ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 75.

An Act for aſſeſſing the Proprietors of Lands in the County of *Inverneſs*, towards the Expence of making and ſupporting ſuch Roads and Bridges therein as ſhall be approved of by the Commiſſioners appointed by an Act of the laſt Seſſion of Parliament, for making Roads and building Bridges in the Highlands of *Scotland*. [3d *July* 1804.]

WHEREAS by an Act paſſed in the Forty-third Year of His preſent Majeſty's Reign, intituled, *An Act for granting to His Majeſty the Sum of Twenty Thouſand Pounds, to be iſſued and applied towards making Roads and building Bridges in the Highlands of* Scotland; *and for enabling the Proprietors of Land in* Scotland *to charge their Eſtates with a Proportion of the Expence of making and keeping in Repair Roads and Bridges in the Highlands of* Scotland, it is, among other Things, enacted, "That the Lords Commiſſioners of His Ma-"jeſty's Treaſury for the Time being, ſhould order and direct ſome "proper Perſon to make a Survey or Surveys of the Roads and Bridges "which it ſhould be deemed moſt adviſeable to make and erect in the "Highlands of *Scotland*; which Perſon ſhould report upon Oath his "Opinion

" Opinion thereupon, together with an Eſtimate of the Expence of the " making and erecting reſpectively each of ſuch Roads and Bridges, to " the Lords Commiſſioners of His Majeſty's Treaſury, who ſhould there- " upon refer ſuch Survey, Opinion, and Eſtimates to the Commiſſioners " therein-named and appointed, which ſaid Commiſſioners ſhould then " conſider and determine which of the ſaid Roads and Bridges ſo ſurveyed " and reported upon, and eſtimated, ſhould be made and erected in the " Manner therein directed, and ſhould cauſe a Liſt and Deſcription there- " of, referring to ſuch Survey, to be publiſhed in the *London* and *Edinburgh* " Gazettes; and ſuch Liſt and Deſcription ſhould alſo be ſent to the next " General Quarter Seſſions of the Peace for every and each County " through which the ſaid Roads, or any of them, are intended to paſs, or " in which the ſaid Bridges or any of them are intended to be erected:" And whereas it is by the ſaid Act further enacted, " That ſo ſoon as " a Sum equal to One Half of the Expence ſo eſtimated of any ſuch " Road, or any ſuch Bridge ſhould be paid (or ſecured to be paid) to the " Satisfaction of the Commiſſioners thereby appointed; and alſo Security " given to the Satisfaction of the ſaid Commiſſioners, that ſuch Perſon or " Perſons would further bear and defray all ſuch further Sum or Sums of " Money, beyond ſuch eſtimated Expence as ſhould be neceſſary to make " and complete ſuch Road or Bridge, the ſaid Commiſſioners ſhould di- " rect an Account to be opened in the Books of the ſaid Commiſſioners, " for ſuch Road or Bridge, and ſhould place to ſuch Account a Sum " equal to One Half of the ſaid eſtimated Expence; and it ſhould be " lawful for any Perſon or Perſons contributing to the Expence of " ſuch Road or Bridge, to pay the Money ſo contributed to the Go- " vernor and Company of the Bank of *Scotland*, upon an Account to be " opened in the Name of the ſaid Commiſſioners for ſuch Road or " Bridge:" And whereas it is by the ſaid Act further enacted, " That " One-Half of the Expence of ſuch Road or Bridge being ſo paid or ſecured " to be paid to the Satisfaction of the ſaid Commiſſioners, and a Sum equal " thereto transferred in the Accounts of the ſaid Commiſſioners to the Ac- " count of ſuch Road or Bridge, ſuch Road ſhould be forthwith directed " to be made, and ſuch Bridge to be erected, agreeably to the Plan and " Survey therein directed to be made, or ſuch other Plan as might, upon " ſubſequent Conſideration be approved by the ſaid Commiſſioners, ſo that " the Execution thereof ſhould not exceed the ſaid eſtimated Expence:" And whereas in order to enſure the making and erecting the Roads and Bridges, which it ſhall appear to the Commiſſioners appointed by the ſaid recited Act adviſeable to make and erect in the County of *Inverneſs*, it is expedient to empower the Commiſſioners of Supply of the ſaid County of *Inverneſs*, to aſſeſs themſelves and every Proprietor of Land in the ſaid County, rateably and proportionably according to their reſpective valued Rents, in ſuch Sum and Sums of Money as may be neceſſary for the making and erecting ſuch Roads and Bridges in the ſaid County, in addition to One Half of the eſtimated Expence thereof, which the ſaid Commiſſioners are by the ſaid recited Act authoriſed to defray in the Manner therein mentioned: May it therefore pleaſe your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act,

