ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 13.

An Act for regulating and converting the Statute Labour in the Counties of *Roſs* and *Cromarty*, and that Part of the County of *Nairn*, which is locally ſituated in the County of *Roſs*; and for more effectually making and repairing the Roads and Bridges within the ſame; and for making and maintaining the great Poſt Road from the Confines of *Inverneſsſhire*, to the Confines of the Shire of *Sutherland*. [9th *April* 1807.]

WHEREAS the Laws for making and repairing Highways and Bridges in *Scotland* have been found by Experience ineffectual, in their preſent Shape, for repairing the Highways and Bridges in the Counties of *Roſs* and *Cromarty*, and the Eſtate of *Ferrintoſh*, locally ſituated in the County of *Roſs*; and it would be more convenient and advantageous to all concerned, if the whole Statute Labour of the ſaid Counties, and that Private Eſtate, were converted, upon equitable Terms, into Payments in Money, in place of the preſent Services

Services, and Powers were granted to borrow Money upon the Produce of the Converſion, but ſuch Purpoſes cannot be accompliſhed without the Aid of Parliament: May it therefore pleaſe your Majeſty, That it may be enacted, andbe 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 all Perſons who ſhall at any Time have, and ſo long as they ſhall continue to be poſſeſſed of a Qualification to entitle them to be Commiſſioners of Supply, or are in the Commiſſion of the Peace in either of the ſaid Counties, and the Proprietor of the Eſtate of *Ferrintoſh* for the Time being, and the Heirs Apparent of ſuch Perſon and Proprietor, of lawful Age, ſhall be Truſtees for putting this Act in Execution: Provided always, that if any Perſon not qualified as aforeſaid ſhall, notwithſtanding, preſume to act as a Truſtee as aforeſaid, every ſuch Perſon ſhall, for every ſuch acting, forfeit the Sum of Twenty Pounds Sterling, beſides the Expences of Proſecution, to be recovered by Complaint in a ſummary Way, at the Suit of any Heritor within the ſaid Counties, before the Juſtices of the Peace, at their Quarter Seſſions, or before the Sheriff Depute of the Counties of *Roſs* or *Cromarty*, or his Subſtitute, which Penalty ſhall be paid to the Truſtees aforeſaid, or their Clerk, to be applied by them for the Purpoſes of this Act; and in caſe of ſuch Complaint, the Proof of the Qualification ſhall lie upon the Perſon complained of.

Truſtees.

Pariſhes to be divided into Diſtricts.

II. And be it enacted, That the ſaid Truſtees ſhall hold their Firſt General Meeting at the *Burgh of Tain* upon the Firſt Day of *May* next, of which Meeting Notice ſhall be given by an Advertiſement to be inſerted by the Convener of the ſaid County of *Roſs* in ſome Three Newſpapers publiſhed in *Edinburgh*, and it ſhall and may be lawful for the ſaid Truſtees, at ſuch General Meeting, to divide the Pariſhes included in this Act into Diſtricts, as they ſhall ſee proper, for the Purpoſes of this Act: And to appoint a Time and Place at which the Truſtees of each Diſtrict ſhall hold their Firſt Meeting in this preſent Year, and the ſaid Truſtees at ſuch or any other General Meeting are hereby empowered to chuſe a Preſes, and alſo a Clerk, who ſhall be allowed ſuch Salary as the ſaid Truſtees ſhall think proper, for keeping the Minutes or Records of the Proceedings of all General Meetings, and all ſuch Matters as ſhall be reported to them from Diſtrict Meetings, to be paid from the Funds of the different Diſtricts, in proportion to the valued Rent of each Diſtrict.

Truſtees to pay their own Expences.

III. And be it enacted, That at all General or Diſtrict Meetings, the Truſtees ſhall defray their own Expences.

Commutation of Statute Labour by Heritors.

IV. And be it enacted, That the Statute Labour now exigible, by Law, from Heritors occupying their own Lands, from all Tenants, or Sub-Tenants, their feed Servants, bound by the Year, or Half-Year, with that of their Draught Cattle and Carriages, ſhall hereafter be exchanged or commuted for the following Conſideration; (that is to ſay), all Heritors occupying their own Lands, Woods, or Fiſhings, yielding an Annual Return; and all Farmers or Tenants holding Land, and the Renters of Fiſhings, of Woods, or other Subjects, from which the

the Landlord derives an Annual Income, the Annual Value or Rent whereof ſhall amount to Five Pounds, and ſhall not amount to Ten Pounds, ſhall pay in lieu of all Statute Labour, for the Year, the Sum of Seven Shillings and Sixpence, all Heritors, Tenants, and Renters aforeſaid, where the Annual Rent ſhall amount to Ten Pounds, and ſhall not amount to Twenty-Five Pounds, ſhall ſeverally pay, in lieu of all Statute Labour, Twelve Shillings in the Year; and where the Annual Value or Rent ſhall amount to Twenty-five Pounds, and ſhall not amount to Fifty Pounds, ſuch Perſons ſeverally ſhall pay Fifteen Shillings in the Year; and where the Annual Value or Rent ſhall amount to Fifty Pounds, and ſhall not amount to One Hundred Pounds, ſuch Perſons ſeverally ſhall pay Twenty Shillings in the Year; and where the Annual Value or Rent ſhall amount to One Hundred Pounds or upwards, ſuch Perſons ſeverally ſhall pay at the Rate of Three-pence Sterling, for each Pound of ſuch Value or Rent Annually.

By Occupiers, Cottagers, and Labourers.

V. And be it enacted, That every Leſſee, or Occupier of Land under the Yearly Rent of Five Pounds, and every Houſeholder within Burgh, or forth thereof, and every Cottager and Labourer, (excepting Servants hired by Tenants or other Occupiers of Land, by the Term,) ſhall pay, in lieu of their Perſonal Services, at ſuch Rates of Converſion, as the Truſtees of the ſeveral Diſtricts within which ſuch Perſon ſhall ſeverally reſide, may fix at their firſt Meeting held after the paſſing of this Act, or at their firſt Annual Diſtrict Meeting; not to exceed the Rate at which Day Labour can be obtained within the Diſtrict for each of the Six Day's Statute Labour, which they are by Law at preſent required to perform.

By Inhabitants of Royal Burghs.

VI. And be it enacted, That the Inhabitants within each of the Royal Burghs of the Shire of *Roſs*, and of the Town of *Cromarty*, who poſſeſs Houſes above the Annual Rent of Six Pounds, and not amounting to Ten Pounds, ſhall pay at the Rate of Nine-pence in the Pound; and where the Rent ſhall amount to Ten Pounds, and ſhall not amount to Twenty Pounds, at the Rate of Ten-pence in the Pound, and where the Rent ſhall amount to Twenty Pounds or upwards, at the Rate of One Shilling in the Pound for the Commutation of their Statute-Labour; and ſuch as occupy their own Houſes, ſhall pay in the Proportion of the above Rates according to the Rent for which ſuch Houſe would ſet, as the ſame ſhall be ſettled by and between the ſaid Truſtees and ſuch Occupier, and in the Event of their differing in Opinion, by the Sheriff of the ſaid Counties of *Roſs* or *Cromarty*.

Heritors to furniſh Liſt of Tenants.

VII. And be it enacted, That in order to enable the Collectors and Surveyors to make up their Charge againſt the Diſtrict, and accurate Liſts of the Perſons liable to the Performance of Perſonal Services, each Heritor, or his Factor, ſhall furniſh the Collector of the Diſtrict, on or before the Twentieth Day of *March* yearly, with a Liſt of their Tenants who pay Five Pounds Rent, or upwards, on the Eſtates reſpectively, ſtating the full Amount of the Rent (including the Commutation for Cuſtoms and Services), payable by each, together with the Value, or Rent, for which Lands in the Heritor's

Heritor's Occupation would let on a Leaſe of Nineteen Years; and where Bear or Oatmeal ſhall be payable in kind, to the Landlord, in lieu of Rent, each Boll payable for Rent, whether of Bear or Oatmeal, ſhall be eſtimated at Twenty Shillings Sterling, in all ſuch Returns, and each Heritor, or his Factor, ſhall alſo procure for the Collector or Surveyor, a Liſt of all the ſmall Tenants under Five Pounds, of all Houſeholders, Cottars, Labourers by the Day, Tradeſmen, with their Journeymen and Apprentices, if of the lawful Age, and Boatmen, reſiding within the Bounds of their Eſtates reſpectively, for the Purpoſe of having accurate Liſts of thoſe liable to ſerve, within the Diſtrict, made up, to be laid before the Firſt General Meeting of the Truſtees of the Diſtrict, when they are to make their Annual Aſſeſſment.

