



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 87.

An Act for maintaining a Bridge across the River *Beau-
ley*, to be called *The Lovat Bridge*, in the County of
Inverness. [18th May 1810.]

WHEREAS the establishing a free and easy Communication be-
tween *Edinburgh* and the Northern Counties, to the South and
North of the Royal Burgh of *Inverness*, is an Object of great
public Utility: And whereas the want of a Bridge over the River *Beau-
ley*, in the County of *Inverness*, connecting the Line of the great Post Road in that
County, has hitherto been a great Interruption to such Communication:
And whereas a Survey, Plan, and Estimate have been made for the
Erection of such Bridge pursuant to an Act made 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 en-
abling the Proprietors of Lands in Scotland to charge their Estates with a Pro-
portion of the Expence of making and keeping in Repair Roads and Bridges in
the Highlands of Scotland*; whereby it is proposed to erect such Bridge across
the said River, at or near a certain Place called *Dumballock*, Part of the
Estate of *Lovat*, in the Parish of *Kirkbill*, in the said County of *Inverness*, to
the opposite Bank or Shore, also Part of the Estate of *Lovat*, in the Parish
of *Kilmorack*; in the same County: And whereas One Moiety of the
estimated Expence of such Bridge, is to be borne and defrayed by
the Commissioners appointed by the said recited Act, in the Manner
therein directed, and the Heritors of the said County of *Inverness* have
[*Loc. & Per.*] 22 Y agreed

agreed to contribute the other Moiety, and any further Sum necessary for completing the Erection of the said Bridge beyond the estimated Expenditure: And whereas from the Nature of the Soil through which the River *Beauley* passes, the great Shoals of Ice and Logs of Wood frequently floating down the River, it is necessary to make Provision for upholding and repairing the said Bridge and Avenues leading thereto, and for rebuilding the Bridge, in the Event of its becoming necessary, from the Accidents to which it will be exposed: And whereas such Provision can best be made by a Toll or Pontage levied on the said Bridge: 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 the following Persons (any Five of whom shall be a Quorum), shall be the Trustees, who, with the Commissioners appointed by the said in Part recited Act, shall and may erect the said Bridge, pursuant thereto, and all the Powers and Authorities given and granted to the said Commissioners and the Trustees mentioned in the said recited Act are hereby given and granted to the said Commissioners and the Trustees hereby appointed; and the said following Persons shall also be the Trustees for levying the Tolls and Duties hereby granted, and for carrying this Act into Execution, *videlicet*; the Honourable Colonel *Archibald Fraser* of *Lovat*, the Knight of the Shire for the County of *Inverness*, the Representative in Parliament for the District of Burghs of which the Burgh of *Inverness* is one, the Vice Lieutenant of the County of *Inverness*, the Sheriff Depute of the County of *Inverness*; the Convener of the County of *Inverness*, and the Provost of the Burgh of *Inverness*, all for the Time being; *William Chisholm* of *Chisholm*, *Evan Baillie* of *Dochfour*, *Thomas Fraser* of *Newtown*, *Duncan George Forbes* of *Culloden*, *Hugh Robert Duff* of *Muirtown*, *Edward Satchell Fraser* of *Keelig*, *William Fraser* of *Kilbocky*, *John Fraser* of *Auchnagairn*, *James Fraser* of *Balladrum*, *James Fraser* of *Fingask*, *Simon Fraser* of *Ness Castle*, *Arthur Robertson* of *Inches*, *Alexander Fraser* of *Torbreack*, and such Person or Persons as shall be named and appointed by any General Meeting of the Commissioners of Supply of the said County, to supply any Vacancy or Vacancies, occasioned by the Death, Disability, Absence from the County, or declining to act of any of the said Trustees.

Trustees.

Trustees not to accept a Place of Profit.