Copy of Reſolution, Survey, Report, and Eſtimate of Roads or Bridges to be made or erected purſuant to 43 Geo. III. c.

as

as often as the ſaid Commiſſioners appointed by the ſaid recited Act ſhall determine, that any Road or Roads, Bridge or Bridges, ſhall be made or erected in the ſaid County of *Inverneſs*, ſuch Commiſſioners ſhall tranſmit, or cauſe to be tranſmitted, a Copy of their Reſolution to that Effect, with a Copy of the Survey, Report, and Eſtimate upon which ſuch Reſolution has proceeded, to the Convener of the Commiſſioners of Supply, or in his Abſence to the Sheriff Depute or Subſtitute of the ſaid County of *Inverneſs*, who is thereupon required and directed to lay the ſame before the next enſuing annual General Meeting of the ſaid County for aſſeſſing the Land Tax, or at the *Michaelmas* Head Court, whichſoever of them ſhall firſt thereafter happen, for the Purpoſe of taking every ſuch Reſolution, Survey, Report, and Eſtimate into Conſideration, and for the Purpoſe of executing, or giving Directions for executing, the Powers and Authorities committed by this Act to the Heritors of the ſaid County.

So, to be ſent to the Convenor or Sheriff of the County, and by him laid before next General Meeting of Heritors, for the Purpoſe of conſidering and giving Directions for executing the ſame.

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

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

III. Provided alſo and be it enacted, That a Copy of ſuch Notice ſhall be tranſmitted, free of Expence, to the Miniſter of every Pariſh within the ſaid County, at leaſt Forty Days previous to ſuch General Meetings; and every ſuch Miniſter ſhall, upon the firſt Lord's Day after receiving the ſame, read, or cauſe the ſame to be read in the Church, after Divine Service, before the Congregation ſhall be diſmiſſed, and ſhall further cauſe a Copy of every ſuch Notice to be affixed on the Door of the Pariſh Church on the ſame Lord's Day.

Notice to be ſent to Miniſters and to be read from the Pulpit and affixed on the Church Doors.

IV. Provided always and be it enacted, That if any ſuch Reſolution, Survey, Report, and Eſtimate, or Reſolutions, Surveys, Reports, and Eſtimates, ſhall be ſo tranſmitted within one Calendar Month after the paſſing of this Act, ſuch Convener, or Sheriff Depute, or Subſtitute, ſhall immediately thereupon ſummon a ſpecial General Meeting of the Heritors of the ſaid County to be held within Six Weeks after the Receipt thereof, of which Notice ſhall be given in the Manner hereinbefore directed, for the Purpoſe of taking the ſame into Conſideration, and of proceeding in the Execution of this Act in the ſame Manner as the ſaid Heritors, or thoſe authorized to act for them, in Manner herein-after directed, are empowered to do, at the ſaid Two Half Yearly General Meetings.

Special General Meetings may be called immediately after the Paſſing of this Act.

V. And be it further enacted, That the Heritors of the ſaid County ſo met and aſſembled ſhall take every ſuch Reſolution, Survey, Report, and Eſtimate into Conſideration, and it ſhall be lawful for them, or a Majority of them, in the actual Poſſeſſion of the *dominium utile* of Lands ſituated in the ſaid County, valued in the Ceſs Books or Valuation Roll of the ſaid County at One Hundred Pounds *Scots* of valued Rent or upwards, or the Commiſſioners or Factors of ſuch Heritors, having ſpecial or general Powers to act for them, preſent at ſuch Meeting, in caſe they ſhall approve of

Heritors, if they approve of Road or Bridge propoſed, may bind themſelves for One-Half of the eſtimated Expences,

and at ſame Time require Commiſſioners of Supply to make an Aſſeſſment for Payment thereof.

of the Road or Bridge propoſed to be made or built by any ſuch Reſolution, Survey, Report, and Eſtimate, to bind and oblige the whole Heritors of the County, and their Heirs and Aſſigns, for the Payment out of the Aſſeſſments to be made in virtue of this Act, of One Half of the eſtimated Expence of every ſuch Road or Bridge, and at the ſame Time to require the Commiſſioners of Supply of the ſaid County, to make an Aſſeſſment therefor upon each and every Proprietor of Land enjoying the *dominium utile* thereof in the ſaid County, rateably and proportionably according to the Amount of their ſeveral valued Rents, to be levied and collected by Inſtalments, in Manner herein directed.

