

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. lxix.

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*. [25th *June* 1847.]

WHEREAS an Act was passed in the Sixth Year of the Reign
of His late Majesty King *George* the Fourth, intituled *An* 6 G. 4. c. 110.
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: And whereas an Act was passed in the Ninth Year of the
Reign of His said Majesty, intituled *An Act to amend certain Acts* 9 G. 4. c. 102.
for making and maintaining Roads and converting the Statute Labour
in the Counties of Ross *and* Cromarty *and Part of* Nairn *locally*
situated in the County of Ross: And whereas the said recited Acts
will expire at the End of the present Session of Parliament, and it is
necessary, for the effectual making and maintaining of the said Roads
and Bridges, that some of the Provisions of the said recited Acts be
continued or renewed, that some other Provisions of the same be
altered and amended, and that in lieu of others new Enactments
be substituted, and it is desirable that all the said Provisions be

8 & 9 Vict. c. 19.

8 & 9 Vict. c. 41.

classified and consolidated: And whereas an Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in* Scotland: And whereas an Act was passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act for amending the Laws concerning Highways, Bridges, and Ferries in* Scotland, *and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money:* And whereas the several Purposes above mentioned cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts of the Sixth and Ninth Years of the Reign of His late Majesty *George* the Fourth, in so far as now in force, shall be and the same are hereby repealed; provided that the said Acts shall continue in force in respect of any Assessment made in virtue thereof, and of every Part and Portion of the same, which has not yet been collected, and in respect of any Proceedings at Law or otherwise now pending, or which may be hereafter instituted for Recovery of or in relation to such Assessments as may be due or current at the passing hereof.

Recited Acts 6 G. 4. c. 110. and 9 G. 4. c. 102. repealed.

Recited Acts 8 & 9 Vict. cc. 19. and 41. applied to this Act.

II. And be it enacted, That the said recited Acts of the Eighth Year of the Reign of Her present Majesty and of the Eighth and Ninth Years of the Reign of Her present Majesty, and all the Enactments, Provisions, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act,) shall be incorporated with and form Part of this Act, and shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated herein.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, in legal Instruments and other Proceedings, it shall be sufficient to use the Expression "The *Ross and Cromartyshire* District Roads Act, 1847."

Qualification of Trustees.

IV. And be it 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 said combined Counties valued in the Valuation Books of the same at One hundred Pounds *Scots* or upwards, and the eldest Son, being of lawful Age, of every Person qualified as aforesaid, and of Females possessing the like Qualifications, 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, the Factor or other Person having Authority from the Court of Session for managing Lands of the said Valuation under judicial Sequestration, as also the chief residing Magistrate of each of the Royal Burghs within the said County of *Ross*, and of the

Parliamentary Burgh of *Cromarty*, and in the Absence of such Persons One Proxy, Agent, or Factor on behalf of each, shall be and are hereby appointed Trustees for carrying this Act into effect: Provided always, and be it further declared, that only the Persons qualified or empowered as aforesaid shall have Power to act and vote at the several District Meetings herein-after mentioned, and they only at the Meetings of those Districts wherein the Property or Burgh from which such Persons respectively derive their Qualifications is locally situate.

Trustees, &c. not to hold Places of Profit under this Act.

V. And be it 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 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.

VI. 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 of the combined Counties; 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 this Act which shall have been 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.

Meetings of Trustees.

VII. And be it enacted, That there shall be annually Three stated or ordinary Meetings of Trustees for the Purpose of carrying this Act into effect; that is to say, Two stated District Meetings of the Trustees in each District of the combined Counties, and One stated General Meeting of the Trustees of all the Districts comprehended within the said Counties.

Places and Times of Meeting.

VIII. And be it enacted, That the District Meetings shall be held within the several and respective Districts into which the combined Counties are or may be divided in the Months of *April* and *August* annually; and the General Meeting shall be held in *Dingwall*, the head

head Burgh of the said Counties, on the Second *Wednesday* of *October* in each Year.

Purposes of Meeting.

IX. And be it enacted, That the District Meeting in the Month of *April* shall be for the Purpose of choosing a Preses and Clerk of the District for the Year, as also, if the Trustees think fit, an Inspector or Surveyor of the Roads and Bridges within the District, and of arranging the Operations to be carried on under this Act during the Year then ensuing; and the District Meeting in the Month of *August* shall be for the Purpose of preparing a Report of the Proceedings and Transactions of the Trustees within their 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 stated General Meeting to be held in the Month of *October* then next, and for the Purpose of making an Assessment or Assessments on the District, as herein-after provided, for the Service of the current Year; and the stated General Meeting in the Month of *October* shall be for the Purpose of appointing a General Clerk, and a Collector or Collectors, and of considering the Reports of the several Districts as aforesaid, and of auditing their Accounts respectively, and of pronouncing Opinions of Approval or Disapproval thereof; and in case of any Irregularity or Inaccuracy in the said Reports or Accounts the General Meeting shall have Power to return the same to the Districts respectively whence they came, with Orders that the District Trustees shall amend and present their Reports or Accounts corrected to an adjourned General Meeting; and in the event of the Trustees of the District refusing or neglecting to comply with such Orders it shall be in the Power of any subsequent General Meeting to appoint and empower a Committee of their own Number to carry the same into effect, at the Expence of the said District.

