



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 26.

An Act for assessing the Proprietors of Lands in the County of *Sutherland*, towards the Expence of making and supporting such Roads and Bridges therein, as shall be approved of by the Commissioners appointed by an Act of the Forty-third Year of His present Majesty, for making Roads and building Bridges in the Highlands of *Scotland*; for making a Turnpike Road from *Portinleik* to the *Ord*; and converting the Statute Labour of the said County into Money. [11th April 1805.]

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 proper Person to make a Survey or Surveys of the Roads and Bridges which it should be deemed most advisable to make and erect in the Highlands of *Scotland*; which Person

[Loc. & Per.] 6 E son

43 G. 3. c. 20.

son should report upon Oath his Opinion thereupon, together with an Estimate of the Expence 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 also be 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 *Sutherland*, it is expedient to empower the Commissioners of Supply of the said County of *Sutherland*, to assess themselves, and every Proprietor of Land in the said County, rateably and proportionably according to their respective valued Rents, 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 said recited Act shall determine, that any Road or Roads, Bridge or Bridges, shall be made or erected

erected in the said County of *Sutherland*, such Commissioners shall transmit, or cause to be transmitted, a Copy 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 *Sutherland*, who is thereupon required and directed to summon a General Meeting of the Heritors of the said County, to be held at *Dornoch*, 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.

Bridges to be made or erected pursuant to 43 G. 3. c. 80. to be sent to the Convener or Sheriff of the County, and by him laid before General Meeting of Heritors, for the Purpose of considering and giving Directions for executing the same.

II. 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 so to be laid before such General Meetings, to be inserted Three several Times in the *Edinburgh Evening Courant*, *Caledonian Mercury*, and *Edinburgh Advertiser*, at least Twenty Days previous to such Meetings.

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

III. And be it further enacted, That at every such Meeting of Heritors all Proprietors, Life-renters, and proper Wadsetters, 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 the Intervention of any other Person or Persons specially authorized by them to that Effect, or possessing general Powers of Faculty and Management; 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.

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

IV. 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 Assigns, for the Payment out 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 Land, 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.

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

V. Provided

Heritors may
adjourn.

V. 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.

VI. Provided also, and be it 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 Two Shillings nor less than One Shilling Sterling in the Pound *Scots* of the valued Rent of the County, until such Time as all Sums of Money, contained in any Assessment pursuant to this Act, shall be paid.

Instalments to
be applied in
such Proportions
for
Roads and
Bridges as to
the Heritors
shall seem pro-
per.

VII. 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 of such Assessment 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.

Resolutions of
Heritors to be
transmitted to
the Convener,
and Commit-
tioners of Sup-
ply shall make
Assessment
pursuant
thereto.

VIII. And be it 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 *Sutherland*; and thereupon the Commissioners 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, or proper Wad-fetter 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 to the Terms therein specified.

Assessment to
be levied as
the Land Tax.

IX. 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 every such Collector shall find Security for his faithful and true accounting for and paying as herein directed, all Monies to be received by him pursuant to this Act, in the same Manner that such Collector does for his faithful and true accounting for and paying all Sums of Money received by him as Collector of the Land Tax.

X. And

X. 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 Sterling, 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 every Meeting of Heritors to be held as hereinafter directed, on the same Day with, and after the Meeting of Commissioners of Supply for assessing the Land Tax, 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, containing an exact Specification of the Dates on which all Sums therein mentioned were paid, or remitted or received by him.

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

XI. And be it further enacted, That if the Collector of the Land Tax for the said County shall at any Time keep in his Hands for the Space of Twenty Days a larger Sum than Fifty Pounds Sterling of Money received by him pursuant to this Act, or shall fail to render an Account in the Manner herein required, such Collector shall, for every such Offence, forfeit and lose the Sum of Twenty Pounds Sterling, to be recovered with double Costs of Suit, by Way of summary Complaint, at the Instance of any Heritor of the said County of *Sutherland*, before Two or more of His Majesty's Justices of the Peace for the said County, One Half of which Sum shall go to the Use of His Majesty, His Heirs and Successors, and the other Half to the Person or Persons suing for the same.

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

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

Collector may retain Allowance for his Trouble.

XIII. 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 said recited Act, who shall, upon the 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 to be entered to every such Account a Sum equal to the Half of the estimated Expence of such Road or Bridge, or Roads or Bridges; and that by such Road or Bridge shall forthwith be directed to be made and performed pursuant to the said recited Act and this Act.

Upon Assessment being made, an Account shall be opened for the Road or Bridge, pursuant to 45 G. 3. c. 20.

XIV. 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

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

Land Tax in each Year, there shall be held General Meetings of Heritors under this Act, and at every such 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 Copy of Minutes of their Proceedings to Commissioners under 43 G. 3.