Stent Maſters in Royal Burghs.

VIII. And be it enacted, That the Stent Maſter, or Treaſurer for the Time being, of each of the Three Royal Burghs within the Shire of *Roſs*, ſhall be bound to make a Return of the Houſeholders within the Burgh, who occupy Houſes above Five Pounds of Annual Rent, with the Amount of the Rent, or Value by the Year, of the Houſe occupied by each, to the Collector of the Diſtrict, within which the Burgh may be ſituated; and that either the Stent Maſter, Treaſurer, or ſome fit Perſon to be appointed by the Magiſtrates of ſuch Burghs reſpectively, make up annually a Liſt of all Houſeholders occupying Houſes under Five Pounds of Yearly Rent, and of all Tradeſmen, their Journeymen or Apprentices of the lawful Age, who are liable by the exiſting Laws to the Performance of Statute Labour on the Roads, and deliver the ſame, authenticated by their Subſcription, to the Collector of the Diſtrict, within which the Burgh is ſituated, and that ſuch Liſts ſhall be prepared for the Town of *Cromarty*, and the Villages of the Shires of *Roſs* and *Cromarty* by the Pariſh Schoolmaſter, and that all ſuch Liſts ſhall be delivered to the reſpective Collectors on or before the Twentieth Day of *June* One thouſand eight hundred and ſeven, and thereafter on or before the Twentieth Day of *March* annually, under a Penalty of Twenty Shillings Sterling.

Exemptions.

IX. And be it enacted, That no Perſon who ſhall be aſſeſſed as a Leſſee, or Occupier of Land, ſhall be liable to any ſeparate Aſſeſſment as a Compoſition for Perſonal Labour on the Highway, and that no Clergyman ſhall be ſubjected to perform any Service, or pay any Converſion on account of his Manſe, or Glebe, nor any Parochial Schoolmaſter, nor Schoolmaſter employed by the Society for Propagating Chriſtian Knowledge, nor any Teacher of the Academies at *Tain* or *Fortroſe*, nor any Teacher of any other Academy or School which may hereafter be ſanctioned by the Juſtices of the Peace of either of the ſaid Counties of *Roſs* or *Cromarty* aſſembled at their Quarter Seſſions, on account of his School Houſe, or Allowance of Ground; but if ſuch Clergyman, or Schoolmaſter, or Teacher ſhall have any Farm or Farms, diſtinct from their Glebe, or Allowance of Ground, as a Miniſter, or Schoolmaſter, or Teacher, then they ſhall pay in proportion to the Rent of the Land they ſo occupy as other Occupiers of Lands are required to do by this Act.

Truſtees may excuſe indigent Perſons.

X. And be it enacted, That the Truſtees of Diſtricts or any Three of them, ſhall have Power, by a Writing under their Hands, to excuſe

cuſe indigent Perſons and Labourers who ſhall have attained the Age of Sixty-five Years or upwards from the Payment of any Compenſation for their Perſonal Services.

Settling objectionable Liſts.

XI. And be it enacted, That if an Objection, which ſhall be conſidered to be valid, ſhall be ſtated at the Meeting of the Truſtees of the Diſtrict to any Return which ſhall have been made to the Collectors or Surveyors, purſuant to this Act, it ſhall and may be lawful for them, and they are hereby empowered to cite the Occupiers of Land or others, making ſuch objectionable Return before them, with ſuch Witneſſes as may be conſidered neceſſary, by whom they are to take Proof of the Rents, or other Matters which are to be inveſtigated, and after ſuch Proof ſhall make an Aſſeſſment, which ſhall be final, without being ſubject to Review, by Advocation, Sulpenſion, or Reduction.

Obliging Perſons to make Returns.

XII. And be it enacted, That in caſe no Return ſhall be made before the Firſt Annual Meeting of the Truſtees of the Diſtrict, which ſhall be held within the Diſtrict on the firſt *Wedneſday* of *March* yearly, it ſhall and may be lawful for ſuch Meeting, and they are hereby empowered to cite the Perſons failing to make a Return, before them, and to aſcertain the Return which ought to have been made, at the Expence of the Party who ſhall fail to make the proper Return.

Collecting the Aſſeſſments.

XIII. And be it enacted, That ſo ſoon as the Aſſeſſments within any Diſtrict ſhall be made complete, they ſhall be delivered over to the Collector, who ſhall proceed in collecting the ſame, on or before the ſecond *Wedneſday* of *July* One thouſand eight hundred and ſeven, and thereafter on or before the firſt Day of *May* annually, when complete Reports ſhall be made to the General Meeting of the Truſtees under this Act, which are previouſly to be examined, and approved in a Diſtrict Meeting, to be called for that Purpoſe by the ſeveral Collectors.

Notice to be given of collecting.

XIV. And be it enacted, That regular Warnings ſhall be given at the Church Doors of the ſeveral Pariſhes, of the Day and Place propoſed for collecting the Aſſeſſment within the Pariſhes reſpectively, on a *Sunday* immediately after Divine Service at leaſt Fourteen Days before the propoſed Day of Collection, and upon Failure of Payment upon the Day appointed for ſuch Collection, or within Ten Days thereafter, and a Certificate thereof being returned by the Collector, a ſummary Warrant of Diſtreſs ſhall or may be iſſued by the Sheriff Depute of the County, any of his Subſtitutes, or any Two Juſtices of the Peace, for the Amount of the Sum aſſeſſed, and the full Expences of the Proceedings.

Preventing Warrants being improperly obtained.

XV. And be it enacted, That in caſe of a Warrant being improperly obtained, it ſhall and may be lawful for the Sheriff or Juſtices to award treble the Amount of the Sum ſued for, againſt the Perſon by whoſe Means it ſhall have been obtained.

Money collected to be depoſited.

XVI. And be it enacted, That the Collectors of Diſtricts ſhall lodge the whole Sum ſo collected within their Diſtricts, in the Bank of *Scotland*'s Branch at *Tain*, or in any publick Bank or Branch of ſuch Bank, previouſly approved of by the Annual General Meeting, on a Depoſit Account, on a Receipt to be given up to the Diſtrict Meeting of Truſ-

tees, and to be drawn out afterwards as any future Meetings may direct, by the Orders of their Preſes for the Time being.

Application of Money.

XVII. And be it enacted, That the whole Produce of the Converſions of Statute Labour, to be levied under the Authority of this Act, and all Sums of Money which ſhall be borrowed on the Credit thereof, ſhall be laid out and expended upon the Roads within the Diſtricts reſpectively, from which ſuch Converſions ſhall be levied, or on which the Intereſt of ſuch Monies to be borrowed, ſhall be charged, and no otherways.

Meetings of Truſtees.

XVIII. And be it enacted, That the Truſtees of the ſeveral Diſtricts into which the Pariſhes compriſed in this Act ſhall be divided at the General Meeting to be held on the firſt Day of *May* next, ſhall meet in the preſent Year at ſuch Times and Places as ſhall be appointed at ſuch General Meeting, of which Notice ſhall be given in ſuch Manner as ſhall be directed by ſuch General Meeting, and thereafter the Truſtees of each Diſtrict ſhall meet alternately, at the Churches or School Houſes of the Pariſhes, once a-Year within each Diſtrict, on the firſt *Wedneſday* of *March* in every Year, any Three of which Truſtees ſhall be a Quorum, and ſhall and may proceed in the Execution of this Act, and may adjourn themſelves to ſuch Times and Places, as they may think proper.

For calling Meetings.