Power to hold Special Meetings.

X. Provided always, and be it enacted, That the said Trustees may hold Special General Meetings at any Time, upon the Requisition in Writing of any Three of their Number, and Special District Meetings at any Time, upon the Requisition in Writing of any One Trustee of the District, such Requisitions to express the Purpose or Purposes of the intended Meeting, and to be addressed to the General Clerk or the Clerk of the District, as the Case may be; and the Trustees assembled at any Meeting may adjourn their Proceedings from Time to Time as they may see fit.

Mode of calling Meetings.

XI. And be it enacted, That the Clerks respectively shall give Notice of all Meetings by Circular Letters to each Trustee, transmitted through the Post Office, addressed to such Trustee, or in his Absence to his known Agent or Factor, the Circular to express the Place and Purposes of the Meeting, and to be issued not less than Fourteen Days preceding the Day of Meeting.

District Meetings beyond the Bounds of the District.

XII. And whereas it may happen that the Trustees of a District, or a Quorum of their Number, are not resident within the same; be it enacted, That in such Cases it shall be lawful for the Trustees of a District so circumstanced to hold their Meetings at any convenient Place beyond the Bounds of the District.

XIII. And

Quorum of Trustees.

XIII. And be it enacted, That at all District Meetings Two Trustees, and at all General Meetings Three Trustees, shall form a Quorum; provided always, that in the *Lews* District the Proprietor thereof (while the whole District continues the Property of One Heritor), or his Chamberlain or Mandatory, shall have the Powers of a Quorum; and that at all stated or adjourned District Meetings where a Quorum of Trustees do not attend any One Trustee, or his Mandatory holding also the Mandates of not fewer than Two other Trustees, shall have the Powers of a Quorum.

Regulations as to Proceedings at Meetings.

XIV. And be it enacted, That the Trustees assembled in General Meetings, and also in District Meetings when the Preses for the Year is absent, shall at the Commencement of their Proceedings appoint a Preses of the Meeting, who in case of an Equality of Votes (including his own) shall have a casting Vote, and all Matters for the Consideration of the Meeting shall be decided by the Majority of Votes; and no Order, Resolution, or Decision at any Meeting, once made, agreed on, or come to, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose such Revocation or Alteration shall have been given at a previous Meeting, and entered in the Minutes thereof, and such Notice shall also be intimated as directed in the Case of calling Special Meetings; and the Trustees assembled at all Meetings under this Act, or their Mandatories, shall defray their own Expences.

Duties of District Clerks.

XV. And be it enacted, That the Clerks of the Districts shall duly summon or notify, according to the Provisions of this Act, all Meetings of the District, and shall at each Meeting respectively prepare full and accurate Minutes of all the Proceedings thereat, and which shall be authenticated by the Signature of the Preses of the Meeting, and as soon as may be thereafter entered or recorded in a Book or Books to be provided for the Purpose, and which Records shall be authenticated as the Trustees may order or direct; and the District Clerks shall in their respective Districts keep true and regular Accounts, and duly record the same, of all the Funds, Assessments, or Monies received or receivable, and of those expended, or Debts due and payable by the District, and shall yearly prepare a Schedule of the Assessment or Assessments imposed within the District, and of their Apportionment among the several Heritors or Parties liable in Payment of the same according to their valued Rents or Liabilities under this Act, and shall, within Fourteen Days after the stated Meeting of the District in *August* annually, transmit a certified Copy or Extract of the Minutes of the Meeting imposing the Assessment, and of the Schedule of its Apportionment as aforesaid, to the Collector of the District, as his Rule for collecting and levying the same; and the said District Clerks shall after the said *August* Meeting duly and timeously transmit to the General Clerk the Report prepared thereat of the Proceedings and Transactions of the Trustees within their Districts respectively for the Year preceding, and of the Operations, if any, intended to be executed in the Year following, with a State of the District Accounts, to be submitted to the stated General Meeting in *October*; and all the Heritors in the combined Counties, and all Creditors of the Districts respectively, shall be entitled to

inspect the Records of the Minutes and Accounts of the several Districts in which the said Parties are respectively interested *gratis*.

Duties of General Clerk.

XVI. And be it enacted, That the General Clerk shall duly summon or notify, according to the Provisions of this Act, all General Meetings; and shall at each Meeting prepare full and accurate Minutes of the Proceedings thereat, to be authenticated and recorded as provided in the Case of the Minutes of District Meetings, and shall within One Month after the annual stated General Meeting in *October* furnish to the Clerk of each District an Extract of the Minutes or of the Orders or Proceedings of the General Meeting relating to such District, for the Guidance of the Trustees thereof.