XV. 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 having 100l. Scots of Valuation, to be Trustees for Roads and Bridges for which Assessment made.

XVI. And be it enacted, That the Heritors of the said County for the Time being, in the actual Possession, as Proprietors, Liferenters, or proper Wadsetters, of the *Dominium utile* of Lands, valued in the Cess-Book of the said County at One hundred Pounds Scots of valued Rent, shall at any of their General Meetings, from Time to Time, appoint a Committee, not exceeding Five of their Number, and such Committee shall be, and they are hereby constituted Trustees for making and repairing 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 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.

Committee of Superintendance and Local Management may be appointed.

XVII. 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; and which Committee of Superintendance shall be empowered by the said Commissioners and Trustees to draw upon the Bank aforesaid for the 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.

Directions to be given by the Commissioners appointed by the Act 43 G. 3. c. 26.

XVIII. Provided always, and be it enacted, That it shall and may be lawful for the Commissioners appointed by the said recited Act, and they 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;

County, to be by him laid before the next General Meeting of the 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.

XIX. Provided also, and be it enacted, That in case a Bridge shall, under and by virtue of this Act, be erected, situated partly in the County of *Sutherland*, and partly in the County of *Ross*, the Committee to be appointed as aforesaid by the Heritors of the County of *Sutherland*, shall be solely Trustees for the Erection of such Bridge, any Thing in the said in Part recited Act notwithstanding; unless the Heritors of the County of *Ross*, or some of them, shall agree to bear an equal Share, with the Heritors of the County of *Sutherland*, of the Expence of such Bridge; in which Case, the Provisions of the said recited Act shall be in full Force in regard to such Bridge.

Heritors of
Sutherland
shall be sole
Trustees, for
Bridge situat-
ed partly in
Ross.

XX. 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 As-
sessment.

XXI. Provided always, and be it enacted, That every Liferenter 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, may charge the Estate of which such Liferenter, 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 Liferenter, 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 a certain Sum, at least equal to Three Pounds *per Centum* 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 the 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.

Life Renters
and Heirs of
Entail may
charge the
Estate.

XXII. 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 redeemable, 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 Confignation, unless such Proportion of every such Assessment shall be

Lands held by
proper Wad-
setters to be
liable for Re-
imbursement
of Assessments
paid by them.

configned

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 Seifins.

Heritors may borrow Money on the Credit of the Assessment.

XXIII. 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 pursuant to this Act, to borrow Money upon the Credit of the Assessments to be made, as herein directed; and which Money so borrowed shall be paid to the Treasurer of the Bank of *Scotland*, or their authorized Agent as aforesaid, 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 by the Treasurer of the said Bank from the Funds so remitted to him, or paid to the Agent as aforesaid, in such Manner and in such 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 Six thousand Pounds Sterling.

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

XXIV. 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.

No Compensation to be made to Proprietors for any Land except intown Land.

XXV. And whereas unimproved Lands through which the said Roads shall pass, or near to which the said Bridges shall be situated, will be increased in Value by the making and building thereof beyond the present Value of such Land as will be required for the same; be it therefore enacted, That no Compensation or Satisfaction shall be exigible by the Proprietor or Proprietors of Lands situated in the said County of *Sutherland*, for any Land, excepting intown Land, that may be taken and acquired for making the said Roads, and erecting the said Bridges, any Thing in the said recited Act notwithstanding; but reserving to all Occupiers of Land so taken and acquired, not being also Proprietors thereof, and to all Proprietors of intown Land, and all Proprietors of Land situated out of the said County of *Sutherland*, their respective Claims of Compensation and Satisfaction, of which the Amount shall be fixed and ascertained in the Manner appointed by the said Act; and in case of Dispute, whether any Land so taken and acquired be intown Land or not, that Question shall be determined by the Award of a Jury in the Manner appointed for fixing such Satisfaction by the said Act.

XXVI. And

XXVI. And be it enacted, That all the Directions, Powers, and Authorities given by the said recited Act, which are not inconsistent with this Act, shall be followed, observed, and enforced, in the Execution of this Act. Former Act to be enforced.

