ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 189.

An Act to amend and enlarge the Powers of an Act passedin the Forty-fifth Year of His present Majesty, for assessing the Proprietors of Lands in the County of *Ross*, towards the Expence of making and supporting certain Roads and Bridges therein, and of an Act passed in the Forty-seventh Year of His present Majesty, for regulating and converting the Statute Labour in the Counties of *Ross* and *Cromarty*, and Part of the County of *Nairn*, locally situated in the County of *Ross*.

[15*th June* 1801.]

WHEREAS an Act was 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, *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: And whereas another Act was passed in the Forty-seventh Year of the Reign of His present Majesty, intituled, *An Act for regulating and converting the Statute Labour of the Counties of* Ross *and* Cromarty, *and that Part of the County of* Nairn, *which is locally situated in the County of* Ross, *and for the more effectually making and repairing the Roads and Bridges within the same, and for making and maintaining the great Post Road from the Confines of* Inverness-Shire, *to the Confines of the Shire of* Sutherland: And whereas the said Acts require to be amended, and to have their Powers enlarged, 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

45 G. 3. c. 40.

47 G. 3. st. 1. c. 13.

Amount of Assessment increased.

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 Amount of the Assessment which was allowed to be levied on the several Heritors in the County of *Ross*, and in those Parts of the County of *Cromarty* and *Nairn* which are locally situated within the County of *Ross*, by the said first recited Act, may be raised from the Sum of Four-pence to the Sum of Sixpence in the Pound *Scots* of valued Rent, in the Manner and for the Purposes directed by the said first recited Act.

Increased Assessment in particular Cases.

II. Provided always, and be it enacted, That in case it shall appear necessary for attaining such Purposes, that the Assessment should be increased to a still higher Rate, on a Representation to that Effect made to the annual General Meeting, held for the assessing the Land Tax, by the Committee of Heritors appointed for borrowing the Sums required, for making the Roads and Bridges to be made in the said County, pursuant to the said first recited Act, it shall be lawful for the said General Meeting, if they shall think proper, to raise the Rate of Assessment to any Sum not exceeding Nine-pence Sterling in the Pound *Scots* of valued Rent: Provided also, that this Power of increasing the Assessment shall cease and determine so soon as the several Lines of Roads and Bridges proposed to be executed in the said first recited Act, shall be completed, but nevertheless with the Reservation hereinafter expressed.

Provision for keeping the Roads in Repair.

III. And whereas, after such Bridges shall have been built, and such Lines of Road shall have been completed, it will be necessary that a Fund should be raised for the Purpose of keeping these Roads and Bridges in Repair; be it enacted, That when the Committee of Proprietors of Land, appointed under the Authority of the said first recited Act, shall report to the annual General Meeting of the said County of *Ross*, for assessing the Land Tax, that any of such Bridges or Roads are falling into Dis-repair, and that the Funds arising from the Commutation of Statute Labour in the District where such State of Dis-repair shall happen, or the Funds arising from Tolls on the Line of the great Post Road, shall be insufficient for the Purpose of keeping them in Repair, that then and in such Case it shall be lawful for the said General Meeting to make an Assessment for that special Purpose, at such Rate as may be sufficient for repairing such Bridges and Roads in a substantial and effectual Manner, but so as that the Amount of such Assessment shall not in any one Year exceed Two-pence Sterling in the Pound *Scots* of valued Rent; and that this Fund shall be vested in the said Committee for the Purposes of such Repairs; and the said Committee are required to give in regular Accounts and Vouchers of the Appropriation thereof to the ensuing General Meeting, and where there shall be a Deficiency the same shall be provided for upon a renewed Application to the next annual General Meeting, and if there shall be a Surplus, the same shall be deposited with the Bank or Banking Company in which Money is deposited for the Time for the Use of the said County.

Bridle Roads to be made.

