



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 138.

An Act for assessing the Proprietors of Lands in the County of *Caithness*, towards the Expence of supporting such Roads and Bridges therein, as shall be approved of by the Commissioners for making Roads and building Bridges in the Highlands of *Scotland*. [21st July 1806.]

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

[*Loc. & Per.*] 43 G. 3 c. 80.

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

of

Copy of Report, and Estimate of Roads or Bridges to be made and sent to the Con- venter or Sheriff of the County, to be laid before General Meeting of Heiters.

of their Resolution to that Effect, with a Copy of the Survey, Report, and Estimate, upon which such Resolution has proceeded, to the Convener of the Commissioners of Supply, or in his Absence, to the Sheriff Depute or Substitute of the said County of *Caithness*, who is thereupon required and directed to summon a General Meeting of the Heritors of the said County, to be held either at the Borough of *Wick*, or Borough or Barony of *Thurso*, within Two Calendar Months after the said Copies shall be received by him; and to lay the same before such Meeting, for the Purpose of their taking every such Resolution, Survey, Report, and Estimate, into Consideration, and for the Purpose of executing, or giving Directions for executing, the Powers and Authorities committed by this Act to the Heritors of the said County.

II. And whereas the following Roads are considered to be the proper Objects of this Act, *videlicet*, First, a Road from the *Ord* to the Town of *Wick*, and from thence to *Thurso*; Secondly, a Road from *Dunbeath* to *Thurso*; Thirdly, a Road from *Thurso* to *Huna*; Fourthly, a Road from *Wick* to *Huna*; Fifthly, a Road from *Thurso* to *Drumbolleston*; and Sixthly, a Road from *Thurso* towards *Portenleek*: And whereas it is intended that the Roads shall be made pursuant to this and the said recited Act of the Forty-third Year of his present Majesty's Reign; be it therefore enacted, That so soon as the said Commissioners shall transmit in the Manner herein directed, Copies of their Resolutions in regard to the Roads above described, and of the Reports and Estimates on which the same have proceeded, the same shall be taken into Consideration by the Heritors of the said County, at a Meeting to be called for that Purpose in the Manner herein directed; and the said Roads shall be made pursuant to this and the said last-mentioned Act, in such Order and Succession, or such or so many of them at one and the same Time, as shall be finally settled by the said Commissioners, and agreed to by the said Heritors at some Meeting to be held pursuant to this Act.

Roads to be executed.

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

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

IV. And be it further enacted, That at every such Meeting of Heritors, all Proprietors, Life-renters, and proper Wadsetts in the actual Possession, as such, of the *dominium utile* of Lands situated in the said County, valued in the Cess Books or Valuation-roll thereof, at One hundred Pounds *Scots*, or upwards; and all Husbands of Females possessed of such Estate in Right of their Wives; and also Tutors of Pupils possessed of such Estate, and Minors possessed of such Estate, with Consent of their Curators, if they any have; shall be entitled to appear and vote, either in Person, or by a special Proxy, vested in the Person of One who would be entitled, in Respect of his own Property, to sit and vote at such Meeting; and at every such Meeting, the Person who shall be elected by a Majority of Votes, shall be Preses; and in all Cases where there shall be an Equality of Votes at any such Meeting, the Preses, besides his own Vote as a Member of the Meeting, shall have a Casting Vote; and until such Preses is

Heritors of 100l. Scots of valued Rent, etc. to be Members of such Meetings.

chosen, the Heritor present possessed of the greatest valued Rent, shall take the Chair, and shall have a Double Vote in case of an Equality.

Heritors, if they approve of Road or Bridge proposed, may bind themselves, &c. for One Half of the estimated Expence, and at same Time require Commissioners of Supply to make an Assessment for Payment thereof.

