ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 40.

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 th rein 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*.

[5th *June* 1805.]

WHEREAS by an Act, paſſed in the Forty-third Year of His preſent Majeſty's Reign, 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; it is among other Things enacted, That the Lords Commiſſioners of His Majeſty's Treaſury for the Time being ſhould order and direct ſome proper Perſon to make a Survey or Surveys of the Roads and Bridges which it ſhould be deemed moſt adviſable to make and erect in the Highlands of *Scotland*; which Perſon ſhould report upon Oath his Opinion thereupon, together with an Eſtimate of the Expence of the making and erecting reſpectively each of ſuch Roads and Bridges, to the Lords Commiſſioners of His Majeſty's Treaſury, who ſhould thereupon refer ſuch Survey, Opinion, and Eſtimates, to the Commiſſioners therein named and appointed, which ſaid Commiſſioners ſhould then conſider and determine which of the ſaid Roads

Act 43 G. 3, c. 80.

Roads and Bridges ſo ſurveyed and reported upon and eſtimated ſhould be made and erected in the Manner therein directed, and ſhould cauſe a Liſt and Deſcription thereof, referring to ſuch Survey, to be publiſhed in the *London* and *Edinburgh Gazettes*, and ſuch Liſt and Deſcription ſhould alſo be ſent to the next General Quarter Seſſions of the Peace for every and each County through which the ſaid Roads, or any of them, are intended to paſs, or in which the ſaid Bridges, or any of them, are intended to be erected: And whereas it is by the ſaid Act further enacted, That ſo ſoon as a Sum equal to One Half of the Expence ſo eſtimated of any ſuch Road, or any ſuch Bridge, ſhould be paid, or ſecured to be paid, to the Satisfaction of the Commiſſioners thereby appointed, and alſo Security given to the Satisfaction of the ſaid Commiſſioners, that ſuch Perſon or Perſons would further bear and defray all ſuch further Sum or Sums of Money beyond ſuch eſtimated Expence as ſhould be neceſſary to make and complete ſuch Road or Bridge, the ſaid Commiſſioners ſhould direct an Account to be opened in the Books of the ſaid Commiſſioners for ſuch Road or Bridge, and ſhould place to ſuch Account a Sum equal to One-Half of the ſaid eſtimated Expence; and it ſhould be lawful for any Perſon or Perſons contributing to the Expence of ſuch Road or Bridge to pay the Money ſo contributed to the Governor and Company of the Bank of *Scotland*, upon an Account to be opened in the Name of the ſaid Commiſſioners for ſuch Road or Bridge: And whereas it is by the ſaid Act further enacted, That One Half of the Expence of ſuch Road or Bridge, being ſo paid or ſecured to be paid to the Satisfaction of the ſaid Commiſſioners, and a Sum equal thereto transferred in the Accounts of the ſaid Commiſſioners, to the Account of ſuch Road or Bridge, ſuch Road ſhould be forthwith directed to be made, and ſuch Bridge to be erected, agreeably to the Plan and Survey therein directed to be made, or ſuch other Plan as might, upon ſubſequent Conſideration, be approved by the ſaid Commiſſioners, ſo that the Execution thereof ſhould not exceed the ſaid eſtimated Expence: And whereas, in order to inſure the making and erecting the Roads and Bridges which it ſhall appear to the Commiſſioners appointed by the ſaid recited Act adviſable to make and erect in the County of *Roſs*, it is expedient to empower the Commiſſioners of Supply of the ſaid County of *Roſs* to aſſeſs themſelves and every Proprietor of Land in the ſaid County, and in certain Pariſhes in the Counties of *Cromarty* and *Nairn*, locally ſituated in the ſaid County of *Roſs*, rateably and proportionably, according to their reſpective valued Rents, in ſuch Sum or Sums of Money as may be neceſſary for the making and erecting ſuch Roads and Bridges in the ſaid County, in Addition to One Half of the eſtimated Expence thereof, which the ſaid Commiſſioners are by the ſaid recited Act authorized to defray in the Manner therein mentioned: 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, as often as the ſaid Commiſſioners appointed by the ſaid recited Act ſhall determine that any Road or Roads, Bridge or Bridges, ſhall be made or erected in the ſaid County of *Roſs*, ſuch Commiſſioners ſhall tranſmit, or cauſe to be tranſmitted, a Copy of their Reſolution to that Effect, with a Copy of the Survey, Report, and Eſtimate, upon which ſuch Reſolution has proceeded, to the Convener of the Commiſſioners of Supply, or in his Abſence