II. Provided always, and be it further enacted and declared, That no Person or Persons appointed by this Act a Trustee or Trustees for putting this Act into Execution, shall have or accept of any Place of Profit arising out of or by reason of any Tolls or Duties by this Act allowed to be levied, but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting such Place of Profit as aforesaid; and no Person who shall keep a Public House for the selling or retailing of Beer, Ale, or Spirituous Liquors, shall be capable to act as a Trustee, or to be appointed an Officer for the Execution of any of the Trusts or Powers of this Act.

Meetings.

III. And be it further enacted, That the said Trustees shall hold their First Meeting by virtue of this Act at *Inverness*, on the Third *Tuesday* of *July* after passing this Act, or as soon thereafter as conveniently may be, with Power to them at their aforesaid first Meeting or any after Meetings to adjourn themselves to such Times and Places as they shall think proper

proper or convenient, and as often as it shall be necessary for putting this Act into Execution; and if it shall happen that there shall not appear at any Meeting or adjourned Meeting which shall be appointed to be held under the Authority of this Act, a sufficient Number of Trustees to act at such Meeting, the Trustees present shall and may adjourn to another Day, and Notice thereof shall be given in the *Inverness* Newspaper at least Ten Days before the Day fixed for holding such adjourned Meeting; and the said Trustees at their first and all their subsequent Meetings shall defray their own Charges and Expences.

IV. And be it further enacted, That if the said Trustees at their General Meetings shall determine in any Matter or appoint and order any Thing to be done with respect to levying the said Tolls or Duties, or of or concerning any other Powers hereby committed to them, it shall not be in the Power of any subsequent General Meeting to alter, vary, or annul such Determination, or give any Orders contrary and in Opposition to the Orders formerly given, unless such subsequent General Meeting shall be called by an Advertisement in the aforesaid Newspaper, expressly setting forth such Resolutions of a former General Meeting as are to be taken under Review.

Orders not to be revoked without Notice.

V. And be it further enacted, That the said Trustees shall keep an exact Account of the Money received, and of the Application thereof, and of all other their Proceedings under the Authority of this Act, and shall enter the same in a Book or Books to be kept for that Purpose, to which Book or Books any Heritor possessed of the *Dominium Utile* of Property, to the Extent of One hundred Pounds *Scots* of valued Rent, in the County of *Inverness*, shall at all reasonable Times be at Liberty to resort and to inspect the same without Fee or Reward.

Proceedings to be entered.

VI. And be it enacted, That the said Trustees shall have Power, and they are hereby empowered to purchase from the Proprietor of the Estate of *Lovat* for the Time being, as much Ground as will be necessary for erecting a Toll-house, and for a Garden thereto not exceeding One Acre at such Rate or Price as may be agreed upon with the Proprietor of the Estate of *Lovat* for the Time being, and it shall and may be lawful for such Proprietor and the said Trustees to enter into and make such Sale notwithstanding of any Entail or other Disability whatever; and in case such Proprietor shall refuse or delay to execute a Disposition of such Ground after having agreed upon such Price, it shall and may be lawful for the said Trustees to consign such Price in the Bank of *Scotland*, or Royal Bank of *Scotland*, and thereupon to enter into and take Possession of such Ground; and in case the said Trustees and such Proprietor cannot agree as to the Amount of such Price, or such Proprietor shall be absent, or shall refuse or delay to enter into an Agreement with the said Trustees for the Sale of such Ground, it shall and may be lawful for the said Trustees to apply by summary Petition to the Sheriff of the said County of *Inverness*, who shall direct the same to be served upon the said Proprietor personally, or left at his Dwelling House, or in such other Manner as summary Applications are served upon a Party complained of according to the Practice of the Sheriff's Court, and thereafter the said Sheriff shall order and direct a Jury of Fifteen Persons to be summoned and chosen in the Manner in which Juries are summoned and chosen by Sheriffs in *Scotland*, and the said

Power to take Ground for a Toll-house.

