaired in lieu of such improper, incommodious, and inconvenient Lines, and, if necessary, to cause new Bridges to be built upon such new Lines of Road, and to cause such new Bridges to be repaired and kept in Repair ; and to cause any of the Roads to be widened to a Breadth not exceeding Forty Feet clear within the Ditches or Fences ; and for these Purposes to cause any House or Building, the Side Walls whereof are not more than Fifteen Feet high, to be pulled down, and to cause other Obstructions to be removed ; and to cause to be suppressed and shut up any Road or Roads which shall be useless and unnecessary ; provided that Ten Days Notice of the Meeting of any Committee that may be appointed to examine and report upon the Propriety of the shutting up of such Road or Roads, be given at the Church Doors of the Parish or Parishes through which such Road or Roads run, and at the Church Doors of the Two adjoining Parishes, that all concerned may appear before the Committee, and be heard for their Interest, but with Liberty for any Person interested to appeal from the Order of any such Committee to the Justices of the Peace of the said Stewartry at their next Quarter Sessions, whose Decision shall be final ; and to cause to be pulled down any old Bridges that shall be useless, and to cause the Materials thereof and of such suppressed Roads to be used in making or repairing other Roads or Bridges ; and to cause Engines to be erected for weighing Carriages travelling upon all or any of the Roads before mentioned, on which Turnpike Gates or Toll Bars are hereby authorized to be continued or placed ; and to take in Lease Pieces of Ground for Houses and Gardens for the Engine Keepers ; for the Period not exceeding the Extent and the Manner the Trustees are hereby authorized to take Pieces of Ground for Toll Houses and Gardens as before mentioned, and the

the Expence of which Engines and Houses, and Gardens for Engine Keepers, are to be defrayed out of the Tolls hereby authorized to be levied; and to cause any Hedge within Twenty-five Feet of the Centre of any Road within the Stewartry to be cut in the proper Season (after Six Months Notice to the Proprietor or Occupier of the Ground) at the Expence of the Owner of such Hedge, so that the Top thereof shall never be higher than Six Feet in perpendicular Height above the Level of the Centre of such Road, and so that none of it shall overhang the Road; and to cause the Branches of any Tree or Trees which shall overhang any Road, or the Branches of any Tree that obstruct Carriages, to be lopped off in the proper Season; and after Six Months Notice to the Proprietor declaring that for surveying and all other Purposes of this Act, the Trustees and other Persons authorized by them may walk and go through any private Property, doing as little Damage as may be thereto, and paying for what Damage shall thereby be done: Provided always, that no Bridge shall be made over the River *Dee* lower than One hundred Yards below the Point of *Castledykes*; and also that whatever Bridges shall be made over navigable Rivers or Canals shall have Draw-bridges, Swing-bridges, or others, so as to permit all Vessels to pass.

cut Hedges;

and lop Trees,
&c.

LXXXI. And be it enacted, That the Property of the Engines for weighing Carriages shall be fully and completely vested in the Trustees, and that the Houses and Gardens for the Engine Keepers shall also be vested in them for the Period of the Leases thereof respectively.

Weighing
Engines
vested in
Trustees.

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

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

LXXXIII. And be it further enacted, That in the several Cases in this Act mentioned, where the Amount of Damages, or Rent or Price, or Expences or Compensation, to be paid or made by the said Trustees, is directed to be settled by a Jury, Application shall be made by either of the Parties to the Steward Depute of the said Stewartry, or one of his Substitutes, who upon such Application is and are hereby authorized and required to summon a competent Number of discreet, substantial and disinterested Persons, being either Owners or Occupiers of Lands within the Stewartry, to come and appear before him at such Time and Place as by his Warrant and Precept shall be directed, Intimation of Fifteen Days being given of such Appointment by the Party making such Application to the other Party, or his or their known Agent or Agents; and the Number of Persons who shall attend shall then be reduced to Fifteen by the Trustees and the Proprietors striking off one alternately, beginning

Damages to
be settled by
a Jury.

[Local.]

on the Part of the Proprietors, or, in case both Parties shall not appear, by the Steward Depute or his Substitute, until it be so reduced; and the remaining Fifteen being duly sworn, the Steward Depute or his Substitute 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 as to the Relevancy of the Facts alleged against taking such Ground, Land, Houses, Roads, and others; and, if such Facts shall be found irrelevant, shall determine the Damages and Price, Expences or Compensation, to be paid or made by the said Trustees; and the said Steward Depute or his Substitute shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds, Lands, Houses, Roads, and others; and the Proceedings of the said Steward Depute or any of his Substitutes, and the Verdict of the said Jury, shall be final and conclusive on all Parties, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

Expence of
ascertaining
Value by
whom to be
paid.

