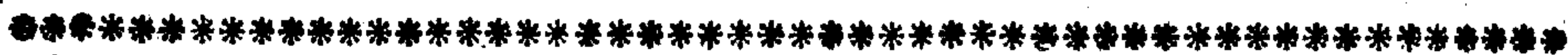




ANNO PRIMO

GEORGIIV. REGIS.



Cap. lxxxv.

An Act for making and maintaining a Road leading through the Parishes of *Nairn* and *Auldearn*, in the County of *Nairn*; and for converting and regulating the Statute Labour of the said County. [15th July 1820.]

WHEREAS the Road from the Confines of the County of *Elgin*, near to *Brodie-House*, to the Confines of the County of *Nairn*, towards *Inverness*, at the Western Boundary of the Lands of *Delnies*, passing through the Parishes of *Auldearn* and *Nairn*, in the said County of *Nairn*, is in bad Repair, narrow, inconvenient, and dangerous to Travellers; and the same cannot be sufficiently amended, widened, repaired, and kept in Repair by the Funds and Means provided and prescribed by the Laws now in force, nor unless farther Powers are given, and Regulations made, for these Purposes, by Authority of Parliament: And whereas the Laws now subsisting for the making of Roads and building of Bridges, and repairing the same, generally, have been found ineffectual, in the said County of *Nairn*, and other and farther Powers are necessary, in order to carry the Purposes of the said Laws into Execution; and it is attended with Difficulty to make effectual and properly to apply the Statute Work in the said County: And whereas a reasonable Composition in Money, in lieu of actual Labour, is in many Places found

[Local.]

to be more useful and effectual for the Purposes of making and repairing the Roads and Bridges, as well as more easy and convenient for the Persons liable in Statute Services, than the actual Performance thereof; and it would be of Advantage to the said County of *Nairn*, to convert the Statute Services into Money, and to ascertain the Rates thereof, and the Mode of levying the same, and to authorize an additional Assessment beyond that at present allowed to be imposed on the Heritors of Lands, and other Persons in the said County, for making Highways, Bridges, and Ferries through the same: But as these several Purposes cannot be effectually accomplished without the Aid of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who, in his own Right or in the Right of his Wife, now is, or hereafter shall be, in the actual Possession and Enjoyment, as Proprietor or Life-renter, of the full Property or *Dominium utile* of Lands in the said County of *Nairn*, rented at One hundred Pounds Sterling of yearly Rent, or valued in the Cess Books of the County at One hundred Pounds *Scots*, and, in the Absence of such Proprietor or Life-renter, one duly authorized and accredited Factor on his or her Behalf, and all and every the eldest Sons of such Proprietors and Life-renters, one Guardian of each Minor enjoying and possessing Lands of the Valuation aforesaid, one Trustee of every Trust Estate, one Manager or Factor for each Corporation or Associate Body holding Lands of the said Valuation, the eldest Baillie and Dean of Guild of *Nairn*, the Sheriff Depute of the County of *Nairn* and his Substitute, all for the Time being, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, making, and amending, widening, repairing, and keeping in Repair, and causing to be surveyed, ordered, made, amended, widened, repaired, and kept in Repair, the said Road, from the Confines of the County of *Elgin*, near to *Brodie-House*, to the Confines of the County of *Nairn*, towards *Inverness*, at the Western Boundary of the Lands of *Delnies*, passing through the Parishes of *Auldearn* and *Nairn*, in the said County of *Nairn*, and for putting into Execution all the Powers and Authorities by this Act given respecting the said Road and the Bridges thereon.

Trustees.

Qualification
of certain
Trustees.

II. Provided always, and be it enacted, That no such Factor, Guardian, Trustee, Manager, Baillie, Dean of Guild, Sheriff Depute, or Substitute, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be qualified to act as a Commissioner of Supply for the said County, or unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Twenty-five Pounds *per Annum*, or be possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Value of Five hundred Pounds; nor shall any such Factor, Guardian, Trustee, Manager, Baillie, Dean of Guild, Sheriff Depute, or Substitute, not qualified to be a Commissioner of Supply, be capable of acting in the Execution of this Act until he shall have taken

taken and subscribed the Oath following before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; (that is to say),

I do swear, That I truly and *bonâ fide* am, in my own Right, [*or in the Right of my Wife, as the Case may be*], in the actual Possession or Enjoyment of Lands or Heritages of the clear yearly Value of Twenty-five Pounds, or possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Five hundred Pounds.

‘ So help me GOD.’

III. 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, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Twenty Pounds, besides the Expence of Prosecution; to be recovered by summary Complaint, at the Suit of any Heritor of the said County, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff’s Depute or his Substitute of the County of *Nairn*, to be applied for the Purposes of this Act; and the Proof of Qualification shall lie upon the Person complained of.

Penalty on any Person acting who is not qualified.

IV. Provided always, and be it further enacted, That all Acts and Proceedings which shall have been done by any such Person touching the Execution of this Act (although not duly qualified), previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of unqualified Persons previous to Conviction valid.

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 that 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.

Trustees not to hold Places of Profit.

VI. And be it further enacted, That the said Trustees shall hold their first stated or General Meeting by virtue of this Act, at *Nairn* upon the Third *Monday* after the passing of this Act, or as soon after as conveniently may be; and their Second stated General Meeting on the Day on which the *Michaelmas* Meeting of the Freeholders for the said County for the said Year is held; and shall thereafter hold Two General stated Meetings in each Year during the Continuance of this Act, One upon the Day on which the Commissioners of Supply shall meet for assessing the said County in the Land Tax, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the said County, with Power to the said Trustees, or Majority of those present at any of the said stated or General Meetings, to adjourn to such other Time and Place as they shall think convenient; with

First and subsequent Meetings of Trustees.

Power to name Committee of their Members:

to appoint Clerks and other Officers.

with Power also to name Committees of their Number, being Heritors in the respective Parishes through which the said Road passes, or being the Factors or Managers of such Heritors qualified in manner before mentioned, or being Subscribers to the said Road to the Extent of One hundred Pounds, to have the more immediate Care and Management of particular Parts of the said Road, and to give their Committees (whereof Three to be a Quorum) such Instructions and such Powers as they shall think fit and expedient; and also with Power to the said Trustees, both in their General Meetings and Committee Meetings, to appoint Clerks, Cashiers, Collectors, Surveyors, Overseers, and other Officers, with reasonable Salaries for their Trouble; all which Clerks, Cashiers, Collectors, and other Officers appointed to Offices of Trust, shall account to such Committees or other Persons appointed to receive their Accounts, once every Twelve Months, or oftener (if required), for all Monies received by them, and pay over the Balance to the Trustees or their Order; and in case of Default in accounting or Payment, it shall be lawful for any Two or more Justices of the Peace, or the Sheriff Depute or Substitute of the County of *Nairn*, at the Suit of the said Trustees, to commit the Defaulter to Prison till a faithful Account be rendered, or until he shall have compounded with the said Trustees for the Balance due from him as aforesaid, which Composition the said Trustees are hereby authorized and empowered to make: Provided always, that no Person shall be committed for Want of sufficient Goods or Property whereon to make Distress for such Balance, for any longer Space of Time than Six Calendar Months.

Same Person not to be Clerk and Treasurer.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, their Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by summary Complaint in any of His Majesty's Courts of Law in *Scotland*.

Securities to be taken from Officers.

VIII. And be it enacted, That the said Trustees shall and they are hereby required to take such Securities from the Receiver or Receivers, Collector or Collectors, or other Persons appointed to such Offices of Trust, for the due Execution of their Offices, as to the said Trustees shall seem meet; and no such Person or Persons so appointed shall enter on the Execution of their Offices until they shall have lodged such Securities with the said Trustees, or with the Preses of the Meeting at which they may be appointed.

Quorum of the Trustees.

IX. And be it further enacted, That the Quorum or Number of Trustees necessary to do Business in General Meetings shall be Three, but

but if only Two or One shall be present at any of the stated or other General Meetings, such Trustees or Trustee shall have Power to adjourn the Meeting; and in that Case, Notice shall be given of the Day, Place, and Purpose of such adjourned Meeting, by Two several Advertisements in *The Inverness Journal*, or other Newspaper published in *Inverness*, the First of such Advertisements being at least Fourteen Days before the Day of such adjourned Meeting; and the Clerk of the said Trustees shall have Power, and he is hereby required, when directed (by Writing under the Hands of any Two or more Trustees), to call at any Time a General Meeting, giving the like previous Notice of the Time, Place, and Purpose of the Meeting; and at such Meetings no Business shall be entered or decided upon, other than what is specified in the Notice given as aforesaid; and it shall not be in the Power of any stated or General Meeting to rescind, alter, or vary the Determination of any former stated or General Meeting, unless previous Notice of the Intention of so doing, and the Time and Place of Meeting, be given by Advertisements in some Newspaper published in *Inverness* as aforesaid.

Power to
adjourn.

X. And be it further enacted, That all the Proceedings of the said Trustees, and an exact Account of all the Money received by virtue of this Act, and of the Application of the same, shall be entered in a Book or Books to be kept by the Clerks to the Committees, appointed by the said Trustees, whose Duty it shall be to enter and record regularly, all their Proceedings and Accounts, and for that Purpose to call for and oblige the Receivers, Tacksmen, and Cashiers, to produce their Accounts and Vouchers thereof; and in case of their neglecting so to do, they shall forfeit a Sum not exceeding their Years Salary; which Books of Account and Proceedings shall be open to the Inspection of every Trustee and of every Heritor in the County of *Nairn*, without Fee or Reward; and in case of Misapplication of Money borrowed, collected, received, or levied by or under this Act, all and every Person or Persons who shall so misapply the same, or by whose Authority the Misapplication of the same shall be made, shall forfeit double the Sum misapplied, with Costs of Suit to be recovered at the Suit of any Two or more of the said Trustees, by a summary Process before the Sheriff of the said County or his Substitute; and the same when recovered shall be paid over to the Treasurer to be appointed by the said Trustees, to be applied for the Purposes of this Act; and the Committees appointed as aforesaid shall be accountable to the General Meetings, and for that Purpose shall lay before them, Once in the Year at least, a State of their Accounts, and all other their Transactions, to be by the said Trustees at One of their stated General Meetings examined, audited, and approved; and in case of Failure or Neglect of the Clerk of the said Committees so to do, the Clerk of the General Meeting shall and he is hereby required to apply thereupon to the Sheriff Depute or Substitute of the County, or to the Justices of the Peace at their Quarter Sessions, or adjourned Quarter Sessions; which Sheriff or Justices shall upon such Application grant a Warrant for summoning the Clerk of the Committee so failing, or other Person or Persons to whom the said Failure or Neglect is imputed, and on Proof of such Failure or Neglect, shall fine him or them

Accounts to
be kept.