XIX. And be it further enacted, That the Clerk of the ſaid Truſtees, or in his Abſence the Preſes of the preceding General Meeting, ſhall, when directed by any Two or more Truſtees, call a General Meeting by Two Advertiſements in any Newspaper publiſhed in the Counties of *Roſs*, or *Cromarty*, and in default thereof, in any Newspapers publiſhed in *Edinburgh*, the firſt of ſuch Advertiſements being at leaſt Fourteen Days before the Day of ſuch Meeting, ſignifying the Purpoſe of the ſame, and no Perſon, but the Clerk or the Preſes of the ſame General Meeting ſhall have Power to call ſuch Special Meetings, and the Expence of advertiſing ſhall be paid out of the Funds of the Diſtrict on the Buſineſs of which the Meeting is called.

Liſts of Roads to be made up.

XX. And be it enacted, That the Truſtees for their reſpective Diſtricts ſhall, at their Firſt Meeting, or any after regular Meeting of the Diſtrict, make up a Liſt of the Great and Croſs Roads, within the Diſtrict to which the Funds leviable in ſuch Diſtrict ought in the firſt Place to be applied, and ſhall procure or prepare an Eſtimate of the Expence of making the ſame, with the Proportion of the Funds to be applied to each Part thereof parochially, or otherwiſe, as they may deem moſt conducive to the publick Intereſt, and ſhall report their Proceedings to the General Meeting of Truſtees of the ſaid Counties, to be holden on the ſecond *Wedneſday* of *May* yearly, for that Purpoſe, at the Burghs of *Tain* and *Dingwall* by rotation, the Firſt Year's Meeting after the paſſing of this Act, being holden at *Tain*; which General Meeting ſhall inſert the Report from each of the Diſtricts, in their Minutes or Records, for the Information and Inſpection of all concerned: And the Lines of Road being once fixed and approved by a General Meeting of the Truſtees of the ſaid Counties, ſhall not be altered, nor any Road inſerted in the Liſts, until the Road ſo fixed, at the General Diſtrict Meeting within which the Road lies, be declared completely made and finiſhed.

XXI. And

Power to borrow Money,

XXI. And be it enacted, That in order that the Roads may be more ſpeedily and effectually put in Repair, and the Public derive immediate Advantage therefrom, the Truſtees for each Diſtrict, or any Five or more of them, at a General Meeting aſſembled, ſhall have Power to borrow Money, on the Security of the Funds leviable by virtue of this Act, to be applied in making and reparing the Great and Croſs Roads, within the Diſtrict: Notice of the Intention of borrowing and the Extent of the Sums to be borrowed, being always given by Advertiſement in any Three *Edinburgh* Newspapers publiſhed at the Time, at leaſt Ten Days previous to ſuch borrowing: Provided always that no Sum ſhall be borrowed, unleſs it clearly appears that a Sum equal at leaſt to Five Pounds *per Centum, per Annum*, of the capital Sum ſo propoſed to be borrowed, (over and above the legal intereſt of the Money borrowed, the Sum to be appropriated by the Truſtees for keeping the Roads in Repair, and Expence of Management,) can and ſhall actually be appropriated and ſet apart, as a Sinking Fund, to be applied in diminiſhing and extinguiſhing the Debt to be incurred; and if any Truſtee or Truſtees ſhall borrow Money, for making the Roads, without adopting and following out the aforeſaid Regulations, he or they ſhall be perſonally liable for the Money ſo borrowed, and the ſame ſhall not be held as a Debt on the Truſt Funds of the Diſtrict; and all Monies borrowed ſhall be lodged in the Bank of *Scotland* at *Edinburgh*, or in the Branch of that Bank at *Tain*, to remain till the making and repairing the Roads for which it is borrowed ſhall actually commence, and the Sums ſo lodged ſhall afterwards be drawn out as the ſame ſhall be required in Manner herein ſpecified.

and aſſign the Funds.

XXII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, or a Quorum of them, at any General Meeting for the reſpective Diſtricts aſſembled, and they are hereby empowered to aſſign and convey the Funds leviable by this Act, in Security of the Money to be borrowed upon the Credit of the Produce thereof to any Perſon or Perſons, from whom the ſaid Money ſhall be borrowed; and all Aſſignments of the ſaid Funds ſhall be entered by the Clerk, in a Book to be kept for that Purpoſe, and which Book may be ſeen and peruſed by any Perſon lending Money, or paying Converſion for Statute Labour, under this Act, at all reaſonable Times, without Fee or Reward.

Form of Aſſignment.

XXIII. And be it enacted, That the Aſſignation to be granted for the Sums of Money, ſo to be borrowed, ſhall be agreeable to the following Form, or in other Words, to the ſame Purport, that is to ſay, "By "virtue of an Act made in the Forty-ſeventh Year of the Reign of His "Majeſty King *George* the Third, intituled, "An Act [*here inſert the "Title of the Act,*] We the Truſtees for putting the ſaid Act into Execution, aſſembled at a General Meeting of the Diſtrict of "called agreeably to the aforeſaid Act, in conſideration of "the Sum of advanced by *A. B.* for the Purpoſe of "making and repairing the Roads in the Pariſh of or the "Line of Road from to [*as the Caſe may be,*] "Do hereby aſſign to the ſaid *A. B.*, his Executors and Aſſignees, ſuch "Proportion of the Funds appropriated for making and repairing the "Roads in the ſaid Pariſh of or the Line of Road from

to

" to [*as the Case may be,*] as the said Sum of
" doth or shall bear to the whole Sum borrowed, or to be bor-
" rowed, to be held by the said *A. B.* his Executors or Assignees, from
" the Day of in the Year of our Lord
" until the aforesaid Sum of with Interest, at the Rate
" of *per Centum per Annum* shall be repaid. In Witness where-
" of we have subscribed the Assignation, written by *C. D.* Clerk to
" the said Trustees [*or any other Person*] at the
" Day of in the Presence of the said *C. D.* and *E. F.*
" of ."

Bonds assignable.

XXIV. And be it enacted, That all Bonds and Assignations to be granted for Security of Money to be borrowed, in virtue of this Act, shall be transferrable from Time to Time, by a simple Indorsation, by the Creditor, on the Back thereof, in the following Words, or Words to the same Purport, without the Necessity of any other Conveyance, that is to say,

" I do hereby transfer this Assignation, with all my Right and Title
" to the Principal, and Interest thereby secured and now due, unto *C.*
" *D.* his Executors, and Assignees. Witness my Hand at
" the Day of in the Year
" Before these Witnesses, *E. F.* and *G. H.*"

Application of Fund.

XXV. And be it enacted, That the Funds to be levied, in virtue of this Act shall be, and are hereby vested, in the said Trustees, and the same shall be applied and disposed of in Repayment of the Money borrowed, and in making and repairing, and keeping in Repair the said Roads; Provided always, that the Funds of each District shall only be applied in Repayment of the Money borrowed, on the Credit of the Sum arising within the District, and to the Sinking Fund for discharging the Debt thereon, and in making and repairing the Lines of Road within that District, and no otherwise.

Allocating the Funds.

XXVI. And be it enacted, That the Trustees for the respective Districts, shall, at the First Meeting to be held in pursuance hereof, or any Adjournment thereof, in the Year One thousand eight hundred and seven, and at every Annual General Meeting thereafter, ascertain the Proportion of the Funds of each District, to be allocated for the respective Roads within the same, for the ensuing Year; and when a particular Portion of the said Fund of any District, shall have been once allocated for making and repairing any Line of Road within the District, and Money shall have been borrowed upon the Faith of such Allocation, it shall not be in the Power of the Trustees to alter the Allocation, until the Money so borrowed shall have been paid off and discharged.

Trustees accountable for Funds.

XXVII. And be it enacted, That none of the Funds or Money shall be allocated or granted, but on the Application of One or more Trustees who, by obtaining the Grant, shall be held responsible, and strictly accountable for the faithful Expenditure of the Sum granted; and who, before obtaining any Grant for Money, shall give in a List of the respective Roads, meant to be made and repaired by them, and at the same Time shall give in an Estimate specifying the Expence, *per* Rood, of the proposed making or Repairs.

