



ANNO QUADRAGESIMO OCTAVO

# GEORGII III. REGIS.

\*\*\*\*\*

## Cap. 105.

An Act for continuing, altering, and enlarging the Powers of so much of an Act of His present Majesty, as relates to making effectual the Statute Labour in the Shire of *Inverness*, and levying a Conversion of Money in lieu thereof, and otherwise regulating, making, and repairing Highways and Bridges in the said Shire. [18th June 1808.]

**W**HEREAS an Act passed in the Thirty-third Year of His present Majesty's Reign, intituled, "An Act for making effectual the Statute Labour in the Shire of *Inverness*, and for levying Conversion Money in lieu of Labour, and for otherwise regulating, making, and repairing Highways and Bridges in the said Shire; and for improving, widening, and lighting the Streets within the Royal Burgh of *Inverness*," will expire at the End of the present Session of Parliament; and it is expedient that the Powers thereof, so far as relates to the making effectual the Statute Labour, and levying a Conversion of Money in lieu thereof; and regulating, making, and repairing Highways, Bridges, and Ferries in the said County, should be continued, altered, and enlarged: And whereas certain Roads and Bridges are also now making, or are about to be made, in the Shire of *Inverness*, pursuant to an Act passed in the Forty-third Year of the Reign of His present Majesty, 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 [Loc. & Per.]

33 Geo. 3.  
c. 118.

43 Geo. 3.  
c. 86.



44 Geo. 3.  
c. 75.

Repealing  
Act so far as  
relates to  
Statute  
Labour.

Nomination  
of Trustees.

Qualification  
of Factors.

“ of the Expence of making and keeping in repair Roads and Bridges in  
“ the Highlands of *Scotland* :” and another Act passed in the Forty-fourth  
Year of the Reign of His present Majesty, intituled, “ An Act for  
“ assessing the Proprietors of Lands in the County of *Inverness* to-  
“ wards the Expence of making and supporting such Roads and  
“ Bridges therein, as shall be approved of by the Commissioners ap-  
“ pointed by an Act of the last Session of Parliament for making Roads  
“ and building Bridges in the Highlands of *Scotland* :” And whereas it  
is further necessary that so soon as the said Roads and Bridges, or any  
of them, shall have been completed, that due Provision should be made  
for keeping them in sufficient Repair, may it therefore please your Ma-  
jesty, 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 assem-  
bled, and by the Authority of the same, That from and after the passing of  
this Act, the said recited Act, so far as relates to the making effectual the  
Statute Labour, and levying a Conversion of Money in lieu thereof,  
and regulating, making, and repairing Highways, Bridges, and Ferries in  
the said County, shall be, and the same is hereby repealed.

II. And be it enacted, That every Heritor in the County of *Inverness*,  
qualified to be a Commissioner of Supply, though not named in any Act or  
Acts of Parliament, appointing Commissioners of Supply for the said  
Shire, and the Factor of every such Heritor in the Absence of his  
Constituent; as also every Heritor possessing landed Property, situate  
within the said Shire, yielding One hundred Pounds of real Rent, after  
deducting public Burdens, and the Heir Apparent, if of lawful Age, of  
such Heritor possessed of Land in the said Shire, yielding Rent to the  
Amount of double the said Qualification, One of any Number of Guar-  
dians of each Minor, possessing Lands within the said Shire of the Value  
of One hundred Pounds *Scots*; One of any Number of Trustees upon  
any Estate of the said Shire, of the said Valuation, vested in Trust; and  
also the Provost, Baillies, and Dean of Guild of the Burgh of *Inverness*,  
and the Justices of the Peace for the Shire of *Inverness*, shall be Trustees  
for repairing and keeping in repair any Road or Bridges made, or to be  
made, pursuant to the said in part recited Acts, passed in the Forty-third  
and Forty-fourth Years of the Reign of His present Majesty, or either  
of them, and for making and repairing the other Highways, Roads, and  
Bridges within the said Shire, and for executing all other Powers given  
and granted by this Act.

III. Provided always, and be it enacted, That no such Factor 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 and entitled to a personal Estate alone, or real and per-  
sonal Estate together, of the Value of Five hundred Pounds; nor shall  
any such Factor, not qualified to be a Commissioner of Supply, be ca-  
pable of acting in the Execution of this Act, untill he shall have taken  
and subscribed the Oath following, before any Two or more of the said  
Trustees,



Trustees, who are hereby authorized and required to administer the same; that is to say,

‘ I do swear, That I truly and *bona 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.’

IV. And be it enacted, That if any Person, not having the Qualification, or not being of the Description aforesaid, shall act as a Trustee, every such Person shall, for every such acting, forfeit the Sum of Twenty Pounds Sterling, to be applied for Reparation of the Roads lying within that District in which he has acted. Penalty on acting if not qualified.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall, in order to carry this Act into Execution, meet at *Inverness* upon the Third *Tuesday* of *July*, One thousand eight hundred and eight, and thereafter yearly, upon such Day and at such Place as the Commissioners of Supply for the said Shire of *Inverness* shall be directed by the Land Tax Act of the Year then current, to assemble for the Purposes of assessing the Land Tax, and of chusing a Convener, Collector, and Clerk; and that it shall be competent for the Trustees, so assembled at the aforesaid Annual General Meetings, to divide the Shire into such Number of Districts as to them shall seem expedient for the more easy and effectual Execution of the Powers hereby granted, which Division of Districts shall continue till altered by a subsequent General Meeting of the Shire, upon the Petition or Application of Heritors in any District to the Amount of Two-thirds of the valued Rent of the same, or upon Complaint made to a General Meeting, and proved to the Satisfaction of a subsequent General Meeting, that the Trustees in any District have been negligent in the Execution of the Powers committed to them by this Act; and every such Petition, or Application and Complaint, shall first be intimated to the Convener or Conveners interested in the Division, at least Six Months previous to the General Meeting, at which it is to become the Subject of Deliberation; and the Trustees assembled as aforesaid shall have Power, and they are hereby empowered, to adjourn to the next or any after lawful Day or Days, if they shall see Cause to do so, and to name a Preses or Chairman of their Meeting, and a Clerk during Pleasure, with such Salary as they shall think proper, who shall attend at the Meetings of the said Trustees, and shall enter their whole Proceedings regularly in a Book to be kept for that Purpose, and shall send a Duplicate of the Proceedings of the Annual General Meetings within Ten Days after such Meeting to the Convener or Clerk of each District; and shall likewise, as often as required by any Person or Persons having an Interest in the same, make and give out Copies and Extracts of the Orders and Proceedings of the Trustees at such certain moderate Fee for the same as shall be fixed by the said Trustees in a General Meeting assembled; and that such Extracts or Copies shall contain the Warrant for putting those Orders into Execution; and that the said Trustees at their Meetings of Trustees.  
General Meeting to divide the Shire into Districts.  
Clerk to send Duplicates of the Proceedings within Ten Days to the Convener or Clerks of Districts.