V. And be it further enacted, That the Heritors of the said County so met and assembled, shall take every such Resolution, Survey, Report, and Estimate into Consideration; and it shall be lawful for them, or a Majority of them, in case they shall approve of the Road or Bridge proposed to be made or built by any such Resolution, Survey, Report, and Estimate, to bind and oblige the whole Heritors of the County, and their Heirs and Assignees, for the Payment of the Assessments to be made in virtue of this Act, of One Half of the estimated Expence of every such Road or Bridge, and at the same Time, to require the Commissioners of Supply of the said County to make an Assessment therefor, upon each and every Proprietor, Life-renter, and proper Wadsetter of Lands enjoying the *dominium utile* thereof in the said County, rateably and proportionably, according to the Amount of their several valued Rents; to be levied and collected by Instalments, in Manner herein directed.

Persons having paid, or finding Security to pay, not to be liable except in certain Cases.

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

Heritors may adjourn.

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

Assessment to be levied by Instalments till the whole Sums assessed shall be paid.

VIII. And be it further enacted, That every such Assessment shall be levied by Instalments from Time to Time, and that in every Year the same shall amount to not more than One Shilling, nor less than Sixpence, on the Pounds Scots of the valued Rent of the County; and that the said Instalment shall continue to be levied until such Time as all Sums of Money contained in any Assessment pursuant to this Act shall be paid, and until every Heritor granting Security in Manner herein directed for One Half of the estimated Expence of any Road or Roads, Bridge or Bridges, shall be fully indemnified for the same.

Instalments to be applied in such Pro-

IX. Provided also, and be it enacted, That it shall be lawful for the said Heritors at such General or Adjourned Meetings, to direct the several Instalments

Instalments of such Assessments to be applied in such Proportions for each Road and Bridge for which the Survey, Report, and Estimate, with the Resolution of the Commissioners appointed by the said recited Act thereupon, shall have been transmitted to the County Convener, or Sheriff Depute or Substitute as aforesaid, as they shall think proper.

portions for Roads and to the Heritors shall seem proper.

X. And be it further enacted, That a Copy of the Resolution of every such Meeting requiring an Assessment to be made for the Purposes of this Act, shall forthwith be transmitted by the Preses, or failing him, by any Three Members of the Meeting at which the same shall have been made, to the Convener of the Commissioners of Supply of the said County of *Caithness*, and thereupon the Commissioner of Supply of the said County shall be summoned to meet and assemble within Twenty Days thereafter, and being met and assembled, they shall make an Assessment upon each and every Proprietor, Life-renter, and proper Wadsetter of Land enjoying the *dominium utile* thereof in the said County, to the Amount of the Sum specified in such Resolution, to be levied in Conformity therewith.

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

XI. And be it further enacted, That every Assessment made by virtue of this Act, and each and every Part and Portion thereof, shall be levied and recovered by the Collector of the Land Tax of the said County, in the same Manner as the Land Tax is or may be levied or recovered; and such and the like Remedies, Powers, Penalties, and Forfeitures are hereby given for the Payment and Recovery of every such Assessment, which are given or may be applied and enforced for the Payment and Recovery of the Land Tax: Provided always, that the said Collector shall within Twenty Days after the first Assessment shall be made in pursuance of this Act, lodge with the Clerk of Supply a Bond and Obligation for his duly accounting for all Monies coming into his Hands by virtue of this Act, along with a sufficient Cautioner, to such Extent as the Commissioners of Supply shall direct, not being less than One thousand Pounds Sterling.

Assessment to be levied as Land Tax.

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

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

XIII. And be it further enacted, That if the Collector of the Land Tax for the said County shall, without proper Cause shewn, at any Time keep in his Hands, for the Space of Twenty Days, a larger Sum than Fifty Pounds of Money received by him pursuant to this Act, or shall fail to render an Account in the Manner therein directed, such Collector shall, for every such Offence, forfeit and lose the Sum of Twenty Pounds, to be

Collector not to keep in his Hands a larger Sum than 50l. at One Time.

recovered with double Costs of Suit, by Way of summary Complaint before the Sheriff Depute or his Substitute, or any Two or more of His Majesty's Justices of the Peace for the said County; one Moiety of which Sum shall go to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Person or Persons suing for the same.

Collector may retain Allowance for his Trouble.

