ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LII.

An Act for regulating and converting the Statute Labour in the County of *Fife*; and for more effectually making and repairing the Highways within the said County. [3d *May* 1797.]

WHEREAS the Laws for making and repairing Highways and Bridges, generally, in *Scotland*, and the particular Acts of Parliament for making and repairing High-roads in the County of *Fife*, have been found by Experience ineffectual, in their present Shape, for the Purposes intended; and it would be more convenient and advantageous for all concerned, if the whole Statute Labour of the County were converted, upon equitable Terms, into Payments in Money, in Place of the present Services; and if the Conversions exigible upon Ploughgates of Land were, in the First Instance, paid by the Proprietors, with Recourse upon the Occupiers, and Powers granted to borrow Money upon the Produce of the Conversion, to the Extent hereafter specified; but such Purposes cannot be accomplished without the Aid of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Act, passed in the Fourteenth Year of the Reign of His present Majesty, intituled, *An Act for repairing the Highways and Bridges within the County of* Fife, shall, from and after the First Day of *January* One thousand

Preamble.

Act 14 *Geo.* III, Cap. 31, repealed.

thouſand ſeven hundred and ninety-eight, be, and the ſame is hereby repealed; and in the mean Time the Steps neceſſary for carrying this Act and the Powers thereby granted into Effect, ſhall proceed in Manner herein-after ſpecified.

Diviſion into Diſtricts.

II. And be it enacted, That, for the more eaſy and effectual Execution of the Powers herein-after to be granted, the Diviſion of the ſaid County of *Fife*, into the Diſtricts of *Cupar*, *Saint Andrew's*, *Kirkcaldy*, and *Dunfermline*, as in the ſaid former Act, ſhall remain and be continued.

Truſtees.

III. And be it enacted, That every Perſon, who is at preſent, or hereafter, during the Continuance of this Act, ſhall be in his own Right, or in the Right of his Wife, poſſeſſed of Lands in the ſaid County of *Fife*, entitling him to be a Commiſſioner of Supply for the ſame, and the eldeſt Sons, or apparent Heirs, of every ſuch Perſon ſo qualified, and the Provoſt or Chief Magiſtrate of every Royal Burgh, within the ſaid County for the Time being, ſhall be Truſtees or Commiſſioners for making, repairing, upholding, and keeping in Repair, the Great and Croſs Roads, Bridges, and Ferries within the ſaid County of *Fife*, and for executing all the other Powers by this Act to them given and granted; and the ſaid Truſtees ſhall have Power to act within any of the ſaid reſpective Diſtricts, although they may not have Property, or do not reſide within the ſame; but declaring, that only One Perſon ſhall act and vote as a Truſtee, in reſpect of the ſame Lands, the Perſon in actual Poſſeſſion, or having the *Dominium utile*, being preferable: And if any Perſon or Perſons not qualified as aforeſaid, ſhall nevertheleſs preſume to act contrary to the true Intent and Meaning of this Act, every ſuch Perſon, for every ſuch Offence, ſhall forfeit the Sum of Twenty Pounds Sterling, to be applied, when received, in ſuch Manner, for the Uſe of the ſaid Roads within the County of *Fife*, as ſhall be judged beſt by the ſaid Truſtees, at a General Meeting aſſembled, and to be recoverable in the ſame Manner as other Penalties are directed by this Act.

Firſt and Annual General Meetings of the Diſtricts.

IV. And be it enacted, That the Truſtees for the ſaid reſpective Diſtricts ſhall meet at the Towns of *Cupar*, *Saint Andrew's*, *Kirkcaldy*, and *Dunfermline*, reſpectively, upon the Second *Tueſday* of *May* One thouſand ſeven hundred and ninety-ſeven, at Twelve of the Clock Mid-day, and on the reſpective Days herein-after ſpecified, annually, in Time coming, *videlicet*, the Truſtees for the Diſtrict of *Saint Andrew's*, on the Firſt *Tueſday* of *April*; the Truſtees for the Diſtrict of *Cupar*, on the *Wedneſday* after the Firſt *Tueſday* of *April*; the Truſtees for the Diſtrict of *Kirkcaldy*, on the *Thurſday* after the Firſt *Tueſday* of *April*; and the Truſtees for the Diſtrict of *Dunfermline*, on the *Friday* after the Firſt *Tueſday* of *April*, any Five of them being a Quorum; and ſhall at ſuch Meetings proceed to the Execution of this Act, and may then, and afterwards, from Time to Time, adjourn themſelves, to meet at ſuch Times and Places, on or near the ſaid Roads, as the ſaid Truſtees at the laſt Meeting ſhall think proper, without Prejudice to their meeting ſooner, if there ſhall be Occaſion, upon Notice by the Clerk of the laſt Meeting, advertiſed once at leaſt in any Four of the *Edinburgh* Newſpapers, publiſhed for the Time, Ten Days at leaſt previous to the Meeting.

V. And be it enacted, That the ſaid Truſtees for the County ſhall hold their Firſt General Meeting within the County Room at *Cupar*, on the Third *Tueſday* of *June* One thouſand ſeven hundred and ninety-ſeven, and on the Firſt *Tueſday* of *May* yearly and every Year thereafter, for the Purpoſe of proceeding to the Execution of this Act, any Seven of them being a Quorum; and may then, and afterwards, from Time to Time, adjourn themſelves, to meet again at ſuch Time as the laſt Meeting ſhall think proper, without Prejudice to their meeting ſooner, if there ſhall be Occaſion, upon Notice by the Clerk of the laſt Meeting, advertiſed once at leaſt in Four *Edinburgh* Newſpapers, Ten Days previous to the intended Meeting. Firſt, and Annual General Meetings of the Truſtees for the County.

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

VII. And be it enacted, That the Truſtees for their reſpective Diſtricts, ſhall at their ſaid Firſt Meeting, or any after regular Meeting of the Diſtrict, to be held previous to the General Meeting of the Truſtees for the County, on the Firſt Tueſday of *May* One thouſand ſeven hundred and ninety-eight, make up a Liſt of the Great and Croſs Roads within each Pariſh of the Diſtrict, to which the Funds ought, in the Firſt Place, to be applied, with an Eſtimate of the Expence of making the ſame, and the Proportion of the Funds to be applied thereto, and report their Proceedings to the ſaid General Meeting of the Truſtees for the County; and the Lines of Road being once fixed, the ſame ſhall not be altered, or any new Road inſerted in the Liſt, until the Roads, ſo fixed at the ſaid General Meeting, ſhall, by the General Meeting of the Diſtrict where the ſaid Roads lie, be declared completely made and finiſhed, unleſs upon Application to an Annual Meeting of the Diſtrict in the Month of *April* Notice being given in the Four *Edinburgh* Newſpapers One Month previous to ſuch Meeting, of the Intention of the Party concerned to apply to have the Road inſerted in the Liſt; and the ſaid Diſtrict Meeting ſhall have the Power of approving or rejecting the ſaid Application, ſubject to the Review of the Annual General Meetings of the County as herein-after mentioned; and in caſe any Perſon intereſted ſhall conſider himſelf aggrieved by the Reſolutions of the Diſtrict, and means to apply to the General Meeting for an Alteration thereof, he ſhall intimate his Intention to the Clerk to the Diſtrict, at leaſt Fourteen Days previous to the General Meeting of the County. Liſt of Roads to be made up, not to be altered, unleſs upon Application.