Copy of Reſolution, Survey, Report, and Eſtimate of Roads or Bridges to be made purſuant to 43 G. 3. c. 80. to be ſent to the Convener or Sheriff of the

Abſence to the Sheriff Depute or Subſtitute, of the ſaid County of *Roſs*, who is thereupon required and directed to ſummon a General Meeting of the Heritors of the ſaid County, to be held at *Tain* or *Dingwall*, within Two Calendar Months after ſuch Reſolution, Survey, Report, and Eſtimate, ſhall have been received by him, for the Purpoſe of taking the ſame into Conſideration, and for the Purpoſe of executing or giving Directions for executing the Powers and Authorities committed by this Act to the Heritors of the ſaid County.

County, and by him laid before a General Meeting of Heritors to be called for the Purpoſe of conſidering and giving Directions for executing the ſame.

II. Provided always, and be it enacted, That the ſaid Convener, or in his Abſence the Sheriff Depute or Subſtitute, of the ſaid County, ſhall cauſe public Notice of ſuch Reſolutions, Surveys, Reports, and Eſtimates, which are ſo to be laid before ſuch General Meetings, to be inſerted Three ſeveral Times in ſome Three Newſpapers publiſhed in *London*, and in the *Edinburgh Evening Courant*, *Caledonian Mercury*, and *Edinburgh Advertiſer*, at leaſt Twenty Days previous to ſuch General Meetings.

Intimation to be given by the Convener previous to ſuch General Meetings.

III. And be it further enacted, That the Heritors of the ſaid County ſo met and aſſembled, ſhall take every ſuch Reſolution, Survey, Report, and Eſtimate into Conſideration; and it ſhall be lawful for them, or a Majority of them, in the actual Poſſeſſion of the *Dominium utile* of Lands ſituated in the ſaid County valued in the Ceſs Book or Valuation Roll of the ſaid County at One hundred Pounds *Scots* of valued Rent or upwards, or the Commiſſioners or Factors of ſuch Heritors having ſpecial or general Powers to act for them, preſent at ſuch Meeting, in Caſe they ſhall approve of the Road or Bridge propoſed to be made or built by any ſuch Reſolution, Survey, Report, and Eſtimate, to bind and oblige the whole Heritors of the County, and their Heirs and Aſſigns, for the Payment out of the Aſſeſſments to be made in virtue of this Act, of One Half of the eſtimated Expence of every ſuch Road or Bridge, and at the ſame Time to require the Commiſſioners of Supply of the ſaid County to make an Aſſeſſment therefor, upon each and every Proprietor of Land, enjoying the *Dominium utile* thereof in the ſaid County, rateably and proportionably according to the Amount of their ſeveral valued Rents, to be levied and collected by Inſtalments in Manner herein directed.

Heritors, if they approve of Road or Bridge propoſed, may bind themſelves for One Half of the eſtimated Expence, and at ſame Time require Commiſſioners of Supply to make an Aſſeſſment for Payment thereof.

IV. Provided always, That if the Heritors of the ſaid County, ſo met and aſſembled, cannot come to a Determination at one Meeting, it ſhall be lawful for them to adjourn the ſame from Time to Time, as may be deemed expedient, and the Conſideration of any ſuch Reſolution, Survey, Report, and Eſtimate, being reſumed at any ſuch adjourned Meeting or Meetings, the lateſt of which ſhall not be more than Thirty Days from the Date of the General Meeting, it ſhall be lawful for the Members of ſuch Meeting then preſent, or a Majority of them, to require an Aſſeſſment to be made in the Manner herein directed.

Heritors may adjourn.

V. Provided alſo, and be it enacted, That it ſhall be lawful for the ſaid Heritors, at ſuch General or Adjourned Meetings, to direct ſuch Aſſeſſment to be applied in ſuch Proportions for each Road and Bridge, for which the Survey, Report, and Eſtimate, with the Reſolution of the Commiſſioners appointed by the ſaid recited Act thereupon, ſhall have been

Aſſeſſment to be made in ſuch Proportions for Roads and Bridges as to the Heritors ſhall ſeem proper.

been transmitted to the County Convener as aforesaid, in such Manner as they shall think proper.

Assessment to be levied by Instalments, and not to exceed a certain Amount.

VI. Provided also, and be it enacted, That every such Assessment shall be levied by Instalments, from Time to Time, until a Sum, equal to the Expence of every such Road or Bridge, to be borne by the said County, shall be raised or paid, and that the Amount of the Assessment for that Purpose, to be levied in any One Year, shall not be less than Three-pence Sterling, and shall not exceed Four-pence Sterling in the Pound *Scots* of valued Rent of the said County.