XXVIII. And

XXVIII. And be it enacted, That the Money ſhall be applied to the reſpective Roads, for which it ſhall have been granted, and to no other Road, under the Penalty of repaying the Sum drawn, with legal Intereſt for the ſame, from the Day it ſhall have been paid, and One Half more, by Way of Fine, on the Perſon otherwiſe applying the ſame. **Money to be applied on the particular Road for which it was granted.**

XXIX. And be it enacted, That the Money, to the Extent of the Sum granted, ſhall not be paid until the Work ſhall have been begun, when it may be drawn for, at One or more Inſtalments, as the Truſtees for the Diſtrict ſhall direct, by Order of the Perſon or Perſons to whom it ſhall have been granted, on the Clerk to the ſaid Diſtrict, who ſhall accept and direct it for Payment, by the Bank of *Scotland*, or Branch thereof, as aforeſaid. **Money to be paid by Inſtalments;**

XXX. And be it enacted, That whoever ſhall obtain a Grant for, and receive ſuch Money, ſhall make up, and lodge with the Clerk to the Diſtrict, an atteſted Account on Oath, with regular Vouchers for the fair Expenditure of the Money, diſtinguiſhing the Sum expended on each Road; and if the Whole, or any Part of the Money granted, ſhall have been paid, and not expended, or accounted for, as aforeſaid, the ſame ſhall be repaid immediately after the firſt Day of *January* thereafter, and One Half more, by Way of Penalty, and legal Intereſt for both, from the ſaid firſt Day of *January* till paid. **And accounted for.**

XXXI. And be it enacted, That all Grants, for the Expenditure of which regular Accounts, as aforeſaid, ſhall not be lodged, and the Payment demanded, on or before the firſt Day of *January* yearly, ſhall be held as not laid out or expended, as the ſame was allocated, and together with all unappropriated Money, ſhall remain at the future Diſpoſal of the Truſtees of the Diſtrict, at their Annual General Meeting in *May*; to be applied on ſuch Roads as they ſhall think proper. **Money not expended in a certain Time to be diſpoſed of by the Truſtees.**

XXXII. And be it enacted, That the Proceedings in the different Diſtricts, ſhall be reported to the Firſt Annual General Meeting of the Truſtees for the ſaid Counties, to be held in purſuance of this Act; and at every Annual General Meeting thereafter there ſhall be laid before them a Summary of the Proceedings of the Truſtees, for their reſpective Diſtricts, previous to the ſaid Meetings of the County, containing a Liſt of the Roads adopted for Repair, an Account of the Money levied and Money borrowed (if any) in virtue of this Act, with the Proportion of the Funds allocated to each Line of Road, which ſhall be regularly inſerted in their Minutes or Records. **Proceedings of Diſtrict Meetings to be reported to General Meetings.**

XXXIII. And be it enacted, That the ſaid Truſtees of each Diſtrict, at their Firſt Meeting, and at every Annual General Meeting of their reſpective Diſtricts, ſhall have Power to nominate and appoint a Preſes, Clerk, Collector, Surveyor, or ſuch other Officers as they may conſider neceſſary, and to pay them out of the Money collected within the Diſtrict, ſuch Allowance for their Trouble as they ſhall think proper, and ſhall be approved by the Truſtees at a General Meeting for carrying this Act into Execution, and to remove theſe Officers at Pleaſure. **Appointment of Preſes, Clerk, &c.**

Accounts to be kept.

XXXIV. And be it enacted, That the ſaid Truſtees of each Diſtrict, ſhall keep a Record of their Proceedings, and an exact Account of the Money received, by virtue of this Act, and of the Application thereof, in a Book, in the Hands of their Clerk, which Book of Accounts and Proceedings, all Heritors of the ſaid Diſtrict ſhall, at any reaſonable Time, be at liberty to inſpect, without Fee or Reward; and the Truſtees for the ſaid Counties, ſhall alſo keep a Record of their Proceedings, and of the Reports from the ſeveral Diſtricts, which ſhall be open to the Inſpection of every Heritor within the County, likewiſe, without Fee or Reward; and in caſe of any Miſapplication of Money collected, received, or levied, by virtue of this Act, all, and every Perſon or Perſons, who ſhall miſapply, or by whoſe Authority the ſame ſhall be miſapplied, ſhall forfeit and pay double the Sum ſo miſapplied, to be recovered from him or them, at the Suit of any Two or more Heritors, within the ſaid County, poſſeſſed of Two hundred Pounds *Scots* each, of valued Rent, who are hereby authorized to purſue for, and recover the ſame, in a Summary Action, before the Judge Ordinary, with full Coſts of Suit; One Moiety of which Forfeiture ſhall belong to the Perſons who ſhall ſue for the ſame, and the other Moiety ſhall be paid to the ſaid Truſtees, for the Diſtrict where the Miſapplication may have taken place, who are hereby directed to apply the ſame for the repairing of the ſaid Roads.

Roads to be altered and amended.

XXXV. And be it enacted, That the ſaid Truſtees in the General Meeting of their reſpective Diſtricts, ſhall, and they are hereby authorized, to cauſe the Great and Croſs Roads, Bridges and Ferries, within the ſaid Diſtricts, to be altered, amended, widened, and repaired, in ſuch Manner as they ſhall think proper; and to alter the Direction of any of the Roads, and to make, or cauſe to be made, new Lines of Roads, if neceſſary: Provided always, that ſuch new Roads, ſhall, in no Caſe be carried through any Lawn, Avenue, Garden, Orchard, Pleaſure, or Nurſery Ground, or within Three hundred Yards of any Manſion Houſe, ſo as to incommode the ſame: and further to cut and make Drains, Ditches or Trenches, through any Grounds lying contiguous to the ſaid Roads; and to make Paſſages for the Water, where it ſhall be found neceſſary, from ſuch Ditches or Trenches, through the Ground of any adjacent Proprietor; and alſo to keep clear ſuch Drains, Ditches, Paſſages, or Outlets; and the Workmen authorized by them may go upon the ſaid Lands for that Purpoſe: Provided always, that reaſonable Satisfaction be made to the Owner or Occupier of any Lands or Tenements, which ſhall be taken or damaged, in the Execution of this Act, to be aſcertained in Manner after ſpecified.

Power to purchaſe Lands.

XXXVI. And be it further enacted, That the ſaid Truſtees ſhall be, and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Truſtees, Tutors, and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, are hereby empowered and required to ſell and convey all ſuch Lands or Houſes as may be neceſſary for the making, altering, or widening the ſaid Roads, or any of them, and erecting any Toll Bar or Toll Houſe thereon, or for ſtoring Materials or otherwiſe, where Ground is neceſſary for the Purpoſes of this Act.

XXXVII. And

XXXVII. And be it further enacted, That if any such Owners or Occupiers shall not be satisfied with the Offer made to them by the said Trustees, or shall refuse to treat, or shall allege that the Grounds which it is proposed to occupy by the Road are such as cannot be purchased or taken pursuant to the Powers hereby given; in any of these Cases, the Propriety of going through such Grounds, and the Amount of the Value of Damages, shall be ascertained by a Jury to be called by the Sheriff Depute of *Ross* or *Cromarty*, or his Substitutes, who upon Application are hereby authorised and required to summon a Number of discreet and substantial Persons, being Owners and Occupiers of Land, entitled to be Commissioners of Supply within the said County, not less than Twenty-two in Number, to come and appear before him or them at such Time and Place, as by their Warrant and Precept shall be directed, Intimation of Ten Days being given by the Trustees of such Appointment to the Party or Parties concerned, or to his, her, or their Agent; and the Number of Persons who shall attend, shall then be reduced to Eleven, by the Trustees and the Proprietor striking off One alternately, beginning on the Part of the Proprietor, or in case both Parties shall fail to appear, by the Sheriff striking off until the Number be so reduced, and the remaining Eleven, being duly sworn, the Sheriff shall proceed to examine upon Oath, in their Presence, such Witnesses as shall be summoned by either Party, and upon their Deposition and other competent Evidence, such Jury shall determine, not only the Propriety of the proposed Widening, or Alteration, but also the Value or Damages to be paid by the said Trustees; and their Verdict shall be final and conclusive to all Parties, without any Power of Appeal, Review, or Suspension whatsoever: And the Sheriff shall thereupon order Payment to be made of the Sums awarded by the Jury; and the Owners and Occupiers of the Grounds, or other Subjects, or their Trustees, Tutors, Curators, or Administrators, upon Payment or lawful Tender thereof, shall quietly permit and suffer the said Trustees to take Possession of the Grounds or other Subjects, which they are authorized to do, as fully and effectually to all Intents and Purposes, as if the Owners or Occupiers had executed regular Dispositions of the same, and thereupon Infeoffment had followed; and the said Proceedings and Orders of the Sheriffs Depute or their Substitutes shall be final, and not removeable or questionable to or by any other Court whatsoever, any Law or Usage to the contrary notwithstanding. For valuing the Lands.