Committee
to account
to General
Meetings.

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in a Sum not exceeding Five Pounds Sterling to be paid to the said Trustees, to be by them applied to the Purposes of this Act.

Book of
Accounts to
be kept.

XI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book or Books, to be kept by the principal Clerk to the said Trustees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted; without Fee or Reward; and the said Trustees and Creditors shall and may take Copies or Extracts from such Book or Books, without paying any thing for the same; and in case such Clerk shall refuse to permit, or shall not permit such Trustees or Creditors, or any of them, to inspect such Books or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds Sterling.

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

XII. And be it further enacted and declared, That the said Trustees may sue and be sued, for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit, wherein the said Trustees shall be concerned, as Pursuers or Defenders, in the Name of their Clerk or Treasurer by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer; but that the Clerk or Treasurer to the said Trustees for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Power to
erect Gates
and levy
Tolls.

XIII. And be it enacted, That the said Trustees at their First Meeting, or at any of the stated Meetings assembled, or at a Meeting advertised for that special Purpose, may direct and authorize Gates and Turnpikes to be erected across any Part of the said Road, and such Number of Toll Houses as they shall think fit; and may authorize their Collectors, or Tacksmen under their Authority, to take and levy at each of the said Gates, before any Passage be permitted, a Sum or Sums of Money not exceeding the following Rates; (that is to say),

Rates.

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, or other such Carriage, with Four Wheels, when drawn by more than Four Horses or other Beasts of Draught, the Sum of One Shilling Sterling each; and when drawn by Four Horses or other Beasts of Draught, the Sum of Nine-pence Sterling each; and when drawn by Three Horses or other Beasts of Draught, the Sum of Eight-pence Sterling each; and when drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence Sterling each; and when drawn by One Horse or other Beast of Draught, the Sum of Eight-pence Sterling:

For every Horse, Mule, or other Beast whatsoever, drawing any Chaise, Gig, Curricule, or other such Carriage with Two Wheels,

when

when drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence Sterling each; and when drawn by One Horse or other Beast of Draught, the Sum of Sixpence Sterling:

For every Horse, Mule, or other Beast whatsoever, drawing any Carriage commonly called a Taxed Cart, the Sum of Sixpence Sterling:

For every Horse, Mule, Ox, or other Beast whatsoever, drawing any Waggon, Wain, Cart, or other such Carriage, when drawn by more than Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Two-pence Sterling each; and when drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling Sterling each; and when drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence Sterling each; and when drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence Sterling each; and when drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence Sterling each; and when drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence Sterling:

For every Horse, Mare, Mule, or Ass, with or without a Rider, laden or unladen, and not drawing, the Sum of Two-pence Sterling:

For every Score of Oxen, Neat Cattle, Asses, Horses or Fillies, unshod, the Sum of Five-pence Sterling, and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling, and so in proportion for any greater or less Number.

XIV. And be it enacted, That the said Trustees shall be and they are hereby empowered to diminish or lessen any or all of the said Rates upon the said Road, or any Part thereof, with the Consent of the Persons entitled to Five-sixth Parts of the Money then due and owing on the Credit of the said Tolls, but not otherwise; and also to raise the Rates again if they shall see cause, but so as not at any Time to exceed the Rates authorized as aforesaid by this Act.

Power to
lessen the
Rates.

XV. Provided nevertheless, That it shall and may be lawful for the said Trustees, in any of their stated General Meetings assembled, if they shall see cause, with the like Consent as aforesaid, to diminish, for such a Length of Time as they shall judge fit, the Tolls payable for Wains or other Carriages drawn by Oxen, such Diminution not exceeding One Half of the Tolls payable for the same Carriages drawn by Horses, and to raise the said Tolls again, so as that the same shall not at any Time exceed the Rate of Tolls by this Act granted.

Rates pay-
able for
Carriages
drawn by
Oxen.

XVI. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Road as they shall think fit, for weighing all Carriages that shall pass along the said Road, and shall receive and take (over and above the Tolls hereby granted) the following Sums of Money as additional Tolls:

Power to
erect Weigh-
ing Engines.

For every Hundred Weight (of One hundred and twelve Pounds to the Hundred), which any Waggon, Cart, or Carriage, together with
the

the Loading thereof, shall weigh at any of the said Weighing Engines, over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh, without paying additional Toll; (that is to say), for the First and Second Hundred, the Sum of Three-pence Sterling for each Hundred; for each Hundred of such Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence Sterling; for every Hundred of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling; for every Hundred of such Overweight above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling; and for every Hundred of such Overweight above Fifteen Hundred, the Sum of Twenty Shillings Sterling; before they respectively shall be permitted to pass through such Gate or Turnpike:

And the same shall be applied as the other Tolls are by this Act directed to be applied: And in case any Person or Persons shall hinder or obstruct the weighing of any such Carriage as aforesaid, such Person or Persons shall for every such Offence forfeit any Sum not exceeding Ten Shillings Sterling, besides all necessary Expences.

Carriages not above a certain Weight, not to pay additional Toll.

XVII. And be it further enacted, That every Waggon, Cart, or Carriage, shall be allowed to pass without paying any additional Toll, provided such Waggon, Cart, or Carriage, with its Loading, does not weigh more than the Weights following; *videlicet*, every Waggon or Four-wheeled Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven Tons in Winter; every Waggon or Wain having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Six Tons in Summer, and Five and a Half Tons in Winter; every Cart having the Fellies of the Breadth of Nine Inches Three Tons in Summer, and Two Tons Fifteen Hundred Weight in Winter; every Waggon having the Fellies of the Breadth of Six Inches Four Tons Five Hundred Weight in Summer, and Three Tons Fifteen Hundred Weight in Winter; every Cart having the Fellies of the Breadth of Six Inches, Two Tons Twelve Hundred Weight in Summer, and Two Tons Seven Hundred Weight in Winter; every Waggon having the Fellies of less Breadth than Six Inches, Three and Half Tons in Summer, and Three Tons in Winter; every Cart having the Fellies of less Breadth than Six Inches, and drawn by Two or more Horses, One Ton and Half in Summer, and One Ton Seven Hundred Weight in Winter; and every such Cart drawn by One Horse, One Ton both in Summer and Winter; and for the aforesaid Purposes, it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter from the First of *November* to the Thirtieth of *April*, both inclusive.

Cylindrical Wheels to pay a smaller Sum.

XVIII. Provided always, and be it enacted, That all Horses, Mules, Oxen, or other Beasts drawing all Waggons, Wains, Carts, or other such Carriages, which shall have Broad Wheels of the Description after specified, shall be liable to pay One Half only of the Tolls and Duties herein-before charged on Horses, Mules, Oxen, or other Beasts drawing Waggons, Wains, Carts, and other Carriages respectively, provided every such Waggon, Wain, Cart, or other Carriage with

with Two Wheels, shall have the Soles or Bottoms of the Fellies of all the Wheels thereof of the Breadth of Five Inches at least, and be cylindrical, (that is to say), of the same Diameter on the Inside next the Carriage, as on the Outside, and in every intermediate Part between the Inside and Outside, so that when such Wheels shall be rolling on a flat or level Surface, the whole Breadth thereof, shall bear equally on such flat or level Surface; and provided that the opposite Ends of the Axletrees of such Waggon, Wain, Cart, or other Carriage, so far as the same shall be inserted in the respective Naves of the Wheels thereof, shall be horizontal, and in the Continuance of One straight Line, without forming any Angle with each other, and so that in each Pair of Wheels belonging to such Carriage, the lower Parts, when resting on the Ground, shall be at the same Distance from each other as the upper Parts of such Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels; and provided every such Waggon, Wain, Cart, or Carriage with Four Wheels, the Wheels thereof being cylindrical, as before mentioned, and having the Axletrees thereof of such different Lengths, that the fore and hind Wheels, shall roll only One Single Surface or Path of Seven Inches and a Half wide at least, on each Side of such Waggon, Wain, Cart, or Carriage; provided also, that every Person claiming the Privilege, so granted to broad-wheeled Carriages shall permit the same to be examined and measured, by any Person appointed by the said Trustees, or concerned in the Collection of the said Tolls or Duties.

XIX. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or Collectors to be appointed as aforesaid, or his or their Servant or Agent, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the same, or other Person or Persons whom they or any of them shall take to their Assistance therein, to seize and distrain any Horse, Beast, or other Cattle, or any Carriage upon which any such Tolls are by this Act imposed, or the Loading, Harness, or Accoutrements of the same respectively (except the Bridle, Reins, or Halter of any such Horse or other Beast, separate from any such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may, under the Authority of a Warrant of One Justice of the Peace of the County in which such Person or Persons shall have so neglected or refused to pay Toll (which Warrant any such Justice is hereby empowered to grant), sell the Horse, Beast, or Cattle, and other Property, or any Part thereof, so seized and distrained, rendering the Overplus (if any) on Demand to the Owner thereof, after such Tolls, and all reasonable Charges, shall have been deducted.

Recovery
of Tolls.

XX. And be it further enacted, That the Money so to be raised and collected as aforesaid, shall be and is hereby declared to be vested in the said Trustees, and shall be strictly applied to and for the Uses and

Application
of the Money
levied.

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Purposes

Purposes by this Act directed ; nor shall any Part thereof be expended without their Orders, or the Orders of their Committees, or of some Person or Persons authorized by General Meetings for that Purpose ; and if any Person or Persons subject to the Payment of Tolls hereby granted shall, after Demand made, neglect or refuse to pay the same, the said Trustees shall be and are hereby empowered, by themselves, or such Person or Persons as they shall appoint, to levy the same by Distress and Sale of any Horse or Horses, or other Cattle or Carriage upon which such Toll is imposed, and to keep such Horse or Horses, Cattle or Carriage, until the Toll and Charges of the Distress be paid ; and after the Expiration of Six Days to sell the Horse or Horses, Cattle or Carriage distrained, by public Auction at the Toll House where the Toll should have been paid, returning the Overplus (if any be) to the Owner on Demand, after Deduction of such Toll, and all Charges for distraining, keeping, appraising, and selling the same.

Property of
the Toll
Houses
vested in
Trustees.

XXI. And be it further enacted, That the Right and Property of all and every the said Turnpikes, Toll Houses, and Premises, to be erected by virtue of this Act, and Materials thereof, with the Materials that shall be collected and dug up for making and repairing the said Road and Bridges thereon, shall be vested in the said Trustees, who may and are hereby authorized to dispose of the same as they shall think proper for the Purposes of this Act only.

Toll Houses,
Places for
depositing
Materials,
&c. to be
provided.