Heritors prevented from attending may appoint Persons to attend for them.

VII. And be it further enacted, That it shall and may be lawful for every Heritor of the said County, who shall be prevented by Absence or Indisposition from giving his or her personal Attendance at any such Meeting, to authorize and appoint, by any Writing under his or her Hand, some fit Person to attend for such Heritor; and every Person so authorized and appointed, or the authorized Commissioner or Factor of any such Heritor, shall be and is hereby empowered to act and vote for the Heritor for whom such Person is Commissioner or Factor, or is so authorized and appointed to attend, and act and vote in the same Manner as if such Heritor could have personally attended; and in all Cases where there shall be an Equality of Votes at any such Meeting, the Preses, besides his own Vote as a Member of the Meeting, shall have a casting Vote; and every Person so authorized and appointed shall be deemed an Heritor, for all the Purposes of executing this Act, in the Absence of his Constituent.

Committee to be appointed to report Proceedings under this Act.

VIII. Provided always, and be it enacted, That at the Annual General Meeting of the said County of *Ross* for assessing the Land Tax, and also at the *Michaelmas* Head Court held in every Year, a Committee of the Proprietors of Land of the said County of *Ross* shall be specially appointed for the Purpose of reporting, and such Committee shall accordingly report to the next of each of such Annual General Meeting, or Head Court, which shall be held after the Appointment of such Committee, all the Proceedings that shall have taken place pursuant to this Act, for the Half Year preceding the Appointment of such Committee; and Copies of all such Reports shall be from Time to Time transmitted by the Clerks of the said Annual General Meeting and Head Court, within Thirty Days after the same shall be respectively holden, to the Commissioners appointed by the said recited Act, passed in the Forty-third Year of the Reign of His present Majesty.

Resolutions of Heritors to be transmitted to the Convener, and Commissioners of Supply shall make Assessment pursuant thereto.

IX. And be it enacted, That a Copy of the Resolution of every such Meeting requiring an Assessment to be made for the Purposes of this Act, shall forthwith be transmitted by the Preses of the Meeting, at which the same shall have been made, to the Convener of the Commissioners of Supply of the said County of *Ross*, and thereupon the Commissioners of Supply of the said County shall be summoned to meet and assemble, and shall meet and assemble, in such Manner as the Commissioners of Supply of the said County are summoned to meet and do meet; and the Commissioners of Supply being so met and assembled, they shall make an Assessment upon each and every Proprietor of Land, enjoying

enjoying the *Dominium utile* thereof in the ſaid County to the Amount of the Sum ſpecified in ſuch Reſolution to be levied, in Conformity to the Terms therein ſpecified: Provided always, that the Collector of the Rents anciently paid to the Biſhop of *Roſs*, and ſtill levied in this County, ſhall be liable in the ſaid Aſſeſſment, in the ſame Manner with the ſaid Heritors, according to the Sum for which the Biſhop of *Roſs* ſtands rated in the Ceſs Books of the ſaid County.

Certain Pariſhes partly valued in the Counties of Cromarty and Nairn to be aſſeſſed as it valued in the County of Roſs.