XIV. Provided always, and be it enacted, That every such Collector of the Land Tax may retain to his own Use, out of all Monies so recovered as aforesaid, such Allowance as the said Commissioners of Supply shall think a reasonable Remuneration for his Trouble, as may be fixed on from Time to Time by the Heritors of the County, not exceeding the Rate of Allowance made to him for levying the Land Tax *per Centum*; for which Allowance Provision shall be made in the Amount of each Assessment directed to be made pursuant to this Act.

Upon Assessment being made, an Account shall be opened for the Road or Bridge, pursuant to 43 G. 3. c. 30.

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

Half-yearly General Meetings shall be held, and Progress reported.

XVI. And be it further enacted, That upon the same Days with, and immediately after, every Meeting of Freeholders at *Michaelmas* in each Year, and every Meeting of Commissioners of Supply for assessing the Land Tax in each Year, there shall be held General Meetings of Heritors under this Act, with Power to the Heritors then assembled to adjourn such Meetings as they shall see cause, and at every such Periodical or Adjourned Meeting, a Report shall be made of the State of Proceedings, in regard to every Road or Bridge determined upon, approved or contracted for, pursuant to this Act, and such Directions shall be given as the Case may require.

Heritors shall transmit a Copy of Minutes of their Proceedings to Commissioners under 43 G. 3.

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

Heritors to be Trustees for Roads or Bridges for which Assessment made.

XVIII. And be it enacted, That the Heritors of the said County shall, at any of their General Meetings, from Time to Time appoint a Committee, not less than Three nor exceeding Five, of their Number; and such Committee shall be, and they are hereby constituted Trustees for making and erecting every Road and Bridge for which an Assessment shall have been made, in the Manner herein directed; and such Committee shall come in Lieu and Stead of the Committee of Contributors, directed by the said recited Act to be chosen to act with the Commissioners thereby appointed; and all the Powers and Authorities given to the said Commissioners and Trustees appointed by the said recited Act in relation to

to the Roads and Bridges directed to be made and built in the Manner therein provided, are hereby given and extended to the Commissioners and the said Committee to be appointed as above, in pursuance of this Act, in relation to every Road or Bridge for which an Assessment shall be made in Manner herein directed.

XIX. Provided always, and be it enacted, That it shall and may be lawful for the said Heritors, or those authorized to act for them, or a Majority of them, at any Meeting assembled as aforesaid, from Time to Time, to appoint any Two or more of their Number, not exceeding Five, to superintend the making any such Road, or the erecting any such Bridge, and to keep the same in Repair; the Appointment of which Committee shall be duly notified to the Bank aforesaid; and which Committee of Superintendance shall be empowered by the said Commissioners and Trustees to draw upon the Bank aforesaid for Money requisite for making such Road, or erecting such Bridge, to such Extent, in such Manner, and subject to such Conditions, Rules, and Regulations, as the said Commissioners and Trustees shall, from Time to Time, think proper to prescribe.

Committee of Superintendance and Local Management may be appointed.

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

Directions to be given by the Commissioners appointed by 43 G. 3. c. 80.

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

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

XXII. Provided always, and be it enacted, That every Life-renter of any Estate, and the Institute, or Heir of Entail in Possession of any Entailed Estate, paying his or her Proportion of any such Assessment, or borrowing Money for that Purpose, may charge the Estate of which such Life-renter, Institute, or Heir of Entail, is in Possession, with the Amount thereof, in the Manner in which Heirs of Entail contributing towards the Expence of any Road or Bridge are allowed to charge the Entailed Estate by the said recited Act; and every Life-renter, Institute, or Heir of Entail, so charging the Estate in the Manner hereby allowed, shall be obliged to keep down the Interest of the Sum with which the Estate shall be so charged, and

Life-renters and Heirs of Entail may charge the Estate for the Purpose of paying the Assessment.

and a certain Sum, at least equal to Three Pounds *per Cantum*, of the Amount thereof, as a Sinking Fund, shall be annually paid, so that the Estate may be discharged and disencumbered of the same, in the Manner directed by the said recited Act; and such and the like Forfeiture shall be incurred upon each Failure in Payment of such Sum or Sinking Fund, to be recovered and applied in the same Manner as is directed in the Case of such Failure by the said in part recited Act.