XXII. And be it further enacted, That it shall and may be lawful for the said Trustees to give Orders for purchasing or taking in Feu or Lease such Pieces of Ground adjacent to the said Road (each not exceeding One-eighth Part of an Acre in inclosed Ground, and One-fourth Part of an Acre in open or uninclosed Ground, except with the Consent of the Owner or Owners of such Ground), as shall be judged most convenient for erecting Toll Houses, with Stables and Gardens to the same, or for Repositories wherein the Mud that may be raked off the Roads may be deposited, and the Stones or other Materials for repairing the said Roads may be broken or kept, so as to be laid as little as possible upon the said Roads, until they are immediately to be used for repairing or amending the same ; and each such Repository not exceeding Thirty Yards square in Extent ; and in case the said Trustees or their Surveyor cannot agree with the Owner or Occupier as to the Price, Feu-Duty, Rent, or Damages to be paid for the same, such Price, Feu-Duty, Rent, or Damages shall be settled and determined by a Jury, in Manner herein-after mentioned.

Side Gates
may be
erected.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected One or more Gate or Gates on the Side or Sides of the said Road, and across any Lane or Way leading out of the same, and also a Toll House at each such Gate, and there to take and receive such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate or Cross Bar, shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night.

XXIV. And be it further enacted, That if any Person occupying any Lands or other Premises near to the said Road, shall assist or be accessory in permitting any Person or Persons, not being his or her Servant or Servants, or of his or her Family, 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, with Intent to evade the said Tolls or any of them, or if any Person or Persons shall forcibly pass through, or assist any Person in passing through any Turnpike Gate erected or to be erected on the said Road, 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 (except as aforesaid), 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 for the County, shall for every such Offence forfeit and pay to the said Trustees, or to their Collector, any Sum not exceeding Five Pounds Sterling.

Penalty on Persons assisting in the Evasion of the Tolls.

XXV. And be it further enacted, That if any Person or Persons shall take off any Horse or Horses, or Oxen, or other Beasts of Draught, from any Carriage, at or before the same shall come to any of the Gates or Turnpikes erected or to be erected by virtue of this Act, with an Intention to evade the Payment of any of the Tolls hereby imposed, or any Part thereof, each and every Person or Persons so offending in any of the Cases aforesaid, and being thereof convicted in Manner aforesaid, shall forfeit and pay to the said Trustees, or to their Collector, any Sum not exceeding Twenty Shillings Sterling.

Penalty on Persons taking off Horses, &c.

XXVI. And be it further enacted, That in case any Person or Persons shall unload any Waggon, Cart, or other Carriage passing along the said Road before coming to a Turnpike Gate, and shall carry the said Load through such Gate, such Person or Persons shall pay the Tolls by this Act imposed, in the same Manner as if such Coach, Chaise, Waggon, Cart, or other Carriage, had gone through the Turnpike Gate; and if such Person or Persons shall refuse to pay such Tolls, he, she, or they shall forfeit and pay to the said Trustees, or their Collector, any Sum not exceeding Twenty Shillings Sterling.

Penalty on Persons unloading to evade Payment.

XXVII. And be it further enacted, That no Person or Persons, having paid the Tolls herein-before granted at any of the said Gates or Turnpikes, shall, on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night), be liable to pay again the said Tolls at any Gate or Turnpike, or Side Gate, through which they shall afterwards pass, for the same Coach, Cart, or other Wheel Carriage, drawn by the same Horses or other Beasts of Draught, or for the same Horse or other Beast or Cattle, for which any such Toll shall have been so previously paid on the same Day.

Tolls payable only Once in the same Day.

XXVIII. And

Toll Gates when to be erected ;

their Distance from each other.

XXVIII. And be it further enacted, That no Toll Bars shall be erected or Toll levied on the said Road until at least One Half of the Sum estimated for making such Road shall be subscribed and paid to a Treasurer appointed by the said Trustees ; and that if any Turnpikes are erected within a less Distance of each other than Six Miles, any Person or Persons producing a Ticket to shew that he, she, or they has or have paid the Tolls at one Gate, shall not pay any further Tolls till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they shall have paid.

Tickets to be delivered on Payment of Tolls.

XXIX. And be it further enacted, That upon Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis*, to the Person paying such Tolls, a Note or Ticket denoting such Payment ; and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Penalty on passing Tickets to another Person.

XXX. And, for preventing Frauds and Abuses in the said Tolls, be it further enacted, That if any Person or Persons, having paid the Toll by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll, shall give or dispose of the same to any other Person or Persons, in order to enable him, her, or them to avoid Payment of the said Toll, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, or receiving the same, being convicted thereof upon Oath before One or more Justice or Justices of the Peace, or before the Sheriff Depute or Substitute of the County within which such Person shall reside, shall for every such Offence forfeit and pay to the said Trustees, or their Collector, any Sum not exceeding Twenty Shillings Sterling.

Penalty on obstructing Collectors of Tolls.

XXXI. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, obstruct, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, obstructed, or disturbed, any Collector of the Tolls, in the Collection of the said Tolls, or of any of them, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Toll Collectors to put up their Names, &c.

XXXII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty ; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground ; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall not give constant Attendance at all Hours, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of
this

this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds Sterling for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

XXXIII. And be it further enacted, That if any Dispute shall hap-
pen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, or of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace of the said County, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Party or Parties, or of some Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold,

Disputes concerning the Tolls to be settled by a Justice.

XXXIV. Provided always, and it is hereby further enacted and declared That no Person or Persons shall be charged with any of the Tolls aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, who shall not travel above Two hundred Yards on the said Roads; nor any Person carrying or conveying Stones or other Materials for making, repairing, and building the said Road and Bridges, or other public Roads or Bridges within the said County, or any of the Causeways within or belonging to the same, or going or returning empty for these Purposes; nor shall any Occupier or Occupiers of Lands be charged with any of the Tolls aforesaid for passing from one Part to another of the same Farm; not shall any Occupier or Occupiers of Fields or Burgh Roods, on which no Offices or Barn-yards are erected for the Use of the said Fields or Lands, be liable to pay any of the said Tolls for any Horses or Carriages carrying Dung to the said Fields or Roods, from the Yards where such Dung is made, for the Use of the said Fields or Roods; nor carrying any Corn in the Straw, Hay, or Grass, being the Pro-

Exemptions from the Tolls.

[Local.]

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duce

duce of the said Fields or Roods, to the Place where the said Corn in the Straw, Hay, or Grass is usually kept or used by the said Occupier or Occupiers; nor for empty Carriages returning from carrying the Matters aforesaid, or any of them; nor shall any Toll be demanded from any Person or Persons who shall pass or return through the said Turnpikes to or from their proper Parochial Church, Chapel, or any other Place of Religious Worship tolerated by Law, upon *Sunday* or any other Day on which Divine Worship is ordered by Authority to be celebrated; nor from any Clergyman, within his own Parish, going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Person or Persons who shall pass or return in attending the Funeral of any Person or Persons who shall be buried within the Parish in which such Person or Persons died; nor for Horses or Cattle going to or returning from pasturing or watering Places, or going to Smithies for the Purpose of being shod; nor for any Horses or Carriages attending His Majesty, or any of the Royal Family, nor for any Horses or Carriages, of whatever Description, employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in carrying, conveying, or guarding such Mails or Expresses, or in returning from conveying the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls by virtue of an Act made in the Fifty-third Year of the Reign of His late Majesty King George the Third, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels, carrying the Mail in Scotland; and for granting a Rate for Postage, as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Horse or Horses furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that such Person or Persons shall be dressed in the Uniform of his or their respective Corps, and have his or their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively; nor for Carts, Carriages, or Waggon travelling with and conveying Vagrants or Criminals, sent with legal Passes, or returning from conveying the same; and if any Person shall claim or take the Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Exempting
Carriages
with Stores.

XXXV. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or

belonging to His Majesty, or for the Use of His Majesty's Forces shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Beasts of Draught; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Beasts of Draught to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

XXXVI. And be it enacted, That the Surplus Produce of the Tolls, after defraying the Expence of Repairs and other necessary Charges on the Road, and paying the Interest of Money borrowed, subscribed, and advanced, shall be appropriated annually to extinguish the Principal of the Debt, and Money raised by Subscriptions, and to no other Purpose.

Surplus Produce to be applied to extinguish Principal Money owing.

XXXVII. And be it further enacted, That the said Trustees, at a General Meeting assembled, or a Committee to be for that Purpose named by any General Meeting, may and they are hereby authorized and empowered, by public Roup, to let the said respective Tolls or Duties, in Whole or by Parcels, from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Two Years, for the highest Rent or Rents they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for paying thereof, as shall be approved by the said Trustees.

Tolls may be let by Auction.

XXXVIII. And be it further enacted, That the said Trustees shall have Power, at their General or Committee Meetings, to compound or agree by the Year, or otherwise, with any Person or Persons travelling, or in the Use to travel or use the said Road, the Composition agreed upon being made payable quarterly, and by advance; and Copies of all such Agreements shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, to be seen and perused by any Person or Persons, at all reasonable Times, without Fee or Reward.

Power to compound with Travellers.

XXXIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break down, or otherwise destroy or deface any Turnpike Gate, Mile Stone, Post, Chain, Bar, House, or other Works whatsoever, erected for the Use of such Turnpikes, or shall rescue any Person in Custody for any of these Offences, every Person so offending, being thereof lawfully convicted in any Prosecution ordered by the said Trustees, or any Two of them, upon the Oath of One or more credible Witness or Witnesses, before the Sheriff Depute or Substitute, or any Two or more Justices of the Peace of the County within which such Person or Persons shall reside, shall be condemned to pay any Sum not exceeding Treble the Damages sustained, and to be imprisoned for any Time not exceeding One Calendar Month, and thereafter until the Damages awarded shall be paid.

Penalty on Persons injuring the Turnpike Gates, &c.

XL. And

Power to
borrow
Money.

XL. And be it further enacted, That it shall be lawful for the said Trustees, over and above the Money subscribed, to borrow such Sum or Sums of Money as they shall judge to be necessary on the Credit of the Tolls leviabie at any or each of the Turnpike Gates to be erected by virtue of this Act, to be laid out in making and repairing the said Road, erecting Toll Houses, and defraying other Expences of carrying this Act into Execution; provided that the whole Amount of the Money so borrowed shall not at any one Time exceed Five hundred Pounds Sterling *per* Statute Mile, declaring that the Money so borrowed shall be and continue a Lien upon the Tolls granted by this Act upon that Part of the Road for the Use of which the Money was borrowed or advanced, in preference to former Subscriptions and future Contractions; and it shall be lawful for the said Trustees, and they are hereby empowered, to assign the Whole or any Part of the Tolls by this Act imposed to the Person or Persons from whom the Money as aforesaid shall be borrowed, as a Security for Repayment of the Sum or Sums of Money so lent, with the Interest thereof; and the Assignment of the Tolls for Money so borrowed shall be entered in a Book or Books to be kept by the said Trustees, or such Persons as they shall appoint, which Book or Books may be seen and perused at all reasonable Times by the said Trustees, or by any Person or Persons any way interested as a Land Owner in the said County, or as a Creditor or Subscriber as aforesaid, without Fee or Reward; and the Securities to be granted by the said Trustees for the Purposes aforesaid shall be transferrable by Indorsement, duly subscribed by the Party transferring, in the Presence of Two or more subscribing Witnesses: And it is hereby declared, that the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of the Money borrowed or Interest thereof, by reason of having signed the said Securities, which Securities are to be held and considered as granted upon the sole Credit and Security of the Tolls; nor shall any Trustee or Subscriber 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 as a Trustee under this Act.