XXXVIII. Provided always and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury shall be defrayed and borne by the said Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees, and on the other Hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers, provided always that in all Cases where any Person or Persons shall, by reason of Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, Expences of Jury.

alſo, That after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Lands or Houſes, ſuch Sum as the ſaid Truſtees ſhall think reaſonable, it ſhall and may be lawful for them to enter into and upon ſuch Lands or Houſes for the Purpoſes of this Act and no Stop ſhall in the mean Time be put to the Operations of the ſaid Truſtees, on pretence of ſettling the ſaid Damage, or that they have not been ſatisfied and paid.

Reinveſting Purchaſe Monies if amounting to 200l.

XXXIX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which are held under Entail, or are ſubject to Life-rents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, Married Woman, Infant, Lunatic, or Perſon or Perſons under Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Seſſion, be, with all convenient Speed, paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Heritages, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt, or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages ſtanding ſettled therewith to the ſame or like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Heritages which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as, at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the Intereſt or Annual Produce of ſuch Money ſhall, from Time to Time, be paid by Order of the ſaid Court, to the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

If leſs than 200l. and exceeding 20l.

XL. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators,

tors, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner hereinbefore directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing, under the Hands of the nominating and approving Parties,) in order that ſuch Principal Money, and the Intereſt ariſing thereon, may be applied in any Manner hereinbefore directed, as far as the Caſe be applicable.

Under 20l.

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

In caſe of not making out Title.

XLII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of Lands, Tenements, or Heritages, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages, be not known or diſcovered, then, and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to order the ſaid Sum or Sums of Money, ſo awarded as aforeſaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, 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 their 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 Queſtions ariſe touching the Title.

XLIII. And be it further enacted, That where any Queſtion ſhall ariſe, touching the Title of any Perſon to any Money to be paid into the ſaid Banks in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Heritages, or of any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Heritages, to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Heritages, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under 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 intitled to ſuch Lands, Tenements, or Heritages, or to ſome Eſtate or Intereſt therein.

Expences in caſe of Diſability.

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

Widening the Roads through unincloſed Ground.

XLV. And be it enacted, That where any Road ſhall run through unincloſed Ground, or which is incloſed on one Side of the Road only, it ſhall and may be lawful to the ſaid Truſtees, at any Meeting of the reſpective Diſtricts, to cauſe the ſame to be widened to the Breadth of Thirty Feet, without any Recompence from the Truſtees, and without Prejudice to their widening the ſame to Forty Feet, if neceſſary, (upon Payment of the Ground taken beyond the ſaid Thirty Feet), and where ſuch Widening ſhall be of a Road running through Ground incloſed on one Side, the additional Breadth ſhall be taken off the unincloſed Ground; and the Proprietor of the incloſed Ground, ſhall be obliged to pay the Proprietor of the unincloſed Ground, One Half of the Value of the Ground beyond Twenty-five Feet, and not exceeding Thirty Feet, taken off the unincloſed Property, as the ſame ſhall be aſcertained by any Three, or more of the Juſtices of the Peace of the ſaid County, at their Quarter Seſſions aſſembled.

And through incloſed Ground.

XLVI. And be it enacted, That in all Caſes where a Road ſhall paſs through Ground incloſed on both Sides, and where there ſhall not have been left a Space of Twenty Feet clear for the Road, the Truſtees ſhall have Power to order One of the Lines of Incloſure to be pulled down, ſo as to give the Road the neceſſary Breadth of Twenty Feet clear of Ditches,

Ditches; without being made liable to any Expence for ſo doing, excepting the rebuilding the Dike ſo pulled down, at the Expence of the Diſtrict, if ſuch Dike ſhall have been built, previous to the paſſing of this Act, but in caſe the Dike ſhall have been erected ſubſequent to the paſſing of this Act, then the Incloſure ſhall be rebuilt at the Expence of the Proprietor who ſhall have made the Encroachment on the Publick Highway.

Old Road to be ſold.

XLVII. And be it enacted, That in caſe the Courſe of any of the ſaid Roads ſhall be altered, or widened, as aforeſaid, the ſaid Truſtees in their Diſtrict Meetings, ſhall, and they are hereby authorized and empowered, as ſoon as the ſaid New Roads ſhall be completed and made paſſable and convenient for Carriages, to cauſe to be valued the Old Roads, and diſpoſe of and ſell the Grounds comprized in, or through which the ſaid Old or former Road did lead, the Proprietor or Proprietors of the Ground, through which the ſaid Old Road did paſs, having always an Offer thereof, and the Money ariſing from ſuch Sale ſhall be applied and diſpoſed of, for the mending of the ſaid Roads; and the Sale and Conveyance, or Conveyances, to be made of ſuch Lands and Grounds, comprized in the ſaid Old Road, being executed, by the Preſes of the ſaid Truſtees, in their Diſtrict Meeting, ſhall be good and effectual in Law, to all Intents and Purpoſes whatever: Provided always that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Lands, or Buildings, ſhall firſt offer to re-ſell the ſame, to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Lands, or Buildings; and in caſe ſuch Perſon or Perſons ſhall not then, and thereupon agree, or ſhall refuſe to re-purchaſe the ſame, any Affidavit to be made, and ſworn before One of His Majeſty's Juſtices of the Peace for the County, where ſuch Lands or Buildings ſhall lie, by ſome Perſon or Perſons, no ways intereſted in the ſaid Lands, or Buildings, ſtating that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons, to whom the ſame was ſo offered, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof, that ſuch Offer was made, and was not agreed to, or was refuſed by the Perſon or Perſons to whom it was made, as the Caſe may be.

For getting Materials.

XLVIII. And be it enacted, That it ſhall and may be lawful for the Surveyor, or Overſeers of the ſaid Roads, and ſuch Perſons, as he, or they ſhall appoint, by Order of any Five or more of the ſaid Truſtees of the ſaid Diſtricts, to dig, gather, take, and carry away any Gravel, Turf, Heath, Sand, Stones, and other Materials, for making and repairing the ſaid Roads, out of the ſeveral Grounds of any Perſon or Perſons, (not being the Ground whereon any Houſes ſtand, the Side Walls of which are Eight Feet high, nor any Garden, Orchard, Yard, planted Walk or Walks, Lawn, or any Avenue to any Houſe, or any Piece or Parcel of Ground, ſet apart and uſed as a Nurſery for Trees, except ſuch Gravel Pits as have been opened, and uſed for the Purpoſe of repairing the Roads, within Three Years, previous to the paſſing of this Act,) where ſuch Materials are, or may be found, and from Time to Time, cauſe the ſame to be carried away, or ſo much thereof as the ſaid Surveyor or Overſeer ſhall judge neceſſary, for making, repairing, and mending the Roads aforeſaid, paying only the Damage done to the Owners or Occupiers of the ſaid Grounds reſpectively, where,

and

and from whence the ſame ſhall be dug, gathered, and taken away, or over which the ſame ſhall be carried.

Notice thereof to be given.

XLIX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons, under the Authority of this Act, to dig, gather, quarry, take, and carry away Materials for making and repairing the ſaid Roads, from any incloſed Lands or Grounds, until either the Conſent of the Proprietor is obtained, or Notice in Writing ſhall have been given to the Occupier of the Premiſes, from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Three or more of them, or Two Juſtices of the Peace, acting for the Counties of *Roſs* or *Cromarty*, (as the Caſe may be,) to ſhew cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or any Three or more of them, or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor, or other Perſon to dig, gather, quarry, take and carry away ſuch Materials, at ſuch Price or Prices, as to ſuch Truſtees or any Three or more of them, or to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf, or his Agent, the ſaid Truſtees, or any Three or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Occupier, or his Agent had attended.