First



District Meetings may adjourn and make Subdivisions.

First General or Adjourned Meeting aforesaid, and in all their subsequent Annual General Meetings or Adjourned Meetings assembled, shall have Power, and they are hereby empowered and required, to nominate and appoint early and convenient Times and Places for the First Meeting of the Trustees in each Year within their respective Districts; and the Trustees at such District Meetings assembled shall have Power afterwards to adjourn as they shall see Cause, and also to make Subdivisions of their respective Districts for the more easy Collection of the Funds, and for conducting the several Roads therein as after mentioned, if they shall think proper.

Requisite Qualification of District Trustees.

VI. And it is hereby declared and enacted, That it shall be deemed sufficient to constitute any Trustee as aforesaid a Member of a District Meeting, that he has landed Property to the Amount before specified within the same, or that he has resided within such District Six Months of the Year preceding the said Meeting.

Penalty on Persons acting without the necessary Qualification.

VII. And be it further enacted, That if any Person not qualified as aforesaid, or not of the Description aforesaid, shall nevertheless presume to act as a Trustee, such Person shall, for every such Offence, forfeit and pay the Sum of Ten Pounds Sterling, besides the Expence of Prosecution, to be recovered by any of the Trustees duly qualified in Manner after directed, to be recovered by Complaint in a summary Way, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute of the County of *Inverness*, or his Substitute, and to be applied for the Use and Repair of the Roads in the said County, as a General Meeting shall direct; and in case of such Complaint, the Proof of the Qualification shall lie upon the Person complained of.

The Trustees of Districts to have Superintendence of Roads and Bridges and Ferries within the same.

VIII. And be it further enacted, That the Trustees of the different Districts shall superintend the repairing, and keeping in repair, the said Roads made, or to be made, pursuant to the said in part recited Acts passed in the Forty-third and Forty-fourth Years of the Reign of His present Majesty, or either of them, so soon as the same shall be completed, and shall superintend, and have the Direction and Cognizance of the several other Roads and Bridges, and Ferries, within their respective Districts, and shall have Power (under the Restrictions after-mentioned) to appoint the Order in which the said Roads and Bridges shall be made and repaired, and to appropriate the Monies to be exacted and raised by virtue of this Act for the Purposes thereby intended.

Power of District Trustees.

District Collectors to grant sufficient Security. Convener to call Meetings when required by any Two Trustees.

IX. And be it further enacted, That the said Trustees, in District Meetings assembled, shall be, and are hereby empowered to appoint a Preses and Convener, Collector or Collectors for each District; as also to appoint a Clerk, and such other Officers for each District, as may be necessary; and that the Collectors shall grant sufficient Security for their Intromissions, and that the Convener of such respective District Meetings shall have Power, and he is hereby empowered and directed to call Meetings of the Trustees for the said Districts, as often as he shall be required by any Two Trustees within such District, upon Ten Days previous Notice to be given at the Church Doors within the District, or personally by the said Convener, or by a Writing subscribed by him, left at the Dwelling-house of such Trustees, and to adjourn the Meetings so called from



from Time to Time, and that all Questions arising among the said Trustees, at such District Meetings assembled, shall be carried and determined by a Majority of the Trustees present at such Meeting.

Such Meetings may adjourn.

X. Providing always, That it shall be lawful for any One Trustee to act at the aforesaid District Meetings, in case the other Trustees do not attend.

One Trustee may act, in case more do not attend.

XI. Provided nevertheless, and be it further enacted, That it shall be lawful for, and in the Power of any absent Trustee, being an Heritor qualified as aforesaid, to act or vote by his Factor, qualified as aforesaid, generally authorized to act for him in all Matters regarding his Property in the said Shire, or by Proxy to be by him given to any other Trustee appointed under this Act, attending and voting in Person at any One of the General or District Meetings; and that the Vote of the said Factor or Proxy shall have the same Force and Effect as if given by the absent Trustee, had he been personally present: Provided also, That no Factor or Mandatory shall have Power to vote for more than One Constituent or Mandant.

Any absent Trustee to vote by Proxy.

XII. And be it further enacted, That all Meetings under the Authority of this Act shall begin to be held at Twelve of the Clock at Noon, and not earlier, and each Member shall defray his own Expences; but without disabling or restraining the said Trustees from giving an Allowance to Collectors, Clerks, Overseers, or other Officers, for their Trouble, liable to the Examination and Control of the General Meeting.

Trustees to defray their own Expences.

XIII. And be it further enacted, That the said Trustees, at District Meetings assembled, shall have Power, and are hereby empowered to appoint Overseers, Surveyors, and other Officers, within their respective Districts, subject always to the Control of the General Meeting; and that the said Overseers and Surveyors may, by the Trustees of their respective Districts, or any Two of them, being Justices of the Peace, be made Constables for the special Purpose of acting as Constables in the Business of Highways, Roads, Bridges, and Ferries, and for that Purpose only; and the Persons so appointed shall be obliged to accept the Office of Surveyor or Overseer as aforesaid, under the Penalty of Five Pounds Sterling each, to be levied in case of Refusal upon a Complaint against him or them, at the Suit of any Heritor in the said Shire, at the Quarter Sessions, or before the Sheriff Depute of the County, or any of his Substitutes.

Power of District Trustees to appoint Overseers, Surveyors, &c.

who may be appointed Constables for the Purposes of this Act.

XIV. Provided always, That the Trustees, at their General Annual Meetings, shall have Power, and they are hereby empowered to name and appoint a Collector or Collectors for uplifting and receiving the Assessments laid on the Heritors of the County, as hereafter mentioned, with the Exception of the Royal Burgh of *Inverness*, and the Lands and Fishings holding of the Burgh; and for uplifting and receiving the unuplifted or unapplied Commutation Money of such District or Districts, as shall neglect to uplift and apply the same as hereinafter mentioned, the Sums to be so uplifted to be applied for the Purpose hereafter expressed; and in like Manner, that the Trustees within the Burgh of *Inverness*, and of Lands holding of the Burgh, shall have Power, at their First Meeting after

Collector to be appointed to grant Security.



the Thirtieth Day of *April* yearly, subject to the Control of the General Meeting; and they are hereby empowered to name and appoint a Collector for uplifting and receiving the Assessments laid on the Heritors of Lands and Fishings, holding of the said Royal Burgh of *Inverness*, and any unuplifted or unapplied Assessment or Commutation Money within the same, which Collector or Collectors, shall find Security to the Satisfaction of the said Trustees, or any Five or more of them present at such General and District Meetings of the County and Burgh, with Power to the said Trustees, at any after Annual Meetings, to remove the said Collectors, and appoint others in their Stead, who shall find Security as aforesaid.