Trustees not
personally
liable.

Payment of
Subscriptions
to be en-
forced.

XLI. And be it further enacted, That if any Person or Persons who has or have subscribed, or shall subscribe towards the making and repairing the Road by this Act intended to be made and repaired, shall, after Forty Days Notice given by any Person or Persons authorized by the said Trustees to receive and recover the Subscription Money, neglect or refuse to pay the same by him, her, or them subscribed, to the Person or Persons so authorized, it shall be lawful to such Person or Persons, and he or they are hereby required, to sue for and recover the said Subscription Money, in any Court competent in *Great Britain*, declaring that the Persons actually paying shall have a Lien on the Tolls collected on the Road for the Use of which the Money was subscribed, next after any Assignments that may have been made of such Tolls, for Money borrowed as aforesaid previously to the actual Payment of such Subscription Money.

Trustees for
the Statute
Labour.

XLII. And for more effectually making, repairing, and keeping in Repair the Roads and Bridges in the said County of *Nairn* generally; be

be it further enacted, That every Person who in his own Right, or in the Right of his Wife, now is, or hereafter shall be in the actual Possession and Enjoyment as Proprietor or Life-renter, of the full Property or *Dominium utile* of Lands in the said County of *Nairn*, rented at One hundred Pounds Sterling of Yearly Rent, or valued in the Cess Books of the said County at One hundred Pounds *Scots*, and in the Absence of such Proprietor or Life-renter, one duly authorized and accredited Factor, on his or her Behalf, and all and every the Eldest Sons of such Proprietors and Life-renters, one Guardian of each Minor enjoying and possessing Lands of the Valuation aforesaid, one Trustee of every Trust Estate, one Manager or Factor for each Corporation or Associate Body holding Lands of the said Valuation, the Eldest Bailie and Dean of Guild of *Nairn*, the Sheriff Depute of the County of *Nairn*, and his Substitute, all for the Time being, shall be Trustees for ordering and superintending the surveying, making, altering, repairing, and keeping in repair, or causing to be surveyed, made, altered, and repaired, and kept in repair, all and every the Roads and Bridges within the County of *Nairn*, other than and besides the said Road in the said County on which Turnpikes shall be erected and Tolls taken in virtue of this Act; and for exacting and applying the Assessments herein-after allowed to be imposed and levied, and for carrying into Execution the whole Powers given by former Laws, and conferred by this present Act, relative to the Roads, Bridges, and Ferries within the County.

XLIII. Provided always, and be it enacted, That if any Person not qualified as aforesaid, shall nevertheless 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 Expence of Prosecution, to be recovered by Complaint in a summary Way, at the Suit of any Heritor within the said County, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute of the County of *Nairn*, 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.

Penalty on acting if not qualified.

XLIV. Provided always, and be it further enacted, That all Acts and Proceedings, which shall have been done by any such Person touching the Execution of this Act (although not duly qualified) previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of unqualified Persons previous to Conviction valid.

XLV. And be it further enacted, That the said County shall be divided into Two Districts, *videlicet*, the First District comprehending the Parishes of *Nairn* and *Auldearn*, and the Second District comprehending the Parishes of *Carwdor* and *Ardclach*, and those Parts of the Parishes of *Croy* and *Petty* lying within the said County of *Nairn*: Provided always, and it is hereby declared, that the foregoing Division of the said County into Districts shall be subject to Alteration by any of the Annual stated General Meetings, Notice of such intended Alteration being advertised in *The Inverness Journal*, or

County divided into Districts.

[Local.]

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other

other Newspaper published at *Inverness*, Twice within Two Weeks immediately preceding such General Meeting.

First and
other Meet-
ings of Trus-
tees.

XLVI. And be it further enacted, That the said Trustees shall, in order to put this Act into Execution, meet at *Nairn* on the same Day on which the Trustees herein-before named for the Superintendance and Direction of the Turnpike Road, hold their first stated General Meeting under this Act, and shall meet thereafter yearly on the Days appointed for the Annual stated General Meetings of the said Trustees, with Power to adjourn, and name a Preses, and also a Clerk, with a suitable Salary for his Trouble, who shall keep a regular Record of their Proceedings, and when required shall give out Extracts of the Orders or Proceedings of the Trustees, containing Warrants for putting these Orders into Execution; with Power also to the said Trustees to appoint convenient Times for the First Meetings in each Year, of the Trustees for the respective Districts before mentioned, with such Instructions for carrying this Act into Execution as may be deemed necessary; and the Trustees at such District Meetings shall have Power afterwards to adjourn to such Time as they shall see cause.

Quorum of
Trustees.

XLVII. And be it further enacted, That at all General Meetings of the said Trustees Five shall be a Quorum; and if a Quorum shall not attend, any One or more Trustees attending shall have Power to adjourn.

For calling
Meetings.

XLVIII. And be it further enacted, That the Clerk of the said Trustees, or in his Absence, the Preses of the former General Meeting shall, when directed by any Two or more Trustees, call a General Meeting, by an Advertisement in *The Inverness Journal*, or other Newspaper published at *Inverness*, Fourteen Days before 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.

No Deter-
mination of
Annual Meet-
ings to be
annulled but
at the next
Meeting.

XLIX. And be it further enacted, That no Determination of either of the Annual stated Meetings, or the Rules and Regulations established by them, shall be annulled or altered till the next Annual stated Meeting, or a Meeting advertised for that special Purpose.

District
Trustees.

L. And be it enacted, That the Trustees whose Property is situated in, or who by their Offices are connected with the several Districts before mentioned, shall have the Superintendance of the Roads and Bridges within their respective Districts; and shall at their Meetings have Power to name a Preses, Clerk, Surveyors, Overseers, Collectors, and other Officers, with suitable Salaries, and take such Securities from those appointed to Offices of Trust, for the due Execution of their Offices, as they shall think proper; and in District Meetings Three shall be a Quorum, and any One or more of the said Trustees attending shall have Power to adjourn; and the

Trustees in each District shall cause to be kept exact Minutes of their Proceedings, and shall cause to be entered accurate Accounts of the Money received by virtue of this Act, and the Application thereof, in a Book or Books to be kept by their Clerk, which all the Heritors of the County shall have Liberty to inspect *gratis*; and a particular Report of the State of the Roads and Bridges within the respective Districts, or the Books of the Proceedings kept by the Trustees within the same, and Estimates of the Sums necessary for the Repair of them, and Accounts of the Money expended and Work done the preceding Year, shall be laid before the Annual stated General Meeting, held upon the Day the Commissioners of Supply meet for assessing the Land Tax, or upon the Thirtieth Day of *April* or next lawful Day, yearly; and in case of Failure or Neglect, any Justice of the Peace, on the Application of any One Trustee, shall summon the Clerk of the District, or other Person or Persons to whom the said Failure or Neglect is imputed, and on a Proof of such Failure or Neglect, shall fine him or them in a Sum not exceeding Ten Pounds Sterling.

LI. And be it enacted, That in lieu of the Statute Services there shall (with the Exceptions herein-after specified) be paid an Assessment or Conversion in Money, to be levied from the Heritors, Landholders, or Feuars in the said County of *Nairn*, according to the respective valued Rents at which their Lands stand rated in the Cess and Valuation Books of the said County, and from the Heritors, Landholders, or Tenants of Lands locally situated in the said County, and liable to perform Statute Labour therein according to the respective valued Rents at which their Lands stand rated in the Cess and Valuation Books of the County to which they belong, such Assessment not exceeding Forty Shillings Sterling, nor being under Thirty Shillings Sterling upon each One hundred Pounds *Scots* of valued Rent; and the said Trustees shall have Power and they are hereby authorized, at their respective District Meetings to be held annually on the Days appointed by the General Meetings, to nominate and appoint their own Collector and Clerk, with such an Allowance for his Trouble as may seem reasonable to the said Trustees; as also to fix and determine the particular Rate of Assessment within the District for the current Year, the same not exceeding the Maximum Rate of Forty Shillings herein-before allowed, nor being under Thirty Shillings for each One hundred Pounds *Scots* of valued Rent.

Conversion
in lieu of
Statute
Labour.

LII. And be it further enacted, That all the Heritors, Landholders, or Feuars, who shall have paid the Assessment to be imposed in manner as herein-before directed, shall be entitled to Relief and Repayment from the actual Tenants or Possessors of Three Fourth Parts of such Assessment, each Possessor paying a Sum corresponding to the Rent reserved of his or her Possession, converting the Proportion payable in Grain at a fixed Rate of Twenty-four Shillings Sterling for each Boll of Meal and Oats, Thirty Shillings Sterling for each Boll of Bear, and Thirty-five Shillings Sterling for each Boll of Wheat; a just Share of the said Three Fourth Parts being always laid upon Lands in the natural Possession of the Proprietor; and the like Action and Execution shall be competent to such Heritors, Landholders, or Feuars,

Heritors en-
titled to a
Portion of
the Rate
from their
Tenants.

for

for their Relief and Repayment of the said Assessment, as by Law is competent to them for the Payment and Recovery of their Rents; and such Relief shall also be competent in all Cases where an Occupier or Tenant is by Lease or Agreement exempted from the Payment of all Public Burdens, unless the Assessments imposed by this Act be expressly included in such Exemptions.

In determining Disputes respecting the Division of Valuations.

LIII. And be it further enacted, That in case any Tenant shall think himself or herself charged with more than a just and equitable Proportion of the Assessment according to the Rent reserved, or that an adequate Value has not been put upon the Lands in the natural Possession of the Proprietor, the said Trustees or any Three or more of them in a District Meeting assembled, are hereby empowered and required, upon a Complaint made to them by such Tenant, to determine the Matter in a summary Manner, in the Way they shall see just and equitable, and the Rates so fixed shall continue afterwards to be the Rule of Payment, so long as there is no Variation either in the Rent or Possession; and on Proof being made that such Alterations or Variations have taken place, the said Trustees shall again decide in manner aforesaid, on a Complaint stated in the same summary Manner.

Proprietors of Burgh Roods, &c. not valued in Cess Books liable.