IV. And whereas it has been deemed expedient that certain Lines of Road, with Piers or landing Places where Ferries intervene, should be formed between the several Sea Lochs; videlicet, From the *Ullapool* Road at *Lochbroom* to the *Lochcarron* Road by *Kenlochew*, and also a Line to *Loch Terridon* and *Loch Kishern*, and *Lochcarron*, to join the great Line

Line of Road to the Iſland of *Skye* by *Strome*, and from *Loch Ewe* to the Head of *Loch Gairloch*; alſo from the *Lochcarron* Road by the Head of *Loch Long* and *Glen Elchag*, to the End of *Loch Duich*, to join the *Kentail*, *Glenelg* and *Lochourn* great Lines of Road, to be formed on a leſs expenſive Scale than the more important Lines of Communication: And that Application is to be made to the Commiſſioners appointed by an Act made in the Forty-third Year of the Reign of His preſent Majeſty, for making Roads and building Bridges in the Highlands of *Scotland*, for their Aid and Concurrence in executing the ſaid Lines of Road, in the Manner propoſed: And whereas it is eſſential to the regular Communication through the County, that a Pier or Landing Place ſhould be erected on the North Side of the Ferry of *Fort George*, on both Sides of the Ferry of *Inver Gordon*, and on the South Side of the *Meikle Ferry*, and that Application is in like Manner intended to be made to the ſaid Commiſſioners for their Aid in the Execution of theſe Piers or Landing Places: be it enacted, That after the ſeveral Lines of Road ſpecified in the ſaid firſt recited Act ſhall have been either made or provided for, under the Powers granted by this Act, the annual General Meetings ſhall have Power to continue the Aſſeſſment authorized by this Act for executing both or either of theſe Objects, at a Rate not exceeding Sixpence Sterling in the Pound *Scots*, until thoſe Objects ſhall have been attained, purſuant to the ſaid firſt recited Act.

Collector to find Security.

V. And be it enacted, That every Collector to be appointed by virtue of the ſaid laſt recited Act, ſhall find Security to the Satisfaction of the Truſtees of the Diſtrict for which he ſhall be appointed.

Officers are to be paid for Trouble.

VI. And be it enacted, That no Perſon acting under the ſaid laſt recited Act ſhall be entitled to any Allowance for his Trouble, ſave and except Clerks, Collectors and Surveyors, or other Officers appointed by the Truſtees.

Proviſion in the caſe of Abſence or Indiſpoſition of Truſtees.

VII. And whereas by the laſt recited Act paſſed in the Forty-ſeventh Year of His preſent Majeſty, for regulating and converting Statute Labour within the Counties of *Roſs* and *Cromarty*, the Limitation of Truſtees was too much confined; be it enacted, That it ſhall be lawful for any Truſtee abſent from the County, or who from Indiſpoſition may be unable to attend, being an Heritor qualified as therein required, to vote by his Factor qualified as hereinafter provided, or by Proxy, to be by him given to any other Truſtee qualified under the ſaid Act, attending and voting in Perſon at any one of the General or Diſtrict Meetings to be held purſuant to the ſaid Act, and the Vote of the ſaid Factor or Proxy ſhall have the ſame Force and Effect as if given by the abſent Truſtee, had he been perſonally preſent:

Qualification of Factors.

VIII. Provided always, and be it enacted, That no ſuch Factor ſhall be capable of acting as a Truſtee, or Proxy for a Truſtee, unleſs he ſhall be qualified to act as a Commiſſioner of Supply, by holding Property in his own Right, or in Right of his Wife, valued at One hundred Pounds *Scots* in the Ceſs Books, or ſhall be in the Commiſſion of the Peace for either of the Counties of *Roſs* or *Cromarty*.

Term for holding General and Diſ-

IX. And be it further enacted, That after the paſſing of this Act, the annual General Meeting of the ſaid Truſtees ſhall be held on the Day

trict Meetings.

Day on which the Freeholders of the ſaid County of *Roſs* aſſemble at their *Michaelmas* Head Court, and that thereafter the annual Diſtrict Meeting for examining the Collector's Accompts, and making up Reports for the annual General Meeting, ſhall be held on the Second *Wedneſday* in *July* in each Diſtrict into which the County has been divided, in place of the Firſt *Wedneſday* of *March*, as directed by the laſt recited Act, and that Notice of every other General Meeting which it may be neceſſary to call in the courſe of the Year, ſhall be advertiſed by the Clerk to the General Meetings in the *Inverneſs Journal*, and in ſome one *Edinburgh* Newſpaper, Fourteen Days before the Period of holding ſuch Meetings.