LXXXIV. Provided always, and be it enacted, That if such Jury shall by their Verdict adjudge the said Premises to be of greater Value than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of such Jury, and all Expences connected therewith, shall be defrayed and borne by the said Trustees and such Owner or Owners, Occupier or Occupiers, equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum 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; and in all Cases where any Person or Persons shall by reason of unavoidable Absence be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: And provided also, that after having offered and paid to the Owner or Owners, Occupier or Occupiers of any Lands, Houses, or other Premises, or to their Agents or Factors, such Sum as the said Trustees shall think reasonable, or which shall have been awarded in Manner aforesaid, or on Consignation of the same in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, as the Case may be, in Manner by this Act directed, from thenceforth it shall and may be lawful for the said Trustees to enter into or upon such Lands, Houses, or other Premises, for the Purposes of this Act; and no Stop shall in the meantime be put to the Operations of the said Trustees on Pretence of settling the said Damages, or that they have not been satisfied and paid.

If Jurymen
refuse to act.

LXXXV. And be it enacted, That if any Person summoned as a Jurymen or a Witness, under the Authority of the said Steward Depute or any of his Substitutes, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Jurymen, or to give Evidence, the said Steward Depute or his Substitute is hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

LXXXVI. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, or the Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in Manner herein directed with regard to the Consignations, as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Steward Court Books of the said Stewartry; whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

How Lands
are to be
vested in the
Trustees.

LXXXVII. 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, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whomsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let, and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads, Bridges, and Ferries, or any of them, and erecting any Gate or Turnpike, or Toll House, with a Stable and Garden adjoining thereto, and for storing Materials, or otherwise where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier and Occupiers, as can be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded in the Manner herein-before directed.

Incorporated
Persons, &c.
empowered
to convey.

LXXXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, married Woman, Infant, Lunatic, 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*, or Bank of the *British* Linen Company, 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 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,

Application
of Compensation
when exceeding
200l.

in

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, or Heritages which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200l. nor less than 20l.

LXXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages so 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 may be applicable.

Application when the Money is less than 20l.

XC. 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 and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XCI. 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 awarded as aforesaid cannot be found, or if the Person or Persons entitled to such
Lands,

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*, or the Bank of the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, describing them, subject to the Order, Control, 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 same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

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

XCIII. 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.

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

First Offer of
old Road, &c.
to whom to
be made.

XCIV. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old Road, to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before one of His Majesty's Justices of the Peace for the said Stewartry (who is hereby empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by the Justices of the Peace for the Stewartry or Place wherein such Lands or Grounds shall lie, at their General Quarter Session of the Peace to be held in and for the same Stewartry or Place next after such Difference shall arise; and on Ten Days clear Notice thereof to be given by the said Trustees to such Owner or Owners, Occupier or Occupiers, or be left at his, her, or their respective Places of Abode, the said Justices shall hear, settle, and determine the Matter of the said Difference, and also the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties.

How Money
to be applied.

XCV. Provided always, and be it enacted, That the Money arising from the Disposal of such old Road shall be applied for the Purposes of this Act; that is to say, if a Toll Road, to the Purpose of making and repairing the new Line substituted in its Place, and if another Road, and to which the Conversion Money in lieu of Statute Labour is hereby applicable, to the Purpose of making and repairing the new Road substituted in its Room; but the Purchaser or Purchasers of such Ground shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; Provided also, that in every Case where it may be necessary to exchange or take Ground for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent or old Extent of the Land from which such Ground shall be taken.

Value of old
Road to be
taken into
Consideration
in ascertain-
ing Damages
for the new,
&c.

XCVI. Provided always, That in every Case where the new Road shall run through the Lands of the same Proprietor or Proprietors that the old Road did run, the Jury (in the Event of no private Agreement being made by all Parties concerned) shall, in ascertaining the Damages occasioned by the new Road, take into Consideration the Value of the old Road, so far as the same can be given in compensation of the new, and shall only award the extra Damage, if any be after allowing the old Road in compensation as aforesaid: Provided also, that if the Trustees shall cause any old Road to be shut up, without at same Time declaring in their Minutes

to

to whom the same is disposed of or sold, and without reserving Power to dispose of or sell the same, then such old Road shall be held and deemed in Law to pertain and belong to the Proprietor or Proprietors of the Lands through which it passed in all Time thereafter.

