ANNO SEXTO

GEORGII IV. REGIS.

Cap. cx.

An Act to amend certain Acts for making and maintaining Roads and converting the Statute Labour in the Counties of *Ross* and *Cromarty*, and Part of *Nairn* locally situate in the County of *Ross*.

[10th *June* 1825.]

WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating and converting the Statute Labour in the Counties of* Ross *and* Cromarty, *and that Part of the County of* Nairn *locally situated in the County of* Ross; *and for 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 an Act was passed in the Fiftieth Year of His late Majesty King *George* the Third, intituled *An Act to amend and enlarge the Powers of an Act passed in 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: And whereas an Act was passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend and enlarge the Powers of an Act passed in the Forty-fifth Year of His present Majesty, for assessing the Proprietors of Lands*

47 G. 3. c. 13.

50 G. 3. c. 189.

53 G. 3. c. 136.

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; *and of an Act passed in the Fiftieth Year of His present Majesty, for amending and enlarging the Powers of the Two first-mentioned Acts:* And whereas the Provisions of these Acts are ineffectual to make and maintain the Roads through the said Counties generally; and it is therefore expedient that the said recited Acts be altered or repealed, and that other Enactments and Provisions be substituted in their Stead: May it therefore please Your Majesty that it may be enacted; and be it enacted by the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 Thirty-first Day of *July* in the Year One thousand eight hundred and twenty-five, the said recited Act passed in the Forty-seventh Year of His late Majesty, excepting in as far as it regards the Division of the said Counties into Nine Districts, and so much of the other recited Acts passed in the Fiftieth and Fifty-third Years of His said late Majesty as relates to the Statute Labour in the said Counties, or to any Assessment in aid thereof, shall be and the same are hereby repealed.

Former Acts repealed, except as to Division of Counties into Districts, &c.

II. And be it further enacted, That every Person, who in his or her own Right, or who in the Right of his Wife, now is or hereafter shall be in the actual Possession and Enjoyment of the Property or *Dominium utile* of Lands in the Counties of *Ross* and *Cromarty*, or that Part of the County of *Nairn* locally situated in the County of *Ross*, valued in the Valuation Books of the said Counties at One hundred Pounds *Scots* or upwards, and each and every Proprietor of Heritages and Fishings not valued in the Valuation Books, but which are of the annual Value of Two hundred Pounds Sterling of yearly Rent, and in the Absence of such Persons One duly accredited Proxy, Agent, or Factor on behalf of each; One Guardian for each Minor or other Person incapable by Law to act, enjoying and possessing Lands of the Valuation aforesaid; One Trustee of every Estate (in the Absence of the Proprietor thereof), of the said Valuation vested in Trust; and in the Absence of such Guardian for each Minor and incapacitated Person, and of such Trustee for each Trust Estate, One duly accredited Proxy, Agent, or Factor, on behalf of each; as also the chief residing Magistrate of each of the Royal Burghs within the said County of *Ross*, shall be and are hereby appointed Trustees for carrying this Act into effect: Provided always, and be it further declared, that the Persons qualified or empowered as aforesaid shall alone have Power to act and vote at the several District Meetings herein-after mentioned, provided the Property or Burgh from which such Persons derive their Qualifications is locally situated in the District at whose Meetings the said Persons claim to act and vote as aforesaid.

Qualification of Trustees.

III. And be it further enacted, That if any of the said Trustees shall accept or hold any Place of Profit arising out of this Act, or shall be concerned or interested in any Contract or Contracts under this Act, he shall be incapable of acting as a Trustee during his Enjoyment of such

Trustees not to hold Places of Profit.

Place of Profit, or while concerned or interested in such Contract or Contracts; and no Retailer of Beer, Ale, Wine, or Spirituous Liquors shall be capable of holding or enjoying any Office of Trust, Profit, or Collection under this Act.

Penalty on unqualified Persons acting as Trustees.

IV. And be it enacted, That if any Person not qualified as aforesaid shall notwithstanding presume to act as a Trustee in the Execution of this Act, either at District or General Meetings, every such Person shall for every such Offence forfeit a Sum not exceeding Twenty Pounds Sterling, besides the Expences of the Prosecution, to be recovered by summary Complaint at the Suit of any Trustee qualified under this Act, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute or Substitute of the Counties in which such unqualified Person shall act; and if the Person so prosecuted shall fail to prove that he is qualified as aforesaid, he shall be found liable in Payment of the said Penalty and Expences, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Trustee in the Execution of this Act; such Penalty to be applied for Behoof of the District to which the Trustee shall belong at whose Suit the same shall have been enforced: Provided nevertheless, that no Act or Proceeding touching the Execution of any such Act, which shall be done or performed by such unqualified or disqualified Person, previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Persons had been duly qualified.

Division of the County into Districts.

V. And be it further enacted, That the Nine Districts into which the Counties of *Ross* and *Cromarty*, and Part of the County of *Nairn* locally situated therein, were divided, under the Authority of the said first-recited Act, shall be the Districts into which the said Counties, and Part of the County of *Nairn* situated as aforesaid, shall be divided for the Purposes of this Act: Provided always, that such Division of the said Counties shall be subject to Alteration, or any Correction that may be thought fit, by any annual General Meeting of the Trustees, for the Purpose of supplying any Deficiencies that may have occurred, and of granting additional Security, by naming, in a more precise Manner, the Properties or Parts of Properties now considered as included in any District; and thereafter such Division may be made by any of the Annual stated General Meetings, after the Debts and Obligations affecting any One or more of the said Districts shall have been redeemed, or with Consent of the Creditor or Creditors; and provided also, that such Alterations shall be required and applied for by the Trustees to whom Lands to the Amount of not less than Two Thirds of the Valuation within any one District shall belong, at any Meeting or Meetings of any such District or Districts duly held; Notice of such intended Requisition or Application being given under the Hand of the Clerk of such Meeting, and published in the *Inverness* Newspapers Twice within Four Weeks previous to the General Annual Meeting.

Quorum.

VI. And be it further enacted, That at all District Meetings Two Trustees shall form a Quorum, excepting at the Meetings of the District of the Island of *Lewis*, where the Proprietor thereof, or his Chamberlain or Mandatory, shall have the Powers of a Quorum.

VII. And

First Meeting of the District.

VII. And be it further enacted, That within Six Weeks from and after the passing of this Act the Trustees of the several Districts, qualified as aforesaid, shall meet within their Districts respectively, and determine the Rate at which they shall make Application to the General Meeting of Commissioners of Supply as herein-after directed that the said Districts respectively be assessed for the Purposes of this Act, specifying the precise Rate at which they shall apply to be assessed for the making and maintaining Roads, and building and upholding Bridges, and the Rate at which they shall apply to be assessed for liquidating the existing Debts contracted and still due within each of these Districts respectively; and that such District Meetings shall forthwith transmit their Resolutions thereon to the Clerk of Supply, to be by him laid before the Meeting of Commissioners of Supply to be called as herein-after directed.

Assessment to be imposed by General Meetings of Commissioners of Supply.

VIII. And be it further enacted, That within Three Months after the passing of this Act, and upon the Thirtieth Day of *April* in each subsequent Year, the Commissioners of Supply shall meet and assemble in the Place where they are convened for the Purpose of assessing for the Land Tax; and the Commissioners of Supply being so met and assembled, they shall and are hereby required to make an Assessment on each and every Proprietor of the *Dominium utile* of Lands in each District at the Rate at which the Trustees of each District, or a Majority of them, shall as aforesaid have applied to be assessed respectively.

Amount of Assessment.

IX. And be it further enacted, That the Assessment for making and maintaining Roads, and building and upholding Bridges, shall not be less than Four-pence nor more than Nine-pence in the Pound *Scots* of valued Rent on all the Districts except the Ninth or *Lewis* District; and that the Assessment for paying the existing Debts of such District shall not be less than Two-pence nor more than Nine-pence in the Pound *Scots* of valued Rent on all the Districts except the Ninth or *Lewis* District; which several Assessments, and all other Assessments or Money levied under the Powers of this Act, shall be expended within the several Districts respectively wherein the same shall be levied or collected, as the said Districts are or may be hereafter divided: Provided always, that when a public Road or Bridge happens to be the Boundary between Two Districts, it shall be made and supported by each District contributing equally to its Expence, so far as connected together; and providing always, that Tenants occupying Lands or other Heritages under Leases entered into during the Existence of the said recited Acts shall be bound to pay the Proprietors or Landlords of the Lands or Heritages annually, during the Continuance or Endurance of the said Leases, the Sum of Three-pence Sterling in the Pound Sterling of the real Rent of the said Lands or Heritages, except in the Ninth or *Lewis* District; which Sum of Three-pence in the Pound Sterling so exigible shall be recovered by the said Proprietors from the said Tenants in the Way and Manner in which the Rents stipulated in such Leases may be recovered; it being hereby specially declared that the said Sum of Three-pence in the Pound Sterling of the real Rent payable by certain Tenants as above provided shall be held and deemed to be a Prestation *in gremio* of the said Leases, and Part of the Rent due to the Proprietor.