Sheriff may order and authorize the said Jury, or any Five or more of them, to view such Piece of Ground, which Jury upon their Oaths (which Oaths as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby required to administer) shall inquire of and ascertain the Sum of Money to be paid by the said Trustees for the Purchase of such Piece of Ground, and the said Sheriff shall give Judgment for such Purchase Money, which shall be binding and conclusive to all Intents and Purposes, without being liable to review, by Advocation, Suspension, Reduction, or otherwise; any Law or Statute to the contrary notwithstanding.

Expences of
Jury and
Witnesses.

VII. And be it further enacted, That the said Sheriff shall at his Discretion award to each of the said Jurors and Witnesses such several and respective Sum or Sums of Money, as shall be a reasonable Recompence for their Expences and Trouble, and if a Verdict shall be given for more Money as the Price of such Piece of Ground than shall have been previously offered by the said Trustees, or if by Reason of the Absence of the Proprietor he shall be prevented from entering into an Agreement with the said Trustees, then the Expences attending every such Verdict shall be settled by the said Sheriff, and paid by the said Trustees; but if a Verdict shall be given for the Sum previously offered by the said Trustees, or for a less Sum than had been so offered, or if the said Proprietor of the Estate of *Lovat* shall refuse or delay to treat with the said Trustees for the Sale of such Piece of Ground, then the Expences attending every such Verdict shall be settled by the said Sheriff and borne and defrayed by the said Proprietor, and may be deducted out of the Money so assessed and ascertained by such Verdict and Judgment, and the Payment of the Remainder of such Money shall be deemed and taken to be a Payment of the whole Sum so assessed and ascertained.

Trustees may
enter upon
the Ground.

VIII. And be it further enacted, That such Price being agreed upon by and between the said Trustees and such Proprietor, or the Amount thereof being assessed and ascertained by such Verdict and Judgment as aforesaid, it shall and may be lawful for the said Trustees upon Consignation thereof in Manner herein directed, to enter into and upon the said Piece of Ground; and the same, and all the Estate, Use and Interest of the said Proprietor and every other Person therein, shall from thenceforth be vested and become the Property of the said Trustees, to and for the Purposes of this Act.

Application
of the Price.

IX. And be it further enacted, That such Price so agreed upon or assessed and ascertained as aforesaid, shall be paid and applied in the Manner in which the Price or Prices of Lands and Heritages purchased and acquired by virtue of the said recited Act, is and are thereby directed to be paid and applied.

In case of not
making out
Titles, or
where Persons
cannot be
found.

X. 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 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,

covered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or such other Bank as the said Court shall direct, 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 said 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 Order in the Premises, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or such other Bank as the said Court shall direct, 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 such Sum or Sums of Money into the Bank as aforesaid.

XI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements or Heritages, or of any Estate, Right or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly; unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

In case of
questionable
Title.

XII. 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 said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may
order Ex-
pences of
Purchases to
be paid.

Tolls to be
levied.

XIII. And be it enacted, That it shall be lawful for the said Trustees^s to erect a Toll-bar, with a Toll-house and Accommodation for the Toll-keeper or Collector of the Toll as aforesaid, and so soon as the said Bridge shall be opened for the Accommodation of Passengers, to demand or take or cause to be demanded or taken the Tolls and Duties following, at such Toll-bar to be so erected, before any Coach, Chariot, Berlin, Landau, Curricule, Calash, Chaise, Gig, Hearse, Waggon, Cart, Sledge or other Carriage whatever, or any Horse, Mare or Gelding or Mule or Cattle or Sheep, or any Person whatever shall pass through the same; that is to say,

For every Coach, Berlin, Landau, Curricule, Calash, Chaise, Gig, Hearse, or other Carriage whatever drawn by Six or more Horses, Mares, Geldings or Mules, the Sum of Four Shillings Sterling; drawn by Four Horses, Mares, Geldings or Mules, the Sum of Three Shillings Sterling; drawn by Three Horses, Mares, Geldings or Mules, the Sum of Two Shillings and Sixpence Sterling; drawn by Two Horses, Mares, Geldings or Mules, the Sum of Two Shillings Sterling; and drawn by One Horse, Mare, Gelding or Mule, the Sum of One Shilling Sterling:

For every Waggon, Wain, or Cart, or Sledge, or other such Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings Sterling; drawn by Five or Four Horses, Oxen or other Beasts of Draught the Sum of Three Shillings Sterling; drawn by Three Horses, Oxen or other Beasts of Draught, the Sum of Two Shillings and Sixpence Sterling; drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence Sterling; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Three-pence Sterling:

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, and not drawing, the Sum of One Penny Sterling:

For every Drove of Horses, Mares, Geldings or Fillies, or Mules unshod; and for every Drove of Oxen or neat Cattle, the Sum of One Shilling Sterling per Score; and so on in Proportion for every greater or less Number:

For every Drove of Calves, Sheep, Hogs, Lambs or Goats, the Sum of Sixpence Sterling per Score; and so on in Proportion for every greater or less Number: And

For every Person whatever the Sum of One Halfpenny Sterling.

Tolls may be
lessened.

XIV. And be it further enacted, That the said Trustees shall and they are hereby empowered, with the Consent of the Persons entitled to Five-sixth Parts of the Money which may have been borrowed upon the Credit of the said Tolls in Manner allowed by this Act, to diminish or lessen the said Tolls as they shall see Cause, and to raise the said Tolls again so as the same shall not at any Time exceed the Tolls granted by this Act.

Tolls to be
paid only
Once a Day.

XV. And be it enacted, That no Person or Persons having Occasion to pass through the said Toll Bar and along the said Bridge, and who shall return the same Day through the same before Twelve of the Clock at Night with the same Carriage drawn by the same Horses 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 returning the same Day as aforesaid, to entitle him or them to repass by the said Bridge Toll free; but in case the same Cart or other such Wheel Carriage,

riage, Horse, Mule, Ass, or other Beast shall return or pass by the said Bridge with a new Loading in the same Day, the full Tolls shall be paid for each Time such Cart or other such Wheel Carriage, Horse, Mule, Ass, or other Beast or Cattle, shall pass, in the same Manner as for the first Time.

XVI. And be it enacted, That if any Person or Persons having received a Note or Ticket, Notes or Tickets, signifying the Payment of the Tolls or Duties by this Act imposed, 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 Persons receiving the same being convicted thereof upon the Oath of One or more credible Witness or Witnesses, or by his or their own Confession before any One or more Justice or Justices of the Peace of the said County, or where the Offender or Offenders shall reside, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling, to be levied and recovered in Manner herein-after directed.

Penalty on disposing of Tickets.

XVII. Provided always, and it is hereby further enacted, That no Toll Duty shall be demanded or taken for Horses and Carriages of whatever Description, employed or to be employed in conveying the Mails or Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying or guarding such Mails or Expresses; or in returning back from conveying the same, nor for Horses of Officers or Soldiers who are upon their March, or on Duty, or for any Horses, Cattle, or Carriages employed in carrying the Arms or Baggage of any such Officers or Soldiers, or in carrying any such wounded or disabled Officers or Soldiers; or in returning from conveying the same; 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, Accoutrements, and Baggage, according to the Regulations at the Time of claiming such Exemption; nor for any Soldier of the Line, Militia, or Volunteer Cavalry or Infantry, when on actual Service; nor for nor in respect of any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for Carts and Carriages, or Waggons travelling with Vagrants sent with legal Passes.

Exemptions from Toll.

XVIII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other

Exempting Carriages with Stores.

other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithstanding.

Penalty on
Persons not
entitled
claiming Ex-
emption.

XIX. Provided always, and be it enacted, That any Person claiming the Benefit of the said Exemptions shall, in case of Dispute, be bound to bring Evidence of his or their Claim; 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 the Oath of One or more credible Witness or Witnesses, or by his own Confession, before any one or more Justice or Justices of the Peace of the said County or where the Offender shall reside, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

To enforce
Payment of
the Tolls.