Who ſhall vote at Diſtrict Meetings.

X. And be it enacted, That no Perſon ſhall be allowed to act or vote at any Diſtrict Meeting unleſs he ſhall be poſſeſſed of Lands or Heritages within the Diſtrict, or ſhall be Factor for or hold a Proxy from ſome Heritor reſiding or having Heritage within the Diſtrict.

Power to borrow Money.

XI. And be it further enacted, That the Truſtees appointed by this and the ſaid recited Act, or any Three of them, ſhall have Power, and they are hereby empowered in Diſtrict Meetings, aſſembled upon the Credit of the Rate or Commutation for Statute Labour leviable in the Diſtrict, from Time to Time to borrow any Sum or Sums of Money, the legal Intereſt of which ſhall not exceed One-third of the Amount of the ſaid Rate or Commutation which ſhall be levied upon the ſame Diſtrict, and to aſſign over the ſaid Rate or Commutation, or whatever Part thereof may be neceſſary for paying or extinguiſhing the ſeveral Sums of Money, Principal and Intereſt which ſhall be borrowed, and ſuch Money may be borrowed upon Aſſignments in the Form preſcribed by the ſaid laſt recited Act and Copies of ſuch Aſſignment, or Anſtracts thereof, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk of the Truſtees, and which Aſſignments ſhall be transferable by Indorſements on the Back thereof, or on a Paper apart in the Form alſo preſcribed by the ſaid laſt recited Act, and the Money ſo borrowed ſhall be applied in the ſame Manner only as Monies borrowed are directed to be applied by the ſaid laſt recited Act.

No Intimation of entered Aſſignments neceſſary.

XII. Provided always, and be it enacted, That the Inſertion of the ſaid Aſſignments, Transferences or Indorſements thereof in the aforeſaid Book, ſhall ſuperſede and render unneceſſary any Intimation thereof to thoſe liable in the Payment thereof, and ſuch Aſſignments, Transferences or Indorſements thereof, when ſo inſerted, ſhall be as good and effectual to all Intents and Purpoſes as if the Rule of Intimation requiſite in ſuch Caſes by the Law of *Scotland* had been followed out.

Proviſion when Ground occupied by an old Road ſhall form the Boundary of two Properties.

XIII. And be it enacted, That where the Ground occupied by any old Road ſhall form a Boundary between the Ground of any Two Proprietors, the ſame ſhall be offered to the Proprietor through whoſe Ground the new Road, made in place of ſuch old Road, ſhall paſs; and in every ſuch Caſe, and alſo where the Ground of any old Road ſhall be offered to the Proprietor through whoſe Ground the ſame did paſs, in the Manner provided by the ſaid laſt recited Act; the Proprietor to whom any ſuch Offer ſhall be made ſhall be entitled to purchaſe the ſame at the Price which waſte or uncultivated Ground ſhall be worth at the Time in the Diſtrict wherein ſuch old Road is to be ſold.

XIV. Pro-

Proviſo where Parties cannot agree.