LIV. And be it further enacted, That all Proprietors of Burgh Roods, Fishings, or Lands, not valued in the Cess Books of the said County, shall be liable in an Assessment or Conversion in lieu of Statute Labour, in a Sum not exceeding Sixpence Sterling *per Annum* for each Twenty Shillings of the yearly Rent of their Possessions; the said Rent to be ascertained by Two or more Assessors to be appointed by the said Trustees in each District; and such Assessment shall be collected by any Person or Persons to be named by the said Trustees at their District Meetings in Manner before mentioned, and shall be diminished in the same Proportion that the aforesaid Assessment or Conversion for Lands valued in the Cess Books of the County shall be diminished: Provided always, that the Tax Roll by which the Cess payable from the Town of *Nairn* is collected and levied, shall be the Rule by which the aforesaid Assessment is to be imposed upon the Fishings, Burgh Roods, and other Lands not valued in the Cess Books aforesaid, so long as the said Tax Roll shall continue; and the same Relief, to the same Extent and Proportion, shall be competent to the Proprietors of such Fishings, Burgh Roods, and other Lands before mentioned, against the Tenants and Possessors of the same, as to the Proprietors of Lands valued in the Cess Books of the County.

Rates of Assessment on Inhabitants of Houses.

LV. And be it further enacted, That from and after the passing of this Act, all Occupiers and Inhabitants, whether Heritors or Tenants, of all Houses, Shops, Cellars, Warehouses, and other Buildings within any Part of the said County of *Nairn*, that now are or hereafter may be erected in the said County, not having any cultivated or profitable Lands, except a Garden, annexed thereto, shall, in place of their Statute Labour, pay yearly an Assessment or Conversion, not exceeding Two Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is
Twenty

Twenty Shillings and under Three Pounds Sterling; an Assessment or Conversion not exceeding Three Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Three Pounds, and under Five Pounds Sterling; an Assessment or Conversion not exceeding Four Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Five Pounds and under Ten Pounds Sterling; an Assessment or Conversion not exceeding Five Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Ten Pounds and under Fifteen Pounds Sterling; an Assessment or Conversion not exceeding Seven Shillings and Sixpence Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Fifteen Pounds and under Eighteen Pounds Sterling; an Assessment or Conversion not exceeding Ten Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Eighteen Pounds, and under Twenty Pounds Sterling; an Assessment or Conversion not exceeding Twelve Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Twenty Pounds and under Twenty-five Pounds Sterling; an Assessment or Conversion not exceeding Fifteen Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Twenty-five Pounds and under Thirty Pounds Sterling; an Assessment or Conversion not exceeding Twenty Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Thirty Pounds and under Thirty-five Pounds Sterling; an Assessment or Conversion not exceeding Twenty-five Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Thirty-five Pounds and under Forty Pounds Sterling; and Two Pounds Sterling for all above; and all and every Innkeeper, Carter, Carrier, or other Person or Persons keeping Horses, Asses, or Mules for Carriage or Hire, or for carrying on any particular Trade or Manufacture, and every Person keeping a Riding or Pleasure Horse, and who shall be assessed in a Sum not exceeding Twenty Shillings Sterling for Lands or Houses in virtue of this Act, shall pay as an Assessment or Conversion for Statute Labour, a Sum not exceeding Two Shillings Sterling yearly, for each of such Horses, Asses, or Mules.

LVI. And be it further enacted, That all Men, whether married or unmarried, above Eighteen Years of Age, and not exceeding Sixty, not being engaged Servants or Apprentices by the Year or Half Year, nor possessing Lands or Houses of the yearly Rent of Twenty Shillings Sterling, shall be obliged to pay a Sum not exceeding Four Shillings Sterling yearly, for the Purposes of this Act, to the Collector or Clerk of the Trustees of the Parish within which he shall be residing or have a Place of Residence, in the Month of *June*, or in case of his Removal from such Parish before Payment, to the Collector or Clerk of the Parish who shall first demand the same: Provided always, that it shall be in the Power of the said Trustees, and they are hereby authorized, to assess such Persons either to the Rates or Duties chargeable on Occupiers of Houses in the like Situation and Circumstances, or to

Assessments
on other Per-
sons.

[Local.]

27 H

the

Abatement
for Manufac-
tures.

the Rates last mentioned, payable by other Persons : Provided always, that no House or Houses within the said County, entirely used or employed in carrying on Manufactures, belonging to any one Company or Individual, and where no Part thereof shall be occupied as a Dwelling House, and no Kind of Victuals shall be dressed or prepared therein, shall be subjected or liable to be rated or assessed for the Duties imposed by this Act, for any higher Rate or Assessment than upon Fifty Pounds Sterling of yearly Rent or Value of all such Manufacturing Houses.

For appoint-
ing Assessors.

LVII. And for ascertaining the Conversion payable by the Occupiers of Burgh Roods, Fishings, or Lands, not valued in the Cess Books of the said County, and Inhabitants of Houses and others in the said Royal Burgh, Towns, and Villages, and by Innkeepers, Carters, and others, as herein-before particularly described; be it enacted, That any Three or more of the said Trustees, at their First District Meeting to be held after the passing of this Act, and yearly thereafter, shall and they are hereby authorized to nominate and appoint Two or more fit Persons to be Assessors for their respective Districts or Parishes within the said County, who within the Space of One Calendar Month after their Appointment, shall yearly return upon Oath, to the Trustees of the said District, an exact List of the Occupiers of the said Burgh Roods, Fishings, Lands, Houses, and others particularly before described, and the Rents of the said Burgh Roods and Houses where the same are in Tenantry, or to the best of their Judgment, the Annual Value of such Burgh Roods and Houses where they are in the natural Possession of the Proprietors, or where the Rent paid by the Tenant cannot be ascertained; and the said Assessors shall in like Manner, and they are hereby required to make up and return to the said Trustees at their District Meetings, full and distinct Annual Lists of all Horses, Asses, and Mules, kept by Innkeepers, Carters, Carriers, and other Persons particularly herein-before described, specifying the Names of the Owners of such Horses, Asses, or Mules, and the Purposes for which they are employed, and also full and distinct Lists of the other Persons herein-before described, liable in Payment of the said Assessment; and the Assessors are hereby required, and shall be obliged to act and perform their Duty faithfully, according to the true Intent and Meaning of this Act, under the Penalty of Five Pounds Sterling for every Offence, to be levied and applied in Manner as herein-after mentioned; but no Person shall be obliged to hold the Office of Assessor for more than Two Years successively, nor shall again be bound to accept of the said Office during the Space of Six Years thereafter; and the said Trustees are hereby empowered to allow the said Assessors such Sum as to them shall appear reasonable for their Trouble.

Assessment
to be laid out
in the Parish
where levied.

LVIII. And be it enacted, That the said Trustees, at their District Meetings, shall and they are hereby required to order and appoint the whole Monies to be annually imposed and levied upon the District in lieu of Statute Labour, to be laid out and expended upon the respective Roads within the different Parishes of the District where it is levied; and where a Public Road happens to be the Boundary between Two Parishes, whether in the same or different Districts, it shall

shall be made and supported by each Parish contributing equally to its Expence, so far as connected together: Provided always, that it shall be in the Power of the said Trustees, with Consent of the Heritors possessing Four-fifths of the valued Rent of any Parish, to apply the whole or Part of the Assessment arising therefrom to such Roads within other Parishes of the District, or within the Parishes of another District lying contiguous, as they may judge most necessary and expedient.

LIX. And be it further enacted, That the whole Sums of Money arising from the aforesaid Assessments and Conversions, shall be paid on or before the First Day of *July* yearly; and if any Person liable in Payment thereof, shall neglect or refuse to pay the same to the Collectors to be appointed by the said Trustees, on or before the Day of Payment above specified, it shall then be lawful for the Sheriff Depute or his Substitute, or for Two or more Justices of the Peace for the said County, to grant Warrant for pouding the Effects of the Deficient, in a summary Way, to appraise them on the Spot where found, and afterwards to sell the same by Auction, for Payment of the Assessment or Conversion which shall be due, together with the full Charges attending the Recovery thereof; and the Surplus (if any) shall be paid, when demanded, to the Person whose Effects shall have been so pouded; which Warrants are to be granted by the Sheriff Depute or his Substitute, or Justices aforesaid, upon an Application made to them, or any of them, and an Attestation, signed by any of the Collectors, certifying that the Person complained of has been deficient in paying the Assessments or Conversions above mentioned, and expressing therein the Arrears of such Persons.

Time of Payment of Assessment.

LX. Provided always, and be it enacted, That no Parochial Schoolmaster, or other Schoolmaster regularly authorized to teach, shall pay an Assessment or Conversion for his Dwelling House or Parish School-house, and the Lands thereunto belonging in his own Possession; but if he shall be Proprietor or Occupier of other Lands and Houses as Proprietor or Tenant, he shall in that Case pay for such other Lands or Houses, according to the Rate of the Class to which he belongs; nor shall any Pauper receiving Aid from the Parish Funds, nor any Person who shall be certified by Two Justices of the Peace, or by the Clergyman and Two Elders of the Parish in which he resides, to be in indigent Circumstances, pay or be charged with any Assessment.

Persons exempted from Conversions.

LXI. Provided always, and be it enacted, That in regard to any Lands forming Part of the County of *Nairn*, but which lie detached therefrom and locally situated within some adjacent County or Counties, and which Lands, or the Proprietors, Tenants, or Inhabitants thereof, are on account of such local Situation subject to the Performance of Statute Labour, or to Assessment in lieu thereof, in any other County or Counties by virtue of any Act or Acts of Parliament, such Lands, and the Proprietors, Tenants, and Inhabitants thereof in respect of the same, shall be exempted from all the Clauses and Provisions of this Act in regard to Performance of or Assessment in lieu of Statute Labour; and where such Lands or the Proprietors thereof

Exemption of Lands, &c. assessed in other Counties.

thereof have, in virtue of any such Act or Acts of Parliament, been made liable for the Payment of a Proportion of the Expence of procuring and passing the same, such Lands and the Proprietors thereof shall be exempted from any Assessment for Payment of the Expences of passing this Act, or preparatory to or in relation to the same; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

For borrow-
ing Money on
the Credit of
the Conver-
sion.

LXII. And be it further enacted, That it shall be in the Power of the Trustees within each District, and they are hereby authorized, to borrow Money on the Credit of the Assessment or Conversion hereby allowed to be raised upon all or any of the Parishes within the District, and to assign Two-thirds of the said Conversions as a Security for the Repayment thereof; Provided that the Sum borrowed on the Credit of the Conversion in any Parish, shall not at any Time exceed the Amount of Ten Years Conversions, estimating the Value of each Year's Conversion by that of the Year immediately preceding that in which the Money shall be so borrowed: And provided further, that such Transactions be entered in the Books of the District, and that till such Time as the Money so borrowed, and the Interest thereof, shall be repaid, the Trustees shall not have Power to diminish the Rate of Assessment imposed at the Time when such Money was borrowed as aforesaid; but that it shall nevertheless be in their Power to increase such Assessment, if it shall be found necessary to borrow any farther Sum or Sums, in Manner and for the Period as herein-before allowed.