XCVII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall appoint, may dig, gather, take, and carry away Gravel, Furze, Heath, Stones, or other such like Materials, out of the several Grounds of any Person where such Materials may be found, not being dug or raised for the private Use of the Proprietor of such Grounds, for making, repairing, and amending the said Roads, or for building Arches or Bridges as aforesaid, and to open Accesses for carrying off the said Materials, such Accesses, and the Places from which the said Materials shall be proposed to be taken, being first marked out by any Three or more of the said Trustees, or Two Justices of the Peace, if so required by the Proprietor of such Grounds, or his or her Factor, or by the Occupier thereof, they the said Trustees making reasonable Satisfaction out of the Money arising by virtue of this Act to the Owners, or their Factors or Occupiers, of the Grounds respectively from which such Materials shall be taken, or over which the same may be carried, for the Damages to be done thereby; that is to say, in so far as concerns Toll Roads, out of the Toll Duties thence arising, and in so far as concerns Roads to which the Conversion Money in lieu of Statute Labour is applicable, out of the Conversion Money of the Parish where the Materials are taken; but if such Proprietor, Factor, or Occupier shall not be satisfied with the Compensation offered by the said Trustees, the same shall be ascertained by Two or more Justices of the Peace of the said Stewartry, which Compensation shall be levied and recovered in like Manner as any Penalties or Forfeitures are herein-after authorized to be levied and recovered.

Trustees may take Materials for making Roads, &c. on making Satisfaction to Owners or Occupiers of the Grounds.

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

Materials not to be taken from inclosed Lands without Notice to Occupier.

XCIX. And be it enacted, That if any Person shall drive a Carriage, or ride upon any Footpath along the Side of any of the Roads, or shall, in ploughing any uninclosed Field contiguous to any of the Roads, not make Head Ridges along the Side of such Road for Sixteen Feet in Breadth at least,

Persons injuring Roads to pay Damage and a Penalty.

least, or shall turn a Plough on any of the Roads, or shall hang a Gate across any of the Roads in any Manner, or alongside of any of the Roads in such Manner that when open it may lie upon or lie over any Part of the Roads, or shall lay or leave, or cause to be laid or left, any Cart, Chaise, or other Carriage, loaded or unloaded, except in case of Accident, or during the Time of loading or unloading thereof, or setting down or taking up or waiting for Passengers, or any Implement of Husbandry, or any Timber, Lime, Marl, Shells, Gravel, Sand, Stones, Carrion, Dung, Soil, Compost, Ashes, Rubbish, or other Article or Matter, upon any of the Roads, or within Five Yards thereof, if there be no Fence between such Article or Matter and such Road, except Materials for making and repairing Fences or Houses adjoining to such Road, which shall be laid down so as to leave a safe and easy Passage along such Road for Two Carriages abreast, and a free Course for the Water to and along the Side Drains, or shall graze or leave upon any of the Roads any Animal whatever, or shall carry along any of the Roads, on any Carriage, any Timber, Iron, or other Matter projecting beyond the outer Part of such Carriage, and not placed, as nearly as may be, parallel with the Shafts of such Carriage, or shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, or Harrow, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or suffer any such Thing, being upon a Wheel Carriage, to touch or rub upon any Part of the Roads, or shall drive on any of the Roads any Carriage, the Nails on the Tire of whose Wheels are not sunk so as to make the Sole that touches the Ground flat, or shall use any Drag or other Thing to retard the Motion of a Carriage down Hill, by rubbing along any of the Roads, with a narrower Surface than the Breadth of the Sole of the Wheel of such Carriage, or shall make any Hole or Cut upon any of the Roads, or shall do any thing whereby any of the said Roads shall be unnecessarily injured, every such Person so offending shall pay the whole Damage thereby sustained, and shall also for every such Offence forfeit and pay the Sum of Two Pounds Sterling.

Persons making Ways or Passages from Land to Roads to cover Side Drains, &c.