X. And

Additional Assessment on old County of Cromarty.

X. And whereas the Lands situated in the Parishes of *Cromarty* and *Kirkmichael*, which latter forms a Part of the United Parishes of *Kirkmichael* and *Cullicuden*, now called *Risolis*, being in the County of *Cromarty*, did not fall under the Enactments of an Act passed in the Forty-fifth Year of the Reign of His late 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 thereby the Lands in the Parishes aforesaid were not subject to Burthens which, for the Purposes of the said recited Act, were imposed on all the neighbouring Lands situated in the Counties of *Ross* and *Cromarty*; be it therefore enacted, That it may be lawful for the Meeting of the Commissioners of Supply of the Counties of *Ross* and *Cromarty*, assembled as herein-before directed, with the Consent intimated in Writing of the Proprietors of the Lands in the said Parishes, or of the Tutors, Curators, or Trustees of the Proprietors aforesaid, and judicial Factor of the Estate of *Cromarty*, (providing that it shall appear to the said Meeting that such Consent as aforesaid has been given by the Proprietors, Tutors, Curators, and Factors foresaid actually possessed of Three Fourths of the Valuation of the said Parishes,) to assess the Proprietors of the said Lands in a Sum not exceeding Three-pence in the Pound Scots annually, rateably and conformably to their valued Rent in the Valuation Books of the said County of *Cromarty*, over and above the Assessments for the Purpose of making and repairing Roads within the Districts in which such Lands are situated.

Power to levy the Assessment under the Penalties of the Land Tax Acts.

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 payable upon the Twenty-fifth Day of *March* in each Year for the Year preceding; providing always, that from and after the Thirtieth Day of *April* in each Year, Interest shall be charged on all Assessments then in arrear; and the said Assessments, and every Part and Portion thereof, shall be levied and recovered by the Collector 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.

Assessment on Heritages appertaining to the Royal Burghs of Dingwall, Tain, and Fortrose.

XII. And whereas the Lands, Tenements, and Heritages appertaining to the Royal Burghs of *Tain*, *Dingwall*, and *Fortrose*, situated in the County of *Ross*, are not valued in the Valuation Books of that County; be it enacted by the Authority aforesaid, That for the Purposes of this Act there shall be levied from the said Burghs the Sums following; *videlicet*, from the Burgh of *Dingwall* the Sum of Forty Pounds Sterling; from the Burgh of *Tain* the Sum of Fifty Pounds Sterling; and from the Burgh of *Fortrose* the Sum of Fifteen Pounds Sterling; which several Sums shall be paid by the Magistrates of the said Burghs respectively, under a Penalty of Twenty Pounds Sterling *per Centum* over and above the said Assessment, to be recovered upon a Complaint to the Sheriff Depute or his Substitute, (whose Decision shall in every Case be final and conclusive,) at the Instance of the Clerk of the District wherein the said

said Burghs are or may be respectively situated, on or before the Twenty-fifth Day of *March* annually, during the Continuance of this Act, to the Credit of the Bank Account, as herein-after provided, of the Trustees of the District within which the said Burghs are or may be respectively situated; and the said Magistrates shall immediately thereafter endorse the Bank Receipt to the Præses of the last Meeting of the Trustees of the said District, who shall thereupon discharge the Magistrates by an Acknowledgment under his Hand.

Scale of Assessment on Inhabitants of Burghs.

XIII. And be it further enacted, That the Magistrates of the said Burghs of *Dingwall*, *Tain*, and *Fortrose* shall be empowered and they are hereby empowered to levy from all Heritors within the Royalty of the said Burghs respectively, whose Heritages are not valued in the Valuation Books, an Assessment agreeably to the following Scale; *videlicet*, from each and every Heritor whose Heritage is other than Land used as a Garden, and exceeds an Acre, proportionally to the Valuation of the Property of such Heritors in the said Burgh in the respective Stent Rolls of such Burgh, and if there be no Stent Roll for any such Burgh, proportionally to the Sum payable by such Burgh for such Property to the Land Tax, to be apportioned rateably among such Heritors according to such Rule; and from the Proprietors of all Houses, including Garden Ground, at the Rates following; *videlicet*, For each and every Tenement of the annual Value of One Pound and under Three Pounds, a Sum not exceeding One Shilling and Sixpence; for each and every Tenement of the annual Value of Three Pounds and under Five Pounds, a Sum not exceeding Two Shillings and Sixpence; for each and every Tenement of the annual Value of Five Pounds and under Seven Pounds, a Sum not exceeding Four Shillings; for each and every Tenement of the annual Value of Seven Pounds and under Ten Pounds, a Sum not exceeding Six Shillings; for each and every Tenement of the annual Value of Ten Pounds and under Fifteen Pounds, a Sum not exceeding Seven Shillings; for each and every Tenement of the annual Value of Fifteen Pounds and under Twenty Pounds, a Sum not exceeding Eight Shillings; and for each and every Tenement of an annual Value above Twenty Pounds, the Sum of Ten-pence Sterling in the Pound; which several Assessments shall be imposed conformably to Returns upon Oath, to be made to the said Magistrates by Assessors to be appointed by them, and may be levied and recovered by the Magistrates of the said Burghs respectively, on or before the First Day of *March* annually, in the same Manner, and with the like Remedies, Powers, Penalties, and Forfeitures, as the Land Tax is or may be levied or recovered within the said Burghs.

Power to increase or diminish Rate of Assessment.

XIV. And be it further enacted, That the Magistrates of the said Burghs shall have Power, and they are hereby empowered, to increase or diminish the Rate of the Assessment on the Proprietors of Houses and Gardens within their respective Burghs, in the Proportion of the foregoing Scale: Provided always, that the aggregate Sum of the Assessments levied from Lands, Tenements, and Heritages rated as aforesaid, within the Royalty of the Burgh of *Tain*, shall not exceed Sixty Pounds Sterling; from the Burgh of *Dingwall*, Forty-five Pounds Sterling, nor within the Royalty of the Burgh of *Fortrose*, the Sum of Eighteen Pounds Sterling; which several Sums are inclusive of the Allowances for Collection to the Collectors of the Burghs respectively.

XV. And

Publication of Lists or Schedules of Assessment.

XV. And be it further enacted, That the said Magistrates shall affix to the most patent Door of the Court House, and of the Church in each Burgh respectively, Lists or Schedules of the Names of the Persons to be assessed in each Burgh, and of the Sums proposed to be levied from each of them; which Lists or Schedules shall be published One Calendar Month at least for Two consecutive *Sundays* previously to the Day of Collection, and shall intimate a Day whereon the said Magistrates respectively shall hear and decide (their Decision being in every Case final and conclusive) any Appeals that may be made against such proposed Assessments.

Assessment on the Burghs of Barony of Cromarty and Stornaway.

XVI. And be it further enacted, That the Superior or Baron Baillie of the Burgh of Barony of *Cromarty* shall pay to the Collector under this Act the Sum of Thirty Pounds; and the Superior or Baron Baillie of the Burgh of Barony of *Cromarty* shall be, and he is hereby empowered, to collect the Sum of Thirty-six Pounds from the Householders of the said Burgh, according to the aforesaid Scale enacted with respect to Royal Burghs; and the Superior or Baron Baillie of the Burgh of Barony of *Stornaway* shall be, and he is hereby empowered, to levy and collect Two Shillings from each House or Dwelling within the said Burgh of Barony, and from every Feu within the said Burgh of Barony of *Stornaway* of the annual Value of Three Pounds and upwards, he is hereby empowered to levy and collect annually a Sum payable according to the aforesaid Scale, the said Baillie being bound to publish Lists or Schedules of the Names of the Householders and Feuars proposed to be assessed, and of the Sums to be levied from each of them, and to hear and decide Appeals from such proposed Assessments in the Manner herein-before enacted with regard to Royal Burghs: Provided always, that such Assessments on the Householders within the Burgh of Barony of *Stornaway* hereby authorized to be levied, as well as the Assessments authorized above to be collected from the Tenants within the Ninth District by the Proprietors thereof, shall be applied towards Payment of the Debts of the said District, and for the general Purposes of this Act within the Ninth District; of all which Assessments and Sums so collected a Statement shall be presented to the General Annual Meeting yearly.

Assessments to be paid to Collector appointed by the District Trustees.