XX. And be it enacted, That if any Person or Persons shall refuse to pay or attempt to evade the Tolls or Duties hereby granted, the said Trustees are hereby empowered, by themselves or such other Person or Persons as they shall authorize and appoint, to seize and detain such Person or Persons, until the Tolls and Duties hereby granted shall be satisfied and paid, with the Expences of Seizure and Detention, and if such Person or Persons shall not pay the said Tolls or Duties, and Expences within Six Hours after such Seizure, providing he, she, or they have no Effects that may be distrained as after mentioned, it shall be lawful for any Justice of the Peace of the said County to commit every such Person to the Tolbooth of the Burgh of *Inverness*, to be confined therein until such Tolls or Duties with such Expences shall be satisfied and paid; and it shall also be lawful for the said Trustees, or the Persons authorized by them as aforesaid, to levy each and every of the said Tolls or Duties from any such Person or Persons, by seizing and detaining any Horse or other Cattle or Carriage, or Effects belonging to such Person or Persons, until the said Tolls or Duties, with reasonable Charges shall be paid, and it shall and may be lawful for the said Trustees or the Person or Persons authorized by them, upon the Warrant of any One or more Justice or Justices of the Peace of the said County, after the Expiration of Four Days after such Seizure shall have been made, to appraise and sell any such Horse or Horses, Cattle, Carriages, or Effects so seized 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 Proprietor of such Horse or Horses, Cattle or Carriages or Effects so distrained, after deducting such Toll or Duty, and the reasonable Charges of detaining, appraising, and selling the same.

Tolls may be
let.

XXI. And be it further enacted, That the said Trustees may and they are hereby empowered to let by public Auction, the Tolls or Duties hereby granted 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 ap-
point Officers.

XXII. 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

this Act; and also a Clerk, Collector, and 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 shall be appointed under this Act, to collect the said Tolls, shall be bound to pay the same, or the Rent at which the same shall be let to the said Trustees, or their Treasurer, 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.

Trustees to take Security from Treasurer or Clerk.

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

Trustees to take Security from Treasurer or Clerk.

XXIV. And be it enacted, That the Sum or Sums arising from the said Tolls or Duties shall be applied in defraying the Expences of passing the present Act, in paying the Price of the aforesaid Piece of Ground for a House to the Collector of the Tolls or Duties, with a Garden thereto, in erecting such Toll-house and a Toll-bar, in keeping the said Bridge and the Road leading thereto on either Side thereof in Repair, and if necessary, in re-building the Bridge and defraying the Expences of Management.

Application of the Tolls and Duties.

XXV. And be it further enacted, That the Expence of passing this Act shall in the first Instance be defrayed by an Assessment upon the Heritors of the said County of *Inverness*, according to their valued Rent; and the Commissioners of Supply, at their first General Meeting after the passing of this Act, are empowered and required to lay on and make such Assessment, and to grant Warrant for collecting the same along with the Land Tax of the said County, the Amount of which Assessment shall be refunded by the said Trustees from the Produce of the said Tolls, in such Manner as the said Commissioners of Supply shall order and direct.

Expences of this Act.

XXVI. And be it further enacted, That the said Trustees shall be bound to report their Proceedings and Accounts of the Collection and Expenditure of the said Tolls or Duties for the Year preceding to the General Meeting of Heritors and Commissioners of Supply, held at *Inverness* on the Day on which they meet to assess the Land Tax annually, and it shall be in the Power of such General Meeting to examine the said Accounts, and to disallow and reject any Article therein which shall appear or be found to have been expended contrary to the true Intent of or Meaning of this Act; and it shall be lawful for the said General Meeting, and they are hereby empowered to lessen or discontinue the Tolls or Duties hereby imposed, when a Sum sufficient for the Purposes of this Act shall appear to them to have been raised.

Account to be laid before Heritors.