Heritors may adjourn.

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

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

VII. Provided alſo and be it enacted, That it ſhall be lawful for the ſaid Heritors, at ſuch general or adjourned Meetings, to direct ſuch Aſſeſſment to be applied in ſuch Proportions for each Road and Bridge, for which the Survey, Report, and Eſtimate, with the Reſolution of the Commiſſioners appointed by the ſaid recited Act thereupon, ſhall have been tranſmitted to the County Convener as aforeſaid, in ſuch Manner as they ſhall think proper.

Aſſeſſment to be levied by Inſtalments, at the Rate of One Shilling in the Pound, till Money borrowed ſhall be paid or Private Security fully relieved.

VIII. Provided alſo and be it enacted, That every ſuch Aſſeſſment ſhall be levied by Inſtalments, from Time to Time; and that in every Year the ſame ſhall amount to One Shilling, but not more than One Shilling Sterling in the Pound *Scots* of the valued Rent of the County, until ſuch Time as all Sums of Money, borrowed with the Approbation of the ſaid Heritors, purſuant to this Act, ſhall be paid, and until every Heritor, granting Security in Manner herein directed, for Half the eſtimated Expence of any Road or Bridge, Roads or Bridges, ſhall be fully indemnified for the ſame; and that after ſuch Payment and Indemnification, the annual Aſſeſſment, leviable by Inſtalments, not exceeding One Shilling Sterling in the Pound *Scots* of Valuation as aforeſaid, ſhall be proportioned to the Amount of any further Expence of Roads and Bridges, approved of in the Manner directed by this Act during the Continuance thereof.

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

IX. And be it further enacted, That it ſhall and may be lawful for every Heritor of the ſaid County, who ſhall be prevented by Abſence or Indiſpoſition from giving his or her perſonal Attendance at any ſuch Meeting, to authorize and appoint ſome fit Perſon to attend for ſuch Heritor; and every Perſon ſo authorized and appointed, or the authoriſed Commiſſioner or Factor of any ſuch Heritor, ſhall be and is hereby empowered to act and vote for the Heritor for whom ſuch Perſon is Commiſſioner or Factor, or is ſo authorized and appointed, to attend and act and vote in the ſame Manner

ner as if ſuch Heritor could have perſonally attended; and in all Caſes where there ſhall be an Equality of Votes at any ſuch Meeting, the Preſes, beſides his own Vote as a Member of the Meeting, ſhall have a caſting Vote, and every Perſon ſo authoriſed and appointed ſhall be deemed an Heritor for all the Purpoſes of executing this Act in the Abſence of his Conſtituent.

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

X. And be it enacted, That a Copy of the Reſolution of every ſuch Meeting, requiring an Aſſeſſment to be made for the Purpoſes of this Act, ſhall forthwith be tranſmitted by the Preſes of the Meeting at which the ſame ſhall have been made, to the Convener of the Commiſſioners of Supply of the ſaid County of *Inverneſs*; and thereupon the Commiſſioners of Supply of the ſaid County ſhall be ſummoned to meet and aſſemble, and ſhall meet and aſſemble, in ſuch Manner as the Commiſſioners of Supply of the ſaid County are ſummoned to meet and do meet; and the Commiſſioners of Supply being ſo met and aſſembled, they ſhall make an Aſſeſſment upon each and every Proprietor of Land enjoying the *dominium utile* thereof in the ſaid County, to the Amount of the Sum ſpecified in ſuch Reſolution, to be levied in conformity to the Terms therein ſpecified: Provided always, That the Collector of the Rents anciently paid to the Biſhop of *Moray*, and ſtill levied in this County, ſhall be liable in the ſaid Aſſeſſment, in the ſame Manner with the ſaid Heritors, according to the Sum for which the Biſhop of *Moray* ſtands rated in the Ceſs Books of the ſaid County.