XVII. And be it enacted, That the Assessments or Conversions aforesaid shall be collected by the Treasurer or other Officer of the said Burghs, by whom it shall be paid over (under Deduction of Five *per Centum* from the Money so collected for the Trouble of collecting the same), to the General Collector appointed under the Authority of this Act, on or before the First Day of *March* in each Year, and shall be by him immediately thereafter paid into the Credit of the Bank Account of the Trustees of the said District; and the said Collector shall thereupon endorse the Bank Receipt for such Payments to the Præses of the last Meeting of the Trustees of the District, who shall then discharge the Collector: Provided always, that the said Treasurer or other Officer of the said Burgh shall publish or cause to be published, by affixing to the Doors of the Church of the said Burgh, Lists or Schedules of the Persons therein liable to be assessed, and of the Sums exigible from them respectively, and shall proclaim or cause to be proclaimed the Day and Place when and where Appeals from the said Assessment shall be heard and determined by the Trustees of the District within which the said Burgh is or may be situated, whose Decision shall in every Case be final, and the Day and Place when

when and where the Assessments are proposed to be collected, which Publication and Proclamation shall be made immediately after Divine Service on Two consecutive *Sundays*, Fourteen Days at least previously to the Day appointed for hearing and determining Appeals, and One Calendar Month at least previously to the Day of Collection; and upon Failure of Payment upon the Day of Collection of the said Assessments, and a Certificate thereof being returned by the Collector, a summary Warrant for poinding the Effects of the Defaulter shall be issued by the Sheriff Depute of the County in which such Failure shall have taken place, or any One of his Substitutes, or any Two of His Majesty's Justices of the Peace for the County in which such Failure shall have taken place, for the Amount of the Sum assessed and the full Expences of the Proceedings; and it shall be lawful to appraise the poinded Subjects on the Spot where found, and to sell the same by Auction for Payment of the Assessment or Conversion specified in the Warrant, and of the Expences which shall be modified by the Magistrates granting the same; and the Surplus, if any, shall be paid when demanded to the Person whose Effects shall have been so poinded and sold: Provided also, that in case of a Warrant for Poinding and Sale being maliciously, iniquitously, or upon a false Allegation obtained, it shall be lawful for the Sheriff or Justices aforesaid, to award Treble the Amount of the Assessment and Expences contained in the said Warrant against the Collector or other Person through whose Means the said Warrant shall have been so obtained.

Glebe Lands, Manses, &c. exempted.

XVIII. And be it enacted, That nothing in this Act contained shall authorize or be construed to authorize any Assessment to be levied in respect of Glebe Lands or Manse; nor shall any Parochial or other Schoolmaster or Teacher, nor any Teacher of any Academy within the said Counties or Part of *Nairn*, regularly authorized to teach, pay any Assessment for his Dwelling House or School House, and the Lands attached thereto in his own Possession.

Provision respecting Villages.

XIX. And whereas the Tradesmen, with their Apprentices, Fishermen, and Boatmen, or others dwelling in Villages, are by the Repeal of the Act for the Commutation of Statute Labour relieved from certain Payments to which they were thereby subjected; be it enacted, That the Proprietor of the Land whereon any Village consisting of Twenty Houses or upwards is situated shall prepare, within the Space of Six Weeks from the passing of this Act, a List or Schedule of the Number of Houses in each such Village on his Property, held in feu or under Lease of Ninety-nine Years or upwards, which List or Schedule he shall deliver to the Collector under this Act; and the said Proprietor shall be liable to be assessed in respect to such List or Schedule in a Sum on the aggregate Number of Houses of Two Shillings on each House so held in feu or Lease, and that yearly during the Continuance of this Act; and shall have Relief on the Inhabitants of such Houses for the Sum so paid by him, to be collected and levied with his Rents or Feu Duties in the Way and Manner, and under the like Powers and Remedies by which he collects and levies his said Rents and Feu Duties: Provided always, that in default of the Proprietor preparing and delivering to the Collector, within the Space aforesaid, a List or Schedule of the Number of such Houses in each Village on his Property, the Trustees of the District are hereby required to direct the said Village or Villages to be surveyed by a Person

to be appointed by them, which Surveyor shall, within Fourteen Days of his Appointment, prepare and deliver to the Collector a List or Schedule as above, upon which the said Proprietor shall be liable to be assessed as aforesaid: Provided also, that the Expence incurred through the Default, as aforesaid, of the said Proprietor, shall be, when ascertained by the Trustees of the District, added by the Collector to the Assessment to which the said Proprietor is liable for the Purposes of this Act, and shall be levied by the said Collector from the said Proprietor, along with the said Assessment, and by virtue of the same Powers and Remedies.

Power to increase Assessments in certain Cases.

XX. And whereas certain Parts of the said Counties, chiefly mountainous Districts, are at present very deficient in the Means of Communication, the Expence of making Roads through which is very great; and it is expedient that Power should be possessed when it shall be necessary to increase the above Assessment; be it enacted, That it shall be lawful for the Commissioners of Supply of the said Counties, at a Meeting of the Commissioners of Supply on the Thirtieth of *April* in any Year, upon the Application of the Heritors of any such District paying Three Fourths of the said Assessment, to increase the Assessment payable by such Heritors to a Sum not exceeding Three-pence Sterling in the Pound Scots of their valued Rent, in addition to the maximum Rate of Assessment allowed by this Act; which increased Assessment, not exceeding One Shilling Sterling in whole in the Pound Scots, shall be levied and recovered by the Collector under this Act, in the Way and Manner, and with the Powers and Remedies herein-before provided.

Collectors of Cess to collect Assessments on valued Rent, and how to deposit it.

XXI. And be it enacted, That the several Assessments which may by virtue of this Act be imposed upon the valued Rents of the Counties and Part of *Nairn* aforesaid, shall be collected by the Collector of Cess of the County of *Ross* for the Time being, or by any other Person or Persons that any stated General or Special General Meeting of the Trustees of the said Counties may appoint, who shall be paid for performing such Duty by a Per-centage, which shall in no Case exceed the Rate of Two *per Centum* on the Amount of his Collection; and the Person so collecting is hereby required and directed to open an Account for each of the said Districts respectively, excepting the Ninth District as aforesaid, in such Bank, or Branch of any Bank which is or may be established in the Counties foresaid, or in the Town of *Inverness*, as he shall be directed by the Præses of any Meeting of the Trustees of each of the said Districts respectively, and shall pay to the Account of each of the said Districts respectively all Sums which he may collect, effeiring to the valued Rent of each of the several Districts aforesaid, and to Villages; and also all Sums which he may levy for Arrears outstanding under the said recited Acts, as herein-after provided, within the several Districts respectively, excepting the Ninth District as aforesaid, as the said Districts are now or may be hereafter divided, together with all Interest which may accrue and be paid to the Collector on Assessments in arrear; and upon obtaining a Bank Deposit Receipt for the said Sum or Sums of Money so paid into the said Bank or Branch of a Bank, he shall indorse the said Receipt over to the Præses of the last Meeting of the Trustees of each District respectively, who shall thereupon discharge the said Collector by granting his Receipt or Acknowledgment that he has received the said Bank Receipt so indorsed as herein directed, which Sum shall be payable, in

whole or in part, to the Order of the Trustees of each District respectively, or to the Order of any Two of their Number: Provided always, that the said Collectors shall find good and sufficient Caution for the faithful Performance of the Duties assigned to him by this Act, in the Way and Manner that Security is found by him as Collector of the Land Tax of the said County; and provided always, that any other Person or Persons so appointed as aforesaid shall find good and sufficient Caution, to the Satisfaction of the said Trustees, for the faithful Performance of the Duties assigned to this Office in virtue hereof.

Provision respecting Heirs of Entail.

XXII. And whereas by reason of the Communications to be opened by the Roads and Bridges which may be made and built under the Authority of this Act, great Benefit is expected to accrue to the Proprietors of many Estates in the Counties aforesaid, and the annual Value of such Estates will be thereby greatly increased; and it being therefore expedient to enable Heirs of Entail, or other Persons under any legal Disability or Incapacity, to contribute to the making such Roads and erecting such Bridges, be it enacted, That it shall and may be lawful for any Corporation, or the Tutor or Curator of any Infant or Lunatic, or other Person under any Disability or Incapacity, possessed or entitled to a Real Estate, or any Heir of Entail in possession of an entailed Estate, in either of the said Counties and Part of the County of *Nairn*, through which such Road shall pass, or in which any such Bridge shall be situated, his or her Tutor or Tutors, Curator or Curators, with Consent of the Commissioners of Supply of the said Counties assembled as herein-before directed, to contribute towards the making of such Road or erecting of such Bridge respectively any Sum not exceeding One Year's free Rent of such Estate; and for that Purpose it shall and may be lawful for such Corporation, Tutor or Curator, or Heir of Entail, or his or her Tutor or Curator, to charge such Estate with any Sum not exceeding One Year's free Rent thereof, to be borrowed for the Purpose of contributing towards the Expence of making any Road, or erecting any Bridge in these Counties and Part of a County aforesaid, under the Provisions of this Act.

Interest of Money borrowed by Heirs of Entail.

XXIII. Provided always, and be it enacted, That such Corporation, Tutor and Curator, Heir of Entail, his and her Tutor or Tutors, Curator or Curators, and every Heir of Entail succeeding to such entailed Estate, his Tutor or Tutors, Curator or Curators, shall be obliged to keep down the Interest upon such Sum so borrowed; but it shall not be lawful for the Creditor or Creditors in the Right of any such Debt charged upon an Entailed Estate to adjudge or otherwise evict the Entailed Estate for Payment thereof: Provided always, that it shall and may be competent to such Creditor or Creditors to prosecute such Remedy or Remedies against the Rents thereof, as are given and allowed by the Law of *Scotland* to heritable Creditors.