XIV. Provided always, and be it further enacted, That in caſe ſuch Proprietor and the ſaid Truſtees cannot agree upon the Value of ſuch old Road, at the Price of waſte or uncultivated Ground, and ſuch Proprietor ſhall be deſirous of purchaſing ſuch old Road, then and in ſuch Caſe ſuch Value ſhall be ſettled and aſcertained by a Jury, in ſuch and the ſame Manner as the Price for any Land directed to be taken by virtue of the ſaid laſt recited Act is directed to be aſcertained by ſuch Act, and ſuch Proprietor ſhall be deemed the Purchaſer of ſuch old Road at the Sum to be aſcertained by the Jury to be the Value thereof as aforeſaid; and in caſe ſuch Proprietor ſhall refuſe or delay to pay ſuch Money, upon Demand made thereof by the Clerk to the Truſtees, and upon an Offer in Writing being made to convey ſuch old Road, the ſame ſhall and may be recovered with full Expences of Proceſs before any Judge or Judges competent; and in caſe any ſuch Proprietor ſhall not agree or ſhall refuſe to purchaſe any ſuch old Road, or ſhall refuſe or delay to pay the Price thereof as aforeſaid, it ſhall and may be lawful for any Perſon or Perſons (not intereſted in the Premiſes) to ſubſcribe a Statement in Writing, and to make Oath to the Truth thereof before One of His Majeſty's Juſtices of the Peace of the County wherein ſuch old Road ſhall be ſituated, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Truſtees, and that ſuch Proprietor has not agreed or has refuſed to purchaſe ſuch old Road, or has refuſed or delayed to pay the Price thereof as aforeſaid (as the Caſe may be); and ſuch Statement in Writing and Oath relating thereto, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to or refuſed, or the Price refuſed or delayed to be paid by ſuch Proprietor; and it ſhall thereafter be lawful for the ſaid Truſtees to ſell and diſpoſe of the ſaid old Road as they ſhall think proper.

Uſeleſs Roads may be ſhut up.

XV. And be it further enacted, That it ſhall and may be lawful for the Truſtees appointed by this and the ſaid recited Act, with the Conſent of any Two Juſtices of the Peace of the County, to ſhut up and ſuppreſs Public Roads of every Deſcription, which may appear uſeleſs or of little Importance to the Public; provided always, that Notice of the Reſolution to ſhut up any ſuch Road be given by Advertiſement at the Churches of the Pariſhes through which the ſaid Road paſſes, and of the Pariſhes at either Extremity of the Road, for Two conſecutive *Sundays*, One Month at leaſt before the ſaid Road ſhall actually be ſhut up; and that any Perſon or Perſons who ſhall think himſelf, herſelf or themſelves aggrieved by ſuch Reſolution, may apply to the Sheriff Depute of the County of *Roſs*, or his Subſtitute, who, if he ſees Cauſe, is hereby empowered to ſuſpend the Execution thereof until the next General Meeting of the Truſtees appointed by this and the ſaid recited Act, who ſhall hear and determine thereon, ſubject, nevertheleſs, to Appeal to the Quarter-Seſſions, in Manner provided by the ſaid recited Act.

Power to make additional Aſſeſſment.

XVI. And in reſpect it may appear to the Truſtees of certain Diſtricts, that the Commutation Funds leviable within the Diſtrict are not ſufficient for the Purpoſe of effectually making and upholding all ſuch Roads within the Diſtrict as the Truſtees thereof may deem neceſſary and expedient to be made and kept up, be it enacted, That in ſuch caſe, the Annual General Meeting ſhall have a Power to make a Rate of Aſſeſſment on the Heritors at large in Aid of the Commutation Funds, on the Ap-

plication of the Truſtees of that Diſtrict, not exceeding Three-pence Sterling in the Pound *Scots* of valued Rent, to be paid over to the Truſtees of ſuch Diſtrict by the Collector of the Aſſeſſment, who are to give in regular Accompts of its Appropriation to the enſuing General Meeting: Provided always, that no ſuch Aſſeſſment ſhall be made whilſt the Aſſeſſment to be levied purſuant to the ſaid firſt recited Act and this Act, ſhall exceed Sixpence in the Pound *Scots*, or that there ſhall be no Aſſeſſment for the Purpoſes of the ſaid laſt recited Act, in Aid of ſuch Commutation Funds, upon the Application of different Diſtricts, which ſhall exceed Three-pence in the Pound *Scots* in the Aggregate; and that every ſuch Aſſeſſment ſhall ceaſe when the Object for which the Application was made ſhall be attained.

Proviſion againſt Malverſation in Diſtricts.

