

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. CIV.

An Act for maintaining and keeping in Repair certain Roads and Bridges made in *Scotland*, for the Purpose of Military Communication; and for making more effectual Provision for maintaining and repairing Roads made, and Bridges built, in *Scotland*, under the Authority of the Parliamentary Commissioners for *Highland* Roads and Bridges.

[18th *July* 1814.]

WHEREAS certain Roads and Bridges for the Purpose of Military Communication have been made, and hitherto maintained in the Highlands of *Scotland*, at the Public Expence; which Roads and Bridges are no longer necessary for such Military Communication, but for other Purposes some of them ought nevertheless to be maintained in Repair: And whereas an Act was passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and building Bridges in the Highlands of* Scotland, *and for enabling the Proprietors of Land in* Scotland *to charge their Estates with a Proportion of the Expence of making and keeping in Repair Roads and Bridges in the Highlands of* Scotland: And whereas, in Addition to the said Sum of Twenty thousand Pounds, the further Sum of One hundred and twenty thousand Pounds has at sundry Times been since granted, 43 G. 3. c. 80.

granted, in further Execution of the ſaid Act; by Means of which many uſeful Roads and Bridges have been made and completed, and others are now in courſe of being made, under ſeveral Contracts and Agreements entered into by the Commiſſioners and others, according to the Proviſions and Regulations of the ſaid Act: And whereas another Act was paſſed in the Fiftieth Year of the Reign of His preſent Majeſty, intituled *An Act for maintaining and keeping in Repair Roads made and Bridges built in* Scotland, *under the Authority of the Parliamentary Commiſſioners for Highland Roads and Bridges*, whereby the Charge of keeping in Repair ſuch Roads and Bridges was laid upon the ſeveral Counties wherein the ſaid Roads and Bridges are ſituate; and by the ſaid Act divers Proviſions were made for ſuch Repairs, which Proviſions have been found to be inadequate to the end propoſed: And whereas it is expedient to make new Regulations for the Maintenance and Repair of the Military Roads and Bridges, and alſo of the Roads and Bridges made and completed, or which ſhall hereafter be made and completed, under the Authority of the Parliamentary Commiſſioners for Highland Roads and Bridges as aforeſaid: 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,

50 G. 3. c. 43.

Recited Act, 50 G. 3. c. 43. repealed.

That from and after the paſſing of this Act, the ſaid recited Act paſſed in the Fiftieth Year of the Reign of His preſent Majeſty ſhall be and the ſame is hereby repealed.

Appointment of Commiſſioners for this Act, and Act 43 G. 3. c. 80.

II. And be it enacted, That the Commiſſioners appointed in and by virtue of the Act paſſed in the Forty-third Year of the Reign of His preſent Majeſty, herein-before recited, ſhall be, and they are hereby appointed Commiſſioners for the Purpoſes of this Act, together with the Lord Keeper of the Privy Seal of *Scotland*, and the Firſt Commiſſioner of His Majeſty's Woods, Foreſts, and Land Revenue in *England*, who are hereby appointed Commiſſioners for carrying this Act, and alſo the before-mentioned Act into Execution; any Three of which Commiſſioners ſhall conſtitute a Quorum, of which one of the Commiſſioners appointed by virtue of his Office ſhall always be one; and at all Meetings of the Commiſſioners, which Meetings ſhall be held in *London* or *Weſtminſter*, the Chairman ſhall have a caſting Vote in caſe of an Equality of Votes.

Commiſſioners may appoint Officers.

III. And whereas it is expedient that the Maintenance and Repair of the Military Roads and Bridges, and alſo of the Roads and Bridges made under the Authority of the Parliamentary Commiſſioners for Highland Roads and Bridges, ſhould be placed under the Direction and Management of the Commiſſioners hereby appointed; be it enacted, That from and after the paſſing of this Act the ſaid Commiſſioners ſhall, and they are hereby empowered to appoint and employ an Inſpector of ſuch Roads and Bridges in *Scotland* as have been made wholly or in part at the Public Expence, and ſuch other Superintendents or Overſeers of Roads and other Officers, as they ſhall ſee fit; and to pay and allow to each and every of them ſuch Sum or Sums of Money annually or otherwiſe, as the ſaid Commiſſioners ſhall think proper, in Compenſation of their Services.