Rendering the Estate liable. 10 G. 3. c. 51.

XXIV. And whereas an Act was passed in the Reign of His late Majesty, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland, *held under Settlements of strict Entail*, by which it is enacted, that the Proprietor of an Entailed Estate, who lays out Money in inclosing, planting, or draining, or in erecting Farm Houses and Offices, for the Improvement of his Lands, shall be a Creditor to the succeeding Heirs of Entail for Three Fourth

Parts of the Money laid out in making the said Improvements; and by which also certain Provisions are made for giving certain Notices and for lodging certain Accounts, and for keeping certain Records relative thereto: And whereas the making of Roads and erecting of Bridges under the Provisions of this Act constitute evident Improvements; be it therefore enacted, That the Proprietor of an Entailed Estate, situated in the said Counties and Part of a County, upon complying with the Provisions of the last-recited Act, shall be a Creditor to the succeeding Heirs of Entail to an Amount not exceeding One Year's free Rent of the said Estate, over and above the Four Years Rent with which the Heir in possession is by the said last-recited Act authorized to burden the succeeding Heirs of Entail for the Purposes of the said Act: Provided always, that the Notices shall be given, the Accounts lodged, and the Records kept in the same Manner as if the Enactments and Provisions of that Act were expressly inserted in this Act.

Proprietors of Entailed Estates may renounce Damages.

XXV. And be it further enacted, That it shall be in the Power of Proprietors of Entailed Estates, and of all Trustees, Tutors, or Curators of any Person under any legal Disability or Incapacity, to give up and renounce every Claim of Damage or otherwise competent to them, for such Ground and Materials as any Road to be made under the Authority of this Act may occupy or require on their respective Properties, and such Renunciation shall be equally binding on the Heirs of such Persons.

Annual Meetings of District Trustees.

XXVI. And be it further enacted, That there shall be Two stated Meetings of the Trustees within each District respectively held in each Year; the first to be holden in the Month of *April* for the Purpose of choosing a Præses and Clerk, (the latter to be paid out of the Funds of the District a suitable Salary), and for arranging the Operations to be carried on under this Act during the current Year; and the Second to be holden in the Month of *August*, for the Purpose of preparing a Report of the Proceedings and Transactions of the Trustees within the said District for the Year preceding, and of the Operations (if any) intended to be executed in the Year following, with a State of their Accounts to be submitted to the Annual General Meeting of Trustees to be holden in the Month of *September* then next: Provided always, that the Trustees in each District respectively may hold Special Meetings, to be convened upon a Requisition, setting forth the Object of the Meeting, of any One Trustee, by the Clerk's addresing a Circular Notice, with a Copy of the Requisition, to each of the several Trustees within the District, Seven free Days previous to the Day of Meeting; and provided also, that the said Trustees in each District respectively shall be and they are hereby required to keep exact Minutes of their Proceedings, and accurate Accounts of the Monies received in virtue of this Act, and the Application thereof, in a Book to be kept by their respective Clerks, which all the Heritors of the County, and all Creditors of the Districts, shall have Liberty to inspect *gratis*.

Trustees may sue and be sued in the Name of their Clerk.

XXVII. And be it further enacted, That the Trustees of the respective Districts may sue and be sued, for any Matter or Thing to be done in the Execution of this Act, in the Name of any One of the said Trustees, or of their Clerk for the Time being; and no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders, in the Name

of

of any One of the said Trustees, or of their Clerk, by virtue of this Act, shall abate by the Death of such Trustee, or the Death or Removal of any such Clerk, but any other of the said Trustees or their Clerk for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

General Meetings.

XXVIII. And be it further enacted, That there shall be a General Meeting of Trustees, qualified as District Trustees, from the several Districts of the County, to be held annually alternately in the Burghs of *Tain* and *Dingwall*, (the First Meeting after the passing of this Act, to be held in the Burgh of *Tain*), and that such Annual General Meeting shall be held on the Second *Wednesday* of the Month of *September* in each Year; and such Meeting shall be and are hereby empowered to choose a Præses and a General Clerk as herein-after provided, and shall be and they are hereby empowered to receive and consider the Reports of each of the Districts in which the Counties are divided respectively, and to approve of the same or any Part thereof; and also to audit the Accounts, presented by the said Districts, and to approve the same, if they are correct; and in case of any Irregularity or Inaccuracy, to return such Accounts to the said Districts, with Orders that they shall present them in a corrected Shape to an adjourned Meeting of the said General Meeting of Trustees; and in case of any repeated Irregularity, or of any Malversation, the General Meeting are hereby empowered to order a Prosecution to be instituted against the said Trustees by the General Clerk before the Sheriff Depute or before the Court of Session; and the Trustees so prosecuted shall, upon a Decree being pronounced against them, pay all the Expences of such Prosecution out of their personal Effects, and the District Funds shall be in no Case liable therefor; and the said General Meeting may appoint a Surveyor and Inspector, or Surveyors and Inspectors, One or more, who shall be paid such Sum or Sums by the several Districts who shall severally employ him; which Sums shall be paid out of the District Funds by the Trustees of the Districts severally so employing such Surveyor or Inspector, within One Month of the Order of the said General Meeting; and such Surveyor and Inspector, Surveyors and Inspectors, shall be empowered to superintend generally the making or repairing of the Roads so determined by the respective Districts, with Approbation of the General Meeting, to be made or repaired, and to inspect the Execution of all Contracts entered into by the said District Trustees for the Purposes of this Act, and to prosecute for all Penalties touching Nuisances which may occur on the Roads which have been made under the Authority of the said recited Acts, and to be made or repaired under this Act, and to report generally concerning any Matter touching the said Roads, to the said General Annual Meeting of Trustees.

General Meetings may allocate Assessments, if the District Trustees fail to do so.

XXIX. And be it further enacted, That if the Trustees in any District shall neglect to execute the Powers committed to them by this Act, and shall not have applied the Money hereby allowed to be imposed, it shall be lawful (unless sufficient Cause be shown by such District) for the said Trustees, in each of their annual stated General Meetings, to allocate the Conversion Money unapplied on each District in Default to the Roads and Bridges of that District, within the County; and to name a Committee of their Number, with the necessary Powers to cause such Application to be made.

XXX. Pro-

Proceedings of District Meetings subject to the Directions and Controul of General Meetings.

XXX. Provided always, That the Proceedings of the Trustees in the District Meetings shall be subject to the Controul of the General Meetings, to whom any Person or Persons who think themselves aggrieved by such Proceedings may appeal, and whose Sentence shall be final; and in case the District Meetings do not comply with the Orders of the General Meetings, it shall be in the Power of the General Meetings to appoint a Committee of their own Number to carry the said Orders into execution.

Trustees to have the Power to form standing Rules.

XXXI. And be it further enacted, That the Trustees in the Execution of the Powers given them by this Act may, at any General Meeting assembled, propose Standing Rules or Bye Laws for conducting the Business authorized by this Act, which Rules or Bye Laws, when once made and confirmed by Two consecutive General Meetings, shall be printed and published, and shall not be altered but by the Approbation of Three consecutive General Meetings: Provided always, that such Rules or Bye Laws be not inconsistent with any of the Provisions of this Act, or with the Law of *Scotland*.

Duties of General Clerks.

XXXII. And be it further enacted, That the Annual General Meeting shall have Power to elect a General Clerk, who shall keep a regular Record of all Proceedings at the Annual General Meetings, and of all Reports and Accounts rendered by the Districts to the said Meetings, and shall furnish to each District, within One Calendar Month after each Annual General Meeting, under a Penalty not exceeding Five Pounds, to be levied and applied as herein provided, an Extract of the Orders and Proceedings of the Trustees of the General Meeting relative thereto, for the Guidance of the Trustees of each District, the Salary for which Duties shall be fixed by the Annual General Meeting of Trustees, and shall be paid by the several Districts, rateably and proportionably, according to their valued Rent respectively; and, when required, the General Clerk shall give out Extracts of the Orders and Proceedings of the General Trustees, containing Warrants for putting these Orders into execution.

Same Person not to be Treasurer and Clerk.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint any Person or Persons who may be appointed the Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or

other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Majority of Trustees to decide.

XXXIV. And be it further enacted, That in all Meetings to be held under the Authority of this Act the Matters to be decided on shall be decided in the Manner voted and determined by a Majority of the Trustees, their Proxies or other Substitutes, then present, except where it is herein otherwise specially provided; and in case of Equality the Præses shall, besides his Vote as an individual Trustee, have also a casting Vote; and at all such Meetings the Trustees, their Proxies or other Substitutes, shall defray their own Expences.

Trustees to pay their Expences.