XVII. And be it enacted, That if the Truſtees of any Diſtrict into which the County has been divided, ſhall neglect to execute the Powers committed to them by the ſaid laſt recited Act, and ſhall either have ſhown groſs Inattention in collecting the Commutation Funds of the Diſtrict, or ſhall have neglected to obey the Injunctions of former General Meetings, or ſhall have miſapplied the Funds that have been collected, it ſhall be lawful (unleſs ſufficient Cauſe to the contrary be ſhown by ſuch Diſtrict) for the ſaid Truſtees, in either of their annual ſtated General Meetings, to allocate the Rate or Commutation for Statute Labour, unapplied on each Diſtrict ſo in Default, to the Roads and Bridges of any other Diſtrict which ſhall appear moſt neceſſary to be executed, and to name a Committee of their own Number, with the neceſſary Powers for that Purpoſe, and to ſee the Reſolutions carried into Effect; and on its appearing that there has been an actual Loſs of Funds, or a Miſapplication of the Funds of a Diſtrict, contrary to the Injunctions of any General Meeting, as actually collected within ſuch Diſtrict, it ſhall and may be lawful for the next General Meeting, to whom ſuch Neglect or Miſapplication ſhall be made apparent, to direct and authorize an Action to be raiſed againſt the individual Truſtees of ſuch Diſtrict, who have been guilty of ſuch Neglect or Miſapplication, before the Judge Ordinary or Sheriff of the County, to compel them to refund ſuch Sums as ſhall appear to be ſo loſt, and that a Decreet obtained in ſuch Action ſhall be final againſt ſuch Truſtees, without being ſubject to Review by Suſpenſion, Advocation, or Reduction, or in any Manner of Way whatſoever, and any ſuch Action may be raiſed and proſecuted in the Name of the Præſes of ſuch General Meeting.

Drains and Ditches to be made.

XVIII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees to order Drains and Ditches to be made, to carry off the Water from the ſaid Roads, which ſhall be ſcoured and kept in Repair out of the Money ariſing by virtue of this and the ſaid laſt recited Act; and if any Occupiers of Lands through which ſuch Drains and Ditches are or ſhall be made, ſhall obſtruct or fill up any of them, the Perſon or Perſons ſo offending ſhall forfeit and pay Treble the Expence of repairing and ſcouring the ſame, to be recovered in the ſame Manner that any Penalty may be recovered by the ſaid laſt recited Act.

Footpaths may be made.

XIX. And be it further enacted, That the ſaid Truſtees may cauſe Foot-Paths to the Breadth of Five Feet to be made along the Sides of the ſaid Roads, in ſuch Places as can conveniently admit of the ſame; and if any Perſon ſhall ride or drive a Carriage or Cattle upon any Paths made or

to

to be made, or shall in any way wantonly or maliciously injure the same, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Five Shillings Sterling, to be levied in the Manner in which any Penalty may be levied by the said last recited Act.

In Cases of sudden Damage.

XX. And be it further enacted, That in case of any sudden Damage to a Bridge or Road, it shall be in the Power of any Two Trustees of the District in which either shall be situated, or if situated on the Confines of Two Districts, to any Two Trustees of either District, to give Orders for making such immediate Repairs as may be necessary, the Expence of the same not exceeding Ten Pounds Sterling; and the Money so expended shall be provided for and paid by Order of the next Meeting of Trustees within such District or Districts, or in their Failure or Neglect by Order of the next stated General Meeting of the Trustees, out of the Funds of such District or Districts, on an Application for that Purpose, and on a Proof of the Necessity of the Order, and that the Money was expended; and in case any of the said Roads shall be shut up, or travelling shall be obstructed by means of Snow, it shall in like Manner be in the Power of any Two of the said Trustees to cause the said Roads to be cleared, the reasonable Expence of the same to be provided for and paid in Manner as hereinbefore allowed.

Acts to remain in force.

XXI. And be it enacted, That the said Two recited Acts shall remain in Force, except in so far as altered by this present Act, which shall be construed and receive Effect therewith, as far as the same are respectively applicable in the same Manner, as if all the Clauses, Matters and Things herein contained, had made Part of those Acts respectively.

Expences of the Act.

XXII. And be it enacted, That the Expences of this Act shall be paid and defrayed in the same Manner as the Expence of the said last recited Act was paid and defrayed.

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