VIII. And be it enacted, That during the Exiſtence of this Act, a Ploughgate of Land within the County of *Fife*, in reſpect to the Statute Labour, ſhall be held and deemed to be equal to Fifty Acres of Land, whether Plantations, Arable, or Paſture Land, or Seventy Pounds Sterling of actual groſs Rent, paid by the Occupier, in the Option of the Proprietor, and ſo in Proportion for leſſer Diviſions or Parts of a Ploughgate of Land. Extent of a Ploughgate.

IX. And be it enacted, That the ſaid Truſtees, or a Quorum of them, ſhall, at their Firſt General Meeting of the reſpective Diſtricts, or any Adjournment thereof, within the Year One thouſand ſeven hundred and ninety-ſeven, and at their Annual General Meetings thereafter, have Power to convert the Ploughgates at 1*l.* Sterling each, to be paid by the

Heritor or Liferenter, Power to convert, and ſhall actually convert the Services exigible by Law for each Ploughgate, at a Sum not exceeding O. é Pound Sterling, and ſo in Proportion for a greater or leſſer Quantity, or Produce, of a Ploughgate, to be paid in the Firſt Inſtance by the Heritors or Liferenters of the Ground: Declaring always, that in caſe the Converſion of Statute Labour before mentioned, at the Rate of Fifty Acres of Land, or Seventy Pounds of real Rent, ſhall in any caſe fall ſhort of the Amount of the Sum in which any Heritor or Heritors would be liable, under the exiſting Act, by rating their ſaid Ploughgates at One Pound Sterling each; then and in that Caſe the Truſtees for the reſpective Diſtricts, or a Quorum of them, ſhall, and they are hereby authorized to rate the Converſion payable by ſuch Heritor or Heritors, to the Extent of any Sum not exceeding One Pound Sterling for each Ploughgate for which his Property is preſently liable, and ſo for a greater or leſſer Diviſion of a Ploughgate.

with Recourſe on the Occupier. X. And, in reſpect all Leſſees, Tenants, and Occupiers of Land are by Law liable in Performance of the Statute Labour, or Payment of the converted Value thereof, be it enacted, That the Heritor or Liferenter liable for and paying the converted Value of the Statute Labour as aforeſaid, ſhall have recourſe for the Amount thereof, upon the Tenants and Occupiers of the Ground, in Proportion to the Extent or Rent of the Property poſſeſſed by them reſpectively, whether the ſame be held immediately of the Proprietor or by Subſet, to be aſcertained either by the Extent of Property or Quantum of Rent, as may have been proportioned on the Heritor or Liferenter; and the Proprietor ſhall be entitled to the ſame Diligence for Recovery thereof, as is authorized for levying the Deficiencies of the converted Values of Statute Labour, at the Inſtance of the Collector of the Ceſs, in Manner herein-after ſpecified.

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

Converſion of Perſonal Services of Houſeholders. XII. And be it enacted, That in place of the Perſonal Services which Houſeholders and others are obliged at preſent by Law to perform in making and repairing the High Roads and Bridges in the ſaid County, a Converſion ſhall be paid in Money to be applied for that Purpoſe; and it ſhall be in the Power of the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and directed, by a Writing under their Hands, to aſſeſs all Houſeholders, Cottagers, Labourers, and Tradeſmen, of every Denomination, whether Maſters or Journeymen, living

 together

together or ſeparately in One Houſe, (not being aſſeſſed in a Converſion of Statute Labour otherwiſe), in a Converſion of ſuch a Number of Days Labour, not exceeding Six, as they ſhall conſider proportioned to the Circumſtances of each Individual: Declaring that the Maſters and Employers of all Journeymen ſhall in the Firſt Inſtance be liable in and obliged to pay the Converſion of the Statute Labour aſſeſſed upon their ſaid Journeymen, and ſhall have recourſe for Payment thereof, upon the Journeymen for whom they ſhall be ſo liable and obliged to pay, and ſhall be entitled to the ſame Diligence for Recovery of the ſame, as is competent to the Truſtees for levying the Converſion of the Statute Labour by this Act impoſed: Declaring alſo, that Servants *bona fide* hired by the Year for ſpecific Wages, and all Houſeholders renting a Houſe, which, with the Yard and other Premiſes, does not exceed the Yearly Rent of One Pound Sterling, ſhall be, and are hereby exeemed from performing Statute Services, or Payment of the converted Values thereof altogether.

Maſters to pay in the Firſt inſtance for their Journeymen.

Servants hired by the Year, and Houſeholders renting a Houſe, &c. of 20 s. Rent, not liable.

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

Power to exeem indigent Perſons.

XIV. And be it enacted, That the Rate of Converſion of Day's Labour ſhall be fixed by the Truſtees for the reſpective Diſtricts, at their Firſt Meeting to be held in purſuance hereof, or any Adjournment thereof, for the Year One thouſand ſeven hundred and ninety-ſeven, and at their Annual General Meeting on the Firſt *Tueſday* of *April* each Year, at any Sum not exceeding the ordinary Price of Labour of that Part of the Country where the Labour is to be performed.

Amount of Converſion for Perſonal Services, how to be fixed.

XV. And be it enacted, That, in order to render the making up the Liſt of the ſaid Ploughgates more eaſy and expeditious, each Heritor of the County ſhall, within Four Months after the Firſt Meeting to be held in purſuance of this Act, and on or before the Firſt Day of *January* annually thereafter, deliver in to the Clerks to the Diſtrict, a Writing or Account, ſpecifying his or her Option of the Mode they incline to have their Ploughgates rated for the enſuing Year, and of the Number of Ploughgates and proportional Parts of a Ploughgate they are reſpectively liable in agreeable to that Option: Declaring always, that all Proprietors of Land ſhall have it in their Power to make a ſeparate Option of the Mode of Converſion for each particular Farm ſeparately occupied or poſſeſſed by them, or their Tenants, and ſuch Option ſhall in every Caſe be made in the Manner moſt beneficial to the Occupier or Tenant; and that Heritors occupying their own Lands ſhall be liable in the Converſion of Statute Labour in the ſame Manner as Tenants; and that the yearly Value of all Grounds and other Subjects in the natural Poſſeſſion of the Heritors ſhall be aſcertained by Two neutral Men, One to be named by the Proprietor, and another on the Part of the Truſtees, who ſhall on Oath report what in their Opinion the Ground or other Subjects ſo occupied by the Heritor would rent at for a Nineteen Year's Leaſe; and the Rent thus fixed ſhall be held as the Annual Value of the Ground or other Subjects ſo occupied by the Heritor: Providing, that in caſe any Heritor or

Heritors to give in Liſts of their Ploughgates.