Arrears under former Acts.

XXXV. And whereas very large Sums of Arrears have been accumulated and are still outstanding under the Operation of the said recited Acts: And whereas it is expedient that the exact Amount of the same be ascertained, and Measures be adopted for liquidating the said Arrears in as short a Period and with as little Loss to the respective Districts as possible; be it therefore enacted, That within Six Weeks after the passing of this Act the Trustees shall assemble within their Districts respectively, for the Purpose of ascertaining the exact Amount of Arrears in each District, and determining the Measures to be adopted for liquidating the said Arrears; and the said Trustees shall have Power, as they are hereby empowered, to cite and examine such Person or Persons as they may deem necessary to examine in the said Matters, which Persons shall be bound to obey the Summons of the District Clerk, under a Penalty not exceeding Forty Shillings Sterling; and the said Trustees shall be entitled, as they are hereby entitled, to enforce the Payment of such Part of the Arrears as may by them be esteemed recoverable, to take Labour in such Cases as they may deem expedient in lieu of the said Arrears or Part of them, and to remit and discharge such Arrears as may to the said Trustees appear irrecoverable; and the said Trustees within each District respectively shall prepare a Report of their Proceedings in respect of the said Arrears, and submit the same for the Consideration of the next General Meeting.

Debts how to be paid.

XXXVI. And whereas the Trustees acting under the Authority of the said recited Acts have in their respective Districts contracted Debts to a considerable Amount, in making and repairing Roads within such Districts; be it enacted, That the Assessments herein-before authorized to be levied for the Payment of the existing Debts contracted and still due within each of these Districts respectively, excepting the Ninth District, shall be liable for the Repayment of the said Debts, Principal and Interest, according to the Tenor and Intent of the several Securities granted under the Authority and in Terms of the said recited Acts, under which Securities the Sums constituting the said Debts have been borrowed,

borrowed, until the whole of the said Sums, with Interest thereon, in Terms of the said Securities, are paid up and extinguished: Provided always, that nothing herein contained shall prejudge any Question between the Persons who were the Proprietors of Lands when the Securities were granted, and those now in Possession, as to their Liability for the Sums so borrowed.

Power to borrow Money.

XXXVII. And be it further enacted, That it shall and may be lawful for the Trustees of the said Districts, or a Majority of them, to borrow Money on the Credit of the Assessment herein-before provided, and of any other Funds of the said District leviable under this Act, for making and maintaining Roads, building and repairing Bridges, and to assign any Part of the said Funds of the said Districts in Security therefor, in manner herein-after to be directed: Provided always, that the Sum so assigned shall not exceed Two Third Parts of the Free Funds of the said Districts respectively: Provided also, that it shall not be in the Power of the said Trustees, either at the General or District Meetings, to diminish or reduce the Rate of Assessment arising from any District or Parish upon the Credit of which any Sum or Sums of Money may have been borrowed, as herein-before allowed, until such Sum or Sums of Money be paid off and extinguished, or unless the Person or Persons to whom the Money is owing shall consent.

Rate of Assessment not to be altered.

Form of Assignment.

XXXVIII. And be it further enacted, That the Security or Securities to be granted for the Money to be borrowed for the Purposes aforesaid shall or may be in the Words and Form following, or others to that Effect:

No. £ (*Place and Date of Meeting in Figures.*)

'THE Trustees for the District of by virtue of an Act to 'amend certain Acts for making and maintaining Roads and con- 'verting the Statute Labour in the Counties of *Ross* and *Cromarty*, and 'Part of *Nairn* locally situate in the County of *Ross*, do hereby assign 'to *A. B.*, his Heirs, Executors, and Assignees, such Proportion of the 'Funds of the said District of , in Security and Repayment to 'the said *A. B.* and his foresaids, of the Principal Sum of 'Sterling borrowed from him on the Day of Eighteen 'hundred and Years, with Interest thereof at the Rate of '*per Centum per Annum* until paid.

'By Order of the Trustees.

'*C. D.* Preses.'

'*E. F.* Witness.

'*G. H.* Witness.

'Registered per *I. K.*'

And every such Security shall be transferrable by Blank Indorsation, but without inferring any Recourse upon the Indorser, and being signed at any Time by Order or Authority of any Meeting of Trustees, whereof the Bond may bear the Date, and being duly entered or registered in their Books, and at any Time whatsoever thereafter presented and protested for Nonpayment of the Principal and Interest, at the Office of the Clerk or Accountant of the said Trustees, all such summary Diligence shall be competent and may immediately pass and be directed thereon against the Trust Funds, and against the personal or collateral Obligants

or

or Securities who may sign the same, or authorize a Commissioner to sign for them, and their Heirs, for the Principal Sum and Interest, or either of them, as is competent to pass upon any ordinary Promissory Note whatever by the Law of *Scotland*.

Non-liability of Trustees personally.

XXXIX. And be it further enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money borrowed, or Interest thereof, by reason of having signed the said Securities, but such Securities shall be held and considered as granted upon the sole Credit and Security of the Funds of such District; nor shall any Trustee be held personally liable upon any Pretext for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office of Trustee under this Act.

Roads already made to be repaired, and new ones formed.

XL. And be it further enacted, That the Trustees within each District, at their first Meeting after the passing of this Act, shall make up and report a List of Roads made or repaired under the Authority of the said recited Acts, and shall forthwith cause to be made a Survey and Estimate of the annual Expence of keeping the same in repair in Time to come, which Survey and Estimate shall be laid before the General Meeting for their Approbation, and also shall cause to be made Surveys and Estimates of any useful Lines of Road not made or repaired as aforesaid, which Surveys and Estimates shall be laid before the first General Meeting held after they shall have been completed: Provided always, that no General Meeting shall authorize or empower any District Meeting to enter into any Contract for making any new Line of Road, or putting into thorough Repair any old Line of Road passing through such District, until Contracts have been entered into for maintaining in repair such Roads within such Districts as have been made or repaired under the Authority of the said recited Acts or any of them, and until such Lines of Roads as have been under the said recited Acts or any of them declared preferable have been completed; and any such Contracts for making new Lines, or repairing old Lines as aforesaid, before the Repairs of the Roads aforesaid are provided for, shall be null and void; and the Trustees entering into such Contracts shall be personally liable in Damages to the Contractor or Contractors, and no Part whatever of the Costs of Suit, or Damages, or any Expence whatever incurred by entering into such Contracts, shall be defrayed out of the Funds of such District.

ErectingMile Stones.

Penalty on damaging Mile Stones, &c.

XLI. And be it further enacted, That the said District Trustees may cause all or any of the Roads within these Districts to be measured, and Stones, Irons, or Posts to be erected thereon, or near the Sides thereof, denoting the Distance at each Mile, or such other Distance as they shall judge convenient, and may also cause Guide Posts to be erected where necessary; and if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any such Stones or Posts, or obliterate or deface any Letters or Figures that shall be inscribed or put thereon, or shall break down the Cope Stones or Parapet Walls on the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made under the same, or shall be aiding or assisting therein, or shall rescue, or attempt to rescue, any Person

Person apprehended for any such Offence, any Person offending in any of the Particulars aforesaid, who shall be thereof convicted by the Oath or Confession of the Party offending, or of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said Counties of *Ross* or *Cromarty*, or where the Offender shall reside, such Person or Persons so offending shall respectively not only forfeit and pay Double the Damages and Expences sustained, or that may be incurred by such Offence, but shall also be subject and liable to pay a Fine not exceeding Ten Pounds Sterling for every such Offence.

Power to shut up useless Roads.

XLII. And be it further enacted, That the said Trustees shall have Power to build Fences, and to shut up and suppress Roads, and pull down old Bridges 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, or pull down any such Bridge, be given by Advertisement at the Churches of the Parishes through which the said Road passes, and at the Parishes at either Extremity, 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 any such Resolution, may apply to the Sheriff Depute of the County, or any of his Substitutes, who shall hear and determine thereon, with Power finally to decide the same; and after any such Road shall have been so declared to be shut up all Persons found using the same may be prosecuted as Trespassers by any Trustee, or any Person having Interest, and on Conviction thereof before any One or more Justices of the Peace of the said Counties shall be liable in a Penalty not exceeding Five Pounds, and be imprisoned until the same be paid; and the said Trustees shall have Power to apply or sell the Materials of any Bridge ordered by them to be pulled down, as they shall see proper, for the Purposes of this Act.

Trustees to have Power to take possession of Ground for making and widening Roads.