Proviſions in the 33 Geo. III. c. 118. relative to the Lands of Dummaglaſs and Budgate extended to this Act.

XI. And whereas by an Act paſſed in the thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for making effectual the Statute Labour in the Shire of* Inverneſs; *and for levying Converſion Money in lieu of Labour*; *and for otherwiſe regulating, making, and repairing Highways and Bridges in the ſaid Shire*; *and for improving, widening, and lighting the Streets within the royal Burgh of Inverneſs*, it is enacted, That the Lands of *Dummaglaſs*, in the united Pariſhes of *Daviot* and *Dunlichity* (which, though valued and paying Land Tax in the County of *Nairn*, are ſituated in the Heart of Lands in the County of *Inverneſs*) ſhould pay the Commutation of Money, and the Proportion of Aſſeſſment therein directed to be levied in the County of *Inverneſs*, under the ſame Conditions and Penalties as by that Act affect the ſaid County, and that the Lands of *Budgate* in the Pariſh of *Calder*, (which, though valued and paying Land Tax in the County of *Inverneſs*, lie more contiguous to the County of *Nairn*,) ſhould in like Manner perform Statute Labour in the ſaid County of *Nairn*, and that each of the ſaid Lands ſhould be ſubject to the Juriſdiction of the Juſtices of the Peace and Commiſſioners of Supply of the reſpective Counties to which they were ſo transferred, ſo far as regarded the Statute Labour and Commutation Money, and Aſſeſſment to be levied under the ſaid Act; be it therefore enacted, That the Proprietor or Proprietors of the ſaid Lands of *Dummaglaſs* ſhall be aſſeſſed by the Commiſſioners of Supply of the ſaid County of *Inverneſs*, for each and every Purpoſe of this Act, and the Aſſeſſment or Aſſeſſments ſo made thereon, and every Part or Portion thereof, ſhall be levied by the Collector of the ſaid County of *Inverneſs*, in the ſame Manner as if the Lands were ſituated therein, and all the Powers and Authorities by this Act given, and all the Pains,

Penalties, and Forfeitures hereby allowed and directed to be enforced for the making and levying the Aſſeſſments authoriſed by this Act, are hereby given and allowed, and directed to be enforced for making and levying the ſame upon and from the ſaid Proprietor or Proprietors of the ſaid Lands of *Dummaglaſs*.

No Aſſeſſment on Lands of Budgate.

XII. Provided always and be it enacted, That no Aſſeſſment ſhall be made under the Authority of this Act, upon the Proprietor or Proprietors of the ſaid Lands of *Budgate*, which, in relation to all Matters and Things to be done purſuant to this Act, ſhall be conſidered as if lying in the ſaid County of *Nairn*.

Aſſeſſment to be levied as the Land Tax.

XIII. And be it further enacted, That every Aſſeſſment made by Virtue of this Act, and each and every Part and Portion thereof, ſhall be levied and recovered by the Collector of the Land Tax of the ſaid County, in the ſame Manner as the Land Tax is or may be levied or recovered; and ſuch and the like Remedies, Powers, Penalties, and Forfeitures are hereby given for the Payment and Recovery of every ſuch Aſſeſſment, which are given, or may be applied and enforced for the Payment and Recovery of the Land Tax.

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

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

Collector not to keep in his Hands a larger Sum than Twenty Pounds at One Time.

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

Collector may retain Allowance for his Trouble.

XVI. Provided always and be it enacted, That every ſuch Collector of the Land Tax may retain to his own Uſe, out of all Monies ſo recovered as aforeſaid, ſuch Allowance as the ſaid Commiſſioners of Supply ſhall think a reaſonable Remuneration for his Trouble, not exceeding the Allowance

lowance made to him for levying the Land Tax, and for which Allowance Proviſion ſhall be made in the Amount of each Aſſeſſment directed to be made purſuant to this Act.

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

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

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

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

Commiſſioners appointed by 43 Geo. III. c. 80. and the Heritors having One Hundred Pounds Scots of Valuation to be Truſtees for Roads and Bridges for which Aſſeſſment made.

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

Committee of Superintendance and local Management may be appointed.

XXI. Provided

Directions to be given by the Commissioners appointed by the Act 43 Geo. III. c. 80.

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

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

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

Liferenters and Heirs of Entail may charge the Estate.

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

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

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

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

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

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

Roads and Bridges, when completed, how to be repaired.