Proprietors to have a ſeparate Option of Converſion.

or Heritors ſhall refuſe or neglect to give in the before-mentioned Account within the Time before ſpecified, then it ſhall be lawful for the ſaid Truſtees at any after General Meetings of the Diſtrict, to rate ſaid Heritors, as liable in Statute Labour, in the Proportion of a Ploughgate of Land for each Seventy Pounds of real Rent, as the ſame may be reported by the Surveyors, in Manner herein-after mentioned.

Power to cite Occupiers of Land.

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

At what Time the converted Values are payable.

XVII. And be it enacted, That the Whole of the converted Values, leviable by this Act for the Year One thouſand ſeven hundred and ninety-eight, ſhall be due and payable on the Twenty-fifth Day of *March* in the ſaid Year, and annually on the ſaid Day thereafter, except in the Caſe herein-after ſpecified.

Power to name Surveyors,

XVIII. And be it enacted, That the Truſtees for the reſpective Diſtricts, or a Quorum of them, at their Firſt Meeting to be held in virtue hereof, or any Adjournment, within the Year One thouſand ſeven hundred and ninety-ſeven, and at their Annual General Meetings thereafter, are hereby empowered to name Surveyors or other proper Officers, and which Surveyor or other Officer, appointed for the Purpoſe, ſhall, on or before the Fifth Day of *January* One thouſand ſeven hundred and ninety-eight, and on or before the Fifth Day of *January* annually thereafter, make up and report, on Oath, an exact Liſt of all Ploughgates of Land, and leſſer Diviſions thereof, belonging to the ſeveral Heritors of the Diſtrict reſpectively, to be aſcertained in Manner aforeſaid; and of all Perſons keeping Chaiſes, Carts, or other Carriages, liable in a Converſion of Statute Labour as aforeſaid; and of all Houſeholders and others liable in a Converſion for perſonal Services; and the ſaid Surveyor or other Officer ſhall immediately, after having aſcertained the Converſion due by virtue of this Act, deliver to the ſaid Perſon, or his known Factor or Agent, a Note, dated and ſubſcribed, ſpecifying the Converſion in which they are reſpectively liable; and the Perſons ſo aſſeſſed, in caſe they ſhall think themſelves aggrieved thereby, ſhall have Power, within Ten Days after receiving the ſaid Note of their Converſion, to appeal for Redreſs to the next General Meeting of the Diſtrict, whoſe Determination ſhall finally aſcertain the Converſion in which the Perſon ſo appealing is liable for the current Year; and the ſaid Surveyors ſhall, within Ten Days after the ſaid Fifth Day of *January* One thouſand ſeven hundred and ninety-eight, and within Ten Days after the Fifth Day of *January* annually thereafter, give in to the Clerk of the Diſtrict wherein he is Surveyor, a full and diſtinct Copy of the Aſſeſſment made by him for the Year; and the Clerks for the ſaid reſpective Diſtricts ſhall lay the ſame before a Committee to be appointed for that ſpecial Purpoſe by a preceding General Meeting, and which Committee ſhall meet on the Firſt *Tueſday* of *February* annually; and the Clerks for the ſaid reſpective Diſtricts ſhall, within the Space of Ten Days after the Meeting of the ſaid Committee, tranſmit Copies of the ſaid Aſſeſſment to the General Clerk for the County; and in caſe any

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

Power of Appeal.

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

Alteration ſhall be made upon the Aſſeſſments, by Appeal or otherwiſe, the Clerks to the Diſtricts within which the ſaid Alterations take place, ſhall immediately give Notice thereof to the General Clerk to the County.

Collector of the Ceſs to levy the Converſion for Ploughgates, and give Intimation of the Time of Collection.

XIX. And be it enacted, That a certified Copy of the ſaid Report, ſo far as reſpects the Converſions payable for Ploughgates, ſhall, within Ten Days after Receipt thereof, be delivered by the General Clerk of the County to the Collector of the Ceſs for the ſaid County for the Time; and the ſaid Collector ſhall be, and he is hereby authorized to levy the converted Value of the ſaid Statute Labour exigible on the Ploughgates; and ſhall, at the Time of intimating his Collection of the Ceſs, give Notice of the Time and Place of collecting the ſame, within the reſpective Diſtricts annually; and the Whole of the ſaid converted Values ſhall be payable to the Collector, on or before the ſaid Twenty-fifth Day of *March* in each Year; and in caſe any Heritor, liable in the ſaid converted Values, ſhall neglect, delay, or refuſe, to pay the Converſion of the Statute Labour reſpectively due by them, after the ſame becomes due, the Collector ſhall, within Fourteen Days thereafter, make up a certified Liſt of Deficients, ſpecifying the Sums reſpectively due by them; and it ſhall and may be lawful for any One or more of His Majeſty's Juſtices of the Peace, or the Sheriff Depute, or his Subſtitutes, for the ſaid County, and they are hereby required to grant ſummary Warrant for poinding and diſtraining the Effects of ſuch Deficients, and to appraiſe the ſame on the Spot where they may be found, and afterwards to ſell the ſame by Auction, for Payment of the Converſion Money that ſhall be due, together with One Half more, in Name of Charges attending the Recovery thereof; and the Overplus (if any be) ſhall be paid, when demanded, to the Perſon whoſe Effects ſhall have been ſo poinded; which Warrants are to be ſo granted by the Sheriff Depute, or Subſtitute, or Juſtices aforeſaid, upon an Application made to them, or any of them, and an Atteſtation, ſubſcribed by the Collector, certifying that the Perſons complained of have been deficient in paying the ſaid Aſſeſſments, or Converſion abovementioned, and expreſſing therein the Arrear of each Perſon: And it ſhall be competent to Proprietors to apply for the like ſummary Diligence for recovering the Converſions paid by them from the Tenants and Occupiers of the Ground, who may refuſe or neglect to pay the ſame to the Landlord within Ten Days after they ſhall be required to do ſo.

Diligence to be uſed for Recovery of Arrears:

Same Diligence competent at the Inſtance of Proprietors againſt Occupiers.

Converſion for Perſonal Services when payable.