Lands held by proper Wadsetters, to be liable for Reimbursements paid by them.

XXIII. Provided also and be it enacted, That in every Case where a proper Wadsetter, in Possession of a Wadset Estate in the said County, shall pay his or her Proportion of any such Assessment, every Sum so paid by such Wadsetter shall be added to, and make a Part of, the Wadset Money, on Payment of which, such Estate is redemptible; and such Estate shall be subject to the Payment of such Proportion of every such Assessment so paid, with legal Interest thereof, after Requisition duly made by the Wadsetter, and no Process of Redemption shall issue against him upon Consignation, unless such Proportion of every such Assessment shall be consigned along with the Original Wadset Money, in the same Manner as if the Amount thereof had made Part of the said original Wadset Money: Provided nevertheless, that the Receipt given by the Collector of such Assessment to any such Wadsetter, for his or her Proportion thereof, shall, within Sixty Days after its Date, be registered in the general or particular Register of Seisins.

Heritors may borrow Money on the Credit of Assessment.

XXIV. And be it further enacted, That it shall and may be lawful for the Heritors of the said County, or any One or more of their Number specially authorized and appointed at any Meeting held in pursuance of this Act, to borrow Money upon the Credit of the Assessments to be made as herein directed; and which Money so borrowed, shall not be receivable by any of the Parties borrowing the same, but shall be paid exclusively to the Treasurer of the Bank of Scotland, or the authorized Agent of that Bank, at any Branch established in or adjacent to the said County, to be placed to an Account opened in the Manner directed by the said recited Act in the Books of the said Bank, for the Road or Bridge, Roads or Bridges, towards making or erecting which such Money shall have been borrowed; and the Money so borrowed shall be repaid to the Treasurer of the said Bank, from the Funds remitted to him, or paid to the Agent as aforesaid, in such Manner, and in such Sums and Proportions, as any of the said General Meetings of Heritors, or a Majority of them, shall appoint and direct: Provided always, that the Sums to be borrowed in pursuance of this Act, shall at no Time exceed the Sum of Sixteen thousand Pounds Sterling.

Form of Security to be granted.

XXV. Provided always, That any Security to be granted for any Sum borrowed under the Authority of this Act, shall be conceived in the following Terms;

WE the subscribing Heritors of the County of Caithness, duly authorized by the Regulations of an Act, intituled, (*here the Title of this Act to be inserted*), as representing the Heritors of the said County, do hereby acknowledge to have borrowed from the Sum of _____ Sterling; which Sum of _____ with Interest on the same, at the Rate of _____ *per Centum*, from the Date hereof until the same is repaid, we do hereby oblige ourselves, and the other Heritors of the said County, to repay from the

the Assessments imposed in pursuance of the said Act on the Heritors of the said County, for the Purpose of making Roads and erecting Bridges. In witness whereof we have subscribed these Presents at

Which Security, written on Paper duly stamped, and subscribed by Persons legally authorized to that Effect, shall be binding upon the whole Heritors of the said County, in so far as regards the regular Payment of the Assessment or Assessments therein mentioned, out of which the Money borrowed is to be repaid.

XXVI. And be it enacted; That so soon as the whole Roads and Bridges for which Assessments are directed to be made in pursuance of this Act, or any One or more of them, shall have been completed, and certified to be so by Surveyors named by the Commissioners appointed by the said recited Act to that Effect, the same shall be repaired, and kept in Repair at the Sight, and under the Direction of the Committee of Superintendance to be from Time to Time appointed for the same; and the Expence of such Repairs, in so far as the same shall not be defrayed from Funds herein-after mentioned as applicable thereto; shall be provided for by an Assessment or Assessments, to be made and levied in the Manner herein-before directed, or by the Produce of any Tolls to be levied for that Purpose.

