

ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

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Act; by means of which many useful Roads and Bridges have been made and completed, under several Contracts and Agreements entered into according to the Provisions and Regulations of the said Act: And whereas another Act was passed in the Fifty-fourth Year of the
54G.3.c.104. Reign of His present Majesty, intituled *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*
55G.3.c.121. *for Highland Roads and Bridges:* And whereas another Act was passed in the Fifty-fifth Year of the Reign of His present Majesty, to amend and explain the said last-recited Act, which Two Acts require to be amended; and it is expedient that the Provisions thereof should be consolidated in one Act: 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 from and after the passing of this Act, the said Two recited Acts, passed in the Fifty-fourth and Fifty-fifth Years of the Reign of His present Majesty, shall be and the same are hereby repealed, and this Act shall be in force and be executed in lieu thereof.

Two last recited Acts repealed.

Appointment of Commissioners for this Act, and 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, 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 Revenues 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 the 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 before-mentioned 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, or in Remuneration of any Expences incurred by them, or any of them, in Execution of this Act.

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, and also that Part of the Great North Road extending from the Confines of *Inverness-shire* to the Town of *Dingwall*, and also a Road turning off from the Great North Road at the *Novar* Deer Park, and extending to the Town of *Tain*, shall be 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: Provided always, that no Bridge erected pursuant to the said recited Act, and accidentally destroyed, shall be again erected or 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 Bridge forms a Part; or unless the same shall be again erected or rebuilt with the Consent of the said Commissioners, and also of the Heritors of the County or Counties in which such Bridge may be situated; such Consent to be given 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.

What Proportion of the Expence of repairing Roads and Bridges to be paid by the Public, and what by the respective Counties.

V. And be it further 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, and the Assessment herein-after directed to be made shall be imposed accordingly; unless any such Bridge shall have been built at the Expence of the Public, and of one of such Counties exclusively, in which Case that County only shall be chargeable and charged with a Proportion of the Expence of maintaining such Bridge in Repair according to the Provisions of this Act.

Regulations for the Repair of Bridges situated in Two Counties.

VI. And be it enacted, That the Commissioners shall annually, or oftener if need be, 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 (under Contract or otherwise) for the 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.

VII. And be it enacted, That no Road or Portion of Road made for the Purpose of Military Communication in *Scotland*, shall be maintained

Manner in which Military Roads may be

placed under the Provisions of this Act.

tained and kept in Repair in the Manner directed by this Act, nor shall the Road from the *Novar* Deer Park to *Tain* be maintained and kept in Repair in the Manner directed by this Act, unless the Heritors of the County in which any such Road or Portion of Road 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 have already made Application to that Effect to the Commissioners appointed by and under the herein-before recited Acts, or shall hereafter make such Application to the Commissioners appointed by and under this Act, at the same Time undertaking to conform to the Provisions of the same, 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 (or of the Road herein-before mentioned, extending from the *Novar* Deer Park to *Tain*), 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, such Road or Portion of Road shall be maintained and kept in Repair under the Provisions of this Act accordingly.

A Sum of Money to be paid annually by the Barons of the Exchequer for the Purposes of this Act.

VIII. And in order to enable the 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; 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 nineteen, to any Person duly authorized by the Commissioners to receive the same, for the Purposes of this Act; and a like Sum of Five thousand Pounds in every subsequent Year, 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.

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

IX. 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, 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 Thirty Days previous to the Twenty-ninth Day of *April* in each Year; and the Commissioners of Supply for the County of *Inverness* 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* One thousand eight hundred and fourteen, 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 the Commissioners of Supply for the other Counties, wherein are situate any of the before-mentioned Roads or Bridges, shall order and direct such Sum of Money as shall in the whole repay the Money advanced on behalf of the Heritors of the respective Counties, to be raised and levied and paid in the same Manner as during the last Two Years; and in case any other County shall be or shall hereafter become liable to repay any Sum of Money so advanced, it shall and may be lawful for the Commissioners of Supply of such County, at any Meeting which shall be held in any such County for this special Purpose, to order and direct the Way and Manner in which such Assessment shall and may be made and levied in such County, in each and every Year thereafter, either separately or along with any other Assessment in such County; and a Copy of the Order thereupon to be made, signed by

in what Manner in Inverness:

46 G. 3. c. 65.

in what Manner elsewhere.

the Preses of such Meeting, shall be forthwith transmitted to the Clerk of the Commissioners of Supply of such County, and the same shall be laid by the Clerk of Supply before the First Meeting of the Commissioners of Supply which shall be held thereafter; and from and after the Receipt of such Order, the Commissioners of Supply of such County are hereby directed to proceed accordingly.