X. And whereas certain Parts of the Pariſhes of *Lochbroom*, *Kincardine*, *Tarbat*, *Fearn*, *Tain*, *Kilmuir*, *Eaſter Logie*, *Fodderty*, *Roſemarkie*, and *Cullicudden*, though locally ſituated within the County of *Roſs*, do make Part of the County of *Cromarty*, and ſtand valued in the Ceſs Books of the ſaid laſt mentioned County, and other Parts of the ſaid Pariſhes make Part of the County of *Roſs*, and are valued in the Ceſs Books thereof, and thoſe Parts of ſuch Pariſhes which are valued in the ſaid County of *Cromarty* will reap a ſimilar Benefit from ſuch Roads and Bridges to be made and erected in the ſaid County of *Roſs*, purſuant to this Act, with thoſe Parts of the ſaid Pariſhes which are valued in the Ceſs Books thereof: And whereas the Eſtate of *Ferrintoſh*, belonging to *Duncan Forbes* of *Culloden* Eſquire, which forms a Part of the Pariſh of *Urquhart*, and is alſo locally ſituated in the ſaid County of *Roſs*, though valued in the Ceſs Books of the County of *Nairn*, will in like Manner reap a ſimilar Benefit from any Roads and Bridges which may be made and erected in the ſaid County of *Roſs*, with the remaining Parts of the ſaid Pariſh of *Urquhart*, which are ſituated in the ſaid County of *Roſs*: Be it enacted, That it ſhall be lawful for the Heritors of the ſaid County of *Roſs*, and they are hereby empowered at the ſame Time that they require the Commiſſioners of Supply of the ſaid County of *Roſs* to make an Aſſeſſment upon the Heritors thereof, in the Manner directed by this Act, to direct the Commiſſioners of Supply of the ſaid County of *Roſs*, and ſuch Commiſſioners are hereby empowered to make an Aſſeſſment upon the Proprietors of Land, in the Pariſhes aforeſaid, which are valued in the Counties of *Cromarty* and *Nairn* reſpectively, in the ſame Manner as if the Whole of the ſaid Pariſhes were valued in the ſaid County of *Roſs*, and the Collector of the Land Tax of the ſaid County of *Roſs* is hereby empowered and required to levy ſuch Aſſeſſment from the Heritors of thoſe Parts of the ſaid Pariſhes which are valued in the ſaid Counties of *Cromarty* and *Nairn* as aforeſaid, in the ſame Manner that he levies the ſame from the Heritors of the ſaid County of *Roſs*: Provided always, that it ſhall and may be lawful for the Proprietors of Lands in the ſaid Pariſhes which are valued in the Counties of *Cromarty* and *Nairn* as aforeſaid, to attend all Meetings of the Heritors of the ſaid County of *Roſs* that ſhall be held for the Purpoſe of conſidering any Reſolution, Survey, Report, and Eſtimate which ſhall have been tranſmitted to the Convener of the Commiſſioners of Supply, or, in his Abſence, to the Sheriff Depute or Subſtitute of the ſaid County of *Roſs*, purſuant to this Act; and every ſuch Proprietor of Land in the ſaid Pariſhes ſhall and may vote at every ſuch Meeting, in the ſame Manner that any Heritor of the ſaid County of *Roſs* is hereby empowered to vote thereat.

Assessment to be levied as the Land Tax.

XI. And be it further enacted, That every Assessment made by virtue of this Act, and each and every Part and Portion thereof, shall be levied and recovered by the Collector of the Land Tax of the said County, in the same Manner as the Land Tax is or may be levied or recovered, 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.

Collectors of Land Tax to remit to the Treasurer of the Bank of Scotland or their Agent at Tain, all Monies to be received upon such Assessment.

XII. And be it further enacted, That the Collector of the Land Tax of the said County of *Ross* shall remit all Monies to be received by him, pursuant to such Assessment, as the same shall from Time to Time amount to Twenty Pounds Sterling, to the Treasurer of the Bank of *Scotland*, or to any Agent of the said Bank at *Tain*, authorised by them to receive the same, to be placed by the Treasurer of the said Bank to an Account opened in the Manner directed by the said recited Act, in the Books of the said Bank, for the Road or Bridge, Roads or Bridges, towards making or erecting which such Assessment shall have been made; and the said Collector of the Land Tax shall, from Time to Time as he shall be directed and required by the Heritors of the said County of *Ross*, assembled at any Meeting held for the Purposes of this Act, or by a Committee of their Number, appointed as herein directed, render to them a just and true Account of each and every Sum of Money received and remitted, or paid by each such Collector pursuant to this Act.

Collector not to keep in his Hands a larger Sum than 20*l.*

XIII. And be it further enacted, That if the Collector of the Land Tax for the said County of *Ross* shall at any Time keep in his Hands for the Space of Twenty Days a larger Sum than Twenty Pounds Sterling, of Money received by him pursuant to this Act, or shall fail to render an Account in the Manner herein required, every such Collector so keeping such Money, or failing to render such Account, shall for every such Offence forfeit and lose the Sum of Twenty Pounds Sterling, to be recovered with double Costs of Suit, by Way of summary Complaint, before the Sheriff Depute or his Substitute, or any Two or more of his Majesty's Justices of the Peace for the said County, One Half of which Sum shall go to the Use of His Majesty, his Heirs and Successors, and the other Half to the Person or Persons suing for the same.

Collector may retain Allowance for his Trouble.

XIV. Provided always, and be it enacted, That every such Collector of the Land Tax may retain to his own Use, out of all Monies so recovered as aforesaid, such Allowance as the Commissioners of Supply for the said County of *Ross*, shall think a reasonable Remuneration for his Trouble, not exceeding the Allowance made to him for levying the Land Tax, and for which Allowance Provision shall be made in the Amount of each Assessment directed to be made pursuant to this Act.