XXVII. And whereas it is expedient that a Road should be made from a Place called *Portinleik*, in the Parish of *Creech*, in the said County of *Sutherland*, to or towards another Place called the *Ord*, in the Parish of *Loth*, in the same County, and that Bridges should be built across the Rivers upon the said Line of Road, particularly One Bridge across the River *Shin*, at or near *Portinleik* aforesaid, extending from the said Parish of *Creech*, in the County of *Sutherland*, to the opposite Side of the River, in the Parish of *Kincardine*, in the County of *Ross*; and another Bridge across the River *Helmisdale*, in the Parish of *Loth*, in the said County of *Sutherland*; and that the said Road and Bridges shall be made and built pursuant to the said recited Act and this Act: And it being expedient that Tolls and Duties should be levied on the said Road and Bridges, for the better keeping the same 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, One or more Turnpike Gate or Gates, on or across, or at the Side or Sides of the said Road, from *Portinleik*, to or towards the *Ord*, or on or at either Extremity of the said Bridges, or any of them; and also such Number of Toll Houses as they shall think fit, with such Portion of Ground as they shall think necessary for the Use of the several Toll-bar Keepers thereof, not exceeding Half an Acre to each Toll House; and the said Commissioners and Trustees are hereby empowered to take and acquire, and all Bodies Politick, 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 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 directed to be followed and observed, in the Acquisition and Purchase of Ground, for the Purposes of this Act. Road from Portinleik to the Ord to be Turnpike.

XXVIII. And be it further enacted, That so soon as the said Road shall be made, or the said Bridges, or either of them, shall be built, it shall and may be lawful for the said Trustees to demand and take, or cause to be demanded and taken, the Tolls and Duties following, at each of the Gates or Turnpikes so to be erected, before any Coach, Chariot, Berlin, Landau, Curricule, Calash, Chaise, Waggon, Cart, Sledge, or other Carriage whatsoever, or any Horse, Mare, Gelding, or Cattle whatsoever, shall pass through the same; that is to say, Tolls leviable on this Road,

For every Coach, Berlin, Landau, Curricule, Calash, Chaise, Chair, or Hearsse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling; and drawn by Four Horses, Mares, Geldings

[Loc. & Per.]

6 G

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.

Tolls to be paid Once a Day.

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 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 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 Carriage, Horse, Ass, or other Beast or Cattle shall so pass, in the same Manner as for the first Time.

To prevent evading Tolls.

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

der shall reside; shall for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, nor less than Ten Shillings Sterling, to be levied and recovered in Manner herein-after directed.

XXXI. Provided always, and it is hereby further enacted, That no Toll shall be demanded for and in respect of Carriages, Horses, or Cattle employed in carrying Materials for making or repairing Roads, Bridges, and Toll Houses in the said County of *Sutherland*; 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 Horses furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor for Carts or Carriages, or Waggons travelling with Vagrants sent with legal Passes: And if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person, being convicted thereof upon Oath by One or more credible Witnesses or Witnessess, or by his own Confession, before any One or more Justice or Justices of the Peace of the said County, or where the Offender shall reside, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Ten Shillings Sterling.

Persons and
Things ex-
empted from
Toll.

XXXII. And be it enacted, That if any Person or Persons shall neglect or refuse to pay the Tolls and Duties hereby granted, the said Trustees are hereby empowered by themselves, or such other Person or Persons as they shall authorize and appoint, to levy each and every of the said Tolls and Duties, by Distress and Sale of any Horse or Horses, or other Cattle or Carriages, upon which such Tolls and Duties are by this Act imposed, and to detain such Horse, or other Cattle or Carriage so distrained, until the

Tolls to be
levied by Dis-
tress and Sale.

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 or Carriage, so distrained, by public Auction, at the Turnpike or Toll House, where the Toll ought to have been paid, returning the Overplus (if any be) to the Proprietors of such Horse or Horses, Cattle or Carriage, so distrained, after deducting such Toll or Duty, and the reasonable Charges of distraining, appraising, and selling the same.

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 public Auction, to let the said Tolls or Duties hereby granted, in Whole or in Lots or Parcels, from Time to Time, for any Term not exceeding Three Years, for the highest Rate or Rates that can be obtained for the same, to such Person or Persons as shall give good and sufficient Security for Payment of the Sums for which the Tolls shall be so let, in such Manner as shall be directed by the said Trustees.

Power to appoint 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; 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 find 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.

Application of the Money arising from Tolls.

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, pursuant to Resolutions of the Commissioners appointed by the said recited 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

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 Applications into their Consideration, and determine thereupon, as to them may seem fit: Providing always, that the Expence of repairing the said Road from *Portinleik* to the *Coed*, and Bridges on the Line thereof, shall be preferable upon the said Fund to all Claims for Repair of any other Road or Bridge; and when the Heritors so assembled shall order a Sum of Money to be paid to any Committee of Superintendence for any such Repairs, such Order shall be a sufficient Warrant to the Treasurer for making such Payment accordingly.

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 Road or Bridges; 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 so offending, and being thereof lawfully convicted, in any Prosecution ordered by the said Trustees, by the Oath of One or more credible Witness or Witnesses, or his own Confession before any One or more of the Justices of the Peace of the said County of *Sutherland*, or where the Offender shall reside, shall not only forfeit and pay double the Damages and Expences sustained, or that may be incurred, by such Offence, but shall also be subject and liable to pay a Fine, not exceeding Twenty Pounds, nor less than One Pound Sterling.