District
Meetings to
determine as
to Roads to
be made, and
Amount of
Assessments.

LXIII. And be it further enacted, That the said Trustees, in their respective District Meetings, shall annually determine what Roads are to be made and repaired within such Districts, and fix such Allocation of the Conversion Money as to them shall appear proper for that Purpose; and shall have Power to appoint Committees in every Parish, being Trustees of the District, or Heritors in such Parish, or their Agents, properly authorized to act for them, or Tenants renting Lands of the Value of not less than One hundred Pounds Sterling, or One hundred Bolls of Grain *per Annum*, to superintend the Roads in such Parish; which Committees shall have Power to call for the Assessments imposed on the respective Parishes, and name Overseers under them for the Application of the Money, and the making and repairing of the Roads in the said Parishes; with suitable Salaries for their Trouble; and the said Committees and Overseers shall annually make up and deliver to the Clerk of the Trustees of the District, regular Accounts of the Money expended by them respectively; and in case of Failure or Neglect in such Committees or Overseers in giving in their Accounts, any Justice of the Peace, upon the Application of any One Trustee, may fine the Defaulters in a Sum not exceeding Five Pounds Sterling.

General
Meetings
may allocate
Assessments
if District
Meetings fail.

LXIV. And be it enacted, That if the Trustees of any District or Parish shall neglect to execute the Powers committed to them by this Act, and shall not have applied the Money hereby allowed to be imposed, it shall be lawful (unless sufficient Cause to the contrary is shown by such District or Parish) for the said Trustees, in each of their annual stated

General Meetings, to allocate the Conversion Money unapplied on each defaulting Parish or District, to the Roads and Bridges of that or any other Parish or District within the County, and to name a Committee of their own Number, with the necessary Powers to cause such Application to be made.

LXV. Provided always, and be it enacted, That the Proceedings of the Trustees in the District Meetings shall be subject to the Direction and Controul of the General Meetings, to whom any Person or Persons who may think himself, herself, or themselves aggrieved by such Proceedings may appeal, and the Sentences of such General Meetings shall be final; and in case the District Meetings shall not comply with the Orders of the General Meetings, it shall be in the Power of the said General Meetings to appoint a Committee of their Number to carry the said Orders into Execution: Provided also, that it shall not be in the Power of the said Trustees, either at their General Meetings or District Meetings, to diminish or reduce the Rate of Assessment arising from any District or Parish, upon the Credit of which any Sum or Sums of Money may have been borrowed as herein-before allowed, until such Sum or Sums of Money be paid off and extinguished, or unless the Person or Persons to whom the Money is owing shall consent.

District Meetings subject to General Meetings.

Assessments not to be reduced till Money borrowed be repaid.

LXVI. And be it enacted, That no Appeal taken from the Sentence or Proceedings of a District Meeting, nor any Complaint or Action founded thereon, shall stop the Payment of the Conversions in that Year, in which such Conversions are ordered to be paid, saving to the Parties their Redress, either from the Persons by whom they may have been aggrieved, or out of the Conversions for the Year next after the Determination of the Cause.

Appeal not to stop Payment of Assessments.

LXVII. And be it further enacted, That the said Trustees (as well those appointed for the Turnpike Road, as those appointed to manage the other Roads and Bridges through the said County generally, and the Conversion Money, the present and subsequent Regulations in this Act, applying to both Sets of Trustees, and to both Objects,) shall at all their Meetings pay their own Expences.

Trustees for both Purposes of the Act to bear their own Expences.

LXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees to build Fences, and to shut up and suppress public Roads of every Description, which may appear useless, or of little Importance to the Public: Provided always, that Notice of the Resolution to shut up any such Road be given by Advertisement at the Churches of the Parishes through which the said Road passes, for Two consecutive *Sundays*, One Month at least before the said Road shall actually be shut up; and that any Person or Persons who shall think himself, herself, or themselves aggrieved by such Resolution, may apply to the Sheriff Depute of the County of *Nairn*, or his Substitute, who, if he sees Cause, is hereby empowered to suspend the Execution thereof until the next General Meeting of the Trustees, who shall hear and determine therein, subject to the Appeal to the Quarter Sessions, as herein mentioned.

Trustees may erect Fences and shut up Roads

Power to
erect Bridges,
&c.

LXIX. And be it further enacted, That the said respective Trustees shall have Power to cause to be built new Arches and Bridges, of Stone, Brick, Iron, or Timber, on the said Roads, and to cause to be taken down old Bridges become unnecessary, and to apply the Materials thereof, as they shall see proper, for the respective Purposes of this Act; and also to treat, contract, and agree with the contiguous Owners and Occupiers, for causing such Parts of the Turnpike Road as are not of sufficient Width to be widened to any Breadth not exceeding Forty Feet, exclusive of the Footways, and clear of the Ditches, and for causing the Course of such Parts of the said Roads as they shall think proper, within the Limits aforesaid; to be altered, for shortening the same, or making them more commodious and level; and the Road so altered and widened shall thereafter be taken and held to be a public Highway, and comprehended within this Act; provided that it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage, or otherwise, competent to them by this Act, for such Ground and Materials as any new Road may occupy or require on their respective Properties; and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

On Differ-
ences with
the Owners,
&c. Value
to be ascer-
tained, &c.

LXX. And be it enacted, That if the respective Owners or Occupiers of the Grounds, Fences, Lands, Houses, Buildings, or other Impediments necessary for straightening, widening, or altering the said Roads, or for other the Purposes of this Act, shall allege that the same ought not to be taken, as being protected under any Clause herein contained, or shall not come to a voluntary Agreement with the said Trustees for the Value thereof, or for the Damage sustained by and the Recompence to be made to such Owners or Occupiers; or in case the Claim of Damages or otherwise which may be thence incurred has not been renounced in Manner aforesaid; it shall be lawful for either Party to apply to the Sheriff Depute of the County of *Nairn*, or his Substitute, who upon such Application is and are hereby authorized and required to summon a competent Number of discreet, substantial, and disinterested Persons, being either Owners or Occupiers of Lands within the County, to come and appear before them at such Time and Place as by their Warrant and Precept shall be directed, Intimation of Fifteen Days being given by the Trustees of such Appointment, to the Parties or their known Agents; and the Number of Persons who shall attend shall then be reduced to Fifteen, by the Trustees and the said Owners or Occupiers striking off One alternately, beginning on the Part of such Owners or Occupiers; or in case both Parties shall not appear, by the Sheriff Depute or his Substitute, until it be so reduced; and the remaining Fifteen being duly sworn, the Sheriff Depute or his Substitute shall proceed to examine upon Oath, in their Presence, such Witnesses as shall be summoned by either Party; and upon their Depositions, and other competent Evidence, such Jury shall determine as to the Relevancy of the Facts alleged against taking such Grounds or Premises; and if such Facts shall be found irrelevant, shall determine the Price or Prices to be paid by the said Trustees for such Grounds and Premises; and the said Sheriff Depute, or his Substitute, shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and

Occupiers of the Premises, or their Trustees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds and Premises; and the Proceedings of the said Sheriff Depute, or his Substitute, and the Verdict of the said Jury, shall be final and conclusive on all Parties, without being subject to Review in any Court, by Advocation, Suspension, Reduction, or otherwise.

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

Expences of ascertaining Value by whom to be paid.

LXXII. And be it enacted, That if any Person summoned as a Juryman or a Witness under the Authority of the said Sheriff Depute, or his Substitute, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence, the said Sheriff Depute, or his Substitute, is hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

If Jurymen, &c. refuse to act.

LXXIII. And be it further enacted, That all Lands and Houses which may be acquired by the said respective Trustees in pursuance of this Act, shall be vested in the said respective Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in Manner herein directed with regard to Consignations, as the Case may be;

How Lands are to be vested in the Trustees.

be; and it shall be sufficient to record the Discharge, or the Voucher of Consignation, in the Sheriff Court Books of the said County; whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually, to all Intents and Purposes, as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

Incorporated
Persons, &c.
empowered
to convey.

LXXIV. And be it further enacted, That the said respective 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 to sell, feu, let, and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads, or any of them, and erecting any Gate or Turnpike or Toll-House, with a Stable and Garden adjoining thereto, the Ground taken for each such Toll House, Stable, and Garden, not exceeding One-eighth Part of an Acre in inclosed Ground, and One-fourth Part of an Acre in open or uninclosed Ground, except with the Consent of the Owner or Owners of such Ground; and for storing Materials, or otherwise where Ground may be taken under the Authority of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as shall be agreed upon by and between the said Trustees, and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded in the Manner herein-before directed.

Application
of Compensation where
exceeding
200 l.

LXXV. 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 Incorporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds Sterling, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Redemption or Purchase 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 the 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

probation 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, in the same Manner as the Lands, Tenements, or Heritages, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

LXXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages, so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, 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 Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three 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 therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where the Compensation does not exceed 200l. nor less than 20l.

LXXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds Sterling, 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 Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20 l.

LXXVIII. And be it further enacted, That in case any Person or Persons to whom any Sum, or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or

In case of not making out Titles, &c.

Purchase
Money to be
paid into the
Bank, subject
to the Order
of the Court
of Session.

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*, or Bank of the *British Linen Company*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any
Question
shall arise
touching the
Right of such
Money.

LXXIX. 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 entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

The Court
may order
reasonable
Expences of
Purchases to
be paid by
the Trustees.

LXXX. 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

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.

LXXXI. And be it enacted, That when the Direction of any Part or Parts of the said Roads shall be altered as aforesaid, it shall be lawful to and for the said Trustees to shut up and also to sell and dispose of such Part or Parts of the said Roads, and the Materials of such Bridges, as shall in consequence of such Alteration be no longer of use, or whereby any Gate or Turnpike may be avoided; and in case any Proprietor or Proprietors, Occupier or Occupiers, or Inhabitants of the adjacent Lands, shall be deprived of any necessary Passage or Communication, or shall be prejudiced by the shutting up and disuse of such Part or Parts of the said Roads, it shall be lawful to and for the said Trustees, and they are hereby directed, to give new and convenient Passages to and from the aforesaid Roads to such Proprietors, Occupiers, or Inhabitants, and for that Purpose to purchase such Pieces of Ground as they shall judge most proper.

For shutting
up Roads.