Assessment,  
to what Ex-  
tent and how  
leviable.

XV. And be it further enacted, That there shall be levied upon all Lands, Tenements, and Heritages, within the said County, yearly, a Sum not exceeding Sixpence and not less than Two-pence Sterling in the Pound Sterling of real Rents, after deducting therefrom all public and parochial Burdens, as the same shall be ascertained by any Committee to be appointed by the Annual General Meeting, or any Adjournment thereof, after receiving the Reports of the said Districts, or their failing to give in Reports as after-mentioned, which Assessment shall be payable by the Heritors of the Lands and Tenements respectively, whether situated in the County, or held of the Royal Burgh of *Inverness*, including Salmon Fishings, with the Exception of the Houses in the Town of *Inverness*, and shall be levied on or before the Twenty-fifth Day of *March*, in every Year by the Collectors to be appointed pursuant to this Act, or by such Person or Persons to whom such Assessment may be assigned or transferred in Manner hereafter mentioned, and that where Lands, Salmon Fishings, or Tenements are life-rented, the said Assessment shall be paid by the Life-renter or Life-renters respectively.

Assessment to  
be increased  
or diminished  
as may be  
deemed ex-  
pedient.

XVI. Provided always, and be it enacted, That the Trustees of each District, at their First Annual Meeting as aforesaid, shall be, and are hereby empowered and directed, subject to the Control of the General Meeting, to lower the said Assessment of Sixpence Sterling to any Sum not less than Two-pence Sterling in the Pound Sterling, of Lands, Tenements, and other Heritages aforesaid, within their respective Districts, for any One Year, or Number of Years, as to them shall seem proper, and again to raise the same to any Sum not exceeding Sixpence as aforesaid.

Assessment  
not to ex-  
ceed Two-  
pence in the  
Pound of  
Rent of Sal-  
mon Fish-  
ings.

XVII. Provided always, and be it further enacted, That the Assessment to be levied on Salmon Fishings shall not, at any Time, exceed Two-pence in the Pound Sterling, of the real Rent thereof.

Trustees may  
compound  
with the  
British  
Fishery So-  
ciety.

XVIII. Provided also, and be it enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered to receive from the British Society for extending the Fisheries, and improving the Sea Coasts of this Kingdom, an annual Composition in lieu of any Assessment to be levied upon the Lands belonging to the said Society, and in settling the Amount of such Composition due Regard shall be had to the Feu Duties payable by such Society to their Superiors, the Salary allowed to their Superintendant, the Sums required to keep their Pier and Buildings in repair, and other Circumstances attending the Establishment.

XIX. - Provided



XIX. Provided always, and it is hereby enacted and declared, That each Heritor or Life-renter shall have Relief from the principal Tacksmen or Tenants, for One-Half of the Assessment aforesaid, to be proportioned on the Amount of the real Rents payable by each of them respectively, and that principal Tacksmen shall have Relief from their Sub-tenants in the like Manner, according to a just and fair Proportion to be fixed and determined by the Trustees of the Districts respectively.

Proportion payable by Tenants.

XX. And be it further enacted, That all Householders, Cottars, Labourers, Boatmen, Tradesmen, Artificers, and their Journeymen, or Apprentices above Eighteen Years of Age, or Householders, whether in the Royal Burgh of *Inverness*, or in the County; and all other Persons above Eighteen Years of Age, residing within the said County, not paying an Assessment in respect of their Lands, in Manner aforesaid, shall, in lieu of the Statute Labour formerly exigible from them; pay an annual Assessment, not less than Three Shillings, and not exceeding Nine Shillings, to be augmented or diminished by the District Meetings, in any or all of the Districts subject to the Controul of the General Meetings.

Commutation Money by Householders, &c.

XXI. Provided always, and it is hereby further enacted and declared, That when the Proportion of Relief exigible from any Tenant, shall not amount to the Commutation Money payable in his or her District, by each Cottar, Labourer, and others as aforesaid, in that Event the Difference shall be payable to the Collector of the District by such Tenant, so that no Tenant for himself and Servants shall pay less individually, than a Cottar, Labourer, or Artizan.

Tenants in every Case not to pay less than Householders.

XXII. Provided also, and be it enacted, That hired labouring Servants for a Term of not less than Six Months, in the Service of Proprietors and Tenants, shall be wholly exempted from any Commutation, the same being included in the Payment made by their respective Masters, in Manner aforesaid.

Labouring Servants hired for a certain Term to Proprietors, &c. exempted.

XXIII. And be it further enacted, That every Heritor or Life-renter of Lands and Tenements, including Fishings, whether valued in the County, or held of the Royal Burgh of *Inverness*, or the Factor of such Heritor or Life-renter, shall furnish to the Collector of his or her respective District, within which the said Lands and Tenements and Fishings, are situated, on or before the Twentieth Day of *June* yearly, a List of the net real Rents payable to them as aforesaid, and of the respective Tenants, and the Rent payable by each of them, together with the Value or Rent for which Lands and Tenements, in the Heritor's Occupation, would let on a Lease of Nineteen Years, except in Cases where Proprietors are limited to a shorter Period, in which Case the Rent is to be ascertained according to such Limitation; and in Default of such Lists or Returns being so made, it shall be lawful for the Trustees of the District, at any Meeting to be held by them between the Twentieth Day of *June* and the last Day of *July* yearly, to ascertain the Amount of the Rentals, or Rents, or Profits of the Heritors or Life-renters making Default, and to assess them according to the best of their Knowledge or Information.

Lists of Rents to be delivered to Collectors.

XXIV. And in respect that there are considerable Quantities of Bear or Bigg,

Estimate of Victual Rent.



Bigg, and Oatmeal payable in Kind to the Landlords in some of the Districts; Be it enacted, That in order to simplify such Returns to be made to the Collector, such Boll of Victual Rent shall be estimated agreeable to the fair Prices of the County for the Year preceding.

Lists to be  
laid before  
District  
Meeting.

XXV. And be it further enacted, That the Collector of such Districts shall lay the Lists or Returns to be furnished him by the Heritors or Life-renters as hereby required, before the First District Meeting, to be held after the Twentieth Day of *June* yearly, for the Purpose of having such Returns corrected, and the *Quantum* of Assessment ascertained; and such District Collector shall also, under the Penalty of Fifty Pounds Sterling, transmit a Duplicate of such Returns, after being so corrected or approved of by a District Meeting, with the Minutes, ascertaining the *Quantum* of Assessment, within Ten Days after such Correction or Approval, to the Clerk of the General Meetings, who is hereby directed, under a similar Penalty, to lay such Returns before the next General Meeting, or of the Committee to be appointed as aforesaid, for the Purpose of ascertaining the Assessment to be levied by the General Collector as aforesaid; and failing of such Returns being made to the Clerk of the General Meetings, before the First *Tuesday* of *August* yearly, the said Clerk of the General Meetings shall thereupon write to the Convener, and, in his Absence, to any other Trustee in the District so failing, demanding such corrected Lists or Returns, and Minute, to be forthwith transmitted to him; and, in case such Lists or Returns, and Minute, shall not be transmitted to the Clerk of the General Meetings before the General Meeting hereby appointed to be held annually on the Day on which the Freeholders of the County of *Inverness* hold their *Michaelmas* Head Court yearly, it shall be lawful for the said *Michaelmas* Head Court, or any annual or adjourned General Meeting, or of a Committee to be appointed as aforesaid, to ascertain the Rents of the Heritors and Life-renters of the District in Default, according to the best of their Knowledge or Information, and to assess them at the highest Rate of Assessment allowed by this Act.