Penalty on
Persons break-
ing Turnpike
Gates, &c.

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 Witness or Witnesses, or their 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, nor less than Ten Shillings Sterling.

Penalty on
Evasion of
Tolls.

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 leviabie thereat, or take off, or cause to be taken off, any Horse, Mare, or Gelding, or Horses,

Penalty on
taking off
Horses.

[*Loc. & Per.*]

6 H

Mares,

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 thereof convicted, by the Oath of any One or more credible Witness or Witnesses, or his or their own Confession before any One or more of the Justices of the Peace for the said County of *Sutherland*, or where the Offender shall reside, shall forfeit and pay 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 of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County of *Sutherland*, or where the Offender shall reside, such Person or Persons so offending shall respectively not only forfeit and pay double the Damages and Expences sustained, or that may be incurred, by such Offence, but shall also be subject and liable to pay a Fine, not exceeding Ten Pounds, nor less than Twenty Shillings Sterling, for every Stone or Post so wilfully broken, destroyed, damaged, pulled up, removed, obliterated, or defaced.

Commutation of Statute-Labour.

XLII. And whereas a reasonable Compensation in Money, in place of Labour, may, in many Instances, be more useful and effectual than the actual Service required by the Laws now in force, relative to Highways, for the Purpose of making, erecting, and repairing the Roads and Bridges in the said County of *Sutherland*, other than the Roads and Bridges to be made and erected, by virtue of the said recited Act and this Act, pursuant to Resolutions of the Commissioners appointed by the said recited Act; be it therefore enacted, That, from and after the passing of this Act, the whole Statute Labour of the said County, excepting as herein-after provided, shall be converted into Money, in Manner and according to the Rates underwritten, and the Power of levying and applying such Conversion shall be, and is hereby vested in the Justices of the Peace of the said County, in the same Manner that the enforcing and applying the Statute Labour of the said County is by Law now vested in them.

But may be exacted in Kind.

XLIII. Provided nevertheless, That it shall be lawful for the said Justices of the Peace to dispense with the Payment of the said Conversion, in any particular

particular Parish or Parishes, on an Application to that Effect, subscribed by a Majority of the Heritors of such Parish or Parishes respectively, and to authorize the Exaction of the Statute Labour in Kind.

XLIV. And, for the better explaining who shall be liable in the Performance of Statute Labour, or the Payment of a Composition for the same; be it enacted and declared, That all Heritors in the natural Possession of their own Lands, and all Lessees and Occupiers of Land, and all Householders and Cottagers, and all Labourers, (excepting Servants hired by the Year or Half-year, and continuing in Service,) and all Tradesmen, Carters and Carriers, and other Persons keeping Horses for Hire or Labour, shall be obliged to assist in making and repairing the Highways and Bridges within the said County, or to pay a Composition for the same, at the Rates respectively after mentioned: Provided always, that no Person who shall be assessed as a Lessee, or Occupier of Lands, shall be liable to any separate Assessment, as a Composition for personal Labour on the Highways: And provided also, that no Clergyman shall be subjected to perform any Service, or pay any Composition, on Account of his Manse or Glebe, nor any parochial Schoolmaster, or Schoolmaster employed by the Society for Propagating Christian Knowledge, on account of his Schoolhouse or Allowance of Ground.

Who liable to pay for or perform Statute Labour.

XLV. And be it enacted, That the Statute Labour, when converted into Money, shall be rated at and commuted for the Sums of Money following, *videlicet*, that every Lessee and Occupier of Land, truly and *bonâ fide* let at or under the yearly Rent of Five Pounds Sterling, and every Householder within Borough or forth thereof, and every Cottager and Labourer, (excepting such Servants as aforesaid,) and every Tradesman, Carter, and Carrier, and every other Person keeping a Horse or Horses for Hire or Labour, shall pay, in lieu of such Statute Labour, the Sum of Two Shillings Sterling yearly: That every Heritor in the natural Possession of his own Lands, or any Part thereof, shall pay for, and in respect thereof, and in lieu of such Statute Labour, an Assessment at the Rate of Three-pence Sterling for every Pound Sterling, upon the annual Value at which the same might fairly be let upon a Lease of Nineteen Years, without Fine or Grassum: And that every Lessee and Occupier of Land let for a yearly Rent exceeding Five Pounds Sterling, and not exceeding Ten Pounds Sterling, shall pay, in lieu of such Statute Labour, the Sum of Three Shillings Sterling: And that every Lessee and Occupier of Land, let for a yearly Rent exceeding Ten Pounds Sterling, shall pay, in lieu of such Statute Labour, the like Sum of Three Shillings Sterling for Ten Pounds of such Rent, and Three-pence Sterling for every Pound Sterling of such Rent beyond the said Sum of Ten Pounds Sterling.