XX. And be it enacted, That all Perſons liable in Payment of Converſions (not leviable conform to the Ploughgate) ſhall, upon the Rates being duly intimated to them in Manner before ſpecified, annually pay the ſame to the Collector, Overſeer, or other Perſon appointed by the Truſtees for that Purpoſe, on or before the ſaid Twenty-fifth Day of *March* of the Year for which the Converſion is due; but in caſe any Perſon or Perſons ſhall be omitted to be aſſeſſed in the converted Values, previous to the ſaid Twenty-fifth Day of *March*, then they ſhall be obliged to pay the Converſion to the ſaid Collector or Overſeer, within Fourteen Days after the ſame is intimated to them; and if any Perſon ſhall neglect or refuſe to pay the ſaid Compoſition, after the Expiry of the Time before ſpecified, it ſhall then be lawful for the Sheriff Depute, or his Subſtitute, or for any One or more Juſtices of the Peace for the ſaid County,

Diligence for Recovery thereof.

and they are hereby required to grant ſummary Warrant for recovering thereof, with One Half more, in Name of Expences, in Manner before expreſſed, with reſpect to the Recovery of Arrears of the Converſions due for Ploughgates.

Collectors, &c. liable in Treble Damages.

XXI. And be it enacted, That, in caſe of a Warrant being improperly obtained againſt any Perſon for Payment of the converted Values due by them, the Sheriff Depute, or his Subſtitute, or any One or more Juſtices of the Peace for the ſaid County, ſhall have Power to award any Sum, not exceeding Triple the Amount, as Damages ſuſtained by any Perſon or Perſons aggrieved by the Execution of a Warrant granted as above; which Damages are to be paid by the Collector, Surveyor, or other Officer, upon whoſe Atteſtation ſuch Warrant ſhall have been granted, in caſe it ſhall appear to the ſaid Sheriff Depute, or his Subſtitute, or the ſaid Juſtices of the Peace, that the ſaid Collector, or other Officer, has made an improper Application againſt any Perſon liable as aforeſaid; which Damages ſhall be wholly payable to the Parties aggrieved, and ſhall be levied as above directed, with reſpect to poinding the Effects of Deficients; and in caſe any of the Collectors ſhall fail or omit to exact the aforeſaid Aſſeſſment or Converſion, every ſuch Collector ſhall be liable, by a Sentence of the Sheriff Depute, or his Subſtitute, or any Two or more of the Juſtices of the Peace, to pay the Aſſeſſment or Converſion Money, ſo failed or omitted to be exacted by him, with One Half more, in Name of Expences.

Aſſeſſments of 20 *s. Scots* on the 100 *l. Scots* of valued Rent:

XXII. And whereas, it has been found by Experience from the great Number of Roads and Bridges, and the daily Increaſe of Carriages within the ſaid County of *Fife*, that the Sum of Twenty Shillings *Scots* Money upon each Hundred Pounds *Scots* of valued Rent, authorized to be levied by former Acts of Parliament, has been inſufficient for keeping the ſaid Roads and Bridges in Repair: Be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, at their General Meeting at *Cupar* on the Firſt *Tueſday* of *May*, in the Year One thouſand ſeven hundred and ninety-eight, and at every Annual Meeting on the Firſt *Tueſday* of *May* thereafter, to aſſeſs the whole Heritors of the County in a Sum not exceeding Three Shillings and Four-pence Sterling, upon every Hundred Pounds *Scots* of valued Rents; and in caſe the ſaid General Meeting ſhall not aſſeſs the whole County to the Extent of the ſaid Sum of Three Shillings and Four-pence Sterling, then it ſhall be lawful to, and in the Power of all or any of the Diſtricts, at a General Meeting to aſſeſs the ſaid Diſtrict or Diſtricts to what further Sum they ſhall judge neceſſary, the ſaid Two Aſſeſſments not exceeding the Sum of Three Shillings and Four-pence Sterling in the Whole, upon every One hundred Pounds *Scots* of valued Rent; and which additional Aſſeſſment ſhall be certified to the Collector of Supply, in Writing, under the Hands of the Præſes and Clerk of the ſaid Meeting, and which reſpective Sums ſhall be levied by the ſaid Collector, along with the Ceſs or Land Tax of the ſaid County, and ſhall be applied towards the building, making, repairing, and upholding the Highways and Bridges within the Diſtricts where levied: And the ſaid Collector ſhall keep an exact and ſeparate Account of the Sums levied out of each of the ſaid Diſtricts, which ſhall only be applicable to the Bridges and Roads within the ſaid ſeveral Diſtricts out of which the ſame ſhall be levied, and ſhall be drawn out only upon Orders from

How applied.

the General Meetings of the ſaid Diſtricts or Committees appointed by them; and it ſhall not be lawful to apply any Part of the Sums raiſed in One Diſtrict towards the Reparation of Roads and Bridges in another Diſtrict, except in the Caſe herein-after mentioned.

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

XXIII. Provided always, and it is hereby enacted and declared, That in caſe the rebuilding or repairing of any One Bridge within the ſaid County ſhall exceed the Sum of Eighty Pounds Sterling, the Diſtrict within which the ſaid Bridge is ſituated ſhall only be ſubject and liable to pay One Half of the ſaid Sum, and the other Three Diſtricts ſhall be ſubject and liable to pay the other Half thereof, and that in Proportion to the valued Rents of the ſaid ſeveral Diſtricts; and the rebuilding or repairing of the ſaid Bridge ſhall be done, made, and executed, by the Direction only of the ſaid General Meeting of the County; and the Sum appointed to be applied for that Purpoſe ſhall be drawn in virtue of an Order in Writing of the ſaid General Meeting, extracted by their Clerk; Declaring always, that no Money ſhall be granted for any Bridge, the Expence of which may exceed Eighty Pounds Sterling, until an Application ſhall be made to the Firſt or ſome other General Meeting of the Diſtrict wherein the ſame is ſituated, who ſhall thereupon appoint a Committee to cauſe the ſaid Bridge to be inſpected; and in caſe it is found neceſſary to be repaired, the ſaid Committee ſhall advertiſe in at leaſt Three *Edinburgh* Newſpapers for Contractors for repairing the ſame, and report the Eſtimates, and their Opinion, to the Firſt Annual General Meeting of the Diſtrict, who ſhall, if they judge it expedient, recommend to the Annual General Meeting of the Truſtees for the County, to grant the Aid from the other Diſtricts hereby authorized and appointed to be given: Declaring alſo, that if the Truſtees for the reſpective Diſtricts ſhall, by a Reſolution at the Firſt General Meeting to be held in virtue hereof, or at any Annual General Meeting thereafter, find and declare, that the additional One Shilling and Eight-pence on the Hundred Pounds *Scots*, authorized by this Act to be laid on, is not neceſſary for making and repairing the Roads and Bridges within their Diſtrict, the Firſt General Meeting of the Truſtees for the County to be held in purſuance hereof, or any Annual General Meeting thereafter, ſhall, upon the ſaid Reſolution being reported to them, aſſeſs the Heritors of the Diſtrict from which ſuch Reſolution is reported, in the Sum of One Shilling and Eight-pence Sterling only on each One Hundred Pounds *Scots* of valued Rent within the ſaid Diſtrict, to be levied and applied in Manner before mentioned: Declaring likewiſe, that the additional One Shilling and Eight-pence Sterling, on each Hundred Pounds *Scots* of valued Rent, authorized by this Act to be laid on and levied, ſhall be wholly applicable to the Roads and Bridges within the Diſtrict where the ſame is levied, and no Part thereof liable to be laid out or applied towards the making or repairing any Roads or Bridges within other Diſtricts, notwithſtanding the ſame may exceed the Sum of Eighty Pounds Sterling.