What Proportion of the Expence of

IV. And be it enacted, That the Military Roads and Bridges, and alſo the Roads and Bridges made and completed purſuant to the ſaid recited

Act paſſed in the Forty-third Year of the Reign of His preſent Majeſty, ſhall be during the Continuance of this Act maintained and kept in Repair as follows; that is to ſay, a certain Proportion, being One-fourth Part of the Expence neceſſary to maintain and keep in Repair ſuch Roads and Bridges (excluſive of the Allowances to the Inſpector and other Officers, appointed by the Commiſſioners, which Allowances ſhall be wholly defrayed at the Expence of the Public), ſhall be paid and defrayed out of the Monies impreſted into the Hands of the Commiſſioners by the Barons of the Exchequer in *Scotland*, as herein-after directed; and the Remainder of the Expence of maintaining and keeping in Repair ſuch Roads and Bridges, ſhall be paid and defrayed by the County or Counties in which the ſame ſhall be ſituated, in the Manner herein-after directed.

repairing Roads and Bridges to be paid by the Public, and what by the reſpective Counties.

V. And be it enacted, That the Commiſſioners ſhall forthwith, after the paſſing of this Act, direct Eſtimates to be prepared of the Expence requiſite for the Repair of the Roads and Bridges placed under their Direction and Management by virtue of this Act; and they are hereby authorized to employ proper Perſons, or to enter into Contracts for the immediate Repair of the ſame; the Expence ariſing in conſequence of ſo doing to be defrayed in the firſt Inſtance, and by way of Advance, wholly out of the Monies to be impreſted into the Hands of the Commiſſioners by the Barons of the Exchequer.

Commiſſioners to advance Money for the immediate Repair of the Roads and Bridges.

VI. And be it enacted, That no Road or Portion of Road, made for the Purpoſe of Military Communication in *Scotland*, ſhall be maintained and kept in Repair in the Manner directed by this Act, unleſs the Heritors of the County in which it is ſituated, at ſome Annual Meeting for the Aſſeſſment of the Land Tax, or at ſome *Michaelmas* Head Court, or at ſome Special Adjournment of ſuch Meeting or Head Court, ſhall agree to make Application to that Effect to the Commiſſioners appointed by this Act; at the ſame Time undertaking to conform to the Proviſions of the ſame during the Continuance thereof; which Undertaking ſhall be obligatory upon the Heritors of ſuch County; whereupon the ſaid Commiſſioners ſhall determine whether it is expedient and proper to conſent to ſuch Application; and ſuch their Conſent (if obtained) together with the previous Application and Undertaking, ſhall be notified by the Convener of the County, in the Newſpapers uſually circulated in the Highlands of *Scotland*, after which the Road or Portion of Road, reſpecting which ſuch Application ſhall have been made, ſhall be maintained and kept in Repair under the Proviſions of this Act: Provided nevertheleſs, that if any Perſon or Perſons whatſoever, jointly or ſeverally, ſhall make Application to the Commiſſioners, ſtating that ſuch Perſon or Perſons are willing to give and will find Security to the Satisfaction of the Commiſſioners, to pay Three-fourth Parts of the Expence neceſſary for the Maintenance and Repair of any Road or Portion of Road, made for the Purpoſe of Military Communication, and to conform to the Proviſions of this Act, as far as the ſame ſhall be applicable to the Circumſtances of the Caſe, it ſhall and may be lawful for the Commiſſioners thereupon to determine whether it is expedient or proper to conſent to ſuch Application; and if the ſaid Commiſſioners ſhall conſent to ſuch Application, and ſuch Security ſhall be found to their Satisfaction, the ſaid Road or Portion of Road ſhall be maintained and kept in Repair under the Proviſions of this Act accordingly.

Manner in which Military Roads may be maintained under this Act.

VII. And

How Boating Piers and Bridges shall be kept in Repair.