Salaries of Clerks, &c.

XVII. And be it enacted, That the Trustees assembled in their District Meetings respectively shall fix and determine the Salaries or Allowances to be paid or made to the District Clerks and Inspectors or Surveyors (if any be appointed); and such Salaries or Allowances shall be paid to the District Clerks and Surveyors or Inspectors annually out of the Funds of their respective Districts; and the Salary or Allowance to the General Clerk shall be fixed by the General Meeting of Trustees, but shall not exceed Fifteen Pounds, and the same shall be apportioned amongst the several Districts of the combined Counties according to their respective valued Rents, and so paid annually.

Trustees may sue and be sued in Name of Clerk.

XVIII. And be it enacted, That the Trustees of the several Districts may sue and be sued in the Name of their Clerk for the Time being; and no such Action or Suit shall cease by the Death or Removal of such Clerk, but may be continued in the Name of the Clerk for the Time.

Division of the Counties into Districts.

XIX. And be it enacted, That the Districts into which the combined Counties shall be divided for the Purposes of this Act shall be as follows; that is to say, the Parishes of *Tarbet*, *Fearn*, and *Nigg* shall form One District, to be called the First District; the Parishes of *Tain*, *Edderton*, and *Kincardine* shall form One District, to be called the Second District; the Parishes of *Loggie Easter*, *Kilmuir Easter*, and *Rosskeen* shall form One District, to be called the Third District; the Parishes of *Alness* and *Kiltearn* shall form One District, to be called the Fourth District; the Lands of *Scatwell* and *Glenmarcasie*, *Strathconan*, and *Monar*, *Glenuiack*, *Kintail*, *Lochalsh*, the Parishes of *Lochcarron* (excepting *Caulin*), and the Parish of *Applecross* (excepting the Properties of *Torridon* and *Dibeg*) shall form One District, to be called the Fifth District; the Lands of *Caulin*, *Dibeg*, the Parish of *Gairloch*, the Lands of *Auchnasheen*, *Strathcrombel*, *Cabuie*, Sir *Evan Mackenzie*'s Property about *Ledgown*, *Strathbren*, and what was *Fairburn*'s Property in that Strath, with *Auchnalt*, *Culin*, and the Property of *Fannich*, with the other Properties of that District, shall form One District, to be called the Sixth District; the Estates of *Fairburn* and *Bridgepark*, and *Rhichraggan*, the Lands of *Muirtown*, *Arcan*, *Highfield*, *Ord*, *Ardnagrask*, *Rheindown*, *Tarradale*, and the Parishes of *Urquhart*, *Killearnan*, and *Knockbain* shall form One District, to be called the Seventh District;

the Parishes of *Cromarty*, *Resolis*, *Rosemarkie*, and *Avoch* shall form One District, to be called the Eighth District; the Island of *Lewis* or *Lews* shall form One District, to be called the Ninth District; the Parishes of *Fodderty* and *Contin*, together with the Lands and Estates of *Brahan* and *Little Moy*, shall form One District, to be called the Tenth District; the Parish of *Lochbroom* shall form One District, to be called the Eleventh District; and the Town and Parish of *Dingwall* shall form One District, to be called the Twelfth District: Provided always, that such Division of the said Counties shall be subject to any Alteration or Subdivision that may be thought fit by any General Meeting, on the Application of the Trustees of any One or more of the said Districts, or a Majority of such Trustees of any One or more of the said Districts assembled at a Special Meeting of the same; provided that Lands to the Amount of not less than Two Thirds of the Valuation of such District shall belong to the Trustees composing such Majority; and also provided that the respective Heritors of such Part or Parts of a District or Districts to be so altered shall continue subject and liable to any Assessment that has been or may be laid on for the Payment of such Debts affecting the respective Districts as at present established as were incurred under the Authority and in Terms of the said recited Acts or any of them; but no Heritor whose Lands are transferred into any other or new District shall be liable for any Part of the Debts contracted and due prior to such Transference or Subdivision by the District or Districts into which his Lands may be so transferred.

Valued Rents of Lands in the respective Districts may be split and transferred from one District to another.

XX. And be it enacted, That it shall be lawful for the Trustees at any General Meeting to appoint a Committee consisting of no fewer than Three Trustees (being Commissioners of Supply), to ascertain, by splitting or otherwise, where necessary, the Amount of the valued Rent of the Lands belonging to any Heritor in the respective Districts, and to transfer, if necessary, from any one District or Districts to any other District or Districts, the Lands and valued Rent at which such Lands stand rated in the Cess or Valuation Books of either of the said Counties; and in the event of any Difficulty occurring the Matter shall be brought before the Commissioners of Supply by any District Meeting, who shall deal with the Matter as usual in Cases of splitting of Valuation.