Until other Order, Assessment to be made as in Invernesshire.

X. Provided always, and be it enacted, That unless and until such Order shall have been made and transmitted as herein directed, the Commissioners of Supply shall make the Assessment in the Manner directed by this Act in regard to the County of *Inverness:* Provided always, that towards paying Three-fourths of any Money advanced for the Repair of Roads and Bridges no County as such shall be assessed for a larger Sum than would be raised by a Rate of One Penny in the Pound upon the Rents and Profits assessed to the Property Tax as aforesaid; but that over and above such Rate of One Penny in the Pound, the County shall be assessed so as to raise One Half (instead of Three Fourths) of any further Sum of Money advanced for the Repair of Roads and Bridges: Provided always, 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 Isle of *Arran*.

Limitation of Assessment.

Burghs shall be assessed with the County.

XI. And be it enacted, That every Royal Burgh and Burgh of Regality shall be assessed with the County in which it is situated, for the Purposes of this Act; and that in making Assessments, regard shall be had to an Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled *An Act for assessing the Proprietors of Lands in the County of* Ross, *and such Parts of the Counties of* Cromarty *and* Nairn *as lie in the said County of* Ross, *towards the Expence of making and supporting such Roads and Bridges therein as shall be approved of by the Commissioners appointed by an Act passed in the Forty-third Year of His present Majesty, for making Roads and building Bridges in the Highlands of* Scotland; also to an Act passed in the Forty-fourth Year of the Reign of His present Majesty, intituled *An Act for assessing the Proprietors of Lands in the County of* Inverness *towards the Expence of making and supporting such Roads and Bridges therein as shall be approved of by the Commissioners appointed by an Act of the last Session of Parliament for making Roads and building Bridges in the Highlands of* Scotland; and also to an Act passed in the Forty-eighth Year of the Reign of His present Majesty, intituled *An Act for continuing, altering, and enlarging the Powers of so much of an Act of His present Majesty, as relates to making effectual the Statute Labour in the Shire of* Inverness, *and levying a Contribution of Money in lieu thereof, and otherwise regulating, making, and repairing Highways and Bridges in the said Shire;* and all Parishes and Parts of Parishes and Places and Lands and Estates mentioned in the said Three last-mentioned Acts, shall be assessed for the Purposes of this Act, in the same Manner that such Parishes, Parts of Parishes, Places, Lands and Estates are directed to be assessed for the Purposes of the said Three last-mentioned recited Acts.

45 G. 3. c. xl.

44 G. 3. c. lxxv.

48 G. 3. c. cv.

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 Surveyor, Clerk or Clerks, and such other Officers as they shall think necessary for the due Execution of this Act, with such Salaries or Allowances payable out of the County Assessment, as such Commissioners of Supply shall think fit; 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. Commissioners of Supply may appoint Officers.

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 have been 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 as are or may be applicable to the Maintenance and Repair of any Road or Bridge for which any such Assessment is made. Application of certain Tolls, and Conversions for Statute Labour.

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*, or to employ any other Person to institute the necessary Process for compelling the said Commissioners of Supply to raise and pay over to the said Commissioners appointed by this Act, the Monies which shall be or become due to them under the Provisions of this Act. Lord Advocate to institute Process against Commissioners of Supply, if they fail to assess the County.

XV. And be it enacted, That every Assessment made pursuant to this Act shall be levied and recovered by the Collectors 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 Asessment, as are given or may be applied and enforced for the Payment and Recovery of the Land Tax: Provided always, that every such Collector shall give Security for his faithful and true accounting for and paying all Monies to be received by him pursuant to this Act, in the Assessment how to be levied.

the same Manner that such Collector gives Security for his faithful and true accounting for 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.

Collector may retain Allowance for his Trouble, but liable to Penalty if he do not pay over what is due to the Commissioners.

XVII. And be it further 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, from Time to Time, as the same may have been collected and levied: 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; and if any such Collector of the Land Tax shall fail to remit to the Agent of the said Commissioners at *Edinburgh*, on or before the First Day of *December* in every Year, the total Sum due to the said Commissioners by virtue of this Act, such Collector shall become personally liable to pay, and shall pay to the said Commissioners a Penalty, at the Rate of Twenty Shillings for every Hundred Pounds of the said Assessment remaining unpaid or unremitted to the said Agent for every Day after the said First Day of *December*, the Payment of which Penalty shall and may be enforced by His Majesty's Advocate General for *Scotland*; and the Amount of any such Penalty or Penalties shall be accounted for by the Agent of the said Commissioners, in the Manner in which all the other Sums of Money which shall come into his Hands in consequence of this Act, are hereby directed to be accounted for.