VII. And be it enacted, That every Boating Pier forming Part of any Road, or the Termination of any Road made pursuant to the said recited Act, passed in the Forty-third Year of the Reign of His present Majesty, shall be maintained and kept in Repair under the Provisions of this Act: Provided nevertheless, that no such Boating Pier and no Bridge erected pursuant to the said recited Act shall be rebuilt by virtue of this Act, unless the same shall have been included in the Contract entered into for making the Road of which such Boating Pier or Bridge forms a Part: And provided also, that the Sum which may be laid out in the Repair of any Boating Pier or any Bridge, or Road of Approach thereto, which is not allowed to be rebuilt by virtue of this Act (that is, any Boating Pier or Bridge, for the Erection of which a separate Contract shall have been made by the said Commissioners appointed by the said Act passed in the Forty-third Year of the Reign of His present Majesty), shall not exceed the Sum of Twenty Pounds in any One Year, unless the Consent of the Commissioners appointed by this Act shall have been obtained for the Expenditure of a larger Sum in such Year, under the Provisions of this Act.

Provision as to Bridges situated in Two Counties.

VIII. And be it enacted, That where any Bridge directed to be maintained and kept in Repair by virtue of this Act shall be situated partly in one County and partly in another, every such Bridge shall be maintained and kept in Repair in the Manner directed by this Act, at the joint Expence of such Counties, to the Extent required by this Act; and the Assessment hereby directed to be made shall be imposed accordingly.

Line of Road not to be altered.

IX. Provided further, and be it enacted, That it shall not be lawful for the said Commissioners to alter, or cause or suffer to be altered, the Line of any Road which shall be maintained and kept in Repair by virtue of this Act, unless such Alteration shall be made according to the Rules and Regulations of the above recited Act of the Forty-third Year of the Reign of His present Majesty, for making Roads and building Bridges in the Highlands of *Scotland*.

A Sum not exceeding 5,000l. for the present Year, and 2,500l. for every subsequent Year, to be issued to the Commissioners, towards the Repair of Roads and Bridges.

X. And in order to enable the said Commissioners to defray a Proportion, being One Fourth Part of the Expence of maintaining and keeping in Repair the Roads and Bridges which are directed to be maintained and kept in Repair by virtue of this Act, until the same shall cease to be maintained at the Public Expence; be it enacted, That it shall and may be lawful for the Barons of the Exchequer in *Scotland*, and they are hereby required, upon the Application of the Commissioners appointed by this Act, from Time to Time to issue their Warrant or Warrants to the Receiver General and Paymaster of *Scotland*, for Payment out of any Public Money then in his Hands of any Sum or Sums of Money specified therein, not exceeding in the Whole the Sum of Five thousand Pounds in the present Year One thousand eight hundred and fourteen, to any Person duly authorized by the Commissioners to receive the same, for the Purposes of this Act; and any Sum not exceeding Two thousand five hundred Pounds in any One Year afterwards, to be accounted for by him in such Manner as the said Barons shall from Time to Time think fit to order and direct; such Person also giving good and sufficient Security to the Satisfaction of the said Barons, for such Monies and for any other Money which may come into his Hands in consequence of this Act.