Trustees of each District to assess annually.

XXI. And be it enacted, That the Trustees of each District, at the stated Meetings to be held by them respectively in the Month of *August* annually, shall make an Assessment or Assessments for the current Year on every Proprietor of the Dominium utile of Lands in the District, whether possessing in Life-rent or Fee, or in virtue of any Right of Locality, Terce, Courtesy, or otherwise, such Assessments not exceeding the Rate herein-after authorized; and the first Assessment under this Act shall be laid on in the Month of *August* in the present Year, or within One Month after the passing of this Act, and shall be payable on the Twenty-fifth Day of the Month of *March* in the Year following, as for the Service of the Year from *Whitsunday* 1847 till *Whitsunday* 1848, and so on annually thereafter.

XXII. And

Assessments on small Heritors.

XXII. And be it enacted, That the Trustees in each District shall levy from all Occupiers of all Houses and Buildings, not being Mansion Houses, Farmhouses, or Farm Offices, where the same amount to the yearly Value of Ten Pounds, within each such District, an Assessment not exceeding Sixpence in each Pound or Part of a Pound of real Rent to be applied and expended within each such District for the Purposes of this Act, and to be included in the Account of the Collector of such District in the same Way and Manner as other Assessments under this Act.

Power to Trustees of Districts to appoint Assessors to value Lands, &c.

XXIII. And be it enacted, That in estimating the annual Value of all Lands and Heritages possessed by Proprietors holding the same in feu or under long Leases, and also by Ministers holding Manses or Glebes, the same shall be taken to be the Rent at which, one Year with another, such Lands and Heritages might in their actual State be reasonably expected to let for from Year to Year; and the Trustees of the Districts in which such Lands and Heritages are situated shall have Power to appoint Two or more Assessors for estimating the Value of such Lands and Heritages, and to levy the said Road Assessment according to the Valuation to be made by such Assessors.

Rate of Assessment.

XXIV. And be it enacted, That the Assessment for making and maintaining Roads and building and upholding Bridges shall not be more than One Shilling in the Pound *Scots* of valued Rent, except in the Case herein-after provided, and that the Assessment for paying the existing Debts of any District shall not be more than One Shilling in the Pound *Scots* of valued Rent; and all Assessments under this Act shall be imposed and levied yearly as aforesaid, and be expended within the several Districts respectively wherein the same shall be levied: 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; and providing also, that any Sums annually payable by Tenants under Leases or Agreements in name of Road Money shall be recoverable by the Proprietors from their respective Tenants in the Way and Manner in which the Rents stipulated in such Leases or Agreements are by Law recoverable.

Reservation of Rights of Creditors.

XXV. Provided always, and be it enacted, That nothing herein contained shall in anywise injure, prejudice, or affect the Rights, Interests, Security, or Privileges of any Person or Persons who shall or may have advanced Money on the Credit and Security of the Assessments leviable under the above-recited Acts, all which are hereby reserved entire, and shall, so long as the Money so advanced remains unpaid, subsist and be effectual upon the Assessments to be levied under this Act for discharging the same; and the said Trustees shall keep up, and, if necessary, increase the said Assessments, so as regularly to satisfy and pay the Interest on the Sums of Money so advanced as aforesaid; and in the event of the said Trustees failing so to do the Party or Parties holding such Securities as aforesaid shall be entitled and they are hereby authorized to apply by summary Petition to the Sheriff of the County, who shall thereupon have Power to fix and determine the Rate of Assessment which shall be imposed by the said Trustees,

Trustees, who shall be bound to assess and levy the same in Terms of the said Sheriff's Award.

Increased Rate of Assessment authorized on Lands in old County of Cromarty, if consented to by Three Fourths in Value of the Proprietors.

XXVI. And whereas the Lands situate in the Parishes of *Cromarty* and *Kirkmichael*, which latter forms a Part of the united Parishes of *Kirkmichael* and *Cullicudden* now called *Resolis*, being in the old 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 *George* the Third, 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 Burdens which, for the Purposes of the said recited Act, were imposed on all the neighbouring Lands situate in the Counties of *Ross* and *Cromarty;* be it therefore enacted, That it may be lawful for the stated General Meeting of Trustees, with the Consent intimated in Writing to the Satisfaction of the said Meeting of the Proprietors of the Lands in the said Parishes, or of the Tutors, Curators, or Trustees of the said Proprietors actually possessed of Three Fourths of the Valuation of the said Parishes, to assess the Proprietors of the Lands of the old County of *Cromarty* in a Rate 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 District or Districts in which the said old County of *Cromarty* is or may be comprised.

General Meeting may assess Districts failing to assess themselves.