Diſtricts may reſolve not to lay on the additional 1*s.* 8*d.* on the 100*l.* *Scots*.

Additional 1*s.* 8*d.* not to be applied out of the Diſtrict where levied.

Collector to lodge the Funds in the Bank.

XXIV. And be it enacted, That the Collector of the Ceſs for the ſaid County ſhall, on the Firſt Day of *May* One thouſand ſeven hundred and ninety-eight, and on the ſaid Day annually thereafter, lodge with the Agents for the Bank of *Scotland*, within the reſpective Diſtricts, the Proportions of the Converſions of the Statute Labour, and all other Money collected in virtue hereof, due to the ſaid reſpective Diſtricts, which may

may then have been levied by him, and obtain a Receipt from the Treaſurer of the Bank of *Scotland* therefor; which Receipt, along with a Liſt of the Perſons then in Arrear, ſhall be lodged with the Clerks of the reſpective Diſtricts, and the ſaid Collector ſhall be allowed for his Trouble in levying, recovering, and paying over the Converſions and other Monies, authorized by this Act to be levied, the Sum of One Pound *per Centum*, for the Money ſo levied and paid over by him.

Converſion Money, how to be laid out.

XXV. And be it enacted, That the whole Produce of the Converſions of Statute Labour to be levied under the Authority of this Act, and all Sums of Money which ſhall be borrowed upon the Credit thereof, ſhall be laid out and expended upon the Roads within the Pariſhes reſpectively from which ſuch Converſion ſhall be levied, or on which the Intereſt of ſuch Monies to be borrowed ſhall be charged, and no otherwiſe, unleſs an Heritor or Heritors poſſeſſed of Three Fourths of the Property, or *dominium utile*, of the Pariſh, aſcertained by their Ploughgates, ſhall agree to lay out the Whole, or any Part of the ſame, on Roads adjoining to or connected with the Pariſh, which they are hereby authorized to do although not ſituated therein; excepting always the Fund to be levied within the Territories of a Royal Burgh, which it ſhall be in the Power of the ſaid Truſtees, at their Annual General Diſtrict Meetings reſpectively, on the Firſt *Tueſday* of *April*, to allocate upon the different Roads leading thereto, to the Extent of Two Miles therefrom, whether the Roads to which the ſame are applied are within the Pariſh where the Converſion is exigible or not: Declaring always, that when it may be neceſſary to build or repair a Bridge acroſs a Rivulet, Hollow Ground, or other Space which is the Boundary betwixt Two Pariſhes, the Expence of the Bridge ſo to be built ſhall be defrayed by the Two Pariſhes betwixt which it forms the Junction, and that in Proportion to the Number of Ploughgates within the ſaid reſpective Pariſhes.

Power to borrow Money.

XXVI. And be it enacted, That in order that the Roads may be more ſpeedily and effectually put in Repair, and the Publick derive immediate Advantage therefrom, the Truſtees of the reſpective Diſtricts, or any Seven or more of them, at a General Meeting aſſembled, to be held after the Annual General Meeting of the Truſtees for the County, ſhall have Power to borrow Money on the Security of the Funds, leviable by virtue of this Act, to be applied in making and repairing the Great and Croſs Roads within the Diſtrict, Notice of the Intention of borrowing, and the Extent of the Sums to be borrowed being always given by Advertiſement in any Four *Edinburgh* Newſpapers publiſhed for the Time, at leaſt Ten Days previous to ſuch Borrowing: Providing always, that no Sum ſhall be borrowed, unleſs it clearly appears that a Sum equal at leaſt to Five Pounds *per Centum per Annum* of the Capital Sum ſo propoſed to be borrowed (over and above the legal Intereſt of the Money borrowed, the Sum to be appropriated by the Truſtees for keeping the Roads in Repair, and Expence of Management) can and ſhall actually be appro-

Sinking Fund.

priated and ſet apart as a Sinking Fund, carefully and attentively to be applied in diminiſhing and extinguiſhing the Debt to be incurred; and that if any Truſtee or Set of Truſtees ſhall borrow Money for making the Roads, without adopting and following out theſe Regulations, he or they ſhall be perſonally liable for the Money ſo borrowed, and the ſame ſhall not be held as a Debt on the Funds of the Diſtrict; and all Monies

borrowed ſhall be lodged in the Hands of the Agents for the Bank of *Scotland*, upon a Receipt from the Treaſurer, there to remain till the making and repairing the Roads for which it is borrowed actually commence, and afterwards to be drawn as the Operations require, in Manner herein-after ſpecified.

Power to aſſign the Funds in Security of Money borrowed.

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

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

Form of Bond or Aſſignation.

'BY virtue of an Act made in the Thirty-ſeventh Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act (here inſert the Title of the Act)*, We, the Truſtees for putting the ſaid Act into Execution, aſſembled at a General Meeting of the Diſtrict of called agreeable to the aforeſaid Act, in Conſideration of the Sum of advanced by *A. B.* for the Purpoſe of making and repairing the Roads in the ſaid Pariſh of or the Line of Road from (*as the Caſe may be*), we do hereby aſſign to the ſaid *A. B.* his Executors and Aſſignees, the Funds appropriated for making and repairing the Roads in the ſaid Pariſh of or the ſaid Line of Road (*as the Caſe may be*) to be held by the ſaid *A. B.* his Executors and Aſſignees, from this Day of in the Year of our Lord until the aforeſaid Sum of with Intereſt, at the Rate of *per Centum per Annum* ſhall be repaid. In Witneſs whereof we have ſubſcribed this Aſſignment. Written by *C. D.* Clerk to the ſaid Truſtees, at the Day of Years, in Preſence of the ſaid *C. D.* and *E. F.* of

Bonds to be transferrable by Indorſation.

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

Form of Transference.

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

Application of the Money borrowed.

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

Proportion of the Funds to be allocated.

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

Grants of Money how to be obtained:

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

To be applied to the Road for which granted:

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

Not to be paid till the Work commences.

XXXIV. And be it enacted, That the Money, to the Extent of the Sum granted, ſhall not be paid until the Work is begun; when it may be drawn for at One or more Inſtalments, by Order of the Perſon or Perſons to whom it was granted, on the Clerk to the Diſtrict, who ſhall accept and direct it for Payment by the Bank.

Thoſe obtaining Grants to lodge Accounts, atteſted on Oath.

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

XXXVI. And

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

Diſtricts to report their Proceedings.