Monies received by virtue of Assessment to be accounted for.

XVIII. And be it further 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 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.

XIX. 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;

XX. 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), of their Proceedings, pursuant to this Act, with a general Abstract of their Receipts and Expenditure in carrying this Act into Execution during the preceding Year; and whenever 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 Commissioners of His Majesty's Treasury, in order that the same may be laid before Parliament: And whereas by several Acts of Parliament the said Commissioners are and remain charged with the Execution of several Public Works in *Scotland*, other than the making of Roads and building of Bridges, under the Act of the Forty-third Year of the Reign of His present Majesty, it shall and may be lawful for them to include in such Report, a Report of their Proceedings under any such other Act of Parliament, with the Execution of which they are or shall be charged.

and may include in their Report, Proceedings under other Acts of Parliament.

Inspector of Roads may dig Gravel, &c. in private Grounds;

XXI. And be it further enacted, That it shall and may be lawful for the Inspector of Roads and Bridges (to be appointed by virtue of this Act), 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 set apart and used as a 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; and in case the said Materials shall be taken from or carried through any Arable Land, the said Inspector, or the Person appointed by him as aforesaid, shall give at least Eight Days previous Notice in Writing to the Owners or Occupiers respectively of the said Ground, where and from whence the same shall be digged, gathered, carried away, or over which the same shall be carried: Provided that it shall and may be lawful for such Owners and Occupiers to claim Payment for any such Damage out of the Road Assessment of the County wherein such Materials shall be situated, for the whole Amount of such Damage; and in case of any Difference of Opinion between such Owners or Occupiers and the Heritors of

which shall be paid for by the County.

such County, touching the Value or Amount of 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 of Opinion shall not in the meantime hinder the carrying off or using the said Materials for repairing the said Roads or Bridges.

Pasturage for Horses employed in Road Repair.

XXII. And be it further enacted, That it shall and may be lawful for the Inspector of Roads, or any Person authorized and appointed by him, to apply to any Proprietor or Occupier of any Farm or Parcel of Land, for Pasture or Grass sufficient for the Subsistence of such Number of Horses as may be employed in repairing the Roads and Bridges kept in repair by virtue of this Act; and the Person or Persons employed in the Repair of such Roads, or any of them, shall thereupon and he is hereby authorized to allow his Horses to depasture and feed on any open grazing Ground, giving at least Four Days previous Notice, either verbally or in Writing, or leaving the same at the Dwelling House of the Proprietor or Occupier of such Grounds, or at the House of the Ground Officer, in presence of any credible Witness, and paying such Sum or Sums of Money for the Use of such Pasture as may be deemed a fair Remuneration; but in case of any Difference of Opinion between the Parties as to the Value of such Grazing or Pasture, the same shall be determined and adjusted by the Sheriff Depute or Sheriff Substitute of the County wherein the said Pasture Ground shall be situated.

Penalty on Persons injuring or obstructing Roads.

XXIII. 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, Obstruction of Ditches, Drains, Gutters or Watercourses, or any other Annoyances whatsoever, made, committed, or permitted in or upon or to the Prejudice of any of the Roads or Bridges maintained and kept in repair by virtue of this Act; or shall observe any Timber, Stone, Lime, Peat, Dung, Soil, Compost, or Ashes, deposited or remaining thereon; or if any Person shall remove or carry away any Earth, Sand, Gravel, or Stones, forming Part of any such Roads; or shall turn or dam any Water thereon; or if any Proprietor or Occupier shall neglect to cleanse or scour any Ditches or Watercourses affecting the said Roads, the Inspector 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 to the Inspector, or to the Person appointed by him, such Charges as shall be adjudged to be reasonable by the Sheriff Depute

or Substitute, or any Justice of the Peace 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, or any Justice of the Peace 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 such Sheriff or Justice of the Peace shall be final and conclusive, without being subject to Advocation, Suspension, or Reduction.

Cattle not to be allowed to run loose on the Roads.