XXVII. And be it further enacted, That it shall be lawful for the Trustees at any General Meeting to assess such Districts as without sufficient Cause do not lay on annual Assessments, or as such General Meeting shall be of opinion have assessed inadequately, such Assessment by the General Meeting not to exceed One Shilling in the Pound *Scots* of valued Rent, and to be applied, under the Direction of the General Meeting, in making or repairing any useful Lines of Road within the Districts so assessed.

Interest to be charged on Assessments unpaid on and after the 25th May annually.

XXVIII. And be it enacted, That Interest at a Rate not exceeding Five *per Cent.* shall be charged on all Assessments made under this Act while unpaid, from and after the 25th Day of *May* succeeding the Date at which the Assessments in arrear were imposed; and the said Assessments, and every Part and Portion thereof, with Interest and Expences, may be levied and recovered by the Collector either 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,) or by Action before the Sheriff of the said Counties.

For Recovery of Arrears now due.

XXIX. And be it enacted, That within Two Months after the passing of this Act the Collector or Collectors shall and they are hereby

hereby required to transmit to each and every Heritor and Burgh or other Party in the combined Counties, in arrear of any Assessments made previous to the passing hereof, a State of the said Arrears, including the legal Interest thereof as aforesaid, requiring that the same be paid within One Month from the Date of such Requisition; and unless Payment be so made the said Assessments, and every Part and Portion thereof, with the Interest and Expences, shall be levied and recovered by Action before the Sheriff aforesaid.

Assessments on Royal Burghs of Dingwall, Tain, Fortrose; and on Parliamentary Burgh of Cromarty.

XXX. And whereas the Lands, Tenements, and Heritages within the Royalties of *Dingwall*, *Tain*, and *Fortrose* in the County of *Ross* are not valued in the Valuation Books of that County; be it enacted, That for the Purposes of this Act there shall be levied from the Heritors and others within the Royalties of the said Burghs, as herein-after provided, the Sums following; (that is to say,) from the Burgh of *Dingwall* a Sum not exceeding Forty Pounds Sterling, from the Burgh of *Tain* a Sum not exceeding Fifty Pounds Sterling, from the Burgh of *Fortrose* a Sum not exceeding Fifteen Pounds Sterling, and from the Parliamentary Burgh of *Cromarty* a Sum not exceeding Thirty Pounds Sterling, the Amount of the several Sums requisite to be annually fixed by the Trustees of the Districts within which the said Burghs are respectively situate at their *August* Meetings, and to be payable on the 25th Day of *March* yearly, with legal Interest while unpaid after the 25th Day of *May* following, as aforesaid.

Assessments to be levied from Heritors within the Burghs.

XXXI. And be it further enacted, That the Magistrates of the said Burghs of *Dingwall*, *Tain*, *Fortrose*, and *Cromarty* shall be empowered and they are hereby empowered to levy from all Heritors, Feuars, or Lessees under Leases of Fifty-seven Years and upwards within the Royalty of each of the said Burghs, and within the Parliamentary Boundaries of the Burgh of *Cromarty* respectively, of such Heritages as are not valued in the Valuation Books, the Sums payable by such Burghs as aforesaid, with the Expences of laying on and collecting the Assessments, such Assessments to be laid on the respective Heritages within the Royalties of the said Royal Burghs, and within the Parliamentary Boundaries of *Cromarty*, according to the real Rents or annual Values thereof, but providing that no Heritor, Feuar, or Lessee shall be assessed unless the Heritages belonging to him shall be of an annual Value of at least Three Pounds, and providing also, that it shall be lawful for the said Magistrates to exempt from the said Assessment on the Ground of Poverty such Persons as they shall consider unable to pay the same; which several Assessments shall be laid on conformably to Returns upon Oath to be made to the said Magistrates by Assessors to be appointed by them, and shall be levied and recovered by Collectors to be appointed by the Magistrates respectively on or before the First Day of *March* annually, and shall be paid over by the said Burgh Collectors to the Collector or Collectors of the Districts wherein the Burghs are or may be situate, by the Time and subject to Interest as above provided.

Mode of assessing and levying.

XXXII. Pro-

As to the Publication of Lists, &c. within Burghs.

XXXII. Provided always, and be it enacted, That the Collector within each of the said Burghs shall publish or cause to be published, by affixing to the Market Cross or to the Door of the Court House of the said Burgh Lists or Schedules of the Persons therein liable to be assessed, and of the Sums exigible from them respectively, with a Notice of the Day and Place when and where Appeals from the Assessment shall be heard and determined by the Trustees of the District within which the said Burgh is situate (whose Decision shall in every Case be final), and of the Day and Place when and where the Assessments are proposed to be collected, which Publication shall be made Fourteen Days at least previously to the Day appointed for hearing and determining Appeals, and One 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 and selling the Effects of the Defaulter shall be issued by the Sheriff, or any Two of Her 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 specified in the Warrant, and of the Expences which shall have been modified by the Magistrates granting the same; and the Surplus, if any, shall be paid, when demanded, to the Persons whose Effects shall have been so poinded and sold.