XXXVII. And be it enacted, That the Proceedings of the Diſtrict Meetings ſhall be reported to the Firſt General Meeting of the Truſtees for the County, to be held in conſequence of this Act; and at every Annual General Meeting thereafter, there ſhall be laid before them a Summary of the Proceedings of the Truſtees for their reſpective Diſtricts, previous to the ſaid Meetings of the County, containing a Liſt of the Road adopted for Repair, an Account of the Money levied, and Money borrowed (if any) in virtue of this Act, with the Proportion of theſe Funds allocated to each Line of Road upon the Liſt; and the whole Proceedings of the Truſtees for the Diſtricts, in caſe of Complaint, ſhall (except in the Event abovementioned, of Money being borrowed) be ſubject to the Review and Alteration of the ſaid General Meetings of the County.

Truſtees to name Officers for putting the Act into Execution.

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

Truſtees to keep Books and Accounts.

XXXIX. And be it enacted, That the ſaid Truſtees ſhall keep a Record of their Proceedings, and an exact Account of the Money received by virtue of this Act, and of the Application thereof, in a Book, in the Hands of their Clerks; which Book of Accounts and Proceedings, all Heritors of the ſaid County of *Fife* ſhall, at any reaſonable Time, be at Liberty to inſpect, without Fee or Reward; and in caſe of any Miſapplication of Money collected, received, or levied by virtue of this Act, all and every Perſon or Perſons who ſhall miſapply, or by whoſe Authority the ſame ſhall be miſapplied, ſhall forfeit and pay double the Sum ſo miſapplied, to be recovered from him or them at the Suit of any Two or more Heritors within the ſaid County of *Fife*, poſſeſſed of Three hundred Pounds *Scots* each of valued Rent, who are hereby authorized to purſue for and recover the ſame, in a ſummary Action, before the Judge Ordinary, with full Coſts of Suit, One Moiety of which Forfeiture ſhall belong to the Perſon who ſues the ſame, and the other Moiety ſhall be paid to the ſaid Truſtees for the Diſtrict where the Miſapplication may have taken place, who are hereby appointed to apply the ſame for the repairing of the ſaid Roads by this Act directed to be made and repaired.

Truſtees to make the Great and Croſs Roads.

XL. And be it enacted, That the ſaid Truſtees, in their General Meetings for the County, or at their reſpective Diſtrict Meetings, ſhall, and they are hereby authorized to cauſe the Great and Croſs Roads, Bridges, and Ferries, within the ſaid County, to be altered, amended, widened,

widened, and repaired, in ſuch Manner as they ſhall think proper, and to ſettle the Direction of any of the ſaid Roads, and to make, or cauſe to be made, new Lines of Roads, if neceſſary: Provided always, that ſuch new Roads ſhall in no caſe be carried through any Lawn, Avenue, Garden, Orchard, Pleaſure or Nurſery Ground, or within Three hundred Yards of any Manſion-houſe, ſo as to incommode the ſame; and further, to cut and make Drains, Ditches, or Trenches through any Grounds lying contiguous to the ſaid Roads, and to make Paſſages for the Water, where it ſhall be found neceſſary, from ſuch Ditches or Trenches through the Ground of any adjacent Proprietor; and alſo, to keep clear ſuch Drains, Ditches, Paſſages, or Outlets; and the Workmen authorized by them may go upon the ſaid Lands for that Purpoſe: Provided always, that reaſonable Satisfaction be made to the Owner or Occupier of ſuch Lands for the Damage to be done thereby, to be aſcertained in Manner after ſpecified: Declaring, that if any ſuch Owners or Occupiers ſhall not be ſatisfied with the Offer made to them by the ſaid Truſtees, or ſhall refuſe to treat, or ſhall alledge that the Grounds which it is propoſed to occupy by the Road are ſuch as cannot be broken in upon; in any of theſe Caſes, the Propriety of going through ſuch Grounds, and the Amount of the Damages, ſhall be aſcertained by a Jury, to be called by the Sheriff Depute of *Fife*, or his Subſtitutes, who, upon Application, are hereby authorized and required to ſummon a Number of diſcreet and ſubſtantial Perſons, being Owners and Occupiers of Land, entitled to be Commiſſioners of Supply within the ſaid County, nor leſs than Twenty-two in Number, to come and appear before him or them at ſuch Time and Place as by their Warrant and Precept ſhall be directed, Intimation of Ten Days being given by the Truſtees of ſuch Appointment to the Party concerned, or his or her Agent; and the Number of Perſons who ſhall attend, ſhall then be reduced to Eleven by the Truſtees, and the Proprietor, ſtriking off One alternately, beginning on the Part of the Proprietor, or in caſe both Parties ſhall fail to appear, by the Sheriff ſtriking off until the Number be ſo reduced; and the remaining Eleven being duly ſworn, the Sheriff ſhall proceed to examine upon Oath, in their Preſence, ſuch Witneſſes as ſhall be ſummoned by either Party, and upon their Depoſitions, and other competent Evidence, ſuch Jury ſhall determine not only the Propriety of the propoſed widening or Alteration, but alſo of the Damages to be paid by the ſaid Truſtees, and their Verdict ſhall be final and concluſive to all Parties without any Power of Appeal whatſoever; and the Sheriff ſhall thereupon order Payment to be made of the Sums awarded by the Jury, and ſhall ordain the Owners and Occupiers of the Grounds, or other Subjects, or their Truſtees, Tutors, Curators, or Adminiſtrators, upon Payment, or lawful Tender thereof, quietly to permit and ſuffer the ſaid Truſtees to take Poſſeſſion of the Grounds or other Subjects.

Truſtees to erect Arches and Bridges.

XLI. And be it enacted, That the ſaid Truſtees, in their General or Diſtrict Meetings, ſhall, and they are hereby authorized and empowered to cauſe new Arches and Bridges, of Stone, Brick, or Timber, to be made or erected upon the ſaid Roads, and any old Bridges which may become uſeleſs or unneceſſary, by changing the Courſe of the Road, or otherwiſe, to be pulled down, and the Materials thereof to be ſold, or applied in building new Arches, or for repairing the ſaid Roads, as they ſhall ſee proper; and alſo to cauſe ſuch Parts of the ſaid Roads, as they

ſhall

ſhall conſider not of a ſufficient Breadth, to be widened and made of ſuch Breadth as they ſhall ſee neceſſary, not exceeding Forty Feet, free of Ditches and Side Drains; and alſo to cauſe the Courſe of ſuch Part or Parts of the ſaid Roads as they ſhall think proper, to be changed or altered, for ſhortening the ſame, or for making them more acceſſible; and for theſe Purpoſes, if neceſſary, to cauſe remove Fences or pull down any Houſe or Houſes, upon giving the Proprietor or Proprietors of the ſaid Houſes (or his known Factor or Agent, in caſe of his being forth of *Scotland*), Six Months previous Notice of their Intention of purchaſing the Houſe or Houſes ſo to be pulled down; and alſo, upon giving the Occupiers of Houſes legal Intimation of removing, the ſaid Truſtees being always liable to the Owners of Houſes and Fences ſo to be pulled down, in the Damages thereby incurred, to be aſcertained in Manner herein-after mentioned; and the Road ſo altered ſhall from thenceforth be deemed and taken to be a Publick Highway, and ſhall be repaired and amended, and kept in Repair, in the ſame Manner as the ſaid Great and Croſs Roads to be made and repaired by virtue of this Act.