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

XXVII. And whereas it is expedient, That Tolls and Duties should be levied, for the better keeping the Roads and Bridges made in pursuance of this Act, and those immediately connected therewith, in Repair, and for other Purposes herein-after expressed, be it therefore enacted, That it shall and may be lawful for the Trustees appointed by this Act, to erect, or cause to be erected, such Number of Toll Houses as they shall think fit, with such Portion of Ground as they shall think necessary for the Use of the several Toll Bar Keepers thereof, not exceeding Half an Acre to each Toll House; and the said Commissioners and Trustees are hereby empowered to take and require, and all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell and convey all such Ground as may be necessary for the Purpose of erecting any such Turnpike Gate or Gates, Toll Houses, and Ground for the Use of such Toll Bar Keepers, in the same Manner that Ground may be acquired, taken, and sold, and conveyed by virtue of the said recited Act, for the Purposes of making and building the Roads and Bridges thereby intended to be made and built; and all the Powers and Authorities given and granted by the said recited Act, and all the Directions, Rules, and Regulations, thereby given and prescribed, relative to the Acquisition and Purchase of Ground for the Purposes of the said recited Act, are hereby given and granted, and shall be followed and observed in the Acquisition and Purchase of Ground for the Purposes of this Act.

Tolls to be levied for keeping the Roads in Repair.

XXVIII. And be it further enacted, That so soon as any of the said Roads shall be made, or any of the said Bridges shall be built, it shall and may be lawful for the said Trustees to demand and take, or

Rate of Tolls leviable.

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cause to be demanded and taken, the Tolls and Duties following, at each of the Gates or Turnpikes to be erected before any Coach, Chariot, Berlin, Landau, Currier, Calash, Chaise, Waggon, Cart, Sledge, or other Carriage whatsoever, or any Horse, Mare, Gelding, Cattle, or Sheep, shall pass through the same, that is to say,

For every Coach, Berlin, Landau, Currier, Calash, Chaise, Chair, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Sixpence Sterling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence Sterling; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Nine Pence Sterling.

For every Waggon, Wain, Cart, or other Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four Pence Sterling.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Pence Sterling.

For every Drove of Horses or Fillies, unshod, the Sum of One Shilling and Eight Pence Sterling per Score, and so in Proportion for any greater or less Number.

For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Eight Pence Sterling per Score, and so in Proportion for any greater or less Number.

And for every Drove of Calves, Sheep, Hogs, Lambs, or Goats, the Sum of Ten Pence Sterling per Score, and so in Proportion for any greater or less Number.

XXIX. And be it further enacted, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes, to be erected by virtue of this Act, and who shall return the same Day through the same Turnpike or Turnpikes, before Twelve of the Clock at Night, with the same Coach, or Cart, or other Wheel Carriage, drawn by the same Horses, or with the same Horse, Ass, or other Cattle, shall be liable or compelled to pay the said Tolls or Duties more than Once, but shall, on Demand, be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of the Toll or Duty paid by such Person or Persons, which Note or Ticket, Notes or Tickets, shall enable the said Person or Persons returning the same Day as aforesaid, to repass the said Turnpike or Turnpikes Toll-free; but in case the same Coach, Cart, or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall return or pass any such Turnpike with a New Loading in the same Day, the full Tolls or Duties shall be paid for each Time such Coach, Cart, or other Wheel Carriage, Horse, Ass, or other Beast or Cattle, shall so pass, in the same Manner as for the First Time.

XXX. And

Tolls to be paid Once a Day.

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

To prevent
evading Tolls.

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

Persons and
Things ex-
empted from
Tolls.

XXXII. And

Tolls to be
levied by
Distress and
Sale.