C. And be it enacted, That if any Person who, in making a Way or Passage from any Land to any of the Roads, shall not cover the Side Drains of such Road at such Part with an Arch or Pen of sufficient Stone Work, so as the Course of the Water in the Drain may not be impeded, or who, in conducting Water across any of the Roads, shall not carry the same in a Drain so deep and sufficiently covered with Stone Work as that the Water or Drain may never prejudice such Road, or in making such Way or Drain shall not leave a safe and easy Passage along such Road for Carriages, or shall not do the Work as quickly and with as little Incumbrance to the Road as possible; or shall obstruct or fill up any Ditch or Drain made through any Land adjoining to any of the Roads by Authority of the Trustees, or made along the Sides of any of the Roads, or shall let any Water flow into any Ditch alongside of any of the Roads where it did not flow before, or shall let any Water flow upon any of the Roads; or being the Occupier of Land in which such Ditch or Drain shall have been so made, or in which such Water shall have run, shall not, when required by a Trustee, or any Person authorized by a Trustee, clear the same out, and allow the Water a free Passage, so that it may not injure the Road; or being the Occupier of any Land where any Fence incumbers any of the Roads, shall not, when so required, clear off the same; every such Person so

so offending shall pay to the Trustees the whole Expence of having the same done in the most sufficient Manner, and shall pay any Damage that may have arisen thereby, and shall also forfeit and pay Two Pounds Sterling for each Offence; and the Occupier of the Land through which such Road or Ditch or Drain lies shall always be deemed the Transgressor, unless it shall be proved that some other Person was the Transgressor.

CI. And be it enacted, That if any Person shall leave, for a longer Time than Six Months, any Materials for making or repairing Fences or Houses lying upon any of the Roads, or within Five Yards thereof, if there be no Fence betwixt the same and such Road, or shall make any Cutting or Excavation upon or alongside or within Five Yards of any of the Roads (excepting ordinary Ditches for inclosing or draining Land, being at least One Foot from such Road), so as to leave a Place dangerous to Persons, Carriages, or Cattle, where there is not a substantial Fence betwixt such Place and the Road, or shall have and work any Lime Kiln, Brick Kiln, or Steam Engine, or shall burn Kelp, or otherwise cause any Nuisance by Fire or Smoke, or have and work any Saw Pit, Mill Wheel, or Windmill Sails, within Fifty Yards of any of the Roads, where there is not a Wall or other Thing which prevents such Fire or Sawing, or Wheel or Sails, being seen from such Road; or shall burn Whins or Heath within Fifteen Yards of any of the Roads; or shall maliciously or wantonly, by making any Hole or Trench or otherwise, do any Injury to any of the Roads or Footpaths alongside thereof, or shall plough up or alter any of the Roads; every such Person so offending shall pay the whole Damage thereby sustained, and shall also forfeit and pay Ten Pounds Sterling for every such Offence.

Penalty on Persons leaving Articles, or making Excavations on Roads, working Lime Kilns, &c. or causing other Nuisances;

CII. And be it further enacted, That the Trustees at their General Annual Meetings may appoint all or any of the Roads within the Stewartry to be measured, and Stones or Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distance as they may judge convenient, and also to appoint or cause to be erected Guide Posts, upon such Parts of the Roads where the Roads are or shall be crossed or joined by other Roads, as they shall judge proper; and that the Expence of and attending these Erections shall be paid as follows, *videlicet*, in so far as respects Toll Roads, out of the Tolls thereupon to be levied; and in so far as respects the other Roads, out of the Assessment or Conversion Money of the Parishes respectively where the Erections shall be made.

Trustees may cause Roads to be measured, erect Mile Stones, &c.

How Expence thereof to be paid.

CIII. And be it further enacted, That if any Person or Persons shall pasture or leave, or allow to be pastured or left, on the aforesaid Roads or any of them, any Horse, Sheep, Cow, or other Bestial, it shall and may be lawful for the Steward Depute or any of his Substitutes, or any One or more of the Justices of Peace for the said Stewartry, to impound such Cattle, and upon Application made by any Heritor or Occupier in the said Stewartry, or by any Person or Persons having Authority from the said Trustees, to issue a Summons for bringing the Person or Persons so offending as aforesaid before him or them for Examination; and upon such Offender or Offenders being convicted of such Offence by the Oath of One or more credible Witnesses or Witnesses, or on the Oath or Confession of the Party offending, it shall and may be lawful for the said Steward Depute or his Substitute, or any Justice or Justices of the Peace, to fine such

Penalty for pasturing Cattle on Sides of the Road.

[Local.]

19 B

Offender

Offender or Offenders severally in any Sum not exceeding Twenty Shillings Sterling for each and every Offence, to be levied or recovered by Imprisonment not exceeding Seven Days, and to be applied for making or repairing the said Roads.

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

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

Carriage to keep the near Side of the Road.

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

Penalty for offending therein.

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

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

Penalty on Persons destroying Turnpike Gates, &c.