Diſtrict Meetings may appoint Committees.

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

Roads running through unincloſed Grounds to be widened.

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

Ground of old Roads to be ſold.

XLIV. And be it enacted, That in caſe the Courſe of any of the ſaid Roads ſhall be altered or widened as aforeſaid, the ſaid Truſtees, in their General Diſtrict Meetings, ſhall, and they are hereby authorized and empowered, as ſoon as the ſaid new Road ſhall be completed, and made

paſſable and convenient for Carriages, to cauſe value the old Road, and diſpoſe of and ſell the Grounds comprized in or through which the old or former Road did lead, the Proprietor or Proprietors of the Ground through which the ſaid old Road did paſs having always an Offer thereof at ſaid Valuation; and the Money ariſing from ſuch Sale ſhall be applied and diſpoſed of for the mending the ſaid Roads; and the Sale, or Conveyance or Conveyances, to be made of ſuch Lands and Grounds comprized in the ſaid old Road, being executed by the ſaid Truſtees, in their General or Diſtrict Meeting, ſhall be good and effectual in Law to all Intents and Purpoſes whatever.

Power to dig Gravel, &c.

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

Value of Ground damaged, how to be aſcertained.

XLVI. And be it enacted, That in all Caſes where the Owners and Occupiers of Houſes and Grounds do not agree with the Truſtees concerning the Amount of Damages done by digging Gravel and other Materials neceſſary to be taken for the making or repairing the ſaid Roads, the ſame ſhall be determined as follows; *videlicet*, One Arbiter ſhall be named by the Truſtees, or any Five or more of them, and another ſhall be named by the Owners and Occupiers of the Grounds damaged; and which Two Arbiters ſhall in caſe of Variance, have Power to aſſume a Thirds-man, and theſe Three ſhall aſcertain the ſaid Value or Damages; but ſuch Difference between the Truſtees and Owners or Occupiers, and Submiſſion thereof, ſhall not in the mean time hinder the Proceeding with the carrying off and uſing any Gravel, Stones, Sand, or other Materials, and applying the ſame towards making and repairing the ſaid Roads; and the Determination of the ſaid Arbiters is hereby declared to be final.

Poſſeſſors to clean Ditches made by them.

XLVII. And be it enacted, That where any Ditches have been, or in Time coming ſhall be made near the Sides of the ſaid Roads, or through any of the Fields adjoining thereto, by the Proprietors or Occupiers of the ſaid Fields, then ſuch Proprietors and Occupiers ſhall and are hereby required to keep thoſe Ditches properly ſcoured, and not to allow the Water to ſtagnate therein; and in caſe of their failing ſo to do, after Ten Days Notice previouſly given, the Overſeers of the ſaid Roads, being ſo ordered by any One of the Truſtees, may, and are hereby required to

In Default, Truſtees may order it at their Coſts.

order ſuch Ditches to be cleaned, opened, and ſcoured, at the Coſt and Expences of the Proprietors or Occupiers of the Fields through which theſe Ditches ſhall be made; and upon their refuſing Payment of ſuch Coſts and Expences, it ſhall and may be lawful for the Juſtices of Peace for the ſaid County, or any Two or more of them, or the Sheriff Depute or his Subſtitute, to levy ſuch Coſts and Expences by Diſtreſs and Sale, in the ſame Manner as is herein-before directed for recovering the converted Values leviable by this Act.

Ditches and Drains made by Truſtees, to be ſcoured at Publick Expence:

Poſſeſſors obſtructing the ſame, to pay Triple Expence.

XLVIII. Provided always, That the Ditches and Drains which ſhall be made by Order of the ſaid Truſtees, ſhall be ſcoured and kept in Repair out of the Money ariſing by virtue of this Act; and if any Proprietor or Occupier of Land, through which any ſuch Ditches or Drains are or ſhall be made, ſhall obſtruct or fill up any of them, the Perſon or Perſons ſo offending ſhall forfeit and pay Triple the Expence of repairing and ſcouring the ſame, to be recovered in Manner herein-after mentioned; and the ſaid Proprietor or Occupier ſhall be deemed the Tranſgreſſor, unleſs it ſhall be proved, that the Tranſgreſſion was committed by ſome other Perſon; and where any Paſſage for Cattle or Carriages acroſs any Road, or an Acceſs into any Field, for the Convenience of the Occupier of the Ground through which it paſſes, ſhall be made, the Occupier of ſuch Grounds ſhall always cover the Drains croſſing the Sides of ſuch Road, with ſufficient Stones, in ſuch Manner as the Courſe of the Water in the Drains may not be interrupted, or the Road thereby prejudiced: Providing always, that no Occupier of Land ſhall turn any Water upon the Side of any of the ſaid Roads, nor conduct any Water acroſs any of the ſaid Roads, for the meliorating of his Fields, or other Purpoſes, until he ſhall have applied for and obtained the Conſent of the ſaid Truſtees, in their General or their Diſtrict Meetings; and in that Caſe every ſuch Occupier ſhall be obliged to carry the Water acroſs the Road, in a covered Drain of ſuch Depth and Conſtruction as that the Water may not prejudice the Road.

Water carried acroſs any Road, Manner thereof.

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

XLIX. And be it enacted, That when the Lands on one Side, or on both Sides of any Part or Parts of any of the ſaid Roads are not incloſed, the Proprietor or Occupier of ſuch Land ſhall not, from and after the paſſing of this Act, make Incloſures along the Sides of the Road, without giving at leaſt Two Months previous Notice to the Truſtees for the Diſtrict where the Incloſures are to be made, and if he fails ſo to do, he ſhall not be entitled to any Compenſation for the Expence of the Incloſures, in caſe the ſaid Truſtees ſhall at any future Time think it neceſſary to demoliſh the ſame for the Purpoſe of widening the Road: Provided always, That the ſaid Notice ſhall be given to the Truſtees by a Notification in Writing paſted of a *Sunday* upon the Church Door of the Pariſh where the Grounds intended to be incloſed lie, and by a Letter directed to the Clerk to the Truſtees for the Diſtrict, who ſhall lay the ſame before the next General or adjourned Meeting, and the ſaid Meetings are hereby required to inſert a Copy of the ſaid Letter in their Minutes.

Penalty on injuring Foot-paths.

L. And be it enacted, That if any Perſon ſhall ride or drive any Carriage upon the Paths made, or which may be made, along the Side of any of the ſaid Roads, for the Benefit of Foot Paſſengers, or ſhall in any Way hurt or injure the ſame, he ſhall for every ſuch Offence forfeit a Sum

Sum not exceeding Five Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Poſſeſſors to cut the Hedges on Sides of Roads.