Damages to be aſcertained by a Jury.

L. And be it enacted; That in all Caſes, where the Owners and Occupiers of Houſes and Grounds, do not agree with the Truſtees concerning the Amount of Damages done, for digging Gravel and other Materials neceſſary to be taken for the making, and repairing the ſaid Roads, the ſame ſhall be determined by a Jury, in Manner herein before mentioned; but ſuch Differences between the Truſtees, and Owners or Occupiers, ſhall not in the mean Time hinder the proceeding with 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 the ſaid Jury is hereby declared to be final.

Truſtees not perſonally liable.

LI. And be it enacted, That no Perſon ſhall be individually or perſonally bound, otherwiſe than by his own poſitive Obligation, for any Money borrowed, or other Obligation incurred in the View of forwarding the Purpoſes of this Act; ſaving and reſerving always the Obligation to pay the ſeveral Aſſeſſments which may be made under the Authority of this Act.

In repairing the great Poſt Road.

LII. And whereas it is expedient that the Great Poſt Road, leading from the Confines of the County of *Inverneſs*, near the River *Beauly*, through the Shire of *Roſs*, to the Confines of the Shire of *Sutherland* at the *Meikle Ferry*, or other Paſſage into the ſaid Shire of *Sutherland*, at or near the Ferry of *Portinleek*, ſhould be made Turnpike: Be it therefore enacted, That it ſhall and may be lawful for the Truſtees appointed by this Act, Five of whom ſhall be a Quorum, to erect, or cauſe to be erected ſuch Number of Turnpike Gates on, or acroſs, or at the Side or Sides of the ſaid Road, as they ſhall deem neceſſary, but not

not nearer to each other than Six Meaſured Miles; and alſo ſuch Number of Toll-houſes as they ſhall think fit, with ſuch Portion of Ground as they ſhall think neceſſary, for the Uſe of the ſeveral Toll-bar Keepers thereof, not exceeding Half an Acre to each Toll-houſe, and to appoint a Treaſurer, Clerk, Surveyor, Collector, and other Officers for the due Execution of ſo much of this Act as relates to the ſaid Poſt Road, and to remove any of them when the ſaid Truſtees ſhall think proper, and appoint others in their Stead.

For erecting Turnpikes and taking Tolls.

LIII. And be it enacted, That ſo ſoon as a Portion of Six Meaſured Miles, or more, of the ſaid Road ſhall be well and effectually made, it ſhall and may be lawful for the ſaid Truſtees to erect One Toll-bar, with a Toll-houſe and Accommodation for the Toll-bar Keeper, and to demand and take, or cauſe to be demanded and taken the Tolls and Duties following, at ſuch Toll-bar ſo erected, before any Coach, Chariot, Berlin, Landau, Curricle, Calaſh, Chaiſe, Waggon, Cart, Sledge, or other Carriage whatever, or any Horſe, Mare, Gelding, or Cattle whatſoever ſhall paſs through the ſame; that is to ſay, for every Coach, Berlin, Landau, Curricle, Calaſh, Chaiſe, Chair, or Hearſe, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings and Sixpence Sterling; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Nine-pence Sterling: For every Waggon, Wain, or Cart, or other ſuch Carriage, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Sixpence Sterling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence Sterling: For every Horſe, Mare, Gelding, Mule, or Aſs, laden, or unladen and not drawing, the Sum of Three-pence Sterling; for every Drove of Horſes, or Fillies unſhod, the Sum of One Shilling and Eight-pence Sterling per Score, and ſo on in proportion for any greater or leſs Number: For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Eight-pence Sterling per Score, and ſo on in proportion for any greater or leſs Number; and for every Drove of Calves, Sheep, Hogs, Lambs, or Goats, the Sum of Ten-pence Sterling per Score, and ſo on in proportion for every greater or leſs Number.

Turnpikes not to be nearer than ſix Miles.

LIV. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees to erect ſuch further Number of Toll-bars as they, at a General Meeting of the Truſtees of the County of *Roſs*, ſhall deem expedient and neceſſary, when they ſhall effectually have made a further Portion of the ſaid Line of Road, extending at leaſt to Six or more Meaſured Miles of Road, or completed the whole Road, at ſuch Places as they may be deemed moſt expedient, but never nearer than within Six Meaſured Miles of each other, with Toll-houſes and Accommodation

commodation for the Toll-bar Keepers; and the ſaid Truſtees ſhall and may demand or take, or cauſe to be demanded or taken, at each of the Toll-bars, or Gates they ſhall have ſo erected, the Rates of Toll before ſpecified for each Carriage, Horſe, Mare, Gelding, Mule, or Aſs which ſhall paſs through any of the ſaid Toll-bars or Gates, ſo that the Rate of Toll collected at any ſuch Toll-bar, or Gate, ſhall be uniformly the ſame at every Toll-bar, or Gate.

Toll to be paid but once a Day.

LV. And be it enacted, That no Perſon or Perſons having Occaſion to paſs through any Turnpike or Turnpikes to be erected by virtue of this Act, and who ſhall return the ſame Day through the ſame Turnpike, or Turnpikes, before Twelve of the Clock at Night, with the ſame Coach, or other Carriage drawn by the ſame Horſes, or with the ſame Horſe, Aſs, or other Cattle, ſhall be liable or compelled to pay the ſaid Tolls or Duties more than once, but ſhall on demand be furniſhed with a Note or Ticket, Notes or Tickets, ſignifying the Payment of the Toll, or Duty paid by ſuch Perſon or Perſons, which Note or Ticket, Notes or Tickets, ſhall enable the ſaid Perſon or Perſons returning the ſame Day, as aforeſaid, to repaſs the ſaid Turnpike or Turnpikes, Toll free.

Preventing the diſpoſing of Tickets.

LVI. And be it further enacted, That if any Perſon or Perſons having paid the Tolls, or Duties, by this Act impoſed, and having a Note or Ticket, Notes or Tickets, ſignifying the Payment thereof, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons, in order to enable ſuch Perſon or Perſons to avoid the Payment of the ſaid Tolls or Duties, every ſuch Perſon ſo giving or diſpoſing thereof, and the Perſon receiving the ſame, being convicted thereof upon Oath by One or more credible Witneſs or Witneſſes, or by his own Confeſſion, before any One or more Juſtice or Juſtices of the Peace of the ſaid County, or where the Offender ſhall reſide, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, to be levied and recovered in Manner hereinafter directed.

Preventing private Paſſages.

LVII. And be it further enacted, That if any Perſon occupying any Lands, or other Premiſes near to the ſaid Roads, ſhall aſſiſt or be acceſſary in permitting any Perſon to paſs over the ſame, or through any Gate or Paſſage, with any Horſe, Beaſt, or Carriage liable to pay Toll by virtue of this Act, or ſhall connive thereat, or if any Perſon ſhall forcibly paſs through, or aſſiſt any Perſon in paſſing through any Turnpike Gate erected, or to be erected on the ſaid Roads, whereby the Payment of ſuch Toll may be evaded, ſuch Perſon ſo permitting or conniving at, and the Perſon or Perſons riding or driving ſuch Horſe, Beaſt, or Carriage through ſuch Grounds or private Paſſage, and any Perſon or Perſons riding or driving any Horſe, Beaſt, or Carriage, through any private Road, whereby the Payment of the Toll may be avoided, or forcibly paſſing through any Turnpike Gate, being convicted thereof by the Teſtimony of One or more credible Witneſs or Witneſſes before the Sheriff Depute, or Subſtitute, or any One or more of the Juſtices of the Peace of the ſaid Counties of *Roſs* or *Cromarty*, or of any of the adjoining Counties, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees, or their Collector or Collectors, any Sum not exceeding Five Pounds Sterling.

LVIII. Provided

Exemptions.