Assessments in Stornoway, &c.

XXXIII. And be it enacted, That the Superior or Baron Baillie of the Burgh of Barony of *Stornoway* shall be and is hereby empowered to levy and collect Two Shillings from each House or Dwelling within the said Burgh of Barony; and from every Feuar or Lessee under Lease for Fifty-seven Years and upwards or Tenant of Heritages within the same of the annual Value of Three Pounds and upwards, he is hereby empowered to levy and collect annually a Sum payable according to the following Scale; (that is to say,) 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; the said Baillie being bound to publish Lists or Schedules of the Names of the Householders, Feuars, and Lessees 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 enacted with regard to Royal Burghs: Provided always, that such Assessments within the Burgh of Barony of *Stornoway*, as well as all Payments by the Tenants within the *Lews* District,

District, shall be applied for the Purposes of this Act within the *Lews* District, of all which Assessments and Sums so collected a Statement shall be presented to the General Meeting yearly.

Glebes and Manses.

XXXIV. And be it enacted, That Glebe Lands and Manses shall be assessed in the same Way and Manner as Feuars or Lessees under long Leases.

Duties of Collector.

XXXV. And be it enacted, That the several Assessments which may be imposed by virtue of this Act shall be collected by such Collector or Collectors as the Trustees at their stated General Meeting shall annually appoint, the Collector including in his Accounts to be forwarded to Parties liable for Road Assessment under this Act a Statement of the Grounds of Assessment, whether valued Rents or otherwise, imposed in Terms of the Provisions of this Act; and such Collector or Collectors shall be paid for performing such Duty by a Per-centage which shall in no Case exceed the Rate of Two *per Centum per Annum* on the Amount of his Collection, and he is hereby required and directed to open an Account for each of the said Districts respectively in such Bank or Branch of any Bank as he shall be directed by the Preses of any Meeting of the Trustees of each of the said Districts respectively, and shall immediately on Receipt of the Sums pay to the Account of the said Districts respectively all Sums which he may collect or receive; and upon obtaining a Bank Deposit Receipt for the said Sum or Sums of Money so paid into the said Bank he shall endorse the said Receipt over to the Preses authorized by the Trustees of each District respectively, who shall thereupon discharge the said Collector by granting his Receipt for the same, which Sum shall be payable, in whole or in part, to the Order of the Trustees of each District respectively, or of their Preses: Provided always, that the said Collector shall find good and sufficient Caution for the faithful Performance of the Duties assigned to him by this Act, to the Satisfaction of the Trustees appointing him.

Collector not to be Clerk, &c.

XXXVI. Provided always, and be it 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 Collector or Collectors or Treasurer or Treasurers for the Purposes of this Act; or to appoint any Person or Persons who may be appointed Collector or Collectors, or Treasurer or Treasurers, or Partner or Partners of any such Collector or Collectors, or Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Collector or Collectors or 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 Collector or 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 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 Collector or Treasurer, or being

the Partner or Partners of any such Collector or Collectors, or Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Collector or Collectors, or 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 Collector or Collectors or Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Benefit under the said Trustees other than that of Collector or 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.

Power of borrowing on Security of Assessments.

XXXVII. And be it enacted, That it shall and may be lawful for the Trustees of the said Districts, or a Majority of them, provided Lands to the Amount of Two Thirds of the Valuation of the District shall belong to such Majority, to borrow Money on the Credit of the Assessments leviable under this Act, for making and maintaining Roads, building and repairing Bridges, and to assign any Part of the Funds of the said Districts in Security therefor in manner herein-after directed: Provided always, that the Sum so assigned shall not exceed Two Third Parts of the free annual Assessment of said Districts respectively; and 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 upon the Credit of which any Sum or Sums of Money may have been borrowed, until such Sum or Sums of Money have been paid off and extinguished, or unless the Persons to whom the Money is owing shall consent.

Form of Assignation.

XXXVIII. And be it enacted, That the Security or Securities to be granted for the Money to be borrowed for the Purposes aforesaid shall be Assignations of the Funds of the Districts, and which Assignations shall be in the following Form, or in other Words to the same Purport; (that is to say,)

‘ BY virtue of [*here insert the short Title of this Act*], we
‘ the Trustees [*or* a Majority of the Trustees, *as the Case may be*,]
‘ for putting the said Act into execution, assembled at a stated Meet-
‘ ing of the District, in consideration of the Sum of
‘ advanced by *A.B.* for the Purposes of the said Act, do hereby assign
‘ to the said *A.B.*, his Heirs, Executors, and Assignees, the Sum
‘ of yearly from the Funds of the said District; this
‘ Assignation to be held by the said *A.B.*, his Executors or Assignees,
‘ from the Day of in the Year of our
‘ Lord until the foresaid Sum of
‘ advanced by him as aforesaid, with Interest at the Rate of
‘ per Centum per Annum, shall be repaid to him or them, by his or
‘ their yearly Receipt of the Sum of hereby assigned.
‘ In witness whereof this Assignation, written by *C. D.*, is subscribed
‘ by *E. F.* our Preses, and *G. H.* our Clerk, authorized by us to that
‘ Effect, at the Day of
‘ Years, in Presence of *J. K.* and *L. M.* of ’