Rates of Conversion.

XLVI. And be it enacted, That for the Purpose of facilitating the Collection of the said Sums in lieu of Statute Labour, the Proprietors of Land in the said County, or their Factors, shall, and they are hereby required, within Forty Days after the passing of this Act, and thereafter yearly, on or before the First *Tuesday* of *April*, to deliver to the Clerk of the Peace of the said County, a List subscribed by them, containing the Names of all Persons resident or occupying Land on their respective

Heritors to give in Lists.

respective Estates, who are, as aforesaid, liable in Performance of Statute Labour, or in Payment of a Conversion for the same, distinguishing under which of the aforesaid Descriptions such Persons are so liable, and within what Parish they are respectively resident, and specifying the Amount of Rent payable by all such Persons contained in the said Lists, as are Occupiers of Land let for a yearly Rent exceeding Five Pounds Sterling.

Magistrates of
Dornoch to
give in Lists
for the Bur-
rough.

XLVII. And be it further enacted, That the Provost or eldest resident Baillie of the Borough of *Dornoch* shall in like Manner deliver to the said Clerk, within the Space and at the Times aforesaid, a List, subscribed by him, containing the Names of all Persons resident within the Borough who are as aforesaid liable in Performance of Statute Labour, or Payment of a Conversion for the same; and on the Failure of the said Proprietors of Land, and Provost or Baillie aforesaid, to give in such a List, as before directed, within the Times aforesaid, it shall be lawful for the Clerk of the Peace to make such Lists, for the Purpose of assessing the said Composition, and to demand a full Recompence for his Trouble therein, from the Proprietors of Land, or Provost or Baillie of the said Borough, refusing or failing to give in such Lists, along with full Costs, and which Demand shall be adjudged of by the next Quarter Sessions, upon a summary Complaint.

Variations to
be annually
reported.

XLVIII. Provided always, That after such Lists shall have been once given in, to the Clerk of the Peace, in Manner before directed, it shall be sufficient, in each subsequent Year, to specify the Variations that have occurred therein, in such Manner as to enable the Clerk to make up for each succeeding Year a correct List of the Persons liable in the Payment of a Composition for personal Service on the Highways.

Clerk of the
Peace to make
up States of
Assessments
from these
Lists,

XLIX. And be it further enacted, That as soon as Lists of the Persons liable in a Composition for personal Labour shall have been given in to the Clerk of the Peace, in Manner before mentioned, he shall forthwith proceed to make up therefrom an exact Statement of the Sums due in each Parish of the said County, by each Individual liable in Statute Work or Services within the same, and shall, within Three Calendar Months after the passing of this Act, or as soon thereafter as Surveyors for the respective Parishes of the County shall have been appointed in Manner underwritten, and thereafter, on or before the First *Tuesday* of *June* yearly, deliver to the said Surveyors an exact State of the Conversion and Composition Money to be levied in each Parish pursuant to this Act; and the Surveyors shall forthwith proceed to levy the said Compositions, so as the whole Money arising therefrom may be in their Hands before the Month of *April* in the following Year, subject to the Disposal of the Justices of Peace of the said County.

and to deliver
same to Sur-
veyors of Pa-
rishes, who
shall proceed
to levy, &c.

Justices of
Peace shall
appoint Pa-
rochial Jus-
tices for
Roads, &c.

L. And be it enacted, That the said Justices of Peace, at their First Half-yearly General Meeting, for ordering Matters concerning the Highways, which shall be held after the passing of this Act, and thereafter at their General Meeting from Time to Time, shall nominate and appoint certain of their Number, for each Parish, of whom not less than Three ordinarily resident within the County, and in which Appoint-

ment

ment shall always be included every Heritor of Lands in the Parish who is qualified, to whom the Charge of directing and ordering the making, erecting, and repairing the Roads and Bridges to which the Conversion of the Statute Labour is applicable, shall, in their several and respective Parishes be committed; and the said Justices, so to be appointed for each Parish, shall have Power to appoint One of their own Number, or any other fit and proper Person, to be Surveyor of such Roads and Bridges; and also, if they see Cause, to appoint an Overseer or Overseers under him, and to remove them, or any of them, as they shall see Occasion; and at the said First Half-yearly General Meeting of Justices after the passing of this Act, a List and Specification shall be made up by them of the several Roads which may be judged proper to be made and repaired in each Parish, by means of the Fund arising from the said Conversion of Statute Labour; and the said List shall lie in the Hands of the Clerk of the Peace, open to the Inspection of all concerned, until the next Half-yearly General Meeting, when the same shall be taken again under Consideration and adjusted; and no Alteration shall thereafter be made thereupon, except upon a Motion to be made at a Half-yearly General Meeting of the said Justices, and to be taken under Consideration at the Half-yearly General Meeting next following thereafter.