XXXII. And be it further enacted, That if any Person or Persons shall neglect or refuse to pay the Tolls and Duties hereby granted, the said Trustees are hereby empowered by themselves, or such other Person or Persons as they shall authorize and appoint, to levy each and every of the said Tolls and Duties, by Distress and Sale of any Horse or Horses, or other Cattle, or Sheep, or Carriages, upon which such Tolls and Duties are, by this Act, imposed, and to detain such Horse, or Cattle, or Sheep, or Carriage, so distrained, until the said Tolls, with reasonable Charges of such Distress, shall be paid, and it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Four Days after such Distress shall be made, to appraise and sell the Horse or Horses, Cattle, Sheep, or Carriage, so distrained, by publick Auction, at the Turnpike or Toll House where the Toll ought to have been paid, returning the Overplus (if any be) to the Proprietors of such Horse or Horses, Cattle, Sheep, or Carriage, so distrained, after deducting such Toll or Duty, and the reasonable Charges of distraining, appraising, and selling the same; or the Toll-keeper shall have Power to detain such Horse or Horses, Cattle, Sheep, or Carriage, until such Toll shall be paid, he answering, at his own Responsibility, for the Justice of his Cause.

Tolls may be
diminished.

XXXIII. And be it enacted, That the said Trustees may, and they are hereby empowered to diminish or lessen the said Tolls or Duties hereby granted as they shall see cause, and again to raise the same as they shall think proper, to any Sum not exceeding the Tolls and Duties hereby granted.

Trustees may
let the Tolls.

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

Power to ap-
point Officers.

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

Treasurer to
and Security.

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

XXXVII. And

XXXVII. And be it enacted, That the Sums arising from the said Tolls shall be applied for keeping in Repair the Roads and Bridges to be made and erected, by virtue of this and the said recited Act, in consequence of a Resolution or Resolutions of the said Commissioners in pursuance of this Act; for which End the said Treasurer shall exhibit a just and true Account of all Sums of Money received and paid by him, pursuant to this Act, to the Heritors assembled at every General Meeting, to be held as herein directed, on the same Day with and immediately after the Meeting of Commissioners of Supply for assessing the Land Tax; and Applications shall, at the said Meeting, be made to the said Heritors by any or all of the Committees of Superintendance, as Occasion may require, setting forth, according to the Case, the Want of Money for defraying any Expence in immediate Expectation, or which it has, from unforeseen Exigency, been previously found requisite to lay out for repairing the Roads or Bridges under the Charge of such Committees respectively; and the Heritors so assembled shall take such Application into their Consideration, and determine thereupon as to them may seem fit; and when the Heritors so assembled shall order a Sum of Money to be paid to any Committee of Superintendance for any such Repairs, such Order shall be a sufficient Warrant to the Treasurer for making such Payment accordingly.

Application
of the Money
arising from
Tolls.

XXXVIII. And be it further enacted, That if any Person or Persons shall maliciously break down, or otherwise injure, any Turnpike Gate, Post, Chain, Rail, or Bar, or any House erected for the Use of such Turnpikes, or any of the said Bridges, or any Parapet Wall, Paling or Fence, on the Sides of the said Roads or Bridges, situated in the said County, or shall maltreat any of the Toll-gatherers, or Persons employed in making or repairing the said Roads, or shall be aiding and assisting thereto, or shall forcibly pass through, or assist any Person in forcibly passing through any Turnpike Gate, or shall rescue any Person in Custody for the said Offences, or any of them; every Person or Persons so offending, and being thereof lawfully convicted in any Prosecution ordered by the said Trustees by the Oath of One or more credible Witnesses or Witnesses, or his own Confession before any One or more of the Justices of the Peace of the said County of *Caitbness*, or where the Offender shall reside, shall not only pay double the Damages and Expences sustained by such Offence, but shall be subject and liable to pay a Fine not exceeding Twenty Pounds, nor less than One Pound.

Penalty on
Persons break-
ing Turn-
pikes Gates,
etc.

XXXIX. And be it further enacted, That if any Person or Persons occupying Lands near any Turnpike which shall be erected in pursuance of this Act, shall knowingly or willingly permit or suffer any Person or Persons whatsoever to pass over or through the same, or through any Gate, Passage, or Way therein, with any Coach, Cart, or other Carriage, or with any Horse, Ass, Ox, or other Cattle, with an Intention to avoid Payment of the said Tolls and Duties, every such Person or Persons so offending, and the Person or Persons driving such Cart, or other Carriage, or driving, leading, or riding such Horse, Ass, or other Cattle, being convicted thereof by the Oath of any One or more credible Witnesses or Witnesses, before any One or more of the Justices of the Peace of the said County or where the Offender shall reside, shall, for every such Offence, forfeit and pay

Penalty on
the Evasion
of Tolls.