And every such Security shall be transferable by Deed duly stamped, and on the same being signed at any Time by Order or Authority of any Meeting of Trustees, 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 of the said Trustees, all such summary Diligence shall be competent and may immediately pass and be directed thereon against the Funds of the District so far as liable, and against the personal or collateral Obligants 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 what may be due thereof, as is competent to pass upon any ordinary Promissory Note whatever by the Law of *Scotland*.

Trustees not to be personally liable.

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.

Heirs of Entail in possession, and others under legal Disability, empowered to borrow Money, and contribute for the Purposes of this Act, charging the Estate therewith.

XL. 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 may be expected to accrue to the Proprietors of many Estates in the Counties aforesaid, and the annual Value of such Estates may 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 the said Counties, through which such Road may pass or in which any such Bridge may be situate, or for his Tutor or Curator, to contribute towards the making such Road or erecting such Bridge respectively, in the Proportion effeiring to the Contributions of other Proprietors in the District under no such Disability; provided the same shall not exceed 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 Tutor or Curator, or for the Judicial Factor of any Estate under Sequestration, with Concurrence of the Person beneficially interested therein, 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 the said Counties under the Provisions of this Act.

Proviso as to Payment of Principal and Interest of Money borrowed.

XLI. Provided always, and be it enacted, That such Corporation, Tutor, and Curator, and Judicial Factor, Heir of Entail, his Tutor or Curator, and every Heir of Entail succeeding to such entailed Estate, his Tutor or Curator, shall be obliged, not only regularly to pay the Interest

Interest upon such Sum so borrowed, but also to pay off and extinguish the said Sum so borrowed itself by Payments of One Thirtieth Part of the Amount thereof yearly until the same is paid off and extinguished; but it shall not be lawful for the Creditor 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 to prosecute such Remedy or Remedies against the Rents thereof as are given and allowed by the Law of *Scotland* to Heritable Creditors.

Power to burden succeeding Heirs of Entail according to 10 G. 3. c. 51.

XLII. And whereas an Act was passed in the Tenth Year of the Reign of His late Majesty *George* the Third, 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 enclosing, planting, or draining, or in erecting Farmhouses and Offices, or Outbuildings for the same, for the Improvement of his Lands and Heritages, shall be a Creditor to succeeding Heirs of Entail for Three Fourth Parts of the Money laid out in making the said Improvements, and by which Act 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 will constitute evident Improvements; be it therefore enacted, That the Proprietor of any entailed Estate situate in the said Counties may, for Advances or Contributions by him for the Purposes of this Act, 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 Rents with which the Heir in possession is by the said last recited Act authorized to burden the succeeding Heirs of Entail: Provided always, that, so far as the same are not inconsistent with the Purposes of this Act, the Notices shall be given, the Accounts lodged, and the Records kept in the same Manner as if the Enactments and Provisions of the said last-recited Act in relation thereto were expressly inserted in this Act.

Heirs of Entail, &c. may renounce Claims of Damage, &c.

XLIII. And be it enacted, That it shall be in the Power of the 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 Compensation competent to them for such Ground and Materials as any Road or Bridge 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 succeeding to them in the said Estates: Provided always, that if the Sum to be paid for such Renunciation shall exceed One hundred Pounds it shall be applied for the Purposes of the said entailed Estate.

Power to take Ground, &c. for Purposes of this Act, according to Pro-

XLIV. And be it enacted, That it shall and may be lawful for the said Trustees to take possession of the Ground necessary for making, widening, or altering all District Roads and Bridges within the said Counties, and to remove any Fence, House, or other Building, provided

visions of 8 & 9 Vict. c. 19.

provided that the said Trustees pay full Compensation therefor, 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, or by Arbitration, or by the Sheriff, or by a Jury, according to the Provisions in these Cases of "The Lands Clauses Consolidation (*Scotland*) Act, 1845."

Time for compulsory Purchase of Lands.

XLV. And be it enacted, That the Limit of Time for compulsory Purchase or taking of Lands enacted by the "Lands Clauses Consolidation (*Scotland*) Act, 1845," shall not apply to this Act, but it shall be lawful for the Trustees in the Execution hereof to purchase or take Lands, subject to the Provisions of the said recited Act above incorporated herewith, for the Purposes of this Act, during the Space of Seven Years from and after the passing of this Act.

Provision for Materials.