LVIII. Provided always, and it is hereby further enacted, That no Toll shall be demanded for, and in respect of Carriages, Horses, or Cattle employed in carrying Materials for making and repairing Roads, Bridges, and Toll-Houses in the said County, or Cattle, Horses, or Carriages, laden or unladen, passing from one Part of a Farm to another contiguous Part thereto, or laden with Implements of Husbandry, or returning empty after carrying the same, or carrying any Person to or from Church, Chapel, or any Place of Religious Worship, belonging to, or situated within the Parish where such Person resides, on a *Sunday*, or any other Day, on which Divine Service is ordered by Authority to be celebrated; or Horses, or Carriages carrying any Person or Persons attending the Funeral of any Person who shall die, and be buried within the Parish; or carrying any Clergyman going to, or returning from visiting any sick Person, or upon other Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or for Horses, or Cattle, going to, or returning from, their usual Places of Pasture, or Watering, or going to Smithies for the Purpose of being shod, or cured, or returning therefrom, or for Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails, or Expresses, under the Authority of His Majesty's Post-Master-General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; nor for the Horses of Officers or Soldiers, who are upon their March or on Duty, or for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or in conveying any wounded or disabled Officers or Soldiers; nor for any Horses, furnished by, or for any Persons, belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them, in going to, or returning from the Place appointed for, and on the Days of Exercise: Provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps, respectively, at the Time of claiming such Exemption; nor for Carts and Carriages, or Waggons, travelling with Vagrants, sent with legal Passes; and if any Person shall claim, or take the Benefit of any of the Exemptions, aforesaid, not being legally entitled to the same, every such Person, being convicted thereof, upon Oath, by One or more credible Witness or Witnesses, or by his own Confession, before any One or more Justice or Justices of the Peace of the said County, or where the Offender shall reside, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

For levying the Tolls.

LIX. And be it enacted, that if any Person or Persons shall neglect, or refuse to pay, the Tolls and Duties hereby granted, the said Trustees are hereby empowered by themselves, or such other Person or Persons, as they shall authorize and appoint, to levy each and every of the said Tolls and Duties by Distress and Sale of any Horse, or other Cattle, or Carriages, upon which such Tolls and Duties are by this Act imposed, or the Loading, Harness, or Accoutrements, of any such Horse or Cattle, or any of the Goods or Chattels of the Person or Persons neglecting or refusing to pay the same, and to detain such Horse, or other Cattle, or Carriage, or other Goods or Chattels so distrained, until the said Tolls, with reasonable Charges of such Distress shall be paid: and

and it ſhall, and may be lawful to and for the Perſon or Perſons, ſo diſtraining, after the Space of Four Days, after ſuch Diſtreſs ſhall be made, to appraiſe and ſell the Horſe, Cattle, or Carriage, or other Goods or Chattels, ſo diſtrained, by Public Auction, at the Turnpike or Toll-houſe, where the Toll ought to have been paid; returning the Overplus, (if any be,) to the Proprietors of ſuch Horſe, Cattle, or Carriage, or other Goods or Chattels, ſo diſtrained, after deducting ſuch Toll or Duty, and the reaſonable Charges of diſtraining, appraiſing and ſelling the ſame.

Tolls may be reduced.

LX. And be it enacted, That the ſaid Truſtees may, and they are hereby empowered, to diminiſh or leſſen the ſaid Tolls or Duties, hereby granted, as they ſhall ſee cauſe; and again, to raiſe the ſame, as they ſhall think proper, to any Sum not exceeding the Tolls and Duties hereby granted. And further, that the ſaid Truſtees ſhall have Power to erect Side Bars, wherever they ſhall conſider the ſame neceſſary for the Purpoſe of preventing Evaſion of the Tolls hereby granted.

Tolls may be let.

LXI. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered by Public Auction to let the ſaid Tolls or Duties hereby granted, in whole, or in Lots, or Parcels, from Time to Time, for any Term not exceeding Three Years, for the higheſt Rate or Rates that can be obtained for the ſame, to ſuch Perſon or Perſons as ſhall give good and ſufficient Security for Payment of the Sums for which the Tolls ſhall be ſo let, in ſuch Manner as ſhall be directed by the ſaid Truſtees.

Appointment of Officers.

LXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, to chooſe and appoint a fit Perſon or Perſons to be Treaſurer for receiving the Tolls or Duties, granted and made payable, by this Act; and alſo a Clerk, or ſuch other Officers, as they ſhall think proper, and from Time to Time, to remove ſuch Officers, or any of them, as they ſhall ſee occaſion, and appoint new ones in caſe of Removal or Death; And all and every Perſon or Perſons, who is, are, or ſhall be liable, by this Act, to pay the ſaid Tolls, or Duties, are hereby required to pay the ſame to the ſaid Treaſurer, or the Perſon to be, from Time to Time appointed under him for that Purpoſe; and the ſaid Truſtees may, and they are hereby authorized and empowered, out of the Monies ariſing from the ſaid Tolls or Duties, to make ſuch Allowances to the ſeveral Officers by them appointed, as they ſhall think fit.

Treaſurer to give Security.

LXIII. And be it enacted, That the ſaid Truſtees ſhall take ſecurity for ſuch Treaſurer, or Clerk, as the ſaid Truſtees ſhall think ſufficient, for the due Execution of their reſpective Offices.

Application of Tolls.

LXIV. And be it enacted, That the Sum ariſing from the ſaid Tolls, ſhall be applied for keeping in repair the Roads and Bridges, upon the whole Line above deſcribed, ſubject to the Management and Controul of the Truſtees, at their Annual General Meeting, who ſhall appropriate ſuch Part of the Sums thence ariſing to the Uſe of each Diſtrict through which the Road does paſs, as may be deemed ſufficient for the Purpoſe; and for the Application for the Sums ſo appropriated, the Truſtees

Truſtees of the Diſtrict through which the Road does paſs, ſhall be reſpectively anſwerable; and they ſhall, at the Annual General Meeting of the County, exhibit a regular Account of the Money ſo received, of the Road made and repaired, and of the Coſt or Expence thereof; and the Truſtees of the Diſtrict through which the ſaid Turnpike Road paſſes, ſhall reſpectively prepare and make up, a Report of the State thereof, within their reſpective Diſtricts, with an Eſtimate of the Expence of ſuch Repairs as may be wanted, when the Truſtees aſſembled ſhall take ſuch Report and Application into their Conſideration, and determine thereupon, as to them ſhall ſeem meet; and may appoint a Committee or Committees of Superintendance from amongſt themſelves, to ſee that the Works propoſed are properly carried into Execution: and when the Truſtees ſo aſſembled ſhall order a Sum of Money to be paid to any Committee of Superintendance, for any ſuch Repairs, ſuch Order ſhall be a ſufficient Warrant to the Treaſurer for making ſuch Payment accordingly.

Puniſhing Perſons injuring Gates.

LXV. And be it further enacted, That if any Perſon or Perſons ſhall maliciouſly break down or otherwiſe injure any Turnpike Gate, Poſt, Chain, Rail, or Bar, or any Houſe erected for the Uſe of ſuch Turnpikes, or any of the ſaid Bridges, or any Parapet Wall, Pailing, or Fence, on the Sides of the ſaid Road, or Bridges, or ſhall mal-treat any of the Toll-Gatherers, or Perſons employed, in making, and repairing the ſaid Roads, or ſhall be aiding and aſſiſting thereto, or ſhall forcibly paſs through, or aſſiſt any Perſon in forcibly paſſing through any Turnpike-Gate, or ſhall reſcue any Perſon, in Cuſtody for the ſaid Offences, or any of them, every Perſon ſo offending, and being thereof lawfully convicted in any Proſecution ordered by the ſaid Truſtees, by the Oath of One or more credible Witneſs or Witneſſes, or by his own Confeſſion before any One, or more of the Juſtices of the Peace, of the ſaid County of *Roſs*, or where the Offender ſhall reſide, ſhall not only forfeit and pay double the Damage and Expences ſuſtained, or that may be incurred by ſuch Offence, but ſhall alſo be ſubject and liable to pay, a Fine not exceeding Ten Pounds Sterling.

Preventing Evaſion of Tolls.