[*Loc. & Per.*]

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to

to the said Trustees, or their Treasurer, a Sum not exceeding Five Pounds, nor less than Ten Shillings Sterling.

Penalty on
taking off
Horses.

XL. And be it further enacted, That if any Person or Persons shall refuse to pay the Tolls and Duties authorized to be levied by this Act at passing through any Turnpike or Toll Bar, or shall pass through the same without paying the Tolls and Duties leviable thereat, or take off, or cause to be taken off, any Horse, Mare, or Gelding, or Horses, Mares, or Geldings, from any Coach, Chaise, Chair, Chariot, Berlin, Landau, Calash, or Hearse, or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, before the same shall come to any of the Turnpike Gates erected by virtue of this Act, with an Intent to avoid paying any Tolls or Duties hereby imposed, or shall put and leave in any House or Place any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, or Cattle chargeable with, or liable to pay the said Tolls or Duties, with such Intent as aforesaid; each and every Person or Persons so offending in any of the Cases aforesaid, and being convicted thereof by the Oath of any One or more credible Witness or Witnesses, or his or their own Confession before any One or more of the Justices of the Peace for the said County of Caithness, or where the Offender shall reside, shall forfeit and pay to the said Trustees, or to their Treasurer for the Time being, a Sum not exceeding Five Pounds, nor less than Ten Shillings Sterling.

Roads to be
measured, and
Mile Stones
erected.

Penalty on
breaking or
defacing
Mile Stones,
&c.

XLI. And be it further enacted, That the said Trustees may cause the said Roads to be measured, and Stones or Posts to be erected thereon, or near the Sides thereof, denoting the Distance of each Mile, or such other Distance as they shall judge convenient, and may also cause Guide-posts to be erected where necessary; and if any Person or Persons shall wilfully break, destroy, damage, pull up, or remove any such Stones or Posts, or obliterate, or deface any Letters or Figures that shall be inscribed or put thereon, and shall be thereof convicted, by the Oath or Confession of the Party offending, or One or more credible Witness, or Witnesses, before any One or more Justice or Justices of the Peace for the said County of Caithness, or where the Offender shall reside, such Person or Persons so offending, shall respectively forfeit and pay any Sum not exceeding Ten Pounds, nor less than Twenty Shillings Sterling, for every Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced.

Former Acts
to be enforced.

XLII. And be it enacted, That all the Directions, Powers, and Authorities given by the said recited Act, passed in the Forty-third Year of the Reign of His present Majesty, and also by an Act made in the Thirty-third Year of His present Majesty, intituled, *An Act for making effectual the Statute Labour, and for lvying Conversion Money in lieu of Labour in certain Cases, and for otherwise regulating, making, and repairing High Roads and Bridges in the County of Caithness*, which are not inconsistent with this Act, shall continue in full Force, and shall be followed, observed, and enforced in the Execution of this Act.

Directions
with respect
to Payment
of Debts.

XLIII. And be it enacted, That all Debts due by the Districts established by the said Act made in the Thirty-third Year of His present Majesty's Reign, shall be paid out of the Monies raised or levied under the Authority

Authority of this Act, for the Purpose of enabling the Districts under the said Act to commence making Cross Roads to communicate with the great Lines above described, as soon as possible.

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

No Individual shall be bound beyond his own positive Obligation.

XLV. And be it further enacted, That in all Cases where Powers are committed, or Duties devolved upon the Commissioners of Supply by this Act, it shall be competent for such Commissioners only to act as are Proprietors or Life-renters in Possession of the *dominium utile* of Lands within the said County, valued in the Cess-books, or Valuation-roll thereof, at One hundred Pounds *Scots* or upwards.

Proprietors or Life-renters valued in Cess Books at 100 l. Scots, to act only in certain Cases.