XLVI. And that it be enacted, That every Proprietor shall within Four Months after the passing of this Act, and afterwards annually, if required, point out to the Clerk of the District in which his Property may be situate the Place from whence Materials for making or repairing the Roads may be taken, so that the Carriage of the same to the Place where they may be required shall not exceed Two Miles.

Roads may be surrendered to Parliamentary Commissioners.

XLVII. And be it enacted, That it shall be in the Power of the Trustees of any District, by itself or in conjunction with the Trustees of other Districts, to make Arrangements with the Commissioners appointed by Parliament for the Management of Highland Roads and Bridges for the Surrender of any District Roads to their Management, and to assign to the said Commissioners so much of the Assessments remaining, after setting aside what will be necessary for repairing the Roads in the Hands of the Trustees, as may be required by the said Commissioners to keep up the Roads so surrendered.

Power to shut up useless Roads and Pathways.

XLVIII. And be it enacted, That the said Trustees shall have Power to build Fences, and to shut up and suppress Roads and Pathways: Provided always, that Notice of the Resolution to shut up any such Road or Pathway be given by Advertisement at the Churches of the Parishes through which the said Road or Pathway passes, and of the Parishes at either Extremity of the said Road or Pathway, for Two consecutive *Sundays* One Month at least before the said Road or Pathway shall be shut up, and after any such Road or Pathway 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.

Disposal of useless and shut-up Roads.

XLIX. And be it enacted, That wherever any Road, Pathway, or Bridge shall have become useless, and has been legally shut up, and has not been given in exchange for the Land occupied by a new Line made in lieu thereof, the said useless Road shall become the Property of the Persons to whom the Land through which it passes belongs.

L. And be it enacted, That no Fences shall be erected alongside of any Road within Ten Feet of the Centre of such Road, and, where there is no Ditch, within Fifteen Feet; and that no Building of any other Description than a Fence shall be erected nearer to the Centre of the Road than Twenty-five Feet.

No Fences, &c. to be made within certain Distance of Centre of Road.

LI. And be it enacted, That the Trustees may cause all or any of the Roads within their respective Districts to be measured, and Stones, Irons, or Posts to be erected thereon or near the Sides thereof, denoting 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 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 Copestones 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, under the Direction of the Trustees, or shall be aiding or assisting therein, or shall rescue or attempt to rescue any 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 credible Witness, before any One or more Justice or Justices of the Peace, or the Sheriff of the said Counties, or of the Counties where the Offender shall reside, shall pay a Fine not exceeding Ten Pounds Sterling, besides the Damage and Expences of Process.

Mile Stones and Guide Posts may be erected.

LII. 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 or clearing a Road, and Fifty Pounds Sterling in repairing a Bridge.

In Cases of sudden Damage, &c.

LIII. And be it enacted, That while the Island of *Lews*, which forms a District by itself, continues the Property, as at present, of One Heritor, it shall be optional to its Proprietors to adopt and enforce the Powers and Provisions of this Act within the said District, or to decline the same, in which latter Event the Highways, Bridges, and Ferries in the said *Lews* District shall, until otherwise provided for by Act of Parliament, be regulated by the Laws touching the Statute Service in *Scotland*.

Power to Proprietor of Lews District to adopt Act or not.

LIV. And be it enacted, That the following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or Context repugnant to such Construction; that is to say,

Interpretation of Words and Expressions in this Act.

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Heritor" or "Proprietor" shall include the Owner or Liferenter of Heritage, by whatever Tenure the same may be possessed:

The Word "Possessor" or "Parties" shall include Corporations:

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees acting in the Execution of this Act, either in General or District Meetings, as the Case may be:

The Word "Sheriff" shall include the Sheriff Substitute:

The Word "Justices" or the Expression "Justices of the Peace" shall mean any Two or more Justices in either of the existing Commissions of the Peace for the County of *Ross* and for the County of *Cromarty*:

The Expression "the combined Counties," or "said Counties," or "Counties aforesaid," shall mean the Counties of *Ross* and *Cromarty*, and the Part of the County of *Nairn* locally situate in the County of *Ross*:

The Word "Lands" shall extend to Houses, Lands, Tenements, Salmon Fishings, and Heritages of any Description or Tenure:

The Word "Lease" shall include Missive or Minute of or any written Agreement for a Lease:

The Word "Month" shall mean Calendar Month.

Expences of Act.

LV. And be it enacted, That all the Costs, Charges, and Expences incident to and attending the Preparation and the obtaining and passing of this Act shall be provided for and paid by an Assessment to be made by the First General Meeting of Trustees which is held after the passing hereof, or any Adjournment thereof, on the several Districts within the combined Counties, rateably and proportionately, according to their respective valued Rents; and the same shall be collected or levied by the Collector, and paid by him out of the first Monies recovered by him under this Act.

Commencement of Act.

LVI. And be it enacted, That this Act shall commence from the passing thereof, and shall subsist until repealed.

Public Act.

LVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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