CVII. And be it enacted, That if any Person shall maliciously destroy, remove, pull down, break, deface, or injure any Turnpike Gate, Weighing Engine, Post, Chain, Bar, Fence, or other Work whatsoever, or House used for the Purpose of this Act, or any Part of any Bridges, or any Mile Stone

Stone or Post erected on any of the Roads, or the Side or Sides thereof, or any Mark made by Authority of the Trustees or their Engineer for any proposed Road, or shall maltreat any Person or Persons in the Performance of his or their Duty under the Authority of this Act, or shall be aiding and assisting thereto, or shall rescue or attempt to rescue any Person in Custody for any such Offence, every such Person so offending shall pay the whole Damage sustained thereby, and shall either be imprisoned Three Months, or forfeit and pay Ten Pounds Sterling, at the Discretion of the Court before whom convicted.

CVIII. And be it further enacted, That all Forfeitures and Penalties inflicted or authorized 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 be over and above Costs of Suit, and shall, upon Proof of the Offence before the Steward Depute or Substitute, or Two or more Justices of the Peace for the Stewartry of *Kirkcudbright*, either by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Pounding and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of such Steward Depute or Substitute, or Justices; which Warrant is hereby authorized and required to be granted, and Oaths administered by the said Steward or Justices *gratis*, such Sale being always made by public Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Six Weeks after such Distress shall have been made, and Notice given at the nearest Parish Church; 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 Forfeitures and Penalties inflicted by this Act shall (except otherwise directed) be payable One Half to the Person or Persons suing for the same, and the other Half to the said Trustees or any Person authorized by them; which Part payable to the said Trustees shall by them be applied to making and repairing the Roads and Bridges in the said Stewartry; that is to say, in regard to all such Forfeitures as respect Turnpike Roads, to the making and repairing the Roads upon which Turnpike Gates or Toll Bars are hereby authorized to be continued and erected respectively, and the Bridges upon the same; and in regard to all such Forfeitures and Penalties as respect Roads to which the Conversion in lieu of Statute Labour is applicable to making and repairing these last-mentioned Roads respectively, and the Bridges thereon; and in case sufficient Distress cannot be found, or such Forfeiture and Penalties shall not forthwith be paid, or sufficient Security given for Payment, it shall be lawful for the Steward Depute or Substitute, or any Two of the said Justices, and they are hereby authorized and required by Warrant under his or their Hands, to cause such Offender or Offenders to be committed to any House of Correction or Common Gaol of the said Stewartry, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures and all reasonable Charges shall be sooner paid and satisfied: Provided always, that the said Steward Depute or his Substitute, or the Justices of the Peace before whom such Case may be tried, shall have the Power to mitigate any Penalties and Forfeitures by this Act imposed, to the Extent of One Moiety thereof and no more.

Recovery of Penalties.

CIX. And

For compelling Payment of Subscription Money.

CIX. And be it enacted, That if any Person or Persons who has or have subscribed, or shall subscribe, towards making and repairing the Roads by this Act authorized to be made and repaired, after Forty Days previous Notice, shall neglect or refuse to pay his, her, or their Subscription Money at such Time and Place as shall be appointed by the Trustees, it shall be lawful for the Trustees or any Three or more of them specially authorized to that Effect by a General Annual Meeting, to sue for and recover the same in any Court in *Great Britain*, with Interest thereon from the Time of such Demand until Payment.

Appeal.

CX. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Order, Judgment or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, 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 Stewartry; the Person or Persons appealing first giving Fifteen Days previous Notice of such Appeal to the principal Clerk of the said Trustees and to the Clerk of the Peace, and lodging with him, at the Time of entering such Appeal, a Bond of Caution to prosecute the same, and to pay Costs in case of wrongous appealing, and also giving legal Notice of such Appeal to the Defender or Defenders; and in all such Cases the said Justices of the Peace are hereby authorized and required to take Cognizance of such Complaints or Appeals, and to make such Determinations therein as they shall think proper, and such Determination shall be final.

Expences of Act.

CXI. And be it enacted, That the Expence of passing this Act, including all previous and preparatory Expences relative thereto, shall be paid One Half by an Assessment on the said Stewartry of *Kirkcudbright*, to be levied with the Land Tax, and the other Half out of the first of the Tolls collected or to be collected, or Money borrowed thereon.

Public Act.

CXII. And be it 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.

Commencement and Continuance.

CXIII. And be it enacted, That this Act shall take place from and after the passing thereof, and, in so far as it relates to Turnpike Roads, shall have Continuance from thenceforth for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and, in so far as it relates to other Matters, shall have Continuance in all Time coming.