XLIII. And be it further enacted, That it shall and may be lawful for the said Trustees to take possession of the Ground necessary for making, widening, or altering the said Roads authorized to be made by the said recited Acts or this Act, or to remove any Fence, House, or other Building, under the Authority of this Act, and to pay full Value and Compensation, out of the Funds of the District, to the respective Owners or Occupiers of such Grounds, Fences, Houses, or Buildings, or for the Damage sustained by them, as may be settled by voluntary Agreement; and in case of Difference, such Value and Compensation, and Claim and Recompence for Damages, shall be determined and ascertained by a Jury to be summoned by the Sheriff Depute of *Ross* and *Cromarty*, or any of his Substitutes, upon the Application of either Party, who are hereby authorized and required to summon a Number, not fewer than Twenty-five, of substantial and disinterested Persons, being either Owners or Occupiers of Land in the said Counties of *Ross* and *Cromarty*, or that Part of *Nairn* locally situated in *Ross*, to appear before him at such Time and Place as by his Warrant and Precept shall be directed, Intimation of Fifteen Days being given by the Trustees of such Application to the Parties or their known Agents; and the Number of Persons who shall attend shall then be reduced to Eleven, by the Trustees and the Proprietors striking off One alternately, beginning on the Part of the Proprietors, or in case both Parties shall not appear, by the

the Sheriff Depute or any of his Substitutes, until the Number be so reduced; and the remaining Eleven being duly sworn, the Sheriff Depute, or any of his Substitutes, shall proceed to examine upon Oath, in their Presence, such Witnesses as shall have been summoned by either Party; and upon their Depositions, and other competent Evidence, if such has been adduced, such Jury shall determine as to the Relevancy of the Facts alleged against taking such Ground, or against removing such Fences, Inclosures, or Buildings, as the Case may be, and if such Facts shall be found irrelevant, shall determine the Price to be paid by the said Trustees; and the said Sheriff Depute or any of his Substitutes shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners or Occupiers of the Premises, or their Trustees, Tutors or Curators, upon Payment or lawful Tender thereof to them, quietly to permit and suffer the said Trustees to take possession of the said Ground; and the Proceedings of the said Sheriff Depute or any of his Substitutes, and the Verdict of the said Jury, shall be final and conclusive on all Parties, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise.

Which Party liable in Expence of Proceedings before a Jury.

XLIV. Provided always, and be it enacted, That if such Jury shall, by their Verdict, adjudge the said Premises to be of greater Value than the Trustees shall have offered, but of less Value than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of such Jury, and of the Witnesses, and all Expences connected therewith, shall be borne and defrayed by the said Trustees, and such Owner or Owners, Occupier or Occupiers, equally betwixt them; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum required, or any greater Sum, the whole of the said Expences shall be paid by the said Trustees; and in case the said Jury shall award the Sum offered by the Trustees, or a less Sum, the whole of the said Expences shall be paid by the said Owner or Owners, Occupier or Occupiers; and in all Cases where any Person or Persons shall, by reason of unavoidable Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees; and provided also, that after having offered or paid to the Owner or Owners, Occupier or Occupiers, of any Lands, Houses, or other Premises, or to their Agents or Factors, such Sum as the said Trustees shall think reasonable, or which shall have been awarded in manner foresaid, or on Consignation of the same in the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, or any of the Branches of these Banks as aforesaid, as the Case may be, in manner by this Act directed, from thenceforth it shall and may be lawful for the said Trustees to enter into or upon such Lands, Houses, or other Premises, for the Purposes of this Act, and no Stop shall in the meantime be put to the Operations of the said Trustees on pretence of settling the said Damages, or that they have not been satisfied or paid.

Jurymen and Witnesses refusing or failing to attend liable in a Penalty.

XLV. And be it further enacted, That if any Person summoned as a Juryman or Witness, by the Authority of the said Sheriff Depute, or any of his Substitutes, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence as a Witness, the said Sheriff Depute or any of his Substitutes is hereby empowered to fine every such Person so offending, unless sufficient

Cause is shown to the contrary, in any Sum not exceeding Five Pounds Sterling.

How Lands are to be vested in Trustees.

XLVI. And be it further enacted, That all Lands and Houses which may be required by the said respective Trustees in pursuance of this Act shall be vested in the said respective Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in any of the said Banks or their Branches, in manner herein directed with regard to Consignations, as the Case may be; and it shall be sufficient to record the Discharge, or the Voucher of Consignation, in the Sheriff Court Books of the said County; whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

Incorporate Persons, &c. empowered to convey.

XLVII. And be it further enacted, That the said respective Trustees shall be and are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person or Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered to sell, feu, let, and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads or any of them, and for storing Materials or otherwise, where Ground may be taken under the Authority of the said recited Acts and this Act, upon such Satisfaction being made to the Owner or Owners, Occupier or Occupiers, as shall be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded in the Manner herein-before directed.

Re-investing Purchase Monies, if amounting to 200*l.*

XLVIII. 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 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, Lunatic, or Person or Persons under Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company; 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 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 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

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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 meantime, 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 less than 200*l.* and exceeding 20*l.*

XLIX. 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 in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his 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 Trustees hereby appointed (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 thereon, may be applied in any Manner herein-before directed, as far as the Case be applicable.

Under 20*l.*

L. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 Trustees, or any Two 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.

In case of not making out Titles.

LI. 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 Lands, Tenements, or Heritages, to be purchased by virtue of this Act, 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 Trustees, 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

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 Trustees, 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*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Control, 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 said Court shall seem meet, to order the same to be laid out and invested in the Public 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*, or *British* Linen Company, 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 Questions arise touching the Title.

LII. 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 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 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 shown 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 to 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.

The Court may order Expences to be paid by Trustees.

LIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of 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 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.

Old Roads may be sold.

LIV. And be it enacted, That wherever the Course of any of the said Roads shall be altered or widened as aforesaid, in case the old Roads shall thereby become useless, and may be shut up without Inconvenience, the said respective Trustees, in their District Meetings, shall be and they are hereby empowered, if they see proper, to value, by a Jury as aforesaid, or otherwise, as they may deem necessary, and dispose of or sell, the Land or Ground comprised in such old or former Road, and that according to the Value of unimproved or uncultivated Lands in the Neighbourhood, the Proprietor or Proprietors of the Grounds through which the said old Road did pass having always an Offer of the same Preference of Purchase at the said Valuation; and the Money arising from such Sale shall be applied and disposed of for the Purposes of this Act; and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds comprising the said old Road, shall be good and effectual in Law, to all Intents and Purposes whatever.

Road may pass through a Minister's Glebe.

LV. And be it further enacted, That in altering the Course of the said Roads, or in widening the same, it shall be in the Power of the said Trustees to cause the same to be carried through any Minister's Glebe: Provided always, that such Quantity of Ground shall be added to the Glebe, lying most contiguous and convenient thereto, as shall, by the said respective Trustees, be deemed a sufficient Compensation for that taken for the said Roads, which Grounds the said Trustees shall have Power to purchase from the contiguous Owner or Owners, Occupier or Occupiers thereof, who shall in like Manner be empowered, and they are hereby empowered and taken bound to sell such Land whether the same be held under Entail or otherwise; and in case of any Difference in regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, Application shall be made to the Sheriff Deputes of the Counties of *Ross* and *Cromarty*, or any of their Substitutes, who shall summon a Jury, and determine the Extent of the said Addition, and Amount of such Price, in manner as herein-before directed in Cases of Land to be taken for the Purposes of this Act; and upon such Determination, and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Consignation thereof in any of the said Banks, the said Trustees shall from henceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening the said Roads; and the Proceedings and Order of the said Sheriff Depute, or any of his Substitutes, shall be final and conclusive: Provided always, that in every Case where it may be necessary to exchange or to take Ground as herein-before allowed, for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent of the Lands from which Ground shall be so taken.

Trustees to have Power to dig and

LVI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall appoint, may dig, gather, take and carry away, for

for making, repairing, amending, and widening the said Roads, and for building Arches and Bridges aforesaid, any Gravel, Stones, or other such like Materials out of any Grounds where the same may be found, whether the same be within the said Counties of *Ross* and *Cromarty*, and that Part of *Nairn* locally situated in *Ross*, or in any other County adjoining thereto, not being dug or raised for the private Use of the Proprietor of such Grounds, such Grounds not being Grounds on which any Houses stand, or a Garden or Orchard, or any Plantations of Trees planted before the passing of this Act, upon Ten Days previous Notice to the Owner or Proprietor of these Grounds by the said Trustees; and the said Trustees may open Accesses for carrying off the said Materials, such Accesses, and the Places from which the said Materials shall be proposed to be taken, being first marked out, after Notice in Writing to the Owner, or to his or her Factor, and to the Occupier of the Grounds, by such Person as the Trustees shall empower to do so, Six Days previous to marking out the same; the said Trustees making reasonable Satisfaction, if demanded, out of the Money arising by virtue of this Act, to the Owners or Occupiers of the Grounds respectively from which such Materials shall be taken, or over which the same may be carried, for the Damages to be done thereby, and for the Value of such Materials where the Lands from which the same are taken are inclosed, Arable, or in Grass; due Compensation for any quarried Stones used in building such Arches and Bridges being made to the Proprietor of the Quarry from which the same are taken; but if such Proprietor or Occupier shall not be satisfied with the Compensation offered by the said Trustees, the same shall be ascertained by a Jury in manner herein-before directed.