Manner of  
charging  
Household-  
ers, &c.

XXVI. And be it further enacted, That the respective Collectors of Districts shall make out a Charge against Householders, small Tenants, Cottars, and other Persons liable to the Conversion hereby directed to be levied within their Districts, and after being approved of by a District Meeting, shall levy the Amount of the said Charge against each of them, in Manner after-mentioned.

How objec-  
tionable Re-  
turns are to  
be disposed  
of.

XXVII. And be it further enacted, That if any Objection considered to be valid shall be stated at the Meeting of the Trustees of any District to any Return which shall have been made to the Collectors, the Trustees shall have Power to call the Occupiers of Land or others making such objectionable Returns before them, with such Witnesses as may be thought necessary, by whom they are to take Proof of the Rents or other Matters which require to be investigated, and after such Proof, such Trustees shall make an Assessment which shall be final for that Year's Charge, subject only to the Controul of the General Meeting.

Clergymen  
and School-

XXVIII. And be it enacted, That no Clergyman, on account of his Manse and Glebe, nor any Parochial Schoolmaster or Schoolmasters, employed



ployed by the Society for propagating Christian Knowledge on account of his School-house or Allowance of Ground as directed by the Rules of the said Society, nor any Teacher of the *Inverness* Academy, shall be liable for the Conversion hereby directed to be levied; but if such Clergyman, Schoolmaster, or Teacher shall have any Man Servant, every such Clergyman, Schoolmaster, or Teacher shall, for every such Servant, be liable in the Conversion payable by Cottars; or if any such Clergyman, Schoolmaster, or Teacher shall have any Farm distinct from the Glebe or Allowance of Ground as aforesaid, every such Clergyman, Schoolmaster, or Teacher shall pay or relieve the Heritor in proportion to the Rent of the Lands they so hold, as other Heritors or Occupiers of Land are hereby bound to do.

masters ex-  
empted, ex-  
cept for Ser-  
vants and  
Farms.

XXIX. And be it further enacted, That the Trustees of each District, or the Majority of those assembled at the First Annual Meeting thereof, shall have Power to excuse indigent Persons from Payment of the Conversion hereby allowed.

Indigent Per-  
sons may be  
exempted.

XXX. And be it further enacted, That each District Collector shall keep a distinct and separate Account of the Money levied in each District, and shall not allow any Persons, liable in the Conversion hereby allowed, to run in Arrear, but shall punctually execute the Orders given by the General Meetings of the Trustees, or those of District Meetings with respect to levying the said Conversion, under the Penalty that each Collector shall be personally liable and answerable for the Deficiency, who shall fail to do what is hereby required for the Recovery thereof, in Manner herein directed.

District Col-  
lectors to  
keep distinct  
Accounts.

XXXI. And be it further enacted, That every Person liable in Payment of the said Conversion or Commutation Money granted by this Act, who shall neglect or refuse to make Payment thereof when required, at such Time as the same shall be demanded, or within Ten Days after Requisition made to them, either personally or at their Dwelling Places, or by Advertisement at the Parish Churches on *Sunday*, shall be liable in double Payment; and in case any Person, liable in the Conversion granted by this Act, shall refuse or delay to make Payment of the same in the Manner herein directed, Application shall thereupon be made by each Collector respectively to any Two or more Justices of the Peace of the said Shire, who, upon a Certificate under the Hand of such Collector, that such Person or Persons has or have not paid such Conversion as hereby required, are hereby authorized and required to grant a Warrant under their Hands for seizing the Effects of every such Person, and for poinding and distraining the same; and that the Officer, to whom the same shall be directed, shall summarily seize and distrain the readiest Goods and Effects of every such Person, and shall, at the End of Three Days after such Distress, sell the same by Public Auction to the highest Offerer at the next adjoining Village, or nearest Place proper for a Public Sale, most convenient for the Sale of the Effects so distrained for Payment of the same, for which such Person shall be liable to pay pursuant to this Act, and of the necessary Charges and Expences attending such Distress and Sale, rendering the Overplus, if any be, upon Demand, to the Owner; and in case sufficient Distress cannot be found, or such Payment and Charges shall not be forthwith made, it shall be lawful for any Two or more Justices of the Peace of the said County, and they

Persons ne-  
glecting or  
refusing to  
comply with  
the Terms of  
the Act.

[Loc. & Per.]

23 L

are



Defaulters  
may be im-  
prisoned, not  
exceeding  
Three Calen-  
dar Months.

Redress com-  
petent to  
them.

Heritors fail-  
ing to com-  
ply with this  
Act.

are hereby authorized and required, by Warrant under their Hands, to cause the Person so in default, to be committed to the common Jail of the said County or District until Payment, for any Period not exceeding Three Calendar Months, and no Suspension, Complaint, or Action shall stop the Execution of such Warrants or Payments of the Conversion hereby granted; saving always, nevertheless, to the Parties, their Redress from the Person by whom they shall have been aggrieved; and in case any Heritor or Liferenter shall fail to make Payment of the Assessment hereby granted, on or before the Twenty-fifth Day of *March* yearly, to the General Collector, every such Heritor or Liferenter shall be liable in Double the Amount of such Assessment, to be recovered by the said General Collector, by all Ways and Methods known in the Law of *Scotland*, which shall not be stayed by any Suspension, Complaint, or Action, unless upon Confignation of a Sum equal to such double Assessment, in the Office of the Bank of *Scotland*, or of the *British* Linen Company at *Inverness*; reserving nevertheless to every such Person aggrieved his Redress from the Person by whom he shall have been aggrieved; and in case any principal Tacksman, Tenant or Sub-Tenant shall fail to make Payment of their respective Proportions of the Assessment hereby granted, on or before the Twenty-fifth Day of *March* yearly, each such principal Tacksman, Tenant and Sub-Tenant shall be liable in a Sum equal to Double such proportion; and every Heritor and Liferenter, paying such Proportion, or Double the Amount thereof, shall and may recover the same from the principal Tacksman; and the principal Tacksman shall and may recover the same from the Tenant or Sub-Tenant liable therefore, in the same Manner, and by all the Ways and Methods which are hereby given to the General Collector.