LXXXII. And be it further enacted, That in case the Road so altered as aforesaid, or new Road, and the Road to be shut up, or old Road, shall both pass through the Grounds of the same Proprietor, and that the Ground occupied by the new Road is of equal or greater Value than the Ground occupied by the old Road, the said Ground occupied by the old Road shall be allotted to the said Proprietor, and its Value shall be deducted from the Value of the Ground occupied by the new Road in making Payment for the same; and in case the new Road and the old Road do not both pass through the Grounds of the same Proprietor, the said Trustees are hereby empowered to sell such old Road for the best Price that can be got for the same, giving the Proprietor or Proprietors of the Ground through which the old Road passed the first Offer of the same; and Oath shall be made by the Clerk to the said Trustees, or by some other fit Person, of such Offer of Preference having been made; and if any Dispute shall arise about the Value of the Ground occupied by the old Road, the same shall be determined by a Jury, to be summoned in manner before mentioned; and if the Situation of any Toll Gate, Toll House, and Premises or Place for depositing Materials, or either of them, shall be changed, and the same be no longer requisite for the Purposes of the Trust, the said Trustees are hereby empowered in like manner to sell the same, giving the Proprietor or Proprietors of the Grounds, from which such Piece or Pieces of Ground have been originally taken, the first Offer of the same; and failing of any Agreement about the Value of such Ground, the same shall be determined by a Jury to be summoned in manner before mentioned; and the Money arising from such Sales shall be applied to the Purposes of this Act; and the Sales and Conveyances to be made of the Ground comprised in the said old Roads, Situations of old Toll Gates, Toll Houses, and Premises and Places for depositing Materials, being executed by a Quorum of the said Trustees, shall be good and effectual in the Law to all Intents and Purposes.

Old Road to
be allotted to
Owner of
adjoining
Lands.

LXXXIII. And

Trustees may
take Materi-
als for mak-
ing Roads,
&c.

on making
Satisfaction
to Owners or
Occupiers of
the Grounds.

LXXXIII. And be it further enacted, That the said respective Trustees, or such Person or Persons as they shall appoint, may dig, gather, take, and carry away Gravel, Furze, Heath, Stones, or other such like Materials, out of the several Grounds of any Person where such Materials may be found, not being dug or raised for the private Use of the Proprietor of such Grounds, for making, repairing, and amending the said Roads, or for building Arches or Bridges as aforesaid; and to open Accesses for carrying off the said Materials; such Accesses, and the Places from which the said Materials shall be proposed to be taken, being first marked out by any Three or more of the said respective Trustees, or Two Justices of the Peace, if so required by the Proprietor of such Grounds, or his or her Factor, or by the Occupier thereof; they the said respective Trustees making reasonable Satisfaction, out of the Money arising by virtue of this Act, to the Owner or Owners and Occupier or Occupiers of the Grounds respectively, from which such Materials shall be taken, or over which the same may be carried, for the Damages to be done thereby; that is to say, in so far as concerns Toll Roads, out of the Tolls thence arising, and in so far as concerns Roads to which the Conversion Money in lieu of Statute Labour is applicable, out of the Conversion Money of the Parish where the Materials are taken; but if any such Proprietor, Factor, or Occupier shall not be satisfied with the Compensation offered by the said Trustees, the same shall be ascertained by a Jury in the same Manner as is before mentioned, in regard to taking Ground for the Purposes of this Act, and all Expences attending the settling of such Compensation by a Jury, shall be paid in the same Manner as is herein before directed in regard to Juries for ascertaining the Value of Ground taken for the Purposes of this Act.

Materials not
to be taken
from inclosed
Lands with-
out Notice to
Occupier.

LXXXIV. Provided nevertheless, and be it 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, take, and carry away Materials for making or repairing the said Roads, from any Lands or Grounds, until Ten Days previous Notice in Writing shall be given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for the Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the said County of Nairn, to shew cause why such Materials should not be had from such Lands or Grounds; and in case such Owner and Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyors or other Persons to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or any Three or more of them, or to such Justices, shall seem proper; and if such Owner and Occupier shall neglect or refuse to appear by themselves or their Agents, 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 Owner and Occupier or their Agents had attended.

Power to
carry the
Roads
through Mini-

LXXXV. And be it further enacted, That in altering the Course of the said Roads, or widening the same, it shall be in the Power of the said respective Trustees, with the Consent of the Incumbent, to cause
the

the same to be carried through any Minister's Glebe : Provided always, that such Quantity of Ground shall be added to the Glebe lying most contiguous and convenient thereto, as shall be by the said respective Trustees and by the said Incumbent and the Presbytery of the Bounds deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees shall have Power to purchase in manner herein-before mentioned, from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be under Entail or otherwise; and in case of any Difference with regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, Application shall be made to the Sheriff Depute or his Substitute of the said County, who shall summon a Jury, and determine the Extent of the said Addition and Amount of such Price, in manner as herein-before directed in Cases of Lands to be taken for the Purposes of this Act; and upon such Determination, and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Consignation thereof in any of the said Banks, the said Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening the said Roads; and the Proceedings and Order of the said Sheriff Depute or his Substitute shall be final and conclusive.

sters Glebes, making Addition to Glebe in proportion to Ground taken off.

LXXXVI. Provided always, and be it declared, That in every Case where it may be necessary to exchange or take Ground as herein-before allowed for the respective Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Ground shall be so taken.

Valued Rent not to be altered in respect of Ground taken.

LXXXVII. Provided always, That in altering, widening, or making of any the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced, of which the Side Walls are above Twenty Feet high from the Surface of the adjoining Ground, nor any Garden, Orchard, or planted Walk, Lawn or Pleasure Ground, appertaining to such House, without the Consent of the Owner thereof; and that it shall be in the Power of each Proprietor of Lands comprehended under this Act, to the Extent of One hundred Pounds Scots of valued Rent, where any of the above-mentioned Lines of Road come near to his Mansion House, to cause the same to be turned off Three Hundred Yards therefrom, with the Consent of the Owners and Occupiers of the Lands over which such Deviation is to be carried; but that in making Accesses into or passing through the said Royal Burgh, or into or through Towns or Villages, it shall be lawful for the said Trustees to treat, contract, and agree with the Owners and Occupiers, respectively, for taking down, or causing to be taken down, Houses of the Height aforesaid, and for making such Roads through any Garden or other Grounds, as to the said Trustees shall appear necessary: Provided always, that in case the said Trustees and such Owners and Occupiers shall not agree as to the Price or Prices thereof, it shall be in the Power of the said Trustees, upon Six Months Notice to such Owners or Occupiers, to have such Price or Prices ascertained

No House or Orchard to be prejudiced.

by a Jury in manner before mentioned, and to proceed thereupon as herein-before directed in regard to Grounds or Premises to be acquired for the Purposes of this Act: Provided always, that where enclosed Grounds shall be broken into for the Purposes aforesaid, the Value of the same shall be ascertained in manner as herein-before directed.

Ditches on the Sides of the Roads to be scoured.

LXXXVIII. And be it further enacted, That where any Ditches have been or hereafter shall be made near the Sides of the said Roads, or through any Fields adjoining thereto, by the Owners or Occupiers of the said Fields, such Owners or Occupiers shall and they are hereby required to keep those Ditches properly scoured, and not to allow the Water to stagnate therein, so that the Roads may be thereby damaged; and if they fail so to do after Six Days Notice previously given, the said respective Trustees, or the Overseers of the Roads, by the Direction of any of the Trustees, may and are hereby required to order the said Ditches to be opened, scoured, and cleansed, at the Cost of the said Owners or Occupiers; such Costs to be recovered by Distress and Sale of any Moveable Effects, in the same Manner as herein-before directed for levying the Assessment hereby granted; and no Occupier of Land shall turn any Water upon the Side of any of the said Roads, or conduct it across any Part thereof until he shall have obtained the Consent of the said respective Trustees in a General District or Committee Meeting assembled; and if any Occupier of Land shall, in consequence of any such Consent as aforesaid, turn any Water across or upon the Side or Sides of any of the said Roads, he or she shall conduct such Water either in an open or covered Drain, of such Form and Dimensions as the said respective Trustees in a General or Committee Meeting assembled shall order and direct; and if such Occupier of Land shall after Ten Days Notice refuse or neglect to make such Drain according to the Direction of the said Trustees as aforesaid, it shall be lawful for the said Trustees to order and cause such Drain to be made; and the Person or Persons refusing or neglecting to make the same agreeably to the Orders and Directions of the said Trustees as aforesaid, shall repay to the said Trustees all the Costs, Charges, and Expences attending the making of such Drain, and shall likewise pay a Penalty of Treble the Amount of such Costs, Charges, and Expences; the said Costs and Penalty to be levied by Distress and Sale in manner herein-after directed, and to be applied for the Purposes of this Act.

Expences of Ditches and Drains how to be paid.

LXXXIX. Provided always, That the Drains and Ditches to be made by Order of the said Trustees, shall be scoured and kept in repair out of the Money arising by virtue of this Act; and if any Occupier of Land through which such Drains and Ditches are or shall be made, shall obstruct or fill up any of them, the Person or Persons so offending shall forfeit and pay Treble the Expence of repairing and scouring the same, to be recovered in manner herein-after mentioned; and the said Occupier shall be deemed the Transgressor, unless it shall appear to the Trustees that he was not in fault; and where any Passage for Cattle or Carriages across any Road for the Convenience of the Occupier of the Ground through which it passes shall be made, the Occupier of such Ground shall always cover the Drains crossing the Sides

Sides of such Road with sufficient Stones, so as the Course of the Water may not be interrupted, or the Road thereby prejudiced.

XC. And be it enacted, That the Driver of every Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, upon the said Roads, or any Part thereof, shall be obliged, upon meeting another Waggon, Wain, Cart, Coach, Chaise, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, to make way by holding or driving to his own Left Hand, or what is commonly called holding to the Near Side, and that without Distinction whether the Carriage, Waggon, Wain, Cart, Chaise, Coach, or other Carriage, Horse, Ass, Mule, or other Beast of Burden, so meeting another, be loaded or unloaded; and every such Carriage, Horse, or other Beast of Burden, overtaking any other Carriage, Horse, or other Beast of Burden, shall pass on the Right thereof; and every Person offending in the Premises shall forfeit a Sum not exceeding Twenty Shillings Sterling for every such Offence.

Further Regulations as to the Mode of Driving.

XCI. And be it further enacted, That the said Trustees may cause Footpaths of the Breadth of Five Feet to be made along the Sides of the said Roads and Streets, in such Places as can conveniently admit of the same; and if any Person shall ride or drive a Carriage or Cattle upon any such Footpaths made or to be made, or shall in any way wantonly or maliciously injure the same, every such Person shall, for every such Offence, forfeit a Sum not exceeding Five Shillings Sterling, to be levied in manner herein-after directed.

Footpaths may be made.