Trustees may carry away, under certain Restrictions, Materials for making Roads.

LVII. And be it further enacted, That no new Line of Road, nor Alteration of any existing Road, shall be carried through, nor Materials taken from any Lawn, Park, private Road, Garden, Orchard, Shrubbery, Nursery for Trees, Plantations, Belts, or Clumps of Planting, or where Timber grows, without the Consent of the Proprietor in Writing; nor shall any new Line of Road or Alteration of any existing Road be carried through or Materials be taken within Four hundred and fifty Yards of any Mansion House, without such Consent as aforesaid; nor shall any House or Building be prejudiced, of which the Side Walls are Twenty Feet from the Surface of the adjacent Ground, by altering, widening, or making the said Roads; nor shall any Road be commenced through inclosed Arable Land, until Three Months previous Notice of the same shall have been given by the District Clerk to the Proprietor thereof, or his Factor, and to the Occupier, that the said Proprietor and Occupier may have it in their Power to take all means competent under the Provisions of this Act for ascertaining or avoiding the Damage they may incur by such Line of Road, and for obtaining due Indemnification for Damages, and an Equivalent for Fences from the Trustees of the District, should he or they be disposed so to do: Provided always, that when it shall be necessary in the Formation of any Road, or Improvement of any old Road, to break through Fences, the Trustees shall sufficiently inclose the Lands on each Side of the intended Line of Road, before they proceed to the Formation of the Road; and when it shall be necessary to cut down any Part of a Road for the Improvement thereof,

No House or Orchard to be prejudiced.

thereof, and on the Sides of which there are Inclosures, and where the Ascent shall not be greater than One Foot in Fifteen, it shall not be lawful for the Trustees to cut down the Road, so far as to injure or to risk any Injury to the said Inclosures, without the previous Consent of the Proprietor in Writing; and in all Cases of forming new Roads, or improving old Lines of Road, where Injury to Inclosures, or Surface, or other Damage can be avoided, by lengthening the Road not more than Two hundred Yards, in the Mile, the Trustees shall have Power so to alter if required to do so by the Persons interested therein, and at the Expence of the Person so interested.

Lands, &c. to be purchased within Five Years.

LVIII. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Lands, Houses, Tenements, or other Heritages authorized by this Act or the said recited Acts, for the Purposes of this Act, within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to purchase any of the said Lands, Houses, Tenements, or other Heritages so remaining unpurchased, without the Consent in Writing of the Owners thereof first had and obtained.

Provisions as to Ditches made by the Sides of Roads.

LIX. And be it further enacted, That where any Ditches have been or hereafter shall be made near the Sides of the said Roads, or through any Fields adjoining thereto, by the Proprietors or Occupiers of the said Fields, such Ditches shall in no Case be nearer than Ten Feet from the Centre of the said Roads; and the Proprietors or Occupiers shall and they are hereby required to keep such Ditches properly scoured, and not to allow the Water to stagnate therein, so that the Roads may be damaged thereby; and if they shall fail to do so, after Six Days Notice in Writing previously given, the said Trustees, or such Persons as may be named by them, may and are hereby required to order the said Ditch or Ditches to be opened, scoured, and cleansed at the Cost of the said Proprietors or Occupiers; and upon their refusing Payment of the Expences thereby incurred, it may and shall be lawful for any Two or more of the Justices of the Peace of the District, upon the Application of the Person named by the Trustees of the District as aforesaid, to grant Warrant for levying such Expences by Distress and Sale.

Whence the Expence of repairing them is to be taken.

LX. Provided always, and be it further enacted, That the Drains or Ditches to be made by Order of the said Trustees shall be scoured and kept in Repair out of Money arising by virtue of this Act; and if any Occupiers of Lands through which such Drains or 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 by summary Action, in manner herein-after mentioned; and the said Occupier shall be deemed the Transgressor, unless it shall appear to the Trustees that he was not in default: and where any Passage for Cattle or Carriages, across any Road, for the Convenience of the Occupiers of the Ground through which it passes, shall be made, the Occupier of such Ground shall always cover the Drains crossing the Sides of such Roads with an Arch of sufficient Stonework,

Stonework, so as the Course of the Water may not be interrupted, or the Road thereby prejudiced; and no Occupier of Land shall turn any Water upon the Sides of any of the said Roads, or conduct it across any Part thereof, until he shall have obtained the Consent of the said Trustees in a General or District Meeting assembled; and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain, of such Depth and Construction as the said Trustees shall order and direct, under a Penalty not exceeding Five Pounds.

Outlay in case of sudden or unforeseen Damage.

LXI. And be it enacted, That in case of any sudden or unforeseen Damage or Interruption, from Snow or otherwise, arising to any District Road or Bridge, Two of the Trustees of the District shall have Power to lay out a Sum, not exceeding Ten Pounds Sterling, on the repairing of a Road, and Twenty Pounds Sterling in case of Repairs of a Bridge.

Buildings near Roads.

LXII. And be it enacted, That no Building of any Description shall be erected nearer to the Roads than Thirty Feet from the Centre, excepting Inclosures, not exceeding Five Feet in Height, which may be made not nearer than Fifteen Feet from the Centre, excepting all such Walls, Inclosures, Houses, or other Buildings as may have been contracted for or commenced being built prior to the passing of this Act.

Hedges and Trees near Roads.

LXIII. And whereas Hedges and Trees have been planted along the Sides of the Roads previously to the passing of this Act nearer than Twenty Feet from the Centre; be it enacted, That the Proprietor thereof shall be obliged to keep the Hedges properly dressed and trimmed, and to lop the Branches of the Trees, at a proper Season of the Year, to the Height of Ten Feet from the Roots, so as they may not injure the said Roads by overhanging the same; and in case of their failing so to do for Three Weeks after they are required by an Order of any Three or more of the Trustees, it shall and may be lawful for the said Trustees to appoint proper Persons to cut the said Hedges, at the Height of Four Feet above the Centre of the Road, and to dress and trim them, and also to lop the Branches of such Trees to the Height of Ten Feet, as above directed, as may overhang the said Road, at the Defaulter's Expence, providing that no Person shall be obliged to cut or trim Hedges, or to lop Trees, between the First Day of *April* and the First Day of *November* in any Year; and no Proprietor or Occupier of Lands on the Sides of any of the said Roads shall have Power, after the passing of this Act, to plant Trees within Twenty Feet therefrom, under a Penalty not exceeding Five Pounds, besides removing the said Trees.

Head Ridges, and for the Prevention of Annoyances.

LXIV. And for preventing Annoyances in or upon the said Roads, be it further enacted, That from and after the passing of this Act every Person, in ploughing any Field contiguous to any of the said Roads, shall always make Head Ridges along the Sides of the said Roads of the Breadth of Fifteen Feet at least; and all Gates upon Inclosures, or Door of any Building next to any of the said Roads, shall always open inwards from such Roads; and no Person or Persons whatsoever shall lay or leave any dead Horse or other Carrion, nor any Timber,

Stone, Lime, Dung, Compost, or Soil, or Matter whatsoever, either for manuring Land or for any other Purpose, upon or in any of the said Roads, Bridges, Ditches, or Drains, or on the Sides thereof, or within Nine Feet thereof, unless the same be sufficiently fenced off from the said Roads, Bridges, Ditches, or Drains; nor shall any Person or Persons hammer, hew, or mix any Mortar upon or in any of the said Roads, Bridges, Ditches, or Drains, or do any thing whereby the said Roads, Bridges, Ditches, or Drains may be damaged or unnecessarily incumbered; nor leave any Horse or other Beast, yoked or unyoked, or any Waggon, Cart, or other Carriage, or the loading thereof, or any other Obstruction whatsoever, upon or in any of the said Roads, Bridges, Ditches, or Drains, or the Sides thereof, longer than may be necessary for loading and unloading the same, except in Cases of Accident, and in such Cases no longer than may be necessary to remove the same; nor shall any Blacksmith work in his Shop after Twilight, without having good and close Shutters upon the Window or Windows fronting any of the said Roads, and with closed Doors, so as to bar and prevent the Light from such Shop shining into or upon such Roads; nor shall any Fire or Bonfire be made upon or by the Sides of any of the said Roads; nor shall any Person let off any Squib, or other Firework whatever, within Eighty Feet of the Centre of such Roads; or play at Football or any other Game, to the Annoyance of any Passenger upon the said Roads; and that in making any covered or arched Passage or Drain for Water across any of the said Roads a safe and easy Passage along the Half of such Road shall be left without any Obstruction either by breaking the Road or laying down the Materials, and such covered Drain or Passage shall be made across and completely finished on the one Half of said Road before the other Half shall be opened, and the whole, or the open Part thereof, shall, if practicable, be completed in One Day, or otherwise the Materials for executing the same shall be so well fenced off that Passengers may suffer no Injury thereby, which Precautions and Manner of executing covered Drains as aforesaid shall be strictly observed by all Contractors or others employed in making or repairing the said Roads; and every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay a Sum not exceeding Two Pounds, besides Expences, one Half thereof to be paid to the Informer, and the other Half to be applied to the District Funds wherein the Offence occurred, and that besides removing the Matter of Annoyance, and repairing the Damage done to the Roads, Bridges, Ditches, or Drains, without Delay, at his or her own Expence; and in case of Failure or Neglect so to do within Forty-eight Hours after receiving an Order in Writing under the Hand of any One or more Trustees, every Person so offending shall forfeit the Matter causing the Nuisance or Annoyance, and pay the Expence of removing what is not of sufficient Value to defray the Expence of Removal, and also pay the Charge of repairing the Damage done to the said Roads, Bridges, Ditches, or Drains; and every Contractor or other Person employed by the said Trustees for making, amending, widening, or repairing any of the said Roads shall be expressly prohibited from digging Pits, or breaking up any Ground, within Twelve Feet from the Sides of the said Roads, and where that cannot be conveniently done such Contractor or other Person employed as afore-