LI. And be it enacted, That the said Surveyors shall annually, before the Second *Tuesday* of *April* render to the said Justices appointed for each Parish respectively, an account of the Sums of Money collected by them respectively, and all Arrears, if any, outstanding, and also of the Sums expended, including a reasonable Gratification for his Trouble, to be retained by the Surveyor in each Parish, if not One of the Justices themselves, and also a reasonable Gratification to the Overseer or Overseers for his or their Trouble, and also such a Proportion as shall have been allocated by the said Justices at their General Meeting, at *Michaelmas* immediately preceding, on the several Parishes respectively, of a Remuneration to be paid to the Clerk of the Peace for his Trouble, and which Remuneration shall be paid to the said Clerk, by the several Surveyors accordingly, out of the Sums collected by them; and the said Justices shall lodge the said Accounts, and Vouchers thereof, in the Hands of the Clerk of the Peace, within Ten Days thereafter, so as the same may be seen and considered, and approved or rectified by the whole Justices, at their General Meeting in *April*.

Surveyors shall render an Account annually of Money collected and expended.

LII. And be it enacted, That the said Justices, at their said Meeting in *April* shall annually ascertain and declare the Amount of the Fund then belonging to each Parish, and shall proceed to direct the Application thereof, within each such Parish respectively and exclusively, for or towards making, erecting, and repairing such Roads or Bridges, as they shall think fit; and the said Justices appointed for each Parish, shall thereupon be fully authorized and empowered to give such Orders and Directions for the Execution of the said Works as they shall judge proper and necessary: Providing always, that it shall not be lawful to allocate any Part of the said Fund for any Road or Bridge in the Line thereof, unless the same shall have been previously entered in the said List and Specification of the Roads, to which the Conversion of the

Application of Funds from Conversion of Statute Labour.

Statute Labour is to be applicable; and the Sums to be appropriated for making or repairing any Road or Roads shall be allocated primarily in each Parish to the Road standing highest in the said List, so far as such Parish is concerned, and to the other Roads therein specified, in their Order of Priority: But declaring, that, to the Extent of One-Third Part of the free Fund in each Parish, the said Justices shall be bound to provide for Repairs, where necessary, within the Parish, in Preference to any Claim for making a new Road: And providing also, that before Authority shall be granted by the said Justices at their General Meeting, to apply any Money for such Works, Reports of the State and Condition of such Roads or Bridges wanting Repair, and proper Estimates of the Sum or Sums necessary for such Works, shall be laid before them, and verified in such Way as they shall deem requisite; unless in case of any sudden Damage, adjudged by any Two Justices of the Peace, on personal Inspection, to be such as urgently requires immediate Repair, to prevent Accumulation of Damage; in which Case it shall be lawful to the said Justices, at their said General Meeting, to give Authority for defraying the Expence of any such Repair, already made under such Circumstances.

Grants may be made to any Heritor advancing Money.

LIII. And be it enacted, That if any Heritor, in any Parish, shall offer to advance Money for making any Road standing, for the Time, first in the Specification among the new Roads to be made in such Parish, the said Justices may, and they are hereby empowered, to agree to such Proposal, and to direct the Application of such Money accordingly, and to grant to such Heritor, Two-Thirds of the free Annual Fund to arise in the said Parish from the Conversion of the Statute Labour, until he shall be reimbursed for such Advance; but no such Grant shall extend beyond Seven Years.

Recovery to be by poinding if Deficiencies.

LIV. And, in order the better to enable the said Surveyors to collect with Dispatch the said Conversion or Compositions for Statute Labour, be it further enacted, That all Persons who shall neglect or refuse to make Payment of their Conversions or Composition within Ten Days after Requisition made to them personally, or at their Dwelling Houses, or by Advertisement at the Parish Churches on a *Sunday*, shall be liable in double the Sum at which their Service or Labour shall be converted, and the whole of these Conversions and Penalties may be levied, in virtue of a Warrant under the Hand of any one of His Majesty's Justices of the Peace for the said County, proceeding upon the Oath of the Surveyor, that such Person has not paid his Composition after due Notice; and the Warrant shall contain Authority for arresting such Person's Effects, and for poinding the same; and the Officer to whom the same shall be directed, shall summarily seize and distrain the readiest Goods and Effects of the said Person, and shall, at the End of Three Days thereafter, sell the same by Auction upon the Ground of the Lands, or at the next Town or Village, rendering the Surplus to the Owner; and no Suspension, Appeal, Complaint, or Action, shall stop the Payment of the said Composition for that Year in which it has been assessed; saving to the Parties their Redress, either from the Persons by whom they have been aggrieved, or out of their several Conversions for

the next Year, in case it shall be found that they are entitled thereto; upon Complaint made to his Majesty's Justices of the Peace for the said County, at their next Quarter Sessions, whose Judgment shall be final, without being subject to Advocation, Suspension, or Reduction.