LXVI. And be it further enacted, That if any Perſon or Perſons, ſhall take off, or cauſe to be taken off, any Horſe, Mare, or Gelding, or Horſes, Mares, or Geldings, from any Coach, Chaiſe, Chair, Chariot, Berlin, Landau, Calaſh, or Hearſe, or any Horſe or Horſes, Ox, or Oxen, or other Beaſts of Draught from any Waggon, Wain, Cart, or other Carriage, before the ſame ſhall come to any of the Turnpike Gates, erected by virtue of this Act, with an Intent to avoid paying any Tolls, or Duties hereby impoſed, each, and every Perſon or Perſons ſo offending, in any of the Caſes aforeſaid and being thereof convicted by the Oath of any One or more credible Witneſs, or Witneſſes, or his, or their own Confeſſion before any One or more of the Juſtices of the Peace for the ſaid County of *Roſs*, or where the Offender ſhall reſide, ſhall forfeit and pay, a Sum not exceeding Five Pounds Sterling.

Erecting Mile Stones.

LXVII. And be it further enacted, That the ſaid Truſtees may cauſe the ſaid Poſt Road, as well as the other Roads, to be made and repaired by virtue of this Act, to be meaſured, and Stones, or Poſts to be erected thereon,

thereon, or near the Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall judge convenient, and may also cause Guide-posts to be erected, where necessary; and if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any such Stones, or Posts, or obliterate or deface any Letters or Figures that shall be inscribed or put thereon, or shall break down the Cape Stones, or Parapet Walls on the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any of the said Roads unless a sufficient covered or arched Drain or Passage shall have been previously made under the same, or shall be aiding or assisting therein, or shall rescue, or attempt to rescue any Person apprehended for any such Offence, any Person offending in any of the Particulars aforesaid, who shall be thereof convicted, by the Oath, or Confession of the Party offending, or of One or more credible Witness, or Witnesses, before any One or more Justice or Justices of the Peace for the said County of *Ross*, or where the Offender shall reside, such Person or Persons, so offending, shall respectively not only forfeit and pay double the Damage and Expences sustained, or that may be incurred by such Offence, but shall also be subject and liable to pay a Fine, not exceeding Ten Pounds Sterling, for every such Offence.

Preventing Annoyances.

LXVIII. And, That for preventing Annoyances in the said Great Post Road, and the said other Roads, to be made and repaired by virtue of this Act, Be it enacted, that from and after the passing of this Act, every Person in ploughing any Field contiguous to any of the said Roads, shall always make Head Ridges along the Side of the said Roads, of the Breadth of Eighteen Feet at least, and all Gates upon Inclosures next to any of the said Roads, shall open inwards to the Field, and no Person or Persons whatever, shall lay any dead Horse, or other Carrion upon any of the said Roads, or within Twenty Yards of the Sides of the Roads, or Dung, Lime, Soil, or Compost or Matter whatever, either for manuring Lands, or any other Purpose, upon any of the said Roads, or within Five Yards of the Sides (unless within a Fence,) of any Part of the said Roads, under the Penalty of Ten Shillings Sterling, for each Offence, and the said Dung, or other Matter may be removed and sold by an Order in Writing from any Two or more of the said Trustees, they paying the Value to the Owner or Owners thereof after deducting the Penalty and the Expences of removing and selling the same.

Trees, &c. to be drawn on Wheel Carriages.

LXIX. And be it enacted, That if, after the passing of this Act, any Person or Persons, shall hawl, or draw, or cause to be hawled, or drawn, upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than on a Wheeled Carriage, or shall suffer any Tree or other Matter whatsoever, which can be conveyed on a Wheeled Carriage, to be dragged upon any Part of the said Roads, or use any Sledge to draw weighty Substances, or other Carriage without Wheels, every such Person shall for every such Offence forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied as herein directed.

Hogs not to run loose on the Roads.

LXX. And be it enacted, That if Hogs, Swine, Horses, Mules, Asses, Cattle, or Sheep, shall be permitted to run loose, on the said Roads, or are tethered on them, or the Edges of the said Roads,

they

they shall be considered as a Nuisance, and the Owner shall be liable in a Penalty of Ten Shillings Sterling, for each Time they are so found at large, or tethered on any of the said Roads, to be recovered summarily by Application to the next Justice of Peace, on Proof of the Fact.

Recovery of Penalties and Forfeitures.

LXXI. And be it enacted, That all Forfeitures and Penalties inflicted, or authorized to be imposed, in relation to any Matter or Thing in this Act contained, the Manner of levying and recovering whereof is not otherways particularly directed, shall, upon Proof of the Offence, before Two or more Justices of the Peace, or the Sheriff Depute of either of the said Counties, or his Substitute, either by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hands of Two Justices, or the said Sheriff Depute, or his Substitute, (which Warrant is hereby authorised and required to be granted, and Oaths administered by the said Justices, or Sheriff Depute or his Substitute, gratis,) such Sale being always made by Public Auction, to the highest Offerer, at such Places as shall be directed in the said Warrant, within Three Days after such Distress shall have been made; and the Overplus Money arising from such Sale (after the Penalties and Forfeitures are recovered, and the Charges thereof deducted), shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all such Penalties and Forfeitures, when recovered, shall be paid to the said Trustees, or their Collectors for the Time being, and shall be laid out and applied in repairing such of the Roads upon or in respect whereof such Penalties and Forfeitures shall be incurred; and in case sufficient Distress cannot be found, or such Forfeitures and Penalties shall not forthwith be paid, or sufficient Security given for the same, it shall be lawful for any Two of the said Justices of the Peace, or for the Sheriff Depute of either of the said Counties, or his Substitute, together with One Justice of the Peace, and they are hereby authorized and required, by Warrant under their Hands, to cause such Offenders to be committed to any House of Correction, or Common Gaol in the said County, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties, or Forfeitures, and reasonable Charges shall be sooner paid and satisfied.

Appeal.

LXXII. And be it enacted, That if any Person shall think himself or herself aggrieved by any of the Proceedings in the Execution of this Act, for which no particular Method of Relief has been hereby provided, such Person or Persons may, within Four Months after the Matter complained of shall be done (but not afterwards), appeal to the Justices of the Peace at their Quarter Sessions for the County within which the Cause of Complaint shall have arisen, the Person or Persons appealing first giving Fifteen Days previous Notice of such Appeal to the Clerk of the said Trustees, and also to the Clerk of the said Justices of the Peace, and lodging with him, at the Time of the said Appeal, a Recognizance or Obligation, in Writing, to prosecute the same, also giving legal Notice thereof to the Defender, or Defenders; and the said Justices of the Peace, on Proof of such Notice having been given and Recognizances entered into, are hereby authorized and required to take Cognizance of such Complaints and Appeals, and to make such Determination therein as they shall think proper, and such Determination shall be final.

LXXIII. And

Expences of the Act.

LXXIII. And be it enacted, That the First General Meeting of Trustees, being Commissioners of Supply, which shall be held after the passing of this Act, they shall have Powers to assess the whole Heriots of the Counties of *Ross* and *Cromarty*, and of the Estate of *Ferrintosh*, who are in the Actual Possession as Proprietors, Life-renters, or proper Wadsetters of the *Dominium Utile*, conformably and in proportion to their several Valued Rents, for defraying the Expences of obtaining and passing the present Act, and that such Assessment shall be levied and recovered by the Collector of the Land-Tax of the County of *Ross*, in the same Manner as the Land-Tax is or may be recovered; and such and the like Remedy, Powers, Penalties, and Forfeitures are hereby given for the Payment and Recovery of that Assessment, as is given or may be applied and enforced for the Payment and Recovery of the Land-Tax.

Limitation of Actions.

LXXIV. 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 Four 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 Action, or Suit, shall, and may deny the Libel; and give this Act, and the special Matter in Evidence, and that the same was done in pursuance, 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 Case.

Public Act.

LXXV. 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 others, without being specially pleaded.

Commencement and Continuance thereof.

LXXVI. And be it further enacted, That this Act shall commence from and after the passing thereof, and so much thereof as relates to the Turnpikes, to be erected by virtue thereof, and the Tolls and Duties thereby granted shall continue and endure for Twenty-one Years, and from thence to the End of the then next Session of Parliament, and so much of this Act, as relates to the Conversion of the Satute Labour shall continue and endure as long as the Statute Labour shall be by Law exigible in lieu of which such Conversion is hereby authorized to be levied.

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