said shall be obliged to erect a sufficient Fence between the Side of the Road and any Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling; nor shall any Person or Persons haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than upon a Wheel Carriage; nor shall any Timber, Iron, or other solid Matter (excepting Machinery framed or put together, or any Article of Metal cast in one Piece) be allowed to project or extend more than One Foot over the Wheels of the Waggon, Cart, or other Carriage whereon the same shall be drawn and transported, so as to occupy above Two Feet more of the said Roads in Breadth than is occupied by such Waggon, Cart, or other Carriage, including the Wheels; nor shall any Person allow Timber, Iron, or other Matter to drag or trail upon any Part of the said Roads and Bridges, nor draw nor transport on any of the said Roads and Bridges, upon any Cart or Carriage with less than Four Wheels, any Timber or other Matter exceeding Twenty-four Feet in Length, under a Penalty of One Pound Sterling for each Offence.

To prevent Nuisances.

LXV. And be it further enacted, That if any Horses, Mules, Asses, Cattle, or other Bestial shall be permitted to run loose on the said Roads, or Ditches or Drains, or on the Sides thereof, or shall be tethered on them, or on the Sides of the said Roads, or Ditches or Drains, they shall be deemed a Nuisance; and no Driver of any Coach, Chaise, or Waggon, Cart, or other Carriage whatsoever, Horse, Ass, or other Beast of Burden, whether loaded or unloaded, shall drive or permit the same to travel or pass upon any of the said Roads or any Part thereof, abreast or alongside of any other Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Roads or any Part thereof; and no Driver of any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, shall drive or permit the same to travel or pass upon the said Road without Check Reins; and that no Person whatsoever shall use or drive any Waggon, Cart, or other Carriage of the like Nature on any of the said Roads, unless there shall be affixed or inscribed upon some conspicuous Part on the Right or Off Side of the same, in distinct Characters or Letters of at least One Inch in Length, the Name or Names and the Place or Places of Residence of the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature, or of the House or Farm where the same is generally used and kept, and also of the Number (beginning with the Number One, and so upwards) where more of such Carriages than One belong to the same Person; and every Person or Persons offending in any of the foregoing Cases shall for each Offence forfeit and pay a Sum not exceeding One Pound Sterling, always reserving to every Person of the latter Description his Relief against the Owner or Owners of such Waggon, Cart, or other Carriage of the like Nature, if the Want of such Name, Place of Residence, or Number shall have arisen from the Fault or Neglect of such Owner or Owners, and not from the Fault or Neglect of the Driver.

No Driver to drive Carriages abreast, &c.

XVI. And

To drive to the Left Hand or Near Side.

LXVI. And be it enacted, That the Driver of every Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, and the Rider or Driver of every Horse, Ass, Mule, or other Beast of Burden, upon the said Roads or any Part thereof, shall be obliged, upon meeting or upon being overtaken by another Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, to make way by holding or driving to his own Left Hand, or what is commonly called holding to the Near Side, and that without Distinction whether the Coach, Waggon, Cart, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, so meeting or overtaking one another, are loaded or unloaded; and that no Person shall ride on or in any loaded Cart, Waggon, or other Carriage; and every Person offending in the Premises shall for each Offence forfeit and pay a Sum not exceeding One Pound Sterling, exclusive of Costs.

Hogs, &c. not to run loose on the Roads.

LXVII. And be it further enacted, That if Hogs, Swine, Horses, Mules, Asses, Cattle, or Sheep shall be permitted to run loose on the said Roads, or are tethered on them, or the Edges of the said Roads, they shall be considered as a Nuisance, and the Owner shall be liable in a Penalty of Ten Shillings Sterling for each Time they are so found at large or tethered on any of the said Roads, to be recovered summarily by Application to the next Justice of Peace, on Proof of the Fact.

Trustees may act as Justices.

LXVIII. And be it further enacted, That it shall be no Objection to any Person acting as a Justice of the Peace or as a Juryman under this Act, in any thing relative hereto, that he is a Trustee, except where he is personally interested; and it shall be no Objection to any Person being examined as a Witness in any Matter arising under this Act, that he is a Trustee, or a Clerk, Collector, Overseer, or other Officer appointed by and acting under the said Trustee.

Mode of Recovery and Application of Penalties.

LXIX. And be it further enacted, That all Forfeitures, Penalties, and Expences by this Act imposed, the Manner of levying and recovering of which is not herein particularly specified, shall, on Proof of the Offence before One or more Justice or Justices of the Peace of the Counties of *Ross* and *Cromarty*, either by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, or by other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Parties offending, by Warrant under the Hand of such Justice or Justices, at such Sale being always made by public Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Eight Days after such Distress shall have been made; and the Overplus Money, if any be, arising from such Sale, after Deduction of the Penalties imposed, and Charges for the Recovery thereof, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and if it shall appear to the said Justice or Justices that such Offender or Offenders has or have not sufficient Goods within the Counties of *Ross* and *Cromarty*, and that Part of *Nairn* locally situated in *Ross* as aforesaid, or upon Execution returned by their Officers respectively,

spectively, that Goods sufficient are not to be found, it shall be lawful to him and them, and he and they are hereby authorized and required, to commit such Offender or Offenders to any of the Jails situated in any of the Royal Burghs or Towns of the said Counties, or to a House of Correction, until the Penalties for Failures, and all reasonable Charges, shall be paid, such Imprisonment not to exceed in any Case Six Calendar Months: Provided always, that all Actions for Penalties incurred under the Authority of this Act, or for any Wrong done or Injuries suffered in any Matter relative thereto, or in consequence of any of the Powers by this Act given and granted, shall be commenced and prosecuted within the Space of Three Calendar Months from the Time of committing the Offence, or otherwise they shall be incompetent, or shall cease and determine; and all Penalties recovered shall be paid, for the general Purposes of this Act, to the District Trustees, to be applied (unless otherwise hereby provided) to the repairing of the Roads of the District in which the Offence was committed, according to the Nature of the Offence for which such Penalties and Forfeitures may have been incurred.

Limitation of Actions.

LXX. Provided always, and be it enacted, That any Person or Persons who shall think himself, herself, or themselves aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Three Calendar Months after the Matter complained of shall be done, but not afterwards, lodge an Appeal to the Justices of the Peace at the Quarter Sessions of the County of *Ross*, the Appellant giving Fourteen Days previous Notice of such Appeal to the Defender or Defenders, to the Clerk of the said Trustees, and to the Clerk of the Justices of the Peace, and lodging with such Appeal a Bond, with sufficient Caution, for implementing the Sentence to be finally pronounced by such Justices, and for paying such Expences as may be ultimately awarded; and such Justices shall have Authority to hear and determine the Matters in dispute, and their Judgment therein shall be final, without being subject to Review by Advocation, Suspension, Reduction, or otherwise.

Persons aggrieved may appeal to the Quarter Sessions.

LXXI. And be it further enacted, That the whole Expences in preparing, procuring, and passing this Act, and all other Expences attending the same, to be ascertained at the First, Second, or Third General Meeting of the said Trustees, shall be paid by an Assessment on all the Proprietors of Lands and Fishings valued in the Cess Books of the Counties of *Ross* and *Cromarty*, and that Part of *Nairn* locally situated in *Ross*, and in the Cess Books of the Burghs of *Tain*, *Dingwall*, and *Fortrose*, agreeable to the respective valued Rents at which the said Lands and Fishings stand rated in the said Cess and Valuation Books of the Counties and Burghs aforesaid; and the said Expences shall be levied and collected by such Person or Persons as the said Trustees shall appoint.

Expences of this Act how to be paid.

LXXII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be allowed and taken notice of in all Courts as such, and all Judges, Justices, and other Persons are hereby required to take notice thereof as such, without the same being specially pleaded.

Public Act.

Commencement and Continuance of this Act.

LXXIII. And be it further enacted, That this Act shall commence from and after the passing thereof, and shall continue from thence during the Term of Twenty-one Years, and thereafter to the End of the then next Session of Parliament.

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