Penalty on  
Collector act-  
ing wrong-  
fully.

XXXII. And be it further enacted, That in case any Collector shall wrongfully charge any Person as a Defaulter, or poind and distrain his Effects, and be convicted thereof before any Two or more Justices of the Peace of the said County, or at the Quarter Sessions, the said Justices shall award against every such Collector to the Person so aggrieved double the Sum for which he or she shall be so charged, or shall have their Effects poinded or distrained for all Expences attending the same.

Excambeon  
of the Lands  
of Dunma-  
glash and the  
Lands of  
Budgate.

XXXIII. And whereas the Lands of *Dunmaglass*, with the united Parishes of *Daviot* and *Dunlichity* though valued and paying Land Tax, in the County of *Nairn*, are situated in the Middle of Lands in the Shire of *Inverness*; and in like Manner the Lands of *Budgate*, within the Parish of *Calder*, though valued and paying Land Tax in the Shire of *Inverness*, lie more contiguous to the Shire of *Nairn*, and on this Account it would be convenient and of public Utility, that an Exchange or Excambeon should take place with respect to those Lands as after-mentioned: Be it therefore enacted, That the said Lands of *Dunmaglass* and the Inhabitants thereof shall in future pay the Assessment and Conversion hereby granted in the Shire of *Inverness*, and be subject to the same Conditions and Penalties which are by this Act, with Reference to Lands situated therein; and the said Lands of *Budgate* shall, in like Manner, perform Statute Labour in the Shire of *Nairn*; and each of the said Lands shall be subject to the Jurisdiction of the Justices of the Peace, Commissioners of Supply, and Trustees for the Roads of the respective Shires to which they are so transferred, so far as regards the said Statute Labour, and the Conversion



Conversion and Assessment, but in every other respect such Lands shall remain as they were before the passing of this Act, Parts of the Shires to which they respectively belong.

XXXIV. And be it further enacted, That the respective District Meetings shall annually, on or before the last *Tuesday* in *March*, make up an exact and regular Report, containing the Number of Persons liable in Payment of the Conversion hereby granted, and an Account of the whole Money received and expended on the Highways, Roads, Bridges, Quays, Ferries, and Piers, in each District, and the Work performed, and the Offences committed against this Act for the preceding Year within the District under their Directions respectively; and such Report, signed by the Preses and Clerk of the respective District Meetings, shall be transmitted by the said Clerk to the Clerk of the General Meeting, at least Eight Days before the General Meeting in every Year, and shall be entered by the Clerk of the General Meeting in his Book, and laid before the Trustees at their said General Meeting; and in case of Failure, to make and transmit such Reports, or in case of any such Report not being satisfactory to the said General Meeting, either with regard to the levying or applying of the Money hereby granted, the District so failing shall not receive any Portion of the Monies to be levied therein, in the succeeding Year; but all such Monies shall be at the Disposal of the General Meeting, and be applied in any other District as such General Meeting shall direct; and such General Meeting is hereby empowered to dispose of the same accordingly, and for that Purpose to appoint Collectors for levying the same, who shall have the like Power, and be subject to the same Regulations and Penalties as if appointed by the District Meeting.

District Meetings to make up Accounts, and report annually.

Such Reports to be signed by the Clerk, and transmitted to the Clerk of the General Meeting, who shall enter the same in his Book.

Consequence of failing to report.

XXXV. And be it further enacted, That in case the Funds of any of the aforesaid Districts, to the Amount of One Year's Collection, shall remain unappropriated for the Space of Twelve Months after the respective Times of Collection thereof, all such unappropriated Money shall be at the Disposal of the Trustees, at their next General Annual Meeting.

Power of applying unappropriated Money.

XXXVI. And be it further enacted, That the whole Conversion in the Pound Sterling of real Rent, shall, after Deduction of necessary Charges, be paid, or accounted for by the General Meeting or Collector thereof, to the District Collector, or any Person authorized by the Trustees of the District Meetings respectively, to receive the same, and shall, with the Conversion or Commutation Money, leviable within the Districts respectively as aforesaid, be applied to the making and repairing, cleansing, widening, and extending the several Roads, Bridges, and Ferries; and in repairing the Streets, and improving Quays and Piers upon Public Ferries within their respective Districts; and for erecting Mile Stones and Guide Posts upon the Road within the Districts respectively, from and in which the same shall be levied; and the Expenditure thereof shall be under the Management of the Trustees of the Districts respectively, in Manner directed by this Act.

Conversion of Assessment how to be applied.

XXXVII. And whereas great Inconvenience has been often experienced for want of proper Powers to make new Roads, alter the Direction of improper Roads, and to shut up useless ones, Be it therefore enacted,

To be referred to a Committee, who shall report to a General Meeting.

That



General  
Meeting to  
hear all Par-  
ties.

That it shall be lawful to the said District Meetings, or to any Trustee thereof, to apply, by Petition, to any of the General County Meetings to be held in virtue of this Act, to have such Alterations made, which General Meeting shall thereupon name a Committee of Five Trustees, Two being Justices of the Peace, along with a qualified Surveyor, whose Report shall be upon Oath, (which Oath any One such Justice is hereby empowered to administer), to inspect such Roads, and report their Opinion thereon, and shall order the Petition to be intimated Two Months before the Meeting of such Committee, to the Proprietors of the Grounds through which the Roads lead, or are intended to lead, if they reside in the County, or if they do not, to their Factors acting within the same, and also to the Possessors of such Lands, and by Advertisement at the Church Door of that and the next adjacent Parish Churches, on dismissing of the Congregation; and on a Report being made by such Committee to the next General Meeting, such General Meeting shall hear all Parties, and may reject such Report, or may ordain any Road to be made, or the Direction of any Road to be altered, or any useless Road to be shut up agreeable to such Report, with such Amendments or Alterations as they shall deem proper, provided that such General Meeting shall be satisfied that such Alterations shall not be prejudicial to the Interests of the County, and provided that such new Road, or altered Road, shall not be carried through any Lawn, Avenue, Garden, Orchard, Pleasure or Nursery Ground, adjoining to any Mansion-house, or within Four hundred Yards of such Mansion-house, and such General Meeting may direct Three of their Number, One being a Justice of the Peace, to fix the Line of Direction for the new or altered Highway, as directed by the General Meeting, and ascertain the Sum which shall be given as a Recompence by any Heritor receiving Benefit from such Road or Alteration, or by the County, to the Person or Persons suffering the Damage: It being hereby declared, That such new or altered Road shall not commence until the Sum to be so fixed as aforesaid shall be paid, or, in case of Refusal, consigned in the Bank of *Scotland's* Office at *Inverness*, or in the Office of any Chartered Bank there for the Time being, and a Receipt from the Agent of such Bank shall be sufficient Proof of the Consignation.