XXVII. And be it further enacted, That if any Person or Persons shall wilfully damage or destroy any of the Abutments, Pillars, Parapets, Walls, or any Part of the said Bridge, or any Banks or Works necessary for the Support or Preservation thereof, or shall break down or injure any Part of the said Toll-house, or any Bar, Gate, Post, Chain, or Rail placed for collecting the said Tolls or Duties, every Person so offending, and being thereof lawfully convicted by the Oath or Oaths of any One or more credible Wit-

Penalty for destroying Works.

ness or Witnesses, or by his own Confession, before any Justice or Justices of the Peace of the said County, shall not only pay the Damages and Expences occasioned by such Offence, but shall further be subject and liable to a Fine not exceeding Twenty Pounds Sterling.

Getting
Materials.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees or such Person or Persons as they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials out of any Waste or Common of the said County, or out of the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand, nor a Garden, Orchard, Yard, Lawn, Planted Walk or Walks, or Avenue to any House, nor any Piece or Parcel of Ground set apart or used as a Nursery for Trees or Pleasure Ground) where such Materials are or may be found, and from Time to Time to cause the same to be carried away, or so much thereof as the said Trustees shall judge necessary for building or repairing and amending the said Bridge and Road, and to open convenient Access for carrying off the said Materials, which Access and Places from which the said Materials are proposed to be taken must be marked out by Three Trustees, if so required by the Owner or his or her Factor, or by the Occupier, paying only for the Damage done to the Owners or Occupiers of the said Grounds respectively, where or from whence the same shall be dug, gathered, or taken away, or over which the same shall be carried, and the Amount of such Damage shall be settled and ascertained by any Three or more of the said Trustees residing near the Place from which the said Materials are taken; but if the Owners or Occupiers shall not be satisfied with the Damages offered by the Trustees Application may be made to the Sheriff or to any Two Justices of the Peace of the said County, to have the same ascertained, but such Dispute or Difference shall not in the mean Time hinder the using or carrying off the said Materials for building and repairing and amending the said Bridge and Road.

Money to be
borrowed.

XXIX. And be it further enacted, That in case it shall be found necessary to rebuild the said Bridge, it shall and may be lawful for the Trustees to borrow such Sum or Sums of Money on the Credit of the said Tolls as they shall judge necessary for that Purpose, and they are hereby empowered to assign and make over the Whole or any Part of the Tolls to be levied and collected upon the said Bridge to the Person or Persons from whom such Money shall be borrowed, as a Security for the Payment of the same so lent, with the Interest thereupon.

Bridge receiving
Damage,
a Ferry may
be set up.

XXX. And whereas the said Bridge may receive such Damage by Tempests, Floods, or otherwise, that the Passage over the same may at Times become dangerous or impracticable; be it therefore further enacted, That in every such Case the said Trustees in the Event that the Proprietor of the Estate of *Levat* for the Time being shall not keep good and sufficient Ferry Boats for crossing at the present Ferry of *Beauley*, may and shall at their Discretion set up a Ferry across the said River at any convenient Place or Places being as near to the said Bridge as the repairing thereof shall permit, and such Ferry shall continue till the Passage over the said Bridge shall be rendered safe, and the same Sums of Money shall be payable as Tolls for a Passage across the said River by the said Ferry as are herein-before directed to be paid for a Passage over the said Bridge, and shall be levied, recovered, and

applied in the same Manner as the said Tolls are by this Act directed to be levied, recovered, and applied.

XXXI. And be it further enacted, That all Damages, Fines, Penalties, and Forfeitures sustained or incurred under this Act, may be sued for and recovered in such and the same Manner as any Debt may be sued for and recovered in *Scotland*, and One Half of all such Fines, Penalties, and Forfeitures shall be paid to the Person or Persons upon whose Information the Offender or Offenders shall have been convicted, and the Remainder shall be paid to the said Trustees to be by them applied to the Purposes of this Act.

Recovery and Application of Penalties.

XXXII. 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 Injury or Wrong committed in any Matter relative to or in consequence of any of the Powers by 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 be sued for within the Space of Twelve Calendar Months as aforesaid.

Limitation of Actions.

XXXIII. 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.

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