Collector to find Security.

XV. Provided always, and be it enacted, That every such Collector shall find Security for his faithful and true accounting for and paying as herein directed, all Monies to be received by him pursuant to this Act, in the same Manner that such Collector does for his faithful and true accounting for and paying all Sums of Money received by him as Collector of the Land Tax.

XVI. And

XVI. And be it further enacted, That a Copy of each Order or Reſolution of the Commiſſioners of Supply of the ſaid County of *Roſs*, directing ſuch Aſſeſſment to be levied, ſhall be tranſmitted by the Clerk of Supply of the ſaid County to the Commiſſioners appointed by the ſaid in Part recited Act, who ſhall upon any Aſſeſſment being made, appropriating Money to any ſuch Road or Bridge, or upon Payment being made, or Security being found for One Half of the eſtimated Expence of ſuch Road or Bridge, Roads or Bridges, direct an Account to be opened in their Books for each of the Roads or Bridges for which an Aſſeſſment ſhall have been ſo made, or Payment ſhall have been made or Security ſhall have been found as aforeſaid, and ſhall place to every ſuch Account a Sum equal to the Proportion of ſuch Aſſeſſment, appropriated to ſuch Road or Bridge, or to the Half of the eſtimated Expence of the Road or Bridge, Roads or Bridges, for which ſuch Payment ſhall have been made or Security found as aforeſaid; and every ſuch Road or Bridge ſhall forthwith be directed to be made and erected purſuant to the ſaid recited Act and this Act.

Upon Aſſeſſment being made, Payment made or Security found, an Account ſhall be opened for the Road or Bridge purſuant to 43 G. 3. c. 80.

XVII. Provided always, and be it enacted, That in every Caſe the ſaid Heritors of the ſaid County of *Roſs*, or General Committee to be appointed by them, ſhall tranſmit or cauſe to be tranſmitted to the Commiſſioners appointed by the ſaid recited Act, a Copy of the Minutes of their Proceedings, at every Meeting to be held by them purſuant to this Act.

Minutes of each County Meeting to be tranſmitted to Commiſſioners appointed by 43 G. 3 c. 80.

XVIII. And be it enacted, That the Heritors of the ſaid County of *Roſs*, for the Time being, in the actual Poſſeſſion as Proprietors of the *Dominium utile* of Lands, valued in the Ceſs Books of the ſaid County at One hundred Pounds *Scots* of valued Rent, or any Committee of not leſs than Five Heritors to be appointed by them, at any of their General Meetings as above directed, ſhall be and they are hereby conſtituted Truſtees for the making and erecting every Road and Bridge for which an Aſſeſſment ſhall have been made, or Payment rendered, or Security found in the Manner herein directed; and all the Powers and Authorities given to the ſaid Commiſſioners and Truſtees appointed by the ſaid recited Act, in relation to the Roads and Bridges directed to be made and built in the Manner therein provided, are hereby given and extended to the Commiſſioners and Truſtees appointed by this Act in relation to every ſuch Road or Bridge for which an Aſſeſſment ſhall be made, Payment rendered, or Security found in Manner herein directed.

Commiſſioners appointed by 43 G. 3. c. 80. and the Heritors having 100*l.* Scots of Valuation, to be Truſtees for Roads and Bridges for which Aſſeſſment is made.

XIX. Provided always, and be it enacted, That it ſhall and may be lawful for the ſaid Heritors, or thoſe authorized to act for them, or a Majority of them, at any Meeting aſſembled as aforeſaid, from Time to Time, to appoint any One or more of their Number not exceeding Five, to ſuperintend the making any ſuch Road, or the erecting any ſuch Bridge, and for the better carrying into Execution the Purpoſes of this Act, ſubject to ſuch Conditions, Rules, and Regulations as the ſaid Heritors and thoſe acting for them, at any Meeting ſo aſſembled, ſhall from Time to Time think proper to make or preſcribe.

Committee of Superintendance and local Management may be appointed

XX. Pro-

Directions to be given by the Commissioners appointed by 43 G. 3. c. 80.