Power to  
purchase  
Lands.

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

For valuing  
the Lands.

XXXIX. And be it further enacted, That if any such Owners or Occupiers shall not be satisfied with the Offer made to them by the said Trustees, or shall refuse to treat in any of these Cases, the Amount of the Value or Damages shall be ascertained by a Jury to be called by the Sheriff Depute of *Inverness*, or his Substitutes, who, upon Application, are hereby authorized and required to summon a Number of discreet and substantial Persons, being Owners and Occupiers of Land, entitled to be Commis-

sioners



tioners of Supply within the said County, not less than Twenty-two in Number, to come and appear before him or them at such Time and Place, as by their Warrant and Precept shall be directed, Intimation of Ten Days being given by the Trustees of such Appointment to the Party or Parties concerned, or to his, her, or their Agent, and the Number of Persons who shall attend, shall then be reduced to Eleven, by the Trustees and the Proprietor striking off One alternately, beginning on the Part of the Proprietor, or in case both Parties shall fail to appear, by the Sheriff striking off until the Number be so reduced, and the remaining Eleven being duly sworn, the Sheriff shall proceed to examine upon Oath, in their Presence, such Witnesses as shall be summoned by either Party, and upon their Deposition and other competent Evidence, such Jury shall determine the Value or Damages to be paid by the said Trustees; and their Verdict shall be final and conclusive to all Parties, without any Power of Appeal, Review, or Suspension whatsoever: And the Sheriff shall thereupon order Payment to be made of the Sums awarded by the Jury; and the Owners and Occupiers of the Grounds, or other Subjects, or their Trustees, Tutors, Curators, or Administrators, upon Payment or lawful Tender thereof, shall quietly permit and suffer the said Trustees to take Possession of the Grounds or other Subjects, which they are authorized to do, as fully and effectually to all Intents and Purposes, as if the Owners or Occupiers had executed regular Dispositions of the same, and thereupon Infeoffment had followed; and the said Proceedings and Orders of the Sheriffs Depute or their Substitutes shall be final, and not removable or questionable to or by any other Court whatsoever, any Law or Usage to the contrary notwithstanding.

XL. Provided always, and be it enacted, That in the Event that such *Expences of* Jury shall award a greater Compensation than the Trustees shall have *Jury.* offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of such Jury shall be defrayed and borne by the Trustees, and the said Owner or Owners, Occupier or Occupiers equally; but in Case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and on the other Hand, if the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided always that in all Cases where any Person or Persons shall, by reason of Absence, be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees: Provided also, That after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Lands or Houses, such Sum as the said Trustees shall think reasonable, it shall and may be lawful for them to enter into and upon such Lands or Houses for the Purposes of this Act, and no Stop shall in the mean Time be put to the Operations of the said Trustees, on pretence of settling the said Damage, or that they have not been satisfied and paid.

XLI. 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-  
*[Loc. & Per.]* *23 M* *Re-investing Purchase Monies if amounting to 200l. rents,*



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

If less than  
200l. and  
exceeding  
20l.

XLII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner hereinbefore directed, as far as the Case be applicable.



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

Under 20l.

XLIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of Lands, Tenements, or Heritages, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Heritages, be not known or discovered, then, and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them,) subject to the Order, Controul and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons, making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to their respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises, as to the said Court shall seem just and reasonable; and the Cashier and Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money, into the Bank as aforesaid.

In case of not making out Title.

XLV. 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

Where Questions arise touching the Title.



shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully intitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Expences in  
case of Dis-  
ability.

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

Old Road to  
be sold.

XLVII. And be it enacted, That in case the Course of any of the said Roads shall be altered as aforesaid, the said Trustees in their District Meetings, shall, and they are hereby authorized and empowered, as soon as the New Roads shall be completed and made passable and convenient for Carriages, to sell the Ground of the Old or former Road to the Proprietor or Proprietors of the Ground, through which the same did pass, willing to purchase the same for a fair and just Consideration; and in case such Proprietor and the Trustees of the District cannot agree, the Value of the Old Road shall be ascertained by a Jury, and the Expences of the Jury shall be defrayed in Manner above mentioned; and in the Event that any such Proprietor shall not choose to purchase the said Old Road, the said Trustees are hereby empowered to dispose of the same by public Auction, and the Price or Prices to be got for such Old Road shall be applied to the Purposes of this Act.

General Sur-  
veyor of  
Roads may  
be appointed,

and may be  
removed on  
due Notice.

XLVIII. And whereas from the Number of Roads and Bridges within the said County, it is expedient to have proper Persons appointed as General Surveyors and Superintendants thereof, Be it enacted, That it shall be competent to any General Meeting held on the Thirtieth Day of *April* yearly, to name and appoint such General Surveyors or Superintendants, with such Salaries as may be judged reasonable, to be paid by a general Assessment over the whole Shire, which Surveyors or Superintendants shall be bound to attend to such Directions and Instructions as shall from Time to Time be given by the General Meeting, which General Meeting shall have Power to remove such Persons, and appoint others, as they shall deem fit; provided always, that before any such Nomination or Removal shall take place, due Intimation shall be given thereof in the *Inverness* Journal, or *Edinburgh* Newspaper, circulated in the said County, Six Months previous to such Nomination or Removal.

Assessment  
for Indemnifi-  
cation for

XLIX. And whereas the Powers vested in the Freeholders and Heritors for assessing Property for the Purpose of Indemnification for the Loss of Lands appropriated for the Use of the Public, by an Act of the Parliament of



of *Scotland*, being the Second Parliament of King *Charles* the Second, intituled, "Act for repairing Highways and Bridges," is, from the increased Value of Lands very inadequate: Be it therefore enacted, That it shall be in the Power of the Trustees hereby appointed, at any General Meeting for the Purpose of making any such Indemnification, to assess the County, if they shall see Cause, in any Sum not exceeding Thirty Shillings *Scots*, on the One hundred Pounds *Scots* of valued Rent.

Loss of  
Lands.

L. And be it enacted, That where any Ditches have been, or shall in Time coming be made alongside of any of the Roads or Highways within the said County, where the adjacent Lands are arable, then the Possessors thereof shall be bound to keep those Ditches, and Water Courses leading from the same, properly scoured; and in case of their Failure so to do, when required by the Overseer of the said Roads, such Overseer may, and he is hereby authorized to order the said Ditches to be cleaned and scoured at the Expence and Cost of the Occupiers or Possessors of the Grounds through which those Ditches are made, and upon their refusing Payment of the Expences thereby incurred, it shall and may be lawful for the Justices of the Peace of the District, or any Two of them, upon the Application of the said Overseer for the Time being, to grant Warrant for levying such Expences by Distress and Sale as aforesaid.

Ditches to be  
scoured and  
cleaned.