XLVI. 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 Hereditaments, to be purchased by virtue of the said recited Acts or of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered; then, and in every such Case, it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (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 Publick 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*, 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.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank.

XLVII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in

Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

in pursuance thereof, the Person or Persons who shall have been in Possession of such Buildings, Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, and Hereditaments, 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 of Session that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XLVIII. 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 Hereditaments, 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 Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time, to be made in pursuance of this or the said Acts, or so much of such Expences as the said 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.

Actions to be commenced within One Year after the Offence is committed.

XLIX. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, shall be commenced within the Space of One Year after the Penalty or Forfeiture is incurred, and not afterwards.

Limitation of Actions.

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

LI. And,

LI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, if not directed by this Act to be otherwise levied, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands of any One or more Justice or Justices of the Peace of the County where the Offence shall be committed, or where the Offender shall reside, in the Option of the Person or Persons authorized by them to levy such Distress; and the Persons distraining such Goods and Chattels, are hereby authorized and empowered, after the Space of Four Days after such Distress shall be made and taken, to sell the Goods so distrained by Publick Roup or Auction, at the nearest Turnpike or Toll House to the Place where such Distress shall be made, and return the Overplus-money (if any be) upon Demand, to the Owner or Owners of such Goods and Chattels, after such Penalties and Forfeitures, with the reasonable Charges of distraining, keeping, and selling the same shall be deducted and paid; and the said Forfeitures, when reeovered, if not otherwise directed to be applied by this Act, shall be applied, One Moiety to the Informer, and the other Moiety towards carrying this Act into Execution, as the said Trustees shall direct; and where Money shall be payable for any Forfeiture or Penalty, if the Officer shall report that sufficient Effects for Distress cannot be found, and the Money due shall not forthwith be paid, it shall be lawful for any One Justice of the Peace for the County wherein the Offence shall be committed, to commit the Offender to the common Gaol, there to remain for any Time not exceeding Three Calendar Months, unless such Money, with the reasonable Charges, be sooner paid.

Penalties, how
to be levied.

LII. And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already directed or appointed, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at the next Quarter Sessions for the County wherein the Cause of Complaint shall have arisen, or in case the Cause of Complaint shall arise within Fifteen Days before such Quarter Sessions, then such Appeal may be made to the said Justices at the Second Quarter Sessions, who are hereby authorized and required to take such Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Meeting, mitigate at their Discretion, all or any of the said Forfeitures or Penalties imposed or incurred by the said Party or Parties complaining, or vacate and set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them, in their Discretion, may seem proper, and may levy, by their Order or Warrant, such Costs so awarded, by Distress and Sale of the Goods of any Person or Persons who shall refuse to obey the same; and for Want of sufficient Distress, to commit the Party to the Common Gaol of the County, for any Time not exceeding Three Months, or until Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid shall and are hereby directed, to give Notice in Writing to the Defender, of such Intention of bringing or prosecuting any Appeal, Fifteen Days before the said Quarter Sessions, and shall within Five Days after such Notice given, lodge in the Hands of the Clerk to the said Justices, a Bond signed by him, her, or them, and Two sufficient Securities, obliging him

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

[Loc. & Per.]

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or

them to prosecute such Appeal; and in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal shall, at the said Quarter Sessions, be there heard and finally determined, without being subject to Advocation, Reduction, or Suspension.

Expences of
obtaining and
passing the
Act, how
provided for.

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

Commence-
ment of Act.

LIV. And be it further enacted, That this Act shall commence on the First Day of *August* One thousand eight hundred and six; and so much thereof as relates to the Assessments thereby directed to be made for making Roads and Bridges, pursuant to this and the said recited Act, shall thenceforth continue and endure for the Space of Fifteen Years: Provided always, that if the Expence of any such Road and Bridge shall not be then paid and defrayed by such Assessment, so much of this Act as relates thereto, shall continue and endure until such Expence shall be paid and defrayed; and so much of this Act as relates to the Turnpikes to be erected by virtue thereof, and the Tolls and Duties hereby granted, shall continue and endure for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Publick Act.

LV. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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