XXVI. And be it enacted, That ſo ſoon as the whole Roads and Bridges for which Aſſeſſments are directed to be made in purſuance of this Act, or any one or more of them, ſhall have been completed and certified to be ſo

so by Surveyors, named by the Commissioners appointed by the said recited Act to that Effect, the same shall be repaired and kept in Repair in the Manner directed by the said recited Act, passed in the Thirty-third Year of the Reign of His present Majesty.

Power to take Materials for repairing Roads and Bridges.

XXVII. And be it further enacted, That it shall and may be lawful for the said Heritors, qualified as aforesaid, and such Person or Persons as shall be appointed by a Majority of them, at any Meeting assembled pursuant to this Act, to dig, gather, rake, and carry away, any Gravel, Furze, Heath, Sand, Stone, and other Materials for making or repairing the said Roads or Bridges when made or erected or any of them, out of the several Grounds of any Person or Persons, (not being the Ground whereon any Houses stand, the Side Walls of which are Twelve Feet high, nor a Garden, Orchard, Planted Walk or Walks, Lawn, or any Avenue to any House, nor any Piece or Parcel of Ground set apart and used as a Nursery for Trees, except such Gravel Pits or Quarries as have been opened and used for the Purpose of repairing Roads, within Three Years previous to the passing of this Act,) where such Materials are or may be found, and from Time to Time to cause the same to be carried away, or so much thereof as the Person or Persons so to be appointed shall judge necessary for repairing and amending the Roads and Bridges aforesaid or any of them, paying only the Damage done to the Owners and Occupiers of the said Grounds respectively, where and from whence the same shall be digged, gathered, taken away, or over which the same shall be carried.

Damages to be determined by the Sheriff-Depute, or Justices.

XXVIII. And be it enacted, That in all Cases where the Owners and Occupiers of Houses and Grounds do not agree with the Heritors concerning the Amount of Damages done by digging Gravel, and other Materials necessary to be taken for the making and repairing the said Roads, the same shall be determined by the Sheriff-Depute, or by any Two Justices of the Peace of the said County, but such Difference between the said Heritors and Owners or Occupiers, shall not, in the mean Time, hinder the carrying off and using any Gravel, Stones, Sand, or other Materials, and applying the same towards making and repairing the said Roads; and the Determination of such Sheriff-Depute, or of such Justices, is hereby declared to be final, without being subject to review by Advocation, Suspension, Reduction, or in any Manner of Way whatsoever.

Former Act to be enforced.

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

XXX. Provided

XXX. Provided alſo and be it enacted, That where any Perſon, or Perſons have already paid or found Security to pay, or ſhall hereafter pay or find Security to pay the Sums neceſſary towards making any Road, or erecting any Bridge in the ſaid County in the Manner directed by the ſaid recited Act, ſuch Perſon or Perſons ſhall not be liable to pay his, her, or their Proportion of any Aſſeſſment to be made purſuant to this Act, unleſs or until ſuch Proportion ſhall amount to a Sum equal to One Half of the eſtimated Expence of ſuch Road or Bridge which they have paid, or found Security to pay, in the Manner directed by the ſaid recited Act, or until they are repaid One Half of ſuch eſtimated Expence in Manner herein directed.

Perſons who have paid or found Security to pay Money purſuant to the ſaid recited Act, not to be liable to pay Aſſeſſment, unleſs their Proportion amounts to One-Half of the eſtimated Expence paid or ſecured to be paid by them.

XXXI. Provided further, and be it enacted, That ſo ſoon as any ſuch Road or Bridge made or erected purſuant to the ſaid recited Act ſhall be completed and opened for the Uſe of the Public, it ſhall and may be lawful for the Perſon or Perſons by whom or upon whoſe Security the Sums required to make ſuch Road or erect ſuch Bridge ſhall have been paid in the Manner directed by the ſaid recited Act, or his, her, or their Heirs or Aſſigns, to apply by Petition to the Commiſſioners of Supply of the ſaid County, who ſhall order the ſame to be ſerved upon the Convener of the ſaid County for the Time being, who ſhall lay the ſame before the firſt enſuing General Meeting of the Heritors in Manner herein directed, who ſhall thereupon and are hereby required to direct that the Perſon or Perſons who have made Payment of the Sums which they had engaged or found Security to pay purſuant to the ſaid in part recited Act, ſhall be indemnified (after Deduction of their Proportion not paid by ſuch Perſon or Perſons, of any Aſſeſſment or Aſſeſſments made under this Act) by an Aſſeſſment to be made and levied in like Manner as if the Surveys, Reports, and Eſtimates relative to ſuch Road and Bridge had, with the Reſolution of the ſaid Commiſſioners, been tranſmitted to the Heritors of the ſaid County, and had been approved of by them, before ſuch Perſon or Perſons had paid or found Security to pay ſuch Sums purſuant to the ſaid in part recited Act.