XCII. And be it further enacted, That where the Ground on the Side of any of the said Roads is inclosed or planted, the Proprietors or Occupiers of such Ground shall be obliged to lop the Trees or Hedges at a proper Season of the Year, in a proper Manner, so as to give sufficient Breadth and Air to the Road; and in case they neglect or refuse to do so for Six Months after being required by an Order of any Three or more of the said respective Trustees, the Trustees shall have Power to appoint the same to be done at a proper Season of the Year at the Defaulter's Expence; and no Proprietor or Occupier of Lands on the Sides of any of the said Roads shall have Power to plant Trees within Six Feet therefrom, under a Penalty not exceeding Five Pounds Sterling, besides removing the said Trees.

Trees on the Sides of the Roads to be lopped.

XCIII. And be it further enacted, That the said respective Trustees may cause any of the said Roads to be measured, and Stones and Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient; and also to order or cause to be erected Guide Posts and Railings upon such Parts of the said Roads where the Roads are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall break down, destroy, or deface any such Mile Stones, Guide Posts, or Railings, or shall break down any Cope Stones on the Ledges or Parapet Walls at the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made as before directed, or shall

Roads may be measured and Stones or Posts erected.

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be aiding or assisting therein, or shall rescue or attempt to rescue any Person apprehended for such Offence, every Person offending in any of the Cases aforesaid, and being thereof lawfully convicted by the Oath or Oaths of One or more credible Witness or Witnesses, before the Sheriff Depute of the said County of *Nairn*, or his Substitute, or before Two or more Justices of the Peace for the said County, shall be not only adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty, not exceeding Five Pounds Sterling; and in case the said Penalty, Damages, and Expences so adjudged shall not be instantly paid, or sufficient Security given for the same, the said Sheriff or Justices are hereby empowered and required to commit such Person or Persons so convicted to Prison, for any Term not exceeding Three Calendar Months.

For Preven-
tion of
Nuisances.

XCIV. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive, or lead any Horse, Beast, Cattle, or Carriage, over or upon any Footpath or Causeway, made or to be made on the Side or Sides of the said Roads, or any Part thereof, or shall wilfully or negligently damage or destroy any of the Fences, Walls, or Gates on the Sides of the said Roads, and belonging thereto, or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones, which may be erected for the Security of the Footpaths or Causeways belonging thereto; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Roads, or in ploughing, shall turn any Horse or other Beast, drawing any Plough, upon any Part of the said Roads, to the Prejudice or Injury thereof, or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Roads, so as wilfully to damage the said Roads, or any Part thereof; or if any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone, (otherwise than upon wheeled Carriages) or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon a wheeled Carriage, to drag upon any Part of the said Roads, to the Prejudice or Injury thereof, or if any Person or Persons shall allow any Timber, Iron, or other solid Matter (excepting Machinery framed or put together, or any Article of Metal cast in One Piece) to project or extend more than One Foot over the Wheels of the Waggon, Cart, or other Carriage whereon the same shall be drawn and transported, or shall draw or transport on any Part of the said Roads, upon any Cart or other Carriage with less than Four Wheels, any Timber or other Matter exceeding Twenty-four Feet in Length; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, leave, or suffer, or permit to be and remain on any Part of the said Roads, the Stone or other Thing used in such Blocking or Stopping; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up or damage the said Roads, or any Part thereof, or the Fences or Hedges on either Side thereof; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Beast, Pig or Swine, to graze, or to be and remain loose on
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the said Roads, or if any Person, driving any Coach, Chaise, or Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads; or if any Person or Persons, shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage, under his or their Care; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Fire-work whatsoever, within Sixty Yards of the Centre of the said Roads, or play at Foot-ball, or any other Game or Games whatsoever, on any Part of the said Roads, to the Annoyance of Persons travelling thereon; or if any Person or Persons shall leave, on any Part of the said Roads, any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, without some reasonable Cause, to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed, in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart, or other Carriage during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the Road as conveniently may be, in, upon, or on the Side of the Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person or Persons shall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, or make any Pit or Hole on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hindrance, or Prejudice of any Person or Persons travelling thereon, or shall do any other Damage or Injury to the said Roads, or any Part thereof, every Person so offending shall, besides removing the Nuisance, for every such Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling.

XCV. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Roads (save and except such Gates the Posts or Pillars of which are so far from the Side of the Road that the Gate cannot by opening outwards encroach upon or obstruct the Passage along any Part of the said Roads), shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Roads, to be altered and made to open and swing inwards; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alterations, or after such Alterations shall have been once made shall again alter the same, every such Occupier or Occupiers shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Gates not to swing into the Road.

Headridges
to be made.

XCVI. And be it enacted, That from and after the passing of this Act, every Person ploughing any uninclosed Land contiguous to any of the said Roads, shall make Headridges along the Sides of the said Roads of the Breadth of Twelve Feet at least; and every Person neglecting or failing so to do shall, for every such Neglect or Failure, forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Sides of the said Roads of the Lands so ploughed without Headridges having been made, to be levied, recovered, and applied in manner herein-after directed.

Regulation
of Drains.

XCVII. And be it further enacted, That in making any covered or arched Passage or Drain for Water across any of the said Roads, a safe and easy Passage along One Half of such Road shall be left, without any Obstruction, either by breaking the Road or laying down the Materials; and such covered Drain or Passage shall be made across and completely finished on the One Half of the said Road before the other Half shall be opened; and the Whole, or the open Part thereof, shall, if practicable, be completed in One Day, or otherwise the Materials for executing the same shall be so well fenced off that Passengers may suffer no Injury thereby; which Precautions and Manner of executing covered Drains as aforesaid shall be strictly observed by all Contractors or others employed in making or repairing the said Roads; and every Person offending herein shall not only forfeit the Materials laid down, but also a Sum not exceeding Forty Shillings Sterling for every Offence, to be levied and recovered in Manner herein-after directed; One Half thereof to be paid to the Informer, and the other Half to be applied for making or repairing the said Roads; and every Contractor or other Person employed by the said Trustees for making, amending, widening, or repairing any of the said Roads, shall be expressly prohibited from digging Pits or breaking up any Ground within Twelve Feet from the Sides of the said Roads, and when that cannot conveniently be avoided, such Contractor or other Person employed as aforesaid shall be obliged to erect a sufficient Fence between the Side of the Road and any Pit which it may be found necessary to dig for the Purposes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

Houses not
to be built
within a cer-
tain Distance
of the Road.

XCVIII. And be it further enacted, That after the passing of this Act, no Houses or Buildings of any Kind, which shall be erected at or along the Sides of any of the said Roads, or in Villages at or near the Outlets of any Town within the said County where Houses have not formerly stood, shall be built within the Distance of Twenty Feet from the Middle of any of the said Roads, without the Consent of the respective Trustees first obtained, under a Penalty not exceeding Forty Shillings Sterling for each Offence, over and above the Expence of demolishing such House or Building; and it shall be lawful for any Justice of the Peace to stop the building or erecting of any such House or Building which shall be within the said Distance from the Middle of any of the said Roads; and if any Building shall be erected hereafter within the Distance aforesaid, any One or more Justice or Justices of the Peace, upon Application made to him or them by any One Trustee, and upon Proof being adduced that the said Building is within the Distance aforesaid, may order such Building to be taken down and removed at the Expence of the Erector, or of
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the Proprietor of the Ground, and may grant a Warrant for levying recovering the Penalty and Expences in manner herein-after directed.

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

Provisions
in case of
sudden Da-
mages done
to Bridges.

C. And be it further enacted, That all Conversions, Forfeitures and Penalties by this Act imposed, the Manner of recovering whereof is not particularly specified, shall, on a Proof of Non-Payment, or of the Offence before Two or more Justices of the Peace, or the Sheriff Depute of the said County of *Nairn*, or his Substitute, either by the Confession of the Party, the Oath or Oaths of One or more credible Witness or Witnesses, or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties making Default or offending, by Warrant under the Hand of such Justices or Sheriff (which Warrant they or any of them are hereby authorized and required to grant, and to administer the Oaths *gratis*); such Sale being always made by public Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Six Days after such Distress shall have been made; and the overplus Money arising from such Sale, after Deduction of the Penalties imposed, and Charges in Recovery thereof, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid to the said respective Trustees, or their Collectors, to be laid out and applied for the respective Purposes of this Act; and in case sufficient Distress cannot be found, or such Conversions, Penalties and Forfeitures shall not be forthwith paid, or sufficient Security given for Payment thereof; it shall be lawful for any Two of the said Justices of the Peace, or the said Sheriff Depute or his Substitute, together with any One Justice of the Peace, and they are hereby authorized and required, by Warrant under their Hands, to cause such Defaulter or Defaulters, Offender or Offenders to be committed to Gaol, or to a House of Correction, for any Time not exceeding One Calendar Month, unless such Conversions, Penalties and Forfeitures, and all reasonable Charges shall be sooner paid.

Forfeitures
and Penalties
how to be
levied and
applied.

CI. Provided always, and be it further enacted, That any Person who shall think himself or herself aggrieved by any Proceedings to be had by the respective Trustees, or by any Justice or Justices, in

Appeal to
the Quarter
Sessions
allowed to
the
Persons

alleging
themselves to
be aggrieved.

the Execution of this Act, for which no particular Relief has been hereby provided, may, within Six Months after the Matter complained of shall be done, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions of the County of *Nairn*; the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and to the Clerk of the Justices of the Peace, which Justices shall have Authority to hear and determine the Matters in Dispute; and their Judgements therein shall be final, without being subject to Review, Advocation, Suspension, or otherwise howsoever.

Trustees
may act as
Justices.

CII. And be it enacted, That it shall be no Objection to any Person acting as a Judge, or Justice of the Peace, under this Act, in any thing relative hereto, that he is a Trustee, except where he is personally interested.

Limitations
of Actions
and Com-
plaints.

CIII. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrongs done or Injuries suffered in any Matter thereto relative, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury suffered, and not afterwards.

Expences of
this Act how
to be paid.

CIV. And be it enacted, That the whole Expences in advertising for, preparing, procuring, and passing this Act, the surveying and estimating the said Roads prior to the passing thereof, and all other Expences attending the same, to be ascertained at the First, Second, or Third General Meeting of the said respective Trustees, shall, with the Exception herein-before contained, be paid by an Assessment on all the Proprietors of Lands and Fishings valued in the Cess Books of the said County of *Nairn*, agreeable to the respective valued Rents at which the said Lands and Fishings stand rated in the Cess and Valuation Books of the said County; and the said Expences shall be levied and collected by such Person or Persons as the said respective Trustees shall appoint.

Public Act.

CV. 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.

Commence-
ment and
Continuance
of this Act,
so far as
respects the
Turnpike
Road.

CVI. And be it also enacted, That this Act shall commence from the passing of this Act, and in as far as respects the Road upon which Power to erect Turnpikes and levy Tolls is given, shall remain in full Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.