XI. And

XI. And in order to raiſe the other Proportion, being Three Fourths of the Money ſo expended, be it enacted, That Aſſeſſments ſhall be made by the Commiſſioners of Supply in the Manner herein directed; that is to ſay, the Convener of every County Meeting at the Annual Meeting of the Commiſſioners of Supply which ſhall take place for the Aſſeſſment of the Land Tax in the Spring of every Year during the Continuance of this Act, ſhall lay before the Commiſſioners of Supply a Copy of this Act, together with an Account of the Expenditure incurred by reaſon of this Act, and chargeable to ſuch County for One Year, up to the Firſt Day of *January* preceding ſuch Meeting; ſuch Account to be certified upon Oath, and tranſmitted to the Convener by the Inſpector of Roads and Bridges in *Scotland*, or by the Agent of the Commiſſioners, at leaſt One Month previous to the Twenty-ninth Day of *April* in each Year; and the Commiſſioners of Supply ſhall thereupon make an Aſſeſſment upon each and every Proprietor, Life Renter, or proper Wadſetter of Land enjoying the *Dominium utile* thereof, according to the Amount of their reſpective Rents and Profits, as aſſeſſed to the Property Tax in the Year ending the Fifth Day of *April* laſt, under Schedule (A.), of an Act paſſed in the Forty-ſixth Year of His preſent Majeſty, intituled *An Act for granting to His Majeſty during the preſent War, and until the Sixth Day of* April *next after the Ratification of a Definitive Treaty of Peace, further additional Rates and Duties in* Great Britain, *on the Rates and Duties on Profits ariſing from Property, Profeſſions, Trades, and Offices; and for repealing an Act paſſed in the Forty-fifth Year of His preſent Majeſty, for repealing certain Parts of an Act made in the Forty-third Year of His preſent Majeſty, for granting a Contribution on the Profits ariſing from Property, Profeſſions, Trades, and Offices, and to conſolidate and render more effectual the Proviſions for collecting the ſaid Duties*, for ſuch Sum or Sums of Money as ſhall in the whole repay the Money advanced on Behalf of the Heritors of ſuch County for the Purpoſes of this Act; which Sum ſhall be paid over to the Commiſſioners or their Agent at *Edinburgh*, from Time to Time as the ſame may have been collected and levied by the Collector, in Payment of Three Fourths of the Expence of the Repair of the Roads and Bridges of the ſaid County during the preceding Year; and in order that the Commiſſioners of Supply may be enabled to make the Aſſeſſment required by this Act, the Commiſſioners for the Affairs of Taxes are hereby directed, upon the Application of the Commiſſioners of Supply, to communicate to them an Account of the Amount to which every ſuch Proprietor, Life Renter, or proper Wadſetter of Land enjoying the *Dominium utile* thereof, ſhall have been ſo aſſeſſed to the Property Tax: Provided always, that no County as ſuch ſhall be aſſeſſed for Payment of the Expences incurred under this Act in the Year One thouſand eight hundred and fourteen, nor in any ſubſequent Year, higher than the Rate of Three Halfpennies in the Pound upon the Rents and Profits aſſeſſed to the Property Tax as aforeſaid; and the Payment of the Money which ſhall be levied in conſequence of ſuch Aſſeſſment, according to the ſame Rules, and making the ſame Allowances as were made in the Collection of the Property Tax for the Year ending the Fifth of *April* One thouſand eight hundred and fourteen, ſhall accordingly be deemed and taken to be a Payment in full to the Commiſſioners or their Agent at *Edinburgh*, towards the Expences incurred in the Year One thouſand eight hundred and fourteen, or any ſubſequent Year, in Execution of this Act.

Commiſſioners of Supply ſhall aſſeſs for the Purpoſes of this Act.

46 G. 3. c. 65.

Commiſſioners of Supply may appoint Officers.

XII. And be it enacted, That it ſhall and may be lawful for the Commiſſioners of Supply of any County, at the Annual Meeting at which they aſſemble to aſſeſs the Land Tax, to appoint a fit Perſon to be a Surveyor or Surveyors, Clerk or Clerks, and ſuch Officers as they ſhall think neceſſary, for the due Execution of this Act, with ſuch Salaries or Allowances as ſuch Commiſſioners of Supply ſhall think fit; for which Proviſion ſhall be made in the Amount of each Aſſeſſment purſuant to this Act; and from Time to Time to remove ſuch Officers, or any of them, as they ſhall ſee Occaſion, and appoint others, in Caſes of Removal, Reſignation, or Death.

Application of Tolls, and Converſions for Statute Labour.

XIII. Provided further, and be it enacted, That when, by any Act or Acts of Parliament already made or to be made, any Tolls or Duties ſhall be applicable, and where any Converſions for Statute Labour ſhall be allocated or appropriated to the Repair of any Road or Bridge, made or built purſuant to the ſaid recited Act paſſed in the Forty-third Year of the Reign of His preſent Majeſty, or to any Road made for the Purpoſes of Military Communication, all Monies ariſing from ſuch Tolls and Duties, or ſuch Converſions, ſhall and may be applied in the Manner in which ſuch Monies are directed to be applied by any ſuch Act or Acts reſpectively; and ſuch Monies ſhall be imputed in Part Payment of the Proportion of the Expence of ſuch Repairs as is not to be borne by the ſaid Commiſſioners; and in making any Aſſeſſment purſuant to this Act, regard ſhall be had to all ſuch Monies which are or may be applicable to the Maintenance and Repair of any Road or Bridge for which any ſuch Aſſeſſment is to be made.

Lord Advocate to inſtitute Proceſs againſt Commiſſioners of Supply, if they fail to aſſeſs the County.