When the Road or Bridge for which ſuch One-Half of the eſtimated Expence has been paid, ſhall be completed, Proviſion made for the Repayment of the Balance due.

XXXII. Provided always and it is hereby enacted, That the ſaid Heritors ſhall not be bound to defray any Part of the Expence of any Road or Bridge to be hereafter undertaken purſuant to the ſaid in part recited Act, unleſs the Survey, Report, and Eſtimate of the ſame ſhall, upon being tranſmitted to them by the Commiſſioners thereby appointed in Manner herein directed, be approved of by a Majority of the ſaid Heritors, and thoſe authoriſed to act for them, aſſembled at ſome one of the General or Adjourned Meetings, in Manner herein directed.

The Heritors not to be liable for Roads and Bridges, unleſs the Surveys ſhall be previouſly approved of by them.

XXXIII. Provided alſo and be it enacted, That every Perſon and all Perſons who ſhall have been indemnified for their Engagements for any Road or Bridge, Roads or Bridges in the ſaid County, or the Perſon or Perſons in Poſſeſſion of his, her, or their Eſtate, ſhall bear his, her, or their Proportion of every Aſſeſſment made purſuant to this Act.

Perſons indemnified to be liable for their Proportion of Aſſeſſment.

XXXIV. And

Purchaſe Money to be paid into the Bank in Caſes of Titles not being made out.

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

Where any queſtion ſhall ariſe touching Title, the Perſon in Poſſeſſion ſhall be deemed intitled.

XXXV. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the ſaid Banks in purſuance of the ſaid recited Act, or this Act, for the Purchaſe of any Lands, Tenements, or Heritages, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Heritages, to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Heritages at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Heritages, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Seſſion, and ſuch Money, and the Intereſt thereof, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Heritages, or to ſome Eſtate or Intereſt therein.

Court to order Expences to be paid.

XXXVI. Provided always and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements or Heritages, to be purchaſed under

under the Authority of the ſaid Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes, from Time to Time, to be made in purſuance of this or the ſaid Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money, for ſuch Purpoſes as the ſaid Court ſhall direct.

Commencement and Endurance of the Act.

XXXVII. And be it further enacted, That this Act ſhall commence from the Twenty-fifth Day of *July* in this preſent Year One Thouſand Eight Hundred and Four, and ſhall thenceforth continue for and during the Space of Fifteen Years, and from thence to the End of the then next Seſſion of Parliament; and in the Event that the Expence of every Road and Bridge in the ſaid County, directed to be made purſuant to this and the ſaid recited Act, ſhall not then be paid and defrayed by Aſſeſſments in the Manner herein directed, this Act ſhall farther continue and endure until ſuch Expence ſhall be ſo paid and defrayed.

Expence of obtaining and Paſſing the Act, how provided for.

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

Limitation of Actions.

XXXIX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue and in purſuance of this Act, until Ten Days Notice thereof in Writing ſhall have been given to the Clerk of Supply of the ſaid County, nor after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor Six Calendar Months after the Fact committed; and every ſuch Action ſhall be brought before the Court of Seſſion in *Scotland*, and the Defender or Defenders in ſuch Suit or Action ſhall and may deny the Libel, and give this Act and the ſpecial Matter in Evidence, and that the ſame was done in purſuance of and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action and Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Ten Days Notice thereof, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Defender or Defenders ſhall be aſſoilzied; or if the Action ſhall be found to be irrelevant or be otherwiſe diſmiſſed, or the Purſuer ſhall not proſecute the Action, or ſuffer the ſame to fall aſleep, or if Judgment ſhall be given againſt the Purſuer or Purſuers, the Defender or Defenders ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defender or Defenders hath or have for Coſts of Suit in any other Caſes of Law.

Public Act.

XL. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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