XXIV. And be it enacted, That if any Horse, Mule, Ass, Cattle, Pigs or Swine, shall be permitted to run loose on any of the said Roads, it shall be deemed a Nuisance or Obstruction committed by the Owner thereof, who shall be liable to Penalty accordingly.

Roads injured by Carriage of Stone and Timber, how to be repaired.

XXV. And be it further enacted, That in case any Proprietor of a Stone Quarry, or of Timber, or other Person or Persons, shall carry or cause to be carried any large Quantity of Stone or of Timber, along any Road or Portion of Road hereafter kept in Repair by virtue of this Act, so as to cut, destroy, or manifestly injure the said Road, such Proprietor or other Person shall pay to the Inspector of Roads, or any Person appointed by him, such Sum or Sums of Money at the Expiration of every Three Months, as shall by any Person, mutually chosen, be deemed sufficient to repair the Damage of the Road thereby occasioned, and the same shall be forthwith applied in repairing the Road; and in case such Proprietor or other Person injuring the Road as aforesaid, shall refuse to settle by such Arbitration, or otherwise, the Amount of the Sum payable by him or them, after Seven Days Notice given, the Sum shall be ascertained, and the Payment thereof enforced in a summary Way, by Process before the Sheriff Depute or Sheriff Substitute, together with Costs of Process.

Penalty for not making Head Ridges, and for hauling Materials along the Road.

XXVI. And be it further enacted, That if any Person shall plough any Field contiguous to any Road kept in Repair by virtue of this Act, without making a Head Ridge along the Side of the Road, of the Breadth of Ten Feet at the least; or shall draw or haul any Tree, Log, or Timber, or Stone along any Part of such Road, otherwise than on a Wheel Carriage, such Person shall forfeit and pay for every such Offence the Sum of Twenty Shillings, to be recovered by the same Process as any Penalty for otherwise injuring or obstructing any Road repaired by virtue of this Act.

In what Cases Trees, Bushes or Underwood are to be removed from the Sides of the Roads.

XXVII. And whereas the Roads hereafter to be maintained by virtue of this Act, are liable to be overshaded and precluded from the full Effect of the Sun and Air by Trees, Bushes, or Underwood; be it enacted, That all Branches of Trees, Bushes, or Underwood, growing within Twenty Feet of the Middle of any such Roads, shall be cut down and removed by the Proprietor at his own Expence; and if after Thirty Days Notice in Writing, left at his Dwelling-house, he shall

shall not have so cut down and removed such Branches of Trees, Bushes, or Underwood, it shall and may be lawful for the Inspector of Roads, or any Person authorized by him, to cut down and remove the same, and such Inspector shall be entitled to recover the Expence of so doing from the Proprietor who shall have refused or neglected so to do.

Regulations in planting Trees.

XXVIII. And be it further enacted, That no Proprietor or other Person whatever shall hereafter be permitted to plant any Tree or Trees within Twenty Feet of the North, or North-west, or South-west, or West Side of the Middle of any such Road, nor within Twenty Yards of the South, or South-east, or North-east, or East Side of the same; and in case any Tree or Trees shall be so planted, it shall and may be lawful for the Inspector of Roads to remove any such Tree or Trees, and either to destroy the same or to apply the same as Materials for the Repair of any Road or Bridge maintained by virtue of this Act.

Regulation as to Buildings;

XXIX. And be it further enacted, That no Person shall henceforth be permitted to erect any House, Hut, or other Building, exceeding Five Feet in Height, within Twenty Feet of the Middle of any of the Roads repaired by this Act; and in case any Building exceeding Five Feet in Height shall be so erected, it shall and may be lawful for the Inspector of Roads to order the same to be pulled down, and the Materials thereof to be applied to the Repair of the adjacent Road.

and to prevent Injury to the Side Drains of the Road.

XXX. And whereas the Side Drains of the Roads maintained by virtue of this Act are liable to be injured by the Inhabitants of Houses erected on the Side of such Roads; be it enacted, That the Path or Road of Approach or Access to any such House, shall be made to pass over the Side Drain without Injury thereof, by Means of a sufficient Stone Covering or Arch over such Drain; and every Proprietor or Occupier of any House so situated, and not provided with such Stone Covering or Arch, shall be deemed to create an Obstruction in the Side Drain, and shall be liable in Manner aforesaid: Provided always, that no Second Penalty shall be incurred, until One Month shall have elapsed from and after any former Conviction for the same Offence.

Regulation of Gates.