LI. And be it further enacted, That the said Overseer, or other Person authorized by the said Trustees, having first obtained Warrant for so doing, under the Hands of Two or more Trustees of the said District, shall be, and he is hereby empowered to take out of any adjacent Lands, other than Gardens, Orchards, Pleasure Grounds, and Planted Walks, or Grass Meadows, the necessary Materials for making and repairing the said Roads and Bridges, he being always bound to fill up and level the Pits or Holes thereby made, and to make Satisfaction to the Owner or Occupier of the Ground.

Materials to  
be taken.

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

Notice there-  
of to be  
given.



as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Damages to  
be ascertain-  
ed by a Jury.

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

Power to alter  
the Course of  
Rivulets.

LIV. And be it enacted, That upon obtaining Warrant as above mentioned, it shall be in the Power of the above Overseer, or other Person aforesaid, to turn the Course of any Rivulet, or any other running Water, off from the said Roads, reserving to the Proprietor of such Water, or any other Person injured by the turning thereof, to carry it across and under the Road by means of a substantial Arch of Stone and Lime, to the Satisfaction of the Trustees of the District, and for so doing they shall allow him such reasonable Sum as can be agreed upon, or as any Two Justices of the Peace aforesaid shall direct; and in like Manner it shall be competent to the Overseers, or other Person, in Manner aforesaid, having Warrant from the Justices aforesaid, or any Two of them, to cut at a proper Season of the Year, and remove any Trees, or Branches of Trees, growing or planted within Three Feet of any of the said Roads, reserving always the Use of such Trees and Branches so cut to the Owner or Owners of the same.

No Stones or  
Rubbish to be  
laid on the  
Roads.

LV. And be it further enacted, That no Person shall lay, or cause to be laid, any Timber, Stone, Lime, Peats, Dung, Soil, Compost, Ashes, or other Materials, on any of the aforesaid Roads, Highways, or Bridges; or shall cut or carry away any of the Materials forming the same; or turn or dam Water thereon; or shall allow or lay any dead Horses, or other Carrion upon or within Ten Yards of the said Roads, or commit any Nuisance, whatever thereon; and any Person or Persons so offending, shall forfeit the Sum of One Pound Sterling for each Offence, besides Charges, to be levied and recovered in the same Manner as the Conversion hereby granted, the One Half thereof to be paid to the Informer, and the other Half to be applied for making and repairing the Roads and Bridges within the District; and in case it shall not appear who laid down the said Materials, or committed such Nuisance, that the Possessors or Occupiers of the Ground next adjacent, for the Time in which the same shall have been laid down and committed, neglecting and refusing to remove such Nuisance, after Twenty-four Hours' Notice in writing given for the Purpose, under the Hand of the said Overseer, shall be deemed and held, jointly and severally, to be the Persons guilty thereof.

Horses, &c.  
not to be al-  
lowed to run  
loose.

LVI. And be it enacted, That if any Horses, Mules, Asses, Cattle, Pigs, or Swine, shall be permitted to run loose on the said Roads, or shall be tethered on them, or on the Sides of the said Roads, they shall be deemed a Nuisance;



a Nuisance; and if any Driver shall sit on his Cart, or allow his Horses to go, without holding a Rein attached to them; or if the Drivers of any Carriage, when meeting another on the Road, shall not drive to the left, the Owner of any such Horse, and every such Driver, shall forfeit a Sum not exceeding One Pound Sterling for each Offence, besides Charges, to be recovered as aforesaid.

LVII. And be it further enacted, That if any Person shall plough any Field contiguous to any of the Roads, without making Head Ridges along the Sides of the Roads, of the Breadth of ten Feet at least; or shall draw or haul upon any Part of the Highways and Bridges, any Tree, Log, or Piece of Timber, or any Stone, or other Thing whatsoever, otherwise than upon a Wheel Carriage; or shall erect any Gate across the said Roads, every Person shall, for every such offence, forfeit a Sum not exceeding One Pound Sterling, to be recovered as aforesaid.

Penalty for  
destroying  
Roads by  
ploughing.

LVIII. And be it further enacted, That no Person shall hereafter be at Liberty to erect Houses, or other Buildings, within Twenty Feet from the Centre of the Road, except within the Royal Burgh of *Inverness*, and Villages in the County, otherways any Two Trustees may order the same, upon One Month's Notice to the Occupier, to be pulled down, and fine the Defaulters, in a Sum not exceeding Ten Pounds, besides Charges, to be levied as aforesaid.

No House to  
be built with-  
in Six Feet,  
nor Dykes  
within Four  
Feet of the  
Road.

LIX. And be it further enacted, That the said Trustees may cause the said Roads to be measured, and Mile Stones and Guide Posts to be erected thereon, as near the Sides thereof as they may judge convenient; and if any Person or Persons shall wilfully break, destroy, damage, pull down, or remove any such Stones or Posts, or obliterate or deface any Letters or Figures that shall be inscribed or put thereon; or shall injure or deface any Part of the Stones in the Bridges on the said Roads, or the Parapets of the same, and shall be thereof convicted by the Confession of the Party offending, or the Oath of one or more credible Witnesses or Witnesses, before one or more of the Justices of the Peace for the said County of *Inverness*, or where the Offender shall reside, such Person or Persons so offending shall respectively forfeit and pay any Sum not exceeding Ten Pounds Sterling for every such Offence; and it shall be competent for the Trustees to grant any Reward they may deem expedient for discovering the Person or Persons guilty of such Offence; which Reward shall be paid from the District Fund.

Roads to be  
measured, and  
Guide Posts  
and Mile  
Stones to be  
erected.

LX. And be it further enacted, That for the more speedily making and repairing the said Roads, or any particular Part of the same, the said Trustees shall have Power, and they are hereby impowered, in District Meetings, assembled upon the Credit of the Assessment hereby granted on the Pound Sterling of real Rent leviable out of the District, or out of any Part thereof, from Time to Time to borrow any Sum or Sums of Money, the legal Interest whereof shall not exceed One-fourth of the Amount of the said Assessment which shall be levied from the said District; and to assign over the said Assessment, or whatever Part thereof may be necessary, for paying or extinguishing the several Sums of Money, Principal and Interest, which shall be borrowed; and Copies of such Assignments, or Abstracts thereof, shall be entered in a Book to be kept

Trustees may  
borrow Mo-  
ney and as-  
sign the  
Duty, &c.



for that Purpose by the Clerk of the Trustees: and which Assignments shall be transferable, by Indorsements on the Back thereof, or on a Paper apart; and the Money so borrowed shall be applied in the same Manner only as the Monies levied in such Districts are hereby directed to be applied.

Intimation of Assignments, &c.