XIV. And be it enacted, That if the Commiſſioners of Supply aſſembled at any Annual Meeting at which they aſſemble to aſſeſs the Land Tax, ſhall fail or neglect to make an Aſſeſſment in the Manner directed by this Act; or if no Meeting ſhall have been holden before which the Account of the Expenditure incurred by reaſon of this Act and chargeable to ſuch County, ſhall have been laid by the Convener in the Manner directed by this Act, then the Commiſſioners appointed by this Act ſhall, and they are hereby authorized to direct His Majeſty's Advocate General for *Scotland*, to inſtitute the neceſſary Proceſs for compelling the ſaid Commiſſioners to raiſe and pay over to the Inſpector the Monies which ſhall be or ſhall become due to him under the Proviſions of this Act.

Aſſeſſment how to be levied.

XV. And be it enacted, That every Aſſeſſment made purſuant to this Act ſhall be levied and recovered by the Collector of the Land Tax of the County within which it ſhall have been made, in the ſame Manner as the Land Tax is or may be levied and recovered, and at ſuch Time or Times as ſuch Commiſſioners of Supply ſhall direct, within Six Months after the Aſſeſſment ſhall have been made; and ſuch and the like Remedies, Powers, Penalties, and Forfeitures are hereby given, for the Payment and Recovery of every ſuch Aſſeſſment, which are given or may be applied and enforced for the Payment and Recovery of the Land Tax: Provided always, that every ſuch Collector ſhall find Security for his faithful and true accounting for and paying all Monies to be received by him purſuant to this Act, in the ſame Manner that ſuch Collector does

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for his faithful and true accounting and paying all Sums of Money received by him as Collector of the Land Tax.

Penalty on Collector neglecting to levy Aſſeſſment.

XVI. And be it enacted, That if any Collector of the Land Tax ſhall fail or neglect to levy ſuch Aſſeſſment or any Part of ſuch Aſſeſſment, within Six Months as aforeſaid, every ſuch Collector ſhall be liable to pay a Sum equal to double the Amount thereof; which Sum ſhall be applicable towards the Expence of repairing Roads and Bridges under the Proviſions of this Act, and for that Purpoſe ſhall be paid into the Hands of the Commiſſioners appointed by this Act; Three Fourths of the ſame to be placed to the Credit of the Account of the County wherein ſuch Default of the Collector has taken place; One Fourth to be added to the Money impreſted into the Hands of the Commiſſioners by the Barons of the Exchequer.

Aſſeſſment when levied how to be diſpoſed of. Collector may retain Allowance for his Trouble.

XVII. And be it enacted, That all Sums of Money received by any ſuch Collector purſuant to this Act, ſhall be remitted by him to the Agent of the Commiſſioners: Provided always, that every ſuch Collector may retain for his own uſe, out of all Monies to be ſo received as aforeſaid, ſuch Allowance, not exceeding the Rate of Allowance made for levying the Aſſeſſed Taxes; and for which Allowance Proviſion ſhall be made in the Amount of each Aſſeſſment over and above the Sum due to the Commiſſioners appointed by this Act.

For making Aſſeſſments in the County of Argyll.

XVIII. And whereas it may be expedient in the County of *Argyll* to make the Aſſeſſments directed by this Act upon certain Diſtricts of that County, inſtead of aſſeſſing the County at large for the Expences to be incurred in the Execution thereof; be it enacted, That it ſhall and may be lawful for the Heritors of the ſaid County, at the *Michaelmas* Head Court which ſhall be holden next after the paſſing of this Act, to determine whether the Aſſeſſment directed by this Act ſhall be made and levied upon particular Diſtricts thereof, for the Maintenance and Repair of the Roads within ſuch ſeveral Diſtricts, or upon the County at large, in which Caſe the Aſſeſſments directed by this Act ſhall be made and levied upon ſuch Diſtricts; but if no Determination ſhall take place at ſuch Head Court, the Aſſeſſments ſhall be made and levied upon the County at large; and in either Caſe the Collector of the Land Tax of the ſaid County ſhall pay over to the Commiſſioners or their Agent at *Edinburgh*, in the Manner, and under the Penalty aforeſaid, Three Fourth Parts of the Expence of the Repair of ſuch Roads and Bridges in the ſaid County, as ſhall be maintained and kept in Repair under the Proviſions of this Act.