XX. Provided always, and be it enacted, That such Conditions, Rules, and Regulations shall be approved of, or be in Conformity to the Directions given by the Commissioners appointed by the said recited Act, to whom it shall and may be lawful, and who are hereby empowered to give such Directions to the said local Superintendant or Superintendants, as well as to the Heritors of the said County, or to the Committee to be appointed by them as above directed, in regard to the making any such Road or erecting any such Bridge as to the said Commissioners shall seem proper: Provided always, that a Copy of such Directions shall be previously sent to the Convener of the Commissioners of Supply of the said County, to be by him laid before the next General Meeting of the Heritors or their Committee as aforesaid; and in case it shall appear to the said General Meeting or Committee, that such Directions so given have proceeded from Misinformation or Misconception on the Part of the said Commissioners, the said General Meeting or their Committees are hereby authorized to state their Objections, and such Directions shall not be carried into Effect until such Objections are considered by the said Commissioners, who shall thereupon determine in the Matter as to them shall seem proper.

Excess beyond the estimated Expence to be made good by a new Assessment.

XXI. And be it further enacted, That if the actual Expence of any such Road or Bridge for which an Assessment shall have been so made, or Payment rendered, or Security found, shall exceed the estimated Expence thereof, such Excess shall be provided for and defrayed by an Assessment or Assessments made and levied by One or more Instalments in the Manner herein-before directed.

Liferenters and Heirs of Entail may charge the Estate.

XXII. Provided always, and be it enacted, That every Life-renter of any Estate, and the Disponee or Heir of Entail in Possession of an Estate, paying his or her Proportion of any such Assessment, may charge the Estate of which Life-renter, Disponee, or Heir of Entail is in Possession, with the Amount thereof, in the Manner in which Heirs of Entail contributing towards the Expence of any Road or Bridge are allowed to charge the entailed Estate by the said recited Act; and every Life-renter, Disponee, or Heir of Entail, so charging the Estate in the Manner hereby allowed, shall be obliged to keep down the Interest of the Sum with which the Estate shall be so charged, and a certain Sum, at least equal to Three Pounds *per Centum* of the Amount thereof, as a Sinking Fund, shall be annually paid, so that the Estate may be discharged and disencumbered of the same, in the Manner directed by the said recited Act; and such and the like Forfeiture shall be incurred upon each Failure in the Payment of such Sum or Sinking Fund, to be recovered and applied in the same Manner as is directed in the Case of such Failure by the said in Part recited Act.

Heirs of Entail, &c. may sell or feu for the Purpose of paying the Assessment.

XXIII. Provided also, and be it enacted, That if the Sum at any Time or from Time to Time so to be assessed pursuant to this Act, shall amount to within One Sixth Part of One Half Year's free Rent of an Estate belonging to any Corporation, Infant, or other Person under any legal Disability or Incapacity, or Disponee or Heir of Entail, it shall and may be lawful for such Corporation, or the Tutor or Curator of an Infant or other Person labouring under any legal Disability or Incapacity, or Disponee, or Heir

Heir of Entail, his or her Tutor or Tutors, Curator or Curators, with the Conſent of the Commiſſioners appointed by the ſaid recited Act; and the Heritors of the ſaid County at any Meeting held purſuant to this Act, to ſell or feu ſuch Part of the Eſtate belonging to ſuch Corporation, Infant, or incapacitated Perſon, Diſponee, or Heir of Entail, paying ſuch Aſſeſſment or Aſſeſſments as may be ſufficient to repay the Sum or Sums ſo paid upon ſuch Aſſeſſment or Aſſeſſments, not exceeding One Half Year's free Rent of the Eſtate as aforeſaid, and if ſo ſmall a Part of ſuch Eſtate cannot be ſold as may amount only to One Half Year's free Rent thereof, then it ſhall and may be lawful for ſuch Corporation, Tutor or Curator, Diſponee or Heir of Entail, or his or her Tutor or Tutors, Curator or Curators, to apply to the Court of Seſſion in the Manner directed by the ſaid recited Act; and all the Powers and Authorities, Rules and Directions given and required to be followed in the Caſe of Applications directed to be made to the Court of Seſſion by that Act, are hereby given and required to be obſerved in ſuch Applications to be made purſuant to this Act.

Bridges over the Rivers Conan and Orrin.