XXXI. And whereas it is necessary, for the better Occupation of the Lands intersected by the Roads which are to be kept in Repair according to the Provisions of this Act, that Gates should be permitted to be erected on such Roads, under certain Rules and Regulations; be it therefore enacted, That such Gates shall be wide enough to afford a clear Passage or Roadway of Eight Feet at the least, and shall be framed with Head and Heel Posts and Cross Bars, properly and firmly fastened together, either by Nails or Mortises, and hung by sufficient Iron Hooks and Hinges to substantial Gate Posts of Wood or to Pillars of Stone, or of Masonry, so that the Gate shall at all Times swing clear of the Road, and that such Gates and Gate Posts shall be kept and maintained in good and sufficient Repair, as also the Road, with its Cross Drain and Side Drain, within One Fall (or Six Yards and Six Inches) of each Side of every such Gate, at the Ex-

pence of the Proprietor or Occupier by whom such Gate shall have been erected; and in case such Gate and Road shall not be so kept in Repair, the said Proprietor or Occupier shall be deemed wilfully to cause an Obstruction in the Road, and shall be liable to the Penalties herein-before imposed in that Case.

Improper Gates to be removed.

XXXII. And be it further enacted, That where Gates other than such as are above described, shall have been erected, or shall hereafter be erected, it shall be competent to the Inspector of Roads and Bridges to remove and destroy the same, in case the same shall not have been removed within Seven Days after personal Notice, or Notice in Writing left at the Habitation or Abode of the Person by whom or by whose Direction such Gates shall have been erected; and in case such Person shall not remove such Gate within such Seven Days, he shall be liable to pay, and shall pay to the Inspector of Roads and Bridges, such reasonable Charges of removing and destroying the same as shall be allowed and determined by the Sheriff Depute or Sheriff Substitute of the County in which such Gate is or has been situated; and if the said Inspector of Roads and Bridges shall not be able to ascertain by whom or by whose Direction any insufficient Gate shall have been erected, in such Case Notice immediately after Divine Service on Two sucessive *Sundays*, published at the Door of the Church of the Parish wherein such Gate has been erected, shall be held and be deemed to be sufficient Notice to authorize the said Inspector to remove and destroy such Gate after Seven Days shall have intervened from the last of such Two public Notices as aforesaid.

Penalty on Persons driving against Parapets, &c.

XXXIII. 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 of these Offences, shall, upon Complaint thereof before the Sheriff Depute or Substitute, or any Justice of the Peace of the County where the Offender shall be or reside, by the Oath of any One credible Witness, or upon view of any such Magistrate, forfeit for every of the said Offences any Sum not exceeding Forty Shillings; and in default of Payment thereof shall be committed to Prison for any Term not exceeding One Month, at the Discretion of such Magistrate, unless the same be sooner paid; and in every such Case the Order or Sentence of such Magistrate shall be final and conclusive, without being subject to Advocation, Suspension, or Reduction; and if any Driver of a Cart passing along any of the said Roads shall sit on his Cart, and allow his Horse or Horses to proceed without his holding a double Rein for guiding such Horse or Horses, or if the Driver of any Carriage, Cart, Car, or loaded Horse, shall not drive to the Left Hand Side of the Road when meeting any other Carriage, Cart, Car, or loaded Horse upon the said Road; or shall not lead his Horse or Horses when requisite so to do, such Driver shall, upon Complaint and Proof of the Offence as aforesaid, forfeit and pay the Sum of Five Shillings for every such Offence; and in Default

or not guiding their Horses;

or not keeping on the proper Side of the Road.

Default of Payment thereof shall be committed to Prison for any Term not exceeding Three Days.

Name of Owner to be marked on Cart.

XXXIV. And for the better Detection of Drivers hereby made liable to Penalty or Imprisonment, be it enacted, That every Person possessing a Cart or other Carriage, for the Conveyance of Goods of any Description upon any Roads repaired by virtue of this Act, shall and he is hereby required to mark his Name and Place of Abode on some conspicuous Part of such Cart or Carriage, under Penalty of Twenty Shillings; and it shall be lawful for the Magistrate before whom the Complaint of Omission herein shall be made, to detain such Cart or Carriage until the said Penalty shall have been paid; which Penalty as well as all other Penalties imposed by this Act (not otherwise specially appropriated), shall be paid to and received by the Magistrate before whom Conviction of the Offence shall have taken place, to be by him paid over to the Fund for the Relief of the Poor of the Parish in which the Offence so punishable shall have been committed.

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