Aſſeſſment not to be levied in the County of Bute, except in the Iſland of Arran.

XIX. And whereas Roads and Bridges have been made and built in the Iſland of *Arran* in the County of *Bute*, purſuant to the ſaid recited Act paſſed in the Forty-third Year of the Reign of His preſent Majeſty, but no ſuch Roads or Bridges have been made or built in any other Part of the ſaid County; be it therefore enacted, That no Aſſeſſment directed to be made by this Act ſhall be made or levied in any Part of the County of *Bute*, excepting in the Iſland of *Arran*.

Monies received by virtue of Aſſeſſment to be accounted for.

XX. And be it enacted, That all Monies paid over by ſuch Collector to the Agent of the Commiſſioners appointed by this Act, by virtue of any Aſſeſſment to be made purſuant to this Act, ſhall be accounted for by ſuch

ſuch Agent in the Manner in which the ſaid Sums of Money directed to be impreſted by the Warrant of the Barons of Exchequer in *Scotland*, or any other Sums of Money which ſhall come into his Hands in conſequence of this Act, are hereby directed to be accounted for.

Commiſſioners to make Rules and Regulations.

XXI. And be it enacted, That it ſhall and may be lawful for the Commiſſioners appointed by this Act, and they are hereby empowered from Time to Time, to make ſuch Rules and Regulations, and to give ſuch Orders and Directions as they may think proper, for the more effectual Maintenance and Repair of the Roads and Bridges hereby intended to be maintained and repaired; provided that ſuch Rules and Regulations, Orders and Directions, ſhall not be inconſiſtent with the Laws of *Scotland*, or with the Proviſions of this Act, and ſhall be notified to the Perſon or Perſons required to conform to the ſame.

Commiſſioners to report annually to Parliament.

Where Expenditure out of the Impreſt Monies ſhall exceed the Sum before-mentioned, an Account to be tranſmitted to the Treaſury.

XXII. And be it enacted, That on or before the Twenty-fifth Day of *March* in every Year, a Report ſhall be made to both Houſes of Parliament, by the Commiſſioners appointed by this Act (or if Parliament ſhall not then be ſitting, within Twenty-one Days after Parliament ſhall next meet) ſpecifying their Proceedings purſuant to this Act; with a General Abſtract of the Receipts and Expenditure in carrying this Act into Execution during the preceding Year: And where the Expenditure hereby directed to be defrayed out of the Monies paid into their Hands by Warrant of the Barons of the Exchequer, ſhall exceed the Sum herein-before limited and appointed for that Purpoſe; the ſaid Commiſſioners ſhall further, at ſuch Times as they may find neceſſary, tranſmit an Account thereof to the Lords of the Treaſury, in order that the ſame may be laid before Parliament.

Inſpector may dig Gravel, &c in private Grounds.

XXIII. And be it further enacted, That it ſhall and may be lawful for the Inſpector of Roads and Bridges in *Scotland*, to empower ſuch Perſon or Perſons as he in Writing under his Hand ſhall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Stones, Sand or other Materials out of the ſeveral Grounds of any Perſon or Perſons, whether the ſame be incloſed or unincloſed (not being the Ground whereon any Houſe or Buildings ſtand, or a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any Houſe, or any Piece or Parcel of incloſed Ground, planted, ſet apart and uſed as Pleaſure Ground, Plantation or Nurſery for Trees), where ſuch Materials are or may be found, and from Time to Time to carry away the ſame, or ſo much thereof as the ſaid Inſpector or any Perſon appointed by him as aforeſaid, ſhall judge neceſſary for repairing the Roads or Bridges directed to be repaired by this Act, giving at leaſt Eight Days previous Notice in Writing, and paying ſuch Sum or Sums of Money for the Damage done to the Owners and Occupiers reſpectively of ſaid Ground, where and from whence the ſame ſhall be digged, gathered, carried away, or over which the ſame ſhall be carried, as the ſaid Inſpector or any Perſon appointed by him as aforeſaid, ſhall think reaſonable; and in caſe of any Difference concerning the ſame, between ſuch Owners or Occupiers, and the ſaid Inſpector or any Perſon appointed by him as aforeſaid, touching ſuch Damage, the ſame ſhall and may be determined by the Sheriff Depute or Subſtitute of the County, wherein ſuch Materials ſhall be ſituated, whoſe Deciſion ſhall be final, without being ſubject to Advocation, Suſpenſion,

or Reduction; but any ſuch Difference or Diſpute ſhall not in the meantime hinder the carrying off or uſing the ſaid Materials for repairing the ſaid Roads or Bridges.