XXIV. And whereas, in a Report of the Commiſſioners appointed by the ſaid recited Act made to His Majeſty and to both Houſes of Parliament purſuant thereto on the Firſt Day of *June* laſt, a Bridge over the River *Conan*, and another Bridge over the River *Orrin*, both in the ſaid County of *Roſs*, are recommended and therein ſtated as Objects towards which ſome Progreſs had been made purſuant to the ſaid recited Act: And whereas it has been reſolved by the Heritors of the ſaid County, that the ſaid Bridges over the Rivers *Conan* and *Orrin* ſhould be erected: Be it enacted, That the Convener of the Commiſſioners of Supply of the ſaid County ſhall lay the Reſolution of the ſaid Commiſſioners relative to the ſaid Bridges, with the Reports and Eſtimates thereof tranſmitted to him, before the Firſt General Meeting which ſhall be held purſuant to this Act, which Meeting ſhall take the ſame into Conſideration, and ſhall order an Aſſeſſment to be made for a Proportion of the Expence thereof, to be defrayed by the Heritors of the ſaid County, and of the Parts of the aforeſaid Pariſhes, which are valued in the ſaid Counties of *Cromarty* and *Nairn*, in the Manner directed by this Act.

Certain Roads already ſurveyed.

XXV. And whereas the following Roads in the ſaid County of *Roſs* are mentioned in the ſaid Report to have been already ſurveyed, *videlicet*, a Road from *Ullapool* to *Portinleck*, alias *Culrain*; a Road from *Dingwall* to *Ullapool*; a Road from *Portinleck*, alias *Culrain*, to *Dingwall*; a Road from the Ferry of *Portinleck*, near *Culrain*, along the Weſt Side of the *Dornock Firth*, to the Town of *Tain*; a Road from *Poulewe* to *Auchna-Sheen*; and a Road from *Loch-Curran* to *Auchna-Sheen*, and from thence to *Dingwall*: And whereas it is intended that theſe Roads ſhall be made purſuant to this and the ſaid recited Act: Be it therefore enacted, That ſo ſoon as the ſaid Commiſſioners ſhall tranſmit, in the Manner herein directed, Copies of their Reſolutions in regard to the Roads above deſcribed, and of the Reports and Eſtimates upon which the ſame have proceeded, the ſame ſhall be taken into Conſideration by the Heritors of the ſaid County and Pariſhes aforeſaid, at a Meeting to be called for that Purpoſe, in the Manner herein directed, and the ſaid Roads ſhall be made purſuant to this and the ſaid recited Act, in ſuch Order and Succeſſion, or

or ſuch and ſo many of them, at one and the ſame Time, along with the aforeſaid Bridges, as ſhall be finally ſettled by the ſaid Commiſſioners, and agreed to by the ſaid Heritors, at ſome Meeting to be held purſuant to this Act.

Heritors may borrow or grant Security on the Credit of the Aſſeſſment.

XXVI. And be it further enacted, That it ſhall and may be lawful for the Heritors of the ſaid County, or any one or more of their Number ſpecially authorized and appointed at any Meeting held purſuant to this Act, to borrow Money upon the Credit of the Aſſeſſments to be made as herein directed, or to grant his or their Security for One Half of the eſtimated Expence of completing ſuch Road or Bridge, Roads or Bridges, as may be approved of by the Commiſſioners appointed by the ſaid recited Act, and which Money ſo borrowed ſhall be paid to the Treaſurer of the Bank of *Scotland*, or their authorized Agent at *Tain*, as aforeſaid, to be placed to an Account, opened in the Manner directed by the ſaid recited Act, in the Books of the ſaid Bank, for the Road or Bridge, Roads or Bridges, towards making or erecting which ſuch Money ſhall have been borrowed, and the Money ſo borrowed ſhall be repaid by the Treaſurer of the ſaid Bank from the Funds remitted to him, or paid to the Agent at *Tain* as aforeſaid, in ſuch Manner and in ſuch Proportions as any of the ſaid General Meetings of Heritors, or Committee to be named by them, or a Majority of them, ſhall appoint and direct; and every Perſon and all Perſons lending or advancing Money towards the making any Road or Bridge, in the Manner herein directed, ſhall, at any Term of *Whitſunday* or *Martinmas* yearly, be bound to receive ſuch Sum or Sums towards the Repayment thereof, as the ſaid Heritors, or their Committee, ſhall direct to be paid, and grant his, her, or their Receipt therefor in Extinction *pro tanto* of ſuch Money ſo lent or advanced by ſuch Perſon or Perſons.