LXI. Provided always, and be it enacted, That the Insertion of the said Assignments, Transferences, or Indorsements thereof in the aforesaid Book, shall supersede and render unnecessary any Intimation thereof to those liable in the Payment thereof; and such Assignments, Transferences, or Indorsements thereof, when so inserted, shall be as good and effectual to all Intents and Purposes, as if the Rule of Intimation requisite in such Cases by the Law of *Scotland* had been followed out.

After Assignment Assessment not to be lessened.

LXII. Provided always, and be it enacted, That after any such Assignment or Assignments shall have been granted, it shall not be in the Power of the Trustees to lessen the Duty within such District or Districts, until the Money so borrowed shall be repaid, and the Assignments discharged.

Power to repair sudden Damage.

LXIII. Provided always, and be it enacted, That in case of any sudden Damage being done to the Roads, Bridges, or Drains in the said County which may require an immediate Support and Repair, and the same being reported to any One Trustee of the District within which such Accident shall have happened, it shall be incumbent on him immediately, and he is hereby authorized and required to call a Meeting of the Trustees of the said District resident at the Time within the same; and at the said Meeting, which shall be held at least Six Days after such Intimation, Orders shall be forthwith given to repair such Damage from the general Funds of the District; and until such Repairs shall be made, it shall be incumbent on the Trustees of such Districts to place substantial Bars at the Entries of such Breaches, and to cause the same to be upheld from Time to Time, until such Roads and Bridges shall be properly repaired; and in case of Failure thereof, it shall be competent for the Sheriff Depute, or Substitute of the County, or any Justice of Peace thereof, to order such Operations and Repairs to be executed, and to charge the Expence personally against the whole Trustees of the said District, conjunctly and severally, as above directed, upon an Application by summary Petition, in the Name of the Procurator Fiscal of the Sheriff's or Justice of Peace Court, to the said Sheriff Depute, or Substitute, or any of the General Quarter Sessions of the Peace of the said County; such Expences, after being ascertained by the Sheriff or Justices of the Peace shall be recoverable, in the same summary Way as the Assessments under this Act are recoverable; and the Judgment or Judgments to be pronounced upon such Petition shall not be liable to Reduction or Advocation, or Suspension; and no Relief shall be competent to the Trustee or Trustees making such Payment, against the general Funds of the County, or particular Districts.

Mode of recovering Forfeitures.

LXIV. And be it further enacted, That all Forfeitures and Penalties by this Act inflicted, or authorized to be imposed, in relation to any Matter or Thing in this Act contained, the Manner of levying and recovering whereof is not otherwise particularly directed, shall, upon Proof of the Offence before any Two or more Justices of the Peace for the Shire or Place



Place where the same shall be committed, either by the Confession of the Party, or other legal Evidence; be levied by Distress and Sale in Manner above directed, and shall be applied for the Purposes of this Act.

LXV. And be it further enacted, That if any Person or Persons shall consider himself, herself, or themselves aggrieved by any Order, Procedure, Sentence, or Judgment of the said Trustees or Justices of the Peace, with respect to any of the Matters or Things by this Act referred to their Determination, it shall and may be lawful to and for such Person or Persons, within Six Months; but not afterwards, to appeal for Redress to the Justices of the Peace of the said County, at their General Quarter Sessions, who are hereby authorized to hear and determine the Matter in Dispute.

Persons aggrieved may appeal to Quarter Sessions.

LXVI. Provided always, That it shall be no Objection to any Person acting as a Justice of Peace, in any Matter or Thing relative to this Act, that he is thereby appointed, or has officiated as a Trustee, excepting in such Cases only in which he shall be personally interested.

No Objection to a Justice being a Trustee.

LXVII. And be it further enacted, That if any Person or Persons shall consider himself, herself, or themselves aggrieved by any Sentence or Judgment of the said General Quarter Sessions, or of the Sheriff Deputy, or Substitute, in any Matter relative to this Act, it shall be lawful to and for such Person or Persons to appeal for Redress to the then next Circuit Court of Justiciary to be holden at *Inverness*; and the said Circuit Court of Justiciary is hereby authorized and required to hear and determine the Matter in Dispute, in such and in the like Manner, and subject to such and the like Regulations as are specified and described in the Act passed in the Twentieth Year of the Reign of his late Majesty King *George* the Second, intituled, "An Act for taking away and abolishing the heritable Jurisdictions in that Part of *Great Britain* called *Scotland*, and for making Satisfaction to the Proprietors thereof, and for restoring such Jurisdiction to the Crown; and for making more effectual Provision for the Administration of Justice throughout that Part of the United Kingdom, by the King's Court and Judges there; and for obliging all Persons acting as Procurators, Writers, or Agents in the Law of *Scotland* to take the Oaths, and for rendering the Union of the Two Kingdoms more complete," with respect to the Appeals of the Circuit Courts of Justiciary therein mentioned.

Appeal from the Quarter Sessions to the Circuit Court.

LXVIII. And be it further enacted, That in all general Meetings of the Trustees, or Meetings of Districts, in case of an Equality of Number, the Preses shall have Two Votes, but otherwise he shall only be entitled to One Vote.

Preses to have a casting Vote.

LXIX. And be it enacted, That so far as the unapplied Funds of all or any of the said Districts shall not be sufficient to discharge the Sums expended before the passing of this Act, by authority of General or District Meetings of the Trustees, in making and repairing Roads and Bridges, then, and in such Case, such Sums shall be paid out of the Assessments granted by this Act, which shall be levied in the District in which the Money shall have been expended, in Terms of the Covenants and Agreements under which such Expenditures were made.

Former Debts contracted to be paid.

[Loc. & Per.]

23 O

LXX. And



LXX. And be it enacted, That the Assessment hereby granted upon the Pound Sterling of real Rent shall be applied by the said Trustees, in the first Place, to defray and pay the Charges of obtaining and passing this Act, and afterwards wholly and solely to the Uses and Purposes before mentioned, and to no other Use or Purpose whatsoever.

Limitation of  
Actions.

LXXI. And be it further enacted, That all Actions and Complaints for all and any of the Penalties and Forfeitures imposed by this Act and for any Wrong or Injury committed or suffered in any Matter relative to, or in consequence of any of the Powers of this Act given and granted, shall be commenced within the Space of Twelve Calendar Months after the Penalties or Forfeitures are incurred, or Wrong done, or Injury suffered; and that no Penalty or Forfeiture imposed by this Act, shall be exigible, unless the same shall be sued for within the Space of Twelve Calendar Months aforesaid.

Commence-  
ment of As-  
sessment.

LXXII. And be it further enacted, That the aforesaid Conversion, or Commutation and Assessment, by this Act granted shall take place from and after the passing thereof.

Commence-  
ment of the  
Act.

LXXIII. And be it further enacted, That this Act shall commence from the passing thereof, and shall continue for and during the Space of Twenty-one Years thereafter, and from thence to the End of the then next Session of Parliament.

Public Act.

LXXIV. And be it 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.

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