Penalty on Perſons injuring or obſtructing Roads.

XXIV. And be it further enacted, That in caſe the Inſpector of Roads and Bridges, or any Perſon appointed by him, ſhall obſerve any Nuiſances or Encroachments, Obſtructions of Ditches, Drains, Gutters, and Watercourſes, or any other Annoyances, made, committed, or permitted, in or upon or to the Prejudice of any of the Roads and Bridges to be maintained and kept in Repair by virtue of this Act, he ſhall give or cauſe to be given, to any Perſon or Perſons doing, committing, or permitting the ſame, perſonal Notice, or Notice in Writing, to be left at his, her, or their uſual Place or Places of Abode, ſpecifying the Particulars wherein ſuch Nuiſances, Encroachments, Obſtructions, or Annoyances conſiſt; and if the ſame ſhall not be removed, and the Ditches, Drains, Gutters, and Watercourſes effectually cleanſed and opened, within Seven Days after ſuch Notice ſhall have been given as aforeſaid, the ſaid Inſpector or the Perſon appointed by him, is hereby authorized and empowered forthwith to remove ſuch Nuiſances, Obſtructions, and Annoyances, and to open, cleanſe, and ſcour ſuch Ditches, Drains, Gutters, and Watercourſes; and the Perſon neglecting to obſerve and obey the above-mentioned Notice ſhall repay the Inſpector, or the Perſon appointed by him, ſuch Charges as ſhall be allowed to be reaſonable by the Sheriff Depute or Subſtitute of the County, and ſhall alſo forfeit the Sum of Ten Pounds; and in Default of Payment thereof, the ſame ſhall be levied and recovered with Expences of Proceſs in a ſummary Way, before the Sheriff Depute or Subſtitute of the County wherein the Offence ſhall have been committed; which Sum ſhall be paid to the ſaid Inſpector, or the Perſon appointed by him, to be paid over to the Agent of the Commiſſioners, and to be applied by him in Diminution of the Aſſeſſment for repairing Roads and Bridges in ſuch County in the next Year; and in every ſuch Caſe the Order or Sentence of the Sheriff ſhall be final and concluſive, without being ſubject to Advocation, Suſpenſion, or Reduction.

Penalty on Perſons driving againſt Parapets, &c.

XXV. And whereas Drivers of Carts and Carriages wilfully or wantonly, or through culpable Negligence, may drive againſt or ſuffer ſuch Carts and Carriages to ſtrike againſt the retaining Walls and Parapet Walls of the Roads or Bridges which are to be maintained and kept in Repair by the Proviſions of this Act, or to paſs over or ſtrike againſt Banks or Cauſeways appertaining to ſuch Roads; be it enacted, That every Perſon guilty of any ſuch Offence ſhall, upon Complaint thereof before the Sheriff Depute or Subſtitute of the County where the Offender ſhall be or reſide, by the Oath of any one credible Witneſs, or upon View of the Sheriff himſelf, forfeit for every of the ſaid Offences any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, to any Perſon who ſhall make ſuch Complaint as aforeſaid; and in default of Payment thereof ſhall be committed to Priſon for any Time not exceeding One Month, nor leſs than One Week, at the Diſcretion of ſuch Sheriff, unleſs the ſame be ſooner paid; and in every ſuch Caſe the Order or Sentence of the Sheriff ſhall be final and concluſive, without being ſubject to Advocation, Suſpenſion, or Reduction.

Continuance of Act.

XXVI. And be it further enacted, That this Act ſhall commence and take place from and after the paſſing thereof, and ſhall have Continuance from thenceforward, to the End of the Year One thouſand eight hundred and twenty-one, in ſo far as concerns the Repair of Roads and Bridges; and further, for the raiſing, levying, and recovering of any Monies due to the Commiſſioners, until ſuch Money ſhall have been duly paid into the Hands of them, or of their Agent, duly authorized to receive the ſame.

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