Application of Compenſation Money when exceeding 200*l.*

XXVII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act, or this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Life Rents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, Married Woman, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, or ſo much thereof as ſuch Corporation, the Huſband of ſuch married Woman, Tutor or Curator of ſuch Infant or Lunatick, or of any other Perſon under any Diſability or Incapacity, ſhall think proper, not being more than One Year's Free Rent of the Eſtate of ſuch Perſon or Perſons, with the Conſent of the ſaid Commiſſioners, be either paid to the Governor and Company of the Bank of *Scotland*, to be placed to the Account of any Road or Bridge, under the Proviſions of this Act, to the Expence of which ſuch Corporation or Huſband of ſuch married Woman, Tutor or Curator of ſuch Infant, Lunatick, or other Perſon under any Diſability or Incapacity, ſhall wiſh to contribute, and the Balance thereof, or the Whole, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, or more, ſhall, in the Option of ſuch Corporation, Huſband, Tutor, or Curator, under the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*,

Scotland, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order to be made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Heritages, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages, so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200*l.* and above 20*l.*

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified by Writing under their respective Hands, be either paid with the Consent of the said Commissioners to the said Governor and Company of the Bank of *Scotland*, to be placed to the Account of any Road or Bridge under the Provisions of this Act, to which such Person or Persons, or his, her, or their Tutors or Curators, shall wish to contribute, or shall, under the Direction and Authority of the Court of Session aforesaid, be paid into either of the said Banks, and be placed to his, her, or their Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable.

XXIX. And

Where under 20*l.*

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

Purchaſe Money to be paid into the Bank in caſe of Title not being made out.

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

Where any Queſtion ſhall ariſe touching the Title, the Perſon in Poſſeſſion ſhall be deemed entitled.

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

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

Court to order Expences to be paid.

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

Former Act to be enforced.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained ſhall be underſtood to reſtrain or prevent any Perſon or Perſons from contributing to the Expence of making or erecting any Road or Bridge which the Commiſſioners appointed by the ſaid recited Act ſhall determine ſhall be made or erected in the ſaid County, purſuant to the ſaid recited Act; and all the Directions, Powers, and Authorities given by the ſaid recited Act which are not inconſiſtent with this Act, ſhall be followed, obſerved, and enforced, in the Execution of this Act.

Expences of this Act how to be provided for.

XXXIV. And be it further enacted, That any Sum or Sums in the Hands of the Collector of the Land Tax, belonging to the ſaid County, ſhall be applied in the firſt Place to defray and pay the Expence of obtaining and paſſing the preſent Act; and in caſe ſuch Sum or Sums ſhall not be ſufficient, the Deficiency ſhall be made up by a ſpecial Aſſeſſment on the whole Heritors of the ſaid County, in the actual Poſſeſſion as Proprietors of the *dominium utile*, conformably to their reſpective valued Rents, and that at the firſt General Meeting which ſhall take place after the paſſing of this Act.

Limitation of Actions.

XXXV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue and in purſuance of this Act, until Ten Days Notice thereof in Writing ſhall have been given to the Clerk of Supply of the ſaid County of *Roſs*, nor after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved; nor after Six Calendar Months after the Fact committed; and every ſuch Action ſhall be brought before the Court of Seſſion in *Scotland*, and the Defender or Defenders in ſuch Suit or Action ſhall and may deny the Libel, and give this Act and the Special Matter in Evidence; and that the ſame was done in purſuance of and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action and Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Ten Days Notice thereof or

or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Defender or Defenders ſhall be aſſoilzied; or if the Action ſhall be found to be irrelevant, or be otherwiſe diſmiſſed, or the Purſuer ſhall not proſecute the Action, or ſuffer the ſame to fall aſleep, or if Judgement ſhall be given againſt the Purſuer or Purſuers, the Defender or Defenders ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defender or Defenders hath or have for Coſts of Suit in any other Caſes of Law.

Publick Act.

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

Commencement and Endurance of this Act.

XXXVII. And be it further enacted, That this Act ſhall commence from the paſſing thereof, and ſhall thenceforth continue for and during the Space of Fifteen Years; and in the Event that the Expence of every Road and Bridge in the ſaid County, directed to be made purſuant to this and the ſaid recited Act, ſhall not then be paid and defrayed by Aſſeſſments in the Manner herein directed, this Act ſhall further continue and endure until ſuch Expence ſhall be ſo paid and defrayed: Provided always, that the whole Sums levied under the Authority of this Act ſhall not exceed the Sum which may be raiſed by levying at the Rate of Four-pence Sterling every Year, for Fifteen Years, upon every Pound *Scots* of the valued Rent of the ſaid County of *Roſs*, and of the ſaid Parts of the Pariſhes aforeſaid, which are valued in the Ceſs Books of the ſaid County of *Cromarty*, and of the ſaid Eſtate of *Ferrintoſh*, valued in the Ceſs Books of the ſaid County of *Nairn*.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1805.