LV. And be it further enacted, That it shall and may be lawful for the said Justices assembled at any General Meeting, to exempt and free from the Performance of Statute Work, or the Payment of any Composition, all such Persons as shall appear to them to be in indigent Circumstances, and unable to pay the same.

Indigent Persons exempted.

LVI. And be it enacted, That the Clerk of the Peace shall immediately after the aforesaid Accounts of the Conversion of the Statute Labour shall in each Year have been approved or rectified by the said Justices at their General Meeting aforesaid, deliver over the same to the Clerk of the said Trustees, who shall be bound, before the First Day of *June* in each Year, to engross in a Book to be kept for that Use a full and accurate Copy thereof, and also of the Accounts which shall at the preceding Meetings in the Month of *April*, have been rendered by the Collector of the Land Tax, and by the Treasurer appointed by the Trustees in pursuance of this Act; and the said Book shall at all reasonable Times be open for Inspection, without Fee or Reward, to any Justice of the Peace or Freeholder of the said County, or to any Heritor, Life-renter, or proper Wadsetter in Possession of Lands therein valued, as aforesaid, at One hundred Pounds *Scots* or upwards.

Accounts to be recorded.

LVII. And be it enacted, That when any Road shall be made, or marked out to be made, by virtue of this or the said recited Act, pursuant to Resolutions of the Commissioners appointed by the said recited Act, or by virtue of this Act, under the Authority of the said Justices of the Peace, it shall not be lawful for any Person or Persons to build any House, or to make any Fence or Inclosure, or to plant any Trees within Twenty-five Feet of the Centre of the said Roads; and if any Person shall act in the contrary, all such Houses, Inclosures, and Plantations, may be destroyed and demolished, if they encroach upon the Road as actually made; and, if otherwise, no greater Allowance or Compensation shall be made on account of the Road being afterwards widened, than would have been due if such Buildings, Fences, or Plantations had not been made.

Roads shall not be encroached upon.

LVIII. And be it enacted, That the said Commissioners and Trustees, and the said Justices, to be appointed in the respective Parishes, shall severally be empowered, and they are thereby authorized and empowered, to order and direct such Ditch or Ditches, Trench or Trenches, to be cut and made in the Grounds adjoining to any Road or Roads which shall be made, or directed to be made, under their respective Authorities, as shall be deemed necessary for draining such Road or Roads; and the Occupiers of the adjoining Grounds shall be bound to scour the same, as well as all Outlets for carrying off the Water therefrom, so that the Water may have a free Course through the adjoining Grounds; and if the Occupiers

Ditches may be made for draining Roads.

occupiers of the said Grounds shall neglect so to do, it shall be lawful to the Committee of Superintendence, or Surveyor, to cause the same to be done, and he or they shall be entitled to recover from such Occupier the full Expence thereof, besides the Costs of Suit, upon a summary Complaint to the next Quarter Sessions.

Nuisances on
Roads prohib-
ited under a
Penalty.

LIX. And be it enacted, That it shall not be lawful for any Person to lay or leave on any Road or Bridge, any Cart, Chaise, or other Carriage, loaded or unloaded, or any Implement of Husbandry, or any Timber, Lime, Mortar, Shells, Gravel, Stones, Carrion, Dung, Soil, Compost, or any Sand or Ashes; or to leave any Horses, Oxen, Cows, Sheep, Lambs, Hogs, Swine, or other Cattle to lie down or loiter in the said Roads or Bridges, or any Part thereof, or to suffer them to graze upon the Sides of the Roads where Inclosures shall have been made on the Sides thereof, or in the Drains or Ditches; or to drive along the Roads any Sledge without Wheels, unless in Time of Snow, so deep as to prevent the Sledge from touching the Surface of the Road; or to carry along the Roads any Timber, Iron, or other Matter whatever, otherwise than upon a Wheel Carriage; or to suffer the same, even upon such Wheel Carriage, to project across the Road beyond the Wheels on either Side, or to touch or drag upon any Part of the Road, or to dig up, cut or break any Part thereof: And every Person offending in any of these Particulars, being convicted thereof by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace of the said County of *Sutherland*, or where the Offender shall reside, shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, nor less than Ten Shillings Sterling, to be levied in Manner herein-after directed.

Application
of Compensation
Money
when exceed-
ing 200l.