LI. And be it enacted, That where the Ground on the Side of any of the ſaid Roads is incloſed or planted, the Proprietor or Occupier of ſuch Ground, on each Side, ſhall be obliged to cut the Hedges to the Height of Five Feet from the Level of the Road, and to prune the Trees in a proper Manner, ſo as to give ſufficient Breadth and Air to ſuch Road; and in caſe they neglect ſo to do, Three Months after being required by an Order of the Diſtrict Meeting properly intimated to them, the ſaid Diſtrict Meeting ſhall have Power to appoint the ſame to be done at the Defaulter's Expence.

Truſtees may act as Juſtices.

LII. And be it enacted, That the Truſtees appointed to put this Act in Execution, who are or ſhall be in the Commiſſion of the Peace for the County of *Fife*, ſhall and may act nevertheleſs as Juſtices of the Peace, within their reſpective Juriſdictions, for the more effectually putting in Execution the ſeveral Authorities and Powers in this preſent Act mentioned and contained, and alſo to act as Truſtees in any Diſtrict, although their Property may not be ſituated therein.

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

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

Truſtees may erect Mile Stones, &c.

LIV. And be it enacted, That the ſaid Truſtees, or any Five or more of them, may cauſe any of the ſaid Roads to be meaſured, and Stones or Poſts to be erected on the Sides thereof, denoting the Diſtance at each Mile, or at ſuch other Diſtances as they may judge convenient; and alſo to order or cauſe to be erected Guide Poſts upon ſuch Part of the ſaid Roads, where the Roads are croſſed or joined by other Roads, as they ſhall judge proper; and if any Perſon or Perſons ſhall break down, deſtroy, or deface any ſuch Mile Stones or Guide Poſts, or ſhall break down the Cape Stones on Parapet Walls on the Sides of any of the Bridges of the ſaid Roads, or turn any Stream of Water upon any Part of the ſaid Roads, unleſs a ſufficient covered or arched Drain or Paſſage ſhall have been previouſly made as before directed, or be aiding and aſſiſting therein, or ſhall reſcue or attempt to reſcue any Perſon apprehended for ſuch Offence; every Perſon offending in any of the Caſes aforeſaid, and being thereof lawfully convicted, by the Oath of One or more credible Witneſs or Witneſſes, before the Sheriff Depute of the ſaid County, or his Subſtitute, or before Two or more Juſtices of the Peace for the ſaid County, ſhall, for the Firſt Offence, not only be adjudged to pay the Whole of the Damages and Expences ſuſtained, but alſo a Penalty not exceeding Five Pounds nor leſs than Twenty Shillings Sterling, and for a Second or any ſubſequent Offence, ſhall, beſides paying the Damages and Expences, pay a Penalty not exceeding Ten Pounds nor leſs than Two Pounds Sterling; and in caſe the ſaid Penalty, Damages, and Expences, ſo adjudged, ſhall not be inſtantly paid, or ſufficient Security given for the ſame, the ſaid Sheriff or Juſtices are hereby empowered and required

Penalty on defacing theſe Stones, &c.

For breaking Parapet Walls of Bridges, &c.

quired to commit such Person or Persons so convicted to Prison, for any Term not exceeding Three Calendar Months, nor less than One Calendar Month, or until such Penalty shall be paid.

No Annoyances to be laid on the Roads.

Head-ridges.

Gates.

LV. And be it enacted, That, for preventing Annoyances in the said Roads, from and after the passing of this Act, every Person in ploughing any Field contiguous to any of the said Roads, shall always make Head Ridges along the Side of the Roads of the Breadth of Eighteen Feet at least; and all Gates upon Inclosures next to any of the High Roads, shall open inwards to the Field; and no Person or Persons whatsoever shall lay any dead Horse, or other Carrion, upon any of the said Roads, or within Twenty Yards of the Sides of the Roads, or any Dung, Lime, Soil, or Compost, or Matter whatsoever, either for manuring Lands, or for any other Purpose, upon any of the said Roads, or within Five Yards of the Sides (unless within a Fence) of any Part of the said Roads, or in the Streets of any of the Royal Burghs, Towns, or Villages, within the said County, under the Penalty of Ten Shillings Sterling for each Offence, and the Forfeiture of said Dung or other Matter, which may be removed and carried off by an Order in Writing from any Two or more of the said Trustees.

Every Thing drawn on the Roads must be on a Wheeled Carriage.

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

Houses to be built near the Sides of the Roads, to be 10 Feet from the Side of such Road.

LVII. And be it enacted, That in case any Houses shall, after the passing of this Act, be built near the Sides of any of the said Roads, or in any Villages; or in case any Houses or other Buildings of any Kind, shall be erected at or near the Outlets of any Town within the said County, no such House or other Building shall be built within Ten Feet from the Side of the said Roads, (free of Ditches and Side Drains), under the Penalty of Forty Shillings Sterling for every Offence, and the Expence of demolishing such House or Edifice; and it shall be lawful for any One or more of the said Trustees to stop the building or erecting of every such House or Building, as he or they shall apprehend to be within the said Distance from the Side of the said Roads, by an Order in Writing under his or their Hand or Hands.

Penalties and Forfeitures, how to be recovered;

LVIII. And be it 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, upon Proof of the Offence before Two or more Justices of the Peace, or the Sheriff Depute of the said County, or his Substitute, either by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of Two Justices, or of the said

Sheriff-Depute, or his Subſtitute, (which Warrant is hereby authorized and required to be granted, and Oaths adminiſtered by the ſaid Juſtices or Sheriff-Depute, or his Subſtitute, *gratis*), ſuch Sale being always made by publick Auction to the higheſt Offerer, at ſuch Places as ſhall be directed in the ſaid Warrant, within Three Days after ſuch Diſtreſs ſhall have been made; and the Overplus Money ariſing from ſuch Sale (after the Penalties and Forfeitures are recovered, and the Charges thereof deducted) ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattels; and all ſuch Penalties and Forfeitures, when recovered, ſhall be paid to the ſaid Truſtees or their Collectors for the Time being, and ſhall be laid out and applied in repairing of ſuch of the Roads, upon or in reſpect whereof ſuch Penalties and Forfeitures ſhall be incurred; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Forfeitures and Penalties ſhall not forthwith be paid, or ſufficient Security given for the ſame, it ſhall be lawful for any Two of the ſaid Juſtices of Peace, or for the Sheriff Depute of the ſaid Shire, or his Subſtitute, together with One Juſtice of the Peace, and they are hereby authorized and required, by Warrant under their Hands, to cauſe ſuch Offender or Offenders to be committed to any Houſe of Correction, or Common Gaol, in the ſaid County, there to remain for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

How to be applied.

On Failure of Diſtreſs, Offender to be committed.

How Parties aggrieved may obtain Redreſs.

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

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

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

Limitation of Actions.

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

LXII. And

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

FINIS.