LX. 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 the said recited Act, or this Act, for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, or so much thereof as such Corporation, the Husband of such married Woman, Tutor or Curator of such Infant or Lunatic, or of any other Person under any Disability or Incapacity, shall think proper, not being more than One Year's Free Rent of the Estate of such Person or Persons, with the Consent of the said Commissioners, be either paid to the Governor and Company of the Bank of *Scotland*, to be placed to the Account of any Road or Bridge, under the Provisions of this Act, to the Expence of which such Corporation or Husband of such married Woman, Tutor or Curator of such Infant, Lunatic, or other Person under any Disability or Incapacity, shall wish to contribute, and the Balance thereof, or the Whole, in case the same shall amount to the Sum of Two hundred Pounds, or more, shall, in the Option of such Corporation, Husband, Tutor, or Curator, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*.

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 the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation 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.

LXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation; or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the 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, be either paid with the Consent of the said Commissioners to the said Governor and Company of the Bank of *Scotland*, to be placed to the Account of any Road or Bridge under the Provisions of this Act, to which such Person or Persons, or his, her, or their Tutors or Curators, shall wish to contribute, or shall, under the Direction and Authority of the Court of Session aforesaid, be paid into either of the said Banks, and be placed to his, her, or their Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners, (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 herein-before directed, so far as the Case be applicable.

If under 200l.
and above 20l.

[*Loc. & Per.*]

6 K

LXII. Provided

Where under
20l. Sterling.

LXII. 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 Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Five 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.

Purchase
Money to be
paid into the
Bank in case
of Title not
being made
out.

LXIII. 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 any Lands, Tenements, or Heritages, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, 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 Commissioners, or any Five 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 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 and Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any
Question shall
arise touching
the Title, the
Person in Possession
shall be
deemed entitled.

LXIV. 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 Act or 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

session

session, until the contrary shall be shewn to the Satisfaction of the said Court of Session, and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

LXV. 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 the said Act or 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 or the said 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.

Court to order
Expences to
be paid.

LXVI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, except those for the Recovery of which a special Mode of Proceeding is hereby directed, may be sued for by the Procurator Fiscal of the County, who shall be answerable for the due Execution of his Office in that Behalf, upon any credible Information given to him; or by any Member of any Committee of Superintendance, or any Surveyor, they having Charge as such of the Road or Bridge whereon the Offence shall be charged to have been committed, and the same 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 said County of *Sutherland*, or where the Offender shall reside, in Name of the Complainer or Complainers, 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 public 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 so far as incurred in Name of double Damages shall, when recovered, be paid to the Committee of Superintendance or Surveyor, under whose Charge the Road may be, whereon the Offence was committed, and the said Forfeitures, so far as incurred in Name of Fine or Penalty, when recovered, shall be applied, One Moiety to the Informer, and the other Moiety towards repairing and keeping in repair the Road upon which the Offence shall have been committed; 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

Mode of recover-
ing Penalties.

shall not forthwith be paid, it shall be lawful for any One Justice of the Peace for the said County of *Sutherland*, or where the Offender shall reside, 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: Providing nevertheless, that all Actions and Complaints for any of the Penalties and Forfeitures aforelaid, shall be commenced within the Space of One Year after the same is incurred, or the Wrong done, or Injury suffered, and not afterwards.

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

LXVII. And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Sentence imposing any Penalty or Forfeiture, in pursuance of this Act, 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 Complaint shall have been instituted; or, in case the Sentence shall have been pronounced 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 Party or Parties appealing, 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 aforelaid; shall, and they are hereby directed to give Notice in Writing, to the original Complainer or Complainers, 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 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, and no Sentence to be pronounced by the said Justices at their Quarter Sessions, in pursuance of this Act, shall be subject to Advocation, Reduction, or Suspension; every such or other Process of Review of such Sentences being hereby declared illegal and incompetent.

No Individual
shall be bound
beyond his
own positive
Obligation.

LXVIII. 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

Obligation to pay the several Assessments which may be made under the Authority of this Act.

LXIX. 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 of the said County in the actual Possession as Proprietors, Life-renters, or proper Wadsetters of the *Dominium utile* conformably to their respective valued Rents.

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

LXX. 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 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 so to be done, or if such Action and Suit shall be brought after the Time herein before limited for bringing the same, or shall be brought without 'Ten Days' Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Defender or Defenders shall be assoilzied; or if the Action shall be found to be irrelevant, or be otherwise dismissed, or the Pursuer shall not prosecute the Action, or suffer the same to fall asleep, or if 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.

Limitation of Actions.

LXXI. 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.

Publick Act.

LXXII. And be it further enacted, That this Act shall commence on the Twenty-fifth Day of *April* One thousand eight hundred and five; 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 every 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, after the said Twenty-fifth Day of *April* One thousand eight hundred and five:

Continuance of the Act.

[*Loc. & Per.*]

61.

and

and so much of this Act as relates to the Conversion of the Statute Labour, shall continue and endure as long as the Statute Labour shall be by Law exigible, in lieu of which such Conversion is hereby authorized to be levied.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1805.